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978-0-521-51677-8 - Land, Conflict, and Justice: A Political Theory of Territory

Avery Kolers

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## *Land, Conflict, and Justice*

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? If historical attachments or divine promises are decisive, it may not be. More significant than these largely subjective claims are the ways in which people interact with land over time. Building from this insight, Avery Kolers re-evaluates existing political theories and develops an attractive alternative. He presents a novel link between political legitimacy and environmental stewardship, and applies these new ideas in an extended and balanced discussion of the Israeli–Palestinian dispute. The result is the first systematic normative theory of territory, and an impressive example of applied philosophy. In addition to political theorists and philosophers, scholars and students of sociology, international relations, and human geography will find this book rewarding, as will anyone with wider interests in territory and justice.

EVERY KOLERS is Associate Professor in the Department of Philosophy at the University of Louisville.

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*University of Louisville*



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*For Nira, Karen, Adam, and Stella, with love.*

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## *Foreword and acknowledgments*

Nearly everyone's back story is a saga of attachment to and alienation from land. The extent to which we are aware of this is usually the extent to which our back story is also a saga of near misses and lucky escapes. My paternal grandparents emigrated from Belarus, which has been controlled by at least four different states since they left. They were lucky to get out before the Golden Door closed, landing (like everyone else) at Ellis Island in 1918. My mother's family traces its roots in Jerusalem back to the expulsion from Spain in 1492. My mother remembers walking the long route to school to avoid tempting the Jordanian snipers atop the Old City walls. She arrived in North America in 1966. As for me, I grew up using Indian names for the city and country in which I was born and the lake on which the city sat, but learning next to nothing (or anyway, next to nothing that was true) about the prior inhabitants of the land on which I lived, or the circumstances under which it ceased to be their land.

At the same time, I have had the extreme good fortune to come out of that saga all but unscathed. Indeed, some might say that I have been too lucky: my parents are not Holocaust survivors; I have never had SCUDs or Qassams fall on my head; Canada was not, after all, torn in half by Québécois secessionism, and in fact seems to be in reasonable shape. Obviously, I prefer not to think of myself as too lucky. Rather, I hope that the emotional and biographical links to all these people and places have enabled me to bring to the question of territorial disputes in general a visceral appreciation for their life-and-death importance, and to treat each case with the kind of critical engagement (or wrestling) that one only attempts with loved ones.

I commenced work on this book in earnest in 2002, when I began corresponding with David M. Smith of Queen Mary, University of London, and when the University of Louisville awarded me the Olorunsola award for junior scholars. I used the Olorunsola money to visit David at QMUL and present there a paper that contained the



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germ of the approach I've developed here. In addition to what I have learned from his writings (and those of other geographers to whom he has guided me), Smith's comments on previous drafts of several chapters, his encouragement, and our shared puzzlement about these issues, have been abiding sources of inspiration. Several others also read drafts of multiple parts of the work at various stages. They include Karen Christopher, Andrew J. Cohen, John Cumbler, Cindy Holder, David Imbroscio, Linette Lowe, and David Owen.

My philosophical work on this subject dates back to the beginning of my dissertation project at Arizona, over a decade ago. Almost nothing of the dissertation survives. Nonetheless, I have been profoundly influenced by the work and tutelage of Allen Buchanan, Tom Christiano, and David Schmidtz, and I can only hope that some of the virtues of their work rubbed off on me.

The University of Louisville and the city of Louisville in general constitute an exceptionally friendly and stimulating environment. I am fortunate to have colleagues in various disciplines whose interests dovetail with my own in a variety of ways, whose ideas and knowledge have stimulated my thinking, and who have served as valuable sounding boards and readers of drafts along the way. In addition to those already listed, I am especially grateful to Tom Byers, Matthieu Dalle, Aaron Jaffe, Eileen John, D. A. Masolo, Rodger Payne, and Leigh Viner. I am also grateful to Cheshire Calhoun, Nancy Theriot, Wayne Usui, and Jim Brennan for solving the two-body problem on my behalf.

