

STATE OF MICHIGAN
MICHIGAN SUPREME COURT

NONHUMAN RIGHTS PROJECT, INC.,

Plaintiff-Appellant.

Supreme Court No. 169351

Court of Appeals No. 369247

v

Menominee Circuit Court
LC No. 23-17621-AH

DEYOUNG FAMILY ZOO, LLC and
HAROLD L. DEYOUNG,

Defendants-Appellees.

**Motion for Leave to File Late Amicus Brief in Support of
Plaintiff-Appellant's Application for Leave to Appeal**

Amici curiae Andrew Linzey, Clair Linzey, and Amanda Muskat, by and through the undersigned counsel, respectfully ask that this honorable Court grant them leave to file the late attached *Amicus Curiae* Brief, pursuant to MCR 7.305(F). In support of their motion, amici curiae state as follows:

1. *Amicus* Reverend Professor Andrew Linzey, Ph.D., D.D., Hon. D.D. (“Dr. A. Linzey”) and Clair Linzey, Ph.D., are professors of animal theology and animal ethics with extensive backgrounds and expertise in the study of animal ethics with an active interest in evolving the law to remedy injustices inflicted upon nonhuman animals. Dr. A. Linzey is the director of the Oxford Centre for Animal Ethics and has been a member of the Faculty of Theology at the University of Oxford for nearly three decades. Dr. A. Linzey is also a visiting professor of animal theology at the University of Winchester, a professor of animal ethics at the Graduate Theological Foundation, and a special professor at Saint Xavier University, Chicago. He has authored and/or edited more than forty books, including *Animal Theology*, SCM Press, University of Illinois Press (1994); *Why Animal Suffering Matters: Philosophy, Theology, and Practical Ethics*, Oxford University Press (2009); *The Global Guide to Animal Protection*, University of Illinois Press (2013); and

The Palgrave Handbook of Practical Animal Ethics, Palgrave Macmillan (2018). In 2001, Dr. A. Linzey was awarded a Doctor of Divinity by the Archbishop of Canterbury – the highest award an Archbishop can bestow upon a theologian – in recognition of his “unique” and “massive” theological work on a scholarly level in relation to creation and creatures.

2. *Amicus* Dr. C. Linzey is a research fellow in animal ethics at Wycliffe Hall at the University of Oxford, and the deputy director of the Oxford Centre for Animal Ethics. She is also the Frances Power Cobbe professor of animal theology at the Graduate Theological Foundation. Dr. C. Linzey obtained her doctorate degree in theology from the University of St. Andrews, after completing her masters in theology at Harvard University. She authored *Developing Animal Theology*, Routledge (1st ed. 2020) and is co-editor of the *Journal of Animal Ethics* and the Palgrave Macmillan Animal Ethics Series. Additionally, Dr. C. Linzey and Dr. A. Linzey are co-editors of *Animal Ethics for Veterinarians*, University of Illinois Press (2017), *The Routledge Handbook of Religion and Animal Ethics*, Routledge (2018); *The Palgrave Handbook of Practical Animal Ethics*, Palgrave Macmillan (2018), *Animal Ethics and Animal Law*, Lexington (2011), and *Animal Theologians*, Oxford University Press (2023).
3. *Amicus* Amanda Muskat is an attorney and scholar concentrating in philosophy of religion at Yale Divinity School. Her studies engage the ethical and philosophical foundations of human obligations toward the nonhuman world. She received her J.D. from UCLA School of Law in 2016 and has worked as a federal prosecutor and in private practice at a large, multinational law firm. Ms. Muskat is a fellow of Yale Law School’s Law, Environment, and Animals Program and has a professional and scholarly interest in the development of legal frameworks that expand legal rights and protections for nonhuman animals.
4. This matter involves a matter of first impression in Michigan, i.e., whether habeas corpus relief is available to chimpanzees as legal “persons.”
5. As amici curiae, Andrew Linzey, Clair Linzey, and Amanda Muskat may assist the Court by providing an expanded perspective on an important issue in this case. The decision of the Court of Appeals concluded that chimpanzees cannot be “persons,” and in its analysis, the court invoked William Blackstone’s theological understanding of the

creation narrative in Genesis 1, in which he erroneously concluded that the Creator gave man “despotic dominion” over all nonhuman animals. This grant from God, according to Blackstone, justified the common law treatment of nonhuman animals as mere property. *Amici* explain in their proposed brief that Blackstone was wrong: there is no basis in the text of Genesis 1 or related biblical scholarship for the position that Genesis 1 conferred “despotic” dominion over nonhuman animals.

6. Plaintiff-Appellant’s Application for Leave to Appeal was filed on November 28, 2025.
7. Defendant-Appellant’s Answer was filed on January 23, 2026. On March 6, 2026, Plaintiff-Appellant filed its reply brief.
8. Pursuant to MCR 7.305(F), amicus curiae briefs were due on February 13, 2026.
9. To date, five amicus curiae briefs have been filed in support of Plaintiff-Appellant, including two briefs that were submitted after February 13, 2026.
10. *Amici*’s proposed brief consists of 5344 words.
11. *Amici* will electronically file and serve this motion and the proposed amicus curiae brief on all counsel of record in this matter.

