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Ecological Sustainability: What We the People Owe Ourselves as a Duty of Self-Determination

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Abstract: I argue that a people as an intergenerational group has a self-directed duty of ecological sustainability that is a precondition, and even a correlate, of its own right to self-determination. Conceptualizing ecological sustainability as a self-directed duty of self-determination offers several advantages. First, it avoids the nonidentity problem, since the identity conditions of intergenerational peoples do not depend on which specific individuals will become members. Second, it better captures the normatively valuable relationships knitting different generations into a single political community than theories that ascribe rights to self-determination or sovereignty to discrete generations. Third, grounding a duty of ecological sustainability in self-determination not only responds to a distinct demand of legitimacy but also sidesteps problems that arise when appealing instead to justice, especially egalitarian distributive principles. Lastly, I reply to the worry that a duty grounded in the right to self-determination cannot be a genuinely binding duty insofar as a people can simply waive its right to self-determination. I contend that a people cannot permanently waive its right to self-determination while continuing to exist, and even when a people chooses to dissolve, it is still bound by its self-directed duty of ecological sustainability until it ceases to exist.

Keywords: territorial rights; self-directed duties; nonidentity problem; intergenerational justice; environmental ethics

1 Introduction

Why should we care about sustaining the environment? The reasons abound: because we care about our children, our children's children, and so forth; because we owe duties of justice to future generations; because we care that humanity as a whole continues; because we care about species other than *Homo sapiens*, places we call

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home, and even nature itself; among others. Regardless of whether these reasons are persuasive (hopefully at least some are), I contend that another powerful reason to care for the environment is that we owe it to ourselves as a political community to sustain the ecosystems of our territory in order to enable the exercise of our own self-determination. Specifically, a people as an intergenerational group has a self-directed duty of ecological sustainability that is a precondition, and even a correlate, of its right to self-determination. This conceptualization of ecological sustainability as a self-directed duty of self-determination can be built from quite minimal commitments that are widely shared across many political theories and are deeply embedded in the fabric of our political lives: namely, we see ourselves as members of intergenerational political communities that extend into the future with collective rights to decide for themselves how their common fate unfolds. With these political rights come corresponding ecological obligations—a fact that is often underappreciated within dominant discussions of political philosophy but has long been emphasized by Indigenous scholars (Monture-Angus 1999; Corntassel 2008; Whyte 2018).

Although I do not claim that this is the only duty of ecological sustainability owed by peoples, this framing of the duty, which I lay out in Section 2, has several advantages. One benefit, as I show in Section 3, is that it avoids the nonidentity problem, which arises when actions that negatively impact the lives of future individuals are also necessary conditions for them to come into existence. Peoples are intergenerational groups whose identity conditions do not depend on which specific individuals will become members. Thus, actions by an already existing people are not necessary conditions for it to come into existence, even if they are necessary for its particular members to come into existence.

Next in Section 4, I compare my view against theories that ascribe rights, such as rights to self-determination or sovereignty, to generations as a whole (Weiss 1990; Brännmark 2016; Gosseries 2016). These theories struggle to explain how the duties of current generations correlate with the rights of future generations that do not yet exist, to articulate the boundaries of indeterminate generations, and to apply to empirical groups that self-identify as distinct political communities and possess collective decision-making capacities. More fundamentally, theorizing in terms of generational rights obscures the normatively valuable relationships that knit different generations into a single political community and that explain why the rightsholder of self-determination and sovereignty should be conceived as an intergenerational people rather than as discrete generations.

In Section 5, I contend that grounding a duty of ecological sustainability in the value of self-determination not only responds to a distinct demand of legitimacy but also sidesteps various problems that arise when appealing instead to justice, especially egalitarian distributive principles. One might worry that we cannot

comprehensively predict or measure the well-being of future individuals to apply egalitarian justice intergenerationally or that the relevant relationships triggering egalitarian justice demands (e.g., shared subjection to coercion, socioeconomic cooperation, or reciprocity) fail to obtain between individuals whose lives do not overlap.

In Section 6, I respond to the worry that insofar as a people can waive its right to self-determination, a duty of ecological sustainability grounded in that right cannot be sufficiently binding to be a genuine duty. I argue that because a people cannot simply waive its right to self-determination at will or without any constraints, a duty grounded in that right can still be sufficiently binding, since it will at least bind when the right cannot be waived. A people cannot permanently waive its right to self-determination while continuing to exist, as this bars future members from having a say in that decision. While a people can indeed waive its right to self-determination by dissolving permissibly, it is still bound by its self-directed duty of ecological sustainability until it ceases to exist.

In Section 7, I conclude.

2 Ecological Sustainability as a Self-Directed Duty of Self-Determination

Many theories of territory take the holder of territorial rights (including the right to jurisdictional authority, the right to control the movement of goods and people across borders, and the right to control natural resources) to be an intergenerational group of some kind. Theories disagree about what other substantive features an intergenerational group must have in order to be a candidate territorial rights holder: for example, whether the appropriate group should be understood as a nation with certain shared cultural ties (Miller 1995, 2007, 2012; Meisels 2009), a people defined in terms of a political identity (Moore 2015) or a common conception of justice (Nine 2012), or an ethnogeographic community with overlapping land-use patterns and a shared ontology of land (Kolars 2009). Despite these disagreements, such theories share the view that the holder of territorial rights is (a) a group that is not simply reducible to the sum of its individual members, and (b) an entity that can persist across generations. Territorial rights, particularly the primary territorial right to jurisdictional authority whose most basic function is to solve coordination problems to meet basic individual needs, are by nature rights that belong to groups (Nine 2012, 16). And for straightforward reasons of stability and basic justice, the holder of territorial rights must be understood as capable of enduring across generations. Henceforth I shall use the term “people” in the most ecumenical sense to

refer to the appropriate intergenerational group that holds territorial rights (whatever its more substantive features ought to be). A people may exercise its territorial rights via states or other political institutions (such as intrastate autonomy arrangements), but it is the people who are the ultimate holders of territorial rights and who authorize political institutions to exercise territorial rights on its behalf.

A people is also generally understood to have a right to collective self-determination, which has both an internal and external dimension.¹ Internally, a people has the right to decide for itself how to set the terms of or direct its common activities taking place in a given geographical domain.² Externally, a people has the right to be free from illegitimate external interference (Cassese 1995, 5–12). The two aspects of self-determination are ultimately two sides of the same coin in which the external side is parasitic on the internal one. Outsiders have a duty not to illegitimately interfere with a people's own governance precisely because it is the people itself who should decide the direction and shape of its common activities. As Young (2002, 32–33, 258–59; 2005; 2007) has argued, the external dimension of self-determination should be understood in terms of nondomination, which entails the absence of structures of relations that make some able to arbitrarily interfere with the actions of others. Most theories take a people's right to self-determination to play some justificatory role in grounding a people's territorial rights, though they disagree on how exactly to spell out this relation. A people's duty of ecological sustainability is also often recognized, but it is seldom seen as a key basis for justifying territorial rights.³

Although both a people's right to self-determination and duty of ecological sustainability are frequently acknowledged, the normative connections between the two and the implications that follow are often unnoticed or underappreciated. A major exception to this is the work done by Indigenous scholars, which is unsurprising given how colonialism often violates Indigenous self-determination precisely by undermining the capacities of Indigenous peoples to ecologically sustain their own territories.⁴ As Monture-Angus (1999) contends, Indigenous sovereignty should be understood not simply in terms of the political and jurisdictional control of land

1 See Christiano 2006; Gould 2006; Meisels 2009; Miller 2012; Nine 2012; Moore 2015; Stilz 2019. The principle of self-determination as a right belonging to peoples is well entrenched in international law, such as the UN Charter and the International Covenant on Civil and Political Rights.

2 This understanding of self-determination as deciding the nature and direction of common (rather than individual) activities comes from Gould (1988, 79; 2004, 175; 2006, 48).

3 Kolers 2009, 73–82; Dahbour 2019; Stilz 2019, 166, 238 n63, 246; Ochoa Espejo 2020, 118, 179–80; Nine 2022, 73–76, 252–54; Mancilla 2023.

