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*“Let me see your face, Let me hear your voice”*: A Constructive Prosoponic Foundation for the  
Rights of Nature in an Age of Catastrophe

My dove is hiding behind the rocks, behind an outcrop on the cliff. Let me see your face; let me hear your voice. For your voice is pleasant, and your face is lovely. – Song of Songs 2:14

I am an expression of the divine, just like a peach is, just like a fish is. I have a right to be this way... I can't apologize for that, nor can I change it, nor do I want to. – *Alice Walker*

Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. – *Lynn White, Jr.*

### Introduction

Creation is in disarray: as we barrel into so-called Anthropocene, or Capitalocene, an era which denotes the world-shaping power of human activity, we are increasingly confronted with human destructiveness and the fragility of the natural world. What has for too long served as the dramatic background to human (theological and social) dramas now is a character in the drama itself. Lynn White Jr. in 1967 famously criticized “Christian arrogance toward nature,” and unsurprisingly claimed that “no solution for our ecological crisis can be expected from [orthodox Christians] alone.”<sup>1</sup> Yet he calls himself a “troubled...churchman,” and claims that “Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not.”

So, spurred on by Cardinal Ratzinger's claim that “the concept of person ... is a product of Christian theology,”<sup>2</sup> this paper attempts to address White's critique, and offer a constructive theological project. This paper attempts to lay a Christian theological foundation for a ‘Rights of Nature’ movement based on the theological idea of the *prosopon* (face) and the Western legal concept of the *persona ficta* (artificial person). Indigenous worldviews have been at the forefront of this movement, which has been wonderful. But, in order to speed adoption of the rights of nature, my task is to find a foundation for it inside the Western legal tradition. In a way, it's an attempt to ‘come get your people.’ So, rights may be “the obligations that the society and state have for establishing sustainable relationships,” but in the case of nature, is all this anything deeper than the stroke of a pen?<sup>3</sup>

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<sup>1</sup> White Jr., Lynn. “The Historical Roots of Our Ecological Crisis.” *Science* 155, no. 3767 (March 10, 1967): 1203–7.

<sup>2</sup> Joseph Ratzinger, “Retrieving the Notion of Person in Christian Theology,” *Communio* 17 (Fall 1990): 439–54. He claims, too, that its history is intimately tied into the questions of ‘what is God’ and ‘who is Christ.’

<sup>3</sup> Ashish Kothari and Shrishtee Bajpai, “We Are the River, the River Is Us,” *Economic & Political Weekly* 52, no. 37 (September 15, 2017), <https://www.epw.in/journal/2017/37/special-articles/we-are-river-river-us.html>.

## 1. Rights of Nature Movement Background

The rights of nature movement is one which advocates for “ecosystems such as rivers, lakes, and mountains to bear legal rights in the same, or at least a similar, manner as human beings.”<sup>4</sup> Under such a system, a river could, for example, be the represented plaintiff in a lawsuit against its polluter, instead of the polluter merely incurring a fine for breaking an EPA regulation.

These movements speak the language of jurisprudence and legal theory, but, as mentioned, their philosophical underpinnings are most often Indigenous in origin. As a representative example, the Political Theology Network two months ago published a primer on Personhood and the rights of nature. It brings up the example of the Yurok people whose council passed a 2019 resolution establishing the “Rights of the Klamath River to exist, flourish, and naturally evolve,” to be free from pollutants, to have a stable climate, and so on. This resolution is an assertion of Yurok sovereignty, as well as naming the Klamath (‘We-Roy) as kin, calling the Yurok towards the beautiful responsibility of such localized relations. Thus, “[p]ersonhood here is not about having been created in the image of God, but it is about Yurok cosmology” and therefore understood in that key. To the courts, it falls under what they recognize as “sacredness.” Furthermore, there are multiple recent victories in this vein: Ecuador put the legal rights of nature in its constitution in 2010, a similar law in Bolivia in 2010, New Zealand and the Indian state of Uttarakhand gave legal rights to specific rivers in 2017. As of 2019, Bangladesh counts all rivers as legal persons and an environmental council can take anyone to court who harms the rivers; that same year, Toledo, Ohio passed the Lake Erie Bill of Rights to fight the pollution which was poisoning city water, but was declared unconstitutional (yet “well-intentioned”) by a federal judge in 2020. In my own home state of Minnesota, 2018 saw the White Earth Band of Ojibwe adopt the Rights of Manoomin (wild rice) and the freshwater lakes it grows in. The Yurok resolution drew inspiration from the Rights of Manoomin, as well as from the 2007 UN Declaration on the Rights of Indigenous people (voted against by Australia, Canada, New Zealand, and the United States), which states that “Indigenous peoples have the right to the conservation and protection of the environment” as well as “the right to promote, develop and maintain their institutional structures and ... juridical systems”<sup>5</sup>

