Collectivizing Rights and Duties: An Indigenous Perspective

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I want to dedicate this thesis to my family in Panama who sacrificed so much for me to be here, finishing my degree. I want to especially thank my mom for being my #1 fan, and for always helping me stand back up after all the difficulties I encountered. And to my dad for being a sturdy foundation onto which I am able to construct my life and my future. I thank you both from the bottom of my heart, this degree is as much yours as it is mine.

Los amo y los quiero agarrándome de la mano el resto de mi vida[1]

[1] I love you both and want you holding my hand for the rest of my life

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I. Introduction

Climate change has become the main topic of discussion in a variety of academic communities due to the increasing likelihood of an Earth that is unable to sustain life that is worthy of living. Although consensus regarding the urgency, magnitude, and scale of this phenomenon, behavioral change at the individual, national, or international levels has been inadequate (IPCC, 2021). The plethora of research warns of the risk to human and non-human elements of ecosystems worldwide; however, it remains focused on the anthropogenic contributions to the deterioration of the climate. Despite the warnings from the IPCC, the Earth has reached a warming temperature of 1.2°C, and quickly approaches the concerning threshold of 1.5°C above which the climate as we know it will no longer exist. Such harm will be almost exclusively felt by future generations of (non-)humans; this highlights their increased vulnerability that arises over time. Therefore, intergenerational justice has become a topic of discussion in academic circles. This account deals with the general considerations of justice i.e., to determine what is owed to whom, and who is the holder of such obligation, in the context of past, present, and future generations. It has become popular over the past decades, to discuss intergenerational justice exclusively within a human rights framework. However, such an approach remains contested due to the combination of two aspects: the complexity of the climate system, and attribution of responsibility.

Conceptions of environmental moral rights do not protect the environment from damage, since determining whether the cause of such damage is anthropogenic or natural is difficult. Instead, it narrowly protects against harm that humans can be found 'directly' responsible for. As a result of this unsatisfactory protection, an anthropocentric approach is preferred by the literature; human rights are thought to consider and protect untradable values that are shared universally, and the protection of which is bestowed upon us all through universally applicable duties. As Caney (2009) puts it, human rights are the minimum thresholds below which no human should fall.

Generally, moral responsibility is attributed insofar as the individual can be said to have caused the state of affairs, and whether the state of affairs was brought about with the mindset of doing so (Shockley, 2016). It, then, becomes impossible to attribute responsibility to an agent for climate change or any of its derivate effects. Moreover, causality is problematic since

it is generally determined in direct terms, i.e., establishing a direct causal link between an individual and the state of affairs. However, direct causality is difficult to determine since most harms are the result of innumerable individual contributions. Therefore, a conception of responsibility must be broad enough to indirect responsibility. However, this may be incompatible with a mainstream account of human rights. Consequently, this thesis will examine this framework of rights, which is founded on Western ontology. Although individual forms of responsibility are contested, and collective approaches are ascribed more benefits, efforts in this direction have been insufficient.

I consider it fundamental for the development of the field to consider different ontologies on human-environment relationships (cf. Marín-Dale, 2016). Therefore, I will resort to Latin-American indigenous ontologies to develop a more adequate framework of rights. Since these cultures are characterized by an intimate human-Earth relationship that evolved at the heart of the exquisite nature that symbolizes these latitudes, they evolved to be the 'guardians of Mother Earth', and, thus, I consider them to be a crucial source of knowledge. Furthermore, this discussion has the potential to contribute to the enactment of legal policies to protect future generations and the environment, as well as adequate mitigation strategies. The inclusion of indigenous knowledge contributes greatly to ontological pluralism, as well as to dignifying groups that have been neglected for centuries. Since indigenous knowledge ascribes immense importance to collectives rather than individuals, the guiding question is the following: should collective rights be used to protect future generations?

This thesis will be divided into three main sections: a discussion of the mainstream account, an overview of Andean and Maya ontologies, and the reconciliation of the alternative ontologies and the mainstream account of rights. The first section discusses intergenerational justice more generally and narrows down into a discussion of the human rights approach, including its axiological foundations and its main difficulties. The second section delivers an overview of two ontologies that I will use to create an alternative view of rights. The last section attempts to reconcile the two previous chapters to concretely establish a theory of collective rights that is able to overcome the difficulties of a human rights approach. Ultimately, it becomes clear that the mainstream approach to intergenerational justice was too problematic to effectively protect the interests of future generations. Therefore, redefining rights to protect future collectives provided a solid rejection of the difficulties the mainstream approach faced and allowed me to create a moral imperative to protect future people and nature.

II. The Mainstream Account

a. (Inter-)Generational Theories of Justice

Intergenerational justice belongs to a larger group of theories of justice that are concerned with the moral status of individuals regardless of their position in time – i.e., generational justice. In this field, justice is divided in two: intragenerational, and intergenerational. The former applies to groups within the same generation, such as issues of gender and social inequalities (Campos, 2018). Conversely, the latter applies to groups or communities whose generations are not necessarily temporally related. Intergenerational justice, then, considers justice claims *between* generations and consists of two dimensions: the temporal dimension, which differs depending on the conception of generation used, and the spatial dimension (Tremmel, 2009).

