

## The Gainesville Sun: ‘Rights of nature’ would erode rights of individuals

By [Mark Miller](#) | February 10, 2020



Alachua County environmental activists seek to do something never successfully done in American law: They want to give the Santa Fe River a “right of nature” to sue anyone that injures it. If that sounds crazy, you’re not alone: No American court has recognized the “rights” of natural resources to sue.

If the activists succeed, it will erode the only rights courts should recognize — the rights of individuals. That’s why our state legislators should put a stop to their effort.

To be sure, a “right of nature” law in favor of the river has superficial appeal. Who does not want a clean river? But if the activists believe our rivers, lakes and other precious resources are not clean enough, then they need to take that to the Legislature, the executive agencies charged with protecting our natural resources or the courts through statutes that allow for citizen suits — like the Clean Water Act. Moreover, if they suffer concrete injuries because of pollution, the activists may seek relief in court.

But this new activist scheme differs from those legitimate strategies. The activists hope to use this gambit to create ambiguous, new, limitless “rights of nature” through the courts. This novel

gimmick confuses and conflates the roles the judiciary and other two branches of government play in our American system of governance. It also misunderstands the nature of rights altogether.

James Madison explained that “the accumulation of all powers, legislative, executive, and judiciary, in the same hands ... may justly be pronounced the very definition of tyranny.” Thus, to avoid tyranny our founders broke up the powers of government among these three branches.

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