



## Thomas Berry & Rights for Nature

**Human rights do not cancel out the rights of other modes of being to exist in their natural state.**

Legal rights for nature are entwined with Thomas Berry's vision of a mutually enhancing Earth Community. A Catholic monk and cultural historian (he calls himself a "geologist" rather than a theologian), Berry lists ten basic precepts to explain why rights are not a human concept, but a universal reality for all of nature.

1. Rights originate where existence originates. That which determines existence determines rights.
2. Since it has no further context of existence in the phenomenal order, the universe is self-referent in its being and self-normative in its activities. It is also the primary referent in the being and activities of all derivative modes of being. (This means the Universe determines all aspects of existence.)
3. The universe is a communion of subjects, not a collection of objects. As subjects, the component members of the universe are capable of having rights.
4. The natural world on the planet Earth gets its rights from the same source that humans get their rights, from the universe that brought them into being.
5. Every component of the Earth community has three rights: the right to be, the right to habitat, and the right to fulfill its role in the ever-renewing processes of the Earth community.
6. All rights are species specific and limited. Rivers have river rights.

### Dedication to *The Great Work*

To the children,  
To all the children  
To the children who swim beneath  
The waves of the sea, to those who live in  
The soils of the Earth, to the children of the flowers  
In the meadows and the trees in the forest, to  
All those children who roam over the land  
And the winged ones who fly with the winds,  
To the human children too, that all the children  
May go together into the future in the full  
Diversity of their regional communities.

—Thomas Berry

Birds have bird rights. Insects have insect rights. Differences in rights is qualitative, not quantitative. The rights of an insect would be of no value to a tree or a fish.

7. Human rights do not cancel out the rights of other modes of being to exist in their natural state. Human property rights are not absolute. Property rights are simply a special relationship between a particular human "owner" and a particular piece of "property" so that both might fulfill their roles in the great community of existence.
8. Since species exist only in the form of individuals, rights refer to individuals and to their natural groupings of individuals into flocks, herds, packs, not simply in a general way to species.
9. These rights as presented here are based upon the intrinsic relations that the various components of Earth have to each other. The planet Earth is a single community bound together with interdependent relationships. No living being nourishes itself. Each component of the Earth community is immediately or mediately dependent on every other member of the community for the nourishment and assistance it needs for its own survival. This mutual nourishment, which includes the predator-prey relationships, is integral with the role that each component of the Earth has within the comprehensive community of existence.
10. In a special manner humans have not only a need for but a right of access to the natural world to provide not only the physical need of humans but also the wonder needed by human intelligence, the beauty needed by human imagination, and the intimacy needed by human emotions for fulfillment.

To explore how these precepts would work within legal systems, Thomas Berry worked with lawyer Cormac Cullinan on his book *Wild Law*. Cullinan explains, "Fundamentally changing our governance systems will require more than reforming existing laws or making new ones. We need to take a long hard look, not only at our legal systems, but, more importantly, at the legal philosophies that underlie them. Only by creating a vision of an 'Earth Jurisprudence' will we be able to begin a comprehensive transformation of our governance system."

Thomas Berry's books include *Dream of the Earth*, *The Universe Story* (co-authored with cosmologist Brian Swimme) and *The Great Work*. Cormac Cullinan's book, *Wild Law*, is available in the US at [www.100fires.com](http://www.100fires.com)

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