

Fall 2003

# Creation, Liberation, and Property: Virtues and Values Toward a Theocentric Earth Ethic

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## Recommended Citation

W. Wade Berryhill, *Creation, Liberation, and Property: Virtues and Values Toward a Theocentric Earth Ethic*, 16 Regent U. L. Rev. 1 (2003).

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# REGENT UNIVERSITY LAW REVIEW

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Volume 16

2003-2004

Number 1

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## CREATION, LIBERATION, AND PROPERTY: VIRTUES AND VALUES TOWARD A THEOCENTRIC EARTH ETHIC

*W. Wade Berryhill\**

### I. INTRODUCTION

Above all, it is critically important for us to know whether violence is essential, lawlessness necessary—or whether there are effective alternatives.<sup>1</sup>

— Abe Fortas

Religion continues to play a significant role in shaping our attitudes toward nature.<sup>2</sup> Time-honored principles of stewardship of the land

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<sup>1</sup> ABE FORTAS, CONCERNING DISSENT AND CIVIL DISOBEDIENCE 10 (1968).

And when he had made a scourge of small cords, he drove them all out of the temple, and the sheep, and the oxen; and poured out the changers' money, and overthrew the tables; And said unto them that sold doves, Take these things hence; make not my Father's house a house of merchandise.

*John* 2:15-16 (King James). Although most people readily cite to Jesus Christ as the supreme example of a peacemaker, "gentle Jesus, meek and mild," Christ expressed righteous indignation for the abomination of God's house of worship that was manifested in a physical act of violence. See *Mark* 11:15-18. Since Christ was without sin, the conclusion is inescapable: anger is not necessarily wrong, but can be an appropriate response to certain abuses and transgressions. The question remaining, however, is when, if at all, it would be appropriate to express that anger in violence directed against property or even one's fellow man.

<sup>2</sup> "Power without ethics is profane and destructive in any community." HOLMES ROLSTON III, ENVIRONMENTAL ETHICS: DUTIES TO AND VALUES IN THE NATURAL WORLD xii (1988).

demand that we owe a duty to future generations to allow them to inherit a healthy environment. Essential to this obligation is spiritual faith, not the trendy brand of secular humanism espoused by ecodogmatists seeking environmental justice through means unmoored from centuries-old principles of creation. What secular humanism ignores—and what religious traditions the world over have recognized—is the reality that we are a “creative expression of the earth’s own evolution.”<sup>3</sup> Thus, in light of our duty to posterity, mere emphasis on a stewardship of the environment does not go far enough.<sup>4</sup> After all, we are in the words of Thomas Berry, a “dream of the earth.”<sup>5</sup>

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The great fault of all ethics hitherto has been that they believed themselves to have to deal only with the relations of man to man. In reality, however, the question is what is his attitude to the world and all life that comes within his reach. A man is ethical only when life, as such, is sacred to him, that of plants and animals as that of his fellow-men, and when he devotes himself helpfully to all life that is in need of help. Only the universal ethic of the feeling of responsibility in an ever-widening sphere for all that lives—only that ethic can be founded in thought. The ethic of the relation of man to man is not something apart by itself: it is only a particular relation which results from the universal one.

ALBERT SCHWEITZER, *MY LIFE & THOUGHT: AN AUTOBIOGRAPHY* 188 (C.T. Campion trans., 1946); see also HERMAN E. DALY & JOHN B. COBB JR., *FOR THE COMMON GOOD: REDIRECTING THE ECONOMY TOWARD COMMUNITY, THE ENVIRONMENT AND A SUSTAINABLE FUTURE* (2d ed. 1994).

Recently it has been ecologists especially and those whom they have aroused who have turned on the economy as the great villain. They see that the growth of the economy has meant the exponential increase of raw material inputs from the environment and waste outputs into the environment, and they see that little attention has been paid by economists either to the exhaustion of resources or to pollution. They complain economists have not only ignored the source of inputs and the disposition of outputs, but also that they have encouraged the maximization of both, whereas living lightly in the world requires that the throughput should be kept to the minimum sufficient to meet human needs.

DALY & COBB JR., *supra*, at 4.

<sup>3</sup> A common legal example of stewardship is found in the doctrine of waste regarding those rights held by remaindermen and reversioners. See CORNELIUS J. MOYNIHAN, *INTRODUCTION TO THE LAW OF REAL PROPERTY* (2d ed. 1988). But see Jay McDaniel, *Where is the Holy Spirit Anyway? Response to a Skeptic Environmentalist*, 42 *ECUMENICAL REV.* 162 (1990).

But an emphasis on stewardship does not go far enough. To avoid the arrogance of secular humanism, we need to recognize, with ecological visionaries such as Thomas Berry (1988) and indigenous traditions the world over, that we are ourselves a dimension of the earth, a “dream of the earth” as Berry puts it . . . . [W]e are a creative expression of the earth’s own evolution . . . .

McDaniel, *supra*, at 166.

<sup>4</sup> McDaniel, *supra* note 3, at 166.

<sup>5</sup> *Id.*

Serious faith tends to subvert the legal order, just as violence has historically sown seeds of political and cultural change.<sup>6</sup> America is a nation born in blood. From its blood-stained soil that gave birth to the nation, to the Mason-Dixon Line that both divided families and yet sustained national unity, history is our sad witness. While Rev. Martin Luther King Jr. was an advocate of non-violence, his assassination, as well as the murder of others with like vision, galvanized the equal rights movement at home and abroad.<sup>7</sup> Similarly, Mohandas Gandhi, the visionary leader of reform through non-violence, nonetheless lived each day in constant fear of violence.<sup>8</sup> Rev. King and Gandhi had a common respect for one's fellow man.<sup>9</sup>

Our attitudes toward the environment, however, are not so gilded. Crossing the line from tolerance to apathy in an age of unbridled anthropocentrism,<sup>10</sup> we have moved from a code of natural law to one of

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<sup>6</sup> Nor should this paper be taken as an endorsement of the acts of certain groups who use violence to justify their means. Revolution does share a common root. The bombing of abortion clinics and ramming of whaling ships are but two examples of the failure of reason, which breaks down in violence. But there is a fine line between unjustifiable violence and protest. See generally EDWARD ABBEY, *MONKEY WRENCH GANG* (Avon Books 1976) (1975) (Some took as their cue from the *Monkey Wrench Gang*, which developed the Earth First Organization, as a call to violence for the sake of the environment).

<sup>7</sup> "Young people, black and white, were flocking south to work for racial justice over Freedom Summer. The Klan organized klaverns in twenty-nine Mississippi counties between February and June. The national government seemed helpless before impending violence. 'There is no answer,' said Katzenbach bleakly, 'which embraces both compassion and law.'" ARTHUR M. SCHLESINGER JR., ROBERT KENNEDY AND HIS TIMES 640 (1978).

<sup>8</sup> "But I believe non-violence is infinitely superior to violence, forgiveness is more manly than punishment . . . . But . . . forgiveness only when there is the power to punish . . . . A mouse hardly forgives a cat when it allows itself to be torn to pieces by her." THE ESSENTIAL GANDHI: HIS LIFE, WORK, AND IDEAS 157 (Louis Fischer ed., 1962) (alteration in original). In his autobiography, Gandhi writes:

At the request of Maulana Shaukat Ali I prepared a draft of the non-co-operation resolution in the train. Up to this time I had more or less avoided the use of the word non-violent in my drafts. I invariably made use of this word in my speeches. My vocabulary on the subject was still in process of formation. I found that I could not bring home my meaning to purely Moslem audiences with the help of the Samskrit equivalent for non-violent.

MOHANDAS K. GANDHI, AN AUTOBIOGRAPHY: THE STORY OF MY EXPERIMENTS WITH TRUTH 498 (Mahadev Desai trans., 1949).

<sup>9</sup> See, e.g., DALY & COBB JR., *supra* note 2.

<sup>10</sup> It can be argued that anthropocentrism was itself a motive of the original sin of Adam and Eve in the garden. "Value . . . is never found in the object itself as property. It consists in a relation to an appreciating mind which satisfies the desire of its will . . . . Take away will and feeling, and there is no such thing as value." ROLSTON III, *supra* note 2, at 110 (quoting WILHELM WINDELBAND, AN INTRODUCTION TO PHILOSOPHY 215 (Joseph McCabe trans., 1921)); see also JAMES M. GUSTAFSON, A SENSE OF THE DIVINE: THE NATURAL ENVIRONMENT FROM A THEOCENTRIC PERSPECTIVE 86-87 (1994).

natural rights.<sup>11</sup> Legal professionals have not escaped the vacuum of spiritual impoverishment either.<sup>12</sup> Noted author Joseph Allegritti has commented, "In order to influence public policy, and avoid the factious disputes that often characterize religious disagreement, scholars thought it necessary to adopt a language and an ethic that was not rooted in religion."<sup>13</sup> Another legal scholar attributes the present state of spiritual impoverishment to three events: "the emergence of material secularism, the uncritical acceptance of technological reductionism, and an overbroad interpretation of the public/private distinction."<sup>14</sup>

Many authors lament the perceived insensitivity and inattentiveness of mankind to address seriously the issues that threaten the environment, including a failure to advance a sufficient ecological or religious ethic. These authors herald from several fronts—theological, scientific and environmental—and voice dissatisfaction with the status quo and have tried to awaken both conscience and reason in all whose fate depends on nature's survival.<sup>15</sup> Ian G. Barbour, professor of religion and physics, writes, "Among the historical roots of the exploitative attitudes of Western civilization that have led to the desecration of the environment are an inadequate theology of nature and an obsolete ethic of nature."<sup>16</sup> Another commentator suggests, "[T]he pollution and destruction of man's environment are religious and ethical problems that derive basically from irreverent and immoral attitudes toward nature, rather than from technological inadequacy alone."<sup>17</sup> Another scholar posits,

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<sup>11</sup> See generally Douglas W. Kmiec, *Natural Law Originalism - Or Why Justice Scalia (Almost) Gets It Right*, 20 HARV. J.L. & PUB. POL'Y 627 (1997).

<sup>12</sup> See Azizah Y. al-Hibri, *Faith and the Attorney-Client Relationship: A Muslim Perspective*, 66 FORDHAM L. REV. 1131, 1131 (1998).

<sup>13</sup> Joseph Allegritti, *Lawyers, Clients and Covenant: A Religious Perspective on Legal Practice and Ethics*, 66 FORDHAM L. REV. 1101, 1102-03 (1998).

<sup>14</sup> See al-Hibri, *supra* note 12.

<sup>15</sup> See generally Theodore Hiebert, *Re-Imaging Nature: Shifts in Biblical Interpretation*, 50 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 36 (1996); James A. Nash, *Toward the Ecological Reformation of Christianity*, 50 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 5 (1996); Holmes Rolston III, *The Bible and Ecology*, 50 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 16 (1996); W. Sibley Towner, *The Future of Nature*, 50 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 27 (1996).

<sup>16</sup> Ian G. Barbour, *Introduction to EARTH MIGHT BE FAIR: REFLECTIONS ON ETHICS, RELIGION, AND ECOLOGY* 1 (Ian G. Barbour ed., 1974).

<sup>17</sup> Harold K. Schilling, *The Whole Earth Is the Lord's: Toward a Holistic Ethic, in EARTH MIGHT BE FAIR, supra* note 16, at 100. St. Francis of Assisi, the patron Saint of Ecology, established

a successful and happy synthesis . . . between internal and external ecology:  
he produced an outstanding form of cosmic mysticism . . .

It is wrong to think that religious experience belongs in a separate realm. . . . It is not necessary to unite God and the world, for they are always present in one another. It is necessary to uncover their ties, for those constitute the divine transparency of the world.<sup>18</sup>

This article argues for a spiritual reawakening to the ecological question—a reawakening that is shaped by a sense of shared purpose, a sound ecological ethic, an unflinching pursuit of the common good, and a love of neighbor.<sup>19</sup> These beneficent principles bind religions throughout the world and would serve well the collective desire to preserve the environment.

Yet why have we abandoned such laudatory ideals? Only upon rekindling a passion for creation with a sense of indignation at the suffering of our neighbors will we be able to see the ecological problem with sober eyes. These words are not meant to suggest a call for a global tent revival in which the world population would be collectively “slammed by the spirit.” Instead, this article calls for a rational and focused approach to the ecological dilemma currently facing us—an approach rooted in a deep respect for a higher authority.<sup>20</sup> A benignly ecclesiastical response that recognizes man’s role as steward of the Creator’s creation is a rational and appropriate one. For instance, much rational methodology for governing the allocation of natural resources must be dictated by a respect for creation and a love of neighbor.<sup>21</sup>

The following paradox dominates our thought: we have both a malaise and an impatience that seeks an appropriate and virtuous ecological ethic toward both earth and mankind.<sup>22</sup> The problems of

He knew that this world was subject to inequality (*regui dissimilitudinis*), but he did not interpret that as meaning that life should be governed by bitterness and rancor. . . .

With St. Francis we recover the conviction that paradise is not lost to all people and things, and that we can return to carry out the divine vocation testified to in Genesis.

LEONARD BOFF, *ECOLOGY & LIBERATION: A NEW PARADIGM* 52, 54 (1995).

<sup>18</sup> BOFF, *supra* note 17, at 61.

<sup>19</sup> Consider these words from the Bible:

Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.”

*Matthew* 22:37-40 (King James).

<sup>20</sup> See ROLSTON, *supra* note 2; SCHWEITZER, *supra* note 2.

<sup>21</sup> *Matthew* 22:39-40 (King James).

<sup>22</sup> See, e.g., ROLSTON, *supra* note 2. Rolston writes:

We modern humans, increasingly competent about making our way through the natural world, have been decreasingly confident about its values, its meanings. The correlation is not accidental. It is hard to discover meaning in a world where value appears only at the human touch, hard to

pollution, overpopulation, global warming, and deforestation are well documented and commonplace.<sup>23</sup> Environmental books have become bestsellers.<sup>24</sup> Eco-prophets have risen by the score heralding our impending demise, ascribing blame to all manner of devils, and hawking a bewildering array of answers. The problems are real, the issues exceedingly complex, and the stakes high. Many interests compete for our allegiance as we work toward a solution. Ethics lessons traditionally begin with the classic question that forms the root of all moral thought: "What ought I to do?"

As one commentator explains:

Ecology is not an expensive whim of the rich, something trendy, restricted to ecological groups, or to the Greens and their respective political parties. The ecological question has to do with reaching a new level of globalization, of world awareness and conscience, where there is universal understanding of the importance of the earth as a whole, the welfare of nature and of humankind, the interdependence of all, and of the apocalyptic catastrophe menacing all creation.<sup>25</sup>

Another commentator has cautioned that society, too, often ignores what is truly at stake.<sup>26</sup> Living in an age of moral evangelism, ethics has become catechism. Bludgeoned by strident cries at every turn, it has become our habit to be inattentive.<sup>27</sup>

A corresponding temptation when discussing ethics and the environment is simply to take sides and join the fray. We must not,

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locate meaning when we are engulfed in sheer instrumentality, whether of artifacts or natural resources. One needs a significant place to dwell.

*Id.* at xii.

<sup>23</sup> See, e.g., BENJAMIN KLINE, *FIRST ALONG THE RIVER: A BRIEF HISTORY OF THE U.S. ENVIRONMENTAL MOVEMENT* (2000).

<sup>24</sup> See, e.g., AL GORE JR., *EARTH IN THE BALANCE: ECOLOGY AND THE HUMAN SPIRIT* (1992).

<sup>25</sup> See BOFF, *supra* note 17, at 7-8.

<sup>26</sup> See Frederick E. Blumer, *Foreward* to GUSTAFSON, *supra* note 10, at vii-viii.

<sup>27</sup> *Id.*

however, allow actions mandated by the issues of sustainability,<sup>28</sup> sufficiency,<sup>29</sup> and liberation,<sup>30</sup> to become new forms of legal positivism.

To continue the dialogue<sup>31</sup> and to offer assistance, this article proffers some guidelines and proposes an appropriate posture that should be taken when addressing these complex issues. "Man and Nature" examines the role that religion historically has played and continues to play in shaping the current attitude of man toward nature.<sup>32</sup> "God and Nature" analyzes the views of man toward nature that form an evaluative ethic toward the earth. "God and Man" reviews the stewardship aspects of environmental ethics, while "Man and God" introduces ethics, environmental racism, and liberation theology. Included in each of the above sections is an appraisal of the "value of creation" and a fresh focus on the "virtue of love for neighbor." A

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<sup>28</sup> Highlighting the issue of sustainability, The World Commission on Environment and Development stated:

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: the concept of 'needs,' in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitation imposed by the state of technology and social organization on the environment's ability to meet present and future needs.

THE WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, *OUR COMMON FUTURE* 43 (1987); see also Joel B. Eisen, *Brownfields Policies for Sustainable Cities*, 9 DUKE ENVTL. L. & POL'Y F. 187 (1999).

<sup>29</sup> See ROBERT PARHAM, *LOVING NEIGHBORS ACROSS TIME: A CHRISTIAN GUIDE TO PROTECTING THE EARTH* (1991).

Like leaven in a lump of dough, Christians must influence the political debate about the sustainable society. We must first identify key Christian principles . . .

We must inject three Christian ethical principles into the debate about the sustainable society: ecojustice, community, and sufficiency. Each is tied to the other. All put flesh on the overarching ethical guideline of love for neighbor.

*Id.* at 93; see also ROBERT L. STIVERS, *HUNGER, TECHNOLOGY & LIMITS TO GROWTH: CHRISTIAN RESPONSIBILITY FOR THREE ETHICAL ISSUES* (1984). John B. Cobb Jr. makes a strong case for the necessity for sustaining the common good. See, e.g., JOHN B. COBB JR., *IS IT TOO LATE? A THEOLOGY OF ECOLOGY* (1972) [hereinafter COBB JR., *IS IT TOO LATE?*]; JOHN B. COBB JR., *SUSTAINING THE COMMON GOOD: A CHRISTIAN PERSPECTIVE ON THE GLOBAL ECONOMY* (1994) [hereinafter COBB JR., *SUSTAINING THE COMMON GOOD*].