4 For a defense of how an eco-political principle of self-determination, which links a people's right to self-determination with a duty of ecological sustainability and a right to ecological integrity, can explain many central wrongs of colonialism, see Kwan (2026).

but rather as the “right to be responsible” for that land: “the Aboriginal request to have our sovereignty respected is really a request to be responsible. I do not know of anywhere else in history where a group of people has had to fight so hard just to be responsible” (36). Corn tassel (2008) likewise develops a notion of “sustainable self-determination” that includes “a set of interlocking and reciprocal responsibilities to one’s community, family, clans/societies (an aspect of some but not all indigenous nations), homelands, and the natural world” (118). Finally, Whyte (2018) advances a notion of “collective continuance,” which stands at the convergence of the concepts of interdependence, systems of responsibilities, and migration and refers to “a society’s capacity to self-determine how to adapt to change in ways that avoid reasonably preventable harms” (131). Collective continuance for Whyte itself describes an ecology, which suggest “not only ecosystems but also the calculated stewardship of them (hence the -logy)” (134).

Building off such work, I contend that an important relationship between ecological sustainability and self-determination lies in a people’s self-directed duty of ecological sustainability grounded in its right to self-determination. To see this, consider first that the self-determination of a people is territorial in nature unlike the self-determination of other groups whose common activities are nonterritorial or cut across territorial domains.⁵ Territory is not simply an abstract domain of political control or jurisdictional authority as some theorists tend to emphasize, but rather is also constituted by ecosystems of interacting and interdependent organisms, abiotic entities, landscapes, and other environmental features and processes (Dahbour 2019, 2). The common activities of a people, unlike those of nonterritorial groups, are located in a specific place in densely overlapping and interconnected ways and help to shape and constitute that place as the place that it is. Here, place is not simply a location in space defined by coordinates on a map but encompasses the geography, ecosystems, living creatures, and human practices there (which also imbue that place with meaning and a “sense of place”) along with the mutually formative relationships between these elements (see Kolars 2009, 130; Agnew 2011; Ochoa Espejo 2020, 14; Nine 2022, 159). Sustaining a territory’s constituent ecosystems is thus an essential, even constitutive, prerequisite of a people’s self-determination over its common activities, which not only take place upon but are a very part of those (sociopolitical-) ecosystems.

Insofar as a people claims a right to self-determination, it is normatively committed to the value of its own self-determination and, as such, has a duty to ecologically sustain its territory to secure the very preconditions of that self-determination. This duty is one that a people owes itself, since the duty exists for the people’s own sake and not for the sake of others. Indeed, I and others have elsewhere

5 On nonterritorial forms of self-determination, see Gould 2006; De Schutter 2015.

argued that by claiming a right to self-determination, a people is normatively committed to the value of self-determination in general, which is why virtually all theorists hold that self-determining peoples have duties to recognize and respect all other valid rights to self-determination (Kwan 2021; Banai 2013, 60–61). If by claiming a right to self-determination, a people is normatively committed to the very value of self-determination in general, then *a fortiori* it is normatively committed to the value of its *own* self-determination. Furthermore, precisely because sustaining a territory's ecosystems is an essential, even constitutive, precondition of a people's self-determination, a people's duty of ecological sustainability serves as an internal constraint on its right to self-determination (and, consequently, its territorial rights) and is not simply an external limit grounded in countervailing considerations to be balanced against self-determination.⁶ The duty here is sufficientarian and tied ultimately to maintaining a threshold of healthy ecosystems necessary for a people to exercise its collective and institutional capacities of self-determination. This can be understood as a community level capability that includes but also goes beyond the fulfillment of individual basic needs (Schlosberg & Carruthers 2010). More on the implications of the sufficientarian nature of this duty later.

A people's self-directed duty of ecological sustainability grounded in its right to self-determination can but need not be understood as correlated with that right.⁷ A people's duty of ecological sustainability would correlate with its right to self-determination only if a people's right to self-determination is a reflexive right that is held not only against others but against itself. Some philosophers are skeptical of the very existence of reflexive rights (notably Singer 1959, 1963). A major worry is that reflexive rights cannot be binding in the way that rights essentially are, since one could simply waive one's reflexive rights. If there are no reflexive rights, a people's self-directed duty of ecological sustainability could still be understood as grounded in but just not correlated with its right to self-determination. Again, the idea is that insofar as a people claims a right to self-determination, even if this right is only held against others, it is still normatively committed to the value of its own self-determination and thus must acknowledge its self-directed duty to ecologically sustain its territory.

Other theorists are less squeamish about reflexive rights, suggesting that some reflexive rights are unwaivable or that self-waivers are not always automatically guaranteed, and as such, reflexive rights can still be binding. Muñoz and Baron-Schmitt (2024), for instance, have recently defended the idea that all moral rights are

⁶ Kolers (2009, 5, 130) also takes ecological sustainability to be a constraint on territorial rights, since he holds that plenitude or fullness, which entails ecological sustainability, is necessary and sufficient for territorial rights.

⁷ As May (2015, 524) points out, discussions about the directedness of duties should not be held captive to the equivalence thesis that directed duties and claim-rights are logically equivalent relations and thus always correlated.

“self-other symmetric: one has the same basic rights against oneself as against anybody else” (182) in part on the grounds that *symmetric* is principled (it explains wronging oneself using only principles that also apply in cases of wronging others) and parsimonious (it makes fewer fundamental distinctions by not insisting that the rights I have against others I lack against myself) (188–89). If the right to self-determination is reflexive because all rights are, then a people’s duty of ecological sustainability could be understood as straightforwardly correlated with its own right to self-determination. This would offer another explanation as to why such a duty is self-directed: not only because the duty exists for the people’s own sake but because the duty is owed by the people to itself as a matter of respecting its own right. Later in Section 6, I will consider a reason why the right to self-determination in particular, even if not all rights, is reflexive. Here I just note that we can but need not be committed to reflexive rights to hold that a people has a self-directed duty of ecological sustainability grounded in its right to self-determination.

Nonetheless, a parallel worry might remain: so long as a people’s duty of ecological sustainability is grounded in its right to self-determination, regardless of whether it is correlated with that right or not, it appears that a people can release itself from this duty simply by waiving its right to self-determination whenever it wants. After all, a people can exercise its self-determination to merge with another group (given that other group’s consent) or even dissolve completely, which suggests its right to self-determination is waivable. How then could a duty grounded in that right exist? Duties, like rights, are meant to be binding, but a duty that can be waived at will cannot bind.⁸ I return to this worry in Section 6. To preview, I will argue that (a) a people cannot in fact waive its right to self-determination at will or without any constraints, which means that a duty grounded in that right will bind at least in cases when the right cannot be waived, and (b) even if a people could waive its right to self-determination at will, a duty grounded in that right could still coherently bind the people *until* the people in fact waives its right.

A people can also be understood to have a right to ecological integrity as a constituent part of its right to self-determination, because parties can disrespect or illegitimate interfere with a people’s self-determination over its territory precisely by undermining the viability or health of a people’s ecosystems (e.g., via cross-boundary pollution). A people’s right to territorial integrity, a corollary of the external dimension of its self-determination, should therefore be expanded from its

⁸ Some philosophers are skeptical about the very coherency of duties to oneself in general for reasons of this sort: duties to oneself are always waivable and so cannot bind in the way that duties must. I do not have space here to provide a full-blown defense of self-directed duties in general. But I note that, insofar as duties to oneself are controversial, the view that duties to oneself exist is just as reputable of a position as the view that they do not and is defended by philosophers just as reputable (notably, Kant) (for an overview of this debate, see Muñoz 2024).

current interpretations to include a right to ecological integrity (Eckersley 2004, 232; Kuokkanen 2019, chap. 1). Presently, the right to territorial integrity, well-entrenched in international law, generally recognizes as illegitimate only those threats or uses of force that aim to change borders or undermine a group's political independence. This conception of territorial integrity mistakenly assumes territory is merely an abstract domain of political or jurisdictional control without recognizing its constituent material ecosystems. As Eckersley (2004) explains, "territorial sovereignty—including self-determination and the associated principle of nonintervention—can serve as a bulwark *against* anti-ecological practices that encroach upon the territory and policy-making powers of particular nation-states" (233).⁹ If a people claims a right to ecological integrity, whether held against others or also against itself, then it is normatively committed to the importance of the ecological health or viability of its territory and thus must recognize its self-directed duty to ecologically sustain its own territory. Again, we can see this duty of ecological sustainability as merely grounded in or correlated with a people's right to ecological integrity depending on whether that right is reflexively held.

