

An Ethical Equation of Corporate and Environmental Personhood: The Salmon River Commands Rights

Katherine Poole

Abstract

As our global natural environment faces increasingly numerous and severe threats from anthropogenic origins, we struggle to conceptualize and assign remedies to mitigate their effects. This failure stems from the fact that humans generally hold the view that the environment is of instrumental value to human progress, disregarding the intrinsic and additional values that its resources can infer upon us. Ultimately, this anthropocentric view of the world is derived from a lack of respect and protection allocated to the environment, for we do not see it as equitable to human and thus undeserving of security beneath personhood as we are. However, humans have made the peculiar decision that corporations, in fact, do deserve to enjoy the stability of personhood—indicating an excessive departure from our treatment of the environment. In this essay, I will argue for the rational existence of environmental personhood contingent upon the recognition of corporate personhood and the inherent agency of the environment. Specifically, I will use the Idaho Salmon River as a case study to forward the reality of environmental personhood. I will begin with discussion of the Salmon River, and then move on to the discussion of what qualifies a “person,” and why a piece of wilderness such as the Salmon River should qualify as such if an equally non-human thing such as a corporation can. Ultimately, I will conclude that if one non-human personhood is to exist, then ethically, so must the other.

Background

The Salmon River, also known as “The River of No Return” due to its rapid water speed and rugged rapids, flows for 425 miles through the wilderness of northern and central Idaho before its confluence with the Snake river.¹ The Salmon River is nested in one of the deepest gorges on the planet, and its granite-walled canyon is home to an abundant number of both terrestrial and aquatic wildlife—most notably endangered steelhead and salmon species.² Native tribes

¹ Sappenfield, Brad. "Salmon River, Idaho." National Wild and Scenic Rivers System. <https://www.rivers.gov/rivers/salmon-id.php>.

² Sappenfield, Brad. "Salmon River, Idaho." National Wild and Scenic Rivers System.

including the Shoshone, Nez Perce, Paiute, and the Bannock assign deep historical and cultural significance to the river, their inhabitation and use of it dating over 8,000 years back—about 7,800 years prior to the white man's first interaction with the river on Lewis and Clark's famed expedition.³ The Salmon provides critical water resources to rural settlements in the state of Idaho, and is also the primary source for agricultural irrigation along some of its more southern stretches. Additionally, the Salmon River is internationally revered for its multitude of recreational offerings, boasting some of the most extreme whitewater rafting and kayaking, fly fishing, camping, hiking, and mountain biking opportunities.⁴

Of its expansive 425 miles, 46 miles are Congressionally designated recreationally protected, and an additional 79 miles are designated protection as a wild river.⁵ After doing some simple addition, you can see that this leaves 300 miles of the Salmon River unaccounted for and vulnerable to anthropologic intrusion. In particular, gold and other precious mineral mining threatens the integrity of the Salmon River wilderness. Midas Gold, a Canadian mining corporation, has released plans to re-open and expand the antiquated open-pit Stibnite Gold Mine at the headwater of the South Fork of the Salmon—an area that does not fall beneath the protective statutes.

The Stibnite mine, which was closed in the 1990s after nearly 100 years of use for gold and antimony extraction, has necessitated decades of work and nearly \$13 million spent in restoration and reclamation efforts to curtail the disastrous environmental effects of the mine's existence.⁶ Specifically, the Stibnite Mine has continuously leaked mercury, cyanide, antimony, and other toxic metals into the Salmon River waterway at the expense of downstream ecological damage prior to mine remediation, and even then, the mine still continues to expel some toxic substances.⁷ Amazingly, the Midas Gold company admits that the adjacent and downstream environments—particularly endangered salmon spawning grounds—have been disastrously impacted by the existence of the mine, however they rationalize that “Doing nothing will continue to let fish habitat and water quality deteriorate and keep salmon blocked from their native spawning grounds.”⁸ Instead, Midas has proposed a plan to fully restore the river's ecosystem as they concurrently revive and expand the Stibnite Mine's operations. River and environmental advocates condemn Midas's plan, stating that reopening the mine would be simply be backtracking progress. Specifically, they cite the case of the Grouse Creek Mine, in which the Hecla Mining company made a similar river restoration/mine rejuvenation proposal

³ "South Fork of the Salmon River among America's Most Endangered Rivers of 2018." Idaho Rivers United. April 10, 2018. <https://www.idahorivers.org/newsroom/2018/4/9/south-fork-of-the-salmon-river-among-americas-most-endangered-rivers-of-2018>.