<sup>30</sup> See generally GUSTAVO GUTIERREZ, *A THEOLOGY OF LIBERATION: HISTORY, POLITICS AND SALVATION* (Sister Caridad Inda & John Eagleson trans. and eds., 1973); *THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ* (Marc H. Ellis & Otto Maduro eds., 1989).

<sup>31</sup> See Douglas John Hall, *Who Tells the World's Story? Theology's Quest for a Partner in Dialogue*, 36 *INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY* 47 (1982).

<sup>32</sup> The use of "man's" and "mankind's" refers to humankind. The author is neither unaware of the contribution feminist scholars have made to the earth ethic nor unmindful of the importance it has served in the development of liberation technology literature. Their contributions are discussed in Part II, *infra*.



theocentric response is necessary for the formulation and implementation of an appropriate ethic for the earth, one that accounts for a proper regard of both one's fellow man and one's fellow creation. The final section, "Man and Man," examines the concept of property and the tensions inherent in the concepts of ownership and use of property when entwined with a sense of responsibility to Creator, creation, and fellow man. As the relationship of God to man, God to nature, and man to fellow man are inseparably intertwined, any division into parts is admittedly artificial. It is hoped, however, that this article will illuminate the issues involved in the articulation of such an ecological ethic. This ethic should be narrative and aspirational, and it must be theocentric.

## II. THE VIRTUE OF LOVE OF NEIGHBOR: MAN AND NATURE

"Teacher, which is the greatest commandment in the Law?" Jesus replied, "Love the Lord your God with all your heart and with all your soul and with all your mind. This is the first and greatest commandment. And the second is like it, Love your neighbor as yourself. All the Law and the Prophets hang on these two commandments."<sup>33</sup>

— *The Gospel According to Matthew*

A serious appraisal of "love for neighbor," demands that we "leave them a decent place to live."<sup>34</sup> This, in turn, requires reexamining exactly who is "our neighbor."

Principles of stewardship and trusteeship further dictate that each generation should take into account the interests of future generations.<sup>35</sup> Robert Parham posits that our definition of neighborly love must no longer be geographically confined to mean only those in a spatial relationship with us, but those "neighbors in time," the future generations of earth dwellers as well.<sup>36</sup> Also, many have decried the apparent omission of non-human species from the Western world's definition of neighbor.<sup>37</sup>

Although rejected by some individuals,<sup>38</sup> large numbers of Americans have embraced the position that Christianity should bear a

<sup>33</sup> *Matthew* 22:36-40 (New International).

<sup>34</sup> PARHAM, *supra* note 29, at 2 (quoting Charles A. Howell III).

<sup>35</sup> See MOYNIHAN, *supra* note 3, at 54.

<sup>36</sup> See PARHAM, *supra* note 29, at 2.

<sup>37</sup> See, e.g., Tom Regan, *Animal Rights, Human Wrongs*, in *ETHICS AND ANIMALS* 19 (Harlan B. Miller & William H. Williams eds., 1983).

<sup>38</sup> See, e.g., E. CALVIN BEISNER, *PROSPECTS FOR GROWTH: A BIBLICAL VIEW OF POPULATION, RESOURCES, AND THE FUTURE* (1990) [hereinafter BEISNER, *PROSPECTS FOR GROWTH*]; E. CALVIN BEISNER, *PROSPERITY AND POVERTY: THE COMPASSIONATE USE OF RESOURCES IN A WORLD OF SCARCITY* (1988) [hereinafter BEISNER, *PROSPERITY AND*

substantial burden of guilt for the attitude underlying the current ecological crisis.<sup>39</sup> Lynn White Jr. is quite critical of the place religion in general (and Christianity in particular) has played in ascribing values to both our poorer neighbors and non-human creation:

Especially in its Western form, Christianity is the most anthropocentric religion the world has seen. . . . Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps, Zoroastrianism), not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends.

. . . By destroying pagan animism, Christianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects.

. . . .

. . . Hence we shall continue to have a worsening ecologic crisis until we reject the Christian axiom that nature has no existence save to serve man.<sup>40</sup>

Along with greed and indifference, the alleged Christian view of man as lord of God's creation has contributed to the current endangered state of the environment. In ever-widening circles, the call has gone forth for this anthropocentrism to be recognized for a fallacy and challenged as selfish (dare one say "sinful"?) and contrary to the Creator's original and present intent.<sup>41</sup> Most controversy centers on the Judeo-Christian concept of dominion found in Genesis 1:27-28, which states:

So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and

POVERTY]. Beisner states that "the dominion mandate should not be made to bear too heavy a load unaided by other and clearer Biblical texts related to man's ethical responsibilities over nature." BEISNER, PROSPECTS FOR GROWTH, *supra*, at 223 n.12.

<sup>39</sup> See Lynn White Jr., *Historical Roots of Our Ecological Crisis*, in WESTERN MAN AND ENVIRONMENTAL ETHICS: ATTITUDES TOWARD NATURE AND TECHNOLOGY 18 (Ian G. Barbour ed., 1973).

<sup>40</sup> *Id.* at 25, 29.

[T]he present increasing disruption of the global environment is the product of a dynamic technology and science which were originating in the Western medieval world against which St. Francis was rebelling . . . . Their growth can not be understood historically apart from distinctive attitudes toward nature which are deeply grounded in Christian dogma. The fact that most people do not think of these attitudes as Christian is irrelevant. No new set of basic values has been accepted in our society to displace those of Christianity. Hence we shall continue to have a worsening ecologic crises until we reject the Christian axiom that nature has no reason for existence save to serve man.

*Id.* at 29.

<sup>41</sup> See generally BEISNER, PROSPECTS FOR GROWTH, *supra* note 38; COBB JR., IS IT TOO LATE?, *supra* note 29; COBB JR., SUSTAINING THE COMMON GOOD, *supra* note 29; JAY B. MCDANIEL, WITH ROOTS AND WINGS: CHRISTIANITY IN AN AGE OF ECOLOGY AND DIALOGUE (1995) (showing lessons that Christians can learn from other religions regarding land ethics); HOLMES ROLSTON III, CONSERVING NATURAL VALUE 133-202 (1994).

God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.<sup>42</sup>

And, in a later passage:

And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.<sup>43</sup>

Using these biblical passages as proof texts, it is argued that this doctrine serves as the historical root for Western civilization's exploitative outlook toward nature.<sup>44</sup> Man views himself as separate from and superior to nature. The natural consequence being that nature has only the value man chooses to give it; its benefit lies solely in its utility to man.<sup>45</sup>

The Scriptures, however, offer an alternate view of man's relationship to nature—a view that is wholly consistent with the "man has dominion" tenet, yet inconsistent with the modern interpretation of

<sup>42</sup> *Genesis* 1:27-28 (King James). *Time* magazine named Endangered Earth "Planet of the Year" in 1988 instead of the usual Man or Woman of the Year. The article said the Judeo-Christian idea of dominion found in *Genesis* 1:28,

could be interpreted as an invitation to use nature as a convenience. Thus the spread of Christianity, which is generally considered to have paved the way for the development of technology, may at the same time have carried the seeds of the wanton exploitation of nature that often accompanied technical progress.

Thomas A. Sanction, *What on Earth Are We Doing*, *TIME*, Jan. 2, 1989, at 27, 29-30.

<sup>43</sup> *Genesis* 1:26 (King James); *Psalms* 8:4-8 (King James).

What is man, that thou art mindful of him? and the son of man, that thou visitest him? For thou hast made him a little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet: All sheep and oxen, yea, and the beast of the field; the fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas.

*Psalms* 8:4-8 (King James); see also *Hebrews* 2:7-8. But see *Genesis* 9:2 ("And the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand are they delivered.").

<sup>44</sup> See Ian G. Barbour, *Attitudes Toward Nature and Technology*, in *EARTH MIGHT BE FAIR*, *supra* note 16, at 148.

<sup>45</sup> The Supreme Court has struggled with this issue when addressing standing. See, e.g., *Sierra Club v. Morton*, 405 U.S. 727 (1972). Justice Douglas in his dissent opined:

The voice of the inanimate object, therefore, should not be stilled . . . [B]efore these priceless bits of Americana (such as a valley, an alpine meadow, a river, or a lake) are forever lost, or are so transformed as to be reduced to the eventual rubble of our urban environment, the voice of the existing beneficiaries of these environmental wonders should be heard.

*Id.* at 749-50 (Douglas, J., dissenting).

the Christian model. In the synoptic gospels alone, no fewer than seven references are made to man's accountability for stewardship. Indeed, stewardship is essential to the burden of man's "dominion." For instance, the vineyard care parable found in Luke speaks of man's stewardship of land.<sup>46</sup> Simon Peter is asked to prove his love of Jesus by feeding his sheep.<sup>47</sup> The Kingdom of Heaven decries the excessive acquisition of earthly treasures.<sup>48</sup> Moreover, wise and fruitful use of talents and resources is rewarded<sup>49</sup> whereas hoarding is condemned.<sup>50</sup> The Bible similarly makes clear that fields, barns, and indeed *all* of man's resources should be used efficiently.<sup>51</sup> The story of Lazarus emphasizes the virtue of feeding and clothing the less fortunate,<sup>52</sup> and stewardship toward one another is exemplified by Jesus' lesson while washing His disciples' feet.<sup>53</sup> Poet and farmer Wendell Berry writes, "The ecological teaching of the Bible is inescapable. God made the world. He thinks the world is good. He loves it. It is his world. He has never relinquished title to it. And he has never revoked the conditions that oblige us to take

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<sup>46</sup> See *Luke* 13:6-7 (King James).

A certain man had a fig tree planted in his vineyard; and he came and sought fruit thereon, and found none. Then he said unto the dresser of his vineyard, Behold, these three years I come seeking fruit on this fig tree, and find none; cut it down, why cumbereth it the ground?

*Id.*

<sup>47</sup> See *John* 21:15-17 (King James).

So when they had dined, Jesus saith to Simon Peter, Simon, son of Jonas, lovest thou me more than these? He saith unto him, Yea, Lord; thou knowest I love thee. He saith unto him, Feed my lambs. He saith to him again the second time, Simon, son of Jonas, lovest thou me? He saith unto him, Yea, Lord; thou knowest I love thee. He saith unto him, Feed my sheep. He saith unto him the third time, Simon, son of Jonas, lovest thou me? Peter was grieved because he said unto him the third time, Lovest thou me? And he said unto him, Lord, thou knowest all things; thou knowest that I love thee. Jesus saith unto him, Feed my sheep.

*Id.*

<sup>48</sup> See *Matthew* 6:19 (King James) ("Lay not up for yourselves treasures upon earth, where moth and rust doth corrupt, and where thieves break through and steal.")

<sup>49</sup> See *Matthew* 25:20-21 (King James).

And so he that had received five talents came and brought other five talents, saying, Lord, thou deliveredst unto me five talents: behold, I have gained beside them five talents more. His lord said unto him, Well done, thou good and faithful servant: thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy lord.

*Id.*

<sup>50</sup> See *Luke* 18:18-24 (King James).

<sup>51</sup> See, e.g., *Luke* 12:18 (King James) ("And he said, This will I do: I will pull down my barns, and build greater; and there will I bestow all my fruits and my goods.")

<sup>52</sup> See *Luke* 16:19-25 (King James).

<sup>53</sup> See *John* 13:5 (King James).

excellent care of it.”<sup>54</sup> Furthermore, many believe that a fundamental misunderstanding has been given to the words “subdue” and “dominion”<sup>55</sup> by those who would give man absolute reign over nature. A more appropriate reading, and one that corresponds to the dominant theme of stewardship found throughout Scripture, is that of man as caretaker for the Creator.<sup>56</sup> The relationship of God to man must be viewed as one of delegation of responsibility rather than being construed as God’s granting title of the earth to mankind.<sup>57</sup> One biblical scholar uses Genesis 2:15<sup>58</sup> as the proper foundation for man’s responsibility to the earth.<sup>59</sup> This text indicates that the best reading of dominion is “to nurture.”<sup>60</sup> By placing Adam in the garden with the charge to “cultivate and keep it,” both the duty of stewardship for man and the intrinsic value of nature to God as His creation were clearly established.

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<sup>54</sup> Pat Stone, *Christian Ecology: Environmentalism and Spirituality*, Part II, MOTHER EARTH NEWS, Jan.–Feb. 1989, at 60 (quoting Wendell Berry); see also LET THE EARTH BLESS THE LORD: A CHRISTIAN PERSPECTIVE ON LAND USE (C.A. Cesaretti & Stephen Commins eds., 1981) (evincing various Christian views on ethical uses of land).

<sup>55</sup> See W. Lee Humphreys, *Pitfalls and Promises of Biblical Texts as a Basis for a Theology of Nature*, in A NEW ETHIC FOR A NEW EARTH 99, 100-04 (Glen C. Stone ed., 1971).

<sup>56</sup> See *id.* at 113-17; Gabriel Fackre, *Ecology and Theology*, in WESTERN MAN AND ENVIRONMENTAL ETHICS, *supra* note 39, at 122.

<sup>57</sup> See *Ecclesiastes* 3:18-21 (King James):

I said in mine heart concerning the estate of the sons of men, that God might manifest them, and that they might see that they themselves are beasts. For that which befalleth the sons of men befalleth beasts; even one thing befalleth them: as the one dieth, so dieth the other; yea, they have all one breath; so that a man hath no preeminence above beast: for all is vanity. All go unto one place; all are of the dust, and all turn to dust again. Who knoweth the spirit of man that goeth upward, and the spirit of the beast that goeth downward to the earth?

*Id.*

James B. Converse proposed that God, by placing Adam in the Garden, gave title as if by grant deed with condition. JAMES B. CONVERSE, *THE BIBLE AND LAND* 113-20 (1888). The opposite position is that Adam received possession only as trustee. See CHRISTIANITY AND PROPERTY 11-30 (Joseph F. Fletcher ed., 1947) (discussing the Judeo-Christian principles of property); see also ERNEST BEAGLEHOLE, *PROPERTY: A STUDY IN SOCIAL PSYCHOLOGY* (1932); HENRY GEORGE, *PROGRESS AND POVERTY* (Robert Schalkenbach Foundation 1980) (1955); *PROPERTY: ITS DUTIES AND RIGHTS: HISTORICALLY, PHILOSOPHICALLY, AND RELIGIOUSLY: ESSAYS BY VARIOUS AUTHORS* (1922).

<sup>58</sup> “And the Lord God took the man, and put him into the garden of Eden to dress it and to keep it.” *Genesis* 2:15 (King James).

<sup>59</sup> Calvin B. DeWitt, *Creation’s Environmental Challenge to Evangelical Christianity*, in THE CARE OF CREATION 60, 65, 71 (R.J. Berry ed., 2000).

<sup>60</sup> *Id.* See generally EARTH MIGHT BE FAIR, *supra* note 16; Christopher D. Stone, *Should Trees Have Standing? Toward Legal Rights for Natural Objects*, 45 S. CAL. L. REV. 450 (1972).

Although much can be learned from Eastern religions,<sup>61</sup> they must share the blame for the present crisis. Rene Dubos contends that the "dominion viewpoint," although certainly informative, is incomplete:

I find it difficult to believe that the Judeo-Christian tradition has been as influential as he (Lynn White) thinks in bringing about the desecration of the earth. One does not need to know much history to realize that the ancient Chinese, Greek, and Moslem civilizations contributed their share to deforestation, to erosion, and to the destruction of nature in many other ways. The goats of primitive peoples were as efficient as modern bulldozers in destroying the land.<sup>62</sup>

Lynn White Jr. one of the most vocal critics of the role religion has played in the degradation of the earth, propounds that since the foundation for this degradation is religiously based, the solution must also be extrapolated from religion.<sup>63</sup> The fulcrum of this debate is the idea of the man-nature relationship. White posits, "More science and more technology are not going to get us out of the present ecologic crisis until we find a new religion, or rethink our old one."<sup>64</sup> Ian Barbour agrees:

[S]olution is not beyond the capabilities of technology—provided it allows itself to be guided by more sensitive religious views and ethical motivations with respect to nature than now prevail generally in our culture. Ecological devastation will simply take new forms unless there are fundamental changes in values and in social institutions. New priorities and new decision-making mechanisms are required for the redirection of technology.<sup>65</sup>

Our relationship to nature, then, transcends denominations, aboriginal faiths, and even the lines that distinguish Eastern religions and the Judeo-Christian faith. The duty to fulfill our roles as stewards culminates in transcultural, global tenets respecting the environment that are found in the teachings of all religions. Inherent in earnest faith is an aspirational ecological ethic. As the foregoing discussion demonstrates, there is wide debate about the extent to which religion has contributed to the erosion of the Earth's environmental resources. But many scholars and environmentalists misapprehend the synopsis or mutualism that God intended between man and nature. This misapprehension has led to a wide misunderstanding of the substance of the current environmental crisis. The Earth is world property, and

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<sup>61</sup> See generally Huston Smith, *Tao Now: An Ecological Testament*, in *EARTH MIGHT BE FAIR*, *supra* note 16, at 62.

<sup>62</sup> Rene Dubos, *A Theology of the Earth*, in *WESTERN MAN AND ENVIRONMENTAL ETHICS*, *supra* note 39, at 46.

<sup>63</sup> See PARHAM, *supra* note 29; see also White Jr., *supra* note 39, at 25-28.

<sup>64</sup> White Jr., *supra* note 39, at 28.

<sup>65</sup> See Barbour, *Introduction to EARTH MIGHT BE FAIR*, *supra* note 16, at 1.

mankind, as its stewards, must ground its duty to preserve it through a theocentric ecological ethic that weds the twin, but competing, theories of liberation and ecology.

### III. THE VALUE OF CREATION: GOD AND NATURE

[I]t was very good.<sup>66</sup>

– *Genesis*

For purposes of this article, and in the interest of scope, the principles underlying modern Christianity serve as both guidepost and foundation for discussing and exploring various notions about nature and mankind's obligation to it. The foregoing notwithstanding, teleological teachings that form the corpus of all world religions are remarkably similar in spirit, if not in letter. So, too, are their seeming contradictions. Coursing throughout the Christian gospels, for instance, are the rival principles of the dominion mandate, introduced in *Genesis*, and the private property principle articulated in *Matthew*. These property concepts, discussed below, shed light on a critical dimension of the present environmental dilemma. A fundamental principle of Western thought is that one may lawfully do with his property what he wishes so long as it does not violate God's law in relation to someone else. How does one reconcile sound principles of private property ownership (such as the one expressed above) with the overriding reality that God charged man to be the steward of His creation, a mandate that holds humanity accountable for its uses (and abuses) of land?