WHEREFORE, Andrew Linzey, Clair Linzey, and Amanda Muskat, through undersigned counsel, respectfully requests that this Honorable Court GRANT their motion for leave to file a late amicus curiae brief, and accept the attached proposed *Amicus Curiae* Brief (Exhibit 1), which is being filed with the Court along with this motion.

Respectfully submitted

/s/ Morgan M. Pattan
Morgan M. Pattan (P85688)
Attorney for *Amici Curiae*
P.O. Box 2162
Kalamazoo, MI 49001
(269)-290-0640

Dated: March 9, 2026

EXHIBIT 1

STATE OF MICHIGAN
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Morgan M. Pattan (P85688)
Attorney for *Amici Curiae*
P.O. Box 2162
Kalamazoo, MI 49001
(269)-290-0640

**PROPOSED BRIEF OF AMICI CURIAE ANDREW LINZEY, CLAIR LINZEY, AND
AMANDA MUSKAT**

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C. S. Lewis, "Vivisection" in <i>Undeceptions: Essays on Theology and Ethics</i> (London: Geoffrey Bles, 1971)	14
<i>Catholic Catechism</i>	9, 10
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David A. Clines, "The image of God in man," <i>Tyndale Bulletin</i> 19, 1968	5
Desmond Tutu, <i>Extending Justice and Compassion</i> , Foreword to Andrew Linzey, <i>Global Guide to Animal Protection</i> (Urbana: University of Illinois Press, 2013)	14
<i>Developing Animal Theology</i> , Routledge (1st ed. 2020)	2
Dieter T. Hessel, ed., <i>Theology for Earth Community: A Field Guide</i> (Maryknoll, NY: Orbis Books, 1996)	9

Evangelical Lutheran Church in America, A Social Statement on: Caring for Creation: Vision, Hope, and Justice	12
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John Austin Baker, “Biblical Attitudes to Nature” in Hugh Montefiore (ed.), <i>Man and Nature</i> . Foreword by Archbishop Michael Ramsey (London: Collins, 1975)	6
Job	11
John Eaton, <i>The Circle of Creation: Animals in the Light of the Bible</i> (London: SCM Press, 1995)	9
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Karl Barth, <i>Church Dogmatics: The Doctrine of Creation</i> (Edinburgh: T & T Clark, 1958)	6, 7, 9
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Max Oelschlaeger, <i>Caring for Creation: An Ecumenical Approach to the Environmental Crisis</i> (New Haven, CT: Yale University Press, 1994)	9
Message by H.A.H. Ecumenical Patriarch Bartholomew upon the Day of Prayer for the Protection of Creation (01/09/2012)	11
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Metropolitan Kallistos, in Nellist C. (2018, 2020) <i>Eastern Orthodox Christianity and Animal Suffering: Ancient Voices in Modern Theology</i> , Oxford interview, March 2014. Cambridge Scholars Press	11
Philip Sampson, <i>Animal Ethics and the Nonconformist Conscience</i> (Basingstoke, England: Palgrave Macmillan, 2018)	9
Philip Sampson, <i>Nonconformist Perspectives on Animals and Language</i> (Cham: Switzerland: Palgrave Macmillan, 2026)	9
Pope Francis, <i>Laudato Si</i> , Encyclical letter. May 24, 2015	10
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R. J. Berry (Ed.), <i>The Care of Creation: Focusing Concern and Action</i> (Leicester: Inter-Varsity Press, 2000)	12
Richard Bauckham, <i>Living with Other Creatures: Green Exegesis and Theology</i> (Waco, TX: Baylor University Press, 2011)	9
Richard H. Schwartz, <i>Judaism and Vegetarianism</i> (Marblehead, MA: Micah, 1988)	9
Robert Murray, <i>The Cosmic Covenant: Biblical Themes of Justice, Peace and the Integrity of Creation</i> (London: Heythrop Monograph, 1992)	9
Robert Runcie, <i>Address to the Global Forum of Spirituality and Parliamentary Leaders on Human Survival</i> (London: Lambeth Palace, 1988)	13
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Saul M. Olyan, <i>Animal Rights and the Hebrew Bible</i> (Oxford: Oxford University Press, 2023)	9
Stephen H. Webb, <i>On God and Dogs: A Christian Theology of Compassion for Animals</i> (New York: Oxford University Press, 1998)	9
Stephen R. L. Clark, <i>Animals and their Moral Standing</i> (London: Routledge, 1997)	9
Stephen R. L. Clark, <i>How to Think about the Earth: Philosophical and Theological Models for Ecology</i> (London: Mowbray, 1993)	9
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AMICI BRIEF FOR MICHIGAN COURT OF APPEALS

Andrew Linzey, Clair Linzey, and Amanda Muskat

INTRODUCTION

As set forth below, animal theology experts Dr. Andrew Linzey and Dr. Clair Linzey of the Oxford Centre for Animal Ethics, together with Amanda Muskat, attorney and scholar concentrating in philosophy of religion at Yale Divinity School (collectively, “amici”), submit that the Michigan Court of Appeals relied on William Blackstone’s inaccurate reading of Genesis in *Commentaries on the Laws of England* when it affirmed the summary denial of Petitioner Nonhuman Rights Project, Inc.’s (“NhRP”) petition for a writ of habeas corpus on behalf of seven chimpanzees confined at the DeYoung Family’s roadside zoo.¹ For reasons explained herein, the below-signed amici respectfully urge this Court to grant the NhRP’s Application for Leave to Appeal.