In the US, there was also the 1972 case of *Sierra Club v. Morton* which lost, but whose dissenting opinion by Justice William O. Douglas argued for legal personhood for environmental objects, because inanimate objects like ships and corporations have the ability to be parties to litigation and are also legal persons. Because of the rest of our dependence on such ecosystems, “The voice of the inanimate object,” he wrote, “therefore, should not be stilled.”<sup>6</sup> It should be noted that personhood is often simply asserted in the Western legal efforts, while the underlying indigenous worldview speaks of e.g. rivers as “ancestors” or as “sacredness” for the reasons for acknowledging personhood.

This is wonderful, for it speaks for a renewed appreciation of the importance and power of Indigenous beliefs. However, because Western legal traditions are based on Judeo-Christian origins, I believe it is helpful to find out if the rights of nature are able to be based on these grounds, too. Yet,

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<sup>4</sup> Challe, Tiffany. “The Rights of Nature — Can an Ecosystem Bear Legal Rights?” *State of the Planet: From the Columbia Climate School* (blog), April 22, 2021. <https://news.climate.columbia.edu/2021/04/22/rights-of-nature-lawsuits/>.

<sup>5</sup> Articles 29 and 34

<sup>6</sup> *Sierra Club v. Morton*, 405 U.S. 727, 1972

a thorny nexus of interrelated questions arise, questions about what it means to be a ‘person,’ about who or what is a rights-bearing subject, and about how personhood is constructed under the law.

Moreover, besides the obvious environmental urgency, ecclesial movements have already been shifting this way: Pope Francis in 2015 declared to the United Nations that “a true ‘right of the environment’ does exist,” (both because “we humans are part of the environment... [w]e live in communion with it,” and because “every creature ... has an intrinsic value”)<sup>7</sup>[3] and in 2021 the United Church of Christ became the first mainline protestant denomination to declare that nature has rights. Despite these movements, important theological questions remain to be worked out in detail, including, importantly, the relationship between one’s nature and one’s (legal) personhood.

### 1. Personhood and Rights

Much ink has been spilled on the theological foundations and enumerations of human rights, and – from protestants to patristics – Christian human rights discourse has been rooted in the *imago Dei*.<sup>8</sup> Theological and ontological affirmations about human dignity, as slippery as such a concept may be, can be ‘cashed out’ in legal guarantees and protections. The Rights of Nature movement wants to extend this to natural features, but there is immediately the anthropic barrier: how can nature bear rights, theologically, if scripture does not clearly affirm a non-human *imago Dei*?

#### *Personae Fictae* and Corporate Persons in Christian Legal Tradition

First, there is the question of legal personhood, the question of who or what is able to, qua ‘legal person,’ enter into contracts, own property, sue and be sued, and so on. Paradigmatically, legal persons are “natural persons,” and natural persons are ‘legal persons’ simply by virtue of their birth and nature as human beings. But this is only half the story. In the Western legal tradition, however, “juridical” or “artificial persons” (Latin: *persona ficta*) are also recognized and would include corporations, universities, or government bodies of various sorts. Legal personhood has theological roots; Pope Innocent IV helped spread the idea in canon law and allowed monasteries to have their own legal existence apart from the individual monks,<sup>9</sup> but even in Roman times a *collegium* (social clubs, guilds, religious groups, even the Roman Senate) was considered a person or ‘legal entity.’ In more modern legal tradition even certain inanimate objects like ships are held to be legal persons, in fact. Thus, the Western legal tradition includes a strong tradition recognizing these *personae fictae*.