Creation is one of the basic tenets of Judeo-Christian belief.<sup>67</sup> Indeed, it is the starting point for God's relationship to mankind and nature.<sup>68</sup> God made the earth, and on the sixth day "man" was created.<sup>69</sup> God's responses to both of these inventions were "good" and "very good," respectively.<sup>70</sup> Following this seminal text, man is given "dominion" over all of nature. As discussed in the previous section, not a few theologians have debated the manner of creation and the appropriate interpretation to be given to the term "dominion." Further debate also centers on the significance and the change in relationship of God to man with the "Fall"<sup>71</sup> and the "Flood."<sup>72</sup> Nowhere, however, is it suggested that God

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<sup>66</sup> *Genesis* 1:31 (King James).

<sup>67</sup> See, e.g., *THE ENCOUNTER BETWEEN CHRISTIANITY AND SCIENCE* (Richard H. Bube ed., 1968); P. J. FLAMMING, *GOD AND CREATION* 9 (1985).

<sup>68</sup> See LANGDON GILKEY, *CREATIONISM ON TRIAL: EVOLUTION AND GOD AT LITTLE ROCK* 229-32 (1985); CHARLES HARTSHORNE, *CREATIVE SYNTHESIS AND PHILOSOPHIC METHOD* 293 (1970); PAUL TILlich, *THE SHAKING OF FOUNDATIONS* 76-86 (1948).

<sup>69</sup> *Genesis* 1:1-31 (King James).

<sup>70</sup> *Genesis* 1:18, 31 (King James).

<sup>71</sup> See *Genesis* 3:1-24 (King James).

abandons His creation.<sup>73</sup> In fact, the goodness of God's creation is often reaffirmed in the Psalms:<sup>74</sup> "The earth is the Lord's, and the fullness thereof; the world, and they that dwell therein."<sup>75</sup>

The threat to this Eden of creation has given birth to a growing ecological culture that encompasses a holistic view of nature as well as recognizing the implications of an impending ecological disaster poised by the current confrontation between man and nature. Leonardo Boff, a noted South American author, has suggested that although many are concerned about "the importance of the earth as a whole, the common good of nature and of humankind, the interdependence of all, and the apocalyptic dangers that threaten the creation,"<sup>76</sup> the various proposals offered as solutions are often shallow or biased. He concludes that the often shortsighted and self-interested solutions offered by environmentalists, conservationists, and politicians fail to scrutinize critically the actual societal models of development and consumption.<sup>77</sup> Any paradigm based primarily on self-interest ignores a holistic approach and, consequently, treats the symptoms and not the cause.

[T]he notion of curse means that creation, while valuable, can become *devalued* or, even at times, valueless. The logic of this insight is inescapable. The very power which authorizes creation to be itself can be turned by human will against itself and therefor into self-negation and violence. This "risk of creation" . . . is central to the Christian view of a God who creates freely, that is, in hope and with possibilities in mind but no certainties guaranteed. Notice how in the Genesis sagas it is the act of violence on Cain's part that provokes the despair of God.

ANDREW LINZEY, *CHRISTIANITY AND THE RIGHTS OF ANIMALS* 12 (1987) (citations omitted).

<sup>72</sup> *Genesis* 6:7-17 (King James).

<sup>73</sup> See Stone, *supra* note 54; see also *Psalms* 24 (King James); Elie Wiesel, *Elie Wiesel*, in *THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ*, *supra* note 30, at 27, 27. Wiesel writes, "We share a common passion . . . a need to believe that God has not abandoned creation." Wiesel, *supra*, at 27.

<sup>74</sup> For example:

Let the heavens rejoice, and let the earth be glad; let the sea roar, and the fulness thereof. Let the field be joyful, and all that is therein: then shall all the trees of the wood rejoice. Before the Lord: for he cometh, for he cometh to judge the earth: he shall judge the world with righteousness and the people with his truth.

*Psalms* 96:11-13 (King James). "For every beast of the forest is mine, and the cattle upon a thousand hills. I know all the fowls of the mountains: and the wild beasts of the field are mine." *Psalms* 50:10-11 (King James). "Oh Lord, how manifold are thy works! in wisdom hast thou made them all: the earth is full of thy riches." *Psalms* 104:24 (King James). "Praise the Lord from the earth, ye dragons and all deeps: Fire, and hail; snow, and vapour; stormy wind fulfilling his word: Mountains, and all hills; fruitful trees, and all cedars: Beasts, and all cattle; creeping things, and flying fowl." *Psalms* 148:7-10 (King James).

<sup>75</sup> *Psalms* 24:1 (King James).

<sup>76</sup> BOFF, *supra* note 17, at 15.

<sup>77</sup> See *id.* at 13.



Boff further argues that an assemblage of technological, political, social, ethical, intellectual, and spiritual factors comprise the complex mix that is the principal determinant of ecological politics.<sup>78</sup> Another of the chief voices heralding the accelerating necessity of addressing the current destructive policies of man's confrontation with nature, John Cobb Jr.<sup>79</sup> joins with Boff in emphasizing the interconnectedness, contribution, and complexity these factors play in any sound ecological policy. They maintain that for a nation to prosper, indeed, for it to sustain the current economic model of continued and limitless growth, natural and often nonrenewable resources are placed at risk.<sup>80</sup> Furthermore, economic development does not occur simultaneously with social development.<sup>81</sup> As such, this development model's application cannot be shared universally and has (thus far) only been available to a privileged few of the Western Hemisphere.<sup>82</sup>

Politics determine resource distribution.<sup>83</sup> With unequally divided power comes ecological imbalance. If man is left to believe that he is the lord of nature, a nature which exists only to satisfy his needs and desires, then the result is a conviction that leads to violence: dominating nature and denying any intrinsic value of nature other than to serve man. At this point, the ethical, conscientious, and spiritual side of man should enter the picture. Something must curb the present utilitarian and anthropocentric practices of man and must identify an appropriate behavior for respecting nature and relating to man.

While espousing that the "authentic notion of ecology is always holistic and maintains an alliance of solidarity with nature,"<sup>84</sup> Boff

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<sup>78</sup> See *id.* at 19-43.

<sup>79</sup> See generally *id.*; COBB JR., IS IT TOO LATE?, *supra* note 29.

<sup>80</sup> See generally LEONARDO BOFF, CRY OF THE EARTH, CRY OF THE POOR (Phillip Berryman ed., 1997); BOFF, *supra* note 17; COBB JR., IS IT TOO LATE?, *supra* note 29.

<sup>81</sup> See BOFF, *supra* note 17, at 20.

<sup>82</sup> See DALY & COBB JR., *supra* note 2.

[A]dvances for the elite are accompanied by a widening gap with the majority of the citizens. Sometimes the majority becomes progressively worse off as the elite grow more prosperous. The only 'development' that would help the masses would be based on an 'appropriate' technology, one that enhances the ability of ordinary people to deal with their problems. But this is not what is of interest to foreign investors. International capital introduces techniques and methods that render Third World countries more dependent on the First World sources of the technology. Only fundamental social and political changes can render 'development' beneficial to the majority of people.

*Id.* at 289 (citations omitted); see also BOFF, *supra* note 17.

<sup>83</sup> See BOFF, *supra* note 17, at 21.

<sup>84</sup> *Id.* at 14.

denounces capitalism as the traditional ideology of the rich.<sup>85</sup> He posits that socialism is the only mechanism that will address the concerns of social and ecological injustice.<sup>86</sup> Being primarily concerned with the plight of the Latin American poor, he has seen programs of both government and church fail.<sup>87</sup> To be sure, any effective program must not only maintain a sustainable earth and society, but also insure that both social and ecological injustices be addressed.<sup>88</sup> While criticizing capitalism as a tool of oppression and carefully avoiding the type of socialism offered by failed Russian politics, Boff offers no clear model of the socialism he favors, and the attraction of his appeal is lost.

Upon the collapse of Soviet socialism, the subsequent withdrawal of socialist international aid to the countries of the Southern Hemisphere and the loss of interest by democratic nations, the conflict between East-West ideologies in the region was superseded by the political and economic tensions between the wealth of the North and the poverty of the South.<sup>89</sup> This shift intensified pressure on churches and organized religions to address the plight of the poor.<sup>90</sup> With its European centralized hierarchy, the Latin American Catholic Church has been particularly criticized for being largely unresponsive to the economic and political causes of the continued oppression.<sup>91</sup> Allegedly a victim of its own theological parameters and its historical paternalism, the church is accused of failing to initiate or to promote any *true* liberation from the effects of social injustice.<sup>92</sup>

Protestants similarly must be assessed part of the blame.<sup>93</sup> Since the Enlightenment, the Protestant work ethic is especially accused of

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<sup>85</sup> These concerns often compete against each other, resources either being sacrificed for short term gains of the poor, or conversely, the poor are ignored for the sake of resource conservation. This is an inappropriate and unacceptable tenant. Both concerns must advance together. "Mahatma Gandhi rightly said, "The earth satisfies the needs of all, but not the greed of those bent on insane consumption." *Id.* at 21.

<sup>86</sup> See BOFF, *supra* note 80, at 67.

<sup>87</sup> *Id.* at 69-70.

<sup>88</sup> See BOFF, *supra* note 17, at 7; Norman J. Faramelli, *Ecological Responsibility and Economic Justice*, in WESTERN MAN AND ENVIRONMENTAL ETHICS, *supra* note 39, at 188. "[M]an must be a steward of God's creation at the same time he works for social and economic justice for *all*." Faramelli, *supra*, at 199; see also MAX OELSCHLAEGER, CARING FOR CREATION: AN ECUMENICAL APPROACH TO THE ENVIRONMENTAL CRISIS (1994) (arguing that without the moral authority of religion providing solidarity to environmentalism, utilitarian individualism will triumph and a narrow conception of the public good will continue to dominate politics).

<sup>89</sup> See BOFF, *supra* note 17, at 68.

<sup>90</sup> See *id.* at 69.

<sup>91</sup> See *id.*

<sup>92</sup> See *id.* at 68-80. Boff continues to be one of the most vocal critics of the politics of the Catholic Church. See generally BOFF, *supra* note 80.

<sup>93</sup> See Nash, *supra* note 15.

misusing the term "domination" and abusing nature. Ian Barbour, expressing a similar theme to White's thesis discussed earlier,<sup>94</sup> writes:

[W]ith the growth of technology—whose goal is to control nature rather than to understand it—more exploitative and utilitarian motives predominated. The economic interests of the rising middle class, the competitiveness and rugged individualism of the capitalist ethos, the goals of economic productivity and efficiency—aided no doubt, by the "Protestant ethic" of frugality, hard work, and dominion over the earth—all these encouraged a ruthlessness and arrogance toward nature unknown in earlier centuries . . . . Additional factors contributed to exploitative attitudes on the American scene: a land of seemingly unlimited natural resources, a belief in a manifest destiny to subdue a continent and build a nation, a frontier that allowed for continued expansion into new territory, [and] an industrial development that promised ever higher living standards.<sup>95</sup>

If indeed dominion, as interpreted by man, has come to mean "to have at one's disposal," then, to be sure, this stinging accusation has a ring of truth. Man as evaluator has quite naturally and expectedly measured the worth of everything in relation to its purpose or benefit to himself.<sup>96</sup> That man is made in God's image serves, some highly criticize, as a distorted basis for man's inflated opinion of himself over all non-human species.<sup>97</sup> Fueling this issue on both sides is the belief that man possesses both soul and reason.<sup>98</sup> With the focus then on man as the evaluator and assessor, the arguments subsequently fragment into why man should be charged with this authority. Championing that there is simply no other appropriate way to describe the relationship of homo-sapiens with non-humans, each side solidifies its position. One group bases its belief on the premise that man was charged with this responsibility in the Scriptures, while an opposing group concludes that because of man's superior intellect and reasoning capacity, man is the only species capable of managing other living species.<sup>99</sup>

<sup>94</sup> See *supra* note 39 and accompanying text.

<sup>95</sup> See Barbour, *supra* note 44, at 151.

<sup>96</sup> See Bruce A. Green, *The Role of Personal Values in Professional Decisionmaking*, 11 GEO. J. LEGAL ETHICS 19 (1997).

<sup>97</sup> Ian McHarg states:

Whatever the origins, the text is quite clear in Judaism, was absorbed all but unchanged into Christianity, and was inflated in Humanism to become the implicit attitude of western man to nature and the environment. Man is exclusively divine, all other creatures and things occupy lower and generally inconsequential status; man is given dominion over all creatures and things; he is enjoined to subdue the earth.

Ian L. McHarg, *Values, Process and Form*, in *THE FITNESS OF MAN'S ENVIRONMENT* 213 (1968).

<sup>98</sup> See generally Galatians 3.

<sup>99</sup> See generally W. Sibley Towner, *The Future of Nature*, 50 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 27 (1996).

This latter line of thought further divides into camps of support and criticism:<sup>100</sup> (1) those individuals who perceive that man correctly values the remainder of creation as necessary to sustain his quality of life and to insure the survival of the planet, (2) those people supporting biodiversity for the sake of preserving the habitat for man versus those who ascribe intrinsic value to non-human species, and (3) those individuals believing that man has both a flawed (not necessarily inflated, but perhaps undervalued)<sup>101</sup> sense of self-worth coupled with an inappropriate respect for the true value of non-human life.<sup>102</sup> This last contingent may, but not always, view non-human species as “neighbors that should be loved.”<sup>103</sup>

The basis for these allegations is as varied as the authors of the challenges and their respective positions. The theologians of “process thought” see value as based on God’s continuing creation of the world.<sup>104</sup>

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<sup>100</sup> Compare PARHAM, *supra* note 29, at 30 (“Too often we have thought that [John 3:16] referred exclusively to humanity. The Greek word for *world*, however, is *cosmos*, which means the entire created order. God’s Son and our Saviour comes as the Christ for the redemption of the entire created order.”), with BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 24 (“To make man subservient to the earth is to turn the purpose of God in creation on its head.” (citation omitted)).

<sup>101</sup> This view is reflected in many traditional religious hymns, for example, “Amazing Grace”:

Amazing grace! (how sweet the sound)  
That sav’d a wretch like me!  
I once was lost, but now am found,  
Was blind, but now I see.

This hymn of repentance, penned by John Newton, expresses Newton’s gratitude to God for His redemptive grace upon his conversion to Christianity. Newton, a former slave ship captain prior to his conversion, was overwhelmed by the receipt of God’s forgiveness for the evil he had done. Since the origin of the tune of the hymn is unknown, Bill Moyers speculates that the tune probably originated from a song sung by the slaves during their transport to America. See Al Rogers, *Amazing Grace: The Story of John Newton*, at <http://www.flash.net/~gaylon/jnewton.htm> (last visited Nov. 1, 2003).

<sup>102</sup> “Our man-centeredness, or anthropocentrism, holds that we are God’s only valued beings. The rest of the created order has only as much value as we give to it, not the value God has given it. Much of the environmental crisis arises from such unbiblical thinking.” PARHAM, *supra* note 29, at 30.

<sup>103</sup> Robert Parham states:

One of the most favored Christian passage incorporates the biblical ideal that God loves the entire created order. John 3:16 literally says God sent His Son to save the entire world. That shocks many Christians. Too often we have thought that this verse referred exclusively to humanity. The Greek word for *world*, however, is *cosmos*, which means the entire created order. God’s Son and our Savior comes as the Christ for the redemption of the entire created order.

*Id.*

<sup>104</sup> See, e.g., JOHN B. COBB JR., PROCESS THEOLOGY AS POLITICAL THEOLOGY (1982); CHARLES HARTSHORNE, MAN’S VISION OF GOD, AND THE LOGIC OF THEISM (1941); CHARLES HARTSHORNE, REALITY AS SOCIAL PROCESS: STUDIES IN METAPHYSICS AND RELIGION (1953);

The interrelatedness of all creatures, human and non-human alike, dictates that each species has value.<sup>105</sup> God, although Creator, does not necessarily know the outcome of His creation and uses persuasive means to guide the development of man and to assist nature in a continuing process or adventure.<sup>106</sup> Others see God as the Sustainer of creation who presently provides order to His creation.<sup>107</sup> Taking this belief even further, still more see God as actively involved not only as Creator and Sustainer, but also as Redeemer in the day-to-day affairs of mankind.<sup>108</sup> Juxtaposed against this view are both the deists and the dualists.<sup>109</sup>

Deists, even if ascribing to the "big bang" theory of creation, nevertheless see a God of folded hands and closed lips who watches what men of free will do with His creation.<sup>110</sup> God takes no active part in its sustenance or redemption.<sup>111</sup> The dualist view sees something just short of two gods, one good and one evil, engaged in a struggle for the earth as well as men's souls.<sup>112</sup> Although monotheistic in viewpoint of the God of creation, this group sees man as corrupted due to the original sin in the Garden.<sup>113</sup> According to them, the Flood failed to restore the world to its original design or order.<sup>114</sup> The camps divide still further. One group, viewing the goodness of God on the one hand and the evil being done as a function of man's free will on the other, sees the present corruption accelerating or continuing until the end of time.<sup>115</sup> This group is distinct from those who hope, with God's assistance, that the earth can be righted.<sup>116</sup> Some see corruption of man's will; others see corruption of

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ALFRED NORTH WHITEHEAD, *PROCESS AND REALITY: AN ESSAY IN COSMOLOGY* (David Ray Griffin & Donald W. Sherburne eds., 1978).

<sup>105</sup> This view does not belong exclusively to process theologians. Members of diverse religious camps have adopted such a view. See BOFF, *supra* note 17 (a Catholic); PARHAM, *supra* note 29 (a Baptist).

<sup>106</sup> See Towner, *supra* note 99.

<sup>107</sup> See JAMES REDFIELD, *THE CELESTINE PROPHECY* (1993); see also BEISNER, *PROSPECTS FOR GROWTH*, *supra* note 38, at 20-21.

<sup>108</sup> The popular author Charles Stanley is a proponent of this view. See, e.g., CHARLES STANLEY, *THE REASON FOR MY HOPE* (2000).

