

Unearthing Cognitive Frames and Sowing Interactional
Framing within Indigenous-Mining Conflict

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DEDICATION

This research is dedicated to the Picuris Pueblo and the industrial minerals industry.

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ABSTRACT

UNEARTHING COGNITIVE FRAMES AND SOWING INTERACTIONAL FRAMING WITHIN INDIGENOUS-MINING CONFLICT

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The mining industry and indigenous communities have long been engaged in seemingly intractable conflicts. The conflicts are costly and drain the resources of both parties. There are few examples of creative, substantive, long-lasting solutions to these conflicts. The intractability of the conflicts may be the result of failing to uncover the deep-seated, underlying, conflicting and unresolved philosophical disputes which bias and undermine indigenous-mining conflict resolution attempts. Framing, as a method of discourse analysis, was used to identify the value systems held by the parties in the Picuris-Oglebay Norton dispute. Cognitive frames tended to describe entrenched conflict, whereas interactional framing yielded promise for the resolution of conflict.

1. Introduction

The intractability of indigenous-mining conflict: What is this really about?

The mining industry and indigenous communities have long been engaged in seemingly intractable conflicts on many fronts. The nature of mining, and the increasingly remote areas to which mining companies travel to extract minerals, ensures that indigenous-mining conflicts will be a reality in the foreseeable future. Mining companies and indigenous communities will continue to meet at the location of mineral extraction, and disagreements over land sovereignty and indigenous rights will persist. The conflicts are costly and drain the resources of both parties. There are few examples of creative, substantive, long-lasting resolution to these conflicts. Can anything be done to appreciably intervene in these clashes?

This project is an attempt to develop improved tools and new thinking for the resolution of the tensions that arise between the mining industry and indigenous groups. It is an attempt to formulate a new approach to these conflicts based on the field of moral and environmental philosophy.

This research is timely because the number of conflicts, and the public awareness of these conflicts, is placing pressure on mining companies to improve their indigenous relations programs. “Resource extraction companies worldwide are involved with

indigenous peoples. Historically these interactions have been antagonistic, yet there is growing public expectation for improved ethical performance of resource industries to engage with indigenous peoples” (Lertzman and Vredenburg 2005, 239).

Fundamentally, there is growing concern that mining companies have failed to adequately understand indigenous people. There are patterns which have emerged that indicate a profound need for such understanding. Even when mining companies have expended enormous resources with the virtuous and genuine goal of providing proper diligence and concern, true resolution still remains elusive.

This failing is not readily recognizable based on evaluations of processes. Nor is it recognizable in the analysis of results. Proactive mining companies have often been heralded as vanguard corporate citizens based on their efforts to utilize particular traditional processes which achieve particular accepted outcomes. It may be, however, that the criteria used to judge these processes and outcomes is flawed. Traditional methods may simply address surface issues while failing to uncover the deep-seated, underlying, conflicting and unresolved philosophical inconsistencies that bias and undermine indigenous-mining conflict resolution attempts. If these philosophical conflicts are not identified and incorporated into resolution efforts, then real solutions may remain out of reach.

Traditionally, practitioners and scholars alike have placed their focus on broad theories such as Western bias, power asymmetry, resource curse, marginalization, and stereotyping. These themes have been addressed in varying degrees, with power asymmetry likely receiving the least amount of attention. These theories have been

applied to a variety of conflict types which are prominent within indigenous-mining quarrels including environmental conflict, legal conflict, ethnic conflict, religious conflict, and generational conflict.

This project will examine indigenous-mining conflict while placing emphasis in the “environmental” aspects of the disputes. This is justified because of the paramount role the environment plays in indigenous-mining conflict, and because of the secondary need to incorporate the study of environmental values and environmental ethics into the practice of environmental conflict resolution.

There is also a need to discover ways for the field of environmental ethics to have a greater impact. “This world is increasingly threatened today, after several decades of diverse, rigorous, and impassioned work in environmental ethics. Whatever other good things have resulted from our work, we have made little progress toward preserving nonhuman creatures and places. Environmental ethicists have proposed many reasons that we should value nature, but we have not done much, it appears, to change the ways people actually live in it...Some philosophers respond that the job of ethicists is not to change people’s behavior but to help them understand which behaviors are morally preferable and why. This answer is at best partial because, as Kant pointed out, ‘ought implies can.’ If indeed the task of ethics is to identify what people ought to do, in given situations or in general, it does not follow that we can wash our hands of what happens next. If the people to whom our work is directed consistently fail to implement our recommendations, perhaps our ought lacks a can. Or perhaps more is needed for ought to

translate into can” (A. Peterson 2006, 375). It is hoped that this project demonstrates one very practical use for environmental ethics; the resolution of indigenous-mining conflict.

However, this paper is about human-human conflict. Is it appropriate to call on environmental ethics to understand human-human interaction? Peterson claims that it is very appropriate. “[T]he divisions among humans both effect and mirror divisions between the social and natural worlds. Reducing the experiences of human exceptionalism must entail reducing not only the exceptional experiences of humans as a species among other species but also the exceptional experiences of privileged humans among other humans” (393).

Competing environmental views both propel and stump progress in the field of environmental philosophy. Philosophers themselves conduct heated debates over the adequacy of particular positions. “It may seem strange to conceive of those who espouse various ecological perspectives and who seek to overcome ecological crisis as ‘opponents’ of one another” (J. Clark 2000, 3). If informed philosophers can disagree, it stands to reason that non-philosophers also could find themselves in conflict over similar issues even without an understanding of the philosophical heritage of their thinking. It also stands to reason that the philosophical literature, where these conflicting views are the most thoroughly examined and debated, may be useful in yielding solutions to similar conflicts which transpire in the practical world. Arne Naess stated that people should “fight antagonisms, not antagonists” (3).

Indigenous-mining conflict results from difference. “It was apparent from the first interactions between American Indians and Europeans that their ways of viewing the

world differed significantly” (Smith 2004, 116). American Indians have different world views, values, understandings and life experiences than Westerners. “At the end of his classic study of race relations, *An American Dilemma* (1944), the Swedish sociologist Gunnar Myrdal reminds us: There must be still other countless errors of the same sort that no living man can yet detect, because of the fog within which our type of Western culture envelops us. Cultural influences have set up the assumptions about the mind, the body, and the universe with which we begin; pose the questions we ask; influence the facts; and direct our reaction to these interpretations and conclusions” (Rachels 2007, 155). It is time to look beneath the surface of indigenous-mining conflict. What differences are really the causes of these disputes?

2. Literature Review

What is special about the indigenous relationship with land?

“Native metaphysical and ontological assumptions that differ from Euro-American philosophical assumptions can be recognized in how we view the land. The land viewed by Euro-Americans is seen as an object, a commodity to be owned, and viewed as an investment for profit; it is there to develop and commercialize for financial gain. By contrast, a common philosophy that is shared by all [i]ndigenous people is that our land is sacred, holy. There is a strong relationship (interdependent bond) between land and people. Land is Mother Earth. We came to be from within the womb of Mother Earth. Mother Earth is home for all living beings; human people, animal people, plant people, everything in the universe. Therefore, Mother Earth, as an interdependent sustainer of life, is not to be stripped, taken apart, or desecrated, nor should boundaries of property (ownership) be placed upon her” (Verney 2004, 134).

It should be clear that the conflicts that arise between indigenous communities and mine operators are the result of differences. What are these differences? The most obvious difference cited by many scholars is the view toward land, nature and environment. Given that mining has a profound impact on the natural environment, it is important to understand the relationship indigenous people have to their land.

Industrial activities on indigenous lands may be troublesome for indigenous groups for reasons counter-intuitive to the Western mind. For instance, it may be permissible under regulatory requirements to dewater a lake so that mining can take place. The mining company may assume if they restore the lake, or restore another area in trade, that they are behaving responsibly. The lake, however, may hold deep sacred, religious and traditional value for the indigenous people; if so, damage to the lake, even temporarily, would cause irreparable damage to their culture and heritage. Bielawski (2004), in *Rogue Diamonds*, describes the response of the Dene to such a project. “Dewatering is not in my dictionary. For a long time I puzzled over the unnaturalness of the verb. To Dene elders, it is incomprehensible. Among miners, dewatering, or draining water from lakes or rivers, is both accepted parlance and practice” (73-74).

This special, unique and culturally historic relationship indigenous people have to their land is fundamental to the indigenous-mining relationship. Indigenous people have formed a bond with their local environment. This is in sharp contrast to Western cultures. “In mainstream American society, ‘identity’ appears to be invested in ‘property rights’ with a paradigm shift decidedly towards the notion of ‘individualism.’ Individuals become the sum of their tangible goods, particularly as these pertain to property and land. And when people grow disconnected and are ready to move elsewhere, they literally ‘pull up stakes’ and transplant themselves” (Jojola 2004, 89).

Even if an indigenous group is a modern community, cultural heritage related to land is still of great importance. Morgan (2004), in “Advancing indigenous rights at the United Nations,” states that “[w]here Western thinking has tended to view nature as

separate from culture, indigenous peoples, it is argued, recognize no such distinction” (492). Their identity is often indivisible from their land. Bielawski (2004) describes the extent to which the Dene people of Northern Canada value their land. “The Dene say that they will be able to live as they do as long as this land shall last” (15).

Without an understanding of the important relationship indigenous people have to their land, it is impossible to understand the conflict and tension that mining brings to these people. It is vital to understand this relationship, and it may require that Westerners learn to think in a different way, or at least understand more about what it would be like to think in a different way. As Lewis (1995) states, in “Native Americans and the environment: A survey of twentieth-century issues,” land is the focal point of indigenous life. “Land and place were central to survival, to their beliefs, to their very identity” (439).

The relationship that indigenous people have to land goes beyond that of a simple dependency on its resources. Non-indigenous people may be tempted to compare the indigenous relationship with land to similar relationships that exist in agriculture or timber management. Land is more than a resource to indigenous communities. They are seeking more than responsible management of a storehouse of goods. It is wrong to think that if the business of mining is conducted under the modern requirements of sustainable development that indigenous groups will be satisfied. Ruru (2004), in “Indigenous peoples’ ownership and management of mountains: The Aotearoa/New Zealand experience,” shows that this indigenous-land relationship is something much deeper. Land is thought of as a family member or a sacred object with religious or spiritual roots.

Ruru provides a case history of the legislative initiatives meant to ensure that the Maori of Aotearoa (New Zealand) have a “continued right to exercise tino rangatiratango (self-determination) over their own taonga (treasures)” (1). The Maori world view places central importance on whakapapa (genealogy) and the personification of the natural world. As with many indigenous peoples, Maori see the world as a unified whole where all elements are genealogically connected” (113). The Maori consider the mountains to be their ancestors. “While present legislation somewhat remedies the cultural bias of past law, it still remains piecemeal and ad hoc in its recognition of Maori rights to own, or participate in the management of, mountains in accordance with their own world view. The Maori world view contributed to the development of a unique environmental ethic that holds many of the mountains as intensely sacred natural landscapes” (118).

The indigenous desire to protect the land flows from a place much more profound than traditional modern goals of environmental protection. Indigenous people see themselves as part of the land, whereas modern conservation aims to prevent human interaction, or to manage land as a resource. Land ideals play a colossal role in indigenous-mining conflict. But what is the impact of mining activity on land?

How does mining impact land?

Sengupta (1993), in *Environmental Impacts of Mining*, notes that the mining process can devastate water, land and air. Sengupta states that negative consequences that often lead to conflict issues include destroying landscapes and the visual environment, and devastating waterways and forest lands. There are also associated traffic, blasting and erosion issues. Environmental impacts can be witnessed in all stages

of the mining process as demonstrated by Ripley, Redmann and Crowder (1996) in *Environmental Effects of Mining*. They outline a number of negative consequences in each stage including exploration, development, extraction, beneficiation, processing, refining and decommissioning.

The literature is riddled with descriptions of adverse impact. Glauser, McAllister and Milioli (2005), in “The challenges of sustainability in mining regions: the coal mining region of Santa Catarina, Brazil,” reports on the results of mining in that locale. “The history of mining in the region has left deep marks on the ecosystem. A poor quality of life, and a degraded environment are legacies of unsuitable extractive processes...With respect to the impacts of regional water resources, heavy loads of pollutants have been discharged into the hydrological system. This is the result of a cumulative historic legacy of abandoned mines” (5).

Mining is vital to modern society, and will continue, and at the same time it is obvious that mining cannot be conducted without negative environmental consequences. People, cultures, systems, ecosystems, and lifestyles that are linked to particular mining locations will be affected. Included in these affected areas are indigenous populations that have traditional ties to their environment. Given these truths, how have traditional conflict resolution methods sought to intercede?

What are the traditional approaches?

There have been numerous attempts by scholars and practitioners alike to understand and resolve indigenous-mining conflict. Traditionally, these efforts have evaluated the notions of resource curse theory, Western bias, marginalization,

stereotyping and power asymmetry. Developing methods and understanding which revolve around each of these theories has achieved a level of success.

Is there a resource curse?

With implications beyond mining, “resource curse theory” is a popular notion used to describe the plight of resource extraction on indigenous lands. “Where the extraction costs for mineral commodity are less than its market price, mining generates economic rents. For this reason, most economists and policy makers presume that mining creates wealth and in the process contributes to economic development in rich and poor countries alike” (Davis and Tilton 2005, 233). However, in reality, the results can be quite different. Simple economic rules developed in modern society do not necessarily apply to indigenous cultures. Lewis (1995) discussed the impact of extractive activities on American Indians. “Mineral wealth has proved a mixed blessing for some western Indian reservations, raising questions of balancing development and environment. Beginning as early as 1900 with the discovery of oil on Osage land, nonrenewable resource development has unleashed some of the most environmentally destructive forms of exploitation” (431).

Ballard and Banks (2003), in “Resource wars: The anthropology of mining,” state that “mining has been central to the evolution of the notion that resources can be a curse that gives rise to a lack of development, internal tensions, human rights abuses, and conflict at the national level” (295).

The basis for the resource-curse has been discussed in economic, political and ethical terms. Economically, it is thought that a sudden increase in exports can lead to

economic distortions that result in a lower Gross Domestic Product (GDP). Politically, the new wealth can lead to relaxed regulation and government corruption. From an ethical perspective then, the issue can be discussed as a failure of states to uphold the rights of indigenous populations (Ballard and Banks 2003). Auty (1993), in *Sustaining Development in Mineral Economies: The Resource-Curse Thesis*, coined the term “resource-curse.” He noted that countries with mineral wealth may not only fail to see benefits, but that they may actually be worse-off in the end. However, it should be noted that some scholars have supported this view of the resource curse (without the actual term) for some time, most notably Prebisch (1950) and Singer (1950).

“A growing number of scholars have reported a negative association between mining on the one hand and a host of different indicators of economic development. Most strikingly, mining economies are found to grow more slowly and have higher levels of poverty and corruption after controlling for GDP per capita” (Davis and Tilton 2005, 233). It is clear that mining is not always beneficial to developing countries or indigenous groups, even when they are promised financial gain. Cooperative programs may be developed in earnest, but the formula for success is more complicated than simply sharing the wealth. Western views of economic prosperity are often at odds with indigenous lifestyles and can even worsen life for these communities.

Davis and Tilton (2005), in “The resource curse,” examine the reasons cited in the literature that support the existence of a resource curse. While their view is more toward that of developing countries as a whole as opposed to indigenous populations, some of the observations are still applicable to indigenous groups. The ideas they present relative

to resource curse include: (1) declining terms of trade; (2) volatile markets; (3) the Dutch disease; (4) nature of mining; and (5) use of rents.

The idea of “declining terms of trade” states that “over time the prices of primary commodities tend to fall relative to those for manufactured goods” (235). “Volatile markets” are a contributing factor as “markets for primary products, including mineral commodities, are known for their instability” (236). “The Dutch disease” refers to a phenomenon in which sudden mineral wealth can contribute to inflation that is difficult to maintain after the mineral is depleted. This effect on the economy is similar to the effect that sudden wealth, followed by mining pull-out, has on indigenous groups. The “nature of mining” is such that wealth often leaves the country, and especially the local community, to go to other more powerful regions or to multinational companies. Meanwhile, local inhabitants bear the brunt of the environmental and social consequences. Finally, “use of rents” notes that “mining rents captured by the State end up in government coffers, which...cater to the ruling elite” (236).

Davis and Tilton do not argue that mining should be eliminated in these fragile communities, but rather that careful decisions should be made as to the appropriateness of mining in each location. “The appropriate policy question is not should we promote mining in the developing world, but rather where should we encourage it and how can we ensure that it contributes as much as possible to economic development” (241).

When mining companies enter a region, they can no longer make the simple claim that all will profit from the mineral development. There are too many case studies that indicate otherwise and too many failures for this claim to be taken seriously. Permanent

programs and institutions need to be in effect that ensure indigenous groups receive their fair share with respect to what they want and to what they can use.

Is there a Western bias?

There is also a claim that “Western bias” plays out in indigenous mining projects. The processes used by States and mining companies that attempt to incorporate the views of indigenous people relative to mining are evolving, but still remain inadequate for the needs of indigenous groups. “At least two parallel developments...have...contributed to the strategic significance of mining projects for a broad range of actors. The first has been the growing recognition of the rights of indigenous communities...[t]he second has been the institutionalization of impact assessment for large-scale mining operations (often the result of considerable pressure), allowing for the incorporation of local communities as key players in many of these resource developments. The introduction of local communities as stakeholders into the previously binary relationship between states and corporations has led to the widespread adoption by industry analysts of a three-legged or triad stakeholder model” (Ballard and Banks 2003, 288-289). This optimistic assessment suggests progress, but evidence found in the literature indicates a great need for improvement. Indigenous groups do not respond like Western groups when simply offered the chance to engage in negotiation.

The methods by which indigenous rights are considered by both government and mining companies have been shown to fail because they do not give adequate weight to indigenous needs. In fact, the processes themselves are often the problem as they emphasize rather than negate the lack of influence held by indigenous communities. One

such process which is often used is termed “Social Impact Assessment.” SIAs attempt to account for impacts and establish remedies. O’Faircheallaigh (1999), in “Making social impact assessment count: A negotiation-based approach for indigenous peoples,” states that “in some cases indigenous people have been completely excluded from impact assessment processes initiated by developers and controlled by state agencies that have an interest in promoting development” (63). Community engagement processes that were designed to deal with traditional Western communities are biased by design. They are biased relative to such issues as the financial resources needed to participate effectively, or they lack cultural awareness as to how indigenous people conduct their affairs. “Indigenous people have been admitted at a formal level, but have been unable to participate effectively in SIA and so have been powerless to influence its outcomes” (63). There are a variety of reasons why these processes often fail indigenous people. For example, the “time allowed for SIA and for project approval more generally is excessively short, particularly given that indigenous decision-making processes may be protracted” (63-64).

Processes such as SIA should also account for issues that will remain after the mine closes and the company leaves the area. One problem noted by researchers is that while companies and states often give the appearance of attempting to deal with indigenous lifestyle impacts, in reality only short-term issues are considered and no weight is given to the fact that there are long-term implications for indigenous groups. There is a “tendency to focus on the impact of individual developments in isolation and over the short to medium term, which means that SIA may ignore the cumulative and

longer term impacts that a succession of projects can have on indigenous communities” (64).

Westerners tend to be skeptical that processes designed to be inclusive would actually have the opposite impact. However, “a number of authors have argued that these structures distribute power in ways that make it difficult for indigenous people to influence the policy process, a fact that will be reflected in the outcomes of SIA” (65).

A process designed by Westerners would not account for the limited financial resources required to do such simple things as hire legal aid. It would not account for cultural differences such as traditional ways of negotiation. Simply inviting indigenous groups to the table during a public comment period is not adequate. It is especially not adequate as these indigenous groups, who have established a relationship with the land over generations, can make a strong argument that they own the table.

SIAs and other such agreements are not without value. There is however a great need to continue to improve upon the framework that has been established. These processes “can play a role in attempts to bring about a realignment of political structures and of the “rules of the game” within which project assessment and government decision making occur, since it can provide indigenous people with access to information, which is of course an important source of political influence” (65). Providing information to indigenous people is a way of rebalancing power.

Berger (1985), in *Village Journey and Northern Frontier, Northern Homeland*, demonstrated other methods for improving indigenous involvement. He held hearings in towns and villages throughout the regions in question, bringing inquiries to indigenous

people rather than expecting them to travel to distant urban centers. He also established inquiry protocols that stressed informality and facilitated indigenous input, ensured funding for indigenous participants, and made extensive use of indigenous histories in his reports. Coombs (1989), in *Land of Promises: Aborigines and Development in the East Kimberley*, used storytelling as a major method of communication when conducting assessments.

Further, Hamann (2004) , in “Corporate social responsibility, partnerships, and institutional change: The case of mining companies in South America” sees some signs of improvement in recent years. “The quest for win-win solutions, in which business objectives are achieved in tandem with those of other stakeholders, is epitomized in the concept of partnership. Trisector partnerships that engage the strengths of corporations alongside those of civil society and government can, in certain circumstances, yield better results for communities and for business than alternative approaches” (278).

The failure to design processes that account for Western bias and that are respectful of indigenous groups marginalizes these people. Marginalization should not be tolerated by those who seek inclusive relationships.

Are indigenous groups marginalized?

The term “marginalization ” refers to excluding or making circumstances worse for an individual or group. Many indigenous communities are marginalized as a result of mining activity. The basic problem is a failure to understand, appreciate, respect or give credence to different ways of life. Cloke and Thomas (1997), in “Living lives in different ways? Deprivation, marginalization and changing lifestyles in rural England,” consider

this problem. They note that those who live rural lifestyles, similar to indigenous groups, are inappropriately encapsulated. “We address the notion that there are problematic features of rural life which are often characterized as deprivation...we suggest that research should move away from being reliant solely on normative criteria and move toward an approach which also encompasses the differences of experience” (210).

Stamatopoulou (1994), in “Indigenous peoples and the United Nations: Human rights as a developing dynamic,” provides a starting point to consider the underlying problems that lead to marginalization. First, in these mining conflicts, the wrongs inflicted by mining companies often have the support of the State. State support only increases the overwhelming power asymmetry experienced by the indigenous groups. “Many governments based their policies on the assumption that indigenous peoples’ cultures and languages would disappear through integration and assimilation by the dominant culture...[t]herefore, states have not tolerated the assertion of indigenous identities through language and indigenous-controlled education. Such cultural intolerance, forced conversion into the religion of the dominant community, pressure to abandon traditional ceremonies, seizure of indigenous lands, and outright terrorizations and killings have been the order of the day for millions of the world’s indigenous people” (65). Jarding (2004), in “Tribal-state relations involving land and resources in the self-determination era,” conducted a study in the United States to determine which states had a capacity to deal with natural resources and environmental issues on tribal lands. Jarding determined that “neither tribes nor states had a high level of administrative

capacity to deal with environmental issues on reservations, and that when states did develop such capacity it was often used against Native American interests” (295).

The marginalization of indigenous populations by mining activity plays out in a variety of ways. The marginalization often begins with a lack of respect for the ties these communities have to the land that is the subject of the mining operations. “Apart from their deeply rooted philosophy of respect for the earth and all living things, indigenous peoples also advance their concept of communal ownership of the land which is quite different from the concept of private property under contemporary legal doctrine” (Stamatopoulou 1994, 73-74). Bielawski (2004) describes how the Canadian government has often dealt with the problem. “To this day, the federal government seeks the denouncement of this drama through ‘certainty.’ Certainty means that all parties will be certain of their rights, responsibilities, opportunities and profits. The feds believe that to achieve certainty, aboriginal title must be extinguished. The extinguishment policy is so rigid that it might as well be law” (36). The notion of extinguishment is classic marginalization at play.

Marginalization can result either from being left out of the process, or from not understanding the process. Davies and Young (1996), in “Taking centre stage: Aboriginal strategies for redressing marginalization,” emphasize the importance of communication methods. They question if indigenous groups can understand management plans written in non-indigenous language.

Even if mining companies have good intentions to develop processes that support indigenous participation, the groups may be marginalized because they do not have the

understanding and resources to effectively participate. There is often an attempt to westernize indigenous belief systems. Smallacombe (2000) describes how intellectual and cultural property of indigenous people in Australia is often corrupted by Western values.

Marginalization effects can be complicated and interdependent. Not only can marginalization take place as a direct result of mining and State actions, but marginalization can also take place from within the communities themselves. A predominant race in the local community may successfully receive more benefit from a new mine than a minority race will receive. Tension results from the difficulty in defining who is a part of the indigenous group. Such tension, caused by the mining project and not the indigenous population, can lead to violence and civil unrest.

Woman may also be excluded due to the masculine nature of mining, and even age may play a factor as mining is harsh, physical labor (Ballard and Banks 2003). Age marginalization may also result from economic factors, “because worsening inequalities in income distribution favor young adults, modifying their position and prestige vis-à-vis their elders and affecting traditional social structures” (International Institute for Environment and Development and World Business Council for Sustainable Development 2002, 202).

Marginalization can also be seen in what is termed “divide and rule,” with a company’s tendency to negotiate with only one party and leave others out of the process.

Indigenous people have rights that should be respected. Marginalization is a marker that these rights have not been taken into account. Quane (2005), in “The rights

of indigenous peoples and the development process,” “argues that while some of these human rights claims are not yet recognized under international law, the position is continually evolving [and] that the increasing recognition of several rights, especially the right to effective participation, may help to address the sense of marginalization traditionally experienced by indigenous peoples from the development process” (652). Indigenous people should not be marginalized because of being different and these differences should not lead to stereotyping.

Are indigenous people stereotyped?

Indigenous people are often misunderstood and stereotyped. For example, stereotypes of indigenous people often portray them as being the ultimate environmentalists. “All American Indian people possessed what has been called a metaphysics of nature: all manifest a reverence for the myriad forms and forces of the natural world specific to their immediate environment; and for all, their rich complexes of rites and ceremonies are expressed in terms which have reference to or utilize the forms of the natural world” (Callicott 1989, 177). However, “[e]ven Native American cultures, whose world views are often seen as the greenest of all, have experienced over-hunting and other abuses of nature” (A. Peterson 2006, 379).

Indigenous cultures do value land and nature, but their relationship is not always that of traditional Western environmentalists. Similarities between the two groups have often caused indigenous groups and environmentalists to unite in their efforts to oppose mining, but these relationships have no doubt benefited the environmentalists more than the indigenous people. This situation has played out among American Indian groups.

“Tribal land use-including their resistance to submitting to certain state and federal environmental regulations-has put Indians at odds with environmentalists. This turn of events emerges as Indians begin placing immediate needs and desires over older cultural regulatory stereotypes of Indians as ‘the original conservationists.’ Indians were never properly ‘ecologists’...[t]hey were, however, careful students of their functional environments, bound by material and cultural needs and constraints, striving for maximum sustained yield rather than maximum production, yet unafraid to exploit moments of periodic abundance” (Lewis 1995, 439).

This is not to say, however, that indigenous groups and environmental activists have nothing to offer each other. In fact, a number of cases have resulted in synergistic gains. B. Clark (2002), in “The indigenous environmental movement in the United States,” highlights the importance of environmentalists and indigenous groups working together to achieve social change. Clark states that “the larger environmental movement has been forced to recognize the importance of the indigenous environmental movement (IEM) struggle and the benefits that the indigenous social movements have to offer in the overall environmental struggle” (431). As Clark emphasizes, it is clear that the greatest synergy can be found on issues of environmental justice. This is particularly evident in the American Indian-mining conflicts considered by Clark. “From more than 500 tribes, consisting of different cultures, languages, and histories, the IEM has forged an extensive grassroots network of more than 200 indigenous environmental justice groups working to coordinate, support and inform each other” (431).

“Stereotypic images persist to the detriment of Native Americans because the images relegate them to a ‘past’ and misdirect non-Indian society’s responses to modern Native peoples and issues” (Lewis 1995, 439). Stereotyping, intentional or not, is one way in which power-relations unfold, and notions of power asymmetry are significant in indigenous-mining conflict.

Is there a power asymmetry?

“It is a truism that conflicts between unequals are conducted differently from conflicts between equals” (Mitchell 1995, 27). The dynamics mentioned thus far have a common characteristic that is not only important, but that needs to be addressed further in academic research. The issue is power asymmetry. “Many of the problems experienced in rural areas are fundamentally rooted in the nature of power relations in contemporary society” (Cloke and Thomas 1997, 227). Adding support, Crawley and Sinclair (2003) state that “it is our belief that unless the dominant group is prepared to share a level of power over some aspects of the relationship with a minority group, then organizational initiatives will remain token and paternalistic” (370). Further, Ballard and Banks (2003) note that “in contrast with analyses that would view grievances over specific issues such as ecological damage as the dominant impetus for local community engagement with mining projects, we contend that most local communities are fundamentally concerned with questions of control over their own destinies” (298). Finally, O’Faircheallaigh (2005) “concludes that while agreements certainly have the potential to enhance Aboriginal participation in environmental management, a majority do not have this effect, reflecting the weak negotiating position of many Aboriginal peoples in their

dealings with mining companies” (629). The literature is full of references that denote a marked power imbalance between indigenous communities and mining companies, indicating a need to understand this phenomenon with improved clarity.

Defining the concept of power can be difficult. One approach is the use of power dependency theory. “In an interaction between two people, one person’s dependence is considered the source of the other’s power” (Rouhana and Fiske 2004, 52). Rouhana and Fiske build upon these and other definitions to state that power “is the perceived control over allocation of resources and over the outcome for the other party” (52). This is likely a good definition of the power struggle that takes place in indigenous-mining conflict. Mining companies exert their control through technical knowledge, often using it to talk over the heads of indigenous groups. Further, they often have greater power over the State with the promise of financial gain.

Mitchell (1995) describes concepts and provides structure to the notion of power asymmetry. He asserts that “asymmetries can change as a conflict develops” (26).

Mitchell also notes that it is not always a good idea to seek symmetry. “It appears clear that although some forms of equalization strategy are likely to lead toward conflict reduction, others are likely to lead toward conflict escalation. For example, high symmetric internal cohesion appears to favor third-party efforts at mediation, while high, equal legal status seems propitious for adjudication, arbitration, or negotiation.” Individual cases need to be considered separately and “the ‘right’ level of symmetry or asymmetry has to be achieved before any conflict reduction is likely” (43).

Mitchell highlights the types of asymmetries that can occur. These include legal, or status asymmetry, resource or capability asymmetries, behavioral or asymmetries of tactics, and moral asymmetries. Each of these can play a role in indigenous mining conflict.

Finally, Mitchell notes that in addition to carefully considering if adjustments to power will yield a decrease in conflict, one also needs to consider various dimensions of power. Mitchell lists seven that typically play key roles. These are: (1) coercive capacity, (2) interparty cohesion, (3) leadership insecurity, (4) external dependency, (5) goal salience, (6) elite entrapment, and (7) acceptance.

Groups in conflict may try to capitalize on these dimensions by increasing or decreasing the particular qualities that will further their goals. For instance, “a common strategy of parties in regional conflicts is to reduce the other side’s internal cohesion” (38). This divide and conquer approach has been used by mining companies to selectively negotiate with a particular faction of an indigenous group that it sees as more likely to help its cause.

Most of the academic work in power asymmetry has taken place relative to political conflicts such as the Palestinian-Israeli conflict, but even this area has room for further development. Rouhana and Fiske (2004), in “Perception of power, threat, and conflict intensity in asymmetric intergroup conflict: Arab and Jewish citizens of Israel,” examine the dynamic that different levels of power or perceived power play in the tensions between Arabs and Israelis living together in Israel. They note that “research on mutual perceptions and other psychological processes in interethnic and international

conflict has generally focused on parties who enjoy equal or close to equal power relations” (49). The situation they examine in Israel is clearly different, but resembles indigenous-mining conflict in the relationship of a minority-majority. As Rouhana and Fiske note, there is a basic misconception concerning many conflicts. “An underlying assumption of many studies is that whatever social psychological dynamics apply to one party apply to the other party as well. For example, it is assumed that the enemy perceptions held by one party and the psychological processes that support them are the mirror image of the other side” (50). This misconception can set-off a chain of events and assumptions that can impact all attempts to resolve conflict, and in the case of indigenous-mining conflict, can lead to decades of marginalization for the less powerful indigenous group.

If a mining company approaches a negotiation with indigenous people as if they held the same world view, a great injustice has already been done to the indigenous group prior to opening the talks. As noted previously in this paper, processes must be set-up from the start which incorporate the needs of indigenous people. Simple statements such as “we gave them the same opportunities as we had” are indications that the reality of power asymmetry thought has not been incorporated into the thinking of the more powerful party.

Suleiman (2004), in “Planned encounters between Jewish and Palestinian Israelis: A social-psychological perspective,” supports the notion that this misconception plays out in a number of conflict situations. “Interestingly, the research on Jewish Palestinian encounter groups in Israel has almost entirely disregarded the power dimension of the

encounter. No serious regard was given to the fact that the groups participating in such encounters represent majority and minority groups who differ significantly in their power and social status” (330). Such differences impact every portion of the relationship, from simple conversations to expected outcomes.

Suleiman provides an example from the Palestinian-Israeli conflict that is similar to the processes involved in indigenous-mining conflict. She states that the fact that nearly all conflict resolution initiatives are designed, and funded, by the Jewish state lead to innate bias against the Palestinians. “This fact has invariably had a decisive influence on setting the boundaries of what was permissible and what was not permissible within the group and has clearly slanted the objectives to meet the expectations and needs of Jewish participants” (325). Speaking on the same subject, Michelovitch (1986) has noted that there may have been blind spots created because these were mostly Jewish efforts.

This can be easily applied to the community-involvement projects that are normally administered by mining companies or by State representatives that are often closely allied to the mining companies. If indigenous customs and ways are not taken into account during an attempt at conflict resolution, then there is the potential for a number of such blind spots. Blind spots include the inability of indigenous people to attend meetings, a lack of consideration for their language and communication techniques, or a failure to understand that they live on different time frames. Any of these oversights could have the effect of excluding indigenous people from the process, and thus installing a power advantage.

One or more of these traditional aspects of Western bias, power asymmetry, resource curse, marginalization, or stereotyping are often referenced as primary causes of indigenous-mining conflict. If attempts are being made to account for these issues, why do the conflicts still persist? Are the traditional methods simply addressing symptoms of a larger problem? Are the true causes of indigenous-mining conflict really understood? In examining intractable conflicts in general, some scholars indicate that the true causes of intractable conflicts are values and identity issues. Values and identities are deeply-held components of the human spirit.

Are values and identities important?

“Like Justice Potter Stewart’s definition of obscenity, intractability is something researchers and mediators know when they see it, but they are hard pressed to define precisely” (Campbell 1998, Abstract). Researchers differ on their definition of intractability for a number of reasons. One reason is the difficulty of knowing when enough is enough, and deciding if a conflict will likely linger for some time into the future. Another has to do with the impact such a label will have on mediators and actors alike. A healthier perspective may be to decide that a conflict has been intractable thus far, rather than painting a hopeless case with the use of the term.

Nonetheless, some researchers have attempted to define intractability. Burgess and Burgess (1998) make one such attempt and define intractability as “conflicts which defy resolution.” They point out that while small, isolated conflicts may get resolved, the underlying conflict still persists over time.

Northrup (1989) defines intractability as “a prolonged conflictual psycho-social process between (or among) parties that has three primary characteristics: (1) it is resistant to being resolved, (2) it has some conflict-intensifying features not related to the initial issues in contention, (3) it involves attempts (and/or successes) to harm the other party, by at least one of the parties” (62).

Campbell (2003) reviews suggestions by many researchers and elects the fairly optimistic characterization of “resistant to resolution” (94). He also offers a more detailed list of factors that can contribute to intractability. These include fundamental or deep-rooted conflict, fundamental value differences between parties, fundamental conflict about world views, values principles or societal structures, length of time conflict has persisted, severe power imbalances between disputing parties, potential for coercion or escalation to violence, rigidity of positions, high level of hostility, strongly held beliefs or positions, complexity of issues, interlocking issues, high-stakes distributional questions, pecking order conflicts or one-upmanship, threats to parties’ individual or collective identities, and/or frames held by disputants.

Hunter (1989) places emphasis on values stating that “in order to address these problems, we must begin to dig deeper, searching for the roots of the conflict” (26). Hunter continues, “Despite our beliefs about existence and our degree of optimism, a dictum to preserve life regardless of consequences, for example, severely constrains our actions. One’s ethical position clearly plays an important part in defining the problem’s context” (29). Hunter’s desire to examine ethical stances and thus deeply-held beliefs as

fundamental to the disentanglement of intractable conflict lends support to the notion that conflicts, including indigenous-mining conflict, are often values-based.

Hunter states, “[t]hese deep-seated values regarding the type of world that is both desirable and possible are not generally amenable to debate or to conflict resolution strategies such as mediation or negotiation” (26). Forester (1989) suggests that values-based conflicts are more difficult to resolve, and that resolution attempts should focus not on changing these underlying values, but on finding practical solutions to which all could agree in spite of the dissimilar values.

Thus values are engrained notions which will be difficult to change. This difficulty arises due to the relationship between values and identity. The strongly held values of individuals are part of their identity. To change these values, a person’s identity would need to change, and that is a tall order.

“Liberal democracies...cannot regard citizenship as a comprehensive universal identity because (1) people are unique, self-creating, and creative individuals, as John Stuart Mill and Ralph Waldo Emerson famously recognized; and (2) people are also “culture bearing,” and the cultures they bear differ depending on their past and present identifications” (Gutman 1994, 6).

Identities that often play a role in conflict include categorizations such as ethnicity, race, gender (thus the phrase ‘war of the sexes’), religion, class, kinship, nationalism and caste” (Black 2003, 122).

“Evil-doers. This memorable and provocative characterization of America’s terrorist enemy was cast by President George W. Bush in a stirring speech to a joint

session of Congress in September 2001, a few days after the horrific attacks of September 11th” (Wondolleck, Gray and Todd 2003, 207).

“Identity” is a term used to describe self and others. Identity characterizations can be direct as in President Bush’s remarks above, or they can be more subtle. They can be claimed or denied. One can strive to reach them or fight to repel them. Mining companies, for instance, wage a daily war in the public eye to correct what they see as incorrect identity labels earned mainly through past sloppy environmental controls and human rights abuses. Some environmental activists seek to be seen as partners to industry, as opposed to combatants, while other such groups are happy to be perceived as adversarial. There is little doubt that identities are strong contributors to conflict, and that they quite often lead to the intractability of conflict. Drawing a fine line between “us” and “them,” or avoiding such a break, is to use identity to escalate or extinguish conflicts.

A simple example of how identities can help or hinder conflict resolution is to consider a person thought of as your “neighbor,” or to consider another person who is thought of as a “bigot”. Automatically one feels compelled to work with the neighbor, and to avoid contact with the bigot.

Identities are not always apparent, and they are certainly not always recognized as a source of conflict. “For example, in one dispute over water rights, Native Americans adopted a non-compromising stance, insisting on their right to the water, when what was really at stake was their desire to ensure the sovereignty of their tribe” (Wondolleck, Gray and Todd 2003, 210). They were holding on to their identity. If identity issues

such as this one stay hidden, and the discussions focus instead on water science, resolution would be difficult to achieve.

