

**Anthropocentricity and Earth Jurisprudence in America:  
The Sources of Anthropocentricity and How to Minimize Their Effects**

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## Introduction

Our Earth is facing a decline of cataclysmic dimensions.<sup>1</sup> This fact, while still a subject of debate,<sup>2</sup> is finally becoming generally accepted.<sup>3</sup> We are living in an era of mass extinction of living species and their life-support systems, such as water.<sup>4</sup> We are also experiencing unprecedented climatic changes that have tremendous negative impacts on both human and non-human societies.<sup>5</sup> However, what is not accepted is whether humans are the cause, or whether we can prevent it.<sup>6</sup> To add fuel to that argument is the belief that humans are autonomous from the rest of the world and have rights that extend beyond the boundaries of Earth.<sup>7</sup> There is also the emergence of faith-driven groups who hope the end of the world is near so that they can go home to heaven.<sup>8</sup> This anthropocentric view has deep historical and philosophical roots that are difficult to alter.<sup>9</sup>

The United States is the leading nation in waste,<sup>10</sup> consumption,<sup>11</sup> and anthropocentricity. Additionally, we generally live with the false belief that our current

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<sup>1</sup> See AL GORE, *AN INCONVENIENT TRUTH* (2006) (describing the global warming epidemic).

<sup>2</sup> MARLO LEWIS, *A SKEPTIC'S GUIDE TO AN INCONVENIENT TRUTH* (2006) (describing Gore's book as a lawyer's one-sided brief).

<sup>3</sup> U.S. Environmental Protection Agency, <http://www.epa.gov/climatechange/basicinfo.html> (last visited Apr. 22, 2007) (emphasizing the fact that many climate changes are occurring that are having deleterious effects on our environment).

<sup>4</sup> Joby Warrick, *Mass Extinction Underway, Majority of Biologists Say*, WASHINGTON POST, Apr. 21, 1998, available at <http://www.well.com/user/davidu/extinction.html> (relaying the study of a Louis Harris poll finding that 7 out of 10 biologists believe a mass extinction is underway).

<sup>5</sup> Gore, *supra* note 1.

<sup>6</sup> A report by the George C. Marshall Institute. Sallie Baliunas and Willie Soon, *Extreme Weather Events: Examining Causes and Responses* (2003) (analyzing current weather trends and concluding that changes in human activity would have little or no effect on the climate).

<sup>7</sup> See discussion *infra* Section II(b).

<sup>8</sup> *Id.*

<sup>9</sup> See discussion *infra* Section II.

<sup>10</sup> Each American produces on average 4.6 pounds of solid waste per day. U.S. Environmental Protection Agency, <http://www.epa.gov/epaoswer/osw/basifact.htm#howmuchmsw> (last visited Apr. 22, 2007).

<sup>11</sup> Energy Information Administration, International Total Primary Energy Consumption and Energy Intensity, <http://www.eia.doe.gov/emeu/international/energyconsumption.html> (last visited Apr. 22, 2007) (displaying several graphs and charts showing the consumption of Americans of different energy sources in comparison to other countries).

system of government far exceeds any other because it protects individual rights by limiting government powers. After all, we are the land of the free and the home of the brave. Since September 11, 2001, we have become increasingly obsessed with asserting our system of government on the rest of the world. Not only are our newspapers and news programs filled with stories about bringing democracy to the rest of the world, these ideas have seeped into our pop culture of music<sup>12</sup>, clothing and entertainment shows. The ideology that our country and our people are superior to the rest of the world has permeated almost every outlet of our American culture.

These ideas are the result of self-indulgence and self-consumption. Americans as a whole do not look at the rest of the world to see what other countries are accomplishing.<sup>13</sup> There are countries, both modern and third world, instituting strong environmental rights for their people while America rests on her laurels.<sup>14</sup> There are also countries instituting innovative legislation that helps preserve the natural resources of their lands by encouraging population control, decreasing deforestation, and creating and maintaining safe food sources.<sup>15</sup> Americans reject these types of government control because they believe they limit individual rights and are too expensive.<sup>16</sup> It is the author's perspective that Americans are just putting their heads in the sand.

This is not to say that there have not been some legislative improvements to our ecological state of affairs, but compared to the damage our people cause every day, the

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<sup>12</sup> See Alan Jackson, *Where Were You When the World Stopped Turning*, on Drive (Arista Records 2001).

<sup>13</sup> See Clifford Rechtschaffen, *Will the Environmentalists Find Their Voice?*, SAN FRANCISCO CHRONICLE, Jan. 4, 2006, at B-9 (explaining that the U.S. has lost its lead to the European Union in tackling environmental problems for the first time in thirty years.)