INTEREST OF AMICI

Amici Reverend Professor Andrew Linzey, Ph.D., D.D., Hon. D.D. (“Dr. A. Linzey”) and Clair Linzey, Ph.D., are professors of animal theology and animal ethics with extensive backgrounds and expertise in the study of animal ethics with an active interest in evolving the law to remedy injustices inflicted upon nonhuman animals. Dr. A. Linzey is the director of the Oxford Centre for Animal Ethics and has been a member of the Faculty of Theology at the University of Oxford for nearly three decades. Dr. A. Linzey is also a visiting professor of animal theology at the University of Winchester, a professor of animal ethics at the Graduate Theological Foundation, and a special professor at Saint Xavier University, Chicago. He has authored and/or edited more than forty books, including *Animal Theology*, SCM Press, University of Illinois Press (1994); *Why Animal Suffering Matters: Philosophy, Theology, and Practical Ethics*, Oxford University Press (2009); *The Global Guide to Animal Protection*, University of Illinois Press (2013); and *The Palgrave Handbook of Practical Animal Ethics*, Palgrave Macmillan (2018). In 2001, Dr. A. Linzey was awarded a Doctor of Divinity by the Archbishop of Canterbury – the highest award an Archbishop can bestow upon a theologian –

¹ No counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than amici curiae, their members, or their counsel made a monetary contribution to fund the preparation or submission of this brief.

in recognition of his “unique” and “massive” theological work on a scholarly level in relation to creation and creatures.

Dr. C. Linzey is a research fellow in animal ethics at Wycliffe Hall at the University of Oxford, and the deputy director of the Oxford Centre for Animal Ethics. She is also the Frances Power Cobbe professor of animal theology at the Graduate Theological Foundation. Dr. C. Linzey obtained her doctorate degree in theology from the University of St. Andrews, after completing her masters in theology at Harvard University. She authored *Developing Animal Theology*, Routledge (1st ed. 2020) and is co-editor of the *Journal of Animal Ethics* and the Palgrave Macmillan Animal Ethics Series. Additionally, Dr. C. Linzey and Dr. A. Linzey are co-editors of *Animal Ethics for Veterinarians*, University of Illinois Press (2017), *The Routledge Handbook of Religion and Animal Ethics*, Routledge (2018); *The Palgrave Handbook of Practical Animal Ethics*, Palgrave Macmillan (2018), *Animal Ethics and Animal Law*, Lexington (2011), and *Animal Theologians*, Oxford University Press (2023).

Amanda Muskat is an attorney and scholar concentrating in philosophy of religion at Yale Divinity School. Her studies engage the ethical and philosophical foundations of human obligations toward the nonhuman world. She received her J.D. from UCLA School of Law in 2016 and has worked as a federal prosecutor and in private practice at a large, multinational law firm. Ms. Muskat is a fellow of Yale Law School’s Law, Environment, and Animals Program and has a professional and scholarly interest in the development of legal frameworks that expand legal rights and protections for nonhuman animals.

ARGUMENT

1. Summary of Argument

In ruling against the NhRP, the Michigan Court of Appeals relied on a tradition of legal interpretation with its ideological core in William Blackstone’s eighteenth century reading of Genesis as conferring “despotic” dominion over non-human animals. However, this interpretation of dominion flies in the face of internal textual evidence and biblical scholarship. In exploring the true meaning of biblical dominion, this amicus brief makes clear that biblical dominion is *not* despotism, and by inserting the concept of “despotic” dominion, Blackstone overreaches beyond the language and logic of the text itself. Moreover, biblical dominion does not relegate animals to the status of mere property, dominion does not confer natural rights over animals, humans do not have exclusive access to the resources of creation, animals are not instrumental to humans, and humans have no right to take animal lives for

their use or service nor any right to take animals from their natural habitat. Biblical scholarship and authoritative church statements ground and reinforce this analysis.

2. Recapping the Michigan Court's Appeal to Blackstone

The Michigan Court of Appeals decision in the NonHuman Rights Project versus DeYoung Family Zoo was delivered on 17th October 17 2025. The plaintiff sued for a writ of habeas corpus on behalf of seven chimpanzees kept in a private roadside zoo in Wallace, Michigan. The Court of Appeals upheld the decision of the lower court and denied the writ. However, in doing so the court made several theological appeals that are worth further exploration. The decision is worth considering at length:

As part of the same framework [presumably Blackstone's categorization of legal persons], the common law treated animals as objects of property. Blackstone defined property as "that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe." 2 Blackstone, p *2. Explaining the historical rationale for mankind's "dominion," Blackstone invoked the creation narrative to reflect the period's understanding of the common law's categories:

In the beginning of the world, we are informed by holy writ, the all-bountiful Creator gave to man "dominion over all the earth; and over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth." . . . The earth, therefore, and all things therein, are the general property of all mankind, exclusive of other beings, from the immediate gift of the Creator. [Id. at **2-3.]