Another way in which identities play a role in conflict is when closely-held identities are challenged or threatened, or when there is at least a perception of such challenge. People who work in mines often know no other career option. When a person says he or she is a “miner,” there is a great history of pride and tradition underneath this statement. When the miner perceives a threat to this identity he or she is likely to respond in a fashion that escalates conflict.

Identities are normally thought to be stagnant, but in fact, identities can change over time. In unresolved conflicts, a close look at identities held by opposing parties tends to be negative, insulting and disrespectful. As cases begin to be resolved there is often a shift toward more inclusive and positive characterizations.

“These moments occur in the contexts of a relationship, they alter the relationship, as well as the space in which the relationship resides, the relational container, the ‘between space’ where personal identities are inextricably intertwined and overlapped” (Cobb 2001, 5). “Human identity, is created...dialogically, in response to our relations, including our actual dialogues, with others...[a] society that recognizes individual identity will be a deliberative, democratic, society because individual identity is partly constituted by collective dialogues” (Gutman 1994, 7).

But Taylor notes: “We don’t just learn the languages in dialogue and then go on to use them for our own purposes. We are of course expected to develop our own opinions, outlook, stances toward things, and to a considerable degree through solitary

reflection. But this is not how things work with important issues, like the definition of our identity. We define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us. Even after we outgrow some of these others – our parents, for instance – and they disappear from our lives, the conversation with them continues within us as long as we live” (C. Taylor 1994, 32-33).

The values people hold influence their identity. Indigenous people do not hold the same values as Westerners. An indigenous person, in *Rogue Diamonds*, stated that “We knew nothing of diamonds before they erupted into our lives. Above the falls, today, I wonder about gemstones and this land. The proposed diamond mine is Canada’s first, the first on the Barren grounds, the first this far north. We have learned that lavalike eruptions of something geologists call kimberlite carry diamonds from the earth’s mantle to its minable crust. We know that this land is that minable crust. What we don’t yet grasp is the particular greed that diamond adoration inspires” (Bielawski 2004, 18).

Efforts to resolve disputes between indigenous people and mining entities will not succeed without true acknowledgment of indigenous identities and values. “Such long-resident cultures sustain beliefs, values and uses of local ecosystems frequently at odds with those of industrial resource extraction” (Lertzman and Vredenburg 2005, 240). It is not enough to mask development goals in rhetoric that fails to accommodate the values, culture and knowledge of indigenous populations. Mining entities must seek true understanding and apply this understanding when they develop projects. Advice to mining companies can be found in the literature. Crawley and Sinclair (2003) note that “corporate efforts are most often enunciated within a ‘Corporate Relations’ or ‘Public

Relations' framework" (362). Simple "greenwash" on the part of companies will not lead to true understanding.

Some scholars go beyond providing mining entities with advice on how to relate to the values of indigenous cultures for the simple purpose of moving projects forward. There are calls that such understanding is a moral imperative and not just a strategy for corporate development. When discussing processes, Crawley and Sinclair (2003), in "Indigenous human resource practices in Australian mining companies: Towards an ethical model," state that "the definition of morally-desirable practices would be those that do not rely on the leadership of one or two individuals. These practices would be integrated into the systems and structures, outliving individual relations and showing a capacity for ongoing institutional adaptation" (370). Lertzman and Vredenburg (2005) argue "that it is unethical to forfeit the viability of indigenous cultures for the benefit of industrial resources extraction" (239). They also relate indigenous culture and value to sustainable development and state that "a holistic approach to sustainable development must address the biophysical, organizational and cultural systems within which human life is embedded and upon which it is dependent. The ethics of sustainable development oblige the preservation of all these aspects of human (and non-human) life for current and future generations. Furthermore, it is ethical to engage with indigenous peoples in a manner consistent with their wishes, cultures and means for survival as they determine these to be" (239). Forsyth (1992), in "Judging the morality of business practices: The influence of personal moral philosophies," notes that "this criterion builds on Kant's categorical imperative that individuals should never be treated only as a means to an end

but should be treated as important ends in themselves” (371). The literature suggests that some mining projects should not proceed unless certain moral requirements are met.

Thus values and identities are central to the conflicts that emerge between indigenous and mining entities. Values go beyond such notions as resource curse theory, Western bias, marginalization, stereotyping and power asymmetry. In fact, values can be the cause of these issues. Where do the values on both sides of indigenous-mining conflict originate?

What is the heritage of indigenous-mining value systems?

The field of moral philosophy (ethics) has much to say relative to value systems. Many of the value systems described within the philosophy literature are ripe with debate. Here, the literature will be reviewed to identify value systems which may have similarities to indigenous-mining conflict. General principles in moral philosophy are considered first, followed by specific concepts from the environmental philosophy literature. The goal is to begin building a matrix of values. This matrix will by no means be comprehensive, but will be used for a more complete understanding of the values of both groups.

Before proceeding, a special note should be made relative to the applicability of Western philosophy to American Indian thought. “Among the most important differences between tribal peoples and Western thinking is the concentration in the West on the solitary individual to the exclusion of the group...the important decisions are to be made by individuals possessing neither father nor mother, village nor tribe, age nor gender” (Deloria 2004, 10). As stated by an American Indian philosopher,

[u]nfortunately for our people, Europeans also brought their own philosophy, a philosophy grounded on and framed by religious and economic principles of ownership. Our people, not knowing about property and ownership (dominion), were considered uncivilized, savage, and not human (Verney 2004, 135)

In the most general form, it can be said that some Western philosophy (especially some environmental philosophy) is relatable, while some is not, to American Indian philosophy. There should also be a realization that the influence of Western thinking on American Indian tribes may have diluted original American Indian thought. “When we speak of American Indian philosophy today, we are probably talking about several generations of Indian people who have popular notions of what Indian philosophy might have been or might become within the Western philosophical enterprise” (Deloria 2004, 4).

At times, this project will seek to understand American Indian thought through the lens of Western philosophy. Such concepts as utilitarian and deontological thought, which will be reviewed, are solidly in the arena of Western philosophy. However, other notions which will emerge are more closely tied to American Indian thought. “Instead of developing an idea of cultural movement that has primitive at one end of the spectrum and modern at the other, great care must be taken to identify tribal societies and Western thinking as being different in their approach to the world but equal in their conclusions about the world” (5).

This complication of applying Western thought to American Indian thought, and the reverse, should not impede this research. “Perhaps too much attention has been

devoted to providing examples of the difference between Western and American Indian thought [because] there is no philosophy of American Indians apart from the concrete actions of people in a well-defined physical setting. Indian elders and holy people did a great deal of speculation but it was regarded as a pastime, reflecting on experience, and did not substitute for the experience itself. Elders received a hearing and their counsel was more often than not heeded primarily because people recognized that, if nothing else, they had a lifetime of experience during which they were presumed to have understood what their various experiences meant” (11).

“Native and Western cultures and their seemingly irreconcilably different ways of knowing and relating to the natural world are finding common ground and a basis for dialogue, [and] the integration or the lack thereof will determine the direction of contemporary society in the twenty-first century” (Cajete 2004, 56).

After all, “Indians must examine some of the same phenomena as do Western thinkers and must demonstrate that their perspectives and conclusions make sense” (6). That being said, what is really going on in indigenous-mining conflict?

What is good and what is right?

A review of applicable values begins with a basic conflict that exists in moral philosophy, the “good” versus the “right.” The good represents actions designed for overall happiness in the world. Someone acting out of the good would consider consequences over particular duties. The right is emblematic of rules. Someone acting out of a desire for right action would ignore consequences and focus on duties which are based on contrived canons or tenets.

In the late 18th century and early 19th century, ethical theories began to change in the midst of a remarkable number of paradigm-shifting affairs in human history - the Reformation, the Renaissance, the Enlightenment, the French Revolution, the formation of America and its civil war, and the scientific revolution. “This fact is part of the massive subjective turn in modern culture, a new form of inwardness, in which we come to think of ourselves as beings with inner depths” (C. Taylor 1994, 29).

Taylor suggests that “[t]he most important philosophical writer who helped to bring about this change was Jean-Jacques Rousseau...not because he inaugurated the change; rather...that his great popularity comes in part from his articulating something that was in a sense already occurring in the culture. Rousseau frequently presents the issue of morality as that of our following a voice of nature within us” (29).

In the midst of these activities, philosophers began to rethink their long-held positions, and one consequence of this rethinking was the formulation of a line of ethical theory known as utilitarianism. Utilitarianism is an influential ethical theory even today. Many philosophers label themselves as utilitarian, and many actions and belief systems in the modern world are based on this line of thinking. For instance, utilitarianism is influential in the justification of everything from industrial progress, euthanasia, abortion, animal experimentation, and even vegetarianism. Utilitarianism represents a common intuitive thought that many people have without the knowledge of the subject. One can hear utilitarianism expressed by politicians each night on the evening news. The web sites of corporations are laced with utilitarian principles. Even a small child might decide to defend his actions to his parents based on utilitarian thinking. While it is intuitive, a

few special individuals have been given credit with the original effort to formally place the theory on paper, support the idea of using it as a basis for ethical action, and solidify the notion of its place in modern ethics.

“Utilitarianism, a theory proposed by David Hume (1711-1776) but given definitive formulation by Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873),” (Rachels 2007, 90) seeks the good. The term “utility” refers to “things which have value not in themselves, but as a means to some end” (Reese 1999, 800). As stated by Bentham, “[m]orality...is not about pleasing God, nor is it about being faithful to abstract rules. Morality is about making the world as happy as possible” (Rachels 2007, 90). “Hume did not use the ‘greatest happiness’ phrase, but did introduce the principle of utility as the basis of ethical theory” (Reese 1999, 800). Mill and Bentham are considered the founders of modern utilitarianism, and Bentham actually introduced the term utilitarianism in 1872 (800).

Bentham argued that there is one moral principle, the “principle of utility.” “This principle requires us to always choose whatever action or social policy would have the best consequences for everyone concerned” (Rachels 2007, 90). Bentham (1781), in *The Principles of Morals and Legislation*, put it: “By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question” (Ch. 1, II).

Immediate questions come to the mind of anyone introduced to utilitarianism. Who decides what consequences are best? How can one accurately predict

consequences? Who counts in the term “everyone?” Do animals count? Do ecosystems count? Do the mentally-impaired count?

Utilitarianism thought leads naturally to the notions of consequentialism and welfarism. From a consequentialist perspective, the ends justify the means. From a welfarism perspective, the individual is what matters. All count as one and no one more than one.

Bentham approached utilitarianism from the perspective of a Hedonist, or one who is concerned with pleasure. Bentham states, “Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The principle of utility recognizes this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light” (Ch. 1, II).

For Bentham, the goal of ethical behavior was the maximization of pleasure. He further believed that all pleasures are equal, and is famous for the phrase, “Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and

poetry. If the game of push-pin furnish more pleasure, it is more valuable than either” (Bentham 1830).

Bentham had a profound influence on a rising philosopher named John Stuart Mill who wrote a book titled *Utilitarianism* (1871). Mill promoted utility long after Bentham’s death and was the more influential of the two. Mill formulated utilitarianism as follows: “First, he says, we should envision a certain state of affairs that we would like to see come about – a state of affairs in which all people are as happy and well off as they can be. Then we should try to bring about that state of affairs, insofar as this is possible. Thus, in deciding what to do, we should ask what course of conduct would promote the greatest amount of happiness for all those who will be affected. Morality requires that we do what is best from that point of view” (Rachels 2007, 90). Thus for Mill, the basic goal of utilitarian theory was the maximization of happiness.

Utilitarianism was radical. It did not speak about God’s will or about inflexible rules. It was about promoting happiness. “[T]he point of morality is the happiness of beings in this world, and nothing more; and we are permitted – even required – to do whatever is necessary to promote that happiness” (90).

As utilitarianism has been refined through the years, it has come to mean the maximization of the greatest happiness for the greatest number of people. To determine the greatest happiness, a utilitarian calculus is employed, where an attempt is made to determine the sum of individual levels of happiness of a particular action, compared to another action. For utilitarians, the action which achieves the higher level of happiness is the action which should be chosen.

The principle of utility had a dramatic impact on the idea of individual rights and liberty. As Mill states in *On Liberty*, “[t]he sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, physical or moral, is not a sufficient warrant...Over himself, over his own body and mind, the individual is sovereign” (90). From this, it is easy to see how such issues as euthanasia are shored up by the principle of utility, and how utility played a role, and continues to play a role, in liberal thinking.

One objection to utilitarianism surrounds the fact that happiness is considered to be the good. “According to the classical utilitarians, happiness is pleasure. Utilitarians understand “pleasure” broadly, to include all mental states that feel good” (101). This attitude alludes to Hedonism, which few would support. Many utilitarians reject Hedonism, and find ways to move around this simplistic view of the theory. For instance, it is said that “happiness is a response we have to the attainment of things that we recognize as good, independently and in their own right” (102).

The notion of consequentialism is also criticized. Do results matter more than other considerations? Consequentialism often conflicts with the idea of justice and individual rights. “The notion of a personal right is not a utilitarian notion. Quite the opposite: It is a notion that places limits on how an individual may be treated, regardless of the good purposes that might be accomplished” (106).

It is easy to imagine a scenario where lying, or even committing murder of an innocent, could in the final calculus result in greater overall happiness. For example, should an individual be selected for harsh medical experimentation for the benefit of all of humanity? What if person A decided to give person B a large sum of money, and asks person C to deliver the money. Instead of giving the money to B, C keeps the money, and B never learns that the money was given, and A never knows C kept the money. Further, C splits the money with another person, D. In the first instance, only B would have been happy; in the second, both C and D are happy. The principle of utility would seem to support theft in this scenario, but surely this cannot be right for any moral theory.

There are other criticisms of utility. The calculation involved in deciding what action to take under the principle of utility requires that each individual in the calculus be counted as one, and none more than one. In so doing, personal relationships and concepts such as friendship and love are abandoned. “The fact that Utilitarianism undermines our personal relationships seems to many critics to be its single greatest fault” (Quane 2005, 108).

Many supporters of utilitarianism have agreed that the classical theory has problems, but they have attempted to modify the theory in such a way as to make it compatible with common sense. “In revising a theory, the trick is to identify which of its features is causing the trouble and to change that feature, leaving the rest of the theory alone” (Rachels 2007, 110).

“[O]ne troublesome aspect of classical utilitarianism is its assumption that each individual action is to be evaluated by reference to the principle of utility” (110). If a

person is considering telling a lie, that person would need to evaluate the outcomes of that particular lie. However, another way of looking at the principle of utility, would be from a broader sense, and determine what set of rules, overall, would support utility, and act by those rules. It could be decided that not telling lies benefits the overall happiness, in the end” (111). This modification has been termed Rule-Utilitarianism, as opposed to the classical view, thus termed Act-Utilitarianism. Rule utilitarianism states that we should follow those rules which would serve to maximize utility.

Problems arise with Rule-Utilitarianism in instances which might be considered exceptions to rules. If there are acceptable exceptions, which there most certainly would be, then Rule-Utilitarianism breaks down and looks more like Act-Utilitarianism. According to Rachels, “[d]espite its intuitive appeal, Rule-Utilitarianism is an unstable compromise between Utilitarianism and common sense” (112).

As an example, and directing the discussion more toward the environmental issues which will play a significant role in this overall project, the principle of utility can be used to support the kind treatment of animals. “The Christian tradition says that man alone is made in God’s image and that animals do not have souls” (94). Saint Thomas Aquinas wrote: “Hereby is refuted the error of those who said it is sinful for a man to kill dumb animals: for by divine providence they are intended for man’s use in the natural order. Hence it is not wrong for man to make use of them, either by killing them or in any other way whatever” (90). Aquinas did not support animal cruelty, but only because it might encourage cruelty between humans. It is clear this line of thought permeates all of Western civilization and its instrumental use of animals.

For utilitarians, however, there is a justification separate from Christianity for the protection of animals. “On their view, what matters is not whether an individual has a soul, is rational, or any of the rest. All that matters is whether it is capable of experiencing happiness and unhappiness, pleasure and pain. If an individual is capable of suffering, then we have a duty to take that into account when we are deciding what to do, even if the individual in question is not human. In fact, Bentham argues, whether the individual is human or nonhuman is just as irrelevant as whether he is black or white” (90). Bentham goes on to state: “The question is not, Can they reason? nor Can they talk? But, Can they suffer?” (96).

As mentioned, utilitarianism is based on a calculus. Goods are added, and that which produces the most good is the action that should be taken. In the case of animals, one could argue that they do not actually feel pain and that they are more like machines. Therefore, their suffering does not count in a utilitarian calculus. It is easy to see how issues surrounding the principle of utility are open to an abundance of debate. In fact, the philosophical literature is packed with criticisms and objections to the adequacy of the theory. “These objections are so numerous and persuasive that many have abandoned the theory. But the remarkable thing is that many have not. Despite the arguments, utilitarianism continues to be widely accepted” (101).

A modern day example of utility in action is the method by which environmental polluters are punished. In “Environmental harms, causation, and act utilitarianism,” White (2004) applies act-utilitarianism to assigning blame, and thus responsibility for financial support, to environmental offenders. “Many environmental harms have been

addressed in courts and by the public using an act-utilitarian approach. Basically such an approach draws on (sometimes not consciously) the moral calculus articulated by Jeremy Bentham and refined by John Stewart Mill. Act utilitarianism claims that utility should, in any particular situation, be maximized. Such an approach is often used for environmental concerns” (189). This formulation would attribute more financial liability to the party best able to pay, without attempting to assign blame. Utility is maximized, but individual actors are punished in a disproportionate fashion. Should the rights of individuals be so compromised? There are certainly problems with this ethical decision-making process. Is there an alternative?

Often considered to be the opposite of utilitarianism, “deontology” espouses that there are strict moral rules one should live by, with no exception. For instance, a rule that “a person should never kill” might be supported by some. However, it is difficult to formulate a theory which would support such a view in all cases. For instance, what about war? Or does the rule only apply to humans, or to animals, or to plants and even ecosystems? Complications such as these make it difficult to suggest that there are particular rules that people should follow in all imagined circumstances. Be that as it may, many great thinkers still believe in moral rules as a basis for ethical theory. The Ten Commandments prescribed in the Bible are an example of deontological thinking.

Elizabeth Anscombe stated that “there are some things that may not be done, no matter what” (Rachels 2007, 119). She used boiling babies as an example. “It has been characteristic of the Hebrew-Christian ethic to teach that there are certain things forbidden whatever consequences threaten, such as: choosing to kill the innocent for any

purpose, however good” (119). “Anscombe and her husband, Peter Geach, who was also a distinguished philosopher, were the 20th century’s foremost philosophical champions of the doctrine that moral rules are absolute” (120).

However, the most famous deontologist of all time, and the only major philosopher on the subject prior to the 20th Century, was Immanuel Kant (1724-1804). Kant is well established as one of the greatest philosophers who ever lived. “He argued, to take one example, that lying is never right, no matter what the circumstances. He did not appeal to theological considerations; he held, instead, that reason requires we never lie” (120). Kant, as opposed to focusing on consequences, focuses on duty. He is not concerned with maximizing utility or happiness. He only wants to know if an action is right.

Kant arrived at his conclusion on moral rules by first examining what he termed hypothetical imperatives. For instance, if a person wants to be fresh in the morning, they ought to go to bed early; if they decide they do not want to be fresh in the morning, they can then stay up late. A person can relieve themselves of what they ought to do under a hypothetical imperative by simply altering their desire.

Kant said that desires are different than moral obligations. According to Kant, a person ought to not steal irregardless of their desires. Thus he believed moral obligations to be categorical. “Kant holds that, just as hypothetical ‘oughts’ are possible because we have desires, categorical oughts are possible because we have reason. Categorical oughts are binding on rational agents simply because they are rational” (121).

Kant arrived at this conclusion based on what he termed the categorical imperative. In *Foundations of the Metaphysics of Morals* (1989), he defines his categorical imperative as “[a]ct only according to that maxim by which you can at the same time will that it should become a universal law” (121). This would mean that when a person is deciding whether to take a certain action, he would have to ask himself if he would be happy with everyone acting in the same manner, and thus making the action a universal law. If the person accepts that his action would be acceptable as a universal law, then the action is acceptable; if not, then the action should not be taken.

Consider the case of the inquiring murderer. Kant was once asked what a person should do if confronted with the following situation: You see a man run into a house to hide. Moments later a murderer shows up looking for the man, and asks you if you know where the man went. Kant claims that to be consistent with your duty not to lie, you should honestly tell the murderer where the man is hiding, even if this results in the death of that man. For Kant, the prospect of accepting a lie as a universal rule is far worse than the immediate harm that might result to the individual.

There are obvious ways to criticize categorical rules. For instance, what if rules conflict? A rule to care for friends may conflict with the rule to never lie. For this reason as well as others, many philosophers believe Kant went too far in stating that rules should have no exceptions. An easy fix, as pointed out by Rachels, is as follows: “All that Kant’s basic idea requires is that when we violate a rule, we do so for a reason that we would be willing for anyone to accept, were they in our position” (128).

Kant believed that humans were special, and this fact has much to do with what ultimately emerged from Kantian thinking, the establishment of individual rights. “Kant thought human beings occupy a special place in creation. Of course, he was not alone in thinking this. It is an old idea: From ancient times, humans have considered themselves to be essentially different from all other creatures - and not just different, but better. In fact, humans have traditionally thought themselves to be quite fabulous. Kant certainly did. On his view, human beings have ‘an intrinsic worth, i.e., dignity,’ which makes them valuable ‘above all price.’ Other animals, by contrast, have value only insofar as they serve human purposes” (130). Kant arrived at his position on animals with the notion that only humans are rational and possess a free will. According to Kant, this valuable nature of humankind makes them worthy of special treatment. Humans should never be used as a means to an end.

“This means, on a superficial level, that we have a strict duty of beneficence toward other persons: We must strive to promote their welfare; we must respect their rights, avoid harming them, and generally, endeavor, so as we can, to further the ends of others” (132).

The contradiction to utilitarianism is glaring. Some utilitarians may be perfectly willing to use a human as a means to an end; that end being greater happiness. However, to a deontologist there are rules, and these rules intercede in such a calculus, thus canceling the project if an individual’s special rights would be violated. In reality, this conflict of ethical theories plays out in many ways in modern society. Should we demolish a housing project to make way for a highway? The highway would benefit the

greater good, but demolition of the housing project would violate the rights of the poor who live there.

Also, in U.S. politics, Democrats are often thought to be more like deontologists, and Republicans more like utilitarians. Significant to this research is the question of whether the rights of a small group of indigenous people should be violated in order to develop a mine which will provide a benefit to a larger number of people in society.

As mentioned, this traditional conflict in ethical theory is commonplace. Should the right or the good receive primacy? Philosophers have examined each theory on its merits, criticized or supported each, and made the case for one over the other. They have also tried to develop compromising theories using a variety of tactics. The problem is not solved, but a special fact should be mentioned.

In liberal societies, it is held that individual rights nearly always trump other considerations. For Kant, the rights of individuals (humans) must be respected before seeking to maximize utility. “It has become a commonplace that most contemporary liberal theory is ‘deontological’; that is, it gives priority to the right over the good. This is in contrast to its utilitarian predecessors, which were “teleological;” that is, they give priority to the good over the right” (Kymlicka 1989, 21).

It is easy to understand how this conflict found within the philosophical literature could be having an impact within indigenous-mining conflict. What other value systems may be important in indigenous-mining conflict? As stated, the relationship to land and environment are profoundly important to indigenous groups. The obvious place to look within the philosophy literature for an improved understanding of land and environment

based values is the field of environmental ethics. Thus, a review of the environmental ethics literature is appropriate with an eye toward methods of valuing.

Is it a human-centered world?

A true accounting of environmental value systems is a complex task. This review will focus on primary categories of environmental values, and some of the more popular notions within the literature. The best place to begin this evaluation is with human-centered versus nonhuman-centered valuing systems.

Both utilitarianism and deontology are human-centered systems. This may seem counter-intuitive as both can be used to support such things as environmental protection and animal rights. However, both systems are a method of valuing based on human preference. It is the humans doing the valuing.

Human-centered and nonhuman-centered ethical systems are termed “anthropocentric” and “nonanthropocentric,” respectively. They represent two opposing approaches to “doing ethics.” “For at least the last 30 years now, there has been a running debate among environmental ethicists about whether anthropocentrism can serve as an adequate foundation for environmental ethics” (McShane 2007, 170). As conveyed by Goodpaster (1978), “[m]odern moral philosophy has taken ethical egoism as its principle foil for developing what can fairly be called a humanistic perspective on value and obligation...but there is something distressingly uncritical in this way of framing such issues - distressingly uncritical in the way that deciding foreign policy solely in terms of “the national interest” is uncritical” (310).

Philosophers in the environmental ethics literature argue back and forth as to whether an environmental ethic should be based on anthropocentric or nonanthropocentric values. The basis of their arguments typically concerns which type of ethic is morally correct and which ethic will provide the most environmental protection.

As described by Sterba (1994), “A central debate, if not the most central debate, in contemporary environmental ethics is between those who defend an anthropocentric ethics and those who defend a nonanthropocentric ethics” (229).

First, “nonanthropocentrism” holds that humans maintain no special place in the cosmos. A nonanthropocentric argument would state that “we have no nonquestion-begging grounds for regarding the members of any living species as superior to the members of any other. It allows that the members of species differ in a myriad of ways, but argues that these differences do not provide grounds for thinking that the members of any one species are superior to the members of any other. In particular, it denies that the differences between species provide grounds for thinking that humans are superior to the members of other species. Of course, the nonanthropocentric perspective recognizes that humans have distinctive traits which the members of other species lack, like rationality and moral agency. It just points out that the members of nonhuman species also have distinctive traits that humans lack, like the homing ability of pigeons, the speed of the cheetah, and the ruminative ability of sheep and cattle” (229).

Further, supporters of a nonanthropocentric view will not tolerate the suggestion that human traits are more valuable than the traits of other species. It is true that humans

would not be served by trading in the qualities of rationality for speed, but neither would a bear be better off by trading its hibernating ability for rationality.

In contrast, “anthropocentrism” is the “view that man is, or must look upon himself as, the center of reality” (Reese 1999, 23). Or as defined by McShane (2007), “the view that the nonhuman world has value only because, and insofar as, it directly or indirectly serves human interests” (170). Protagoras famously said “that man is the measure of all things” (Reese 1999, 23). Both views, however, can be used to support environmental protection.

The notions of anthropocentric and nonanthropocentric valuing do have some practical applications. For instance, “Dion (1988) presents...a typology of corporate policies that is helpful when examining the way organizations might respond to environmental issues” (Dawson 2005, 45).

Who counts?

How do people decide who counts in their moral calculations? Which beings and things deserve moral consideration?

Goodpaster (1978) sums the modern perspective: “Our paradigms of moral considerability are individual persons and their joys and sorrows. I want to venture the belief that the universe of moral consideration is more complex than these paradigms allow” (310). Many would see the notion to expand moral consideration to a greater portion of the natural world as a radical departure from the norm.

The study of environmental ethics is laced with value assessments. How does one value wilderness and animals? Is the natural world seen as having concerns of its own, or

is the value in the natural world only in relationship to its benefit to humanity? Should it be said that animals have their own concerns? What value do plants and ecosystems deserve? What about inanimate objects, such as mined mica which will play a role in this study? “We need to understand better...the scope of moral respect, the sorts of entities that can and should receive moral attention, and the nature of the “good” which morality...is supposed to promote” (309).

“A common distinction is that made between ‘instrumental’ and ‘intrinsic’ value. Instrumental value is related to usefulness...intrinsic value refers to something that is valuable in itself and is not necessarily valuable as a means to other ends” (Butler and Acott 2007, 151).

To begin this discussion, consider the following: “Rolston writes of intrinsic natural value and argues that the teleology of organisms and indeed species provides a wealth of objective values within nature...such that: ‘Every genetic set is a normative (nonmoral) set, proposing what ought to be, beyond what is, on the basis of its encoded information’...Such objectivity, however, is a step too far for Callicott, who argues that although nature may truly be the locus of intrinsic value, humans remain the source of any value, thus rendering nature’s intrinsic value wholly subjective, but none the less real and actual...An important distinction which provides something of a synthesis between these two positions is provided by Lee,...who distinguishes between recognized articulated values and mutely enacted values. Only humans (being rational, sentient beings) may be said to be both the source and focus of recognized articulated values, although other organisms may be the focus of such values with humans remaining their

source. Mutely enacted values are, however, objective values within/of nature, based, again, on organisms' teleology" (152). The above argument is submitted as an example of the complexity of the philosophical disagreement concerning instrumental and intrinsic value.

Another concept is that of "moral consideration." The subject of moral consideration, or a consideration of whom and what count, is a significant concern among many environmental philosophers. "The question can be and has been addressed in different rhetorical formats, but perhaps G.J. Warnock's formulation of it is the best to start with: 'Let us consider the question to whom principles of morality apply from, so to speak, the other end – from the standpoint not of the agent, but of the patient. What, we may ask here, is the condition of moral relevance? What is the condition of having a claim to be considered, by rational agents to whom moral principles apply?'" (Goodpaster 1978, 308).

Thinkers such as Peter Singer suggest that "[i]f a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others" (Goodpaster 1978, 316). Singer, a prominent philosopher who is often considered controversial, has played a major role in the promotion of vegetarianism based on his celebrated book, *Animal Liberation* (1975). Singer justifies his stance on moral consideration based on a utilitarian ethic.

Kenneth Goodpaster (1978) takes exception to the notion that sentience is the measure of moral consideration. In “On being morally considerable,” Goodpaster states that “[n]either rationality nor the capacity to experience pleasure and pain seem to me necessary (even though they may be sufficient) conditions on moral considerability. And only our hedonistic and concentric forms of ethical reflection keep us from acknowledging this fact. Nothing short of the condition of being alive seems to me to be a plausible and nonarbitrary criterion” (310). Although radical, Goodpaster believes that a certain level of moral consideration should be extended to anything considered to be biologically and organically alive.

Goodpaster argues: “Yet it is clear that there is something to take into account, something that is not merely ‘potential sentience’ and which surely does qualify beings as beneficiaries and capable of harm – namely, life – that the hints provided seem to me to fall short of good reasons” (316). He goes on: “Biologically, it appears that sentience is an adaptive characteristic of living organisms that provides them with a better capacity to anticipate, and to avoid, threats to life. This at least suggests, though of course it does not prove, that the capacities to suffer and to enjoy are ancillary to something more important rather than tickets to considerability in their own right” (316).

Agar (1997) rebuts: “Unfortunately, there are serious doubts about the fitness of the concept of life to play such a major role in moral theory. Compare ‘life’ with ‘sentience’ or intentional notions more familiar to ethicists. We have the beginnings of plausible stories about why the possession of sentience or intentional states might make an organism morally significant; sentient beings can suffer or experience enjoyment and

intentional states allow the formation of projects that can be carried out or frustrated. “Life” does not seem to be similarly connected to normative concepts” (147).

Goodpaster (1978) realizes the extreme view he holds is not practical, and he blunts its impact by suggesting that the reality of being unable to comply with the ramifications of his theory relieves a person from its full implementation. It should be noted that many philosophers believe that humans have no ethical obligation to accomplish that which is beyond their means. “An agent may, for example, have an obligation to grant regulative considerability to all living things, but be able psychologically and in terms of his own nutrition to grant operative consideration to a much smaller class of things (though note that capacities in this regard differ among persons and change over time)” (313). He divides his theory into two parts, what should be done, but is not possible, and what should be done, and is possible.

Another way of expressing the notion of moral consideration is to suggest that all living things are worthy of such consideration. This concept is known as “biocentrism.” Biocentrism is addressed here because it plays a significant role in the environmental literature. As some philosophers interpret the biocentric value system, “The biocentrist attempts to derive robust ethical safeguards for the environment from the claim that merely being alive carries moral significance” (Agar 1997, 147). However, biocentrism does not typically take the exact form that Goodpaster articulated in his regulative considerability. Biocentrism is more often defined as a value system which claims that, simply, some living things other than humans are morally considerable. It should be

noted that some philosophers do consider biocentrism to be that all living things are morally considerable.

Like Goodpaster, Paul Taylor supports an expansion of moral considerability as follows: “Taylor concedes that the value of individual living things eludes our customary ways of viewing nature. He suggests that if we adopt a ‘biocentric outlook’ we will see that each individual organism is a ‘teleological’ (goal oriented) center of life...Taylor sees no argument for the increased importance of humans, whether it be by way of claims about sentience or rationality, or about any other property, that does not depend on some species-specific bias” (Agar 1997, 149).

However, both “Taylor and Goodpaster allow that we can sometimes kill both sentient and nonsentient beings when doing so is essential to the continuation of our own lives” (149).

This is different than the approach taken by Peter Singer, who draws a line in the biological continuum at approximately the level of the crustacean. According to Singer, animals less complex than a crustacean do not deserve considerability and those above this level do. He uses a similar method to determine the acceptability of abortion based on the number of days the fetus has existed.

Therefore, we have two possible definitions of biocentrism. One that suggests we should award moral considerability, but releases us from such a duty owing to the practical implications of survival, and the other that suggests we should award moral consideration based on a line of sentience (which would also allow for violating the rule

for survival). Of course both definitions expand the circle of consideration well beyond what a typical Western mind would allow.

Yet another way to award value is based not on the importance of the individual but on the importance of collections of individuals. “Ecocentrism” claims value for entire ecosystems. “An ecocentric ethic treats natural systems as intrinsically valuable and/or morally considerable. This ethic is holistic in that it bases moral concern primarily on features of natural systems rather than on the individuals in them” (Hettinger and Throop 1999, 4).

Harley Cahen (2003) broadens this somewhat in “Against the moral considerability of ecosystems” and notes that there are several ways in which the moral considerability of an entire ecosystem might be argued. First, we might “appeal to the intrinsic value of natural ecosystems...A second strategy relies on the interests of the individual creatures that are inevitably harmed when we disturb an ecosystem...a third possibility is a virtue based approach. Perhaps what offends...is that anyone who would damage an ecosystem for inadequate reasons falls short of our ‘ideals of human excellence.’” (114). In the end, he “contends that ecosystems cannot be morally considerable because they do not have interests” (114).

Hettinger and Throop (1999) review a common argument against ecocentrism that has emerged in recent years in their work “Refocusing ecocentrism: De-emphasizing stability and defending wildness.” First they note that “[t]he ecological theories on which traditional ecocentric ethics are based, theories we call collectively the ‘ecology of stability,’ were developed by Frederic Clements and Eugene Odum, among others. They

tended to view natural systems as integrated, stable wholes that are either at, or moving toward, mature equilibrium states...[t]his conception of natural systems provides a powerful and seemingly objective basis for determining when ecosystems have been damaged or their value diminished. Integrity, stability, and balance are properties that have widespread and powerful normative appeal. In an ecocentric ethic that emphasizes these properties, our duties to natural systems seem to arise from the nature of ecosystems themselves, rather than from human preferences concerning natural systems” (5).

Recently, this view has been challenged by those who want to claim that ecosystems are in fact not stable but rather are a mixture of individuals who are often violent and unpredictable.

Callicott counters this argument. He “points out that, like biotic communities, human communities are neither stable nor typological – that is, they change over time and do not come and go as units. Human communities are also composed of individualistic, self-promoting, and competitive individuals. Callicott concludes that biotic communities are no less integrated and no harder to demarcate than are human communities, and thus that if human communities are sufficiently coherent to generate obligations to them, then so are biotic communities” (Hettinger and Throop 1999, 9).

Indigenous people see greater value in nature than do most Western cultures. When indigenous people think about land, their thoughts are likely aligned with wild, untamed land. They may inhabit a portion of this land, but the land which holds spiritual value is more often than not, wild land. As has been said earlier, indigenous groups and

mining companies are different. They are different in a variety of ways, they have different thoughts and expectations, and they see the world through a different lens. This difference applies to thoughts about wild land. This notion should be explored further with a look at wilderness thought and its relationship to both the indigenous and Western mind.

Do diverse views on wilderness amplify indigenous-mining conflict?

Henry David Thoreau famously said “In wildness lies the preservation of the world” (Oelschlaeger 1991, 2). “[W]ilderness as it appears in the Wilderness Act of 1964” is defined as ‘[a] wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain’” (Chapman 2006, 466).

The impact of mining activity violates wilderness areas. While some mining takes place in populated non-wilderness zones, these projects are unlikely to have an indigenous element, and the mining firm will be more concerned with city officials, residents, and community groups. More often than not, when an indigenous element is involved, the project is located in or near wilderness. Further, when indigenous people speak of the protection of their land, they are, at least in part, concerned about wild areas. Thus, a proper accounting of views relative to wilderness is justified when examining indigenous-mining conflict.

From the perspective of indigenous groups faced with the prospect of a mining project, the greatest insults to their lifestyles often involve damage or alteration to the

natural world they inhabit. From the perspective of mining groups, their work takes place in the natural world, and many times the mining activity is the first human disturbance below the surface of a particular region. Mines must be located based on the location of mineral deposits whose geology was determined long before man inhabited the earth. This means that mining often takes place in remote, wilderness areas. In sum, mining and wilderness cannot be separated.

When indigenous groups and mining entities come face to face in the wilderness, each party brings its views, beliefs, and values about the natural world and each of these has a significant impact on the nature and development of the indigenous-mining relationship. Wilderness views are more complex than might be anticipated, as they are bound to the history of humankind's inhabitation of the earth and continue to evolve in the modern world.

Callicott (2008) provides insight into the populous use of the word "wilderness." "For a long time, I assumed that wilderness was such a common name, a word with a simple, unambiguous relationship to a natural referent. But I don't think so any longer. For one thing, few languages have an equivalent word. Actually, wilderness is more analogous to lady, chick, babe, broad, or battle axe than to woman. It puts a spin on a natural object—a townless, roadless region consisting of forest, mountain, lake, and river; or desert, canyon, butte, and arroyo. It colors that region and makes it available for some uses and precludes others. Historically, the way wilderness colors a region of the world diametrically changed, then diverged into two clashing hues, and is presently undergoing yet another transformation in the midst of the sixth great extinction and the rise of the

flux-of-nature paradigm in postmodern ecology. Furthermore, the term is currently hotly contested” (235).

Wilderness thought has changed over time and according to many scholars, modern humanity might be surprised to learn that in the distant past human ancestors, not being aware of any alternative, may not have looked upon the natural world as alien and threatening. More likely than not, according to Oelschlaeger (1991), early humans did not distinguish between wilderness and the simple idea of home. That has changed. “[E]xperience of the wilderness as an ‘other’ is necessary to any grounded understanding of human beingness and articulation of individual identity. We can be what we are capable of being only if we also have some sense of what we are not” (9).

Modern thinking about wilderness continues to evolve, and is quite different now than it was for most of human existence. Further, when considering the length of time humans have dwelled on the planet, modern views on wilderness are quite recent developments. The intuitionist notion that early existence was brutish, and that human ancestors spent their days in want of the comfort of civilization may be unfounded. “From a modern perspective, a binary opposition, which can be neither critically nor empirically sustained, appears between archaic and modern culture and underlies the claim that so-called primitive people wanted to gain control over land and animals, and nature more generally. Most if not all evidence contradicts such a reading, and indicates that Paleolithic people lacked a concept either of wilderness to escape or a civilization to seek” (16). In fact, when settlers arrived in North America there is scant evidence that

the native populations were attempting to mold the land to fit their needs as opposed to thousands of years molding themselves to fit the land.

