

Looking for Rights of Nature in the Lagoon of Venice A Cultural-Historical Argument to Welcome Nature in European Politics

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Abstract This essay examines the historical perception of the Venice Lagoon as a political agent, its cultural resonance, and the recent Declaration of the Rights of the Venice Lagoon (2025). The essay takes its first steps from the recent campaign for the Rights of the Lagoon, challenging the dominant narrative that sees Rights of Nature (RoN) as incompatible with European legal and cultural traditions. Drawing on four pillars (ecosystem services, historical tradition, cultural relevance and sentimental connection) this work aims to reconcile RoN with Europe's diverse heritage, using the Lagoon's long-standing agency and recognition as a case study.

Keywords Rights of Nature. Ecological justice. Environmental humanities. Ecocentrism. Deep ecology. Local ecological knowledge. More-than-human rights. Venice. Venice Lagoon.

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1 Introduction: Reclaiming Nature's Agency in Europe

The idea of granting legal rights to natural elements – i.e. Rights of Nature (RoN): the recognition that ecosystems have rights and can be endowed of their own legal personhood – is often dismissed in Europe as incompatible with the continent's legal and cultural traditions. Critics argue that European societies, shaped by Christianity and Enlightenment, are inherently anthropocentric, framing human dominion over nature as an innate and immutable element of their culture. This narrative, however, is not only simplistic but selective: it denies the existence of several relational strands of thought and upholds a particular reading of Christianity to justify extraction and privatization, while ignoring alternative traditions within the same faith that emphasise care, interdependence, and ecological integrity. These traditions offer a cultural foundation for reimagining Europe's relationship with nature.

Europe's hesitation towards RoN also stems from another perceived obstacle: the absence of clearly defined widespread indigenous traditions akin to those in Latin America or New Zealand, where RoN have flourished. This assumption ignores the presence of indigenous people in some areas of the continent, most prominently the Sámi,¹ and overlooks two critical points.

First: Europe is full of place-based ecological knowledge; from medieval commons to customary water laws, local communities have long recognised the agency of rivers, forests, and wetlands. Second: Europe possesses progressive legal tools that can bridge tradition and innovation. The 2022 amendments to Articles 9 and 41 of the Italian Constitution, as a localised example, enshrined the protection of ecosystems as a fundamental principle and placed it above freedom of economic entrepreneurship, signaling a shift toward recognizing nature's intrinsic value. These amendments, alongside groundbreaking cases like Spain's Mar Menor and structural continental efforts like the Water Framework Directive and the Nature Restoration Law, demonstrate that RoN is not only culturally coherent but legally feasible in Europe.

This essay, after broadly introducing the RoN's problems in the West, specifically Europe, and their entanglement with Christianity,

¹ The Sámi Parliament recognised the Declaration of Rights of Mother Earth in 2018 (Rights of Nature Sweden 2018), and discussions around the idea of RoN within the community are lively. See "A Sami Perspective on the Rights of Nature: Indigenous Wisdom in European Environmental Discourse", an episode of the podcast *The Rights of Nature: A European Journey* with Stefan Mikaelsson (3 June 2025) at <https://site.unibo.it/lumen/en/news/a-sami-perspective-on-the-rights-of-nature-indigenous-wisdom-in-european-environmental-discourse>. For a deeper theoretical analysis, see Berg, Berg, Hultman 2019.

reaches its core in § 4. It argues that the Venice Lagoon, a hybrid ecosystem shaped by centuries of human-nature entanglements, can represent a blueprint for European RoN. By examining the Lagoon's historical perception as a political actor, its cultural resonance, and the recent Dichiarazione dei Diritti della Laguna di Venezia (2025),² I challenge the commonplace assumption that RoN is intrinsically alien to European traditions. The Lagoon is an ecosystem that co-evolved with humans, inspiring rituals borrowed by Christianity (such as the Marriage of the Sea) and working with institutions explicitly dedicated to her (such as the Magistrato alle Acque – water magistrate).

Inspired by the Declaration process, I propose an experimental four-pillar framework shaped by ecosystem services, historical tradition, cultural relevance and sentimental connection to demonstrate how RoN can be rooted in local knowledge, legal innovation, and ecological justice.

Through this lens, the Lagoon emerges as a living entity with its own rights: a model for reimagining humanity's relationship with nature across Europe.

2 Rights of Nature in Theory: A Matter of Spirit?

This section analyses the theory behind the RoN in Europe, mainly answering to the most common criticism according to which the very idea would be incompatible with the local culture, and therefore impossible to implement in legal orders.

2.1 The Roots of Rights of Nature Thought and Its Problems in the West Through Law and Culture

Despite decades of ecological movements, intellectual production and international efforts, a certain layer of Western population still sees itself as inherently extractivist, capitalist, and somehow not part of nature – at least not as equals. This was evident for example when a representative of the UK Government at the UN Environment Assembly in Nairobi stated that:

The UK's firm position is that rights can only be held by legal entities with a legal personality. We do not accept that rights can

² The Declaration of the Rights of the Venice Lagoon (2025) is accessible at <https://ecojurisprudence.org/wp-content/uploads/2026/01/Testo-completo-Dichiarazione-dei-Diritti-della-Laguna-di-Venezia.pdf>.

be applied to nature or Mother Earth. While we recognise that others do, it is a fundamental principle for the UK and one from which we cannot deviate. (Dent 2024)

The RoN movement emerged decades before this statement as a response to the same problem: the failures of modern European environmental law, which treats nature as property rather than a rights-bearing entity. Canonically, the first example in Western legal debate is identified as Christopher Stone's essay "Should Trees Have Standing?" (1972), in which a thought-experiment to give a legal personhood to clearly natural beings – trees – was carried out. The doctrine was immediately quoted in the historical *Sierra Club v. Morton* (1972)³ case by Justice William O. Douglas who argued for the right of "environmental objects to sue for their own preservation". Despite this, the argument was mostly welcomed with distance, and often and shallowly ridiculed, for example in a public article confronting Stone's elaborate thesis by asking questions such as "Have you ever been sued by a tree? Or enjoined by a squirrel? Or subpoenaed by a swamp? All of these perils, and more, may await us if USC law professor Christopher Stone has his way" (Keeler 1975).

In his rather pragmatic argument, Stone (1972, 452) points unambiguously to the fact that granting rights to natural elements would not be that radical after all, as

The world of the lawyer is peopled with inanimate right-holders: trusts, corporations, [...] and nation-states, to mention just a few. Ships, still referred to by courts in the feminine gender [...]. We have become so accustomed to the idea of a corporation having 'its' own rights, and being a 'person' and 'citizen' [...] that we forget how jarring the notion was to early jurists.

