

If we stop short of simple equality, there will continue to be many communities, with different histories, ways of life, climates, political structures, and economies. Some places in the world will still be more desirable than others, either to individual men and women with particular tastes and aspirations, or more generally. Some places will still be uncomfortable for at least some of their inhabitants. Hence immigration will remain an issue even after the claims of distributive justice have been met on a global scale – assuming, still, that global society is and ought to be pluralist in form and that the claims are fixed by some version of collective mutual aid. The different communities will still have to make admissions decisions and will still have a right to make them. If we cannot guarantee the full extent of the territorial or material base on which a group of people build common life, we can still say that the common life, at least, is their own and that their comrades and associates are theirs to recognize or choose (Walzer 1983, p. 68).

We can start from this Michael Walzer's *Spheres of Justice* quotation to consider Kolers' theory of territorial rights, as it is exposed in *Land, Conflict, and Justice. A Political Theory of Territory* (Cambridge, Cambridge University Press, 2009, p. 238). In recent times territorial rights are becoming a pressing subject of interest. Specifically, recent theories of territorial rights could be characterized by their growing attention to environmental concerns and resource rights (understood as the rights of jurisdiction and/or ownership over natural resources). Within such a paradigm, Kolers' theory of territorial rights pays special attention to resource rights, to environmental concerns, and to the preoccupation with the importance of long-term sustainability. Kolers, on the one hand, is a pioneer in demanding ecological sustainabili-

ty as a minimum requirement for any viable theory of territorial rights. By doing this, – and this is one of the main reasons that justifies a review of a not-so-recent book –, he builds a bridge between fields largely disconnected, i.e. environmental issues and political philosophy. In focusing on the new concept of the dimension of territoriality, Kolers aims to reorient the debate among political philosophers looking at a normative theory of territorial justice focusing on the concept of territorial legitimacy.

This is not a new issue for Kolers: in this book he systematizes ideas that he has been already covering in various articles, as in “Attachment to territory: Status or achievement?” (Kolers 2012), where he states that

when we speak in terms of states we tend to smuggle into the territory debate a number of assumptions about what state legitimacy entails: republican government, domestic tranquility, respect for human rights, justice as regularity, a system of property rights, even perhaps giving public expression to a national culture. But while these criteria of state legitimacy are highly plausible in their original context, they all evince what we might call *juridical* or *bureaucratic* aims. Such aims are specifiable independently of the land; they implement a constitutional order, for which legal jurisdiction over land is useful and perhaps indispensable; but these are not intrinsically land-related aims. The notion of shaping the common life, however, includes aims that are intrinsically related to place and systems of land tenure: being nomadic, sedentary, agrarian, extractive, and so on. Call these *terrestrial aims*.

To give a brief summary of Kolers’s account, he defines (Introduction) a territory as a “geographic place that is bounded and controlled in part through geographical means such as the establishment of physical boundaries and or other means of demarcation”: according to Kolers, the only eligible claimants of territorial rights are “ethnogeographic communities.” An ethnogeographic community comprises people who share an ethnogeography and also exhibit “densely and pervasively interacting land-use patterns,” meaning that their land-use patterns “rely on each [other] for their possibility or viability” and the interactions “structure a whole way of life” (p. 86). Kolers claims that he will present a theory of territorial rights that – as opposed to its predecessors – is able to account satisfactorily for the wildly divergent territorial claims that are actually made in the world today, where purportedly incommensurable world-views confront each other in the public sphere. The default procedure followed by political philosophers, according to the author,

has been to translate and reduce all claims to the common language of Anglo-American ethnogeography.

Rather, he proposes, each should be judged by its own parameters. Instead of endorsing territorial statism or cosmopolitanism (where a univocal understanding of justice regarding territory is implemented, respectively, within or across borders), Kolers endorses what may be called territorial pluralism (discussed in chapter 6), i.e. the idea that a theory of territorial rights ought to leave space for the coexistence of different ethnogeographies that address respectively the domestic and the global level. Where territoriality, on the one hand, can be defined as a strategy of bounding and controlling focused on the attempt of managing geographic places; territory, on the other hand, is both a highly particular good and a universal good. It follows from this distinction that territorial disputes can be described and faced as disputes between conflicting *ontologies* (concerning the idea of an ontology of the territory, see p. 30) of land, or as he calls them, ethnogeographies.