Many thinkers believe that the modern human species, *Homo sapiens*, has remained much as it is for a very long time, and apart from the lifestyle provided by modern conveniences, Paleolithic man would likely be indistinguishable from the modern version in either physical or mental capacity. “The assumption that Paleolithic people were mere children in comparison to us, a later, adult phase of humanity, is dubious. So is the belief that the modern mind is the culmination of human intellectuality. Indeed, given the grim realities of twentieth-century history, there is reason to think that we can learn much about how to live our lives from the study of prehistoric people and culture” (16).

“Clearly, the mythology of the Great Hunt and Totemism are not stupid responses to the world but mirror the same level of intelligence-albeit one directed to an unmistakably different view of the world-as modern science. The modernist thinks of prehistoric humans as believing in myth, as identifying with totemic animals and plants, and as practicing magic, and therefore as being unscientific, superstitious ignoramuses or morons. Such a conclusion simply cannot be defended, since we have no evidence that our ancestors were ‘prelogical.’ Different? Yes, clearly the content of their belief systems was unlike our own” (15).

Interestingly, there had to be a time in history when humans began to think of wilderness as separate from their own existence, as opposed to simply believing

themselves to be a part of the natural world (one of many). Many scholars believe that time coincided with the birth of agriculture.

It is tempting to think of the dawn of agriculture as a time when man emerged from the wilderness and became a separate and distinct model of human. But as Oelschlaeger notes, “the agricultural revolution cannot be viewed simply as the glorious Rise of Civilization. Those human beings who preceded it made enormous contributions, including the development of language” (61).

According to some scholars, “[t]he transition from a hunting-foraging way of life to agri-culture has often been associated with or identified as the so-called Fall. In leaving the Paleolithic world for the Neolithic, humankind likely encountered a host of woes and travails unknown in its collective experience, not the least of which was work itself” (31).

Paleolithic describes “the cultures of the late Pliocene and the Pleistocene epochs, or early phase of the Stone Age, which appeared first in Africa and are marked by the steady development of stone tools and later antler and bone artifacts, engravings on bone and stone, sculpted figures, and paintings and engravings on the walls of caves and rock-shelters: usually divided into three periods (Lower Paleolithic, c2,000,000–c200,000 b.c., Middle Paleolithic, c150,000–c40,000 b.c., Upper Paleolithic, c40,000–c10,000 b.c.)” (Dictionary.com 2009). The Paleolithic is also referred to as the Old Stone Age, as differentiated from the New Stone Age, or Neolithic. “[G]eneral statements of what life was like should be cautious” (Roberts 1993, 18).

Indigenous societies are often thought to have roots in and similarities with Paleolithic culture. In way of example, “Totemism, the identification of a hunting-gathering clan with a species of plant or animal, supports the conjecture that Paleolithic people believed themselves to be one with nature” (Oelschlaeger 1991, 12).

“Tribal peoples have traditionally been understood by Westerners as the last remnants of a hypothetical earlier stage of cultural evolution, and this so-called ‘primitive stage’ of human development is a necessary preamble to any discussion of human beings and the meaning of their lives. Indeed, the stereotype of primitive peoples anchors the whole edifice of western social thought. We need the primitive so that we can distinguish Western civilization from it and congratulate ourselves on the progress that we have made” (Deloria 2004, 3).

“The Paleolithic mind likely envisaged nature as alive and responsive, nurturing humankind much as a mother nourishes her baby at her breast. Modern aborigines, such as the Lakota Sioux, still believe this” (Oelschlaeger 1991, 16). In other words, wilderness was a partner, a source of life, something to respect and cherish. Wilderness was not something to be feared or used simply as a resource.

Nonetheless, the Paleolithic did give way to what was to come for most of the world, although not for all of it. “Even very recently, the Stone Age was still going on in some parts of the world, though only just. There are still a few people alive who live with tools not much better than those of prehistoric men, though their numbers are rapidly shrinking” (Roberts 1993, 18). So-called modern, rational thought and the dawning of civilization was close at hand.

Following the Paleolithic, early civilizations advanced at different rates and with varying degrees of success throughout the world. “The first civilizations...were the outcome of particular mixes of human skills and natural facts which came together and in each case made possible a new order of life based on the exploitation of nature” (36).

It is fair to say that as civilizations began to emerge, so did conflicts in the human mind that would last until modern day. Humans remained closely tied to the land, but were also discovering what could be accomplished by applying energy to the modification of their environment. “It is not easy to see much that the first civilizations had in common except their complete dependence on local agriculture, their achievement of writing, and their organization of society on a new scale in cities. Even if their technology was advanced by comparison with that of their uncivilized predecessors, they still all worked with little beyond muscle power, animal and human, to carry out their material purposes, and their shape and development were still determined very much by their setting. Yet they had begun to nibble at the restraints of geography and had a growing ability to exploit and overcome them” (38).

According to a growing number of scholars the medieval period is often undervalued when discussing the rise of civilization, being framed as a time of wondering superstition awaiting the enlightenment to come. If the Paleolithic represented a one-ness with nature that modern Western thought all but eliminated, then medieval times played a significant role in the genesis of this transition. “Although periodization in history has only the value of convenience, if we are to speak of a medieval period of philosophy, it is reasonable to define it in terms of its highest point, and that is certainly the 13th century

synthesis of thought achieved by Saint Thomas Aquinas. Taking this as our anchor we would then reach back through the centuries to find the preparatory work holding the center of philosophical attention. Between those two periods we shall find our material for medieval philosophy” (Reese 1999, 467).

“The popular caricature locates the origins of modern science in the natural philosophies of ancient Greece and the rediscovery of their spirit during the Renaissance and Enlightenment. It passes decorously over the intervening period, deemed to be a hotbed of superstition. In fact, the notion of a Universe governed by laws accessible to human reason - the precondition for science - emerged in Western Europe largely during the twelfth century, several hundred years earlier than we have come to imagine” (Ball 2008, 816).

Manussos Marangudakis (2001), in “The medieval roots of our ecological crisis,” examined how medieval developments impacted views on nature. He claimed materialism emerged in the medieval age. He claims “Rationalism and utilitarianism were appropriated by medieval political and economic elites to produce a radical anthropocentric and materialist” (243).

Two thinkers had a monumental influence on Western thought from the medieval ages; St. Augustine of Hippo and Saint Thomas Aquinas. “[T]he two Fathers of the Latin Church suggested an ideological justification of the use of the environment without moral implications” (Marangudakis 2001, 253).

Relative to nature, Augustine “believed that the order of nature provided evidence of ‘traces’ of God” (Reese 1999, 51), and he took a marked anthropocentric view of the

natural world. “For the first time in history, nature was defined in purely utilitarian terms. Thus, interpreting the sixth commandment ‘Thou shalt not kill,’ Augustine argued that it does not refer to the killing of animals, since the natural world was created exclusively to serve human desires” (Marangudakis 2001, 252).

Western theologians, such as Aquinas, “advanced even further the amorality of the natural world. For example, Thomas Aquinas argued that since it is only the reasoning part of the soul that survives the body after death, animals are neither rational, nor immortal” (252). Also, “[s]ince the deification of natural objects, animals, trees, and rocks, were at the center of pagan beliefs, the Dominican Order, primarily responsible for the Holy Inquisition operations, identified its enemies by investigating naturalist beliefs and symbols” (253).

The views derived from these two scholars are understandable. “[T]he Bible...was abysmally vague in matters of defining our relationship with nature. Biblical teachings on the treatment of the environment were ambivalent at best, and Jesus remained silent on the topic” (251).

“The basic features of modern materialism, rationalism, and utilitarianism had already been established in the West long before Descartes, Kepler, and Newton” (255). And “the ‘deep structure’ of these enlightened principles derived straight from Augustinian and Thomist theology. The priority of the individual over the community; the rational investigation of nature to discover the hidden truth; and the rationality of political life to match the natural disposition of humanity” (258).

Before the medieval period, a great philosophical movement had already transpired and been forgotten, re-emerging later in the Renaissance. In fact, relative to the study of philosophy and ethics, there is no more significant time than the period of Greek philosophy.

The period of Greek philosophy is typically described as running from around 600 B.C. to 600 A.D. If the works of Greek philosophy had not been re-introduced to Western culture, they might have fallen waste to history, but instead the rediscovery of Greek philosophy is widely held to be the keystone of Western civilization. Traditional scholarship holds that Greek rationalism re-emerged during the Renaissance and the Enlightenment, but as indicated previously, rational and scientific thought may very well have been under way in medieval times. Regardless, none of this negates the tremendous influence of Greek philosophy on the Western world.

Views on wilderness were but one aspect of human thought influenced by the Greeks, and there were a number of significant thinkers. This examination is limited to the contributions of Socrates, Plato, and Aristotle toward Western views of wilderness.

“The Greek notion of *phusis*, usually translated as nature (from the Latin *natura*), has been decisive both for the early history of philosophy and for its subsequent development...In fact, it is often said that the Greeks discovered nature...[F]or the first philosophers or pre-Socratics as we conventionally call them, the word *phusis* in this context means the origin and growth of the universe as a totality” (Naddaf 2005, 1).

Socrates, an Athenian, lived from 470 to 400 B.C. At the end of his life he was executed by his fellow citizens. The early writings of Plato are thought to be based on his

thinking. All philosophers who came before him are termed pre-Socratics, an obvious testament to his influence and to the paradigm shift which took place as a result of his work. His habit of posing questions to fellow Athenians as a method of investigation and learning became known as the Socratic Method. He used the Socratic Method to determine that he was the wisest man in all of Athens, as he knew he knew nothing, whereas his fellow citizens believed themselves to hold vast knowledge (Reese 1999).

It is widely held that Socrates forced an anthropocentric turn in Western thought, and this new human-centered outlook has progressed, largely unchecked, ever since. “[I]n distinction from the pre-Socratics, Socrates was a philosopher not of nature but of humankind, and in this way he gave all later Western thought a homocentric cast. “For man,” he argued eloquently in perhaps the most famous speech from *The Apology*, “the unexamined life is not worth living.” In this alone there is nothing radical or unprecedented. What is revolutionary is the Socratic conception of the good life as essentially a reflective attending to and nurturing of the soul... The effect is to turn attention inward, from nature as a connected order of being with which humankind is intrinsically bound toward human beingness as distinct from the nonhuman other - a turning from myth to self-conscious reason” (Oelschlaeger 1991, 57).

A student of Socrates, Plato lived from 428 to 348 B.C., and was born into a wealthy family. He founded the Academy after an apparent period as a slave. Plato has been charged by many scholars as anti-environment in “preventing the development of an ecological perspective and the appreciation of natural beauty, given that...the world of sensory experience does not really exist; developing a conception on reality (according to

which the natural world is an illusion) made the idea of natural preservation conceptually difficult, if not impossible, thus promoting a philosophical attitude of indifference and a theory that permitted him to accept and ignore environmental change as inconsequential; causing there to be scant basis within the ancient Greek...tradition for belief in the intrinsic (on non-instrumental) value of nature” (Carone 1998, 115-116).

Aristotle (384-322 B.C.) was a student of Plato, a tutor to Alexander, and the founder of the Lyceum in Athens. Toward the end of his life, he voluntarily went into exile, and famously said “less Athens sin twice against philosophy” (Reese 1999, 37), which was a reference to the execution of Socrates. “Aristotle was the first philosopher to have a fairly clear grasp of the many facets implicit in the production of knowledge” (37).

“Aristotle’s teleology required that the lower forms exist for the sake of the higher forms” (Callicott 1989, 184). Although disputed by some, it is normally accepted that Aristotle continued the anthropocentric march of humanity. He “wanted to gain rational knowledge and thereby control over nature, rather than to maintain harmony with it. Totemism...and the mythology of the Great Hunt were for Paleolithic people effective although unconscious...modes of consciousness for relating culture and nature. In distinction, the Greek mind-arising in the context of agriculture - views culture as an achievement that separates the human enterprise from the rest of nature” (Oelschlaeger 1991, 59).

“Aristotle’s taxonomical hierarchy (in isolation from evolution and ecological theory) resulted in a view of living nature which was, if that is possible, more

ecologically blind than Plato's. Relations among things again are, in Aristotle's biological theory, accidental and inessential. A thing's essence is determined by its logical relations within the taxonomical schema rather than, as in ecological theory, by its working relations with other things in its environment - its trophic niche, its thermal and chemical requirements, and so on" (Callicott 1989, 183).

Some scholars argue against this condemnation of Aristotle, and claim that he did have respect for the natural world. "The secret to understanding Aristotle...is to see him as a thoroughgoing naturalist. Elemental entities have natural places and movements; objects of knowledge are apprehended through bodily senses and not just the mind; there is frequent recourse to biological models or analogies; and even the soul (psyche) is naturalized. Such approaches tend to make Aristotle's work amenable to ecological thought and deliberation" (Macauley 2006, 188).

These views are not literal and tend to put words in the mouth of Aristotle. Actually, it may have been that the ancient Greeks would have respected nature if they had initiated a project to consider it, but the fact of the matter is they did not. As John Rist (1997) puts it, "We may identify a paradoxical situation: ancient thinkers evince little overt concern for the environment, while normally possessing a mental universe in which they have the resources for justifying such concern, while we moderns often exhibit concern for the environment but have few theoretical resources on which such concern can be grounded" (23).

Greek thought fermented for centuries before having its impact on the Western mind. When it arrived, its significance was paramount and led to the naming of a new era in human existence, the Renaissance.

The development of the modern mind was materializing, and the Paleolithic mind was fading into the past. “Modernism consists of several component historical processes, which intertwine and interrelate in typical messy fashion. Among these currents of change are the Renaissance, the Reformation, the Enlightenment, and the democratic, industrial and scientific revolutions” (Oelschlaeger 1991, 69).

The Renaissance, meaning re-birth, refers to a period in Western Europe running from the 14th to the 16th centuries. The re-birth in question was that of a revival of Greek and Roman knowledge. “The Renaissance started in the fourteenth century in the cities of northern Italy, where scholars and a social elite became more interested in the literature and ideas of ancient Greece and Rome” (Sherman 1991, 3).

The period was framed by the Humanism movement, which refers to the ability of human beings to determine truth through rational thought and a rejection of the superstition of preceding times. Relative to religion, the time period was marked by a rising dissatisfaction with the established powers, and this murmuring would eventually lead to the Protestant Reformation.

“As interest in Classical civilization grew, so did a tendency to reject many practices of medieval civilization. While remaining deeply religious, people of the Renaissance concerned themselves more with the secular, physical world than medieval people did” (3). The more powerful people saw themselves, the less powerful was

nature. The Paleolithic world view was a distant phenomenon, and the actual world view held by Paleolithic man, that of one-with-nature, was replaced by the notion that ancient humans were backward and uncivilized.

In sum, “Renaissance humanism...certainly conveyed something quite different, i.e., that man did not merely have the right to use created substances but that man had a Godlike dominion over the material world” (Lea 1993, 54). Humanism sparked individuality, authority was questioned, and there was no greater earthly authority at the time than the Catholic Church.

The Protestant Reformation signaled rebellion against ideas of the dominating Catholic church in the 16th century. “The Roman Catholic Church managed to hold together throughout the Middle Ages despite internal discord, heretical movements, and conflicts with secular authorities. In the sixteenth century the Protestant Reformation split it apart. The Reformation was initiated in 1517 by Martin Luther’s challenges to official church doctrine and papal authority” (Sherman 1991, 24).

“The Reformation did not change the idea of wilderness per se. What had changed, however subtly, was perspective: humankind increasingly looked at the world through economic rather than religious spectacles. Wealth was viewed as virtue, not vice. Wholesale exploitation of the naturally given ensued, for the Protestant goal was to capitalize on nature as rapidly and prosperously as possible” (Oelschlaeger 1991, 75).

The Renaissance and The Reformation had monumental impacts on the human-wilderness relationship. Prior to the notions generated in these periods, the Paleolithic world view was conceivable. Afterwards, it was difficult to envision a route back.

These movements alone do not explain the resultant modern mind-set. There was another wave of influence moving simultaneously to encompass the world, the Scientific Revolution, and the players who defined this progression need to be mentioned.

The Scientific Revolution is accepted to be the period roughly from 1500 to 1700. “Perhaps no aspect of Modernism has had a greater effect on the idea of wilderness than science” (76), and “[o]ne of the most important steps forward from medieval science was the invention of intellectual enquiry by systematic experiment” (Roberts 1993, 308). The emergence of science, and the scientific method, is best considered through actors who embraced and personified this period through discovery and invention.

“To single out any three or four figures as essential to the scientific revolution is a simplification and partial falsification. However, Galileo’s new science, Bacon’s new logic, Descartes’ mechanistic reductionism, and Newton’s physics are central to our study” (Oelschlaeger 1991, 76). These four scientists/philosophers changed the world by exemplifying what is possible through rational thought. Few would argue that their contributions to society have not been staggering, but what has been lost? “Nature is now believed to be the object of scientific study, and nothing remains in it of anything that is identifiable wilderness. The nature of the ancient world-of colors, sights, and sounds, of touch and smell-has been replaced by a world devoid of secondary qualities-that is, characteristics associated with the primary sensory modalities. Similarly, the idea of nature as animate and living, where species seek to realize their natural ends, has been displaced by the idea of a cold and lifeless mechanical nature” (77).

Galileo Galilei (1564-1642) published *A Dialogue on the Two Great Systems of the World*, which led to an uproar in traditional thought. Simply put, he suggested that the Earth travels around the sun, opposing the widely held view that the Earth (and thus man) was placed at the center of the universe.

“Francis Bacon (1561-1626) was the epitome of the new renaissance person. He had an answer to the respective roles of biblically inspired faith and scientifically grounded reason: science was to restore what sin had put asunder. Bacon figuratively wore three hats - scientist, philosopher and politician - and was thus uniquely positioned to see the human parade. And he lived in an age of optimism; the English Renaissance was in full swing. Humankind was increasingly full of itself, the smell of the Enlightenment belief in progress was in the air, and awareness of the possibility and actuality of controlling nature was growing rapidly” (80).

According to Oelschlaeger and others Bacon promoted a radical anthropocentrism. He professed “that human beings were potentially master of all things, including their destiny. He viewed prescientific people as barbarians who lived in a godforsaken wilderness without the benefits of civilization” (81). Here we see not only the complete disassociation from the Paleolithic mindset, but also a reframing of what that mindset was.

Many have attacked Bacon for what he initiated. For example, feminists such as Sandra Harding, Evelyn Fox Keller and Carolyn Merchant have “set out to discredit Bacon, and the Scientific Revolution to which he contributed, by alleging that he had advocated “the rape and torture” of nature” (Vickers 2008, 117). Others, such as Vickers,

have defended him. Vickers (2008), in “Francis Bacon, feminist historiography, and the dominion of nature,” responds with “[h]is legacy remains an aspiring tribute to the power of the human intellect,” and states that his views “had none of the destructive connotations ascribed to it” by the feminists (141).

It may be said that this brilliant man simply over-reached in the total redirection of thought he cultivated. “Bacon’s vision, though radical, has proven to be both accurate and problematic. The insight that knowledge is power, that science gives humankind an unprecedented ability to intervene in the naturally given, is irrefragable. But Bacon’s dream of the mundus alter, a second world where poverty and sickness is vanquished and where humankind enjoys dominion over nature, has not come to pass” (Oelschlaeger 1991, 83).

When examining the impact of Bacon on wilderness, the larger point is not whether he was right or wrong, but what the notions he promoted did to change man’s perspective. He did suggest that humans were not part of nature, but separate from it.

“One interpretation of Bacon’s philosophy is that virtually any technological transformation of the wilderness is an improvement, an almost automatic enhancement of civilized life” (83).

Western views of wilderness, and the separation of humans from nature, owe more to Rene Descartes (1596-1650) than to any other person. To Descartes, “nature is separate and apart, to be transformed and controlled at will” (Godfrey-Smith 1979, 315). He “proposed the metaphysical schematism - that is, the absolute presuppositions that

mind...and matter...are distinct, and that the natural world is a machine - that undergirds the modernist idea of nature” (Oelschlaeger 1991, 86).

He awarded no intrinsic value to nature, and “above all else, Descartes’ most important effect on the idea of wilderness was the view that animals were no more than machines” (87). “An unfortunate consequence...has been a persistent fear among some thinkers that the rejection of Cartesian metaphysics may lead to the reinstatement of occult and mystical views of nature” (Godfrey-Smith 1979, 315); an issue that has plagued the relationship of indigenous groups with Western society.

Finally, Isaac Newton (1642-1727), born in the year of Galileo’s death, was most famous for the discovery of gravity, and the publication of *Principia Mathematica*. “Newton ...might be understood as marking a clear transition in Western civilization from the Middle Ages to modernity, for he brought that great wave of intellectual ferment now known as the scientific revolution to theoretical culmination” (Oelschlaeger 1991, 89). The world would not be the same after Newton. “[I]t was one of Newton’s greatest achievements to supply a quantitative model of the regular motion of the putative material particles. These famous ‘laws of motion’ made it possible to represent phenomena not only materially, but also mechanically” (Callicott 1989, 180).

“The intellectual elegance and predictive power of the Newtonian natural philosophy resulted...in it becoming virtually institutionalized in the nascent European scientific community. Its actual and potential application to practical matters, to problems of engineering and tinkering, also made it a popular, working picture of nature, gladly and roundly embraced by all Europeans participating in enlightenment” (181).

“That is why it is fair to say that the scientific advances of the sixteenth and seventeenth centuries really did amount to a revolution in thought. After it, educated men gradually came to cease to be satisfied with gazing at nature’s wonders with bemused awe” (Roberts 1993, 310). However, the grandest period of shifting perspective was yet to come, the Enlightenment.

The 18th century Enlightenment project attempted to conquer such notions and social circumstances as ignorance, superstition and tyranny. It was a new way of thinking and conceiving of the world. It was reasoning. Science had made great leaps with discoveries as basic as gravity, and concepts thought obvious today, such as scientific method were derived. The notions of social status and the divinity of kings were re-thought and replaced with the individual. In general, the rising belief in liberalism empowered people to challenge previous concepts.

The Enlightenment had a great impact on ethics, and Kant, Bentham and Mill were important players. Other philosophers such as Locke and Hume also played significant roles. Both utilitarianism and deontology are products of the Enlightenment. Utilitarianism especially was considered radical thought at the time. MacIntyre (1984) states that “on moral questions in general, the Enlightenment critique of society is simply that men behave irrationally; and the recipe for social improvements is that hence forward men should behave rationally” (183). In other words, people began to question long-held assumptions about the world, although answers were still being worked out.

Utilitarianism and deontology should be understood as arising from this new individualism. Even though its goal was to maximize pleasure for all of society, utilitarianism was based on individual pleasures and the fact that all should count as one.

“Enlightenment understood radical anthropocentrism and natural laws to be obviously true. Thus we arrive at a paradox: in the name of liberating humans from metaphysical bonds, the Enlightenment chained human existence in natural and physical bonds” (Marangudakis 2001, 260).

“Of all Enlightenment thinkers, Adam Smith (1723-90) most successfully recognized and blended the diverse elements of Modernism into a comprehensive cultural paradigm, epitomized by his monumental work, *The Wealth of Nations*” (Oelschlaeger 1991, 91). Smith articulated the virtues of the free market driven by an “invisible hand.”

The notion of an all-knowing and fair-acting market, combined with new respect for individuality, gave license to dominate nature. “Through economic alchemy, wild nature - the streams and forests, the plants and animals, the land itself - was transformed into material resource-matter-in-motion, a means to some other end. *The Wealth of Nations* represents the realization of Merlin’s dream: the base and valueless could now, with the facility of natural science and industrial technology, be transformed into a Heaven on earth” (94).

The Enlightenment project was the final great paradigm shift that led to modernistic thinking, and its fundamental tenets are rarely challenged, especially in common thought in the modern day west. Little has changed relative to populous

wilderness views held by the predominance of those in contemporary society from these initial foundations described above.

What about Judeo-Christian thought?

Interwoven in the progression of modernism as formulated above is the development of the Judeo-Christian ethic, and few paradigms in world history have had a greater impact on wilderness views. David Lea (1993), in “The environmental implications of post Renaissance Christianity,” argues that Christianity evolved profoundly after the Renaissance and the Reformation and with attendant intellectual changes encouraged an exploitative attitude towards the natural environment. Lea attempts to “demonstrate how post Renaissance Christianity gave moral impetus to the emergence of new attitudes towards “property” and a new understanding of man's proprietary relation with the created order” (50).

Relative to indigenous community rights, Lea states “[t]his new moral and religious posture, typical of the modern European man in his colonizing activities, was felt profoundly by other cultures that became subject to these activities. The difference in attitudes towards nature and human ‘property’ was manifestly evident during the expansion of Western European dominance over the territories inhabited by indigenous and less technologically advanced peoples” (50-51).

As described by Smith (2004), “Native people had diverse reactions to the conversion process of the Europeans. Not surprisingly, some people, in fact whole tribes, eventually adopted the ways of Christianity. Other tribal peoples chose to seek a balance between Christianity and their traditional religion. For others, the suppression of their

religions forced them to turn to new forms of worship which were neither their tribal traditional practices nor Christian” (120).

Consider the significance in which Oelschlaeger describes the dawning of religious thought relative to the environment. “What was radical in both Hebrew and early Christian thought was its profound anthropocentrism and its abandonment of a cyclical for a linear conception of time...Judeo-Christianity in combination introduced an unprecedented direction to human intercourse with the earth, for nature was conceived as valueless until humanized” (Oelschlaeger 1991, 33).

Lynn White Jr. published a famous paper in 1967 which “suggested that the historic root of the current ecological crisis originates in the Book of Genesis. Genesis states God gave control and mastery of earth to humans...Let us make man in our image, in our likeness, and let them rule over the fish of the sea and the birds of the air, over the livestock, over all the earth, and over all creatures that move along the ground” (Marangudakis 2001, 243). White’s pronouncement on the state of the environment, with its predominant disregard for the intrinsic value of nature, ignited a debate in the philosophical literature that continues today.

For instance, “John Passmore...has argued that the exploitive attitudes of the West originate less in biblical sources than in Greek thought” (Harrison 2006, 17). Origin aside, few would argue that mainstream Judeo-Christian religion has not adopted an anthropocentric view. “[I]t is fairly clear that the biblical imperative ‘have dominion’ did in fact play a significant role in promoting an active and manipulative engagement

with the natural world, particularly during the seventeenth century” (18). The modern wilderness view was fully formed.

Finally, Oelschlaeger (1991) summarizes the development of wilderness views in Western thought, as follows, “The separation of humankind from nature’s embrace began long ago with the Neolithic turn and the advent of civilization in Sumeria and Egypt. The Pre-Socratics intensified the separation by making nature an object of intellectual study; the paragons of Athens reanimated the natural world, conceiving of nature as organic and self-moving, yet they divorced the essence of our humanity (psyche) from nature. Judeo-Christianity both desacralized nature - since only God was divine - and raised humans above it, thinking the world God’s gift to his most favored creation: man. The scientific and industrial revolutions were the ultimate realization of the alchemist’s dream; through science the biological and physical world was conceptualized as a machine that could be understood simply as so many atoms of matter-in-motion” (96).

Today however there are indications that some in the world are seeking something different, different than strict modernism, but different than Paleolithic as well. There are glimmers within academics and the sciences that point to the seeds of new paradigms. Callicott (1989) notes that “It may prove to be true that in its own fashion Western science, particularly ecology and the life sciences, but also physics and cosmology, is contributing to the development of a new Western world view remarkably similar in some ways (but only in some) to that more or less common to American Indian cultures. Science in the twentieth century has retreated from its traditional mechanistic and materialistic biases; indeed, twentieth-century science has been, in just this respect,

“revolutionary”. Popular Western culture still lags behind. Europeans and Euro-Americans remain, for the most part, nominally Christian and unregrettably materialistic and mechanistic, but the new biocentric and organic world view...has already begun to emerge. And there is, further, every reason to expect that eventually it will fully flower in the form of a wholly new popular culture. Present interest in environmental pollution, endangered species, popularized ecology, and American Indian environmental attitudes and values are all harbingers of this emerging consciousness" (182).

Is there a perspective outside of modernism?

“Modernism, though it ruled the world, did not suppress a minority report” (Oelschlaeger 1991, 96). There have been numerous challenges to modernism, none of which have served to halt its continued progression, especially as it relates to the wilderness viewpoint. However, these movements and thinkers have had an impact on perspectives, policy and moral consideration.

One of the first voices to oppose the modernistic movement, and thus see it in the light of its power to shift paradigms, was Benedict Spinoza (1632-1637). Oelschlaeger (1991) states, “[t]he foremost philosophical critic of Modernism was Benedict Spinoza. From the Cartesian-Newtonian perspective knowledge was power, the ability to dominate the natural world. For Spinoza knowledge was enlightenment, and understanding of the true relations between human beings and nature. Spinoza argued that since humankind was bound with the order of nature, human happiness depended on recognizing this relation” (122). Spinoza accepted the importance of knowledge, but rejected its use to further an anthropocentric stance.

“While Spinoza severely criticizes the Judeo-Christian conception of God, he goes further than holding a religious idea responsible for the anthropocentric attitude. Instead, he seeks to explain why god came to be posited as a transcendent creator, separate from nature, and as the archetypical human being. He argues that this came about in order to justify the view that all natural phenomenon had been created for us....As a result of this belief, Spinoza argues that each person sought a different way of worshipping God, ‘so that God might love him more than his fellows, and direct the whole course of nature for the satisfaction of his blind cupidity and avarice’” (de Jonge, 104).

Although he lived prior to the movement, Spinoza was one of the first philosophers to use the tools embraced during the Enlightenment to promote a world view that found intrinsic value in the rest of the natural world.

Another great movement in opposition was driven by the Romantics. “Feeling instead of thinking. And concrete emotion rather than abstract conception, were the essence of the Romantic awareness of nature” (Oelschlaeger 1991, 99). The Romantic Movement was primarily an arts and literature movement in Europe in the late 17th and early 18th centuries that was in response to the Enlightenment. “Schlegel defined Romanticism as the spirit of subjectivity” (Reese 1999, 657).

“Roderick Nash believes that the Romantic idea of wilderness began, paradoxically, in the cities, where artists and gentlemen experienced nostalgic remembrances of other times and places when human life was bonded more closely to nature” (Oelschlaeger 1991, 110). Nash offers a useful summary of the Romantic idea of wilderness, arguing that in regard to nature Romantics preferred the wild. Rejecting the

meticulously ordered gardens at Versailles, so attractive to the Enlightenment mind, they turned to the unkempt forest” (110).

Arguably the greatest thinker of the Romantic era was Jean-Jacques Rousseau (1712-1778). “Rousseau’s concept of the natural man...was grounded in his observation of the social conditions in which most of humanity lived. The masses, though freed from the tyranny of the manor, now obeyed a new lord; the secular state, which protected, above all else, the rights of property. Human beings are born free, yet everywhere they are in chains, echo his famous words. Rousseau believed that the state, science, and other elements of culture, including property and law, had corrupted the human estate; the true path to happiness and well-being lay in finding the way back to a natural existence. This notion is often associated with that complex of ideas known as “primitivism,” essentially the thesis that culture and happiness are inversely related; thus the concept of the noble savage was engendered. In almost absolute contrast with Hobbes, Bacon, and Smith, Rousseau saw the savage life as a virtuous one” (110-111).

Rousseau believed Man went astray with the advent of agriculture and the concept of private property. Reinforcing this interpretation of Rousseau, Vanderheiden (2002) states “[f]or Rousseau, the origin of society - which coincides with the origin of private property - is the origin of inequality and the miseries that accompany it” (177). Therefore, Rousseau was a proponent of the virtues of the primitive lifestyles lived by Paleolithic humans. He saw the rise of Western individuality as problematic.

There were others who did not accept modernism. Henry David Thoreau (1817-1862) was a writer, naturalist and philosopher. His crowning achievement was the

publication of *Walden*, in which he described his communion with nature in New England near Walden Pond. According to Oelschlaeger, “[i]t is no exaggeration to say that today all thought of the wilderness flows in *Walden*’s wake” (Oelschlaeger 1991, 171).

“Thoreau’s idea of wilderness is rooted in a lifetime of primary experiences or firsthand meetings in nature. Not only did he live in the wilderness alongside Walden Pond for more than two years, but he ranged widely and frequently over New England and journeyed on occasion to Canada and Minnesota” (136). He was a walker, and he felt that walking through the wilderness could lead to a new understanding of his place in the world.

Thoreau did not advocate a strict anti-modern view. He simply believed there was something missing from the modern world that could be found through a closer relationship with nature. “Thoreau is not advocating scientific book burning but is seeking a kind of cognitive balance, an ‘Indian wisdom’ that restores organic qualities to a world of scientific quantities and regenerates human consciousness with the cognizable world...Thoreau’s goal...is to rekindle a primitive (savage, Paleolithic, archaic, or Indian) awareness” (130).

“He becomes a man of Indian wisdom, a person in-contact with wild nature, with the Great Mother. His genius is not that he turned his back on civilization - Thoreau is no hermit, no misanthrope - but that he informs the reality of organic process and the vital importance of understanding that humankind, too, is part of this larger, enframing realm -

life within nature. Thoreau is a natural classicist who argues that humankind is wild nature grown self-conscious” (171).

Another thinker of the Romantic age was John Muir (1838-1914). “Muir is the father of the American conservation (now preservation) movement; his influence is most visibly manifest in the activities of the Sierra Club, direct contributions to the creation of no fewer than six of America’s premier national parks, and the radical amateur tradition in conservation” (172). There is a temptation to claim Muir is simply anti-modern. “Muir was atavistic, a specimen as exotic as an aborigine walking the streets of New York City, a throwback to the Paleolithic mind” (178).

Muir was ecocentric. “Muir...recognized nature as a reality that enframed and transcended all being, including himself” (177). Whereas Thoreau was driven to find a relational place for humans and nature, Muir believed humans were simply another entity within nature, to be valued in equal fashion. “Reflecting on poison ivy he observed that ‘it is somewhat troublesome to most travelers, inflaming the skin and eyes, but blends harmoniously with its companion plants, and many a charming flower leans confidently upon it for protection and shade...Like most other things not apparently useful to man, it has few friends, and the blind question, ‘Why was it made?’ goes on and on with never a guess that first of all it might be made for itself” (196).

“Muir breaks with the Cartesian-Newtonian paradigm and advances a rival idea of nature-as-an-organism that in many ways resembles earlier ideas of nature that rose in critical response to Modernism. In striving to achieve an empathetic relation with nature,

and in viewing it as alive, Muir's idea of wilderness has a clear affinity with the Paleolithic mind" (174).

Another line of thinking which has been quite influential in defining various views toward the environment is Deep Ecology. Many scholars and others have pointed out a sharp similarity between American Indians and the thinking behind deep ecology. The ideas considered thus far are part of Western philosophy. It is not always appropriate to use Western philosophy to describe American Indian thought. Deep ecology, although tied to the West, is not a formal Western philosophical theory; it is more of a movement.

What is deep ecology?

Deep ecology, as conceived by Arne Naess in 1972 and described in 1973 in his original paper, "The shallow and the deep, long-range ecology movements," is characterized more as a political movement than a well-defined and articulated environmental philosophy. Naess' major work was *Ecology, Community and Lifestyle* (1973). Other philosophers known for their work in deep ecology include: George Sessions, Bill Devall, Alan Drengson, Richard Sylvan, Warwick Fox, Freya Mathews, Andrew McLaughlin, and David Rothenberg. "Naess, though a philosopher, has often stressed that he is more interested in deep ecology as a political and social movement than as a philosophy" (Katz, Light and Rothenberg 2000, ix).

"According to Naess, the aim of supporters of the deep ecology movement is not a slight reform of our present society, but a substantial reorientation of our whole civilization" (ix). Deep ecology calls on humanity to change its opinion of self in the world, not to lessen one's own value, but rather to elevate the value of animals, plants

and even non-living systems such as rivers and mountains which make-up ecosystems. A deep ecology implies action, calls for activism, rejects particular Western notions, and leads to policy reformulation. “Deep ecology is thus not simply a position in the discipline of environmental ethics, although it is often perceived to be. Deep ecology is not one of many different environmental ethical theories...It is a cosmology or world view, and that may be the source of its depth. The advocates of deep ecology claim that the most important task is to understand the world in the right way; given the correct understanding, the ethical choices will be obvious. Naess argues that environmental disagreements are largely the result of different perceptions of reality. The developers of a forest see the forest differently than those who wish to preserve it. The difference between the antagonists is one rather of ontology than ethics. To solve real-world environmental problems, then, requires not the development of a new ethical theory but a new world-view, a new philosophy of the relationship between humanity and nature” (xiv).

Deep ecology wants for the formation of a total view or world view where humans understand on an emotional and scientific basis their place in the world, and then act in accordance with this world view. “The total view, then, is essentially a normative description of reality, an understanding of the world that merges objective empirical observations (scientific description) and personal values. More specifically, a deep ecological total view would address the human relationship to the non-human natural world and connect this normative understanding directly to action; an individual’s total view should be the basis of all decisions regarding his or her life” (xi).

Individuality plays an important role in deep ecology. Naess believes that each person should develop their own philosophy based on the concepts of deep ecology. “Each individual must develop his or her own total view...Each individual total view, each personal ecosophy, begins with the individual’s basic values, which may be, and probably are, different from the values of other individuals working on their own ecophilosophical total views” (E. Katz 2000, 24).

Naess derived his own world view which he termed “Ecosophy-T.” Described by Katz, Ecosophy-T includes three fundamental elements: “1) identification with the nonhuman natural world, 2) the preeminent value of Self-realization, and 3) a relational holistic ontology.” Although these points align with much of normative deep ecology, Naess maintains that his world view in Ecosophy-T is simply an expression of his own journey of understanding himself in the world. Naess does not hold up his own derivation of deep ecology, Ecosophy-T, as the gold standard. He does however support such a standard in another form, the Platform.

“Naess and [George] Sessions derived the Platform of Deep Ecology, now the most widely known exposition of the central ideas of the deep ecology movement” (Katz, Light and Rothenberg 2000, x), in 1984. Naess does not consider the Platform to be the underpinnings of a defined ethical theory. Rather he wants individuals to accept the underlying principles found in the Platform and go on to develop their own ecosophies based on these principles. He is willing to accept a diversity of philosophies as long as the foundations of deep ecology (the Platform) are present. In the view of Naess, “those

who solidly reject one or more of these points should not be viewed as supporters of deep ecology” (Naess 2003, 264).

Elements which Naess has included in his project, then, are thought to be fundamental to a reform environmentalism, a meta-theoretical way of thinking which leaves open an abundance of individual expression in the formulation of philosophy and action, but which draws a line in the sand with regard to particular principles which cannot be excluded from a moral world view which seriously aims at the deep.