<sup>109</sup> See *infra* Part IV.

<sup>110</sup> See JIM HERRICK, *AGAINST THE FAITH: ESSAYS ON DEISTS, SKEPTICS AND ATHEISTS* (1985); see also RICHARD STURCH, *THE NEW DEISM: DIVINE INTERVENTION AND THE HUMAN CONDITION* (1990).

<sup>111</sup> See generally HERRICK, *supra* note 110; STURCH, *supra* note 110.

<sup>112</sup> See H. RICHARD NIEBUHR, *CHRIST AND CULTURE* 149-89 (Harper Touchstone 1951).

<sup>113</sup> *Id.*

<sup>114</sup> Some dualists argue that the Flood was God's first, but failed, attempt at redemption of creation.

<sup>115</sup> See, e.g., RAY SUMMERS, *WORTHY IS THE LAMB* (1951) (discussing the various views).

<sup>116</sup> See *infra* notes 144-45.

both will and reason.<sup>117</sup> This discussion most often ends in a debate on eschatology.

The projection of the eschatological prophecies hinge on how much control God intends to exert on mankind—ranging from none, to persuasive use described by process theologians, to that of the more fundamentalist view of God's active involvement as Redeemer and Sustainer. Some see no hope for the earth—a continuum devolving until a great fire terminates time as we know it.<sup>118</sup> Others espouse the belief that the earth does indeed still belong to God—His will cannot be thwarted.<sup>119</sup> Much of this age-old debate takes place between those who view the earth as being given over to evil and those who view the earth as still the Lord's.<sup>120</sup>

Trouble, of course, is immediately apparent with the latter view in that we must deal with the problem of evil. Is God the author of all—including evil<sup>121</sup>—or has God, by providing mankind with free will,

<sup>117</sup> Compare BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 19-30, with GUTIERREZ *supra* note 30, at 43-77; STANLEY HAUERWAS, DISPATCHES FROM THE FRONT: THEOLOGICAL ENGAGEMENTS WITH THE SECULAR 5-28 (1994), and MAX L. STACKHOUSE, PUBLIC THEOLOGY AND POLITICAL ECONOMY: CHRISTIAN STEWARDSHIP IN MODERN SOCIETY 1-35 (1987).

<sup>118</sup> See *Revelation*; see also TIM F. LAHAYE & JERRY B. JENKINS, LEFT BEHIND: A NOVEL OF THE EARTH'S LAST DAYS (1996); HAL LINDSEY, THE LATE GREAT PLANET EARTH (1970).

<sup>119</sup> See BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 20-21.

<sup>120</sup> LET THE EARTH BLESS THE LORD, *supra* note 54, at 3-6.

<sup>121</sup> See *Introduction* to THE PROBLEM OF EVIL: SELECTED READINGS (Michael L. Peterson ed., 1992).

The problem of evil is a serious and enduring challenge to religious faith; it strikes at the heart of traditional belief in God. Many thoughtful people contend that evil makes theistic belief in an omnipotent, omniscient, and perfectly good God problematic in the extreme. According to theologian Hans Küng, the problem is so severe that it has become 'the rock of atheism.' Through the centuries, many great thinkers have wrestled with this intellectual difficulty which arises equally for the three major theistic religions—Judaism, Christianity, and Islam.

*Id.* at 1. "In its simplest form the problem is this: God is omnipotent; God is wholly good; and yet evil exists. There seems to be some contradiction between these three propositions. . . ." J. L. Mackie, *Evil and Omnipotence*, in *id.* at 89; see also RICHARD SWINBURNE, PROVIDENCE AND THE PROBLEM OF EVIL (1998).

[I]t is [the Western religion] understanding of "God" which gives rise to the 'problem of evil', initially in the form of an apparently conclusive argument against the existence of God. For, the atheist's argument goes:

1. If there is a God, he is omnipotent and perfectly good.
  2. A perfectly good being will never allow any morally bad state to occur if he can prevent it.
  3. An omnipotent being can prevent the occurrence of all morally bad states.
  4. There is at least one morally bad state.
- So (conclusion): There is no God.

reduced Himself to a cheerleader role of persuasiveness.<sup>122</sup> Is the principle avoiding man's liability, so oft-cited in the torts and insurance law classroom (acts of God), actually true? The ecofeminists also want a corner in this debate; has not the linear mind of man distorted "god's" (whatever sex that entity may be) design and purpose?<sup>123</sup> God, it is

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The first premiss [sic] of the above argument simply states some of what is involved in the Western understanding of God . . . . If God's goodness were supposed to be other than moral goodness, then it might be no objection to his existence that there is pain and other suffering. But, despite the fact that some philosophical theologians have attempted to expound God's goodness in non-moral ways, it seems to me deeply central to the whole tradition of the Christian (and other Western) religion that God is loving towards his creation and that involves his behaving in morally good ways towards it. There is no doubt more to loving someone than not kicking them in the teeth. But it does (barring special considerations) seem to involve at least not kicking them in the teeth. Western religion has always held that there is a deep problem about why there is pain and other suffering—which there would not be if God were not supposed to be morally good.

SWINBURNE, *supra*, at 6-7. St. Augustine believed:

That the flaw of wickedness is not nature, but contrary to nature, and has its origin, not in the Creator, but in the will. . . . So that even the wicked will is a strong proof of the goodness of the nature. But God, as he is the supremely good Creator of good natures, so is He of evil wills the most just Ruler; so that, while they make an ill use of good natures, He makes a good use even of evil wills.

St. Augustine, *A Good Creation's Capacity for Evil*, in *THE PROBLEM OF EVIL: SELECTED READINGS*, *supra*, at 191. David Ray Griffin proposes:

Augustine repeatedly affirmed God's omnipotence and goodness. And he was acutely aware of the problem of evil that is occasioned by this combination of divine attributes and apparent existence of evil. . . . But he never gave up the free-will defense of God's goodness. He continued to maintain that evil ultimately comes from the free choice of creatures, so that God is not responsible for sin and hence is justified in inflicting evil as a punishment for sin.

David Ray Griffin, *Augustine and the Denial of Genuine Evil*, in *id.* at 197; DAVID HUME, *DIALOGUES CONCERNING RELIGION* (Norman Kemp Smith ed., T. Nelson & Sons 2d ed. 1947) (1779); BRUCE R. REICHENBACH, *EVIL AND A GOOD GOD* (1982).

<sup>122</sup> "God's power is persuasive, not controlling. . . . God does not refrain from controlling the creatures simply because it is better for God to use persuasion, but because it is necessarily the case that God cannot completely control the creatures," having given them free will. DAVID RAY GRIFFIN, *GOD, POWER AND EVIL: A PROCESS THEODICY* 276 (1976). Martin Luther's view is opposite this; he denies complete creaturely freedom. See *id.* at 101; see also DAVID RAY GRIFFIN, *EVIL REVISITED, RESPONSES AND RECONSIDERATIONS* (1991).

<sup>123</sup> See ROSEMARY RADFORD RUETHER, *GAIA AND GOD: AN ECOFEMINIST THEOLOGY OF EARTH HEALING* (1992). Ruether states:

As the collective bearer of God's 'image,' Adam is the representative of divine rule on earth over other animals of land, sky, and water. . . .

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argued, did not create man in His image; rather, man has created God in the image of man. Certainly, there is some truth to this proposition as various civilizations over the centuries have carved images of wood and stone to express their gods. Other individuals, like Marx, have viewed

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While *the* text leaves open the equality of male and female 'in the image' of God, the maleness of the pronouns for God and for Adam already suggests that males are the appropriate collective representatives of this God, females sharing in the benefits of corporate 'human' sovereignty, but also falling under the rule of the male head of family.

*Id.* at 20-21 (citations omitted). She continues:

Environmentalists have criticized the idea of 'dominion' given this collective Adam over the rest of creation as the prototype of both anthropocentric and exploitative use of animals and plants by 'man.' There is no doubt that the account is anthropocentric. Although created last, the human is the crown of creation, given sovereignty over it. However, an exploitative or destructive rule over earth is certainly not intended. Humans are not given ownership or possession over the earth, which remains 'the Lord's' God, finally, is the one who possesses the earth as his creation. Humans are given usufruct of it. Their rule is the secondary one of the care for it as a royal steward, not as an owner who can do with it what he wills.

This obviously means that humans are to take good care of the earth, not to exploit or destroy it, which would make them bad stewards.

*Id.* at 21; see also WOMEN HEALING EARTH: THIRD WORLD WOMEN ON ECOLOGY, FEMINISM, AND RELIGION (Rosemary Radford Ruether ed., 1996) (essays by women of India, Korea, the Philippines, Central and Latin America, South Africa and Zimbabwe). Ruether posits:

I have sought to explore the interconnections between ecology and feminism, the interconnections between the domination of women and the domination of nature, or 'ecofeminism,' and how religion interplays with this connection, in both positive and negative ways. How has religion reinforced such domination, and how might it be a resource for liberation from violence for both women and nature?

Rosemary Radford Ruether, *Introduction to WOMEN HEALING EARTH*, *supra*, at 1; see also MARY HEMBROW SNYDER, *THE CHRISTOLOGY OF ROSEMARY RADFORD RUETHER: A CRITICAL INTRODUCTION* (1988).

[I]n Hebraic thought there is one covenant of creation, which includes a harmonious relationship between nature and society. Breaking this covenant means establishing social injustice and cultivating natural calamities. 'This Hebrew prophetic sense of the interconnection of harmony with nature and social justice is particularly important for the constriction of an ethic of eco-justice.'

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... [Seen] in the history of Christianity [is] the development of a false consciousness of reality that is based on a hierarchical system of domination and alienation which denies the relationship between humankind and nature, leaving nature to be used and abused by men. Like women and other oppressed groups, nature is perceived to be under male domination and control.

SNYDER, *supra*, at 56-57.; see also Ana Maria Bidegain, *Women and Theology of Liberation*, in *THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ*, *supra* note 30, at 105.



religion as nothing more than the "opium of the people."<sup>124</sup> But even among those who shutter at the thought of violating the First Commandment,<sup>125</sup> anthropocentrism, which sees man as God's only valued being, has been used to justify man's control of nature to the point of ecological destruction and extinction for the purpose of progress. Notwithstanding the current disputes concerning creation and dominion, there exists a pervasive sense of anthropocentrism that threatens the earth. Without the earth, mankind perishes.

#### IV. THE VIRTUE OF STEWARDSHIP: GOD AND MAN

From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked.<sup>126</sup>

— *The Gospel According to Luke*

From the various viewpoints of creation and man's subsequent relationship to both God and nature discussed in the previous sections of this article, it is now possible to construct a system by which nature can be valued and address man's ensuing accountability for his conduct toward nature. Between the pictorial extremes of seeing God as nature and therefore sacred, to assessing nature's true value only by the benefit it provides to man, there is middle ground for discourse. Man's view of the appropriate relationship to nature is dictated largely by man's view of God.

The argument gets confused here, however, if, as this article proposes, the current plight of the environment dictates a theocentric viewpoint. What then is the appropriate shape of that viewpoint when the religious perspectives are so diverse and seemingly irreconcilable? It is at this point that one must recognize the pervasive sense of stewardship and love of neighbor and acknowledge that these virtues must have priority.

H. Richard Niebuhr, in his classic work *Christ and Culture*, proposes that there are five basic opposing postures into which Christians can be classified.<sup>127</sup> Some within academia argue that there are more or fewer varieties; in truth, experience suggests there are more. Even so, these classifications have stood the test of time and have served

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<sup>124</sup> "Religious suffering is at the same time an expression of real suffering and a protest against real suffering. Religion is the sign of the oppressed creature, the feeling of a heartless world and the soul soulless circumstances. It is the opium of the people." Karl Marx, *Towards a Critique of Hegels Philosophy of Right: Introduction*, in KARL MARX: EARLY TEXTS 116 (David McClellan ed. and trans., 1971).

<sup>125</sup> "Thou shalt have no other gods before me." *Exodus* 20:3 (King James).

<sup>126</sup> *Luke* 12:48 (New International).

<sup>127</sup> See NIEBUHR, *supra* note 112.

as a departure point for many ethics classes in seminaries. This focus is not meant to ignore the contributions other religions have made toward solving environmental issues, such as those of the Eastern religions mentioned in section two, but owing to the criticism that the "Protestant work ethic" has received in moral discussions assessing blame for man's failure to respect the environment, it seems appropriate to begin the discussion here.<sup>128</sup> Nor is this meant to suggest that the primary accusation is directed strictly toward Protestants, for it is also levied against Jews and Catholics. Examination of the Catholic role will be taken up in the next section of this article in conjunction with the discussion of the allegations of non-responsiveness leveled at the Catholic Church since the early 1970s for their perceived failure in addressing the real issues concerning the poor. Furthermore, certain Eastern religions, which have received favor with the environmental writers for their outlook of the interrelatedness of all living things,<sup>129</sup> come under criticism for promoting contentment with the plight of the poor and fostering a hopelessness on the part of their believers by acceptance of pitiful conditions as part of "the will of God."<sup>130</sup> Most criticism, leveled at the contribution Christian practices have made in fostering the environmental crisis of our time are blanket condemnations that make no effort at identifying which particular Christian viewpoint is under fire.<sup>131</sup>

Rabbi Klauser has proposed, "Jesus ignored everything concerned with material civilization: in this sense he does not belong to civilization."<sup>132</sup> Some Christian groups vigorously protest, arguing Christ was in every sense of the word the Son of Man, being intensely interested and involved in the everyday lives of those around him.<sup>133</sup> The

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<sup>128</sup> Furthermore, the author's familiarity with these charges played no small part in this selection.

<sup>129</sup> See, e.g., Smith, *supra* note 61, at 62-81.

<sup>130</sup> See, e.g., Mariam Francis, *Pakistani Women: Yearning for Liberation, in THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ, supra* note 30, at 390, 394-95.

<sup>131</sup> The word Christian has been used by authors to be like ice cream, one flavor for virtually any taste. Others have proposed Christian is an adjective not a noun.

<sup>132</sup> See NIEBUHR, *supra* note 112, at 3. Compare Luke 12:14 (King James) when Jesus is asked to arbitrate a dispute between brothers over an inheritance ("[W]ho made me a judge or a divider over you?"), with Jesus' response in *Matthew* 15:32 (King James) when he fed 4000 followers on the hillside despite requesting to be left alone ("I have compassion on the multitude, because they continue with me now three days, and have nothing to eat: and I will not send them away fasting, lest they faint on the way."), and *John* 2:4 (King James), where he followed his mother's request to solve the wine shortage problem despite his apprehension at the time ("[W]hat have I to do with thee? mine hour has not yet come."). It is in this posture that we begin our survey of the various positions to be taken by the camps as they seek to obey God and be responsive to his creation.

<sup>133</sup> See, e.g., CHARLES. F. STANLEY, *OUR UNMET NEEDS* (2000).

essence of this belief being that Jesus was the second Adam, who obeyed where the first Adam sinned.<sup>134</sup> But where does this take us? Christ died leaving multitudes of hungry and poor behind and hosts of social issues unresolved—in fact, many would-be followers deeply felt the disappointment of His failure to set up an earthly kingdom.<sup>135</sup> Yet, Christ not only reaffirmed the most basic of codes to “love our neighbor,”<sup>136</sup> but took the precept one step further by requiring that one should aspire to be pure not only in action but also in motive and thought.<sup>137</sup>

The basic question revolves around whether God is seen by Christians as one, or in a combination, of the following: God as Creator (with Christ as one member of the Trinity being at creation),<sup>138</sup> Christ as Redeemer and Messiah (who redeems His creation after the Fall and the Flood),<sup>139</sup> and, finally, God as Sustainer (with God still taking an active role in the everyday affairs of man and tolerating evil so as to provide man with an opportunity to oppose evil).<sup>140</sup> Eschatology once again enters the discussion: to what degree does God control the affairs of mankind until the “end of time.” Will man eventually destroy himself and the earth?<sup>141</sup>

Although nature is not culture, all culture is founded upon nature.<sup>142</sup> It is instructive, therefore, that we look at the diverse, and sometimes conflicting, views espoused by Christian groups in an effort to ascertain the stances toward nature that can be supported by Christian thought. Based on typical Christian answers to the problem posed by

<sup>134</sup> See 2 Corinthians 5:17-21 (King James); see also John 6:69 (King James); Matthew 16:16 (King James); Romans 5:1-2 (King James).

<sup>135</sup> See Luke 24:13-21 (King James); Mark 11:8-10 (King James).

<sup>136</sup> See Matthew 22:39 (King James).

<sup>137</sup> Matthew 5:27-28 (King James). “Ye have heard that it was said by them of old time, ‘Thou shalt not commit adultery.’ But I say unto you, that whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart.” *Id.*

<sup>138</sup> A problem arises immediately when God is viewed as author of a flawed creation and introducing evil. In a monotheistic God view, the free will of man becomes an experiment. Job becomes a bet. See, e.g., *Job*.

<sup>139</sup> “For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.” *John* 3:16 (King James).

<sup>140</sup> See SWINBURNE, *supra* note 121, at 1 (“I understand by ‘God’ a being who is essentially eternal, omnipotent, omniscient, creator and sustainer of the Universe, and perfectly good.”).

<sup>141</sup> See *generally Revelation*. A visit to any bookstore shows that many of the popular best sellers concern the end of time. Authors Tim LaHaye and Hal Lindsay have written extensively in this area. See, e.g., LAHAYE & JENKINS, *supra* note 118.

