Where is the Lobster?

An Exploration of the Lobster as a Being in Fisheries Management in Nova Scotia, Canada

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Abstract

This research has used a Critical Discourse Analysis to analyze nine different documents relating to the management of the Inshore and Offshore lobster fishery in Nova Scotia, Canada, to answer the question: *How does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?* Through a framing of Critical Animal Studies, ecofeminism as it relates to non-human animals, anarchist political ecology, and decolonization, the discourses surrounding the lobster will be examined, as well as how they build into a rights-based or relationship-oriented framework for connecting with the lobster, and, finally, if these discourses add or remove agency for the lobster within its own fishery. As the current fishery is the most profitable in Canada and contentious with corporations, the government of Canada, and the Mi'kmaq (the Indigenous people of the area) having various claims to its inhabitants, this exploration of the lobster will aim to centre the species. However, this exploration must be careful, in order to centre the lobster while not harming the various groups in Canada who have also been Othered. Ultimately, I will argue, through an analysis of identity and death discourses, that the lobster can have agency within a system where it is being used, but that will require a shift in the system in Canada, from one formed with a capitalist and settler-colonialist structure, to a system where a different relationship with the lobster is understood through non-Western ontologies.

Keywords: Critical Discourse Analysis, oppression, Critical Animal Studies, decolonialism, fisheries, lobster, Canada, Mi'kmaq

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Thanks to all my new friends in Oslo, and the various people who have ended up in lengthier than they anticipated conversations with me about lobsters at parties and dinners, I promise to find a new topic to engage with now.

Finally, I would like to dedicate this to my Popa, who taught me to love the lobster (and to eat it).

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Acronyms and Abbreviations

C&P – Conservation and Protection

CAD – Canadian Dollar

CAS – Critical Animal Studies

CDA – Critical Discourse Analysis

CL – Catch Limit

CLEAR – Civic Laboratory for Environmental Action Research

COSEWIC – Committee on the Status of Endangered Wildlife in Canada

CSLP – Clearwater Seafoods Limited Partnership

DFO – Department of Fisheries and Oceans

EAC Ecology Action Centre

ECOLF – Eastern Canada Offshore Lobster Fishery

FSC – Food, Social, and Ceremonial Fishery

ICJ – International Court of Justice

IFMP – Integrated Fisheries Management Plan

LFA – Lobster Fishing Area

MPA – Marine Protected Area

MSC – Marine Stewardship Council

NARW – North Atlantic Right Whale

NCAA – National Collegiate Athletic Association

PETA – People for the Ethical Treatment of Animals

R – Rex or Regina

RCMP – Royal Canadian Mounted Police

REDD – Reducing Emissions from Deforestation and Forest Degradation

SARA – Species at Risk Act

SM – Size-at-Maturity

TAC – Total Allowable Catch

TEK – Traditional Ecological Knowledge

WAVES – Wealth Accounting and Valuation of Ecosystem Services

WWF – World Wildlife Fund

1. Meeting the Lobster: Introduction

The lobster has a tangled history, as a species most often associated with being unthinking/unfeeling by philosophers and scientists alike (Graeber 2014). This is assumed to have developed in part due to our own proximity to slaughtering these animals alive, which is avoided in other meat-eating situations in Western society. Rarely do you go to a tank or cage, choose a living, non-human animal, and then take it home to kill and consume yourself in the span of a couple of hours. But with the lobster, it is not just okay, these actions are the norm.

I was about six the first time I remember cooking live lobster. We were in the Gaspé Peninsula, an area just west of the Maritimes in Canada that will be discussed in this research, but also known for its lobster fisheries, and where my family has lived for the past 250 years. My grandpa, who was originally from the area, wanted to make sure we had a true Gaspésien lobster boil. We had gone down to the wharf in Percé, picked out a live one each, and headed home, with our lobsters still crawling around in a box in the back.

When we got to his childhood home, a giant pot of water promptly went on the stove. My mom asked if I wanted to help, and eagerly I stayed in the kitchen to cook with her and my grandpa. I was confused though, as the lobsters were still living, and I knew that was unusual for meat my mom was cooking. They explained that the lobster would be cooked alive, and to make sure to drop them in head first so they died quickly, and would not be shocked into poisoning themselves, which we then would not be able to eat. In reality, this was most likely done to limit the screams that would leave this living being as we boiled it alive.

The whole situation was so nonchalant, I did not even question it. We could see the ocean from the kitchen, and my family had been doing this for centuries. We would not even consider boiling other animals alive, so how did it become acceptable for the lobster? This following section will look at the aims and research question that my thesis has been based around, as well as a quick examination of the case and how the specifics of the lobster fit in. Finally, there will be an examination of the limitations within my research that I have overcome and accounted for, as well as an outline of the following chapters and road map the research will be laid out in.

1.1 Aims and Research Question

The aim of this thesis is to determine if the lobster as a being can have agency within a system where it is used, as presented in the language used through management plans and related documents in relation to the East Coast Canadian lobster fishery. This thesis will focus in on the settler colonial issues produced through resource development in Canada, and how this has played out for a non-human animal at the centre of the most valuable fishery in North America (Le Bris et al. 2018). With a methodology of Critical Discourse Analysis (CDA), I will focus my aims on first analyzing the discourses surrounding the lobster in these documents, with a specific focus on the ontologies and epistemologies that helped to create these discourses. My second aim will be to determine if the discourses are positive, ambiguous, or destructive to the lobster's agency, as determined through my ecosophy focused on overcoming oppression of non-human animals through empathy and care (this framing will be discussed in Chapter 3). My third aim will look at how these can fit into relationship-building or rights-based approaches to non-human animals, and if alternative discourses presented with other non-human animals could be positive, destructive, or ambiguous for the lobster's agency. My fourth aim will be to examine how the discourses surrounding the lobster have impacted Othered groups in the area, namely the Mi'kmaq[1]. My fifth and final aim will be to determine if the commercial fishery in Canada can give the lobsters enough agency as a non-human animal within it, or if we must move towards new systems of fisheries, or even a system without a lobster fishery.

These aims have led to the research question: *How does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?*

1. What are the discourses surrounding the lobster within fisheries management in Nova Scotia, Canada?
2. How do these discourses fit into the relationship-building or rights-based frameworks for non-human animal use?
3. Can the lobster as an individual being have agency within a system where it is being used?

[1] Mi'kmaq refers to the group of Indigenous people who occupy the east coast of Canada, which is referred to as Mi'kma'ki. Mi'kmaw is the singular of Mi'kmaq, but is also used as an adjective before a noun (Community Sector Council of Nova Scotia 2020).

The question will be answered with two subdivided themes: identities and death, where the relationship-building aspects and agential nature as produced through the identity and death discourses will be explored within the dedicated theme chapters.

1.2 The Case of this Thesis

This thesis and its research questions developed in response to the efforts of the Mi'kmaq to establish a moderate livelihood fishery in the fall of 2020, where they were met with ample resistance from non-Mi'kmaw fishermen and the federal government as represented by the Department of Fisheries and Oceans (DFO). Through the fall of 2020, Mi'kmaw lobster pounds were burned, boats flipped, and fishing lines embedded with nails, in order to harm the Mi'kmaw fishermen as they pull up their lobster traps (Hogan 2020). Conflicts between the Indigenous and settler populations in Canada have transpired throughout the country's history in a variety of forms, with one constant flowing throughout: a Canadian need to control the natural resources within its borders (Alanis 2002). Lately, this has taken the form of conservation, with the DFO enforcing control over the ocean, and the people who rely most heavily on it.

A product of settler colonialism, the promotion of 'experts' in conservation over sustainable Indigenous practices follows post-development dependency theory. As Canada paves its way forward as a state focused on conservation, including a 2020 Planetary Leadership Award for marine conservation efforts (National Geographic Society 2020), the Indigenous continue to lose their land and access to resources, and are forced further to the periphery with their economic capabilities and rights in Canada (Blackstock 2011; T. King 2017; Fontaine, Craft, and The Truth and Reconciliation Commission of Canada 2015). This is especially pertinent, as recent fights by the Mi'kmaq to establish a moderate livelihood fishery in the fall of 2020 have shown. The Mi'kmaq on Canada's east coast have been in a battle over state granted treaty rights to fish since the first signed treaty with a European colonialist state in 1750 (Wildsmith 2001), with the term moderate livelihood dating back to a Canadian Supreme Court Case, R v. Marshall 1999[2]. This specific case will be examined in greater detail in Chapter 2, but in essence Donald Marshall was a Mi'kmaw man who was charged with fishing illegally when he caught eels out of season, even though they fell under his treaty rights (Raymond 1992). The case went to the Supreme court of Canada in 1999,

[2] R stands for "Rex" (the King) or "Regina" (the Queen) in Canadian Supreme Court Cases. As Canada is a constitutional Monarchy, this R refers to the Canadian state in these cases (Koscielski 2021).

where Mi'kmaw rights from the treaties of 1760 and 1761 were upheld, allowing the Indigenous fisheries to continue production out of season for the purposes of a moderate livelihood (R. v. Marshall 1999).

As moderate livelihood remains a vague and undefined term, fights over its interpretation have increased (Hogan 2020). The most alarming part of these recent disputes? The Mi'kmaq are legally fishing, as defined by regulations under the DFO for off-season fishing rights in line with the treaty rights upheld in Marshall. With an emphasis on conservation, the Mi'kmaq have been opening self-regulated fisheries. They assert that these fisheries may even have stricter rules than those outlined by the DFO, and are necessary for their economic independence (Meloney 2020). Beyond the confines of moderate livelihood, a coalition of Mi'kmaw fishermen and the company Premium Brands completed a billion dollar purchase of Clearwater Seafoods, making them the owners of the largest offshore fishing group in the Maritimes (Kildaze and Rendell 2020). These overlapping desires for the fishery have constantly been missing one aspect: representation of the lobster not as an object or resource, but as a non-human animal with its own agency. This research centres on this missing element, and aims to discover where the lobster *actually* is in the fishery, and not just as an expensive fish that one can eat whole from their plate. Before beginning this thesis, however, there must be a quick look at the limitations that were present, and how they have been overcome or addressed.

1.3 Limitations of my Research

All research will be limited by various factors, including means, time, and capacity. For myself, one of the largest limits arose due to the COVID-19 pandemic, and moving to Norway while choosing a project located in Canada. These reasons played into choosing to interact with the lobster and the communities supported by it only through a text analysis, and not through in-person field work. While a definite constraint on some of the findings that I could have had, in regards to my actual research question, I think this limitation has become a powerful way for me to examine the discourses presented textually more thoroughly, and fully within my capacity within ecolinguistics and for a master's thesis.

Choosing not to do field work also pushed my project into a larger research gap than there would have been otherwise. The Mi'kmaq have a robust group of scholars who have done ethnographies on their ways of life, which I have been lucky enough to include within my academic theory. Doing further fieldwork in the area would therefore have been inadequate

for myself, coming from a settler Canadian perspective. In that regard, I hope this linguistic analysis of various plans in the area, including disagreeing findings from the Mi'kmaw plans, can be used in conjecture with their own fieldwork, and help to continue interest in both Indigenous ontologies and the life of non-human animals.

Another limitation I have encountered while writing my thesis is how to refer to various places: either with the names given by the Mi'kmaq, or the names given by the federal government. Val Plumwood has argued extensively for the renaming of places with their first names, in regards to decolonisation efforts in Australia, stating that: "renaming could become a decolonisation project aimed at reconciling the culture of the colonisers with the land and with indigenous people and culture" (2002, 22). *Mi'kma'ki* would be that name given by the Mi'kmaq for the lands that they have traditionally inhabited on the east coast of Canada, and *jakej* is their name for the lobster. However, I have elected to refer to the fishery at large as the *East Coast Canadian Lobster Fishery*, since that is the current state given name to it, and while perhaps not ideal, will provide clarity to people outside of Canada when working with the thesis. I have also chosen to refer to the creature at the centre of this thesis as the lobster, as I am writing it in English. Despite this choice, for other location names, I have chosen to use the names provided by the documents (i.e. a Mi'kmaw name from a Mi'kmaw produced document, state created name from federal documents), and use Mi'kmaw terminology when it has been included in the document.

My research question, while focusing on discourses, did not allow for an in-depth analysis of how the different names of fishery locations have impacted the different discourses as well, so while I am apt to agree with Plumwood, have not determined the impact of naming of places on the agency of the lobster. I am also referring to documents that have been produced through different knowledge systems but within a settler-colonial paradigm, so do not want a quick assumption to be made by the reader that in referring to these areas with non-colonial place names, the area and fishery has been successfully decolonized. In an effort to not privilege one set of knowledge over the other, in the background I provide a summary of the multiple given names for the different areas examined in the study. However, I know that by referring mainly to the area as Canada, I am privileging settler colonial knowledge in an effort to create clarity, and for that I am sorry. If this thesis was being submitted in Canada, I would hope to make a different choice, but do not know if the neoliberal structures creating the universities there would support that either.

1.4 How Will We Search for the Lobster?

This chapter has introduced the lobster, my research questions and aims, and the case within the East Coast Fisheries. The following chapters will explore the case of the lobster in detail. Chapter 2 will dive into the background of the lobster in Eastern Canada, as well as historical resource management, and the history of the Mi'kmaq, along with their current relationship with the Canadian state. Chapter 3 will look at the theory described previously more in-depth, to provide a framing and ecosophy for the Critical Discourse Analysis to follow. Chapter 4 examines Critical Discourse Analysis as a methodology, the specific branch of ecolinguistics used, and how I applied both into the actual methods I followed. Chapter 5 begins the analysis, with an examination of the discourses surrounding identity building for the lobster, and how relationships through narrative agency can be examined to change these identities. Chapter 6 continues this analysis, and looks at how the identities of the lobster impact the creation of lobster death within the documents, and how the death is used to add or remove agency from the lobster. This chapter will conclude with a discussion about if the fishery can stay as it has been constructed if the language in the management plans was to provide agency for the lobster, or if a non-human animal can never be used and have agency. Finally, Chapter 7 will be the conclusion of the story of the lobster, providing a summary of the findings and relating the thesis to the issue of the fishery, as well as relationship-building between human and non-human animals.

2. More than the Lobster: Background

This study focuses on lobster specifically found in Nova Scotia, Canada, otherwise known as Mi'kma'ki by the Mi'kmaq, the group who has called this area their home for thousands of years[3]. The Nova Scotia fisheries centre around the American Lobster, named the *jakej* in Mi'kmaq, and with the Western scientific name of *homarus americanus*. It is a part of the crustacean order Decapoda, where shrimp and crabs are also found. The lobster fishery is the most valuable in North America, with a combined value from the United States and Canada of US $1.5 billion in 2015 (Le Bris et al. 2018). However, little is actually known about the species beyond its economic possibilities. The following chapter will delve into the lobster, looking at biology and Western scientific knowledge that has been produced around the lobster, along with the history of the East Coast Canadian lobster history and its creation within capitalism. Then, a brief history of the Mi'kmaq and Indigenous legal disputes that have occurred in Canada in relation to the development of a settler-colonialist state will be provided. This will lead into a final section focused on the current situation in the lobster fishery, to understand the context that the management plans analyzed throughout the rest of the study were created in.

2.1 Lobster Behaviour

Lobsters are nocturnal creatures who tend to avoid disturbances, such as swimmers or scuba divers, so studying them in the ocean has often proved difficult (Corson 2005). In regards to knowledge about the lobster, most research has focused on the innate biology and reproductive success. This aligns with market requirements, which will be discussed later, but is also becoming extremely important to understand in a warming Earth. While the full impacts of global warming and increasing ocean acidity are not entirely understood for the species, one recent study has found that, at the bare minimum, protecting reproductivity will help during these changes. Le Bris and colleagues (2018) studied the effects of warming in the United States, and did find that lobster populations with reproductive protections were

[3] Nova Scotia has been home to the Mi'kmaq for over 10,000 years, who remain in the region today. It was first settled by Europeans in 1605 with the establishment of Port-Royal, which began the French colony of Acadia. It was transferred to Britain in 1713, with the Acadian deportation following from 1755 after the start of the Seven Years War between France and Britain. After the American Revolutionary War, many Loyalists moved to Nova Scotia, including former black slaves. While one of the most prosperous provinces when the Confederation of Canada formed in 1867, it has struggled financially since the 1950s, with the lobster industry providing one of the most stable and affluent elements of the modern economy (Beck 2009).

less prone to vulnerability from temperature increases. Reproductive potential makes up an abundance of the findings and discussion in lobster created identities, and to fully understand these protective elements, knowledge of how lobsters procreate will be needed.

Lobster mating is an occurrence that puzzled scientists and observers for many centuries, due to the lack of human shaped reproductive organs that could be seen:

> Observers of the natural world as far back as Aristotle have wondered how lobster sex works. In the fourteenth century the Italian philosopher and physician Simone Porzio wrote that the lobster's "organs of sex and reproduction are constructed in such a way that I cannot discover any obvious way in which the seed of the male could be ejaculated, poured, or otherwise introduced into the body of the female." The problem was that the male lobster appeared not to have a penis. (Corson 2005, 46)

As speculation by male naturalists through the centuries continued, it was eventually discovered that, after molting, a male and female lobster would copulate, with the male lobster having two swimmerets they could insert sperm into a female's seminal receptacle, which was essentially a tiny pouch at the base of her tail. She could then use the sperm to fertilize eggs she kept on the underside of her tail, which she would carry, protected, for about a year (Corson 2005). Most of this knowledge was published by Francis Herrick in *The American Lobster: Its Habits and Development* (1895), but was greatly expanded on in the late 20th century by Jelle Atema.

Jelle Atema, a researcher in the Boston University Marine Program, has conducted the vast majority of in lab testing on lobster behaviour. His experiments involved placing different groupings of lobsters in tanks, to eventually conclude that female's choose the partners they will mate with, and most often choose a locally dominant male (Atema 1986). Through fighting and chemical cues, the males battle to obtain the best den available on the sea floor, which the female then enters, resulting in moulting and mating. Afterwards, the female will leave, and, often, another will enter, and continue the cycle (Corson 2005). This ability to choose mates and time their moults leave the females with some power within the hierarchies, but most researchers have concluded that dominant males run the various seafloors they inhabit (Atema 1986; Atema and Cowan 1986; Corson 2005). Once the female leaves the den, they alone protect their eggs, where it is now known that only about 2% survive (Unama'ki Institute of Natural Resources 2007b). Lobster then go through a

planktonic phase of three to 10 weeks, followed by a post larval stage where they move to the sea floor and begin to grow, going through an early benthic stage, a juvenile stage, and finally entering the reproductive stage, which they stay in until they die (Government of Canada 2020b). Lobster migrations are reported in the reproductive stage, but little is known as tagging studies are infrequent (Government of Canada 2020a; 2020b); however, lobster fishermen are concerned about the impact of fishing in different regions on their own area, indicating that migration does occur and is important to these fisheries.

The hierarchies that contribute to mate selection also lead to lobster fighting, where the males and females both battle for higher positions, with impacts such as size-selective den selection, subordinates remembering previous victors and ignoring new fights (Atema and Cowan 1986), and moults in an attempt to grow bigger that leave the lobster unprotected and sometimes killed by the others (Corson 2005). While easily looked at as brutal, the overarching theme of studying lobster mating and behaviour is that, throughout research, while scientists were constantly being befuddled by the behaviour (a female choosing a mate and the time it would occur? How eccentric!), the fishermen who interacted with them, were not. This separation will be seen throughout the creation of the fishery as it exists today in Nova Scotia, Canada.

2.2 The History of the Lobster Fishery in Nova Scotia, Canada

The DFO tells the story of lobsters in Maritime Canada through a history of their fishery, which has been Canadian-managed since the late 1800s, and a prominent source of food for the Mi'kmaq and settlers before. Initially, it was so plentiful that conservation was not even a thought, and seasons were only based on market requirements to keep the U.S. and Canadian fisheries intact. Licensing policies only came in through the 1960s, with stricter measures starting in 1976 to ensure only those dependent on the fishery had access to these licences. Conservation was not addressed until 1995, after a significant decline in landings[4] following a peak in 1991 (Government of Canada 2020b). This section will dive into the state's history of the lobster fishery–especially in regard to its development through capitalism–including a look at the pushback by fishermen, and the entangled nature of the

[4] Landings refer to the amount of a fish species that makes it into a port (Government of Canada 2020a; 2020b). There is ample discard at sea that is not counted, so total catch is not used as a measurement within the fishery. This will be discussed in greater depth in Chapter 6 in regards to lobster death.

relationship that these measures had on the lobster through instances of fishery-produced evolution.

To begin with, this study focuses on the lobster fishery found in the DFO Maritimes region, specifically Lobster Fishing Areas (LFAs) 27-38, which make up the Inshore fishery; LFA 40, which acts as a protected area for stock recruitment in Browns Bank (officially established in 1979, and remains closed today); and LFA 41, which contains the entire Offshore fishery. For clarity, these fishing areas are depicted in Figure 1, where it should be noted that LFA 40, the main protected area, is most closely tied to LFA's 33, 34, and 41, which have the highest total landings (Government of Canada 2020a; 2020b).

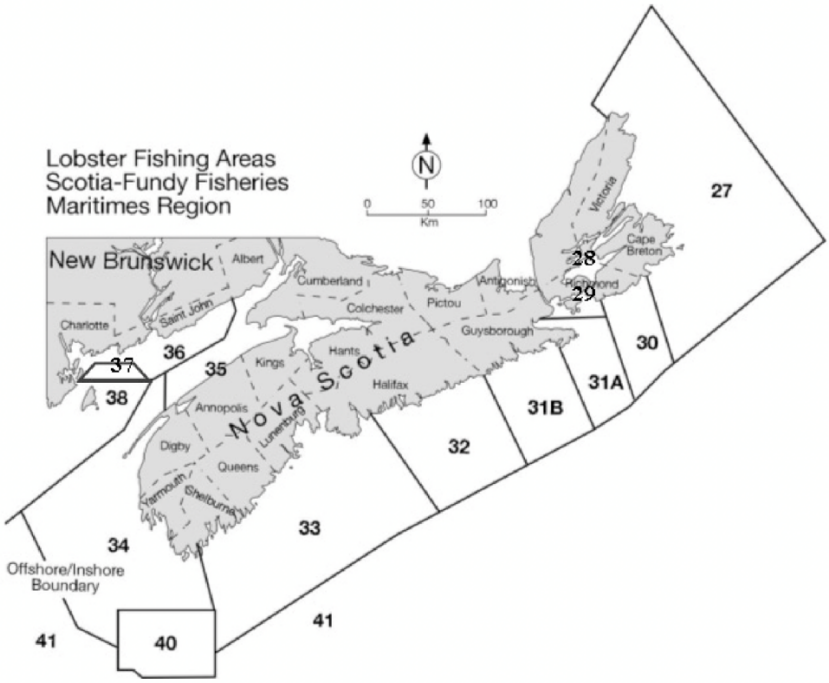

Figure 1: Map of Lobster Fishing Areas, Maritimes Region IMAGE: GOVERNMENT OF CANADA (2020B), P. 14

The Inshore fishery has developed in many small segments, with people making their livelihood off of their smaller vessels and shorter catch seasons. Adjustments are constantly being made in this group to benefit the settler fishermen as well as attempting to grant rights to the Mi'kmaq. This development has involved ample government control, including different classes of licenses that have been slowly bought back over the previous decades, and then repackaged as licenses for Mi'kmaw specific fisheries (Pannozzo and Baxter 2020a). Each LFA has separate seasons and minimum size catches for the lobster. These vary, but centre on promoting reproduction by preventing fishing in the summer when

lobsters moult and are most vulnerable, and only allowing lobsters to be landed when they are above the scientific determined size at maturity (Government of Canada 2020a; 2020b). Some LFA's have extra protection measures, such as v-notching to protect egg-bearing females and maximum sizes, many of which started as fishermen based conservation approaches (Corson 2005; Collins and Lien 2002). These measures are used to not place specific limits on the amount of lobster the Inshore fishery can output. Throughout this history, the government has maintained a hierarchy above the Mi'kmaq and settler participants, even as they have contributed to some of these regulations.

The U.S. government and its own fishery also impacted the regulation that occurred in Canada in the Inshore fishery. The governments worked together to create seasons and minimum sizes for the lobster to be fished (Corson 2005). This was understood to be mainly to support year round lobster access in restaurants and retailers, but would also help to keep the prices high for the fishermen to be supported throughout the various seasons. The focus on market requirements links the fishery heavily to Canada's development within capitalism. It also supports the constant need for creating resources that would provide an economic benefit to the country (Simpson 2019), and has led to a number of disputes between Canada and the U.S. These finally went to the International Court of Justice (ICJ) in 1984, where an official boundary was created between the two countries, known as The Hague Line (Government of Canada 2020b). There was one area with overlapping claims, which the ICJ decided not to address, and leaves an area of 259 square kilometres in flux, called the Disputed Zone. The DFO claims that the U.S. increased a fishing presence in this zone in the 1990s, and has made adjustments for this competition: "Since 2002, DFO has authorized LFA 38 licence holders to fish during the summer so as to provide year-round Canadian fishing access within the Disputed Zone (Area 38B)" (Government of Canada 2020b, 81). The importance of these fisheries to both countries eastern communities has created a semblance of cooperation through mutually-assured destruction, where the fishermen can sometimes be used as pawns. Naturally, this level of control and competition does not build trust between the respective governments and fishermen (Corson 2005), as often seen with the creation of many resources worldwide.

The Offshore fishery has developed in an entirely different manner than the Inshore. It was created as a response to a U.S. lobster fishery developing further out in the ocean than existing ones in the late 1960s, and officially opened in Canada in July 1971. At the same time, the U.S. had started to ban Canadian swordfish from being sold due to mercury levels.

High levels of mercury in apex fish species has become a common reason for the ban of the sale of these animals, but, as seen with the Inshore fishery, U.S. and Canadian disputes sometimes stemmed from outside pressures by the governments to control the lobster fisheries. The response at the time was for the Canadian government to offer the 56 swordfish license holders an Offshore Lobster License. Six took them up on the offer in 1972, with two more licences added in 1976 for a total of eight Offshore lobster licenses. This number has not changed since (Government of Canada 2020a). As with the Inshore fishery, most changes have been in response to economic pressures, and often caused by U.S. regulation and action. Naturally, this history is coming from the Government of Canada, and U.S. accounts have readily painted Canada as the instigator, such as not implementing an increase on the minimum size of lobster catch when they had agreed to do so in tandem with the U.S. (Corson 2005). The fishermen also reacted accordingly, and, even if being used to further these disputes and disagreeing with their own government's tactics, did tend to rely on the power of *their* state to further their own fishing interests.

This Offshore fishery is open for the entire 12 months of the year, with each license holder allowed to fish 12.5% of the total allowable catch (TAC) of 720 tonnes. This number is stated by the DFO as being "based on historical landings and the economic objectives of the fishery" (Government of Canada 2020a, 9). 720 tonnes has been the total allowable catch since 1984, when it was raised from 408 tonnes. These decisions, and the fishery management plan for the Offshore fishery, are made by the Offshore Lobster Advisory Committee, formed in 1985, whose only members are the Offshore lobster license holders, the Nova Scotia Department of Agriculture and Fisheries, and finally the DFO. This group made the Integrated Fishery Management Plan that is still in use today, with reports stating that the license holders had the largest say in decisions pertaining to the fishery (Baxter 2020).

The final piece to this interesting and relatively understudied Offshore fishery puzzle is that the 8 licenses were all held by one company, Clearwater Seafoods, until recently. In regards to the Offshore Lobster Advisory Committee and subsequent plan created for the Offshore fishery, this means that only members of Clearwater Seafoods and the Government of Canada were present in its creation, fully alienating the Inshore lobster fishermen and Mi'kmaq. To be clear, these groups did not have implicit power in the creation of the management plan for the Inshore fishery, as Clearwater Seafoods did; the Government of Canada has made all management decisions regarding the Inshore fishery. The monopoly of

Offshore licenses was maintained until 2020, when half were sold to a coalition of Mi'kmaw fishermen and another Canadian food corporation, Premium Brands. Despite this sale, all 8 license areas are still being fished by one boat, owned by Clearwater Seafoods (Government of Canada 2020a; Pannozzo and Baxter 2020a; 2020b; Baxter and Pannozzo 2020). The monopoly found in the Offshore fishery, and the new agents entering it, will be crucial to understanding how state power has impacted different groups in these fisheries, including settler and Mi'kmaw fishermen, as well as non-human animals like the lobster.

Both the Offshore and Inshore fisheries have continued to adjust in recent history. Landings peaked in 1991, and began to decline, leading to heavier input from the government and stricter efforts to promote conservation. In order to continue to meet the market requirements, and sustain the East Coast communities dependent on the industry, the government created a goal of doubling eggs per recruit from 1998-2001, by having minor size increases, and experimenting with maximum sizes and voluntary v-notching (Government of Canada 2020b). V-notching was a practice first implemented in Maine, with the idea that fishermen would put a "V" shaped notch in the bottom right part of an egg-bearing lobster's tail, and then release her back to the wild. Lobster's moult periodically so these notches grow out after about two moults (Corson 2005; Mazur et al. 2019). V-notching itself leads to lobster with nine times more eggs than unnotched lobsters (Mazur et al. 2019), and protects larger female lobsters. Larger female lobsters in turn will continue to reproduce with an increase in egg production, going from 1000 eggs per hatch to 10,000, which is vital to lobster stock survivability since only about 2% of the eggs make it past the larval stage (Unama'ki Institute of Natural Resources 2007a). V-notching as a program was not initially supported by U.S. scientists as a conservation measure. The fishermen, however, believed that protecting egg-bearing females was more important than the suggested raising of minimum catch sizes, and instead demanded more v-notching and maximum catch sizes to protect these large females (Corson 2005).

This battle between fishermen led conservation and government controls occurred north of the U.S. as well, since, as v-notching developed in Maine, Canadian fishermen also started to attempt to protect their stocks. Around this time in Newfoundland, community-based lobster controls initiated conservation efforts, which included regulations against poaching. Their main concern was egg production per recruit, and started v-notching programs to protect egg-bearing females, as well as contacting the DFO to get fishermen removed who were not following their new guidelines. They also started to attempt closing small areas

from fishing, in order to protect the lobster stocks (Mazur et al. 2019). Some LFA's in Canada currently do have v-notching programs and maximum caught sizes, but not all; all LFA's have a minimum size, showing again the complete control of the government within the Canadian fisheries.

The reason for all of these protections, and the continued use of them, is that the lobster fishery is of high economic importance to the Maritimes. Since the 1950s, fishing has been the main industry within Nova Scotia's economy (Beck 2009). The Maritimes region accounted for 44% of the total lobster landed value across all of the Canadian Atlantic regions in 2016, reaching approximately $833 million CAD. It is the most dominant species in the region, with a landed value eight times that of the next most profitable species (Government of Canada 2020b).

Beyond totally landed value, another measurement that the DFO uses to show the importance of the commercial lobster fishery in the region is lobster dependency. For individual fishermen, this is calculated through license dependency, which is: "an average of the dependency on lobster for each licence holder in the LFA" (Government of Canada 2020b, 61). Across the Maritimes, the average is 94%, implying that the fishermen routinely only fish lobster, and if the fishery was removed, would have no other options for income. This dependency can be concerning, as prices fluctuate rapidly, with the price of lobster at the wharf fetching $17.50 a pound on April 3, 2022, and dropping to just $10 a pound on April 25, 2022 (Withers 2022b). This came around after reports at the end of March and beginning of April in the same year that lobster had disappeared from some restaurants menu's in Nova Scotia, due to the inability to profit off the high cost per pound (Frisko 2022). The fishing industry is controlled by the government, and heavily dictated by the market and capitalistic system it functions in.

Fishermen in the Maritimes are dependent on lobster, and the community is dependent on these fishermen. These fishermen have also had, historically, a closer relationship with the lobster. However, there have also been multiple instances within lobster fisheries where the recommendations made by the scientific community alienated the fishermen, even though the local conservation efforts ended up proving to be effective (Collins and Lien 2002; Corson 2005). This gap is one of the issues found when analyzing non-human animals: "To transform the study of animal behavior (ethology), to make it less reductionist, would require—among other things—creating a firmer dialogue between scientists and others who

work with animals—animal trainers, farmers, caretakers" (Birke 1995, 40). In Canada, there have been efforts made to bridge this gap, such as the creation of Lobster Node, which intended to use government researchers as a way to bridge the knowledge gap between harvesters and academic researchers (Rochette et al. 2017). While research on the group has found that trust had been created between the factions, there were no mentions of the Mi'kmaq and how they navigated this split. Lobster relationships are of utmost importance to the analysis of the management plans, and the impact of the lobster on these communities has been made quite clear. The communities and fisheries created have also greatly impacted the lobster.