### 2. Prosoponic Personhood

Nevertheless, this does not solve it all. Natural persons have the *imago Dei* as guarantor of their personhood, so that is fairly simple – they are ‘natural persons.’ Corporate bodies at least include individual natural persons within them, and even ships are owned and driven by persons – but what of rivers, swamps, ecosystems, and so on? This is, fundamentally, a question of something’s *nature* – what type of thing one is in one’s essence. Is there a difference between a human and a beloved river? But then what about a river and a piece of Styrofoam?

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<sup>7</sup> Pope Francis. “Meeting with the Members of the General Assembly of the United Nations Organization: Address of the Holy Father.” United Nations Headquarters, New York, September 25, 2015.

<sup>8</sup> Holman, Susan. “The Entitled Poor: Human Rights Language in the Cappadocians.” *Pro Ecclesia* 9, no. 4 (November 1, 2000): 480–81, <https://doi.org/10.1177/106385120000900407>.

<sup>9</sup> Ecclesiastical law was also responsible for the ‘cooperation sole,’ This is a single incorporated office held by a single natural person (at a time). Thus, the Archbishopric of Canterbury is a corporation sole and can e.g. both hold property and be held liable as such.

I believe the best approach is one that reaches back to the Greek term *prosopon* (Latin: *persona*), meaning ‘face’ or ‘mask.’ This term originally referred to theatrical masks in Greek theater, but also came to be used in theological discussion.

Early Christian debates about Christ and the Trinity centered on these same questions of personhood and nature. In their deliberations, the *prosopon* was found not to be directly related to one’s nature or essence (*ousia*) – even though that is how we most often experience it in normal human life. Rather, at least since Tertullian, Christians affirmed God had one (divine) nature, as affirmed at Nicaea, even as God could be found in the three *prosopa* of the Father, Son, and Holy Spirit: 1 nature, 3 persons (*una substantia, tres personae*).

However, this ratio was inverted for Christ, who had both divine and human natures, which remained distinct yet were hypostatically united in one person in the traditional Chalcedonian definition: 2 natures, 1 person.<sup>10</sup> Indeed, while natures are obviously not unimportant in the divine life, the persons (of the Trinity) can be said to be the *unique loci of interaction*. Here’s the payout: Christian theology affirms a certain categorical slippage between nature(s) and personhood, as can be glimpsed in these doctrinal debates.<sup>11</sup>

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<sup>10</sup> As we increasingly recognize symbiosis (including inside of each ‘individual’), and even recognize that the Anthropocene’s is changing the very nature(s) previously taken to be fixed, a constructive theology of environmental crisis should focus more on listening to, appreciating, and protecting the *prosopa* of the world as potentially more important than the nature(s) themselves.

<sup>11</sup> Ratzinger goes even further in emphasizing the relational basis of personhood. For him, drawing on the early church, personhood has not much to do with substance but with relation(ality) itself, something that first is in God and secondly is true for creation (which maintains its originary relation to God. Thus, a person is “not a substance that closes itself in itself, but the phenomenon of complete relativity, which is, of course, realized in its entirety only in the one who is God, but which indicates the direction of all personal being. The point is thus reached here ...—there is a transition from the doctrine of God into Christology and into anthropology.” Ratzinger, “Retrieving the Notion of Person in Christian Theology.”