<sup>142</sup> See NIEBUHR, *supra* note 112, at 117. Nor is “earth,” “world,” or “the flesh” necessarily the same, in a biblical sense, as either “nature” or “culture;” oftentimes they are used interchangeably. St. Paul, when he writes in his letters to the Philippians, used “the flesh” as the unredeemed, natural state of man; see, e.g., *Philippians* 3:3 (King James).

trying to reconcile the mandates of Christ with the requirements dictated by societal living during our earth-bound existence, H. Richard Niebuhr posits that the answers to this question can be grouped into five categories: Christ against Culture, Christ of Culture, Christ above Culture, Christ and Culture in Paradox, and Christ the Transformer of Culture.<sup>143</sup> Writing some twenty years before the advent of modern environmental law, Niebuhr nevertheless recognized the tension that exists in the struggle of Christians to identify their appropriate role and to balance their allegiance to both Christ and civilization in their everyday life:<sup>144</sup>

The debate is as confused as it is many sided. When it seems that the issue has been clearly defined as lying between the exponents of a Christian civilization and the non-Christian defenders of a wholly secularized society, new perplexities arise as devoted believers seem to make common cause with secularists, calling, for instance, for the elimination of religion from public education, or for the Christian support of apparently anti-Christian political movements.<sup>145</sup>

The Christ against Culture position is most often identified with radical Christians.<sup>146</sup> For this uncompromising group, recognition of Christ as the only authority, their loyalty and devotion to Him, and a fervent belief in His lordship necessitate the rejection of all cultural influences.<sup>147</sup> With rigorous adherence to Scripture as the sole basis for the appropriate code for living,<sup>148</sup> modern representatives of this

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<sup>143</sup> See NIEBUHR, *supra* note 112; see also J. B. PHILLIPS, *YOUR GOD IS TOO SMALL* (1961) (illustrating the limits of our abilities to conceive of God).

<sup>144</sup> Niebuhr calls this "the enduring problem": "It is the problem of how to be in but not of the world; . . . how not to be conformed to this world, but transformed by the renewing of our minds (Romans 12)." GLEN H. STRASSEN ET AL., *AUTHENTIC TRANSFORMATION* 10 (1996).

<sup>145</sup> NIEBUHR, *supra* note 112, at 1; see also STRASSEN ET AL., *supra* note 144, at 20.

<sup>146</sup> Another name for this position is the "New Law" type.

New law Christianity is represented in the New Testament by the first gospel. A characteristic feature of its presentation of Christian morality is the sharp antithesis between the law of God as known through Jewish culture and the law declared through Jesus Christ. The latter really supplants the former, though, as inevitable, some regard must be given the former as possessing a validity that cannot be ignored. ("Think not that I am come to destroy the law' [Matt. 5:17]).

H. Richard Niebuhr, *Prologue to Types of Christian Ethics*, in STRASSEN ET AL., *supra* note 144, at 20. "Harnack describes this Christianity as one in which 'no point of dogmas more emphatically brought the duty of a holy life, by mean of which Christians are to shine as lights amid a crooked and corrupt generation . . .'" Benedictine Monasticism and, historically, Tertullian, Tolstoy, and the and the apostle John are proponents of this view. See *id.* at 21; NIEBUHR, *supra* note 112, at 47-65.

<sup>147</sup> See NIEBUHR, *supra* note 112, at 45-82.

<sup>148</sup> See H. EVAN RUNNER, *THE RELATION OF THE BIBLE TO LEARNING* (5th ed. 1982).

But if the relation of the Word of God to the life of learning is one of the nature of an appendix or adjunct, of an extra or added something, a

philosophy attempt to isolate themselves from cultural inventions, rejecting the modern conveniences of life offered by technology, choosing instead a basic and non-materialistic lifestyle. They do not perceive their conflict to be with nature; but, rather, with culture, "for it is in culture that [they believe] sin chiefly resides."<sup>149</sup> Living in constant danger of compromising their loyalty to the Lord, these believers shun political life and follow a rigorous morality of obedience to biblical commands.<sup>150</sup>

At the other end of the spectrum from Christ against Culture followers, Niebuhr positions the Christians of Culture, often labeled as "liberal" and grouped with cultural Protestantism.<sup>151</sup> Feeling no tension in a loyalty to Christ and to the social obligations imposed on them by civilization, these adherents readily go back and forth between matters of the spirit and those of flesh.<sup>152</sup> Instead of shunning politics, they embrace it and comfortably and passionately stand united with non-believers for common social causes.<sup>153</sup> Their social Christ is often seen by

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*donum superadditum*, for instance; well, then, of course, we are free to follow the easier course of adaptation, of adjustment, of accommodation to the world of culture that is the product of the last centuries of modern western man's cultural labors, the world that we find in our Canadian . . . surroundings. But then it will not be the faith that unties us in a fellowship in our academic work, but rather the work in which we are engaged as scholars. Then we shall, each for each, be busied with whatever light our fields are pleased to surrender to us. Our ultimate loyalty in our work will now be to the profession itself, to the *mind*, or method of our profession. The one will be busy to take on the 'mind' of the philologist; another, the 'mind' of a lawyer; yet another, the 'mind' of the engineer; and still another, the 'mind' is concerned, say, with the Hebrew Old Testament (and its world). Here our loyalty, in our respective fields of learning, will not be to God's Kingdom of Righteousness.

*Id.* at 41-42.

<sup>149</sup> See NIEBUHR, *supra* note 112, at 52.

<sup>150</sup> *Id.* at 53-54; see also STANLEY HAUERWAUS, *AGAINST THE NATIONS: WAR AND SURVIVAL IN A LIBERAL SOCIETY* (1985).

<sup>151</sup> See NIEBUHR, *supra* note 112, at 83-115; STRASSEN ET AL., *supra* note 144, at 22. Also identified as the "Natural Law" type, they "assimilate the injunctions and values of the gospel to" and "interpret the revelation of values and imperatives through Christ from the standpoint of the common reason of their culture." STRASSEN ET AL., *supra* note 144, at 22.

<sup>152</sup> Others, such as Tertullian, reject culture, seeing "an essential difference between the Son and the Spirit, on the one hand, and the human race and the world on the other." CHRISTOPHER B. KAISER, *THE DOCTRINE OF GOD* 57 (1982). Paul the Apostle also drew a sharp distinction between matters of the Spirit and those of the flesh. See *Galatians* 5:17 (King James) ("For the flesh lusteth against the Spirit, and the Spirit against the flesh: and these are contrary the one to the other: so that ye cannot do the things that ye would."); see also the discussion of the Christ in Paradox position *infra*.

<sup>153</sup> "[Political] office is not merely service (*dienen*); it is also administration (*bedienen*): it is service of God and an administering of God's love and solicitude to the creature at the same time." RUNNER, *supra* note 148, at 175; see CHARLES SCRIVEN,

outsiders as a watered-down version of Christ so as to make their Gospel appealing to the masses.<sup>154</sup> Far from seeing Scripture as a mandatory code to be followed (as the Christ against Culture followers do), Christians of Culture, taking reason as truth no matter where it is found, easily accommodate the teachings of Christ with those perceived truths offered by great philosophers.<sup>155</sup>

The remaining three categories identified by Niebuhr belong to what is labeled as the church of the center, which refuses "to take either the position of the anticultural radicals or that of the accommodators of Christ to culture."<sup>156</sup> The key to understanding the church of the center

CHRISTIAN SOCIAL ETHICS AFTER H. RICHARD NIEBUHR: THE TRANSFORMATION OF CULTURE (1988). Scriven states:

The Church has a 'cultural mandate' . . . in addition to the spiritual one. The embrace of the Gospel requires us to accept this mandate. It requires us to become involved in 'political programs for social change.' Even though this is not our distinctively Christian calling, it belongs nevertheless to our 'wider mission' in the world . . . True Christians 'working as a transforming leaven in the secular stations of life,' will do all they can to help establish just laws and institutions in the world.

SCRIVEN, *supra*, at 140.

<sup>154</sup> During the first century, this view was represented by the Gnostics and who were viewed as heretics by the main body of the church and the radical Christians.

<sup>155</sup> Niebuhr explains, "As a religion dealing with the soul [only,] it laid no imperious claim on man's total life. Jesus Christ was spiritual savior, not the Lord of life; his Father was not the source of all things nor their Governor." NIEBUHR, *supra* note 112, at 87. This is quite a different view than that of the Christian against culture position, which perceives that "Christians be loyal to no merely spiritual Christ but to a visible and tangible Jesus Christ of history." *Id.* at 47. "This Christ of this religion does not call upon men to leave home and kindred for [H]is sake. . . ." *Id.* at 93. Niebuhr further states:

The Christian can exercise his calling to seek the kingdom of God if, motivated by the love of neighbor, he carries on his work in the moral communities of family and economic, national, and political life. Indeed 'family, private property, personal independence and honor (in obedience to authority)' . . . are essential to moral health and the formation of character. Only by engaging in civic work for the sake of the common good, by faithfulness in one's social calling, is it possible to be true to the example of Christ.

*Id.* at 97 (citation omitted); see also KAISER, *supra* note 152, at 48 ("Only a few of the [first and second Century] Christian apologists made any attempt to prove the existence or attributes of God by reason.")

<sup>156</sup> NIEBUHR, *supra* note 112, at 117. Contrast *id.* at 116-20, with SCRIVEN, *supra* note 153. It is important to recognize that the distinctions discussed by Niebuhr are neither exclusive nor exhaustive of the types or positions of Christianity. For example, Scriven discusses the position of Langdon Gilkey, which describes "church-type" and "sect-type" Christians. The church-type views

the church [as] holy, not in the special moral witness of its members but in its apostolic authority, sacraments, and dogmas. The individual belongs to the church not through voluntary commitment, but through birth into a society with which the church is intimately bound. The church functions as a supreme spiritual guardian . . . offering truth, grace, and salvation to all

position is their conviction that God created heaven and earth and that since all culture is founded upon nature, "Christ and the world [simply] cannot be . . . opposed to each other."<sup>157</sup> Despite this common belief of those identified with the central church, three theological families can be distinguished depending upon how they reconcile the sphere of Christ and the sphere of culture. They form the synthesists, the dualists, and the conversionists.<sup>158</sup>

The synthesists, identified with Saint Thomas Aquinas, maintain the distinction that Jesus is "both God and man, one person with two 'natures' that are neither to be confused nor separated."<sup>159</sup> "There is in the synthesist's view," claims Niebuhr, "a gap between Christ and culture that accommodation Christianity never takes seriously enough, and that radicalism does not try to overcome."<sup>160</sup> Just as the accommodators, with their worldly and materialistic view, become easy targets for those critics claiming that they are not Christians at all, the sythesists, with their belief that every person should be subject to the governing authorities because there is no authority apart from God, fall victim to the accusation that the church of their faith is but a puppet of the authorities empowered by the state.<sup>161</sup> Aquinas further believed that

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the society's members. . . . [It] is essentially conservative, accepting the prevailing social order and sharing in its practices.

SCRIVEN, *supra* note 153, at 67. The sect-type's position

aspires for the moral perfection exhibited in Jesus' life and teaching. Instead of upholding the holiness of hierarchy, dogma, and sacrament, it upholds the holiness of transformed lives. Instead of accepting and overseeing the prevailing social order, it stresses opposition to the evils in that order. . . . [In] its moral rigor, the sect's tendency . . . is to reject certain cultural practices altogether. These might include war, for example, or science, or the judiciary.

*Id.*

<sup>157</sup> NIEBUHR, *supra* note 112, at 117. From this position, "[n]either can the 'world' as culture be simply regarded as the realm of godlessness; since it is at least founded on the 'world' as nature, and cannot exist unless it is upheld by the Creator and Governor of nature." *Id.* at 117-118. The centrists believe that the "fundamental issue does not lie between Christ and the world, important as that issue is, but between God and man." *Id.* at 117. Recall the distinction the Christ against culture followers draw between nature, upheld as a good created by God, and culture, distrusted as a fallen, distorted invention of mankind. By contrasting this with the opposite position taken by the liberal Christians that harmonizes the Christian message with the moral philosophy of their best teachers and heroes, it is easy to see why this position is called the center or median type.

<sup>158</sup> *Id.* at 119-20.

<sup>159</sup> *Id.* at 120-21.

<sup>160</sup> *Id.* at 121.

<sup>161</sup> Clement of Alexandria made one of the earliest attempts to reconcile the injunctions of Christ with the claims of nature as culture. Clement, the first professor of Christian ethics, espoused that although Jesus is the Word of God in every sense, he is also the Reason of God. Christ, in Clement's view, is not against culture; rather, culture uses its best products as instruments of Christ's work. Thus enabling Clement easily to reference

man could only live in true freedom by living under the law.<sup>162</sup> It was a law, however, not derived from the Gospel, but one which is discerned and founded by reason based on the broad principles of natural law.<sup>163</sup> It is on this basis that Saint Thomas should defend the social institution of private property as a product of human reason consistent with natural law.<sup>164</sup>

The trouble immediately encountered with the synthesist view (its failure to account for what evil men do<sup>165</sup>) leads naturally to the position sometimes attributed to the Apostle Paul<sup>166</sup> and Martin Luther.<sup>167</sup> Although in accord with the synthesist regarding the frailty of the human will and the consequent need for grace, Paul, seeing grace in God and sin in man,<sup>168</sup> viewed Christ and Culture in Paradox.<sup>169</sup> Christ and Culture in Paradox is a dualist position.<sup>170</sup> The dualist joins with radical Christians in the belief that the world of human culture is to be condemned as a flawed and cracked product of the corruption of mankind. In contrast to the radicals, however, the dualist sees man as belonging to that culture of which escape can not be made in this lifetime.<sup>171</sup> Although stopping short of dividing the world into kingdoms of two gods, that of God and that of Satan, the dualist feels a similar tension as man is called upon to live his life in an oft-time hostile arena, constantly charged with the responsibility to deny self and his sin and to

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Plato and Aristotle. See CLEMENT OF ALEXANDRIA, WHO IS THE RICH MAN THAT SHALL BE SAVED?, reprinted in 2 THE ANTI-NICENE FATHERS, at 586 (A. Cleveland Coxe ed., American ed., Eerdmans Publ'g Co. 1975). St. Thomas, described by Niebuhr as the "greatest synthesist in Christian history," believed that one can not separate the works of human culture from God's grace. Recognizing that the superhuman effort of goodness required to love one's neighbor could not be produced as a consequence of resolution, Thomas believed that although it was not an impossible virtue, it could only through divine aid be achieved. See NIEBUHR, *supra* note 112, at 125, 134-35; see also *supra* Part II.

<sup>162</sup> See NIEBUHR, *supra* note 112, at 135.

<sup>163</sup> See *id.* at 135.

<sup>164</sup> See *id.* at 136.

<sup>165</sup> See generally THE PROBLEM OF EVIL, *supra* note 121 (discussing the origins of evil).

<sup>166</sup> Niebuhr says St. Paul has dualist tendencies, which is certainly true (*Romans 7*); however, this author would place St. Paul into the transformer position. "And be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God" *Romans 12:2* (King James); see also *Philippians 4:13*; *Romans 8:28*.

<sup>167</sup> See NIEBUHR, *supra* note 112, at 170.

<sup>168</sup> See *Romans 3:23*; *Romans 6:23*; *Romans 8:1-15*.

<sup>169</sup> See NIEBUHR, *supra* note 112, at 149.

<sup>170</sup> *Id.*

<sup>171</sup> See *id.* at 156. "Where the synthesist rejoices in the rational content of law and social institutions, the dualist, with the skepticism of the Sophist and positivist, calls attention to the lust for power and the will of the strong which rationalizes itself in all these social arrangements." *Id.*



affirm the grace, love, and power of God. The immediate problem with the dualist position is readily apparent, however, because the generous use of the term "flesh" as an entity to be condemned casts an unwholesome shadow upon the goodness of the creation of God.<sup>172</sup>

It is in an attempt to reconcile this dilemma that the conversionist, or Christ the Transformer of Culture,<sup>173</sup> view took root. Sharing a similar understanding of sin and grace with the dualist, the conversionist has a much "more positive and hopeful attitude toward culture."<sup>174</sup> Choosing to emphasize the participation of the Logos (the Word), that is the Son of God, in creation,<sup>175</sup> instead of emphasizing the perceived and impending wrath of God in the physical world, as the dualist does, the conversionist, as a creature of God, holds that "man the creature, working in a created world, lives . . . under the rule of Christ and by the creative power and ordering of the divine Word."<sup>176</sup> The conversionist sees the fall of man as an action of man separate from creation, claiming "a view of history that holds that to God all things are possible in a history that is fundamentally not a course of merely human events but always a dramatic interaction between God and man."<sup>177</sup>

In this last view the most promise and hope is found for the reversal of the abuses to earth by the transforming of our minds into that of the noble steward. It requires a reorientation of the corrupted and misdirected mind of man into one of a "new love of God that rejoices in His whole creation and serves all his creatures."<sup>178</sup> It is obvious that these categories are neither exhaustive nor (necessarily) exclusive. It does assist us, however, in the dialogue by serving as a focus. How one perceives himself in relation to God, nature, and those around him,

<sup>172</sup> See *Ephesians* 6:12 (New International). The Apostle Paul stated in his letter to the Ephesians, "For our struggle is not against flesh and blood, but against the rulers, against the authorities, against the powers of this dark world and against the spiritual forces of evil in the heavenly realms." *Id.*

<sup>173</sup> See NIEBUHR, *supra* note 112, at 190.

<sup>174</sup> NIEBUHR, *supra* note 112, at 191. Compare *Romans* 7 (discussing the struggle with sin), with *Romans* 8 (discussing the transforming work of the Spirit); see also *Galatians* 5:16 (King James) ("This I say then, Walk in the Spirit, and ye shall not fulfill the lust of the flesh."); *Colossians* 1:16-17 (King James) ("For by him were all things created that are in heaven, and that are in earth, visible and invisible, whether they be thrones, or dominions, or principalities, or powers: all things were created by him, and for him: And he is before all things, and by him all things consist.").

<sup>175</sup> See NIEBUHR, *supra* note 112, at 192; see also *John* 1:1-3 (King James) (stating in the Gospel according to St. John, "In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not any thing made that was made."); KAISER, *supra* note 152, at 52 (discussing the distinction between the Son and the Spirit).

<sup>176</sup> NIEBUHR, *supra* note 112, at 192; see also *Matthew* 6:26-33.

<sup>177</sup> See NIEBUHR, *supra* note 112, at 194; see also *Philippians* 4:13; *Romans* 8:31.

<sup>178</sup> See NIEBUHR, *supra* note 112, at 215; see also *John* 3:17, 10:10.

living both near and far, will dictate how much value is to be placed on nature and its preservation and conservation.