Stone, often quoted as the father of RoN in the West, was part of a generation striving to re-conceptualise humanity's relationship with nature in the time of the Great Acceleration. In the 70s and 80s a lively intellectual environment produced theories by the likes of lawyer Godofredo Stutzin, cultural historian Thomas Berry, later applied to law by Cormac Cullinan's *Wild Law* (2011), and theologists such as Roderick Nash, following a genealogy excellently outlined by Minhea Tănăsescu (2022, 24-31). Such thinkers focused on rooting a legal and political claim in a cultural argument, and interestingly enough first and foremost in a theological one, underlining how "[John Muir], the mythical father of US national parks, was explicit

3 For a full overview of the case, consult <https://supreme.justia.com/cases/federal/us/405/727>.

in deriving the values that he saw as inhering in the natural world from the ‘fact’ of creation” (Tănăsescu 2022, 31).

Such hunger to bridge the gap between humans and nature in the post-war West is evident in much of the cultural production of those decades, as it is in the strong interest for Buddhism in the West that fueled, for example, the Beat Generation. Jack Kerouac’s novel *The Dharma Bums* (1958) represents a strong account of this cultural shift, prominently featuring the character of Gary Snyder, disguised as Japhy Ryder – a hero of mountaineering and profound scholar of Buddhism and Asian knowledge.

Snyder is responsible for some of the most sensitive and culturally aware attempts to connect Western worldviews with Buddhist concepts, such as the principle of interdependence central for the understanding of human embeddedness in nature. He spent many years practicing Zen Buddhism in Kyoto’s Daitokuji temple and in his essay collection *The Practice of the Wild* (1990), references thirteenth century monk Dōgen extensively. Snyder is captivated by the monk’s poetic expression according to which “blue mountains are constantly walking”: Dōgen himself is walking, but in his words the mountains become the agent. This becomes evident in the following quote: “If you doubt mountains walking you do not know your own walking”. For Snyder, an avid walker himself, this was the most simple and natural of realisations: “they [the mountains and waters] are what we are, we are what they are” (1990, 103).

2.2 Still Talking About Religion? Christianity, Philosophy and the Rights of Nature

The simple feeling of awe and connection to nature felt through centuries by Dōgen and Snyder becomes a very intuitive way for any Western citizen to understand complex Buddhist theories such as interdependence, and a natural translation that spans seemingly faraway cultures. This essay wants to argue that this distance is only apparent, and that connection to nature responds to an innate human feeling, a sentimental connection to the natural world.

After all, Judeo-Christian traditions are full of elements that seem to point to humans as stewards of the Earth, entangled with the planet, from Genesis: “The Lord God took the man and put him in the Garden of Eden to work it and take care of it” (Gen 2,15, NIV 2011); to Apocalypse: “The time has come for judging the dead [...] and for destroying those who destroy the earth” (Rev 11,18, NIV 2011).

These examples, despite not challenging the anthropocentric vision of humans as exceptional children of God, and thus Earth’s stewards, show a complexity that is often sidelined when rendering RoN as fundamentally incompatible with the supposed founding values of any

Western community. This chapter argues that the theory according to which 'Western' culture is inherently incompatible with ecocentric thought because of its Christian roots is simplistic and selective; and that it deliberately omits certain elements and upholds others, in order to render neoliberal modalities of ownership and exploitation of nature as unquestionable and irrevocable elements of European culture.

In other words, this reasoning rests upon a particular reading of 'Western' values, while completely dismissing others. While it's true that Christianity functioned as the ideological bastion for the development of anthropocentrism, extractivism and resource accumulation, such concepts were also questioned, resisted and contradicted from within the same religion and by extension culture.

One key passage quoted in this regard is the famous encouragement from God to humans to "Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground" (Gen 1,28, NIV 2011). Carolyn Merchant analysed how John Locke explicitly quoted this passage as a justification to appropriate what "Nature, the common mother of all", had given, noting how Locke explicitly aims to argue in favor of the enclosure of commons and against the concept of an organic community, very much alive at his time, which "a market economy based on [...] the domination of the earth would thus undercut" (Merchant 1989, 78). Merchant goes on to analyse different strands of organic, holistic or vitalist utopias - interestingly coming from originally Christian, albeit often heretic, thinkers like Telesio, Campanella and Bruno - highlighting their contrast to intellectuals like Francis Bacon who, during the Scientific Revolution, "can be identified with the interests of the clothier capitalists, merchants, mine owners, and the state" (Merchant 1989, 177). She argues that during this time there is a cultural shift: one in which the idea of Earth as a nurturing mother does not disappear, but morphs into a new vision in which "*Natura* no longer complains that her garments of modesty are being torn by the wrongful thrusts of man", paving the way for a new order which "would mandate the death of nature" (Merchant 1989, 190).

Essayist and novelist Amitav Ghosh has also analysed this in his book *Gun Island*, assigning to a fictional historian an intervention that discusses thinkers and popular belief of the Little Ice Age (seventeenth century), a time of climate turmoil which coincided with the beginning of human dependance on fossil fuels, specifically in London. Ghosh's character argues along Merchant's lines: while intellectuals organic to the blossoming capitalist class rushed to argue in favor of extraction and enclosures, popular traditions as the Jacobean playwrights instinctively felt that "an angry beast, which had long lain dormant within the earth, as coming to life"

(Ghosh 2019, 137). This reading suggests that, precisely because of their culture and connection with the planet itself

ordinary people appear to have sensed [...] that a process had been launched that could lead ultimately to catastrophe: what they didn't allow for was that the story might take a few hundred years to play out. It has fallen to us, centuries later, to bear witness to the last turn of the wheel. (137)

Jumping to us, centuries later, the relational view does not seem quite buried yet, even in Catholicism. The late Pope Francis, explicitly inspired by his namesake Saint, publicly expressed very advanced ecological views, always underlining how his commitment followed that of his predecessors. In *Laudato Si': On Care for Our Common Home* he advocated for the planetary development of an *ecologia integrale*, stating very clearly that "Nature cannot be regarded as something separate from ourselves or as a mere setting in which we live. We are part of nature, included in it and thus in constant interaction with it" (Pope Francis 2015, IV. I. 139). He went on to say that the ecological and social crisis represent a single challenge, introducing the concept of cultural ecology, pointing to how a consumerist human society ultimately consumes its very culture (Pope Francis 2015, IV. III. 144-5).

Francis continued analyzing these topics in *Laudate Deum*, stating that

the world that surrounds us is not an object of exploitation, unbridled use and unlimited ambition. [...] For we are part of nature. [...] Human beings must be recognised as a part of nature. Human life, intelligence and freedom are elements of the nature that enriches our planet, part of its internal workings and its equilibrium. (Pope Francis 2023, 2. 25-7)

These words unquestionably point at the need to shift the perception of nature not as an object, but as a 'subject' in which humans are included, rather than an object ruled by them. This is not without shortcomings: Francis' standpoint is still one of stewardship, which upholds humans' exceptionality rather than adopting a holistic view, needed to fully realise the RoN. Despite this, his work of reinstating Franciscan values seems to suggest that even within an unequivocally Christian worldview, humans must reconsider their approach to nature, moving beyond the severance inflicted by the rise of capitalism from the sixteenth century onwards: they must regulate themselves in order not to destroy her.

