

# Educator to Educator

## Unpacking and Repacking Generative Concepts in Social Studies

Todd A. Horton and Lynn Lemisko (Eds.)



*SensePublishers*

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*Unpacking and Repacking Generative Concepts in Social Studies*

*Edited by*

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TODD A. HORTON AND LYNN LEMISKO

## INTRODUCTION

A few years ago, we attended a national conference to present a paper on the conceptualization of democracy in Canadian social studies curriculum documents. After presenting, we were sitting in a nearby cafeteria debriefing about how we thought our paper had been received. In the course of our discussion, which by the way always goes back and forth in rapid fire—ideas flying one atop the other, bobbing and weaving, swooping and soaring about—one or the other of us said, “We should really put all of this in a book,” to which the other naively said, “Yes we really should.” Little did we know at that moment we were setting in motion an undertaking that would not only impact our personal and professional lives, but also transform our thinking about concepts we thought we knew so well.

Over the next few months we discussed the idea of a book. What will it be about? What should be the focus? Very quickly we agreed that the book had to be about concepts relevant to social studies education. We had been exploring how various concepts are *officially* manifested within curriculum documents for some time, so this book project seemed like a natural extension of our ongoing work. But with so many concepts relevant to social studies education, it was very difficult to choose which ones should serve as the focus. Drawing on our personal interests, our research foci, and many, many, telephone discussions, we settled on five concepts: democracy, multiculturalism, social justice, diversity, and ecological or environmental justice.

We then asked, “How shall we frame the book?” We wanted something that would capture the joy and effortless give-and-take of our personal conversations, telephone calls from Saskatchewan to Ontario and back again, in which we wiled away hours talking about ideas and how they might impact education. We also wanted to do something different, something imaginative, creative, personal; something with a touch of the whimsical here and there. It was important that our work be substantive and useful to other educators, but we also wanted it to be unlike a typical textbook or academic paper. We decided the book would be framed as a personal exploration of our thinking about the five concepts mentioned above and at the same time, as a conversation with and between social studies educators that had the potential to continue into the future—educator to educator. In short, we wanted to incite or contribute to ongoing discussions, rather than have the last word. But we knew we needed a little more flesh on the bone to make this work. Because one of the points that frequently came up in our personal conversations was the need to make students’ learning meaningful, to make learning *generative*, we decided to make that



our starting point, and we sought out other conceptions of ‘generative knowledge’. We found David Perkins (1992) *Smart Schools: Better Thinking and Learning for Every Child* to be an excellent resource.

Perkins (1992) asserts that the goal of education is to engage students with “knowledge that does not just sit there but functions richly in people’s lives to help them understand and deal with the world” (p. 5). Focusing on this goal, we decided our exploration of concepts and our contributions to a conversation about social studies education had to be about the ways knowledge can be made generative for students *and* for us as educators as we build and improve upon our understandings and practice.

At this point, we reflected, “Should we write the book ourselves or include others? If we do include others, whom should we ask to contribute?” Because we know that people think about and engage with these concepts in very different ways, it seemed obvious that for the book to serve as a contribution to conversations, we needed a variety of perspectives included. Both of us wanted a variety of voices from the broad field of education: teachers, academics, graduate students, and parents. We also knew our consideration of contributors needed to be sensitive to gender, cultural background, sexuality, geographic location, and other aspects of identity that inform how we understand these concepts and how we view the worlds in which they are made meaningful. Ultimately, in addition to the two of us, contributors include Dr. Kurt Clausen, a university professor working in North Bay, Ontario; Margaret Epp and Kim Beaulieu, teachers with the local school board in Saskatoon, Saskatchewan; and Robyn Liu Hopson, a recent PhD graduate and college instructor in Toronto, Ontario.

The book itself is divided into five sections (one section for each concept), with each section comprised of four chapters. The following is an overview of each section and its contributing chapters.