In the social sciences, generations can be understood in three ways: family generations, societal generations, and chronological generations. According to Campos (2018), family generations are a result of the genealogical evolution of families and are of little consequence to this topic. Conversely, societal generations are contemporary groups that share problems, beliefs, and attitudes. Lastly, chronological generations are divided into two types: chronological-temporal, and chronological-intertemporal. The former describes generations as an age group over thirty years (De-Shalit, 1995). The latter describes generations as encompassing everyone alive today. Generally, intergenerational accounts of justice are characterized by (a) generational non-contemporaneity, (b) non-reciprocity between groups, and (c) asymmetric power relations between non-contemporaneous groups. However, intergenerational justice presents a fundamental problem: the temporal separation between the exercise of the right, and the obligation to protect it. This results in a theoretical difficulty to define the rights/duties, and a practical difficulty to determine its concrete applicability within a country's legal system. Despite this disagreement about the demands of this theory, there is general agreement about the moral status of future generations (cf. Caney, 2014).

b. Rights of future generations

The Human Rights Council of the United Nations has expressed deep concern about the undeniable negative implications that climate change has for the full enjoyment of human rights, and thus, has become more pressing to address (UNHRC, 2008). As proposed by Limon (2009), this approach is supported by two main claims: (a) it shifts the focus of the climate change debate to the individual, which creates an ethical imperative to act and, consequently, a legal framework; and (b) it contributes to leveling the playing field of the debate and elevates the interests of the most affected which ensures the creation of appropriate mitigation strategies. A human rights approach, then, presupposes the mobilization of key political and legal powers to facilitate the empowerment of possible victims to claim their rights. However, these right claims may leave the door open for injustices, as these adhere to sufficientarian standards. Indeed, as rights focus on reducing absolute deprivation, it is incompatible with theories of justice, which attempt to bridge the gap between the better off and the worse off.

i. Functioning Human Agent

A clear conceptualization of human rights remains elusive to academics. Generally speaking, rights have been described in structural terms, that is, in terms of the limitations it places on individuals. Thus, this conceptualization contributes greatly to its elusiveness and incompleteness. Griffin (2008) argues that a human rights approach should be defined substantively to delineate the content of such rights instead. This, in turn, may contribute to the enhancement of human rights in general. To him, human rights are based on the *distinctively* human existence or the distinctive characteristics of human life, such as self-consciousness, time-awareness, self-reflection, and purposeful action towards our ends. Therefore, human rights are based on the agency that characterizes human action, and thus, they protect human *standing* or personhood.

Therefore, Griffin (2008) institutes the concept of rights over the idea of *personhood*. He argues that most conventional rights – such as the right to life, the positive freedom to education, and minimum provisions for agency – can be easily derived from this term. *Personhood* is constituted by three conditions: (a) autonomy, or the capacity to choose one's path; (b) the real availability of choice sets (or the ability to understand the choices available);

and (c) liberty or being free from constraints to follow one's path. When considering personhood as the foundation of human rights, it becomes clear that these do not protect human dignity, but the more fundamental value of human status. This value would be lost if these conditions were not fulfilled. This conception of rights, I will call the 'functioning human agent' approach (pp. 33–34). Lastly, a human rights approach to intergenerational justices requires a defined right- and duty-holder – which in both cases is the differentiated individual – in addition to the content of the right.

ii. Problematizing Human Rights

Campos (2018) divides the criticism of rights to future generations into two categories: indeterminacy and contingency. The former is exemplified by the nonexistence problem and the non-satisfaction problem, and the latter by the non-identity problem. An indeterminacy criticism rests on the discussion of whether rights can be bestowed upon an indeterminate set of individuals in the future. Indeed, by supporting a nonexistence argument, rights to future people are denied on the basis of their non-existence today, and in the absence of a right, obligations are rejected too. Moreover, a no-satisfaction argument focuses narrowly on claims over resources; this argument denies future persons of rights since such resources do not exist when the right claim can be exerted, thus, the right cannot be satisfied. Conversely, the non-identity paradox argues that there cannot be harm inflicted on future people due to their contingency to our present actions. It then follows that by changing said actions, a different individual will be born, and therefore, said individual cannot be said to have been harmed otherwise. Consequently, Parfit (1984) leaves us with the following thought: if future people cannot be harmed, what would rights protect them against?

The non-identity problem sets the fundamental rejection of the rights of future generations. According to this problem, we are confronted with a choice between two policies, one which will 'harm' future people, but not to the extent of considering life unworthy of living. Under a framework that recognizes the rights of future people, the temptation is to choose the policy option which does not incur harm. However, the complication arises once we consider that individuals in the future are contingent on our actions, now. In other words, our choices and actions influence *who* it is that will come to exist. Accordingly, choosing the negative policy option will inflict 'harm' on a future person who would not have existed had the positive policy

been chosen. Since nonexistence is the alternative, the negatively affected individual has not been made worse off by the choice. Therefore, by assuming that harm is understood as making someone worse off, future people have not been harmed (Campos, 2018; Parfit, 1984; Reiman, 2007).