From that premise, Blackstone concluded that, with respect to wild animals, "all mankind had by the original grant of the Creator a right to pursue and take any fowl or insect of the air, any fish or inhabitant of the waters, and any beast or reptile of the field: and this natural right still continues in every individual, unless where it is restrained by the civil laws of the country."²

² Michigan Court of Appeals, *NonHuman Rights Project vs DeYoung Family Zoo*, October 17, 2025, p. 1.

The Appeals Court states that Blackstone is relevant here because “Although Blackstone wrote as a commentator rather than a court, his account accords with judicial authority.”³ Breaking down the elements of the decision here, there are several important things to note. First, dominion is the basis of the understanding of property in the law, according to Blackstone: “*that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.*” From this we may understand that property has its legal beginnings in the idea of dominion, as understood in the Genesis narrative. Second, the characterisation of that dominion as “despotic” leaves the reader in no doubt as to the nature of that dominion as unrestrained domination. Third, dominion over animals, and the conception of them as property in the law, is *given by God*: “The earth, therefore, and all things therein, are the general property of all mankind, exclusive of other beings, from the immediate gift of the Creator.” Fourth, on this basis human use of animals, indeed the “right to pursue and take” animals, is considered a “natural right.”

What the Michigan decision makes clear then is that the basis of the idea of animals as property in the law has at its core the theological idea of dominion taken from eighteenth century commentaries. Since the appeal judges appeal specifically to the concept of dominion embodied in the first creation narrative, it is only right that theology should be allowed its full voice on this matter and its resultant conclusions considered carefully.

3. Biblical Dominion

Biblical scholars divide Genesis one and two into two different creation sagas, each deriving from Priestly and Yahwist traditions. To properly understand the meaning of dominion, it is essential to give a full account of the relation between God and creation in the first creation saga (Gen. 1-2.4a). The key elements in relation to living creatures are as follows:

- i) The creation of fish and birds (1:20-23). The first creation of autonomous living creatures with their own God-given living space. These creatures are blessed by God and given permission to be fruitful and multiply on the earth.

³ Michigan Court of Appeals, p. 11.

- ii) The creation of land animals (1:24-26). Again, these creatures are given their own living space, blessed by God, and given permission to multiply according to their kinds. God pronounces that the creation of these creatures is specifically “good.”⁴ This is the first time in the creation saga that God pronounces any created being as good. Also, these land animals are created together with humans on the same sixth day of creation, thus symbolising the special closeness and commonality between land animals and humankind.

The following three elements need to be taken together:

- iii) The image of God in humanity (1:26-28). But what does this mean? Inter alia, the image has been located in some rational capacity that does not extend to other creatures, but there is no confirmation of this in the actual text. Rather this notion is inextricably related to the granting of dominion.⁵ In the words of biblical scholar David A. Clines, “the dominion of man over creation can hardly be excluded from the content of the image itself.”⁶
- iv) Human dominion over animals (1:28-29). There is a widespread consensus amongst scholars that the meaning of dominion is about care for creation. Indeed dominion in this context is as one of us has written elsewhere “a limited and accountable authority: limited because humans are to represent *God’s own* benevolent care for other creatures, and accountable because humans are uniquely responsible *to God* for how they exercise that authority.”⁷ This logically follows from humankind being made in the image of God, who is by definition holy, loving, and just, summarised in the line “The Lord is good to all, and his compassion is over all that he has made” (Psalm 145:9). If God was satanic and cruel rather than loving, it would be easier to justify our despotic exploitation of animals. As biblical scholar bishop John Austin Baker (former chair of the

⁴ All biblical citations are from the *Revised Standard Version* (RSV).

⁵ See Guunlaugur A. Jónsson, *The Image of God: Genesis 1:26–28 in a Century of Old Testament Research* (Lund, Sweden: Almqvist and Wiksell International, 1988). Jónsson surveys the views of many Old Testament theologians, and with one exception, they all concur that God-given dominion means responsibility.

⁶ David A. Clines, “The image of God in man,” *Tyndale Bulletin* 19, 1968, p. 101.

⁷ Andrew Linzey, *Why Animal Suffering Matters: Philosophy, Theology, and Practical Ethics* (Oxford: Oxford University Press, 2009), p. 29; original emphasis.