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

<sup>15</sup> *Id.*

<sup>16</sup> Lisa Heinzerling & Frank Ackerman, *Humbugs of the Anti-Regulatory Movement*, 87 CORNELL L. REV. 648, 649 (2001-2002) (showing the invalidity of statistics about the costs of environmental improvements that are generally accepted as true).

changes are minor. Additionally, these changes have developed through environmental laws, which generally focus on the needs of people only.<sup>17</sup> If an environmental law is not fulfilling the wants or needs of people at the current moment in time, the law is amended or abandoned.<sup>18</sup> Life in the entire Earth community is inordinately dependent on the choices of people living in the United States, who must join the rest of the world and take an active role in creating changes in how we interact with our planet.

Leaders of the Earth Jurisprudence movement view this anthropocentric focus as an impediment to their goals because it is contradictory with their belief that every living and non-living being on Earth has certain rights.<sup>19</sup> There is a tremendous schism between these two philosophies that makes them almost impossible to integrate. In order to understand this schism, this article first looks at how the Earth Jurisprudence movement developed specifically in America. Next, it looks at two major sources of anthropocentricity in America, specifically the United States Constitution and Western religion. Based on the sources of these impediments, the article makes recommendations as to how the Earth Jurisprudent movement can effectively minimize their influences.

## **I. The Earth Jurisprudence Movement**

As the Industrial Age developed in the United States, there were but a few people who had the intuitive nature to see what the ramifications of this mechanistic world might mean for future generations.<sup>20</sup> As the years go by, more and more individuals are recognizing the strained relationship between humans and nature and

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<sup>17</sup> See discussion *infra* Section II(A).

<sup>18</sup> *Id.*

<sup>19</sup> See discussion *infra* Section I.

<sup>20</sup> See discussion *infra* Section I(A).

are actively taking a role to heal the damage and prevent future damage.<sup>21</sup> We are finally at that point in history where enough people are experiencing this revelation that a movement of Earth Jurisprudence is feasible.<sup>22</sup> However, anthropocentricity is an incredible force standing in the way.<sup>23</sup>

### **A. The Actors and Their Contributions to Earth Jurisprudence**

In order to understand why anthropocentricity is an impediment to Earth Jurisprudence, one must first understand how and why the movement developed in America. One of the first leaders in the Earth Jurisprudence movement, although it was not called that at the time, was Aldo Leopold. Living from 1887 to 1948, he is considered the father of the modern conservationist movement because of his pioneering work in protecting our environment.<sup>24</sup> His world renowned book, *A Sand County Almanac*, called for a Land Ethic where people recognize their connection with the natural world, and from that connection extend the respect to the natural world it so rightly deserves.<sup>25</sup> Looking back, one must wonder if Leopold had a crystal ball in which he could see where the United States and the rest of the world were heading. His approaches were very proactive, not reactive, and had they been taken more seriously, we would not be in our current predicament.

The first half of Leopold's epic book is a group of poetic stories and almanac type entries about the natural world Leopold experienced growing up and living in

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<sup>21</sup> *Id.*

<sup>22</sup> See Conclusion.

<sup>23</sup> See discussion *infra* Section II.

<sup>24</sup> The Aldo Leopold Foundation, [http://www.aldoleopold.org/About/leopold\\_bio.htm](http://www.aldoleopold.org/About/leopold_bio.htm) (last visited Apr. 22, 2007).

<sup>25</sup> ALDO LEOPOLD, *A SAND COUNTY ALMANAC* (1949).

Wisconsin.<sup>26</sup> He breaks the stories down by season starting with January and ending with December.<sup>27</sup> His stories and entries display the wonders of the natural world as every calendar year passes month by month.<sup>28</sup> Within these stories, he captures and reflects a certain peace, which many would probably describe as ‘out of this world.’ It is ironic that it is only by submersing himself into this world did this peace occur.

Leopold engages in a unique discussion about sportsmanship and the change in America that occurred with the advent of the sporting goods dealer.<sup>29</sup> Hunting is no longer about reconnecting with nature and our ancestors (which Leopold refers to as “Daniel Booneing”), but instead it is about who has the biggest, the best, and the most gadgets.<sup>30</sup> He recognizes the need for some of these gadgets, but also sees a line being crossed eliminating the personal element of the outdoor sport.<sup>31</sup> His thoughts in his book, being close to sixty years old now, do not reflect the explosion of gadgets “sportsmen” now have in their arsenals. Surely if he were still alive, he would agree that the line he referred to has been sprinted across in a flash, and a new era of unsportsmanship and materialism was waiting for us at the other side.

Rachel Carson was also an unknowing, early pioneer of Earth Jurisprudence. In 1962, her controversial, yet enlightening book *Silent Spring* was released describing the environmental dangers of pesticide use.<sup>32</sup> Her book is both technical and poetic, scary and refreshing. She describes in detail the chemical processes that occur when

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<sup>26</sup> *Id.* at 3-92.

