
MARGARET MOORE, *A POLITICAL THEORY OF TERRITORY*,
OXFORD UNIVERSITY PRESS, OXFORD, 2015.

Jovica Pavlović

Although the relationship between the citizen and the state has perhaps been the most prominent topic of political philosophy since the Age of Enlightenment, political theorists have only recently begun to comprehensively problematize the role that territory plays in the mentioned individual-state equation. Political aspects of territory – “...the geographical domain of a political entity...” (Moore 2015, p. 15), which should be appreciated as the spatial and thus an essential component of the ‘social contract’ – must be thoroughly comprehended if theoretical concepts such as political obligation and the right to self-determination (but also related/current political phenomena such as secessionist movements and prevention of illegal immigration) are to be appropriately theorized and understood.

Aware of such a need for a comprehensive ‘Political Theory of Territory’ – one that will be able to problematize and explain both theoretical and practical/current political issues concerning territory – Moore gives her 2015 monography the mentioned grandiose title, one worthy of her work in which she first lays down the conceptual and theoretical groundwork for developing her theory (chapter two), then outlines her theory and the basic logic and moral reasoning behind it in chapter three, before proceeding to defend her

arguments by successfully scrutinizing the two most prominent groups of theories regarding territory (cultural-nationalist theories proposed by authors such as David Miller and Avery Kolers and statist or functionalist theories advocated by theorists such as Allen Buchanan) in chapters four and five, while using the rest of the book to strengthen her arguments through an outstanding comparative examination of illustrative examples that deal with issues such as contested areas, creation of boundaries, border control, immigration, corrective justice, territorial integrity of states and the right to natural resources. In doing so, she contributes to the ongoing debate about territorial rights by arguing that any theoretical approach to territory must thoroughly consider the ‘attachment problem’ and justify why groups have (or should have) a right to a particular territory – a heartland – instead of just any random piece of land.

In the third and foundational chapter of her work (which flows naturally from the introductory and conceptual chapters that precede it), she takes on the attachment problem by drawing on theories about the individual’s moral right to residency, a group’s moral right to occupancy and the collective right to self-determination – as well as on the reflective equilibrium methodology outlined by Rawls in

his Theory of Justice – and thus proposes the following core logic that defines her political theory of territory: State S legitimately holds territorial rights over territory T only as long as it acts as a vehicle of self-determination of group G, which itself is the right kind of group to be the ultimate source of territorial rights only if it legitimately occupies territory T, with legitimate possession being based on territory T being tied to group G's political identity and history, as well as on group G's political capacity to govern itself on territory T (Moore 2015, p. 66).

Moore thus argues that her theory of territory solves the attachment problem by defining territorial right-holders as collective agents that have a common political project and identity which is tied to a particular geographical area. She then justifies her theoretical proposal by exemplifying how cultural (chapter four) and statist theories of territory (chapter five) fall short of solving the attachment problem. She deems that while statist theories succeed in justifying territorial rights of states when the state is both functional and just, they do not offer a persuasive account of why particular groups have rights to particular territories (Moore 2015, p. 107). At the same time, they require the aid of justice theories in order to solve the moral problems that arise due to the existence of unjust and failed states, as statist theories alone imply that (all) states are rightful carriers of territorial rights, which disregards the inherent right to rebellion against (and perhaps even secession from) unfair regimes.

Cultural theorists succeed in justifying why certain peoples have rights to certain territories better than their statist counterparts do, but in doing so they place too much emphasis on cultural and historical ties of groups to their homelands, therefore noticeably disregarding the importance of political aspects of identity, thus failing "...to distinguish between shared cultural features and shared political identities..." (Moore 2015, p. 80). In other words, cultural theories often have a hard time justifying territorial rights in cases in which 'nations' do not coincide with a 'cultures'.

