

A Transfigurative Covenant: This Changes Everything

To begin I thought I'd show a brief clip, it's exactly three minutes long and begins with no audio so don't worry if you don't hear anything right away. You're not supposed to hear anything right away. Let's take a look. [Play video "[New test results suggest elephants able to distinguish themselves from others.](#)"] The lady you heard speaking here is Diana Reiss, a professor of psychology at Hunter College and in the graduate program of Animal Behavior and Comparative Psychology at the City University of New York. Reiss's research is focused on understanding cognition and communication in dolphins and other cetaceans, though here she's discussing the significance of an elephant joining other cognitively complex mammals in "passing" the mirror self-recognition test, a test that demonstrates self-awareness. (Actually, to be more precise it demonstrates visual self-awareness.) The elephant in question is Happy the elephant, who in 2005 became the first elephant to pass this test.

Now I could have begun this discussion with any number of animals, but I begin with Happy because recently her case elicited what you could consider an historic theological intervention in the Courts. A few weeks ago, on Jan. 29, five Catholic theologians filed an amicus brief in support of the Nonhuman Rights Project's appeal in Happy's *habeas corpus* case presently before the NYS Court of Appeals. (The Nonhuman Rights Project, by the way, is a civil rights organization, in fact, the only such organization in the US dedicated solely to securing rights for nonhuman animals using a civil rights framework.) In their amicus brief, these theologians forcefully pushed back against the presumption that animal suffering can be justified if it serves some human benefit, which is actually a pretty common view in our culture. As they write: "Happy is not a thing for us to confine, use, and put on display in a zoo (even in an attempt to produce a good outcome), but rather a particular kind of creature who God made to flourish in a particular way....[and] we have a moral duty to treat Happy not as a mere object to be used in a zoo, but as the kind of creature God made her to be.

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Again, Happy belongs to God and not to us.” This is of such extraordinary significance, not because this sort of claim has never been advanced in theological writings, but because here the claim is wielded in support of legal action that has the potential, if not the likelihood, of establishing legal personhood for nonhuman claimants. It is, you might say, an attempt to make good on the recognition that our covenant with God and with one another is one we share with our fellow creatures.

This raises that timeless question: “Who is my neighbor?” There is probably not a more persistent question echoing through our tradition than that, and this most vexing of ancient questions nags at us again today. Our sacred texts and traditions adduce no end to possible answers, which is why it’s such a generative question. And how you are inclined to answer it depends pretty much entirely on the spirit of your inquiry—whether you’re motivated by a desire to be more inclusive or whether you seek to put a limit on who counts as worthy of our moral, ethical, political, or legal regard. And our history, that is church history, generally, is filled with highly influential figures who were motivated in both directions. Historically one of the most common ways that folks have tried to keep the population of our covenantal neighborhood in check is by creating tests that only humans can pass (or so they think). “To be worthy of our moral consideration, you can’t just be sentient, you must also be intelligent in these specific ways. Well, sure OK, you may be intelligent in your own way and even in ways that resemble human intelligence, but are you rational? Can you use language and tools? You know what, that doesn’t matter, anymore. What matters is behavioral flexibility? Can you deviate from your instinctual norms? Actually who cares, because you know objectively, it comes down to brain size. OK, so wait, elephants and whales have larger brains, but you know what I mean, what really matters is their brain size relative to their body mass. Oh, wait, yes, OK, elephants and whales still have us beat there, but you know on further consideration, it’s actually all about the encephalization quotient (i.e., the ratio of actual brain mass relative to the

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predicted brain mass for an animal's size, based on the assumption that larger animals require slightly less brain matter relative to their size compared to very small animals).” (I’m actually not even making this up—I’m not that clever.) The goalposts keep moving. Animals keep scoring. They are sentient. They are intelligent (even if that intelligence does not resemble our own; after all, we reason as we do because of the kind of creatures we are). They are intentional. They have personalities as well as instincts. Moreover, they have rich emotional and, yes, moral lives.

The field of cognitive ethology offers not just insight into the intelligence of animals, but also an extraordinary glimpse into this rich interior life. As one leading ethologist, Marc Bekoff, puts it, “It’s not surprising that animals—especially, but not only, mammals—share many emotions with us because we also share brain structures, located in the limbic system, that are the seat of our emotions.” Thanks to the groundbreaking work of researchers like Patricia Simonet, we have confirmation that dogs laugh and that this laughter has a calming effect on other dogs who hear this laughter. We know that rats, those much-reviled denizens perhaps best known for carrying whole slices of pizza down the steps of the NYC Subway system, actually chirp with joy. Animals also grieve, that is they enter into a period of mourning for their lost loved ones. This is perhaps best known in whales and elephants, who are known to have very elaborate displays of grief. In his seminal book, *The Inner Lives of Animals*, ethologist Marc Bekoff recounts what he could only describe as an elaborate burial rite for a fox killed by a mountain lion near his home in Colorado. This burial display was apparently the handy work of a female fox, perhaps the mate or companion of the deceased. His body was partially covered by branches, dirt, and what appeared to be pieces of his own fur, and the female companion was seen repeatedly by his body for some time after.

