

“Who will speak for the Trees?”¹
A Resolution of Christian Witness on the Rights of Nature
The Federated Church, Marlborough, New Hampshire
A Creation Justice Church in the UCC

Contact Rev. Dr. Robert Shore-Goss, Chair of the Green Team
revdrbobshoregoss@gmail.com

Pastor: Rev. Dr Joseph Shore-Goss
revdrjoe@twc.com

“We abuse land because we see it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.”
Aldo Leopold

The word “nature” is a secular term used to describe the material world, both animate and inanimate. Nature is a term for what the Abrahamic religions interpreted as “creation” because of creation’s relationship to God. The word nature is less employed in other religious cultures. “Land” is the analogous linguistic category for nature, used in indigenous spiritualities and in the Hebrew scriptures. The concept emerged out of their relations to particular bio-regional locations. “Land” has the metaphorical flexibility in the Hebrew to become a word to describe the “Earth.” There are global indigenous people who prefer the use of Mother Earth (Pachamama) to describe their relationship with the natural world. In this document “nature” is used inclusive of the religiously cultural terms of creation, the land, and Mother Earth.

The terms *Rights of Nature* or *Rights of Mother Earth* are often used interchangeably. Indigenous peoples generally prefer the use of Mother Earth (Pachamama). The purpose of this resolution is to join a movement, inspired by the Spirit, to recognize human responsibilities to love, cherish, protect, and restore the ecosystems, beloved of the Creator. Such a resolution, we believe, is necessary for people of faith to transform our relationship with nature from a property based, commodity to gift relationship of the Earth and its eco-systems.

We are proposing that General Synod 2021 adopt a resolution of justice for the Rights of Nature. We would be the first Christian Denomination to publicly proclaim the Rights of Nature and the first non-Indigenous Religion to do so.

BIBLICAL, THEOLOGICAL, ENVIROMENTAL, AND ETHICAL RATIONALE

¹ Dr.Seuss, *The Lorax*, New York, Random House, 1071.

History of the Rights of Nature:

Globally indigenous peoples have had a different epistemology and ontology with specific bioregions. Their relationship was perceived in 19th century European anthropology and comparative religions as superstitious, primitive, and ignorant within a comparative schema of religions, with the world religions moving up the evolutionary ladder with Christian monotheism at the top. This was used to justify Euro-American expanded colonization of lands in the Americas. Other continents utilized the Doctrine of Discovery and White Supremacy to promote the appropriation of indigenous lands. In the eighteenth century, the British jurist scholar William Blackstone wrote, "The Earth, all things therein, are the general property of mankind, exclusive of other beings, from the immediate gift of the Creator."² Property is derived from the Latin "proprius," meaning "one's own." The English philosopher John Locke understood land not turned into property as "wasteland," resources squandered or not used for profit.³ He argued that individual property was a natural right of citizenship. Theologian Anne Primavesi writes, "God gave the land to be used by industrious and rational men. However, it was the potential to exchange the potential wealth of the land for hard currency that fueled the massive appropriation of the land by the English colonists in the seventeenth century."⁴ Land (and Earth) became human property and a source of profit. In the US and many other countries, the land was considered legally empty, and indigenous peoples, who kept settlers out, were "thieves."⁵ Environmental law professor Jedidiah Purdy observes, "Apologists for expelling Native Americans insisted that the continent called out for ownership and development while indigenous remained idle and vagrant, forfeiting any claim to the land."⁶

The Doctrine of Discovery did acknowledge land as divinely deeded property, however, not to indigenous inhabitants, but to European colonizers, who had the sole right to take away undeveloped or wilderness lands. This was the doctrinal principle of *terra nullius* ("empty land"), lands occupied by people who did not use the lands for profit as Amero-Europeans approved. These legal justifications erased indigenous claims to their lands and became the rationale for indigenous genocide and conquest.

Indigenous peoples have a different epistemology and relationship with the land and the inhabitants of the lands. It is kinship relationship - living with the land as divine gift. Indigenous ethnobotanist Robin Hill Kimmerer articulates a gift economy, not purchased or earned but received from the Earth.

We are showered every day with gifts (from the Earth), but they are meant for us not to keep. Their life is in their movement, the inhale and exhale of our shared

² David R. Boyd, *The Rights of Nature: A Legal Revolution that Could save the World*, FCW Press, 2107, loc. 237.