However, the non-identity problem can be criticized on the conception of harm employed. Indeed, by accepting a non-identity argument, we are acknowledging a conception of harm that focuses on comparing the living situation of a future person against the person who would have otherwise existed. It is unclear to me, however, the necessity of such a counterfactual, while harm can be better determined in absolute terms (cf. Campos, 2018). Such an approach can be achieved by reinterpreting the counterfactual and determining the quality of the environment in which future generations are bound to live in. Thus, by rejecting this comparison, in which the alternative is nonexistence, value is ascribed to the inherent state in which the person will find herself. As a result, harm is more usefully defined by the quality of life of the person alive in the future.

Moreover, criticisms concerning the applicability of human rights are important. The first two arise from right-duty correlativity and group contemporaneity. Gosseries (2008) outlines two contemporaneity requirements: (a) right-barer contemporaneity requires the right-bearer to be alive for the right to protect them; (b) obligation-right contemporaneity requires a right to exist for an obligation to exist. Furthermore, rights and duties are assumed to be correlated to some degree: for a right to exist, it needs to be protected, thus creating a duty. Indeed, a correlation of rights and duties is generally supported by reciprocity since justice can be said to result from the equilibrium between that which is received and that which is given. Therefore, reciprocity is considered the basis of a just relationship that includes rights and duties, however, this cannot be said to occur in the intergenerational context. Lastly, a rights approach is unable to account for the 'fragmented agency' and 'diffuse' causality that characterizes aggregative problems like climate change. Since the effects of climate change are only probabilistically related to the violation of human rights, since the frequency of natural weather events is altered, it is not possible to link a violation of a right to an action (Caney, 2009; Gardiner, 2006; Vanderheiden, 2017).

iii. The problem of many hands

Although the IPCC underlines the unequivocal human influence over the change of our climate, it is difficult to determine individual responsibility for this change. Throughout the literature, responsibility is the combination of causal responsibility, or the identification of a causal link to an action, and blameworthiness, which is determined by the intention of an action (Bovens, 1998). However, as a result of the aggregative nature of climate change, it becomes impossible to blame an externality on an individual since individual destructive activities are insufficient to cause harm to the extent that we are observing (Sinnott-Armstrong, 2010). In this sense, climate change can be considered a classic example of a 'problem of many hands,' i.e., a problem that occurs if a collective is responsible for a negative outcome but none of the individuals in the collective can be considered individually responsible (Bovens, 1998).

Similarly, harm to future generations is not inflicted on specific individuals (Bovens, 1998). Rights claims, of course, become difficult when those affected are not easily identifiable. Climate change promises a plethora of negative effects in the upcoming decades that are not expected to impact single individuals. Instead, those who will be affected are generally discussed in terms of larger magnitudes and scales, since large groups and communities are the primary cause of concern. Furthermore, the IPCC (2021) indicates that reaching a 1.5°C warming in the near future would result in catastrophic effects for ecosystems and humankind. Importantly, groups and collectives take moral precedent in this report as the language employed removes the personal identities of the individual elements of these groups. Such language can be complemented by Nolt's proposition of undefined collectives (2016). Future generations are as much an undefined collective – devoid of personal identities and distinct characteristics – to us as groups in other countries, and contingency and indeterminacy arguments cannot deny them of our concern.

Ultimately, the literature gap becomes apparent when considering the abovementioned difficulties with the mainstream approach to intergenerational justice. Indeed, the requirement to identify responsibility cannot be met, thus, it becomes equally implausible to assign individual duties and obligations in this context. Moreover, identifying individual harm meets similar constraints, and therefore to assign individual rights to future generations becomes an endeavor of complexity and implausibility. Therefore, it is my conviction that by considering

future generations as an undefined collective, it is possible to disconnect future entities from their identities and overcome the non-identity problem. Consequently, in the following sections I will attempt to determine whether indigenous ontologies are more equipped to deal with the future effects of climate change.

III. Latin-American ontologies

Latin-America is home to 826 indigenous peoples which accounts for a population of 45 million (ECLAC, 2014). The territories comprised in this stretch of land underwent a process of substantial, territorial, and cultural, loss, and contributed to the partial erasure of their traditional relationship with nature. This process encouraged the universalization, and general acceptance of occidental thought as a universal truth (Huffaker, 2021). This practice began at the time of the *Conquista*, when Europeans found themselves surrounded by untouched, flourishing nature, and understood it as a sign of having found no man's land (Graeber & Wengrow, 2021). Concepts such as care and respect for nature eluded the Europeans, and thus concluded that these ways of living could only be primitive – i.e., preceded the dawn of private property and drastically transformative practices. However, this perception ignored the deeper and more complex relationships of indigenous groups with the land. Accordingly, Vega García (2014) argues that the cultural identities and worldviews of Latin-American groups are founded on a particular axiology that connects them to the Earth and encourages communitarian responsibility (p. 11).