Robert Parham has suggested that arrogance, ignorance, greed, and indifference are the fundamental factors underlying the vast array of environmental concerns that confront us.<sup>179</sup> Although these factors are certainly not exclusive to Christians, they are nonetheless factors that help identify false and misconstrued "Christian" viewpoints. In near uniformity, environmental writers concur that each of these factors contributes to the present environmental problems, but disagree as to the weight that each of these factors should be given.<sup>180</sup> Although sharing a common belief in God and creation, the various alleged Christian groups disagree as to the appropriate treatment of nature. Parham equates arrogance, his key to the basic misunderstanding of many so-called Christian groups, with the anthropocentric worldview described by Gustafson, a view wherein man is seen as the center of the universe.<sup>181</sup> Central to this false and tenuous posture is an ethic finding as its root the erroneous and misplaced reading of the words "dominion" and "subdue."<sup>182</sup> This "conquer nature" perspective of some religious groups can no longer be tolerated as a license for the exploitation of all

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<sup>179</sup> See PARHAM, *supra* note 29, at 8-17.

<sup>180</sup> "Many view [arrogance] as the taproot of the earth's endangerment. Others assign it an important, but less prominent, role, recognizing the influence of other root causes." *Id.* at 8; see also LARRY L. RASMUSSEN, *EARTH COMMUNITY EARTH ETHICS* 344-48 (1996). See generally GUSTAFSON, *supra* note 10; MCDANIEL, *supra* note 41.

<sup>181</sup> See PARHAM, *supra* note 29, at 9 (using the word "pride" interchangeable with the word "arrogance"); GUSTAFSON, *supra* note 10, at 48; see also *Proverbs* 16:18 (King James) (stating that "pride goeth before destruction"). Gustafson writes:

A theocentric perspective informs and empowers a sense of radical dependence and a consciousness of the ambiguities of the many relations of multiple values of things for each other in nature. It does not require a cosmological view of an open and extending universe to make us conscious of the possibilities of human actions to restrain various effects which can be judged by us humans to be undesirable, deleterious, or even evil. . .

GUSTAFSON, *supra* note 10, at 48; see also JAMES M. GUSTAFSON, *THEOCENTRIC ETHICS* (Harlan R. Beckley & Charles M. Swezey eds., 1988).

<sup>182</sup> See *Genesis* 1:26-30. It is interesting that the New American Standard translation of the Bible uses the word "fill" whereas the King James version uses the term "replenish." *Id.*; see LET THE EARTH BLESS THE LORD, *supra* note 54, at 36 (stating "[i]n the unfolding and spreading of industrial development, we have come to believe that 'our dominion' does ultimately mean 'our domination.' Thus, through our mechanical creation, which greatly magnifies ourselves, we lose the ancient perception of the smallness of humanity within creation."). Gandhi said "it is an arrogant assumption to say that human beings are lords and masters of the lower creatures. On the contrary, being endowed with greater things in life, they are the trustees of the lower kingdom." *Mahatma Gandhi's Sayings*, at <http://meadev.nic.in/Gandhi/ecology.htm> (last visited Sept. 3, 2003).

the earth's resources to serve man's short-term needs.<sup>183</sup> Unlike Niebuhr's Christ against Culture followers, who also view culture as unholy, this "conquer nature" group wants to improve nature and conquer the evils caused by nature with God's blessing. Although it would be unfair to describe Christ against Culture followers as being against nature, we might accurately associate them with either the "transformer" or "in paradox" categories, since to them the world is perceived as a threat to be overcome. Christ of Culture followers, being social reformers, would find a very natural alliance with environmentalists, whether or not members of the environmental advocacy groups fail to see God as a dynamic, creative, and redemptive force today. On the opposing side, the Christ against Culture followers, although they do little damage to the earth because they do not partake in scientific and technological advances—those advances which Christ of Culture followers herald—provide little support for *any* environmental movement since politics are to be avoided. Although having a pro-environmental lifestyle in character, little popular support is found for their back-to-nature lifestyle because it is perceived as backward-looking and as a "no-growth" return to the past.

Returning to the other side of the debate, other Christian groups blamed for an anti-environmental ethic, base their viewpoint of nature on the dynamic and redemptive power of Christ. One such viewpoint, oft-described as the "second coming" view,<sup>184</sup> is represented by those adhering to the ethic implied in the comments of James Watt. The former Secretary of the Department of the Interior during the Reagan Administration stated, "I do not know how many future generations we can count on until the Lord returns."<sup>185</sup> This viewpoint believes that Christ's impending return and the subsequent destruction of the earth negate mankind's incentive to measure actions taken now in light of the earth's long-term prosperity. Nature's only value consists insofar as it satisfies immediate human needs.<sup>186</sup> Close to this position, the "God's omnipotence" view is sometimes called the "God's providence" view. Calvin Beisner takes the position that "[n]othing we ever do will frustrate God's purpose . . . [and] . . . [h]ence some seemingly profound

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<sup>183</sup> See PARHAM, *supra* note 29, at 9; see also *Mahatma Gandhi's Sayings*, *supra* note 182 (stating "[t]he earth provides enough to satisfy everyman's needs, but not everyone's greed").

<sup>184</sup> BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 20-21.

<sup>185</sup> Andy Pasztor, *James Watt Tackles Interior Agency Job with Religious Zeal*, WALL ST. J., May 5, 1981, at A1.

<sup>186</sup> See PARHAM, *supra* note 29, at 10; see also BEISNER, PROSPECTS FOR GROWTH, *supra* note 38 (discussing man's ethical responsibilities, if any, to nature); BEISNER, PROSPERITY AND POVERTY, *supra* note 38 (discussing man's ethical responsibilities, if any, to nature).

ideas, like one theologically liberal denomination's protest that nuclear arms threaten all of creation, turn out to be mere imbecility." He continues, "While we can recognize the reality of injustice and oppression, we can never say that God is not in control even of the present order of things."<sup>187</sup> The principle of sphere sovereignty presents a similar approach to the question.<sup>188</sup> Another inadequate viewpoint attempts to "ignore the material world altogether [by] focusing only on life beyond the present age."<sup>189</sup> It is obvious that advocates of either of these latter views might be found among the "transformers" and "in paradox" camps, but never in the social gospel Christian groups.

Into the mix, with no particular strong allegiance to any of Niebuhr's classes come the factors of ignorance, greed, and indifference. Ignorance of long-term consequences haunts each person equally.<sup>190</sup> Accusations of greed and indifference, however, are poignantly focused on all groups of faith who support and enjoy the fruits incident to capitalist investment and private property as discussed above. Debutants decry that one could claim to be a Christian and yet subscribe to a system of private property, which would maintain the status quo between those with and without resources.<sup>191</sup> Equally vocal are those

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<sup>187</sup> BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 20.

<sup>188</sup> See generally H. VAN RIESSEN, THE SOCIETY OF THE FUTURE (David Hugh Freeman ed. and trans., 1957).

<sup>189</sup> See PARHAM, *supra* note 29, at 10-11.

<sup>190</sup> Oppenheimer and his colleagues were photographed grouped around ground zero of the first nuclear bomb detonated at a New Mexico desert test site. These men share the fact that they all died of cancer. In the picture, the only protection each of the men wore was linen cloth wrapped around their shoes and tied at their ankles. The analogy lies, then, in asking "What similar mistakes, with the limited knowledge we possess today, do you suppose others in the future will look upon us as we do as we look upon these men who believed that they linen slippers would protect them from radiation"? See, e.g., Trinity Site Photo Index, at <http://www.wsmr.army.mil/paopage/Pages/Tpixind.htm> (last visited Nov. 3, 2003). The author wishes to express his gratitude to Professor Bill Rogers for first suggesting this parallel.

<sup>191</sup> See BOFF, *supra* note 17, at 33-34; see also LET THE EARTH BLESS THE LORD, *supra* note 54. Boff states:

The dominant system today, which is the capitalist system, like its recent historical competitor socialism (not in disarray or vanished from vast areas of the world), has developed its own ways of collectively designing and constructing human subjectivity . . . . These systems lie behind the subjectively induced conviction that life is meaningless if it lacks symbols of power and status, such as a respectable level of consumption and the ownership of specific electrical goods, machines, art objects, homes, and other symbols of prestige.

BOFF, *supra* note 17, at 33-34; see also Frederick Herzog, *Liberation and Imagination*, 32 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 227 (1998). Herzog states:

We white Christians of the West often assume that what counts are correct theological ideas regardless of how disorderly our lives may be. But the disorder of our lives has gotten out of hand, often victimizing those who

who champion private property ownership.<sup>192</sup> Pointing to the failed experiment of first-century Christians in communal living,<sup>193</sup> they also remind advocates of communal property of the abuses suffered in recent history during the failed Soviet socialist system.<sup>194</sup>

No matter which view one takes, the commandment opined by Christ is love of neighbor. Not only are the Scriptures replete with references to responsibility and stewardship, but the very words of Christ urge that we "feed his sheep."<sup>195</sup> These encouragements, together with the parables of the sheep and goats<sup>196</sup> and that of Lazarus,<sup>197</sup> sound stern warnings to those who through greed, indifference, or a misconstrued definition of "dominion" would ignore the needs of other creatures. It becomes difficult to argue that the inequitable waste of the earth's resources is an appropriate Christian viewpoint.

Continued quality of life, of course, depends on preservation of nature.<sup>198</sup> But one might ask, "for whom" and "at what level"? Although the responses to these queries are echoes of past writings, James

find themselves on the receiving end of our superior political and economic power.

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It is only with faithful attention to the actual social disorders that liberation theologies can be assessed with fairness. This pertains also to the use of the Bible in Latin American theologies where Third-World exegetical concerns have been most fully advanced.

Herzog, *supra*, at 230.

<sup>192</sup> See BEISNER, PROSPERITY AND POVERTY, *supra* note 38, at 47-69; see also *Exodus* 20:15 (stating in the Eighth Commandment—Thou shall not steal—which makes no sense unless there is a right to property). This is not the whole answer, in that this commandment can be deemed to personal property, rather than real property.

<sup>193</sup> See generally *Acts* 4 and 5.

<sup>194</sup> See BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 37-41.

<sup>195</sup> *John* 21:15-17.

<sup>196</sup> *Matthew* 25:32-46 (describing everlasting punishment).

<sup>197</sup> *Luke* 16:19-31.

<sup>198</sup> Australian John Passmore draws an interesting distinction between "conservation" and "preservation." He states:

To conserve is to save, and the word "conservation" is sometimes so used as to include every form of saving, the saving of species from extinction or of wilderness from land-developers as much as the saving of fossil fuels or metals for future use. Such organisations [sic] as the Australian Conservation Society, indeed, focus their attention on kangaroos and the Barrier Reef, not on Australia's reserves of oil and fuel. . . . I shall use the word to cover only the saving of natural resources for later consumption. Where the saving is primarily a saving *from* rather than a saving *for*, the saving of species and wilderness from damage or destruction, I shall speak, rather, of "preservation."

JOHN PASSMORE, MAN'S RESPONSIBILITY FOR NATURE: ECOLOGICAL PROBLEMS AND WESTERN TRADITIONS 73 (1974). This author does not entirely agree with Passmore's distinction.

Gustafson clarifies the points of view by identifying three centricisms.<sup>199</sup> Under the biocentric view, nature is inherently sacred and has intrinsic value and rights;<sup>200</sup> maintaining biodiversity, therefore, is a critical premise for the continuation of many species, several of which may never have instrumental value to man.<sup>201</sup> At issue under this viewpoint is not man's quality of life, but continuation of *all* species.<sup>202</sup> A more restricted and apocalyptic viewpoint is the species-centric view, holding that the continuation of the species is important to ensure the survival of man.<sup>203</sup> The final view, socio-centricism, is a utilitarian perspective prescribing that lower species exist for the sake of higher ones.<sup>204</sup> Central to this view is maintenance of the quality of life.<sup>205</sup> Opponents of this view raise significant moral and biological questions. Beyond any doubt there lies the injustice of the asymmetrical distribution of benefits and resources among industrialized societies and the consumption of resources beyond survival needs. These realities make the sustainability of the quality of life for over six billion people and the survival of the earth both issues that must be addressed in the twenty-first century.<sup>206</sup>

After being introduced to the bewildering array of viewpoints in this section, the reader must surely be tempted to adopt the posture denounced in the introduction—turning a deaf ear. Debate of the following points must continue: (i) God's mandate that we love our

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<sup>199</sup> See GUSTAFSON, *supra* note 10, at 28-40.

<sup>200</sup> See *id.* at 38; see also JAMES NASH, *LOVING NATURE: ECOLOGICAL INTEGRITY AND CHRISTIAN RESPONSIBILITY* 181 (1991) (arguing that all creatures are entitled to moral consideration).

<sup>201</sup> See GUSTAFSON, *supra* note 10, at 39-40; RODERICK FRAZIER NASH, *THE RIGHTS OF NATURE: A HISTORY OF ENVIRONMENTAL ETHICS* 22-23 (1989) (discussing the views of Donald Worster, John Bruckner, Humphrey Primatt, Jeremy Bentham, Descartes, and John Stuart Mills on the appropriate treatment of animals); PASSMORE, *supra* note 198, at 117-21. *But see* PASSMORE, *supra* note 198, at 115-117 (discussing the views of Frazier Darling, D. G. Ritchie, Thomas Taylor, Aldo Leopold, Aquinas, and the author as to whether animals have rights).

<sup>202</sup> See generally GUSTAFSON, *supra* note 10.

<sup>203</sup> See *id.*; see also JOYCE BLACKBURN, *THE EARTH IS THE LORD'S* (1972). "We still don't know how it will end. I say to myself every morning . . ." BLACKBURN, *supra*, at 11. The novel *The Golden Gate* by Virkam Seth eerily points to man's slow deterioration of the earth:

Think how the crown of earth's creation  
Will murder that which gave him birth,  
Ripping out the slow womb of earth.

SHRIDATH RAMPHAL, *OUR COUNTRY, THE PLANET: FORGING A PARTNERSHIP FOR SURVIVAL* 28 (1992).

<sup>204</sup> See GUSTAFSON, *supra* note 10, at 38.

<sup>205</sup> *Id.* at 36.

<sup>206</sup> See GUSTAFSON, *supra* note 10, at 37; see also MORRIS B. HOLBROOK & ELIZABETH HIRSCHMAN, *THE SEMIOTICS OF CONSUMPTION: INTERPRETING SYMBOLIC CONSUMER BEHAVIOR IN POPULAR CULTURE AND WORKS OF ART* (1993).

neighbor; (ii) man's duty to serve as noble stewards of the earth; and (iii) man's recognition that the continued quality of life depends upon a sound ethic that preserves nature. These central themes call us to work toward such an ethic, realizing that how man perceives himself in relation to God, nature, and those around him dictates the value placed on the preservation and conservation of nature.

## V. THE VIRTUE OF LOVE: MAN AND GOD

Render to Caesar the things that are Caesar's, and to God the things that are God's.<sup>207</sup>

– *The Gospel According to Mark*

Is there a way to conceive of human rights that accommodates a sound ecological ethic consistent with biblical teachings about man's duty to the poor and oppressed? The main point of liberation theologians is that Christ is the supreme liberator and any religion which fails to advance the cause of the oppressed is false or flawed. They contend that no ecological ethic is adequate if it fails to address the plight of the poor and oppressed.<sup>208</sup> As such, ecojustice must be the foundation for any sound environmental ethic.<sup>209</sup> More often, however, environmental issues

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<sup>207</sup> *Mark* 12:17 (King James); see also *Luke* 20:25; *Matthew* 22:21. This phrase is repeated three times in the Gospels.

<sup>208</sup> See *Luke* 4:18; PAUL CUSTUDIO BUBE, *ETHICS IN JOHN COBB'S PROCESS THEOLOGY* (1988); Bishop Desmond M. Tutu, *Greetings, in THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ*, *supra* note 30, at 25. Bishop Tutu writes

We who have the privilege of working in situations of injustice and oppression where God's children have their noses rubbed in the dust daily and where they have their God-given human dignity trodden callously underfoot with a cynical disregard for their human rights, are filled with an anomalous exhilaration. It is when we hear proclaimed so eloquently by such as Gutierrez that this is the God who, when the Spirit anoints you, sends you out to preach the good news to the poor, setting free of the shackled ones, and release for captives. We are filled with an indomitable hope and exhilaration because we know that ultimately injustice and oppression, evil and exploitation, cannot prevail, and that the kingdoms of this world are becoming the kingdom of our God . . .

Tutu, *supra*, at 25.

<sup>209</sup> Rasmussen writes:

[W]e have come round again to . . . the two issues . . . sustainability turns on the play of power, both among human beings within society and between human beings cumulatively and the rest of nature. This only underlines yet again the ascendancy of ethics and in fact renders sustainability a virtual synonym for a comprehensive justice.

RASMUSSEN, *supra* note 180, at 348; see also BOFF, *supra* note 80. Boff states:

The result is a new sense of the meaning of human beings and their place in the universe. Everything is synergistic. Everything is ecological, the

seem to be in drastic conflict with the concerns for the poor. Furthermore, whether an ecological ethic based upon the sanctity of the interrelatedness of all creatures<sup>210</sup> can adequately "incorporate a theory of human rights, justice, and liberation" remains in question.<sup>211</sup> At least one commentator perceives the issue as simply a struggle between those with and without resources:

Ecology is a luxury of the rich. It is a product of the northern hemisphere. These people have despoiled nature in their own countries and have robbed the colonized people of the entire world,

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expression of this entire synergy and perichoresis. Human beings are at last discovering their return path to the great community of living beings under the rainbow of cosmic kinship. How is the life of Gaia, of humans, and of all species to be protected? That is the great challenge of our age, the challenge of the era of life and ecology.

BOFF, *supra* note 80, at 77.

<sup>210</sup> Humphreys states:

Statements of man's place in relation to the natural order also present a dialectic or creative tension. Man stands above and distinct from the natural order, yet it is intimately bound to this order and is within it.

In the priestly account of creation man is part of the enumerated created order. In the account of the Yahwist this becomes even more apparent through the use of the two words from the same basic root: 'adam and 'damah, 'man' and 'earth.'

Humphreys, *supra* note 55, at 11.