#### PART 1 – ECOLOGICAL OR ENVIRONMENTAL JUSTICE

In the first chapter, *A Case for Appeal*, Clausen begins with the suggestion that we return to the Bible to understand Western civilization’s problematic relationship with the natural world, specifically the enduring belief that humanity is at once different from and superior to other living creatures and plants on the Earth. However, he purports that humans have misinterpreted biblical passages, erroneously believing *dominion over* means *ownership of*. In a creative twist, he puts forward a “legal” case for ecological justice, *Regna Plantae & Animalia* (sans *homo sapiens sapiens*) v *Regnum Animalia* (*homo sapiens sapiens*), claiming that humankind has broken the Biblical contract. Artfully argued, Clausen considers the status of the respondents in the world (humankind) through an exploration of the historical meanings of ownership, its parallels with absolute monarchy, and the need for humanity to act more like a *prudent parent* than overlord. He asks if the respondents are *unfit guardians* of the world, using analogies of physical abuse, negligence, sexual abuse,

substance abuse, and mental incompetence of parents on the health of the *child* (ecology). The conclusion outlines a list of appellant demands based on the need to rebalance the relationship in more just ways.

Lemisko pens an insightful second chapter, *We Are Not Strangers Here...* based on notions that the Earth has *rights* and that no part of the earthly community “can be guided in its activities except with reference to the total community” (Berry, 2003, p. 3). Lemisko claims we as human beings have forgotten our connectedness with the Earth due to the widespread influence of Western or Euro-centric ways of thinking. Almost instinctively she asks: *How can we remember and how can we educated to remember?* Drawing on her Collingwoodian roots, Lemisko engages in a *coming to know* exercise that encourages the asking of questions of our presuppositions about relationship with the Earth, tackling the unacknowledged/taken-for-granted underpinnings of contemporary ideologies that impact our world. She asserts that

ecological justice, if it is to be had, involves teachers opening themselves and their students up to multiple ways of knowing and learning—to participate in experiential learning that uses the mind, body, and heart. It also involves going out into the world, visiting local ecosystems and engaging with the soil, plants, and animals. In short, we have to ‘educate to remember’ that we are not strangers here.

In the next chapter, Horton takes a different turn, directing his attention towards environmental justice. *Where in the World Is the Justice?* begins with a recollection of a class where the teacher is facilitating an exploration of the concept *environment*. The chapter easily flows into a history of the related concepts of *environmentalism*, noting the evolving nature of caring for and preservation of the environment, and *environmental justice* with its focus on how people are treated relative to the benefits offered and the challenges faced by the environment. He includes ideas for teachers to consider as they help students create generative knowledge about these concepts.

Finally, in Chapter Four, Epp considers environmental sustainability and ecological justice in a chapter called *Developing a Disposition Towards the Natural Environment in Early Childhood Classrooms*. After more than 25 years in the classroom, she is called to ponder how children’s early experiences with the natural world help to create an appreciation for nature and a disposition of wonder and caring for the environment that will last throughout their lives. Using poetry, photographs, and personal recollections, she weaves a tapestry of meaningful relations with the natural environment while integrating relevant research, educational books, and other resources available to teachers who want to inspire generative engagement in the next generation of environmentally conscious people.

## PART 2 – DIVERSITY

In a chapter entitled *Interweaving Differences*, Lemisko defines *diversity* as the differences among and between human beings with a particular focus on individual

characteristics such as personality, physical characteristics, age, sexuality, gender, race, class, ableness, skills, capacities, and interests. Recognizing that each individual encompasses multiple identities that are constructed at the intersection of these characteristics, she suggests that diversity can be made generative as one explores such complexity. Though educators have historically focused on diversity by noting *difference from X*, Lemisko claims that we are actually all the same, as no person is anything *other than different* from everyone else. Drawing parallels with bio-diversity, she asserts that individual differences between and among people enhances the resilience of human communities. By “bridging differences,” a process that involves *seeing* differences, *seeking* contextualized understanding of differences, and *examining* one’s own identity statuses and social location in relationship to differences, teachers are better positioned to help learners “live multiculturalism.”

Epp considers what it means to be ‘living diversity’ in the second chapter: *Diversity Creates Dimension*. Using her experiences as a classroom teacher, she shares her belief in the following: the need to cultivate a culture of respect, what it means for students to engage in respectful talk, the need to incorporate a variety of resources into one’s teaching, and how each of these factors contribute to the exploration of diverse perspectives and points-of-view. Through reading, writing, and discussion activities designed with an eye to students’ diverse interests and abilities, Epp outlines her views on what it means to learn about diversity.