Furthermore, note that (a) a people as an intergenerational group, (b) its right to self-determination, and (c) its duty of ecological sustainability all have a future-oriented temporal element conceptually built into them. Though theorists tend to emphasize the importance of a people's past history in forming its identity (regardless of whether this is understood in thicker cultural nationalist or thinner political cooperative terms), a people is by nature intergenerational in ways that extend both backward in time and forward into the future with the expectation that individuals in future generations will become members of the people with normative relationships to current members (unless the people permissibly decides to dissolve). As Thompson (2009) puts it, "a polity is by nature intergenerational. It has intergenerational responsibilities. It has institutions that are essentially intergenerational. Intergenerational relationships exist among contemporaries as well as between past, present and future generations. And most important, its citizens are motivated by intergenerational concerns" (12). A people's right to self-determination is also future-oriented by nature, since it is the right of a people to decide the trajectory of its own common fate or destiny. Similarly, a people's duty of ecological sustainability is precisely its duty to sustain the ecosystems of its territory across generations and into the future. The futural temporality embedded within all three concepts—a people as an intergenerational group, its right to self-determination, and its duty of ecological sustainability—helps further explain the normative connection and mutual fit between the three that I argued for above: a people's duty to ecologically sustain its territory across generations is a precondition, and even a

⁹ I would amend this thought to be about peoples first and foremost rather than nation-states.

correlate, of its very right to determine its own collective destiny. A people is meant to denote a group who can hold territorial rights across generations and whose collective aspirations and common fate interweave its past, present, and future together in ways that generate this corresponding duty and right.

Conceptualizing ecological sustainability as a people's self-directed duty of self-determination does not necessarily preclude the existence of other duties of ecological sustainability that a people may have. Rather than speak of a people's duty of ecological sustainability simpliciter, we might individuate more finely between different duties of ecological sustainability based on their varying grounds, objects (the parties to whom the duty is owed), and contents or demands. A people may have additional duties of ecological sustainability that are grounded in values other than self-determination (e.g., justice, whether global or domestic, or nonanthropocentric values), that are owed to others rather than oneself (other individuals, groups, future or past generations, more-than-human animals, humanity at large, etc.), and that have different (more or less demanding) contents. I do not mean to deny these possibilities, which may overlap rather than compete with the specific duty of ecological sustainability I am defending here. Nonetheless, the fact that a people owes a duty of ecological sustainability to itself as a precondition, and even a correlate, of its right to self-determination is one important and overlooked moral grounding for ecological sustainability, which avoids various philosophical problems that beset other existing accounts of duties of ecological sustainability. This is a powerful reason to care about sustaining the environment across generations, which can be grounded in quite minimal commitments about the social ontology of the people and its right to self-determination that are widely shared across many political theories. These ideas are deeply embedded in the fabric of our collective political lives: namely, we see ourselves as members of intergenerational political communities that extend through time, whose rights to decide their common fates should be understood as carrying corresponding ecological obligations.

3 The Nonidentity Problem

One advantage of conceptualizing the duty of ecological sustainability as owed to a people as an intergenerational group that already exists is that it sidesteps the nonidentity problem, which arises when actions that negatively impact how well the lives of future individuals go are also necessary conditions for them to come into existence (Kavka 1982; Woodward 1986; Parfit 1986). Assuming that the lives of those individuals are worth living, it seems they cannot be wronged or harmed by such past actions, for they could have never existed in the absence of those actions, especially if we accept the following two positions: (a) a person-affecting or moral-being-affecting restriction (MBA), and (b) a subjunctive-historical conception of

harm. The person-affecting restriction says that an action is wrong only if that action makes things worse for or harms some person. We can broaden the person-affecting restriction into the moral-being-affecting restriction by replacing *person* with *being with a moral status* to open the possibility that beings that are not persons, such as some humans and more-than-human animals, also count morally. This would still hold onto the basic intuition that, put simply, for something to be bad, it must be bad for someone. According to the subjunctive-historical conception of harm, an action harms someone only if that individual or entity is left worse off than they would have been had some alternative action been performed.

Conceptualizing duties of ecological sustainability as owed to future individuals encounters the nonidentity problem, since many present actions that will damage the environment and negatively impact how well the lives of future individuals go are also necessary conditions for those individuals to come into existence. Agents cannot owe duties to individuals to not perform ecologically unsustainable action X if X cannot wrong or harm those individuals.

In contrast, the nonidentity problem is circumvented if the duty of ecological sustainability is conceived as owed to an already existing people as an intergenerational group. Granted, appealing to groups as the objects of duties to avoid the nonidentity problem requires interpreting MBA to recognize certain groups as having a moral status such that they can be harmed or made worse off, which indeed seems plausible for peoples, corporations, states, etc. (Weiss 1990, 204–5; Page 2006, 156; Brännmark 2016, 683).¹⁰ This strategy for sidestepping the nonidentity problem can still hold onto the commitment to a subjunctive-historical conception of harm. Although the reasons why groups have moral status may vary depending on the kind of group in question (e.g., corporations, unlike peoples, are legal fictions whose moral status is explained in terms of the economic rationale for granting them legal personhood), the crucial feature that groups must have to enable duties to them to avoid the nonidentity problem is their irreducibility to a mere aggregate of individual members. Since the identity of such a group does not depend on the identities of which specific individuals are or will become its members, an action can wrong or harm the group even if that action is a necessary condition for specific individual group members to exist (so long as that action is not a necessary condition for the group itself to exist).

That this interpretation of MBA that recognizes groups as bearers of moral status preserves rather than violates MBA's core intuition is evidenced by the fact that it still avoids the undesirable implications that seem to follow when MBA is rejected in favor of an impersonal view of morality, such as the repugnant conclusion or a duty to

¹⁰ Page (2006, 151), in particular, defends the group rights, including the right to self-determination, of nation states and cultural communities as a way to avoid the nonidentity problem, although he does not discuss the duty of ecological sustainability.

procreate to increase the total level of welfare. The repugnant conclusion in its original formulation by Parfit (1986) states: “For any possible population of at least 10 billion people, all with a very high quality of life, there must be some much larger imaginable population whose existence, if other things are equal, would be better even though its members have lives that are barely worth living” (388). This conclusion is repugnant because, as Narveson (1973) put it, “we are in favor of making people happy, but neutral about making happy people” (80). The interpretation of MBA that takes into consideration groups with moral status still holds that acts are wrong only if some particular entity is made worse off or harmed. This still avoids the repugnant conclusion and would not necessarily impose a duty to procreate or to create more groups with moral status. Since many think that avoiding such undesirable implications explains why we should accept MBA rather than an impersonal view of morality, this helps confirm that the interpretation of MBA that includes groups is faithful to MBA’s basic intuition. If there is reason not to think that groups with moral status can be wronged or harmed, then this reason must be external to MBA.