I will describe two of the most prominent Latin-American ontologies: the Andean and the Maya worldview. The focus of the analysis will be on their ontology (i.e., the nature of realities), and axiology (i.e., their value system). This discussion will show that Latin-American indigenous groups are an invaluable starting point to disentangle our preconceived ideas of time and space, as well as of responsibility to the environment and fellow human beings. And thus, enable us to develop more appropriate frameworks to deal with topics such as intergenerational justice.

a. The Andean plentiful living

The Andean ontological framework must be approached from outside of the mainstream (Western) framework into which most of us have been born. The most problematic aspect within this narrative is that of 'Cartesian dualism,' which is considered the foundation of modern and contemporary science (Marín-Dale, 2016). Cartesian dualism refers to the separation of thinking matter and extended substance, or separation of mind and body, which

is at odds with the unified view of the Andean cosmos. Entities are understood as a whole, they are their bodies and spirit. Such rejection of cartesian dualism is further entrenched within their views of nature, particularly in the complex concept of animism. Marín-Dale (2016) describes it as follows:

> "*Animism* considers the immediate, interactive, and intimate relationship between the Native Andeans and their surroundings, as well as the integration, or projection, of the person, the family, the community, and the landscape onto a unified, indivisible, and dynamic vision of the cosmos" (Marín-Dale, 2016, pp. 22–23).

In this way, Andeans extend their idea of completeness to their surroundings, to form a "*gestalt*," or totality, a unity, or completeness with the cosmos. This phenomenon is observed in their culture once the mountainous landscape is unified with their families, and time becomes a dialogue with the dead (Marín-Dale, 2016, pp. 22; 113). Furthermore, *animism* ascribes clear anthropomorphic characteristics to the Andean environment, their surroundings are described as "alive, breathing, pulsating with rhythms of a dynamic and interactive *natura viva*," in addition to enjoying distinct personalities (Marín-Dale, 2016, p. 112). These animas, or *huacas* in Quechua, hold an intimate relationship with humans resembling that normally exclusive to close family. It is standard to hold a posture of deep respect and affection towards each other, and Andean distinctive names for the mountainous landscapes is an example of the familiar treatment they are given (male mountain-spirits are called *Tayta* or father, and female ones are called *Mama* or Mother).

i. Mundo/tiempo: Andean cosmology

To understand the complexities of the Andean cultures, it is necessary to understand the origin of their relationship with all the elements of the cosmos. The Earth was created deliberately after the collapse of the last epoch, or the last stage in the cycle of creation and destruction '*Pachacutí'*, which always precedes the inversion of time and space (Marín-Dale, 2016, p. 111). Following such a dramatic event, elements from the previous epochs (ancestors) remain on Earth and constitute the natural world in the form of *huacas* (p. 96). Furthermore, to the Quechua and Aymara, the cosmos comprises multiple worlds, *Alaj Pacha* (World Above), *Aca Pacha* (This World), and *Manqha Pacha* (World Bellow). This exemplifies the complex

and multifaceted interactions occurring among those inhabiting these worlds (Marín-Dale, 2016, pp. 32–33). Furthermore, the cosmos is divided into opposite but complementary elements – e.g., the seven masculine cosmic elements juxtaposing the seven feminine ones. Therefore, life is founded on the sacred equilibrium of the cosmos, which is maintained by the submission to each of our roles and thus avoiding cosmic disarray. This displays two important aspects of the Andeans, their life purpose of maintaining cosmic harmony, and the integrity of what the cosmos intended, as well as their non-materialistic view of nature. However, this does not imply a prohibition to humans from interfering with nature, instead, it encourages careful consideration of the cosmic entities and their wellbeing and weighs the effects of possible actions against refraining from doing them (Vidiella & García Valverde, 2021).

In the Andean ontology, there is no distinction between space and time, and a linear chronology does not exist. To some authors, the Andean chronology can be understood as cyclic, a culture of eternal return(Gamarra et al., 2021). To others, however, this is an oversimplification of a misunderstood concept, that of a time-space relationship (cf. Marín-Dale, 2016). The term *Pacha* is used by Andeans to refer to time, space, and the world simultaneously and is, therefore, difficult to grasp from the Western point of view since a direct comparison does not exist (Marín-Dale, 2016). More specifically, *Pacha* captures the animated world as a whole, the universe from beginning to end, from boundary to boundary (but without boundary); it encapsulates a moment and/or an interval, as well as a location and/or expanse of space. Thus, time is not isolated from space, but is unified, and *Pacha* becomes the convergence of space and time with no separation or boundary; two sides of the same coin. This term most accurately translates to the word *Mundo* in Spanish since it approximates the unification of space and time closely.

Furthermore, for the Aymara, time is reversed. The past extends before us, and the future hides behind us. Marín-Dale (2016) poetically describes this phenomenon as follows:

> "Just as gazing into the night sky allows us to catch a glimpse of the past, millions of light-years away, for many Native Andeans the past is standing 'in front' of them, etched in the ancient and vivified landscape that melds into their experience of the present. The future, however, is more tenebrous, for it is hidden 'behind' line of sight." (Marín-Dale, 2016, p. 44).

