



What Is Legal “Standing”?

“Standing” is a legal term used in connection with lawsuits and a requirement of Article III of the United States Constitution. In simple terms, courts use “standing” to ask, “Does this party have a ‘dog in this fight?’” Standing limits participation in lawsuits and asks whether the person(s) bringing a lawsuit, or defending one, has enough cause to “stand” before the court and advocate, since not anyone can go to court for any reason.

To have standing, a party must show an “injury in fact” to *their own* legal interests. In other words, has the party itself “suffered” some sort of actual harm? (In constitutional law, this generally refers to one’s legally protected rights and freedoms.) If the party cannot show harm, the party does not have standing and is not the right party to be appearing before the court. Just because a party has standing does not mean that it will win the case; it just means that it has alleged a sufficient legal interest and injury to participate in the case.

Not every injury, or even a prospective injury, is an “injury in fact.” “Injuries in fact” must be real and of some kind that the law recognizes. It’s usually not enough that an injury *might* occur, nor is it enough to be a citizen concerned about the case. A party must actually suffer the injury to have standing.

But even if one has an actual “injury in fact,” the injury must be “redressable”; that is, it must be an injury for which the court is able by law to provide a remedy.

Simple Standing Examples

If A and B enter into a contract, and B breaks the contract, the injury to A is real and an “injury in fact.” However, even though B did wrong, and A has an “injury in fact,” C (someone who is not a party to the contract nor directly affected by the contract) cannot sue over A’s injury. C does not have an “injury in fact” and, thus, does not have standing.

C fears that D’s dog may bite. C does not have standing to go to court and complain that he should be awarded damages because D’s dog *might* bite him. C lacks standing because C has not actually been injured and cannot sue over his fear. (If the dog was acting in a menacing way, was not leashed or contained, etc., a court might find standing.)

In recent years, notable Supreme Court cases involving standing include the following:

- *Flast v. Cohen*, 392 U.S. 83 (1968) – Taxpayers have standing to challenge an act that exceeds Congress’ taxing and spending power.
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992) – Groups of environmental organizations lacked standing to challenge regulations issued by federal agencies.
- *Hein v. Freedom From Religion Foundation*, 551 U.S. 587 (2007) – Taxpayers do not have standing to challenge monies spent by the executive branch of the government.
- *Arizona Christian Sch. Tuition Org. v. Winn*, 131 S. Ct. 1436 (2011) – Taxpayers do not have standing to challenge tax credits (which are not governmental expenditures).