Naess was fully aware of the neat categories offered in environmental ethics, and rejected that stratification in the development of deep ecology. “Naess’ reflections on the need to overcome identification with the narrow ego, and to achieve identification with larger realities, might usefully be applied...If we do so, we might be more successful in avoiding our natural tendency to fall into what might be called ‘the arrogance of humans with –isms,’ a malady that has gravely afflicted participants in recent ecological disputes” (J. Clark 2000, 8).

“Deep ecology implies “that we must always look at ideas holistically, relating them to their larger context. It means patiently looking at the whole of any person’s thought, and noting the connections between all its aspects. It means recognizing that ideas are always in a process of development, and that this development has more than one possible path” (8).

The rubrics in The Platform are “meant to express important points which the great majority of supporters accept, implicitly or explicitly, at a high level of generality”

(Naess 2003, 264). The Platform, as originally posited by Naess and Sessions on a camping trip in 1984 is presented here (Katz, Light and Rothenberg 2000, x):

1. The flourishing of human and non-human life on Earth has intrinsic value. The value of non-human life forms is independent of the usefulness these may have for narrow human purposes.
2. Richness and diversity of life forms are values in themselves and contribute to the flourishing of human and non-human life on Earth.
3. Humans have no right to reduce this richness and diversity except to satisfy vital needs.
4. Present human interference with the non-human world is excessive, and the situation is rapidly worsening.
5. The flourishing of human life and cultures is compatible with a substantial decrease of the human population. The flourishing of non-human life requires such a decrease.
6. Significant change of life for the better requires change in policies. These affect basic economic, technological, and ideological structures.
7. The ideological change is mainly that of appreciating life quality (dwelling in situations of intrinsic value) rather than adhering to a high standard of living. There will be a profound awareness between the difference between big and great.
8. Those who subscribe to the foregoing points have an obligation directly or indirectly to participate in the attempt to implement the necessary changes.

Katz abbreviates the elements of the Platform as follows: “The platform calls for the respect and intrinsic valuation of all forms of life, an attitude of noninterference with natural processes and systems, a de-emphasis on the primary significance of human life and institutions, the restructuring of human society to be in harmony with natural processes, and a reexamination of the ends of human life, replacing the ceaseless pursuit of material abundance with a heightened quality of life experience” (xiii).

Barnhill and Gottlieb (2001) further describe the qualities of deep ecology as usually characterized by most of the following, “An emphasis on the intrinsic value of nature (biocentrism or ecocentrism); a tendency to value all things in nature equally (biocentric egalitarianism); a focus on wholes, e.g., ecosystems, species, or the earth

itself, rather than simply individual organisms (holism); an affirmation that humans are not separate from nature (there is no “ontological gap” between humans and the natural world); an emphasis on interrelationships; an identification of the self with the natural world; an intuitive and sensuous communion with the Earth; a spiritual orientation that sees nature as sacred; a tendency to look to other cultures (especially Asian and indigenous) as sources of insight; a humility toward nature, in regards to our place in the natural world, our knowledge of it, and our ability to manipulate nature in a responsible way (“nature knows best”); a stance of “letting nature be,” and a celebration of wilderness and hunter-gatherer societies” (6).

William Godfrey-Smith states, “deep ecology...has an unfortunate tendency to discuss everything at once” (Fox 2003, 252). For instance, no differentiation within biocentrism and ecocentrism, is offered.

“A significant amount of deep ecology literature deals with “Self-realization.” This concerns the expansion of the sense of “self” associated with traditional egotistical Western philosophical and political traditions, such as liberalism, to a sense of “Self” that extends beyond the bounds of the individual’s body to incorporate something larger than the individual, isolated human being” (Humphrey 2000, 85). So capitalized “Self” refers to a world view in which individuals are a part of their larger environment, as opposed to standing apart.

Perhaps the most important outcomes of this Self-realization, once obtained, are the subsequent actions one is compelled to take as a result of this world view. “[O]nce our potential deep ecologists get their understanding of Self right, they will commit

‘beautiful’ actions, [and] nonviolent acts of environmental protection” (Humphrey 2000, 99).

Many of the critics of deep ecology, including Plumwood, Sylvan and Salleh, have taken aim at this concept of Self-realization because they claim it has a foundation of liberal, individualistic, anthropocentric thinking. “[L]iberalism, despite the best intentions of its founding fathers, is implicated in material circumstances that are socially unjust and ecologically destructive” (Salleh 2000, 113). This liberal foundation, many believe, is inconsistent with a proper environmental view that takes seriously the value of the nonhuman world. “The choice these two frameworks offer us, of valuing nature either as Same or as Different, is ultimately an anthropocentric one, since to base value exclusively on either sameness with or difference from human implicitly construes the human as the center and pivot of value - either as the positive (same) or as the negative (different) source of value and recognition” (Plumwood 2000, 65).

But according to Katz: “in the deep ecological expansion of the self, it is not our consideration of moral value that is extended, it is our identification - our empathy, our commonality of interests - that is extended. We extend ourselves; we see ourselves more and more connected to the rest of the natural world” (E. Katz 2000, 28).

Or “as Andrew Brennan says: However much metaphysical nonsense may be thought to be involved in all this, there is certainly one good thing to be said for such a metaphysics. It does overcome the old problem of how to find value outside of the valuing subject. For by building in the subject’s environment, by breaking down the divide between the self and the other, we have a simple solution to the problem of value

in nature. Provided I am valuable, then so is my extended self, the natural world. A wrong to it is a wrong to me” (Humphrey 2000, 95).

Shallow ecology is in contrast to deep ecology. It is overly simplistic to suggest that shallow ecology is simply all views that are not deep ecology. Shallow ecology tends to align with more Westernized views of humans as supreme, and nature as resource. “A commitment to developing and living by a total view is perhaps, the essential characteristic of deep ecology as it is positively differentiated from a shallow...environmentalism. Shallow environmentalism is labeled shallow precisely because it does not seek to work out a total view. The limitation of the shallow movement is not due to a weak or unethical philosophy - since it is often based on systemic utilitarian thinking and extensive economic cost-benefit analysis - but due to a lack of explicit concern with ultimate aims, goals, and norms. Shallow environmentalism is characterized by decisions and policies that reflect merely partial understandings of reality and the human place in the natural world,” according to Katz, Light and Rothenberg (xii).

To adequately define shallow, its comparison to the notion of resourcism is useful. Resourcism is “[u]nquestionably the dominant idea of wilderness...the child of Western history, reflecting the intense homocentrism of Judeo-Christianity and the alchemy of Modernism” (Oelschlaeger 1991, 286). Oelschlaeger defines resourcism, and thus shallow ecology, as containing the following elements: 1) natural systems are no more than collections of parts; 2) Homo sapiens is related externally to the ecomachine; 3) the ecomachine can be engineered to produce desired outcomes and prevent undesired

consequences; 3) the market objectively determines the worth and value of all things, cultural and natural; 4) the national and per capita income accounts are the ideal measure of societal well-being; 5) progress can be determined according to the utilitarian formula of the greatest good for the greatest number (287).

The notions in human time which have contributed to thoughts on nature and wilderness are complex and intermingled. These ideas also have played a monumental role in indigenous-mining conflict. However, mines do not last forever. Over years or decades, their resources are depleted and the mining company moves on. Is it possible for the mining company to simply rebuild wilderness? Is such a re-building acceptable to indigenous groups?

Once damaged, can nature be restored?

Thoreau stated that “the keeping of bees, for instance, is a very slight interference. It is like directing the sunbeams. All nations, from the remotest antiquity, have thus fingered nature” (Chapman 2006, 463).

“[E]cological restoration is based on the human capacity to mime...To mime, and mime well, is one of the higher functions of human society. For instance, Eskimo hunters mime the strategies of a wolf pack to survive the harshness of winter. In spring, the Ute Mountain Bear Dance represents the miming of a bear” (McGinnis, 203).

By law, once a mining project is complete, the area impacted by the mine must be restored to a condition which closely mirrors its original state. The mining industry typically frames this notion as, “Mining inevitably disturbs land. Modern mines reclaim

the surface during and after mining is completed, returning the land to useful purposes” (Mineral Information Institute 2009).

Mine reclamation is an anthropocentric project. “Human beings determine what needs restoration, not nature. The very act of restoration is an act of man over nature rather than an effort in good faith to serve the needs of the natural world” (McGinnis, 205).

The anthropocentrism of restoration cannot be denied because it is humans doing the restoration, but the morality of restoration is another matter and can be, and often is, questioned in the philosophical literature. “Eric Katz...claims that all restoration activities are prompted by a promiscuous anthropocentrism and represent another instance of a hubristic technological fix...the practice of ecological restoration can only represent a misguided faith in the hegemony and infallibility of the human power to control the natural world.” The outcome is that restoration is impossible, if restoration is intended to restore intrinsic natural value” (Chapman 2006, 464). Humans literally rebuild landscapes and wilderness as part of an ultimate nature-dominating project to repair land disturbed by mining activities.

It is difficult to determine what restoration should look like. Is the aim to hide the fact that a mine was present, restore nature’s original aesthetic appeal, or replace animals and plants which were removed?

Nonetheless, there is a need to repair damage done by mining activities. “It is impossible to estimate how many former mining sites exist around the world or how many of these carry environmental risks. For one thing, there is no clear way to define a

former mine site. Using a fairly inclusive definition, it has been estimated that in the US there are more than 500,000 abandoned hard rock mine sites. Certainly not all of them present environmental problems” (International Institute for Environment and Development and World Business Council for Sustainable Development 2002, 246). This fact alone reveals the importance of mine reclamation, and the urgent need to consider all aspects of the topic, including the philosophical underpinnings.

To the Western mind, mine reclamation seems a reasonable balance of interests, the logic of which is often very convincing, and the discussions around reclamation are laced with positive rhetoric and intentions. After all, what is lost if a segment of land is mined, and then restored. Who has been harmed? There has simply been a temporary inconvenience born by the community, for which compensation is given in many forms, including a revitalized landscape after the project. Yet there are dissenters to be found within the environmental literature who have articulated arguments that harm is being done, not only to wilderness, but to the idea of wilderness.

“It is therefore the duty of the pragmatic environmental philosopher to become involved in debates with practitioners about what the value of restoration is in human terms, rather than to keep the discussion restricted to a private debate among philosophers over whether restored nature is really nature” (Light 2003, 400).

It is common for mining entities, as well as regulators, to show pictures of reclaimed mine sites in “before” and “after” formats. The purpose of the pictures is to prove that the negative impacts of mining can be abated, and that in some cases the land can even be improved by the addition of ponds, removal of invasive plant species, or the

introduction of an endangered animal. A sample of the caption beside one such picture reads, “Re-establishment of rangeland after reclamation provides forage for wild grazing animals, including these antelope on a North Dakota mine site. Deer, elk, and antelope are an important part of the landscape in the West, and mine reclamation offers an excellent opportunity to enrich the rangeland habitat and help sustain a healthy population of these native animals” (Mineral Information Institute 2009). .

From this description, a notion could be easily formed that the mine is actually benefiting the community. In fact, as part of closure agreements, many sites have agreed to invest capital to reestablish endangered species, even if the original loss was not part of the mining project. This is a compelling argument. However, “restoration can be co-opted by corporate sponsors who fund restoration as part of their public relations activities while pursuing destructive practices elsewhere” (O'Brien 2006, 64)

Consider this statement: “In fact, [m]ining can sometimes boost some aspects of biodiversity. This can happen through the creation of new habitats or even from disturbance. Abandoned mineshafts, for example, serve as sanctuaries for many of North America’s largest populations of bats. Sand and gravel pits in the UK have attracted many varieties of wildlife. Many of these benefits may have been random or accidental, but some companies are now making concerted efforts to enhance habitats, which may help to enhance biodiversity. Others have taken steps to protect certain species during the mining process. Viceroy Gold Corporation of British Columbia, for instance, helped The Nature Conservancy create a 1,500,000-acre Desert Tortoise reserve as a mitigation measure for California’s third largest gold mine. If all companies made the effort to

identify habitat needs critical for the survival of species of concern, to protect them during their operations, and to enhance them wherever possible, there could be many more biodiversity success stories” (International Institute for Environment and Development and World Business Council for Sustainable Development 2002, 261).

However, this practical and very utilitarian argument for mine restoration does not satisfy everyone. In fact, even if it could be proven that mine reclamation makes a net positive contribution to the environment, there would be well-articulated objections. Leading these objections would be Robert Elliott (2003) as outlined in “Faking nature.”

Elliott considers a restored landscape to be less than its original form. “I want to show both that there is a rational, coherent ethical system which supports decisive objections to the restoration thesis, and that that system is not lacking in normative appeal. The system I have in mind will make valuation depend, in part, on the presence of properties which cannot survive the disruptive-restoration process” (382).

Elliott does not accept the claim that a restored landscape is of equal value to the original, even if the restoration is world-class. He is skeptical of the motivations of those performing the restoration. He believes the whole concept to be a way of avoiding real concern for the environment. “In the actual world many such proposals are made, not because of shared conservationist principles, but as a way of undermining the arguments of conservationists. Such proposals are in fact effective in defeating environmentalist protest. They are also notoriously ineffective in putting right, or indeed even seeming to put right, the particular wrong that has been done to the environment” (381).

His fundamental objection is that a restored natural area is a “fake.” He compares such a project to a forged work of art, noting that no one would accept such a sculpture or painting as possessing the same value as the original, even if the two were exact in every detail. “Thus we might claim that what the environmental engineers are proposing is that we accept a fake or a forgery instead of the real thing. If the claim can be made good then perhaps an adequate response to restoration proposals is to point out that they merely fake nature: that they offer us something that is less than what was taken away. Certainly there is a weight of opinion to the effect that, in art at least, fakes lack a value possessed by the real thing” (383).

What is different in these so-called fakes? Elliott believes, for instance, that the method of the natural area’s genesis helps determine its value. Supporting this view, “John Muir’s remarks about Hetch Hetchy Valley are a case in point. Muir regarded the valley as a place where he could have direct contact with primeval nature; he valued it not just because it was a place of great beauty, but because it was also a part of the world that had not been shaped by human hand” (Elliot 2003, 384). This comparison to a forged work of art falls short of a complete argument. After all, a restored landscape does have some value in aesthetic appeal. Further, a forged work of art lacks inventiveness and ingenuity, whereas a restored landscape has no such similarity.

An important caveat, of which Elliott is aware, is “[i]t will not do to argue that what is natural is necessarily of value...Sickness and disease are natural...and are certainly not good” (381). Elliot, “[w]hile not rejecting ecological restoration outright, and admitting that such projects can have positive impacts [states] that ‘restoration’ is a

misnomer since...human intervention can only result in a less valuable 'faking' of nature" (O'Brien 2006, 64). It is not clear if Elliott would expand his stance to claim that mining should not take place.

Eric Katz (2003), in "The big lie: Human restoration of nature," also takes exception to the notion of ecological restoration, and does so emphatically.

"Katz...unlike Elliott, denies any positive value in restoration" (401).

According to Katz, "[t]he message is an optimistic one, for it implies that we recognize the harm we have caused in the natural environment and that we possess the means and the will to correct these harms. These policies also make us feel good; the prospect of restoration relieves the guilt we feel about the destruction of nature" (390). He sees restoration as an anthropocentric project that only demonstrates the human desire to master and dominate the natural world. Katz even takes exception to Elliott's argument which portrays restoration as similar to art forgery, for he believes exact duplication by the human hand is impossible, thus making the argument superfluous.

Katz goes on to state that "[t]he re-created natural environment that is the end result of a restoration project is nothing more than an artifact created for human use" (392). In other words, restoration creates a relic, something that only slightly, but not completely, resembles what was. He states that [a]rtifacts...are essentially anthropocentric. They are created for human use, human purpose - they serve a function for human life" (392).

Katz notes that "[t]he processes of the natural world that are free from human interference are the most natural" (395). One of the strongest arguments in support of

restoration is the notion that humans have no basis to determine what is natural because nothing is really natural. Restoration is simply a continuation of what is taking place on a grander scale.

Bill McKibben (2006) wrote a book entitled *The End of Nature* where he claimed “that at the center of the environmental crisis lay the fact that nature has literally been destroyed. Particularly as the result of large-scale climate changes produced by human industry (that is, global warming caused by the burning of fossil fuels on the one hand, and damage to the ozone layer by chlorofluorocarbons on the other), he suggested we have now entered a stage where no square inch on Earth can any longer be considered natural. Because of human intervention, everything in the world is different from what it naturally would be, and so everything in the world has in a certain sense become an artifact” (Vogel 2002, 23-24).

Complicating this notion, and relative to the parties of this research, “Aitken is reporting a tension in demarcation that is reinforced by the growing evidence that before the arrival of the Europeans, the Americas had been developed...by numerous cultures and the Puritan encounter with wilderness...was more likely a confrontation with domesticity, subtle, but nonetheless a product of Native American culture” (Chapman 2006, 470).

Even Katz (2003) is aware of this issue, noting that certain things can be more natural than others. “[W]e admit that the concepts of ‘natural’ and ‘artificial’ are not absolutes; they exist along a spectrum, where various gradations of both concepts can be discerned” (395).

“Carolyn Merchant refers to ecological restoration as a mimetic exercise in which the analysis of ecosystems is not aimed at nature domination, but at fostering symbiosis between humans and non-humans” (O'Brien 2006, 63).

It is not clear how these philosophers justify their notions in a modern world that relies on such activities as mining and agriculture, and what practical impact their thinking could have.

“Proponents of restoration view the practice as a means of both repairing damage done to ecosystems by humans and creating an avenue to re-establish respectful and cooperative human-environment relationships... William Jordan III, an important contributor to philosophical discussions of ecological restoration, suggests...that the concept fosters a reintegration of humans with their larger biospheric communities in a way that blurs the line between nature and culture. Likening ecological restoration to ‘agriculture in reverse,’ he conceptualizes it as an attempt to ‘re-wild’ landscapes as a means of atoning for human transformations of ecosystems and environmental abuse generally” (63).

Several philosophers criticize the nature/culture dualism. As summarized by William O'Brien (2006), “preservationists, such as Eric Katz and Robert Elliot, have expressed concern about the blurring of what they see as a necessary conceptual separation of nature and culture. By blurring that line, they argue, ecological restoration legitimizes further human intervention into nature. Restoration thus not only gives license to continued ecological transformations, since we believe that we can always

restore them later, but also distracts from what they see as the more important work of wilderness preservation” (64).

Andrew Light (2003) defends the concept of restoration in “Ecological Restoration and the Culture of Nature: a Pragmatic Approach.” He states that “[m]ost environmental philosophers have failed to understand the theoretical and practical importance of ecological restoration. I believe this failure is primarily due to the mistaken impression that ecological restoration is only an attempt to restore nature itself, rather than an effort to restore an important part of the human relationship with nonhuman nature” (398)...”Restoration makes sense because on the whole it results in many advantages over mere preservation of ecosystems that have been substantially damaged by humans” (400).

Light notes that Katz’s ultimate argument is that humans cannot restore nature and thus, “humans have no obligation to do what they cannot do” (402). Still, Light believes that “even if we were to grant Katz his position that it is impossible to restore nature, we may still have moral obligations to try to restore nature” (402).

Light points out that Katz is a nature-culture dualist. “This means for Katz, nature and culture are separate things entirely” (402). Light, however, is not a nature-culture dualist, rather he is simply suggesting that humans are a part of nature, and that humans “have a relationship with nature that exists on moral as well as physical terrain in such a way that our actions toward nature can reciprocally harm us...[w]e have a relationship with nature even if we are separate from it” (406).

The above literature outlines the heritage of the many value systems which likely play a role in indigenous-mining conflict. An indigenous-mining conflict case will now be considered in which many of these values may be impacting the thought processes of the disputants.

3. The Case

Is there a suitable case?

Media accounts of indigenous-mining conflict were reviewed in the search of a conflict which was dynamic (allowing for a multivariate analysis), which related to environmental values, where contacts could be established, and which had actors who were willing to participate in the research. A conflict which had largely ended, and for which real resolution was questionable, was found at the Picuris Pueblo in New Mexico. The Pueblo was the site of a dispute over a mica mining project involving the Picuris and the Oglebay Norton mining company.

The field work involved in this project consisted of on-site interviews at the Pueblo with members of the Picuris (Picuris1, Picuris2, and Picuris3), and face-to-face and telephonic interviews with former employees of the now defunct Oglebay Norton mining company (Miner1 and Miner2). Relationships were established that enabled access to key leaders, members (in the case of the Pueblo) and employees within the two groups. Lobbyists in Washington, DC (MinerLobbyist and PicurisLobbyist), which represented both groups, respectively, were also interviewed. Finally, a geologist (Geologist) hired by the Picuris Pueblo to manage restoration was interviewed.

The interviews were conducted with an emphasis on thoughts on environment and relevance to resource extraction. This research complied with the George Mason University human subjects research requirements.

The study consisted of one trip to the Picuris Pueblo and one trip to Cleveland, Ohio to visit an Oglebay Norton employee. Other interviews were either conducted by telephone or face-to-face in Washington, DC (in the case of the lobbyists).

As this project examines values, a method of interviewing known as “unstructured” was employed. Russell (2006) describes unstructured interviewing techniques as “a clear plan that you keep constantly in mind, but are also characterized by a minimum of control over people’s responses” (211). The idea behind this type of interaction is to get people to talk and open-up. The goal was to understand the values of each participant, and free communication was thought to be the best method.

The interviews were conducted with a set of questions, but the questions were not followed precisely, and subjects were given as much time as they wanted to answer questions and elaborate. Also, new questions were asked based on statements made by each participant. “When you want to know about the lived experience of fellow human beings...you just can’t beat unstructured interviewing” (213).

The following questions or prompts are examples of those used in the interviews: Tell me about your people or your company. Talk with me about the natural resources in this area. Why are land and resources important? How should these resources be used? What conflicts have resulted as a result of these resources? What attempts have been made to resolve these conflicts? Have attempts to resolve conflict been successful in

your eyes? How should these conflicts be resolved? What is the true cause of these conflicts? What is this really about? Who are the stakeholders? Who or what have rights that should be considered? Whose rights are most important? What are your thoughts on nature, animals, wilderness in this region? How do nature, animals, wilderness relate to the conflicts you have witnessed? What do you think about mining? What do you think about mining companies and their management, and employees? Talk to me about respect. Who is deserving of respect? Give me an example of appropriate and inappropriate respect relative to the extraction of resources in this area. What else would you like to tell me?

Tape recordings of interviews were made and transcripts were produced. The tapes were destroyed after the transcripts were completed.

Who are the Picuris?

“Picuris Pueblo is nestled in a setting of serene beauty in what is known as the hidden valley of the Sangre de Cristo Mountains of Northern New Mexico. It is located just 60 miles north of Santa Fe, and 24 miles southeast of Taos on scenic Route 76.”

[The] “tranquil village rests along the banks of the Rio Pueblo River, which nourishes the evergreens, cottonwoods, grasses and flowers that blanket [the] valley and surrounding mountains” (Picuris Pueblo 2007).

However, the land of the Picuris and their lifestyle is not wilderness in totality. Modern residences, churches, and schools are nearby. The pueblo maintains a hotel in Santa Fe. They raise domesticated bison, sell their pottery, and run a museum. They

have a website. Modern life is evident, but the original ties to land and wilderness remain entrenched.

The industrial mineral, mica (contained in a clay), traditionally used by the Picuris for pottery and sacred ceremonies, was the subject of the dispute. For the Picuris, the mica was both spiritual, and added value to the pottery due to a luminescent quality.

According to Michael Adler and Herbert Dick (1999), in the “Preface” to *Picuris Pueblo Through Time*, the Picuris Pueblo “has continually remade itself socially and materially over the past millennium of occupation” (xv). The Picuris inhabit “one of the oldest, continually occupied settlements in North America” (Adler and Dick 1999, 1). The community is located at an elevation of 7,300 feet, and the native language is known as Tiwa. The Pueblo is located near the Rio Pueblo. “Picuris Pueblo has been a unique part of the Pueblo world for nearly a millennium of human occupation, social changes, regional migrations, and environmental perturbations” (M. Adler 1999, 206).

The Picuris is a small pueblo with approximately 300 residents, and it is also an ancient community. “The origin of the name Picuris has been variously assigned...the people of Picuris call themselves and their ancestors who settled this ancient place ‘pe’ewi,’ literally translated from the northern Tiwa as ‘the mountain people’” (Adler and Dick 1999, 1).

“The distinctive micaceous pottery made at Picuris...is reminiscent of Plains-related Apachean pottery and is probably one of the many influences resulting from centuries of contact between northeastern pueblos and Plains groups” (3). The clay used

for this pottery, which is permanently tied to Picuris identity, is at the center of the mining conflict.

“Though debates surround whether Coronado’s *entrada* through the Southeast in 1539-41 reached Taos Pueblo..., there is no indication that Coronado’s group traveled to Picuris...It was not until 1591 that Castaño de Sosa’s expedition brought the first Europeans to Picuris, an event that Schroeder describes as a cold reception ‘both in climate and in human relations’” (4).

The following excerpt describes this event: “While among the Tewas near present-day Espanola, Castaño de Sosa was told of a pueblo farther north and decided to visit these people. He went up the Rio Grande to about present-day Velarde and then turned northeast. On entering the mountains, he encountered snow a yard deep, his horses barely able to make headway through it. After much difficulty he reached the Rio Pueblo valley in the mountains and in it, on January 13, 1591, he came to the tallest pueblo recorded by a Spaniard. There stood Picuris...seven to nine stories high according to his estimates. No one came out to greet Castaño’s party except one Indian who was passing from one houseblock to another” (5).

“The rebellious reputation of the Picuries played a major part in the single largest Pueblo uprising in the history of the Southwest, the Pueblo Revolt of 1680” (5). This uprising even reclaimed some of their ancestral land, but the victory was short-lived. “In 1693, Picuris joined several other pueblos in surrendering their independence to the Spanish government” (5).

Various conflicts continued over time. “The 18th and 19th centuries saw a decline in the population of Picuris and the continued acculturation of the resident population. New churches were built, and significant efforts were put into proselytizing the Picuries. Though the efforts were effective in converting many in the dwindling community to Christianity, archaeological excavation at Picuris also documents the continued construction and use of kivas for native religious activities” (6).

Who is Oglebay Norton?

Oglebay Norton owned “the largest U.S.-flagged fleet of bulk carriers on the Great Lakes. Great lakes transportation and iron ore mining have been the primary foci of the business throughout its...history...but the company expanded into coal, industrial sands, and other minerals during the 20th century” (Funding Universe 2009).

“Oglebay Norton’s history can be traced to the 1851 creation of Hewitt & Tuttle, an iron ore brokerage. The principles, Henry Blakeslee Tuttle and Isaac Hewitt, were also investors of Cleveland Iron Mining Company (later Cleveland Cliffs)...Tuttle and Hewitt managed the very first shipment of iron ore from Lake Superior to Cleveland, Ohio, in 1852...In the waning days of the 19th century, many of the industry’s leaders began to form strategic alliances to survive and compete effectively...In 1884, they merged with the Benwood Iron Works...Banker and industrialist Crispin Oglebay had invested in this West Virginia company.” Hewitt had passed away, and the merger of the Tuttle and Bentwood families formed Tuttle, Oglebay and Company. After the death of the senior Tuttle at the time in 1889, “Earl Oglebay bought out the surviving Tuttles...One year later, Earl Oglebay joined forces with well-connected Cleveland

banker David Z. Norton to form Oglebay, Norton & Company...By the mid-1950s, Oglebay, Norton & Co. had developed an unusual and complicated corporate structure. Over the course of the early 20th century, the firm had taken substantial, but not full, positions in a variety of companies, and then managed those businesses for a fee.” In 1957, a number of these managed companies were merged to form Oglebay Norton. (Funding Universe 2009).

On November 1975, “Oglebay Norton’s fleet lost its flagship in what has been called “the most famous shipwreck in Great Lakes history.” During a terrible storm that year, the freighter Edmund Fitzgerald split in two and sank in Lake Superior. This catastrophe, in which all 29 hands were lost, was later immortalized in a popular song by Gordon Lightfoot” (Funding Universe 2009).

After a long history, the company filed for bankruptcy in 2004. “After a near collapse, Oglebay Norton found its second lease on life in bankruptcy court. And company President and CEO Michael Lundin is confident the opportunity won't be squandered” (Rock Products 2005).

However, in 2007, a press release was issued: “Carmeuse Lime & Stone, a wholly-owned subsidiary of Carmeuse Group, and Oglebay Norton Company today announced that they have received approval from the Federal Trade Commission (FTC) under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, with respect to Carmeuse's pending acquisition of Oglebay Norton. No further regulatory approvals are required and, as previously announced, shareholders of Oglebay Norton

voted to approve the merger agreement at a special meeting of shareholders on November 9, 2007” (Thomas Net News 2008).

How did the conflict transpire?

The details of the conflict between the Picuris and Oglebay Norton are fairly simple to document. The values which underlie the genesis of the conflict are far more complex and they make up the bulk of this paper.

To begin, it is necessary to outline the events as they transpired. After reading this narrative, few would argue that this episode in indigenous-mining conflict is an example of mutual cooperation and understanding leading to a positive outcome for all parties.

Oglebay Norton purchased the mica mine, which is situated on the traditional lands of the Picuris, from Franklin Minerals. Franklin Minerals elected not to participate in this study. When Oglebay Norton obtained the mine, the conflict was set in motion.

An Oglebay Norton employee described the initial situation:

Back in 1999, we purchased the facility from Franklin Minerals. We operated it for all of 2005. During that time we had a fairly contentious relationship with the Picuris. We tried to work with them on several occasions to address their concerns. We had a management group out there that wasn't real sympathetic and was a little bit belligerent to, not just the Picuris, but other folks, as well - some of our regulatory relationships. So, the primary conflict was that the US Hill Mine was on property that the Picuris claimed through aboriginal title, that contained some sacred micaceous clay deposits that they use in their pottery making, and that we were unlawfully trespassing on their property and that the aboriginal title to that property had never been properly extinguished (Miner1 2008).

To the apparent surprise of Oglebay Norton, ownership of the mine had not been clearly established:

The way aboriginal title has been extinguished, in the past, is either through an act of Congress, or a treaty that establishes the base ownership of the US government, then the US government can convey title to successors, which we thought we were at the time we bought it. That is usually the case, out West, but in this instance, there was no record, act of Congress, or treaty with the Picuris, that extinguished that aboriginal title. [Name removed], counsel for the Pueblo, figured that out and made a very plausible case for why their title was never extinguished and why they should have the land back. So, that's how the whole thing started (Miner1 2008).

The entrenchment of the conflict was apparent:

They're concerned with the land that's in close proximity to where they live, where we operate in 21 locations in different states. We have tens of thousands of acres all over the country. So I think they probably have a much more micro-focus than we do, concerning that specific land...Like we talked about before, in our extraction process we clear timber and we leave a big hole but it's not a polluting process. So we didn't really view that as an environmental catastrophe, as the Picuris viewed it (Miner1 2008).

Theirs was for profit, for money. Everyone's competing now, who can make the most money, who has the most money. That's what it was, where we just use that land for what we need. Money wasn't the question or the answer to anything, that's just how we used it (Picuris2 2008).

First of all they think they can stomp all over us in this day and age. Even going back to history, they put us in these reservations and they kind of enclosed us, we're not free anymore. The other thing is, like I said, they keep us out of there. They force us. Since the 1872 Mining Law Act where the first settlers, they found the mine and they went ahead to do it. They don't understand the aspects of nature, and what we have. What the natives have there (Picuris2 2008).

Some mining company employees understood that there was a problem, and that it related to a lack of engagement:

Yes. I don't remember the years...so if I'm off on a year or so, please feel free to editorialize and correct it. But, we at Oglebay, whenever the experts took over the special minerals operation to manage... and I, at that time, was director of technical services and regulatory affairs for Oglebay, and very quickly realized, once we arrived...that we had a very serious public relations issue. We had a very serious misunderstanding, in my judgment, of the culture and of the desires of the Picuris Pueblo. And what had appeared to me - and this is not Oglebay's position; it's my personal position - was that there had been a very serious lapse in

communication from years of work with the Picuris, meeting, I believe, Franklin Industrial Minerals on the property before. And to me, there had really just been a complete lack of understanding and a lack of interest in proactively engaging members of the Pueblo to form some sort of a plan on how they could safely access the property in question for their pottery uses (Miner1 2008).

The Picuris did not feel that either company had worked well with them, and the lack of communication and engagement with the Picuris is evident:

Well, when the miners first started coming around here, we just thought they were poking around and they would go away. This was probably in the middle '50s when I was a little boy. We didn't really know what they were poking around for. As I got older, they said they were starting to mine some mica. Mica to us, again, is some natural resource that we use in our ceremonies and stuff like that. We didn't know what they were marketing mica for. We were asking ourselves, 'What are they going to do with the mica'? To us, we didn't have any dollar value in it because, like I said, it's all related to our spirituality and our livelihood. As years went by, we slowly found out that the mica was embedded within our clay pits. I mean there is clay all around the Sangre de Cristo Mountains but at that particular place where they were mining the mica is prime clay area where we don't really have to go through the process of making it workable clay. You could just sort of dig it out, bring it home and bring a pot and it would turn into a beautiful goldish sparkling pot or pottery. This is when we started getting concerned about our clay pits, which was probably in the late or early nineties and eighties when the mine was starting to develop. Then we found out that they were marketing the mica abroad. They were using it in wallboards, sparkling paint, cosmetics and stuff like that. Even windshields, I guess, they used it in there so when you got hit it won't shatter and stuff like that. At the same time they were destroying the pits. We could no longer find the prime clay when we went up there and then the miners were like real suspicious. 'What are these Indians doing up here trying to get the clay and doing this spirituality'? We are shy people so we couldn't just go over there and do our ceremonies because they were watching over our shoulders. We were afraid that this is the way the dominant society is. They watch over you and they ask you these questions. Then all of a sudden, you go into a bookstore somewhere and there it is. And they're the one that benefit dollar-wise, while the Native Americans don't benefit anything. And besides that we're losing our rights to gather clay. It became a really devastating psychological and emotional stress for the tribal government, the potters and traditional council. Because they were saying that we are losing our rights to gather clay. How are we going to hand down the tradition that's been handed down for centuries to the younger generation because of the mining (Picuris3 2008)?

Oglebay Norton had little experience, as a company, with indigenous groups:

[This was] the only indigenous tribal conflict that we've had... We have neighbors that are unhappy, at times, at some of the facilities where we blast. Truck traffic. In the east we have a lot of operations in the Shenandoah Valley area, and it's congested. We have an operation now in DC, we have folks that are moving out there and they don't want a mine next door. So, we have upset neighbors from that perspective, but generally, it's a safe, clean operation. And we leave holes in the ground that are not pleasant to look at (Miner1 2008).

Minimal efforts were made to engage the Pueblo:

Well, the initial strategy was to try to understand their perspective. The prior management didn't seem to be that interested in what their perspective was... It seemed to be, kind of, combative from the get-go, at least when we took them over. I don't know what their attempts were up to that point and I know for a fact that the Picuris could be difficult, so maybe Franklin tried the same approach and just reached a point where they didn't feel it was fruitful to continue the fight. But, the basic problem was, we had patent rights to this mine. It's an asset of the company. We paid 30 million dollars for it that we owed to Franklin and we had to utilize these resources to make them profitable and manage our assets to benefit our shareholders. The Picuris view was that this was their ancestral land, that the micaceous clay they collected on it was very special - it was part of their culture and their heritage and spirituality - and that we were destroying it. So, our attempts to balance the interests involved were to approach the Picuris and ask them if they would locate the micaceous clay deposits. We would stay away from them and disrupt our mining path to preserve them, and give them easement and access rights to come and go. They had a key to the gate; they could come in the back gate. This didn't work. It didn't seem like it was enough for the Picuris. They wouldn't tell us where the deposits were. I guess they were no longer secret at that point. So, if we didn't know where they were, we couldn't, very much, accommodate their need to access it (Miner1 2008).

But consider, in contrast, the Picuris view of their ability to have access to their ceremonial mining sites:

There were times when people went in there to gather clay, and they weren't allowed up in the area. They had it gated off, and there was the big mining trucks. People were up there, and we couldn't get in (Picuris2 2008).

Actually, I think going back, there was a place they said this is where we get our clay. They staked it off so they wouldn't bother us. A few months later that place was disturbed. It got piled with all the rock (Picuris2 2008).

Efforts continued, but to no avail:

Well, we tried to talk to them about what they really needed. We tried to explain to them where we were - that we have a business; we can't just shut it down. We can't just give people land that would be impossible; so let's try to balance this. We're not responsible for what the US government did 100 years ago, or, as it turns out in the lawsuit, maybe not what they did 100 years ago. We just can't take responsibility for that, much in the way we're talking about African American reparations being made, today. There's a certain amount of time that passes, in proximity to people today. So, we were trying to balance it. It's something that we were concerned about. We don't want our neighbors angry at us. It's not good business to do that regardless of the social implications of it. It's just not good business to have everybody angry at you all the time, on all fronts. So, we really tried to balance the needs, balance their needs of access to the deposits, and our needs to operate a business (Miner1 2008).

The conflict escalated with public protests:

Doing the protest up there at the mine. They're up there for four hours, they stopped. There was a big line of trucks that we didn't let go through, so that stopped their work for at least four hours (Picuris2 2008).

In some ways, such as when they had the protest up there, there were other people from other tribes as well as people from around the communities. The Spanish, the people in the Pojoaque Valley that like their water. They all put their foot in there, their two cents. That helped us out (Picuris2 2008).

A court case was also undertaken by the Picuris, but in the end it was dismissed because a settlement was reached between the two parties. The legal details of the case are extensive, and will not be covered in this research. However, the following is a comment relative to the legal battle:

They hired an attorney...who is a good lawyer. He put together the argument that the aboriginal title had never been extinguished for that property, that the US government never took title to it, therefore, they couldn't convey title to the mineral rights - what happens to the mineral rights - to the successors who right the minerals to us. When we researched it, we determined that, quite possibly, his argument could be correct. It could be interpreted so that a court would view it as a reasonable argument. So, regardless of how the outcome went, we would be tied up in this litigious situation for years, where we may not want to make capital investments, we may not want to do certain things (Miner1 2008).

In the end, Oglebay Norton elected to abandon the mine and return the land to the Picuris. The mine was not profitable, it was embroiled in a legal and public relations battle, and the company was entering bankruptcy proceedings.

When a mine is closed, states require reclamation of the site, and these reclamation activities cost money. It is clear that Oglebay Norton did not abandon the site out of a desire to return the land to the Picuris. The company capitalized on an opportunity to rid itself of a non-profitable mine without the need to pay for reclamation:

The business was not profitable, it was difficult to operate, plus the mine was 30 miles away from the processing plant. It was expensive to transport the minerals to the plant. And, the New Mexico regulatory environment was not conducive to business, really. It was pretty difficult to work with (Miner1 2008).

I don't know that it was a tipping point. I think the business decision to close the mine probably would have occurred regardless of the Picuris, but it certainly didn't help (Miner1 2008).