2.2.1 Fishery Produced Evolution

The dependency of humans on the fishery has led to a close relationship with the lobster, which has been found to actually impact how the species has evolved. A recent study found that the size at maturity of female lobsters in Canadian waters had declined by 30% sometime in the last 10-80 years (Haarr et al. 2018). A declining size-at-maturity would be historically seen as worrisome, due to the widely understood importance of female lobster size to egg production, with the smaller females producing around 1,000 eggs, compared to a larger female's 10,000 eggs (Unama'ki Institute of Natural Resources 2007b). While the study hypothesized that the smaller size at maturity *might* lead to a gain in egg production if heavy fishing effectively removed the large females from the fishery, it is still a trend with unknown consequences for the lobster populations. Importantly, the reason for the decline was tied to human use: "Ultimately, we believe harvesting to have been the key driver of SM [size-at-maturity] changes in female lobsters in eastern Canada over the past 10–80 years, whether or not physiological scope for change has played a role in the magnitude of these declines" (Haarr et al. 2018, 920). This information has made it into the lobster management plans, with the DFO stating that "[m]aturity estimates are presently being re-evaluated" (Government of Canada 2020b, 24). This evolutionary response by the lobsters is an example of co-evolution between lobsters and humans, and is only briefly mentioned within the documents analyzed. However, it is not the only example of lobsters living in the oceans being impacted by human use.

While the management plans concerned in this study focus on the American lobster, the European lobster has also developed in relationship with humans and fisheries. While studying the Norwegian Skagerrak coastline, Tonje Sørdalen (2019) concluded in their PhD

dissertation that fishing did impact sexual selection in traits in the lobsters. Their study focused on the size and practices of lobsters within the Marine Protected Areas (MPAs) established on the coast and fished areas. Mating specific findings found that females chose males about 20% larger than them in the MPAs, versus only 6.4% larger in the fished area of the same coastline. They also found that the claw size of male lobsters in MPAs was up to 8.4% larger, showing the importance of MPAs for preserving these behaviours and sex-specific traits. These differences in mating were found to be linked to weakening sexual selection, where lobsters choose the mates they want to reproduce with based on traits such as body size, and would continue the evolution of smaller body sizes linked to fisheries (Sørdalen et al. 2018). With their studies being completed concurrently, this dissertation and subsequent papers tie into the studies on the American lobster (Haarr et al. 2018), and the co-evolution within the fishery.

The lobster fishery remains important, with prominent biological indicators for this fishery continuously appearing in studies. Yet, what impact have these measures actually had on the lobster? And what about the lobster as a being, beyond its uses in a fishery? The lobster was found in November 2021 to be a sentient being, meaning that it has the capacity to feel pain, distress, or harm, along with other feelings such as pleasure and hunger, and providing it a special significance under animal welfare law (Birch et al. 2021). It is important to consider if this new classification will impact the fishery, or if the lobster will continue to be used as it has been, where reproduction, adaptation to industrialized environments, climate and marine changes remain uncertain obstacles to overcome. The history of the fishery also quickly points to some of the glaring errors that have occurred throughout the state-mandated management: measures are taken to protect the fishery and interests of resource use within capitalism, but not to actually understand the lobster, or the people that interact with it the most. Along with this, the knowledge base of the original fishers of the lobster has been disregarded: the Mi'kmaq.

2.3 The Mi'kmaq and a Brief History of Settler-Colonialism in Canada

Mi'kmaq refers to the Indigenous people who occupy the East Coast of Canada, which is referred to as Mi'kma'ki. Mi'kmaw is the singular of Mi'kmaq, but is also used as an adjective before a noun (Community Sector Council of Nova Scotia 2020). The traditional stewards of Eastern Canada, the Mi'kmaq used the oceans, interior waterways, and inland areas for hunting and fishing to sustain themselves. They have their own long-standing belief

systems, with a focus on *netukulimk*, which is defined as: "…a complex cultural concept that encompasses Mi'kmaq sovereign law ways and guides individual and collective beliefs and behaviours in resource protection, procurement, and management to ensure and honour sustainability and prosperity for the ancestor, present and future generations" (Prosper et al. 2011, 1). They also have beliefs rooted in animal personhood, or animism (Robinson 2014). They hunt and fish, with traditional diets relying on up to 90% aquatic animals, and this belief centres on the idea that the animals have willingly sacrificed themselves in order to keep Earth systems going (Robinson 2014). As some of the first people in contact with Europeans, the Mi'kmaq on Canada's East Coast have been in a battle over state granted treaty rights to fish since the first signed treaty with an European colonialist state in 1750 (Wildsmith 2001).

Figure 2: Mi'kmaq First Nations, as identified by the Government of Nova Scotia SOURCE: PROVINCE OF NOVA SCOTIA (2019), AVAILABLE AT: HTTPS://NOVASCOTIA.CA/ABOR/ABORIGINAL-PEOPLE/COMMUNITY-INFO/

In Nova Scotia, there are currently 13 designated Mi'kmaw communities (Figure 2). In regards to lobster fisheries, fishermen must reside in certain jurisdictions to determine what LFA they can apply to fish in. Therefore, the location of these communities determines where members living on reservation can fish. Not all Mi'kmaq live on these reservations, but can still have ties to the communities and fish separately with them in Mi'kmaw designated fisheries, as long as their residence falls within the correct LFA. The names depicted in Figure 2 are used by the bands, but many have been changed to an English name as the Mi'kmaq were forced onto reservations. All of these practices show that the

sovereignty of the Mi'kmaq is consistently filtered through controls set by the government of Canada.

Traditional names of the regions can be seen in Figure 3. There was a recent effort in the past decade to create a map of Mi'kmaw place names in Nova Scotia, with the final product being found at: https://placenames.mapdev.ca/. This map was compiled through research by students and communication with elders, with many of the names making it into the modern day place names in Nova Scotia (CBC News 2015). However, ample knowledge has been lost along the way, due to renaming or mispronunciations, so the map cannot be assumed to be complete.

Figure 3: Map of Mi'kma'ki and Traditional Regional Place Names SOURCE: FRACTRACKER ALLIANCE (2021), AVAILABLE AT: HTTPS://WWW.FRACTRACKER.ORG/2021/05/GAS-STORAGE-PLAN-VS-INDIGENOUS-RIGHTS-IN-NOVA-SCOTIA/

Indigenous treaty rights are an important part of Canada's legal discourse. In 1760 and 1761, the Mi'kmaq signed treaties with Europeans allowing them to settle on land in the East Coast, with the agreement that the Mi'kmaq would still be able to hunt and fish on their traditional land. However, these treaties were often disregarded throughout the subsequent history of Canada, as settler-colonial and capitalistic tendencies dictated a need for control through acquired land and resources. Some of these ignored treaties resulted in petitions in

1825 and 1906 by the Mi'kmaq to hunt and gather under their treaty rights. However, the petitions were fully dismissed by the Crown (the Canadian State) under the assumption that they did not have record of these treaties. In 1928, Mi'kmaq Grand Chief Gabriel Sylliboy made an attempt, dripping with a horrid irony, to use a 1752 Peace and Friendship Treaty to assert his rights for hunting and fishing. This was the first battle to be fought in the courts, with the Canadian state ultimately finding his argument baseless, and convicting Sylliboy (Wildsmith 2001).

It is important to mention here the longstanding systematic destruction of Indigeneity within Canada by the settler government. Through initial colonial means, Canadian policy has attempted to eliminate and homogenize the 630 plus tribes within Canada. British settlers made attempts at diplomatic relationships with the various Indigenous peoples of Canada, and created a set of laws called 'Indian Affairs'. However, "Indian Affairs…underwent a dramatic shift from a diplomatic apparatus designed chiefly to maintain good relations to a bureaucratic machine dedicated to bringing First Nations within the governance architecture of orderly 'high modernism'" (Morden 2016, 115). Despite attempts to call the relationships diplomatic, the British quickly began appropriating the land and people of what is now Canada.

After Canada became an independent state, the government's own policies continued to attempt to exert control over the Indigenous population. The *Indian Act* was created in 1876, and began to systemically expunge the majority of the previously granted treaty rights of Canada's Indigenous population, and forcibly assimilated them into settler Canadian society. In 1969, an attempt was made to end the Indian Act, through legislation termed the White Paper. While removal of the Indian Act was wanted, it would have removed the special legal status the Indian Act supplied Canada's Indigenous populations. Ultimately, the Indian Act remained (Morden 2016; Fontaine, Craft, and The Truth and Reconciliation Commission of Canada 2015). During this same time period, reservations were established that Indigenous people were forced to move onto, and Residential Schools were created by the government and various church groups, with the explicit objective to 'Take the Indian out of the Child.' This quote comes from Sir John A. Macdonald, the first Prime Minister of Canada (Fine 2015). Residential schools were rampant with abuse and death, leaving systemic issues within the Indigenous population as their legacy (Fontaine, Craft, and The Truth and Reconciliation Commission of Canada 2015). Reserves still exist today, as seen with the Mi'kmaw communities, and the last residential school only closed its doors in 1996.

Removal to reservations and Residential Schools had the explicit intention of a cultural genocide. The atrocities remain ever present, as over 1,800 new graves have been found on the school properties since 2021 (Lee and Parkhill 2022).

The next important piece of legislation came with the *Constitution Act* of 1982. Section 35 called for the treaty rights that had existed previously, but been removed through applications of the *Indian Act* to be accepted and confirmed. However, the *Constitution Act* has failed at decolonization efforts, and instead placed the treaty rights within common law, ultimately eliminating traditional legal practices (McCrossan 2018). After the various atrocities committed against the Indigenous people throughout the history of Canada, they now make up 30% of the inmates in Canada's prisons, even though they only represent 5% of the population (Zinger 2020). On June 3, 2019, Canada was found to have committed a genocide against their Indigenous peoples, through a state funded Inquiry (National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) 2019). The history of genocide and Indigenous peoples caused by settler colonialism is wrought with examples, and is very much a common element of modern Canadian governance.

While an historic genocide has been acknowledged for the Canadian Indigenous population, the use of this word has been met with much resistance. However, the reality of a cultural genocide has not been argued, as it was clearly proclaimed by the first Prime Minister. And cultural genocide, as seen around the world against Indigenous groups through colonialism, has horrific and analogous consequences: "Regardless of whether indigenous peoples live in wealthy states like Canada, the USA, Australia or countries in South America and Africa, their stories of dispossession, environmental degradation, and appalling social statistics including endemic suicide, very high levels of infant mortality and exotic diseases are remarkably similar" (Short 2010, 839). Genocide as exclusively that of as mass killing hides the impacts of cultural genocides (Short 2010), and the use of the term to refer to what has happened to Canada's Indigenous populations is imperative to understanding the systematic destruction these groups of people have faced, including the Mi'kmaq.

Throughout the history, different Indigenous groups in Canada have tried to fight against this genocide in a variety of ways. One of these has been to regain power through the implementation of treaty rights, before and after the Constitution Act of 1982. The Mi'kmaq have participated in many treaties, and have a history of using these treaties to gain more rights in Canada, especially in relation to their hunting and fishing on their traditional lands.

And, they have had some modern success. R v. Sylliboy, as discussed previously, was overturned in 1985, with multiple cases that allowed for treaty rights to be used in order to protect fishing and hunting practices of the Mi'kmaq, but was limited in scope to reservation areas (Wildsmith 2001). In 1990, R v. Sparrow, a case pertaining to fishing on the West Coast but with implications for all of Canada, upheld treaty rights that had been decided prior to the Constitution Act of 1982, but also added some abilities for the Canadian government to limit these treaty rights, namely in the larger picture of conservation (King 2011).

The final case pertinent to the legal history and resource use of the Mi'kmaq was decided in 1999. R v. Marshall centres on a case that started in 1993, when Donald Marshall Jr. was found to be selling eels that he had harvested in the off-season. After losing the case in the Nova Scotia Supreme Court, it was appealed up to the Canadian Supreme Court. The case decided that the 1752 treaty referenced in R v. Sylliboy was no longer relevant, but that the Treaties of 1760-1761 were valid for upholding fishing and hunting rights. However, the sale of the animals was called into question: "Justice Binnie goes on to say the Mi'kmaq did not derive 'wealth' as opposed to 'subsistence' from trade in 1760-61, and nothing more than subsistence was contemplated then" (Wildsmith 2001, 225). While ultimately considered a victory, this case did leave much open for interpretation, including the creation of the term "moderate livelihood", to replace the subsistence mentioned by Justice Binnie, and re-affirmed the controls the government had placed for themselves in regards to conservation in R v. Sparrow. Treaty rights were first acknowledged in the Inshore fishery with the creation of Food, Social, and Ceremonial Licenses (FSC), which allowed the Mi'kmaq to fish for subsistence but not to sell the lobster. Since R v. Marshall, attempts have been made to create new moderate livelihood licenses, which would allow the lobster caught to be sold, but only to sustain the lives of the fishermen, and not to increase their overall wealth. These fishing plans started to be approved in 2020 (Government of Canada 2020b).

However, in regards to the creation of these Mi'kmaw fisheries, one study left this foreboding premonition: "The authors are suggesting that the DFO and the government are likely to use conservation to create conflict between native and non-native fishers, in order to reinforce their own legitimacy and undermine the Mi'kmaq"(S. J. King 2011, 7). In the fall of 2020, this would ultimately become truth. While exploring the lobster as its own being, this thesis falls in the middle of heavily disputed fishing rights in the region.

Understanding the system that Canada has developed in, and created the commercial fishery in, is vital to understanding how different approaches to caring for the non-human animal at the centre of this study will be presented. The previous two sections have looked explicitly at the development of the commercial fishery for lobster on the East Coast of Canada, and the impacts of the genocide committed against the Indigenous peoples of Canada. These histories show a snippet of how Canada has grown into a capitalist and settler-colonialist state, and will be the main framework explored through the research question of this thesis. The final section of this chapter will look at the current situation in Nova Scotia.

2.4 The 2020 Mi'kmaw Lobster Dispute and Current State of the Fisheries

The East Coast Canadian Lobster Fishery has many actors within it who have varied claims and amounts of power. As explained in the history of the lobster fishery, the Government of Canada has exerted exceptional control since the commercial fishery was created in the late 19th century, mainly to meet the demands of a burgeoning capitalist state. Two distinct fisheries have subsequently developed, with the lobster only referenced within a matter of conservation to exert control within the fishery. As the fishery developed, there has been increased enforcement and militarisation within the fishery, to ensure that the players working most closely with the government of Canada remain on top. This form of climate conflict is not unique, and has occurred around the world within green grabbing development projects and conservation-induced displacement (Dunlap and Fairhead 2014). This section will examine how this situation has developed from the fall of 2020 through the spring of 2022, and look at a breakdown between how the different groups interact in the Inshore and Offshore fishery.

2.4.1 Inshore Fishery

Following the legal implications of treaty rights outlined previously, the Mi'kmaq in the Maritimes have slowly gained more access to various commercial lobster licenses. The actual revenue of the First Nations went from $2.4 million CAD in 1999, to almost $60 million CAD in 2016, following the gains made after the Marshall Decision (Pannozzo and Baxter 2020a). They had already gained access to the right to fish for food, social, and ceremonial purposes (FSC) following Sparrow, and produced their own plans for these fisheries. However, these fisheries could not sell their fish, leading to the DFO attempting to create communal commercial licenses in an attempt to appease the ramifications of Sparrow and Marshall, while still preventing FSC lobster from being sold (Pannozzo and Baxter

2020; Government of Canada 2020b). This has not always worked, and groups have been caught selling FSC lobster, including the Sipekne'katik First Nation to Guang Da International in 2020. The owner of Guang Da International was fined $100,000 at the time (Withers 2022a). This seizure of lobster came about after the DFO planted microchips in lobster in order to catch the Mi'kmaq community in the act (who fish in one of the most lucrative inshore fisheries, LFA 34) (Pannozzo and Baxter 2020a). More recently, in April 2022, two men were fined $55,000 for buying and selling FSC lobster (Withers 2022a). The action taken by the DFO here has led to many questions surrounding the policing of the resource.

After the Marshall Decision, the DFO did not just immediately hand over fishery rights to the Mi'kmaq communities in the Maritimes. Instead, they have been slowly affirmed in the decades that followed. The first time was by the New Brunswick community of Esgenoôpetitj, when they asserted their treaty rights to fish from 1999-2002, in what has become known at the Burnt Church Crisis (due to the name of the community being Burnt Church First Nation in English). The DFO attacked these fishermen, with video recordings capturing numerous attempts to swamp the Mi'kmaq's boats, ram into them, and in some cases overturn, caused by the aggravated driving of the larger DFO patrol boats (Alanis 2002). Many of the fishermen were charged, but eventually these charges were dropped, and attempts at co-management were implemented for a created subsistence fishery, including the drafting of the Esgenoôpetitj First Nation management plan, the first of its kind (Ward and Augustine 2000).

Moderate livelihood fisheries quietly continued to exist, unregulated and sometimes considered FSC, up until 2020. Then, in the fall, protests began by non-Indigenous fishermen over the launching of the fall moderate livelihood fishery in LFA 34. The Sipekne'katik First Nation participated in the fishery, and had repeated attacks against them, including nails being placed on trap lines, a lobster pound being burned, and their chief, Mike Sack, being punched in the face during a live news broadcast (A. Moore 2020). In 2021, documents surfaced accusing the Royal Canadian Mounted Police (RCMP, the federal police force) and the DFO of being complicit in these attacks (Forester 2021). Despite this, the DFO began to allow a new category of Mi'kmaw produced plans in the fisheries, titled "moderate livelihood plans". The Potlotek First Nation was the first to have their Moderate Livelihood Fishing Plan approved by the DFO, paving the way for state-sanctioned and treaty-ordained lobster fisheries (Jordan 2021). However, the action taken against sales of FSC lobster are

still heavy, with fines consistently over $50,000 given to individuals. Enforcement of illegal lobster fishing in the Offshore fishery does not seem to follow this standard for harsh punishment.

2.4.2 Clearwater Seafood and the Offshore Fishery

As stated previously, Clearwater Seafood owned all eight of the Offshore lobster licenses for LFA 41. They acquired these slowly, with the last one being purchased in 2007 (Baxter 2020). One boat, called the Randell Dominaux, fished the entire area, and whose capacity was eventually called into question in 2018. An important rule in lobster fishing is that traps cannot be left on the seabed for more than 72 hours, as lobsters trapped inside will eat each other, in part as a continuation of their hierarchical behaviour, and in a bid for their individual survival. Questions began to arise over the validity of one ship being able to fish all of LFA 41, and abide by this rule. The company was charged with violating fisheries regulations, and pled guilty in September 2018 to leaving traps on the seabed for up to 68 days. The billion dollar corporation was fined $30,000 (Baxter 2020). This conviction also did not impact Clearwater Seafood's Marine Stewardship Council certificate for the fishery (Pannozzo and Baxter 2020b). When comparing this violation and subsequent fine and enforcement to what occurs during violations in the Inshore fisheries, it is easy to see that Clearwater Seafoods as a corporation is treated much more leniently and held to an entirely different standard by the Government of Canada.

It will be interesting to examine if the special treatment of Clearwater Seafoods and the fishing on the Randell Dominaux begins to change in the near future. Membertou First Nation on Cape Breton Island, along with a coalition of other Mi'kmaw communities and fishermen, and Premium Brands, a Canadian food corporation, bought four of Clearwater's eight licenses in a billion dollar sale in November, 2020. However, "…the Membertou licences would be fished by the Clearwater offshore lobster boat, Randell Dominaux, as this is 'much more efficient and economical'" (Baxter and Pannozzo 2020, para. 88). Clearwater has a relationship with the Membertou going back to 2004, and formed a clam fishing partnership in 2019, the year after the First Nations had been given a quarter of the clam quota in the region (Baxter 2020). The enforcement lines that the Government of Canada has been following until now might be turned on their head, as corporate privilege begins to look to Indigenous communities to gain more power within resource extraction.

What will happen with this fishery is yet to be determined, but understanding how they think of the lobster as a being provides a direct juxtaposition to the Inshore fishery and Mi'kmaw managed moderate livelihood and FSC fisheries. The Offshore fishery follows a perfect example of a settler, neoliberal government successfully taking control of a resource: "The easiest way to extract wealth from the fishery is to integrate and streamline management as much as possible. That's what's happened with Clearwater over the last 40 years. One company is far easier to negotiate with and regulate than several thousand small-scale fishers" (Tress 2020, para. 7). The development of the Inshore and Offshore fisheries followed drastically different paths, and has resulted in two entirely different situations in the present. At the centre of these are corporate interests, Indigenous rights, and government control. Both fisheries also contain another obvious member, but not necessarily an agential being: the lobster.

2.5 Summary of The Lobster: Background

This section attempted to navigate the lobster as its own being, as well as how it developed within the East Coast Canadian lobster fishery. This fishery is of a massive value economically, which has led to the intersection of many different groups vying for control, including local settler fishermen, the Mi'kmaq, large corporations, and the Government of Canada. The fishery also developed in two different subsets, creating a highly segregated Inshore and Offshore fishery. This, along with the history of colonial treatment of the Mi'kmaq in Eastern Canada, has led to a massive conflict currently in the fishery, under which the management plans being examined have been produced.

While this mainly human centred history is vital, it is imperative to remember the importance of the lobster within the fishery, to hopefully understand ways that it can be treated as its own agential being. Since there is not ample information on the lobster as its own being, seeing how it has been created through documents will allow for understanding the actuality of the lobster's situation in the East Coast Fishery. Documents, and the language used in them, have the capacity to change and create realities (Asdal 2015; M. Halliday 1992). To understand this, the theory and framing of this non-human animal's agency within a human-driven resource conflict will be explored next.

3. Agency in Non-human Animals: Framing and Theory

Being unable to communicate with lobsters creates research limitations. As much as I try, I will never be able to understand how the lobster feels about how its managed within the Eastern Canadian lobster fishery. Despite this, the lobster can stay centred in this study: with the discourse theory used, and the examination of reports and archival documents that create the lobster as a being within the Canadian state (Asdal and Hobæk 2016). Examining non-human animals is not ground-breaking within research, however, the lobster is an interesting case, as it ties in intense economic incentives, Indigenous rights issues, and a being that is not even recognized as having rights within the Canadian settler state.

The following section will look at Critical Discourse Studies, and how discourse theory focuses on the construction of power, with a specific focus on non-human animals in the field of ecolinguistics. Ecolinguistics requires a further theoretical framework, sometimes termed an ecosophy (Næss 1995; Stibbe 2017), so applied discourse theory will be expanded on through other theoretical frameworks that are not always text specific, yet imperative to this research. Since Canada has developed in a rights-based system, theory explaining rights in relation to non-human animals will be explained through Critical Animal Studies, and how this field interacts with natural resource use and anarchist political ecology in the Canadian state. This will be tied together and juxtaposed through the use of care and queer theory within ecofeminism, and understandings of relationships within decolonial theory and indigenous ontologies, in order to answer the question: *How does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?* These groupings have numerous overlaps, similarities and ideals, as well as large discrepancies that the lobster can be placed within, which ultimately will help centre the lobster, the relationships that surround it, and its agency as a non-human animal.

3.1 Critical Discourse Studies

This research has been conducted following a Critical Discourse Analysis (CDA) methodology. While the methods used will be discussed in Chapter 4, CDA is a heavily theoretical approach based off of social constructivist philosophy, where many versions of the world can be created. This framing, that supports the use of documents produced by humans to examine non-human animals, will be presented here through an understanding of Critical Discourse Studies and a specific subset, ecolinguistics. Critical Discourse Studies stem from an understanding of the discourses and discursive practices that produce

documents. Discourse "denotes the production of knowledge and power through language" (Glenn 2004, 64), and is a "specific clustering of linguistic features that convey the worldview" (Stibbe 2014a, 124). Discursive practices centre on "those institutional formations (or epistemes) within which meanings of and between contradictory discourses are constructed" (Glenn 2004, 64). Simply put, by applying a discursive approach to a topic, an examination of how grammar structures and lexical choices are selected by society and applied to shape the language used into something that tells *their* story of the world (Stibbe 2017). This research is looking for how language has created the story of the lobster in the fishery, and the impacts that different cultural constructs of discourse have on this story.

Language itself stems from an understanding of how saying something, as done in a document, then relates to what is done, or the actions taken around the subject, as well as creating the identity of the subject (Gee 2011). Understanding how language relates to actions and identities shows the importance of analyzing its use. For the documents used in this analysis, the dominant institutional formation discussed will be the Government of Canada, and its representation in documents through Acts and the Department of Fisheries and Oceans (DFO). However, the documents analyzed are not exclusively DFO produced, and contradictory ontologies will be found within Mi'kmaw produced fishery management plans for the lobster. Discursive practices will focus on how these two different groups treat the lobster, along with how the settler-colonial power of the Canadian government has created a patriarchal hierarchy within the plans, that has advantaged some groups, such as Clearwater Seafoods[5], and disadvantaged other groups, specifically the Mi'kmaq and the lobster. The construction of knowledge and power that runs through the management plans will provide a site for analyzing the lobster, and attempt to answer the research question, centred on the agency of the lobster within a fishery created around its use.

Understanding the discourses present is the first step of any discourse analysis, but the addition of the term critical to the methodology creates a new level of inquiry. While critical has the usual connotation of 'negative', when referring to discourse it can also centre on possible alternatives to a problem (Stibbe 2014a). The critical element of CDA sets it up as a theoretical framing that helps to reveal how language and power formed oppression and exploitation between different groups of humans (Stibbe 2001). This is also known as critical

[5] For a full explanation of the company Clearwater Seafoods and its history within the fishery, please refer back to Chapter 2.

language awareness, where the language used has direct power relations, and that these can be changed by changing those relations through a change in the language (Fairclough 2014). Power as a concept is often ill-defined, but for my purposes will stem from a created hierarchy in the world, where those lower in the hierarchy are undergoing active forms of oppression. The use of oppression is robust within the theory I have examined, but is simply defined as "Prolonged cruel or unjust treatment or exercise of authority" (Schmitz 2021, 33) [Originally in Oxford English Dictionary, definition of 'oppression']. This is different from domination as defined through anarchist political ecology, which is more simply to exercise power or influence over something, meaning that "domination is not necessarily a bad thing, whereas oppression has a moral evaluation written into the concept" (Schmitz 2021, 33). This moral evaluation is important since, as I discover in my analysis, the power within these documents comes from attempts by authority to remove elements that are unjust for the lobster from the discourses used, but *not* from the actual situations. Beyond unjust, the management plans also heavily hide the abuse and cruel treatment that is prevalent within the system, in order to remove the appearance of any form of oppression within the documents. Ultimately, understanding power is important to the agency of the lobster, even in human-produced plans, since a being with limited or no power cannot be agential. Seeing how the language used produces the discourses, and how the discourses interact within the human-produced plans is imperative to determining the possibilities for agency for the lobster within the fishery. Since this study is focused on the lobster, a non-human animal, and its construction through human created documents, focusing on standard CDA might not be enough to gleam the insights necessary for the analysis. Instead, a division of CDA will be heavily pulled from, called ecolinguistics.

Michael Halliday is credited with creating ecolinguistics in his lecture, "New Ways of Meaning: A Challenge to Applied Linguistics". He spoke explicitly of environmental issues, and how grammar and lexical choices affected human perception, with the ultimate conclusion that changing the language used can change how these issues are approached (M. Halliday 1992). Beyond Halliday, another one of the initial examinations of environmental discourses was conducted by Maarten A. Hajer in *The Politics of Environmental Discourse*. While studying acid rain and environmental policy, he argues that politics create a, "struggle for discursive hegemony in which actors try to secure support for their definition of reality" (1997, 59), which is dependent on three factors of credibility, acceptability, and trust. As a response to these first practitioners, looking at environments as a whole and the attitudes

towards them has become common in CDA, but is still an underexplored field (Stibbe 2014a). Some of the most salient insights from ecolinguistics analyses focus on the building of stories about the environment within documents, even if they are not initially environmentally focused (Stibbe 2017; Hajer 1997). Working with ecolinguistic methodologies allows for an examination of the stories used to create the lobster in the fishery management plans, which ultimately create the reality for the lobster *off* the page.

How humans write and talk about the environment has been discussed in many ways. Steffensen and Fill (2014) discern four different types of ecolinguistics: symbolic ecology, natural ecology, sociocultural ecology, and cognitive ecology. These four groupings are quite broad, and move between metaphorical ecologies and those found in nature. This study is placed within natural ecology ecolinguistics, where language relates to the biological surroundings, and has some ties to symbolic ecology, which looks at how different languages have been developed and are used in the same area. Peter Mühlhäusler (1995) is one of the earliest look at how symbolic and natural ecology are connected, and concluded that it ultimately can lead to the degradation of the environment; he initially studied how English replaced native languages in Colonial Australia and the Pacific, and how this change in language impacted how humans used and degraded the environment. These findings relate heavily to Val Plumwood's (2002) arguments on how to decolonise relationships with nature, including an emphasis on reinstating Indigenous place names in Australia.

Ecolinguistics has developed in an interdisciplinary manner, tying ethics, ecology, society, and more into the analysis of power within texts: "It requires an expansion of focus of Critical Discourse Analysis from the oppression of some groups of humans by other groups of humans, to a wider view of the role of language in influencing how we treat the ecosystems that all life depends on" (Stibbe 2017, 507). Practitioners of ecolinguistics have focused on a variety of these issues, including how power over the non-human Other has developed and been represented in texts (Stibbe 2001; 2003; 2014a; 2014b; 2017; Steffensen and Fill 2014; Kompatscher and Heuberger 2021; Jepson 2008). In order to avoid confusion, I use examples from specific ecolinguistic CDAs throughout my analysis, instead of pulling from the large pool of other CDAs that have been produced, since they are more closely linked to the discourses surrounding the lobster in Eastern Canadian fishery management plans

Even if the concept of examining non-human animals through texts that they have not written can seem opaque, ecolinguistics is not the only field that attempts to do this. The analysis of government created documents and non-human animals is also found within Science and Technology Studies (STS), specifically in research produced by Karen Asdal: "A document such as the one I have analyzed never simply mirrors a given extra-textual reality: On the one hand, a document is decided by the context of which it is part; on the other hand, a document takes part in itself in shaping that context and takes part in modifying it, together with the very issue at hand" (2015, 86–87). Asdal is one of the first to use document analysis to argue that documents can be a part of our bond with non-human animals, and explains how the created world of whales within policy documents is important for understanding their own agency as an individual being (Asdal and Hobæk 2016). Asdal's research on how documents act as modifying work adds to the understanding of story creation within ecolinguistics (Stibbe 2017) that can produce narrative agency (Iovino 2015), and an understanding of how language leads to real action and identity creation (Gee 2011). With the addition of Asdal's approach to the emergence of ecolinguistics within CDA, it is easy to see how examining documents created by humans can be a robust way of understanding the knowledge and agency creation surrounding non-human animals, and the oppressions that they face within power structures, such as those experienced by the lobster.

Ecolinguistics goes beyond the scope of previous CDAs and linguistic analysis to broaden the category of Other, to prevent the anthropocentrism found in previous literary and linguistic analyses (Stibbe 2014b). This central problem is mainly created in a Western research sphere, which is why decolonial theory and Indigenous ontologies must be applied to all that is examined. Not all humans discount the value of animals, and it is inherent that we assess this in written documents, especially those that pertain entirely to the life of the animal, such as fishery management plans for the lobster. Ecolinguistics also aligns with the emancipatory nature of Critical Animal Studies (CAS), as well as its willingness as a field to work against oppression, within anti-capitalist and direct action tactics (Nocella et al. 2014). CAS also aims, "to provide space and place for the advocacy of all oppressed groups including nonhuman animals" (Nocella et al. 2014, xxviii), which shows its direct alignment with anarchist political ecology and decolonization, but also with ecofeminism. For non-human animals, one of the most common and utilitarian uses of them has been to turn them into a resource, or a food. While engaging with the lobster as a being through CAS, its importance as a food and resource is crucial to the implications of its agency.

When conducting a CDA, the theory used becomes imperative to the results that can be found:

> All critical studies are based on an explicit or implicit philosophy which gives an ethical vision of where societies should be heading, and they use this philosophy to judge discourses against. Typically in CDA this is a set of values concerning oppression, exploitation and inequality, and under what circumstances these are unacceptable and must be resisted. (Stibbe 2014a, 120)

This is sometimes referred to as the practitioner's ecosophy. Originally stemming from the work of Arne Næss (1995), within ecolinguistics ecosophy is defined as: "a values framework for judging stories that includes consideration of relationships of humans not only with other humans, but also with the larger ecosystems they depend on for survival" (Stibbe 2017, 503). I will be focusing on a definition of oppression that analyzes a power hierarchy that is unjust and abusive (Schmitz 2021), working in tandem with ideas of oppression for non-human animals from Critical Animal Studies, anarchist political ecology, decolonial theory, and ecofeminism, as well as different epistemologies and understandings of oppression and relationships with non-human animals through decolonial theory. All of these theories build into an understanding of how language use impacts the lobster's agency within fisheries management plans, and how the fishery would need to progress in order to address any elements of oppression that are discovered. Through these theories, a succinct ecosophy centred on the agency of the lobster will include a focus on possible relationship-building practices with the lobster, and a general wariness of rights-based systems, but acknowledge the inclusion of them and possibilities for positive change within those systems. Documents, the language used, and their discourse will be examined following a positive, destructive, and ambiguous scale (Stibbe 2017; 2014a). Positive discourses align with the ecosophy, destructive discourses actively work against it, and ambiguous discourses have sections that oppose the ecosophy, but also sections that agree with or promote it. To begin to understand how the discourses in the management plans will be examined and understood, a look at theoretical framing as presented through Critical Animal Studies will be examined, which has been closely linked to Critical Discourse Studies and ecolinguistic methodologies.