³ John Locke, "Second Treatise of Government," in *The Treatise of Government*, ed. by Peter Laslett, Cambridge, Cambridge University Press, 2004, par. 37 & 38, 292-293.

⁴ Ibid, 46.

⁵ Purdy, *After Nature*, 82.

⁶ Ibid, 160.

breath. Our work and our joy are to pass along the gift and to trust that what we put out into the universe will always come back.⁷

Our biblical traditions share the notion of the land as divine gift. Leviticus 25:23 and Psalm 24:1 make clear that God owns the land. The phrase “the land of God” (*‘erets Yhwh*) in the Hebrew scriptures assumes God’s ownership.⁸ There was tension between the perspective that “the Earth is the Lord’s” (Ps. 24:1) and the appropriation of the land as “theirs.”

During Jesus’s ministry, Palestine was colonized by the Roman empire, and the Romans promoted exploitive policies of land domination and acquisition. The heavy burden of Roman tribute and Temple tithes was a primary means of social control, and failure of paying the tribute was backed up by the threat of military might which destabilized the landscape of small farms for large plantations.

Who Will Speak for the Trees? The Rights of Nature

In the nineteenth century, European and American addiction for hard wood resulted in forests in Thailand massively harvested for their hard wood trees. Thai Buddhist monks were attentive to the forest trees and responded to massive deforestation. They wrapped saffron robes around the trees and ordained them as Buddhist monks. Thai Buddhists were reluctant to cut down the trees since it would incur the serious karmic consequences of killing Buddhist monks. They spoke for the trees with their ritual actions of resistance against colonial deforestation.

At the same year when Dr. Seuss published *The Lorax* with the haunting moral question, “Who will speak for the Trees?” a young law professor Christopher Stone, who was teaching property law published the article, “Should Trees Have Standing?” He argued that there was no legal barrier to granting rights to nature since rights were granted to ships and corporations.

It is no answer to say that streams and forests cannot have standing because streams and forests cannot speak. Corporations cannot speak either, nor can estates, infants, incompetents, municipalities, or universities. Lawyers speak for them, as they commonly do for the ordinary citizen with legal problems.⁹

We have inherited a colonial history of property conquest of the land, designating the land and the Earth as property, to be used for our own purposes. This has led to intentional legal policy, ignoring the rights of trees, nature, and indigenous claims to ancestral lands. It originated from an anthropocentrism, a prevalent belief and attitude that we are separate from and superior to the natural world. We view nature as a collection of things intended for human benefit and human ownership. Prevailing laws in

⁷ Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants*, Minneapolis, Milkweed Editions, 2013, 103.

⁸ Walter Brueggemann & ed. K,C, Hanson, *Remember You are Dust*, Eugene, Cascade Books, 2012, loc. 1338.

⁹ Boyd, *The Rights of Nature*, loc. 1528.

many countries, including our own, affirm authority over nature by claiming nature as human owned property. Current law does not provide nature with any legal standing in courts, while corporations have been granted legal standing of persons in the United States.

In 1965, Supreme Court Justice William O. Douglas wrote a book, *A Wilderness Bill of Rights*. He called for a “Bill of Rights to protect those whose spiritual values extend to the rivers and lakes, the valleys and the ridges, and who find life in a mechanized society worth living only because those splendid resources are not despoiled.” Douglas pointed out that corporations and ships have long had legal right to sue, despite being artificial and inanimate. Douglas argued for extending rights to valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. He quoted Aldo Leopold, “The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, collectively the land.” Douglas asserted that people and organizations could give legal voice to nature to shield the natural world from human environmental threats. In 1973, the Endangered Species Act passed in Congress and was signed into law.

Theodore Rozak, professor of history at California State University, Hayward, wrote “Nature must have its natural rights.”¹⁰ In *The Rights of Nature*, Roderick Nash explored the rights of nature for environmental ethics. He observed the Rights of Nature constituted “arguably the most dramatic expansion of moral theory” ever embarked upon. It required a transformation of viewing Nature and its inhabitants from a commodified perspective as property to “rights holders.” Such a transformation from a property perspective requires a transformative revolution of education, law, religion, philosophy, and culture. Eco-theologian James Nash proposes “A Bill of Biotic Rights” and ethicist Larry Rasmussen argues in support of Nash’s biotic rights bill.¹¹ Theologian John Hart argues for a relational consciousness.