The religious argument has been raised in multiple discussions within theory and fiction. Olga Tokarczuk (2009, 237) for example

drew on the myth of St. Hubert in her acclaimed *Drive Your Plough Over the Bones of the Dead*, showing how the Saint's story – a former hunter who stopped his activities after seeing a crucifix between the antlers of the deer he was chasing, later popularised by the Jägermeister liqueur label – has been appropriated by hunters themselves to justify killing animals. Again, a complex message that has been interpreted in a specific way.

A specific reading of religion and philosophy thus seems to be at the core of Europe's delay in developing its own approach to RoN. In a recent essay Cat Haas, Laura Burgers and Alex Putzer (2023) also highlight the heavy influence of philosophers and theories who strongly advocate for a separation between humans and nature such as the Enlightenment, quoting as an example Descartes "who prominently regarded animals as mere machines". Despite all this, ideas that strongly refuse such views were never quite eradicated, and the RoN movement is strongly gaining momentum in Europe as well. After all, for each Descartes there was a Spinoza, for each Locke or Bacon a Campanella, and the path of European thought(s) is far from unilinear.

In a recent article, Jeremie Gilbert and his colleagues depart from a similar standpoint to look for a European approach to the concept of 'stewardship'. In their research, they trace a very convincing genealogy of thoughts and traditions, suggesting the coexistence of a kaleidoscope of framings of nature and its interaction with humans, some more anthropocentric than others, in a constant melting pot of worldviews. This analysis includes different pre- or non-Christian elements that often influenced Christianity itself. Rather than a steady march towards neoliberal modernity, the journey of Europe is a meandering river with complexly intertwining streams of thought, in constant exchange and clash. From this chaotic process, different legal orders emerged in Europe as systems for humans to relate to each other, but it seems like only a fraction of such views has been reflected in lawmaking, as

a full implementation of the concept of stewardship in Europe requires questioning (to a degree yet to be defined) the materialist, rationalistic and deterministic presuppositions that still underpin much of positivist legal thought in Europe. (Gilbert et al. 2024, 59)

2.3 Priests or Businessmen: Where are the Roots of Our Ecologic Crisis?

The widespread, simplistic and one-sided reading of a set of values depicted as ‘Western’ instrumentally ignores many underlying philosophical currents that were never quite buried under a dominant productivist reading of Christian values. Lynn White, in his seminal “The Historical Roots of Our Ecologic Crisis”, tried to understand whether Western science was genuinely fueled by Christian values, as “it is often hard for the historian to judge, when men explain why they are doing what they want to do, whether they are offering real reasons or merely culturally acceptable reasons” (White 1967, 1206).

In this light, one specific interpretation of Christianity might indeed have been favored to justify a progress that ended up directly harming the planet. Lynn White is right in stating that “modern Western science was cast in a matrix of Christian theology” (White 1967, 1206), but perhaps this matrix was a “culturally acceptable” reason rather than a real one.

Calling for a resurgence of a philosophical drive able to disrupt the full-steam run of the West towards a global ecological catastrophe, White proposes St. Francis as a patron saint for ecologists. He argues in favour of his “unique sort of pan-psychism of all things animate and inanimate” (White 1967, 1207) in which the human is not the ruler but one of its elements, just as Brother Ant, Sister Fire, and indeed “Our Sister Mother Earth, who sustains and governs us” (Francis of Assisi 1999, 113).

It is important to stress this connection with Mother Earth to go back to RoN, as the already mentioned ridiculing of this idea backed by the ‘Western values’ narrative appeared timely as a response to the Bolivian proposal of the “Rights of Mother Nature” bill discussed in the next chapter. In a time in which European societies are perceived as post-religious, or at least post-Christian (Woodhead 2016), the ecological problem is still discussed through the same lens in this continent, whether consciously or not.

A counter-argument to support RoN could also be purely utilitarian: pointing to the self-evident value of a planet that is still living, functioning and able to support life. Such an argument, albeit effective in the short run, has the fallacy of diminishing the problem and failing to address the overarching anthropocentric principles, becoming “a rule of enlightened self-interest to be junked if feared results cannot be shown to occur” (White 1973, 63).

Whether the materialist view is correct, or the cultural one is dominant, it doesn’t really matter. Both coexist in a reality where holy and mundane, religious and secular, coexist.

The key point is that, in order to go beyond a worldview that is damaging the planet to the point of endangering future human

survival upon it, a biocentric turn that is legal, productive and spiritual at once is needed:

Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. We must rethink and refeel our nature and destiny. The profoundly religious, but heretical, sense of the primitive Franciscans for the spiritual autonomy of all parts of nature may point a direction. (White 1974, 6)

Without exhausting the theological argument, for which I do not possess the expertise or competence, this chapter wants to suggest that the roots of the problem seem to be broadly cultural, as Western societies crafted the current nature-devouring productive model, with the justifying use of culture and religion. The chapter has briefly suggested that relational ways of looking at the world have been sidelined, delegitimated and excluded, at least from contexts of policy making and law. The next part of this essay, focusing on the Venice case, wants to suggest how RoN movements can retrieve such relational and ecocentric worldviews and help them re-surface, to include them once more in our societies.

The unique developments of Venice as a millenary Republic, in which water had a central role in all fields of human life – for example economic, military, legal, spiritual – can help in tracing a convincing argument that shows how ecosystemic voices were never silenced, and that despite the capitalist, extractivist attempt to render them as mere resources, they still act, speak and interact with humans.

3 Rights of Nature in Practice: A Truly Global Movement?

This section considers the implementation of a number of pioneering RoN cases around the world, focusing eventually on the only operational case in Europe, that of Mar Menor (Spain).⁴

3.1 From Indigenous Knowledge to Global Jurisprudence

Moving forward from the early RoN thinkers and all-too-European religious matters, a practical application of RoN arrived a few decades after the theories described in the previous chapters, and this did not occur in the West or the global North at first. After

⁴ The title of § 3 is freely inspired by Isaac Goeckeritz's documentary: <https://www.youtube.com/watch?v=kuFNmH7lVTA>.

the pioneering cases analysed in this chapter, the movement has expanded exponentially, reaching almost 700 initiatives at the time of writing.⁵

Ecuador was the first country to enshrine the RoN in its Constitution (2008), marking a historic shift towards an ecocentric paradigm. The Ecuadorian Constitution recognises that nature “has the right to exist, persist, maintain, and regenerate its vital cycles, structure, functions, and its processes in evolution” (Art. 71). This groundbreaking provision was not just a legal innovation but a direct translation of indigenous cosmologies, particularly the Andean concept of *Pachamama* (Mother Earth), into constitutional law. This norm also empowers any person or community to defend such rights, enshrining a key element of local indigenous knowledge within jurisprudence and suggesting that this tool is for any human being to use, beyond national jurisdiction.⁶

Bolivia followed in 2010 with the Law of the Rights of Mother Earth,⁷ which further institutionalised RoN. This law builds upon Ecuador’s constitutional provisions by recognizing *Pachamama* as a “collective subject of public interest” and establishes a legal framework for her protection, restoration, and integral development. The law is also deeply rooted in indigenous philosophies, particularly the Aymara and Quechua traditions, which view the Earth as a living, sacred entity. By embedding these principles into national law, Bolivia posed a further question to the legal tradition of anthropocentrism and personified nature at collective level, explicitly including humans within it.⁸

In New Zealand, the 2017 Te Awa Tupua Act was the first major case in which RoN were granted to a river – the Whanganui – acknowledging it as an “indivisible and living whole” with its own rights, responsibilities, and voice. This landmark legislation was the culmination of a multi-century Māori struggle to have their ancestral and spiritual relationship with the river recognised following the formula of *Ko au te awa, ko te awa ko au*: I am the river, the river is me. The Act establishes the river as a legal entity, represented by two guardians: one appointed by the Māori iwi (tribe) and the other by the Crown. This dual governance model reflects the Māori worldview of the river as *Te Awa Tupua*: an ancestor

⁵ For a complete overview of global cases see <https://ecojurisprudence.org>.