ii. Sumak Kawsay: Buen Vivir

Sumak Kawsay[2] emerges from the remnants of the Andean traditions of living a life of harmony, balance, and respect (Lalander, 2015). The Spanish equivalent, *Buen Vivir*[3], implies living a life free of ambition; to live *plenamente* is to live fully and sufficiently, and to transcend the need to thoughtlessly alter the natural environment for personal gains. Furthermore, *Sumak Kawsay* encourages social cohesion, strengthens community values, as well as promotes the active participation of individuals and collectives in the relevant decision-making processes to create their future and blissful living conditions. Additionally, it has been used to recognize the intrinsic value of nature to ascribe legal rights to *Pacha Mama*[4] since it makes a claim for the respect of diversity, equity, inclusion, solidarity, and to not exceed the limits of nature.

b. The Mayan worldview: *Respeto* as the axiological foundation

The Mayan worldview and culture are very well studied and understood. For this thesis, Huffaker's (2021) framework of analysis is useful to examine the Mayan tradition since it divides it into three levels: knowledge and practices, axiology, and ontology. In short, knowledge is the transmission of the Mayan tradition along family lines. Then, axiology is the Mayan value system which translates into particular attitudes towards their surroundings. Lastly, ontology refers to their perception of the world, and how their actions have particular effects on Earth. Indeed, the remnants of the Mayan population attribute significant importance to the role of humans in maintaining cosmic harmony, therefore, climate change is attributed to the retreat of the Mayan tradition.

i. Knowledge-Praxis

The Maya tradition, practices, and values maintain cosmic harmony and equilibrium, and thus, their preservation is necessary (Huffaker, 2021). The role of ancestors is pivotal to the

[2] In Quechua language.

[3] Good living

[4] Mother Earth

Mayan belief system; the entrenched relationship between their ancestors and the Earth is founded on the acknowledgment of the human embeddedness within *Nan Ulew* [5]. Therefore, the knowledge of these traditions is not only restricted to their minds, but it is lived knowledge or *praxis*. In short, the tradition is entrenched with ancestral meanings which are used to sustain the Mayan identity, and therefore, maintain cosmic harmony. Consequently, past generations hold a more important tradition in constructing the cosmos, while present ones are tasked with maintaining it.

ii. Axiology

Mayan traditions and attitudes can be described under three main values: *respeto*, care, and humility. The Spanish word '*respeto*' directly translates to respect, however, the English translation falls short concerning the fervor of adoration that characterizes the Maya. Instead, the word is closer to reverence in English. It closely describes the profound adoration for all that is alive, as well as all that is sacred – which is ultimately everything. Moreover, care can be understood in two ways: care as nurturance, and care as concern. Lastly, humility is derived from the sense of embeddedness of humans within a set of interactions that we sustain, and that, simultaneously, sustain us (Huffaker, 2021). Humility, then, demands equal recognition to all entities of the cosmos so that decisions recognize the stake of the affected entities equally.

iii. Ontology

For the Maya, everything is alive and highly responsive to the energy that is directed at it. Therefore, the consequences of neglect are severe; if an entity feels overlooked, its *k'ux*[6] responds by leaving (Huffaker, 2021). This causality encapsulates the importance of humans in maintaining the balance amongst the cosmic elements. Furthermore, Mother Earth is considered to have intention in her actions and is willful in her response to humankind. Consequently, not only is everything alive, but everything is an agent with decision-making capabilities comparable to humans.

[5] Mother Earth

[6] Spirit or anima

iv. Role of humans

To Huffaker, the combination of knowledge-praxis, axiology, and ontology constitutes 'Maya Enactivism' (2021). This is the way the cosmos is preserved and constructed during each emerging moment through the active role of every element in the cosmos (Huffaker, 2021, p. 70). Indeed, it proposes that humans are not isolated from nature, instead, holds a role as reflective, sense-making, and prayerful entity. The relationships of care resemble that of a family in which the well-being of its members is the responsibility of the youngest sibling. Accordingly, the responsibility of humankind is to protect the wellbeing of the cosmos, since nature is their older sibling, and Earth and Water, their mothers.

c. <u>The alternative</u>

The analysis that follows will elucidate the similarities of the Andean and Maya ontologies, to create a unified alternative to western ontology, hereafter referred to as 'the alternative.' Firstly, the ontologies presented above are incompatible with mainstream ontological views. Indeed, the tradition of cartesian dualism, or the separation of mind and body, is rejected by the unifying view of both indigenous ontologies. By unifying mind and body, they reject the differentiation between the essence of things and their physical form, and thus the protection of the animas means protecting their physical expression. Furthermore, western tradition ascribes higher value to human beings on the basis of their distinctiveness[7] and thus deeming us the main object of ethical considerations. Therefore, Human Rights are fundamentally incompatible with the alternative.

Furthermore, the distinction between human and non-human elements as the foundation for Human Rights problematic. Instead, the alternative unifies all cosmic elements, and strictly defines humans as a singular element of the larger network of processes. Therefore, environmental protection arises from the understanding that humans are embedded within these processes; processes that, together, sustain humans, and are sustained by them. Thus, the element of reverence for this intricate interconnectedness becomes critical for the preservation of this state of cosmic harmony, together with attitudes of gratefulness for the earthly beauty

[7] Personhood (Griffin, 2008).

and the plentiful life humans enjoy. Moreover, a sense of equal moral standing emerges and feeds into feelings of belonging and reverence, which arise from animism. Indeed, humankind is not exceptional when considering the anthropomorphic animas that surround us. The key to collectivizing rights becomes just that: the rejection of human distinctiveness within the plethora of cosmic elements.

