The Fraser Island Dingo Cull and the Ethics of Negotiation

Val Plumwood[1]

Dingoes, Humans and Species Hierarchy

Not long ago we had much public discussion on dingoes and their management, occasioned by the May 2001 killing by a dingo of a nine-year-old boy on Fraser Island, apparently for food. Queensland Premier Peter Beattie intervened to resolve the issue in favour of a major cull, justifying this by invoking a simplistic species hierarchy: "Humans are more important than dingoes", he stated, announcing the cull. This paper discusses the complex issues involved in the conflict on Fraser Island and the more general issues of interspecies conflict resolution. Should we attempt to resolve such conflict Beattie-style by invoking an invariant species hierarchy, engineered to bring out humans at the top? The establishment of classes of "inferior" beings who are always available to be sacrificed to other "superior" (human) beings that invariably count for more in some generalised scalar ranking of the moral universe would justify a ruthless form of human domination, eliminating any beings with whom humans experience conflict, no matter how it arises. This is often what it is invoked to do. This kind of solution is much like trying to resolve inter-ethnic conflict by establishing an invariant hierarchy among nations, communities or tribal groups, such that in the event of conflict lower groups must give way to higher ones on pain of elimination. It is a domination-based method of resolving conflict that often results in extermination, in both intra- and interhuman cases.

I argue in this paper that there are better ways to resolve interspecies conflict than by setting up an interspecies hierarchy or order of sacrifice. The best approach

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1 Val Plumwood is a pioneer environmental philosopher and forest activist. The author of over one hundred articles and four books in the area of ecological and feminist thought, she has taught Philosophy in a number of Australian universities and lectured in the USA, Germany, Finland, Spain, Canada, Indonesia and the UK. At present Val is an ARC Research Fellow at the ANU. Among the places of special significance to her are Kakadu National Park, where she narrowly escaped being eaten by a saltwater crocodile, an experience that has crucially informed her work, and the forested mountain near Braidwood, where she dwells in a house made of local stone amidst a rich diversity of wild, feral and domesticated earth others.

to resolving conflict is the same in both the interhuman and interspecies case – through an ethic of negotiation. In the interspecies as well as the interhuman conflict case there is potential for negotiated and contextual settlement which takes account of the needs of both parties and finds routes to mutual adjustment and accommodation. A negotiation approach seems also to be that adopted by many indigenous cultures to deal with large carnivores such as crocodiles and dingoes in incidents of conflict with humans -- not in terms of large-scale and indiscriminate "pest" extermination programs like the Beattie dingo cull, but rather conceding that the 'problem' species of animal is also part of the community of the land and must be allowed for. A negotiation approach allows action to be much more context-sensitive, directed to altering problem behaviour on both sides, dealing with individual problem contexts that have produced difficult humans and 'rogue' animals within the larger framework of commitment to species co-existence and sharing of the earth.

Arne Naess's work develops a useful example of such a context-sensitive and negotiated approach to resolving conflict cases without ranking in the "mixed community" of humans, bears, sheep and wolves in Southern Norway. His article illustrates an alternative solution to resolving conflict by invariant species rankings -- the idea of interspecies negotiation, a modus vivendi, with others who are not seen as simply expendable and whose continuation matters. Naess tells us that bears occasionally kill sheep, but farmers expect a certain level of predation since it is acknowledged that bears have to eat too. Only if bear killings become persistent will action be taken. The factors that are taken into account in Naess's example are highly contextually variable and focused on the behaviour of individual bears: "What is the bear's total record of misdeed's? How many sheep have been killed? Does he or she mainly kill to eat, or does he or she maim or hurt sheep without eating? Is particular cruelty shown? Did the sheep enter the heart of bear territory or did the bear stray far into established sheep territory?"[2]

Naess's examples illustrate several features of the alternative ethic of negotiation I think are particularly important for seeing it as new and for challenging human-centredness:

1. it adopts a context-sensitive approach that is sensitive to a variety of morally relevant features of actors and context rather than reducing the relevant features to what species actors belong to.