Balthasar traces a similar path through the classical and Christian tradition, emphasizing that the ‘substantial’ (as opposed to relational or even ‘existential’ [as in Richard of St. Victor]) version of personhood is one that comes from Boethius and his receiver St. Thomas. In the Thomistic scheme to be a person is above being an individual, due to the greater dignity befitting a person. Harkening back to the Greek dramas, Thomas writes that “For because in comedy and tragedy famous men were presented, the designation person was used in order to characterize such as possessed a dignity.” Thus, personhood is rooted in a solemn dignity. Of course, “the dignity of the divine nature exceeds every other dignity [t]hus the designation person corresponds in the highest degree to God.” With respect to humans, “because it constitutes a high dignity to be independent in a nature endowed with reason (Boethius), thus every individual of a nature endowed with reason is called person.” Quoted in Hans Urs von Balthasar, “On the Concept of Person,” *Communio* 13 (Spring 1984): 18–26. Of course, this substance- and reason-based approach would cause difficulties for irrational people such as the disabled (without the backstop of the *imago Dei*) and for non-human animals.

Philosopher Alasdair MacIntyre challenges the dignity-substance paradigm, which he sees to have become prevalent after the Second World War in documents such as the UN Declaration of Human Rights as a way to build a philosophical consensus in a fractured and pluralistic world. MacIntyre sees Thomas as offering an alternative definition of dignity, which is that we may move towards our uniquely possible end, which is to know and love God (with knock-down effects on promoting the common good). The weight of such ends grounds our dignity: our dignity is in the pursuit of such ends. We may not use our rational minds and free will to find our way towards those ends, and to that extent, we lose our dignity and worth and no one has reason to treat us as if we had it. As Feser summarizes, “the post-war conception holds that we have dignity simply by virtue of being human, whereas for Aquinas, it is not what we are that gives us dignity, but rather what we should become that gives it to us.” This relative-dignity-according-to-ends-pursued account is, evidently, an understanding drawn from Charles De Koninck’s essay “The Primacy of the Common Good against the Personalists,” and initially provides a strikingly different account a Thomistic dignity-rationality-substance understanding described by Balthasar above. However, the proper end of rationality is God, and MacIntyre reinforces that what grounds dignity is the *potential* instead of the *actuality* of this pursuit. MacIntyre also emphasizes that ‘postwar’

Thus, and here is where the rubber hits the road, it is possible to affirm a *prosopon* as a *durable, communicating, recognizable, and unique locus in the economy/communion of love*. While a river may not immediately have an *imago Dei* in the traditional sense due to its nature, it nevertheless has a *prosopon* and is a *unique communicant* in the economy of love.<sup>12</sup> I know what it is like to grow up along the Mississippi and Red Rivers, for example, as has my family for a few generations, and I am grieved when they suffer. The same is not true for a scrap of Styrofoam. I propose that personhood rest not on nature but on its *communication* and *kinship*, of being a participant on the creaturely stage, as it were. Upon this rests its dignity and a *prima facie* right to continue to exist. Unlike humans' *imago Dei* guarantee, the *personhood* of non-humans is of a *donated* or *recognized* variety. God is the creator and humans hold a certain delegated priestly status, whereby they partially participate in the Creator's work via naming, liturgy, recognition, and invention. Rather than reading Genesis to say that humans are *above* creation, perhaps we have a co-equal status to it as kin;<sup>13</sup> the *imago Dei* being a special priestly-prophetic power of naming and celebrating. Thus, humans with their *imago Dei* status can

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conceptions of human dignity come not just with negative prohibitions (which is all MacIntyre sees them doing) but rather a sound comes with positive obligations, for which MacIntyre offers childcare, education, and employment for all as examples. However, despite common potential grounding our primeval equality, in the course of life one can choose to sin and turn away from God, something that for Thomas was worse than death (thus justifying the death penalty). MacIntyre believes that a (traditioned and communal) account of justice should be doing work that modern Catholics believe dignity does (such as preventing torture or capital punishment for evildoers). To untangle this morass, I contend that justice and rights and personhood are linked, while leaving dignity to refer to our spiritual journey towards the greatest of goods.