⁴ Sappenfield, Brad. "Salmon River, Idaho." National Wild and Scenic Rivers System.

⁵ Sappenfield, Brad. "Salmon River, Idaho." National Wild and Scenic Rivers System.

⁶ "South Fork of the Salmon River among America's Most Endangered Rivers of 2018." April 10, 2018.

⁷ Barker, Rocky. "Miners Agree This Idaho River Is in Danger. Their Solution? More Mining." *The Idaho Statesman*, April 10, 2018. <https://www.idahostatesman.com/news/local/news-columns-blogs/letters-from-the-west/article208463189.html>.

⁸ Barker, Rocky. "Miners Agree This Idaho River Is in Danger. Their Solution? More Mining." April 10, 2018.

on a Salmon River tributary.⁹ The endeavor resulted in ecological disaster after its tailing pond leaked and floods blew out the restored stretch of the river, which leaves expert even more skeptical of Midas Gold's claim, especially considering the potential impacts on one of our nation's greatest rivers.¹⁰

The Salmon River is at grave risk of ecological catastrophe, which necessitates a resolute response. Unfortunately, political protection seems unlikely, as Idaho politicians have publicly endorsed the Midas Gold company's plan, principally citing economic rationale. By granting the Salmon River personhood, its protection will no longer remain contingent upon politician's easily influenced agendas and overwhelmingly anthropogenic value system, and the Salmon River will gain the ability to "speak" for itself. Environmental personhood offers the opportunity for the Salmon to persevere in its wild and scenic state for years to come without direct reliance on human actors and presents the opportunity to serve as precedence for protecting waterways in the United States.

The Evolution of "Person"

Simply stated, personhood is the status of being a person. However, this term has come to assume varying yet significant meanings, especially in terms of access to societal and constitutional rights and are closely tied with legal and ethical concepts of citizenship, equality, and liberty. Western philosophical renditions of the concept of a "person" have widely varied over time, however trending from a quite limited scope to one more comprehensive. The naturalist epistemologists, such as Descartes, Hume, and Locke, designate that the term person is reserved for that which meets a certain criterion: a human or non-human agent who (1) maintains continuous consciousness and thought overtime and (2) may therefore compose their own reflections of the world and frame plans and actions.¹¹ In particular, Descartes reasoned that animals cannot feel and do not reason, therefore making them no more conscious than an automated machine.¹² This narrow interpretation of personhood limits its coverage to quite literally only humans, indicating how past western traditions have failed to incorporate the rights and importance of the natural world similar to as they do now.

The philosophical interpretation of what defines a person, however, has significantly changed since these initial naturalist epistemological conceptions in order to incorporate a broader scope. Concurrently, science and human's understanding of the natural world has also advanced, offering greater insight into the actuality of animal consciousness and the importance of ecological processes, which assigns additional purpose to environmental

⁹ Barker, Rocky. "Miners Agree This Idaho River Is in Danger. Their Solution? More Mining." April 10, 2018.

¹⁰ Barker, Rocky. "Miners Agree This Idaho River Is in Danger. Their Solution? More Mining." April 10, 2018.

¹¹ Rysiew, Patrick. "Naturalism in Epistemology." *The Stanford Encyclopedia of Philosophy*, January 8, 2016.