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2 A. Naess (1979), "Self-Realization in Mixed Communities of Humans, Bears, Sheep and Wolves", *Inquiry* 22, p. 237.

2. it envisages the possibility of changing human behaviour and not just that of nonhuman species. Ideals of human domination underlie the expectation that other species always adapt to and give way to humans, that others have to change to suit humans but that humans don't need to consider changing to benefit them. The contrasting negotiation ethic stresses *mutual* adaptation and accomodation, including changing human behaviours and situation structures. The negotiation framework is compatible with non-ranking of the parties involved in a conflict situation, thus offending and challenging human-centredness.
3. it is willing to consider both humans and nonhumans as individual actors and not just as members of species wholes. Nonhumans can be both and at the same time individual actors and members of their communities.[3]

As we will see, all these features of the alternative ethical paradigm of negotiation can be discerned in the Fraser Island case.

The Dynamics of the Fraser Island Case

The rival ethical paradigms of species hierarchy versus negotiation emerged clearly in Fraser Island human/dingo conflict case. Those who opposed the cull were not politically effective in the sense that they did not win the day, but they were effective in registering opposition to the dominant culture of species ranking and in articulating an opposing ethic of sharing the earth. This involves human negotiation with and adaptation to the more-than-human world rather than simple imposition of human will on it wherever possible. The Fraser Island opposition provides an instructive example of an alternative ethic of negotiation in action and of convergence between 'new' environmental and 'old' indigenous perspectives in contesting the maladaptive human supremacism of the dominant culture.

The proposed dingo cull strongly divided public opinion, but brought together diverse environmental, animal and indigenous groups in protest. Many individual environmentalists, environment groups and animal defence groups issued strong public statements opposing the cull and proposing alternative management strategies. Environmental opponents of the cull were international, local and national; they included the Wilderness Society, the Australian Conservation Foundation, the Humane Society International, Friends of the Earth, and the historically important Wildlife Preservation Society of Queensland. They also included the traditional owners of Fraser Island, the Dalungdalee people, who

3 Ibid.

tried to stop the cull through a legal action aimed at taking over the Fraser Island national park from the Queensland government and establishing there alternative management practices for dingoes more in accord with traditional values.

The public discussions most revealing of rival paradigms took place on ABC radio talkback programs, which provided opportunities for people all over the country to express their views on Fraser Island dingo management in over two hours of broadcast discussion. Australia is often thought of as a 'safe' continent lacking serious predators of humans, (a view that is hardly accurate in view of the now-plentiful status of the Estuarine Crocodile in Northern Australia). The discovery that dingoes or wild dogs, now scattered throughout the continent, were not as benign as most Australians had thought seemed to produce a certain degree of national shock. A number of records of dingoes killing or stalking humans for food came to light. Comparisons with the human predators of other continents began to be made, with wolf, coyote, bobcat or mountain lion, and with the African hunting dog (sometimes said to be the most dangerous creature on the African savannah). It is plain that many people have difficulty seeing members of the dog family as dangerous to humans, despite the fact that worldwide hundreds of people each year die from attacks by dogs.

Ecologically, the issue of the Fraser Island dingoes was a very complex one, and there were many factors to take into account in decision-making. The dingo (*Canis familiaris*) is a separate species of dog, distinguished by its appearance and by such characteristics as breeding only once a year in contrast to twice for domestic dogs. Dingoes originated in Asia -- where they are now almost extinct -- and are thought to have been brought to Australia about 5,000 years ago by visiting Macassans who traded it to Aboriginal people. Its status as a native animal is contested, since many dingo populations are thought to have interbred with domestic dogs, and the jury is still out on its long-term impacts on Australia's unique marsupial fauna. Zoologists stressed though that the Fraser Island population was particularly important for dingo conservation, since it was thought to be the closest to the original pure-bred dingo of Asia, having little interbreeding with domestic dogs. In short: The island was the best hope of maintaining dingoes as a distinct species.