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

<sup>28</sup> *Id.*

<sup>29</sup> Leopold, *supra* note 25, at 180-84.

<sup>30</sup> *Id.*

<sup>31</sup> Leopold, *supra* note 25, at 183.

<sup>32</sup> RACHEL CARSON, *SILENT SPRING* (First Mariner Books 2002) (1962).

pesticides permeate into living bodies and the destruction they cause.<sup>33</sup> She also describes in detail the interactions between pesticides and water, soil, and air, and how they eventually invade living bodies.<sup>34</sup> Alluding to her book, would someone knowingly risk the lives of their children to rid their lawn of crabgrass?<sup>35</sup> At the same time, she never stops relaying how beautiful and wonderful our natural world is.<sup>36</sup>

Carson explains how all of the pesticides were being indiscriminately used in the 1960's and what the terrifying end results would be.<sup>37</sup> She also gave hope that because of the same scientific advances that developed these pesticides, further research would lead us to ways to heal ourselves from their terror.<sup>38</sup> She asserts the importance of the connection between man and his environment, and the fundamental right of both current and future generations to have a healthy environment.<sup>39</sup> Rachel Carson was sure that had our forefathers known what future lay ahead, they would have protected us from these dangers in the Bill of Rights.<sup>40</sup>

Thomas Berry is a world renowned historian and author. In his later years, he has dedicated himself to addressing humans' perceptions of separation from the natural world and the need for institutional reforms, including an Earth Jurisprudence. His foundation in history and cultural anthropology has led him to the conclusion that people must understand where they came from in order to find out where they need to go.<sup>41</sup> This is the key to "create a mutually enhancing mode of human dwelling on the planet

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<sup>33</sup> *Id.* at 15-39 (describing specifically the effects of DDT).

<sup>34</sup> Carson, *supra* note 32, at 39-83.

<sup>35</sup> See Carson, *supra* note 32, at 80.

<sup>36</sup> See Carson, *supra* note 32.

<sup>37</sup> See Carson, *supra* note 32.

<sup>38</sup> See Carson, *supra* note 32, at 277-97.

<sup>39</sup> See Carson, *supra* note 32.

<sup>40</sup> See Carson, *supra* note 32, at 12-13.

<sup>41</sup> THOMAS BERRY, *THE GREAT WORK* ix (1999).

Earth.”<sup>42</sup> He has great concerns with our current economic government which gives corporations (only fictitious beings) superior rights over both living and non-living beings.<sup>43</sup>

Berry writes about “The Fourfold Wisdom” in his book *The Great Work*.<sup>44</sup> The first of these is Indigenous Wisdom, which he believes could help Western civilizations reconnect with Earth.<sup>45</sup> He describes how indigenous people flourished across the world as a result of their deep connection with the land they lived on and moved about.<sup>46</sup> The second is the Wisdom of Women, which he believes will help curb the current patriarchal need for dominance by putting more emphasis on intuition, feeling, and intimacy.<sup>47</sup> The third is the Wisdom of the Classical Traditions, which resulted in great works of art, literature, architecture, and the recognition of human intelligence.<sup>48</sup> The final one is the Wisdom of Science which has eventually led us to the knowledge of how the Universe was created and why we are therefore, so interconnected with the world around us.<sup>49</sup> Berry argues that these Four Wisdoms can help each of us accomplish our own “Great Work” cumulatively leading us into the Ecozoic Era, where there is “a mutually enhancing human presence within an ever-renewing organic-based Earth community.”<sup>50</sup>

Cormac Cullinan, environmental lawyer and author, most recently brought all of these thoughts together in his book *Wild Law* where he calls on all of the nations in the

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<sup>42</sup> *Id.*

<sup>43</sup> See Berry, *supra* note 41, at 4, 117-35.

<sup>44</sup> Berry, *supra* note 41, at 176-95.

<sup>45</sup> *Id.* at 177-80.

<sup>46</sup> *Id.*

<sup>47</sup> Berry, *supra* note 41, at 180-85.

<sup>48</sup> Berry, *supra* note 41, at 185-89.

<sup>49</sup> Berry, *supra* note 41, at 189-93.

<sup>50</sup> Berry, *supra* note 41, at x.

world to create new political and governance systems that respect the Earth and all of her living and non-living beings.<sup>51</sup> He describes Wild Law as “laws that regulate humans in a manner that creates the freedom for all the members of the Earth Community to play a role in the continuing co-evolution of the planet...cultural and biological diversity, creativity and the freedom to play a creative role in the co-evolution of this planet....”<sup>52</sup>

Cullinan identifies as a fallacy in our current legal system the fact that we consider people subjects and all other beings objects.<sup>53</sup> This, of course, is an express example of our anthropocentric system of beliefs. He contends that this is harmful in two respects.<sup>54</sup> First, it allows the subjects (people) to exploit the objects (all others within the Earth Community) by creating a hierarchy.<sup>55</sup> Second, it prevents the creation of two-way relationships where both subjects and “objects” have rights that must be respected by each other.<sup>56</sup> Cullinan describes an Earth jurisprudence where the universe is the source of all ‘Earth rights’ for every member of the Earth community and humans have a responsibility to respect those rights.<sup>57</sup>