The two parties made an agreement. If the land was returned to the Picuris, the Picuris would pay for the reclamation. The price for reclamation is extensive, and it is apparent that the tribe is experiencing stress due to their financial obligation for reclamation. They must complete the reclamation in order to gain full title to the land from the State. But at the same time, a sense of relief is palpable among the tribal members, because they will have full title to their land once again after the reclamation is finished:

No. It's just good that we got that mine back. It shows a lot of people that we're small, but we're fighting for what we think is right. If we can do it, anybody else can. It just takes a lot of work (Picuris2 2008).

To begin a deeper evaluation of this conflict, a method must be recruited to help organize and evaluate the underlying thinking of each party. Frame analysis is such a method

4. Methodology

What is frame analysis?

“A multicultural society is bound to include a wide range of...respectable moral disagreements, which offers us the opportunity to defend our view before morally serious people with whom we disagree and thereby learn from our differences. In this way, we can make a virtue out of the necessity of our moral disagreements” (Gutman 1994, 22).

Indigenous-mining conflict is the result of difference, differences in beliefs and differences in values. Held values have a heritage, but values can change over time and with circumstances. The values people call upon to “make sense” of one situation may be different than the values they enlist to deal with a different situation. A person may engage conservative values when thinking about small business protection while relying on liberal values when considering the importance of a national forest. A mapping of the held values of any one individual or group would be a complex task, limited by both the ability of the individual to adequately express his value system to the researcher and the ability of the researcher to grasp the meaning of the value system. One scheme to organize an evaluation of values and their associated heritage is the use of frame analysis. Frame analysis will both organize this complex issue, and provide terminology to discuss the types of values discovered.

Frame theory, framing, frame analysis or framing effects, as it is alternately labeled, is difficult to define with precision. The literature has yet to agree on a unified definition or grand theory. “The heightened interest in frames in both the scholarly and popular literature...conceals a lack of conceptual clarity and consistency about what exactly frames are” (Nelson, Oxley and Clawson 1997, 222). The following are examples of attempts at a definition:

Frames are principles of selection, emphasis, and presentation composed of little tacit theories about what exists, what happens, and what matters (Gitlin 1980).

A central organizing idea or story line that provides meaning to an unfolding strip of events, weaving a conception among them (Gamson and Modigliani 1987).

Frames are abstractions, perceptions, interpretations of a situation. They cannot be seen, but they are the way we - and others - see the world, define what is important, organize information, etc. (Davis and Lewicki 2003, 200).

It is commonplace to confuse frames with world views. Whereas a world view is one type of frame, a frame is not necessarily a world view. Frames can enclose either the entire cognitive process or a portion of the cognitive process, under either a particular circumstance or under all circumstances. For instance, a knock on the door in the middle of the night could elicit a fear frame in a person who is not expecting a visitor, or a comfort frame in a person waiting for the safe arrival of a loved one. This is much different than a world view possessed by a Republican or Democrat.

Frames can also change based on the acquisition of new data; therefore, frames can be dynamic, living constructs, in addition to being a world view. As Dewulf et al. (2009) note, “Just as individuals hold multiple frames...and shift from one to the other as

new data are introduced, interactants may also shift their framing of what is going on during interaction” (158).

This use of framing is appropriately classified as discourse analysis. According to van Dijk (1998), discourse analysis can be approached in a variety of ways including “discourse grammar, narrative analysis, argumentation studies, conversation analysis, the ethnography of communication, pragmatics, the psychology of text processing, and critical discourse analysis” (147). Discourse analysis, as described by Brown and Yule (1983) “is, necessarily, the analysis of language in use. As such, it cannot be restricted to the description of linguistic forms independent of the purposes of functions which those forms are designed to serve in human affairs. While some linguists may concentrate on determining the formal properties of a language, the discourse analyst is committed to an investigation of what the language is used for” (i). To this end, this analysis will be an examination of how language described the values of parties in a conflict. These values were stated directly, or were emergent from other descriptive language.

Discourse analysis can be divided into two broad categories. “The function which language serves in the expression of content” is referred to as “transactional,” and “that function involved in expressing social relations and personal attitudes” is referred to as “interactional” (1). The type of discourse analysis which most adequately describes this project is that of interactional. A conflict itself involves the relationships between two or more parties, and values are an expression of personal attitudes.

Before progressing further, it is important to state what this project is not: it is not a formal philosophy paper. It is not an attempt to take sides with either the indigenous or

the mining entities in a particular indigenous-mining conflict or in indigenous-mining conflict as a whole. It is not an attempt to align a particular frame with a particular actor or to criticize the frame and the actor. It is not an attempt to support one value system over another.

This project is an attempt to identify value frames held by parties in a conflict. To understand and label the frames, values will be aligned with the philosophical concepts thought to be the most likely heritage of each identified value. Some alignments will be exact and others will be less so, and none of the analysis is meant to place a participant “in a box.” Any labels which result from the analysis are due to the perceived stance taken by a subject, based on statements made, on a particular time and day. If this type of analysis were to be applied to a conflict with the intent of resolving the conflict, subjects would be given the opportunity to confirm, refute, or add meaning to the frames that each embodied through their statements. When discussing a particular type of frame known as cognitive frames (addressed later), Dewulf et al. (2009) state that “the cognitive approach to frames focuses on surface evidence that reveals underlying structures of the participants’ cognitions. The participants’ comments in the meeting serve as indirect information about the cognitive frames that they hold” (176).

It should also be noted that this is a project within environmental ethics, and the environmental ethics literature is often biased toward those who have strong feelings about environmental protection. In other words, most environmental philosophers care about the environment and are engaged in projects which hope to justify environmental integrity. The method each philosopher uses for his justification can vary, and it is along

this line of “point and counter point” that indigenous and mining entities will be categorized and assigned to a particular frame. A similar project could easily be performed within other disciplines. For example, a researcher might take an interest in socioeconomic frames, personality frames, legal frames, political frames or cultural frames. This project fits squarely into environmental value frames.

With these caveats in mind, a project designed to evaluate the environmental value systems of each player is justified. “[W]hereas the literature presents us with numerous accounts of differing systems which can or ought to guide our relationship with nature, little is known about which aspects of these systems have actually been accepted by those who have the ability to affect land. In other words, even if the philosophers have by and large rejected a purely anthropocentric, utilitarian approach to nature...it is not philosophers that tend to write management plans” (Butler and Acott 2007, 150).

Also, it should be mentioned that the indigenous relationship with nature is widely heralded, and at the same time industries engaged in resource extraction also claim profound ties to the environment. In fact, it is fair to say that both parties claim to be the bearers of environmentally-aware value systems. This endeavor asks what kind of environmentalist is each actor. What values underlie the claims? Where did these values come from? How do the values held by each side conflict? How can the identified conflicting values be resolved? What does philosophy say about the entire matrix which will evolve in the course of this project? Finally, it will ask if there is a concept (or concepts) which could be used to inform a path forward.

As environmental philosopher J. Baird Callicott states, “The world, as we drink it through our senses, is first filtered, structured, and arranged by the conceptual framework or cognitive set we bring to it, prior, not necessarily to all experience, but to any articulate experience” (Oelschlaeger 1991, 236).

Frame theory is one method of dispute resolution receiving ever increasing attention. Frames are an attempt to understand underlying assumptions and experiences that lead to communicating ideas, or thinking about ideas. They are the heritage of a message or thought. “Work on frames and framing can be found throughout the social and cognitive sciences, as well as various subfields within political science. Indeed, scholars of social movements, bargaining behavior, foreign policy decision making, jury decision making, media effects, political psychology, public opinion and voting, campaigns, and many others use the concept of framing” (Druckman 2001, 226).

One area where more research is needed relative to environmental conflict is in the analysis of value frames. It is clear that many environmental conflicts, particularly in the environmental policy arena, are the result of differing values or moral attitudes toward such issues as land use, industrial development, species preservation, and resource conservation.

A substantial amount of academic work in framing has been accomplished in the fields of psychology, politics, and media research by such scholars as Tversky, Kahneman, Nelson, Druckman, Barker, and Brewer. The primary goal in these fields has been to understand how public or individual opinion can be shaped by the way a message is delivered. For instance, how much impact do the media have on public opinion by

alternate methods of message framing? A number of studies have demonstrated that opinion can be impacted by framing, and that there are many complications relative to making over-reaching assumptions to this power of persuasion. An underlying controversy involves whether frames are simply another way of discussing persuasion, or whether something more complex is involved in framing. This body of work is applicable to conflict resolution because it is important in understanding how people come to arrive at a particular strongly-held belief.

James Druckman (2001), in the “Implications of framing effects for citizen competence,” offers an excellent summary of important concepts in framing. He refers to framing as the “framing effect.” Framing effects can be broken down into two areas of research. The first is equivalency framing effect. This method examines the impact of presenting similar issues in positive or negative light by evaluating the resulting preference. Participants showed a preference for options framed in a positive light.

The second type of framing effect is emphasis framing effect. Emphasis framing evaluates the impact of emphasizing particular subsets of possible considerations. For example, placing emphasis on the job creation that would result from a new mining project would likely lead to greater support than emphasis on any environmental impact.

Druckman also notes that scholars typically align with one of two distinct uses of frames. The first is frames in communication, which refers to the language of those delivering a message. The second, frames of thought, refers to an individual’s understanding of a given situation. “Frames in communication often play an important role in shaping frames in thought” (228).

Druckman, in his research, evaluates a commonly-held belief that “(1) framing effects imply that citizens base their political preferences on arbitrary information, and (2) elites often use framing to manipulate citizens’ judgments” (226). Druckman concludes that framing effects seem to work at times, and not at other times, but there is strong evidence that citizens, overall, behave in a competent fashion when considering issues presented.

Druckman’s work is significant in understanding framing, but is not suggested as a means of conflict resolution. Resolving conflict by focusing on message delivery as a means to deceive or influence covertly is not legitimate, but focusing on message delivery could, however, help parties prevent unwanted signal delivery to opposing parties.

Druckman’s work could leave one to wonder if framing is simply another way of expressing other phenomena and to question if framing is indeed a real issue unto itself. Nelson, Oxley and Clawson (1997) provide a convincing argument in “Toward a psychology of framing” that indicates that framing is a distinct mechanism explained by psychological effects. “The danger in neglecting the psychology of framing effects is that we cannot be sure that there is anything truly unique about this phenomenon; that framing cannot be subsumed under some other generally understood concept, such as persuasion” (223). They argue that persuasion is a method of introducing new information to a person that then changes beliefs and attitudes. However, framing effects “operate by activating information already at the recipient’s disposal, stored in long term memory” (225). In other words, and as Nelson, Oxley and Clawson demonstrate with an

algebraic equation, new information is not added, but the weighting of existing information is changed.

This suggestion by Nelson, Oxley and Clawson would seem to indicate that the degree to which a person is influenced by framing would be dependent on what lies in their memory. One could extract from this that persons with larger stockpiles of cognitive information would be more likely to be influenced, while those with smaller stockpiles would be less likely to be influenced. Barker (2005), in “Values, frames and persuasion in presidential nomination campaigns” conduct a test that indicates “value framing does not affect all voters equally” (388). He concludes that framing effects are “contingent upon (1) the degree to which audience members possess chronically accessible constructs that correspond to the cues inherent in the message frame and (2) the degree to which audience members are able to recognize those cues and habitually apply them” (377). He further concludes that those with greater cognitive sophistication, and thus those with higher levels of education, are more likely to respond to value frames because “they are most likely to see the connections between value priorities, ideology, and partisanship” (388). This gives credence to Nelson, Oxley and Clawson (1997) who suggest that changes in weighting of information, as opposed to new information, are the key to framing.

The work of Druckman, Nelson and Barker indicates that framing effects are more complicated than simple persuasion. Framing is a matter of adding weight to pre-existing notions in one’s mind, and increased cognitive stockpiles are more likely to receive cues from message framing that lead to the formation of opinions for or against a

subject. The work of these social psychologists and media experts leads to a number of questions regarding the use of framing in conflict resolution, but importantly it should be noted that this research has more to offer the field than simply trying to understand how individuals can be persuaded to think differently about a particular conflict issue. It is more important to understand the applicability of communication frames and their impact on frames in thought than to try and use communication frames as a method of intentionally altering thought.

One application of framing would be to focus on clear communication of real intentions aimed at avoiding conflict escalation. This is in sharp contrast to considering methods that seek to influence while at the same time masking true intent. Some scholars support this thought in stating that resolution attempts should focus not on changing these underlying values, but on finding practical solutions to which all could agree in spite of the dissimilar values. In summary, communication frames can impact thought frames, and thought frames are influenced by level of cognitive capability; therefore individual characteristics of disputing parties are a legitimate area of inquiry.

What work has been done in the framing of values?

The research considered thus far opens the door to highlighting values and moral beliefs in framing effects research. Values “are considered to play a central, more important role than attitudes in our cognitive and belief systems” (Shen and Edwards 2005, 796).

As noted in the previous section, framing is not simply persuasion, but a process of adding weight to existing cognitive information that already exists in memory. There

is evidence that people tend not only to cue off what is in cognitive memory, but that they cue off those things that rest higher up and that are more easily accessible in cognitive memory. Values and morals hold such a position in a person's cognitive memory. In "Moral heuristics and moral framing" by Sunstein (2004), it is noted that "in the moral and political domain, people also rely on simple rules of thumb that often work well but that sometimes misfire...much of everyday morality consists of simple rules that generally make sense" (1559). Sunstein notes that people have a tendency to take the route of least resistance when framing thoughts, and moral rules that pre-exist in cognition are often quickly applied as opposed to the rigorous research that would otherwise be needed. Another way of putting this concept is "generally speaking, chronically accessible constructs tend to have low activation thresholds and are therefore relatively easy to retrieve from memory when primed by external cues" (Shen and Edwards 2005, 796).

Adding further support, Shen and Edwards (2005) note that "the temporary accessibility of ideas and concepts induced by media frames may be tempered by chronic differences among individual dispositions, schemata, and other individual factors" (796). Shen states that values are among these individual factors that would be of significance when a person accesses memory. "Values tend to be stable and enduring, and as such, they may predispose people to take certain positions on social and political issues...Elites often couch their positions on many of today's issues in value terms (796).

There have been several studies that attempt to determine the importance of values in framing effects. The work has not extended into conflict, but it is clear that an

understanding of what value frames are and how they are formed is necessary prior to understanding how they conflict. Brewer (2002), in “Framing, value words, and citizens’ explanations of their issue opinions,” examined the impact that exposure to value frames has on the thoughts of individuals. He exposed groups of people to media articles that described the subject of gay rights in terms of either equality or morality. He also examined “the possibility that exposure to a value frame may also encourage citizens to consider interpretations of the value that are not contained within the frame-interpretations that may even contradict the one provided by the frame” (304). Further, he tested the result of exposing participants to both frames. He found that participants were likely to cast their thoughts in terms of the value frame they received. However, this did not mean they always agreed with the frame, but that they used the particular value to support or attack a particular position. Further, he determined that “exposure to the morality frame interfered with the impact of the equality frame, suggesting that the presence of alternative frames can dampen framing effects” (303). This supports the notion that persons tend to frame thoughts with values that lie on the surface of cognition, even if they disagree.

Brewer and Gross (2005), in “Values, framing and citizens’ thoughts,” noted that “politicians and political activists often attempt to define - or frame - issues in terms of values (e.g. equality, compassion) that are widely cherished among the public” (929). In the paper, they tested the effect of exposing study participants to particular value frames via reading newspaper articles on school vouchers. This work by Brewer and Gross is one of the first to tie framing to values and they provide a definition of a value frame to

be “a particular sort of frame that draws an association between a value and an issue that carries an evaluative implication: it presents one position on an issue as being right (and others as wrong) by linking that position to a specific core value” (931). Their study indicated that exposure to value frames led participants to use the suggested value frame in describing their thoughts on the issue, and that exposure to the value frames led them to express fewer other thoughts on the issue. Thus, their research suggests that exposure to value frames influence a person’s opinions, and narrows their opinions. This lends credence to the thinking that people tend to halt their evaluation once they arrive at the values high in cognition, form an opinion, and are unlikely to query their minds further. “Because of their limited cognitive capacities, individuals rarely conduct a thorough search for all relevant information in making decisions or judgments. Instead, most people truncate the search or retrieval process as soon as enough relevant information is available to render a judgment, basing decisions or judgments on what is available” (Shen and Edwards 2005, 796).

Barker’s work (2005), already described, also has implications for values and framing effects. The experiment he conducted was meant to determine the importance of value frames in a presidential nominating campaign where traditional partisan signals were not available. He examined the impact on voters considering John McCain versus George W. Bush in the 2000 Republican nomination battle. Both candidates appealed to Republicans on face value. He notes that Republicans tend to have greater individualistic values than do Democrats who tend to be more egalitarian. He was able to determine that the value language used by McCain was more individualistic than that used by Bush.

The result of the election favoring Bush, however, is the result of only highly educated voters having the cognitive sophistication to make the connection between the message and the value cue. A more sophisticated electorate may have recognized McCain as more appealing to Republican values.

Shen and Edwards (2005) examined how the use of value frames impacted a person's views on the issue of welfare. Shen and Edwards hypothesized that persons who hold strong individualistic values would be anti-welfare, whereas those who hold strong humanitarian values would be pro-welfare. Shen and Edwards measured core values within each individual, exposed them to media relative to welfare reform, and determined that there was strong support for the hypothesis. "These findings can be explained by the social cognitive theory of accessibility, which can be viewed as the activation potential of constructs...values can exist at various levels of accessibility, which may vary their impact on judgment. Generally speaking, values that are important and frequently used are chronically accessible. Chronic accessibility, in turn, means a heightened level of activation potential and, when primed by stimuli, tends to play pervasive and powerful roles in shaping the interpretation of relevant information and subsequent judgment" (803).

It is clear that values may not only play an important role in the consideration of framing effects, but that they may play a primary role. Framing effects result from messages being interpreted from often used cognitive constructs. Values, in terms of rules and judgments, are some of the most often accessed cognitive constructs. Framing

effects are clearly influenced by core values. So how is value framing important to environmental conflict resolution?

How has framing been used within environmental conflict resolution?

“Environmental conflicts are actual or potential disputes involving the environment, natural resources, public lands, or all three. They usually involve multiple parties who are engaged in a decisionmaking process and disagree about issues traceable to an action or policy that has potential environmental effects” (Emerson, et al. 2003, 4). Numerous methods have been used to categorize the disputes, but one common method is to consider them as upstream, midstream, or downstream. Upstream refers to policy level disputes, midstream refers to issues involving permitting and project approval, and downstream refers to regulatory compliance and enforcement. There is a potential to examine framing effects in all of these classifications (Emerson, et al. 2003).

A relatively modest body of literature exists that focuses on framing as a method of environmental conflict resolution, but it suggests that there is not only potential for further research, but that it can be a successful method in the resolution of conflict itself. Wondolleck, Gray and Bryan (2003), in “Us versus them: How identities and characterizations influence conflict,” consider the role identity frames play in conflict. “How individuals view themselves and others is central to most conflicts, from the local to the international, identities and characterizations are expressed in the language parties use to describe themselves and others. They play a pivotal role in the emergence, evolution, and intractability or resolvability of conflict” (207). It is easy to understand how identity labels given to self or others can influence conflict. Wondolleck, Gray and

Bryan determined that “disputes that move from intractability to resolvability evidence a dramatic shift in identity and characterization frames” (207). This being the case, environmental conflict resolution practitioners may benefit from trying to influence or alter such frames. It should also be noted that persons who hold particular values may also hold similar identity frames.

Values and identities are over-arching frames that play a role in conflict. Framing effects can also be applied to more discreet topics such as risk perception. Elliott (2003), in “Risk perception frames in environmental decision making,” researches these phenomena in several environmental case studies. Elliott claims that “professionals frame risk in terms of expected values, whereas lay publics focus more on variability and extreme outcomes...professionals employ methods...that are analytical..., whereas lay publics rely...on learning and experiences,...professionals focus on physical systems, whereas lay publics focus on social systems,...professionals evaluate...costs,...whereas lay publics often employ absolute scales, often seeking a goal of zero risk” (215). In one case study that was analyzed, residents “demanded that industry completely eliminate emissions” and “industry held that the risk was acceptable” (218). The difference in frame perception here is that the residents saw dirty air as a loss, in that it was not clean air. However, stakeholder groups began to change their focus from a desire for perfectly clean air, to a desire to simply improve the air. “In this case, the original focus on industry pollution was reframed to a focus on pollution prevention, thereby shifting from a loss frame to a gain frame” (218).

An example of framing research done on an even more discreet topic was performed by Peterson (2003) in his work titled “Social control frames: Opportunities or constraints.” Peterson considered how people’s views on government control of society impacted the dynamics of conflict in which they were involved. She discussed four frames: hierarchist, egalitarian, individualist, and fatalist. Hierarchists respect authority, support environmental regulation and argue for control by technical experts. Egalitarians see nature as fragile, push to equalize socioeconomic classes, and prefer that groups or communities exert control. Individualists push for weak environmental restraints, see nature as benign and push for no control outside of individual choice. Fatalists believe they cannot control anything, and tend to play an insignificant role in determining control. Peterson determined that a person’s social control frame can enlighten which conflict management option will be most successful. For instance, “stakeholders who value social control frames are likely to support conflict management options that encourage collaboration and facilitate broad participation in decision making” (237).

What work has been done relative to values and environmental conflict resolution?

Framing effects can be applied to environmental conflict resolution in a number of ways. These can be overarching issues, discreet subtleties, or practical matters. In any case, research has indicated that distinct patterns emerge relative to certain frames and conflict outcomes. Evidence presented thus far in this paper suggests that (1) framing is a legitimate method of understanding how people arrive at opinions, attitudes and stances, and is more than simple persuasion, (2) that framing effects are most likely to result from cues delivered to cognitive constructs that are frequently assessed, (3) that values are

some of the more primary constructs, and (4) that framing has been successful in the field environmental conflict resolution.

It stands to reason that conflict resolution through value frames may make a significant contribution to environmental conflict resolution. However, it is first necessary to evaluate how values have been used in environmental conflict resolution without framing terminology. What work has been done on values and environmental conflict resolution, particularly in the field of environmental ethics?

Pastin (1986), in *The Hard Problems of Management* states that extracting, knowing, categorizing, revealing or “framing” the environmental values of parties (as opposed to simply focusing on their interests) in conflicts will be helpful in foreseeing and understanding likely actions, stances, views, and strategies. Further, Caton Campbell (1998), in his dissertation titled “Exploring the characteristics of intractable environmental disputes,” identified eleven characteristics of intractability which he used to survey 190 members of the Environmental and Public Policy Sector of the Society of Professionals in Dispute Resolution. He discovered that “moral differences between parties was the characteristic that mediators judged to be most important in the context of the disputes” (Abstract).

Little work has been accomplished in the use of value framing as a method of environmental conflict resolution. One way to explore this is to examine how the field of environmental ethics has been applied to environmental conflict resolution. Ethical theories are closely tied to morals and values. The field of environmental ethics has

reached the deepest in trying to understand how values influence environmental conflict, but even this body of literature is weak.

One of the few works, “Resolving environmental disputes: Litigation, mediation, and the courting of ethical community” by Peter Kahn (1993), suggests that the use of environmental values in environmental conflict resolution is worthy of further investigation. Kahn’s work is largely devoted to explaining the positive and negative benefits of both mediation and litigation, and suggests that both have shortcomings. After an analysis of the state of both, he goes on to explain how ethics can compensate for the shortcomings of either technique. Very little emphasis is placed on ideas from environmental ethics literature except for mention of homocentric and biocentric ethics in the formulation of examples to illustrate his larger points. The work is predominantly from the view of moral psychology.

The next work builds on Kahn’s desire to find a use for environmental ethics in conflict resolution by suggesting that education in ethics is a solution. In “Teaching environmental ethics as a method of conflict management” by Varner, Gilbertz and Peterson (1996), a positive outlook for the use of environmental ethics in environmental conflict resolution is offered. This study examined the effects of teaching environmental ethics to a group of individuals engaged in non-mining environmental disputes. Participants were interviewed before and after the teaching sessions to determine how their attitudes changed toward themselves and the others in the disputes. The results indicated that the new education helped participants to more precisely classify their own views. Further, some evidence of reframing (although the terminology was not used) of

individual views occurred. Most importantly, conflict resolution seemed to be assisted since disputants stopped referring to each other as “evil,” and simply began to view each other “as thoughtful individuals with positions that (one) could understand while continuing to disagree” (277).

The work of Varner, Gilbertz and Peterson add support to Barker’s work outlined earlier that concludes that those individuals with greater cognitive sophistication and higher levels of education are more likely to respond to value frames.

The next work goes well beyond the works of Kahn, and Varner, Gilbertz and Peterson, and is likely the premier work on the use of values in environmental conflict resolution. Carolyn Merchant (1990) authored a paper titled “Environmental ethics and political conflict: A view from California.” Merchant did an excellent job of providing a taxonomic evaluation of three major categories of ethical theory - egocentric, homocentric and ecocentric. Egocentric ethics was described largely as the ethic normally attributed to industry. Such an ethical view is individualistic and requires business to maximize profit. Secondly, the homocentric ethic was attributed to situations where government intervention played a role. Homocentric ethics such as utilitarian ethics focus on the good of the many or society at large. Lastly, Merchant described the ecocentric ethic under which she claimed activists most often function. The ecocentric ethic has been extended from strictly anthropocentric, human-centered ethics to an ethic that finds plants, animals and ecosystems as worthy of consideration (as an aside, this is an example of frame extension in philosophy). Although framing terminology is not used by Merchant, this is clearly an instance that could have called upon framing theory.

Further, it demonstrates that framing, values, and environmental conflict resolution can intersect neatly.

What work has been done in value framing and environmental conflict resolution?

Thus far the following bodies of literature have been considered: (1) the roots of frame theory as predominately applied to social psychology and media studies, (2) the research that has incorporated framing effects and values (value frames), (3) the research that has incorporated framing effects and environmental conflict resolution, and (4) studies that have applied values (particularly environmental values as informed through environmental ethics) to environmental conflict resolution. A progressive flow of literature should then provide examples of research that incorporate framing, values and environmental conflict resolution, yet such a body of literature has yet to develop.

Where should frame theory research go from here?

Researchers have identified a number of areas where further research can strengthen the field of frame theory: (1) The field is not well defined. Druckman (2001) states that “what is needed is a unifying theory or framework to organize the wide variety of framing effect results. This is particularly important because of the fragmented nature of the literature...much research proceeds with little attempt to connect itself to other related work. The result is a series of tangentially connected findings about how and when different types of framing effects work. The problem with this approach is that it leaves unclear which limits apply when and just how robust different limits are under varying conditions” (246). Dewulf et al. (2009) note that a plethora of definitions for these concepts have generated considerable conceptual confusion...among researchers

who are defining, using and operationalizing these concepts...this criticism makes sense because the extant research on frames and framing represents a smorgasbord of approaches that differ conceptually, ontologically and methodologically from each other. Until appropriate distinctions are made among them, the confusion illuminated by these critiques will persist” (156).

(2) The literature is not connected. Even literature that employs framing terminology suffers from clear definitional concepts, and there are many examples of literature that have been published without knowledge of the field. Varner’s work is one, and Stephen Duffin (2004) published a work titled “The environmental views of John Locke and the Maori People of New Zealand” that serves as another glaring example.

The following is an excerpt from Duffin’s work: “The traditional Western viewpoint has been labeled as a form of shallow environmentalism, allowing few rights for anything other than human life. In contrast, indigenous peoples are seen as representing all things. Thus the claim is made that the latter’s ecological views are deeper than those of Western views. John Locke is often placed at the center of this tradition that is associated with indifference to the environment. Yet, a comparison of the fundamental beliefs that drive the environmental ethics of the Maori people with those of John Locke reveals surprising similarities. It may well be the case that any adoption by the West of another culture’s view would be too difficult given that there are so many foundational beliefs that are alien to the West, but which are required nevertheless to drive such an ethic. However, if we can find similarities between various views, such as those of the Maori and Locke, we may have a greater appreciation of one another’s

beliefs and hence less reluctance to adopt them if they will benefit the environment. Our efforts could then perhaps be directed toward putting environmental ethics into practice rather than fighting over which doctrine is the correct one” (381).

Duffin uses the term “views” to describe his project, as opposed to framing. He misses the opportunity to contribute to framing literature, and he failed to benefit from previous work in the field.

(3) There is a need to fill the void that exists in the literature relative to the potential intersection of framing, values and environmental conflict resolution. This paper is intended to contribute to this category. “We need a theoretical framework and a research program that seeks to articulate not only differences but commonalities in individuals’ environmental views and values. From this basis of common ground, mutual respect can emerge, sensitivities widen” (Kahn 1993, 217).

What method of framing is best suited for this research?

The above review of framing demonstrates the complexity of the subject. Dewulf et al. (2009), in a grand attempt to more clearly define frame analysis, have provided an excellent map of frame theory in “Disentangling approaches to framing in conflict and negotiation research: A meta-paradigmatic perspective.” They attempt to bring order to framing for both researchers and conflict mediators. This research project will rely heavily on the work of Dewulf et al.

Dewulf et al. (2009) differentiate between “cognitive frames” and “interactional” framing. “Cognitive frames” are those based on knowledge structures, while interactional frames are based on the method used to determine meaning in interactions.

“We differentiate between a cognitive and an interactional paradigm in framing research; that is, we distinguish between...frames as knowledge structures (frames as cognitive representations) and ones that center on how parties negotiate meaning in interactions (framing as interactional co-constructions)” (156).

“Cognitive frames are memory structures that help us to organize and interpret incoming perceptual information by fitting it into pre-existing categories about reality. Situations are framed by matching perceptual inputs with an available repertoire of frames. From this perspective, frames are considered relatively static entities that extend indefinitely in time” (159).

In contrast, interactional framing is “negotiated and produced in the ongoing interaction through meta-communication that indicates how the situation should be understood” (160). Further, “[t]he interactional-constructionist stance on framing assumes that conflict is neither a state of the world nor a state of mind, but a phenomenon that resides in the social interaction among disputants” (161).

“The difference between the two approaches can be understood in terms of their root metaphors. Cognitive frame theory portrays people as information processors or lay-scientists who use frames as heuristic devices in the gathering and processing of information. Interactional framing theory portrays people as conversationalists or lay-rhetoricians who interact in varying and recurring constellations while co-constructing the meaning of their worlds” (162).

“In the cognitive approach, meaning is located “between the ears” of each individual and ultimately depends on their private understandings and interpretations of

information communicated and processed. In contrast, in interactional framing theory, meaning is located “between the noses” of people and ultimately depends on their reactions to or supplementations to each other’s communication” (163-164).

Dewulf et al. go on to further divide their approach to distinguish between the types of things that “get framed.” They state that three categories of things are the subject of framing; (1) issues; (2) identities and relationships; and (3) interaction process (165).

“*Issue frames* refer to the meanings attached to agenda items, events or problems in the relevant domain or context. *Identity and relationship frames* refer to the meanings about oneself and one’s relationships with a counterpart(s). *Process frames* refer to the interpretations that disputants assign to their interaction process” (165).

Crossing the two categories, the “nature of frames” and what “gets framed,” allowed Dewulf et al. to develop six categories of frames: 1) *cognitive issue frames*; 2) *cognitive identity and relationship frames*; 3) *cognitive process frames*; 4) *interactional issue framing*; 5) *interactional identity and relationship framing*; 6) and *process framing* (166). Note that the use of the term “frames” and “framing” differentiate between static and dynamic states.

“The different approaches should not be viewed as mutually exclusive (i.e. if you use one you cannot use another), but instead as different lenses that highlight diverse aspects of the same situation” (166).

Definitions, from Dewulf et al. (167-175), for each frame type are provided here:

Cognitive Issue Frames: Cognitive representations of the substantive issues in a conflict or negotiation. This view of frames considers them to be relatively static structures or categories that reside in an individual's memory.

Cognitive Identity and Relationship Frames: Cognitive representations of issues held about self, others and relationships.

Cognitive Process Frames: Cognitive representations of interaction processes. It provides individuals with a behavioral script.

Interactional Issue Framing: Focuses on how parties negotiate the meanings of issues in social interaction. Issues are not objective, but are discussion topics.

Interactional Identity and Relationship Framing: Addresses how parties work out definitions of their identities and relationships by negotiating them in social interaction.

Interactional Process Framing: Constructs the meaning of the ongoing communication process. It involves cueing and reacting to each other, so that it takes more than one person to alter process framing. This type of framing centers on communication.

It should be noted that Dewulf et al. describe "relations" to be between human subjects in a dispute or mediation. This research will also count such relations to be between humans and nature. "[T]he divisions among humans both affect and mirror divisions between the social and natural worlds. Reducing the experiences of human exceptionalism must entail reducing not only the exceptional experiences of humans as a

species among other species but also the exceptional experiences of privileged humans among other humans” (A. Peterson 2006, 393).

To add context, we can return to the five traditional methods of resolving indigenous-mining conflict: resource curse theory, Western bias, marginalization, stereotyping and power asymmetry. Each of these traditional methods can be related to the Dewulf et al. framing scheme.

The notion of “resource curse” results from plans which have gone awry. Mining companies often believe that the wealth they will share with indigenous groups will lead to an improved way of life for the indigenous communities. In their thinking, there is a script which will play out for the benefit of all: a mine will open, it will produce profits, it will produce jobs for the community, the profits will be shared, the community and the mining company will be better-off. Of course this script does not always materialize as planned. This is a *cognitive process frame*.

The notion that “stereotyping” counters efforts to resolve indigenous-mining conflict also could be evaluated using frames. “Common frames about others take the form of stereotypes or what negotiation researchers call characterization frames. Characterization frames are positive, negative or neutral depictions of other disputants and their attitudes. Disputants rely on characterization frames as shorthand ways of describing people and making judgments about them. Thus, characterization frames also contain explicit or implied expectations about how others should behave” (Dewulf, et al. 2009, 168). Holding that indigenous groups are “backward,” or that they are hard-core environmentalists, for example, would be considered characterization frames. These

frames fall squarely in the Dewulf et al. schema as *cognitive identity and relationship frames*.

“Western bias” and “marginalization” could be described as the result of a *cognitive process frame*. These frames provide people with behavioral scripts depending on the perceived reality of specific circumstances. For instance, a mining company likely has a pre-conceived notion as to how a negotiation process should look and feel. After all, they have likely negotiated with Western communities, unions, and environmental groups. These scripts, unaltered, will lead to significant problems when dealing with indigenous groups that do not follow the script. Indigenous people, for instance, may be linked to ephemeral factors which only allow negotiations during a particular season of the year.

“Power relations” also may be placed in the Dewulf et al. matrix. “Individuals also generate frames about their relationships with others...When individuals employ power frames, they convey structures of expectations about status – for example, whether they are superior to or inferior to others. Power frames differ in terms of the source of the status differences, for example, perceived power stems from expertise, resources, membership in coalitions, morality, sympathy, etc...heavy reliance on power frames contributes to the intractability of conflict” (169). Power frames are an example of *cognitive identity and relationship frames*.

The traditional methods, represented as cognitive frames, help paint a picture of a problem. The use of interactional frames could represent a solution. Through dialogue, a strategy for reframing inaccurate and hurtful notions could be developed. Interactional

identity and relationship framing could be used to help miners understand that the stereotypes they have acquired about indigenous groups are misinformed.

“Mediators...rely on reframing as a technique for finding common ground among disputants by removing toxic language and altering the way that messages are conveyed and social accounts of the conflict are constructed” (156).

Dewulf et al. ask if “exploring how disputants with divergent cognitive frames can interactively co-construct sufficient overlap in their sense making to reach agreement about their dispute. Some researchers have argued that shared meaning is not essential for taking coordinated action...but that equifinality of meaning is sufficient. Others have argued that reframing of issues is central to finding common ground in negotiations...further research could contribute to disentangling the cognitive and interactional aspects or requirements of this process” (183). Will this research support the notions of Dewulf et al.?

5. Frame Analysis

What value systems played a role in the conflict?

Frame analysis was employed to identify “beneath-the-surface” values which played a role in the Picuris-Oglebay conflict. The identified values are not comprehensive, but rather serve as a beginning in the understanding of “what is really happening” in this indigenous-mining conflict. “Beyond the values we know we hold, further, frames might also be understood to encompass the default, or deep background, values that we do not acknowledge, as well as self-interest, class interest, and a host of other factors, most of which shape our action even when we do not realize it” (A. Peterson 2006, 283).

Do the good and the right play a role in the conflict?

An examination of the good and the right, with the Picuris-Oglebay conflict in mind, raises a number of questions. Have the Picuris and the miners behaved out of a sense of good, a sense of right, or a combination of both?

It is fair to suggest that utilitarian thought greatly influences the miners because they feel their products benefit the greater good. Consider the following statement from Oglebay Norton representatives:

So, I think the broader interest of society in having access to ample resources is going to have to be balanced against that. I don't think every fringe organization

can come along and declare something spiritual, put a flag in the ground, and it is off limits. If that's the case, it's clearly going to have to be balanced because in the end, everybody, regardless of what your economic interests are or what your religious interests are, you're going to have to cohabitate on decreasing land (Miner1 2008).

But, the basic problem was, we had patent rights to this mine. It's an asset of the company. We paid 30 million dollars for it that we owed to Franklin and we had to utilize these resources to make them profitable and manage our assets to benefit our shareholders (Miner1 2008).

Should one voice be heard more than others; no, I don't think they should (Miner2 2008).

One miner mentioned rights when he was asked about appropriate methods of resolving conflict:

You try to identify what each party's rights and obligations are. Then, there's an evaluation as to who has superior rights or who has superior obligations, and potentially you would end up with a balancing there, to see how you can maximize or optimize each party's particular rights or obligations (MinerLobbyist 2008).

But these remarks and their reference to a balancing (or calculus) seem nearer to utilitarian thought than to a call for the acknowledgement of particular human rights, no matter what the consequence.

The miners are not alone in their intuitive call to utilitarian principles in justifying industrial endeavor. A quick scan of the websites of corporate America yield similar calls:

MeadWestvaco Sustainability Page: Ours is a focused, ongoing commitment to make responsible business decisions that benefit our people, our society and our environment (MeadWestvaco 2009).

Monsanto Products Page: In addition, our biotechnology products have provided specific benefits to farmers, the environment and society at large (Monsanto 2009).

“Many Americans...have only the ‘first language’ of utilitarian individualism as resource for expressing and thinking about their lives” (A. Peterson 2006, 384).

Now consider what the Picuris have to say. Here, in commonplace language, is witnessed the conflict, whether conscious or not, between the right and the good.

The Picuris made several statements relative to rights, or to the abuse of their perceived rights:

I think a lot of rights come because of history. Natives are the first ones here, we did stomp on these grounds way before they came across the ocean and start claiming land as theirs (Picuris2 2008).

There were times when people went in there to gather clay, and they weren't allowed up in the area. They had it gated off, and there was the big mining trucks. People were up there, and we couldn't get in (Picuris2 2008).

First of all they think they can stomp all over us in this day and age. Even going back to history, they put us in these reservations and they kind of enclosed us, we're not free anymore. The other thing is, like I said, they keep us out of there. They force us. Since the 1872 Mining Law Act where the first settlers, they found the mine and they went ahead to do it. They don't understand the aspects of nature, and what we have. What the natives have there (Picuris2 2008).