3.2 Critical Animal Studies

Critical Animal Studies (CAS) is sometimes considered a continuation of, or response to, Human-Animal Studies. Human-Animal Studies as a field formed in the late 20th century, aligning with other social justice movements to bring the peripheries of society into the mainstream. Most scholars point to Peter Singer's *Animal Liberation* (1975) as the beginning of Human-Animal studies. Singer followed in the footsteps of Jeremy Bentham, arguing from a utilitarian standpoint known as 'moral individualism.' However, he moved beyond Bentham's arguments, and ultimately believed that we could only justify the harm being done to animals by classifying them as lesser beings, which was impossible since we knew they felt pain and were being harmed by what was happening to them. Since utilitarianism is dependent on doing what is best for the largest group, by claiming animals as not lesser, it moved them into this larger group and determined that human's had to examine what was actually best for the non-human animals, and not just themselves. Tom Regan's *The Case for Animal Rights* (1983) further developed Human-Animal studies as a field, with a move away from utilitarianism and a switch to a rights-based focus. He argued that if something has life, it should have rights, whether it is a rational or irrational being such as in Cartesian tradition. This made it harder to maintain the subjugation and use of animals, as is still prevalent today. These rights Regan argued for are much different than those found in Animal Welfare laws today, since he intended for them to dissuade entirely the use of animals on a rights-based approach.

There are ample limitations to both of these viewpoints, and an entire dismissal on using relationships and empathy as a way to build reciprocity with non-human animals. Since I am also using feminist and decolonial theory as well as anarchist political ecology, I will refer to the theory I am using as one that is more aligned with Critical Animal Studies (CAS). CAS is an interdisciplinary field that explores the interactions found between humans and animals, with a focus on applying findings from philosophy, psychology, and ethology (Kompatscher and Heuberger 2021). This intersectionality will be built upon within the framing of this research. Singling out "humans" in Human-Animal studies continues the capitalistic developed hierarchy, and since it is uncertain if a rights or utilitarian based approach would actually be beneficial to the lobster, moving away from ideals developed by Singer and Regan will be imperative for the progression of this research.

One of the most interesting things about this thesis is that the lobster only recently became qualified to be included in discussions of animal liberation, when it was discovered to be sentient. The recent conclusions pertaining to the lobster in the *Review of the Evidence of Sentience in Cephalopod Molluscs and Decapod Crustaceans* are summarized in a central recommendation: "We recommend that all cephalopod molluscs and decapod crustaceans be regarded as sentient animals for the purposes of UK animal welfare law. They should be counted as 'animals' for the purposes of the Animal Welfare Act 2006 and included in the scope of any future legislation relating to animal sentience" (Birch et al. 2021, 8). While this report focused on the United Kingdom, this recommendation brings up the question of animal welfare laws, and animal rights in general. It also means that the lobster can now be discussed alongside other non-human animals in legislative reform. Political change is often considered a substantial success, and is the reasoning for pushes of sentient beings to be included in these laws, yet the question remains: does this lead to more rights for the animals, or just regulation?

Gary Francione (2006; 2020) is known as one of the leaders in CAS as well as animal rights law, and writes extensively on how humans should deal with animal sentience. He believes that most current status surrounding animal rights stems from philosopher Jeremy Bentham, who believed that animals belonged in the moral community, but that they did not care if they were killed, or what purpose they were used for, as long as there was not unneeded suffering. Francione rejects this within modern animal rights: "In short, it seems that we have accepted Bentham's moral theory about the importance of sentience and implemented it in our law. And that is precisely the problem" (2006, 6). This would also be the problem found in the recent report on lobster sentience. Besides pulling the lobster into animal welfare laws, it is also recommended to stop live boiling immediately, and instead tase the animals followed by a handler killing them with a knife, to limit undue suffering and the risk of an accidental slow death (Birch et al. 2021). While morally justifiable, supported by groups such as "Crustacean Compassion," and already implemented in countries like New Zealand, Switzerland, and Norway (Crustacean Compassion 2021), this begins to seem like action that is being taken to make humans feel better about their utilitarian relationship with animals. This sort of mental gymnastics to reach moral neutrality is common in theory focused on Othered groups beyond non-human animals as well, such as anarchist political ecology and ecofeminism.

In regards to the Canadian fisheries, the killing of the lobster has only been sparingly incorporated into Animal Welfare law, so these nuances about what the law can do might seem even too far in the future to justify discussing. However, as the current system that has created the fishery and rights in Canada is questioned, it must be understood why some groups argue that rights can provide the agency desired, but within the capitalist system. It also begs the question of if the fishery itself is even morally justifiable, despite the economic benefit to both settler and Mi'kmaw populations.

Animal rights, when taken in whole, lead quickly down a path that would prevent the use of animals to give them agency. In fact, a lot of arguments about animal studies stem from the peculiar differentiation humans make between meat and animals, and the cognitive dissonance that arises when we eat one but not the other (Gradidge et al. 2021). Francione rebukes animal rights laws that pertain to 'humane' killing and handling, and argues that, "If we agree that animals matter morally, we are committed to stopping our direct participation in institutionalized animal exploitation. Veganism is a moral imperative" (2020, 104). His argument centres on not just the killing of animals and debunking Bentham's ideas around a lack of future oriented thinking within animals, but also to avoid the suffering found in many animal industries that do not result in the immediate killing. Veganism ultimately questions the use of free labour of animals, meaning that agency within capitalism can only stem from the capitalist system not using these non-human animals.

Veganism is an interesting phenomenon to parse through, with many critics touting its elitism and inherent whiteness (Robinson 2020). With these possible identifiers, it seems to lack a place in a discussion about the rights of different groups. However, Mi'kmaw scholar Margaret Robinson sees a place for veganism within modern Mi'kmaw society, as a direct paradox to patriarchal colonial tradition focused on the eating of meat. She ties veganism and the moral imperative surrounding it not back to the arguments of Francione, but instead to Mi'kmaw traditions: "An ecofeminist exegesis of Mi'kmaq legends enables us to frame veganism as a spiritual practice that recognizes that humans and other animals possess a shared personhood" (Robinson 2020, 109). These values include netukulimk, and the bargain with animals to use them to protect future generations, which would align with a Bentham moral imperative surrounding animal use, but also animism, or the personhood of animals, which aligns more with Francione and his support of veganism.

This type of modern indigeneity is hard to analyse, as it brings in questions of treaty rights, moderate livelihood in a modern sense, and what it means to be Indigenous in the contemporary era. Veganism and animal rights, however, can also start to marginalize other groups (Brown 1995), so instead of only focusing on animal rights, giving non-human animals like the lobster agency should instead tie itself to decolonial frames and Indigenous ontologies (R.D. 2021). If we centre the lobster and remove the fishery, communities could suffer, as the Inuit did when the campaign started against the seal hunt in the north (R.D. 2021; Arnaquq-Baril 2018; Chang 2020). This is an important placement, and distinction, for Robinson, who even discusses the lobster fishery, arguing that, "The modern commercial fishery, often touted as offering economic security for Indigenous communities, is actually further removed from our Mi'kmaq values than modern-day vegan practices are" (2020, 111–12). This thinking shows the importance of examining different Mi'kmaw as well as federal lobster fishing plans, and continues to support the need for analyzing the lobster through different perspectives.

3.3 Natural Resource Use, Decolonization, and Anarchist Political Ecology

The Canadian state, as set up by the British Empire and continued through a settler-colonial commonwealth, is one of the most important actors in regards to resource use within the country. It has created the lobster as a resource of importance, extending the state's power to the non-human world (Simpson 2019). It is also intricately linked to the capitalist system that has developed within Canada, and how non-human animals are shaped and oppressed within it. As the Canadian state developed, it became reliant on the abundant natural and non-human resources it continuously encountered and created to fund the state. This developed into a form of resource nationalism (Bremmer and Johnston 2009), with the state beginning to oppose Othered groups of humans, like the Mi'kmaq in eastern Canada, who were using the resources in ways that did not fully benefit the state (Simpson 2019). Ultimately, the development of the modern state of Canada into a capitalist, settler-colonialist nation has led to a battle over treaty rights and access to these resources that is ongoing.

While many Indigenous groups have attempted to regain access to these resources through court cases–with the penultimate case for the Mi'kmaq occurring with R v. Marshall 1999, and the Marshall decision to grant moderate livelihood fishing rights (see Chapter 2 for further discussion on this case and the genocide committed against Canada's Indigenous

people)–there is still a cause to be worried about how these rights are being created and constructed. Rights specified too abstractly limit a group's ability to escape marginalization (Brown 1995), as seen with how the inability to define moderate livelihood has further trapped the Mi'kmaq within settler-colonialist confines, and the commercial fishery at it stands today. Subsequently, as the possibility of rights for non-human animals like the lobster are explored in CAS, Othered groups such as the Mi'kmaq must be included within this research and narrative. Anarchist political ecology and decolonial theory look at how common, rights-based language can actually lead to detrimental discourses, and that the language used commonly in settler-colonial states actively oppresses some groups. This can be understood in ecolinguistics through critical language awareness (Stibbe 2014a), and seeing how destructive discourses are hidden in the fisheries management plans will pull heavily from an understanding of oppression in nature through anarchist political ecology. The following section will examine decolonial theory and rights creation in Canada, along with its ties to anarchist political ecology and resource use in regards to what Simpson (2019, 11) terms the Canadian "resource desiring machine".

3.3.1 Decolonization

The current state of Canada developed through Europe and British colonialism, and is in a unique situation where these colonial powers have stayed, through the historical process of settler colonization. While post-colonial studies examine settler-colonial issues, decolonization has become a more prominent ideal for these spaces, and has added another layer to the question of use and agency of non-human animals. Post-colonial studies focus on the struggles of societies found after the removal of European domination, and have also begun to call for an examination of Indigenous groups within continued settler-colonial contexts (Loomba 2015). Decolonization is focused on bringing back and repatriating Indigenous customs, lives, and lands (Tuck and Yang 2012). Since post-colonial theory has previously obscured settler-colonial states, and promotes working within a state-created system that is diametrically opposed to Indigenous academic ideals (Kohn and Reddy 2017), decolonization holds more prominence to the case of the Mi'kmaq and the lobster in Eastern Canadian fisheries. It also helps to make up a defining feature of political ecology in the settler colonial context.

Political ecology is a relatively new field in mainstream academia, with a focus on the political, social, and economic issues surrounding environmental conditions, adding a layer

of critique to apolitical ecology (Robbins 2020). Political ecology delves deeper into how different groups of humans might benefit from various environmental practices, and is especially pertinent to non-human nature in Canada. It is also the main field for the investigation of green grabbing and territorialization (Fairhead, Leach, and Scoones 2012), as well as commodification of resources and their contributions to ecocide (Dunlap 2021; Crook and Short 2021). The Canadian Supreme Court's use and freezing of treaty rights has contributed to these systems in Canada, with attempts to label the Mi'kmaq and other Indigenous groups incapable of implementing the necessary requirements for marine conservation and resource use (Huber 2009). Mi'kmaw ethnographer Sarah King (2011) discusses this phenomenon within Canadian policy further, highlighting the government's habit of freezing Indigenous policy with pre-contact ideals, and therefore impacting what rights are actually upheld within Mi'kmaw created lobster fishing plans. This allows us to understand the different epistemologies that have been woven into the documents that I am examining, as most stem from a paternalistic hierarchy as created through these processes of territorialization and commodification in Canada. This will be crucial for my ability to parse out the true agency of the lobster: as one of the most valuable fish in the sea, the Canadian state has ample motivation for control of the species, of which political ecology is well situated to discern.

Decolonization and political ecology work together to determine the dangers of the Canadian resource desiring machine. Michael Simpson (2019) coined this phrase, within the context of another valuable resource in Alberta: the tar sands bitumen. Essentially, he describes the creation of the bitumen into a resource, where a relationship was established between the resource and settlers, but a relationship of desire, where the settlers wished for the bitumen to be a resource, and were able to turn it into one; hence, the phrase, resource desiring machine. The lobster is intricately linked to this desire for a resource, as it is an object who's economic importance has grown greatly throughout Canadian history (Government of Canada 2020a; 2020b). The desire for resources in Canada, and the genocidal violence against the Indigenous people are intricately linked, where, Simpson (2019) argues, one cannot exist without the other. This has been found around the world through the genocide-ecocide nexus (Crook and Short 2021; Dunlap 2021), and leaves this form of resource nationalism as a prevalent part of The Genocide Machine (R. Davis, Shor, and Zannis 1973) in Canada. The Genocide Machine is a new mode of operation for colonialist genocide that uses fear for colonialist expansion against differing ontologies present in a territory, and has

been found working within Canada. Ultimately, its power is used to only advance the economic considerations of the state it is working for. This would mean that the lobster as a resource cannot exist without violence against the Mi'kmaq. Despite this grim proposition, the Government of Canada has attempted to keep firm control of its resources, while hiding the genocidal violence within their own resource management decisions.

This form of resource management in Canada emphasizes the importance of decolonization within political ecology. Recently, the DFO specifically called for treaty rights to be expressed after the Marshall decision *within* a government framework (Coates 2000; Wicken 2002), implying that only Traditional Ecological Knowledge (TEK) that fell within a Western scientific paradigm would be considered within management. Co-management, where Mi'kmaw knowledge would be incorporated into Canadian plans, has been consistently criticized as top-down and paternalistic (Denny and Fanning 2016; Spak 2005; Popp, Priadka, and Kozmik 2019). As Sarah King succinctly summarizes: "For the federal government, conservation continues to be the most powerful reason that the government can give for limiting treaty and aboriginal rights" (2011, 6). Despite this, recent calls have been made to incorporate not just TEK, but the entire Indigenous epistemology of the Mi'kmaq into fisheries management plans through Two-Eyed seeing[6] in order to combat these issues of control. Still in the early stages, this has only been examined in salmon governance and has not yet been implemented (Denny and Fanning 2016).

While insightful, attempting to reference Mi'kmaw TEK within the settler-colonialist paradigm still creates a visible power imbalance, and bridging sustainability science and Indigenous protocols is an arguably impossible process (K. P. Whyte, Brewer, and Johnson 2016). Integrated Fisheries Management Plans (IFMP) created by the DFO list other management plans such as those for Food, Social, and Ceremonial or, more recently, moderate livelihood fisheries as an option for communities, but included a bolded warning about the legality of using these plans in court: "The IFMP can be modified at any time and does not fetter the Minister's discretionary powers set out in the Fisheries Act" (Government of Canada 2020a, 2). Incorporating TEK can also lead to what Kyle Whyte has deemed 'vicious sedimentation,' where the changes made to the environment within Canada, such as

[6] Two-Eyed Seeing was termed by Elder Albert Marshall and: "refers to learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing, and to using both these eyes together, for the benefit of all" (Bartlett, Marshall, and Marshall 2012, 335).

dividing up lobster fishing regions, will compound to erase the Indigenous history with the land (K. Whyte 2018). Combining TEK and non-human animal management within co-management plans will not result in emancipation for other groups, or Othered animals.

This never-ending control of the resources and the highly specified and limited treaty rights, though providing hope to the Mi'kmaq, have allowed the government to further define them. This has subsequently increased both their dependency and marginalization, and also made it hard to address other settler-colonialist issues, such as the creation of resources through the use of non-human animals. Decolonization and an emphasis on not filtering ontologies through a dominant Western culture is important within language analysis, since cultural constructs determine how an animal is created, and, therefore, how an animal is treated (Stibbe 2001). Social construction of non-human animals will not change if there is only one cultural construct, which decolonial theory attempts to overcome, especially in the instance of the lobster as a resource in Canada.

The control of conservation by the government and insistence on freezing resources rights at pre-contact has been met with resistance by various Indigenous groups in Canada, including the Mi'kmaq, who have historical methods of resource management (Berneshawi 1997). A significant body of literature exists on the sustainable resource management practices of the Mi'kmaq, which they term netukulimk, but their uses have continuously been limited within government fishing plans (Robinson 2014; Prosper et al. 2011; Denny and Fanning 2016; Berneshawi 1997). The prerogative power of the Canadian state that allows them to use conservation as a form of control (Robbins 2020) continues into modern-day altercations, as seen when the DFO ended the Mi'kmaq's lobster fishing season three days early in 2020 (Quon 2020), citing an unsustainable yield from the fishery. The regular fishing season, slated to start three days after, went through unimpeded.

Another interception of decolonization and resource use theory examines waste and how it has disproportionately impacted Indigenous populations. Neoliberal governance required appropriated systems for capitalism to survive, and quickly found that appropriating non-human nature as resources was not enough. These resources, and their extraction, led to further decimation of non-human nature that had to be written off and hidden, most commonly referred to as "waste." Waste as a theory and part of this embedded system relates directly to the lobster, as well as other non-human animals and Indigenous groups in Canada. Lexical choices surrounding waste are especially pertinent, and relate to the change in

emphasis in documents produced about non-human animals from one of compassion to one of monetary gain (Stibbe 2001). Zahara and Hird (2016; 2017), two Canadian geographers, have looked extensively at waste studies in the Canadian North, and tied government practices directly to resource management and abandonment, as well as how the burden of the excess is placed unfairly on the Inuit communities of the North. Resource management does not occur in a vacuum without waste, and this waste is not an apolitical figure that can be ignored, especially with how it pertains to lobster within Eastern Canadian fisheries.

There are some important distinctions to make about waste, and how pollution via waste is, as a whole, a form of colonialism. Max Liboiron (2021) of the anticolonial CLEAR (Civic Laboratory for Environmental Action Research) lab examines environmentalism, plastic pollution, and anticolonial scientific methodologies to understand how the use, and abuse, of land leads to the eventual wasting and pollution of it. Another important distinction here is that pollution is not just caused by capitalism in colonialism, but instead any system that relies on land for resource gain and control, which will lead to pollution and waste (Liboiron 2021). As the waste within the Eastern Canadian fisheries is examined, and capitalism is heavily critiqued, it is necessary to question how other systems would have possibly led to the same result, and how a framework of anarchist political ecology allows for questioning systems beyond the current one.

One final intersection of decolonization, resource use, and political ecology occurs in the recent 21st century movement termed the Rights of Nature. Within this doctrine: "an ecosystem is entitled to legal personhood status and as such, has the right to defend itself in a court of law against harms, including environmental degradation caused by a specific development project or even by climate change" (Challe 2021, para. 3). Prominent cases in the US, Ecuador, and New Zealand have given varied levels of protection to different natural ecosystems, but with a focus on whole Earth systems and a paradigm shift from state-rights to the use of Indigenous ontologies and legal systems (Kauffman and Martin 2018). One river in Canada has been granted legal personhood, the Magpie/Muteshekau Shipu in Quebec (Hessey 2021; Vega Cárdenas 2021), which has opened the door for these rights to be applied to other natural elements in Canada, such as the ocean the lobster resides in, and promote a subjective use instead of objective use of these ecosystems. An important distinction must be made between the Rights of Nature and specific non-human animal rights as discussed by Regan (1983) in Human-Animal studies, which stem from a western understanding of rights, and do not rely on new ontologies as does the Rights of Nature.

These instances of control through conservation and other means of imposing settler-colonial state ideals over Indigenous groups and non-human nature highlights one of the key points of decolonization: the various settler moves to innocence found within modern settler-colonial states. These commonly happen not just by those resisting decolonial paradigms, but creating a hybrid of them with Western epistemologies, and therefore metaphorizing decolonization (Tuck and Yang 2012). To avoid doing this myself, I have made sure to examine the origins of the ideas within documents analyzed, in order to not impose further onto Mi'kmaw ideas. Kim TallBear (2011) calls for the addition of Indigenous standpoints within interspecies thinking, with prominent examples appearing within decolonial theory of Western theorists engaging with different ontologies, but not fully embracing the possibility that they are also true. As the discussion of findings progresses, decolonial theory and an acceptance of Indigenous ontologies will always be implemented, as an imperative part of the ecosophy applied. Ultimate, instances of relationship-building need to be addressed within the East Coast Canadian Lobster fishery and the language used within its management. Political ecology can also contribute to this, but a focus on anarchist political ecology, along with critical animal studies and ecofeminism, can help keep decolonial theory as part of this exploration, without using it as a metaphor, and without losing sight of the lobster.

3.3.2 Beyond the Canadian State: Anarchist Political Ecology and the Non-human Animal

The essence of political ecology has been studied before, most notably over the past 100 years within anarchist-geography (Clark 2021), and building off of ideas of Othering identified in decolonial studies, ecofeminism, and critical animal studies. While tying all of these ideas together, anarchist political ecology is one of the fields able to shed the most light on the political issues of non-human animals and the development of human supremacy, which will be imperative in understanding Canadian state, Mi'kmaq, and company-created management plans for the lobster. Anarchist political ecology also directly opposes the capitalist and rights-based systems, so can provide new relationship affirming frameworks for the lobster and its agency as an individual being.

Political ecology as a field has limited itself to human-centred environmental concerns (Springer, Mateer, and Locret-Collet 2021), much as the limitations found within CDA through a focus on human-centred oppression (Stibbe 2001). To move away from this

anthropocentrism requires a move in theory from those that rely on a basic separation of the human and non-human animals. Anarchist political ecology is essential to this, since its focus on domination and exploitation, as well as mutual aid between groups, has given space to non-human animals in ways that traditional political ecology cannot: "What we don't seem to appreciate is that the human supremacy is the originary preconception. It is a foundational understanding that is entirely taken for granted" (Springer, Mateer, and Locret-Collet 2021, 8). We cannot just assume that the created systems are right, and we cannot dismantle them without addressing this original assumption. Ignoring both of these facets could be falling into the trap of destructive discourses (Stibbe 2014a), which is why an ecosophy of anarchist political ecology is imperative to the understanding of language and agency creation for the lobster in fishery's management plans.

To overcome the anthropocentrism of political ecology, anarchist political ecology focuses on relationships through a framework of total liberation ecology. Political ecology does not focus on freedom for the non-human animal: "the deaths of non-human animals are usually framed in terms of the loss of biodiversity and the implications that this has for humans insofar as it represents a disappearance of potential future utility" (Springer 2021, 235). Springer (2021) argues that the addition of total to the intent of liberation ecology in political ecology calls for a deeper questioning of domination and oppression within the world that Marxism in political ecology does not provide. Total liberation ecology goes against the domination of non-human animals, and is a form of relationship producing theory in contradiction of the nature-human divide. Anarchism is needed within political ecology, as "one of the key points of weakness in a political ecology perspective to date is the way that non-human animals continue to be depoliticized and assigned to the category of environment" (Springer 2021, 249). Total liberation ecology can be applied to the East Coast lobster fishery, and understood as a possible relationship-building theory that could lead to agency for the lobster as a being. The result would also be the end of the commercial fishery, since it would be determined that no being has agency within capitalistic systems.

Anarchist political ecology does have differing views on how to address the domination and oppression of the non-human animal. Some critics have taken up the ideals of animal liberation and ecofeminism, calling for complete abandonment of the use of non-human animals through vegan lifestyles (Schmitz 2021; Gažo 2021; Véron and White 2021; Springer 2021). Other anarchists see veganism as a continuation of capitalist systems that anarchism is intent on overthrowing, and promotes a reciprocal and equal understanding of

human and non-human animals (Gelderloos 2011). Finally, anarchist Indigenous scholars sometimes see veganism as an imposition of a Western way of life, and that using animals through relationship-building capacities does not necessarily lead to a pattern of domination (R.D. 2021). This discrepancy within the theory is part of its appeal, as the lobster as I have examined has been created entirely through fisheries management, implying not just a state-created non-human animal but one that has been turned into an economic resource.

Any understanding of the lobster that will be taken from my research requires an immediate acknowledgement of human supremacy over non-human animals, as well as human supremacy as dictated by the government. Anarchist political ecology gives a basis for this research and will be referenced throughout, and adds to my ecosophy a way to examine discourses of oppression, and how the system of the state has helped to create these. Total liberation ecology as a relationship-building mechanism is beneficial to the lobster, but feminist theory centred on queer theory and the care ethic will give more room for agency development in the fishery.

3.4 Ecofeminism

Sherry Ortner famously asked in the 1970s, "Is Female to Male as Nature is to Culture?" (1972). While this musing helped kick-start fields such as ecofeminism, it has been consistently criticized as being too narrow, simplified, and ultimately toxic to social justice movements, such as those found within CAS and anarchist political ecology. Modern ecofeminism sees the root of the ecological crisis as being caused by domination, but focuses mainly on the oppression of women by men, and how this parallels oppressions seen in non-human animals and the environment. Subsequently, this has contributed to the field of ecolinguistics through discourse analysis following a feminist methodology (Stibbe 2014a). Feminist methodology requires that the lives of the oppressed the lives of the oppressed to be centred in the research question. The ultimate hope is that this will benefit the oppressed, in a manner similar to CAS, decolonization, and anarchist political ecology, and as called for in Critical Discourse Studies.

While the similarities between the goals of feminist studies and CAS might seem clear today, this was not always the case. They were initially separated, and this is thought to be partially due to the image that women arguing for animal rights created: "Indeed, the animal rights movement itself was catapulted to respectability only when white male philosophers distanced themselves from kindness, empathy, or care, and theorized about the motives for

animal liberation as legitimated either by recourse to animal rights (Regan 1983) or to an attention to animal suffering (Singer 1975)" (Gaard 2012, 16). Both fields were seen to ignore the focus of the other. As Lynda Birke points out, "academic feminism tends to ignore animals while studies of human/animal relationships tend to play down gender" (2002, 430). However, a lot of this initial division has resulted in some similar ideals, and provides a compelling case for incorporating framings from both theories within this research.

Despite this split, vegan feminists were some of the initial proponents of animal rights, and were especially adverse to the exploitation of animals for reproductive and consumptive purposes (Gaard 2012). This relates back to Francione (2006; 2020), who posited that veganism was ultimately a moral imperative, and that giving rights to animals just to kill them was not leading to any sort of actual rights for the animals. Margaret Robinson has also brought veganism in line with indigeneity and decolonization despite its association with elitist issues, calling for a full abandonment of the commercial lobster fisheries in Mi'kma'ki even with the economic benefit it could bring (2020). As ecofeminism has progressed, it has separated from a possible rights-based approach, to one more intent on relationships through empathy and care. Therefore, while discussing the possibility of animal rights, the ecosophy applied will move away from rights-based approaches to align with relationship-based approaches in care theory, anarchist political ecology, and Indigenous ontologies. While feminist theory can be a large field, two main currents will provide the bulk of the framework: queer theory, to help address biological determinism in non-human identities as well as relationships of performativity; and the care ethic, another relationship framing theory focused on compassion that will be applied to understand the relationships surrounding the lobster in the East Coast Canadian lobster fishery, and the possibilities for it in the future.

3.4.1 Queer Theory

Feminism as it initially developed in the first wave alienated many groups. Queer theory, along with other forms of intersectional feminism, have pushed back on this, and rejected the norms feminism was based on (De Lauretis 1991). One of the foundational concepts comes from Judith Butler's concept of performativity, developed for the inclusion of queer perspectives in feminist theorizing:

> Gender is not passively scripted on the body, and neither is it determined by nature, language, the symbolic, or the overwhelming history of patriarchy. Gender is what is

> put on, invariably, under constraint, daily and incessantly, with anxiety and pleasure, but if this continuous act is mistaken for a natural or linguistic given, power is relinquished to expand the cultural field bodily through subversive performances of various kinds. (Butler 1988, 531)

Taking this concept of performativity, scholars such as Birke, Bryld, and Lykke (2004) have applied it to CAS, insisting that being animal is a form of becoming as well, not necessarily naturally assigned, and created through the relationships between humans and non-human animals.

Performativity and queer theory are important for CAS, since natural studies have focused entirely on the innate behaviours and genetic developments thought to create non-human animals. However, these observations do occur in a relationship-producing way between the human and non-human that is often overlooked (Birke, Bryld, and Lykke 2004). One of the reasons for focusing on a feminist aspect of CAS is that this research does see a heavy focus on the breakdown of lobster by a biologically imposed gender (Birke 1995; Kappeler 1995), which further separates humans from non-human animals and opposes the findings of queer theory. This, as well as a later discussed emphasis on reproduction, would be limited by an analysis centred around CAS or anarchist political ecology, and is why feminist theory is imperative to the understanding of the lobster within fisheries management plans. Performativity and its counter-part in animal studies, named 'animaling' (Birke, Bryld, and Lykke 2004), centre on the creations of these relationships.

Queer theory and performativity are also related to this research by the methodology that has been used. Butler's work focused on linguistic structures and discourses, and how they created the performance of queering through social constructivism. This research looks at the linguistic structures and how they have participated in 'animaling' the lobster (Birke, Bryld, and Lykke 2004; Butler 1988). This 'animaling' can be seen to bridge the Western concepts of human and non-human animal, which, it must be noted, is already common within different human groups and their relationships with non-human species. The Mi'kmaq concept of animism provides a more contextual relationship than that created through the commercial fishery (Robinson 2014), but is at danger of being negated for economic benefit, which shows how a re-focus on 'animaling' is perhaps imperative to the fishery.

Queer theory, and its use within feminist studies of non-human animals, highlights some of the issues within Western science management plans for these non-human animals. Incorporating it as a part of the ecosophy to understand the discourses surrounding the lobster in management plans adds to the understanding of construction of realities through languages, and also to how the lobster has been created as a resource (Stibbe 2014a). Even though the lobster has been kept wild, through 'animaling,' a relationship has been created, that has had direct impacts on how the lobsters in the Atlantic Ocean have grown and developed. Queer theory leads to an understanding of how these relationships evolved, but we need to also focus on how to change these relationships and oppressions. For this, another feminist theory can be incorporated into CAS, anarchist political ecology, and decolonization, by bringing an emotional element into our understanding on non-human oppression: care theory.

3.4.2 Care Theory

Care theory developed in feminism through the "ethic of care", first discussed by Carol Gilligan in the book *In a Different Voice* (1982), and has remained one of the classical texts for care ethics (Donovan 1996). An ethic of care focuses less on rights, and more on the relationships being produced and an inherent responsiveness desired in these relationships and interactions (Gilligan 1993). This line of thinking has focused on the sphere held by women in domestic situations, and how this impacted their perception in society.[7] However, it has started to branch out, like feminist theory discussed before, into the realm of Animal Studies, and a care ethic has been developed around non-human animals (Donovan 1996). Incorporating care theory can pave the way for total liberation ecology, one of the goals of anarchist political ecology.

Before the full development of the ethic of care, philosophers had already disagreed with the reliance on moral individualism found in Singer's and others original literature that developed Human-Animal studies, and instead felt that emotion needed to be pulled into the

[7] One of the clearest ways to understand the care ethic is in reference to privatized healthcare, with an examination of the Heinz hypothetical. In the Heinz hypothetical, the listener ponders if a man should steal a drug he could not afford for his dying wife. A rights-based response, such as by Immanuel Kant, would argue that if he cannot afford it, he does not have the right to steal it. An ethic-of-care response would say that morality is owed to the wife, so, therefore, the man must steal the drug. However, as Donovan states: "a political ethic-of-care response would include the larger dimension of looking to the political and economic context within which people must make moral decisions. Thus, the corporate controlled health-care system becomes the primary villain in the piece, and the incident should serve to motivate action to change the system" (1996, 93).

argument about animals (Aigner 2021; Donovan 1996). As this developed alongside feminist thought, it was finally pulled into Gilligan's "ethic of care," mainly through the writings of Josephine Donovan and Carol Adams (1995; 1996; 2007). As with feminism and Human-Animal Studies before, though, this bridge between the human and non-human Other is still considerably shaky (Gaard 2012; Donovan 1996), calling for more research, such as that about the lobster as a being. It also relates into further issues of indigeneity, decolonization, and the meaning of the fishery for different groups of humans, as well as the non-human lobster. Applying a theory of care through language and discourse studied means that language must respect all animals, and not just those deemed worthy (Stibbe 2014a). This delves into issues such as speciesism, which has been constructed as a continuation of other human oppressions.

A theory of care in non-human animal studies, while beginning to appear in more discussions pertaining to the overlap of feminist and animal studies, it is still heavily rejected by many proponents. As discussed before, many felt that the animal rights movement only gained headway when it moved away from the ideas of kindness, empathy, and care, and instead focused on animal rights or utilitarian animal suffering (as highlighted with the success of Regan and Singer) (Gaard 2012). In fact, Regan (1991) has specifically criticized the ethic of care, arguing that it could not be universalized, and therefore would really only ever apply to animals that were in close contact with humans, such as pets (Donovan 1996). Anarchist political ecologists, while going against animal rights and suffering as the basis for stopping the oppression of non-human animals, articulate that arguments of compassion can be important, but that ultimately: "in order to come up with a reasoned critique of current society and a well-sustained vision for the future, we need to complement our feeling with rational examination" (Schmitz 2021, 27). This bias towards rationality is what has led to the currently crafted colonial world system, and the ecosophy applied in this research has deemed this important to question, especially in relation to the lobster.