Along these lines, Kolers rises some important and crucial questions that have been mostly overlooked by political theorists: what are the moral grounds that states have for claiming a particular geographical territory? What are the moral grounds that states have in general for sharing almost the entire earth among them? Territorial disputes have defined modern politics, but political theorists and philosophers have said little about how to resolve such disputes fairly. Is it even possible to do so? Also, it is essential to look at how people interact with land over time. Building from this insight, Avery Kolers evaluates existing political theories and develops an attractive alternative. He presents a novel link between political legitimacy and environmental stewardship, and tries to apply these ideas – in the last chapter of his book – in an extended and balanced discussion of the Israeli-Palestinian dispute. The result is a valid attempt to set a normative theory of territory, and an interesting example of practical philosophy.

Kolers does believe that groups have special rights over particular slices of territory and, further, that these rights play a crucial role in highlighting the attachments that people have to pieces of land (see especially his response to cosmopolitans in chapter 2). Central to Kolers's argument, however, is the claim that a successful theory of territorial rights "must accommodate both the universal and the particular." In this sense, from the point of view of Kolers, territory is neither identical to nor derivative upon property: the two concepts clearly intersect, but neither concept exhausts the other, and neither

provides a sufficient basis for causal or justificatory accounts of the other. More in details, as he states in the second part of the text, implementing territorial rights would require transnational institutions that serve at least four types of functions. First, institutions would be required to screen out ineligible claimants: only *ethnogeographic communities* are eligible to make territorial claims (an *ethnogeographic community* is “a group of people marked out by their shared conception of land and their densely and pervasively interacting patterns of land use”, p. 83). Second, the same or another institution would be required to adjudicate eligible claimants’ assertions of empirical and/or intentional plenitude in claimed territories, and use these to determine appropriate results for the claims. Third, an institution would be required to implement and enforce the judgements derived from the first two stages. In the event of multiple valid claims for the ownership of the same territorial area, a fourth distinction, that of brokering agreements – moving from general, theoretically appropriate results, to a viable, implementable resolution – would also be required. In the attempt to keep together the particularist and environmental dimensions of the theory, a territorial right is defined as “a right to make viable one’s ethnogeography by controlling a juridical territory, particularly through legal, political, and economic institutions,” and a territorial right “exists if and only if an ethnogeographic community demonstrably achieves plenitude in a juridical territory; this right grounds independent statehood only if there is no competing right and the territory is a country” (pp. 4-5). Territorial rights, then, for Kolars, do not coincide automatically with a right to sovereignty.

We could therefore say that Avery Kolars’s theory of *ethnogeographical plenitude* represents an attractive alternative, and that he is building a bridge between environmental and political philosophy: Kolars states that only ethnogeographic communities may hold territorial rights. This is neither an ascriptive group (like gender or race), nor a freely chosen association (like a rowing club or a political party), but something *in-between*: a group whose membership is “usually, and at least initially, unchosen, and often feels natural” (p. 91), because all its members share, explicitly or implicitly, both a common ontology of the land and its natural resources, and a common pattern of land-use. By ontology of the land, Kolars means the conception of land that different cultures have: how they define land, in what sense they think it is valuable, and how they interact with it. ‘Plenitude’, in turn, is the necessary condition for an ethnogeographic community to hold a territorial

right: “Plenitude is both an empirical property of places and a project upon which one or more persons may embark” (p. 114). Plenitude is achieved when a place proves to be both internally and externally different from other places (empirical plenitude), and when its inhabitants are engaged in maintaining and improving that diversity over time (intentional plenitude). Since the way in which diversity is defined hinges upon each ethnogeography, the criteria to judge them are internal and never imposed from outside. So plenitude is defined here as “fullness.” This includes both internal diversity – its elements are distinct from one another – and external diversity – it is “distinct from other places” (pp. 113-114). Finally, as Kolers argues, plenitude is the most attractive theory of attachment to territory, and hence can ground a theory of territorial rights.