Horton attempts to get at the core essence of diversity in the chapter, *A World of Difference*. Asking, *What is diversity?* he explores the etymology of the word and its basis in the notion of *difference*. Suggesting that even young students have a basic understanding of difference, evident from their growing ability to categorize objects based on particular attributes, Horton believes that this understanding can in turn be used to scaffold to a more complex comprehension of diversity in the world. With a focus on various aspects of identity and personhood, Horton asserts the need to encourage the embracing of diversity as a matter of course when living in pluralistic societies. However, living in a diverse society is not without its challenges, as differing values and beliefs can conflict, raising tensions and threatening peaceful co-existence. In recognition of both these points, Horton provides lesson ideas to help teachers facilitate the creation of generative knowledge with their students.

Clausen turns his attention to how diversity is conceptualized in social studies curricula across Canada. In *The Uniformity of Diversity in Canadian Curriculum Documents*, he analyzes official government discourse, noting the near lack of operational definitions, and the almost uniform expectation/mantra that *Diversity is good*. Clausen suggests that this uncritical usage is problematic, and he challenges teachers to look beneath the surface of the concept.

### PART 3 – DEMOCRACY

In *Blogging Democracy*, Beaulieu and Epp describe using a *Blog* as a forum for learning. Over the course of one year, these educators reflect about the meaning

of democracy and how it can be made a lived experience in the classroom. As they consider topics such as the teacher as *co-learner* rather than *expert*, the democratic nature of knowledge construction, and the need for ‘brave’ teachers to push the revolution for democratic classrooms forward, references to educational scholarship as well as the voices of teacher-candidates are woven into the narrative.

In *Studying Democracy as an Endangered Species*, Clausen calls for a teaching of democracy filled with passion, tales of conflict, and a defying of the odds. Likening democracy to an endangered species, he offers a field guide for understanding the history of the concept, how and why it has become a species-at-risk (i.e., introduction of exotic influences, overexploitation, and disease), and ways to save the *species* from outright extinction.

Horton takes on the concept of democracy in *The ‘Ayes’ Have It?* beginning with his recollections of trying to create a more democratic classroom as a grade five teacher. This is followed by suggestions of how teachers might explore the meaning of *Democracy*, the role of elections, the majority-minority tensions, and the undemocratic aspects of current democracies in the classroom.

Lemisko captures her feelings about democracy in the title of her chapter, *To Believe in Democracy Is to Be Profoundly Optimistic about the Capacities of Human Beings*. Drawing on Kymlicka (2001), she asserts that it is not enough to simply learn about basic democratic structures; rather, the health of a democracy is dependent on the attitudes and qualities with which citizens participate in public decision-making in their societies. Further, ‘the people’ must develop autonomy by learning to critique authority, by engaging in well-reasoned public discourses, and by nurturing a reciprocal sense of justice. Lemisko shares a personal narrative of teaching in Alberta under the auspices of a curriculum that was ostensibly more about the transmission of knowledge rather than about accessing the requisite tools to actually participate in a democracy in a meaningful way. Dissatisfied, she begins to examine the curriculum more carefully, and using an approach to document analysis championed by R. G. Collingwood, discovers a curriculum rooted in presuppositions passed down from the earliest days of education in English Canada.

#### PART 4 – MULTICULTURALISM

In *Living Together, Growing Together*, Horton uses his observations of a teacher-candidate in the classroom as the launching pad for a consideration of the concept of multiculturalism. Through an exploration of how multiculturalism has historically evolved in Canada, and through scholarly critiques of the concept as both *philosophical tenet* and *official policy*, Horton is well grounded to offer activity suggestions to teachers that facilitate the construction of generative knowledge with students.