One might wonder whether appealing to duties owed to already existing groups still raises a kind of nonidentity problem, insofar as it remains an open (Theseus-ship-like) question whether a people at one point in time is in fact identical with some distant future version of itself, given the many social, cultural, economic, and political changes that it may have undergone. If a people’s actions now would give rise to a new distinct people that replaces it, then a nonidentity problem at the level of the group seems to occur.¹¹ To address this, we indeed need a theory of the persistence conditions of peoples to distinguish between qualitative changes that preserve a people’s identity from numerical changes that do not. But such theories are available. Moore (2015, 56–69), for example, points to subjective political identity as the defining element of peoplehood (while recognizing that political identity can be undergirded by relationships and institutions), which can remain constant even in the face of drastic cultural, linguistic, or value changes so long as the people retain control of and possess mechanisms to negotiate those changes. Others endorse a more institutional (Stilz 2016, 102; 2019, 126) or a more cultural criterion (Miller 1995, 27) of peoplehood. My argument here can remain neutral between these theories. The point is that insofar as a people claims a right to self-determine its collective fate and intends to persist (according to whatever the correct criterion for persistence is), it will have a self-directed duty of ecological sustainability grounded in that right. This would not generate any nonidentity problem, since it is not a duty to a distinct people who does not yet exist and would replace the current one.

11 Although a people’s right to self-determination entailing a right to control immigration and membership might be thought to raise what is known as the boundary problem in democratic theory in a question-begging way, especially if self-determination is interpreted democratically, see Kwan (2021) for a solution to this worry.

Still, one might press the following objection, which turns on seeing a people's rights as collective rather than corporate rights. Corporate rights and collective rights are two types of group rights (Jones 1999). A corporate right is held by a group as a unitary entity, such that the right is *its* right rather than *their* right (i.e., the right of the individual group members). In contrast, a collective right is shared or jointly held by individual group members, such that the group has no interests that cannot be explicated in terms of interests of its members. A collective right is still a group right and not a mere aggregation of individual rights, insofar as individual members possess that right together *qua* group members and not independently of their relations to one another. If a people's right to self-determination is a corporate right, then the nonidentity problem can be more straightforwardly avoided with the strategy above, which treats the people as a unitary entity that can be wronged or harmed (Page 2006, 154–56). However, if a people's right to self-determination is a collective right, then it may seem that whenever we cannot say that future individual group members are harmed or wronged due to the nonidentity problem, then we also cannot say that the people as a group is harmed or wronged. This is because the interests at stake when a collective right is violated must be explicable in terms of the interests of members. Here, if the nonidentity problem exists at the level of individual members, then the nonidentity problem reoccurs at the level of the group. Strictly speaking, this objection applies only if one takes a people's self-directed duty of ecological sustainability to be correlated with a reflexive right to self-determination. Still, even if the wrongness of a people's failure to fulfill its self-directed duty of ecological sustainability is not framed as a collective rights violation, one might nonetheless press the worry that harming or wronging a group's interests must ultimately be explicable in terms of the interests of individual members and thus nonidentity problems that occur at the level of individual members will reoccur at the level of the group. Call this objection (either the strict or loose version) the *persistent individualist objection* (PIO).

Two replies are possible. First, PIO fails. Even if a people's group interests or collective rights need to be explained in terms of the interests of individual group members, they do not need to refer to the *specific* identities of those members (Brännmark 2016, 690–91). Suppose we care about a group and its interests or rights only insofar as we care about the interests of individual members who make up that group. Still, knowing which specific or how many exact individuals are members of that group is not required to explain why the interests of individual group members matter morally. So, appealing to collective rights or group interests does not, by itself, entail that nonidentity problems at the individual level reoccur at the level of groups. We can still say that an action wrongs or harms a group by violating its collective rights or group interests even if that action is a necessary condition for specific individual group members to exist.

Moreover, for the case of peoples with rights to self-determination, we have independent reasons for thinking that whether a people can be wronged or harmed does not depend on referencing the identities of its specific individual members. After all, the right to self-determination seems to include precisely a right to determine and decide who the “self” is, which would entail a right to exercise some (likely qualified) control over the entry of potential immigrants and which specific individuals will become future members of that very “self.”¹² Likewise, a people may exercise its self-determination to control its population through domestic socioeconomic policies separate from its immigration policies, perhaps even to support the ecological sustainability of its territory. Insofar as the people has a right to decide (at least to some extent) the specific individuals who are its members, it cannot be that its claims against wrongdoing or harm depend on the identities of its specific individual members.

Second, even if we concede the implication of PIO that so long as the nonidentity problem exists for individual group members, and then reoccurs at the level of the group, another strategy for avoiding the nonidentity problem is still possible. This second strategy could maintain a strict individualist interpretation of MBA, holding that only individuals and not groups can be wronged or harmed, but would reject the subjunctive-historical conception of harm in favor of a threshold conception of harm, according to which an action harms someone only if it causes them to fall below some normatively defined threshold. Some theorists appeal to a threshold conception of harm to avoid the nonidentity problem by showing how an individual can be harmed by an action so long as they fall below the relevant threshold, even if they could never have existed in the absence of that action (Rivera-López 2009; Meyer & Roser 2009). Recall that my conceptualization of the duty of ecological sustainability is sufficientarian and naturally specifies a threshold of healthy ecosystems necessary for a people to exercise its capacities of self-determination. Thus, if we adopt a threshold conception of harm, a future individual member of a people could be wronged by a people’s action if, as a consequence of that action, they fall

12 Note that articulating a specific way in which a future individual member of a people would be wronged when a people fails its duty of ecological sustainability is not to make any claims about whether it is all-things-considered permissible to bring some future individual person into existence. Perhaps we would have reason all-things-considered to *not* bring some future individual person into existence if they will only barely have sufficient environmental conditions for their people to exercise collective self-determination. (Thanks to a reviewer for suggesting this criticism.) Nonetheless, a people would not be violating its duty of ecological sustainability grounded in its right to self-determination if it did choose to bring such future individuals into existence. Such future individuals would not be wronged in this particular respect by their people, even if they may be wronged in other respects by their people. My concern is just with specifying this particular duty, not with what all-things-considered a people ought to do.

below this threshold of living in healthy ecosystems necessary to exercise collective self-determination.

Some might reject a threshold conception of harm on the basis that there appears to be no nonarbitrary way to specify the threshold: it seems unintuitive that someone right above the threshold is not harmed, whereas someone right below the threshold is harmed, even though the two are only slightly apart according to whatever metric is under consideration (Brännmark 2016, 684). However, this *prima facie* case against a general threshold conception of harm does not apply to the threshold of ecological sustainability I defend, which is not merely arbitrarily set but normatively motivated by the value it appeals to: namely, self-determination. Protecting a group's right to self-determination does not require that the group's opportunity to exercise its self-determination be maximized in optimal ways or equalized with that of other groups, but just that the group's very capacity for self-determination is preserved. To be sure, more work (and more empirical work) would be needed to operationalize and fully specify this threshold in practice, but a reasonable degree of arbitrariness at the level of policy implementation is to be expected (e.g., age limits for voting or drinking) and is not the target of the objection above. Sometimes the intuition that sufficientarian thresholds are arbitrary arises because more comprehensive values such as justice or overall welfare are at stake, which may entail more egalitarian (including prioritarian) or maximizing demands (Arneson 1999). But such values along with any of their internal nonsufficientarian implications are not the grounds of the threshold I am defending.

To clarify, I am not seeking to fully justify the general strategy of appealing to a threshold conception of harm as a solution to the nonidentity problem. Instead, my more limited claim is that insofar as this strategy is viable, it will be equally, if not more, viable for explaining how a future individual member of a people can be wronged by that people's failure to meet its duty of ecological sustainability grounded in its right to self-determination, because this specific duty sets a nonarbitrary threshold of ecological sustainability.¹³

4 Generational Rights to Self-Determination and Sovereignty

My view conceptualizing a people's self-directed duty of ecological sustainability avoids the nonidentity problem in a similar way to accounts that ascribe rights to

¹³ And if a people's duty of ecological sustainability need not be understood as correlated with its reflexive right to self-determination, as I have argued, then so much the better here for my view, since it will not then face any problems of correlativity. Generational rights theories, in contrast, make sense of duties to future generations specifically as correlates of the rights of future generations.

entire generations as a whole, including future generations (Weiss 1990; Brännmark 2016). This is because both generational rights and the rights of peoples appeal to the rights of groups whose identity conditions do not depend on which specific or how many individual members exist in the future. Both views thus circumvent the nonidentity problem by taking personal identity out of the equation and replacing it with group identity. One difference between the two views, however, is that my view appeals to peoples as intergenerational groups that already exist and possess rights now, whereas talk of the rights of future generations must make sense of the rights of groups that do not yet exist.

