

Valuing Nature

Moral Progress and Legal Progress

Christopher Stone, “Should Trees Have Standing?” (1972)

Granting legal rights to ...

- **Children:** from *Patria Potestas* to Today
- **Other human beings:** “Prisoners, aliens, women, the insane, Blacks, fetuses, and Indians.”
- **Inanimate entities:** “trusts, corporations, joint ventures, municipalities, Subchapter R partnerships, nation-states... ships.”

Legal rights as conventions: Moving from the Unthinkable to the Thinkable

Extending legal rights will extend our moral sensibilities.

Giving Legal Rights to Nature

Having a **Legal Right** means (as used in this essay) that some authority (e.g., a judge) is willing to review your case. In particular, holding a legal right means to enjoy the following:

- (1) **Standing**: the right-holder can institute legal actions at its behest.
- (2) **Accountable Harm**: the court must take into account injury to the right-holder.
- (3) **Beneficiary**: relief must benefit the right-holder.

(This is the legal counterpart to what we have been calling “moral considerability” or “moral standing”.)

What do you think?

What reasons does Stone give for extending legal rights to natural objects like trees and rivers?
(What are the *advantages* of doing this?)

Advantages of Conferring Rights

- (a) internalizes costs
- (b) recognizes non-economic harms
- (c) monetarizes the harm
- (d) protects the rights of future generations
- (e) moral growth for the humans

Problems?

(a) Natural objects can't speak (can't bring their case to court)

[but neither do other fictional persons: corporations, etc.]

(b) No one can determine their wants (and so serve as their guardian)

[but this is easier than with most fictional persons]

(c) Environmental values are priceless, and so harms are immeasurable

[we routinely estimate the costs of "making the victim whole"]