¹² Allen, Colin, and Michael Trestman. "Animal Consciousness." *The Stanford Encyclopedia of Philosophy*, October 24, 2016. <https://plato.stanford.edu/entries/consciousness-animal/>.

existence. For example, philosopher Charles Taylor redefines the “person” according to a significance-based view, meaning that the most crucial component to an agent is that they have things that matter to them.¹³ This definition moves to include animals within the realm of consciousness, however he still does concede that there exists matters that are uniquely significant to humans and have no analogue with animals.¹⁴

An interesting parallel to draw in the pursuit of animal rights and personhood is one correlating the struggle for their recognition to that of previously oppressed persons and groups, as does Peter Singer in his piece *All Animals are Equal*. In his piece, Singer makes the assertion that non-human animals deserve the same respect as humans and have the same right to life as us, effectively designating them as “persons” in all matters of the meaning—something that previous philosophers had failed to do.¹⁵ And if you are to consider animals less than us, then you are practicing speciesism.¹⁶ In establishing his argument, Singer makes reference to previous equality movements, starting with black liberation, then moving to Spanish-American and LGBT equality movements. The purpose of this progression is to point out the troubling truth that it is difficult “to be aware of latent prejudice in our attitudes to particular groups until this prejudice is forcefully pointed out,” and that it is his belief that animal rights and our historical oppression of them will ultimately assume an equitable role in history as these other struggles for liberation.¹⁷ However, the crux of Singer’s argument is found in his statement that rights are based off of a capacity for suffering. His argument is that despite animals do have inherent differences to the humans species, humans *also* have inherent differences among ourselves—sometimes differing a human from a human further than a human from certain non-humans—and what levels the playing field between our beings is the intrinsic ability to suffer and feel pain.¹⁸ Despite Singers groundbreaking inclusion of animals into the question of personhood, the ethical “person” is still lacking from the realm of nature.

Another interesting perspective to consider on the subject of “person”—and the one that I resonate the most with—is Bruno Latour’s interpretation of self-conception. Latour claims that the grounds upon which we base our human conception as superior from other things (such as animals and nature) is an invented one, and that there is no such boundary existing between nature and culture other than the one that is human composed.¹⁹ People could not have created the Great Wall of China without the help of the stones that constitute its structure, just as

¹³ Taylor, Charles. "The Concept of a Person." *Philosophical Papers, Volume 1: Human Agency and Language* (1985): 97-114.

¹⁴ Taylor, Charles. "The Concept of a Person." (1985).

¹⁵ Singer, Peter. "All Animals Are Equal." *Animal Rights and Human Obligations*, 1989, 215-26. <https://philpapers.org/rec/SINAAA>.

¹⁶ Singer, Peter. "All Animals Are Equal." (1989).

¹⁷ Singer, Peter. "All Animals Are Equal." (1989).

¹⁸ Singer, Peter. "All Animals Are Equal." (1989).

¹⁹ Gordon, Gwendolyn J. "Environmental Personhood." *Colombia Journal of Environmental Law*. 43, no. 1 (2018). https://huminst.uic.edu/docs/default-source/default-document-library/may-6-gordon-environmental-personhood.pdf?sfvrsn=1c620e13_0.

medieval farmers could not have plowed their fields without manual horse power. The premise of Latour's argument is that "everything that has an effect has agency," which realistically means that anything can have agency, notably including the environment, however also extending to the corporation.²⁰ Latour effectively renounces the artificial divide that humans have developed between natural things and human society, for ultimately, neither can exist without the other.

Although Latour's conception of "person" is interpreted to incorporate nature and emphasizes the importance of all things with effective agency, specific reference to legal rights for the environment was first made by Christopher Stone in his 1972 "Should Trees Have Standing? — Towards Legal Rights for Natural Objects." Stone argues that it is entirely incomprehensible to exclude the environment from self-determined legal protection simply based on the rationale that it is unable to speak for itself.²¹ If we are to remain consistent to this logic, then we also must exclude corporations, states, estates, children, the mentally incompetent, and virtually any other person or thing that is incapable of managing their own affairs from legal protection.²² Stone progresses the concept of the "person" to the extreme in his claim that children are essentially equitable to the environment, specifically trees, in their claim for legal rights. Stone provides the foundational argument that the modern environmental movement has derived much of its rationalization from, proposing an entirely new approach to mankind's relationship with nature and establishing our equality in regard to inherent rights. In particular, Stone's perception of personhood provides the necessary theory for strategic environmental defense due to the fact that it overcomes the inherent and repeatedly presented difficulty for nature's de facto representatives to legally defend its interests by granting the environment the right to bring a suit on its own behalf.