All creatures are, in a very real sense, related stardust: their common ancestry is traced to the original existents of singularity; they are descendants of the subsequent elementary forms, that have resulted from the birth of the universe in a burst of light from its primordial womb in cosmic darkness. All living creatures are children of the creating Spirit and the evolving Earth community. All life is called to share the Earth of the Earth commons.¹²

¹⁰ Theodore Rozak, *Ecopsychology: Restoring the Earth, Healing the Mind*, San Francisco, Counterpoint, 1995. (32, 41, 49)

¹¹ James A. Nash, *Loving Nature: Ecological Integrity and Christian Responsibility*, Nashville, Abingdon Press, 1991, 186-189. Larry L. Rasmussen, *Earth Community, Earth Ethics*, Maryknoll, Orbis Books, 1996, 108-109.

¹² John Hart, *Sacramental Commons: Christian Ecological Ethics*, New York, Rowman & Littlefield, 2006, 203.

John Hart offers twelve principles of Christian ecological ethics that defends the common good shared by human, non-human life, and ecosystems.¹³ He presents his principles as a call to action: “Earth’s common goods will be equally distributed to provide for the common good, to meet the needs of human individuals, communities, and biokind, as a whole.” These principles involve restorative justice, “returning to people, to the Earth, and to biota what has been unjustly taken from,” and distributive justice, “an equitable sharing of Earth goods.”¹⁴

There was the Earth Charter Initiative (1994-2000) with the goal of producing an inclusive Charter to promote global transition to a sustainable way of co-living with the Earth. It included ethical principles of respect and care for the entire community of life ecological integrity, universal human rights, respect for diversity and biodiversity, economic justice, and planetary peace.¹⁵ There have been intersectional meetings with the Earth Charter, the Parliament of World Religions, The Charter for Compassion, and the United Nations and New United Nations Agenda.¹⁶

In his address to the United Nations, Pope Francis I affirmed. “It must be stated that a true ‘right of the environment’ does exist.” He continued, “Any harm done to the environment, therefore, is harm done to humanity,” and he concluded, “The ecological crisis, and the large-scale destruction of biodiversity, can threaten the very existence of the human species.”¹⁷

Indigenous peoples globally have brought “rights of nature” to become part of the national constitutions of New Zealand, Ecuador, and Bolivia. Many indigenous nations have adopted such rights of ecosystems as part of their constitutional polity. Bolivia, Ecuador, and other nations have proposed to complement the 1948 United Nations’ *Universal Declaration of Human Rights* with *The Universal Declaration of the Rights of Mother Earth* at the World People’s Conference on Climate Change and the Rights of Mother Earth (April 2010).¹⁸ In 2013, on Ohlone tribal lands in California, thirty-two global leaders of indigenous peoples, climate scientists, and grassroots eco-activists gathered to discuss the Rights of Nature—producing “The Stillheart Declaration on the Rights of Nature:”

We are pointing to the need for a wholly different framework that recognizes that Earth’s living systems are not the enslaved property of humans. Just as it is

¹³ Ibid, 219-220.

¹⁴ Ibid, 220.

¹⁵ Earth Charter, <https://earthcharter.org/read-the-earth-charter/>

¹⁶ The intersection of the Earth Charter, The Parliament of World Religions, and the United Nations Agenda. <https://www.youtube.com/watch?v=qReiMCDskKQ&feature=youtu.be> And with the Charter of Compassion, <https://earthcharter.org/charter-for-compassion-a-call-to-bring-the-world-together/>

¹⁷ “Transcript: Pope Francis’s Speech to the UN General Assembly,” *Washington Post*, https://www.washingtonpost.com/local/social-issues/transcript-pope-franciss-speech-to-the-un-general-assembly/2015/09/25/3dea72e8-6382-11e5-b38e-06883aacba64_story.html

¹⁸ The Universal Declaration of the Rights of Mother Earth, <https://therightsofnature.org/wp-content/uploads/FINAL-UNIVERSAL-DECLARATION-OF-THE-RIGHTS-OF-MOTHER-EARTH-APRIL-22-2010.pdf>

wrong for men to consider women property or one race to consider another race as property, it is wrong for humans to see nature as property over which we have dominion. All rights, including humans', depend on the health and vitality of Earth's living systems. All other rights are derivative of these rights. This requires an essential paradigm shift from jurisprudence and legal system designed to secure and consolidate the power of a ruling oligarchy and a ruling species, and to substitute a jurisprudence and legal system designed to serve all of the living Earth community.¹⁹