Ethically, a key indicator issue for distinguishing the rival ethical paradigms was the question of who should be made to change their behaviour -- the tourists or the dingoes – the human or the non-human parties to the conflict. A related issue was how far people were able to be self-critical, to "study up" to find the source of the problem. Here it was interesting to note how many people in the hours of ABC talkback a few days after the event took the side of the dingoes, counseling against

hasty vengeance and generalised culling. These people were prepared to look critically to the human side of the conflict to find out what had gone wrong on the island and why this sort of conflict had appeared. Many speakers blamed humans rather than dingoes, pointing to the management policies of the park. The Fraser Island dingoes, it was pointed out, had suffered a disastrous decline when the brumbies (wild horses) that had been their main food source were removed from the island, and at the time of the incident many were starving. Dingoes were one of the main tourist attractions for the island, as one of the few places in Australia where pure-bred dingoes could easily be seen. Although the park service had recently deprived dingoes of their main food sources, their management practices encouraged tourist-dingo contact and did not provide adequate warnings of danger. In short, many people were "studying up" and looking at our own species to find the basic sources of the problem. The onus was placed on humans to change rather than promoting the need for dingoes to die.

It seemed to me that there was perhaps more of this self-critical, "studying up" stance in the debate than I had previously heard in discussions of similar incidents involving the eating of humans, and that the discussion was a good deal less human-centred than in the past. Many people roundly asserted that dingoes had as much right to be on the island as humans have, and that they should be treated as fellow inhabitants (citizens) who deserved a share of the land rather than as pest species or as here in this continent on sufferance. People objected to our treating them as economic resources when we can benefit from them and as pests to be exterminated when we can't or where there are some conflicts. If our bad management brings these animals into conflict with us, that is our fault. We should do things better, not force them to pay with their lives for our thoughtlessness. For many people, this is a passionately held position.

Alternative management practices involving keeping dingoes away from tourist areas, prohibition of tourists feeding dingoes, and much more careful disposal of human food wastes to avoid attracting dingoes to tourists and tourist areas. The Dalungdalee people, the Aboriginal people of Fraser Island, felt that they could do a better job of managing relations with dingoes by following traditional practices, and began legal action to transfer control of the Island (which is almost entirely national park) to them as the proper park managers and custodians. Dalungdalee activists joined forces with Friends of the Earth activists to build a fence across their land to try to separate the dingoes from the tourists and thereby fend off the push for the dingo cull. Spokespeople for the Dalungdalee urged changes in management practices, declaring that they would be prepared to go after individual

'rogue' dingoes as the case arose, but were opposed to and would never institute or support any general cull of dingoes.[4]

The intervention of Queensland Premier Peter Beattie cut short the debate and resolved the issue in favour of a major cull, invoking a simplistic western settler culture species hierarchy in which humans are declared to be more important than dingoes. Traditional Queensland farmers followed up the premier's pronouncement with a massive poison-baiting program directed against "wild dogs", so indiscriminate a program it seemed likely to affect a great many other animals as well, if indeed, there is anything left to kill in these parts of south-western Queensland. Large-scale, indiscriminate killing of animals is again the outcome of a human-produced conflict. We can and must do better than adopt a framework that routinely sets up such ranking and conflict situations and then licences ecocide as the solution.

Ranking, Dualism, and Heterogeneity

It's often suggested that it is essential to have an invariant species hierarchy that brings humans out on top in order to justify our self-defense in conflict cases where we are attacked, and in order to justify human use of other species. This idea is wrong: we can justify use of other species without ranking and domination by seeing ourselves as equally and mutually available to other species for use, and as part of a cycle of mutual use. It is sometimes suggested also that the philosophical rejection of human-centredness is irrelevant to and makes no practical difference to the outcome of environmental issues.[5] This idea is also wrong: an examination of the reasoning of the dingo cull and its opponents, as well as other conflict cases, shows that there are major practical differences between human supremacist responses to conflict and more egalitarian responses based on negotiation.