The differing and hierarchical management plans found within the Lobster Fishery in Maritime Canada has progressed into a state-sanctioned inequality of rights, as described through political ecology, but which an analysis through feminist care theory can attempt to decipher. Wendy Brown (1995) highlights four paradoxes of rights in her book *States of Injury*: (1) that highly specified rights for oppressed groups will constrain efforts to escape marginalization altogether; (2) rights specified abstractly also limit a group's ability to escape marginalization; (3) rights that address a specific groups suffering impose that type

of suffering as truth for all, even if false; (4) and, finally, conceptualizing these rights in such an abstract way as to avoid problem three will ultimately lead to rights that avoid addressing the initial inequalities altogether. These issues with rights highlight how the prerogative power used to control conservation by the Canadian state has led to unequal and misunderstood rights surrounding resource use and the rights of the resources, namely the lobster. As a political feminist theory of care is poised to reject rights for these paradoxes described by Wendy Brown, it is a salient field to allow for the centring of the lobster *without* dismissing the reality of the Mi'kmaq. These paradoxes, while not necessarily universal, can help us to analyze critically the relation of law, politics, and indigeneity within Canada (Lever 2000), to finally address whether the lobster has agency within Canadian fishing plans, and if this is even important to the species.

In addition to the care discourses amplified through power imbalances from the settler-colonialist state, post-humanist feminism draws back the questioning of why the human is even at the centre of these lobster fishing plans. While examining the case of the Mi'kmaq will be important throughout this research, consciously focusing on the lobster is the ultimate goal. Rosa Braidiotti (2017) and Lynne Huffer (2015) argue for the decentring of the Anthropos, where there is an examination of not just societal norms, but instead look at the Earth as a society to examine. These feminist efforts look beyond dichotomies of man and nature and tie in with Mi'kmaw epistemologies of whole Earth systems. Understanding Brown's paradoxes of rights through a reinterpretation of Gilligan's ethics of care will be crucial for determining the place of the lobster, as well as understanding the overarching role of the Canadian state.

The lobster as a sentient being is deserving of different levels of care, rights, and relationships, with different groups of human as well as non-human animals. The debates between feminism, CAS, and anarchist political ecology provide the perfect ground to parse through this case, as the lobster as a being goes up against great economic benefits for both the state and marginalized communities found throughout the East Coast of Canada. Centring the lobster in different ways will produce different results, while understanding these initial debates will provide the basis for all of the data and findings in the subsequent chapters. Resisting the care ethic and emotional connections to non-human animals might get more traction within academia, but I firmly believe that removing these feminist values from understandings of non-human animals will never result in the complete system change promoted by other theory applied to non-human animals, and is why it makes up a pivotal

point of the ecosophy applied in this research. It must be noted, though, that the conclusions reached for human and non-human animal relationships by applying care ethics can be critiqued as remnants of colonial, white feminism, and do not always take in other ontologies and their relationships with animals and the rest of the living world (Plumwood 2000). For this reason, framing will focus on incorporating ontologies of the Mi'kmaq into not just one relationship-building or rights-based theorization, but all of them, in a critique focused inherently on the lobster as its own, individual being.

3.5 Summary of Framing and Theory

This section provided a review of discourse theory, and how Critical Discourse Studies and ecolinguistics will be used to answer the research question: *To what extent can the lobster as an individual being have agency within a system where it is being used?* The ecosophy that will allow me to interpret the creation of power in fishery's management and how it pertains to the lobster was also explored, summarized as an examination of rights-based and relationship-oriented discourses, with the promotion of the agency of the lobster being the most important frame while not dismissing Othered groups also present in the research. This will be done through an understanding of destructive, ambiguous, and positive discourses (Stibbe 2014a), with the application of Critical Animal Studies, anarchist political ecology, and feminist relationship-building theories through a decolonial framework and the inclusion of Indigenous ontologies stemming from the Mi'kmaq. This theory and framing works intricately with the methodology that was applied to the management plans examined, as the initial framing stems from the methodology. The next chapter will examine Critical Discourse Analysis and ecolinguistics as applied to this research, and the creation of the research project whose analysis is presented through the following chapters.

4. How do you talk to a Lobster?: Methods

When envisioning a project centred on non-human animals, it would be obvious to assume that there would be some level of interaction with them. However, once deciding to focus on the lobster in Eastern Canada, and studying from Norway in the midst of the COVID-19 pandemic, I knew this would be essentially impossible. Plus, as someone who has worked in scuba diving before, I know that the reality of interacting with lobsters underwater is fairly nonexistent, since they (the lobsters) really do not want to. The bubbles that leave your regulator (a breathing apparatus used in scuba diving) are disturbing to these creatures. Moreover, they are nocturnal, so limits are imposed by the specifics of night diving (which, for humans, can be much more dangerous than day time diving). Plus, even if I did interact with lobsters on the sea floor, I could not really ask them how they felt about the fishery that had been imposed on them. So, pulling from a history of ecolinguistics and documents as a production of reality (M. Halliday 1992; Asdal 2015), I changed course.

The following research was conducted following a Critical Discourse Analysis (CDA) methodology, in order to answer the research question: *How does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?* This research question has been subdivided into three further questions:

1. What are the discourses surrounding the lobster within fisheries management in Nova Scotia, Canada?
2. How do these discourses fit into the relationship-building or rights-based frameworks for non-human animal use?
3. Can the lobster as an individual being have agency within a system where it is being used?

These questions will be answered in two theme chapters focused on the main discourses surrounding the lobster as they were presented in the fisheries management plans: identity and death. Each chapter will have a findings and analysis related to the theme, as well as discussions that will build upon each other to answer the research question. Critical Discourse Analysis as a methodology stems from Foucauldian discourse theory, where it is assumed that prevailing discourses within society are used to sustain power relationships that have been engrained within these discourses (Gee 2014; 2011; Fairclough 1992; 2001; 2014). As a methodology, it is reliant on the use of theory by the practitioner to determine what constitutes these power relationships; for myself, this will follow the ecosophy applied,

pulling from anarchist political ecology, Critical Animal Studies, ecofeminism, and decolonial theory, focusing on the overlaps and limitations of each in order to keep the lobster centred. The analysis will look at recently published lobster fishery management plans in Nova Scotia, Canada, and corresponding official documents, with an emphasis placed on using material providing different information on the co-existing epistemologies in Eastern Canada.

When addressing limitations of my research and my own positionality, a question that I consistently battled internally with was: is my research in fact a form of colonialism? Max Liboiron (2021) addresses this very question in relation to scientific methodologies in their book, *Pollution is Colonialism*. While I have done my best to develop research that is anticolonial, I am aware that I have done so from a position as a settler in Canada, and from a research institution located in Europe, with a methodology developed in a large part by French philosophers. Researchers at this institution range in their viewpoints, and this often left me even more confused about the colonialist aspects of my research, as I have often felt pushed in directions that I thought were, quite obviously, colonial. Ultimately, with the help of anticolonial and anarchists academics, and the framework of Mi'kmaw scholars as well as Liboiron's book to guide, I have concluded that while my intention is not colonial, the research still might be considered so someday.

I have hoped to alleviate most of this by focusing on the lobster, relying on open-source texts, and using a variety of agents to engage with different epistemologies and ontologies surrounding the lobster. With this in mind, at the moment of conducting my research and writing my thesis I have determined, to the best of my ability, that it is not colonial. However, it could be perceived that way, and this perception could change in the coming months, years, and decades. For that, I have tried to follow Liboiron's advice, to be prepared to apologize, grow, and continue to learn. This research is highly important for the lobster and other non-human animals, which is why I have gone through with it. It is also important for addressing how rights in Canada are understood within capitalism, and the various impact that has on Othered groups. Nonetheless, I would love for it to be reinterpreted through eyes and stories other than my own, in order to address the many glaring inequalities in Canada, not just for the lobster.

As we move past the problems of positionality and story-telling, it is time to understand how the research that will be presented over the remainder of this thesis was produced. The

following section will examine Critical Discourse Analysis as a methodology, and the specific form of CDA used in this study, termed ecolinguistics (Stibbe 2001; 2003; 2014a; 2014b; 2017), building on the theory of CDA and ecolinguistics as discussed in Chapter 3. It will then focus on the specifics of how the research was conducted, including sourcing texts and questions used within the analysis. Finally, it will examine the various questions of validity, both within qualitative research and CDA specifically, along with how my own positionality has contributed to the final analysis found within the thesis. This will help us return to the question of colonialism within my research and others, in order to move forward into an understanding of the analysis and discussion presented in the subsequent chapters.

4.1 Critical Discourse Analysis as a Methodology

CDA as a methodology looks at how power is crafted through discourses. Through the subset used in this research, known as ecolinguistics, there is the ability to look at how the mechanisms of language have constructed power relationships and worldviews, along with an 'eco' emphasis that looks at how these crafted worldviews support or undermine natural Earth systems:

> In essence, ecolinguistics consists of questioning the stories that underpin our current unsustainable civilisation, exposing those stories that are clearly not working, that are leading to ecological destruction and social injustice, and finding new stories that work better in the conditions of the world that we face. These are not stories in the traditional sense of a narrative, however, but rather discourses, frames, metaphors and, in general, clusters of linguistic features that come together to covey particular worldviews. (Stibbe 2014a, 117)

The focus of the ecolinguistics of natural ecology can centre on how a text, speech, or conversation deal with environmental problems. Michael Halliday, one of the creators of modern ecolinguistics, argues that ecological and unecological thinking is not just found in texts centred on natural systems, but in the actual grammar of the language we are using. His arguments give the basis for being able to extract knowledge from texts pertaining to the environment or ecology, since grammar, to him, is "a theory of experience" (M. A. K. Halliday 2001, 195). The transformative capacity of texts, especially government-produced ones, has been found to create non-human animals as beings in governmental systems (Asdal and Hobæk 2016). These ideas are also seen within ecolinguistics to promote positive human-animal relationships, like those produced in some pieces of literature, but also to

provide agency for animals, since they can act as actors within these pieces (Kompatscher and Heuberger 2021; Stibbe 2017). Ultimately, through ecolinguistics, while the documents are human produced, the agency of the lobster within them can still be examined.

As described in Chapter 3, the search for power within this research centres on an anarchist political ecological definition of oppression. While there are a variety of ways for discourses to remove the unjust and abusive element of oppression, most occur under an umbrella term of doublespeak: "Doublespeak is a deceitful abuse of language, the use of language to mislead…Because the very act of using language implies an intention to communicate, doublespeak (which communicates either misinformation or no information) is an abuse of language and language users" (Coe 1998, 192). Examples of doublespeak include euphemisms, distancing, metaphors, highlighting, and backgrounding, "as well as inflated language, gobbledygook, symmetrizing, stipulative definition, and ambiguity (weasel words)" (Coe 1998, 194). Throughout the following analysis, these specific terms will be used, in general in reference to the lexical choices (word use) found within the plans, and also in reference to grammar elements that work to make some discourses passive and others active. While I did not start out with a focus on searching for doublespeak, the methods I followed in the CDA have led to ample examples within the lobster fishery management plans.

Doublespeak is seen as a form of erasure, of which there are various forms that occur when texts interact with non-human animals and environments. Stibbe (2014b) defines three forms of erasure to be aware of in ecolinguistics: erasure as a void, erasure as a mask, and erasure as a trace. Simply put, erasure as a void is where the discourses used completely remove natural elements from the language. Erasure as a mask then changes the way nature is perceived, often through the use of metaphor, especially in industries to make non-human animals an economically viable object. Finally, erasure as a trace occurs in ecological specific discourses, where the natural beings that are discussed appear fleetingly and far away, similar to a pencil drawing that has been erased. These three forms of erasure will be examined within the documents created to manage the lobster fishery. Part of erasure is its counterpart, termed re-minding, which does not remove non-human animals and nature, but instead actively forces them back into our consciousness. Some of the documents analyzed already have re-minding elements in regards to the lobster, whereas others will be called to include them.

For clarity, throughout the analysis I will include further definitions of the linguistic elements analyzed, but will introduce the most commonly referenced elements as simplified concepts here: euphemisms, which work to hide unpleasant facts being discussed (Kompatscher and Heuberger 2021); distancing, where different words are used for similar non-human animal and human concepts, in an attempt to remove an emotional connection that would be felt if the same language patterns were used (Kompatscher and Heuberger 2021); backgrounding and highlighting, which are often discussed together, with backgrounding working to limit certain elements of an event, and highlighting working as the inverse to create significance of others (Jepson 2008); and finally instances of passive grammar, which are commonly found in scientific texts in an attempt to remove the subjectivity of non-human animals and instead create them as objects (Stibbe 2001; 2017; Birke, Bryld, and Lykke 2004; Birke 1995). These preceding definitions have been given through a close understanding of discursive practices and the non-human animal. They also allow us to specifically analyze the positive, destructive, and ambiguous discourses as presented through the theoretical framing discussed in Chapter 3, and examine some not present in the documents that could also be applied. The next section will focus on how this methodology has been applied to my research and examination of the lobster fishery management plans in Nova Scotia.

4.2 Research Design and Implementation

Following an ecolinguistics approach for CDA, my own analysis started with a text selection, and then an analysis that followed a specific methodology developed by James Paul Gee (2014; 2011) in order to ensure validity within my research. The specifics of the analysis will be discussed in this section.

4.2.1 Text Selection

To begin the text selection process, I searched for plans available online, starting with the terms “integrated fisheries lobster management plans Nova Scotia” (for federal plans), and “netukulimk lobster fishing plans” (for Mi’kmaw plans). The intent was to find plans that constituted grey matter, where they were government sanctioned but not considered official legislation. Ethically, these plans are open-sourced and available in full online, so the data extrapolated is readily available to all, with full references found in the section, “Primary References”. I then focused in on ones related to Lobster Fishing Areas (LFAs) 27-38, 41, and the Scotia-Fundy Region. This initial search led to the Department of Fisheries and

Oceans (DFO) website, where the two plans for the regions lobster fisheries were contained, divided as "Inshore fishing", which is considered LFAs 27-38, and "Offshore fishing", which is LFA 41. The second search led to an abundance of plans, so I chose the first and most recent plans that appeared with "netukulimk lobster fishing plans". There are two different type of Mi'kmaw produced plans in Nova Scotia currently. With the search for "netukulimk fishing plans", I chose the first one that appeared that was considered a Food Social and Ceremonial (FSC) plan, stemming from Acadia First Nation. The other plans that appeared were newly created moderate livelihood plans, and I chose the first one that was sanctioned for use by the government, from Potlotek First Nation. I briefly examined a second, from Pictou First Nation, but it was identical to the Potlotek produced plan, so stuck with the plan that was first approved. For an understanding of the diverse nature of these plans within Canada please refer back to Chapter 2. These different types of plans are Mi'kmaw created, but stem from different government regulations, so I felt it was important to include an example of each to see the different ways of interpreting the Mi'kmaw fishing ontologies within.

While moderate livelihood plans were newly produced and identical, there is a variety of plans that fall under FSC regulations. While older, a second set of plans appeared in the search "netukulimk lobster fishing plans". After examining these plans, even though they were not created in 2019 or 2020, I saw that they were still in use and sanctioned. The *Unama'kik Jakejue'ka'timk: Food, Social, and Ceremonial Lobster Fishery Management Plan for Unama'ki 2007–2008* was the most recent plan produced for Unama'ki, which is the entirety of Cape Breton Island and home to five separate Mi'kmaq bands. It was also important as it was produced by Unama'ki Institute of Natural Resources (UINR), the only Mi'kmaw research group also producing management plans for animals. They also published *Tetpaqiewanej Jakejk Let's Take Care of the Lobster* as a companion document to the plan, so it was analyzed as well to get the full view of what the goal for the lobster was with their initial FSC plan. The others included were produced by the bands themselves, so an assumption can be made that they will be slightly different. These plans ended up representing the furthest possible removal of Mi'kmaw fisheries management from government regulation, while still being in use and sanctioned, so were important to include.

Through precursory information, the Marine Stewardship Council (MSC) had appeared multiple times as a large and important player in the industry, and as a possible way to bring in further analysis of the lobster within official documents. A search through their database

showed audits for both the Inshore and Offshore fisheries. However, due to the volume of Inshore documents already included, and the nature of the Inshore MSC certification being individualized per company, the documents become too large and cumbersome to use in this thesis. Moreover, through a brief engagement at the end, I concluded that they provided much of the same insights as state produced documents, and were therefore not needed as saturation for the Inshore fishery had been reached. However, since Clearwater Seafoods had a monopoly in LFA 41, otherwise known as the Offshore fishery, and has pulled out from their certification as well as had legal issues pertaining to their certification that are recent, the *Eastern Canada Offshore Lobster 4th Surveillance Report* and *Lloyd's Register Eastern Canada offshore Lobster MSC Notice of Withdrawal* have been included in this text analysis to add to the picture of the Offshore fishery. These MSC documents are understood to be created with different epistemologies than the DFO produced fishery management plan, so add to the larger picture of the lobster in the offshore fishery and were therefore important to include in the CDA.

The final search centred on finding Clearwater Seafoods own fishing plan for the Offshore fisheries, and involved searching with the phrase "Clearwater Seafoods offshore lobster fishing plan". They have been making their own Offshore Integrated Fishery Management Plan (IFMP) since 1980, which is now considered the approved Offshore plan by the DFO. With the coalition purchase of 50% of their licences in 2020, it was hard to verify if a new plan would be produced, even though the fishery is now partially Mi'kmaw owned. However, since Clearwater is still conducting all of the fishing for the plan on the Randell Dominaux (Pannozzo and Baxter 2020b; Baxter 2020) it is assumed that the fishing practices will not change, so the *Offshore Lobster and Jonah Crab-Maritimes Region* plan already discussed is assumed to be the plan produced and used by Clearwater Seafoods. Instead, this final search led to Clearwater's *Sustainability Kitfolder*, which allowed for an analysis of the Clearwater specific views on the lobster in the fishery, and not just those filtered through the DFO, or as understood by the MSC. While Clearwater Seafoods and the Offshore fishery had some brief documents that could have also been included, a read-through had left me confident that this set of documents I have described had allowed me to reach saturation for the Offshore fishery, as no new discourses appeared. The documents gathered from the search described previously, and then analyzed within the CDA methodology, are pictured in Table 1.

Text	Location	Year	In-Text
Lobster Fishing Areas 27-38 Integrated Fisheries Management Plan	Inshore	2020	(Government of Canada 2020b)
Acadia First Nation 2019/20 Netukulimk Fish Harvest Plan	Inshore/ Acadia First Nation	2019-2020	(Acadia First Nation 2019)
Unama'kik Jakejue'ka'timk: Food, Social, and Ceremonial Lobster Fishery Management Plan for Unama'ki 2007–2008	Inshore/ Unama'ki	2007-2008	(Unama'ki Institute of Natural Resources 2007b)
Tetpaqiewanej Jakejk Let's Take Care of the Lobster	Inshore/ Unama'ki	2007-2008	(Unama'ki Institute of Natural Resources 2007a)
Netukulimk Livelihood Fisheries Policy and Protocol	Inshore/ Potlotek	2020	(Potlotek First Nation 2020)
Sustainability Kitfolder	Offshore	2020	(Clearwater Seafoods Limited Partnership 2020)
Offshore Lobster and Jonah Crab-Maritimes Region	Offshore	2020	(Government of Canada 2020a)
Eastern Canada Offshore Lobster 4th Surveillance Report	Offshore	2019	(Knapman, Blyth-Skyrme, and Addison 2019)
Lloyd's Register Eastern Canada offshore Lobster MSC Notice of Withdrawal	Offshore	2020	(Acoura Marine 2020)

Table 1: Texts Analyzed

For the locations of the documents (see Table 1), I have divided mainly by Inshore vs. Onshore. As described in background, Inshore Lobster Fishing Areas (LFAs) were the first established and fished, and have a long history of being called the Inshore in Nova Scotia (Government of Canada 2020b). There is also the Offshore fishery, known as LFA 41, which is 50 nautical miles beyond the shore and started as a fishery in 1971 in response to US offshore fishing (Government of Canada 2020a). I have also included the names of the Mi'kmaw bands when referring to specific plans they have developed. There are 13 bands, of which two have specific plans represented here, and Unama'ki refers to the whole of Cape Breton Island, which contains five member bands (Province of Nova Scotia 2019). Throughout the following analysis I will use the Mi'kmaw names when referring to their

specific plans, and names given by the government when referring to documents produced by Clearwater Seafoods, the Marine Stewardship Council, and the DFO.

4.2.2 Applying Ecolinguistics to CDA

Once I had gathered the primary texts for analysis, I wanted to ensure that I followed a specific format for discovery to increase validity within my CDA. James Paul Gee has written two introductory texts on CDA as a methodology, called *An Introduction to Discourse Analysis: Theory and Method* (2011) and *How to do Discourse Analysis: A Toolkit* (2014), from which I based my initial analysis on. Since an ecolinguistics analysis builds off a CDA with specific theory and insights, this allowed for me to complete an in-depth analysis, and then add in an ecolinguistic specific evaluation in a later stage. I followed a three stage analysis and coding process: initial coding in NVivo with CDA specific building tasks, followed by question asking of the building tasks that was outlined in OneNote. Then, I conducted a final stage with ecolinguistic specific analyses that allowed the answers to be separated into different finding themes discovered through my research questions. The following section will describe each of these stages as they took shape, and explain any difficulties I faced and adjustments I made along the way.

Gee's (2014; 2011) methodology for the CDA focuses on seven building tasks found in the language of the texts examined: significance, practices, identities, relationships, politics, connections, and sign systems and knowledge. These are described below:

1. Significance relates to how the language used has made certain things significant, and others less so (similar to backgrounding and highlighting as discussed previously).
2. Practices, which Gee also calls activities, focus on how what is discussed relates to real life actions, and how the language is being used to do that.
3. Identities as a building task looks at how language creates subjects and identities, and what that tells us about these subjects as well as the author.
4. Relationships seeks to see what aspects of the language are used to create connections and bonds between specific groups and individuals.
5. Politics is also referred to as the distribution of social goods, and essentially focuses on what a piece of language is attempting to create as the status quo.
6. Connections focuses on how language and realities are connected or disconnected within the piece.

7. Sign systems and knowledge looks at how different epistemologies and ontologies are represented by the language, and especially which ones are deemed to be more in line with the social goods presented.

I created different coding strips for each of these within NVivo, and combed through each document for these different building tasks, to understand how the language was being used. I made sure to focus on lobster specific sections, but did not discern between human-centred problems and lobster-centred problems yet, as I felt that to understand the agency of the lobster and the discourses surrounding it I would also need to understand the agency of the different groups of humans. At times this felt cumbrous, but I think it gave me a much greater understanding of the language employed within the fishery, and the lobster's place in it.

The second stage of my analysis also followed Gee's (2014; 2011) methodology, where you are intended to ask six questions of each of the previously described seven building tasks. The idea is that, as you repeatedly ask these questions, themes will start to converge, and that you will begin to understand how the language has created the document you are analyzing, as well as actions outside of the document (Gee 2011). For myself, I was able to do this by looking at the specific building tasks I had coded in NVivo, and moving the quotes into a OneNote with my answers to the questions below. I also started to more heavily focus on the agency of the lobster, along with relationship-building versus a rights-based framing of this agency, and how the different discourses surrounding the lobster were created and appeared. The six questions come from what Gee calls the "Theoretical Tools" (2014), and are summarized as follows:

1. Situated Meaning: how does the context within the document create a specific meaning for the language and words?
2. Social Languages: how do the words and the grammatical structures used create a specific style of language, a blend of social languages, or a hierarchy of social languages?
3. Intertextuality: how do the words and the grammatical structures used relate to other texts?
4. Figured World: how are stories being built within the text, and what must be assumed for a reader to understand these stories?

5. Big D Discourse: how is the language being used creating recognizable identities and activities, and what beliefs, interactions, and environments are needed to understand this created Discourse?
6. Big C Conversation: what needs to be understood about the language in regards to wider understood debates and societal issues, both in the present day and historically?

For myself, I was unsure entirely what theory would relate fully to this analysis beyond relationship-building and rights-based theories with non-human animals, but using these questions helped narrow it in, as well as understanding possible themes for this analysis. By the end of this stage, I knew that the analysis would focus on identity building, death discourses, and reproduction. Interestingly enough, as I engaged more with theory in stage three, I determined that reproduction was not a separate discourse, but an essential part of lobster identity building. I also had some elements at this stage that, while interesting, I chose to forego as I moved forward. These included the percentage of each building task that was coded in NVivo (I realized this was less important as I focused more on the lobster), and specific sections of documents that I had initially coded but realized were not pertinent to my research question, so was able to remove them from the question asking portion of my analysis.

The final stage that I completed for my analysis involved going through the answers I had produced within OneNote, which allowed me to focus in on the theory that I would use within the final analysis, where I could add in an understanding of the discourses from anarchist political ecology, Critical Animal Studies, and decolonial theory. After writing up my theoretical framing (Chapter 3), I was then able to go through these questions and divide them into an excel sheet with specific notes and quotations under the three themes that I had identified: identity, death, reproduction. I also had a fourth column for Mi'kmaw specific issues in the plans, which I was then able to use to further construct my understanding of Mi'kmaw ontologies, that will be discussed in the next two chapters. This findings chart was then used to create the analysis I present in subsequent chapters, and incorporated direct ties to ecolinguistic methods, with the focus on stories, erasure, and theory framing as emphasized by Stibbe (2017).

While I did not intend to start with a three stage analysis (I had thought it would end after the first two stages), I am pleased with how the methodology laid out by Gee (2014; 2011) created such a strong base in my analysis to then move into ecolinguistics and theory. For

my third stage, I incorporated what I learned about ecolinguistic methodology from Stibbe (2001; 2003; 2014a; 2014b; 2017) in order to create the final analysis and answer my research question through my findings. One of the hardest parts I learned while doing a CDA is that validity can be difficult to determine, as the ideas all pulled from the text are, inherently, mine. I will explain in the next section how I have created validity within this analysis, as well as any pertinent information that may have coloured my findings.

4.3 Validity in an Ecolinguistic Critical Discourse Analysis

In order to ensure validity in any discourse analysis, and especially a critical one focused on power relationships within documents, four elements must align. These are identified as convergence, agreement, coverage, and linguistic details (Gee 2014; 2011). I will describe how I accounted for these four elements in the analysis in the following section, along with possible limitations caused by my own positionality.

Convergence as a measure of validity is specifically based off asking six questions with the theoretical tools described of the seven building tasks. This leads to a total of 42 questions asked repeatedly about the language being examined within the document. For an analysis to converge, the answers to these questions must support the analysis, or, on the reciprocal, the analysis presented must answer the questions. I ensured that I achieved convergence by adding in the third stage of analysis into my intial methodology, where my findings chart focused on theme and theory. After having written out these findings, I was then able to check my original OneNote, and concluded that the analysis still relates back to the initial answers. Therefore, it reaches a high level of convergence.

Validity with agreement also stems from the 42 questions asked, and occurs when: "the more 'native speakers' of the social languages in the data and 'members' of the Discourses implicated in the data agree that the analysis reflects how such social languages actually can function in such settings" (Gee 2011, 123). Agreement can also stem from how often other discourse analysists, and researchers within the theory used, support the conclusions reached. Within ecolinguistics, I was lucky to have researchers who had previously looked at death discourses within non-human animals (Jepson 2008; Glenn 2004), but identity creation was less prominent (Stibbe 2014a). To reach agreement for these, I looked at the analyses that had been previously done, as well as theory developed by other researchers to focus on the gaps, specifically with resource and waste theory in anarchist political ecology to focus on identity creation (Zahara and Hird 2016; Hird and Zahara 2017; Simpson 2019),

and how reproduction is a specific part of resource identity creation in feminist theory (Birke 1995). I also attempt to be explicit in my findings about which social languages produce the specific quotes I used to highlight my analysis, since the patriarical epistemology of settler Canada has impacted all of the documents, but Mi'kmaw ontologies are still present. This will allow for more agreement by the various members of these Discourses and social languages, since it cannot be assumed that each document only has one.

Coverage as an element of validity within CDA that simply means, the more the analysis can be applied to past and present situations and related data, along with it's ability to predict future situations, the more valid it is. To ensure coverage, I used a variety of documents produced by different groups and under different power structures and ontologies. This way, each group and its relationship with the lobster has been accounted for. Including more documents could have led to greater coverage, but as I had managed to include all of the relevant actors (DFO, MSC, Clearwater Seafoods, and seven Mi'kmaw bands) and reach saturation for both fisheries, as well as being limited by my own time constraints when completing research for a Master's thesis, I am satisfied with the level of coverage I have reached and the ability of this data to be applied to past and future situations.

The final element of validty is of utmost importance, as it centres on the linguistic details in the analysis. The more closely tied an analysis is to linguistic elements, the more valid it is assumed to be, since it is not relying only on the author's opinion and use of theory. I have heavily tied my analysis to lexical choices and how those relate to the social languages identified, as well as grammatical elements (mainly the use of passive voice) to ensure validity. These elements also tie back into the agreement clause of validity, as they heavily relate to previous critical discourse analyses on non-human animals.

By following these four elements, I have attempted to ensure validity within my CDA. However, in this master's thesis, as with research in general, my positionality will have an impact on my conclusions, which I will discuss below.

4.3.1 Positionality

There is no way to be an entirely neutral observer, especially when applying theory and grammar constructions to documents created within multiple epistemologies. Following Gee's methodology for an analysis has been an important way for this research to gain validity, but it is still necessary to explain my positionality before diving into the findings and subsequent discussion produced by this research (2011). I am a settler Canadian who

has lived in the Maritimes before, with my family coming from the Quebec region of the Maritimes and having historically been lobster fishermen. While not a part of the region that I have studied, I do have close familial ties to these issues, even though I have conducted my research far away, in Oslo, Norway.

Beyond this, I also feel it is imperative to talk about my eating habits. I am currently not a vegan or a vegetarian, even though you will read many statements about these diets in regards to animal agency throughout the coming pages. Interestingly, I was vegetarian for five years, but I always made sure to clarify that this was not due to not wanting to kill animals, but as a way to reduce my carbon dioxide footprint. With this being said, I am not opposed to veganism or protecting non-human animals, but think that the issue is not always clear cut. Following the methodology I have described here has been a way for me to overcome the limits of the positionality, but I think it is important to keep Liboiron's (2021) advice in mind as I move forward, to address the possibilities of colonialism in all research and account for my positionality at the start.

4.4 Summary of Methods

In the previous chapter, there has been an examination of Critical Discourse Analysis as a methodology, as well as the specific branch used in this research, termed ecolinguistics. The specific methods used in the thesis were then examined, stemming from Gee's created CDA methodology (2014; 2011), followed by a third stage of analysis that pulled in ecolinguistics as described by Stibbe (2001; 2003; 2014a; 2014b; 2017). Finally, validity was addressed within CDA and this research, as well as my own positionality. Through this methodology, the following two chapters of findings have been produced, with discussions at the end of each chapter. As the two main themes build on each other, the story of the lobster flows more in this manner, with each section adding to previous information presented. To begin, we will switch our focus from where is the lobster to what is the lobster, and explore the identity building discourses present in the management plans examined, and see how the different lobster identities have been constructed and contribute to its agency within systems of use.

5. What is the Lobster? Disentangling Lobster Identity

If you asked various people, "what is the lobster," you would get a variety of different answers. For myself, it varies between a living being that is hard to see while scuba diving, due to their nocturnal and skittish nature, or a food that is most often significantly out of my price range. For my dad, he only sees them as a creature that is not edible, since he is deathly allergic to them when consumed. For the Mi'kmaq, they are one of their kin that co-inhabits the Earth and shares in a reciprocal relationship with no hierarchy found within the natural world (Robinson 2014). For someone working in a scientific lab rooted in a materialist perspective, the identity of the lobster might seem simple, as an argument could be made that its biological classification, *Homarus americanus*, is all that is needed to explain what the lobster is.

As we begin our foray into the East Coast fisheries, their management plans, and a general question of "where is the lobster," it is also important to establish not *where* the lobster is within the documents, but *what* the lobster is. This section will examine the research question, *how does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?*, by looking at how different lexical choices create different identities for the lobster, mainly as a gift or a resource. These identities will then be built upon to explain how pronoun use within the documents separates the humans from the lobster. It will then continue with an examination of findings pertaining to how the lobster identity as a resource encourages the application of biological sex to lobsters, as necessitated through a promotion of reproduction. This will lead into a discussion of the three supporting research questions, and how identity as a discourse creates space for positive, destructive, and ambiguous discourses through rights-based and relationship-based approaches to non-human animals, and how these different identities can remove or add agency.

