

‘The sea can be a subject of law because it is alive’

Miguel Ángel Ortega Lucas

They were called ‘the five crazy women’, although there were eight women and three men. The latter were jurists. The five women were, according to the protagonist of this conversation, ‘the five unconditional’ - not versed in law, but intimately affected by the facts - who supported from the beginning, from its embryonic stage in the coastal town of Los Alcázares (Murcia), the Popular Legislative Initiative that sought to endow the Mar Menor with its own legal personality. Eight founding lunatics made up the Promoting Commission of this law, designed after the environmental collapse that the Mar Menor suffered in October 2019. This is a legal challenge that had Teresa Vicente (Lorca, 1962), lawyer and professor of Philosophy of Law at the University of Murcia, as its compass, rudder and figurehead until its approval and implementation in the autumn of 2022.



Photo by [Jeremy Bishop](#) on [Unsplash](#)

These eight people understood, just like Vicente that an environment such as the Mar Menor, the largest saltwater lagoon in Europe, [a natural treasure of the Region of Murcia ravaged for decades by financial interests and political neglect, ‘also has rights’](#). A (revolutionary) stance that has raised variable storms on different fronts, but which continues to win battles. The aforementioned madness was shared by more than 600,000 citizens who signed their names to make the Mar Menor the first natural environment with legal personality in Europe. A milestone that has attracted the attention of half the world, that has given ideas to inhabitants of places like Venice interested in new ways of preserving their home, and that led Teresa Vicente to receive, just a few months ago, the prestigious

Goldman Prize, awarded by the eponymous American foundation and considered 'the Nobel Prize for the environment'. The award, in turn, led Vicente to meet at the White House with US Vice President Kamala Harris, who apparently understood the underlying message of this law.

It is too early to tell, but it is not unreasonable to think that the civil, human feat led by this former lawyer-turned-professor is having unprecedented repercussions on how our relationship with Nature has been conceived until now. Starting with her radical conviction that it is a formula for the necessary respect for the planet and a path to peace. One more step on the long road of respect that we still owe each other as inhabitants and children of the Earth.

Vicente begins by telling us that his work to reconcile law and environmental science dates back to 1986 when he wrote his doctoral thesis: 'With ecological justice as a paradigm from which the rights of Nature emanate'. But 'the driving force' behind this idea, he says, has been the social movement. In essence, that of 'people who were waiting for new solutions', fed up with the fact that no protection law, whether regional, state or European, had served to stop the mistreatment of the Mar Menor. A place that, for many Murcians and foreigners by adoption, is 'their cultural and biological identity', but which has been protected as one protects 'an object': that is to say, treating it too often as a rubbish dump. It was this 'feeling of injustice', he says, that provoked the massive public support.

...Perhaps because the philosophy, the raison d'être for the laws, in the light of what is needed on a daily basis, prevails here over the legalistic inertia of 'this is the way it has always been done'...

It is a philosophical change, a change of understanding of life. This has to be translated into all areas: political, economic, social... and legal. It cannot be that the law closes the door and says, 'this cannot be'. How can it not

The human being is not the centre; the centre is the ecosystem. be if the law is an instrument? We are at a change of age. From the point of view of law, it was in the 19th century when the model triumphed in Europe and the United States that put the economy at the centre of everything: the white man and corporations. But that is now two hundred years old, and the law cannot say that we have to stay there because it has lost its raison d'être. After all, it is a destructive model based on the unlimited exploitation of Nature, with technology at the service of that model. We have not moved forward since we realised the planet has limits and that destructive technological progress can overcome its renewing force. Ecological summits have been held since the 1970s: Have we solved climate change, the loss of biodiversity, and soil? Something is fundamentally wrong. That is why you put it very well: it is a philosophical change to understand the world; what is the place of human beings in the world? We live thanks to ecosystems, biological law, and, before that, cosmic law because the Earth is the only known planet that can harbour life. So, the human being is not the centre; the centre is the ecosystem. That is what must limit us. But in order to limit, there must be rights. If we had respected it, there would be no need for rights. But since we don't...

I understand that with instruments such as the Legal Personality of a natural environment, certain hitherto immovable visions are transgressed to achieve an objective that could not be achieved in any other way.

Because it is not a reciprocal relationship between man and Nature, it is not like a human relationship of 'I give to you and you give to me' since it is Nature that allows humans to live; it gives us everything for free. Here, the relationship is not one of reciprocity but of complementarity. We must learn that law is a technique and has to change, just as architecture has to change to adapt to the environmental crisis. Without Nature, you cannot live, starting with the air we breathe. We do not have the right but the obligation to defend Nature. Furthermore, if we violate it, we are the ones who suffer the most in the end. But what we have done with our current conception is that there is nothing free, not even a tree. Nothing.

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Notice that, to understand each other, as we do now, we still use those mercantile terms of buying and selling: 'free'/'not free'—another proof of the need for a change of cosmovision.

Exactly, because it is an ontological change of what the human being is, and epistemological because it is not something exclusive to law: the law has to move from social justice to ecological justice and make a leap from

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human rights to the rights of Nature. Not to lose human rights but to walk together. We need a universal declaration of the rights of Nature that goes hand in hand with the 20th-century Declaration of Rights. The main concern in the 20th century, at the end of the Second World War, was equality that we had not achieved among human beings. But now it is also with Nature. It is effectively a change of cosmovision because art has always been concerned with ecology. The social movement also started with women, most of whom had not attended university. You can experience this [ecological awareness] emotionally, but then you have to build it legally, economically, in all areas of knowledge. And we have to join hands with the indigenous cosmovision.