Or consider this exchange, where deontological rules (no exceptions) come into play. The pueblo member was asked: “Is there any way the mining company could have done this so that you both could use the land? Or is it the kind of thing where it’s just not acceptable?” He replied:

Yeah, it's not acceptable. Just stop what they're doing (Picuris2 2008).

And there is mention of the “right,” as well:

No. It's just good that we got that mine back. It shows a lot of people that we're small, but we're fighting for what we think is right. If we can do it, anybody else can. It just takes a lot of work (Picuris2 2008).

It is clear the Picuris have a strong alignment with deontological thinking, while the miners have a strong alignment with utilitarian thinking. There could of course be exceptions where the reverse is true, but the exceptions are likely more in favor of the miners using deontology than the Picuris using utility. For instance, consider this excerpt from Oglebay Norton's Environmental Health and Safety Policy where deontology *and* utility are evident:

The consequences of failure to adhere to the Company's policy can be serious for the Company and the individuals involved, as well as the Company's workforce and the communities in which we operate and live (Oglebay 2007).

In general terms, the Picuris give primacy to deontology, and the miners give primacy to utilitarianism, when framing their world view.

It is not uncommon for business to be associated with utilitarian thinking. Premeaux (2004) conducted a study to determine what ethical theories managers used in their decision-making. He described his study: "The major philosophical ethical theories utilized are basically three kinds of moral theories. Utilitarian theories propose that individuals should evaluate behavior in terms of its social consequences. Theories of rights emphasize the entitlements of individuals. Finally, theories of justice focus on the distributional effects of actions or policies" (270). The overwhelming majority of business managers in the study used utilitarian principles. There were only scant examples of managers using the other options.

Likewise, it is not uncommon for indigenous groups to be associated with deontological thinking; Azenobar (2008) considered the use of a Golden Rule principle within an African indigenous group. "[T]he Golden Rule principle compares favorably

with Immanuel Kant’s Universalizability principle contained in his book, *Ground Work for the Metaphysics of Morals* and *Lectures on Ethics*, where he proposes a new approach to ethics and morality, by attempting to establish the supreme principle of foundation of morality” (236).

Utilitarianism and deontology are well-defined moral philosophies. Whether mindful or not of the formal theories, people intuitively apply these principles of good and right under a number of circumstances. These are notions which reside in their minds, which are called-upon when needed to “frame” their situation and articulate their wants and desires. It helps them understand “what is going on.” They are static notions. They are, as Dewulf et al. would label them, *cognitive issue frames*, representations of the substantive issues in a conflict or negotiation. These frames are presented in Table 1.

Table 1: CONFLICTING VALUES; THE GOOD AND THE RIGHT

<i>Cognitive Issue Frames</i>	
The Picuris	Oglebay-Norton
Deontology (The Right)	Utilitarianism (The Good)

Do anthropocentrism and nonanthropocentrism play a role in the conflict?

In general, it seems the Picuris align with a nonanthropocentric frame and the miners align with an anthropocentric frame. Consider the following quotes:

But we have a more dualistic view of things. Our spirituality is somewhere else and the land is here to be exploited or extracted (Miner1 2008).

Why destroy the natural resources? That is going against our belief with Mother Earth and the Great Spirit...This is what we believe. We believe in a rock, a tree. We worship the stars. We worship the clay. We worship all that is around us (Picuris3 2008).

It's about providing back to nature, respecting everything. Everything the Indians believe in was for a purpose - not for self-improvement, but for a community, is number one; two, to respect Mother Earth; and three, to survive (Picuris1 2008).

Dewulf et al. would consider a static, cognitive notion about a relationship (in this case a relationship to nature) to be a *cognitive identify and relationship frame*. The Picuris give credence to the notion that not all of the world is human-centered, whereas human interests take profound primacy in the view of Oglebay. These static thoughts are a lens through which all else is viewed, and they play an important role in the differences which generate conflict. These frames are presented in Table 2.

Table 2: CONFLICTING VALUES; HUMAN CENTERED THOUGHT

<i>Cognitive Identify and Relationship Frame</i>	
Picuris	Oglebay-Norton
Nonanthropocentric	Anthropocentric

Do instrumental and intrinsic valuing play a role in the conflict?

The valuing schemes termed “instrumental” and “intrinsic” match the valuing systems of Oglebay-Norton and the Picuris, respectively. The miners clearly view resources, and therefore nature, from an instrumental standpoint:

You had the situation in the western United States where companies in the mineral industry base their livelihood, their shareholders’ investment, their

investments, on a mineral title. And you have to preserve and protect that title (Miner2 2008).

The Picuris clearly attach more value to a resource, and thus to nature, than would be expected from someone who valued nature instrumentally:

It’s just a respect for Mother Earth. We cut a tree for traditional purposes, we ask Mother Earth for forgiveness for this tree that you have planted. We’re going to take it and use it for whatever purpose it is for. We feed it and give it cornmeal and stuff. We give Mother Earth cornmeal in asking for this (Picuris3 2008).

The indigenous “[r]eality is based on mutual reciprocity, the rule of ‘paying back’ what has been received from nature. The world operates on a constant flow of give-and-take relationships. Hunting rituals are performed before, during, and after traditional Native hunting to acknowledge the transformation of the deer’s life, spirit, and flesh into that of the human. The Native hunter and community know well that this is a gift from Nature and the game spirits will have to be ‘paid back’ at some time in the future by humans in the universal cycle of death, birth, and rebirth” (Deloria 2004, 55).

Dewulf et al. would categorize instrumental and instrinsic valuing processes as a way of viewing others, or as *cognitive identity and relationship frames*. These frames are presented in Table 3.

Table 3: CONFLICTING VALUES; VALUING

<i>Cognitive and Identity and Relationship Frames</i>	
Picuris	Oglebay-Norton
Intrinsic	Instrumental

What role does moral consideration play in the conflict?

It is abundantly clear that neither the miners nor the Picuris hold to a value system which suggests “equal” moral consideration to all living things. The Picuris claim to consider the world as one, but, by their own admission, they use the resources available to them for food and shelter. If they held to Goodpaster’s regulative considerability, this use of resources would need to be questioned. Do they hold an operative considerability? The following statements, which seem to balance their need to respect the natural world, while at the same time admitting they need to utilize the resources in the world, seem to place them squarely in the camp of operative considerability, as described by Goodpaster:

I think the mining conflict affected us in a lot of ways, from clay pots to mica to water... It all comes back to respect for Mother Earth, for clay. We don’t just go abuse it. We don’t just go take it anytime we want (Picuris1 2008).

Well, Native Americans, being environmentalists since time memorial, we just took what we want, what we needed. We never took any kind of resources that we didn’t really need; just what we needed. We still do that regardless whatever it is. If it’s herbs, if it’s clay, if it’s fish from the river, hunting; we don’t go out and take more than what we really need simply because everything that we do, being a Native, is related to spirituality. For example, gathering clay. We just don’t go up there and back up a pickup truck and start loading up. There is a ceremonial process that we have to go through so for that reason we just take what we need. That way Mother Earth can provide us some more when we need that natural resource. That is the way we’ve been taught. That’s the way it has been handed down through centuries and that’s the way it is today (Picuris3 2008).

Yeah, the animals have rights. They roam, they don’t harm. They know when to hide, they know they’re being hunted. They’re animals. They live and they don’t pose a threat, really, to anybody. Sometimes we get bears down here, but they don’t know any better. They’re just walking on the ground like they always have (Picuris2 2008).

Goodpaster (1978) concludes: “It seems to me that there clearly are limits to the operational character of respect for living things. We must eat, and usually this involves

killing (though not always). We must have knowledge, and sometimes this involves experimentation with living things and killing (though not always). The regulative character of the moral consideration due to all living things asks, as far as I can see, for sensitivity and awareness, not for suicide...” (324).

The Picuris seem to support the notion of operative considerability and realize that regulative considerability is not possible based on the needs of human survival.

The miners did not express their moral obligation toward the natural world in a manner which could assist the framing project relative to moral considerability. Thus, they are silent on the issue. Their failure to take a position as to when moral consideration should be granted, conflicts none-the-less, with the Picuris’ well-established thoughts on the manner.

Dewulf et al. would see the process of granting moral consideration to be a *cognitive process frame*. A script is developed and a process for decision-making is defined. A determination, based on a process, concludes what resources should be sacrificed for survival. These frames are presented in Table 4.

Table 4: CONFLICTING VALUES; CONSIDERABILITY

<i>Cognitive Process Frame</i>	<i>n/a</i>
Picuris	Oglebay-Norton
Goodpaster’s Operative Considerability	Silent

Do thoughts on the value of all living things play a role in the conflict?

In the case of the miners, there is no evidence that the weighty thoughts surrounding biocentrism occupy their deliberative process, and as they have already been placed in an instrumental category, this conclusion is consistent.

Can the Picuris be considered to be biocentrists? As mentioned previously, they believe that they should temper their desires and only take from nature what is necessary. From the perspective of the definition of biocentrism that allows for survival of the moral agent to be considered, they are biocentrists. From the perspective that there is a dividing line between what should be considered and what should not, they do not align, as they see all as equal. So a frame is established which will be termed pragmatic biocentrism, within a *cognitive process frame*.

A complication emerges, however. The miners would likely argue that they too are pragmatic biocentrists as the products they supply are vital to the well-being of society and they are merely supporting survival. This would be quickly questioned, however, as one of the popular uses for mica is to add a glitter effect to the paint in luxury automobiles. There are other non-survival uses related to their products and processes:

I don't know where that plays anywhere else, but if they were truly environmental, then they wouldn't need laws to tell them what to do (Picuris 1).

The miners cannot be adequately categorized as pragmatic biocentrists. These frames are presented in Table 5.

Table 5: CONFLICTING VALUES; BIOCENTRISM

<i>Cognitive Process Frame</i>	<i>n/a</i>
Picuris	Oglebay-Norton
Pragmatic Biocentrism	Silent

Do thoughts on the value of ecosystems play a role in the conflict?

The Picuris clearly value the ecosystem, and they align with an ecocentric view. Frames for such a view have been outlined by Oelschlaeger (1991) to include three aspects which are coordinated with Picuris quotes below:

(1) Those who hold a[n] ecocentric view believe that “natural systems are the basis of all organic existence, and therefore possess intrinsic value” (294):

That land, in relation to as a native, is very spiritual. It provides everything that life needs. It’s basically everything (Picuris1 2008).

Everything is important to us, everything (Picuris3 2008).

(2) Those who hold a[n] ecocentric view believe that “humankind is an element within rather than the reason to be of natural systems, and is hence dependent upon intrinsic value” (294):

I think that’s the whole thing. I mean, I can’t sit here and say that we want to own the land and we want more land, because it’s not ours to own. But I think part of our responsibility is to care for the Earth and respect it, right? (Picuris1 2008).

(3) Those who hold a[n] ecocentric view believe that “ethical human actions (actions which promote the good life for humankind) necessarily promote all life on earth (preserves such intrinsic values as diversity, stability, and beauty)” (294):

I mean, they do it with the creatures and the ocean. Like the crabs, they can only go two, three months out of the season. Why can’t they do that with mining? Let

the Earth sleep. Let the Earth rest. And then it's not like they move in to the next project and then let the other one rot, and then they have to be told. If they're doing it like they say they're doing it, environmentally conscious, they shouldn't have to have laws to make them do it (Picuris1 2008).

As with biocentrism, the Picuris see the need for survival, and do of course sacrifice portions of the biological and inanimate world which they value in order to maintain themselves. In fact, the act of removing even the small amounts of clay they use for their pottery is considered to be a "taking." Therefore, labeling the Picuris as pragmatic ecocentrists, a type of *cognitive process frame*, would be fitting. These frames are presented in Table 6.

Table 6: CONFLICTING VAULES; ECOCENTRISM

<i>Cognitive Process Frame</i>	n/a
Picuris	Oglebay-Norton
Pragmatic Ecocentrism	Silent

Other scholars have classified American Indian thought within biocentrism and ecocentrism. Deloria (2004) notes "the wide gulf that separates the tribal peoples from Western thinking. Tribal peoples include all forms of life in their body of evidence from the very beginning, so that their concepts must be more precise and involve considerable more evidence. Their statements must be framed in ways that are applicable not simply to humans but to living creatures in any circumstances. Many tribes include in the roster of living things certain kinds of stones that in their experience have considerable powers" (8).

Do thoughts on wilderness play a role in the conflict?

The Picuris view of wilderness has strong similarities to the Paleolithic view, as voiced by these pueblo members:

Well that land is important. Our history goes back, with the animals, with the water, with the clay we get up there (Picuris2 2008).

“Harmony with rather than exploitation of the natural world was a guiding principle for the Paleolithic mind and remains a cardinal commitment among modern aborigines” (Oelschlaeger 1991, 17). This notion is predominate in Picuris thinking, as they have a strong desire to cherish what nature provides without over-consuming:

When we wanted some more, it was there because of the environmental aspect of our livelihood that is, why destroy the natural resources? That is going against our belief with Mother Earth and the Great Spirit (Picuris3 2008).

The Paleolithic frame is divided into subframes, developed by Oelschlaeger (1991), as follows: “(1) believed that irrespective of place, nature was home, (2) regarded nature as intrinsically feminine, (3) thought of nature as alive, (4) assumed that the entire world of plants and animals, even the land itself, was sacred, (5) surmised that divinity could take many natural forms and that metaphor was the mode of divine access, (6) believed that time was synchronous, folded into an eternal mythical present, and (7) supposed that ritual was essential to maintaining the natural and cyclical order of life and death” (12).

Statements from the Picuris reveal a marked association with The Paleolithic mindset.

Irrespective of place, nature as home:

The land itself, we believe, there is no ownership. Like we say, our boundaries are as far as the eye can see in every direction (Picuris1 2008).

Nature as feminine:

That way Mother Earth can provide us some more when we need that natural resource. That is the way we've been taught. That's the way it has been handed down through centuries and that's the way it is today (Picuris3 2008).

Natives are more grounded to spiritual aspects, and we link everything to Mother Earth (Picuris2 2008).

Nature as alive:

We cut a tree for traditional purposes, we ask Mother Earth for forgiveness for this tree that you have planted (Picuris2 2008).

Entire world as sacred:

Well that land is important. Our history goes back, with the animals, with the water, with the clay we get up there. There's some sacred trails that we use in that area. This whole valley, we have sacred areas that we used to use a long time ago. As the mine is being part of that area, our areas of our traditions go to the other side of the Sangre de Cristos, to Las Vegas, to the plains. A long time ago Picuris used to roam all these lands. We have our traditional sites in different areas in the mountains (Picuris2 2008).

Divinity in nature/metaphor:

The Great Spirit is our livelihood. This is what we believe. We believe in a rock, a tree. We worship the stars. We worship the clay. We worship all that is around us (Picuris3 2008).

I could sit here almost all day and talk to you about Great Spirit and you won't have any concept of what I'm trying to tell you (Picuris3 2008).

Time as synchronous:

There's times, because the Earth sleeps, too. The Earth is on its own cycle. And you've got to learn to respect that, because if you overuse it, overuse it, that's when the Earth gets mad. And those guys, that was disrespectful in using that, for just the buck, I guess (Picuris1 2008).

Ritual as essential:

[O]ur traditions go to the other side of the Sangre de Cristos, to Las Vegas, to the plains (Picuris2 2008).

Trails are a place to have races, from the de Corita Mountain down to the Pueblo. I think that used to take place once a year. The trail runs through that area (Picuris2 2008).

No evidence from the mining company surfaced which indicated a Paleolithic perspective, with the exception of a remark made from a personal, and not a company, perspective, as follows:

Well, I'm not a Native American in my own right, but I actually share a close affinity for nature (MinerLobbyist 2008).

The Paleolithic perspective of wilderness has existed much longer than any Western view, but scholars believe it has been diluted for modern thinkers. Significantly, the written word did not exist in the long period (so-called prehistory) of time before the emergence of Western thought, and this fact tends to mute the extensive history that existed previously. Understanding these times can only be discovered through archaeological research, imagination and significantly, indigenous groups whose roots and cultural memories exhibit ties to this forgotten time.

To state that the Picuris are framed in the Paleolithic does not suggest that they are backward or archaic. It is only to say that they desire a view of wilderness that coincides with a time when such a perspective was the only alternative. It also suggests there is a remnant of the Paleolithic which remains with them.

I don't think we're going to ever get out of this simply because we're considered as savage people and that we couldn't compete with the dominant culture because of our way of life, which was very, very simple. We have the same technology as the white man do, but in a different manner. We believe in older ways of life, but we look at it from a different point of view. That's the way we were brought up

(Picuris3 2008).

Even though the Picuris hold to some thoughts from the Paleolithic, they are not strictly anti-modern. A visit to their Pueblo shows that they have made good use of many modern conveniences. So to suggest that the Picuris hold a Rousseauian, primitivism frame would not be accurate.

The miners, however, are thoroughly steeped in modernism. Their thoughts on modern notions are offered without question or doubt. The Western frame of modernism is clear. Language regarding social responsibility and environmental protection is peppered into the dialogue, but profit, utility, cost-benefit, free-market, and land ownership take primacy.

Because it's part of their culture. It's part of their spirituality. A lot of their metaphysical views are tied to the land of their ancestors and it's a very different world view from what we have. Spirituality is more pantheistic to them. It's just everywhere. It's in the rocks and trees, at least that's how I understand it. I don't think they pray to them, specifically. But we have a more dualistic view of things. Our spirituality is somewhere else and the land is here to be exploited or extracted (Miner1 2008).

Well, we tried to talk to them about what they really needed. We tried to explain to them where we were - that we have a business; we can't just shut it down. We can't just give people land that would be impossible; so let's try to balance this. We're not responsible for what the US government did 100 years ago, or, as it turns out in the lawsuit, maybe not what they did 100 years ago. We just can't take responsibility for that, much in the way we're talking about African American reparations being made, today. There's a certain amount of time that passes, in proximity to people today (Miner1 2008).

The business was not profitable, it was difficult to operate, plus the mine was 30 miles away from the processing plant. It was expensive to transport the minerals to the plant. And, the New Mexico regulatory environment was not conducive to business, really. It was pretty difficult to work with (Miner1 2008).

Like I said, these were corporate assets. We have shareholders, we're a public company, and we need to manage the assets. We're not equivocally going to give our assets away (Miner1 2008).

I think that it's going to be a balance of a basket of interests. Any company is going to have a responsibility to its shareholders and to manage its assets. I already stated that. I think that to the extent that somebody wants to pursue a higher level ethical solution to this, it should be something that should be brought to a shareholder vote. Management should put together a prospectus, and basically you need to sit down with your shareholders and say, 'This is in the company's long-term interests', much in the way that oil companies are approaching global warming by saying that there's the ethical responsibility to be progressive, but there's also the business responsibility that needs to be addressed, as well (Miner1 2008).

And referencing cost-benefit:

You hate to reduce everything to the cost aspect model of just how valuable is the asset and just how deeply held the convictions are, the spirituality of the place, but the Supreme Court does that all the time, right? You have certain groups that can smoke marijuana because it's part of their religion (Miner1 2008).

It's no secret in this country we've given the broader weight to business interests and expansion (Miner1 2008).

The Picuris take exception to many modernistic stances, such as land ownership:

The land itself, we believe, there is no ownership. Like we say, our boundaries are as far as the eye can see in every direction. And back in the day, these tribes would interlink the land. Like, for example us and Mexican towns, there is nothing between Mexican towns and our land. Our land borders their land and so forth (Picuris1 2008).

Everything, it's generated by the dollar. I mean, it'll suck you in and spit you out (Picuris1 2008).

Because everything is created for convenience, with convenience in mind, and everything is done to make, not a quick buck, but to make money (Picuris1 2008).

So, when we took away one of those elements, which is we don't have to worry about surviving here anymore. Being an Indian nowadays is hard. It's hard. We have our traditional areas, where they don't have electricity. They don't have the modern things. And it's hard to get back to that. It's hard to get out when it's cold. It's hard to dance when it's snowing, or it's hard to do things like that. So

that's hard. And it's harder for my generation to understand, 'Well, why do I have to do it'? With this freedom and this economic development and computers, it created more choices. Before, you had to do it (Picuris1 2008).

And that's mind-boggling to me because we know it's ours. But then, now we have to prove that it's ours by, either, one, we have to buy it back, or we have to fight, or we have to do something. But it's always been ours. And the mining company, for them just to come in and pay whatever they paid - \$1.75 or whatever it was - and just to abuse it for the dollar, that in itself was disrespect to the tribe (Picuris1 2008).

I think mining in general - I don't know. I don't know if there's any positive way to do it because the companies get crazy when they do it. They say they're environmentally self-conscious, but if you really get into the nitty gritty of things, they buy off senators; they buy off towns. They buy people (Picuris1 2008).

If you were to talk to our traditional leaders... It's hard to explain who we are. It's hard to explain what you're asking because of the fact that it's something that we're accustomed to and we realize that it's not ours, because, at the times when we did our pottery, we used it to cook, we used it to barter and to do everything. Nowadays, we go to Wal-Mart, buy one of those industrial pans, and we can cook the shit out of whatever we want to cook (Picuris1 2008).

Jojoba (2004) lends support to the views of the Picuris. "Among indigenous communities...individuality ultimately becomes subsumed in collective values. The basis of these values is invested in land, but not land as individual property right. Instead, valuation is seen in the longer term with the operative principle being that of land tenure. As families occupy and sustain land over successive generations, the notion of property becomes one of inheritance. By being born in a context, individuals see this inheritance as a birthright. The community is mobilized, therefore, to make certain that individual activities uphold their collective agenda. And unlike mainstream society, the acquisition and retention of a land base or territory becomes paramount" (89).

But, again, the Picuris are not strictly anti-modern:

I think, again, as far as modernization of the pueblo, we're becoming dependent on it as tribal people. We can't do without it (Picuris1 2008).

Before, going away from the mining part, the one you said about communications, computers. I think, my goal, as governor now, is incorporating these computers and this with the younger generation (Picuris1 2008).

Right. And the way we're trying to gear to is we have the iPods, we have the tunes, we have these, where everybody puts music on them. And now it's incorporating our language in those, and then getting two things. The youth gets their iPod, and then we learn our language. Like, for example, we put our language on there. You have one week or one month to learn three sentences and actually understand their meaning and comprehend what they mean. And then, at the end of this, you keep an iPod, and we learn our language" (Picuris1 2008).

And then they have more power than anybody else, because they have money. And see, the difference between our mining and their mining, our mining, when we go, we take as much as we need. We take it, and we respect the Earth, and it's not about the money. And the thing doesn't come to one person; it goes to the community. For mining, ultimately, the money goes to one person. It's personal gain (Picuris1 2008).

To claim that the Picuris exhibit traits of Paleolithic thought is to make a statement about their identity and relationship to nature, and to establish a *cognitive identity and relationship frame*. "Once adopted, identity frames tend to be enduring and resistant to change because history and 'strong situations' reinstate them (Dewulf, et al. 2009, 169). Dewulf et al. would classify the modernist constructs exhibited by the miners as a *cognitive issue frame*. The notions of free-market and profit are static, engrained concepts. These frames are presented in Table 7.

Table 7: CONFLICTING VALUES; WILDERNESS THOUGHT

<i>Cognitive Identity and Relationship Frame</i>	<i>Cognitive Issue Frame</i>
Picuris	Oglebay-Norton
Paleolithic	Silent

But the Picuris frame is more complicated than a Paleolithic characterization allows. The Picuris can also be strongly identified as holding a Thoreauvian frame. Thoreau held great respect for indigenous thinking and felt much could be learned from what he termed Indian wisdom. “Rather than marching unconsciously to the dictates of society, a person-in-the-wilderness is more natural, in tune with organic fundamentals, and thus not a philosopher or scientist but a person of Indian wisdom” (Oelschlaeger 1991, 144). Thoreau was on a mission to learn from nature, and reestablish some of what has been lost since the Paleolithic. “Meanwhile we step hastily along through the powdery snow, warmed by an inward heat, enjoying an Indian summer still, in the increased glow of thought and feeling. Probably if our lives were more conformed to nature, we should not need to defend ourselves against her heats and colds, but find her our constant nurse and friend, as do plants and quadrupeds” (140).

Similar to the Picuris, Thoreau was not anti-modern, but yearned for modifications to the strictly Western view. Just like the Picuris, he wanted for a modified-modernity.

The Picuris also hold a Muirian frame. Muir was ecocentric. “Muir...recognized nature as a reality that enframed and transcended all being, including himself” (177). Whereas Thoreau was driven to find a relational place for humans and nature, Muir believed humans were simply another entity within nature, to be valued in equal fashion.

The Picuris’ pragmatic-ecocentrism does not align perfectly with some of the more extreme views of Muir. However, there is a sharp similarity between the Picuris and Muir. “Repelled by the harsh fanaticism of his father’s religion, John Muir belonged

to no church. He gave freely when solicited by Protestant and Catholic alike. But he affiliated himself with no formal creed. Yet he was intensely religious. The forests and the mountains formed his temple” (Teale 2001, xiii).

“Thoreau [and] John Muir...questioned the divide between civilization and wilderness established by Modernism” (Oelschlaeger 1991, 132). Both hold similarities to the Picuris.

The Picuris are also similar to Spinoza and the Romantics. “Animals were not, as Descartes believed, functional machines but finite ‘modes,’ self-determining parts of the larger order of nature. For Spinoza life was a process of intercommunication and adjustment among the elements that constitute nature. Natural things are what they are only in relation to the whole; there is no separate existence” (124).

These alternatives to modern thought are not as objective and structured as the frames considered thus far. They hint to a negotiation. They focus on relationships and interactions. This is the first example of *interactional framing*. “Interactional issue framing focuses on how parties negotiate the meanings of issues in social interaction...Issues are not objective, a priori agenda items, however, but rather equivocal discussion topics that are named, blamed and claimed as disputants argue about them” (Dewulf, et al. 2009, 170). The Picuris are negotiating with modernity, naming the miners, and blaming aspects of Western thought.

Each of these views, represented by Thoreau, Muir, Spinoza and the Romantics, would be categorized by Dewulf et al. as non-static, active framing under the header of *interactional identity and relationship framing*.

Thus, a fair accounting places the miners in a strong Western modernistic frame, a type of *cognitive issue frame*. The Picuris have accepted many attributes of modernity, but they seem to yearn for a modified-modernity. Thus a modified modernity frame is established, and is the first example of interactional framing. These frames are presented in Table 8.

Table 8: CONFLICTING VALUES; MODERNISM

<i>Interactional Identity and Relationship Framing</i>	<i>Cognitive Issue Frame</i>
Picuris	Oglebay-Norton
Modified Modernity	Western Modernity

Does Judeo-Christian thinking play a role in the conflict?

Judeo-Christian ethics were not referenced by the miners, nor were they referenced by the Picuris directly. However, the miners had made a reference to a particular method of caring for the environment that is steeped in Judeo-Christian foundations. Therefore, the subject will be examined.

Particularly interesting are the following statements:

But clearly, within the past several decades, there has been a focus on the environment. It's considered an important part. The law requires companies to preserve and protect the environment. I think that companies have evolved beyond a legal requirement to basically a moral requirement, that they have a stewardship responsibility for the land, whether it's for their shareholders or whether it's for the public at large. And they are taking that much more seriously (MinerLobbyist 2008).

It has to be. We're a public domain, we have shareholders. These are assets, and assets need to be managed. But, they need to be managed within the parameters

of the regulatory overlay. And then they need a little extra stewardship. It's got to be more than just all about the absolute minimum standard of pressure gauged in the mine. There's a little bit more to it than that (Miner1 2008).

The term "stewardship" mentioned by the miners holds great significance when considering religious views toward the natural world. There is an intimation of "power over" in the tone of the term.

"[T]he ethic of stewardship has...been attacked...for its uncritical anthropocentrism," and "homocentrism" (Paterson 2003, 44). It may be that the miners used the term without meaning to reveal an inner ethic, but other evidence supports its likely meaning to them. "In the West, stewardship has a long history as a term used to describe people's relationship to the Earth. It has been central to the popular Christian literature for some time, is commonly used in the naming of environmental programs run by governments, organizations and community groups" (43). Interestingly, the word is not found in the Picuris transcripts when they describe their relationship to nature.

Stewardship has become widely accepted as the Judeo-Christian environmental ethic. "The understanding of the human dominion over nature that has become most popular among Christians, in the context of a new consciousness of ecological responsibilities, is the idea of stewardship" (Bauckham 2006, 42).

There are those who do not accept the popular belief that man has a right outlined in the Bible to dominate the Earth. Palmer (2006) states "[t]he concept of human stewardship of nature is frequently assumed to have a biblical foundation, and thus to carry particular authority. However, that this is so is by no means certain" (64). Palmer goes on to note that "[s]tewardship of the natural world, whether Christian or otherwise,

then, remains profoundly anthropocentric and un-ecological, legitimating and encouraging increased human use of the natural world” (75).

There are those who criticize the anthropocentric reading of religious texts. Attfield (2006) states, if this “means representing nature as having no independent value of its own, neither theism nor stewardship implies anything of the kind” (90). He does, however, hold a minority view.

“White made the observation that the Judeo-Christian divine message is unique among religious traditions; other religions tend to have a more benign view of nature for its own sake. Thus, he concluded, the fact that the West developed a materialist and exploitative perspective on nature is not an accident, but a consequence of this religious-turned-cultural biblical command” (Marangudakis 2001, 244).

For purposes of this project, strong anthropocentrism as tied to a Judeo-Christian ethic, and demonstrated through a stewardship view of human-nature relationships, will be accepted. “The Judeo-Christian mind claims nothing from nature. God alone is of importance, and human attention shifts irreversibly from any idea of an eternal mythical present to the hopeful awaiting of the future” (Oelschlaeger 1991, 65).

What do the miners mean when they reference stewardship? The primary purpose of the industry, as described below, is:

We produce industrial minerals across a range of different commodities. These are used in a variety of manufacturing and agricultural uses, including glass, plastics, paper, rubber, paints and coatings, metal castings, etc. (MinerLobbyist 2008).

And, “In the New testament parable of the talents (Matthew 25:14-30), God requires people to use what has been given to them” (Paterson 2003, 51).

Further, consider the following quote:

We had to utilize these resources to make them profitable and manage our assets to benefit our shareholders (Miner1 2008).

Therefore, the miners are closely aligned with a stewardship framework.

Supporting this is the previously-established anthropocentric frame.

The Picuris are focused on a different view of God than that of Judeo-Christianity:

Natives are more grounded to spiritual aspects, and we link everything to Mother Earth. Other people, other races are – there’s some that are environmentally conscious, there’s others that don’t really care. But I think the natives have more of the environmental (Picuris2 2008).

If it’s herbs, if it’s clay, if it’s fish from the river, hunting; we don’t go out and take more than what we really need simply because everything that we do, being a Native, is related to spirituality (Picuris3 2008).

That way Mother Earth can provide us some more when we need that natural resource. That is the way we’ve been taught. That’s the way it has been handed down through centuries and that’s the way it is today (Picuris3 2008).

That land, in relation to us as a native, is very spiritual. It provides everything that life needs. It’s basically everything (Picuris1 2008).

Using the Dewulf et al. schemata, stewardship fits with a *cognitive identity and relationship frame*. These frames are presented in Table 9.

Table 9: CONFLICTING VALUES; STEWARDSHIP

n/a	<i>Cognitive Identity and Relationship Frame</i>
Picuris	Oglebay-Norton
Silent	Stewardship

Do the shallow and the deep play a role in the conflict?

According to Grim (2001), “[t]raditional indigenous environmental knowledge and deep ecology share a respect for animal and plant life though the conceptual basis for that respect is quite different. Perhaps one way to flag those differences is to focus on the giving act of animals and plants recognized by indigenous thought traditions. Plants and animals in the conceptual systems of many indigenous peoples willingly sacrifice their own lives for the human need” (51). Grim goes on: “[W]hat may be the most significant comparisons between deep ecology and indigenous religions are the felt experiences of interacting with the larger whole of reality” (52). Indigenous traditions have been “seen as rich with examples demonstrating the two key norms of deep ecology, namely ‘self-realization’ and biocentric equality” (38).

However, one should not go too far with a comparison of deep ecology and indigenous groups. “Connections between indigenous traditions and deep ecology have been suggested since the phrase, deep ecology, was first introduced” (38). There are many similarities, but to suggest perfect alignment would be false.

For instance, deep ecology was conceived in 1972. “[I]t is appropriate to recall that deep ecology refers to a philosophical school with an activist agenda that demonstrates changes in the twenty years of its formulation. Indigenous traditions refer to actual, dynamic societies whose identities are embedded in land, language, subsistence practices, kinship, narratives and time-honored customs” (30).

In fact, it is likely the movement owes more to indigenous thinking than the reverse. Indigenous thinking, supplanted somewhere in the mind of Naess, possibly gave

him many of his ideas. So even though there are similarities between the deep ecology platform and world view of many indigenous populations, it is going too far to call these indigenous groups, completely, deep ecologists. It is fair to note the striking similarities between the two, as long as any analysis is tempered with the significant points of dissent. It is also fair, for the purpose of this project, to add deep ecology to the Picuris frame.

At this point, it should be clear that Oglebay Norton holds a shallow ecological world view.

Shallow and deep ecology are both *cognitive identity and relationship frames*, and *cognitive process frames*. They establish an identity and a way of relating to nature, and they provide a script of action which is thus required. These frames are presented in Table 10.

Table 10: CONFLICTING VALUES; THE SHALLOW AND THE DEEP

<i>Cognitive Identity and Relationship Frames</i>	
<i>Cognitive Process Frames</i>	
Picuris	Oglebay-Norton
Deep	Shallow

Do thoughts on restoration play a role in the conflict?

This analysis allows for the establishment of two frames within the ecological restoration frame; nature separate from culture (denies restoration), and nature bound to culture (supports restoration). Do these frames fit the disputants?

In the case of the Picuris, it is overtly apparent that they consider culture and nature to be interwoven, and that they consider harm to the natural world as harm to their community and culture. They also seem to support restoration, or at the least they do not object. To the Picuris, restoration seems to equate to healing. They remained agitated that the land was disturbed in the first place, but seem to have arrived at a certain level of comfort in the knowing that the land would be made whole:

Well, with these mines, this mining that takes place, they could at least put back what they took out. To reclaim their mess, the big holes and stuff (Picuris2 2008).

No, it's not resolved yet. Sure we got the mine back, but since it falls into a public land, the state of New Mexico Department of Mines and Minerals still has control over us. We can't put it into trust then until we comply with the rules and regulations on the reclaiming part (Picuris3 2008).

Yeah, to get back our clay pits, even though one-third of them is destroyed. It's just a matter of time and reclaiming it. Again the state requirements, regardless of what is the law, we have to comply with it. I think at a point in time that we will succeed and have that clay back again. I think that it will rejuvenate; Mother Earth can answer our prayers. We can find some more clay and we can continue our tradition and pass it on to the younger generation (Picuris3 2008).

The following excerpts from the contract geologist managing the restoration showed the Picuris as involved and providing advice for a proper project (not to mention they hired the geologist to conduct the restoration):

Some of the elders that I've talked to individually and I've approached have given me specific, "See if you can find the B plant, the B ball plant, the Manarda, which we've been able to bring seed in and seed in certain areas. And I've just got another request for another native plant that's used medicinally. In other regards, I've actually got the attitude from elders that we shouldn't be bringing seed in from outside at all, that that seed, if it's going to happen it will be there" (Geologist 2008).

Even if the individual says, we shouldn't be bringing seed from outside at all. Because the fact of the matter is, that if we don't bring seed in at all, we effectively delay this whole period of time it takes to reach our reclamation goal.

And it costs the tribe dearly in overhead to extend that period of time of proving up the ability to sustain vegetative development” (Geologist 2008).

The spiritual plants that they have identified have been very close to the vest on. They said that there is a certain amount of information that they’ll allow us, as a white culture even as a consultant to them, to be aware of. There are other aspects and they even including these two, I just picked up the fact that this other plant that they’ve asked about. Osha is the common name of the plant. I believe it’s just o-s-h-a, but I’m not sure of the generic name for the plant and other common name even and I’m going to try to find that out yet. But, to give you an idea of the spread of plants that we are planting on the site... But, to be more specific on your question about how these plants are used, when you get very specific, especially with some of the elders, they won’t answer you. They won’t be clear on it. They’ll tell them it’s important to them, but they won’t be explicit as to how it is actually used” (Geologist 2008).

The animals of course, the elk herd in that area is large. We see impact of the elk there on a daily basis. And our reclamation plan is geared to support of wildlife habitat and support of the development of the native species. While that can be very difficult, in my own experience over the last 30 years with reclaiming mine sites, especially in open space and in wildlife habitat re-construction, is that the wildlife are your biggest challenge, because they have a tendency to denude and destroy vegetation before it can be developed” (Geologist 2008).

Well, we’re protecting them in the sense that we’re developing habitat to support them. But, their concept of the wildlife is that the wildlife is going to be there. It is there. It’s part and parcel, like the ravens overhead that tend to stay with us like they’re... my sense is that they’re tribal members themselves. They keep an eye on us when I’m working at the site. They’re always there. They’re part of the mountain, just as much as the trees and the slopes and the soils and the water. They have established certain areas where we have springs emitting, which are very important to the Picuris and especially for other use by the deer and elk” (Geologist 2008).

Likewise, it is abundantly clear at this point in the research that the miners see culture as separate and distinct from nature. Yet they support restoration, unlike the philosophers who see the same bifurcation, but who do not support restoration. This is the fact as they arrive at their notion of a dualism based on utilitarian, anthropocentrism, and not overt concern for naturalness, as the following support:

I think reclamation plays a critical role, particularly as it relates to the indigenous people. I mean, there are legal requirements that land typically needs to be returned to its original contour, to the extent that that's possible, and needs to be revegetated and that there needs to be adequate provision made for its continued development in terms of reclamation. Part of that is secured through legal obligations and also through financial bonds that are supposed to cover that in case of default. This may be one of those areas where the state has concerns and the state obviously would listen to public comment, including that of indigenous people. But that may potentially present an opportunity for a company that is considering development and working its way through the reclamation process to have special consideration paid to that particular perspective (MinerLobbyist 2008).

Well, to me, reclamation is important, it should be important to all groups particularly if you're operating on public land. You know the point is historical. The natural resources industry has done a poor job of working with the community, working with indigenous tribes, working with all stakeholders on the issue of abandoned mine land and of reclamation in general. And at the very least, for me, reclamation plans should be aggressive, they should minimize mining, minimize the overall impact of their facility because it's practical and you should have a completely open and transparent negotiation with all stakeholders with respect to reclamation and then involving your stakeholders and the outcome of public land (Miner2 2008).

I don't know. The best that I could tell was that they wanted a complete and wholesale return of the land to the original [indecipherable]; and by nature of resource extraction, that's impossible to do - you just can't do it. And that was basically my understanding. What's frustrating to me is no matter how far I go in terms of offering a solution I just don't feel that I could make everyone happy with what we were trying to do (Miner2 2008).