For completeness' sake, Ratzinger's understanding of Thomas as standing in Richard's existential lineage is different than this. Ratzinger believes that the existence-foundation was indeed an innovation over the essence-focused ancients, but unfortunately the scholastics "limited these categories to Christology and to the doctrine of the Trinity and did not make them fruitful in the whole extent of spiritual reality." Therefore Ratzinger pushes towards a fuller (and contra-Augustinian) relational/Trinitarian anthropology. For an overview of MacIntyre's 2021 talk entitled "Human Dignity: A Puzzling and Possibly Dangerous Idea?" see Edward Feser, "MacIntyre on Human Dignity," Edward Feser (blog), November 23, 2021, <http://edwardfeser.blogspot.com/2021/11/macintyre-on-human-dignity.html>.

<sup>12</sup> The prosoponic 'slipperiness' introduced leads in fact to a very similar worldview to that espoused by Indigenous voices. This is perhaps not surprising, as in many parts of the world Christianity *is* the Indigenous faith (replete with even sacred sites and sacred groves, see Zelensky, below). Perhaps (modern and) "arrogant" Christians simply need 'eyes to see' what has been true the whole time. Among the Anishinaabe, "an animate being is a *person* by virtue of its membership and participation in an actual network of social and moral relationships and practices with other persons. So moral agency is at the core of the Native conception of personhood... one cannot be a person in isolation." Suzanne Crawford O'Brien and Inés Talamantez, *Religion and Culture in Native America* (Lanham: Rowman & Littlefield Publishers, 2020), 24.

<sup>13</sup> Lynn White Jr. himself argued that just as "the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not." Indeed, he recommends St. Francis ("the greatest spiritual revolutionary in Western history") as a way forward, for his repudiation of Christian "arrogance toward nature" and pursuing "an alternative Christian view of nature and man's relation to it: he tried to substitute the idea of the equality of all creatures, including man, for the idea of man's limitless rule of creation."

Similarly, an Indigenous spokesperson in New Zealand spoke of his belief that "rather than us being masters of the natural world, we are part of it. We want to live like that as our starting point. And that is not an anti-development, or anti-economic use of the river but to begin with the view that it is a living being, and then consider its future from that central belief." Eleanor Ainge Roy, "New Zealand River Granted Same Legal Rights as Human Being," *The Guardian*, March 16, 2017, sec. World news, <https://www.theguardian.com/world/2017/mar/16/new-zealand-river-granted-same-legal-rights-as-human-being>.

recognize or ‘create’ as persons other kin in creation: elephants,<sup>14</sup> rivers (like the Ganges), former national parks (*Te Urewera* in NZ), and so on, even deities, as has happened in India.<sup>15</sup>

The relationship of humans with non-human persons is therefore based on recognition. One form of relationship could be dependence: just as the Whanganui river is considered an ancestor for the local *inī* (tribe), they just as equally consider it something unique and something they depend upon for life.<sup>16</sup> A similar move was attempted in Colorado for its river (but was shut down via threat of sanction).<sup>17</sup>

The other basis for recognition, perhaps unsurprisingly, is kinship. As St. Francis’ ‘Canticle of Brother Sun and Sister Moon’ indicates, Christians have the language to speak of creation as our siblings.<sup>18</sup> Humanity’s last-to-be-created status also gives the principle of parsimony and precedent: based on the common law tradition, only things that have been recognized (as part of the human community of love and need) for the past, say, 20 years are eligible for this status.<sup>19</sup>

Indeed, Orthodox theology has a time-tested way of recognizing persons who are in communion with humanity and God: the iconographic tradition. John Chryssavgis, ecological advisor to the ecumenical patriarch, recognizes that the “sun and the moon and the stars and the waters [all] assume human faces; all of them acquire a personal dimension – just like people; just like God.”<sup>20</sup> Similarly, Elizabeth K. Zelensky writes about nature as a living icon,<sup>21</sup> and finally – remembering that for the East the point of the Christian life is seeing the face of God – there is the quote attributed to St. John of Damascus that “the whole earth is a living icon of the face of God.” Chris Howell in the

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<sup>14</sup> Lawrence Wright, “The Elephant in the Courtroom,” *The New Yorker*, February 28, 2022, <https://www.newyorker.com/magazine/2022/03/07/the-elephant-in-the-courtroom>.