As Campos (2019) has argued, even if theories of generational rights can avoid the nonidentity problem, they nonetheless face problems of correlativity in explaining how the duties of current generations correlate with the rights of future generations. The rights of future generations can be understood either from a present-rights-of-future-generations view or a future-rights-of-future-generations view. On the first approach, “even if we concede that [present rights of future generations] can actually correlate with present duties, what grounds them is still the fact that they assemble a set of prospective interests of future generations *qua* future generations; but the future as future is never actual; the rights that *actual* [my emphasis] generations in the future will have cannot correlate with present duties since the correlatives of the latter (*qua* future) can never be satisfied towards any actual generations” (639–40). In other words, the present rights of future generations are rights they have *qua* future generations (e.g., some future generation G1 at time t_0 when G1 does not yet exist) and so are distinct from the rights of *actual* generations in the future (e.g., G1 at time t_1 when G1 does in fact exist). Even if the first can be correlated with present duties, this does not mean the latter will be. On the second future-rights-of-future-generations approach, future rights cannot bind present generations as correlates of present duties since such future rights do not yet exist.

In contrast to talk of generational rights, my account can adopt a present-rights-of-present-agents strategy: the present right to self-determination of a people as an intergenerational group that already exists can be seen as correlated with its present duty of ecological sustainability.¹⁴ As Campos (2019) puts it, “The reason why such actual rights at t_1 may contribute to the solution of moral problems arising only at t_2 is that those problems are already normatively relevant at t_1 ” (644). According to this strategy, “the temporal order no longer displays a distinction between present and future, but a sort of ‘semi-future conception of the present’ which comprises the set of

¹⁴ A more complicated application of the present-rights-of-present-agents strategy defended by Gosseries (2008, 461–64) argues that generation G1 has duties to G2, which overlaps with G1 at t_1 , to not make it overly burdensome for G2 to fulfill its obligations to G3, which does not overlap with G1 at t_1 . The problem with this transitive approach is that G2 does not have duties at t_1 to G3, which after all does not yet exist or have rights. If G2 could have such duties at t_1 , then we might as well talk of G1’s duties to G3 directly.

all intervals beginning at t_i and including t_i itself, as though the present were the first moment of the future” (644). When generational rights theories employ a present-rights-of-present-agents strategy, they are only able to correlate the duties of one generation with the rights of another generation that overlaps with it in the present, but they cannot account for duties to remote future generations beyond that overlap (Gosseries 2008, 461–64; Campos 2019, 645).¹⁵ In contrast, insofar as the social ontology of the people—as an intergenerational group that knits together past, present, and future generations, even nonoverlapping ones—and its right to self-determination both contain a futural temporality that extends to distant future generations, the kind of “semi-future conception of the present” at play when conceptualizing a people’s self-directed duty of ecological sustainability (as grounded in and even correlated with its present right to self-determination) will encompass concern even for remote nonoverlapping generations. The environmental problems of the distant future are already normatively relevant for a people’s right to self-determination in the present. To quip: the future of a people’s sustainable self-determination is now.

One kind of generational rights position worth considering, particularly given its similarity to my view, appeals to the notion of generational self-determination or generational sovereignty.¹⁶ Brännmark (2016, 687–88), for instance, argues that an entire generation can be viewed as a kind of political community that is in principle capable of making decisions, with rights to self-determination and to use its fair share of natural resources (the same rights ascribed to peoples under international law). He concludes that “it lies in the interest of future generations that they receive as extensive possibilities as they can of producing goods and maintaining well-functioning social and political institutions that enable them to meet the needs and ideally even the wants of their members” (687). Gosseries (2016) likewise articulates different dimensions of generational sovereignty, including: (a) *jurisdictional generational sovereignty*, the freedom from enforceable extra-generational jurisdictional claims made by other generations; (b) *effective political generational sovereignty*, the possession of sufficient resources to sustain institutions for adopting a generation’s own laws; and (c) *effective generational sovereignty*, the possession of sufficient resources to decide among meaningful options. He suggests that jurisdictional generational sovereignty can be violated only when generations overlap, and he supports proposals for promoting a fairer intergenerational distribution of

¹⁵ These views take inspiration from the likes of Thomas Jefferson who wrote in 1789, “We seem not to have perceived that, by the law of nature, one generation is to another as one independent nation to another” (quoted in Gosseries 2016, 98).

¹⁶ This is to reject precisely what Brännmark (2016, 693) insists upon.

effective (political) generational sovereignty while minimally restricting jurisdictional generational sovereignty.

Notions of generational self-determination or sovereignty, however, face certain difficulties related to whether treating a whole generation as a distinct political community is even coherent or plausible. First, generations are, after all, mere abstractions: where one generation begins and another ends can only be determined arbitrarily, since individual births and deaths are continuous and not clustered into discrete groups (Barry 1977, 268; Page 2006, 155–56). The problem is not merely that the concept of a generation is vague but that it is too vague to serve as the holder of rights to self-determination or sovereignty, even if it may not be too vague to ground other future-oriented moral concerns (such as duties to future generations more generally).¹⁷ Boundary issues, as democratic and political theorists know all too well, are especially pressing when determining the scope of a demos or a self-determining group. How we carve up a generation, just as how we determine the scope of a people, can drastically affect which decisions are considered to be its own, such that one way of delimiting the group may mean its self-determination or sovereignty is violated but another way will not. Deciding the boundaries of a generation is purely arbitrary as a matter of conceptual definition, whereas this is not necessarily true for peoples.¹⁸

Second, generations are not actually organized into groups capable of making decisions. Brännmark (2016, 687) admits as much but pleads innocence by association and points out that peoples too are not always capable of functioning as decision-makers. But the difference, empirically, is not merely a matter of degree. Peoples do in fact organize themselves with decision-making procedures, norms, and institutions; generations do not. One could adopt a conception of peoples that takes decision-making institutions to be a necessary condition for peoplehood (Stilz 2016, 102; 2019, 126). Or, one could accept that peoples can persist through periods where they lose their decision-making institutions (perhaps due to war or colonialism) so long as they are bound by other ties, such as political identity or cultural nationality established through a history of association (which would be difficult if not impossible for generations to realize given that they definitionally cannot have a lengthy history), and they seek to restore their collective decision-making capacity (Moore 2015, 50–52).

Third, generations currently do not see themselves or self-identify as political communities. If anything, generations tend to understand themselves rather as thin

¹⁷ Again, see Kwan (2021) for a solution to the boundary problem within democratic theory.

¹⁸ Contra Gosseries's (2016, 109) estimation, it is not the case that the various justifications for sovereignty, self-determination, and collective autonomy apply, *mutatis mutandis*, to the sovereignty of a discrete generation.

cultural groups (e.g., millennials or Gen Z) that share similar experiences, tendencies, and traits, or are subject to similar stereotypes. But for a group to constitute a political community, it must self-identify as a political community. Political identity just is, at least in part, the mobilization of a group's self-ascriptions and self-understandings. Even if it is conceptually possible for a generation to mobilize as a self-identifying political community and develop the necessary institutions, norms, and procedures for collective decision-making, the fact that generations are not so organized empirically makes the application of theories of generational self-determination and sovereignty to the actual world moot.

Aside from the conceptual and empirical challenges to treating generations as political communities with rights to self-determination and sovereignty, the main reason to theorize instead in terms of the interests, rights, and duties of peoples is that talk of generational rights obscures the normatively valuable relationships that knit different generations into a single political community. There are several grounds for conceiving of and valuing peoples as intergenerational groups. We might, as cultural nationalists do, point to the significance of intergenerational national identities as a source of value and obligations. As Miller put it,

In the case of nations, people who deny the significance of their national identity ... are missing out on the opportunity to place their individual lives in the context of a collective project that has been handed down from generation to generation, involving among other things the shaping of the physical environment in which they live, and whose future they could help to determine, by political participation and in other ways. (2007, 39)

Similarly, we might emphasize, on communitarian grounds, the value of a political community that extends over generations into the future, in which members choose to identify with, define, and pursue a common good, though we might insist that it be one that is amenable to change through free and open debate (De-Shalit 1995).