Through this analysis of language employed in the documents examined, I will argue that the identities of the lobster are constructed by linguistic features that convey a worldview assuming the economic importance and human usage of the lobster, and that the prominent identity of a resource will never give the lobster agency within a fishery. Ultimately, the capitalist system that has created this resource will continue to be a resource desiring machine promoting genocide (Simpson 2019) of the Mi'kmaq and the lobster. In order to combat this, an acceptance of other ontologies is needed, and how the narratives they employ

have created an identity of the lobster through reciprocal relationships. In these stories the lobster can give itself as a gift, resist the fishery, and also work as an ally for other groups against the settler-colonial, capitalist system found in Canada.

5.1 Constructed Identities within Ecolinguistics

Identity is one of the main components Gee (2011; 2014) stresses must be analyzed when conducting a Critical Discourse Analysis (CDA). In his identities building tool, he says:

> For any communication, ask what socially recognizable identity or identities the speaker is trying to enact or to get others to recognize. Ask also how the speaker's language treats other people's identities, what sorts of identities the speaker recognizes for others in relationship to his or her own. Ask, too, how the speaker is positioning others, what identities the speaker is "inviting" them to take up. (2014, 116)

Identity construction within ecolinguistics is harder to parse, and is an area of study that needs to be further examined (Stibbe 2014a). However, within an ecolinguistic analysis, understanding of identities can be combined with Gee's identity building tool, and the concept of stories that Stibbe (2017) presents, in understanding how stories that people live by work to actually create their understanding of the ecosystems around us, and, therefore, are a part of those ecosystem's realities. Also, examination of resource creating discourses (Kurz et al. 2005) and an analysis of language as used to create factory farming identities (Stibbe 2003; Glenn 2004) are abundant, and align with the creation of one of the lobster identities, that of a resource. Within the fisheries management plans, the identity of the lobster has been constructed through the stories of how the lobster matters. This has a direct impact on the agency of the lobster within these plans.

The identity of the lobster within the documents analyzed does not occur on its own accord, but in how it is initially identified for human use. This becomes especially relevant when trying to understand the agency of the lobster within the plans, and how these crafted identities play into real-world events. Michael Halliday, when discussing CDA, emphasized that it was important to not just examine the grammar in environmentally based documents, but in all documents for anti-ecological thoughts (1992). His argument stemmed from the reality that the way that things are talked about within these documents directly relates to the actions taken around and towards them. This is especially prominent with how the lobster

is perceived throughout the documents, and how this perception changes the treatment of the lobster within the industry: as a *gift*, or as a *resource*.

5.1.1 Gift vs. Resource

Reinhard Heuberger (2003; 2007) has written several articles that shows how dictionaries have been found to ultimately define animals based off of their perceived usefulness for humans. By labelling lobsters as gifts or resources, their identity is being understood in a similar way to Heuberger's discoveries, with this utilitarian understanding of the lobster seeping into their identities in the fishery management plans. However, these created identities are different. Gifting, and *gift* as a noun as used in the documents, has a lengthy history within anthropology of attempts being made to understand different gift-giving and its purpose in different cultures (Hann 2006; Yan 2020). Different ways of receiving gifts have been noted throughout history; when Europeans first reached North America, they assumed the gifts they received from the Indigenous people were free and did not think of the practice of reciprocity. When they realized their different understandings of gifts, the Europeans looked down on the practices of the Indigenous peoples: "They also assumed the Native Americans were merely pretending to be generous; hence the expression of 'Indian gift' or 'Indian giver' for objects and people given merely in hopes of future returns" (Yan 2020, 1). However, to understand gift as presented in the documents analyzed, we cannot fall into these same trappings, and instead should understand gift as stemming from a tradition of reciprocity and exchange.

The lobster gift, and its use in Mi'kmaw produced documents, stems from Mi'kmaw ontologies of reciprocity: the lobster is voluntarily giving itself to Mi'kmaw sustenance, as assumed through their various creation stories. It also brings with it the assumption that humans will cherish this gift, and understand that the lobster has the power to take back the gift of itself (Robinson 2014). Gift then becomes something to be thankful for, or even something special that can only be provided by the lobster. Human usage is not above the lobster within the fishery, but is allowed as it will be reciprocated accordingly. This use of the lobster as a gift within fisheries management plans in Nova Scotia leads to an assumption of exchange in the fishery, instead of hierarchical uses.

Referring to the lobster as a *gift* is a common occurrence throughout the Mi'kmaw produced documents:

1. “We have a responsibility to make sure the integrity, diversity and productivity of these *gifts* are there for future generations. This responsibility is an integral part of our culture and way of harvesting.” (Unama’ki Institute of Natural Resources 2007a, 2) [italics added]

Isolated instances of its use can occur even more explicitly, when referring to the “lobster as a gift” (Unama’ki Institute of Natural Resources 2007a, 2) or the “lobster as a shared gift” (Unama’ki Institute of Natural Resources 2007a, 2). However, as seen in Example 1, it was often tied to epistemologies and ontologies of the Mi’kmaq, signalling that this identity was unique from that of settler Canada.

The lobster being represented as a gift can also occur adjacently to its identification as a resource:

2. “While Mi’kmaq have Aboriginal and Treaty rights to harvest *resources* as usual, we also have the responsibility to ensure nature’s *gifts* are not abused or wasted.” (Unama’ki Institute of Natural Resources 2007a, 2) [italics added]

In a final layer, it can also be used in tandem with resource, but also when combining more terms from conflicting knowledge bases, such as ‘sustainability’ (from an arguably Western epistemology) and ‘netukulimk’ (from Mi’kmaw epistemology):

3. “The long-term objective of this management plan is to contribute to the overall *sustainability* of the lobster *gift* in Unama’ki while maintaining traditional ways of fishing and integrating traditional *resource* management through *Netukulimk*.” (Unama’ki Institute of Natural Resources 2007b, 21) [italics added]

The use of ‘sustainability’ and ‘netukulimk’ here works similarly to Example 2, where separating Mi’kmaw epistemologies is important, but an understanding of including the dominant paradigm crafted within Canada is necessary for management plan approval. This common linkage of gift to resource, and combining competing epistemologies, loses some of the elements of kinship and reciprocity that it should be assumed are portrayed through the gift identity. Due to the inherent anthropocentrism of the definition of gift, and the use within the documents, some scholars argue that we should be wary of assuming lobster identity that has been constructed as a gift will give the lobster agency (Nadasdy 2007). These scholars argue that this practice might, in fact, be euphemistic: “Euphemisms have the function of concealing unpleasant facts in the relationship between humans and animals”

(Kompatscher and Heuberger 2021, 263). However, this is a trap that many have fallen into within anthropology: "To truly understand what motivates various systems of gift exchange in non-Western cultures, therefore, one must go beyond Western assumptions of economic rationality" (Yan 2020, 5). I would argue that all three examples are attempting to use gift to craft a lobster agency through its identity, but that when tied to resource and other Western environmental management ideals, it could lose the direct meaning that is. In order for the identity of gift to be used as an agency creating discourse, it cannot be assumed it is euphemistic (Nadasdy 2007), and it should not be forced to be tied to a Western economic system (Yan 2020; Hann 2006). The Western economic system is where the lobster loses its agency within fisheries management, as seen through its much more prominent identity found in the plans analyzed: that of a *resource*.

Resource, as used in the documents analyzed, is anthropocentric, capitalistic, and colonialist. Resource management is inherently colonial, created from a worldview that is simultaneously hierarchical as well as paternalistic (Reid et al. 2020). Canadian resource management has developed to feed the state's need for resources, with management attempting to reconcile different viewpoints, but ultimately remaining in control of the state. In fact, despite the Marshall declaration reaffirming treaty rights to fish for the Mi'kmaq (as discussed in Chapter 2), their rights still fall under management as dictated by the DFO: "As Minister of Fisheries and Oceans, I can regulate the fishery and I will regulate the fishery…Clearly there is a treaty right, but the court decision said that the right can be regulated…" (A. Davis and Jentoft 2001, 232) [statement by Minister of Fisheries and Oceans originally published in *The Globe and Mail*, "Natives accuse Ottawa of issuing ultimatum", 1999c, October 6, p. A3]. Within mainstream environmental writing, the use of *resource* ultimately removes the individual from the term, and even acts as a form of erasure (Stibbe 2017) that allows for a separation from the lobster, the fishery, and those then eating the dead lobsters. This leads to a passive, utilitarian concept of the animal, lessening its death in the hierarchy created within capitalism (discussed further in Chapter 6), and seeing the lobster as a good whose inherent value stems from its free use by humans and sale within the economic system[8].

[8] There is no recreational lobster fishery in Canada, implying that the lobster is only a resource to be sold within the commercial system (Government of Canada 2020a; 2020b).

The previous examples surrounding the use of the word *gift,* and the following examples pertaining to *resource*, also contribute to an understanding of the linguistic concepts of highlighting and backgrounding. Highlighting brings in certain aspects of an event or practice, while backgrounding pushes other factors out of sight (Jepson 2008). The use of *gift* within these documents can be seen to highlight how the lobster is sacred and cherished, and provide a level of agency through relationship-building, and presenting the identity of the lobster as a possible subject. *Resource*, however, backgrounds the life of the lobster, making it seem quickly inanimate, and rendering it an agentless object.

Resource as an identity and implied practice is a term used in all of the fishery documents, most frequently in isolation from *gift*, and often applied directly to the lobster:

4. "lobster conservation ensures that the fullest sustainable advantage is derived from the *resource* and that the *resource* base is maintained." (Government of Canada 2020a, 46)[9]. [italics added]

What's more interesting, is that this sentence in Example 4 was used within a DFO document's definition of conservation, tying the lobster as a *resource* fully to an agentless object that must be protected to ensure continuing use by humans. It is also used to show the importance of the resource to the Canadian state:

5. "Ultimately, the economic viability of the commercial fishery depends on the industry itself. However, the department is committed to managing the commercial fishery in a manner that helps its members be economically successful while using the ocean's *resources* in an environmentally sustainable manner." (Government of Canada 2020b, 82-83) [italics added]

Resource is not just a net term that can be applied equally to all materials who have come to bear that name. Something becomes a resource due to the various conditions surrounding its use, such as the lobster growing in importance as the U.S. began fishing it, and its status as a luxury good increasing worldwide (Government of Canada 2020b). Once it became a resource, it had a power that the Canadian state needed to control. In fact, "resource governance extends the domains of state power to the non-human world" (Simpson 2019, 2), with Canada having a historical legacy of 'resource nationalism' (Bremmer and Johnston

[9] This definition of 'conservation' was originally in the 1995 report from the Fisheries Research Conservation Council.

2009). Resource as a term can be seen synonymously with commodity, and is an important stepping stone in current 'green' conversations related to the commodification of nature (Sullivan 2018; 2017). This implicitly connects the labelling of the lobster as a resource to its use and governance by the state, since it is a commodity that brings it economic power. The *Offshore lobster and Jonah crab-Maritimes Region* fishing plan further creates the lobster as a resource, by saying:

6. "They are guided by the principle that the fishery is a common property *resource* to be managed for the benefit of all Canadians" (2020a, 49). [italics added]

Example 6 shows how resource control stems from a classic 'tragedy of the commons' myth scenario[10], where the public cannot be trusted to manage their resources, so the state must step in to ensure the object in question keeps supplying the state power.

It is important to note that the documents examined pull from two very different social languages, and that the inherent politics surrounding the word resource cannot just be examined through a Western, colonial paradigm. The *Unama'kik Jakejue'ka'timk Food, Social, and Ceremonial Lobster Fishery Management Plan for Unama'ki 2007-2008* states that the: "Mi'kmaq worked with Mother Nature to ensure our survival, always respecting the earth, air, and water. That concept is not in the non-native system of resource management" (2007b, 20), and that: "It is the Mi'kmaq way of resource management that includes a spiritual element that ties the people to the plants, animals, and the environment as a whole" (Unama'ki Institute of Natural Resources 2007b, 3). However, it is hard not to assume that the use of resource here still developed in the settler-colonialist hierarchy in Canada (Simpson 2019), and that the political understanding behind this use of resource and the previous examples will be similar, if not identical.

The use of resource by the Mi'kmaq stems from vicious sedimentation in settler colonization. Vicious sedimentation is the practice where: "People who participate in settler colonial domination are perhaps more likely to have their discriminatory beliefs about Indigenous peoples confirmed by the prevalence of settler ecologies that have forcibly overlaid Indigenous ecologies substantially and dramatically" (K. Whyte 2018, 138). The idea of identifying a kin relationship with an animal and supplying it agency through

[10] It should be noted here that the 'tragedy of the commons' is not regarded as myth within state created systems in Canada. As a grade 9 geography teacher in Ontario, Canada, I was still required to teach it within my curriculum when I ran these courses in 2017, 2018, and 2020.

allowing it to gift itself has been repeatedly identified throughout Canada as Indigenous, and therefore not the proper way to manage these resources. Vicious sedimentation prevents the lobster from gaining agency, since these plans are still created within a vacuum of the state hierarchy in Canada, with both the rights of the Mi'kmaq and the lobster being swallowed and changed. To provide agency to the lobster, as well as the Mi'kmaq, it would be imperative to enact a different identity for the lobster than that of resource. This identity would ideally change the lobster from an object of power to that of a non-human animal we conduct a relationship with.

Both *gift* and *resource* act as identities for the lobster within fishery management plans, but also lead to practices that are then acted upon within the fishery. Ultimately, these lexical choices socially constructed how the death of the animal to become food for humans will be perceived, which will be elaborated on in Chapter 6. *Gift,* while still being forcibly linked to resource management in Canada, does ultimately give the lobster more agency within these documents, and implies a level of respect and lack of hierarchy between human and non-human animals. The discourses surrounding *gift* are ultimately positive for the agency of the lobster. *Resource* as a term has created a use for the lobster, leading to a utilitarian and passive understanding of this non-human animal, and ultimately acting in a way to enlarge the control of the Canadian state. The discourses surrounding *resource* erase the lobster as a being by masking it, and are ultimately destructive to the agency of the lobster. To further look at the possibilities of these positive and destructive discourses for lobster agency in the fishery, we must look at how not just nouns are used as identity crafters, but also the use of pronouns.

5.1.2 Pronoun Use

Sometimes a noun is not used to identify lobsters in the management plans; in these cases it is replaced by a pronoun. Gee (2014) labels pronouns as function words, which are a closed category within language that have a small amount of words, and that language resists adding to (as seen with the attempts at creating gender-neutral pronouns in various languages with varying degrees of success). The pronouns used to replace the lobster as the identifying noun can tell us a lot about the identity that is being created through the management plans as well.

When understanding the discourses surrounding non-human animals in texts, "Pronoun use can lead to the kind of *us* and *them* division similar to that found in racist discourse, with *us*

referring to humans and *them* to animals" (Stibbe 2001, 151). This is especially seen when *it* is used instead of *he* or *she*, and creates a distinct divide between human and non-human animals, and limits the animals agency within the applied linguistics. It also sets the lobster and other non-human animals up as objects of use, similar to a resource, instead of as their own subject. Essentially, through ecolinguistics, it has been argued that using pronouns in a similar way to how we would use them when addressing humans has the effect of humanizing[11] the non-human animals, and can be a relationship-building action.

Mi'kmaw produced plans that used the identity of gift more heavily than resource were also more likely to use pronouns as identifiers that gave agency to the lobster:

7. "*She* protects her eggs by keeping *her* tail curled up under *her*, but *she* may lose half of them from diseases, parasites, predators or handling from fishers" (Unama'ki Institute of Natural Resources 2007a, 3). [Italics added]
8. "After *she* leaves, *he* may mate with more females and *she* may occasionally mate with more than one male, particularly if *she* hasn't been inseminated" (Unama'ki Institute of Natural Resources 2007b, 14). [Italics added]

Government-produced plans attempted to limit the agency of the lobster with the pronouns used:

9. "As lobster is considered a luxury food item, *its* price is relatively high among fish and seafood products" (Government of Canada 2020b, 55). [Italics added]
10. "When a licence holder is required to carry an officially recognized observer onboard their vessel for a specific period of time to verify the amount of fish caught, the area in which *it* was caught and the method by which *it* was caught" (Government of Canada 2020b, 99). [Italics added]

[11] Humanizing the non-human animal can be a treacherous crossing to make, and can be interpreted as attempts at anthropomorphism. Anthropomorphism is where human qualities are assumed or place on a non-human agent or object, and is a common way of connecting humans with non-human beings. It has been argued that anthropomorphism, while quite literally wrong, since the beings are not humans, can have constructed advantages of helping humans to relate more to these beings (Bruni, Perconti, and Plebe 2018). However, anthropomorphism can also come from an anthropocentric origin. Anthropocentrism "may be defined as a human epistemology that privileges human beings' values and experiences as the center for understanding the experiences of other life forms" (Rowley and Johnson 2018, 827), and falls under settler colonial ontologies. These anthropocentric origins will not lead to relationship-building, so while it is important to note that attempts were not made in plans produced outside of a Mi'kmaw ontology to humanize the lobster, this humanization could have other negative consequences.

However, even more often, no pronouns were used, as a passive voice was employed. Nonetheless, *he* or *she* were never used to refer a lobster in government produced plans. *They* was sometimes chosen to refer to a group of lobsters, which shows that closeness to a group is less concerning linguistically than closeness to an individual, non-human animal (Stibbe 2003). However, the use of *us* or *we*, when referring to a group of humans *and* lobsters, was not found in any of the documents analyzed, still leading to the 'us' versus 'them' dichotomy identified by Stibbe (2001). Ultimately, this lack of pronoun use should be understood as further attempts to limit the agency of the lobster, and shows the continuation of destructive discourses that promote the identity of the lobster as a resource instead of that of a gift.

Pronoun use contributes to the relationships that humans in the fishery have with the lobster, and has also been used to limit the lobster's agency, a continuation of the identity as a large group resource. Pronoun use does bring in other factors though: a large discussion in human pronoun use centres around the creation or use of gender-neutral terms, in order to allow for the wide spectrum of human experience within our linguistic technicalities. However, the lobster in the management plans analyzed has a pre-set sex from birth through the applied practice of biological determinism, crafting strict identities within sex, as will be discussed in the next section.

5.1.3 Biological Determinism and Lobster Gender[12]

Lynda Birke (1995; 2002; 2004; 2010), a scientist and feminist writer, has spent much of her career examining how science treats animals, and how feminist theory can change this construction of the non-human animal in science. What she has found is that a lot of the separation between human animals and non-human animals boils down to biological determinism. Simply put, biological determinism is the idea that the sex organ someone is born with determines traits they exhibit throughout their life. Feminist theory has rejected biological determinism for humans, a rejection that became more prominent with the development of queer theory in late second and third wave feminism. This rejection, an important one to make for both feminism and queer theory, was not applied to non-human animals, and has further separated the two groupings. Even as feminist theory has been

[12] To keep terms clear, throughout this section I will use 'sex' when referring to a biologically determined identity, falling within heterosexual norms relating to reproduction. I will use 'gender' when referring to a socially constructed identity, which can have fluidity and is not determined through biological traits.

opposed to power imbalances and structures that have led to such, the continued use of biological determinism as a way to explain non-human animal behaviours has created a strong dichotomy, similar to that created by other identity constructing lexical choices. It has also placed ingrained identities within the species in regards to sex, which has been seen within the case of the lobster in East Coast fisheries.

This biological determinism, and the use of scientific studies around lobsters within the management plans as strong proponents for the management initiatives implicated, has set up the lobster as not just a resource or gift, but also an object of inquiry. This identity has implicit concerns for the discourses created through the management plans, and the ways that the agency of the lobster has been greatly impacted by these scientific, biologically backed, assumptions, that ultimately continue to produce the identity of the lobster as not a subject but a resource. What is more, in all of the documents analyzed, the bulk majority of information on the lobster as an actual being and not just on its use within the fishery, came from scientific information that stemmed from biological determinist arguments. In order to see the lobster as a being and provide any semblance of agency to it within the fishery, feminist queer theory and a move away from biological determinism into a larger understanding of gender in non-human animals will be imperative, and explained through the following findings of constructed identity discourses within the plans analyzed.

Let's Dissect the Women

Throughout the documents analyzed, most of the information on the lobster came through from Western, materialist scientific studies, and was relayed in a passive voice that gave no agency to the lobster (Birke, Bryld, and Lykke 2004; Birke 1995). This is an example of using discourse to create a dichotomy between human and non-human animals, otherwise known as distancing. Previous CDA's have found this to be common practice in texts created in the Western scientific tradition (Stibbe 2001; Jepson 2008), and as a way to leave a trace through erasure (Stibbe 2014b), by reconstructing reproduction as something of only economic importance, and not a part of lobster life. These examples of passive voice within the management plans also set up further feminist analysis of the biological determinism as applied to the lobster. One of the most glaring examples occurred as follows:

11. "In females this [sexual maturity] is determined through dissection or examination of the cement glands on the pleopods (swimmerets), evaluation of ovarian maturity or other metrics. Male maturity is not usually estimated due to the fact it requires

> dissection and because past work indicates that it occurs at a similar or slightly smaller size than the females under the same conditions." (Government of Canada 2020b, 24) [brackets added]

This quotation occurred in the midst of a further discussion of the 'Reproductive potential' of the lobster fishery, a concept closely tied to resource created identities, since reproduction is needed to sustain the resource. It also shows the difference in treatment of biologically sexed male and female lobsters.

When I first read this, I made an annotation within my analysis that can be politely summarized as comparing the dissection of females but not males to birth control in modern Western society, and the dystopian world created in *The Handmaid's Tale* by Margaret Atwood. While sexism within modern medicine is well-known (studies have found that *all* people fare worse results when their doctor identified as a male (Tsugawa et al. 2017)), I was shocked to see it so unproblematically laid out on the page in relation to the understanding of lobster behaviour and biology. Female maturity had been deemed the most significant thing to understand, since it was how the reproductive (and economic) potential for the species could be determined. However, the scientists completing these studies had enough awareness of the non-human animal life to realize they should avoid needlessly dissecting all of the lobsters. So the men were spared.

Rejecting biological determinism has been an essential addition to feminism, gaining in prominence within the second wave of the movement. One of the founding texts on this was by Judith Butler, and examines her concept of performance within gender identity: "what is called gender identity is a performative accomplishment compelled by social sanction and taboo" (Butler 1988, 520). The theory developed from linguistic tradition, and centred on the idea of 'queering' as a discursive act within socio-cultural constraints. She argued that the idea of heterosexually based systems had been created within society, not because nature dictated, but as "an unnatural conjunction of cultural constructs in the service of reproductive interests" (Butler 1988, 524). This follows along the trajectory of political economics of populations, where reproduction was monitored by the state for economic ideals (Foucault 2003; 1998). The idea of gender being constructed has carried into the modern era, and while not universally accepted, it is a pillar of queer theory, along with rejecting the political economics of populations. Performative theory, while imperative to the development of queer theory for humans, inadvertently created a split between human and non-human

animals. As Linda Birke states: “Feminist beliefs about our gender-specific behavior, then, rest on a belief in evolutionary discontinuity—that humans are fundamentally different from other species” (1995, 37). Similar to the split identified in pronoun use by Stibbe (2001), this emphasis on social construction, and the rejection of biological determinism only for humans, has further separated humans from non-human animals.

Scientific studies on non-human animals have notably used a heterosexual understanding of sexuality and sexual reproduction (Birke 2010). The behavioural differences determined through these studies are then found to be absolute, and rooted in an internal system. Therefore, dissecting just some of the females would lead to an absolute understanding of female maturation, and give approximations for male maturation. Understanding how different lobsters would mature, not on this biologically determined sex divide, has not been considered or examined within the documents. Ultimately, biological determinism as presented by the documents uses language that creates a destructive discourse for the lobster agency, since it continues its identity as an object, both for inquiry and use. This also leads into the absolutist decisions that have been made to promote conservation and sustainability within the fishery, most notably through the practice of v-notching that will be discussed in the next section.

V-Notching and Female Protection

As scientific studies have determined more about the importance of healthy female populations for keeping lobster stocks at an economically lucrative level, more measures have been implemented to protect these female populations. Similar to many past gendered tropes, the female lobsters can be seen as the fair maidens that must be saved from the evil forces; in reality, we know that this act of saving is to keep their reproduction levels high and identity as a resource intact. One of the most prominent examples of this is referred to as V-notching. As described in Chapter 2, v-notching is the act of making a notch in an egg bearing female’s tail, in order to ensure it is not fished for the next three or four seasons, since removing v-notched females is illegal. As the lobster moults, the notch will eventually disappear, meaning that it is not permanently, but only temporarily maimed. The point of these voluntary notching programs is to protect larger and egg-bearing females, as it has been proven that larger females are better for reproductive potential than many smaller females (Unama’ki Institute of Natural Resources 2007a; Collins and Lien 2002).

Within the documents, v-notching is described in a passive, scientific tone, setting up the female lobster as an object:

12. "The harvester is prohibited from retaining or possessing any female lobster of 110 mm carapace length or greater with an impression (with or without setal hairs) on the bottom outside edge of the right flipper (uropod) next to the middle flipper (telson) that affects the natural shape of the flipper. The natural shape of the flipper would also be altered with the removal of all or a portion of the bottom outside edge of the right flipper. The right flipper shall be determined when the underside of the lobster is down, and its tail is toward the person making the determination." (Potlotek First Nation 2020, 27)

Example 12 came from a "Conservation and Catch Prohibitions" section, linking the control of the female reproduction fully to conservation efforts made by the Canadian state. Another plan talked about the need to increase v-notching, in order to protect the sexually mature female lobsters, adding a layer of protection to the identity of object:

13. "Continue with release of berried and v-notched females as stated in the AFS regulations. Also, 1) Standardize a minimum legal CL [Catch Limit] for all areas using the most conservative estimate (i.e. the largest min CL will be used); 2) Implement a maximum size limit for both males and females; 3) Currently do not have adequate data on catch rates in the fall or on size or sex composition, but are applying minimum and maximum sizes throughout the duration of the spring and fall fisheries. Increased data collected through log books will be adopted. 4) A voluntary v-notch program will protect those lobster from the commercial industry. Proper v-notching training will be provided. 5) Code of handling practice will assist in reducing egg loss from improperly handled females and soft shelled lobsters." (Unama'ki Institute of Natural Resources 2007b, 18) [brackets added]

This quotation came from the *Unama'kik Jakejue'ka'timk Food, Social, and Ceremonial Lobster Fishery Management Plan for Unama'ki 2007-2008*, under a section focused on improvements for the fishery, titled "Limited protection for reproducing females". Examples 12 and 13 have both come from what I have previously categorized as Mi'kmaw produced Inshore fisheries plans. This is vital to the discussion, as it shows how ideas from the state have been implemented into other ontologies, and even to become something that could show a heightened level of care for the lobster. However, while v-notching on the

surface level has been created as a program to protect female lobster, I posit that it is instead a necessary part of the economic machine created around the fishery, and shows the importance of biological determinism and passive voice when referring to lobsters in the East Coast lobster fishery.

The use of passive voice in regards to a conservation practice that requires handling and cutting into female lobsters only (a practice as, discussed heavily in Chapter 6, leads to a high level of lobster death and egg loss), is a way to remove the agent doing possible harm from the scientific necessities of conservation. Example 12 highlights this, where the harvester is mentioned, but only in regards to not being allowed to possess these marked lobsters. It never goes into detail about how the markings being described are made, even though the fact that it is v-notching is highly evident to anyone who understands the conservation discourses found in lobster fishery management plans.

V-notching shows the continuation of the use of biological determinism within the created identity of lobsters within the fisheries, but also relates back to the first constructed identities: that of the lobster as a gift, or as a resource. Examples 12 and 13 once again highlight this difference. Example 12, even though coming from a Mi'kmaw produced plan, sets up the lobster as a resource. The passivity in which the mutilation is described goes along with the reproductive potential determined about the females, and their need to reproduce for the success of the resource. Example 13 implies a relationship of more care, as would be understood if the lobster was a gift: "…A voluntary v-notch program will *protect* those lobster from the commercial industry…"(Unama'ki Institute of Natural Resources 2007b, 18) [italics added]. V-notching is not seen as something descended from a hierarchy that separates the sexing of lobsters from the genders of humans; it is something that is done to protect these precious creatures, even if the handling and cutting into of the females can cause stress and harm. This parallels earlier arguments for genital mutilation in humans, done under the guise of protection of purity and cleanliness. V-notching has become a characteristic of care that initially was appropriated in regards to humans within capitalism. The lobsters are protected to be used, removing agency within this biologically crafted identity. This leaves the discourses surrounding v-notching as mainly destructive; those that emphasize training for handling of the lobster could be more ambiguous, since care is explicitly present, but ultimately, v-notching is only done for economic benefit, which directly opposes the ecosophy applied in this research.

One aspect that is missing from this analysis is an understanding of how the lobster would be talked about in these instances. Lynda Birke (1995) has noted a shocking change in discourse surrounding culling and the care of animals in labs, where the texts are passive and distanced, but the conversations are much more real, either showing an indifference towards the animals or even a genuine care, but still highlighting why the cull is important. I cannot comment on this phenomena within the lobster fishery, as I only did a text analysis, but I do think this would be an important area of further exploration for those wishing to analyze the agency of the lobster within the fishery, and how the created identities are impacting its use. I will argue, however, that using a passive voice in these scientific and state approved texts, leads to less care about the lobster, and would make instances of indifference much more acceptable. The passive voice continues the lobster's identity as an object and resource, meaning that its use will continue without agency, and that this will be transferred to real life actions within the fishery.

(Re)productive Potential

The biologically determined and crafted identities of the lobster play into one of the most significant aspects of the lobster throughout the plans: their reproduction. Reproduction as a term is quite interesting, since it stems from the root word "produce". To produce, as a verb, is clearly understood: something is being made. To reproduce means to create something, but to do it another time. This stems from the use of the prefix "re", which literally means 'again' (vocabulary.com 2022). Reproduction and production have been heavily linked, both historically in the domestic sphere (Patel and Moore 2017), and within the fishery management plans that I examined. This should not come as shocking. As with death, lobster reproduction should be seen as an inevitable part of the industry, since there would be no more lobster to fish (and kill) if they could not reproduce. Reproduction is also a result of biologically determined identities, with detrimental costs: "Reproduction, the sexist instrumentalization of women as reproducers of their 'kind,' is the pivot of all speciesism, racism, ethnicism, and nationalism—the construction of collective entities at the cost of the rights and interests of individuals" (Kappeler 1995, 349). The productivity of the industry is entirely dependent on the reproductivity of the species, which is at danger of being reconstructed without the addition of the feminist care ethic to anarchist political ecology and Critical Animal Studies.

The identity as a resource was also consistently linked to the *potential* of this reproduction; i.e., the amount of lobster the fishery would have within its future systems. Capitalism requires endless growth, and so does the lobster fishery. Section 2.1.4 of the *Lobster Fishing Areas 27-38 Integrated Fisheries Management Plan* was labelled "Reproductive Potential" (24, 2020b), with section 2.1.4 of the *Offshore lobster and Jonah crab - Maritimes Region* being labelled "Lobster reproductive potential" (18, 2020a). This exact phrasing was also found in the Potlotek produced plan, *Netukulimk Livelihood Fisheries Policy and Protocol*, where it said that, "Vulnerability to increasing ocean temperatures are hypothesized to be mitigated through conservation measures to protect the reproductive potential of lobsters (Le Bris et al., 2018)" (26, 2020). It should be noted that this last example cited a scientific study, so even though Mi'kmaw produced, it shows a leaching in of the top-down paternalistic ideas of settler Canada.

Combining reproduction and potential in this manner brings the lobster reproductivity fully under the dominant economic paradigm, with a stark parallel with the political economics of populations as found in humans (Foucault 1998; 2003). The reproductive potential must be maintained, in order to support the system that appropriates the labour of the lobster. Reproductive potential and its link to economics shows how erasure occurs within these destructive discourses. Erasure that leaves a void fully removes natural beings, and is common in classical economics (Stibbe 2014b). However, in this instance, the erasure does leave a trace of the lobster, since "lobster" as a noun is consistently linked to reproductive potential. In the examples in the previous paragraph, though, it is shown as a modifying noun, with reproductive potential still being the main object. The lobster, and its mating, have been removed, with only a small trace of their being remaining.