- Doctrine Commission of the Church of England) explains “The dominion, therefore, which man is promised in Genesis 1 is poles apart from the kind of right to egoistical exploitation which is suggested to our ears.”⁸ Instead humans are the vice-gents of the Creator actualising God’s own love and care for other creatures.
- v) Nourishment for humans and animals (1:29-31). The words here are important and should be reproduced: “Behold, I have given you every plant yielding seed which is upon the face of the earth, and every tree with seed in its fruit; you shall have them for food. And to every beast of the earth, and every bird of the air, and to everything that creeps on the earth, everything that has the breath of life, I have given every green plant for food.’ And it was so” (1:29-30). It is this vegetarian, actually vegan, creation that God calls for the first time “very good”: “And God saw everything that he had made, and behold, it was very good” (1:31). Contrary to Blackstone, humans and animals are to share the nourishment from the plant kingdom. In the words of biblical theologian Karl Barth, “whether or not we find it practicable or desirable, the diet assigned to men and beasts by God the Creator is vegetarian.” He continues, “This makes clear that the supremacy given to man over animals is not one of life and death.”⁹
- vi) The Sabbath rest (2:1-4a). We now reach the climax of the first creation saga, namely the Sabbath experience where God views everything that he has made and rests on the seventh day. But what did the Sabbath originally mean? Theologian Jürgen Moltmann explains that the Sabbath is an “ecological day of rest,”¹⁰ and “when the sabbath is sanctified, a time is sanctified which is there for the whole creation. When the sabbath is celebrated, it is celebrated for all created being.”¹¹ In other words, the sabbath signifies the beginning of creation but is also an anticipation of the future state of peaceableness. Most of all it meant *shabbat shalom*, namely the experience of sacred peace. This is epitomised by the harmonious relationship both between and within all kinds of creatures. There is no predation, no inter-species violence, no ruthless use of power – only creation

⁸ John Austin Baker, “Biblical Attitudes to Nature” in Hugh Montefiore (ed.), *Man and Nature*. Foreword by Archbishop Michael Ramsey (London: Collins, 1975), p. 96.

⁹ Karl Barth, *Church Dogmatics: The Doctrine of Creation* (Edinburgh: T & T Clark, 1958), p. 208.

¹⁰ Jürgen Moltmann, *God in Creation: An Ecological Doctrine of Creation* (London: SCM Press, 1985), p. 296.

¹¹ Moltmann, *God in Creation*, p. 284.

living together in peaceableness. According to Barth, “Creation means peace—peace between the Creator and creatures, and peace among creatures themselves.”¹²

The important thing to note is that the early Hebrews were not pacifists or vegetarians, or opposed to capital punishment, neither were they opposed to aggressive wars, even genocide. Crucially they envisaged that the creation as originally made by God was peaceful and nonviolent. In other words, they told the narrative of the creation of the world *against themselves* as they envisaged the original creation given by God unmarred by human violence and wickedness. This fundamental insight has been overlooked within both Jewish and Christian interpretations of Genesis 1.

Notice also that we have been concerned with the *internal* evidence of the text. It is not about a particular interpretation or gloss per se; it is not the view of a handful of scholars; it is not just one possible interpretation, rather it is *what the text says*, as disclosed in its original structure and context.

To complete the Genesis narrative as a whole: creation does not of course remain in its original, perfect state. After the Fall, humans descend into violence, and in Genesis 6.6, it is written “And the Lord was sorry that he had made man on the earth, and it grieved him to his heart.” It is in this fallen, violent, post-flood world that the (rather ambiguous) permission is given to eat meat. In Genesis 9 it is written, “Every moving thing that lives shall be food for you; and as I gave you the green plants, I give you everything. Only you shall not eat flesh with its life, that is, its blood.” The permission is given as a concession to human weakness, and even then the permission is limited – humans are given permission to eat animals, but not their life symbolized by blood which belongs to God. As biblical scholar Anthony Phillips amplifies “The Hebrews recognized that death occurred through the loss of breath or blood, and since God was responsible for creation, both must belong to him.”¹³ In addition, God says he shall “surely require a reckoning” for every life taken: “of every beast I will require it.” Thus, the dominion given, even at the end of Genesis, recognizes that the animals belong to God, not humans. It is at the very least a qualified dominion.

¹² Barth, *Church Dogmatics*, p. 209.

¹³ Anthony Phillips, *Lower than the Angels: Questions raised by Genesis 1-11* (London: Bible Reading Fellowship, 1983), p. 48.

4. Confronting Blackstone's Errors

1. *Dominion is not despotism.* There is no suggestion in the text that humans have the right to any exploitation or cruelty. Critically, the word “despotic” does not appear in Genesis 1; it is Blackstone’s addition. As far as the undersigned amici are aware, there is no translation of the Bible – Hebrew manuscript, Septuagint, Latin Vulgate, or any English translation that has ever used the word “despotic” to amplify “dominion.” By inserting the concept of “despotic” dominion, Blackstone overreaches beyond the language and logic of the text itself. The creation narrative does not define dominion abstractly or in terms of domination; instead, it situates humanity within a world in which animals already possess God-given life, living space, and divine approval independent of human use.
2. *Animals are not property.* While this may be true of law, it is incompatible with the first creation narrative in Genesis. Rather animals are created by God and belong to him. Moreover, they are fellow creatures and blessed by God.
3. *Dominion does not bestow “natural rights” over animals.* Humans have delegated authority over animals as vice-regents to care for creatures and look after creation. The issue of course is how this authority is to be exercised. We maintain that being made in the image of a holy, loving, and just God that power must be a power to do good and exercise compassion.
4. *Humans do not have what Blackstone calls “exclusive” access to the resources of creation.* This is made clear in Genesis 1.29-31 where God assigns the plant kingdom for the use of both animals and humans. No other prerogatives are given to the human species.
5. *Animals are not instrumental to humans.* They too possess the God-given “breath of life” (Gen 1.30), which makes them intrinsically valuable by virtue of being God’s own creatures.
6. *Humans have no right to take any animal life for their use or service.* This is made clear by the assignment of a plant only diet and is reinforced by the Sabbath experience in which all creatures are to dwell together in peace and harmony.
7. *There is no “right to pursue and take any fowl or insect of the air, any fish or inhabitant of the waters, and any beast or reptile of the field”.* Animals are given their own living space, and in the words of Barth in being blessed by God they are