## **B. Earth Jurisprudence as a Movement**

The thoughts of these writers all share common concepts developed from their vastly different experiences and backgrounds. First, they all recognize as a threshold the fact that people need to connect with nature in order to appreciate it. After all, it is very difficult to appreciate something you know nothing about. They also all think that

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<sup>51</sup> CORMAC CULLINAN, *WILD LAW* (2nd ed. 2003).

<sup>52</sup> *Id.* at 32.

<sup>53</sup> Cullinan, *supra* note 51, at 67-68.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> Cullinan, *supra* note 51, at 134-35.

history is very important as a point of reflection from which one can understand from where they came in order to determine where it is that they would like to go next. They recognize the law as a potential tool to help fulfill the needs of humans and the Earth together. Finally, they all have a great appreciation for science as a double-edged sword having the potential to either destroy or save the Earth.

As a result of the work of the people described above, along with the work of numerous other individuals, Earth Jurisprudence has become a movement, and is no longer just a sparkle of hope. The Gaia Foundation and the Center for Earth Jurisprudence have developed a list of twenty core concepts to guide the movement further.<sup>58</sup> These concepts focus on recognizing the importance of the Earth, the establishment of rights for all beings as subject and not objects, a refocus of the responsibility of humans as opposed to their rights, and the reconnection of humans to form an intimacy with Earth.<sup>59</sup>

Anthropocentricity is a direct threat to this cause. The core concepts focus on replacing the rights of people to control the Earth with a responsibility to respect the rights of other subjects on Earth.<sup>60</sup> These rights of all subjects are not absolute but are rather focused on relationships, and human rights do not trump other subjects' rights.<sup>61</sup> This perspective gives the entire Earth community's well-being priority over individual human's well-being, proposing that the human's well-being is simply derivative of the

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<sup>58</sup> Gaia Foundation & Center for Earth Jurisprudence, *Core Principles of Earth Jurisprudence* (2006), available at <http://www.earthjuris.org/viewpointdocuments/coreprinciples.htm>.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

Earth community's well-being.<sup>62</sup> These views are philanthropic and unselfish, but unfortunately, these are not ideals highly valued in our modern America society.

## **II. The Philosophy and Sources of Anthropocentricity**

Anthropocentric is defined as “regarding humans as the central element of the universe.”<sup>63</sup> As one can imagine, this has been a subject of debate through the last several centuries as religion and science continually cross paths. Anthropocentricity is now the focus of ecologists and environmentalists who believe humans must step down from their thrones in order to reconnect with the natural world. Anthropocentricity has numerous sources and forms in the United States. This philosophy has initial roots in our form of government and our sources of Western religion, which have seeped into our economy and culture as a result. It is then no wonder anthropocentricism permeates our lives so deeply.

### **A. The United States Constitution**

The United States Constitution as amended is one of the most revered documents in America. On a daily basis, most of us take the freedoms this document gives us for granted. However, they are so enshrined in our culture, there is no doubt we appreciate them, even if only on a subconscious level. The Constitution was an innovative concept for its time, allowing America to prosper and become one of the most powerful countries, if not the most powerful country, in the world today.

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<sup>62</sup> *Id.*

<sup>63</sup> *The American Heritage Dictionary of the English Language*, <http://dictionary.reference.com/browse/anthropocentric> (last visited Apr. 22, 2007).

However, the Constitution is well over 200 years old, and the problems the framers were facing back then are no longer the problems we are facing today.<sup>64</sup> In fact, the framers could not have possibly imagined how the world would look just two short centuries later. When written, the Constitution focused on the needs of the people, at a time when the priority was individual freedom from an overbearing form of government.<sup>65</sup> This is in essence an anthropocentric view where the relationships between people – and between people and their government - are the only concerns of government. The framers were quite successful in fulfilling this goal; however, new serious problems have emerged in many facets of daily American life, including the decline of our planet. These individual freedoms now serve as a vehicle to allow certain branches of the government to prevent others from taking action.

The Constitution is ultimately enforced by interpretation of the Supreme Court,<sup>66</sup> and there are two diverging theories as to the appropriate method of interpretation. The first is the originalist theory applied most stringently by Justice Antonin Scalia.<sup>67</sup> He believes the Constitution should be interpreted in a manner that most accurately reflects what the words in the document say, regardless of the framers' intent.<sup>68</sup> The second theory is that of a living Constitution, described by former Vice President Al Gore as “intended by our founders to be interpreted in the light of the constantly evolving

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<sup>64</sup> The National Archives Experience, [http://www.archives.gov/national-archives-experience/charters/charters\\_of\\_freedom\\_1.html](http://www.archives.gov/national-archives-experience/charters/charters_of_freedom_1.html) (last visited Apr. 22, 2007) (describing the decade long battle of the English colonists in America attempting to assert their rights under the Magna Carta).