We tend to think of fullness as the property of being full of something. But the notion of plenitude denotes instead a kind of abundance built around diversity. A place is empty when it has very little internal diversity or is not distinct from its surroundings; it is full when it is internally diverse and distinct. Plenitude is neither a historical criterion nor an exclusively perspective one, but incorporates past, present, and future. *Empirical* plenitude begins in the past and continues into the present, and is a feature of the factual world: expressed by the internal diversity and external distinctiveness of a territorial place. *Intentional* plenitude, on the other hand, begins in the present and continues into the future, characterizing the plans and intentions of the claimant: the group has feasible and operational plans to realize or maintain empirical plenitude in perpetuity. When already present in and governing a territory, the claimant can be expected to achieve both empirical and intentional plenitude. But in some cases, plenitude may be only future-oriented – for example, when plans for reclaiming the vacant lot have yet to be implemented – in which case intentional plenitude may suffice for attachment to territory.

Besides the two *key*-concepts of ‘ethnogeography’ and ‘plenitude’, the other significant merit of the book is to focus on the key role of resilience (chapter 3). A term borrowed from ecology, resilience refers to a property of systems that allows them to absorb external shocks and recover from them, bouncing back to their state of equilibrium. In the case of countries, resilience amounts to being able to absorb foreseeable and not wholly improbable environmental and social crises, without losing the ability to perform their basic functions. Although at first sight it seems that Kolers understands resil-

ience as linked mainly to the ecology of the system (in this case, the country), he claims that resilience “need not be understood solely in ecological terms” (p. 75):

By making resilience a necessary condition of statehood, we can honor the extreme urgency of truly global action on environmental issues without sacrificing our commitment to the idea that for both moral and practical reasons, questions of such magnitude must be subject to genuine democratic decision informed by local knowledge (p. 77).

To sum up, from the point of view of Koler we can identify four different approaches to the relationship between states and territories, and consequently four schools of political thought on territory: an attachment approach to territory, evinced by liberal nationalists such as David Miller (2000) and Tamar Meisels (2005), as well as proponents of indigenous peoples’ rights (e.g. Tully 1994; Ivison *et al.* 2000; Thompson 2002) that hold that special linkages between groups and places can carry moral weight. A conflict-resolution approach (Levy 2000; Bose 2007) analyses the elements of territorial conflicts and attempts to build a theory that can satisfy each claimant’s most important demands. By contrast, an individualistic approach treats territorial rights as more or less directly reducible to the interests and rights of individuals. Such accounts may foreground the territorial right in practice, but the justification itself relies on individual interests that are themselves normatively individualistic, such as human rights or moral targets (e.g. Buchanan 2004), pre-political property rights (Simmons 2001), individual rights to resources (Steiner 1999), political association rights (Wellman 2005). Finally, a dissolution approach (Pogge 2002) denies that territory poses any new problems, raising the issue only long enough to justify returning to domestic or global justice questions as before.

Koler’s choice lies with the first approach, as he states (in chapter 4), but with the distinctive attachment criterion of plenitude that, standing alone among the criteria available in the literature, meets a variety of theoretic desiderata and is applicable both for general theory and as a way of solving territorial disputes. Specifically, plenitude is not a property of *states*, but a feature of *places*. In this way, addressing the issue of plenitude shifts the focus from juridical and bureaucratic aims of states to the terrestrial aims of particular claimants. Moreover, the focus on territorial disputes allows the theory to address the issue of how territorial claimants may be held accountable not

just to those agents who are present but to those who are spatially and temporally absent. These contrasts between plenitude and the various “status and presence” – as Kolers states – criteria help to explain why plenitude succeeds where these other views fail. Kolers’s thesis – at this point fully stated – is that a territorial right exists if and only if an ethnogeographic community demonstrably achieves plenitude in a juridical territory; this right grounds independent statehood only if there is no competing right and the territory is a country. Along the same lines of Walzer (Walzer 1983), for Kolers plenitude can sustain, as much as real-life conflicts often do, the moral work it is required from a normative theory of territorial bounding, namely connecting specific groups and claimants to land and also stating universal moral laws that should be interpreted as compelling across cultural lines.