<sup>211</sup> BUBE, *supra* note 208, at 115; see also JOHN B. COBB JR., SUSTAINABILITY: ECONOMICS, ECOLOGY, AND JUSTICE (1992); DAVID C. KORTEN, WHEN CORPORATIONS RULE THE WORLD (1996); David C. Korten, *Sustainable Development*, 9 WORLD POLICY JOURNAL 157 (1992) (discussing conflict between the Northern and Southern countries). Professor Metz writes:

Thus, the question of truth and the question of justice are interrelated: *verum et bonum (iustum) convertuntur*. Interest in undivided justice belongs to the premises of the search for truth. Thus knowledge of the truth and speaking about God acquire a practical foundation. In my view this is the basis of the rightly understood axiom of the "primacy of praxis," which is criticized in Rome's instruction on liberation theology. The only interest that is appropriate to theology, because it is a universal interest, is hunger and thirst for justice, undivided justice, justice for the living and the dead. Hence questions about God and justice, the affirmation of God and the praxis of justice, can no longer be separated. In other words, the praxis of Christian faith always has an interest in universal justice, and is thus both mystical and political. This is emphasized in talk about the one and undivided following of Jesus, mystically and politically understood.

Therefore, Christian theology is not political *because* it has surrendered Christianity to an alien political ideology. It is political because it tries to preserve the dangerous memory of the messianic God, the God of the resurrection of the dead and judgment. Theology's political root in this remembrance is much more than mere rhetoric.

John Baptist Metz, *Theology in the Struggle for History and Society*, in FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ, *supra* note 30, at 167.



and after all that are now claiming a safe ambiance and ecological reserve for the preservation of a species in the process of decline.<sup>212</sup>

Issues are then couched in terms of "conservation" versus "development," and are framed posturing the unrealistic restraints of a no-growth policy against the beneficent fruits of science and technology. How does one tell a mother whose child suffers from a parasitically-afflicted illness to trust in a god who would allow such an illness? Or in a man who would withhold life-benefiting applications of DDT because the body fat of penguins in Antarctica contains 7% DDT? Or because Brown Pelican egg shells crack during nesting as a result of accumulations of DDT in the pelican's diet?

Yet despite these perceptions at the extreme, common ground can be found in that the continued and rapid pollution of streams and the wholesale devastation of forest lands present grave life-threatening consequences to the poor of the Third World.<sup>213</sup> The search for a sound worldwide ecological policy must not be allowed to deteriorate into a war between those with and without resources with sides chosen based on nationality, race, or religion. Sound environmental policies must be structured to benefit the poorer peoples of developing nations.<sup>214</sup> A major hindrance to the development of such a policy is the fact that the environment is perceived as something separate from and outside of man.<sup>215</sup> This reality fosters antagonism between directives for the

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<sup>212</sup> BOFF, *supra* note 17, at 12 (citation omitted in original).

<sup>213</sup> "Social and environmental degradations also tend to be linked." RASMUSSEN, *supra* note 180, at 42. "The integrity of creation has a social aspect which we recognize as peace with justice, and an ecological aspect which we recognize in the self-renewing, sustainable character of natural ecosystems." WORLD COUNCIL OF CHURCHES, NOW IS THE TIME: THE FINAL DOCUMENT AND OTHER TEXTS FROM THE WORLD CONVOCATION ON JUSTICE, PEACE, AND THE INTEGRITY OF CREATION 18 (1990).

<sup>214</sup> See Ronald Nash, *The Christian Choice Between Capitalism and Socialism, in* LIBERATION THEOLOGY 45 (Ronald Nash ed., 1984) (discussing further the issues and policies); Jay G. Martin, *Privatization of Latin American Energy*, 14 NATURAL RESOURCES AND ENVIRONMENT 103 (1999); Karen Ostrander-Krug et al., *International Power Projects*, 14 NATURAL RESOURCES AND THE ENVIRONMENT 111 (1999); Mark J. Roe, *Backlash*, 98 COLUM. L. REV. 217 (1998).

<sup>215</sup> See RASMUSSEN, *supra* note 180, at xii. Rasmussen states:

The difference is not small. "The environmental crisis" does not adequately describe what ails us. "Environment" means that which surrounds us. It is a world separate from ourselves, outside us. The true state of affairs, however, is far more interesting and intimate. The world around us is also within. We are an expression of it; it is an expression of us. We are made of it; we eat, drink, and breathe it. And someday, when the dying day comes, we will each return the favor and begin our role as a long, slow meal for a million little critters. Earth is bone of our bone and flesh of our flesh. This is not "environment" so much as the holy mystery of creation, made for and by all earth's creatures together.

liberation of the poor and oppressed and the conservation policies of the affluent of the Northern Hemisphere. To identify the environment as if it were something outside of man does grave injustice. An identity based on separation moves it away from mankind. This distance distorts and even ignores intrinsic values, creating a succession of false positives, as well as false negatives.<sup>216</sup> Its greatest injustice, however, is that it misstates the problem, posturing created against Creator. It is difficult to argue that this was the Creator's original intent. Earth is *oikos*,<sup>217</sup> a shared home. God preserves His creation. Although the free will of mankind is given reign, it is to be policed by the love of God for His creation.<sup>218</sup>

Further fueling the debate is the failure of participants to distinguish between programs of development and those of dependency.<sup>219</sup> Programs of dependency result in theft of the only asset the non-landed peoples of the Third World possess—their labor.<sup>220</sup> The enslavement of labor to below decent wage paying jobs, under the banner of development, contributes to the widening of the gap between those with and without resources. Programs of conservation are often confused

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None of this intimacy is carried by the word "environment." Nor does our responsibility ring as clear as it ought when we name our woe "the environmental crisis" and offer "environmental ethics" as the antidote.

*Id.*

<sup>216</sup> Peter Passell, *Rebel Economists Add Ecological Cost to Price of Progress*, N.Y. TIMES, Nov. 27, 1990, at A1.

<sup>217</sup> See RASMUSSEN, *supra* note 180, at 90. Kenneth Boulding draws the distinction between a "cowboy economy" perspective and that of a closed "spaceman economy." "Unless the individual identifies with some community of this kind, conservation is obviously 'irrational.' Why should we not maximize the welfare of this generation at the cost of posterity? 'Après nous, le deluge' has been the motto of not insignificant numbers of human societies." Kenneth Boulding, *The Economics of the Coming Spaceship Earth*, in ENVIRONMENTAL QUALITY IN A GROWING ECONOMY: ESSAYS FROM THE SIXTH RFF FORUM 3, 11 (Henry Jarrett ed., 1966).

<sup>218</sup> See *supra* Part III.

<sup>219</sup> See DALY & COBB JR., *supra* note 2, at 289.

<sup>220</sup> See, e.g., BOFF, *supra* note 17. Boff states that "it is impossible to develop an adequate respect for nature without taking into account the way in which nature adversely affects important creatures, such as marginalized and impoverished human beings. This situation of social injustice includes an element of ecological justice, and vice versa." *Id.* at 14. He goes on to further state that:

[T]he axis on which a modern society turns is its economy, seen as the whole set of powers and tools for creating wealth; this means nature and other human beings are being exploited. Through the economics of growth, nature is degraded to the level of mere "natural resources," or "raw materials," . . . and as a mere function of production. . . . All creatures, in short, lose their relative autonomy and their intrinsic value.

*Id.* at 24. Boff also states that "C.S. Lewis rightly said that what we call human power over nature has actually become the power exercised by some people over others, using nature as a tool. Social injustice leads to ecological injustice, and vice versa." *Id.* at 25.

with programs directed toward pollution control. Natural resource conservation is often sacrificed to advance development programs. These programs always contain a substantial portion of banner waiving detailing how this will contribute to the elimination of poverty. Pollution control is either overlooked or given a very limited role in the development projects because these concerns are outweighed by the positive economics designed to enhance the quality of life for the poor. In fact, many of these programs are thin disguises for rich get richer schemes, further enslaving the poor.<sup>221</sup> Noted process theologian John Cobb Jr. and former Senior Economic Analyst at the World Bank Herman Daly have both criticized development policies for fostering a practice of dependency.<sup>222</sup> The loan and debt reduction policies of the International Monetary Fund (IMF) and the World Bank mandate that cheap goods be produced for export in order to generate the funds necessary to retire loans.<sup>223</sup> Cheap goods are required to meet the demands of the dominate markets of a Northern Hemisphere fostered by free trade agreements such as General Agreement on Tariffs and Trade (GATT) and North American Free Trade Agreement (NAFTA).<sup>224</sup> These restraints, in turn, require that labor costs be kept at a minimum, which, when coupled with the fact that often it takes the dollars earned by export to pay the interest on the debt, results in a cycle of perpetual servitude, exploitation, and dependency of the working poor and oppressed. The failure of development programs to advance the cause of the poor and oppressed has caused much of the Third World dissatisfaction.<sup>225</sup> Helping hands of development, even those of the sincere and genuine, are often perceived as thinly veiled neo-colonialism. It is in this climate that liberation theology was born.

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<sup>221</sup> See COBB JR., SUSTAINING THE COMMON GOOD, *supra* note 29, at 83.

<sup>222</sup> See DALY & COBB JR., *supra* note 2, at 289. Daly and Cobb state:

Typically these advances for the elite are accompanied by a widening gap with the majority of the citizens. Sometimes the majority becomes progressively worse off as the elite grow more prosperous. The only "development" that would help the masses would be based on an "appropriate" technology, on that enhances the ability of ordinary people to deal with these problems. But this is not what is of interest to foreign investors. International capital introduces techniques and methods that render Third World countries more dependent on the First World sources of technology. Only fundamental social and political changes can render "development" beneficial to the majority of the people. Increasing U.S. investment does not facilitate these changes.

*Id.* (citations omitted).

<sup>223</sup> See COBB JR., SUSTAINING THE COMMON GOOD, *supra* note 29, at 69-88. See generally DALY & COBB JR., *supra* note 2.

<sup>224</sup> See COBB JR., SUSTAINING THE COMMON GOOD, *supra* note 29, at 89-110.

<sup>225</sup> See Roe, *supra* note 214 (suggesting that such an economic climate makes these nations ripe for revolution).

Liberation theology began in the late 1960s and early 1970s with a series of speeches in Latin America by Gustavo Gutierrez.<sup>226</sup> The basis for this movement was the dissatisfaction of certain members of the Catholic priesthood. These priests opposed the Catholic Church's response to the plight of the poor and oppressed populace in Latin America and its perceived endorsement of a brand of capitalism believed to enslave its members. The European model of Catholicism was viewed as ineffective by the Latin American priesthood, who saw the alleviation of oppression of its poor members as the central mission of the church.<sup>227</sup>

Critics of liberation theology responded with accusations that, politically, it was a Marxist front<sup>228</sup> and, theologically, it was a theology of necessity.<sup>229</sup> While Karl Marx described religion as "opium of the people,"<sup>230</sup> here religion became a method to advance his socialistic premises. Liberation theologians, while being careful not to endorse the type of socialism which has fallen in the socio-economic block of Eastern Europe, saw present day capitalism as the means of taking the assets of labor and the natural resources of a country in order to supply the

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<sup>226</sup> See generally GUTIERREZ, *supra* note 30.

<sup>227</sup> See Peter Hebblethwaite, *Liberation Theology and the Roman Catholic Church*, in THE CAMBRIDGE COMPANION TO LIBERATION THEOLOGY 179 (Christopher Rowland ed., 1999); see also LEONARDO BOFF & CLODOVIS BOFF, SALVATION AND LIBERATION: IN SEARCH OF A BALANCE BETWEEN FAITH AND POLITICS 14-42 (Robert R. Barr trans., 1984); Luke 16:25 (King James) ("[T]hou in thy lifetime receivedst thy good things, and likewise Lazarus evil things, but now he is comforted and thou art tormented."). St. Matthew states:

When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory; And before him shall be gathered all the nations: and he shall separate them one from another, as a shepherd divideth his sheep from the goats: And he shall set the sheep on his right hand, but the goats on the left. Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world.

*Matthew* 25:31-43 (King James).

<sup>228</sup> See Herzog, *supra* note 191 (discussing various criticisms of liberation theology); see also Stanley Hauerwas, *The Politics of Charity*, 31 INTERPRETATION: A JOURNAL OF BIBLE AND THEOLOGY 251 (1977) (proposing that many theologians of liberation fail to distinguish political revolution from social revolution). But see Roger Haight, *The Logic of the Christian Response to Social Suffering*, in THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ, *supra* note 30, at 139. "When unjust human suffering reaches the proportions of a general social condition, there must be protest. There must also be a questioning of the fundamental values that underlie the situation." Haight, *supra*, at 150. Haight states, "No criticism of liberation theology can even begin to be credible unless it too begins with the negative experience of contrast and maintains in its language a prophetic protest against the innocent suffering of the poor." *Id.* at 150 n.40.

<sup>229</sup> Theology of necessity is the author's term. When reviewing the massive and diverse commentary that liberation theology has spawned, one can easily conclude that any social cause that one can imagine has had a theology developed to support its premise.

<sup>230</sup> See MARX, *supra* note 124, at 116.

wealth needed to maintain the status quo.<sup>231</sup> Painting liberation theology in a bad light, critics accused liberation theologians of encouraging the eradication of oppression by whatever means feasible. Moreover, in their zealous search for an alternative to the brand of capitalism that they perceived as furthering oppression and the continued insensitivity to the plight of the poor,<sup>232</sup> liberation theologians, it is argued, have made revolution a viable option. Further complicating the matter, theologies of necessity—theologies based on creating God in man's image in order to advance a particular viewpoint—continue to spawn a host of theologies, all postured as liberating both real and perceived injustices.<sup>233</sup>

From among these diverse postures common ground can and must be found. In any event, the central theme of liberation theology is that Christ is the Supreme Liberator and that any religion failing to advance the cause of the oppressed is false or flawed. All proposed programs must cultivate ecologically sensible progress without the theft of the assets of labor and natural resources.

#### VI. THE VALUE OF PROPERTY: MAN AND MAN

Is it not lawful for me to do what I wish with what is my own?<sup>234</sup>

— *The Gospel According to Matthew*

This maxim poses a fundamental principle of Western thought that individuals may lawfully do whatever they want with their property so long as it does not violate God's law in relation to someone else.<sup>235</sup> Some biblical ethicists propose, "Within the limits of God's moral law, the best policy of resources management is to permit every individual to use what belongs to him as he pleases."<sup>236</sup> Inherent in this statement, they insist,

<sup>231</sup> See, e.g., BOFF, *supra* note 17; BOFF, *supra* note 80.

<sup>232</sup> See J. Andrew Kirk, *The Bible in Latin American Liberation Theology: A Review Essay*, in *THE BIBLE AND LIBERATION: POLITICAL AND SOCIAL HERMENEUTICS* 157 (Norman K. Gottwald & Antoinette C. Wire eds., 1976) (objectively assessing the various criticisms of liberation theology). See generally Herzog, *supra* note 228; Arthur F. McGovern, *The Bible in Latin American Liberation Theology*, in *THE BIBLE AND LIBERATION*, *supra*, 461; Nash, *supra* note 214.

<sup>233</sup> See generally *THE FUTURE OF LIBERATION THEOLOGY: ESSAYS IN HONOR OF GUSTAVO GUTIERREZ*, *supra* note 30 (containing a collection of essays of the diverse views that ascribe themselves to a theology of liberation).

<sup>234</sup> *Matthew* 20:15 (King James).

<sup>235</sup> *Sic utere tuo ut alienum non laedas* provides the foundation for the law of nuisance. One may legally use their land for any lawful purpose, so long as no harm to their neighbor results. See *Webster Co. v. Steelman*, 1 S.E.2d 305, 315 (Va. 1939).

<sup>236</sup> BEISNER, *PROSPECTS FOR GROWTH*, *supra* note 38, at 156; see also *Matthew* 22:17, 19-21 (King James) (containing the following dialogue: "Is it lawful to give tribute unto Caesar, or not? . . . Shew me the tribute money. And they brought him a penny. And he saith unto them, Whose is this image and superscription? They say unto him, Caesar's.

is the philosophy that public regulation of land use should not restrict the private property owner's use of his land.<sup>237</sup> This premise supports the arguments both for private property and for the dominion mandate thereby running contrary to what many modern theologians believe today.<sup>238</sup> The dominion mandate, first articulated in Genesis,<sup>239</sup> is a principle far from being specific, neither granting independent authority nor forbidding particular land uses. Although the idea that the earth belongs to God is reiterated throughout Scripture, particularly in the Psalms,<sup>240</sup> no particular use of the earth is prescribed. Inferred from these observations is the difficulty in articulating an ethic that dictates the specific manner in which man is to use the earth. At best, one reaches the general proposition that man is to be obedient to God's law of stewardship and that our conduct must be moderated by man's responsibility to neighbor.

Both Old and New Testament Scriptures arguably approve of private property ownership.<sup>241</sup> Equally vocal are those scholars who state that no true Christian can promote capitalism, because capitalism is girded by a system of private property ownership, which makes goods and services available to only the elite social groups.<sup>242</sup> They argue that property must be owned in a communal manner, accommodating the socialist ideal that the benefits of economic growth built with labor must be available for the common good.<sup>243</sup> If the dominion mandate is interpreted to mean that man is of paramount importance and that the earth should be protected for man's sake, not for its own sake, then resources exist to serve man, and should be used to their greatest potential without destroying their future productivity.<sup>244</sup> The impact of this belief is that less, rather than more, state restriction on resource use

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Then he saith unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's.").

<sup>237</sup> BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 154-56.

<sup>238</sup> See J. BAIRD CALLICOTT, IN DEFENSE OF THE LAND ETHIC: ESSAYS IN ENVIRONMENTAL PHILOSOPHY (1989); MICHAEL S. NORTHCOTT, THE ENVIRONMENT AND CHRISTIAN ETHICS (1996). *But see* BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 155.

<sup>239</sup> See discussion *supra* Part III.

<sup>240</sup> See *Psalm* 24:1; see also discussion *supra* Part II.

<sup>241</sup> See *Acts* 5:4; *Exodus* 20:15 (forbidding theft). *But see* HUGO ASSMANN, PRACTICAL THEOLOGY OF LIBERATION (Paul Burns trans., 1975). "The Church has a very important mission in these times in Latin America. I believe that its first responsibility is to preach communism." *Id* at 1.

<sup>242</sup> See generally ASSMANN, *supra* note 241.

<sup>243</sup> BOFF, *supra* note 17, at 110-17.