“authorized and empowered” to be.¹⁴ Specifically, there is no restriction on the freedom or liberty of “wild animals.”

5. Authoritative Church Statements on Animals and Creation

Even though Blackstone’s thought represents a negative theological tradition on the status of animals, it is derived almost entirely from a misunderstanding of the nature of the first creation saga. But confirmation that dominion does not mean despotism is reinforced by a voluminous amount of theological and biblical scholarship on Genesis.¹⁵ This in turn has led to innumerable authoritative statements by nearly all mainstream churches that correct the misreading of the text and explicitly reject the characterization of dominion as despotism. A survey is here provided:

The *Catholic Catechism* specifically rejects the idea that human dominion is absolute:

Man’s dominion over inanimate and other living beings granted by the Creator is not absolute; it is limited by concern for the quality of life of his neighbour, including generations to come; it requires a religious respect for the integrity of creation.

Animals are God’s creatures. He surrounds them with his providential care. By their mere existence they bless him and give him glory...

¹⁴ Barth, *Church Dogmatics*, p. 170.

¹⁵ See, for example, Richard Bauckham, *Living with Other Creatures: Green Exegesis and Theology* (Waco, TX: Baylor University Press, 2011); R. J. Berry, ed., *The Care of Creation: Focusing Concern and Action* (Leicester, England: Inter-Varsity Press, 2000); Brian Brock, *Joining Creation’s Praise: A Theological Ethic of Creatureliness* (Grand Rapids, MI: Baker Academic, 2025); Stephen R. L. Clark, *Animals and their Moral Standing* (London: Routledge, 1997); Stephen R. L. Clark, *How to Think about the Earth: Philosophical and Theological Models for Ecology* (London: Mowbray, 1993); John Eaton, *The Circle of Creation: Animals in the Light of the Bible* (London: SCM Press, 1995); Dieter T. Hessel, ed., *Theology for Earth Community: A Field Guide* (Maryknoll, NY: Orbis Books, 1996); Robert Murray, *The Cosmic Covenant: Biblical Themes of Justice, Peace and the Integrity of Creation* (London: Heythrop Monograph, 1992); Max Oelschlaeger, *Caring for Creation: An Ecumenical Approach to the Environmental Crisis* (New Haven, CT: Yale University Press, 1994); Saul M. Olyan, *Animal Rights and the Hebrew Bible* (Oxford: Oxford University Press, 2023); Lawrence Osborn, *Guardians of Creation: Nature in Theology and the Christian Life* (Leicester, England: Apollos, 1993); Philip Sampson, *Animal Ethics and the Nonconformist Conscience* (Basingstoke, England: Palgrave Macmillan, 2018); Philip Sampson, *Nonconformist Perspectives on Animals and Language* (Cham: Switzerland: Palgrave Macmillan, 2026); Richard H. Schwartz, *Judaism and Vegetarianism* (Marblehead, MA: Micah, 1988); and Stephen H. Webb, *On God and Dogs: A Christian Theology of Compassion for Animals* (New York: Oxford University Press, 1998).

God entrusted animals to the stewardship of those whom he created in his own image.¹⁶

Animals are acknowledged to be “God’s creatures,” cared for by God. Animals both “bless” God and give God “glory.”

More recently, the papal encyclical *Laudato Si’* begins by directly challenging and critiquing dominion. Pope Francis writes: “This sister [Earth] now cries out to us because of the harm we have inflicted on her by our irresponsible use and abuse of the goods with which God has endowed her. We have come to see ourselves as her lords and masters, entitled to plunder her at will.”¹⁷ He goes on to talk of our “vocation to be protectors of God’s handiwork.”¹⁸ In regard to animals, Francis specifically writes that animals “have value in themselves,”¹⁹ that creation should be understood as a “family,”²⁰ and explicitly writes again against dominion as despotism “Here we can add yet another argument for rejecting every tyrannical and irresponsible domination of human beings over other creatures. *The ultimate purpose of other creatures is not to be found in us.*”²¹ Whatever previous thought on dominion has been the Roman Catholic Church firmly rejects the idea of understanding the God-given biblical dominion as domination and despotism.