The Corporate "Person"

Corporate personhood, a term that has existed for a long time yet has only recently gained substantial public recognition in the wake of *Citizens United*, refers to the view that a corporation is an "independent reality that exists as an objective fact and has a real presence in society," ultimately granting it legal rights such as a person for the primary reason of facilitating commerce.²³ In particular, proponents of the concept of corporate personhood refer to the corporation as an aggregate of all the humans who work for and depend on the corporate enterprise, and who likewise are affected by its successes and failures. The original concept of

²⁰ Gordon, Gwendolyn J. "Environmental Personhood." (2018).

²¹ Stone, Christopher D. "Should Trees Have Standing? — Towards Legal Rights for Natural Objects." *Southern California Law Review* 45, (1972), 450-501.

<https://iseethics.files.wordpress.com/2013/02/stone-christopher-d-should-trees-have-standing.pdf>

²² Stone, Christopher D. "Should Trees Have Standing? — Towards Legal Rights for Natural Objects." (1972).

²³ Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." *Fordham Journal of Corporate and Financial Law* 15 (2009).

https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/fjcf15&id=108&men_tab=srchresults.

corporate personhood originated in the United States in case law, starting with *Dartmouth College v. Woodward* in 1819 where it was decided that Dartmouth College—a corporation—was legally qualifiable as a private party within a contract.²⁴ The rights of a corporation were expanded upon in the 1886 case *Santa Clara County v. Southern Pacific Railroad Co.*, in which the judgement marked the first instance that a corporation was provided protection beneath the 14th amendment’s equal protection clause.²⁵ By calling it a “person” and affording it 14th amendment protection, the corporation earns the right to enter contracts, hold property, to sue and be sued, and to carry out business in its corporate name.²⁶

The status of corporate personhood also begs numerous moral questions, such as whether or not the corporate “person” also has moral rights and duties, just as a living human does.²⁷ If a corporation’s factory exhaust deliberately poisons an adjacent community, does that assign the corporation moral responsibility for their actions? According to Latour’s theory, and in my opinion, yes. If one’s actions have an effect, that one being a corporation, then that effect is equitable to agency, and agency necessitates responsibility (at least, according to the law of agency). If a corporation is to assume the protection of rights and agency, then that corporation must also accept culpability.

Corporate personhood was primarily wrought from and has been preserved by various economic interests. As I mentioned above, the first legal instance of recognition of corporate personhood was for the purpose of allowing a corporation self-representation within contract agreements, which has clear economic implications given the corporations newfound ability of self-representation as an independent agent.²⁸ Later on, corporate personhood in the United States has become essential toward efficient and secure economic development. Regardless of the status of its partners (being that they are healthy, or even alive), the corporation is able to persist. “There was no unanimity required to do something; shareholders could not be sued individually, only the corporation as a whole, and so investors only risked as much as they put into buying shares.”²⁹ Additionally, the recognition of corporate personhood allowed for businesses to be treated equally under relevant tax law. The underlying fact is that corporate

²⁴ Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." (2009).

²⁵ Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." (2009).

²⁶ Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." (2009).

²⁷ Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." (2009).

²⁸ Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." (2009).

²⁹ Totenberg, Nina. "When Did Companies Become People? Excavating the Legal Evolution." NPR. July 28, 2014. <https://www.npr.org/2014/07/28/335288388/when-did-companies-become-people-excavating-the-legal-evolution>.

personhood was wrought from economic ambitions with a clear lack of more comprehensive motivation such as factors including culture, ethical, ecological, and more.