Granted, one might be skeptical of appeals to cultural nationalism or communitarianism, since a people may contain a diverse range of national identities or conceptions of the good and still function well as a self-determining political community. In lieu of thicker cultural nationalist or communitarian accounts, we can instead explain the reason for conceiving of the holder of self-determination and sovereignty rights as an intergenerational group in thinner merely political terms. Moore (2015, chap. 3) argues that a people should be understood as marked by its shared political (rather than cultural) identity of engaging or desiring to engage in a common political project of self-determination. Such a political identity is based on normatively valuable relationships between members that stretch across generations, supported by a valuable history of shared political association, and oriented toward the goal or aspiration of shaping and controlling their collective destiny as it unfolds into the future.

Alternatively, we could appeal to what Thompson (2009, 2022) calls the lifetime-transcending interests of individuals to explain why we should conceive of (and indeed, create and maintain) peoples as essentially intergenerational groups. The near ubiquity and significance of individual interests that extend beyond an individual's lifetime is hard to deny. Parents care about their children and grandchildren; people want their projects to last or have meaning after they are gone; and members of peoples value the fates of their collective projects of self-determination. A people is an essentially intergenerational group not because it just happens to last beyond a single generation (as a corporation might), but because its temporal scope is, in principle, unlimited (even if, in practice, it may not and likely will not persist indefinitely, and even if a people may permissibly choose to bring its existence to an end). Such a group can be what Thompson calls (2022, 13–14) a “temporally trustworthy” agent: one that bears long-term moral or legal obligations as a result of its actions and that can pass on these obligations to other intergenerational groups should it cease to exist. We therefore have reason, both pragmatic and moral, to conceive of, create, and maintain peoples as the essentially intergenerational and temporally trustworthy groups they are, precisely because such groups serve to underwrite and protect people's lifetime-transcending interests and the intergenerational obligations and entitlements such interests generate.

I do not aim here to settle any debate among these various reasons for conceiving of and valuing peoples as intergenerational groups, especially since they do not necessarily compete with one another and different ones might be applicable in different cases (although I prefer accounts that do not rely on thicker cultural nationalist or communitarian grounds). Rather, the point is that proponents of generational self-determination or sovereignty must respond to these reasons (which they do not) for why the holder of rights to self-determination and sovereignty should be conceived as an intergenerational group rather than discrete generations on their own.¹⁹

To be sure, one motivation behind generational self-determination or sovereignty views is to help ensure that effective (political) generational sovereignty is fairly distributed, insofar as we care that future generations can effectively exercise self-determination, which can be threatened by how self-determination is exercised now. To the extent that such a fair distribution requires, at the very least, that future generations have a threshold of healthy ecosystems necessary to exercise their capacities for self-determination (even if it may require egalitarian demands above this threshold), my view appealing to an intergenerational people's self-directed duty of ecological sustainability will likewise capture this outcome. However, my view

¹⁹ Though some (Ball 1985; Broome 2012) do indeed maintain that there are no justice-based reasons to care for or owe duties to future generations, in which case so much the better for my view.

entails this not for the sake of fairly distributing sovereignty across generations but as a duty that a people as an intergenerational group owes itself as a precondition, and even a correlate, of its right to self-determination. By contrast, the framework of generational rights tends to frame one generation's rights to self-determination and sovereignty as in tension with another's. This obscures the normatively valuable relationships that bind different generations together into a single political community extended through time and how the current generation of a people is consuming resources not simply for its own sake but also to pass down things of value, including, crucially, institutions of self-determination, to future generations of the people.

5 Self-Determination Rather than Justice

This leads me to another distinctive feature of my conceptualization of a people's self-directed duty of ecological sustainability: its grounding in the value of self-determination rather than justice. Even apart from nonidentity worries about owing justice to future individuals, appealing to justice, especially egalitarian distributive principles, to justify duties of ecological sustainability to future individuals encounters certain difficulties. First, we likely cannot measure the well-being of future individuals with the specificity or reliability needed to apply principles of intergenerational egalitarian justice (Meyer & Roser 2009, 239–41; D. Thompson 2016, 186). This is not just due to the difficulties of predicting the trajectory of technological developments and their impact on people's lives, but also because we may not even know what forms of life future individuals will value, which will depend on social and cultural contexts that may be entirely alien to us now. Just consider how, a hundred years ago, no one could have foreseen the rise of social media or artificial intelligence and their effects on people's lives and well-being—effects whose full implications we are still waiting to see unfold. To the extent that the plurality of diverse forms of life in different societies is already a barrier to applying egalitarian justice globally, as some hold (Miller 2007; Brock 2009, 58–63), this difficulty is even greater when applying egalitarian justice intergenerationally. Second, how individuals fare in the future will depend not only on decisions made today but also on their own choices (both individually and collectively as peoples) and on the decisions of intervening generations, none of which present peoples can be held responsible for as a matter of justice (Meyer & Roser 2009, 241; Brännmark 2016, 290).

Third, many theories hold that principles of egalitarian justice are triggered only when certain relationships exist between individuals, such as shared subjection to coercion, socioeconomic cooperation, or reciprocity (Blake 2001; Sangiovanni 2007; Risse 2012, 7–8). But one might doubt whether the relationships that define the scope

of egalitarian justice among contemporaries (whether fellow citizens or not) also hold between individuals whose existences do not overlap (Meyer & Roser 2009, 242–43). Nonoverlapping individuals cannot interact with one another, and a power asymmetry exists between them: past individuals can affect future individuals but not vice versa. These features seem to undermine the possibility of relationships of reciprocity, socioeconomic cooperation, or shared subjection to coercion existing between nonoverlapping individuals. Likewise, reasons to improve economic equality among contemporaries to help realize political equality do not apply to nonoverlapping individuals, since the inherent power asymmetry between them would preclude them from standing in equal political relations no matter how economically equal they were (Meyer & Roser 2009, 243).

Grounding the duty of ecological sustainability in the value of self-determination rather than justice circumvents these various difficulties. A people's duty of ecological sustainability here is a sufficientarian duty to maintain a threshold of healthy ecosystems necessary for its institutional capacities of self-determination and not an egalitarian one to equalize the well-being of individuals across nonoverlapping generations. Thus, this duty does not require a people to comprehensively predict or measure the well-being of future individuals, which would necessitate detailed knowledge of their social, cultural, economic, and technological conditions and their conceptions of the good. Of course, some uncertain predictions about how present actions will impact the lives of future individuals will still be needed when maintaining healthy ecosystems necessary for future exercises of collective self-determination. But these predictions are more tractable in principle, because they target system-level or institutional capabilities for collective self-determination rather than the fine-grained individual-level information that would be needed to equalize well-being cross-generationally, including predictions about the forms of life and conceptions of the good future individuals will value. No matter what exact forms of life future members ultimately value, it will remain crucial that they be able to collectively decide the trajectory of their common affairs as a people. This, in turn, will enable them to determine how to realize and organize the sorts of lives they value, lives whose character may be epistemically inaccessible to past generations.

Moreover, a people at a given moment will not be responsible for the decisions of future individuals or intervening generations that impact the well-being of future members but only for ensuring that its own decisions preserve the environmental and material preconditions necessary for the institutional capacities of self-determination. Finally, the duty of ecological sustainability here does not require that the relationships triggering the demands of egalitarian justice exist between nonoverlapping individuals but only that intergenerational relationships tie a people together into a single political community to make its self-determination

extending over time valuable and worth sustaining, which, as noted above, can be explained on several grounds.