<sup>244</sup> See BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 165. "[T]he dominion mandate means at least that man, not the environment, is primary. Certainly the environment should be protected, but it must be protected for the sake of man, not for its own sake. Anything else is idolatry of nature." *Id.* God must be seen as not only a God of justice, but of love.

is to be desired. This result yields some strange bedfellows: Thoreau and the dominionist—who are ideologically opposite—share the same view of government. Dominionists propose that an expansion of private property rights will “keep the power of the state within its proper bounds [and] lessen opportunities of oppression,”<sup>245</sup> yet, this failure to curb the abuses of private property control in the hands of a few is the very evil of which liberation theologians complain and which advocates of small government such as Thoreau decried.<sup>246</sup> Free market capitalists counter that an increase in man’s liberty within the bounds of God’s law<sup>247</sup> results in a corresponding increase in his enjoyment of goods and services that are achieved by creative uses of the earth’s resources.<sup>248</sup>

Contrasting with this view altogether are those that adhere to a holistic view of nature.<sup>249</sup> Condemning the Western philosophy that points to the biblical doctrine of dominion to defend the attitude that “God had foreordained him [man] to be its [the earth’s] owner and master in an autocratic sense,”<sup>250</sup> they believe that man has discovered that rather than being separate from nature to rule over it, he is in fact an integral part of it.<sup>251</sup> This holistic view requires that man act responsibly and selflessly toward his fellow creatures, even if the

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<sup>245</sup> See *id.* at 168.

<sup>246</sup> See BOFF, *supra* note 17, at 93-101.

<sup>247</sup> “But the dominion mandate, private property, justice, and liberty do not exhaust the Biblical principles governing resource management. A final principle is love, the selfless act of caring for the needs of others in conformity with the requirements of God’s Law.” BEISNER, PROSPECTS FOR GROWTH, *supra* note 38, at 165.

<sup>248</sup> See *id.* at 167-68.

<sup>249</sup> See MCDANIEL, *supra* note 41, at 193 (discussing the Lakota view of man’s relation to nature); see also *id.* at 165-67 (condemning the arrogance of man); NASH, *supra* note 200, at 183. McDaniel states, “The value of all creatures in themselves, for one another, and for God, and their interconnectedness in a diverse whole that has unique value for God. To forget the integrity of creation is to forget that the earth itself is a splendid whole.” McDaniel, *supra* note 3, at 165.

<sup>250</sup> See Schilling, *supra* note 17, at 100.

<sup>251</sup> See JAMES CONLON, EARTH STORY, SACRED STORY 94-95 (1994). Conlon proposes:

[S]eeing that we are one with Earth is the starting point of geo-justice. This unitive experience with the planet is necessary for global solidarity and peace. This awareness of Earth as *one* has erupted into human consciousness. In the words of Thomas Merton, we have “awakened from the dream of separateness” . . . .

. . . .

Geo-justice challenges us to embrace our interior life and the world around us as one, to heal the fragmentation from within and our alienation from Earth. To connect our personal pain to the pain of the cosmos requires a single awareness. We need to access the healing properties of the psyche and deepen our compassion for Earth through vision and action that are unifying and holistic.

resulting actions are not required for man's benefit or survival.<sup>252</sup> The traditional two-fold biblical mandate of love of God and neighbor<sup>253</sup> is essentially expanded to include love of nature.<sup>254</sup>

Aligning themselves with the dominionist are those who advocate that God has given man a grant deed, leaving man to decide the use of his property.<sup>255</sup> The only check on this attitude is articulated in the modern laws of nuisance: *sic utere tuo ut alienum non laedas* ("use your own property in such a manner as not to injure that of another").<sup>256</sup> Such a view reflects the tradition that air and water have been used as free resources in the market with ownership available to anyone by capture. It is as if God had abandoned creation, and ownership is determined by the law of "he who catches, takes."<sup>257</sup> This attitude resulted in whales being hunted to extinction and foxes being considered noxious beasts worthy of eradication. This viewpoint also lost support years ago in the Western United States where water was scarce;<sup>258</sup> however, the mood of the struggle was one more of a turf war over ownership than a stewardship movement.<sup>259</sup> A more recent example is the imposition of the 200-mile exclusive economic zone to protect prize fishing grounds from foreign vessels.<sup>260</sup>

Those viewing God as owner and man as steward reject most of the propositions above. The stewardship concept exists to a degree in the modern-day lease, although net sum leases approach a view of fee simple absolute ownership. A more appropriate legal illustration is that of the life tenant's responsibility to remaindermen. Although the life tenant is

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<sup>252</sup> Schilling, *supra* note 17, at 109.

<sup>253</sup> *Mark* 12:29-31 (stating the greatest commandment).

<sup>254</sup> Schilling, *supra* note 17, at 109.

<sup>255</sup> See, e.g., CONVERSE, *supra* note 57, at ix-xii.

<sup>256</sup> *Webster Co. v. Steelman*, 1 S.E.2d 305, 315 (Va. 1939).

<sup>257</sup> See *Pierson v. Post*, 3 Cai. Cas. 175 (N.Y. 1805), the seminal case that is located in every property casebook.

<sup>258</sup> See generally *El Paso Water Improvement Dist. No. 1 v. City of El Paso*, 133 F. Supp. 894 (W.D. Tex. 1955), *aff'd in part and rev'd in part* by 243 F.2d 927 (5th Cir. 1957) (concerning the respective water rights to the Rio Grande River held by different states and districts in the West); WELLS A. HUTCHINS, *WATER RIGHTS IN THE NINETEEN WESTERN STATES* (completed by Harold H. Ellis & Peter DeBraal, 1972-77) (providing a comparative analysis of the development of constitutional provisions, statutes, court decisions, and administrative regulations and practices regarding water rights in the western states); Wells A. Hutchins, *Trends in the Statutory Law of Ground Water in the Western States*, 34 TEX. L. REV. 157 (1955) (discussing the statutory trends of the regulation of ground water in the western United States); Frank J. Trelease, *Coordination of Riparian and Appropriation Rights on the Use of Water*, 33 TEX. L. REV. 25 (1954) (discussing the coordinated application of riparian and appropriation water rights in western states).

<sup>259</sup> See *Bean v. United States*, 163 F. Supp. 838 (D. Colo. 1958); *El Paso County Water Improvement Dist. No. 1*, 133 F. Supp. 894.

<sup>260</sup> Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801-83 (2000).



allowed (and even purposed by the grantor), to use and enjoy the benefit of the asset over his life, the corpus is to remain intact for use and enjoyment of future interest holders. The future interest holders are protected by the law of waste (among other guarantees).<sup>261</sup> In either of the latter views, man's accountability is prescribed. To be limited by the law of nuisance is to stop short. Nuisance limits are expanded in modern environmental laws such as the Clean Air Act<sup>262</sup> and Clean Water Act.<sup>263</sup> These mandatory codes, however, although arguably better than common law nuisance, again fall short. By definition, our history shows that prescribed minimum behavior is insufficient. We need an aspirational code.<sup>264</sup>

The fallacy of the dominionist's and earth-ownership advocates' position is immediately seen. Such free market approaches result in the abuses analyzed by Garrett Hardin<sup>265</sup> and warned of by Rachel Carson<sup>266</sup> and Aldo Leopold<sup>267</sup> in their pioneering works. But this still leaves us with questions: is regulation the answer and, more importantly, is regulation enough?<sup>268</sup>

Christ called for an examination of motive. Aspirational codes are often challenged as being "mythical codes," and although it is true that mankind will most likely fail to measure up,<sup>269</sup> shooting at lower and lesser targets also evades addressing the real issue.

## VII. CONCLUSION

Though the evil that ignorant good men do is gleefully exposed in our times by men who think that science is a substitute for morals, it must also be continually exposed and repented of by those who know that morals are no substitute for science.<sup>270</sup>

— J. Richard Niebuhr

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<sup>261</sup> See, e.g., VA. CODE ANN. § 55-211 (Michie 2000).

<sup>262</sup> Clean Air Act, 42 U.S.C. §§ 7401-7671 (2000).

<sup>263</sup> Clean Water Act, 33 U.S.C. §§ 1251-1387 (2000).

<sup>264</sup> W. MICHAEL REISMAN, FOLDED LIES 15-36 (1979).

<sup>265</sup> See Garrett Hardin, *The Tragedy of the Commons*, in POPULATION, EVOLUTION, AND BIRTH CONTROL: A COLLAGE OF CONTROVERSIAL IDEAS 367 (2d ed. 1969).

<sup>266</sup> See RACHEL CARSON, SILENT SPRING (1962).

<sup>267</sup> See ALDO LEOPOLD, A SAND COUNTY ALMANAC AND SKETCHES HERE AND THERE (1949).

<sup>268</sup> Whales and fish stock, internationally, and domestic oyster and crab catches of the Chesapeake Bay continue to decline at alarming rates despite regulation. See PEW OCEANS COMMISSION, AMERICA'S LIVING OCEANS: CHARTING A COURSE FOR SEA CHANGE (2003); CHESAPEAKE BAY PROGRAM, THE STATE OF THE CHESAPEAKE BAY: A REPORT TO THE CITIZENS OF THE BAY REGION (2002).

<sup>269</sup> See Isaiah 53:6.

<sup>270</sup> NIEBUHR, *supra* note 112, at 234.

Today, I call heaven and Earth to witness against you: I am offering you life or death, blessing or curse. Choose life, then, so that you and your descendents may live.<sup>271</sup>

– Deuteronomy

Although for some time slavery was perceived by many as morally wrong, the enactment of a legal code prohibiting slavery lagged far behind.<sup>272</sup> While certain ministers denounced slavery from their pulpits, others touted certain passages penned by the Apostle Paul as biblical basis to support slavery. It took several years and a war for Americans to move from a position acknowledging slavery as morally wrong to making it legally impermissible. An analogous moment with the environment is now upon us. How can continued abuse of the finite resources be justified morally, ethically, or biblically? As the property concepts discussed earlier dictate, we must articulate a policy that fosters the preservation of the earth's resources and adopt a stewardship that preserves the corpus for use by future neighbors. Apathy disguised as tolerance of diversity is a policy that we can no longer afford.

A sharper image of the tensions involved in the conflicts over resource allocation must be acquired. This, in turn, suggests a basis for change through the examination of the relationship between God, nature, and man. The current road cannot lead us to sustainability and a just distribution of the earth's resources. As Robert Frost cautioned, the two roads diverge.<sup>273</sup> The implication, naturally, is that they can never converge again. Only by developing a set of values based upon virtue can we safely begin that journey and avoid an apocalypse<sup>274</sup> of nature. Nature cannot be perceived as outside us, but must be seen in a sense of interconnectedness. Like the Native Indian spirit—we are one with nature.<sup>275</sup> We must not continue to think of the environment as

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<sup>271</sup> Deuteronomy 30:19 (King James).

<sup>272</sup> See William Lloyd Garrison, *On the Death of John Brown*, The History Place: Great Speeches Collection, at <http://www.historyplace.com/speeches/garrison.htm> (last visited Sept. 12, 2003); see also WILLIAM LLOYD GARRISON, THE NEW "REIGN OF TERROR" IN THE SLAVEHOLDING STATES (Arno Press 1969) (1860).

<sup>273</sup> See ROBERT FROST, *The Road Not Taken*, in ROBERT FROST'S POEMS 223 (1971).

<sup>274</sup> The New Testament's book of Revelation discusses the Four Horsemen of the Apocalypse: Violence, War, Famine, and Death. It is not unimaginable that the (over) indulgences mankind has taken, and continues to take, with the earth will result in each of these curses plaguing humanity as resources continue to dwindle. See *Revelations* 6:1-17.

<sup>275</sup> See RASMUSSEN, *supra* note 180, at 239, 273-76; MCDANIEL, *supra* note 41, at 97-112, 193-95. "It is difficult, if not dangerous to generalize about Native American attitudes toward life. Oren Lyons, a faithkeeper of the Onondaga nation in upstate New York, estimates that there are five hundred distinct cultural traditions which still maintain sacred relations with diverse bioregions on the North American continent." MCDANIEL, *supra* note 41, at 195 (internal citations omitted); see also JOHN G. NEIHARDT, BLACK ELK SPEAKS: BEING THE LIFE STORY OF A HOLY MAN OF THE OGALA SIOUX (1961).

something "out there," but rather "in here."<sup>276</sup> I do not suggest the worship of nature in a pantheistic sense, but that as common kin of the Creator we *are* interconnected. The virtue of loving neighbor and valuing creation, like magnetic North on a compass, must orient mankind toward much needed change. It may require a radical change in values.<sup>277</sup>

As value judgments are based on virtues, what we value dictates what we hold precious and that for which we are willing to fight. But individuals do not choose values in a vacuum. We are, in the words of the Apostle Paul, "pressed on every side."<sup>278</sup> It is time that we soberly decide our course<sup>279</sup> by consideration of the value of creation and the virtue of the love of neighbor. When the last tree has been felled and all that's left is the wisdom of the Lorax,<sup>280</sup> or when the last crumb of bread is up for grabs,<sup>281</sup> violence will dictate according to Darwin's law who shall eat.<sup>282</sup> Does it have to come to this? If so, God help us! "Red in tooth and claw"<sup>283</sup> is not a policy of sustainability. We shall not arrive at the proper shore, no matter how good the ship's compass, if the course we set is in error.

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<sup>276</sup> Senator Gaylord Nelson, *Preface to A NEW ETHIC FOR A NEW EARTH 8*, *supra* note 55.

<sup>277</sup> *Matthew 25:31-46*; see also Barbour, *supra* note 44, at 146, 166-68; NASH, *supra* note 200, at 54. Hazel Henderson notes:

As far back as 1937, psychologist Karen Horney cited the pressures on Americans of their industrial, competitive, materialistic society. She noted that three basic value conflicts had arisen: aggressiveness grown so pronounced that it could no longer be reconciled with Christian brotherhood; desire for material goods so vigorously stimulated that it can never be satisfied; and expectations of untrammelled freedom soaring so high that they cannot be squared with the multitudes of restrictions and responsibilities that confine us all. And as we begin to deal with the external and legitimate demands for a new economic world order, we are beginning to realize that having now created a globally interdependent economy, we must develop the "software" to operate it cooperatively.

HAZEL HENDERSON, *CREATING ALTERNATIVE FUTURES: THE END OF ECONOMICS 25* (Perigree 1980) (1978).

<sup>278</sup> See *2 Corinthians 4:8*.

<sup>279</sup> Joshua's advice is as relevant today as then. See *Deuteronomy 30:19* (King James).

<sup>280</sup> DR. SEUSS, *THE LORAX* (1971). "The Lorax said nothing. Just gave me a glance . . . just gave me a very sad, sad backward glance . . . as he lifted himself by the seat of his pants." *Id.* at 55.

<sup>281</sup> See *Ezekiel 4:10, 16-17; Revelation 6:6*.

<sup>282</sup> "[R]ed of tooth and claw' has been justified as conduct redounding to society's good, notably in some versions of fascism, Social Darwinism, and certain phases of revolution. But it is a course that, like nature in some forms, devours its own children." RASMUSSEN, *supra* note 180, at 347.

<sup>283</sup> See McDaniel, *supra* note 3.

The biblical passage regarding dominion must not be interpreted to mean "domination" any more than Paul's letter to Philemon should be considered a proof text for the endorsement of slavery.<sup>284</sup> We, as a worldwide community, must realize that, like life tenants, the corpus must be safeguarded from waste and preserved for the remaindermen. Like the stewards in the Creator's vineyard, we must realize the value of property and preserve it until the Master returns.<sup>285</sup> Those who would argue that upon the Master's return things will be set aright ignore the stern warnings repeated in Scripture for the wayward or unfaithful steward: "And cast ye the unprofitable servant unto outer darkness: there shall be weeping and gnashing of teeth."<sup>286</sup>

What ought I to do is an "individual decision, but [is] not individualistic."<sup>287</sup> It is a choice "made in freedom, but not in independence."<sup>288</sup> It is "made in the moment, but is not nonhistorical."<sup>289</sup> The Good Samaritan, commended by Christ, is hardly an appropriate standard for medical ethics or a guide for medical practice today.<sup>290</sup> That our solutions are relative does not lessen the impact of our decisions. Nor does it diminish the struggle in determining the response and the most responsible course of action. It is only hoped that violence done to the earth and fellow man need not progress to an apocalypse where individuals with and without resources fight over last bread.

Although legally mandated laws disrupt economic analysis and force a change in the calculus of cost-benefit analysis of a proposed action or inaction, this is not enough.<sup>291</sup> "Man cannot be made good by law."<sup>292</sup> Violence is not a virtue. The passion which begets violence, however, is.<sup>293</sup> The legal positivism mandated in a code is but a poor

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<sup>284</sup> See generally *Philemon*.

<sup>285</sup> *Luke* 20:9; see also *1 Corinthians* 4:2.

<sup>286</sup> *Matthew* 25:30 (King James).

<sup>287</sup> NIEBUHR, *supra* note 112, at 234.

<sup>288</sup> *Id.*

<sup>289</sup> *Id.*

<sup>290</sup> *Id.*

<sup>291</sup> See HAL R. VARIAN, *INTERMEDIATE MICROECONOMICS: A MODERN APPROACH* 542-43 (1987). See generally MARK SAGOFF, *THE ECONOMY OF THE EARTH: PHILOSOPHY, LAW, AND THE ENVIRONMENT* (1988).

<sup>292</sup> V.S. HEDGE, *GANDHI'S PHILOSOPHY OF LAW* 48 (1983) (quoting Mahatma Gandhi). The Apostle Paul writes, "I find then a law, that, when I would do good, evil is present with me." *Romans* 7: 21 (King James).

<sup>293</sup> We should support "[t]heir actions on behalf of the entire Earth community. As Martin Luther King Jr. said, 'Cowardice asks the question, "Is it safe?" Expediency asks the question, "Is it politic?" Vanity asks the question, "Is it popular?" But conscience asks the question, "Is it right?" An Earth spirituality asks that same question: Is it right?' CONLON, *supra* note 251, at 78.

substitute for an aspirational code of behavior which values God's creation.

The issues of liberation and ecology must no longer be seen as rival causes; both must advance together.<sup>294</sup> Stewardship mandates that not only are we held accountable for our use of property, but also that it must be shared.

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<sup>294</sup> See BOFF, *supra* note 80, at 104.