<sup>65</sup> *Id.*

<sup>66</sup> *Marbury v. Madison*, 5 U.S. 137 (1803) (establishing judicial review of federal legislation).

<sup>67</sup> See Erwin Chemerinsky, *The Jurisprudence of Justice Scalia: A Critical Appraisal*, 22 HAWAII L. REV. 385 (2000).

<sup>68</sup> *Id.* at 390.

experience of the American people.”<sup>69</sup> It should also be noted that there is much disagreement as to which group the so-called activist judges belong.

This originalist theory as applied to environmental laws has wreaked havoc on achieving ecological goals. Since the earlier part of the 20th century, Congress had the power to regulate commerce unfettered.<sup>70</sup> Most federal environmental laws have been passed under the power of the Commerce Clause because early cases gave Congress the power to regulate *intrastate* activity that has a significant effect on *interstate* commerce.<sup>71</sup> The pollutants from many intrastate commerce activities affect people living outside of that particular state, and as a result, Congress had the power to regulate those activities.<sup>72</sup> An abrupt change occurred in 1995, when the Supreme Court decided to pull back on the reins and found a federal law prohibiting handguns near schools unconstitutional.<sup>73</sup> The court found that the law did not fall within the Commerce Clause power because it was not economic in nature.<sup>74</sup>

This ruling created fears in environmentalists, and those fears became real in *Solid Waste Agency of Northern Cook County v. United States Army Corp of Engineers*.<sup>75</sup> A group of municipalities was attempting to convert an abandoned gravel pit into a waste disposal site.<sup>76</sup> The Corp invoked their longstanding Migratory Bird Rule under the Clean Water Act, which prevents destroying migratory bird habitats.<sup>77</sup>

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<sup>69</sup> Al Gore, Democratic Presidential Debate in Los Angeles (Mar. 1, 2000).

<sup>70</sup> *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 37 (1937) (restoring Commerce Clause power to Congress after the announcement of President Roosevelt’s court packing plan).

<sup>71</sup> *Gibbons v. Ogden*, 22 U.S. 1, 195-96 (1824).

<sup>72</sup> See *U.S. v. Riverside Bayview Homes, Inc.*, 474 U.S. 121, 123 (1985) (explaining that the Act was construed to mean waters whose misuse could affect interstate commerce).

<sup>73</sup> *United States v. Lopez*, 514 U.S. 549 (1995).

<sup>74</sup> *Id.* at 638.

<sup>75</sup> *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001).

<sup>76</sup> *Id.* at 162-163.

<sup>77</sup> 531 U.S. at 171-72.

However, being an isolated gravel pit, this body of water did not lead into navigable waters.<sup>78</sup> The court applied their new, limited application of the Commerce Clause and ruled against the Corp finding that Congress does not have the power to regulate isolated bodies of water.<sup>79</sup>

In 2006, the court extended the scope of this decision much further in the 5-4 plurality opinion of *Rapanos v. United States*.<sup>80</sup> The Corp was trying to punish one party for dumping toxic waste into wetlands that eventually led into navigable waters and prohibit another party from doing the same.<sup>81</sup> Justice Scalia used a painfully originalist view in interpreting “the waters of the United States” under the Clean Water Act in application to Congress’s power under the Commerce Clause. He describes the word “the” as a definite article and when combined with “waters” to not possibly mean “waters in general” but rather to only permanent bodies of water.<sup>82</sup> The case is still in remand to determine whether the channels leading from these wetlands contain “a relatively permanent body of water” and if the wetlands have “a continuous surface connection to bodies that are ‘waters of the United States.’”<sup>83</sup> The dissent kindly calls this interpretation “mystifying”<sup>84</sup> when a more proper word would be “silly.” The new rule from this case with this restricted definition of “the waters” has already been invoked by numerous lower courts, thus limiting the power of Congress to enact and enforce environmental laws.<sup>85</sup>

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<sup>78</sup> 531 U.S. at 174.

<sup>79</sup> *Id.*

<sup>80</sup> *Rapanos v. United States*, 126 S. Ct. 2208 (2006).

<sup>81</sup> *Id.* at 2214, 2219.

<sup>82</sup> 126 S. Ct. at 2220.

<sup>83</sup> 126 S. Ct. at 2227, 2235.

<sup>84</sup> 126 S. Ct. at 2261.