Clausen whimsically invokes titular analogy in *The Tight Fitting Suit of Multiculturalism* to engage in a personal discovery of his relationship with the concept and how he believes it needs to evolve in the future. Returning to his

research roots, he investigates provincial curricula across Canada to unearth how multiculturalism has been conceptualized. Clausen finds the documents wanting, as multiculturalism is constantly juxtaposed with and subjugated to *pluralism*, *diversity*, *social justice*, and *anti-racism*, leading to a sense of ill-fitting unease. Similar to his increasingly tight-fitting suit, Clausen contends that for multiculturalism to maintain its curricular and educational relevance, it will have to move beyond its historical roots as policy—to let out the seams if you will—and move forward with a more expansive meaning.

As the next chapter title suggests, Lemisko unleashes a clarion call for teachers to move *Beyond Foods & Festivals* in their approach to teaching about multiculturalism. Finding the Food and Festival approach lacking in substance, she entreats teachers to consider critical ways of teaching and learning about connectedness and culture. Through an exploration of people's similarities and differences, getting *inside* cultures to gain a deeper understanding of their tangible and intangible features, and teaching and learning from multiple perspectives within cultures, students will have the opportunity to develop a more meaningful and thoughtful understanding of multiculturalism conceptually as well as how it is 'lived' in practice.

Liu Hopson shares a personal reflection in *Hey Miss, What's an "Other"?* that challenges social studies educators to incorporate a meaningful and critical conception of multiculturalism in their classrooms. Rather than foods and festivals, she models a taboo-free environment of discussion, thoughtful analysis, and active participation in confronting racism in all its forms. As well, Liu Hopson draws on her graduate research about the ways racialized teachers understand their work, and about the expectations that are often cast upon them as representatives of *visible minorities*. She describes a fearless form of teaching, recognizing that multicultural education is embedded in the language we use, the dialogues we initiate, and the consciousness we raise as we thoughtfully deal with cultural differences every day of the year.

## PART 5 – SOCIAL JUSTICE

Lemisko begins *Unpacking Presuppositions for Social Justice* by making a distinction between the 'justice' based on individual rights in a democracy and the 'social justice' found in recognizing power differences and ensuring collective rights for various historically disempowered groups. She suggests that citizens need to develop a sense of 'reciprocal justice' as well as a sense of justice based on reducing harm and exploitation; and she encourages actively confronting inequitable power structures in society. Lemisko explores various literatures and the social studies curriculum in her quest to enrich teachers' philosophical foundations for engaging in social justice as classroom practice.

In *The Broom and the Water in Social Justice*, Clausen invokes Bunyan's allegorical story of the broom, the dust, and the water from *Pilgrim's Progress* to

## INTRODUCTION

raise questions about modern society's penchant of turning to the courts to mete out social justice in the form of financial compensation for past wrongs. Believing this approach to be inadequate at best and *anti*-social justice at worst, Clausen calls on citizens to become involved in their own societies, to reconnect with the 'social', and move beyond being simply consumers of social justice to people who ensure it becomes a reality in the worlds in which they live.

Horton asks the question "What is social justice?" in *There But for the Grace of God...?* and the answer is embedded not only in its root terms *social* and *justice*, but in a core belief that the common good of society is based on mutual respect for the intrinsic value of human beings, their differences, and the need to accommodate one another to the extent necessary so that each can flourish as individuals and as members of communities. Horton offers a series of generative activity suggestions for elementary and secondary school, including explorations of philosophical criticisms of social justice through the ages.

Using a reflective narrative approach, Beaulieu explores *Social Justice in Social Studies* by asking the question "Do we truly cultivate a culture of social justice in our schools and our classrooms?" As he interlaces memories of flourishing as a curious, motivated student in elementary school with the depths of despair as he floundered in junior high, Beaulieu calls on schools of the 21<sup>st</sup> century and teachers of the digital generation to reconsider what social justice means and to institute practices that will better prepare youth for their futures.

## INVITATION

As we said at the outset, creating this book has been a transformative journey. It has at times been at the forefront of our thinking as we wrote, edited, revised, reconsidered, and revised again, and it has occasionally been placed on the backburner as competing work commitments, births, deaths, and other personal events assumed necessary priority. As a result, the main elements embedded within our work are invitations to listen and learn, to argue and critique, and above all to live at the intersection of theory and practice. As we've read the contents quietly to ourselves, talked with one another about it further, and considered old ideas anew, our perspectives have been expanded and our understandings enhanced. We hope the book does the same for you, as the conversation continues.