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4 This is the approach advocated by the Gagadju people of Kakadu to the management of human/crocodile conflict. Several statements suggested that the Dalungdalee relationship of appreciation for, and defence of, dingoes took the form of covenant or contract of mutual aid. Such an interspecies covenant or contract of mutual aid is reminiscent of the largely indigenous US group 'Buffalo Nations' defending buffalo in Montana and Wyoming from state-sponsored killing campaigns justified as brucellosis prevention. According to Buffalo Nations, "the Buffalo had looked after them for a long time and now it was their turn to look after the buffalo".

5 Brian Norton (1991) *Towards Unity Among Environmentalists*, Oxford University Press, New York.

The typical human supremacist response to conflict invokes a species ranking to justify violence against other 'problem species'.[6] But an invariant species hierarchy like the Queensland Premier's is neither necessary nor sufficient for resolving conflict cases. It cannot resolve conflict issues in the cost-benefit terms usually considered rational, since even if they have caused some humans harm, Fraser Island dingoes might still be found to have more value for humans alive than they have dead. Ranking is good for stoking anger and revenge, but fails to provide helpful guidance to peace making. Ranking is designed to convince us that only one set of needs has to be considered, and that conflicting ones can be overridden. This encourages one-sided, violent reactions that neglect the complexities and conflicting feelings that appear in conflict situations, and are rarely satisfying or salutary. A negotiation ethic is much more useful for dealing practically with conflict cases than species ranking, but a negotiation ethic runs up against entrenched western traditions of human-centredness and apartness.

Brian Luke has argued that many of us still base our intuitions on the tradition of species generalism he calls the "Great-Chain-of-Being" in which we discover a descending order of species merit, often arranged in terms of alleged gradations of rationality.[7] This "Great Chain" approach assumes the inevitability of interspecies choice and conflict, and of attempts to resolve it by selecting a few general species properties that are used as qualifications for picking out winning and losing species. But such choices are not inevitable, nor is the underlying assumption that the centrally determining and crucial thing about an ethical context is what species one belongs to. A better approach tries to avoid these kinds of homogenising ethical configurations and invariant species rankings by giving a larger role to other features of the ethical context, and therefore to context generally. This is in accordance with the methodological obligation to minimise species conflict, and thereby ranking and choice contexts.

For example, the ethical perplexities and strategies for dealing with a strange highly venomous snake who has just moved onto your verandah may not be all that different from those involved in dealing with a difficult human stranger who has done the same. There may be some overriding reason to share and to prioritise the other's needs (perhaps you have some responsibility for their homelessness, or it is an emergency and temporary situation, a flood for example, where some charity to both snake and person would be in order). But suppose this is not the case; this

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6 Typical but not invariable; even for those who accept that humans are more important, it does not follow that we can and should resolve conflict situations via species ranking.

7 B. Luke (1995), "Solidarity across Diversity", *Social Theory and Practice* 21, no. 2.

difficult other has moved in for an indefinite period. If you have reason to believe that the result will be an unfavourable environment for both of you, one that is unlikely to accommodate both of you in the long term without danger or conflict, then as the prior occupant you may be entitled to make it clear that this is your space, and to encourage the other to move on. Different methods of encouragement and different levels of responsibility for finding other accommodation may apply, depending on the context.

In neither of these cases, *as a matter of justice*, are you entitled to initiate unnecessary and disproportionate violence, shooting the snake, or the difficult human, for example, just on the grounds that they may become a problem, and without trying less punitive solutions. Often we don't need to resort to major human/nature contrasts or hierarchies to illuminate such cases, and the same sorts of general ethical principles can be applied in each case. If concepts of justice have an application in a comparable human case (your treatment of the abusive tramp camped on the verandah), there is usually no good reason to refuse them application in the interspecies case, (your treatment of the venomous snake camped on your verandah), contrary to claims made by many moral philosophers.