<sup>85</sup> *E.g., United States v. Johnson*, 467 F.3d 56 (2006) (vacating summary judgment that cranberry farmers who discharged pollutants into wetlands violated CWA; remanding for findings per *Rapanos* standards);

Of course, the states still have power over their own natural resources, but only as long as they do not infringe upon an individual's constitutionally protected property rights as extended through the Fourteenth Amendment. Additionally, the environment works as a whole and does not know state boundaries. Congress is in a much better position to regulate the environment in a broad approach that will be best for the entire country and not just certain sectors. The Commerce Clause as interpreted before 1995 was a great vehicle through the Constitution to do so, and had the Supreme Court not acted in such an "originalist" fashion, Congress could have continued to pave the way for a more environmentally friendly country.

There are strong, troubling arguments that the Constitution is not capable of protecting the Earth because its highest values are property and commerce. These arguments see the Constitution itself as a direct threat to the Earth that must therefore be abandoned and rewritten. It is certainly a correct assertion that the Constitution is serving as an impediment to the Earth because, as a result of originalist interpretation environmental laws are being struck down by the Supreme Court, along with lower courts, as unconstitutional. However, one must ask, is it the Constitution or its current interpretation by the Supreme Court that is really the impediment?

## **B. Western Religion**

Anthropocentricity is at the core of many philosophies, especially Western religions. Lynne Townsend White, Jr. was the first historian to assert the highly controversial thesis that Christianity is the root of our ecological problems as a result of

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*Simsbury-Avon Pres. Soc'y, LLC v. Metacon Gun Club, Inc.*, 2007 U.S. Dist. LEXIS 7177 (D. Conn. 2007) (granting summary judgment to defendant finding no liability for contaminating a seasonal pool with lead).

its underpinnings in anthropocentricity.<sup>86</sup> He explains that pagan beliefs instilled spirits in every natural object, and these spirits had to be placated by humans before the natural objects could be used for human wants and needs.<sup>87</sup> He argues that Christianity, on the other hand, creates a divide between humans and nature, placing nature in the hands of humans for the purpose of human exploitation.<sup>88</sup> Because Christianity won the battle against paganism, our Western traditions arise from these anthropocentric, Christian maxims.<sup>89</sup> It does not matter whether someone considers himself Christian or even believes in the Christian God. These religious maxims have been incorporated within the American philosophy of living and are reflected repeatedly throughout American culture.

White's ideas at forty years old are still highly criticized today, and many religious scholars have made strong arguments in favor of Christianity providing for humans to be stewards of the Earth instead of exploiters.<sup>90</sup> Despite one's interpretation of Biblical scriptures as being pro-human or pro-nature, *Genesis* 1:28 clearly states an anthropocentric view: "And God blessed them; and 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 creepeth upon the earth.'"<sup>91</sup>

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<sup>86</sup> Lynn White, *The Historical Roots of Our Ecological Crisis*, 155 *SCIENCE* 1203 (1967), available at <http://aeoe.org/resources/spiritual/rootsofcrisis.pdf>.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *E.g.*, Preston Bristow, *The Root of Our Ecological Crisis*, 15 *TJ* 76 (2001) (describing scriptures in the Bible that mandate stewardship); John Richardson, *The Spiritual Roots of Our Ecological Crisis, Was Lynn Right?* (Nov. 1998) (unpublished) (on file with author) (arguing that White's thesis is historically flawed).

<sup>91</sup> *Genesis* 1:28 (King James).

There is a current movement within the United States that implicitly agrees with White because they see the ecological crisis as a positive sign that the end of the world is near. Many conservative and fundamentalist Christians believe in the Second Coming of Christ, also known as the Rapture, and there are specific groups, deemed Dominionists by their opponents, who believe and hope the end is near.<sup>92</sup> The *Left Behind* series, novels depicting the Earth after the Rapture takes (only the) believers to heaven, has sold millions of copies across the country.<sup>93</sup> The leaders of these movements have initiated a religious war between good and evil, focusing on abortion, homosexuals, and pornography.<sup>94</sup> The well being of the Earth is not an issue they consider at all. Many people look to their church as their moral compass, and if the church says the environment is not important, then it is going to be hard to convince their followers otherwise.

In response to an Evangelical movement promoting the well being of the environment,<sup>95</sup> many well-known pastors, including James Dobson, have formed a coalition called the Interfaith Stewardship Alliance.<sup>96</sup> Their goal is “bringing a proper and balanced Biblical view of stewardship to the critical issues of environment and

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<sup>92</sup> Carol Wolman, *The Rapture: Cult of Death* (unpublished, on file with author) (explaining that the authors of the rapture type novels, such as the *Left Behind* series, have created cult like groups).

<sup>93</sup> Morley Safer, *The Greatest Story Ever Told*, 60 Minutes (CBS Apr. 14, 2004) (a detailed account of the fame of the *Left Behind* series which at that time had sold over 58 million books with an estimated 100 million followers from the Evangelical movement).

