

# The time is ripe for plant rights

*New scientific research and environmental degradation prompt a serious consideration of plant rights.*



Plants facing extinction may have a chance of survival due to the emergent Western discourses on plant rights

The [Universal Declaration of Human Rights](#) was adopted by the [United Nations](#) General Assembly over sixty-four years ago, on December 10, 1948. It was formulated as a direct response to the atrocities of the Second World War that brought home, in the starkest manner imaginable, the fragility and violability of human beings. The codification of human rights in international law meant to provide legal protections that would compensate for the vulnerabilities engrained in the human condition. In fact, the more vulnerable a person is, the more her or his rights need to be protected, which is why eleven years to the day, after the 1948 vote, the UN adopted Resolution No 1386, A [Declaration of the Rights of the Child](#).

In response to another, more protracted war, waged this time against the environment, it is time to raise the question of rights once again. Are humans the sole living beings worthy of having rights? What about animals? Or plants? Or bacteria, as critics fond of the "slippery slope" accusations will quickly point out?

The case for plant rights is, paradoxically, both straightforward and complicated. There is no doubt that plants are some of the most vulnerable living beings on the planet: even according to fairly conservative estimates, one in every five plant species is currently on the brink of extinction.

Given this disastrous global situation, plant rights could be a useful legal instrument for decelerating the loss of biodiversity and mitigating the destruction of the flora, the cornerstone of any natural environment.

Although, over hundreds of millions of years, plants have evolved highly sophisticated [defence mechanisms](#) that permit them, for example, to repel insect herbivores by synthesising specific chemicals in response to an attack, they are powerless in the face of the human onslaught. An extension of rights to the flora would be, at minimum, geared toward reducing our negative impact on plant life.

Purely instrumental reasoning in favour of plant rights is, nevertheless, far from sufficient. The unstated foundation for the legal-philosophical concept of a right is the subjectivity (that is to say, the agency or the capacity to actively mold the world) of those who enjoy the protections it guarantees.

A celebrated twentieth-century political theorist Hannah Arendt prompts us carefully to examine what she calls "the right to have rights" as the precondition for the elaboration of human rights. For Arendt, this fundamental meta-right involves citizenship or membership in a political community, denied to stateless people. At a still deeper level, however, the right to have rights postulates a clear baseline that makes subsequent discussions of the issue meaningful. It requires that rights-bearers be citizens and, hence, human subjects.

I will not recount here the history of the laudable campaign by animal rights activists to ensure the recognition of these non-human living beings as (legal) subjects. It is only worth pointing out that what was at stake in that struggle was negotiating a different, more inclusive baseline for the right to have rights, namely sentience.

Now that botanists, cell biologists, and plant ecologists are presenting their scientific findings on the previously unknown complexities of [plant behaviour](#), it is time to renegotiate the baseline once more.

As Anthony Trewavas, of the [Institute of Cell and Molecular Biology at the University of Edinburgh](#), put it *apropos* of [plant intelligence](#): "If there are about 15 environmental factors acting in differing degrees and affecting the perception of each other then the combination of possible environments in which any individual can find itself and to which it must respond is enormous."

Plants clearly do not grow haphazardly; rather, they display tremendous developmental plasticity. A thick, substantive notion of plant rights will be possible only if it grounds the fresh variation on the right to have rights in the uniqueness of vegetal subjects.

While, in the West, scientific and philosophical debates on the status of plants are only commencing, Eastern religions have been at the forefront of protecting plant life for

millennia. Several strands in Hinduism extend the idea of *ahimsa* (non-violence) to all living beings, both animals and plants. In its ascetic form, Jainism prohibits the consumption of root vegetables, as roots are believed to house the souls of plants.

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Interestingly, the "[root-brain hypothesis](#)" was also put forth by Charles Darwin and his son, Francis, and has been recently revived by botanists. The emergent Western discourses on plant rights furnish an invaluable opportunity for thinking and policy initiatives transcending disparate cultural contexts and opposed to gratuitous violence against plants. In the last instance, they can rely on the principles of plant subjectivity that are analogous to the religious enunciation of root-souls.

The [Swiss Federal Ethics Committee on Non-Human Biotechnology](#) (ECNH) 2008 report, [The Dignity of Living Beings with Regard to Plants](#), was a crucial step in the formulation of plant rights. Framed in ethical terms, the report fell short of referring to the rights of plants, though it paved the way to the political consideration of their "dignity".

Needless to say, the Swiss Committee also did not deliberate on the right to have rights and the underlying structures of subjectivity presupposed in the thick account of vegetal life. Still, [The Dignity of Living Beings with Regard to Plants](#) is an undeniable milestone, if only because it took the debate to the level of a Federal Committee in a European country.

The all-too-prevalent abuses of human rights around the world should not be wielded as an argument against the extension of rights to non-human living beings. It is tragic that every day countless people suffer from torture, slavery, or arbitrary arrest, but neither this suffering nor the attempts to ameliorate it justify an indiscriminately violent treatment of non-human beings.

Martin Luther King, Jr famously wrote in a letter from Birmingham Jail, "Injustice anywhere is a threat to justice everywhere." Whether explicitly or not, the maximalist thrust of Dr King's principle informs every struggle for legal rights, including that waged on behalf of plants.