But as we’ve noted before, plenitude also has an essential relative aspect, for it is claimants’ ethnogeographies that determine what plenitude consists of in any particular place. This relativity is one of the reasons why territorial disputes arise, and it is one of the key features for explaining why it is so hard for political theorists to see a viable way out from territorial conflicts through the appeal to normative criteria. Chapter 5 continues the progress toward a full theory of territorial rights by explicating how the plenitude criterion works in practice, and thereby taking us to the point of being able to understand how claims work on their own: an ethnogeographic community determines the relative centrality of various tracts of land not by appeal to a national myth or sacred history, but by intentional plenitude.

Consequently, if we accept Kolers’ paradigm, thinking in terms of territorial rights of states and in terms of plenitude, we are bound to take into consideration our territorial responsibilities and the interests of those who are absent. Also, we should reason in terms of what justifies some claimant in bearing a territorial relation to some place, and which are the moral and ethnogeographic bonds that justify such commitments and public claims. There is more, in Kolers’ view, to the territorial relation than rights. Such relation is indeed a bundle of rights and responsibilities. Among the responsibilities associated with territoriality are stewardship of the territory as a trust for future generations, and nonderogation from the valid territorial claims of others (notwithstanding them being ‘inside’ or ‘outside’). More generally, territories are held not only for current residents but in trust for future generations. Yet, both past and future people are not present. According to Kolers, those who are temporally absent from a territory, either because they do not currently

exist or because their territory no longer exists, are also out of luck. In other words, we can say that territorial rights do not entail rights to independent statehood. Not only are territorial rights normatively independent of statehood rights, but independent statehood is not the *telos* of territorial rights.

This is, of course, just a brief introduction to Kolers's argument, that confirms to be challenging and unedited. With this book, Avery Kolers introduces a very interesting theory on territoriality's dilemmas. However, although Kolers takes great pains to clarify his new terminology, the principal ideas of ethnogeographic community and plenitude are not always easy to grasp, and their normative weight remains sometimes ambiguous. Also, some concepts introduced in the book prove to be problematic: explaining the concept of resilience, for instance, Kolers does not make explicit what kind of resilience should be privileged when granting territorial rights and, more importantly, which are the criteria for adjudicating between competing claims. It may well happen, for example, that an ethnogeographic community fails to achieve ecological resilience in its juridical territory, while attaining high levels of political, social and/or economic resilience. Moreover, the normative account of territoriality raises some problems. One is that Kolers's territorial pluralism turns out not to be so pluralist after all, insofar as it does impose one universal value that all territorial candidates have to accept. With regard to the nature of ethnogeography and plenitude, we could suspect – firstly - that the problem with territorial disputes is precisely that different ethnogeographies mutually dismiss and reject each other. Secondly, by making material and intentional plenitude individually necessary and jointly sufficient conditions, Kolers practically excludes as claimants all those groups who may share a conscious and well-delineated ontology of land, but do not count, for they have failed (for whatever reason) in materializing such concept concretely. Among them, we can cite the environmental refugees in search of a new territory and groups whose members, though geographically dispersed, share an ontology of land that they wish to enact together.

Granted that a normative debate over the concept of territory and an ethical analysis of the global climate emergency remain a major blind spot of contemporary political philosophy, the book by Kolers helps clarifying many important matters. Kolers, in fact, develops and defends a distinctive and convincing 'attachment' theory of territory, in which the focus on basic needs regarding territory allows to specify which are the legitimate claims over a territory and, also, to clarify why the issue of territorial rights is inextrica-

bly linked with environmental sustainability. The audacity of Kolers's claims, however at times, gives rise to the question of how the territorial claims of a 'community' are to be defended and evaluated. If Kolers does stress the importance of including ethnogeography and plenitude as key considerations in any contemporary theory of territorial rights, he never explicitly explains how precisely these elements can ultimately assess actual territorial claims and adjudicate between them. Furthermore, Kolers fails to prove his starting normative point, namely that "it is not just that political philosophers ought to deal with territory and the environment, but that dealing with these things is crucial to getting good answers to the core questions on which political philosophers tend to focus" (p. 3).

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