The threshold of ecological sustainability needed to preserve a people's collective and institutional capacities of self-determination is nonetheless a higher bar than merely meeting the basic needs of individuals, which one might defend as a fallback sufficientarian conception of justice once egalitarian justice is ruled out. Providing basic needs does not require comparisons of overall well-being and is a plausible demand of justice even in the absence of egalitarian-triggering relationships (Meyer & Roser 2009, 242). Note though that appealing to the provision of basic needs as the standard of intergenerational justice only partially addresses the difficulties in predicting and measuring the well-being of remote future individuals, since what counts as basic needs for a decent human life in a future socio-historical context will partly depend on technological and cultural conditions that may be unknown today. It will nonetheless be crucial for a people in the future to have the institutional capacities to determine for itself what needs are basic at that time and how exactly to provide them, which shows that providing basic needs by itself is still too low of a bar.

More generally, even if none of the aforementioned barriers to applying principles of justice intergenerationally exist, we might nonetheless recognize that there is room for reasonable disagreement among various conceptions of justice and that such disagreement can arise not just intragenerationally but intergenerationally. Given this fact of reasonable intergenerational pluralism about justice itself, it is important that a people at any given time has sufficient institutional capacities to exercise its self-determination to decide which reasonable conception of justice to concretely realize. This suggests that grounding a duty of ecological sustainability in the value of self-determination addresses a legitimacy demand distinct from, and perhaps even prior to, justice.

My aim in raising these skeptical worries about the possibility of egalitarian intergenerational justice is not necessarily to suggest that these challenges are insurmountable.²⁰ It may be all the better if a coherent theory of intergenerational justice, even an egalitarian one, is in the offing. Some readers may think one already exists (choose one's favorite). The point, rather, is that one need not ground duties of ecological sustainability solely in the value of justice. A quite robust duty of ecological sustainability can be generated by appealing instead to the value of self-determination, one that offers certain advantages over theorizing in terms of

²⁰ I am not denying that issues of distributive justice will arise when realizing a people's self-directed duty of ecological sustainability, such as how to distribute the costs and burdens of fulfilling this group duty among a people's existing individual members. But these are matters of intra- rather than intergenerational justice.

justice.²¹ Every now and again, it is worthwhile to step out from under the shadow cast by the “first virtue of social institutions” to see what insights can be gleaned elsewhere (Rawls 1999, 3). Even if our best theory of intergenerational justice ultimately entails the same demands as a people’s self-directed duty of ecological sustainability grounded in its right to self-determination, we nonetheless have another powerful and distinct reason for doing what we ought to do. Furthermore, suppose that intergenerational justice entails more than meeting the threshold of healthy ecosystems necessary for self-determination, such as certain egalitarian demands. In this case, appealing to self-determination can help explain the normative importance of this particular threshold, even as it does not preclude the importance of fulfilling duties of ecological sustainability above the threshold that may be justified by justice rather than self-determination. As Shields (2012) notes, sufficiency principles of this sort can show that “we have weighty reasons to secure enough and that once enough is secured the nature of our reasons to secure further benefits shifts” (101).

It may be helpful here to compare my view of a people’s self-directed duty of ecological sustainability grounded in its right to self-determination with Rawls’s just savings principle. Rawls (1999, 253–54) similarly rejects the intergenerational application of principles of egalitarian distributive justice, noting that his own difference principle would entail zero or insufficient savings for the future and that later generations are never able to improve the situation of the least well-off in earlier generations. Instead, parties in the original position, conceived as contemporaries who do not know what generation they belong to, agree to a just savings principle on the condition that they would want all generations (past and future alike) to also follow it (Rawls 1993, 274). According to the just savings principle, generations must save until the conditions needed to establish a just basic structure is reached (i.e., the accumulation stage), after which, once just institutions are secured (i.e., the steady-state stage), net real savings may fall to zero.

Like my conceptualization of a people’s duty of ecological sustainability, Rawls’s just savings principle also specifies a sufficientarian threshold but one grounded in the value of justice rather than self-determination. Consequently, the required thresholds differ: the threshold of healthy ecosystems necessary for collective and institutional capacities of self-determination is less demanding than the threshold of a just basic structure. Additionally, Rawls’s focus on savings and capital accumulation obscures the ecological preconditions that are essential for either just or self-determining institutions, although, to be sure, how “the *material base* sufficient to

21 And famously on Kant’s view, not only is it possible to be bound by laws one legislates for oneself, but the self-imposition of the moral law is precisely what constitutes autonomy, and not being so bound would be heteronomous.

establish effective just institutions” (1999, 256 my emphasis) is understood could be modified and given a green interpretation.

The main theoretical differences between the two views are due to Rawls’s contractualism and our varying social ontological starting points. Unlike Rawls’s use of a hypothetical, nonhistorical, and “present time of entry” contract where parties in the original position are contemporaries of a single generation, I appeal to the social ontology of the people as an actual, historical, and already intergenerational group (not merely a collection of individuals, even if idealized, within a single generation). Theorizing about the rights and duties of a people allows us to capture, as I have emphasized, the normatively valuable relationships that bind different generations into a single political community. In contrast, Rawls’s contractualist exercise explicitly assumes that generations are mutually disinterested. He also rejects an original position in which every generation is represented, since relations between nonoverlapping generations are not characterized by the circumstances of justice (they do not cooperate and generations cannot benefit or harm previous nonoverlapping generations). Indeed, in *A Theory of Justice*, seeing how parties in the original position would have no reason to agree to any saving whatsoever, Rawls stipulates that parties represent family lines who care about their immediate descendants (1999, 254–55). Later in *Political Liberalism*, he rejects this motivational assumption, which seems ad hoc and in tension with his assumptions of mutual disinterest, and replaces it with the condition that parties must want all other generations (past and future) to follow the just savings principle that they agree to (1993, 274). As Thompson (2009) points out, the result of Rawls’s contractualism is that parties in the original position have “no attachments to members of past or future generations that can affect the outcome of their deliberations” and “no moral preconceptions about their duties to future citizens.” But in reality, many people may “value the institutions or ideals of their polity and want them to survive, or value other communities or goods that their polity protects” (28). Grounding a people’s duty of ecological sustainability in its right to self-determination can gather an overlapping consensus of sorts (to repurpose Rawls’s phrase) among the many different reasons individuals may care about the continuation of the self-determination projects of their peoples (including those who may not be committed to liberal conceptions of justice) in ways that Rawlsian contractualist justice rules out from the start.

6 Waiving the Right to Self-Determination

Let us return now to the worry from Section 2 that insofar as a people can waive its right to self-determination whenever it chooses, its self-directed duty of ecological sustainability grounded in that right cannot be sufficiently binding to be a genuine

duty. Note that if a people cannot waive its right to self-determination wholly at will or without any constraints, then a duty grounded in that right can still coherently bind, since it will bind at least in instances when the right cannot be waived.

Now, a people's ability to waive its right to self-determination does indeed have constraints. One such constraint is due to the nature of a people as an intergenerational group whose membership continually changes. Thus, so long as a people continues to exist, it cannot permanently waive its right to self-determination, as this would bar future members from having a say in that decision. This is why, even for theorists who maintain that a people can legitimately exercise its self-determination to establish a nondemocratic form of government (such as a constitutional monarchy), there must nonetheless remain a constitutional channel by which the people can revoke the authorization of the government through a democratic vote (Altman & Wellman 2009, 26–28; Stilz 2019, 128). Just as a people cannot permanently forgo democracy without a constitutionally entrenched back-up democratic check, so too can it not permanently waive its right to self-determination for all future members so long as it continues to exist. Insofar as there must be some element held in reserve for future exercises of self-determination, this requirement itself would be sufficient to generate a people's self-directed duty of ecological sustainability, because it involves a normative commitment to preserve the people's capacity for self-determination into the future.

This line of reasoning could also help explain why a people's right to self-determination is in fact a reflexive right that a people holds against itself, since a people cannot exercise its self-determination to prevent itself from exercising its self-determination in the future (unless it has decided permissibly to cease existing). Thus, even if one does not accept the universality of Muñoz and Baron-Schmitt's (2024) claim that *all* moral rights are reflexive, one still has reason to think that the particular right to self-determination is reflexive given its character as a group right of an intergenerational people whose membership continually changes.