The use of reproductive potential in all of the plans examined also keeps the power of the Canadian state firmly in play: "In this way the focus on species survival and extinction deflects attention from the need for political action on behalf of the oppressed where their survival as a 'species' is assured through reproduction or, indeed, breeding" (Kappeler 1995, 348). Ideas about reproduction for the lobster stem back to biologically determined identities and their protection that has been previously discussed. The use of reproductive potential also shows that the lobster relationships at play do not matter, unless they are to keep the fishery going. What is even more concerning is how 'reproductive potential' is actually understood:

14. "While the reproductive potential of the offshore lobster has been preserved, the actual reproductive level and proportion of total egg production from Gulf of Maine complex remains unknown. More information on the lifetime egg production of females and overall population size is needed to determine this." (Government of Canada 2020a, 19)

In Example 14, 'reproductive potential' is kept separate from 'reproductive level' and 'total egg production.' This links back to euphemism and other linguistic devices, with 'reproductive potential' being used to show the possibilities for the economy, but successfully backgrounding the actual relationship of the lobster in reproduction. Example 14 highlights this with the separation of the terms, since the realities of reproduction are not as high as the hopes for the economy with 'reproductive potential.' The use of 'reproductive potential' removes agency from the plan, and continues the lobster identity as a resource. By consistently linking reproduction to potential, it also backgrounds any understandings on inter-lobster relationships in the plans. The biologically determined identities of lobster build into the understandings of reproduction within the fishery, which ultimately get linked to the lobster's overall identity as a resource. Moving away from using only biologically determined identities would allow for lobster creation of their own identity, providing an agency that they are not currently allowed through their use as a resource, upheld by the rights narrative of Canada. The identity as a resource under a rights paradigm will be explored in the next section.

5.2 Lobster Identities and the Rights of Resources

The previous section looked at the findings surrounding the constructed identities of the lobster. It also began the discussion of how most of these linguistic practices ultimately built into the framing of the lobster's use as a resource. This constructed identity stemmed from mainly destructive discourses, which can be understood to remove agency from the lobster. This section will explore the possibility of moving past these destructive discourses, to determine if the lobster can stay identified as a resource and have agency, and how this might work in a rights-based system. This will centre on looking at how the lobster, and others, have been erased in these systems, and if the lobster can truly be re-minded in the fishery's management plans as the system stands now. As a capitalist state, Canada relies on its resources for its continuous growth. As a settler-colonialist state, its rights-based governance

system also has a hairy history of misuse and abuse. These issues, and how they ultimately relate to the lobster identity as a resource, will be explored here.

5.2.1 Canada as a Resource Desiring Machine

Simpson (2019) has argued that Canada as a state has functioned as a resource desiring machine through initial colonial means, along with the continuation of settler-colonialism. This has happened across the country, and is especially pertinent to the creation of the identity of the lobster as a resource, and where the destructive discourses creating this identity come from. In Chapter 2, I explored the creation of the fishery and its use of the lobster as a resource, and how this ultimately stemmed from market requirements and capitalistic growth (Government of Canada 2020a; 2020b). I also examined the genocidal history of Canada in regards to the Indigenous populations, and the link of the Mi'kmaq to their traditional lands which the Nova Scotia LFAs now occupy. There are two competing fields of thought here, surrounding the commodification of nature and the framing of genocide. Both help to explain how the lobster would continue to be considered a resource, or an object with no agency, in the Canadian state, even if it were to gain rights, as has been shown through the findings of the CDA.

One of the tenets of capitalism, the economic system that Canada is present and participates in, is a need for endless growth. This has become an obstacle in the path of this capitalistic apparatus, as the Earth has finite resources. As more and more living creatures, like the lobster, are turned into resources, their reproduction is heavily observed and protected, in order to keep this resource as renewable. 'Green economies' have attempted to rectify the separation of growth and finiteness within capitalism and the Earth, through efforts to value nature (Sullivan 2018; 2017). Natural capital is approached as an:

> exterior, measurable and (ac)countable matter of fact, sharing definitions along the lines of the Forum that 'Natural Capital can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things' from which 'humans derive a wide range of services, often called ecosystem services, which make human life possible'. (Sullivan 2018, 48) [Referring to the World Forum on Natural Capital and definitions supplied there in 2015 and 2017].

Since the creation of the lobster fishery in the late 19th century, the lobster has been seen as natural capital in Canada, and has been valued accordingly. However, the approach to whole

system valuation, i.e. seeing the entire Atlantic Ocean as a resource to be valued, is quite new.

Natural capital has become increasingly prominent, from the valuation of specific resources like the lobster as they arose, to new committees such as WAVES (Wealth Accounting and Valuation of Ecosystem Services) through the World Bank Group that plan to value whole Earth systems. Political ecology has noted this and found some alarming trends, such as the aggregate model, where damage in one area can be made up for by protecting other areas (Sullivan 2018). Programs for carbon offsets such as REDD (Reducing Emissions from Deforestation and Forest Degradation) are proponents of this model, since it tends to allow for business as usual in one area, with the understanding that a forest protected in the other areas will make up for it. Political ecology has continuously seen this sort of valuation and aggregate modeling as detrimental to natural environments, as well as the Indigenous people that have called these lands home (Fairhead, Leach, and Scoones 2012). The valuation of this nature, and direct accounting, however, is "an inherently territorializing activity" (Mennicken and Miller 2012, 20). The lobster as a resource, if it continues within a system of direct valuation, will not provide any agency for the lobster within this system of use. Instead, it will be increasingly commodified and objectified, with an assumed continuation of the destructive discourses identified previously. The commodification of the ocean will also increase the territorializing activity of Canada's resource desiring machine, leading to the continued promotion of genocide within the settler-colonial system.

One of the primary concerns within political ecology of the valuation of nature is what Fairhead, Leach, and Scoones (2012) called 'green grabbing', and the removal of Indigenous groups of people in order to fund resource extraction in profitable areas. The natural resource extraction present here becomes a part of what Dunlap (2021, 215) refers to as the 'genocide-ecocide nexus':

> The post-liberal approach recognizes the evolving and generational processes of genocide/ecocide; the various (insidious) modalities of killing (e.g. social death, deprivation/starvation, assimilation/self-management); the economization of control and its productive and energy conscious technologies geared towards regimenting/harnessing life as opposed to direct extermination.

Through the commodification of nature, there are values that have been instilled within the governments and companies, and these are repeatedly used to allow for this nexus. Terms

such as ‘conservation’ and ‘sustainability’ make up these ‘green’ values (Crook and Short 2021). They were also heavily present throughout all of the plans examined, and used as prominent reasons for the management of the lobster. These destructive discourses lead to erasure of the lobster, by turning it into a resource with only a trace of the being at its core remaining. These discourses also overlapped with the management by the government of Canada of the Mi’kmaq, and can be seen as destructive for this group as well. In the forward of the Inshore Fishery Management plan, it is stated that:

> This IFMP is not a legally binding instrument that can form the basis of a legal challenge. The IFMP can be modified at any time and does not fetter the Minister's discretionary powers set out in the Fisheries Act. The Minister can, for reasons of conservation or for any other valid reasons, modify any provision of the IFMP in accordance with the powers granted pursuant to the Fisheries Act. (Government of Canada 2020b, 2)

Conservation of the lobster resource can allow for a limitation of rights to fish, which was a prominent complaint within the creation of the Moderate Livelihood fishery in the fall of 2020 (Pannozzo and Baxter 2020a; 2020b; Baxter and Pannozzo 2020). This narrative can also help to explain the inclusion of Western scientific and ‘green’ value specific language, within the whole Earth system dialogue surrounding the gift of the lobster in the Mi’kmaw produced documents (Unama’ki Institute of Natural Resources 2007a; 2007b). The commodification of nature and its overlap with settler-colonial genocide in Canada forces these groups to uphold the prominent discourses found within Canadian resource management, as dictated through capitalistic territorialization.

One company, Clearwater Seafoods, had until recently a complete monopoly of the Offshore Fishery. They easily moved into this space of capitalism with resource extraction, as their utmost goal was profits, and adapted to many of the ‘green’ values found in the government of Canada’s discourses in regards to resource creation. Within their *Sustainability Kitfolder* document (Clearwater Seafoods Limited Partnership 2020), they promoted a slogan of: “remarkable seafood, responsible choice” (1), and stated that: “Sustainability is a core business value embedded in Clearwater’s culture and expressed throughout our mission, strategies and values. Stewardship of our resources is not only good for business, we see it as our personal and corporate responsibility” (2). They said they were able to fish and promote these green values, as: “Clearwater participates in fisheries operating under rights-

based fishery management systems which promote responsibility and long-term investment in healthy oceans" (Clearwater Seafoods Limited Partnership 2020, 4). Clearwater Seafoods is benefitting from the rights they have been granted by being a corporation in Canada, and have fallen within the dominant worldwide view of 'green' values within capitalism. What is missing is how these rights have benefited groups that aligned with the state, but harmed those that fell outside of the dominant paradigms. In Nova Scotia, these can be seen as both the Mi'kmaq and the lobster.

This dichotomy relates back to the ecocide-genocide nexus. As discussed in Chapter 2, the use of the term genocide for what has happened to the Indigenous peoples of Canada is controversial, but a reality, since cultural genocide is genocide (see Short 2010). The genocide-ecocide nexus and resource desiring machines in Canada work together to control the land and oceans, and are present in the destructive discourses that remove non-human animals, like the lobster, as well as humans most closely tied to the land and nature, like the Mi'kmaq. Even though Mi'kmaw ontologies were present in some of their documents, they were still tied to capitalistic 'green' values and rights-based discourses in Canada. The Canadian state and corporate produced documents did not even acknowledge these other ontologies, so the assumption can be made that the destructive discourses and language used to create them will continue in a rights-based system centred on a Western ontology. However, there are still the possibilities for positive discourse construction for the lobster through a rights-based approach. One way to do this, within systems that are already present through Canada, is through a multi-governmental approach to the Rights of Nature, which provides an opportunity to discuss rights as presented outside of the identified discourses related to resource creation and the lobster.

5.2.2 The Rights of Nature

When I refer to the Rights of Nature here, I am not referring to the species-specific rights that were prominent at the onset of Human-Animal studies. Those are Western-rights specific, with many problematic uses, which will be discussed more heavily in Chapter 6. What I am referring to here is a system of rights tied to Indigenous epistemologies and ontologies, where respect for whole Earth systems is not commodified, but each natural occurrence is viewed as a living subject (Kauffman and Martin 2018). Governments have begun to adopt Rights of Nature legislation since 2006, with findings that: "These legal provisions reflect emerging global meta-norms regarding humans' relationship to (and

obligations toward) Nature that challenge dominant anthropocentric development norms" (Kauffman and Martin 2018, 43–44). While they are expressed differently depending on the legislation and government in each country, they share some standards and are largely based on Indigenous ontologies of nature.

Canada has had one successful Right of Nature case, on the Magpie/Muteshekau Shipu River in Quebec (Hessey 2021). It has been constructed through two parallel resolutions, by the Innu Council of Ekuanitshit, the local Indigenous people, and by the regional government of Minganie, the municipality the river is located in the Côte-Nord Quebec. Both resolutions grant the Magpie/Muteshekau Shipu River nine rights:

> 1) The right to live, exist and flow; 2) the right to respect its natural cycles; 3) the right to evolve naturally, to be preserved and to be protected; 4) the right to maintain its natural biodiversity; 5) the right to maintain its integrity; 6) the right to perform essential functions within its ecosystem; 7) the right to be protected from pollution; 8) the right to regeneration and restoration; 9) the right to take legal action (Vega Cárdenas 2021, para. 3)

River guardians will be established to protect the rights of the river, and moves the river from an identity of an object to a subject, by applying legal personhood to it. This is similar to other functional uses of the Rights of Nature doctrine, which has been applied to prominent cases for the Whanganui River in New Zealand (Rodgers 2017) and Ecuador's Constitution (Kauffman and Martin 2018). Both of these cases employed Indigenous knowledge to the application of Rights of Nature, as has been done within Quebec for the Magpie/Muteshekau Shipu River.

In regards to the lobster, ecosystem level rights could be transferred to the habitats they live in, as well as themselves, and would be conducive within Mi'kmaw knowledge and their own beliefs in animism (Robinson 2014). The application of personhood in this manner holds up different rights than initial cases for legal rights put forth by Regan (1983) in Human-Animal Studies, as they prevent the hierarchical interpretation that have plagued these rights. They also do not risk alienating Indigenous groups, as they are built within Indigenous legal traditions and foundations. The Rights of Nature doctrine also allows for a system of use to still remain, but switches how use is acquired: "Assigning rights to nature doesn't mean it's untouchable, but rather, as Vega Cárdenas explains, industry will have to shift its approach from a pay-to-pollute system to one in which industry must pay to restore

an ecosystem or not be granted a permit to pollute at all" (Hessey 2021, para. 62). While exciting, this paradigm shift is a long way from occurring on the East Coast of Canada for the ocean systems the lobster is a part of, so the possibilities for positive discourses and the language that could be applied are hard to examine. It also has yet to be examined if the Rights of Nature doctrine would continue the paradoxes of rights seen in Western legal systems as argued by Brown (1995), since a Western legal approach is still including in codifying these rights into law. Nonetheless, in order for the lobster to be part of a Rights of Nature system in Nova Scotia, its identity as a resource must change. Feminist theory and Indigenous ontologies through narrative agency give the opportunity to allow for a relationship-created agency and understanding of the lobster, which would be the base needed within the fishery before a wide-spread application of the Rights of Nature could be applied. Luckily, they have also started to appear in the only positive discourse found in the language used surrounding lobster identity: that of a gift. These possible identity constructions will be explored next.

5.3 Lobster Relationships through Lobster Identity

"My hope here is to move from identification - also known as that process through which we say what is what, like which dolphin is that over there and what are its properties - to identification, that process through which we expand our empathy, and the boundaries of who we are become more fluid, because we identify with the experience of someone different, maybe someone of a whole different so-called species."

'Undrowned', Alexis Gumbs (2021, 23)

The identity creating discourses within the fishery management plans stemmed from a direct understanding of the human lobster relationship, which, within the fishery, was one of resource and user. Identity creation also examined some inter-lobster relationships, but these stopped at reproduction, as defined by resource management. Resource management within a rights-based discourse is inherently part of The Genocide Machine in Canada, and continuing with the identity of lobster as a resource will not allow for agency within a system of use. However, the Rights of Nature begins to see a different paradigm for human and nature relationships, with the inclusion of Indigenous ontologies that base legal governance within relationship promoting identities. This final section will explore ways of creating different lobster relationships through a queering of the lobster and narrative agency. This

approach promotes a change in identity that would lead to a different human and lobster relationship through the fluidity that Gumbs calls for and, therefore, a different fishery.

5.3.1 Queering the Lobster[13]

The lobster was presented within the documents analyzed as having a biologically determined identity. This does not necessarily have to be the case, as queer theory has argued regarding humans. It also has an important application to non-human animals, in order to upset the constructed resource identity of the lobster and its necessary accomplice, reproduction, and the erasure that stems from these destructive discourses. As first analyzed by Butler (1988), gender identity within humans is created through a performance, and is not something determined based on sexual organs that a human is born with. This has been expanded through queer theory to highlight the importance of different human experience, and to move away from lab-created labels and identities. As seen through the analysis, this has not been the case for the lobster. The biological sexing of the lobster is a fact that has been used to uphold its identity as a resource and object. Applying feminist thought and ethics to non-human animals has been widely unpopular, both within Human-Animal studies and feminist theory. In fact, this has led to even further dichotomies within the fields (Birke 1995; 2010): there are humans, and there are non-human animals. This universalizing is a huge contributor to speciesism and the created hierarchy of species through rights-based approaches (Kappeler 1995). Does this separation need to be so stark?

As I first examined, the lobster is not just a resource; in some epistemologies, especially those of the Mi'kmaq, the lobster is a gift, signalling a level of kinship between humans and lobsters. The lobster also does not need to be biologically sexed, as has been done throughout the plans: it could very well have constructed genders. Or, there could be a removal in the language used of the emphasis on sex for reproductive purposes. Birke and her co-authors have already begun to link these fields, by identifying a type of performativity in our

[13] One concern I do have about understanding lobster gender versus biologically determined lobster sex is that I feel that the theory is operating under an assumption that gender and queering are accepted within human spaces. This could not be further from the truth, as seen with the recent uproar in response to the 2022 victory by Lia Thomas in NCAA (National Collegiate Athletic Association) swimming, where she competed as a trans female athlete. Ron DeSantis, the governor of Florida, tweeted out a response recognizing the second place swimmer as the champion, and stated in an included letter that he "disapproves of the NCAA elevating ideology over biology" (DeSantis 2022). The biological determinism debate has not been settled on the human side of the created dichotomy, so assuming that it can be easily applied to the non-human animal side would be naive at best. Nonetheless, I still believe and affirm that applying this theory to the lobster is important to understanding its agency within fisheries and the ocean.

understanding of animals, similar to the 'queering' first identified by Butler, that they have termed animaling. The theory can be seen as foundational for lobster gender:

> Like queering, 'animaling' is a discursive process, operating between these human/animal conjunctions (thus no longer across the border of those who use speech and those who do not). For example, how the term 'animal' operates will differ between a human-and-guide-dog dyad, and (say) a human-trapping-rats dyad; the relationship between human and non-human is very different in each case. (Birke, Bryld, and Lykke 2004, 170)

This idea of relationships between humans and non-human animals is central to feminist care theory. However, the concept of animaling allows for an understanding that the identity of the lobster is a performance guided by socio-cultural constrains within the settler-colonial fisheries of Eastern Canada. The fluidity of gender, as understood for humans in feminist theory, needs to be applied to lobsters and their identities. Leaving lobsters in a passive, scientific, void of discourse will never allow them to gain any agency within the fishery. While queering the lobster could upset the economic paradigm, it still risks being identified as only a resource. Other ontologies present new identities for non-human animals, and will be discussed in the next section in their relation to identity creation through narrative agency.

5.3.2 Narrative Agency and Identity Creation

Traditional Mi'kmaw stories of hunting show a direct engagement with the animal, and have been described as a conversation that occurs between the specific animal and hunter (Hornborg 2016). This conversation is intended to highlight the reciprocal nature of hunting, and the common element of the animal giving itself as a gift in the hunt (Robinson 2016; Hornborg 2016). The lobster identity was also presented as that of a gift in two Mi'kmaw management plans (Unama'ki Institute of Natural Resources 2007a; 2007b), both produced in Unama'ki, and was seen as a positive discourse for promoting agency of the lobster. In order to create a new relationship, these elements of reciprocity and specific identities of individual animals must be looked at. Anthropological theory has explored the gift identity of non-human animals heavily, and acknowledges that many ontologies centre on beliefs that these animals give themselves to humans. However, they have also treated these "conceptions of animals and human–animal relations as 'cultural constructions,' implying that they are purely symbolic or metaphorical, rather than real" (Nadasdy 2007, 26). I mention the possibilities of theory treating the identity of gift as euphemism earlier in this

chapter, but pointed out that this framing would not be beneficial to the analysis. By regarding these ontologies as metaphor or euphemism, it is, once again, placing the Indigenous communities as an Other, and also setting up the relationship with the lobster to only be built through a Western paradigm.

Decolonial theory, as seen through Nadasdy's exploration of northern hunting communities and practices, calls for a radical acceptance of the beliefs of these practices. Within the fishery, the lobster is giving itself as a gift when it is being fished. This identity must be acknowledged and accepted as real, in order to move forward with the lobster having agency within the fishery. It should also be presented in management plans that are not Mi'kmaw created, a possibility through co-management techniques, such as the Mi'kmaw technique of Two-Eyed Seeing (Reid et al. 2020). This would need to be done in reality, and not just as lip-service, as Nadasdy (2007) cautions has been happening in Canada's near North for years. Co-management will not be successful if it does not allow for a new relationship between the human and lobster. This chapter has found that this can be done through an understanding of the identities created with the application of positive discourses.

Gift identities, and the reciprocal nature they support, lead to a prominent idea within ecolinguistics and decolonial theory: the agency of nature can stem from the way that nature is allowed to tell its own story, or having a narrative agency (Iovino 2015). Ecolinguistic analysis has specifically centred on the stories told through text, and how narratives and stories have been built through the discourses, lexical choices, and grammar used (Stibbe 2014a). Therefore, if the lobster can be a part of the story of use where it has control and power, such as gifting itself within a fishery, it can have narrative agency. Most of the examples of Mi'kmaw gift ontologies are presented as stories, where the non-human animal was its own unique character (Hornborg 2016). Narrative agencies help diminish the homogenization that comes from the creation of identities within colonial centric systems, such as eurocentrism or anthropocentrism (Plumwood 2002). While the lobster can give itself as a gift, and this identity can be an important part of its narrative and agency, it can also outsmart the fishermen, or outright resist them.

Animal resistance is seen throughout history, with the Kluane hunters own tales of wolverines outsmarting them (Nadasdy 2007), seals escaping the seal hunt in the Canadian Arctic (Chang 2020), or even the long standing narrative of Moby Dick, the whale that a human captain, Ahab, must exert revenge on for biting off his leg. Lobster resistance was

not presented in the documents analyzed, as this narrative would not have fit into the controlled nature of the resource, or the attempts to hide waste within death in the resource management of the system. Lobsters do fight each other, though, and an understanding of these fights, how they take down each other, and how they get out of the traps at the bottom of the ocean, will be imperative for the development of a narrative agency within these plans. Narrative agency will subsequently allow for lobsters to have agency while being in a system of use, since they determine their own use. Lobsters are gifts, and lobsters also resist; these identities are not at odds, but part of the story that makes them unique *and* kin.

If lobster identity is reconstructed as one that the lobsters themselves control, they could subsequently take this agency to greater lengths, and become not just kin, but an ally[14] to Othered communities, specifically on the East Coast of Canada. This thought follows along the lines of feminist care theory, that understanding oppression that stems from the patriarchy will promote the consideration of oppression from other sources. More simply put, "animals are also victims/survivors/resisters of colonial capitalist violence who are struggling to survive"(Chang 2020, 43). The lobster as kin, and the relationships being built surrounding the differences, can lead to the lobster as an ally. The lobster as an ally to the Mi'kmaq, and an understanding of the possibilities of the relationships there, would help to change the standards brought around by commodification of nature and the ecocide-genocide nexus. If an understanding of genocide has become anthropocentric in nature (Dunlap 2021), one of the clearest ways out of this trap is to see non-human animals as not just agential actors, but as allies to other groups.

Seeing humanity as superior is impossible if a newly minted sentient creature is not just a resource, but an ally in a fight, able to resist and reciprocate in interactions with itself and other species. However, a creature's alliance will not be beneficial for either if no one cares about it. While some ontologies allow for an understanding of inter-lobster relationships, this chapter has been largely dedicated to observing how they are not present in the management plans analyzed, and that identity is only understood through a utilitarian human construction. Giving narrative agency to lobsters and seeing their actions as within the

[14] The use of ally has sometimes been argued to part of an "ally industrial complex", working within capitalism where allies in non-profits advance careers through the struggles they are supposed to be working against. While this is not my intent, another word that might be more suitable is accomplice, as direct action is needed to overturn these power structures ("Accomplices Not Allies: Abolishing the Ally Industrial Complex" 2014). However, I have continued to use ally as I feel that term can be more widely applied than accomplice, which is the desire of the possible identity being examined here.

system stem mainly from a human relationship, but would also lead to more agency for the lobster, by an increased focus on the individual.

5.4 Summary of Lobster Identities

In the previous section, the identity of the lobster has been examined, and how an understanding of *what* the lobster is has been created through the differing management plans surrounding the East Coast lobster fishery. The two main identities of the lobster were discussed, with resource eclipsing gift; however, this did relate to differing ontologies and the creation of the identity within the plans, which was also linked to the pronoun use throughout. This led into a subsequent discussion on biological determinism within lobster identities, and the importance of applying feminist theory to Critical Animal Studies in order to not miss out on the split between the human and non-human animal world created by these assumptions. A final discussion looked at the commodification of nature through a rights-based system, and how that would not lead to agency within the current system, even if the plurality seen in the Rights of Nature was deemed promising. Instead, understanding different ontologies and the identity of the lobster as one of gift, resistance, and ally would lead to more narrative agency for the species within fisheries.

Ultimately, I argued that through the identity constructing discourses present in the plans analyzed, the lobster could not have agency within the capitalist system in Canada, as it was an object of use. Destructive discourses had been thoroughly employed to create the lobster as a resource, and erase it's agency by leaving just a trace of the being. However, there were possibilities found in documents more closely entrenched in Mi'kmaw ontologies that created an identity for the lobster of a subject within a fishing system. These positive discourses stemmed from a relationship instead of rights-based acknowledgements of this, would lead to the lobster as an agential being in a fishing system. Even though identity of non-human animals is a newer field within ecolinguistics (Stibbe 2014a), the direct impact of language on non-human animal death has been studied and can help to show how a change in identity, as discussed within fisheries management plans, can greatly impact the lobsters agency.

6. Lobsters Aren't Immortal: Highlighting Lobster Death

The identity of the lobster in Eastern Canadian fisheries is created with one purpose in mind: the lobster's death. The construction of the identity, or animaling[15] (Birke, Bryld, and Lykke 2004), of the wild lobster is purposeful, so that its death, at my own hands at times, does not seem as traumatic, or symbolic. In fact, the lobster has been so distanced from its own death, that in the management plans that are created with the utmost purpose of killing lobsters, it is rarely explicitly mentioned. This might not seem that profound, as the death of lobster in the Maritime Lobster fishery is somewhat assumed. They are being fished to be eaten, implying that their early demise is inevitable. Does it really need to explicitly state that they are being killed? Or should the fishery just hide the slaughter of non-human animals, removing the disgust we would feel if the fishery centred around human death, or even an animal more "closely" (in a biological sense) related to us?

In this section, I continue to argue that the identity of the lobster as a resource is a destructive discourse, and leads to the erasure of its death from the fishery, not in a literal sense, but in a euphemistic sense where death is present but not addressed. Within death, I will argue that while a system could be promoted to remove the death entirely, because of the development of settler-colonialism, this will continue to alienate groups dependent on the lobster, like the Mi'kmaq, in the continuous cycle of genocide stemming from the resource desiring machine in Canada (Simpson 2019). In this chapter, discussion of the Mi'kmaq will stay pertinent, as ignoring their own plight within the system that has created the lobster as an object will not lead to full agency for either group.

This chapter will first examine lexical choices surrounding death found in the documents, and examine how the capitalist system has fully erased the death of the lobster for economic gains, mainly through masking the death in a similar manner to the animal industrial farming complex (Stibbe 2014b). Then, there will be an examination of how important the fate of the lobster is, and how this death should be addressed, with specific attention to the possibilities found in a rights-based system. Finally, I will address my main argument stemming from my research question, *How does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?* Even though the

[15] 'Animaling' is a term that relates back to Judith Butler's (1988) theory of performativity, and is a used in a similar way to their term 'queering' and how spaces and actions create these different identities (Birke, Bryld, and Lykke 2004). Further discussion on this concept can be found in Chapters 3 and 5.

capitalist system has removed the agency of the lobster through the erasure of its death, the elimination of all fisheries will further damage the Mi'kmaq and the lobster in the settler-colonialist system. By adjusting the language used to apply that of positive discourses, the lobster can still have death within a system of use, but how it is accepted will need to change. Reciprocal relationships, and their understanding of death, will instead be examined to promote a fishery that is not a part of the Canadian commercial system, but also does not alienate the groups entangled in it and, ultimately, *can* provide the lobster with agency.

6.1 Discourses of Death

When using a Critical Discourse Analysis (CDA) to dig deeper into the terminology surrounding death, different stories abound and the lobster consistently appear: as waste and resource, a harvest and a fish, a cannibal and a spoilage. These terms and stories relate to various discourses of death, that can especially be understood through a linguistic analysis and theory developed in Critical Animal Studies (CAS) and anarchist political ecology.

While going through the analyzed plans following Gee's methodology (2011), one of the main themes that continuously surfaced was the lexical choices used throughout all of the analyzed plans to explain the purpose of the lobster, and how this purpose led to its subsequent death within the fishery. Lexical choices around death have been studied previously within ecolinguistics and CAS. Stibbe (2001; 2003; 2017) produced one of the original analyses on this topic, looking specifically at oppression in the animal product industry. Later work showed that most of this was done through erasure as masking, which is a summarized expression meaning that the non-human animal has been erased by being denatured, and therefore the image created in the industry masks the reality of what actually occurs (Stibbe 2014b). Another way of phrasing this is known as distancing, which occurs in most animal product industries to separate the relationships of the human and non-human animals (Kompatscher and Heuberger 2021). Notably, this work has been tied into and replicated in Critical Animal Studies, and the works of Singer (1975) and Regan (1983), to show how CDA could use the emancipatory actions of animal rights activists to overcome these oppressions constructed through language. Jepson (2008) also completed a CDA analyzing the power of humans over non-human animals through their deaths, establishing that humans felt empowered to kill non-human animals, and used language to push the negative feelings surrounding this topic to the side. These instances of language use were compared with the language employed around killing humans, and had some glaring

differences that highlighted the oppression of non-human animals within their death. Ultimately, most of the conclusions centre on raising critical language awareness (Fairclough 2014), with the requirement that humans must change how they address non-human animal death in order for these deaths to begin to matter.

Examining death can be further brought into theory with CAS as employed by linguists, but also anarchist political ecology and decolonial theory. As both anarchist contributions and political ecology are working to remove injustices and oppression, theory from these groups is especially relevant to understanding how lobster and other non-human animal death is talked about in the lobster fishery management plans analyzed. The plans do not just rely on Canadian-state-imposed language, but some also pull from Mi'kmaw epistemologies, constructing very different linguistic choices and, therefore, relationships with the death of the lobster and other non-human animals throughout the documents. Anarchist political ecology allows for an examination of these different cultures and epistemologies (Springer et al. 2021), while decolonial theory further incorporates different ontologies and prevents the researcher from Othering a different group instead. What follows is a look at different dichotomous terms used around lobster death, and how these play into larger anti-colonial systems, animal rights, and the created hierarchy of species within Western society.

6.1.1 Harvesting vs. Fishing

One of the first apparent dichotomies in the documents analyzed surfaces around whether the people participating in the Maritime lobster fisheries are *harvesting* or *fishing* the lobster. This might seem obvious, as the plans are constantly referred to as *fishing* plans created for *fishermen* in the *fisheries*. However, even when taking a quick precursory glance of the titles, discrepancies already arise, with one, the *Acadia First Nation 2019/20 Netukulimk Fish Harvest Plan* having the word *harvest* in the plan's name. Within the plans, *harvest* and *fish* are used interchangeably:

1. "Multiple *harvesters* (more than one) may conduct *fishing* activity from a single vessel provided the maximum number of traps does not exceed the total of 70 traps per individual." (Potlotek First Nation 2020, 30) [italics added]
2. "Clearwater's approach to *harvesting* wild, sustainable seafood includes: Responsible *fishery* management and practices." (Clearwater Seafoods Limited Partnership 2020, 3) [italics added]

3. "Licences are available to core *fish harvesters*, charter boat operators and Aboriginal groups." (Government of Canada 2020b, 9) [italics added]

This is also not a new turn in the discourses and language surrounding fisheries; one study found that the term harvest has been used for the removal of wild stocks since the early 19th century (Bohnsack, Grove, and Serafy 2020). This does leave some questions though: are the terms interchangeable, and does the removal of non-farmed fish through harvesting (instead of fishing) have an impact?

The Merriam-Webster online dictionary categorizes harvest as both a noun and a verb. The noun's definitions centre mainly around crops and agriculture, with only definition 3b reading as: "the quantity of a natural product gathered in a single season" ("Harvest" 2022). The verb definition starts with "to gather," but also includes "catch, hunt, or kill (salmon, oysters, deer, etc.) for human use, sport, or population control" ("Harvest" 2022). Based off these definitions, harvest is within the bounds of correct word choice, and, as a lexical choice, should not technically be classified as metonymy, euphemism, or another instance of word change. Nonetheless, these definitions have been created through the historical use of the word when referring to wild stocks, such as the lobster populations being managed in the fishery plans examined. Ultimately, while now considered correct use, *harvest* has replaced *fish* as an euphemism in order to hide death, and the management of it, within these fisheries.

Euphemism as a literary device in relation to CAS and ecolinguistics is mainly used when a word that is considered more mild, or even positive, is used to replace "an entity or event considered distasteful or repugnant" (Jepson 2008, 131). *Fishing* here is interesting as it does refer directly to what is happening in the fishery–the fishermen are looking for the fish. However, historically it has grown to become a more objectionable term, due to its direct relation with the removal and death of fish. *Harvest* as a euphemism creates an entirely different relationship with the animals being taken, and has been noted as problematic, especially in regards to aquaculture (or fish-farming) vs. wild-stock fisheries (Bohnsack, Grove, and Serafy 2020). The historic transition of its use to that of harvest shows that, when removing large quantities of species from a location, it is better for the psyche to interpret it as a wholesome practice than the death of a living being.

Harvest as a euphemism for death has also become more common in hunting spheres. It is used in an attempt to relate the death from the hunt to something more natural (McWilliams

2011), creating a relationship between the person killing and the non-human animal being killed. Around the 1940s, hunters began to use the term as an application to killing land animals, where a relationships concerned hunter, Zander, says he wants a quick death as not to harm the animal, and describes this with an interesting use of the word harvest*:* "'I don't really want it [the hunt] to be evenly matched, I'm there to *harvest* my food ... I don't want to take a chance with [a weapon that is] under-powered or questionable'" (McWilliams 2011, para. 3) [italics added]. The conservation minded hunter, like Zander, only hunts in an attempt to harvest their food, even as they know they must create a hierarchy where they use a weapon that is sure to kill the animal (McWilliams 2011). The use of harvest by the hunter attemptis to create a relationship with the animal, but also softens or hides its death. While the violence of a hunt is considered separate from the harvesting of farmed animals, or the harvesting of fish from the ocean, it shows the lengths this euphemism has been applied historically.