⁶ Consult the Constitution at <https://ecojurisprudence.org/initiatives/ecuador-constitution/>.

⁷ Ley de Derechos de la Madre Tierra [Law of the Rights of Mother Earth], Law No. 071, 21 December 2010 (Bolivia).

⁸ Consult the Law at <https://ecojurisprudence.org/initiatives/law-of-the-rights-of-mother-earth/>.

and a living being, demonstrating how RoN can be specific at both a cultural and ecosystemic level while also operating within a Western legal framework such as New Zealand. The Whanganui case is particularly significant for Europe, as it shows how legal personhood for nature deriving from indigenous knowledge can be adapted to non-indigenous jurisprudence through collaborative governance and the integration of local ecological knowledge at different levels.⁹

These examples show how RoN are not at all new jurisprudence, despite having formally entered the books of law only in recent years. Rather, they enshrine ancestral knowledges into law, recognizing their validity and amending the error of disregarding them while building the State's foundation in the first place. This is an act of translation between languages, recognizing ancient cultural elements in legal terms, granting them a central space within the legal system without reducing them to mere norms. After all, as noted by K.M. Abe while analyzing the case of Japan, "the idea that only humans and entities with legal personhood can be subjects of rights was imported from Western jurisdictions [...] in the 1860s" (Abe 2023, 44), juxtaposing, or rather "transplanting", over indigenous traditions and customary laws.

3.2 Rights of Nature, Europe, Mar Menor: Eco-Emotions as an Argument

In Europe, the native continent of the same Western legal tradition that historically kept the gates of legal personhood shut to ecosystems, the Mar Menor and its basin made history in 2022 by becoming the first rights-bearing ecosystem.¹⁰ The Mar Menor, a large saltwater lagoon on the Mediterranean, demonstrated that RoN can transcend cultural and legal boundaries, offering a model for Europe's diverse ecosystems.

Unlike the cases discussed, where indigenous cosmologies fundamentally underpin RoN, Europe's legal traditions are deeply rooted in Enlightenment-era notions of property and sovereignty. This raises an array of critical questions: can RoN be adapted to European ecosystems without relying on indigenous knowledge? Can historical and cultural narratives be retrieved to support their

⁹ Consult the Act at <https://ecojurisprudence.org/initiatives/te-awa-tupua-act-2017/>.

¹⁰ Consult the Law at <https://ecojurisprudence.org/initiatives/proposed-law-for-recognition-of-legal-personality-to-the-laguna-del-mar-menor-and-its-basin/>.

critical implementation? What should the role of culture and history be when developing new legal tools?

The Mar Menor seems to offer a positive answer to these questions. Here, the local community's approach wasn't that of a historical or cultural argument, nor the appeal to long-standing indigenous knowledge and traditions. The campaign, spearheaded by Professor Teresa Vicente Giménez alongside thousands of activists of diverse extractions, was rather fueled by an immensely strong emotional reaction to the apparent death of their beloved ecosystem. The Mar Menor had been hit by the so-called 'green soup' (*sopa verde*), a dead zone triggered by agricultural discharge in the lagoon and worsened by the effects of global warming. The algae grew hypertrophically, the water's surface became green and foamy, all life washed ashore.

The population felt overwhelmed by eco-grief: "the grief felt in relation to experienced or anticipated ecological losses, including the loss of species, ecosystems, and meaningful landscapes due to acute or chronic environmental change" (Cunsolo, Ellis 2018, 275).

This response goes beyond culture, traditions and history, pointing to something even more primal: a feeling of attachment and empathy, a sentimental connection akin to love, rooted in the recognition of the suffering state of another equal entity – another *person* perhaps. The shock was so strong that the Mar Menor, through a wide network of notaries in Spain and abroad, managed to obtain over 600,000 signatures (Jones 2022), becoming a successful popular legislative initiative in 2022. The Mar Menor thus became the first European water body breakthrough case, blending the two main models for RoN – Nature's Rights (NR) and Legal Personhood (LP) – with a remarkable experimental spirit. The success of this approach is still to be determined, as it is currently involved in several trials as accusation, but early studies suggest how, especially in a Western context, "the best strategy is [...] to combine elements of both (NR and LP) based on the socio-cultural context in which rights of Nature are to be implemented" (Kramm 2025).

A recent paper highlighted the fundamental importance of the Mar Menor's eco-emotional approach through interviews, quoting how many of the residents "described ecological disasters as wounds suffered 'as if to a brother', while others expressed relief that personhood allowed them to articulate sentiments they had long felt but could not name" (Pérez-Crespo Vinader et al. 2026, 9). This is not without shortcomings, as the quick process that brought the Mar Menor's legal personhood also raise questions and remains to be tested: while support for the initiative is at 77% among responders, only 42% think it will have practical effects. Doubts raised by the authors and respondents lie precisely in the cultural sphere previously highlighted (§ 2): elsewhere in the world, RoN rest upon solid ground provided by indigenous knowledge and epistemologies

from the Global South, while Europe seems to lack such consensus on ecocentric matters, thus imperiling its own legal tools.

Nonetheless, the Mar Menor “is not only a lagoon with rights, but also a test of Europe’s willingness to imagine new legal and political relationships with nature” (Pérez-Crespo Vinader et al. 2026, 10). Its legal recognition sent waves of enthusiasm through Europe, with myriad cases gathering strength, releasing declarations, collecting signatures and writing laws for their local water bodies. Some notable cases are the UK Rights of Rivers network, which following the pioneering case of the River Ouse today counts 43 rivers,¹¹ and the Confluence of European Water Bodies¹² movement, which in just three years gathered more than 35 ecosystems working through arts and culture to obtain water representation. In this wake, the Polish River Odra¹³ gathered 100,000 signatures and is currently fighting for its recognition in the Parliament, and a European Citizen Initiative has just been launched.¹⁴

In this highly dynamic context, the Declaration of the Rights of the Venice Lagoon can play a key role in the continental effort to build new, successful arguments and inspire other water bodies in a joint struggle.