The largest criticism that I have against corporate personhood is established on the notion that “person” may be granted based on anthropogenic notions of rationality. This philosophy prescribes that only intrinsic value is assigned to human beings because we are separate from and ethically superior to all other natural beings and things, and all other value is appointed according to a “things” instrumental importance to humans. The corporation was not made a “person” due to the positive impacts that this assignment has on the environment or the cultural significance that it may present; it was done so out of purely economic reasons that forward human interest. The notion of anthropocentrism is one that is entirely pervasive within the realm of environmental ethics, as well, and dictates much of the reason as to why humans have failed to assign appropriate value to nature, namely in terms of environmental personhood. Thus, an alternative approach to elemental valuation is necessary for the progression of environmental livelihood.

The Environmental “Person”

Unlike the corporate “person,” environmental personhood prescribes to a non-anthropogenic value theory, otherwise known as a biocentric outlook. This outlook assigns moral significance to the natural world and underlies an attitude of respect towards nature and its components, meaning that all living things inherently possess intrinsic value regardless of its agency.³⁰ There are four core beliefs that construct the biocentric perspective: (1) That humans are members of earth’s community under the same terms and conditions that other living members are of earth’s community, (2) The belief that humans and all other species are each integral elements in a system of interdependence; the survival of each living thing is not only determined by its independent physical traits, but also by its relation with all other living things, (3) All organisms endeavor a unique and individual pursuit of good in its own way, and (4) *The belief that humans are not inherently superior to any other living thing.*³¹ Biocentrism offers a coherent outlook of the natural world and human’s relation to it and provides the moral value theory contextually necessary for the promotion of environmental personhood.

Large scale, global acceptance of environmental personhood as a method for environmental protection has principally failed according to human’s adherence to an anthropogenic value system. As previously discussed, this assigns value based on a thing’s instrumentality to human progress, predominantly in the scheme of economic development, which offers the rationale behind the decision in defining the corporation as a “person” for legal purposes. This methodology leaves the question of environmental value torn between various value

³⁰ Taylor, Paul W. "Respect for Nature: A Theory of Environmental Ethics." *Respect for Nature*, 1986, 248-59. <http://the-eye.eu/public/concen.org/Nonfiction.Ebook.Pack.Oct.2015-PHC/9781118494721.Wiley-Blackwell.Environmental%20Ethics.Michael%20Boylan.2013.pdf#page=170>

³¹ Taylor, Paul W. "Respect for Nature: A Theory of Environmental Ethics." (1986).

alternatives, principally in terms of the value of conservation versus exploitation. Inherently, both approaches to environmental use have economic value. It is the difference in relative economic gain that dictates which schema humans choose to prescribe to. For example, a swath of open ocean far from the shore provides little to no economic gain to humans alone; it is only when the industrial offshore oil rig is installed on this locale that humans realize the tremendous commercial value that this environmental component can offer them. Similarly, Montana, a state that is known for being an environmental recreation hotspot, estimated that this industry accounted for over \$7.1 billion of revenue and 71,000 jobs in 2018—making it the 2nd largest sector of the state’s economy.³² Simply on economic terms, both environmental exploitation and responsible conservation and use offer immense potential, yet the fact that there is the availability of two possible value schemes, of which the exploitative method is generally more profitable, offers impediment to the implementation of environmental personhood out of the fear that humans will ultimately lose their supreme reign over environmental matters. The anthropocentric, economic system of valuation is therefore incompatible with the allocation of the environment as a “person,” necessitating human realization of what more nature has to offer than pure economic interest, such as the value capacities that ethical, cultural, and ecological factors can additionally provide.

Due to the synthesis of factors beyond simple economics, environmental personhood actually provides a more valid claim than the corporate “person.” If you are to consider Bentham and Mill’s utilitarian model, which prioritizes maximum good for the majority involved, then clearly, environmental personhood offers the more succinct claim. The utilitarians were the first to argue that “sentience was the locus of intrinsic value,” thereby making existence exempt from pain and rich with enjoyments the ultimate ethical end.³³ The anthropocentric, narrow claim provides maximum good for only specific humans involved, yet environmental personhood offers the potential to safeguard the good for not only humans involved, but also animals, water, the air, and all other natural processes that ultimately also assure good for our posterity years to come, thereby making its apportionment of legal rights the most valid according to utilitarianism.