There are several hundred American municipalities and communities that have passed ordinances adopting bills of rights to prohibit specific unwanted, industrial activities that pollute lands and water, impacting humans and wildlife. Such municipal bills and ordinances are attempts to legally deflect the rights of corporations and their environmental damage. The Community Environmental Legal Defense Fund assists communities and grass-roots movements in their defense of the environment.²⁰ An ordinance of the city of Santa Monica, CA, states, "Natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish in the City of Santa Monica."²¹ In a referendum, Toledo granted Lake Erie the rights of a human being to sue polluters.²² That is currently being challenged.

A global movement of indigenous peoples, scientists, conservationists, environmental ethicists, and animal rights activists have acknowledged that individual animals, wild species, and nature have rights. The movement to recognize the Rights of Nature has grown as humans have realized that they have moral obligations, a need to respect, and responsibility towards Nature (and the Earth). The Spirit is calling the United Church of Christ to join the global voices of concerned people and spiritualities to a deeper relationship with Nature and recognizing our responsibilities to care for and protect Nature.

The Rights of Nature cannot be reconciled without shifting from fossil fuels to renewable energies and an ecological, sustainable economy of life. It requires an empathetic revolution for humanity to take responsibility of the gift of the Earth as God's gift. We need to dramatically change our relationship with Nature and recognition of the Rights of Nature is a step in that direction. No Christian denomination has taken a public stance on the Rights of Nature.

TEXT OF THE MOTION

WHEREAS, we need a dramatic shift from the point of view that the Earth and all her resources are available to our sole benefit. Nature is not there for enslavement, and it is

¹⁹ "The Economic Rights of Biosphere: The Stillheart Declaration on the Rights of Nature," 7. http://wecaninternational.org/content_documents/RONME-RightsBasedLaw-final-bleed.pdf

²⁰ <https://celdf.org/>

²¹ Boyd, *The Rights of Nature*, loc. 1659. Boyd lists a number of municipalities across ten states.

²² "Toledo, Ohio, Just Granted Lake Erie has the Same Legal Rights as People," *Smithsonian Magazine*, <https://www.smithsonianmag.com/smart-news/toledo-ohio-just-granted-lake-erie-same-legal-rights-people-180971603/>

wrong for people of faith to view nature as property that we own and may abuse. We proclaim publicly, “The Earth is the Lord’s, and all that is in it, the world, and those who live in it (PS. 24:1).” The Earth is an original gift to sustain all life.

WHEREAS, all rights, human and the more than human lives, depend on the flourishing and vital natural cycles of life, and healthy Earth living systems. We are all interconnected to all living beings, and when we diminish or fail to recognize the rights of the natural world, we diminish our own life. Humanity and nature are interconnected, The Rights of Nature recognizes a reciprocal and responsible human relationship with Nature.

WHEREAS, The UCC has a long history of creation-care, starting with the recognition of environmental racism in the 1980s, its studies on toxic pollution (1987, 2007, 2020), responsibly and the campaign of the Three Great Loves: Neighbor, Children, and Creation (2017), programs on Green and Creation Justice Churches, and the formation of Environmental Justice Teams. The United Church of Christ Synod has passed resolutions that directly express concerns for Earthcare.²³ .

THEREFORE BE IT RESOLVED that 219th Annual Meeting of the New Hampshire Conference of the United Church of Christ is called to prophetic action by listening to the cries of the Earth and by adopting the “Rights of Nature.” We boldly proclaim the following principles in the public square,

Promote compassionate care, foster love, and co-live responsibly with the Earth Community of Life.²⁴ Safeguard the common goods, space and shared resources of the Earth, for humanity and biokind; uphold the rights of ecological integrity, biodiversity, and healthy bioregions. Advocate intergenerational responsibility for the biotic community of the Earth and gratitude of the natural world as divine gift. The interdependence of humans and Nature is fundamental to sustainable life on Earth. Co-living with Nature involves distributive justice, a fair sharing and responsible participation of natural resources.