4 The Venice Lagoon: A Long-Time Political Agent

The Venice Lagoon is a cultural and historical icon, a dynamic ecosystem that has shaped (and been shaped by) human activity for over a thousand years. She is hard to define: her boundaries are soft and muddy, with arteries of water that replenish her from the neighbouring rivers; her life changes constantly; and her response time can be sudden or extremely slow. Her essence is, as defined by Paolo Barbaro (1992), that of a ‘shifting landscape’.

Despite being elusive, the Lagoon is an undeniably charismatic ecosystem, not only due to her touristic popularity. She has recently been the poster child for the struggle against climate change, with images of its catastrophic 2019 flood circling the globe, swiftly followed by the hopeful photographs of its crystal-clear canals during the COVID days and the global sensation of 2025 when a dolphin decided to become a resident of the San Marco basin.

11 Consult the UK River Rights network’s website at www.riverrights.org.

12 Consult the Confluence of European Water Bodies’ website at www.water-bodies.eu.

13 Consult the draft bill <https://ecojurisprudence.org/initiatives/poland-citizen-draft-bill-on-the-rights-of-the-oder-river/>.

14 Consult the European Citizen Initiative’s website at <https://rightsfornature.eu/>.

With the historical city as a flashy and noisy backdrop, the Lagoon is stuck in a twilight zone that makes it hard to perceive, manage and protect her. Neglected and exploited equally by the millions of tourists who crowd Venice every year and policy makers for the last couple of centuries, the Lagoon is not doing too well. Her average depth increased from 50 cm to 1.5 m because of land reclamation, dredging and erosion; her fauna is changing swiftly; while her saltmarshes – poetically described by Lorenzo Bonometto (2014) as the lungs that allow “the breath of the Lagoon” – declined from 170 km² to 47 km² during the twentieth century (D’Alpaos 2010a, 232).

Interestingly, the Lagoon has recently been the main subject of a flurry of projects coming from the arts and culture sector: a wide alliance ranging from grassroots cultural agitators (Baldacci 2023) to large international institutions. Such forces claim the importance of working in a site-specific way, some focusing on the communitarian aspects of life in Venice, some on its international relevance, others explicitly seeking a collaboration *with* the Lagoon as a cultural and political agent.

One of the many outcomes produced by such a deep, specific and shared approach is the Declaration of the Rights of the Venice Lagoon, launched during the traditional Festa della Salute in 2025.

4.1 The Sixteenth Century, Water vs. Land: A Lagoon’s Coming of Age and Her Choices

Governance of the Lagoon was characterised by an appalling disregard in modern times, but it hasn’t always been so. For centuries this ecosystem, central for the survival of Venice and its Republic, was held in high regard. For example, Giulio Savorgnan, Venice’s most ingenious military engineer of the sixteenth century, described her as the highest of goods – the *principalissimo bene*. Just a few years earlier Cristoforo Sabbadino, the main hydraulic engineer responsible for deviating some of the rivers around the rivers flowing into the Lagoon to prevent shoaling, spoke about the Lagoon as

a ‘delicate organism’ that breathes and draws nourishment from the tide, which has Venice as its heart, the areas of Torcello and Burano as lungs, the lagoon canals as veins that penetrate and innervate it, carrying in its depths purifying sea water. (Bonometto 2014)¹⁵

15 Unless otherwise indicated, all translations from Italian are by the Author.

Both Savorgnan and Sabbadino were members of the ‘reason of water’ party – which promoted interventions to artificially maintain the Lagoon’s balance – and was opposed by the ‘reason of the land’ faction – arguing for land reclamation. The motivations driving these two sides were philosophical and economic at once, representing respectively the interests of seafaring merchants and military who saw the Lagoon as a natural fortress, and the burgeoning agricultural producers who would have profited from the expansion of land in the proximity of the capital.

The arguments of the two factions were multifaceted, alternating strategies based on safety and wealth to passionate calls on the basis of culture, religion and mythologies. Sabbadino himself summarises his reasoning in favour of the river diversion in a sonnet (Omodeo 2025, 70):

Oh Venice! Remove the rivers and put a brake
To the greedy lusts of men. The sea
Will always obey you once its waters remain the only ones in the
[lagoon.

On the other side of the barricade, leading the ‘reason of the land’ was Alvise Cornaro, an aristocrat who opposed the water arguments with his own mythologised version of agricultural interests, closely resembling the idealised pastoral life of arcadian poems. In 1558 he came up with the concept of *Santa Agricoltura* (holy agriculture) in his treaty *De la vita sobria* (On sober life): a society that lives in harmony with nature, guided by wise men who know how to manage it and grow wealth out of it. This was also an attempt to foment aristocratic investments in the agricultural field, as the Republic had just two years earlier created a body to develop the wild lands around the lagoon: the *Provveditorato ai Beni Inculti* (department of uncultivated goods) (Shai 2025, 21).

Eventually, the ‘waterists’ won: fluvial deviations were completed and shoaling halted, shaping the Lagoon more or less as we know it today. As Professor Pietro Omodeo (2025, 69) puts it:

Venice’s environment looks now very much as a cultural-natural cyborg. The path dependencies that made it reach its present form reflect ways of experiencing, representing and living the territory, as well as in economic interests, and political motivations.

The presence of economic interests behind the decisions is not as central as commonly believed, as Cornaro’s insistence on agricultural investments offers an equally if not more lucrative outlook. The argument that won the political debate and pushed the Republic towards preserving the Lagoon was at the same time economic,

philosophical, historical and sentimental: a complex conceptual cluster that cannot be simplified to one of its elements (Omodeo 2025).

4.2 The Lagoon's Long Memory, Practices and Rituals

This argument had a very long stratification, coming all the way from the first Venetian settlers and further away from the Paleoveneti, pre-roman populations who developed their architectures adapting to the wetlands of Northeastern Italy (Aspes 1984, 678). This stratification of knowledges influenced the ongoing decisions by the Republic to artificially preserve the unique ecosystem with equally specific techniques and regulations and ways of co-designing with the Lagoon.

An example of this has been recently analysed by landscape architect Amina Chouairi and local expert Michele Zanetti (2025), with the vernacular development of the *valli da pesca* (fishing valleys), showing how the inspiration to model their structure led to building *with* the Lagoon controlled environments that mimicked her functions and behavioural patterns. Such paludal technology spanned millennia – dating back to the twelfth century BC and even saving St. Mark during a storm – and unified productivity with preservation of the wetland's ecosystem, thus fighting coastal erosion and ensuring carbon sequestration. Yet, the *valli* are nowadays mostly abandoned, with few of them surviving due to their cultural value and dedicated to bird hunting. Many of them, as their productive capacity was progressively overtaken by industrial fishing, have been lost to the same land reclamation advocated by the 'reason of the land' which was strongly revamped under the Fascist regime.