There are cases of countries that have realized the intrinsic value and aggregate good that nature has to offer beyond the scope of economics, thereby granting environmental personhood. The Whanganui river in New Zealand is an example of this. On August 5th, 2014, the New Zealand government ruled to recognize the legal standing of the Whanganui river, essentially meaning it was granted personhood.³⁴ The river was afforded the rights, powers, duties, and liabilities of a legal person predominantly due the Maori people’s grievances

³² Montana.gov. "The Montana Business Landscape." Office of Outdoor Recreation. September 2018. <https://business.mt.gov/Office-of-Outdoor-Recreation>.

³³ "Environmental Ethics - The Debate Over Anthropocentrism." The Debate Over Anthropocentrism - Intrinsic, Value, Human, and Ecology - JRank Articles. 2019. <https://science.jrank.org/pages/9156/Environmental-Ethics-Debate-over-Anthropocentrism.html>.

³⁴ Hutchinson, Abigail. "The Whanganui River as a Legal Person." *Alternative Law Journal* 39, no. 3 (2014): 179-82. <https://journals.sagepub.com/doi/pdf/10.1177/1037969X1403900309>.

regarding hydroelectric projects and gravel extraction schemes impacting the river.³⁵ The Maori are an indigenous population of people native to New Zealand who have deep ancestral ties to the Whanganui river according to their culture and history. Prior to white settlements in New Zealand, the Maori flourished along the Whanganui River banks, the waterway providing them with food, resources, and a method of transportation.³⁶ Additionally, the Maori have recognized the river for possessing spiritual importance, specifically in terms of the guardianship that the river expresses over the Maori and its ancestral legendry, and make the ethical claim that we have a responsibility to our posterity to preserve the integrity of the river for now and the future.³⁷

Beyond the scope of Maori importance, the Whanganui is also considered to be a leading tourist attraction in New Zealand for recreational use and is also host to a wide variety of biodiversity.³⁸ In granting the Wanganui personhood, New Zealand acknowledged not only the economic, but also the ethical, cultural, and ecological importance intrinsic to the river. This shift from anthropocentric valuation towards a biocentric view represents the philosophical direction necessary for the ultimate widespread environmental personhood legal protection that affords nature the ability to defend its own rights. New Zealand shifted the environment's classification as human property to its own legal entity, guaranteeing nature its day in court. Thus, it is my recommendation that the Salmon River pursues a similar course of defense in order to secure its interests against the Midas Gold company as well as other potential anthropogenic intruders.

The Salmon River "Person"

The Salmon River faces unmitigated present and potential future environmental threats. According to the logic outlined throughout this essay, the most logical and valid method of protection involved granting the river its rightful, legal protections as a "person" following utilitarian logic and the biocentric value theory.

The Salmon River has many equitable elements to the Whanganui, including ethical, ecological, cultural, and economic factors that support its imminent conservation. For example, there are numerous indigenous tribes, such as the Nez Perce, the Shoshone, the Paiute, and the Bannock, that retain deep ancestral and cultural ties to the Salmon River.³⁹ Specifically, the Nez Perce consider the Salmon River sacred as it has provided the tribe an abundance of sustenance—most prominently salmon and steelhead fish—that has allowed their people to

³⁵ Hutchinson, Abigail. "The Whanganui River as a Legal Person. (2014)

³⁶ Tanasescu, Mihnea. "Rivers Get Human Rights: They Can Sue to Protect Themselves." *Scientific American*, June 19, 2017. <https://www.scientificamerican.com/article/rivers-get-human-rights-they-can-sue-to-protect-themselves/>.