Now that you mention the indigenous, it is helpful to remember that many ancient traditions, long before the materialist paradigm, take for granted that there is no separation between human beings and Nature. That we are her, and she is us. You pointed to this in your speech [when you received the Goldman Prize](#), when you said that we must 'rethink' the world; cure ourselves of the narcissism that puts us in the universal navel and understand that we are part of a gigantic cosmic web.

And an eco-systemic web, which the science of ecology has taught us in the West. It's how we function here: until science proves us wrong, we don't move forward. Without accommodating quantum physics, we would still be in

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Newtonian physics; we would not have seen the new subatomic reality. The 'new' physics is the one that demonstrates the limits of the previous one. It was necessary to recognise human rights because, in the Middle Ages, kings cut off your head without explaining it to anyone, and people applauded. Now, we need another breakthrough to solve the problem we have. In the West, we have not given the science of ecology the dimension it deserves in different areas because we have remained anthropocentric, and that is not what ecology says. Even many ecologists have found it difficult to understand this because they have always separated science from law. How do you see Nature as an object? It is not an object. We have to limit the model of development, just as the civil code limited the beating of children. It is a revolutionary reality because it is a path to peace. All current wars will fail because nuclear weapons are in the way, and nobody wins that way. In the war with Nature, we will not win, that's for sure...

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True Democracy and Capitalism

....After the two Goldman Prize ceremonies, in San Francisco and Washington, we got a call from the White

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House, and I spent over an hour talking to the vice president [Kamala Harris, now a possible Democratic candidate for the United States presidency] and the administrator of the Environmental Protection Agency [Michael Regan]. One sentence of theirs struck me; I don't remember whether it was from the vice president or the advisor: 'It's that the United

States is a corporation, and we have to limit the corporation that is our own country'. That's the key. We are limiting corporations, which have always had legal personality. That is the root of why we are not going faster. This applies to the Mar Menor because large multinational companies that operate there [in the Cartagena countryside farm] do not want to be limited, nor do they want citizens to appear in the proceedings for the pollution of the lagoon. Until now, it worked in such a way that: 'If the prosecutor doesn't accuse me, I'll get off scot-free...'. And here we are because it is a profound and necessary change, and it is the road to peace: that the exploited, in this case, Nature, is put on the same level. I'm not saying to take away rights from companies or people, but to make them equal, to make them harmonious, because by giving rights to what didn't have them, you put limits on the rights of others, which were unlimited. The sea can be a subject of law because it is alive; it is not a corporation, which is a piece of paper.

In what essence can the influence of the Legal Personality of the Mar Menor be felt?

For example, in the central administration, the 2020 law was implemented. In the judicial sphere, the first contentious administrative rulings began, recognising that there was land that had to be returned to rainfed agriculture because it did not have permission for irrigation. Some 900 hectares have been declared illegal. There have already been some criminal judges who have called on the Mar Menor to appear, in the absence of prosecution by the public prosecutor, calling on private individuals on their behalf. Above all, the big change is one of mentality; people are saying, 'I am also the Mar Menor'. The judges are also admitting it. Not all of them, of course, because the law raises foundations wherever it falls. But from our first appearance in Congress, all the parties supported us except for three votes from Vox. It was an absolute success. There were amendments; it was not easy either, but we had confidence that the political power would listen to us as it is: representative of the people, and in that case, listening to the people who represented Nature. There, they negotiated, and no amendment came out that we didn't want. Article 6, the strongest article, which says, 'We are all the Mar Menor and we can all defend it', was not touched. They wanted to touch it, but it was not touched. This has been a collective work of art, and that is why it has had such an impact on the United Nations and Europe. It was proof that this can be done.

And things like this make people regain confidence in politics, understood as the public square where people talk about what matters to all of us, and with the direct involvement of citizens.

We achieved that. We have to remember that rights have to be fought for every day. I am no longer in the same

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position as my grandmother; although they continue to traffic children, it is no longer the same because there are laws that prohibit it... Above all, this weapon gives hope because we are getting worse regarding the planet's degradation. Scientists say you can't predict change, but we have a weapon. When the Mar Menor

disasters happened, people were in shock and didn't know how to channel their anger: they did it by defending it, and [that's why they looked so happy in the videos because we had hope](#). What I see here is a hope that points towards what we have to go towards: peace with ourselves and nature. But not in a do-gooder way, but because everything leads us there: to modern science, to the new cosmovision, to rethinking what humanity has done so far... All of that is what this law is promoting. Of course, it has many enemies: academic, institutional, and political. But it is there, and they have not stopped it. It has been a victory for everyone. We have turned a utopia into reality, which is how justice moves forward. Strengthening justice for all is not the patrimony of jurists but of a new understanding of the world in which we all join hands.

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❖ **About the author: Miguel Ángel Ortega Lucas** is a scribe, a nomad, an expert apprentice. If you don't like his prejudices, he has others in *La vela y el vendaval* (an impudent diary) and *Pocavergüenza*.



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