Speaking of which, the ten years of work on this subject have also been my first ten years with Karen Christopher – the last three of which we have shared with our son Adam (and now our daughter Stella). They are the light of my life.

Earlier versions of individual chapters have been visible or audible on a number of occasions, and in each case, participants, referees, commentators, and/or editors have contributed to improving arguments and clarity. Chapters Two and Three preserve elements of "Valuing Land and Distributing Territory," the paper I delivered at QMUL and, in modified form, as "Territory as Deep Diversity in Global Justice," at the 2003 Pacific APA Mini-conference on Global Justice. I am grateful to my APA commentator, Jeremy Bendik-Keymer, as well as the audience members at each session, particularly Shlomo Hasson at QMUL and Kristen Hessler, James Bohman, and Steve Scalet at the APA. Another part of Chapter Two is descended from my comments on Gillian Brock's

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2004 APA paper, “Global Equality of Opportunity: Can We Formulate a Compelling Positive Version of the Ideal?” I am grateful to Brock for the paper that spurred the comments, as well as discussion afterwards, and to all the people who came down from the boycotted conference hotel to hear my comments and include me in the discussion of the paper.

I read part of an earlier version of Chapter Four at a Commonwealth Center for the Humanities and Society Faculty Research Forum at the University of Louisville in February 2005. The audience there raised a number of valuable comments. I presented a later version of Chapter Four as part of a symposium on “Geography and Justice” at the 2007 Canadian Philosophical Association, organized by Loren King, who also read a stimulating paper of his own. The audience members, who were kind enough to come to the session on the last afternoon of the last day, despite the beautiful Saskatoon spring weather – especially Jocelyne Couture, Jim Molos, and Kai Nielsen – were extremely generous with their ideas and comments.

Chapter Six is the most personal chapter, and section 6.3 in particular represents the culmination of a long and emotionally arduous journey. I am grateful to Karen Christopher, John and Judith Cumbler, Merle Bachman, Ira Grupper, Ibrahim Imam, David Imbroscio, Aaron Jaffe, Eran Kaplan, Lisa Markowitz, Julie Peteet, and Hank Savitch for discussion of some of the ideas there. Research and writing on the Israeli–Palestinian dispute have had a profound effect on my understanding of myself and my community. Innumerable friends and family members have helped shape my thinking on this issue over as many years as I have been conscious – Nira Kolers most profoundly of all (though that is the least of my debts to her). Inevitably, the process of research and writing has put me at odds with many of them, and with myself, and I have ended up very far from where I started. I hope the arguments here constitute adequate explanation of why I have reached the conclusions I have, and that these arguments and conclusions might spur others to undertake such a journey for themselves, even if they don’t end up where I have.

Some material in Chapter Three previously appeared as “Valuing Land and Distributing Territory,” in *Geographies and Moralities*, ed. Roger Lee and David M. Smith (Oxford: Blackwell RGS/IBG book series), 2004, 135–48.

Finally, I am grateful to John Haslam and Carrie Cheek, my editors at Cambridge, for supporting this project over a period of years and

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then bringing it to fruition; to the anonymous referees whose criticisms and suggestions spurred significant improvements to the arguments; to Jo Bottrill for his apparently boundless tolerance while turning the manuscript into a book; to Marjory Bisset, whose copy-editing enhanced clarity and whose queries got me thinking about language more deeply than I had in a while; to Natalie Weis, for providing a fresh pair of eyes on the proofs and saving me from numerous errors; and to what seems like a small army of people whose names I do not know, who interceded at one stage or another to move this project from proposal to manuscript to book.

Figures 6.4 and 6.7 are in the public domain. Figure 6.7 is taken from the Central Intelligence Agency *Atlas of the Middle East*, January 1993. Both figures are courtesy of the University of Texas Libraries, The University of Texas at Austin.

Figures 4.1, 6.3, 6.8, and 6.9 were drawn by D. J. Biddle of the University of Louisville Center for Geographic Information Systems. I am grateful to D. J. for taking on this project out of the blue and doing such an amazing job.