Lastly, the Mayans and Andeans understood time differently. Indeed, time as non-chronological in combination with space contrasts with the western tradition. Already in the scientific environment, time is not considered a natural and inherent condition that is equally experienced by all entities in the cosmos. Instead, it is the joint experience of speed across a distance that allows for an understanding of the universe. But efforts to devise conceptions of it based on alternative ontologies, or adopt already existing ones, have been largely futile. Thus, I consider *Pacha* as a plausible alternative conception of the experience of time and space, coupled with our position within the Earth; it describes instances and moments, as well as locations on earth. Moreover, the adoption of an Andean conception of time allows me to link the Mayan mandate to sustain harmony. Indeed, once we see the future as highly uncertain, and the past is used to learn and evolve, sustaining harmony becomes a way to reduce such insecurity. Following the traditions developed by our ancestors, which allowed us to inhabit our current environment, will allows us to be certain of what awaits us: relatively harmonious circumstances.

d. The discrepancy between indigenous knowledge and rights

As discussed above, a human rights approach provides a strong moral obligation to protect the interests of others. However, the individualistic approach at its foundation is problematic since it demands a degree of the separateness of individuals and distinctiveness of identities, which we are unable to achieve in this context. Furthermore, human rights, in the intergenerational context, have been problematized due to their indeterminacy and vagueness, which stems from their inadequate definition. Conversely, by adopting a substantive approach, it becomes clear that it is necessary to determine the purpose of the right to then define the holder of the right (Griffin, 2008). Nevertheless, a human rights foundation provides invaluable

tools to build an alternative that considers or overcomes the objections described in the sections above.

However, the alternative requires a more extensive conception of rights than the ones already available through an anthropogenic account of collective rights. This is due to the rejection of a human-non-human distinction as mentioned above, and therefore, rights that protect future humans will need to protect non-human elements as well. This will become the main conceptual problem with such a conception of rights since it may result in ambiguous and weak protections. Moreover, a degree of essentializing appears to be the only solution to unify the the protection and thus, the content of the right, which I identified as one of the key elements of a right. In addition to the right-holder and duty-bearer.

IV. Reconciling the alternative with rights

To reconcile both aspects of this thesis – i.e., the alternative and a rights approach – it is necessary to define new rights. However, determining the right-holder appears more straightforward than it is – e.g., despite its apparent universal protection to humans, human rights do not inform about the content of the right nor the value behind the protection of the right. I will build on Griffin (2008) to define the object of protection that arises from the abovementioned alternative, and then, develop a concise theory that includes all the necessary elements of a right (i.e., right-holder, duty-bearer, and content).

a. Ecologico-Collectivist Conception of the Good

To determine the content of the right, I will first conceive the good within the Rawlsian framework of 'Goodness as Rationality.' Rawls (1999) creates a circular argument when he presents the need for a conception of the good in order to determine the principles of justice to rule a society, which then results in a conception of the good. He resolves this circularity by determining two complementary theories of the good: the thin theory of the good, which precedes the principles of justice and conceptions of right; and the more robust theory of the good, which arises from the assimilation of the principles of justice and becomes individually determined, and thus is outside of the scope of this thesis. Therefore, I will determine the good according to the thin theory.

More explicitly, this theory restricts considerations of the good only to the essentials, and it is meant to protect the foundations (or primary goods) required to determine the principles of justice (Rawls, 1999, p. 348). However, the adoption of this theory confronts me with an important challenge to the development of collective rights. That is, Rawls (1999) focuses exclusively on distinctively human characteristics, and it may problematize the universalization of the conception of the good to the extent necessary. However, I resolve this problem by returning to the anthropomorphic characteristics ascribed to all elements of the cosmos. Indeed, by ascribing *distinctively* human characteristics and *distinct* personalities, all entities are of moral concern and fit within this framework. I will then call this step the 'Ecologico-Collectivist Conception of the Good,' hereafter referred to as the good.

According to Rawls (1999), an entity's conception of the good is determined by rational choice theory principles. In other words, the rationality of life paths an entity devises for itself determines its conception of the good. Such rationality requires full information about the choices, and the ability to reflect on them and revise; this is consistent with Griffin's (2008) first and second conditions for personhood – i.e., autonomy, and the capacity to understand the available choices. This idea is key for this framework because life paths and individual identities are intimately interlinked since entities are inclined to describe themselves in terms of their life purposes or causes, and their intention or role in their life (hereinafter referred to as 'identity-purpose congruence') (Royce, 2019). However, this congruence is only compatible with plentiful and fulfilled living if it is based on the preservation of the harmonic balance of the universe, and identity becomes their role towards this purpose. Greed is incompatible with the alternative, and such greed, I consider, is inherent to the life plans of humans within the baseline Rawlsian framework of the good (Rawls, 1999, pp. 348; 358). Although importance is given to deliberation and decision-making as part of the agency of humans, Rawls (1999) does not prioritize the value of these aspects; the value of agency is individually determined. Lastly, Rawls (1999) emphasized the role of happiness of entities within this framework; it is the result of the active pursuit of one's goals. In my view, however, happiness can be achieved by being content with the position currently held in the cosmos, as one fulfills its duties and develops a plentiful life.