<sup>15</sup> Ananya Bhattacharya, “Birds to Holy Rivers: A List of Everything India Considers ‘Legal Persons,’” *Quartz*, June 7, 2019, <https://qz.com/india/1636326/who-apart-from-human-beings-are-legal-persons-in-india/>.

<sup>16</sup> One could not say, on this basis, that oxygen is a person, because it is not ‘recognizable’ in its ‘face.’

<sup>17</sup> Lindsay Fendt, “Colorado River ‘Personhood’ Case Pulled by Proponents,” *Aspen Journalism*, December 5, 2017, <http://aspenjournalism.org/colorado-river-personhood-case-pulled-by-proponents/>.

<sup>18</sup> An example from the East that includes even the ‘irrational creatures’ (especially interesting when many Christians have tied the *imago Dei* to human rationality) is found in a famous passage from St. Isaac the Syrian (Homily 8): “What is a heart full of charity? It is a heart that burns with love for all creation, for humans and for demons, for all creatures ... The man who possesses such a heart is moved by an immense compassion ... He cannot endure that any sorrow, however trivial, should be inflicted on any creature. For this reason he prays even for irrational creatures, for the enemies of truth, for those who harm him, that they be protected and receive mercy. He prays even for reptiles, impelled by the infinite compassion that burns in his heart in the likeness of God.”

<sup>19</sup> Christians can invoke Sophia – the quasi-creator and Wisdom of God – to discern what is indeed a person. This helps to avoid the creation of technological persons unless they were very well-integrated into human life. Similarly, only pro-social ‘persons’ (upon which we depend) should be recognized. Amelia Tait, “‘I Am, in Fact, a Person’: Can Artificial Intelligence Ever Be Sentient?,” *The Guardian*, August 14, 2022, sec. Technology, <https://www.theguardian.com/technology/2022/aug/14/can-artificial-intelligence-ever-be-sentient-googles-new-ai-program-is-raising-questions>.

<sup>20</sup> Chryssavgis, John. “New Heaven, New Earth: Christian Theology and Ecological Worldview.” *Religions: A Scholarly Journal* 2012, no. 1 (October 1, 2012): 33–41. <https://doi.org/10.5339/rels.2012.environment.5>. The shadow side of the communion of love is the possibility to sin. While it is impossible to sin against a block of old Styrofoam, it is possible to sin against creation as the Ecumenical Patriarch writes: “To commit a crime against the natural world is a sin. For human beings to cause species to become extinct and destroy the biological diversity of God’s creation; ... to degrade the integrity of the earth by causing climate change; ... to strip the earth of its natural forests, or destroy its wetlands; ... to contaminate the earth’s waters, its land, its air, and its life – all of these are sins.”

<sup>21</sup> Elizabeth K. Zelensky, “Nature as Living Icon: Ecological Ethos of Eastern Orthodoxy,” *Religions: A Scholarly Journal* 2012, no. 1 (October 1, 2012), <https://doi.org/10.5339/rels.2012.environment.11>.

audience also reminded me of the Byzantine notion that trees have souls, and have agency in the world, flying, healing, bowing to Christ or the Virgin Mary, and so on.

### Conclusion: Advocacy and Stewardship

Finally, in light of these considerations, Christian religious communities can serve as advocates for the Rights of Nature in three ways. First is simply advocating for the inclusion of these ideas into our mainstream legal system (such as what happened in Toledo, OH, or Colorado before the lawyer was threatened with heavy sanctions and withdrew). Secondly, Church bodies can literally serve as advocates (in the traditional sense, meaning ‘pleader’ and ‘lawyer’) in lawsuits on behalf of these non-human persons. Thus, churches or other entities could serve as the “as next friend” (A/N/F, or guardian *ad litem*) in court– the entity sponsors a plaintiff through a court case who cannot speak for themselves (such as a child or demented adult) but who is not their permanent legal guardian. They could, for example, do so for their local watershed region. If Christian churches want to lean into their priestly-stewardship mandate, they could make their charge the protection of the local non-human persons and for its own sake and for the good of all. Finally, should the legal entity own property and require legal guardianship or stewardship, religious bodies could organize to be trustees, as Indigenous tribes and nations have done. Perhaps this could be a way to meet Robin Wall Kimmerer’s challenge and invitation in *Braiding Sweetgrass* to the non-Indigenous to ‘become Indigenous to place’: “For all of us, becoming Indigenous to a place means living as if your children's future mattered, to take care of the land as if our lives, both material and spiritual, depended on it.”<sup>22</sup>