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**PART 1**

**ECOLOGICAL JUSTICE/ENVIRONMENTAL  
SUSTAINABILITY**



KURT W. CLAUSEN

## 1. A CASE FOR APPEAL

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

Genesis, 1:26 (King James version)

These words, written originally in ancient Hebrew sometime between the 10<sup>th</sup> and 5<sup>th</sup> centuries BC, have had a huge influence in shaping Western civilization's relationship with the natural world. Whether it influenced our primordial thinking, or it is a mere reflection of a belief system that was already in place, there is no doubt that a great percentage of states, sects, and individuals throughout the previous two millennia have taken up the belief that humanity is at once different from the rest of the living creatures and plants on this planet, and is somehow superior to them. This text has become such a wellspring of misunderstanding and misinterpretation that most societies today adamantly hold to the belief that, within the bounds of human law, we can do just about anything we like with the animals, birds, insects, and plants that inhabit the entire natural world in order to benefit ourselves. This is due to the fact that, as God's image on Earth, humanity plays the role of judge and jury when the issue of the natural world and ecology are concerned. I would argue, however, that the only thing giving us dominion over the earth is the fact that we have the best lawyers.

This lack of legal representation is borne out by the scant laws that protect the planet, and the great scorn incurred when legal action is attempted on its behalf. In spite of this, numerous cases have been fought to defend the rights of particular species within the legal system: Richard Ryder's act against pulling wool off live sheep in 1635, Colonel Richard Martin's *Act to prevent the cruel and improper treatment of cattle* in 1822; Henry Bergh's "Declaration of the Rights of Animals," in 1866, and the many ensuing acts for the Prevention of Cruelty to Animals in the British Commonwealth and the United States. In addition, although several countries have passed clean air acts over the years, their impact remains inconclusive. In many cases, people wishing to protect the environment have had to work outside the law. This may be seen in the particular cases of Paul Watson and the Sea Shepherd Conservation Society, or the Animal Liberation Front. In most of these

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cases, however, these actions have merely resulted in the relief of animal suffering through human intervention and protecting laws. However, the actions undertaken by humans working inside and outside of the law seem to have only strengthened the case for Genesis: Mankind as overlord, cruel or benevolent.

I would like to suggest an alternative case that may not have been previously entertained. In it, I propose that rather than trying to find better and more efficient ways for humans to ‘look after’ the natural world, there should be a challenge as to whether we are fit to do this in the first place. I therefore present the following case of ecological justice:

**Regna Plantae & Animalia** (sans *Homo sapiens sapiens*) *Appellants*

v.

**Regnum Animalia** (*Homo sapiens sapiens*) *Respondents*

On appeal from the court of Genesis

*Ward's best interest – Parens patriae jurisdiction – Natural rights of the Ward – Protection of Ward's well-being – Age of consent*

**Cases Cited:**

**Statutes & Regulations Cited:** Criminal Code: R.S.C. 1985, c. C-46 – Child and Family Services Act

**For the past two or three millennia, a *de facto* contract** [hereafter the ‘Genesis contract’] has been in place between these two parties. In it, a distinction has been made between the two with an implicit recognition that they are made of different substances. It remains the assumption that the Appellants “eat without pleasure, cry without pain, grow without knowing it; they desire nothing, fear nothing, know nothing” (Malebranche, p. 394). Alternatively, the Respondents, are seen to be “How noble in reason! how infinite in faculty! in form, in moving, how express and admirable! in action how like an angel! in apprehension how like a god!” (Shakespeare, p. 85).

It is the contention of the Appellants that since the two parties have first entered into this agreement (see Genesis above), the Respondents have broken the *de facto* contract in two ways. First, the Respondents are accused of changing the definitions of the terms used in the contract to gain unfair advantage. Second, the Respondents are accused of not living up to conditions that give benefit to the Appellants. Based on these grievances, the Appellants are asking that the traditional ties between them and the Respondents be severed and a new contract be arranged.