<sup>94</sup> Bill Berkowitz, *James Kennedy's Christian Crusade*, <http://www.mediatransparency.org/story.php?storyID=1> (last visited Apr. 22, 2007) (explaining the political agenda of Dr. James Kennedy of Coral Ridge Ministries).

<sup>95</sup> See *infra* note 113.

<sup>96</sup> The Tradition Values Coalition, Interfaith Stewardship Alliance Officially Launched, <http://www.traditionalvalues.org/modules.php?sid=2512> (last visited Apr. 22, 2007) (announcing a “formal launching as an alternative to radical left-leaning environmentalism” on Nov. 16, 2005).

development.”<sup>97</sup> They endorse the Cornwall Declaration of Environmental Stewardship, the end-result of an interfaith meeting in 2000 expressing consensual beliefs of Catholics, Jews, and Protestants of the proper relationship between religion and the environment.<sup>98</sup>

While they encourage an “ecological stewardship” describing it as a “moral necessity”, they reiterate the anthropocentric right of man to dominate nature.<sup>99</sup> They specifically list three arguments to counteract what they believe are misconceptions of environmentalists.<sup>100</sup> First, they say affluent humans are not “principally consumers and polluters” but rather “producers and stewards.”<sup>101</sup> Their argument implicitly leads to the conclusion that economic progress is not an impediment to the environment, but rather a necessity to its improvement.<sup>102</sup> What their argument ignores is the fact that the primary “producers and stewards” are also primarily the “consumers and polluters.” So, without the overabundance of producing, leading to consuming and polluting, environmental improvement would not be necessary.

Their second argument describes humanity as “the most valuable resource on earth.”<sup>103</sup> They claim that those who believe Earth is at its best in its untouched, natural state, are making nature its own god, and therefore denying humans their God-given

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<sup>97</sup> Interfaith Stewardship Alliance, <http://www.interfaithstewardship.org/pages/home.php> (last visited Apr. 22, 2007); Bradford Plumer, *Greener Pastors*, The New Republic, Mar. 15, 2007, <http://www.tnr.com/doc.mhtml?i=w070312&s=plumer031507> (last visited Apr. 22, 2007).

<sup>98</sup> Interfaith Stewardship Alliance, ISA’s Cornwall Network, <http://www.interfaithstewardship.org/pages/cornwallnetwork.php> (last visited Apr. 22, 2007).

<sup>99</sup> Interfaith Stewardship Alliance, Cornwall Declaration, available at <http://www.interfaithstewardship.org/pages/cornwall.php>.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Interfaith Stewardship Alliance, Cornwall Declaration, available at <http://www.interfaithstewardship.org/pages/cornwall.php>.

right to dominate.<sup>104</sup> They claim this domination, by “the most valuable resource on earth”, is the only way the Earth’s potential can be maximized.<sup>105</sup> This argument is based on a grossly inaccurate assumption that human actions on Earth are always motivated toward making the world as a whole a better place. This is just simply not true. Humans have unquestionably used their higher intelligence and cognitive abilities to destroy the Earth in both knowing and unknowing ways. The word “steward” is a derivation of the word “guard.”<sup>106</sup> Proponents of leaving parts of the Earth untouched, guarding it from those who wish to do damage, are acting as true stewards of the Earth.

Their final argument focuses on a claim that concerns about global warming, mass extinction, and overpopulation are unfounded.<sup>107</sup> They do recognize some environmental concerns such as health problems, “distorted resource consumption patterns” and issues of nuclear waste; however, while they do not expressly say the United States does not contribute to these problems, they subtly suggest that these are only issues in developing nations.<sup>108</sup> Their suggestion that environmentalists’ concerns are of “very low and largely hypothetical risk”<sup>109</sup> are irresponsible. The Cornwall Declaration is not an ecologically sound document of environmental stewardship, but rather a renewed proclamation that the anthropocentric view of dominating and exploiting the Earth is not just a God-given right, but also a responsibility.

Fortunately, there are religious groups that are defending the Earth and see the environment as an important moral and ethical issue. Sojourners is a non-profit

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<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> Interfaith Stewardship Alliance, Cornwall Declaration, available at <http://www.interfaithstewardship.org/pages/cornwall.php>.

organization whose mission is to “articulate the biblical call to social justice, inspiring hope and building a movement to transform individuals, communities, the church, and the world.”<sup>110</sup> This group specifically recognizes that the domination-focused theology of Christianity has resulted in destruction of our natural resources and encourages their readers to explore a true stewardship attitude.<sup>111</sup>

The creation of the Interfaith Stewardship Alliance was a response to the Evangelical Environmental Network, another group of prominent religious leaders, who developed their own document in 2004, the Evangelical Declaration for the Care of Creation.<sup>112</sup> They expressly recognize the existence of mass extinction, extraordinary pollution, and global warming.<sup>113</sup> They also recognize that these events are occurring as a result of developed, economically successful countries, not just uninformed, uneducated third world countries.<sup>114</sup> They reject the view of a Christian theology based on anthropocentric, dominating rights.<sup>115</sup> Rather, they instill a focus on human responsibility, respect, and inclusion in the natural world.<sup>116</sup> The values of the Care of Creation mesh nicely with the goals of Earth Jurisprudence.

