

GEORGIANA | Moore's Political Theory TURCULET | of the Territory

Margaret Moore, *A Political Theory of Territory* (New York: Oxford, 2015).

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Margaret Moore writes

‘Territory is one of the most undertheorized elements in political theory. This is because we often think, unreflectively, that state sovereignty involves control over territory, and this is a natural thought, since there are good reasons (connected to efficiency, solving collective-action problems) why states are territorial entities.’¹

But what if two or more groups of people, or states, appear to have legitimate claims for the same territory? In *A Political Theory of the Territory*, Moore clarifies what constitutes a legitimate claim over a specific piece of land in the first place, and guides the reader towards identifying just resolutions in a variety of controversial and tricky territorial disputes. The right of a community over a specific piece of land, Moore argues, entails articulating the relationship between people and territory, a relationship, which can ground how people and territory become connected in ways that serve to justify their right to control the territory on which they live. As Moore sees it, political theory has yet to offer this account, and offering this account is among her objectives.

This is an organically and well-written book. Chapter one provides a detailed map of the contents of the following nine chapters, each of which is clearly linked to other chapters. Chapters two and three are foundational; in them, Moore provides a detailed account of the concepts on which she relies in her theory of territory: the people as a collective agent, the distinction between right to residency and occupancy, jurisdictional right and property right. She carefully distinguishes her view from statist accounts associated with Kant, Hobbes and their contemporary heirs, such as Jeremy Waldron, Anna Stilz and Lea Ypi, and cultural accounts, such as David Miller and Tamara Meisels (chapters four and five). In chapter six, Moore tackles implications of the self-determination right, when this entails forms of secession of a smaller territory from a larger one, and when it is permissible. She engages with some hard cases, such as Northern Ireland, Kashmir and Kurdistan. Chapter seven addresses corrective

¹ Moore (2015), pp. 3-4.

justice and posits that wrongful taking of land can be conceptualized as violation of property (ownership) and occupancy, each of which affects differently our understanding of restitution, apology and compensation for the received wrongs. Chapter eight inquires whether a jurisdictional right entails rights over resources within the territory of competence, and when this is the case. Chapter nine is relevant to the discussion on migration and the right of states to control borders. Moore thinks that such a right exists, but it is a *pro tanto* qualified right, to be balanced against other values we cherish. The last chapter considers whether and when the use of force is justified in cases of territorial injustice.

Moore promises and delivers a philosophical account of territory, with a focus on identifying legitimate grounds for rights over territory. The latter grounds can be found in the basic moral right that people have to be self-determining, i.e., to determine the type of community they want for themselves over time. To make the case that the legitimate territorial right holder is the *people* – a collective agent with political aspirations, displaying substantive attachment to a given territory justly acquired- the book engages in a sophisticated analysis and critique of the existing political theories of territory, according to which the territorial right is instead held by cultural, national communities, or states. In Moore's view, a 'people' can be constituted by a group of individuals that is politically driven by collectively shared goals. In fact, a people enjoying territorial rights can be states as culturally as diverse as Canada or the United States. Against more conventional accounts, i.e. nationalist and cultural accounts, Moore explains that an ex-ante cultural or national affinity between people, although presumably an important element that explains what motivates people to form common goals, is neither necessary, nor desirable, for what constitutes territorial rights in the first place. If two castaways woke up on an island, they may determine a survival plan on the new territory. Their common goal to survive justifies their association, rather than their belonging to a same nationality. Similarly, we commonly think that states are instrumentally justified, since they are the best candidates for effectively carrying out social justice; for many, this premise constitutes a good reason for why states might be the best candidates as territorial right holders as well. However, Moore points out that accepting this premise may lead us to disregard situations in which state ignore rather than represent the people's will. Even if in principle the state were the legitimate holder of territorial right, we need to know more about which state has a legitimate claim to which particular piece of land and why.

Her inquiry is rich in illustrations and empirical cases, which helps the reader both to understand the normative arguments, and to connect normative

principles to their practical implications. Grounding territorial right in a principle of self-determination brings into focus the assumptions taken for granted both among political theorists, and also among political scientists attempting to adjudicate rival territorial claims; Moore's theory offers guidelines for resolving these disputes, which as she suggest, will remain contentious, and possibly irresolvable, without a coherent background theory of the territory. For example, from a statist perspective, Israel is the legitimate political unit ruling over its citizens on the given piece of land because it is currently the state exerting authority over that territory simpliciter. Taking this view means avoiding the dispute between rival claims to the same territory; it omits addressing the relationship between people and political institutions with a given territory. Over the course of her book, Moore considers a range of contemporary issues that implicate territory, including over states' rights to control borders, resources and migration inflows, as secessionist movements. Self-determination however, is not an 'absolute' principle people avail themselves of in order to carry on any shared goals and plans in their land. Human activities regulated by the will of the people on given territories need not damage or worsen livelihoods in other communities elsewhere, i.e. they should not affect the right of subsistence of all individuals and communities.

This book is an excellent resource for those seeking a philosophical justification for the right of territorial control, alongside an account of why specific people come to have control over specific pieces of land and why.

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