The last aspect to discuss regarding the content of rights is its robustness. Indeed, it seems that by following the alternatives I proposed, the resulting rights will be spread thin, and therefore, become unusable. However, Griffin (2008) presumes a tradeoff of values at the core of a human rights approach. That is to say, at the foundation of human rights lies an untradeable value that is to be protected. Once it is identified, the robustness of the right is settled and becomes the essence of the rights approach. Griffin (2008) discusses the possibility of basic human rights resulting from the protection of human status (personhood) being founded on human dignity. This resonates with Rawls (1999) as he proposes the undeniable and untradeable value for humans is that of self-respect. However, the untradeable value I propose is *plenitúd*; or the characteristic of these collectives to exist in accordance with the harmonious workings of the universe, in which no other conception of the good is actively pursued, and the realization of which is achieved through the reverence of all that is alive and dependent on each

other. The identification of the untradeable value enables me, then, to determine the content of the right and define the right-holder.

b. The right-holder

I return to the substantive conceptual framework posed by Griffin (2008). Despite its undeniable usefulness to determine the concrete meaning of rights, I problematize its main assumption, i.e., human distinctiveness. Such distinctiveness, based on the 'exclusively' human traits of reflection, deliberation, and agency, needs to be expanded to include all elements of the cosmos; I will call this expanded concept 'anthropomorphic personhood'. Anthropomorphic personhood is critical to the development of rights according to Griffin (2008) and opens the door to the rejection of human superiority. Above I proposed a view of human beings as embedded within the intricate networks and connections that fuel the earth's systems and ensure the stability and harmony of the cosmos. The awareness of this interconnectedness and our role as humans is key to the prosperity of the 'future'. Moreover, a community is created once we allow ourselves to follow such a path collectively with the rest of the cosmos.

Additionally, by adopting an alternative conception of time, a moral imperative is created to protect future collectives. Indeed, humans and non-humans, future and past alike may be conceived as constitutive elements of the same continuum, and which, together, serve to sustain cosmic harmony. The aggregation of induvial duties and roles results in the state of affairs at any point, or all points, of the continuum. Therefore, personal identities and particular distinctive traits become blurred, as these entities form a homogenous totality. It becomes clear that a lexical term, such as present or future, is not relevant to determining moral considerations, since these describe an object from a point of view and thus, are not inherent to the entity (Nolt, 2016). This perspective resembles an already-existing metaphysics approach which proposes to understand all actions as 'equally actual,' or occurring here and now since their consequences may be felt at any point of the continuum (Campos, 2018; Wrigley, 2012). Thus, the fulfillment of each entity's role to maintain cosmic harmony is achieved by the contribution of all elements, regardless of their spatio-temporal position – i.e., reciprocity across time.

Accordingly, identifying the right-holder becomes the most problematic section of this thesis since it is necessary to collectivize moral status and ascribe equal concern to all entities. The untradeable value I identified in the previous section (*plenitúd*) can be said to be protected by abstaining from the domination of non-human elements, and, thus, creating a more intimate relationship with *Pacha Mama*[8] and all other entities. *Plenitúd*, then, is the result of a deep relationship with the Earth, I describe it as a situation of satisfaction with one's situation, and fulfillment with one's life purpose. Since such a state is achieved through the careful tittering of the cosmic balance, the collective rights I proposed will be constructed on sustaining this harmonious state. Therefore, the right-holder in this conception of rights rests on this sacred interconnectedness, and I will call it the 'intertemporal ecological collective.' An intertemporal ecological collective closely follows Callicott's conception of an ecological collective and similarly describes a "trans-organismic" community that encompasses ecosystems and landscapes, within a framework of past, present, and future (Callicott, 2017, p. 113).

c. A Theory of (Collective) Intergenerational Justice

Thus far, I have identified two of the main elements of a right within my collectivist framework – i.e., a thin conception of the content, and the right-holder. Identifying the conception of the good was crucial to developing my theory, since *plenitúd* is given the utmost priority in the alternative, the rights could be built upon this untradeable value and become robust enough to be practiced. Indeed, through the practices that ensure harmonious living, and the protection of the environment and human beings, I make sure to prioritize interdependency and reciprocity among all entities in this framework. Then, I argue that the only acceptable right-holder is the intertemporal ecological collective, and therefore time does not present a limitation to the conception of these rights, since time may be considered under an alternative metaphysical theory, in which all moments are current and local.