Uphold ecological principle that the Rights of Nature supersedes harmful and destructive property rights, for the balanced cycles of the natural world must be protected as a common good for the present and future generations of human life and biokind. The Rights of Nature counters corporate rights to exploit and violate Nature. Restore the repealed EPA regulations and protections. Promote economies of life rather than unregulated extractive economies that exploit resources. Seek financial reparations and restoration to the habitats when corporations and/or government projects harm and damage habitats.

²³ Passed General Synod Resolutions: 2013, *Mountain Top Removal: Coal Mining in Appalachia; Urging Divestment from Fossil Fuel Companies to Address Climate Change; On Making UCC Church Buildings More Carbon Neutral*; 2015, *Transition From Fossil Fuels to Renewable Energy*; 2017, *The Earth Is the Lord’s, Not Ours to Wreck: Imperatives for a New Moral Order*; 2019, *Let Justice Roll: Declaring Support for the Green New Deal, Affirming the Intersectionality of Climate Justice with All Justice Issues*, https://www.ucc.org/environmental_resolutions_at_general_synodRespect

²⁴ Principle of the Earth Charter.

Support the movement to grant legal standing as corporations have legal rights. Require all corporate and/or governmental land and water projects to perform environmental impact studies on minimizing damage to habitats (waterways, lands, and atmosphere) and wildlife. Local communities or environmental organizations have a right to represent the unheard voices cries of Nature.

Foster respect and gratitude for Nature as divine gift. Combat attitudes of relegating Nature as mere capital for profit nor trashed as dumping ground for toxic waste.

Promote the rights to Nature to be free from undue human harm, the right healthy habitants, the right to species flourishing, a right to a fair share of the bio-region and its goods, and the right to fulfil their ecological potential without unhuman due infringements.

Partner with community and environmental organizations to restore damaged habitats to a balanced, sustainability and where feasible, to previous healthy eco-systems. Advocate financial restitution and reparations through community legal interventions to restore sustainable environments.

Prioritize renewable energies over fossil fuels; the economies of life such as the Green New Deal have over extractive and unbridled economies that pollute and damage the Earth. Encourage organic farming and regenerative agriculture; support family farming and local farmer markets; reduce usage of pesticides and insecticides negatively impacting the soil, aquifers, and other life. Work for food justice and security for all people.

Respect all treaties with indigenous nations, that includes their lands and kinship natural relations. Ally and support indigenous peoples in their de-colonization of Nature, protect their kinship rights and access to sacred lands.

Let churches take a prophetic role in implementing some of these action items:

Participate in the Season of Creation for September Sundays.²⁵ Include Creation care during each liturgical season (Earth-seders, Tenebrae, Easter sunrise service outdoors, and Earth Day. Preach every six weeks often on Earth Justice. Celebrate outdoors or bring the outdoors into the church.

Ritualize environmental grief: Bio-Diversity Day (May 22), Remembrance for Lost Species (November 22). Start environmental grief support groups.

Foster love of God's creation, organize walks in botanical gardens and wilderness, plant trees, take nature hikes, and attend UCC summer camps.

²⁵ Season of Creation, <https://seasonofcreation.org/>

Study and implement Kairos Document, Call to Action, a 10- year Mobilization Plan on Climate Change and Inequality.²⁶.

Become a Creation Justice Church and Green Hub of God's green grace, https://www.ucc.org/how_it_works_becoming_a_creation_justice_church

Subscribe to the UCC Environmental Justice newsletters and environmental newsletters; share webinars, and read and study on creation care and climate change. These are spiritual practices to equip us for creation care.

Work for the Green New Deal (the transition to renewable energies) Advocate for the Rights of Nature and take part in climate strikes and non-violent protests.

Organize locally, partner and build local community networks with conservationist and environmental groups. Many folks in these organization have had spiritual experiences within nature, recognize and find common ground to restore damaged environments.

Be creative and imaginative in our defense of the Rights of Nature.

Be It Further Resolved that the New Hampshire Conference of the United Church of Christ, having adopted the Resolution at its 219th Annual Meeting, will submit it for consideration as a Resolution of Christian Witness to the Thirty-third General Synod of the United Church of Christ.

²⁶ UCC Kairos Document, https://www.ucc.org/a_kairos_call_to_action