In order to overcome the outlined problems that cultural and statist accounts come across, Moore's theory of territory does not define territorial right-holders as legal actors (states) nor cultural groups (nations), but instead as groups that are politically/institutionally distinct. With such a theoretical grounding, Moore goes through a set of empirical examples and cases – Kashmir, Kurdistan, Northern Ireland, Quebec, Kosovo, Crimea, Israel and Palestine – which serve to illustrate her theoretical proposals and arguments regarding territorial rights. For example, in chapter six, she reflects on the case of Northern Ireland when applying her political theory of territory to the problem of contested areas, boundary-drawing and secession. Here, however, she admits that although her theory is capable of determining (and justifying) territorial headlands of particular groups, it can only serve as a general normative guideline for developing procedures and mechanisms that would aid in drawing precise political borders between groups, while the theory does not represent such a mechanism itself.

Similarly, in chapter seven, Moore touches on the case of North American Natives when speaking of how her theory might be applied in solving problems related to the wrongful taking of land, touching upon concepts of corrective justice and territory as property. She interestingly concludes that a people's right to return to a land that was unjustly taken weakens as time passes, as it is difficult to reason that new generations should be held accountable for the offences committed by their forefathers, as they themselves have just claims to land a group different from their own once occupied.

When speaking of territorial rights through the prism of natural resources in chapter eight, Moore claims that disputes over natural resources on unoccupied land should not be treated as territorial disputes, but rather as property disputes, while the same is not true for natural resources found on inhabited territory. Here, she draws on the example of the Lakota Sioux, as she claims that "... any significant form of

collective self-determination would have to involve making rules regarding use of the Black Hills.” (Moore 2015, str. 175)

In chapter nine, she considers the right to control borders and immigration, and challenges theorists who set high burdens of justification for those states that intend to apply their right to exclude. Although she argues that the right to preserve one’s own community is an essential aspect of self-determination, Moore further states that no state has a valid claim in turning away refugees. “We should accept the state’s right to control entry for reasons connected to the self-determination of political communities, but only if these are accompanied by measures that are aimed at addressing the concern for basic rights of the people who are either excluded or left behind.” (Moore 2015, p. 175)

Finally, Moore touches upon the right of states to use force in the tenth chapter of her monography in an attempt to defend the state’s right to protect its sovereignty and territorial integrity. She rightfully claims that the state’s right to guard itself from external aggression stems from the community’s right to protect itself and that therefore states can justly apply force when there is a need for defensive action. However, an unjust state/regime surrenders its claim to territorial integrity once it gives its citizens just cause to rebel and secede (Moore 2015, p. 238).

Although Moore’s approach to developing a political theory of territory is systematic and very thorough, there is a point that could be deemed as needing further attention and clarification, and it concerns the just mentioned right to secede. As has been mentioned, Moore – as most contemporary political theorists – correctly understands secession as an inherent right of peoples who are being unjustly treated by the state which they reside in. Based on her proposed theory of territory, as well as her earlier work on nationalism and self-determination, it can be concluded that she further extends this right to all

peoples who fulfil the criteria of peoplehood; those that have a historical political identity, a territorial heartland and the capacity to govern themselves on this territory, regardless of whether they have been unjustly treated by the state or not. If we set aside the issues that political theorists who support the ‘remedial right only theory of secession’ would have with such a way of conceptualizing of the right to external determination (i.e. many of them would argue that it is unwise to set the risky and difficult process of state dismantlement/building in motion if a national minority can exercise internal self-determination within the borders of an existing democratic state), it may be argued that a more detailed proposal for a procedure of conducting secession – one that would include institutional rules for drawing borders and holding referendums – might be needed as a supplement to Moore’s proposed normative theory territory, as secession – even when there is justified cause for it – may turn into an unjust act without predefined democratic rules of conduct. In other words, it would be interesting to read about how the norms proposed in Moore’s political theory of territory could be used for developing and codifying procedures for territorial self-determination of peoples, and this is perhaps a small but important issue that could have been further elaborated on and problematized, especially in the sixth chapter of the monography.

Regardless of this minor observation, it should be stated that Moore’s *A Political Theory of Territory* fulfils all the major aims that the author sets out to accomplish, and does so in a manner which allows the reader to contrast and compare the proposed theory not only against other theories but also against practical examples of issues concerning territory, making the work a ‘must-read’ for those dealing with the political problems and questions related to nationalism, identity politics and territorial justice.