In 1502 the attention of the Republic towards land reclamation grew strongly, in accordance with the growing attention to matters of water and land, and with the unmistakable certainty that humans could modify the ecosystem for better or for worse. According to historian Paola Pavanini (1986, 489), in this process "a concern for the well-being of the Lagoon is certainly the main factor". The Republic thus decided to strongly control private initiatives that could affect the lagoon even retroactively, forcing all those who reclaimed land independently in the previous years to declare their actions and pay a fine. For those who committed such a crime past this date the penalties would be different: minor infractions would be fined, while major ones would be punished with exile, a punishment usually reserved for blood crimes against humans. Therefore, it is perhaps arguable that the Lagoon was seen not merely as a part of the Venetian patrimony, but as a living ecosystem entitled to be protected as such.

The personification of the Lagoon and the Adriatic Sea is also quite evident in a particular ritual, still practiced to this day: the Festa della Sensa. The Doge (today replaced by the Mayor) would sail from the San Marco basin to the sea where he would throw a golden ring in a ritual to renew the marriage between Venice and the sea “in sign of perpetual dominion”. The ritual has recently been reimagined by a number of artists, mostly inspired by eco-feminism to address its problematic aspects: River Sisters’ leader Cecylia Malik, Norwegian artist Jessica Ullevålseter and Maori elder Erena Rangimarie Rhose concerted a wedding between the Lagoon and the Adriatic themselves, choosing local elder activist Tito Pamio as officiator during the Confluence of European Water Bodies in Venice;¹⁶ Sonia Levy¹⁷ took it as departure point to inquire different questions relating to modernisation and harmful environmental practices; while Benedetta Panisson¹⁸ interpreted it as a queer happening in which human bodies dissolved in the environment.

What is interesting for the purposes of this essay is the irony of wanting to install dominion over an ecosystem through marriage, technically a contract between ‘two equal legal persons’.

Rituals related to water have far from vanished: they vastly populate the region, with the *Sensa* still being practiced and participated to these days, and folklore figures such as the river sirens *anguane*¹⁹ still lingering along the different arteries of the watershed.

4.3 Timeless Lagoon: New Tools, Old Principles

Jumping to our days, modern Lagoon’s governance is often criticised for its fragmentation and the overlap of contemporary tools (Consolandi, Favaretto, Lazzarin 2026), just to name a few: UNESCO lists her as cultural world heritage, only a small fraction (Valle Avertò) is part of the Ramsar convention on wetlands, and the Authority for the Lagoon, established in 2020, is progressively acquiring most of the competences that used to belong to the Magistrato delle Acque (Water Magistrate). Her water basin includes 28 municipalities, and

16 Part of the ritual is documented in a video accessible at <https://water-bodies.eu/out-now-video-confluence-of-european-water-bodies-venice-2024/>.

17 More information on the project is accessible on the artist’s website <https://sonialevy.net/wmyos>.

18 More information on the project is accessible on the artist’s website <https://www.benedettapanisson.com/queer-sea-marriage-2024>.

19 See on this topic Giovanni Pellegrini’s *La via delle Anguane* (2026). <https://www.ginkofilm.it/film/la-via-delle-anguane/>.

her surface is regulated by a national special law drafted in 1973, updated in 1991, 1992 and 2020 and integrated countless times.

The 1982 integration is particularly interesting, as it lists among its principles that of reversibility, whenever undertaking major engineering works, to give time to the Lagoon to react and adapt or reverse them (Camera dei Deputati 2019, 9). This closely resembles the historical Venetian principle known as *scomenzèra*, which seems to derive from the Venetian verb *scomenzàr* (to begin). This principle, especially applied when digging new canals, required any intervention on the Lagoon's morphology to allow for adjustments based on her response. It implicitly recognised that the Lagoon, a living entity, could not be forced into submission and required dialogue and consent (Testa 2021, 45; Turner 2025).

Protection of fish population was also extremely important in the Venetian Republic, as is found in the fishermen corporation *mariegola* (written rules) regarding bans on fishing fry and specifically the goby fish (*gò*). This charismatic fish, today threatened by the erosion of the *zostera* seagrass that hosts its nest,²⁰ was protected by the harmful practice of the *pesca a brasso* (fishing with the arm) technique, that consisted in stepping on the lagoonbed *zostera* prairies to use one's own hand to fish the male fish protecting its nest during reproductive season, as the fish would literally bite the finger of the fisherman. This was banned by the Republic as it was both damaging the soil and endangering the fry at the same time, given the direct violence on fish families and their habitat (Scarpa 1996, 35).

The application of such principles was monitored by the Magistrato delle Acque through figures such as the *proti ingegneri* (hydrological engineers) and *savi sopra le acque* (water scholars), who often relied on localised knowledge and consultation with the inhabitants of specific areas of the Lagoon (D'Alpaos 2010b, 13). Today, grassroots communities and institutions alike are demanding participation and representation in a similar way through participatory governance models of organizations like the Contratto di Area Umida²¹ (Wetland Contract) and the Contratti di Fiume (River Contracts). These initiatives, much like their historical predecessors, rely on the involvement of local communities and actors, advocating for a decision-making process not imposed from above but emerging from a shared understanding of the Lagoon's needs among those who live with her.

20 See the Museo di Zoologia Adriatica Giuseppe Olivi's page "Il Ghiozzo Gò" at <https://olivi.musei.unipd.it/il-mare-e-il-territorio/il-ghiozzo-go/>.

21 Consult the website of the Wetland Contract at <https://www.contrattolaguнавenezia.it/>.

Such principles are today ignored by local governance, and this disregard is pushing grassroots organizations to demand legal change, most strikingly through the Declaration described in the next chapter. Important steps in Italian jurisprudence were the recent changes in the Constitution (2022), which amended Art. 9 (one of the ‘basic principles’) and 41 (regulating freedom of economic enterprise), from the original versions in the Italian Constitution written in 1948 after the liberation from fascism.²²

The new Art. 9 builds upon the protection of landscape adding the environment, biodiversity and ecosystems and the well-being of future generations, while the new Art. 41 articulates beyond the protection of human freedom, dignity and safety to add that economic activity must not harm health and the environment.

Both these changes are simple but extremely powerful. Art. 9’s protection of “landscape” contained in the 1948 Constitution seemed to suggest that the important aspect of the Earth’s surface was human enjoyment and cultural relevance: the addition of “environment, biodiversity and ecosystems” and the reference to the interest of future generations points at these elements in a much more precise way, suggesting that they hold intrinsic value and must be protected with a long-term view. Art. 41 explicitly points out that the freedom of human economic activity is subordinated not only to humans’ own safety, freedom and dignity, but critically to the health and to “the environment”, suggesting implicitly the planet’s and its ecosystems’ right to thrive and support life, which is predominant over the right of individual humans to develop potentially harmful economic activity.

Both these new articles could very simply be reconducted to principles adopted by the “reason of water” faction: isn’t Art. 9 very close to the concept of *principalissimo bene*, and Art. 41 answering to the call in Sabbadino’s sonnet to “put a brake to the greedy lusts of men”?

The shift indicated by the Constitution clearly goes in an ecocentric direction, and these new elements are crucial to the development of ecosystemic rights within Italy.