#### POINT 1: STATUS OF THE RESPONDENTS IN THE WORLD

How have the terms changed today from whence they were first written down, and how have the Respondents misused them? This is outlined below.

### *Ownership*

In general terms of contemporary Western society, animals and plants (and the natural world itself) have been largely objectified. To cut a tree, the perpetrator looks to paying off the human owner of the land. Polluters, when caught, pay fines to various nation-states who will then use the money at whim. If an animal is run down on the street, the biggest concern for the driver is if it was owned by any human. If not, the victim is usually left where it lies and the driver is more concerned with a scratched bumper. Each of these instances is common in modern society – humans see animals, plants, and the environment itself as objects that can be bought and sold as property.

This is in contrast to the evolution of thought that humankind has given to viewing its own species. Essentially, through much philosophical discussion, the Respondents of the modern Western world have come to view themselves through existential eyes. Humans are perceived to be free agents to do as they please and suffer the consequences of their actions. However, the Appellants have not been allowed such luxury: instead, they are all still seen to be made by some plan for a definite purpose. Some are seen as *bestia faber* and must pull a plow, give milk or sniff out drugs. Some are not so lucky, and are seen as *bestia instrumenti* to be eaten or worn. The same consideration has been given to the *flora*, water, air and minerals of this planet.

However, is this a proper reading of the Genesis contract? The key action word in the passage is the term ‘Dominion’, and it has certainly come to be understood as synonymous with ‘ownership’. That land, animals, plants, water and pieces of sky can be bought and sold has become the basis of modern economics. In an increasingly commoditized world, the human soul seems about the only thing free from these ties. But, was this the intended meaning when the passages were originally written? This key word is found in the King James Bible translation of the Genesis passage: “Let them have dominion over...”. Most English translations choose to employ the same term (see *American Standard Version*; *Douay-Rheims Bible*; *Darby Bible Translation*; *English Revised Version*; *Webster’s Bible Translation*; *World English Bible*).

Fraught with ambiguity, the term can indeed alternately mean “to have sovereignty over”, or “to possess” (see *Concise Oxford Dictionary*, p. 340). However, it is undoubtedly clear that in going back to the original translation of the vulgate, the precise Latin translation for the English word ‘dominion’ should have been *dominii*. However, the actual Latin word that was used in the Latin Vulgate bible is *praesit* from the root word *praesum* meaning “preside over, to be in charge of, to be at the head of” or “take the lead (in)”. Other versions of the Bible have endeavoured to be more accurate: “Let them rule over...” (for examples of biblical variations, see [www.biblegateway.com](http://www.biblegateway.com) for *New American Standard Bible*; *New Century Version*; *New International Version*; *God’s Word Translation*; *Young’s Literal Translation*), and alternatively, “They will reign over...” (*New Living Translation*), “let them have complete authority over...” (*Amplified Bible*), “let him be head over...” (*New Life*

*Version*), “so that they may take charge of...” (*Common English Bible*), and “they can be responsible for...” (*The Message*). What relation is implied by these words? It is certainly not one of ownership – more precise terms could surely have been used (such as *auctoritas*, *authoritas*, or even *dominium*).

Instead, as Walvoord and Zuck (1985) allude, the contract designates humankind as God’s representative (or go-between) in the natural world. So, rather than owner, humanity is more of an authority figure on Earth, collectively given the responsibility of presiding over the world, and, as ruler, making decisions that are supposed to be good for all. But legally, what does this entail? What form of leadership is designated? Many authors (see, for example, Morris, 2003; Reichenbach, 2003) argue that Absolute Monarchy is the proper relationship in this instance. However, the Appellants will now argue how this is an unfair premise given the present state of human affairs.

The Iniquity of Modern Absolute Monarchy: Until 1648, it was generally believed in the West that a monarch was placed in the ruling position by God’s choice, and remained in this position in perpetuity. Because the monarch was made from ‘different material’ than common folk, no subject of the crown could lawfully remove this person from the throne. This was only reserved for God’s judgment.