³⁷ Tanasescu, Mihnea. "Rivers Get Human Rights: They Can Sue to Protect Themselves." (2017).

³⁸ Tanasescu, Mihnea. "Rivers Get Human Rights: They Can Sue to Protect Themselves." (2017).

³⁹ "South Fork of the Salmon River among America's Most Endangered Rivers of 2018." (2018).

flourish in the central Idahoan region.⁴⁰ The Nez Perce so revered the Salmon River and the salmon fish that it provided them that they practiced ceremonies in order to cultivate their gratitude towards the water cycle and the cycle of the salmon, thereby granting an additional spiritual element to the Salmon River.⁴¹ The Nez Perce and other indigenous tribe's claim to the Salmon parallels the Maori on the Whanganui, indicating the cultural and ancestral validity for personhood protection of the Salmon River.

There are additional ecological factors that fortify the claim of the Salmon River's legal personhood. For example, the river is host to an abundant and varied wildlife resource, including big game species, small mammal populations, and various waterfowl breeds as well as an ample collection of flora and fauna.⁴² The species function in symbiotic fashion, creating a delicate yet balanced ecosystem that provides essential biodiversity to the adjacent area, fortifying the river and its biosphere against potential harm. The Salmon River is also considered home to the "largest and most pristine" salmon habitat in the lower 48, making its ecosystem essential towards the protection of this threatened, cornerstone species.⁴³ Additionally, the ecological presence of the Salmon River provides humans instrumental value by functioning as a pivotal source of irrigation for adjacent agriculture.⁴⁴

Economically, if not the most important factor according to an anthropological value system, the Salmon River provides immense value. The Salmon River is considered to be one of the supreme whitewater attractions in the world, attracting rafters and kayakers from across the globe to experience its torrential waters.⁴⁵ Highly coveted (and expensive) permits allow controlled passageway down the river, which provides the Idaho government with a source of revenue. Fishers, hikers, and campers are also required to purchase permits in order to legally enjoy the Salmon River in designated areas, which provide an additional revenue source. If the state of Idaho were to allow Midas Gold and other companies to exploit this natural resource, then the Salmon would lose its international appeal, thereby decreasing ecotourism and this government revenue. The Salmon River, as well as other environmental features inherent to Idaho's landscape, provide the state with replenishable financial opportunity, and so even if humans are to approach the river with an anthropocentric value mindset (which is not what I recommend), the value that the river provides under the state of conservation is substantial, necessitating the admission of personhood to the river in order to provide itself the ability for self-defense and preservation. If corporations are able to enjoy the legal benefits of a "person," then it is our ethical obligation to afford nature the same rights.

⁴⁰ "A River of History, Idaho's Salmon River of No Return." (n.d.) Salmon River Outfitters Association. <https://idahosalmonriver.org/salmon-river/history/>.

⁴¹ "A River of History, Idaho's Salmon River of No Return." (n.d.)

⁴² Sappenfield, Brad. "Salmon River, Idaho." (n.d.)

⁴³ Sappenfield, Brad. "Salmon River, Idaho." (n.d.)

⁴⁴ Sappenfield, Brad. "Salmon River, Idaho." (n.d.)

⁴⁵ Sappenfield, Brad. "Salmon River, Idaho." (n.d.)

Conclusion

The anthropocentric value system that corporate personhood was founded upon is an ethical failure that neglects to consider factors other than those economic in nature, thereby excluding the environment from the same legal “person” protections. Ecological, cultural, and an ethical assessment of the intrinsic value of and moral responsibility towards our posterity necessitates the recognition of environmental personhood, particularly in the case of the Salmon River and the pending expansion of the Stibnite mine. In particular, environmental personhood provides the choice method of protection for the river to defend itself, circumventing possible criticism involving the lack of damaging evidence against a human appellant and persisting beyond the human lifespan. Biocentric ethics are crucial towards the development of environmental personhood, for they provide an encompassing recognition of value factors that emphasize natural and environmental importance that go beyond the simple recognition of economic good as underscored by corporate personhood, thereby providing a valid claim for the Salmon River’s recognition as a legal “person.”