22 For a full overview of the changes, consult Senato della Repubblica and Camera dei Deputati, Servizio Studi (2022). *Modifiche agli articoli 9 e 41 della Costituzione in materia di tutela dell’ambiente* A.C. 3156-B, Dossier n. 405/3, 7 febbraio. <https://www.senato.it/service/PDF/PDFServer/BGT/01331845.pdf>.

5 The Declaration of the Rights of the Venice Lagoon

In November 2025, a coalition of 16 associations and citizen groups published the Declaration of the Rights of the Venice Lagoon:²³ a heartfelt document that follows in the footsteps of the RoN tradition, from Ecuador and New Zealand to the closer Mar Menor, by articulating a set of eight rights:

1. Right to be Recognized and Represented as a Legal Person before the Law
2. Right to Ecological and Sociocultural Integrity
3. Right to Co-Exist, Co-Evolve, and Co-Create
4. Right to Diversity of Cohabitation
5. Right to Flow and Maintenance of Healthy Water Cycles
6. Right to an Ecologically and Socially Just and Sustainable Economy
7. Right to Participatory Co-Governance
8. Right to Adaptation, Restoration, Reparation, and Repair

The Declaration is first and foremost a cultural and moral argument, rooted in the Lagoon's history and the recognition of its agency, and only consequently a legal proposal. It is strongly place-based, emerging from the brackish waters and the muddy lagoon bed. It calls for the Lagoon's recognition as a legal entity, with rights to ecological integrity, sustainable management, and participation in governance. The process that led to the Declaration was unique and complex, as thoroughly analysed by Putzer and Schechthner (2026): it was drafted collaboratively, uniting individuals and associations, disciplines and ideas, into a complex text that builds upon existing RoN examples and looks deeply into local knowledge to inspire tangible change from a cultural, legal and policy perspective.

This aligns with global RoN precedents but is uniquely European in its emphasis on historical continuity and community involvement, seeking an ecological knowledge strongly embedded within the ecosystem that serves as the cultural basis for normative change.

It represents a complete paradigm shift: the central principle guiding governance changes, and thus norms and laws shall follow. Hans Kelsen (1967) would have described this process as a change of *Grundnorm*: the founding principle at the basis of an entire legal system.

Professor Silvia Bagni argues that there is a need to create a new branch of jurisprudence that recognises not only human relations, but ecosystemic ones, and this area “must have as *Grundnorm* the

23 Consult the Declaration at <https://ecojurisprudence.org/initiatives/venice-italy-citizen-declaration-rights-of-the-venice-lagoon/>.

protection of the Planet's ecological integrity" (Bagni 2025, 7). Interestingly, the very semantics of *Grundnorm* come from *Grund*, the term for 'ground' that could as well mean 'Earth': a norm on which all other norms stand. Could the foundation of a new normative system be Mother Earth herself?

Without changing the ground on which norms stand, it will be impossible to change consequent principles of property over nature, protection of corporate interest above ecosystemic health and ultimately legitimization of ecological destruction. The Declaration's significance lies in the coexistence of legal innovation, cultural heritage and inclusion of sentimental values and moral principles into law making. This synthesis provides the grounding for ecosystemic personhood.

The Lagoon's Declaration is also unique as it argues for the rights of an entity that cannot be described as a pristine and untouched natural ecosystem, as without the intervention of humans she would have morphed drastically into an extension of the great Po Valley flatland. The community has acknowledged this, arguing from the very first line for the rights of a unique ecosystem co-created by nature and humans. While building an argument for RoN in Europe, it is fundamental to underline the inextricable connection of ecosystems and humans, including them in a set of rights through which they recognise one another.

6 Conclusion: A European Path Towards Rights of Nature?

In the wake of the citizen movement that brought the Lagoon to declare her inherent rights within human law, this essay argues that the Venice case is a microcosm of broader European challenges and can represent a blueprint to shape a continental argument for RoN. Its own dynamic and entangled history is a reminder that RoN cannot be just about law: they incorporate culture, identity, and the relationships between humans and the natural world. This is not only a normative change, but an existential one.

In this discussion I wish to present some preliminary ideas that emerged from the three years process of collaboratively drafting the Declaration, as well as teaching from the Mar Menor's experience and the participant observation in many other movements around Europe. The argument is a very early proposal, that I hope will contribute to the complex European path towards nature's recognition, which is being simultaneously explored by dozens of ecosystems, communities, artists and scholars in a continent-wide struggle.

By foregrounding the Lagoon's historical and cultural significance and bringing it into the depressing context of modern governance

structures built around her, the Venetian community tried to bridge the gap between legal theory, historical tradition, lived experience and emotional life, showing how RoN can be rooted in local knowledge in a European context, helping to push back against a nature-devouring culture.

The tentative argument set forward in this paper is a proposal on *why* European communities should consider including natural elements in their legal systems, rather than a more complex argument on *how* these rights can go beyond the anthropocentric paradigm of human laws. The argument stands on four pillars, diving from the shallow waters of ecosystemic services to the deeper ones that increasingly show the interconnection between humans and nature.

Ecosystem Services: What Nature Does for Me/Us

This pillar is still anthropocentric, as it sees humans as profiteers from nature: she makes our life easier, provides us with goods and services. Nature does things for us, and these can be directly assessed: clean air brings healthcare costs down, a functioning ocean provides more fish, and so on. At the same time, deeper readings of this concept include services that are not material at all, such as recreational or spiritual ecosystem services. Nakadai (2023, 208) argued in his analysis of the relationship between humans and giant trees that “giant trees provide various spiritual ecosystem services that benefit the spiritual well-being of human societies worldwide”. In the RoN argument this further gains relevance as such trees are often personified and given names: they adopt specific roles within their human communities, closely resembling the role of the Lagoon in Venetian culture, occasionally becoming objects of faith because of the sense of awe they evoke in humans.

Historical Tradition: What Nature Did to Bring Me/Us Here, Now

This second layer builds upon the first one, starting to frame natural elements as entities with their own agency. It analyses the role of an ecosystem within the community’s historical evolution. In the case of the Lagoon, her role is clear in hosting and supporting the Venetian community throughout its history, from facilitating early settlements to requiring the development of place-specific building techniques, progressing to the arguments around water management analysed above (§ 4).

Cultural Relevance: How Nature Influences the Way I/We Perceive the World

Diving deeper, the third pillar complements the second one and specifically looks into how the ecosystem not only influenced the historical evolution of a community, but specifically how it shaped its culture. For example, the Lagoon is present in many site-specific Venetian words describing her waters and how they affect human vision and condition; she appears in sayings and metaphors, is an essential part of venetian identity, features in countless cultural elements and influences the very ways in which venetians perceive themselves (§ 4).