Further it is not only the view of Roman Catholicism, but also of Orthodoxy. H.A.H Bartholomew, Archbishop of Constantinople, has written and spoken strongly in defence of care for God’s creation.²² Metropolitan Kallistos of Diokleia summarises the Orthodox view as follows:

¹⁶ *The Catholic Catechism* (London: Geoffrey Chapman, 1994), paras. 2415–17.

¹⁷ Pope Francis, *Laudato Si’*, Encyclical letter. May 24, 2015.

http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

¹⁸ Francis, *Laudato Si’*, para 217.

¹⁹ Francis, *Laudato Si’*, para. 33.

²⁰ Francis, *Laudato Si’*, para. 42.

²¹ Francis, *Laudato Si’*, para. 83; my emphases.

²² See for example, Message by His All Holiness Ecumenical Patriarch Bartholomew on the day for the Protection of the Environment (September 1, 1997), <https://ec-patr.org/en/01/09/00/00/message-by-his-all-holiness-ecumenical-patriarch-bartholomew-3/>; Address By His All-Holiness Ecumenical Patriarch Bartholomew On Receiving the 2015 Steward of Creation Award (Prinkipos, August 6, 2015), <https://ec-patr.org/en/22/03/00/00/address-by-his-all-holiness-ecumenical-patriarch-bartholomew-27/>;

It is said that we are to have dominion as humans over the created order but dominion does not mean domination or ruthless tyranny. This dominion that humans are given is part of being in God's Image, so what this means is that just as God cares for His creation and loves it, so we, after the image of God, are to care and love creation. This to me is the basic position of the Orthodox Church in regard to animals.²³

In addition, there are many protestant, principally evangelical, voices, that have spoken out in defense of animals. In 1994, the *Evangelical Declaration on the Care of Creation* was released and endorsed by several hundred evangelical theologians and church leaders.²⁴ It stated:

- The Creator's concern is for all creatures. God declares all creation 'good' (Gen. 1:31); promises care in a covenant with all creatures (Gen. 9:9-17); delights in creatures which have no human apparent usefulness (Job 39-41); and wills, in Christ, 'to reconcile all things to himself' (Col. 1:20). ...
- Men, women and children, created in God's image, also have a unique responsibility for creation. Our actions should both sustain creation's fruitfulness and preserve creation's powerful testimony to its Creator.
- Our God-given, stewardly talents have often been warped from their intended purpose: that we know, name, keep and delight in God's creatures; that we nourish civilisation in love, creativity and obedience to God; and that we offer creation and

Creation Care and Ecological Justice: Reflections by Ecumenical Patriarch Bartholomew, <https://ec-patr.org/en/06/11/00/00/creation-care-and-ecological-justice-reflections-by-ecumenical/>; and Message by H.A.H. Ecumenical Patriarch Bartholomew upon the Day of Prayer for the Protection of Creation (01/09/2012), <https://ec-patr.org/en/17/02/00/00/message-by-h-a-h-ecumenical-patriarch-bartholomew/>.

²³ Metropolitan Kallistos, in Nellist C. (2018, 2020) *Eastern Orthodox Christianity and Animal Suffering: Ancient Voices in Modern Theology*, Oxford interview, March 2014. Cambridge Scholars Press, 161.

²⁴ The list of notable biblical scholars and theologians include: Richard Bauckham, Calvin B. DeWitt, Susan Drake, Timothy Dudley-Smith, John T. Houghton, Alister E. McGrath, Michael S. Northcott, Oliver M. T. O'Donovan, Stephen Rand, Lynn White, and Richard T. Wright.

civilisation back in praise to the Creator. We have ignored our creaturely limits and have used the earth with greed, rather than care.²⁵

Further, the Evangelical Lutheran Church in America adopted a social statement on creation which included the following statement on dominion:

Humans, in service to God, have special roles on behalf of the whole of creation. Made in the image of God, we are called to care for the earth as God cares for the earth. God's command to have dominion and subdue the earth is not a license to dominate and exploit. Human dominion (Genesis 1:28; Psalm 8), a special responsibility, should reflect God's way of ruling as a shepherd king who takes the form of a servant (Philippians 2:7), wearing a crown of thorns.²⁶

Similarly, the United Methodist Church has declared:

We affirm that all creation belongs to God and is a manifestation of God's goodness and providential care. Human beings, nonhuman animals, plants, and other sentient and non sentient beings participate in the community of creation, and their flourishing depends on the care of all God's creation. Rather than treating creation as if it were placed here solely for humanity's use and consumption, we are called to practice responsible stewardship and to live in right relationship with the Creator and with the whole of God's creation (Gen. 1:26–31; Matt. 6:26–30; Rom. 8:22–24).²⁷

Since Blackstone was an Anglican, it seems appropriate to consider how prominent Anglican figures diverge from his summary dismissal of animals. Dr. Robert Runcie, former Archbishop of Canterbury, argued that humans have an obligation to act in the best interest of all creatures rather than to solely benefit themselves.

²⁵ An Evangelical Declaration on the Care of Creation, *Scottish Bulletin of Evangelical Theology* 14(1) (Autumn 1994): 96-100. https://www.biblicalstudies.org.uk/pdf/sbet/14-2_096.pdf. See also R. J. Berry (Ed.), *The Care of Creation: Focusing Concern and Action* (Leicester: Inter-Varsity Press, 2000).

