

COMPTE-RENDU

Daniel Butt, who is currently working on compensatory justice and especially on a book on the rectification of historic international injustice, offered a paper entitled "International libertarianism and the rectification of historic injustice".

The aim of his speech was to show that the best way to rectify past wrongs is to focus on the issue of the inheritance of entitlement to property. Indeed, present day individuals or groups may be entitled to property currently in the possession of others as a result of inheriting a claim to the property in question. He examined the inheritance account of the rectificatory project in an international context and supported an international libertarian conception.

He first considered objections put forward against this model by Janna Thompson (in her article "Historical injustice and reparation: justifying claims of descendants" and in her book *Taking Responsibility for the Past*). According to Thompson, inheritance rights are problematic in at least three perspectives: consequentialism, egalitarianism and desert. Problems lie with the potential inefficiency of allowing rights of bequest for the first one, with the past and the determination of who should have what for the second one, and with the transfer of property with no reward of an effort for the third one. Daniel Butt explained why these external series of objections are over-stated, especially when the issue is considered from a specifically international perspective.

Then D. Butt developed an "intermediate" position on international ethics which is libertarian in its principles but refuses libertarianism at the domestic level. Many political philosophers are indeed rightly suspicious about domestic libertarian theory because of the questionable nature of the foundation of the property right. But such suspicion does not apply within the particular context of the international rectificatory project. International libertarianism is more attractive, and so gains more philosophical support, than its domestic variant (according to Butt, Rawls, Walzer or Miller, whose domestic social justice is highly redistributive, endorse for instance international libertarian principles of justice).

D. Butt explained this difference by questioning the analogy between the domestic and the international variants. The problem is that States seem to be treated as if they were individuals. Butt's idea is that principles that domestic libertarians suggest to the regulation of inter-personal conduct are in fact more appropriate to the regulation of international conduct. This is why international libertarians often reject domestic libertarianism, but keep its principles in international context.

Therefore obligations of justice towards other States in an international context would not be analogous to domestic obligations of justice within a particular community. D. Butt identified principles of just international interaction as the basic principles of international law and a respect for national sovereignty and self-determination.

Moreover, D. Butt showed why international libertarian theory is more plausible than its domestic variant. He emphasized that the international libertarian account of historical entitlement is more robust than its domestic counterpart, since it is based on sustained possession by a group of people. He finally explained that other values (utility, desert or equality for example) could not outweigh international historical entitlement. This model resists to consequentialism and equality objections and seems to be in accordance with a sense of desert, and specifically, the desert of nations.

The debate, introduced by Luc Foisneau, related to four essential questions that international libertarianism cannot elude:

- the separation between the two versions of libertarianism: is it not contradictory to reject its principles at the domestic level and accept them at the international level?
- the origin of the property: is the current owner (of a territory for example, for a nation) the legitimate owner? This question arises with even more acuity within the rectificatory project because many States conquered their territory

by the force by denying the right of property of its inhabitants. Can territorial sovereignty be defended simultaneously by sustained possession and desert?

- who is responsible to repair these injustices: is it the national community as such, or its representatives, its leaders, etc.?
- how can such a theory be put into practice: it appears indeed pragmatically very difficult to regress *ad infinitum* from contract to contract to find the first legitimate owner and from there rectifying past wrongs.

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