The motivation for a ranking in terms of invariant species value and order draws much of its strength from the felt need to validate the use of nonhumans in human lives. Western philosophy has traditionally validated human entitlements to use earth others in terms of a valuational order of rational hierarchy, which entitles "more rational" humans to dominate and sacrifice nonhumans whose lives are supposedly cheaper. In a universe of ecological embodiment our lives, even at their most considerate, must deliver some destruction to members of other species. But there are better frameworks for thinking about the inevitable displacement of other embodied lives than those which derive from a superior positioning in a species value hierarchy invoked to validate our entitlement to displace others. A ranking system based on species sacrifice of this kind is avoided, for example, in the world-narratives which figure nature and life in gift-exchange terms as an egalitarian ethical system of reciprocity in which all benefit, participate and are ultimately themselves in turn consumed. The seeming inevitability of sacrificial ranking rests on an unexamined suppression of important alternatives to this highly problematic "Great Chain of Being" tradition which remains as an influential background to western thought.

Whereas the traditional rationalist hierarchy of the Great Chain of Being ranked creatures in broadly homogenised kinds according to alleged possession of rationality or proximity to the opposed order of materiality, the neo-Cartesian model which currently dominates environmental philosophy uses consciousness as its

hegemonic "sameness" axis of moral consideration. This transparently hegemonic conception that denies to others the potential for "excellences of their own" creates several specific problems. The first is that it tends to produce generalised contextually invariant rankings which are pervasive, unnecessary and damaging, effecting various kinds of closure to the other's potentialities. The second is that it cannot allow adequately for incommensurability of abilities and difference in kinds of minds. This is a serious problem because recent evidence of elements of heterogeneity and incommensurability in mind points to the scientific inadequacy of frameworks based on obsessive and singularistic human-centred rankings.

Ranking and Interspecies Egalitarianism

Interspecies (which some call biospheric) egalitarianism is sometimes portrayed as the thesis that "all natural entities whether human or non-human should have equal moral weight".[8] In this simple form however it is both implausible and unworkable. We might note, first of all, that even in the human case there are lots of problems in characterising equality as allocating to all within the field the same moral weight, especially if we mean by this that we have to give exactly the same weight to each persons' needs and interests in all our moral deliberations. If this simplistic formula will not do to explicate equality for humans (except in some very limited contexts), it is hardly likely that it will explicate what is defensible in a larger and more complex notion like biospheric equality. Furthermore, the concept of equality is expressible both along the axis of sameness and along that of difference. Equality on the axis of the Same yields scalar equality, while equality along the axis of Difference yields the completely different concept of incommensurabilty or non-ranking. While critics of egalitarianism focus exclusively on the first concept, it is the second concept we need to give expression to what is valid in the idea of interspecies equality.

It is often assumed that a hierarchy with humans at the top is inevitable because the alternative is treating all individuals of whatever species as having the same value. This is only true however if items are ranked in a scalar way as either superior/inferior or as equal to one another. The options of ranking as superior/inferior or as scalar equals leave out a critical further alternative, namely not ranking at all. Both ranking as scalar equals and ranking in a simple hierarchy are forms of ranking, and there are a number of contexts where ranking itself is unnecessary and either logically or morally problematic. One of the logical cases is

8 See J. Andrews (1998), "Weak Panpsychism and Environmental Ethics", *Environmental Values* 7, no. 4, pp. 381-396.

the case of incommensurability between beings, where we can neither rank as equal or rank in a hierarchy: between beings with very different and only intersecting capacities, ranking is not possible in any accurate or meaningful way. Consider the idea of ranking yourself in relation to a mountain, for example. Between categories of very different beings, many of whose capacities the ranker may not be in a position to know, insistence on ranking (on a scale of superior/inferior which includes the case of equality) is both poor methodology and symptomatic of an arrogant stance of closure which is impoverishing and limiting for both human self and non-human other.

