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# IDENTIFYING CONTEMPORARY RIGHTS OF NATURE IN THE UNITED STATES

KAREN BRADSHAW\*

## ABSTRACT

*The Rights of Nature movement is at the precipice of watershed social changes. Leaders of this international, Indigenous-led movement call upon the public to radically reimagine the human relationship with nature. This Article comes at a crucial moment when some leading environmental law scholars are questioning the potential Rights of Nature within the United States. This Article responds by building upon the ideas of Christopher Stone to chart the theoretical and doctrinal pathways that breathe life into the legal framework of Rights of Nature. It sketches the present status of Rights of Nature in the United States and links this overview to environmental, animal, and natural resources law literatures.*

*Most scholarly discourse about the Rights of Nature focuses on a few well-known examples outside of the United States, such as constitutional rights in Ecuador or New Zealand and Australia granting rights to wind and rivers. In fact, the United States has a growing body of diverse Rights of Nature that legal scholars have largely overlooked. For example, in six federal statutes, natural resource damages have resulted in over ten billion dollars of tort remedies that benefit nature. Indigenous governments located*

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\* Professor of Law and Mary Sigler Research Fellow, Sandra Day O'Connor College of Law, Arizona State University; Senior Sustainability Scientist, Global Institute for Sustainability, Arizona State University; Faculty Affiliate, Classical Liberal Institute, New York University Law School. I am thankful for the comments provided by attendees at the University of Southern California Law Review Symposium, Christopher Stone: Assessing the Influence of "Do Trees Have Standing" (2022), the Rights of Nature: Opening the Academic Debate in the European Legal Context, University of Toulouse, IELIC, France, and Sustainability Conference of America Legal Educators, Arizona State University (2022). This Article benefited greatly from comments by, and conversations with, Robin Kanda Craig, Michael Livermore, Delphine Minogue Julia Benoitte, John Koon, Hendrik Schoutens, Guillaume Chapron, and Jan Diego. I am thankful for the outstanding research assistance of Sarah Brunswick, Caitlin Deak, and Clayton Kinsey.

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