Until 1648, therefore, the position monarchs held over their subjects was roughly the equivalent to the position mankind held over the rest of the natural world. In that year, a new mentality was expressed in England that set the world upon a new path of relationships between leaders and their constituents:

...whereas it is and hath been found by experience, that the office of a King ... and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and that for the most part, use hath been made of the regal power and prerogative to oppress and impoverish and enslave the subject; and that usually and naturally any one person in such power makes it his interest to encroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the laws, that so they might enslave these kingdoms to their own lust; be it therefore enacted and ordained by this present Parliament, and by authority of the same, that the office of a King in this nation shall not henceforth reside in or be exercised by any one single person... (‘March 1649: An Act for the abolishing the Kingly Office in England and Ireland, and the Dominions thereunto belonging.’ In Firth & Rait, pp. 18–20)

There can be no doubt that since this time, many nations of the world have come to the same conclusions, and the human world has taken definitive steps to abolish governance by absolute monarchies, or at least weaken this approach to the state of authoritative impotence. Presently, the only states that maintain any vestiges of absolute monarchy can be found in Brunei, Oman, Qatar, Saudi Arabia, Swaziland, Vatican City, Jordan and Morocco. Many countries maintain a constitutional monarchy with the sovereign maintaining only a symbolic head while the real power

is divvied up amongst elected representatives (with no spiritual connotations). Other countries, like Nepal most recently in 2008, have abolished the monarchy altogether to replace it with a republic. Of course, many dictatorships remain entrenched throughout the globe, but they do not have the temerity to count on God alone to keep them or remove them from power.

What separates these two visions of leadership? It is as simple as this: Before 1648, the position of monarch was one of *a priori* status. A Monarch is a monarch. Their power comes from above by birth. They can do anything and remain a monarch simply by existing. Since 1648, however, the leader's position has become *a posteriori* – leaders gain their positions by their actions, and remain in power as long as they honour the contract between them and their citizens and endeavour to be worthy of the position.

When it comes to the contract between humanity and the natural world, however, it would seem that no new, evolutionary path has been undertaken during this time period. In fact, humans have continued to entrench the *a priori* mentality of absolute rule for humans over the planet. To relinquish our role would be as silly to us as it would have been to King Charles before he felt the full brunt of the Civil War.

The question that remains is: Should the Respondents' role be reassessed, subjected to the same reasoning that human leadership has undergone? Undoubtedly, absolute monarchy could not be replaced with any other forms of government that are presently in place on this planet. All others (such as constitutional monarchy, republicanism, and so on) need a voting population that can consciously make choices based on logic, literacy and the ability to think ahead. The natural world does not work in such anthropocentric ways. Instead, the Appellants are demanding that the outworn idea of monarchy be ignored for this case, and replaced with the notion of 'humans as parents or guardians of the earth'.

### *The Prudent Parent*

The Appellants believe that this change in venue – to the court of family law – will do a fairer job of testing the Respondents' mettle. Appellants will not argue, to any extent, the finer details of whether or not the Respondents *should* be seen as guardians or stewards of the Earth, but rather will question if they are doing a good enough job to warrant the extension of this position.

In reading the Scriptures leading up to the questionable passage in Genesis (1:26), God is undoubtedly taken to be the progenitor of all life on Earth (i.e., God the Father). Therefore, if this passage is accepted, humans have been given the status of *in loco parentis* for the earth. To the Appellants, this is the only acceptable interpretation of the Genesis contract in this present age, as it is the only generally recognized relationship (in human terms) where one may use the undemocratic word 'dominion' without raising too much ire.

With this interpretation, the original contract would place humans in a parental role in their relationship with the natural world. However, what type of parents are

the Respondents to be? If we are to take the stance of parenthood that existed when Genesis was first written, the closest would be found in Ancient Hebrew texts that discuss parental rights. Here the concern is less with custody of a father over a son or daughter (although some rights did exist). Rather, there was a greater concern over mutual obligations of the family as a whole (Pollack, 2001, 162–165). Both parents and children are seen as part of a larger web. They have freedom to exist and do what they like within this web, but their rights end when they do damage to any part of the structure. In the end, it is the good of the child and progression of the family, its continued survival in the face of outside trials that holds the most importance for the law.