If *harvest* is a euphemism, only referring to the *fishing* occurring as happening in a *fishery* should solve these problems surrounding death. However, the term fishing is consistent with a worldview of human supremacy that turns lobster into a resource under a fishery (Crist 2019). In fact, fish (and, in this case, lobster) is commonly used as a modifier of nouns (fish stocks, lobster stocks, lobster reproductive potential, etc.), which returns to the erasure of the non-human animal with only a trace left, as seen in Chapter 5 when the lobster was turned into a resource and not identified as a living being. Being a modifier distances the fish and leaves them on the periphery, and the term fishery is possibly even more harmful: "the erasure is taken even further with the expression 'fisheries' …, where the fish themselves remain in the morphology of the word, but just a trace within a large commercial operation" (Stibbe 2014b, 596). Harvesting is an euphemism that masks death, while fishing is an erasure that leaves only a trace of the lobster. What are the possibilities of moving forward?

Discussions of lexical choices so far in this thesis have shown some clear boundaries between Mi'kmaw epistemologies and those put forth by the settler state (see 5.1.1 Gift vs. Resource). With the harvest and fishing debate, though, this is not the case. Every document examined referred to harvest in some manner, either calling fishermen harvesters, calling fishing harvesting, or referring to the landed and obtained fish as the harvest. In fact, in an examination of meat by Mi'kmaw academic Margaret Robinson (2016), she consistently uses the term harvest when referring to traditional hunting stories: "Once [the Moose has been] killed, the traditional *harvester* lays a circle of tobacco around the moose and says a

prayer in gratitude for the earth's offering" (6) [italics added; originally in "*Tiam*. Mi'kmaq Ecological Knowledge: Moose in *Unama'ki*" by Lefort et al., 2014]. However, when she goes on to talk about the possibilities of in-vitro meat and growing meat in labs in comparison to a traditional reciprocal relationship in hunting, she says: "If the mechanisms by which sacrifice is construed—the moose permitting themselves to be caught—is removed from the equation, and moose meat is grown and *harvested*, will our relationship with our food, and with the moose from which it originates, still be grounded in respect and gratitude?" (13) [italics added]. I would argue that the use of harvest in both of these places shows that, while it is sometimes used to invoke a relationship with the non-human animal being killed, it has also been used as euphemism, and its use in the fishery is detrimental to understanding the death of the lobster as it is happening.

One of the strongest arguments put forth against replacing the term fish with the term harvest stems from the latter's ability to hide waste that the former would be unable to do (Bohnsack, Grove, and Serafy 2020). For this reason, *harvest* is ultimately a destructive discourse that makes death more palatable, whereas *fishing* is a more ambiguous discourse to use, as it does address the death of the lobster, it just needs further separation from its construction within a capitalist system. However, if the whole system were to change, *harvest* could then become a positive discourse, as the relationship building capacities of it have shown; it would just require an acknowledgement of the individual. This once again points to the problem of not just how the language is employed, but how the worldview it is used in changes its application. The capitalist machine and hierarchy constructed within settler-colonial Canada does not only create, and then exhaust, resources and vulnerable populations, it then moves on and leaves the waste to these vulnerable populations to clean up (Hird and Zahara 2017). The anthropocentric ideals that have helped create this hierarchy actually rely on a separation of these resources from their wastes (Saldanha 2020; J. W. Moore 2017). Within fisheries management plans in Canada, the lobster has become a gift that could have an honourable death, but much more often a resource with an implied and passive death. These deaths relate to many elements of waste with resource-driven capitalist systems, once again created by the word choice used within the plans around the practices surrounding lobster fishing.

6.1.2 Waste vs. Death

While *harvest* and *fish* are used to refer to the whole fishery, there are possibly more harmful discourses surrounding death and waste within the capitalist system, which impact our

understanding of the lobsters agency as it is used within this system. These lexical choices are summarized in two main phrases: *landed lobster* and *discarded by-catch*. Both phrases are attempting to distance the reader of the plans from the death they imply, and create a reality where lobster are not wasted when, in fact, an unknown (and possibly high) number die at sea. This section will explore erasure and distancing within death and waste, and how the identity as a resource, as described in Chapter 5, inherently forces this distance within the resource driven system of Canada.

Landing Lobster

Landed lobster is a lexical choice that has developed due to the use of the term harvest. Landing essentially refers to the lobster that have made it to land, after being removed from the ocean system. While other lobsters may die in the fishery system, only the ones that make it to land, or have *landed*, are counted as removed from the fishery; the other deaths are not counted (Knapman, Blyth-Skyrme, and Addison 2019). This further sets up the euphemism that is harvest, since only those lobsters that make it to land are successfully harvested. These lexical choices allow for the waste in the system to be hidden, and actually creates a void for the other deaths that occur at sea. Erasure by creating a void, where the non-human animal is not even acknowledged, is common in classical economics in regards to eliminating consideration of ecological problems (Stibbe 2014b), and is seen here as a remnant of the creation of the lobster as a resource.

The ability to hide this waste within the term *landings* has had a direct result on practices within the Eastern Canadian Fisheries. One of the complaints made in the *Eastern Canada Offshore Lobster 4th Surveillance Report* by the Marine Stewardship Council (MSC) goes as follows:

> CSLP [Clearwater Seafoods Limited Partnership] also brought to the attention of the audit team that they were issued with a formal written warning for failure to submit logbooks in the fall of 2018. The quality of the lobsters was poor at this time and, in accordance with licence conditions, soft, cull, and oversized lobsters were being discarded and no catch was being retained. The vessel hailed in and reported there would be no landings. (Knapman, Blyth-Skyrme, and Addison 2019, 12)

This excerpt is astounding, as the whole argument (which, it must be noted, is accepted by both the MSC and DFO) for not stating the landings immediately is that, in fact, there were zero. No lobsters made it to the land, so there was no harvest. Subsequently, a

misunderstanding about if a logbook entry was needed ensued, even though the previous sentence mentions that there was a catch, it was just not retained. *Landings* as a term allowed for the complete hiding of the lobster who were lost, or wasted, at sea.

This passage, and the use of *landings* for kept lobsters, continues the previous argument for harvesting working as a euphemism for fishing. It also propels the argument laid out after, that terms used at sea act to distance and fully erase these accidental deaths, or wastes, within the resource desiring machine (Simpson 2019) that is the fishery. It also continues lexical arguments found within CDA methodology; namely, that words and word choice leads to direct actions. There is little data provided on what happens to the caught but not landed lobsters, but within the MSC audit, a letter from the Ecology Action Centre (EAC) stated that: "spot checks by C&P [Conservation and Protection] showed that dead and weak lobster and parts of lobsters represented an extra 25% of the weight of the total catch" (Knapman, Blyth-Skyrme, and Addison 2019, 38) [from EAC letter]. Using the term *landing* when referring to the harvest covers up what happens to these lobster, and removes lobster deaths from the total lobster count:

> While the population of lobster are healthy, the underreporting of full mortality of lobster due to illegal fishing practices over the years by the client is a concern and indication that the client has not represented the information from the fishery fully. It is very wasteful practice for a fishery looking to achieve a sustainability certificate from MSC. (Knapman, Blyth-Skyrme, and Addison 2019, 38) [from EAC letter]

Landings allows waste, and wasteful death, to be hidden within the fishery. The waste is not always hidden, though, and is oftentimes distanced through directly used other terms, like *discarded by-catch*.

Discarded By-Catch

What happens to the lobster that is not landed? If their death is completely voided and not counted, does the possibility of waste even get acknowledged? The term used to describe these lobsters, and found throughout the Lobster Fishery Management plans produced by the DFO, is that of *discarded by-catch*. This refers to lobster and other fish that are caught while harvesting lobster and for various reasons are put back into the ocean. Ultimately, they do not make it to land and need to be hidden within the debris of the fishing, so are excluded from the harvest. Fish incidentally caught are usually discarded due to a lack of fishing licences, and discarding lobster is seen as an important conservation measure within the

fishery: “Discarded lobsters are generally expected to survive and the release of undersized lobsters, along with the release of berried and v-notched female lobsters, is an important conservation measure in the fishery” (Government of Canada 2020b, 73). In fact, in Chapter 2, it was examined how fishermen have consistently argued that these conservation practices are better than those of minimum catch sizes imposed by the government (Corson 2005). If the discarded fish are a part of maintaining the resource system, are they really waste?

Here, *discarded* is used to promote an important practice that protects fisheries and lobsters. *Discarded by-catch*, for both lobsters and other fish species, creates an emotional detachment from what is actually happening in these instances of attempted conservation: the lobsters are being thrown back into the ocean, and oftentimes dying from the stress caused by these actions (Unama’ki Institute of Natural Resources 2007a). This is an example of distancing from the possible waste within these fisheries management plans. Kompatscher and Heuberger (2021) identify distancing as one of the elements of the relationship between human and animals that have led to anthropocentric practices. They define distancing as: “us[ing] different words for equal (or analogous) human and non-human concepts. Such usage creates an emotional distance between the species, usually putting us in a superior position and indirectly justifying our exploitative behavior” (2021, 262). A human being *discarded* would be intolerable, and we would ultimately use terms such as assault, attack, or even murder around these relationships. This wasting is heavily examined in anarchist political ecology, and can be seen as a form of pollution caused by colonialism (Liboiron 2021). This distancing has been created by a top down colonial mindset, that is being applied to fisheries and the lobster at large in Eastern Canada.

The possible death of the lobster within discarding is snuck into another sentence in a DFO produced document: “Data on discarded lobster (soft, culls, undersized, berried, v-notched, jumbos) provides information about the efficiency of the fishery and potential implications for post-release mortality” (Government of Canada 2020a, 64). *Post-release mortality* could be seen as another way of distancing from death, and is snuck in without an agent of the death. This ends up working as a diluted and backgrounded reference to the possible death of the lobster from discarding, and is ultimately presented as a side effect of the social good of the “efficiency of the fishery”. This shows how the waste created by the lobster fishery has been circumvented to continue to promote lobster resource use.

Discarded by-catch is a term that is not as prominent within the Mi'kmaw produced documents. In the *Netukulimk Livelihood Fisheries Policy and Protocol*, *discarded by-catch* is replaced with *incidentally caught*: "The harvester is required to return incidentally caught fish that are not intended to be used for food or bait" (Potlotek First Nation 2020, 31). The return of these incidentally caught fish implies a different understanding of this resource, with return signals a level of care in how these lobster and other fish species are placed back into the ocean. It is much more palatable to return a friend to their home than discard them. In the *Unama'kik Jakejue'ka'timk Food, Social, and Ceremonial Lobster Fishery Management Plan for Unama'ki 2007-2008* and *Tetpaqiewanej Jakejk: Let's Take Care of the Lobster*, concern is expressed for the high levels of mortality caused by the stress put on the lobster during handling when being returned to the sea. They note an "increased mortality during handling,"(Unama'ki Institute of Natural Resources 2007b, 18) and even include pictures of how to properly fold up and place a lobster back into the water, to protect it from stress and losing eggs as it returns to the sea floor (Unama'ki Institute of Natural Resources 2007a, 6). Showing a human hand in direct care for the lobster reverses the distancing created by calling these species *discarded by-catch*, and emphasizing the connection between "mortality" and "human handling" also decreases this distance.

Reducing the distance between lobster death and incidental capture and return to the sea of the lobster is important, but is not enough if these instances of lobster handling are still referred to as *discard*. The *Offshore Lobster and Jonah Crab-Maritimes Region* Plan actually states that, "minimizing the capture of undersized lobsters is desirable for the efficiency of the fishery as well as to minimize the stress and injury that may result from handling" (Government of Canada 2020a, 40). Mortality, the capture, and handling are all tied together here in this sentence. However, previous instances of distance fully negate this attempt at a stronger relationship, and means this example does not add to the overall agency of the lobster within the document. The distancing of the death and reaffirming resource identities leave no agency for the lobster, as it is just a larger part of the machine in search of resources on the East Coast of Canada, a remnant of the colonialist system it was created in. Instead, the stress of this for the "efficiency of the fishery" (which was mentioned twice in regards to waste) removes the lobster back to the level of resource, with its by-product being possible waste in the name of efficiency.

Wasteful Systems

A retort to the analyzed data depicting the differences in our view of lobster mortality when treated as discarded by-catch vs. the landed lobster could centre on the fact that, once again, we are discussing a fishery where lobster death is eminent. Either we should just keep all of the lobster caught, or accept that there will be accidental deaths within the fishery. The lobster is a resource in this system of use, so this death could even be understood as a part of its identity. However, these accidental deaths tell the story of how waste is necessary for resource management within settler-colonialist societies, and how the hierarchy created separates the resource from the waste, even when both things are living beings, like the lobster.

Capitalism, with the help of colonialism, has intended to keep the waste of its exploits out of the immediate sight of Western society. Alexander Zahara and Myra Hird (2016) take an in-depth look at the intersections of postcolonial studies, Critical Animal Studies, and waste studies in Canada's far North. Settler Canada, as it expanded North, kept its independence from nature as an important part of the hierarchy and control it was imposing on the region; this ultimately would replace Inuit traditional relationships with the non-human animal. Regulating and removing Indigenous ontologies has become the norm in the North, with instances of both attempting to remove gift relationships (such as the campaign to end the seal hunt[16]), and companion species relationships (with the killing of tens of thousands of qimmiit, or sled dogs[17]). The sanctions on sealing ultimately led to mass poverty and food insecurity within Inuit populations in the late 20th and early 21st centuries, while the killing of the qimmiit is a "'flash point' of colonial trauma" (Zahara and Hird 2016, 179), that was done, according to the Canadian government's argument, in the name of Northern safety.

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[16] The seal hunt is a traditional practice of the Inuit in Canada, which came under fire in the second half of the 20th century after a Greenpeace supported ban on sealing in 1976. PETA (People for the Ethical Treatment of Animals) has also led anti-seal campaigns in the early 2000s, which led to the European Union banning commercial use of seals. This has greatly impacted the economics and food security of northern Inuit people, and led to a "#sealfie" campaign that attracted the ire of many in Hollywood, including Ellen DeGeneres. It has ultimately been concluded that the hunt met sustainability standards and should continue, but the damage has already been done to Inuit culture and livelihoods in Canada's North (Arnaquq-Baril 2018; Zahara and Hird 2016).

[17] The "Ordinance Respecting Sled Dogs" was enacted on January 20, 1949, in the Northwest Territories, to allow for the culling of sled dogs (qimmiit) in the name of safety and security of the north. Dogs could be killed if they were found loose in communities, which they were traditionally allowed to be, and the newly sedentary lifestyles imposed by the Canadian Government on the Inuit led to less use and relationships with the qimmiit. Killing the qimmiit teams also made hunting impossible for the Inuit, leaving more resources available for Southern Canadians, and creating an available, year-round Inuit workforce (Zahara and Hird 2016).

Ultimately, "the colonial rhetoric of safety and security, which scholars have argued is commonly used to justify both neoliberal governance regimes and state violence, was, and continues to be, employed by Canadian Government officials to legitimize expansion throughout Canada's North" (Zahara and Hird 2016, 183). Even if the lobster was pulled into a more rights-based protection, its use within this governance that granted it rights would most likely still result in waste, replicating the systems of genocide and injustice. Moving away from these colonial systems, and promoting a decolonial and relationship-based approach to non-human animal relationships is important to stop the hiding of these wasteful systems.

The East Coast fisheries suffer from the same regulation of waste and the colonial project as the Northern communities, but are also in more contact with the state apparatus. The North is still seen as an area for Canada to conquer and exploit, while the East Coast is seen as a place to maintain the resource management that has increased the prosperity of the eastern communities. These fisheries have suffered greatly from overexploitation and waste in the past, at the beckoning of the colonial project, with the most prominent being the collapse of the Cod fishery off the coast of Newfoundland in the 1990s[18]. These wastes could continue to develop if the fishery system stays within the colonial resource development project of Canada, progressing ultimately with an anthropocentric legacy that will impact human and non-human species alike (Hird and Zahara 2017). The holistic approach seen through *landing lobster* vs. the *discarded by-catch* emphasizes a settler saviour approach to the environment, which can hopefully be dismantled through relationship-building theories, such as total liberation ecology, or Indigenous ontologies.

Some of the management plans attempted to change how waste was treated, while still working within a system of fishing. This was mainly done by using Mi'kmaw epistemologies that avoid the anthropocentric tendencies of the government produced documents (and even some Mi'kmaw documents produced in this vacuum). Anticolonial waste methodologies show that centring these relationships with the land, or in this case the ocean, oppose *terra nullius* and colonialism within Canada (Liboiron 2021). *Tetpaqiewanej Jakejk: Let's Take*

[18] The biomass of cod in northern Canadian waters was found to drop by 93% over the span of 30 years of the fishery, from the 1960s to 1992. A moratorium was imposed in July of 1992, and the stocks have never rebounded, leaving the moratorium in effect today (Higgins 2009).

Care of the Lobster shows the most prominent examples of this within its recommendations for lobster handling and fishing:

1. "To prevent lobster from being wasted, protect them from wind and rain" (2007a, 8)
2. "Band lobster so that they do not damage one another" (2007a, 10)
3. "Handle gently and treat with respect" (2007a, 8)

If lobster that is accidentally caught continues to be handled and then thrown unceremoniously back into the ocean, fishermen and those consuming the lobster will be able to keep this wasteful death truly distanced from their own psyche with the use of phrasing like *discarded by-catch*. Instead, a relationship needs to be developed between these two groups, tying handling and mortality together, to prevent these wasteful deaths. Lobster death will not stop being subjected to waste if the fisheries continue to operate in a settler colonial, state controlled paradigm, which a rights-based approach to protecting the lobster would ultimately be forced into.

The previous sections have focused on the findings around lexical choices within the documents examined, and how they have consistently worked to hide death of the lobster in the fishery. The two documents examined that were produced by the DFO, the *Lobster Fishing Areas 27-38 Integrated Fisheries Management Plan* and the *Offshore lobster and Jonah crab - Maritimes Region* Management Plan both focused on erasing the death, aligning the lobster as a resource, and distancing from the waste within the capitalist system. Ultimately, the lexical choices employed created destructive discourses that removed any agency from the lobster, and even erased the lobster as a whole being in some instances. The documents produced by the Mi'kmaq ranged in their identities of the lobster, as well as their hiding of the lobster death within the system. Overall, there was a more direct connection between the fisheries and death, but carried down settler-colonial paradigms prevented moving too far away from this created status-quo. When separated from these paradigms, however, these discourses were largely positive, and showed the creation of a direct relationship with the lobster, as well as care about its death within the system. Despite these discourses, the vast majority of times that lobsters were explicitly mentioned as dead were found in the MSC report, and brings us to our final section on lobster death within the documents: when lobster death was explicitly mentioned, it was not done without motive, but not necessarily to protect the individual deaths.

6.1.3 Death with a Purpose

The most explicit mentions of lobster death are actually found in the document produced by the MSC, the *Eastern Canada Offshore Lobster 4th Surveillance Report*, an audit of Clearwater Seafoods that took place in 2019. Even though not a management plan, this document appeared in initial searches as important to analyze, since it brought in different viewpoints (the MSC as well as two environmental groups, the Ecology Action Centre (EAC) and the World Wildlife Fund (WWF)), and was a direct response to a fishery violating Canadian law. Since the previous examples have centred on hiding death to promote the settler-colonial and capitalist system that runs from the top-down in Canada, it was important to see how a monopolized, state supported, fishery run by Clearwater Seafoods that was in violation of the laws would be treated, and how these documents would treat the lobster.

As explained in Chapter 2, Clearwater Seafoods was found to be in violation of the lobster fishery's "72 hour rule". This rule was to stop the leaving of lobster traps (set and unset) on the floor of the ocean for more than 72 hours, to prevent discarded bycatch and possible "spoilage of catch" due to a "prolonged soak time." These euphemisms, while heavily present in the MSC audit, also started to appear alongside a more explicit term: *cannibalism*. Some examples of the use of all three phrases are listed here:

4. "Prolonged soak time demonstrated high lobster mortality / cannibalism. Other species such as groundfish (including SARA species) also impacted." (Knapman, Blyth-Skyrme, and Addison 2019, 8)
5. "While acknowledging C&P discretion of a 'few days' for unsafe weather or other events that prevent checking of gear, EAC concerned that extended soak times result in higher bycatch, including SARA species (northern and spotted wolffish), increase risk of NARW and turtle entanglement, lobster cannibalisation." (Knapman, Blyth-Skyrme, and Addison 2019, 9)
6. "The DFO manager of the fishery gave an impact statement during the sentencing of CSPL stating: 'the conservation concerns associated with the retention of lobster and other bycatch in untended traps left and in addition to the predation and spoilage of any catch left by any traps the increase potential for gear loss and gear conflict. All of these issues are still at play even if the traps are left unbaited and with the escape panels removed.' (from court proceedings)." (Knapman, Blyth-Skyrme, and Addison 2019, 38)

7. “The fishery is not required to report these, nor parts of lobsters that would have been cannibalized more frequently with longer soak times.” (Knapman, Blyth-Skyrme, and Addison 2019, 37) [From EAC letter]

“Spoilage of catch” and “prolonged soak time” relate back to the lobster identity as a resource and the wasting of death within resource systems. These are further examples to erase the waste that is in the system, and are therefore destructive discourses in regards to the agency of the lobster. However, *cannibalism* is the first lexical choice for lobster death that can be shared by human death. When *cannibalism* is used, an immediate understanding of a species eating members of their same species, a death that is highly frowned upon in Western societies, enters the imagination. Jepson (2008) identifies significant differences between human and animal death in texts, mainly that animal deaths lack: “information about the agent, the reason for the killing, the patient (except that the patient is an animal), or the speaker’s attitudes” (137). This has held true for the previous deaths, but has switched with the inclusion of *cannibalism* in the MSC audit.

One option for this is that cannibalism is used for lobster since it’s presumed that its use will not tie to the emotion assumed when human cannibalism is talked about. It actually puts the unsettling parts of death, Jepson’s (2008) agent and reason for the killing, on the lobster, even if it is ultimately associated with Clearwater’s practices while fishing. Only the EAC explicitly stated that there could be a causation, while the first instance supplied by the MSC just used the verb “demonstrated” to link the Clearwater practice to the cannibalization of lobsters. Cannibalism was used not to provoke emotion, but instead because it was the most direct and accurate term to describe what was happening within the lobster traps left at sea. While the nature of the term cannibalism does start to provide some agency to the lobster by acknowledging its death, the lack of emotion and ties to human actions leaves this use as an ambiguous discourse. Ultimately, the death is addressed, which is good, but no real agency is given to the lobster in the death, or acknowledgement of a human actor in the lobster death. However, the letter from the EAC contained other explicit mentions of death, implying that the mortality linked to cannibalization might be less ambiguous, and in fact are possibly a part of a call to action against Clearwater Seafoods and to protect the lobster.

The MSC audit includes some of the most highlighted instances of lobster death within any of the documents examined, with the deaths being an assumed result of human practices. Examples of this can be seen here:

8. “to review for information on discarding lobsters, e.g. proportion of discarded lobster that are alive/dead” (Knapman, Blyth-Skyrme, and Addison 2019, 15)
9. "The client’s claim that they were tending their traps properly and, therefore, reporting their lobster catch accurately is not correct. The MSC assessment report relies on studies showing 11-17% lobster discarded in this fishery. The information does not state whether these are live lobsters or dead or parts of lobsters." (Knapman, Blyth-Skyrme, and Addison 2019, 38) [from EAC letter]
10. “Further, spot checks by C&P showed that dead and weak lobster and parts of lobsters represented an extra 25% of the weight of total catch.” (Knapman, Blyth-Skyrme, and Addison 2019, 38) [from EAC letter]
11. “However, the audit team notes the EAC’s concern that it is not always clear if discarded lobsters in the ECOLF [Eastern Canada Offshore Lobster Fishery] are live or dead.” (Knapman, Blyth-Skyrme, and Addison 2019, 48) [brackets added]

The EAC letter included in the audit report had the most direct mentions of dead lobster, and the two MSC examples were in response to this letter and its inclusion to the audit. The EAC letter is attempting a call to action, with most of their letter centring around the unreported death of lobster by Clearwater, and the leniency Clearwater had experienced by the Canadian state and MSC audit. They want the MSC to oppose limits on Clearwater and not recertify the fishery, and use the death of the lobster as part of their argument. Their intention was clearly stated at the start of their included letter:

> The weight of evidence shows a history of the client not being fully transparent about the fishery throughout the certification process. Therefore, assurances by the client alone should not be considered sufficient evidence now of changes to the fishery’s practices. Monitoring and reporting evidence over a season at least that provides hard data to prove the fishery is now compliant with the law should be required before the certificate is reinstated. (Knapman, Blyth-Skyrme, and Addison 2019, 32) [from EAC letter]

As we talk about the language used and discourses surrounding the agency of the lobster in all of these plans, it has been heavily discussed that removing their death from the fishery has been a quick and easy way to remove their agency within the fishery and the Canadian state, leaving them as the financially important resource that it is easy to plunder. Adding in death to the system might, then, provide agency while still working within the system of use.

In fact, these direct calls to action and mentions of death by the EAC *did* have a result. The MSC directly responded to the lobster death, and included a new condition for the monitoring of the discard, including for dead lobster. This shows that the removal of the erasure of death, or, the re-minding (Stibbe 2014b) that lobster death is occurring, can act as a strong positive discourse in regards to how the lobster is treated in the fishery. Within CDA, the concept of critical language awareness can focus on adding emphasis to these issues of death erasure and how the discourses applied negatively impact the non-human animals in use: "critical language awareness has the potential to undermine discourses by revealing their hidden ideological assumptions, thus taking away the power that implicitness gives them" (Stibbe 2003, 386). Some examples have been created for pig farming, such as calling bacon instead pig flesh, or replacing farm animal with enslaved non-human (Dunayer 2001). While these terms are drastic changes that have been accused of being too politically correct, referring to dead lobsters as being dead is less so, yet still caused a change in recommendation for the fishery management.

However, we will be unable to determine if the inclusion of death in the system with an acknowledgement of the waste will be enough for the lobster to be considered an agential being within the commercial fishery. Sadly, the Maritime Offshore Fishery (what Clearwater Seafoods fishes through) pulled its application for certification from the MSC in 2019 (Acoura Marine 2020). No reason was given, beyond "The fishery is not proceeding to re-assessment" (Acoura Marine 2020, 1), so the impacts of tracking lobster death within the waste will not be seen. Nonetheless, this examination of the lexical choices shows that giving lobster death elements of an agent and a reason for killing could give the lobsters more agency within the fishery, and hopefully move away from hierarchical and state controlled management of these fisheries.

Throughout this analysis, even as I have discussed the lexical choices pertaining to death, it has still been assumed that the fishery will remain and lobsters will, in fact, continue to die at the hands of humans, and for human consumption. Nonetheless, critical discourse theory as seen in ecolinguistics shows that the language used in the documents creates the reality for the non-human animals. This was seen in the previous findings, with many examples of distancing and erasure that have created destructive discourses surrounding death. However, there has also been the inclusion of other ontologies that show how a different identity of the lobster, and an emphasis on its death, could lead to a different level of care. This level of care creates the lobster as an agential being that had a relationship with the humans using it,

and is therefore considered a positive discourse. On top of this finding, one of the documents examined did directly acknowledge the death of the lobster, which resulted in a recommendation to change the management of this species. This change meant its death would result in less waste, showing that acknowledging death within documents can positively impact how the non-human animal is used. The question remains then, is caring about these deaths enough, or is the only way to give lobsters agency, and a life, by removing the whole fishery? The next section will examine the possibilities for including the lobster as an agential being within a rights-based system, and what that would mean for the language of use surrounding death.

6.2 Can a Lobster with Rights still be Fished?

It has been established that, if we are fishing lobster, there is an assumed death at the end. While the language used within the management plans leads to different practices and understandings of the politics in regards to lobster death, there are still questions within Canadian society of how to kill the lobster, along with how we treat the death of other animals. Through the applied ecosophy, an anarchist political ecological analysis will help us parse through the debates brought up by animal rights and speciesism through a hierarchy of animals, which will lead us to question if a state-sanctioned fishery is even an option if we want to acknowledge the agency of the lobster.

6.2.1 Sentience and Animal Welfare Laws

In November 2021, the lobster was declared a sentient being (Birch et al. 2021). Being declared a sentient being impacts the lobster in two meaningful ways: (1) it opens the door to incorporate the lobster into animal rights laws, and (2) it changes how fisheries, restaurants, and others should approach the death of the lobster. The report *Review of the Evidence of Sentience in Cephalopod Molluscs and Decapod Crustaceans* defines sentience as: "the capacity to have feelings, such as feelings of pain, pleasure, hunger, thirst, warmth, joy, comfort and excitement" (Birch et al. 2021, 7). It also has clear recommendations for both of these points, mainly that killing must be done in humane ways with electric shock and then a quick knife cut by a trained professional, and that lobsters must be incorporated into a country's animal welfare laws to allow for protection during handling and transport within the fishery, sales, and restaurant industries (Birch et al. 2021). Within an ecolinguistic analysis, this could be seen as a way to promote a positive discursive change. The report does, however, still support a commercial fishery within the capitalist system it has

developed within, which an ecosophy focused on oppression through the application of power in language cautions to be wary of.

Sentience and the subsequent inclusion of non-human animals in human justice systems through animal welfare laws is a heavily debated topic within Critical Animal Studies. Sentience is considered enough in most instances to have a non-human animal included within animal welfare law (Francione 2006). However, being incorporated into law does not always lead to substantial changes for the animal. It is often seen as property still, as discussed earlier with the idea of the lobster as a resource vs. a gift, and an emphasis is only placed on not enacting undue suffering to the animal while killing and using it (Francione 2006). While incorporating non-human animals into laws has been an important part of Human-Animal studies since its inception, many proponents are starting to question if it has led to more animal rights, or just regulation. Lynda Birke discusses the Animal Welfare Act in the UK, the same one that the report *Review of the Evidence of Sentience in Cephalopod Molluscs and Decapod Crustaceans* is hoping to get the lobster incorporated into:

> Attempts at legislative reform, such as the recent Animal Welfare Act in the U.K., are no doubt in response to changing political and social mores: public opinion is now less supportive of some uses of animals. But, of course, nothing much changes, because the law cannot challenge the fact of those uses. Thus, Britain may have one of the most highly regulated systems in the world regarding the use of animals in laboratories. Yet as critics have often pointed out, this simply means that animal use is regulated; the fact of animal use in painful experiments remains unchallenged. (Birke 2009, 5)

Anarchist political ecology recommendations focus on how incorporating the lobster into the state apparatus leads to further anthroparchy and control, as well as "'anthroprivilege' that guides human morality in ways where we enjoy and maintain advantages that other species do not benefit from" (Springer, Mateer, and Locret-Collet 2021, 6). These ideas of anthroparchy and anthroprivilege also play into the passive, utilitarian language of identity and distancing discussed previously when it comes to lobster death in the Maritime Fishery. If the lobster is still being used essentially as it has been within a system that did not provide it agency, it can be assumed that gaining rights might offer some protection from pain, but will ultimately not lead to agency.

Canada does not have a specific Animal Welfare Law, but instead includes animal rights in the criminal code of Canada, with sections 444 to 447 being dedicated to animals. These include regulations for not killing animals that are kept, not causing unnecessary suffering, and prohibiting animal fighting. There is also a separate section fully dedicated to cetaceans (whales or dolphins) but no other animal groups (*Criminal Code* 1985). While conducting my research, I had noticed throughout the documents that they included information from Canada's Acts, specifically *The Fishery Act*, and including the wording verbatim was important, and obviously essential to getting the plan approved. As the first moderate livelihood plan approved, the *Netukulimk Livelihood Fisheries Policy and Protocol* included verbatim details on lobster trap size and gear that it is depicted in the fishery act; the same was discovered to be true in the *Acadia First Nation 2019/20 Netukulimk Fish Harvest Plan*, meaning that Mi'kmaw produced documents for these fisheries still required state sanctioned language to be approved. Canada has not updated the status of the lobster to a being that is sentient, even though it is part of the Commonwealth and would be expected to do so after the United Kingdom. When/if it does, it is assumed that *The Fishery Act* and subsequent plans will also need to be updated, continuing the anthroparchy that is preventing a real relationship with non-human animals, such as the lobster, in Canada from forming.

The Maritime lobster fishery plans and their hierarchical inclusion of Canada's Acts show how easy it is to use language to pull something into a law to gain it rights, but instead can lead to increasing regulation and no agency for the being. Critical language awareness could help, especially if calls for critiques of anthropocentrism and the commodification of nature are met with critiques of speciesism and the commodification of non-human animals (Gažo 2021). Closely linking death of the lobster to the death of the human also mimics the findings of care theory in ecofeminism (Adams and Donovan 1995), which is why an emotional element to understanding non-human animals would be important, even if the whole state apparatus is overthrown. While the lobster has been regulated extensively, and its death fully distanced from humanity, this is not actually the case of all animals in Canada. Some have surfaced as agential beings through rights-based discourses applied to their use, which most commonly is seen through a hierarchy of animals and their perceived closeness to humans.