So much and more could be adduced from ethological study and observation along these lines, including animal experiences of awe and wonder, and even, some ethologists have dared to venture, spiritual practices. The truth is, though, on some level, I suspect, we already know this.

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While we welcome scientific illumination, we never really needed it to understand that our fellow creatures belong not simply to us, but as full participants of the covenant mentioned in our passage. In any case, exponential gains in scientific knowledge about the needs and feelings of animals have not seen a corresponding shift in the plight of animals. In fact, as Bekoff observes, “the plight of animals seems to have gotten worse, even as the science has gotten better.”

Only recently have we come to appreciate the confounding depth of the extinction crisis now confronting us. A deeply disturbing New York Times Magazine [expose](#) by Brooke Jarvis, published now two years ago, heralded the onset of an “insect apocalypse,” pointing to mounting evidence that the very foundation of Earth’s worldwide food web is declining at an alarming rate. The piece documents, with account by breathless account, the findings of scientific endeavors the world over attempting to register the scale of this devastating collective loss and diminishment (i.e., in quantity and biodiversity) of bug life. One study notes a 75 (perhaps as high as 82) percent decline of flying insects in German nature reserves over a 27-year period; in another, from Kregfeld, entomologists confirmed an 80 percent drop of flying insects compared to 1989 levels in the same spot, results then replicated in 63 different nature reserves; in still another, from a rainforest in Puerto Rico, a staggering sixtyfold drop in the number of arthropods over a 40-year period. These declines, of course, set in motion a “bottom-up trophic cascade” rippling through the ecosystem. One study bears witness to the decimation of partridges: “eight in 10 partridges gone from French farmlands; 50 and 80 percent drops, respectively, for nightingales and turtledoves.” Jarvis herself can hardly keep up; while working on the story she was struck by news “that the world’s largest king penguin colony shrank by 88 percent in 35 years, that more than 97 percent of the bluefin tuna that once lived in the ocean are gone.” More troubling still may be how little is known, can be known, by the scientists attempting to grasp these declines. As Jarvis writes, insects “are one of our planet’s greatest mysteries, a reminder of how little we know about what’s happening in the world around

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us.” One particularly foreboding example of this comes from marine biologist Loren McClenachan, who described for Jarvis how the creeping realization of change presents itself through decades of photos of Florida fishermen posing with progressively smaller fish, each juxtaposed with the constancy of the fishermen’s beaming smile. This serves to illustrate the powerful effect of “shifting baseline syndrome,” the phenomenon whereby our experience of a changing reality is obscured by our tendency to acclimate to subtle variations in the expression of each “baseline” expectation. As Jarvis hauntingly puts it, “The world never feels fallen, because we grow accustomed to the fall.” Once-teeming ecosystems now bear the unmistakable pall of extinction, of extirpation, of defaunation, and those of us most responsible for the trophic cascades driving these creaturely collectives to their demise bear the marks of a deeply failed human expression of the image of God.

This scale of destructive capacity is not one that the Priestly writer of our passage today could have anticipated, writing as they were in a “preindustrial agrarian world” in which humans had very little control over their environment. Indeed, this actually may be part of the writers’ motivation to affirm the image of God in humankind. “The Priestly image of stewardship, writes Theodore Heibert, “is restricted by the divine creator who installed the human race and expects it to mediate God’s own creative will and design within the world.” Simply put, humans did not (so far as we know) possess the technological means to be as destructive as humans are today. So the Priestly writer says in Genesis 1 to “subdue the Earth,” this can only ever be aspirational, making it impossible ever for humans of that period to remove themselves from creaturely life. Our own contemporary moment, however, finds us struggling to minimize human impact. When the affirmation of humankind as created in God’s image is invoked to justify ignoring the suffering of our fellow creatures, when it’s used to shrug at the destruction of whole ecosystems and their inhabitants, it is no longer an affirmation—it is poison. And that poison is right now driving widespread ecological collapse.

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This moment, bleak though it is, still extends to us an invitation: Rather than seeing these creaturely communities as threats to our superiority as humans, what if we saw every creature, indeed every conceivable covenantal entanglement, as an opportunity to love and serve our God? Believe it or not, this ties in with our discussion of economics last week. As we observed then, economics is actually about the negotiation between abundance and scarcity, and who decides who gets what. One of the consequences of the way we think about our economy is that we often speak about wealth and resources in the abstract, as though detached from the forests and fields and animal bodies from which these resources are extracted. But what we call “resources” are in fact parts of Creation, and thus part of the web of life. Much depends on our ability to attune ourselves, indeed, to give ourselves, to collectives greater than we’ve ever dared to imagine. May we open ourselves to the perennial calling of this everlasting covenant and let it remake us, truly, in the image of the Creator.