Natalie Beecher

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Dr. Wilkie

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Perspectives in Climate Law

In 2015, a group of 21 youths and the organizational plaintiff Earth Gardens filed a constitutional climate lawsuit against the United states for damages inflicted against the environment and the government’s role in Climate Change. They included a claimed right under the Due Process Clause of the Fifth Amendment to a “climate system capable of sustaining human life” (qtd. in Stanton 11). Titled *Juliana v. United States,* the plaintiffs ask the court to order the government “to prepare and implement an enforceable national remedial plan to phase out fossil fuel emissions and draw down excess atmospheric CO2**” (*Juliana v. U.S.* 11).** In US law, it is impossible to sue on behalf of damages to the environment alone; to prove standing to sue, a requirement in the pre-trail process of all lawsuits, according to Judge Ann Aiken in *Juliana v. US*, “a plaintiff must show she suffered an injury in fact that is concrete, particularized, and actual or **imminent” (9).** This requirement necessary in most lawsuits; it prevents frivolous or fraudulent lawsuits when no injury or damage has been committed. But in environmental law, the requirement to have an occurrence of “concrete, particularized and actual or imminent” human injury makes it difficult to gain standing to sue **(*Juliana v. U.S.* 9).** Judge Aiken articulates this barrier for environmental cases: “a plaintiff cannot demonstrate injury in fact merely by alleging injury to the environment; there must be an allegation that the challenged conduct is harming (or imminently will harm) the plaintiff” **(*Juliana v. U.S.* 9).** American law was created to protect humans and their property, and therefore requires plaintiffs to argue using an anthropocentric perspective in language. Anthropocentrism refers to the value humans attribute to non-human entities; from an anthropocentric perspective, the value of Nature is found in the extent that humans may benefit or profit from it. Further, non-human beings lack intrinsic value outside of human activity, and human interest is prioritized over the interest of the ecosystem. United States law necessitates an anthropocentric perspective. As Judge Aiken noted, it is currently impossible to meet the requirements for standing to sue without evidence of human injury or damages. Plaintiffs that attempt to sue on behalf of damage to the environment alone must find a way to argue in an anthropocentric perspective. The plaintiffs in *Juliana v. US,* for example, argued in this way. The complaint accused the government of exacerbating climate change through a causal chain, thereby “causing various climate-change related injuries to the plaintiffs” (Hurwitz 2020, 12). Each plaintiff alleged particularized damages: psychological harm, impairment to recreation (such as salmon fishing), exacerbated medical conditions, and damage to property (such as flooding) **Cite this.** To a degree, their goal focuses on the welfare of the environment. If the climate warms past the point of no return, humanity will stand to lose more than just economic interests in the resulting wide-spread ecological collapse. Because they cannot argue directly on behalf of the environment, however, the youth plaintiffs include individuals who have allegations of personal injury, and these allegations are argued in the anthropocentric perspective that the law expects and requires.