Indeed, even if a people could waive its right to self-determination while continuing to exist, it is very unlikely to do so, especially merely in order to relieve itself of a self-directed duty of ecological sustainability, due to the great costs of such a waiver. A people has many compelling reasons, both pragmatic and moral, for continuing to claim its right to decide for itself the direction of its collective future rather than to permit others to rule over or dominate itself.

What, then, if a people decides, in a morally permissible manner, to dissolve (where a merger with another people could also be seen as a kind of dissolution by reconstitution)? When a people waives its right to self-determination by dissolving, no future members of the people would exist. *A fortiori*, no future members would be barred from having a say in the decision of the people to permanently waive its right to self-determination. Could a people relieve itself of the duty to ecologically sustain

its territory grounded in its right to self-determination simply by choosing permissibly to end its existence?

Note that cases of a people waiving its right to self-determination by permissibly deciding to dissolve are themselves also *exercises* of self-determination. Properly speaking, they are cases where a people exercises its right to self-determination at a given moment to waive its right to future exercises of self-determination. Even in such cases, a people, by exercising this right, is normatively committed to the value of its own territorial self-determination and so is still constrained by a self-directed duty of ecological sustainability up to the point that it ceases to exist. Moreover, even when a people waives its right to self-determination—and indeed, more strongly, *even if* it could in principle do so wholly at will (which I have denied)—a duty grounded in that right can still coherently bind, since it would bind the people *until the people so waives that right*. As Cohen (1996) expressed the thought, “if I had the authority to legislate [the law], it indeed binds me, as long as I do not repeal it” (170). A democratic people, for example, is still bound by the laws it legislates, even if the people can revoke those laws at any time.²²

To be sure, a people’s self-directed duty of ecological sustainability when it chooses to dissolve will be less robust than the duty would have been had the people decided to continue existing, since the duty will not require the people to sustain its territory for future generations of the people, as there will be none. Suppose a people decides to disperse and abandon its territory. Up until its end-date, it continues to sustain its territory so that collective institutions of self-determination function, but it exhausts its territory’s resources to do so. Since the people’s claim to its right to self-determination has an expiration date, it indeed satisfies its duty of ecological sustainability grounded in that right even though it depletes its resources.

This shows the limit of conceptualizing ecological sustainability as a self-directed duty of self-determination. However, a people may have other duties of ecological sustainability that would nonetheless prohibit it from exhausting its territory’s resources. For example, a people may be obligated to ensure that its territory remains capable of sustaining political life for the next inhabitants after it waives its self-determination and territorial rights (Thompson 2022, 16). This duty, while other-directed rather than self-directed, is still grounded in the value of territorial self-determination itself, even if not in the people’s own ongoing claim of self-determination. Often, when a people permissibly decides to dissolve or peacefully merge with another people, it nonetheless has duties of transition to pass on the right to self-determination over a given territory, along with the corresponding duty of ecological sustainability, to another people or political entity. Moreover, there may be duties to more-than-human species or the environment itself not to wantonly

²² Thanks to an anonymous reviewer for pressing this kind of example.

destroy the ecosystems of a territory prior to a people's dissolution, even if the people is permitted to exhaust the resources necessary for human survival and its collective self-determination.

In some cases, a people may have good reason to exhaust its territory's resources prior to its dissolution and will nonetheless meet its various duties of ecological sustainability. Suppose ecological conditions are such that a people knows its territory cannot sustain inhabitants leading decent lives in that location after the current generation. It decides to dissolve at a set end-date and exhausts its territory's resources to sustain a decent standard of living and institutions of self-determination until then but does not otherwise wantonly destroy the ecosystems of the territory apart from securing these aims.²⁴ Such a case of a people dissolving and exhausting the territory's resources seems permissible and should not be (and would not be) ruled out by a people's self-directed duty of ecological sustainability grounded in its right to self-determination (nor by its other duties of ecological sustainability grounded in separate considerations). In practice though, peoples rarely, if ever, claim to be waiving their rights to self-determination in order to end their existences and exhaust the resources of their territories. This is but a limit case (though one that may become increasingly salient in light of the existential threat posed to island countries by rising sea levels). The more common situation is when a people asserts its right to self-determination while adamantly claiming this right entitles it to do whatever it pleases to its environment, even to destroy it. This is precisely what my view denies peoples can normatively claim.

In sum, a people's self-directed duty of ecological sustainability is still sufficiently binding to be a genuine duty, even though it is grounded in a people's own right to self-determination. Since a people cannot simply waive its right to self-determination at will or without any constraints, duties grounded in that right will still bind at least when the right cannot be waived. A people cannot permanently waive its right to self-determination while continuing to exist, as this bars future members from having a say in that decision. While a people can in fact waive its right to self-determination by dissolving permissibly, it must still fulfill its self-directed duty of ecological sustainability until it ceases to exist. In cases where a people waives its right to self-determination—and indeed, even if a people could waive this right wholly at will—a duty grounded in that right would still bind up to the moment the right is waived. When a people chooses to dissolve, its duty of ecological sustainability grounded in its right to self-determination would be less demanding, because it would not require the people to sustain its territory for future generations of the people who, by hypothesis, would not ever exist. But a people may have other duties of ecological sustainability grounded in separate considerations to sustain the ecosystems of the territory for the sake of future inhabitants (even if they are not members of the people), more-than-human species, or the environment itself. In

other cases, there may be good reasons, perhaps of necessity, why a people should be permitted to exhaust its territory's resources to sustain its institutions of self-determination until it dissolves.

It is true that grounding duties of ecological sustainability in justice rather than self-determination ensures the stringency of such duties, since one cannot simply waive one's justice-based duties. On the other hand, conceptualizing a people's duty of ecological sustainability as self-directed and grounded in its right to self-determination can be more motivating, because it is a duty that one owes oneself and not others and because one has both prudential and moral reasons to care about one's own self-determination. The pursuit of justice, as lofty of a goal as it is, unfortunately does not always move people. The fact that a people's duty of ecological sustainability based in its right to self-determination is only binding if a people continues to claim that right, rather than permissibly waives it, is not so much a bug of the view as a feature. It holds peoples to the very normative commitments they care about. Insofar as peoples wish to claim their rights to self-determination and the territorial rights that follow, they must also acknowledge the responsibilities of ecological sustainability that accompany those rights.

7 Conclusion

In this paper, I have argued for conceptualizing ecological sustainability as a self-directed duty belonging to an intergenerational people, one that is a precondition, and even a correlate, of the people's own right to self-determination. While this conception of ecological sustainability as a self-directed duty of self-determination does not preclude the existence of other duties of ecological sustainability, it offers several advantages. First, it avoids the nonidentity problem, because peoples already exist as intergenerational groups whose identity conditions do not depend on the specific individuals who will become members. One can also adopt a threshold conception of harm to explain why future members of a people can be harmed or wronged by an action if they fall below a threshold of living in healthy ecosystems necessary for the exercise of their collective self-determination. Second, my view fares better than theories of generational rights and generational self-determination or sovereignty, which face difficulties in explaining how the duties of current generations correlate with the rights of future generations, in articulating the boundaries of indeterminate generations, and in capturing generations that self-identify as distinct political communities and that possess collective decision-making capacities. More importantly, accounts of generational self-determination and sovereignty obscure the normatively valuable relationships between generations that tie them together into a single political community and that justify conceiving of and valuing

the rightsholder of self-determination and sovereignty as an intergenerational people rather than as discrete generations. Finally, grounding a duty of ecological sustainability in the value of self-determination rather than justice not only responds to a distinct legitimacy demand, arguably more basic than justice, but also sidesteps problems that arise when applying justice, especially egalitarian distributive principles, intergenerationally (such as the challenge of comprehensively predicting and measuring the well-being of future individuals and the lack of relationships that trigger egalitarian demands). Though there may be many reasons to care about sustaining the environment, one distinctive and powerful reason is that we owe it to ourselves as a political community to maintain healthy ecosystems that make possible the very exercise of our collective self-determination over our shared territory.

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