In the end, both parties support restoration, but likely for different reasons. Each see this as a script which plays-out in a certain way after damage (in the minds of the Picuris), or after mine closure (in the minds of the miners). Each is representing a *cognitive process frame*. These frames are presented in Table 11.

Table 11: CONFLICTING VALUES; ENVIRONMENTAL RESTORATION

<i>Cognitive Process Frames</i>	
Picuris	Oglebay-Norton
Supportive (nature and culture as one)	Supportive (nature and culture as separate)

6. Discussion

This project has been an attempt to discover the held values possessed by the parties involved in an indigenous-mining conflict. The project is a form of discourse analysis, and not philosophical analysis. This project could have been pursued under the requirements of philosophical analysis, but difficulties may have emerged during that process which would require the researcher to “take sides” within the dispute. In an effort to remain true to the scope of the project, philosophical principles were not critically analyzed.

Philosophical analysis places an argument on the table and 1) criticizes that argument; or shows that certain arguments for the thesis are no good, 2) defends the argument or thesis against someone else's criticism, 3) offers reasons to believe the thesis, 4) offers counter-examples to the thesis, 5) contrasts the strengths and weaknesses of two opposing views about the thesis, 6) gives examples which help explain the thesis, or which help to make the thesis more plausible, 7) argues that certain philosophers are committed to the thesis by their other views, though they do not come out and explicitly endorse the thesis, 8) discusses what consequences the thesis would have, if it were true, and/or 9) revises the thesis, in the light of some objection (Pryor 2010). This paper has done none of these things to the rigor required of the philosopher.

For instance, I presented utilitarianism and deontology, yet I did not defend either as a superior method of moral reasoning. Nor did I attempt to expand upon these theories. I simply compared these theories to the thinking of the disputants and identified similarities which may have not been previously realized. I then examined the literature for attempts to resolve or offer alternatives to these two opposing theories, and presented these alternatives to demonstrate that rigid allegiance to one or the other theory is not necessarily required. However, I did not defend the alternatives or suggest that they were the only alternatives.

Many may see this as a shortcoming, and I may elect to take a different route as my research continues throughout my career. However, I arrived at the decision to avoid philosophical analysis based on my personal situation.

I am a lobbyist for the industrial minerals industry. Oglebay-Norton was an industrial minerals operation. In fact, I represented Oglebay-Norton at one time through my affiliation with the Industrial Minerals Association - North America. When I began this project, my concern was that my work would be discredited from the start as I receive compensation to support the mining industry. Further, I have lobbied in the past for other industry sectors which have included the chemical and petroleum industries. When I began thinking about the design of this project, I knew it would be difficult to separate my working life from the underlying values I discovered. Yet I wanted to develop a project which could make a candid and unbiased examination of the parties involved. In all honesty, I assumed my philosophical analysis, if conducted, would be

biased to the terminal detriment of the research. In fact, I may have made a better subject than a researcher.

Discourse analysis, I hoped, would negate personal bias because I would be reporting on the thinking of others. The others would include the miners, the Picuris, and the scholars who have described and analyzed particular values. However, “Discourse analysis...is more than a simple method of discovery. It rests on a powerful theory detailing and explaining how the social world is understood” (Phillips and Hardy 2002, iv). In this light, discourse analysis was a superior alternative for other reasons as well.

Discourse analysis helps one understand how particular notions (derived through philosophy or some other method of inquiry) are nested in a social context. How were ideas generated, understood and communicated? Language itself offers a window into the thinking of individuals, and language itself can be the source of conflict or solutions. From this perspective of discourse, I wanted to understand what was being communicated and how it was being received. “To examine discourse requires an investigator to ask - in highly specific contexts - just how particular ideas, concepts and perspectives come into being and are sustained” (iv).

“The things that make up the social world - including our very identities - appear out of discourse” (2). In other words, to discourse analysts, reality is generated through discourse and is not thought to be an ultimate truth which can be derived through contemplation. The difference between discourse analysis and philosophical analysis could not be more striking. The reality in the world cannot be understood outside of the social context in which it lies.

Discourse analysis, as well as this project, “tries to explore how the socially produced ideas and objects that populate the world were created in the first place and how they are maintained and held in place over time” (6). In sum, this research does not attempt to derive ultimate truths, but to understand perceptions of what is happening within a social dialogue.

That being said, I would be remiss if I did not report, retrospectively, on the degree to which my personal biases did impact the research. After the long review of the parties involved, their narratives, and the associated literature, my opinions as to the rights of indigenous groups have changed markedly. I have come to have great empathy and respect for indigenous populations.

As Peterson (2006) stated, “Many Americans...have only the ‘first language’ of utilitarian individualism as resource for expressing and thinking about their lives” (384). I “was” one of those Americans. I am not any longer. I have other frames with which to view the world. The development of these frames has been painful. One is never pleased to learn they have been functioning under false-pretence. However, I am proud of the new views I have, and I am eager to do what I can to share my new thinking with others in my industry.

Most importantly, I believe my views have changed relative to the notion of power, and how indigenous groups can be marginalized even if there are good intentions on the part of mining companies.

American Indians, and all indigenous groups around the world, are proud people with a heritage that should be acknowledged. However, I also know the people that work

in the mining industry. I know CEOs, engineers, safety professionals, environmental professionals, human resources professionals, accountants, sustainable development practitioners, lawyers, lobbyists, regulators and miners themselves. They are proud, they depend on access to land for their livelihood, and they are bright and dedicated people capable of amazing things. The products which flow from the mining industry have made incalculable contributions to modern society. The mining industry knows how to get things done, and they can accomplish whatever it is they set their hearts and minds to achieving. I challenge my industry to direct much more of this legendary ferocity to the achievement of a new relationship with indigenous groups. I hope I can help this transformation take place.

This research has thus far provided a matrix of value thinking which describes, in part, what conflicts exist in the Picuris-Oglebay conflict, and indigenous-mining conflict as a whole.

The majority of the identified frames are *cognitive frames*. This is not surprising, because cognitive frames represent static positions in the form of engrained values which will be resistant to alteration; and thus contribute to conflict. Also, cognitive frames represent entrenched values which are easily accessible in the visceral reality of disputants.

It is unlikely that merely defining and labeling such values will have a conflict-reducing impact. In fact, it may lead to conflict escalation if parties use the opportunity to understand the philosophy behind their positions to further state their stubborn case. There is no guarantee that this type of analysis would be at all useful in conflict

resolution, and there is no indication that the “will” of the parties would change based on this new-found knowledge.

The Picuris, as mentioned, began to exhibit frames which moved into the territory of interactional framing when faced with questions regarding modernity. It is not unusual for the party with the least power to move in such a direction. Finding a solution to the problem of indigenous-mining conflict will likely mean more to the indigenous community than to a mining company.

The conflict represents the entire life of the community. They will be more motivated to find a solution, and solutions are more likely in the realm of dialogue (interactional framing), than in the static world of cognitive frames. The Picuris have indicated a willingness to explore other alternatives as evidenced by the emergence of interactional framing.

Have the miners given any indication that they are willing to move toward interactional framing? Is there even more to uncover relative to the reason for the miners’ entrenched positions? Why are all the miners not engaging in interactional framing?

Are the miners having a hard time understanding “why” indigenous groups should receive special consideration? Do they view them simply as fellow citizens within a democratic society? If so, any solutions offered may not be taken seriously.

Do indigenous groups have collective rights?

Frederick Jackson Turner (2008), in his famous work, *The Frontier in American History*, draws an interesting connection between the development of the American

frontier and the development of liberal individualism. Turner demonstrates how the concept of frontier contributed to the development of liberal thought in America.

“Thus American development has exhibited not merely advance along a single line, but a return to primitive conditions on a continually advancing frontier line, and a new development for that area. American social development has been continually beginning over again on the frontier. This perennial rebirth, this fluidity of American life, this expansion westward with its new opportunities, its continuous touch with the simplicity of primitive society, furnish the forces dominating American character” (14).

Of course, the notion of frontier expansion also is intertwined with American Indian rights since the Europeans arrived in the New World. “The frontier individualism has from the beginning promoted democracy” (35).

“The result is that to the frontier the American intellect owes its striking characteristics. That coarseness and strength combined with acuteness and inquisitiveness; that practical, inventive turn of mind, quick to find expedients; that masterful grasp of material things, lacking in the artistic but powerful to effect great ends; that restless, nervous energy; that dominant individualism, working for good and for evil, and withal that buoyancy and exuberance which comes with freedom - these are traits of the frontier, or traits called out elsewhere because of the existence frontier” (41).

How can a society which gives preference to individual rights ever give recognition to the rights of a community such as the Picuris? Is this notion what really troubles the miners, without them knowing it?

A member of the Picuris tribe, below, discusses his identity as part of a larger Indian community:

Yeah. Because everything we do, it doesn't just affect you. And as a community, which a lot of communities lack - I mean, you could live in a community and not know your neighbors. But in an Indian community – what's that saying? You're only as good as your weakest link, or whatever? And I think that holds true here, that we support each other. We have to be a family. Families do fight. Families get along. I will hold my promise. But ultimately, we're Indian. We're identified as a group. People identify us as a group (Picuris1 2008).

This, contrasted with a comment by one of the miners:

Well, we tried to talk to them about what they really needed. We tried to explain to them where we were - that we have a business; we can't just shut it down. We can't just give people land that would be impossible; so let's try to balance this. We're not responsible for what the US government did 100 years ago, or, as it turns out in the lawsuit, maybe not what they did 100 years ago. We just can't take responsibility for that, much in the way we're talking about African American reparations being made, today. There's a certain amount of time that passes, in proximity to people today. So, we were trying to balance it. It's something that we were concerned about. We don't want our neighbors angry at us. It's not good business to do that regardless of the social implications of it. It's just not good business to have everybody angry at you all the time, on all fronts. So, we really tried to balance the needs, balance their needs of access to the deposits, and our needs to operate a business (Miner1 2008).

Ironically, “[l]iberal democracy is suspicious of the demand to enlist politics in the preservation of separate group identities or the survival of subcultures that otherwise would not flourish through the free association of citizens. And yet democratic institutions, more than any others, tend to expose citizens to a diverse set of cultural values” (Gutman 1994, 10).

“It is a commonplace amongst communitarians, socialists, and feminists alike that liberalism is to be rejected for its excessive ‘individualism’ or ‘atomism,’ for

ignoring the manifest ways in which we are ‘embedded’ or ‘situated’ in various social roles and communal relationships” (Kymlicka 1989, 9). Some argue “that the liberal conception...is unduly limited. It is not enough to think in terms of two-level relationships, with the individual at one level and the state at another; nor is it enough if the nation is added. Considering the heterogeneity of mankind and of the population of virtually every existing state, it is also necessary to think of ethnic communities and certain other kinds of groups, and to include them among the kinds of right-and-duty-bearing units whose interrelationships are to be explored. The question is whether ethnic communities that met certain criteria should be considered units (corporate bodies) with moral rights, and whether legal status and rights should be accorded to them” (Van Dyke 1995, 31).

Communitarians like Charles Taylor (1979) pose that liberal theory is flawed, and the only solution is a new philosophy. He criticizes liberal theory and its focus on individual rights. “Complete freedom would be a void in which nothing would be worth doing, nothing would deserve to account for anything. The self which has arrived at freedom by setting aside all external obstacles and impingements is characterless, and hence without defined purpose” (157).

According to Taylor: “A number of strands in contemporary politics turn on the need, sometimes the demand, for recognition...nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being...misrecognition shows not just a lack of due respect. It can inflict a grievous wound, saddling victims with a crippling self hatred. Due recognition is

not just a courtesy we owe people. It is a vital human need...but the importance of recognition has been modified and intensified by the new understanding of individual identity that emerges at the end of the eighteenth century” (25-27).

So is Taylor correct to state that we need an alternative to liberalism to allow for community rights? Amy Guttmann (1994) puts the question as such: “The challenge is endemic to liberal democracies because they are committed in principle to equal representation of all. Is a democracy letting citizens down, excluding or discriminating against us in some morally troubling way, when major institutions fail to take account of our particular identities?...In what sense should our identities as men or women, African-Americans, Asian-Americans, or Native Americans, Christians, Jews or Muslims, English or French Canadians publicly matter?” (3).

Guttmann continues: “Can we concede that all the demands for recognition by particular groups, often made in the name of nationalism or multiculturalism, are illiberal demands? This conclusion is surely too hasty. We need to ask more about the requirements of treating people as free and equal citizens. Do most people need a secure and cultural context to give meaning and guidance to their choices in life? If so, then a secure cultural context also ranks among the primary goods, basic to most people’s prospects for living what they can identify as a good life. And liberal democratic states are obligated to help disadvantaged groups preserve their culture against intrusions by majoritarian or ‘mass’ cultures. Recognizing and treating members of some groups as equals now seems to require public institutions to acknowledge rather than ignore cultural

particularities, at least for those people whose self-understanding depends on the vitality of their culture” (4-5).

Guttman explains that group rights cannot, and should not, always be awarded. “But not every aspect of cultural diversity is worthy of respect. Some differences - racism, anti-Semitism are obvious examples - ought not to be respected, even if expressions of racist and anti-Semitic views must be tolerated” (21).

But the scholar who likely holds the most hope for answering the “how” and the “why” for the miners is Will Kymlicka. Kymlicka (1989), in his famous work *Liberalism Community and Culture*, believes that a liberal culture can award separate rights and recognition to distinct sub-populations such as American Indian tribes. He believes liberalism has been misunderstood in this regard.

“Kymlicka’s argument might be summarized as follows. Human beings are not interchangeable...but are, rather, deeply embedded in particular cultural communities. It is these societal cultures which give us our maps of the world and our basic skills and understandings which allow us to operate as autonomous and free and equal agents...Liberal practices, such as those entailed in the gradual elaboration of a personal life-plan, depend crucially on these background understandings and capacities supplied by cultures. Cultural membership might thus be seen as...a primary good. Cultural background conditions are what allow us to attain full agency and self-esteem” (Walker 1997, 215). For Kymlicka, cultural membership contributes to our individual identity and should be respected from the stance of respect for liberalism.

Kymlicka believes liberalism is perfectly compatible with the recognition of the rights of particular communities such as the Picuris. However, the literature involving this subject is not settled. “We now understand the basis, in facts and ideals, that will move a multiethnic society in one direction or another. But what are the implications of choosing one path or another? If we choose the group rights approach we say that the differences between some groups are so great that they cannot achieve satisfaction on the basis of individual rights...And with every movement in the direction of group rights, the individual’s claims to be considered only as an individual, regardless of race, color or national origin, will be reduced, as more and more places are reserved to be filled on the basis of group affiliation” (Glazer 1995).

So, is this what is really bothering the miners? Has an engrained sense of individual rights played a role in how they view the Picuris? Given the heritage of the nation, the frontier individuality that resides in all Americans, the answer is likely to be “yes.”

Struggling with this debate is beyond the scope of this research. However, it is important to raise the issue, as it may impact the “desire” of the miners to proceed to the potential solutions which follow. The miners, in this and every indigenous-mining conflict conducted in liberal societies, will need to decide for themselves if they support the notion that liberal democracies are compatible with respect for community rights. A miner who accepts Kymlicka, and who has the will to really resolve conflict, conflicts represented by entrenched *cognitive frames*, will need to seek *interactional frames* which work. Are there such interactional frames?

Are there alternatives to the good and the right?

Is there an ethical theory which attempts to avoid the conflict between the good and the right? In fact, the theory of virtue is the most notable ethical supposition that attempts this very thing.

The classical alternative to good versus right is the field of virtue ethics. The father of this line of reasoning was Aristotle (350 B.C.E), and his crowning work on the subject was *Nicomachean Ethics*. Virtue ethics looks at the subject of ethical behavior not from a utilitarian calculus, or through the lens of a set of deontological rules, but from the notion of character. According to Aristotle, “[t]o understand ethics, therefore, we must understand what makes someone a virtuous person...Aristotle...discusses such virtues as courage, self-control, generosity, and truthfulness” (Rachels 2007, 173).

Virtue theory, after being a large part of ethical reasoning in ancient Greece, lost favor due to the influences of Christianity and the Renaissance. Modern philosophers began to focus on right action, as opposed to what aspects of character make for a good person. To Aristotle, ethics requires practical judgment and experience.

“Aristotle said that a virtue is a trait of character manifested in habitual action” (175). Rachels offers a short and incomplete list of possible virtues: “benevolence, civility, compassion, conscientiousness, cooperativeness, courage, courteousness, dependability, fairness, friendliness, generosity, honesty, industriousness, justice, loyalty, moderation, patience, prudence, reasonableness, self-discipline, self-reliance, tactfulness, thoughtfulness and tolerance” (176). Virtue theory is thought by some to be superior to other ethical theories because it focuses on the stimulating factor. “[I]t provides a natural

and attractive account of moral motivation” (184). Someone acting out of a sense of duty, as they might if they are following deontological rules, may not be considered as good a person as someone who genuinely wants to perform a certain moral act.

Aristotle (350 B.C.E) states that “Every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good; and for this reason the good has rightly been declared to be that at which all things aim” (Book I). So for Aristotle in this sense, he sees ethics as teleological, or means-ends.

He goes on to note that some ends are pursued for the sake of something else, and some ends are pursued for their own sakes. “If, then, there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good.” (Book I). Aristotle continues by suggesting that the greatest good is a concept known as “eudemonia,” which translates as happiness or living well. He defines living well as pursuing the ends for which a particular thing is suited. He believes humans, because they possess a soul and can reason and be reflective, are suited to pursue higher level things; the virtues. “We state the function of man to be a certain kind of life, and this to be an activity or actions of the soul implying a rational principle, and the function of a good man to be the good and noble performance of these, and if any action is well performed when it is performed in accordance with the appropriate excellence: if this is the case, human good turns out to be activity of soul in

accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.” (Book 1).

Before proceeding, it is important to understand what a virtue is. Aristotle believed virtues could be defined by taking the mean of two vices. For instance, the mean of foolhardiness (an excess), and cowardice (a deficit), would be bravery. It is also important to realize that Aristotle saw the development of virtues in any person as the exercise of a skill developed by practice so much so that the virtue becomes a habit. In this way, virtues are also seen as the result of maturity and character-building. “If, for instance, one wants to become an honest person, we become so through practicing honesty. Eventually one need no longer practice honesty; one has become habitually honest. Honesty becomes part of our character” (Cordova 2004, 176).

There are various derivations. Dale Jamieson (2007), in “When utilitarians should be virtue theorists,” makes an argument that could be applied to nearly any ethical theory, thus bridging utility with other ethical forms. He states, “[t]he contrast typically made between utilitarianism and virtue theory is overdrawn. Utilitarianism is a universal emulator: it implies that we should lie, cheat, steal, even appropriate Aristotle, when that is what brings about the best outcomes. In some cases and in some worlds it is best for us to be concerned with character traits. Global environmental change leads to concerns about character because the best results will be produced by generally uncoupling my behaviors from that of others. Thus, in this case and in this world, utilitarians should be virtue theorists” (Jamieson 2007, 160).

Alasdair MacIntyre (1984) opens his book, *After Virtue*, by telling a story about science. He imagines that the field undergoes a catastrophic event in which data is lost and scattered. He then asks how hard it would be to reconstruct the knowledge with only fragments. He suggests that modern moral philosophy which arose post-Enlightenment suffered just such a loss as the result of the Enlightenment. MacIntyre believes modern morality to be facing a crisis.

He suggests that there has been a mass acceptance of incorrect paradigm. He points out that morality has a historical component, and as modern morality lost that component, it is no longer accurate. It is a story told outside of its roots.

He further claims that modern morality is a disguise for self-interest. All of modern morality is an expression of preference. He sharply criticizes theories that arose post-Enlightenment, such as utilitarianism and deontology. These theories claim to be the result of reason. MacIntyre claims that reason cannot be used to arrive at moral truth. His claim that all modern theories arose from choice and emotion, as opposed to reason, is termed emotivism. This emotivism has destroyed modern philosophy, and left it in a state of partial truths. He argues that the individualism and concepts of a non-teleological self that arose from the Enlightenment are false. MacIntyre argues that we should return to a neo-Aristotelian ethic.

Virtue ethics can be used as a better way of considering a proper relationship between the Picuris and Oglebay Norton which serves as an alternative to the deontological and utilitarian strain.¹

Virtue ethics lends itself more to considering proper relationships. Virtue ethics suggests that ethical action and good relationships emerge from a virtuous character. A key component of virtue ethics is the acknowledgement of the importance of context in defining what is “right.” In fact, American Indian philosophy has much in common with virtue ethics. “In contrast to the West, where “rights” reign supreme, the tribal peoples through family, clan, and societies created a climate in which “responsibility” would be the chief virtue. One had all manner of duties toward others and could expect to reap the benefit of one’s loyalty in fulfilling these responsibilities by receiving in return the blessings created when others fulfilled their responsibility reciprocally. Individuals were not believed to stand alone but to perform the duties required of a father, grandfather, son, brother, or cousin” (Deloria 2004, 10).

Some scholars believe that utilitarianism and deontology, principle-based ethics, are too theoretical and lack practicality.²

The miners in the Picuris-Oglebay conflict were very aware that they were in a relationship with each other, but they failed to realize what they should do to be in a right relationship. Consider the following statements:

¹ A similar approach is found in “When deontology and utilitarianism aren’t enough: How Heidegger’s notion of ‘dwelling’ might help organizational leaders resolve ethical issues,” by Donna Ladkin (2006).

² Ladkin states that the ‘limitations of deontological, or principle-based ethics as well as those grounded in consequentialism or utilitarianism include that they are experienced as being too abstract to be usable, along with the view that the philosophical language with which they are often presented is off-putting’ (87).

This is not patronizing, but meant to be, I guess, a restatement of a cliché. I would ask people to walk in someone else's moccasins. Everybody approaches their issues from their perspectives and what really allows parties to get in touch with each other is to consider what they would do if they were in that other person's position or consider what that person's position is and the objectives they have and the limitations that they have. I think that's one way to bring the parties together (MinerLobbyist 2008).

Yes, we've had second thoughts. There are times when we thought we would put a reasonable offer on the table, and the response back was just an emotional, irrational demonstration out in front of our plant. There were times when we thought there was just no point in trying to get on the good side there. It's just not working (Miner1 2008).

Just be reasonable, and try to empathize with where their perspective is and realize it's not been that long ago. When I look at this, I think back, and during the time of my grandmother this was still their land. They were still pursuing their way of life and deriving whatever spirituality that they had, from that land (Miner1 2008).

The above statements from the miners may oversimplify the reality of the relationship. Empathy and compromise do not attempt to alter the nature of a relationship in a meaningful way which may result in the habitual application of virtues described by Aristotle.³

Those who act from the virtues would experience results completely different than those who simply follow a programmed method of interaction. Acting in a virtuous manner, and establishing relationships based on virtue, would look remarkably different than relationships established based on utilitarianism or deontology. Virtuous relationships would be identified based on different criteria than consequence or a set of

³ Ladkin would argue that the above notions over simplify the reality of the relationship. Coming to a right relationship, according to Ladkin, "involves attending both to one's own values and responses to a situation, as well as to others who have a stake in the consequences of decisions. But this is not a simple process of active listening or working toward compromise...[I]t is a way of being which emerges from the engagement between subjects wanting to find a 'right' way of 'fitting' together within a particular context" (91).

rules. They would be innately positive relationships for those involved. For instance, the amount of time-investment would be naturally extended, the demeanor and attitude upon arriving in a new relationship would be markedly different, and throughout the development of the relationship there would be a sense of honesty and transparency.⁴

First, the time-commitment allocated would be extended in a relationship that takes virtue seriously. Simply having a few meetings with indigenous groups and determining a path forward, is not adequate. Mining companies should place people in the indigenous communities, if acceptable to the community, for extended periods. These individuals should not arrive with predetermined conceptions of what will make a good working relationship. They should remain open-minded, and be willing to truly experience the worldview of the indigenous culture. The relationship should develop naturally, and this may mean a time commitment of months or even years.

As stated previously, many indigenous cultures do not relate to western time tables. Certain times of year, for instance, may lend themselves better to making decisions or holding meetings. The mining company representative must be open to new experiences, be willing to explore the emotions behind the new venture, and determine the best method for communication and interaction with the indigenous group.

As mentioned in the background section of this work, the temporary nature of indigenous-mining interaction is part of the problem. Often times, indigenous groups are given a rapid increase in wealth, followed by a rapid diminishment of wealth as resources

⁴ Ladkin describes these notions as 1) Staying/being with; 2) comportment; and 3) engagement.

are depleted. Indigenous groups are not necessarily equipped to manage money. A mining company which commits to a long-term relationship will need to ensure that such realities are taken into account. This can be accomplished by establishing financial controls, assigning expert help, and providing ongoing financial consultation long after the project is complete. Mining companies make similar commitments to monitor closed mines; sometimes for many decades or indefinitely. The Picuris suggest that long-term relationships are significant:

I think the mining companies need to put some money aside and realize the damages they've done, just in case they get into these lawsuits and they don't have to file for bankruptcy. Just make both sides happy, where they can continue mining wherever they leave off too, but also have that money aside to pay whoever takes over to reclaim (Picuris2 2008).

Second, the demeanor and attitude people bring to a new relationship, at the time of first-encounter, lays the foundation for what is to come. The demeanor of the mining company should not be threatening, assuming or hubristic. It should be open, and there should be a clear sense that those involved are there to learn as much as they are there to teach. Moving forward with the project should not be assumed as a given, and the purpose of the first encounter should be limited to mutual respect and open sharing. Jim Cheney suggests "that in arriving at appropriate ethical decisions - our comportment - the way we enter the arena of such decisions, may be the most crucial aspect of finding a correct relational 'fit' ... This entails assuming the other with whom we relate has a valid and important viewpoint, and comporting ourselves in such a way that enables that viewpoint to emerge" (94).

The miners did not seem to give consideration to demeanor and attitude when they first engaged the Picuris.

Yes. It seemed to be, kind of, combative from the get-go, at least when we took them over. I don't know what their attempts were up to that point and I know for a fact that the Picuris could be difficult, so maybe Franklin tried the same approach and just reached a point where they didn't feel it was fruitful to continue the fight. But, the basic problem was, we had patent rights to this mine. It's an asset of the company. We paid 30 million dollars for it that we owed to Franklin and we had to utilize these resources to make them profitable and manage our assets to benefit our shareholders. The Picuris view was that this was their ancestral land, that the micaceous clay they collected on it was very special - it was part of their culture and their heritage and spirituality - and that we were destroying it. So, our attempts to balance the interests involved were to approach the Picuris and ask them if they would locate the micaceous clay deposits. We would stay away from them and disrupt our mining path to preserve them, and give them easement and access rights to come and go. They had a key to the gate; they could come in the back gate. This didn't work. It didn't seem like it was enough for the Picuris. They wouldn't tell us where the deposits were. I guess they were no longer secret at that point. So, if we didn't know where they were, we couldn't, very much, accommodate their need to access it (Miner1 2008).

Or consider the notable comportment of a pueblo member:

I think mining in general - I don't know. I don't know if there's any positive way to do it because the companies get crazy when they do it. They say they're environmentally self-conscious, but if you really get into the nitty gritty of things, they buy off senators; they buy off towns. They buy people (Picuris1 2008).

Lastly, a sense of honesty and transparency should pervade all interactions.

Mining companies should not say one thing to indigenous groups and another to investors and the media. These notions are more than understanding. They relate to a virtuous way of being. Understanding alone will not result in an improved relationship. One could spend a lifetime studying indigenous history and culture, and not achieve the type of proper relationship described here.

The need for transparency has been abundantly highlighted in the literature on indigenous-mining conflict. As noted by the Mining Minerals and Sustainable Development project, “[s]ustainable development requires increased openness and greater transparency in information production and dissemination throughout the minerals life cycle. The processes by which information is generated and communicated play a key role in building or undermining trust and improving all player’s ability to negotiate effectively” (International Institute for Environment and Development and World Business Council for Sustainable Development 2002, 27).

In the Picuris Oglebay case, there was extreme confusion as to the ability of the Picuris to continue to mine their small plats of land, and as to whether or not they even were allowed access. Further, there was a lack of coordination so that ceremonial, and secret, mining practices could be carried out by the Picuris in a manner that respects their spiritual needs.

Of significance, note the excerpt from one of the miners who describes what would make a better relationship when he was asked if he had any advice for groups who are faced with similar problems in the future:

Proactive engagement [And what does that mean for you exactly?]. What does that mean? That's a good question. If you acquire through acquisition, first of all, do your due diligence. Meet with the stakeholders. If your work is in public land, or if you're working around Pueblos or other aboriginal folks, you need to reach out to them immediately. You need to understand what their concerns are. And you need to spend time with them. You need to be willing to invest in their communities. You need to be willing to invest in relationships, long-term relationships, with them. Because, to them, they are less concerned - in my judgment - about your bottom line and more concerned about the overall impact that you're going to have to the land. That's something that, for many companies, is very hard because most people think in terms of dollars and cents. And what

you're dealing with here are personal relationships, and religious views, and cultural issues that are often times very, very foreign to folks that aren't from this part of the country (Miner2 2008).

Extended investment of time, demeanor and attitude upon arriving in a new relationship, and a since of honesty and transparency throughout the relationship, would chart a path to a liaison based not on conflict but on virtue. As the end result and the details of the current conflict inform, few of these principles were actually applied.

It is clear that to build a relationship similar to the one described above would require the application of great effort, time and resources. However, the problems facing the indigenous-mining relationship are so significant that such expenditures would be worthwhile when considering the negative publicity, and wasted resources that result from a bad relationship.

A final note should be mentioned relative to the concept of power. As noted in the background materials, power relationships play a key role in indigenous-mining conflict.

Yeah, they're more powerful in a white man traditional way. High-powered lawyers, the laws and all that. They're powerful in that way. That kind of seems to be overpowering, unless we can do it. Our powerful way, that's ours, we have history and all that. We're lucky to have a lawyer that knows the laws, what's right, what's wrong. He made us feel confident that we can go ahead and proceed with this and get it back (Picuris2 2008).

And as the following quote denotes, this was not the view of the miners.

That said, I also don't think the Pueblo handled itself well with relationships over time. The Pueblo, I think, needed to be more proactive in saying, 'Here's what we would really need,' short of shutting everything down (Miner2 2008).

Mining companies must be willing to suspend their power in order to form the proper relationships described above.

Power is also significant in another way. Overzealousness on behalf of miners attempting to interact properly with indigenous groups could actually be unwelcome, so there is a need for an abundance of caution.

But if you want to help natives, I think, number one is telling the truth, number two is backing up what you're saying, and number three is just believing what you say. And don't try hard to believe how we believe (Picuris1 2008).

The notions presented here are a good strategy for resolving conflict between indigenous communities and mining companies. The concepts represent *interactional process framing*. "The interactional-constructionist stance on framing assumes that conflict is neither a state of the world nor a state of mind, but a phenomenon that resides in the social interaction among disputants" (Dewulf, et al. 2009, 161).

Are there alternatives to anthropocentrism and nonanthropocentrism?

Sterba (1994) hopes, in "Reconciling anthropocentric and nonanthropocentric environmental ethics," to resolve the debate between anthropocentrism and nonanthropocentrism "by showing that when the most morally defensible versions of each of these perspectives are laid out, they do not lead to different practical requirements" (229).

Sterba states that the nonanthropocentric approach claims that all species are equal, but does not require equal treatment, because self-preference is allowed. According to Sterba, self-preference is allowed based on the formulation of three principles: the Principle of Human Defense; the Principle of Human Preservation and the

Principle of Disproportionality. The “Principle of Human Defense” states that humans should be allowed to act in self-defense even if this harms animals and plants. The “Principle of Self Preservation” claims that humans can act to meet their basic needs, even if this interferes with the basic needs of animals and plants. “[W]e have no reason to think that we are morally required to bring about our own extinction” (232). Finally, “The Principle of Disproportionality” states that humans may not act to meet some nonbasic or luxury needs if such actions interfere with the basic needs of animals and plants (231-232). If one wishes to hold a nonanthropocentric view, there is little way to get around this requirement, which would of course mean very drastic changes to modern, western life. “[I]f species equality is to mean anything, it must be the case that the basic needs of the members of nonhuman species are protected against aggressive actions which only serve to meet the nonbasic needs, as required by the Principle of Disproportionality” (233).

Sterba then asks how an anthropocentric value system, one which would “deny that the members of all species are equal” (235), differs? It would still support principles of human defense and preservation. But would it support the Principle of Disproportionality? Would there still be a requirement to forgo nonbasic needs if the basic needs of the ‘other’ are not going to be met? “If we judged humans to be superior to the members of other species, will we still have grounds for protecting the basic needs of animals and plants against aggressive action to meet the nonbasic or luxury needs of humans?” (236).

Sterba believes the answer is “yes.” “[F]ailure to recognize the importance of a Principle of Disproportionality has led philosophers to underestimate the amount of sacrifice required of humans...Of course, we can ask people in such conflict cases not to meet their basic needs in order to prevent harm to other species, ecosystems or the whole biotic community. But if people’s basic needs are at stake, we cannot reasonably demand that they make such a sacrifice. We could demand, of course, that people do all that they reasonably can to keep such conflicts from arising in the first place, for, just as in human ethics, many severe conflicts of interest can be avoided simply by doing what is morally required early on” (231-233). Unfortunately, Sterba’s alternative theory is of little assistance in this overall project.

“Bryan Norton offers a similar approach, in which he believes anthropocentric and nonanthropocentric approaches to lead to the same end. He presents his “convergence hypothesis” - the view that if we have a suitably sophisticated anthropocentrism, then in practice, anthropocentrism and nonanthropocentrism will converge. That is to say, they will both recommend the same environmentally responsible behaviors and policies. If this is so, then one might think the dispute between them is merely academic - a matter for ‘intramural philosophical debate’, but nothing more” (McShane 2007, 170).

However, and of value to this research project, Katie McShane (2007) in “Anthropocentrism vs. nonanthropocentrism: Why should we care?” argues against the significance of Norton’s discovery. “In practical ethics, we often talk as though ethical questions are just questions about which actions to take or which policies to adopt. There

is, however, a long history in ethics of being concerned with questions of how to feel, what attitudes to take toward different things in the world, which things to care about and how to care about them” (170).

“We have on the one hand nonanthropocentrism, which recommends environmentally responsible behaviors, but is fairly radical, unpopular, and theoretically problematic. On the other hand we have anthropocentrism, which recommends the same environmentally responsible behaviors, but requires only minor changes in ethical beliefs that are already widely accepted, and is theoretically well worked out. If this is what we are deciding between, the choice looks obvious – only a fool would choose the nonanthropocentric route” (172).

“These claims why we moral agents should care about a thing serve as the grounds for ethical norms concerning the thing. These ethical norms come in at least two flavors: norms for action (what we ought to do), and norms for feeling (how we ought to feel)” (173).

McShane wants to say that ethics is more than a method to determine proper action. It is also a method to shape how we feel. “Questions of how to feel aren’t as widely discussed in ethics as questions of what to do are, but they are clearly an important part of the ethical picture” (174). McShane provides four reasons why feelings matter.

First, “how we feel significantly affects how we act - if I like you, I’m more likely to be nice to you...Second, “matters of feeling are an important part of what we care about in our social relationships...my desire isn’t that my friends adopt whatever

attitudes will produce the nicest behavior; rather my desire is that their behavior express genuinely friendly feelings...Third, questions of how to feel are also central in thinking about how to direct our own lives...I want to be emotionally oriented toward things in the right way...Finally, questions about how we should feel about the world can't be reduced to questions about which ways of feeling best serve our interests...Discovering that it would be in my interest to feel admiration for my boss doesn't fully answer the question of whether I should admire her" (174-175).

"Some attitudes that I can take toward a thing are incompatible with thinking that its value is entirely dependent on its satisfaction of our interest. Take the case of love, for example. Suppose that I claim to love my friend, but I also claim that she only has value to the extent that she serves my interests. If she didn't serve my interests, I claim she would have absolutely no value whatsoever" (175).

"To respect something is in part to see it as making a claim on your moral attention in its own right. It is to attribute to the thing a kind of independent standing in your scheme of 'things that matter'" (176).

In sum, "I can act as if A matters even while believing that A doesn't matter. But because part of what it is to feel that A matters is to think of A as mattering, it's not clear that I can feel that A matters while believing that A doesn't matter" (176).

McShane goes on to demonstrate how her theory supports a nonanthropocentric view. "If loving something involves seeing it as having value that doesn't depend on its serving our interests, then anthropocentrism says that I'm making a mistake when I love my dog. To say that it's a mistake to love a dog would, at least for many people,

constitute a *reduction ad absurdum* of anthropocentrism...If to love something is to think of it as having a kind of value that doesn't depend on us and our interests, then according to anthropocentrism, to love the natural world is to make a mistake about its value" (177).

McShane's project has notions in common with American Indian thought. "The world of nature is in constant flux; therefore, Native science does not attempt to categorize firmly within the domains of ideas, concepts, or laws formed only through an analysis bent on specific discovery, as is the case with Western scientific analysis. Rather, Native science attempts to understand the nature or essence of things. This does not mean the exclusion of rational thought, but rather the inclusion of heart and being with rational perception to move beyond the surface understanding of a thing to a relationship which includes all aspects of one's self" (Cajete 2004, 55).

Support for the notion of including emotion and feeling in a proper ethical relationship which might help to resolve conflict is provided by an Oglebay Norton employee who intuitively sensed the need to be genuine and to adopt non-traditional interaction methods. He was also unwilling to "fake" company notions as opposed to employing his personal attitudes:

I went up there a couple of times, just by myself, and met with folks. I actually, on a personal level, just love pottery. Went up there a few times, talking about the pottery and purchasing some pottery from some of the local craftsmen (Miner2 2008).

And what I mean by sympathetic, it also means respectful (Miner2 2008).

Well, I do, and when I say company, it was certainly my personal views in the way that I managed the relationship and the project, because at least from my perspective on the ground, the two were completely intertwined, the policy of Oglebay Norton and what I was doing. And if I hadn't been allowed to do things

the way that I wanted to do them, quite frankly I would've resigned (Miner2 2008).

Miner2 has stepped out of his cognitive frames and employed interactional framing for the purpose of seeking a right relationship. Emphasizing the importance of proper feelings in views toward others is an example of *interactional process framing*. “It involves cueing and reacting to each other” (Dewulf, et al. 2009, 141).

Are there alternatives to thinking about wilderness?

“The human animal, in distinction from all others, interposes culture between itself and environment, which is to say that Homo sapiens is a culture-dwelling animal. Given the cultural status quo - the multitudes that must be fed, clothed, and sheltered - and a commitment to maintenance of the present liberal-democratic value system, then nature must be managed: there is no apparent alternative. By all indications the question is not whether advanced industrial society can choose to govern nature but how to do so” (Oelschlaeger 1991, 285). This view would seem to align with the Picuris yearning for a modified-modernity.

Here will be considered two possibilities for a modified view of modernism. One, postmodernism, a broad concept with numerous applications, and two, a very specific rendering of Rousseau.