Sentimental Connection: I/We Feel with Nature

Getting to the foundation of this structure, inspired by the grieving reaction of the Mar Menor community, and seen in many other cases from the Amazon to Antarctica and from the Great Barrier Reef to Iceland's Snæfellsjökull and Okjökull glaciers, this argument suggests that a sentimental connection between humans and ecosystems not only exists, but must be considered when developing ecological policy. This component is particularly relevant in Europe, showing that eco-grief survives centuries of de-personalization of nature in politics and economy, clinging to something deeper: a primal sense of sentimental connection with Nature. This fourth pillar is the most essential: building a sentimental connection means for a human to fundamentally recognise a non-human element (e.g. the Lagoon). One does not love the Lagoon because it makes me feel good, it provides me services, or has a role in my community. One loves the Lagoon because of the reciprocal recognition "of each other [...] as living emotionally needy beings" (Honneth 1995, 18). As Ted Fleming (2014, 319) brilliantly puts it: "One's private relationships of love and attachment are a precondition for participation in public life and political will formation".

This essay argues that it is time for the European communities to formally recognise these relationships of love and attachment to ecosystems and grant them an appropriate role in their legal systems.

This eco-emotional approach is particularly evident in European communities that have activated themselves through artistic means, who have recently joined forces under the Confluence of European Water Bodies banner. Notable examples from the 35+ water bodies

are Cecylia Malik's early work,²⁴ which saw her climbing one living tree a day in *365 Trees* (2017) and posing with a movement of Polish mothers on tree stumps to protest against 'Szyszko's law' which removed the obligation for private landowners to apply for permission to cut down trees, pay compensation or plant new trees, or even to inform local authorities that trees have been or will be removed; Snæfellsjökull's surprising presidential campaign to develop new policies that might save her from melting;²⁵ or the long-term work of Natural Contract Lab with the Szenne river through which grief evolves in a sense of shared care.²⁶

Following this reasoning, an argument for the Rights of the Venice Lagoon could be, and has loosely been through the Declaration process, built as proposed in Table 1.

Table 1 Four-pillar framework for Rights of Nature

Pillar	Historical example	Contemporary legal tool
Ecosystem Services or 'what Nature does for me/us'	The Lagoon as a fortress (Giulio Savorgnan, sixteenth century): A natural barrier protecting Venice from invasions and storms, treated as a strategic and ecological asset.	The Lagoon as a carbon sequestration sink (2020s): Recognised for its role in mitigating climate change through blue carbon storage and flood protection.
Historical Tradition or 'what Nature did to bring me/us here, now'	Diversion of rivers (Cristoforo Sabbadino, sixteenth century): Geoengineering projects to prevent sedimentation, reflecting a governance model that treated the Lagoon as a living system requiring active stewardship.	UNESCO Cultural Heritage Site (1987-present): Recognises the Lagoon's historical and ecological value but lacks enforcement mechanisms for its rights as a living entity.

²⁴ Accounts of this artwork and its context can be found at <https://www.theguardian.com/environment/2017/apr/07/polish-law-change-unleashes-massacre-of-trees> and <https://culture.pl/en/work/365-trees-cecylia-malik> Cecylia Malik is the founder of River Sisters movement, who have been mobilizing against dam constructions on the Vistula and involved in the recent movement to support Odra river's legal personhood.

²⁵ An account of this project can be found at <https://www.bbc.co.uk/programmes/p0hq54wh>.

²⁶ Consult Natural Contract Lab's website at <https://naturalcontractlab.com/szenne-river/>.

Pillar	Historical example	Contemporary legal tool
Cultural Relevance or 'how nature influences the way I/we perceive the world'	<i>Scomenzèra</i> and Magistrato delle Acque (Venetian Republic): Rituals and institutions that governed the Lagoon as a commons, with reversible interventions and community participation.	Autorità per la Laguna (2020-present): Modern governance body that fails to represent the Lagoon's agency, often prioritizing economic interests over ecological integrity.
Sentimental Connection or 'I/we feel with Nature'	<i>Principalissimo bene</i> (Giulio Savorgnan, sixteenth century): The Lagoon described as the 'highest good' central to Venetian identity, survival, and political life.	Articles 9 and 41 of the Italian Constitution (2022 amendments): Legal recognition of ecosystems as constitutional values, providing a foundation for Rights of Nature frameworks.

It is important to stress that these four pillars still rest largely on an anthropocentric framework: it is not an overarching argument on the intrinsic value of ecosystems, but rather a political argument on why humans should welcome natural elements in their, inevitably anthropocentric, at least for now, legal systems.

6.1 A Matter of Deep Ecology

This layered structure for the argument does not follow an order of value, as all four elements are essential to achieve a complex and successful vision of the issue – i.e. bridging the gap between humans and nature and framing ecosystemic rights – and its possible solution. It is a system that incorporates different layers of human existence, both at an individual and collective level, from the things we clearly see over the surface (ecosystem services or “what Nature does for me/us”) to the depth of our emotions (sentimental connection or “I/we feel with Nature”).

Norwegian philosopher Arne Næss, in his lifelong quest to envision the meaning of a ‘deep ecology’, argues for a similar multi-layered approach to ecology in which both ‘shallow environmentalism’ and ‘deep ecology’ coexist. Different individuals can put different emphasis on the different layers, but all of them are equally necessary. In other words, Næss’ distinction between ‘shallow’ and ‘deep’ is not a moral nor an axiological judgment but a conceptual framework: just as shallow and deep waters, neither makes sense without the other. Shallow environmentalism refers to reformist, human-centric approaches focused on managing environmental harm within existing systems and addressing the symptoms of the problem, while deep

ecology advocates for systemic change rooted in the intrinsic value of all life, addressing the source. Both perspectives have their place, but deep ecology challenges us to question the foundations of our relationship with nature, a position that Næss and George Sessions summarise in the first of their proposed eight ‘basic principles’: “The well-being and flourishing of human and nonhuman life on Earth have value in themselves (synonyms: intrinsic value, inherent value). These values are independent of the usefulness of the nonhuman world for human purposes” (Næss, Sessions 1986, 14).

Inspired by this line of thinking, the four pillars proposed in this argument suggest that any community can follow a similar inquiry to build their argument to demand ecosystemic rights. The Venice Lagoon’s story is not self-referential: it shows how any ecosystem in Europe can reclaim their ecological heritage. By centering these four pillars, any European community can craft a site-specific argument for Rights of Nature, one that honors local identity while addressing global challenges. The Lagoon’s Declaration, alongside so many others sprouting around Europe, shows that even in this continent, so often depicted as legally and culturally allergic to RoN, an ecocentric paradigm shift is possible.

Yet this is only the beginning. As the Lagoon faces multifaceted anthropic threats, whether directly through greenwashed, unfazed touristic and maritime extractivism or indirectly through global warming and pollution, its rights must be more than symbolic. Through legal personhood, ecosystemic rights must be enforceable, participatory, and adaptive. Such a shift must integrate cultural elements and scientific expertise at the same time, freeing both from a hierarchy of values that systematically subdues them to profit and employing them towards a more balanced coexistence of humans and ecosystems.

The same is true for any river and sea, lake and swamp, forest and glacier in Europe. The question is no longer whether nature has rights, but how we will recognise and defend them.

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