

RIGHTS FOR TREES BUT NOT FOR THEE

Christopher D. Stone is not exactly a household name, but he clearly left his mark on the “rights” movement. The University of Southern California law professor recently died. More well known was his father, I.F. Stone, whom the New York Times obituary on Christopher called a “crusading reporter.” They left out that he was also a Soviet agent.

Should trees have rights? Christopher D. Stone was convinced they should.

“I am quite seriously proposing that we give legal rights to forests, oceans, rivers and other so-called ‘natural objects’ in the environment—indeed, to the natural environment as a whole.” He specifically mentioned as worthy of legal rights “valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels destructive pressures of modern technology and modern life.”

Stone made his case in a famous 1972 article, “Should Trees Have Standing?—Toward Legal Rights for Natural Objects.” He has not been without success.

Supreme Court Justice William O. Douglas agreed with him, and cities such as Pittsburgh and Santa Monica have followed suit, offering legal protection to natural resources. New Zealand has gone further, declaring “all the rights, powers, duties and liabilities of a legal person” to a national park.

It is true that corporations are seen as legal entities deserving of rights, but they are made up of individuals.

If trees are deserving of rights, it seems logical that Stone would argue for the rights of the unborn. In fact he did not. In his classic article in the Southern California Law Review

on the rights of trees, which was published the year before Roe v. Wade legalized abortion, he makes reference to abortion in a footnote.

He recognizes competing rights, but he never argues that the right of the baby to be born is paramount. The best he can do is offer a rather pedestrian observation. "The trend toward liberalized abortion can be seen either as a legislative tendency back in the direction of rightlessness of the foetus—or toward increasing rights of women."

Stone had a great influence on environmentalists, including John Holdren, who was President Obama's science czar. He endorsed Stone's thesis that trees have rights.

After Holdren was confirmed by the Senate, more was found out about him. His enthusiasm for population control led him to entertain plans to force single women to abort their babies or put them up for adoption. He also considered forced sterilization, even to the point of putting chemicals in food and water that would make people sterile.

Why is it that inanimate objects, along with animals, have gained the support of legal theorists and lawmakers but not unborn babies?

Consider, for example, a front-page story in the June 2nd edition of the New York Times about President Biden's decision to suspend oil drilling in the Arctic National Wildlife Refuge. The area, the story notes, is "home to migrating waterfowl, caribou and polar bears." The article continues inside featuring a picture of a polar bear in the area.

Biden has shown great interest in protecting the environment and showing respect for the rights of animals. When in the Congress, he co-sponsored legislation to label tuna "dolphin safe." He urged the Canadians to end its commercial seal hunt. He supported legislation against commercial whaling and opposed some traps used to capture animals. He also co-

sponsored a bill to prohibit some research practices on cats and dogs.

However, when it comes to the rights of the unborn, he says they have none. Zero. Some animal traps, he says, are “inhumane.” But not the practice of smashing the skull of a baby undergoing a partial-birth abortion.

There is nothing new to this line of thinking. Peter Singer is a Princeton University professor and the father of animal rights. He is also an atheist and a proponent of selective infanticide. He says that some defective children should undergo a trial period after birth while a decision is being made about putting them to death, and that in any event parents should be allowed to exterminate their disabled babies. He believes that “killing a newborn baby is never equivalent to killing a person, that is, a being who wants to go on living.”

Interestingly, he maintains that there is absolutely no moral difference between killing a baby in the mother’s womb and killing a newborn. If it is legal to kill an unborn baby, Singer concludes, it should be legal to kill infants. Just don’t forget to protect the turkeys.

To show how far we’ve drifted, Singer wants to give the same rights that humans enjoy to chimps, bonobos, gorillas and orangutans. He is also of the opinion that bestiality is not necessarily a bad thing: he argues that “sex with animals does not always involve cruelty,” and that “mutually satisfying activities” of a sexual nature should be respected.

Stone and Singer are known for their selective interest in the distribution of rights, and unfortunately this train of thought is now very much a part of our cultural and legal landscape.