“John B. Cobb argues that postmodern thought generally is identified by an ecological or holistic perspective, which, among other attributes, eliminates mind-matter and subject-object dualism. A postmodernist is one ‘for whom the vision of the interconnectedness of all things has become the inclusive context within which’ virtually

all things and relations - both theoretical and practical - are seen. In short, to think as a postmodernist is to presuppose...that the world is an independent and unified whole in which the whole is greater than the sum of its parts; in other words, the many parts that constitute the world system are internally related” (203).

Oelschlaeger provides an excellent summary of the current status of the philosophical debate. “To the modern mind such a contention seems a priori nonsensical. Any talk of wilderness, of unpolluted blue sky and noble savages living in harmony with nature, seems mere nostalgia for a way of life gone forever, a romantic belief that threatens the advance of modern civilization. In other words, the idea of wilderness represents primitivism. Yet the post-modern mind believes - or at least the posthistoric primitivist believes - that wilderness is not just the preservation of the world, it is the world - self-organizing order out of chaos. Accordingly, our study has reached a critical juncture, confronted with a choice between two paradigms: Modernism and Postmodernism. These alternatives are themselves entangled in that natural and cultural stream which is history” (285).

Oelschlaeger defends postmodernism: “But the emerging postmodern wilderness philosophy is more than environmentalism in new guise. It represents a convergence of scientific research and reflective thought on the premise that the human and cultural - including the ethical, theological, and philosophical - are linked with the material and organic. In other words, there are no grounds to draw radical distinctions in kind between ends and means, or facts and values, for what is known to exist is known only in

relation to something else, and that is most fundamentally an evolutionary continuum” (321).

The notion of postmodernism stands apart from the notion of anti-modernism. Few, if any, environmental philosophers suggest that humanity should return to the state of existence which existed in the Stone Age. Even the Picuris have suggested that some portions of modernity are to be valued. However, they have expressed their dissatisfaction with the overwhelming economic bottom-line that drives society, and that drove the miners. At the same time, they have accepted certain aspects of the modern world including the use of iPods to hold on to their language. Thus, “[w]e now stand in position to reawaken a primordial consciousness of the Great mother who sustains us all. And yet we cannot walk the same path of those who have gone before, for we are farther along the road (336). “This does not mean, however, that humankind can go back to the Paleolithic or to the old ways, for that is impossible. Rather, we might fashion an old-new way of being” (7).

Both sides of the Picuris-Oglebay dispute make reference for a desire to change. They wish to change their relationship with each other, change their relationship with nature, and change outcomes. It is fair to say that neither side was satisfied with the path of this dispute, or felt it was a model for indigenous-mining conflict. In the end, the relationship between the two parties ended, and the sense of relief by both was palpable in the interviews.

The miners realize that they have obligations to their economic bottom-line, but there is a realization, if not a yearning, to achieve a social license to operate.

I know that the trade association that I represent has adopted a platform on sustainable development and it has the economic, social and environmental pillars. I think that more and more companies are paying attention to that because they're looking for a social license to operate above and beyond any legal right they may have (MinerLobbyist 2008).

At the level of the individual, if not the corporation, they desired a more respectful relationship with the Picuris and the environment. It is a realization that 'we are not there yet.' The paradigm of postmodernism seems to best embody this sentiment.

"Postmodernism is notoriously difficult to define, finding a multiplicity of meanings within the natural and social sciences as well as architecture, literature, arts and the humanities" (Oelschlaeger 1995, 1). And although it is not a well-defined ethical theory, it is, "a transformational process that is helping to reshape modern culture" (1).

Postmodernism thought takes on two forms, in general. The first is deconstructive, and the second is reconstructive. "[D]econstructive postmodernists believe that the modern age is based on flawed Enlightenment, capitalistic, and scientific narratives that must be repudiated before culture can be constructed anew" (6). This view is an outright rejection of modern thought. At no time in the interviews did either side express a desire to return to the Stone Age. Rather, both sides felt they needed to work with the reality of the modern world. As it so happens, there is a theory in postmodernism thought that allows for such a stance.

Reconstructive postmodernism attempts to reframe modern thinking. Reconstructive or "affirmative postmodernists do not deny the importance of scientific truth, but read science as writing, as textual enterprise that continually reshapes itself through discourse that occurs in communities" (Oelschlaeger 1995, 7). In other words,

reconstructive postmodernism allows for the history of human-kind, but does not pronounce the project as complete. It relies on new solutions through discourse, or *interactional issue framing and interactional process framing*.

“Affirmative postmodernists do not repudiate history as sound and fury signifying nothing other than the monetary triumph of one social group over the other. Instead, they attempt to change the course of history, that is, rework existing social constructions into new forms (7). They do this most frequently by examining new possibilities for human interaction with others. “[A]ffirmative postmodernists use discourse analysis to expose ideological constructs that marginalize some groups and place others at the center” (7):

So, when we took away one of those elements, which is we don't have to worry about surviving here anymore. Being an Indian nowadays is hard. It's hard. We have our traditional areas, where they don't have electricity. They don't have the modern things. And it's hard to get back to that. It's hard to get out when it's cold. It's hard to dance when it's snowing, or it's hard to do things like that. So that's hard. And it's harder for my generation to understand, 'Well, why do I have to do it?' With this freedom and this economic development and computers, it created more choices. Before, you had to do it (Picuris1 2008).

I would say it's been evolutionary. Historically, I think that the mining industry viewed that Indians didn't have property rights. As sort of a trite example, I'll point to getting Manhattan for \$24 worth of beads or whatever the transaction cost was. And clearly, what really prompted a lot of conflict in the early settlement of the West was miners that were going out to places like California and South Dakota because of the gold rush, and conflicts with Indians that had either historical rights or had reservation rights to the land. Yeah, I think it's changed completely. I would say that there's a recognition that indigenous people in this country were poorly treated, that their land was taken from them and that they were given reservations as alternatives and that there were tribes that were decimated to the point where they no longer exist. Again, many of these indigenous people are trying to get federal recognition as tribes. I think, and I'm speaking in a larger context now about North America and even beyond, that indigenous people and their relationship with mining industries have changed, that they are more sophisticated either internally or with support that they've gotten from non-governmental organizations and that they have taken on the role

of minority shareholders in many mining companies. When those companies have their annual meetings, it's not unusual to have indigenous people show up in tribal dress to make their point. And the companies, because they are typically publicly-traded companies, have to respond to those concerns, even if they are minority shareholders (MinerLobbyist 2008).

Another alternative comes from an unlikely source, Rousseau. Steve Vanderheiden (2002), in "Rousseau, Cronon, and the wilderness idea," presents the idea that a dualism exists, as he sees it. "The current ethical debate over wilderness protection often assumes a historical dualism in the manner that untamed lands have been regarded by humans. As the narrative is frequently told, wild nature and civilization originally were opposed to each other, with nature providing the threat to civilization, and with the later contributing the impulse to tame the former" (169). His view of the dualism is different from the argument presented by Oelschlaeger which states Paleolithic humans did not see nature as a foe.

Vanderheiden goes on to state that at a point in history this changed, and civilization began to be seen as a threat. This transformation was likely the romantic period. Vanderheiden's larger point is that humans were beginning to see value in protecting "wilderness from human alteration and destruction" (169).

Vanderheiden notes that this argument designed to remove humans from wilderness has been challenged, for instance, by William Cronon. "Cronon recently challenged this dualistic manner of conceiving of natural value, provocatively arguing that wilderness poses a serious threat to responsible environmentalism..." (170).

Vanderheiden submits "that by examining the development of a conception of natural value in the works of Jean-Jacques Rousseau, one can see the possibility of

synthesizing the nature/society dualism that Cronon identifies” (171). Recall that Rousseau supported a primitivism that did not match well with either the Picuris or the miners. Vanderheiden claims that Rousseau’s work, as a whole, offer an alternative to the traditional interpretation of Rousseau.

“While Cronon accurately identifies Rousseau’s earlier writings as the source of the kind of dualistic thinking that regarded society as the corrupted antithesis of nature, his later writings reveal a more mature and more integrated vision of the human place within nature that may approach the kind of environmental ethic that Cronon seeks. Just as Rousseau was finally able to reconcile the dualism of man/citizen in his later writings, so too was he able to combine modern society and nature” (Vanderheiden 2002, 172).

Whereas neither the Picuris nor the miners felt humans should live outside of wilderness completely, both would likely respect a theory that joins society and nature in a thoughtful way. Vanderheiden’s description of Rousseau’s project could be one of those that lend guidance. “Rather than pitting society against nature, as Rousseau’s earlier primitivism is often recognized as doing, his later thoughts on nature make a more sophisticated set of social, moral, and psychological arguments on behalf of wilderness that can...helpfully illuminate contemporary debates” (172).

Vanderheiden claims that Rousseau’s later writings show a person less idealistic and more willing to consider ways in which society and wild nature might be conceived as necessary components of a whole.

As stated by Vanderheiden, “[t]he importance of his experience of solitude and escape from the human world during his walks should not be underestimated; he

considered the opportunity for retreat to what would today be referred to as wilderness...as vital to his emotional well being. Nature for the Rousseau of the Reveries remained in opposition to society, but it was no longer inaccessible to modern man in the way that the state of nature was in his earlier writings. To invoke Cronan's conceptions of nature, the pastoral landscape was neither awe-inspiringly sublime nor the unexplored and bounteous frontier, but was something instead that existed alongside civilized society" (181).

Rousseau believed that "the best way to protect liberty...was to promote the life style in which citizens could remain close to the land (but not apart from it), rather than isolated from nature in cities" (184). This convergent notion opens the door to a greater acceptance of human involvement with nature.

Relative to mining, human involvement in nature plays out within the subject of ecological restoration of abandoned mining facilities. For as highlighted by Vanderheiden, "[a]ccounts of environmental value that require a separation between the world of humans and that aspect of wilderness that is to be valued by them will have difficulty justifying many measures necessary for protecting the environment" (187).

If the Picuris and the disputants, through dialogue, framed their interactions in a manner which eliminates the nature/society dichotomy, and hard stances that talk of nature "or" culture (a fact they both seem to believe), would conflict be reduced? This is a solution within *interactional issue framing and interactional process framing*.

Are there alternatives to Christian stewardship?

In fact, “[t]here have been two approaches to the understanding of stewardship within the Christian tradition. These have reflected different, even opposing, understandings of people’s relationship to the Earth” (Paterson 2003, 45). One is the domination framework, and the other is the keeping framework. “Both of these look to the Bible as their source but they differ markedly in their relationship between people and the Earth” (45). The “domination framework” relates to resource development and conservation, and the “keeping framework” relates to earthkeeping.

The domination framework is anthropocentric, and assumes a hierarchy of living beings. It derives from the biblical book of Genesis which indicates that “people were created to subdue the Earth and rule over it” (46).

“Max Weber’s view that the development of the spirit of capitalism owed much to the Protestant ethic also took for granted that Protestantism assumed the domination framework in its understanding of people’s relationship to the Earth. The Calvinist doctrine of predestination taught that one gained salvation purely on God’s prerogative, by God’s grace and not by anything one could do oneself. How then would a Christian know that he or she was saved? Knowledge of salvation could be seen in one’s good works. The resulting ascetic tendency involved a rigid self-control, dedicating one’s life to economic success as a sign of one’s salvation but rejecting the sin of spontaneous impulsive enjoyment. The Earth was effectively only the stage upon which the Protestant Christian sought to prove that he or she had been saved” (47). Traditionally the domination framework is a widely-held notion among the lay Christian.

Paterson, however, notes that a change has occurred over the last few decades. There has been a movement toward what he calls the “keeping framework.” The keeping framework derives from sources such as Genesis 2:15. “There, Adam and Eve are placed in the Garden of Eden to till and keep it” (47). The keeping framework remains anthropocentric and hieratical, “but it recognizes the biological and ecological commonality of people and the Earth as well as the inherent value of all that is created, and rejects patriarchy, racism, and economic exploitation” (47).

Biblical quotes that support a keeping framework are also found in Psalms and Job, and stress that “earth is seen to exist in order to please God...Psalms 148...teaches that all creatures praise God by their fulfilling of God’s word for them, that is, by their very existence” (47). Thus, the earth is here to serve God, and not people.

Some of the notions of domination and extrinsic value are thus removed with such a concept. The Earth is seen in having value aside from the value to human beings. “Whereas the domination framework stresses God’s transcendence...God’s distance and qualitative difference from the created Earth, the keeping framework stresses God’s immanence and involvement in the creation” (49).

Perhaps the Picuris and the miners could agree on a form of stewardship which is framed in earthkeeping. This is not to say that indigenous groups should accept Judeo-Christian religion. It is simply another lens through which language could be developed that seeks commonality. Earthkeeping places an emphasis on the human connectedness to the world, and is an example of Dewulf et al. *interactional identity and relationship framing*.

Are there alternatives to thoughts on ecocentrism and ecological restoration?

Hettinger and Throop (1999) propose a method to resolve the concern within ecocentrism that states a real ecosystem should be based on stability. “We think that advocates of ecocentric ethics should shift the emphasis away from integrity and stability toward other intrinsically valuable features of natural systems, such as diversity, complexity, creativity, beauty, fecundity, and wildness...we think wildness plays a central role in this nexus of values” (12).

They promote a concept of wildness which avoids the need to describe ecosystem protection as based simply on stability. In other words, many concerned with environmental protection believe that the mark of a preserved area is its connectedness and integrity. This is a concept grounded in ecology, and it wants to believe a natural system is not really natural if it is not stable in this way. If it has not been interfered with by human hands it is believed not to be whole. It is not a system which is ecologically sound, and which respects an ecocentric ethic.

But Hettinger and Throop allow for the very disruptions that the critics contend are counter to an ecocentric theory. They argue “that an ecocentric ethic that emphasizes the value of wildness of natural systems has a number of virtues in comparison with traditional ecocentrism. Most importantly, it avoids the ecologically and philosophically troubling assumptions that natural systems worthy of protection are integrated and stable” (21). So Hettinger and Throop suggest that a proper ecocentric environmental ethic is to be found in “wildness.”

Expanding on this conception, Robert Chapman (2006), in “Ecological restoration restored,” claims that the solution...is to separate “wilderness” from “wildness”. His paper offers philosophical justification for environmental restoration which opposes the critics who claim these projects create artifacts. Chapman claims “that there is a real distinction between wilderness and wildness; wildness is the broader category: all instances of wilderness are instances of wildness whereas not all instances of wildness are instances of wilderness” (464). Unlike other opposing philosophers, he makes a distinction between wilderness and wildness, whereas the others see the two as synonymous.

“Restoration may recover lost value by returning some of the original wildness. For example, a Yellowstone with restored wolves may be wilder than it was without them. (466).

Chapman argues, with a resemblance to Rousseau’s later work, “that among the advantages of separating wilderness from wildness is the elimination of a troublesome dualism between nature and culture. The principal gain, then, of considering wilderness separate from wildness is the promise of settling human culture within nature without significantly diminishing the value of either; culture is a part of the natural, the two share the same natural factor and are ontologically equivalent in the regard” (466).

“What was argued is that restoration projects do not eliminate natural value since natural value is inherent in wildness and wildness, unlike wilderness, accommodates restricted human impact...By identifying natural value with wildness we begin to realize a necessary membership with the non-human world...Wildness is a necessary component

of civilization building and in all likelihood by preserving and respecting it we are pledging to act appropriately toward the natural world” (472).

“Should the distinction between wilderness and wildness hold...the contours of assessment change dramatically; human action now belongs in the context of the natural” (474). It seems that both the miners and the Picuris would respect and find value in this notion of wildness, thus supporting restoration, based somewhat, on the same principles. Both parties would be seeking enhanced wildness.

How could this notion help within an actual restoration project? First, it could serve to support restoration in general. But it could also serve to guide restoration. “Wildness has been portrayed as a positive quality possessed by all natural objects, as a catalyst for inspiration and creativity, as a source for character formation and virtue acquisition and as a source for essential components for designing and sustaining civilization” (471).

Some mine restoration projects restore, or create, nonnatural elements such as watering ponds for cattle. An assessment under the notion of wildness may suggest that such efforts are not the purpose of restoration. If the goal of restoration is the returning of wildness, watering ponds do not fit. So perhaps the mining community could use this resolving thought to its own benefit, but with this benefit would also come a requirement to be true to what is actually wild.

Further, there is evidence in American restoration policy that some understand this need. The Partners for Fish and Wildlife program managed by the U.S. Fish and

Wildlife Service has particular criteria for mine restoration projects they are willing to fund, and the requirements relate to restoring wildness.

The notion of wildness is a type of *interactional identity and relationship framing*. It actively attempts to change the identities and thus the relationships they have with the other, wilderness.

Are there alternatives to thinking about the shallow and the deep?

There are attempts within the deep ecology literature which attempt to resolve shallow and deep ecology. In particular, a resolving theory from the ecofeminist literature will be considered.

Ecofeminism's beginnings were marked by "Rosemary Ruether's *New Woman, New Earth* (1975), Dolores LaChapelles's *Earth Wisdom* (1978), and Carolyn Merchant's *Death of Nature* (1980)" (Oelschlaeger 1991, 309). Ecofeminists believe that "Mother Earth is a nurturing home for all life and should be revered and loved as in premodern (Paleolithic and archaic) societies; Ecosystemic malaise and abuse is rooted in androcentric concepts, values, and institutions; Relations of complimentary rather than superiority between culture and nature, the human and nonhuman, and male and female are desirable; The many problems of human relations, and relations between the human and nonhuman worlds, will not be resolved until androcentric institutions, values, and ideology are eradicated" (309).

Ecofeminism takes exception to the notion that humankind can decide to stand apart from, "or" merge with nature. Both concepts, according to the critics, are an oppressive stance. Oppression is the problem for which ecofeminism seeks a solution.

Prominent ecofeminist philosopher, Val Plumwood (2000), describes the problem. “One useful route into exploring the diverse answers available to the question of how to ground solidarity with and respect for the value of nature is the debate between Arne Naess and fellow mountaineer Peter Reed. Despite their commonalities in the search for the ground for a new (for the humanist West) ethic of respect, Reed and Naess differed profoundly on the question of whether the abstract foundation for the desired new relationship will be found in human unity with and embeddedness within the natural order, or in the ‘existential gulf,’ our discontinuity and difference from nature. Naess proposed foundations formulated basically in terms of identity and unity: Reed’s counteradvocacy, in a powerful essay published posthumously, of basing respect not on sameness but on difference, could hardly have presented a stronger contrast. I argue...that the criticisms which each disputant makes of the other are valid, which points to resolution via a third position that would allow us to combine elements of both continuity and difference, self and other, in dynamic tension” (61). She goes on to suggest, “Some of the problems that Naess’s and Reed’s mutual critiques of one another’s work point up can be resolved in a larger critical framework employing resources from feminist theory and postcolonial theory” (64).

Ecofeminism refers “to a sensibility, an intimation, that feminist concerns run parallel to, are bound up with, or, perhaps are one with concern for a natural world which has been subjected to much the same abuse and ambivalent behavior as have women” (Warren and Cheney 2003, 22). Ecofeminism rejects domination and sees similarities in

the historic domination of woman as compared to the current domination of animals, nature, and even indigenous groups.

“What makes ecofeminist ethics feminist is a twofold commitment to critique male bias in ethics and to develop analyses which are not male-biased” (294). Thus, the focus on self (whether to accept as Self, or self), is still a notion that gives the decision to the human, as oppressor or even as sympathizer.

Plumwood suggests a world view that seeks solidarity is preferable. “The leap of recognition that is often described and explained in terms of an unanalyzed and capricious emotion of ‘empathy’ or ‘sympathy’ is often better understood in terms of a concept of solidarity that is based on an intellectual and emotional grasp of the parallels in the logic of the One and the Other” (68).

She calls for an ethic which rejects both Naess’ and his critic’s stance. “Naess’s formulation of the basis of activism in terms of the ambiguous concept of ‘identification’ obscures the fact that the basic concept required for an appropriate ethic of environmental activism is not that of identity or unity (or of its reversal in difference)” (66).

Plumwood feels that ecofeminism’s concept of solidarity avoids the unsustainable view of nature as Self, or nature apart from self. “We need a concept of the other as interconnected with self, but also as a separate being in their own right, accepting the ‘uncontrollable, tenaciousness otherness’ of the world as a condition of freedom and identity for both self and other. Feminist theory especially has developed logical and philosophical frameworks based on maintaining the tension between Same and Different rather than generally eliminating difference in favor of sameness or vice versa” (65).

Plumwood's view requires a realization that one should be supportive, but that separateness is mandatory. She would criticize this remark made by the mining lobbyist:

This is not patronizing, but meant to be, I guess, a restatement of a cliché. I would ask people to walk in someone else's moccasins. Everybody approaches their issues from their perspectives and what really allows parties to get in touch with each other is to consider what they would do if they were in that other person's position or consider what that person's position is and the objectives they have and the limitations that they have. I think that's one way to bring the parties together (MinerLobbyist 2008).

"Being a human who takes responsibility for your interspecies location in this way requires avoiding both the arrogance of reading your own location and perspective as that of the other, and the arrogance of assuming that you can 'read as the Other,' know their lives as they do, and in that sense speak or see as the other" (Plumwood 2000, 69).

As a Picuris notes in the book by Adler et al., "[T]he only way you're going to understand a Native American is you have to be one, live with them, speak their language, and be born into the culture" (Mermejo 1999, 18). One has to be a Picuris to understand the Picuris.

"Solidarity requires not just the affirmation of difference but also sensitivity to the difference between positioning oneself with the other and positioning oneself as the other, and this requires in turn the recognition and rejection of oppressive concepts and projects of unity or merger" (Plumwood 2000, 68).

The ecofeminism approach of solidarity is *interactional identity and relationship framing*. A synopsis of the interactional framing alternatives to entrenched cognitive frames are presented in Table 12.

Table 12: INTERACTIONAL FRAMING ALTERNATIVES

Relationships Founded in Virtue <i>Interactional Process Framing</i>
McShane's Emotive Ethics <i>Interactional Process Framing</i>
Affirmative Postmodern Ethics <i>Interactional Issue Framing and Interactional Process Framing</i>
Vanderheiden's Notion of Rousseau <i>Interactional Issue Framing and Interactional Process Framing</i>
Stewardship as Earthkeeping <i>Interactional Identity and Relationship Framing</i>
Hettinger and Throop, and Chapman's Notion of Wildness <i>Interactional Identity and Relationship Framing</i>
Ecofeminism's Solidarity <i>Interactional Identity and Relationship Framing</i>

This research suggests that *interactional framing*, which is based on right relationships, dialogue, and communication, is the key to indigenous-mining conflict resolution. On the other hand, entrenched ideologies within *cognitive frames* will add to conflict intractability. Lakoff states, “[i]f the facts do not fit a frame, the frame stays and the facts bounce off” (Lakoff 2004, 383). It takes a lot to change cognitive frames, whereas interactional frames can often be accepted without such a change. Dewulf et al. (2009) conclude that “[a] possible reconceptualization suggested by our framework is that collective action may still occur when disputants entertain different cognitive frames about possible action, on the condition that the process results in sufficiently aligned interactional frames” (183). This research supports their postulation.

Finally, American Indian philosopher Marilyn Verney (2004) states that “[u]nfortunately, it is through our acculturation to the controlling and influencing world

of Euro-Americans that a majority of our people are losing their spiritual connection to the sacredness of our traditional teachings and beliefs that are taught to us by our tribal elders. Many of our young people are unknowingly influenced by what is outside of themselves, a culture foreign to our traditions. They are losing their identity as American Indians because they embrace the philosophical system of non-Natives, and become alienated from the philosophy of our people as American Indians” (136). This basic truth is not in doubt as a result of this research. However, this research also suggests that the interactional framing approaches suggested as key to indigenous-mining conflict, although seated in Western philosophy, possess a profound similarity to much of indigenous philosophy. It does so in that it indicates relations, emotions and interactions are keys to ethical systems which yield promise for conflict resolution. This is an ironic turn, and one is left to wonder if the faint voice of American Indian philosophy is not being heard by some within Western philosophy.

So what?

This research should make a contribution to several fields. First, the project demonstrates that there is more to indigenous-mining conflict than allowed by traditional approaches. Second, there are few examples of the practical application of environmental ethics to environmental conflict resolution. Notions of environmental philosophy are intermingled within the conflict literature, but there is scant evidence that the field of environmental ethics has served to inform the researchers. Third, within conflict resolution, the Dewulf et al. meta-paradigmatic perspective on framing has not been adequately tested in field research. This project lends credence to the validity and

potential application of the work. Fourth, frame theory has been inadequately applied within the discussion of moral and environmental philosophy, and the two disciplines have much to offer one another, as demonstrated here.

Finally, this research can be used as a model to conduct actual mediation between indigenous groups and the mining industry, and the results of that mediation will ultimately determine the worthiness of this project. To that end, a concept is now offered to assist those engaged in mediation between these two “different” groups.

What would this type of resolution look like?

“Yet isn’t the task of the philosopher, and especially the ecophilosopher, to bring together what is ‘different,’ and to show, as an early ecologist put it, ‘that the way up and the way down are one in the same way?’” (J. Clark 2000, 10).

Indigenous-mining conflict is the result of deep-seated differences in perceiving the world, self, nature and relationships. It has been shown that there are alternatives to engrained cognitive frames in the form of interactional framing, which if presented to parties involved in a dispute, may lead to the lessening of conflict and the discovery of solutions. The question remains, however, as to how well these constructs would be accepted and understood. Can a method be devised that would aid learning?

First, we will return to the principle of solidarity supported by ecofeminist literature. As the ecofeminist option goes, parties which realize they are neither separate nor in unity, but who determine to stand together in solidarity, will be more likely to resolve conflict.

Plumwood states: “I think it can be given this development in terms of elaborating more carefully a concept of solidarity with nature that does not confuse solidarity with unity, the rational with the incorporative self. Replacing the concept of unity with that of solidarity would no doubt displease some deep disciples and displace some alliances, but potential for a different set of alliances opens up as those with others are deemphasized” (68).

However, it could be argued that a position of solidarity is a somewhat stagnant position. Solidarity frees mining entities to remain complacent in their relationships with indigenous groups. What happens next after solidarity is achieved? A dialogue which is underpinned by solidarity could easily be imagined:

Mining Company: We professed our support for the tribe in corporate policy 123 on February 14. We made this policy available to the public. The policy was the result of extensive research and stakeholder involvement. We sent a team of managers, geologists and mine supervisors to the field to walk in the shoes of the tribe. We came to respect their lifestyle. We even like to think that we are now honorary members of the tribe. At a widely-publicized ceremony, with extensive community participation, we signed a proclamation of solidarity. We consider this issue to be settled. Our new mine project will proceed in a spirit of shared purpose.

Tribe: We thought when we agreed to the proclamation our lifestyle was going to be respected. From our standpoint, it has been business as usual at the mine. We do not feel we are partners. We believe we are being taken advantage of by the dominant mining company.

But in fact, there is no need to invent a dialogue:

When a Picuris member was asked what happened to the agreement whereby the pueblo could still access part of the mine for ceremonial purposes, he stated:

They probably just forgot about it (Picuris2 2008).

However, it seems from interviews with the miners that some had a real intent to respect the Picuris.

I've looked back over the things that I've done. I've been in this business for about 15 years. And the work that I did here is some of the work that I'm most proud of... You know on a personal level, it deeply, deeply touched me... It was a terrible situation for both parties. And I was very proud of what Oglebay Norton did in terms of trying, in their best efforts, to work a compromise for both parties. And I think, that's really the common goal of companies (Miner2 2008).

“Openness and attentiveness include giving the other’s needs and agency more attention, being open to unanticipated possibilities and aspects of the other, reconceiving and reencountering the other as a potentially communicative and agentic being, as well as ‘an independent center of value, and an originator of projects that demand my respect.’ A closely allied stance, as Anthony Weston points out, is that of invitation, which risks an offering of relationship to the other in a more or less open-ended way” (Plumwood 2000, 70).

The ecofeminism view redefines what the relationship should be, but does so with a sense of finality. It is not really open-ended. What is needed is a construct which acknowledges separation and the inability of becoming the other, but which is also open-ended and encourages progress. An “asymptotic theory of environmental conflict resolution” is needed.

An asymptote is a mathematical term defined as “a line whose distance to a given curve tends to zero” (Answers.com 2009). Also, “(of a formula) becoming increasingly exact as a variable approaches a limit, usually infinity; (of a function) approaching a given value as an expression containing a variable tends to infinity; (of two functions) so

defined that their ratio approaches unity as the independent variable approaches a limit or infinity (Dictionary.com 2009).

In other words, the line comes closer and closer to intersection or unity, but never reaches it, and this process proceeds out to infinity. There is a constant and steady decrease in difference or separation, but an inability to ever intersect. The inability to intersect removes “power over,” but instills the need for continued engagement. “There they are tied together, and there they are undone” (Derrida 1999).

This is a powerful mental image. This formulation provides a way of understanding the human-nature, and modern human-indigenous relationship. It provides a framework of what is going on, and what needs to continue.

From the perspective of the miners, the group which will struggle the most with understanding how they should “be” in this relationship, it speaks in a language with which they are familiar; that of “continuous improvement.” Continuous improvement holds that progress can and should be made indefinitely.

Mining companies, and industry in general, understand continuous improvement. Consider this excerpt from the web site of the trade association which represents Oglebay Norton:

IMA-NA further encourages the members of our industry to take the actions described...in furtherance of the principle of sustainable development. These actions are organized by the three recognized pillars of sustainable development. Progress in these areas is best accomplished through identification, measurement and continuous improvement of key performance indicators (Industrial Minerals Association - North America 2009).

“Continuous improvement...is an array of powerful techniques that has produced substantial improvements in numerous companies and organizations. [Continuous improvement] provides perhaps the most central and universal component of TQM (total quality management) which itself has helped many companies achieve high quality and productivity” (Zangwell and Kantor 1998, 910).

There is support for continuous improvement in the deep ecology literature offered by Humphrey as he criticizes the big Self. “The Self-realization thesis appears to offer a relatively easy solution to this question. Understand your Self, and the right actions will come to you. Although an attractive proposition if true, such an approach risks shutting all doors to reason. We cannot bypass the intense difficulty of these problems via an ontological shortcut that assumes a fixed end state to human development. In seeking to find tentative, reasoned solutions to these problems, individuals can continuously develop their moral and intellectual capacities as they seek to negotiate problematic interaction between conflicting goals. This may prove to be a difficult, or even impossible, task, but it would seem to be the only human game in town” (Humphrey 2000, 102).

One miner (Miner2) voices an asymptotic process which is steeped in interactional framing, and deserves special recognition:

Basically, what my approach was open, active, proactive engagement. I went and I met with elders in the community. I proactively engaged the New Mexico Mining. Because when you look at this project, you really can't look at it just very narrowly with the Picuris. In my judgment - I know that's the focus of your dissertation - but you have to look at it as the community as a whole. And you have to respect all the stakeholders: regulatory affairs, regulatory agencies, the neighborhood mica coalition - I forget what it's called - and the Pueblo (Miner2

2008).

All of these entities were working together because, in their judgment... and I think the record was pretty clear that the plant was not operated in a manner that was consistent with forming positive relations with the community. And my goal was to reach out to all of the interested stakeholders and try to form a relationship. First, that meant getting them to know me, hopefully getting them to trust me, and then even getting them to believe what I was telling them. If we did something, or if we were going to do something, here's what and how we're going to do it (Miner2 2008).

I opened up, told them the dollars, what we were spending on trying to cure some of their issues. [The president of Oglebay, at the time], was also very instrumental in working through me, allowing me to do my job with the community. But, as it related to the Pueblo, in my career, I have worked a lot with Native American Pueblos and tribes throughout the western US (Miner2 2008).

And my first objective was trying to sit down with them, trying to figure out precisely what it was that concerned them, to the extent that they could communicate that to me. In some cases, it was a matter of it being sacred, and they simply can't discuss it or they can't show you (Miner2 2008).

And for many companies, sometimes, I think, it's difficult to grasp that concept, to understand that it's a religious issue and respect it. And that was the message that I was trying to convey to the Pueblo was, 'We may not fully understand each other, but we want to work with you.' And I conducted multiple site tours. I conducted multiple public meetings. And in one case, I think, I gave about a five-hour testimony at a public hearing (Miner2 2008).

And what I mean by sympathetic, it also means respectful. I offered unfettered access. Tell me when you want to come, and I'll shut the mine down. Show me, to the extent that you can, an area, not a specific point, an area that you need preserved, I will do everything within my power to do that (Miner2 2008).

You need to understand what their concerns are. And you need to spend time with them. You need to be willing to invest in their communities. You need to be willing to invest in relationships, long-term relationships, with them. Because, to them, they are less concerned - in my judgment - about your bottom line and more concerned about the overall impact that you're going to have to the land (Miner2 2008).

That's something that, for many companies, is very hard because most people think in terms of dollars and cents. And what you're dealing with here are

personal relationships, and religious views, and cultural issues that are often times very, very foreign to folks that aren't from this part of the country (Miner2 2008).

Plumwood (2000) acknowledges such personalities as Miner2. "These 'traitorous identities' that enable some men to be male feminists in active opposition to androcentric culture, some whites to be actively in opposition to white supremacism and ethnocentric culture, also enable some humans to be critical of 'human supremacism' and in active opposition to anthropocentric culture. 'Traitorous' identities do not appear by chance, but are usually considerable political and personal achievements in integrating reason and emotion; they speak of the traitor's own painful self-reflection as well as of efforts of understanding that do not flinch from contact with the pain of oppressed others" (69).

"What makes such traitorous identities possible is precisely the fact that the relationship between the oppressed and the 'traitor' is not one of identity, that the traitor is critical of his or her own 'oppressor' group as someone from within that group who has some knowledge of its workings and its effects on the life of the oppressed group. It depends on the traitor being someone with a view from both sides, able to adopt multiple perspectives and locations that enable an understanding of how he or she is situated in the relationship with the other from the perspective of both kinds of lives, the life of the One and the life of the Other" (69).

An asymptotic approach can be applied to other aspects of interactional issue framing presented in this paper. Notions of virtue sought to establish the "right" relationship with the "other." Such a relationship is not a one-time agreement, or a one-time infusion of cash. It goes on. It represents a long-term commitment. In the case of

mining-indigenous conflict, it represents the mining company as becoming a permanent partner with the indigenous group even after the mineral is depleted.

A relationship which is asymptotic also begins with proper demeanor and attitude. It does not arrive with any goal in mind save a closing of distance. How the distance is to be closed is subjective in nature, and requires a patience which allows the needs of others to emerge.

Finally, a relationship which is asymptotic with regard to transparency is active. It is open, seeks to close distance, and seeks to continue.

Relationships based on virtue would tend to be asymptotic.

In the examination of anthropocentric and nonanthropocentric views, notions of a proper relationship also emerged when McShane argued that: “Questions of how to feel aren’t as widely discussed in ethics as questions of what to do are, but they are clearly an important part of the ethical picture” (McShane 2007, 174).

McShane argues that “[t]here is, however, a long history in ethics of being concerned with questions of how to feel, what attitudes to take toward different things in the world, which things to care about and how to care about them” (170). This is interactional. It speaks in a language different from traditional ethical debate about what to do, and focuses on how things are done. What is the proper attitude that miners, for example, should have toward indigenous groups? McShane emphasizes that proper attitudes and feelings, in fact, result in proper action. The focus of ethics should be to encourage proper feelings and attitudes. An asymptotic relationship, it should be noted, could only emerge from proper attitudes which embody genuine concern.

Similarly, Vanderheiden (2002) interprets the later Rousseau as finding a proper relationship with nature: “Nature is no longer the primitive bliss of nascent society for which no return is possible, but rather offers a source of comfort, refuge, and renewal as a counterbalance to the corrupting elements of society” (181). It speaks of a desire to find middle ground where humans can realize what wilderness is, but not alienate themselves from it, or civilization. “[H]e was able to reconcile the nature/society dichotomy that had plagued his life and philosophy” (181-182). Rousseau thus battles with a dichotomy and resolves the issue with an asymptotic path.

Also, within ecological restoration, notions of the desire to obtain or maintain pure wilderness may be alleviated for some by the introduction of the notion of wildness. Wildness can continually grow near wilderness through environmental restoration, and surely this is an asymptotic project that all who value land can support.

In sum, an asymptotic model could be used by mediators to help disputants visualize the application of interactional frames in the consideration of values within environmental conflict resolution. It is a visual demonstration of the way in which cognitive frames can both be maintained and surrendered by reframing thinking toward interactional framing. It is the proper way to engage within indigenous-mining conflict.

And then you can sit here, or we can sit here, and probably figure out 500 ways, what’s positive about what they extract from the Earth or how it can be used positively. That’s not the question. The question is how they do it (Picuris1 2008).

Are there practical applications?

One very practical application of this research is the development of methods for SIAs (or Social Impact Assessments as mentioned previously). “Impact Assessment (IA) simply defined is the process of identifying the future consequences of a current or proposed action. The ‘impact’ is the difference between what would happen with the action and what would happen without it...IA aims to provide information for decision-making that analyzes the biophysical, social, economic and institutional consequences of proposed actions; promote transparency and participation of the public in decision-making; identify procedures and methods for the follow-up (monitoring and mitigation of adverse consequences) in policy, planning and project cycles; and contribute to environmentally sound and sustainable development” (International Society of Impact Assessment 2010).

SIAs are one type of IA. SIAs are similar to a widely used and well-accepted practice within the environmental community, termed Environmental Impact Assessment (EIA). An EIA aims to determine what the environmental consequences, both positive and negative, will be of a particular project. For instance, will the placement of a new power plant have an impact on the quality of drinking water, or on wildlife populations?

The most widely known application of EIA is based on a law administered by the Environmental Protection Agency. “Since passage of the U.S. National Environmental Policy Act (NEPA) of 1970, environmental impact assessment has become the key component of environmental planning and decision making in the United States”

(Interorganizational Committee on Principles and Guidelines for Social Impact Assessment 2003, 231).

Social issues are sometimes included within EIAs, but they do not receive the level of attention that environmental issues garner. There are few clear guidelines as to how an SIA should be administered, practitioners in SIAs are slim, and there is very little research as to what an SIA should entail. When an SIA is conducted, it tends to address surface issues, and does not endeavor to uncover deep-seated sociological impacts.

One quality guide on the subject is a 2003 report by the Interorganizational Committee on Principles and Guidelines for Social Impact Assessment which gives guidance as to how to conduct an SIA within the context of NEPA. The Committee states that the “SIA process...brings local knowledge to the decision process. Those who live in the affected area are knowledgeable about their human environment. With the use of local knowledge, SIA saves both time and money as affected populations are identified and involved in the process. It also ensures that key stakeholders are identified and consulted during decision making. Thus, SIA can help improve both the scoping and public involvement processes, which are key requirements under NEPA” (232).

This project has illustrated the complexity of beneath-the-surface values within an indigenous-mining conflict. It demonstrates that methods can be constructed to identify held values, thus making further analysis more relevant. These methods, applied to SIA, could yield a more complete understanding of the potential impacts to local communities, including indigenous populations. Assessments which take social impacts just as seriously as environmental impacts would not only protect communities and prevent

missteps by those who plan new projects, but would make tremendous contributions to the prevention of conflict.

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