²⁶ Evangelical Lutheran Church in America, A Social Statement on: Caring for Creation: Vision, Hope, and Justice, pp. 2-3. <https://elcamediaresources.blob.core.windows.net/cdn/wp-content/uploads/EnvironmentSS.pdf>

²⁷ The United Methodist Church (UMC) 2025-2028 Social Principles, Community of All Creation, Preface, <https://www.umcjustice.org/who-we-are/social-principles-as-adopted-by-general-conference-charlotte-2024>

He [man] must therefore exercise his “dominion” in conformity with God’s will and purposes, not only in relation to himself, but to the whole area of created life. Man is not an absolute owner of the earth which he inhabits.²⁸

He later argued that we too often mistakenly interpret our dominion as a license to exclusively consider our own interests with respect to nonhuman animals:

The temptation is that we will usurp God’s place as Creator and exercise a tyrannical dominion over creation. ... At the present time, when we are beginning to appreciate the wholeness and interrelatedness of all that is in the cosmos, preoccupation with humanity will seem distinctly parochial. ... Too often our theology of creation, especially, here in the so called “developed” world, has been distorted by being too man-centered. We need to maintain the value, the preciousness of the human by affirming the preciousness of the nonhuman also – of all that is.²⁹

Dr. Michael Ramsey, former Archbishop of Canterbury, commissioned a report expressing a similar convergence:

Although it cannot be denied that man is very much at the centre of biblical teaching on creation, this teaching does not hold that nature has been created simply for man’s sake. It exists for God’s glory, that is to say, it has a meaning and worth beyond its meaning and worth as seen from the point of view of human utility. It is in this sense that we can say that it has intrinsic value. To imagine that God has created the whole universe solely for man’s use and pleasure is a mark of folly.³⁰

Believing God created all beings yet only has an interest in the welfare of one species – our own – is the pinnacle of human hubris. Former Archbishop Desmond Tutu similarly argued that humans inaccurately interpret our conferred dominion as a license to ignore or participate in the suffering of nonhuman animals:

²⁸ Robert Runcie, *Statement by the Archbishop of Canterbury on Animal Welfare Matters* (London: Lambeth Palace, 1981), 2.

²⁹ Robert Runcie, *Address to the Global Forum of Spirituality and Parliamentary Leaders on Human Survival* (London: Lambeth Palace, 1988).

³⁰ Montefiore, *Man and Nature*, 67.

If it is true that we [humans] are the most exalted species in creation, it is equally true that we can be the most debased and sinful. This realisation should give us pause. So much of our maltreatment of animals stems from a kind of spiritual blindness, a kind of hubris, in which we foolishly suppose that our own welfare is God's sole concern. *In fact, God's creation is entrusted to our care and under our protection.* There is something Christlike about caring for suffering creatures, whether they are humans or animals.³¹

As humans we often behave as though the dominion we have over nonhuman animals sanctions us to treat them as commodities with no individual rights – a notion wholly unsupportable by adequately formulated Christian theology. The God-given dominance conferred upon humans over nonhuman animals should instead be interpreted through Christ himself, who exercised his power in the form of service to others. Christ's selflessness, generosity and altruism should frame our own models of behavior, especially with regard to sentient beings capable of experiencing fear, loneliness, stress and other complex emotions too often mistakenly considered uniquely human. We are the sole species created by God to represent divine love and compassion through service to others, and thus, God has tasked us with the role of caring for the world – a duty that should not be taken lightly. As Anglican theologian and writer C. S. Lewis argued, “we ought to prove ourselves better than the beasts precisely by the fact of acknowledging duties to them, which they do not acknowledge to us.”³² By treating nonhuman animals as though their suffering is immaterial, we are actively opposing God's will for us to protect and care for all living beings.

6. Conclusion

Blackstone's erroneous interpretation of dominion in Genesis 1 flies in the face of the internal evidence of the text and biblical scholarship which informs authoritative church statements on animals. It certainly cannot be used as the basis for contemporary law making, especially laws that affect the lives of God's other sentient creatures. Blackstone's conception

³¹ Desmond Tutu, *Extending Justice and Compassion*, Foreword to Andrew Linzey, *Global Guide to Animal Protection* (Urbana: University of Illinois Press, 2013), p. xv; emphasis added.

³² C. S. Lewis, “Vivisection” in *Undeceptions: Essays on Theology and Ethics* (London: Geoffrey Bles, 1971), pp. 182-86.

of dominion as the basis for animals as legal property is fallacious and should be fulsomely rejected.

Respectfully submitted

/s/ Morgan M. Pattan
ATTORNEY FOR AMICI CURIAE
Morgan M. Pattan (P85688)
P.O. Box 2162
Kalamazoo, MI 49001
(269)-290-0640

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/s/ Morgan M. Pattan

ATTORNEY FOR AMICI CURIAE
Morgan M. Pattan (P85688)
Attorney for *Amici Curiae*
P.O. Box 2162
Kalamazoo, MI 49001
(269)-290-0640

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