

Divided West in Carl Schmitt's International Thought

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Carl Schmitt's international thought has not received the same amount of interest as his political theology or constitutional theory. Nonetheless, there are many interesting and worthy of discussion ideas hidden in his vast *oeuvre*. My aim in this paper will be to pay attention to the consequences of his international thought for the narrative of the West as a civilization and political unity.

In order to understand the developments of epoch-making significance we have to take a look at the nature of modern Europocentric order. Schmitt's most profound book devoted to the question of global order was published in 1950 as *Der Nomos der Erde (The Nomos of the Earth)*. By introducing the notion of the *nomos* of the Earth Schmitt wants to draw our attention to the fundamental relation between earth (in the sense of firm land) and law. It becomes visible in its triple aspect: earth "contains law within herself, as a reward of labor; she manifests law upon herself, as fixed boundaries; and she sustains law above herself, as a public sign of order. Law is bound to the earth and related to earth"<sup>1</sup>. The relatedness of space and law, order and location (*Ordnung und Ortung*) – establishes unity which is unknown to seas and oceans. One cannot engrave anything lasting on the surface of a sea, as well as one cannot set up on it any firm boundaries. In this way Schmitt recalls well-known geopolitical opposition between sea and land that would inform his further insight into the historical and cultural discrepancies between sea and continental powers.

The rule over land is the essence of all power and the history of all settled nations involves the original act of appropriating and dividing land (and Schmitt reminds us about this rather neglected etymological meaning of the word *nomos* which derives from the Greek word *nemein*). "Land-appropriation – says Schmitt – is thus the archetype of a constitutive legal process externally (*vis-à-vis* other peoples) and internally (for a ordering of land and property within a country). It creates the most radical legal title, in the full and comprehensive sense of the term *radical title*". In other words, for Schmitt the notion of *nomos* refers not so much to any legal order, but most of all *nomos* signifies the primordial power which establishes legal order.

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<sup>1</sup> All citations in this summary are drawn from Carl Schmitt, *The Nomos of the Earth*, tr. G.L. Ulmen, Telos, New York 2006.

As he put it, *nomos* is “a constitutive historical event – an act of legitimacy, whereby the legality of a mere law first is made meaningful”.

History of global order is in fact a history of such great historical events, namely land-appropriations and land-divisions resulting from the huge wandering of the peoples and the discovery of the New World. Especially the process of discovering and subjugating of the American continents accounts for the emergence of what Schmitt calls the first *nomos* of the Earth (in the proper sense of this term). It is crucial to understand that when Schmitt speaks in terms of the *nomos* of the Earth, he is concerned with the birth of first comprehensive spatial order of our planet. In this sense first *nomos* of the Earth is coeval with the great historical process of discovering and conquering of the New World by Europe. Europe has created first comprehensive *nomos* of the Earth since it had gained for the first time in human history not only the proper scientific picture of our planet (unknown to the generations prior to XVI century), but also introduced divisions and orderings of its vast spaces.

One may rightly say that the history of the first *nomos* of the Earth is the history of European modernity. This first *nomos* of the Earth is embedded in what Schmitt calls *Jus Publicum Europaeum*, the order of the public law of Europe. Its structure is based on the opposition between free seas and firm land and the corresponding to them different spatially-bound legal statuses. *Jus Publicum Europaeum* “orders” entire Earth. It divides entire Earth into a few categories of space: free seas and the firm land, which in turn includes such sub-divisions as state territory, colonies, protectorates, occupied territories, tropical countries with European “outposts” and the land open for new land-appropriation. Within this order some global lines were drawn which separate the Old and the New World. The New World, the world beyond the line – which was usually drawn west to the Azores Archipelago – is subject to merciless rivalry between European states. It is open for conquest and commercial exploitation; the rules that apply to these parts of Earth differ from the rules accepted in the European Old World. It seems – says Schmitt – that Europe wants to export its wars beyond the line.

By advocating the so called European equivalent of the Monroe doctrine (the ban on intervention of the spatially-foreign powers in Europe) in his prewar writings, Schmitt in fact excluded the possibility of the West as a Transatlantic political unity. In his studies he has provided very interesting (though sometimes controversial) historical, political and legal material

that shed light on the profound discrepancies between the various modes of political and legal development within the so called West that puts this concept in doubt. I will focus on Schmitt's basic opposition that he had established between the centralized European continental states and the sea powers.

One may aver that his strategy leads to the deconstruction of the concept of West as we are constantly faced in his writings with the numerous opposing entities such as the continental vs. the Anglo-Saxon state, land powers vs. sea powers, British and American imperialism vs. European continental imperialism, non-discriminatory concept of war vs. just war theory, modern international law vs. traditional European *jus gentium*. However, according to Schmitt, one of the major blows to the Western legacy was delivered by West's West that is United States. Schmitt's narrative develops the notion of the shared European legal principles in the form of *jus publicum Europaeum* with its characteristic non-discriminatory concept of war that had allowed for the significant limitation of the modern warfare. The American foreign policy in late XIX and early XX century is viewed by Schmitt as one of the major factors in breaking up the structure of that shared legal legacy. He claims that West had fallen prey to the negligence and forgetfulness of those fundamental principles that had eventually contributed to the outbreak of the Second World War. Its worrisome consequences has continued up to now. In this way I will also argue that Schmitt's thesis has acquired an additional topicality with regard to the current debates on the global order and the place of the West within it.