

Sermon Archive 172

Sunday 29 October 2017

Knox Church, Christchurch

Lessons: Mark 11: 1-6

Luke 14: 1-6

Preacher: Rev. Dr Matthew Jack



Planning to ride a donkey into Jerusalem, Jesus borrowed one from someone else. He asked his disciples to assure the owner that the animal would be returned. He clearly knew that someone cared for the donkey (either because of its financial worth or because of an emotional tie); and he promised to take good care of it while it was with him. It will return home, having been cared for, appreciated, properly treated. It's a picture of God's loving, respectful dominion over an animal.

Jesus also asked "If one of you has an ox that has fallen into a well, will you not immediately pull it out on a Sabbath day?" He suggests that our guardianship over even working animals should be immediate, intuitive, and kind. Maybe there are times when the animal world ought not simply to serve us, but ought, itself, to be served.

Re-thinking our relationship with the rest of creation. Thinking more deeply, so that we can live more respectfully. Letting our faith finesse our thinking and doing, that we might be more humane guardians of what God has made.

-ooOoo-

In 2008, David Slater, a British nature photographer, visited Sulawesi, in Indonesia, to do a study of some of the wildlife there. One of the animals he wanted to look at was the critically endangered Celebes Crested Macaque - a highly social, gregarious primate endemic to Sulawesi. Apparently, Mr Slater spent several days with the Macaque group, slowly winning their trust. He can't have succeeded completely, because every time he tried to get a close-up shot, the macaques would run in the opposite direction. Close-up photography wasn't looking like it was going to happen.

There are two versions of what happened next. Version One has Mr Slater becoming distracted and leaving his camera unattended on a tripod, and being surprised when one of the animals, a female later named Naruto, interfered with the camera, setting off the shutter and taking a series of selfies. Version Two has Mr Slater planning the selfies by deliberately setting up the camera to do what it did, while monitoring the developments from a distance. You'll notice that Version One has Mr Slater having a happy accident, and Version Two has him deliberately organising for the animals to take the photos. Version Two has him causing the photos - bringing genuine creative initiative to the process. I'm inclined to believe Version Two, but many people don't.

How ever the photos came into being, they were really appealing. Mr Slater started circulating them and charging people for their commercial use. It seemed right to him to charge, since he was a professional photographer and obviously held the copyright. On the same assumption, he also instructed the operators of an online blog, Tech-dirt, to remove a copy of the photo from their website. He noted that he hadn't given them permission to use it. This obviously rubbed them up the wrong way, because they came back at him with a legal argument. They argued that they were perfectly free to publish the photo, since copyright couldn't have been an issue. They argued that Mr Slater hadn't taken the photo (so had no copyright), and that the actual creator of the photo, Naruto the Macaque, couldn't hold copyright either, because she wasn't a legal person. Because she was non-human, she had no legal rights (including the right to hold copyright). And if copyright didn't apply in either case, the image was in the public domain - free for everyone. Mr Slater also came up against Wikimedia Commons, which makes the public domain work, by posting any interesting images it considers not to be subject to copyright. Wikimedia, like Tech-dirt, argued that Naruto was the creator of the image, but was not a person.

Enter stage left, the people from PETA - People for the Ethical Treatment of Animals. They brought a case against Mr Slater, petitioning the District Court of the Northern District of California to have Naruto assigned copyright, with themselves being appointed to administer the funds raised by the photos for the benefit of Naruto and other macaques on Sulawesi. The judge dismissed the case, noting that extending legal rights to non-

humans was something that Congress and the President could attend to if they wanted. But as the law stood now, Naruto was not a person and couldn't hold copyright.

The case ended up in the Ninth Circuit Court of Appeals. Early on, the court was informed that lawyers from both sides felt they could organise an out-of-court settlement. On 11 September 2017 (nine years after the photos came into being) David Slater agreed to donate 25% of all revenue generated by the photos to charities that protect the welfare of animals like Naruto.

In the meantime, here in little old Aotearoa New Zealand, on 15 March this year, parliament passed the "Te Awa Tupua [Settlement] Bill", which declared the Whanganui River to be a legal person. In celebration of the new bill, Gerrard Albert, lead negotiator for the river, said: "We've always fought for the mana of the river. We treat the river as a tupuna, as an ancestor, and we needed to find something that would approximate that in law and uphold it. And from there, ensure that people understand it and work with it."

For the government, the then Treaty of Waitangi Negotiations minister, Chris Findlayson, said: "The legislation recognised the deep spiritual connection between the Whanganui iwi and its ancestral river".

Spiritual connection. People willing to read creation differently - more "I - thou", more respectful and open to true encounter.

Re-thinking our relationship with the rest of creation. Letting our concepts of personhood and rights be gentled in the Spirit. Thinking more broadly about the other inhabitants of the planet, so that we can live better, more respectfully, within it. Letting our faith finesse our thinking about what we hold in common with God's other creatures - that we might be better, more humane, courteous guardians of what God has made. Sharing, respecting, dignifying.

So be it.

-ooOoo-

Here's a post-script to the sermon, in the form of an email conversation.

Dear David,

I'm the minister of a Presbyterian Church in Christchurch, New Zealand. This Sunday we are having our annual "blessing of the animals" service, and I would like to put the macaque photo on the front of our order of service. We tend to print about 80 orders of service, in black and white. Of course, we don't charge people to attend the service.

What would you require from us, for permission to use the image?

*Arohanui,
Matthew Jack.*

Hi Matthew,

Thanks for the message. I must say this has not happened to me before - your request is unique! But I like the idea of blessing the animals. I do it all the time in my own way.

My religious studies very rarely see animals as central to anything Christian (yes, Noah, and beasts that creepeth and all that)! So your blessing has to be welcomed so we can ALL (animals and people) connect and live in peace on this miracle of a planet we call Earth.

So you are very welcome to use my monkey selfie image for this purpose.

Hope it all goes well,

David J Slater

-ooOoo-

Letting our faith finesse our thinking about what we hold in common with God's other creatures - that we might be better, more humane, generous guardians of what God has made. Sharing, respecting, dignifying.

Amen.

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