



Justice et injustices spatiales, Nanterre 2008

Plenitude

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Any resolution of territorial disputes, such as that between the Israelis and the Palestinians, will presuppose an account of *attachment to territory*. Such an account links specific people to specific places on Earth. To resolve the Israeli-Palestinian dispute requires honoring, in some form, the special claim of each group to dwell in and exercise control over the relevant territory—though this might be honored in the breach. For instance, it is widely held that Palestinian refugees must either get a right of return, or be compensated for sacrificing that right. In contrast, other groups, such as the Irish or the Germans, have no such stake in the land; their decision not to attempt to settle there is not a concession of any sort. For they lack the appropriate sort of attachment.

But what could explain this notion of attachment? Is it just an entrenched error?

This paper defends an account of attachment based on *plenitude*, or fullness. This notion has a spotty history, since it is associated with Locke and others who justified European encroachment in the New World. Further, it seems implausible because it appears to be a *maximal* criterion, in contrast with less-demanding criteria such as *use*, *settlement*, and others. Nonetheless, when properly understood, plenitude has a number of virtues that other criteria lack. Plenitude has both forward- and backward-looking aspects; it engages both the empirical “facts on the ground” and the intentions of the claimant group; and it builds in environmental sustainability.

The paper is in three parts. First, it undertakes an “ethical postmortem” on plenitude as understood in the past, especially by Locke and his followers. This section generates a number of key moral insights with which to assess attachment criteria. Second, the paper applies these insights to alternative criteria such as use and settlement, finding these criteria inadequate. Finally, the paper develops a new account of plenitude that avoids the fatal flaws of the historical version while honoring the moral insights gleaned from the ethical postmortem.

Attachment does not constitute the entirety of a moral theory of territorial rights. In particular, there can be no immediate leap from attachment to exclusive sovereignty. But attachment is at the core of such theories, and thus achieving this account is a crucial first step toward a moral theory of territorial rights.