6.2.2 Hierarchy of Animals: The *Species At Risk Act*

Throughout the Maritime lobster fishery management plans analyzed, the lobster was not the only animal discussed. Humans made up a massive portion of the discussion, but other

non-human animals also made their way into the documents, grammar, and regulation. Many – mainly those that were fished in other fisheries – were quickly distanced from, with labels such as discarded bycatch or bait. However, some non-human animals stood above the others, creating an obvious hierarchy within the documents. These fell into two overlapping groups: mammals, and animals protected under the *Species at Risk Act* (*SARA*).

Humans are mammals, so the closeness felt with this group is consistent with one of kinship. The other group are animals protected under *SARA*. *SARA* became law in Canada in 2002. Through it, a separate group of wildlife experts and scientists, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), identify threatened and endangered species, and then help produce conservation measures for these groups. The *Act* came into power after Canada made commitments under the United Nations Convention on Biological Diversity (Canada 2008). When addressing the power of *SARA*, the plans examined add heightened significance to these animals: "A number of marine species are considered to be at risk within Canada. Ensuring protection and promoting recovery of at-risk species is a national priority" (Government of Canada 2020a, 41). Calling the protection of these species a national priority has the exact opposite effect of referring to incidentally caught fish as discarded bycatch: it brings humans closer to these non-human animals and, incidentally, brings those identified under *SARA* under further state power – which was already done when the *Act* was created. However, it is important to note that the grammar and words used are continuing to produce this reality of the Canadian state. *SARA* animals are closer to humans, and therefore their death is important. The lobster is far away, so its death is not.

This intersects with arguments against valuation in anarchist political ecology (Clark 2021), as the Canadian state has created a full hierarchy of animals within their *Criminal Code* (with the separation of domestic animals, other animals, and cetaceans) and *SARA*. This hierarchy of animals is sometimes referred to as a form of speciesism, which results in the oppression of some non-human animals more than others, and should be met with total liberation ecology (Springer 2021). While *SARA* is mentioned throughout all of the documents, some of the most explicit examples appear in the MSC's *Eastern Canada Offshore Lobster 4th Surveillance Report*. This directly relates back to section "6.1.3: Death with a Purpose", where it was found that acknowledging death with the language used made people care. The following instances of explicit *SARA* and mammal deaths are used as reasons for suspending Clearwater's MSC licence (which did not happen, but was the intention). These examples

help determine the hierarchy that has appeared through Canadian state protection and in the psyche of the nation:

12. "We know that the NARW [North Atlantic Right Whale] population shows evidence of entanglement in over 83% of whales. We also know that most entanglement deaths are never observed." (Knapman, Blyth-Skyrme, and Addison 2019, 39) [from EAC letter, brackets added]
13. "The strings of gear fished by ECOLF are heavy when compared with the inshore lobster or even snow crab gear, which is one reason researchers believe the whales struggle to shed gear when entangled. They are dragged down by it and drown." (Knapman, Blyth-Skyrme, and Addison 2019, 39) [from EAC letter]
14. "First, it is important to point out that an unprecedented NARW mortality event took place during the summer of 2017. Between June 6 and September 15, 2017, 13 incidents involving 12 dead NARWs were reported in the Gulf of St. Lawrence." (Knapman, Blyth-Skyrme, and Addison 2019, 51) [from WWF letter]
15. "Two NARW entanglement mortalities were directly linked to fishing gear from the Gulf of St. Lawrence snow crab fishery for which the MSC certification has now been suspended." (Knapman, Blyth-Skyrme, and Addison 2019, 51) [from WWF letter]

These examples of the mentions of whale death leave a lot to unpack, especially when compared to the lobster's death and its agency within these documents. First, the language used places importance on a minimal amount of whale death, while lobster death, as has been discussed, is distanced and insignificant, even though the number of deaths is vast. The grammar used has successfully signified the importance of these whale deaths, and even unseen deaths since many were unreported. This same application of grammar was rarely used for the lobster, backgrounding their deaths while moving whale death to the foreground of an industry built on the death of the lobster (M. Halliday 1992; Stibbe 2017; 2001; Jepson 2008). These examples are once again providing agents: "Two NARW entanglement mortalities were directly linked to fishing gear" (Example 15); and the reasons for the killing: "The strings of gear fished by ECOLF are heavy when compared with the inshore lobster or even snow crab gear, which is one reason researchers believe the whales struggle to shed gear when entangled" (Example 13). As Jepson (2008) argued, human and non-human animal deaths and the lexical choices were different depending on the inclusion of the use of an agent and a reason for killing. This inclusion brings these whale deaths on par with

human deaths in the management plans. Ultimately, these examples illustrating the death of whales in the plans as compared to lobsters raises the idea of being able to counter this speciesism through an awareness of critical language (Stibbe 2003), calling again for the lobster to not be placed below the whale, but at least have its death talked about in a similar manner.

One final difference that Jepson (2008) had noted about human death was the high specificity that occurred with the lexical choices used. This is seen for the North Atlantic Right Whale, and other whales, in Example 13: "They are dragged down by it and drown". A whale drowning provokes an immediate response by the human reader, something that they can also experience in the ocean, and adds to the despair associated with the deaths of whales. I have been on a boat that hit a whale before, and know the immediate reaction of people when they see these huge animals as something that we can damage: utter anguish. These same people were then eating fish that night. Using the term "drown" to describe the death of a whale is a lexical choice that wants to create an emotion around this death. It can be seen as a positive use of feminist care theory in discourses, but the hidden hierarchy incidentally shows the issues with the language sanctioned by the state. Nevertheless, if we can do this for whales and other *SARA* and mammal species within fishery management plans, can we not do this for the lobster?

6.2.3 Veganism

Whales in Canada essentially stopped being fished when they were incorporated into a rights-based framework, since the legality of the fishing prevented their use and has allowed them to grow as an agential being. In a whole chapter dedicated to how we view the death of lobster in an industry dedicated to killing them, we naturally have to discuss the other option: what if the lobsters are not killed? Would giving them rights of not just a humane death, but rights that prevent their death, provide the lobster agency in a capitalist system? This would subsequently stop their use and leads to larger discussion of the entire fishery as an industry, and different factors that play into this, as well as other oppressions, especially for the Mi'kmaq. While the system as it stands today and its impact on this conclusion will be discussed in section 6.3, in a chapter focused on lobster death, I think it is imperative to narrow in on the other option: lobster life.

Veganism as the only way to interact with non-human animals is the conclusion that can be understood through a rights-based framework (Regan 1983), but is also reached by many

within Critical Animal Studies and anarchist political ecology (Clark 2021; Gažo 2021; Springer, Mateer, and Locret-Collet 2021; Francione 2006; 2020) as well as ecofeminist care theory (Donovan and Adams 2007; Donovan 1996; Birke 1995; Kappeler 1995). Veganism would end the whole lobster fishery, in the promotion of lobster life. Lobster life is also discussed within the plans analyzed– but as an option for the sale of lobsters: "The sale of live lobsters has expanded significantly and this product form has been the mainstay of the industry since the Second World War" (Government of Canada 2020b, 4). Lobster life within these plans only pertained to their success and market value. This should not be seen as shocking, though, since lobster death was also heavily pacified and commodified, mainly due to its created identity as a resource. No matter how we talk about the lobster within the fishery and within the plans, it is still dying if there is a fishery, and still being commodified if the commercial fishery stays intact.

When discussing sentience, Francione (2006; 2020) ultimately concluded that, sentience aside, animal rights and welfare laws would not be conducive to a positive relationship with animals, but instead that they needed to stop being eaten and used. Subsequently, this would promote veganism. Frederike Schmitz brings the animal liberation arguments for veganism into anarchist political ecology, ultimately stating that: "Harming and killing them [nonhuman animals] for food and other benefits can and should be recognized as oppression and injustice. An anarchist's struggle for justice therefore needs to embrace the political aim of animal liberation" (2021, 40). Many other scholars argue that killing and using animals as modern society does continue oppressions created by colonialism and capitalism, and that to successfully end these injustices, we must also end them for non-human animals (Véron and White 2021; Springer et al. 2021; Donovan 1996; Donovan and Adams 2007; Birke, Bryld, and Lykke 2004; Birke 2002; Gaard 2012). This branch of anarchist political ecology that overlaps with animal liberation also begins to overlap with ecofeminism, especially those scholars working with the agency of animals under feminist care theory.

Ending the lobster fishery and the subsequent death of lobster could be an important step in changing the settler-colonialist system that currently is the dominant paradigm within Canada, and would align with possibilities for positive discourses regarding the agency of the lobster. However, while a focus on ecolinguistics means that human oppression over nature is of the utmost importance, in this research, human oppression over other humans cannot be forgotten. In fact, one of Wendy Brown's (1995) original paradoxes of rights highlighted the narrowness of applying one solution for rights and assuming it will work for

all. While this ecosophy focused on the oppression of the lobster and non-human animals, ending the fishery through a rights-based system risk alienating a different Other: the Mi'kmaq. Can a death system centred of lobster relationships and Mi'kmaw ontologies perhaps provide the space for a system of use where the language is adjusted to give the lobster agency?

6.3 Lobster Relationships through Lobster Death

While this chapter has centred on findings that erased lobster death in the fishery, there is a possibility to adjust the language used surrounding the lobster in order to stop this form of oppression. Rights-based approaches can do this, but could also lead to more regulation, or further hierarchies. The other main option, that proponents of non-human animal life over a plethora of theories have concluded, and could also stem from a rights-based approach, focuses on stopping the use of the lobster, and its subsequent death. However, this will continue the alienation of another group that has been Othered surrounding the commercial fishery: the Mi'kmaq. Because of this, I would ultimately identify vegan discourses surrounding death as ambiguous: they work within the ecosophies applied, but are not actually working towards the end of oppression for all humans and animals (Stibbe 2014a). As the relationship-based approach to identity discussion showed in Chapter 5, the lobster can still be in a system of use as an agential being, as long as its use is respected and reciprocated by the language applied. The story surrounding the lobster can still be altered, but requires a change in the language used, along with a transformation of our own story of death. This section will continue the discussion of veganism as a possible alternative discourse to the fishery, but also analyze further discourses surrounding death, and ways to stop the erasure of the lobster while still fishing it.

In order to begin understanding these possibilities, the first thing to do is visit Donna Haraway's *The Companion Species Manifesto* (2003). As a disclaimer, Haraway's follow up to her *A Cyborg Manifesto* (1985) has been met with great amount of criticism from post humanist and ecofeminist scholars alike (Vanderwees 2009). Carol J. Adams (2006), one of the initial academics exploring care theory and non-human animals, has routinely expressed a strong disdain for Haraway's work, repeatedly claiming that her training of dogs and supposed nonvegan habits have kept her in a relationship of dominance that the feminist care ethic cannot support. Despite all of this, I find Haraway's definition of 'companion species' especially enlightening to the relationship of fishermen to the fish, scuba divers to the ocean

ecosystem, and farmers to their fields: "'Companion species' is a bigger and more heterogeneous category than a companion animal, and not just because one must include such organic beings as rice, bees, tulips, and intestinal flora, all of whom make life for humans what it is–and vice versa" (2003, 15). While the lobster is a non-human animal, it has been constantly relegated to one of the lowest hierarchies of the non-human animals. Describing others as non-human animals does not replace this hierarchy. Instead, a larger definition of companion species, which includes all living beings, and an emphasis on the significant otherness of these beings, will do more to promote their agency than uninformed pushes for veganism, even if veganism would have some positive discourses specifically for the lobster.

Val Plumwood continues this conversation within her ontologies of eating when she discusses the animal/plant boundary. Through an examination of ecofeminism and what she deems ethical, ontological veganism, Plumwood dissects the hypocrisy of care theorists and their promotion of equality, while creating a new moral dualism between animals and plants when it comes to ontologies of eating (2000). The lobster is a salient being for this discussion point, since it was just deemed sentient in November of 2021 (Birch et al. 2021), and, if it had been found to not be sentient, might be deemed within moral veganism an edible creature. Therefore, the possible positive discourses of veganism would instead be classified as destructive discourses, and helps highlight one facet of the ambiguousness of these discourses. Adams herself does still identify eating animals as a form of relationship with them: "Flesh eating and veganism should properly be defined as relationships with other animals" (2006, 122). Eating animals and understanding that this is, in fact, a form of relationship, is imperative to critical animal studies and feminist ethics within, and perhaps more aligned with the ecosophy applied here than ending their system of use. Creating a divide between non-human animals and plants does not occur within all cultural constructions, so a shift in language use to a different ontology could help to bridge this gap in relationships.

This duality between caring more for non-human animals than plants is not noted in Mi'kmaq ontologies. In one of the plans analyzed, in fact, it was stated that: "It is the Mi'kmaq way of resource management that includes a spiritual element that ties the people to the plants, animals, and the environment as a whole" (Unama'ki Institute of Natural Resources 2007b, 3). This brings me to another massive concern I have with the promotion of veganism in this thesis, and why I have refrained from labelling it as a possible positive

discourse. The Mi'kmaq have a heavy reliance on the fishery, as both a modern economic enterprise, and a historical entanglement that, if ended, would sever an important cultural-historical relationship that they have preserved. The legacy of genocide against the Indigenous communities in Canada shows the need for always acknowledging these groups in research, in order to promote system change that does not continue to Other them. For these reasons, I think that an emphasis on relationships through new ontologies should be highlighted, and a dismantling of the system that has created the commercial fishery while still Othering the Mi'kmaq, is a more equitable turn than promoting veganism for only the sake of the lobster. Through reciprocal relationships the lobster can be an agential being that is still used in a respectful manner; this will require not a system that further Others the Mi'kmaq, but fisheries not embedded in commodification and capitalism.

Main-stream animal advocacy has worked to protect non-human animals, but this has been increasingly at the detriment of marginalized groups. While it would be easy to conclude that the lobster cannot be fished and have a relationship with when following Western and rights-based ontologies, this would actually have the opposite effect of anarchist and feminist principles opposing oppression. R.D. (2021), an anarchist political ecologist, calls out "'intersectional' animal advocacy as laudable but insufficient for addressing the irreducible and incommensurate profile of white supremacy, settler colonialism and global capitalism" (112), and calls for a new understanding of ontologies and how to "prefigure Indigenous resurgence as a site of critical animal liberation praxis" (112). This has been consistently seen in recent actions in North American animal advocacy.

One of the most prolific examples has been found with the Makah whale hunt. In the 1990s, the Makah, an Indigenous group in America's Pacific Northwest, set out to use their state-ordained treaty rights to hunt the Grey Whale. Heavily protested, different tropes about the Makah abounded, including attempts to use the idea of the 'ecological Indian' as one where the Makah should have a greater understanding of their environment. This set up a dichotomous trope around North American Indigenous populations, of the 'savage Indian', since Makah whaling went against Western scientific environmental recommendations, and because of this, the Makah were a lesser group who needed help to protect their environment (Kim 2020). Claire Jean Kim (2020) delves into this issue, from ecocolonialism, to gendered issues within the hunt (only men hunted traditionally, and that was the plan carried through to the modern era), and the hierarchy of animals, where the non-human animal that was being studied is undeniably at the top in North America (as established in section 6.2.2). Her

dissection of different ontologies around food and relationships with non-human beings is essential to our understanding of the Mi'kmaq and other lobster relationships:

> For Native Americans like the Makah, recognizing the whale's subjectivity, understanding human-whale continuities, and respecting the whale *logically allowed for* hunting the whale. Makah leaders presented an *alternative* ontology that sees animals as respect-worthy and important but still edible. Environmental and animal protectionists did not acknowledge or grapple with this different moral and spiritual understanding of human-whale relations, but simply dismissed it. This attempt to erect a Western framework of understanding upon the elision of a Native one elicited the charge of colonial domination from the Makah. (2020, 52)

When analyzing the identity and death creation within the Eastern Canadian fisheries management plans, it is easy to see how the neoliberal construction of the lobster as a resource has led to an inability to produce a kinship relationship with it. An easy conclusion would be that the fishery should end, and a relationship should be reached of one where the lobster is not constructed as edible. This would be a Western colonialist conclusion, though, removing Mi'kmaw ontologies and desires completely from their interests and kinship relationship within and outside the lobster fishery. The solution, instead, might not be to have the lobster as an object of use, but to have it in a system where its identity becomes that of a subject that is respected and, therefore, can still be used.

The example of the Makah whale hunt works as a way to re-mind language that the whale can be a subject, and be used. Re-minding, as stated previously, is the direct counterpart to erasure, and can work through looking at alternative discourses that are already present in the world, such as Indigenous ontologies (Stibbe 2014b). Another prominent example of animal advocacy having settler colonialist means and ends is found in Northern Canada, with the control of the seal hunt by the government of Canada. Discussed earlier, this contentious issue has been brought about mainly through a collapse of the commercial seal hunt, that, while exempt, destroyed the Inuit sales of their own seal furs. Without the commercial hunt and sales, they lost their market, especially after an EU ban on products that were not Inuit but still ruined the image of the sale of the seals. Darren Chang (2020) compared this to an attempt at a live export ban in Australia, where footage of animal slaughter in Indonesia of Australian born animals had instigated an uproar: "one of the main commonalities between the live export ban and the seal product ban is how both campaigns

portray racialized Others and reproduce them as perpetually barbaric and savage, in opposition to civilized white peoples and states that enjoy unquestionable entitlement to exploit and kill animals" (31). In the case of the Inuit, this framing has actually led them to have to pursue more intensively destructive resource extraction industries, such as the northern diamond mines[19]. The elimination of this hunt also had heavy impacts on waste and resource discourses in the Canadian North (Zahara and Hird 2016), showing that eliminating the fishery would alienate Mi'kmaw ontologies and not actually stop the capitalist system of resource destruction.

Both of these examples have attempted to stop the erasure of the non-human animals in their story, but also the Indigenous groups, by applying Indigenous ontologies. These also create another way to re-mind language of the death (and agency) of the lobster, by not just addressing their death, but our own relationship with death:

> This denial that we ourselves are food for others is reflected in many aspects of our death and burial practices—the strong coffin, conventionally buried well below the level of soil fauna activity, and the slab over the grave to prevent anything digging us up, keeps the western human body (at least sufficiently affluent ones) from becoming food for other species. (Plumwood 2000, 294)

Addressing this denial would allow for the lobster to have agency within its own death. Creating a new relationship with death within Western society would require a new understanding of reciprocity and the land. Glen Coulthard (2014) calls for this new understanding to be defined through grounded normativity, where the land acts to inform ways of life, and Indigenous ways of life interact in ways that are simultaneously respectful and avoid dominating and exploitative practices. Removing capitalist and colonialist systems from the lobster fishery would be imperative to producing a relationship stemming from grounded normativity. An important point to re-iterate here is that, in the plans I have examined, there are overlapping instances of Mi'kmaw and Western ontologies in regards

[19] Canada has developed extensive open pit and underground diamond mines in the far North with the discovery of diamonds in the Lac de Gras area of the Northwest territories in 1991, with the Ekati Diamond Mine opening in 1998 to mine this reserve. While the mines are said to be part of a new era of relationships between the Canadian state, Indigenous peoples, and the environment, this assumption has found to be false and will be a continuation of settler colonization and neoliberal governance as a new way to found resource extraction in Canada. This is due in part to the nature of the projects, where the corporations continue to be more protected than the individuals working in the mines, and that, at their absolute longest, these mines have a lifespan of 30 years, meaning they will never be a sustainable replacement for traditional ways of life (Hall 2013).

to the fishery. There is also substantial support for an increased presence in the commercial fishery by the Mi'kmaq, as seen with the acquisition of half of the Clearwater offshore lobster allotment, and pushes for economically viable moderate livelihood fisheries. I am not Mi'kmaq, and am in fact a settler, so while being cautious about these pursuits, I will follow the advice of Chang (2020) and assume that the Mi'kmaq are working in their best interest for their communities. This does, however, still leave the question of the lobster.

There are substantial obstacles to implementing grounded normativity, which are highlighted by the actions the Mi'kmaq are taking to practice their state-ordained treaty rights. Chang (2020) discusses what he identifies as the two largest obstacles to grounded normativity: (1) a freezing of Indigenous identity in the past through the relationship-building practices and (2) an inability to practice grounded normativity if the capitalist system is not overthrown. The first of these problems is discussed heavily by Mi'kmaw scholar Margaret Robinson (2020), in her own calls for veganism as a form of modern indigeneity and an ending of the lobster commercial fishery. Robinson's ideas play into a bigger emphasis by Tuck and Yang on the use of decolonization as a metaphor (2012), where, it would be assumed, that even with Mi'kmaq participation in the commercial fishery, the fishery cannot be decolonized. Coulthard (2014) takes up this call, arguing that even if a capitalist and colonialist system like the fishery could benefit the Mi'kmaq, it will never lead to total liberation for the Indigenous peoples, non-human animals, and other oppressed beings involved, so, therefore, actions taken must be inherently anti-colonialist and anti-capitalist. In a return to the Makah whaling crisis, Kim shares a similar perspective, and adds that a reciprocal relationship of understanding is needed by animal advocacy theorists, as well as the Indigenous groups at play:

> In this scenario, Makah leaders would not presumptively reduce all alternative perspectives to colonialism. They would take seriously and engage environmental and animal advocates' understandings and claims about both the ecological status of whales and what whales deserve and want […] They would reflect upon the connections between colonialism and the mastery of nature and animals and question whether their own cultural understandings, too, might bear traces of domination (and self-rationalization)[...].They would not need to repudiate their ontology or cultural understandings or tribal sovereignty to consider whether whaling is, all told, a practice worth resuming. (2020, 91)

In my own fears of imposing settler beliefs on an Indigenous group, I have attempted to conduct a project that would side-step this issue and focus in on an animal at the bottom of a colonialist created hierarchy: the lobster. However, the issues of settler colonialism and capitalism are so intertwined in this being, that it is impossible to not acknowledge and avoid this discussion. Relationships with the lobster must be understood through a variety of ontologies, and one strong answer might not appear.

Nonetheless, I can conclusively say that the commercial fishery as it has been created by the Canadian state is not the answer, but that neither is an imposition of veganism on different groups and their own non-human relationships. While positive, destructive, and ambiguous discourses have been found throughout, the clear solution is to change the identity of the lobster, and our own ways of addressing death, through critical language awareness surrounding both issues. The lobster can be an agential being that is still used within a fishery, but a fishery outside the capitalist-colonialist system, not centred on commodification but respect, and where the lobster is a subject and not an object. And this must be done through the language used about the lobster.

6.4 Summary of Lobster Death

This section provided an examination of the second main grouping of discourse surrounding lobster use in the plans analyzed: that of lobster death. Death and life were heavily acknowledged throughout the plans examined, but also successfully erased, distanced, and made passive to allow for humans to feel okay about their use of this non-human animal. Lobster death was also closely linked to waste in various manners, so that accidental death was pushed down the hierarchy of importance. The practices and politics produced by the grammar and language used throughout all of the plans analyzed created these realities, and showed how the different groups of people creating the plans (the Mi'kmaq and the Canadian state) could create different relationships with lobster life and death through how they referred to the lobster. This led into a final discussion of the lobster and its death, and the possibilities of agency with death.

The positive discourses found in regards to death required addressing death, and while eliminating it through veganism would be a way to re-mind others of lobster life, might further oppress other groups, which does not align with an ecosophy focused rejecting oppression at all levels. To be clear, veganism was labelled ambiguous, and could be a successfully applied discourse for those unable to create a relationship with creatures they

are eating. However, greater re-minding of lobster life can be done by pulling from Indigenous ontologies, and accepting our own death along with lobster death as part of a greater system. The last chapter will summarize the findings of identity and death discourses, and look at how the language used by humans interacting with the lobster in the future can be changed to positively promote the lobster's agency.

7. But Seriously, Where is the Lobster? Conclusion

My grandpa grew up on the Atlantic Ocean, further north than the communities I have talked about here, but still connected to the same ocean, and, assumably, the same lobsters. One story of his always sticks with me and has coloured this entire thesis. When he was growing up, the lobster was abundant. So abundant that, in fact, lobster would wash up on the beach, and sometimes get stranded there as the tide went out. His family, and the others in the town, looked down upon eating lobster. If you brought lobster to school for lunch, it was assumed that you had to pick the lobster up off the beach on your way, were scavenging for your food, and could not afford a real lunch. He would always laugh as he talked about this, and joke about how if only they had known the value the lobster would later have.

The species that was so abundant in the 1940s has obviously declined, which was noticeable to him and those that lived in Coin-du-Banc as well. It also explained to me, though, why there was little concern for the fishery from the government, and the waste within. This was a resource so abundant, as long as they kept it within a limit, nature would remain robust (Liboiron 2021). But is nature really just made for our control, to be kept robust for our use? Absolutely not, and this requires an entire switch of settler Canadian epistemologies and ontologies in regards to fisheries and their management.

In this thesis, I argued that the lobster can have agency in a system of use, but that system must be built on one of reciprocal relationships, not the Canadian rights-based system as it has developed. Ultimately, in relation to the research question, *how does the language employed in fisheries management documents impact the agency of the lobster as a being in a system where it is used?*, the key here is that the lobster cannot be assumed as an object in the language, but instead must be treated as a subject. When it is constructed as an object, the lobster's agency is stripped. When it is constructed as a subject, the lobster also becomes an agential being. This cannot happen in the capitalistic fishery that has developed in Canada on the East Coast, but could occur in other fishing relationships. This next section will provide a summary of the findings that led to these conclusions, an examination of areas for future research, and then a final discussion of the future of the lobster fishery on the East Coast of Canada.

7.1 Summary of Findings

There are many ways that the Critical Discourse Analysis I conducted on the Lobster Fishery management plans in Nova Scotia can be interpreted. The breakdown of the research question followed three sub-questions:

1. What are the discourses surrounding the lobster within fisheries management?
2. How do these discourses fit into the relationship-building or rights-based frameworks for non-human animal use?
3. Can the lobster as an individual being have agency within a system where it is being used?

The main thematic discourses found focused on identity creation as a resource, and death within the system that removed agency from the lobster. Within these, there were positive, ambiguous, and destructive discourses identified in relation to the ecosophy used, stemming from a desire to overturn the oppression of the lobster through caring relationships established with it. The three positive discourses were found to create the identity of the lobster of one as a gift, to include language and pictures that focused on a human caring relationship when it came to addressing lobster waste, and to explicitly address the death of the lobster in the system. The most destructive discourses stemmed from the identity of resource that was predominantly created through language that masked the lobster as a living being. This identity directly led to a distancing from death found in most of the plans, along with a full void left by the erasure of waste from the documents analyzed, even though waste is a reality of the system.

Possibilities through established rights-based and relationship-based discourses were discussed, with those continuing from the work of the findings found to be the most positive, mainly creating a reciprocal relationship with death which would stem from the lobster being able to identify as more than a resource, such as a gift (which was present) or ally, and also having the ability to resist the system. Commodification of nature and rights-based approaches to speciesism would continue the destructive discourses already found within the documents. Veganism, which can stem from both a relationship-based approach to the lobster and a rights-based approach, was found to be ambiguous, since it would benefit the lobster, but has a large ability to oppress other groups. These findings and discussion are what have led to the conclusion that the language employed around the lobster does impact its agency, and ensures it can have agency in a system of use, but that the system itself might

need to change to support this. As a final point of clarity, I would like to re-emphasize that these conclusions were made based off of the ecosophy I applied through the Critical Discourse Analysis, that focused on ending oppression for all. Someone else could take a similar look at the language, but apply a ecosophy based off renewable resource extraction (which the lobster arguably is) and see completely different discourse patterns.

This Critical Discourse Analysis looked at nine individual grey matter plans and reports on the fishery, and had findings following along these discourses described. The two government produced documents (the *Lobster Fishing Areas 27-38 Integrated Fisheries Management Plan* and the *Offshore Lobster and Jonah Crab-Maritimes Region*) did not give any agency to the lobster. Since one of these was produced by the company, Clearwater, it can be assumed that more corporate produced documents would not lead to more agency for the lobster either. This was supported by the brief findings from the Clearwater's *Sustainability Kitfolder*. The Marine Stewardship Council documents, while heavily rights-based and stemming from a Western scientific paradigm, created the lobster as a resource still, but did acknowledge its death within a system. This led to one of the few findings where, caring for the lobster and acknowledging explicitly its death, led to changes in the system surrounding the lobster.

One of the largest take-aways from this analysis was that just because a plan was created by the Mi'kmaq, in no way meant it immediately centred the lobster. In fact, in the two band created Mi'kmaw plans examined, the *Acadia First Nation 2019/20 Netukulimk Fish Harvest Plan* for the FSC Fishery for Acadia First Nation, and the *Netukulimk Livelihood Fisheries Policy and Protocol* created for the 2021 moderate livelihood fishing season for Potlotek First Nation, an emphasis was placed heavily on Mi'kmaw signs, systems, and knowledge. Sustainability, netukulimk, and other Mi'kmaw practices did centre a relationship with the lobster. However, when it turned to the management of these species, the language used heavily mirrored that of the DFO created plans, just supplanting who was at the top of the management hierarchy. These plans were created in a vacuum of settler-colonial state control, but do lead to an important point: a plan being created by the Mi'kmaq might still not be right for the lobster.

Luckily, just because a plan is created by the Mi'kmaq does not mean it is wrong for the lobster. This distinction is important, as *all* settler created plans and documents did *not* successfully provide the lobster with agency, or centre it within fishery plans created

exclusively for this species, beyond the brief addressing of death by the MSC. However, the *Unama'kik Jakejue'ka'timk Food, Social, and Ceremonial Lobster Fishery Management Plan for Unama'ki 2007–2008* and its accompanying document, *Tetpaqiewanej Jakejk Let's Take Care of the Lobster* do create a more whole-system relationship with the lobster. They contained the two most positive discourses found as well. One of the first things to note, is that they emphasize caring for the lobster! And this was not just found in the title, but throughout the language employed in both plans, and subsequent discourses presented. These two plans had the most instances of agency building tactics, by crafting an identity as a gift and using pronouns that represented the individual for identity creation. They did not try to hide or distance from death in the system, but instead promoted a caring relationship that would limit the death. While still remnants of the commercial fishery, and having to fit into the Canadian rights-based paradigm, these management plans offered hope for a fishery based on a reciprocal relationship with the lobster, indicating that fishing was not necessarily the problem, but the relationship created through capitalism.

7.2 Areas for Future Research

This study points to two further areas of research on the East Coast of Canada: both for field work focused on relationships of the lobster and humans in the area, and to understanding if co-management could rectify some of the problems in the commercial fishery. The second question has already begun to be studied, and attempts at employing Mi'kmaw ontologies through Two-Eyed Seeing have been examined (Reid et al. 2020). The lack of co-management was also noted in the documents themselves, and was one of the main calls stemming from the Food, Social, and Ceremonial Fisheries:

> Presently, the only reviewers of the FSC fishery are Fisheries and Oceans Canada. Mi'kmaq have little say in how we manage our food fishery and have less responsibility in reporting to our people. A Mi'kmaq advisory process would allow the community to review the management plan, landings, get updates of stock status, integrate traditional knowledge, and play a greater role in the co-management process. This process will link the inherent rights of the Mi'kmaq of Unama'ki to our inherent responsibility for the benefit of future generations. It will also serve as our link to traditional resource management. (Unama'ki Institute of Natural Resources 2007b, 11)

At present, however, there are many issues found within co-management and the creation of the new moderate livelihood fishery. Sweeping assumptions about the benefits of Mi'kmaw co-management should not be made, but should be studied in-depth. This is also pertinent to the continued fishing done by Clearwater Seafoods, now on behalf of the Mi'kmaq.

7.3 The Future of the Fishery

Ultimately, it is not my decision what will happen with the fishery, or if the fishery will lead to more rights for the Mi'kmaq, or if it should be done away with to promote veganism within modern indigeneity. That is also not what this study has been about. My Critical Discourse Analysis revealed that different relationships were formed based off of the different linguistics elements used throughout the plans in tandem with the lobster, but that these relationships were mainly hierarchical and patriarchal, in both the creation of identities and understanding of lobster death within the industry. The agency of the lobster can be promoted through a more structured relationship in these plans, as explained through empathy and an element of care to a non-hierarchical relationship between all of the animals involved. The system that created the *commercial* fishery is what has stripped the agency of the animals and created the human-non-human hierarchy, and while veganism would alter this, it might also further alienate the rights of Othered humans. For these reasons, I think an emphasis on a relationship, even if it is one that is flesh eating, is a more important first goal than an emphasis on veganism. I do not think that, no matter the effort put in, that lobsters, or other non-human animals will gain agency within the current commercial fishery run by the government of Canada. The exploration of other possibilities is imperative for all of the groups, especially the lobster.

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