

1-1-1999

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Candace Deen, Book Note, Christopher Miller, Environmental Rights: Critical Perspectives, 2 U. Denv. Water L. Rev. 300 (1999).

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Christopher Miller, Environmental Rights: Critical Perspectives

BOOK NOTES

CHRISTOPHER MILLER, ENVIRONMENTAL RIGHTS: CRITICAL PERSPECTIVES, Routledge, New York, New York (1998); 218pp; \$85.00; ISBN 0-415-17064-8, hardcover.

Christopher Miller explores the concept of environmental rights as it has emerged through the development of English and European law and policy. The author challenges the anthropocentric view of environmental rights as a derivative of human rights—valued only to the extent ecological constraints threaten human existence, by discussing an emerging ecocentric view—one which gives rights to non-human species, nature, and inanimate objects. *Environmental Rights* offers an academic discussion of a timeless question: does the environment have rights? Miller examines relevant regulations and case law and exemplifies his theories with case studies, charts, and graphs.

The first two chapters examine the concept of environmental rights through the history of environmental law and policy development. Miller briefly discusses Hardin's tragedy of the commons as a precursor to the original environmental remedy in tort trespass and nuisance. His focus then shifts to European case law and regulations that confer environmental rights on European citizens. Miller provides a practical illustration of European citizens' rights in law and policy.

The third chapter surveys the arena in which environmental rights have emerged—town and county planning. Land use planning creates a forum for debate between individual rights and environmental rights. Again, Miller provides case studies that demonstrate the importance of planning when structuring arguments for environmental rights.

The next five chapters explore various areas of environmental concern and the development of individual rights in each area. Chapter Four focuses on clean air—both as a basic human right and as an environmental right—and the methods employed to regulate air pollution. Chapter Five provides a similar critique of clean water, analyzing five European directives. In Chapter Six, Miller concentrates on radiation by examining statutes, case law, and international efforts. He addresses land protection in Chapter Seven. After discussing the potential conflict of property rights and environmental rights, he focuses on liability for environmental damage. Chapter Eight discusses the protection of landscapes, species, and habitats through methods such as parks, planning, and European Community directives. Miller exemplifies this conflict of rights by briefly explaining the clash between the protected spotted owl and the Pacific Northwest timber industry.

The final chapter compares ecocentric rights to rights that have emerged through law and policy. In answer to the question, "Can the environment have rights?" Miller concludes that recognition of inherent environmental rights has yet to occur; however, as the environment is the sole source of human physiological need satisfaction, humans must recognize the general duty to respect it. In closing, Miller states that, "[i]f treating the environment . . . as if it were a rights-bearing entity assists a recognition of the corresponding duties, so be it; but it cannot make them optional or less onerous."

Candace Deen

GEORGE COLE, WATER BOUNDARIES, John Wiley & Sons, New York, New York (1997); 193pp; \$59.95; ISBN 0-471-17929-9, hardcover.

Water Boundaries is a comprehensive legal and technical examination of water boundaries. Although authored primarily for surveying students and practicing surveyors, it will aid and interest anyone involved in coastal land or submerged land legal and policy issues. Each chapter explores a different water boundary issue, providing charts, graphs and tables for a more comprehensive understanding.

Chapter One explores boundary definitions in tidal waters. This chapter demonstrates techniques for locating tidal boundaries by focusing on tidal constituents, tidal datum planes, local variation, sea level changes, datum computations, and tide gauging techniques, among other tidal data sources. To illustrate the application of the theories discussed, Chapter One concludes with two case studies.

In Chapter Two, Cole explores boundary definitions in nontidal waters by exploring techniques for locating nontidal boundaries. The chapter explains some methods for determining nontidal boundaries, including examination of changes in soil composition, examination of geomorphological features, and review of botanical and hydrological evidence. Chapter Two also concludes with case studies illustrating the techniques discussed.

Next, Cole addresses riparian rights associated with upland boundaries in Chapter Three. This chapter highlights the general guidelines for determining the boundaries of exclusive riparian rights associated with upland tracts. It begins with a discussion of division lines for rights within adjacent waters, focusing on rivers, lakes and generally applicable rules. The chapter concludes by discussing upland owners' rights to newly formed land.

Chapter Four explores historic boundary locations. Cole notes that some situations necessitate examining historic shoreline positions. He begins with a discussion on shoreline changes and moves into techniques used to locate historic shorelines. Cole also provides some detailed sources of information for locating historic shorelines, including shoreline topographic maps, other coastal survey products, Bureau of Land Management surveys, and aerial photography, among other