However, this contractual arrangement was fundamentally altered with the introduction of the Roman concept of *patria potestas*. Sweeping aside the idea of interconnected family obligations, and even the strongly entrenched idea of maternal power, the Romans replaced it with the notion of the *pater familias* – literally in Latin, the ‘father of the family’. This position, the highest ranking family member in an ancient Roman household, went beyond the mere status of a biological father (*genitor*). He (as it was always a male) was considered absolute ruler of the family *domus* (house) in all concerns including political, economic, religious and domestic.

The power of the *pater familias*, handed down by the laws of the Twelve Tables, included *vitalis necisque potestas* – the ‘power of life and death’ – over his children, his wife (in some cases), and his slaves. Legally, their lives were ‘under his hand’ or *sub manu*. If a child was unwanted, for example, the *pater* had the power to have this burden put to death by exposure. He could sell his children into slavery, or choose spouses for his offspring. Whatever judgment he gave was absolute and final in the eyes of the courts, and anyone under the roof could only escape his rules if they were delivered ‘out of the hand’ of the *pater* (in most cases by the *pater* himself), hence the term *emancipatio*.

In this system the family ceased to be a spiritual union, and was more generally conceived as an economic and juridical unit subordinated to a single person who held a great deal of authority over its members. In fact, legally, the *pater familias* was the only person endowed with legal capacity, or *sui iuris*. The *paters* were the only ones who could possess personal property or have the full protection of the law (the other family members did possess some quasi-legal privileges, but they were not full legal persons).

Over time, the absolute authority of the *pater familias* tended to be weakened, and rights that theoretically existed were no longer enforced or insisted upon. The power over life and death was abolished, the right of punishment was moderated, and the sale of children was restricted to cases of extreme necessity. By our present century, the concept of *pater potestas* has become a completely foreign notion to most Western philosophers, citizens and parents. Instead, a series of parental rights and responsibilities have been almost universally established in the area of parental rights and responsibilities.

While no detailed international law specifically defines parental responsibility, the following list, set out by the British Government, does outline the key roles.

Parents are responsible for the following: providing a home for the child; having contact with and living with the child; protecting and maintaining the child; disciplining the child; choosing and providing for the child's education; determining the religion of the child; agreeing to the child's medical treatment; naming the child and agreeing to any change of the child's name; being responsible for the child's property; and appointing a guardian for the child, if necessary (see *Parental Rights and Responsibilities*, 2014). These responsibilities have also been outlined in the United Nations Declaration of the Rights of the Child (1959) and the United Nations Convention on the Rights of the Child (1989).

The Appellants' earlier argument concerning monarchy holds just as true for this discussion. It is their contention that while leaps have been made in the evolution of human child-rearing and parenting, the relationship between humans and the natural world have remained at the level of *pater potestas*. This continued relationship would be humiliating but tolerable, if the *pater familias* were reasonable, conscientious and enlightened in their role (or in short, act like responsible adults). However, the Appellants now contend that due to the Respondents' complete inability to act as fit guardians, life has become unbearable for the Appellants. These points will be listed below.

#### POINT 2: ARE THE RESPONDENTS UNFIT GUARDIANS?

In the sphere of human interactions, a number of criteria are used in determining the fitness of a parent or guardian. Now accepted by most Western countries (and international law) as grounds for the removal of parental rights, these include the following: Physical Abuse; Neglect; Sexual Interference; Substance Abuse; Emotional Abuse; and Mental Incompetence of the Parent. It is the Appellants' contention (supported by ample evidence) listed below, that not only have the Respondents failed in one of these categories, but that they have systematically engaged in all of them to the extreme detriment of the Appellants and themselves.

##### *Physical Abuse*

A website aimed at education children explains:

Physical abuse is the most visible form of abuse and can be defined as any act which results in a non-accidental trauma or physical injury. This is usually defined as unreasonable, severe corporal punishment or unjustifiable punishment. Physical abuse injuries result from punching, kicking, hitting, beating, biting, burning, or harming in any physical way. (Center for Child Protection and Family Support, 2014)

Here the Appellants would like to distinguish between mere accidents which are unintentional, and abuse which is contact *intended* to cause feelings of intimidation, unnecessary pain, injury, or other physical suffering or harm. More specifically, the