Ranking itself is open to moral and political evaluation as an activity, and in the human case at least, is widely recognised as being often morally problematic, especially where it involves unnecessary and invariant, context-insensitive rankings of human beings by broad categorial types, for example by 'race', class or gender. Colonialist, racist and fascist thinking is especially notable for its invariant categorisations and obsessive type-rankings of superiority between human groups, often based on morally irrelevant characteristics. While we are usually prepared to find ethically acceptable the ranking of very specific characteristics and skills not closely tied to large judgements about individual or class worth or connected too directly with moral or social value, the more generalised a ranking is, and the more direct the connection made with moral significance, the more reason we have to suspect it of carrying unacceptable hegemonic agendas For example we can compare ourselves with respect to susceptibility to heart disease or pneumonia, for these are not (at least not yet) indices of moral superiority, but an important element of democratic struggles is the attempt to arrange things so as to avoid large and invariant type-rankings of social or moral value, which are rightly seen as open to many kinds of abuse and distortion.

In contexts where scarcity means that ranking of individuals is unavoidable, for example in medical triage, we recognise its morally problematic character by seeing it as less than ideal and by setting up ethics committees who make triage decisions contextually, and by other means. We also recognise that a good, "humane" medical system, if it cannot due to scarcity entirely avoid ranking, is one where the need for such rankings is kept to a minimum. Non-ranking, in the sense of avoiding or minimising ranking, is, I suggest, an important part of the content of human equality and respect, rather than the scalar kind of equality that assigns equal weight on some ethical scale in moral deliberations. Simone Weil writes: "Respect is due to the human being as such and it is not a matter of degree". But ranking on a scale as equal, to the extent that it opens up also the possibility of ranking as greater or lesser than, is "a matter of degree", and thus cannot be the basis of this kind of respect.

What is required here is not scalar equality but avoidance of ranking, or non-ranking, especially in the form of narratives and social arrangements which make ranking unnecessary.

Non-ranking, as the meta-ethical principle of minimising ranking and dealing with conflict and scarcity of resources cases contextually in ways that avoid invariant categories and type ranking between broad classes of beings,9 is also applicable to interspecies ethics, comparisons and choices. Non-ranking is a much more plausible way to interpret the concept of interspecies egalitarianism than ranking as equal in a scale of moral worth. Non-ranking extends the recognition of the morally problematic character of value-rankings between highly general categories of humans to similar rankings between broad species types, and holds that we should generally aim, in our philosophies, individual interactions and through our social arrangements, to avoid ranking and to minimise contexts in which we have to adopt highly generalised value-rankings of ourselves as members of particular species. Non-ranking is a counter-hegemonic virtue, similar to and connected with the other counter-hegemonic virtues of openness, active invitation, attentiveness,10 and intentional recognition, and is like them important in encouraging the potential for communication and negotiation, avoiding the arrogance and inevitable closure involved in making pervasive and invariant judgments of species value. Structuring situations so that the needs of all parties are considered and ranking is unnecessary is one of the primary objectives of an interspecies ethic of negotiation, as borne out by the alternative vision of the advocates for the dingoes of Fraser Island.

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9 See Luke, "Solidarity Across Diversity".

10 On attentiveness and attention as virtues see C. Birch (1993), *Regaining Compassion for Humanity and Nature,* New South Wales University Press, Kensington, S. Ruddick (1989), *Maternal Thinking: Towards a Politics of Peace*, Boston, Beacon, and A. Weston (1995), "Before Environmental Ethics" in M. Oelschlaeger (ed.), *Postmodern Environmental Ethics*, SUNY Press, Albany.