

Standing for Rivers, Mountains—and Trees—in the Anthropocene

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In his classic essay, “Should Trees Have Standing?,” Christopher Stone proposed that courts grant nonhuman entities standing to have their interests represented in court. In this essay, I revisit *Trees* and other writings from Professor Stone through the lens of the current global movement to grant rights to rivers, mountains, and other nonhuman entities.

For Professor Stone, “standing” stood for more than whose interests count in the law. Stone framed his original article, as a dutiful law professor ought, as what would get an entity into court; but he was reaching for a new understanding of humans’ place on the planet. Standing was a vehicle for a disquisition on matters that were “a bit unthinkable”¹ – a holistic, radical (as in, from the roots) paradigm shift on humans’ place in the natural world, and our hubris in not seeing where our proper place should be.

In this article, I describe the current worldwide trend towards granting not just standing, but legal rights and legal personhood to rivers, mountains and other natural entities. These legal moves go far beyond standing in ways Professor Stone could not have anticipated fifty years ago and represent a radical reimagining of our relationship to the nonhuman world, inscribed in the law.

In Victoria, Australia, the Yarra River Protection Act ((Wilip-gin Birrarung murrn) names the River as “one living, natural entity.” The law creates the 11-person Birrarung Council, including two Aboriginal traditional custodians, as well as representatives from environmental groups, scientists, planners, and agricultural interests. They are “the Voice of the River;” and now speak for the interests of the River as the government charts a fifty-year plan to manage the Yarra. Colombia’s highest court has drawn upon ecocentric philosophy to give rights to the polluted Río Atrato, while ordering the government to assemble a committee of local residents and government officials to determine what legal personhood means for the River. In New Zealand, separate laws have granted personhood – with “all the rights powers, duties, and liabilities of a legal person” -- to the Whanganui River and the Te Urewera mountain ecosystem. In both cases, the legislation grants local Māori communities the rights to speak for the River; they have started by laying out the traditional community values that define their interrelationship with the natural entities for whom they will speak.

When, as the Māori express it, “We Are the River and the River Is Us,” the River’s interests must be taken into account, based on a worldview that the River’s interests are our interests. Around the world, governments, legislatures, and courts are moving towards Stone’s idea of a “radically different law-driven consciousness”² and in so doing, this posture both reflects and evolves communities’ views of themselves. When we move from “We own the river” to “We are the river,” we enter into a new paradigm of what “property” is, and who we actually are.

¹ Christopher D. Stone, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, 45 S. CAL. L. REV. 450, 453 (1972).

² Christopher D. Stone, *Introduction: Trees at Thirty-Five*, in *SHOULD TREES HAVE STANDING: LAW, MORALITY, AND THE ENVIRONMENT* xi (2010).