Regarding the duty-bearer, the conception of the good implies a responsibility to our contemporaries, but also those in the future, and those in the past. From the discussion of right-holder, it becomes clear that reciprocity is key to this framework: to benefit from the right, it is necessary to respect it. Thus, duties are those activities that allow the universe to continue to

[8] Mother Earth.

function in harmony; if the roles of all entities are fulfilled, their duties are fulfilled as well. More concretely, benefitting from rights is the result of the balance that fulfilling our duties maintains. Thus, reciprocity is crucial to my conception of collective rights; the protection of which results from the collective acknowledgment of the interconnections that tie us all together and to this Earth. I will call this theory of justice 'collective-intertemporal rights theory'.

d. Dissolving the non-identity problem and other objections

Accepting the collective-intertemporal rights theory results in the definitive dissolution of the non-identity problem. As I emphasized above, identities are of no consequence to the moral status of the elements of the cosmos since all elements are part of one continuum that comprises different generations (as understood in the mainstream approach). This results from understanding existence as a continuum constituted by all elements, and which status quo is determined by the aggregation of all actions. As understood by the above-mentioned metaphysical perspective – the one I proposed, as well as the already existing one – , all entities across time are part of the continuum and therefore responsible for the conservation of harmony; all instances in time could be considered to be occurring here and now. However, the development of such metaphysical conceptions of reality is beyond the scope of this thesis.

The non-identity problem further disintegrates once the substance of the rights I proposed is considered. Since collectives are both, the right-holder and the duty-holder, there is no space to argue against it in terms of contingency. In other words, I decouple collectives from their distinctive identities to remain distant from the non-identity problem. Indeed, the fact that different people may be born depending on the course of action taken at any point in time does not matter. Ultimately, whoever comes to be born will be an equal part of the continuum and will contribute to the same extent to the state of the cosmos. Although individual actions may disrupt the balance, the resulting harm will not be substantial, but will be felt universally, and therefore, harm cannot be understood in comparative terms. Instead, I consider harm to be the failure to fulfill one's role or purpose, which then leads to a disequilibrium that is felt throughout.

Furthermore, the collective-intertemporal rights theory addresses additional objections to the human rights approach. Gosseries (2008) requires the right-bearer to be alive for the right to protect them, and for the right to exist before the duty exists. Indeed, contemporaneity requires us to define generations concretely. The theory I proposed adopts an extended conception of chronological-intertemporal generations, in which a generation includes all those alive along the aforementioned continuum. Certainly, the groups that conform this continuum are considered to be alive, therefore, the right already exists, and consequently, so does the duty to protect it. More concretely, I do not consider the contemporaneity requirement to refer to group contemporaneity, but to individual contemporaneity across the continuum which I use to form the collective as right-holder. Furthermore, since I consider the right-holder and the duty-holder to be the same, the right will always precede the obligation. Lastly, Gosseries (2008) requires a degree of right-duty correlativity, which is difficult to attain according to the mainstream conception of rights. However, since my theory is founded on reciprocity, which is considered to be the foundation of a just relation between entities, this aspect is not a problem either.

V. Conclusion

The thesis above showed the extraordinary value of indigenous knowledge in the context of climate change, and particularly, of intergenerational justice. I proposed an alternative conception of the relationship between humans and the environment based on the ontologies of the Andeans and Mayans, which enabled the creation of a theory of justice based on rights. This alternative was necessary since available theories that serve to address intergenerational justice are inadequate and cannot overcome the non-identity problem, and other objections presented. Furthermore, a human rights approach is problematized further by our inability to determine individual responsibility for climate change-induced harm, since this phenomenon is a clear example of a problem of many hands. This type of problem is one for which a collective is responsible, but its individuals are not. However, a human rights approach provided a set of advantages to the development of a collective rights approach, such as the already defined right-holder and duty-bearer, and the content of the rights.

Moreover, indigenous knowledge regarding the human-Earth relationship can effectively be translated into a rights framework that protects a broader set of entities. Indeed, my contribution of *anthropomorphic personhood* played a key role to build this theory, since including the individual pieces of the alternative would not have been possible otherwise. This allowed me to remain within a framework of rights, and to build upon Rawls's theory of the good to develop the content of the right, as well as to determine who holds rights and duties. Since my framework was capable to overcome the non-identity problem, as well as contemporaneity and correlativity requirements, I answer my research question with a yes; we should collectivize rights in order to protect future entities. Furthermore, it reconceptualizes the value of nature and reorders the key values that humankind should be aware of in an attempt to develop a framework of just trans-organismic and intertemporal relationships.

However, this thesis presents three main limitations. The first regards the narrow pool from which I collected my information. Indigenous populations are not restricted to Latin-America, and within this region, more indigenous groups exist and were excluded from the analysis. Therefore, the analysis I developed in the pages above should be understood strictly as a viable alternative to the mainstream theories of rights, but not the only one based on indigenous knowledge. Moreover, the combination of the two ontologies may result in essentializing indigenous traditions by synthesizing their similarities. Lastly, the creation of

rights in this way is largely dependent on the substantive conception of rights by Griffin (2008) which avoids the discussion of deontic values, and therefore, may not be compatible with other conceptions of rights.

Finally, I recommend further research on rights to future generations, particularly in ways that dignify them and respect their interests sufficiently, the same way I have. Indeed, I showed that a plethora of alternatives become possible when we are courageous enough to deviate from mainstream theories. Therefore, I recommend continuing research along this path. Lastly, I consider of utmost importance the hastening of climate change action. Whichever our conception of the future may be, the certainty of future humankind is high. Thus, they should bear witness to the beauty and plentifulness in the same way humankind has enjoyed until now.

VI. Reference List

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