References

- "A River of History, Idaho's Salmon River of No Return." (n.d.) Salmon River Outfitters Association. <https://idahosalmonriver.org/salmon-river/history/>.
- Allen, Colin, and Michael Trestman. "Animal Consciousness." *The Stanford Encyclopedia of Philosophy*, October 24, 2016. <https://plato.stanford.edu/entries/consciousness-animal/>.
- Barker, Rocky. "Miners Agree This Idaho River Is in Danger. Their Solution? More Mining." *The Idaho Statesman*, April 10, 2018. <https://www.idahostatesman.com/news/local/news-columns-blogs/letters-from-the-west/article208463189.html>.
- "Environmental Ethics - The Debate Over Anthropocentrism." The Debate Over Anthropocentrism - Intrinsic, Value, Human, and Ecology - JRank Articles. 2019. <https://science.jrank.org/pages/9156/Environmental-Ethics-Debate-over-Anthropocentrism.html>.
- Gordon, Gwendolyn J. "Environmental Personhood." *Columbia Journal of Environmental Law* 43, no. 1 (2018). https://huminst.uic.edu/docs/default-source/default-document-library/may-6-gordon-environmental-personhood.pdf?sfvrsn=1c620e13_0.
- Hutchinson, Abigail. "The Whanganui River as a Legal Person." *Alternative Law Journal* 39, no. 3 (2014): 179-82. <https://journals.sagepub.com/doi/pdf/10.1177/1037969X1403900309>.
- Montana.gov. "The Montana Business Landscape." Office of Outdoor Recreation. September 2018. <https://business.mt.gov/Office-of-Outdoor-Recreation>.
- Ripken, Susanna K. "Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle." *Fordham Journal of Corporate and Financial Law* 15 (2009). https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/fjcf15&id=108&men_tab=srchresults.
- Rysiew, Patrick. "Naturalism in Epistemology." *The Stanford Encyclopedia of Philosophy*, January 8, 2016. <https://plato.stanford.edu/entries/epistemology-naturalized/>
- Sappenfield, Brad. "Salmon River, Idaho." National Wild and Scenic Rivers System. <https://www.rivers.gov/rivers/salmon-id.php>.
- Singer, Peter. "All Animals Are Equal." *Animal Rights and Human Obligations*, (1989), 215-26. Oxford University Press. <https://philpapers.org/rec/SINAAA>.

"South Fork of the Salmon River among America's Most Endangered Rivers of 2018." Idaho Rivers United. April 10, 2018. <https://www.idahorivers.org/newsroom/2018/4/9/south-fork-of-the-salmon-river-among-americas-most-endangered-rivers-of-2018>.

Stone, Christopher D. "Should Trees Have Standing? — Towards Legal Rights for Natural Objects." *Southern California Law Review* 45, (1972), 450-501. <https://iseethics.files.wordpress.com/2013/02/stone-christopher-d-should-trees-have-standing.pdf>

Tanasescu, Mihnea. "Rivers Get Human Rights: They Can Sue to Protect Themselves." *Scientific American*, June 19, 2017. <https://www.scientificamerican.com/article/rivers-get-human-rights-they-can-sue-to-protect-themselves/>.

Taylor, Charles. "The Concept of a Person." *Philosophical Papers, Volume 1: Human Agency and Language* (1985): 97-114.

Taylor, Paul W. "Respect for Nature: A Theory of Environmental Ethics." *Respect for Nature*, 1986, 248-59. <http://the-eye.eu/public/concen.org/Nonfiction.Ebook.Pack.Oct.2015-PHC/9781118494721.Wiley-Blackwell.Environmental%20Ethics.Michael%20Boylan.2013.pdf#page=170>

Totenberg, Nina. "When Did Companies Become People? Excavating the Legal Evolution." NPR. July 28, 2014. <https://www.npr.org/2014/07/28/335288388/when-did-companies-become-people-excavating-the-legal-evolution>.