Thus, Christian language can be used to find endogenous roots for a right to nature within our own legal traditions, and use theological history to create space for non-human natures to nevertheless be *prosopa*, persons. Similarly, Christian communities can be legal advocates for these non-human persons for their protection and for “the life of the world.” This is especially important in an era of ecocide and environmental crisis. Thank you.

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<sup>22</sup> Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants*, (Minneapolis, MN: Milkweed Editions, 2013). Later, she writes: “Being naturalized to place means to live as if this is the land that feeds you, as if these are streams from which you drink, that build your body and fill your spirit. To become naturalized is to know that your ancestors lie in this ground. Here you will give your gifts and meet your responsibilities. To become naturalized is to live as if your children’s future matters, to take care of the land as if our lives and the lives of all our relatives depend on it. Because they do.” If humans are like plants, be the gift-bearing plantain instead of the life-choking kudzu.

## Appendix: Screenshots of Supporting Documents (can read during Q&A)

1855 Resolution 2018- 05 Establishing Rights of Manoomin  
Dec. 5, 2018, p. 3

### **Rights of Manoomin**

#### **Section 1. Statements of Law – Rights.**

**(a) Rights of Manoomin.** Manoomin, or wild rice, within all the Chippewa ceded territories possesses inherent rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation. These rights include, but are not limited to, the right to pure water and freshwater habitat; the right to a healthy climate system and a natural environment free from human-caused global warming impacts and emissions; the right to be free from patenting; as well as rights to be free from infection, infestation, or drift by any means from genetically engineered organisms, trans-genetic risk seed, or other seeds that have been developed using methods other than traditional plant breeding.

A ship is not a slave. You must make her easy in a seaway, you must never forget that you owe her the fullest share of your thought, of your skill, of your self-love. If you remember that obligation, naturally and without effort, as if it were an instinctive feeling of your inner life, she will sail, stay, run for you as long as she is able, or, like a sea-bird going to rest upon the angry waves, she will lay out the heaviest gale that ever made you doubt living long enough to see another sunrise.—Joseph Conrad, *The Mirror of the Sea*, 1906

13. For example, see *United States v. Cargo of the Brig Malek Adhel*, 43 U.S. (2 How.) 210 (1844). There, a ship had been seized and used by pirates. All this was done without the knowledge or consent of the owners of the ship. After the ship had been captured, the United States condemned and sold the “offending vessel.” The owners objected. In denying release to the owners, Justice Story cited Chief Justice Marshall from an earlier case: “This is not a proceeding against the owner; it is a proceeding against the vessel for an offense committed by the vessel; which is not the less an offense . . . because it was committed without the authority and against the will of the owner.” 43 U.S. at 234, quoting from *United States v. Schooner Little Charles*, 26 F. Cas. 979 (No. 15,612) (C.C.D. Va. 1818).

temptation of law.”<sup>16</sup> Yet, long before Marshall worried over the personifying of the modern corporation, the best medieval legal scholars had spent hundreds of years struggling with the notion of the legal nature of those great public “corporate bodies,” the Church and the State. How could they exist in law, as entities transcending the living Pope and King? It was clear how a king could bind *himself*—on his honor—by a treaty. But when the king died, what was it that was *burdened with the obligations of*, and *claimed the rights under, the treaty his tangible hand had signed*? The medieval mind saw (what we have lost our capacity to see)<sup>17</sup> how *unthinkable* it was, and worked out the most elaborate conceits and fallacies to serve as anthropomorphic flesh for the *Universal Church and the Universal Empire*.<sup>18</sup>