### **III. Recommendations to Minimize the Effects of Anthropocentricity**

#### **1. Encourage the Adoption of a Living Constitution Theory**

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<sup>110</sup> Sojourners, About Us, [http://www.sojo.net/index.cfm?action=about\\_us.home](http://www.sojo.net/index.cfm?action=about_us.home) (last visited Apr. 22, 2007).

<sup>111</sup> Sojourners, Christians and the Environment, (a discussion guide available for purchase for small group study) (on file with author).

<sup>112</sup> Evangelical Environmental Network, On the Care of Creation, available at <http://www.creationcare.org/resources/declaration.php>; Frequently Asked Questions, <http://www.creationcare.org/responses/faq.php> (last visited Apr. 22, 2007) (indicating over 500 Christian leaders have signed the document).

<sup>113</sup> Evangelical Environmental Network, On the Care of Creation, available at <http://www.creationcare.org/resources/declaration.php>.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

Abandoning or amending our United States Constitution, while in theory sounds great for Earth Jurisprudence, is completely impracticable at this point in time, when it has almost become impossible for other initiatives to achieve an Amendment. However, pushing an agenda for a living Constitution may not be. The Earth Jurisprudence movement should make educating people about the relationship between the Constitution and the Supreme Court a priority, in light of current developments.

Few people understand the ramifications of the decisions being made by our current Supreme Court. Many individual voters have based their decisions for electing a President on who that President will appoint as a Supreme Court Justice and whether that Supreme Court Justice is conservative or liberal. The most obvious example is the issue of abortion where conservatives are adamantly opposed to abortion and liberals are equally adamant about choice. Basing one's vote on such an important position as the President, who may not even appoint a Supreme Court Justice during his term, and on a single issue that may not even arise to the Supreme Court level is a form of ignorance.

These people are voters, and they care about the state of affairs in our country. Whether they are liberal or conservative, they need to be educated on how their decision-making is indirectly but drastically affecting our planet. Convincing voters on a bipartisan level that a 200-year-old document as written should not be the sole enforcement tool of the most important environmental health crises of our day should not be difficult. A living Constitution would enable all sides to promote their positions in a more effective manner by allowing them to concentrate on current facts and figures,

instead of old, outdated verbiage. Creating a movement that encourages a living Constitution would likely be embraced by many sectors of the public.

## **2. Support And Defend Religious Groups That Encourage True Ecological Stewardship**

Western religions have historically played a role in encouraging anthropocentrism in America. The Bible expressly mandates anthropocentric behaviors, and many religious leaders are pushing for those behaviors to be followed in ways that are ecologically irresponsible. However, other religious leaders are rejecting the theory of dominion and are embracing a theory of true stewardship and partnership with other members of the Earth community. America is in the middle of a religious standoff where the centuries-old anthropocentric values of Christianity are finally being tested.

This standoff is a great sign for the Earth Jurisprudence movement. The Western religious value system of anthropocentricity is finally breaking down, and this will hopefully permeate throughout American culture. The Earth Jurisprudence leaders should seek out the religious leaders who are encouraging true stewardship of the environment, and form coalitions to further the message and the cause. By joining forces and formulating common goals, the Earth Jurisprudence movement and the Evangelical Environmental Network can reach more people and initiate changes more efficiently and effectively.

At the same time, the Earth Jurisprudence movement must work to counteract the actions of the Interfaith Stewardship Alliance. Their ideas do not have to be directly attacked, but rather, trusted scientific data showing the unequivocal nature of mass

extinction and global warming must become common knowledge. These theories should be compared to theories of the Earth being flat. Most people recognize by that example alone how ignorance has often shaped our ancestors' viewpoints. Once the foundations of these Interfaith Stewardship Alliance theories are dispelled, the Earth Jurisprudence movement will finally see a light at the end of the tunnel.

## **Conclusion**

The Earth Jurisprudence movement is facing some very strong barriers in America because of centuries-old anthropocentric values that are very difficult to overcome. While difficult to overcome, they are not impossible, if properly identified with a coherent strategy. It may seem like there are no changes on the horizon; however, that is simply a reflection of resistance. The United States must move forward in an ecologically sound way for the sake of every living and non-living being on the planet. Movements to make these changes are making strong headway, and those who do not like them are getting desperate. As these movements, such as Earth Jurisprudence, grow stronger and join forces with each other, the resistance will only push back harder. However, the Earth was once flat, and now it is round. Hopefully one day, it will also be healthy again.