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The *Nomos* of the Earth

in the International Law of
the *Jus Publicum Europaeum*

Carl Schmitt

*Translated and Annotated by G. L. Ulmen*

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Author's Foreword

This book, the defenseless product of hard experiences, I lay on the altar of jurisprudence, a discipline I have served for more than forty years. I cannot foresee who will take my offering in hand, be it a thoughtful or a practical person, be it a destroyer and annihilator who ignores the asylum I offer. The fate of a book does not lie in the author's hands, any more than does his personal fate upon which it hinges.

Given this fact, the motto for this book might be two verses Goethe wrote in 1812:

All petty things have trickled away,
Only sea and land count here.

For I speak here of firm land and free sea, of land-appropriations and sea-appropriations, of order and orientation. However splendid that motto might be, it would be misleading. Both extraordinary verses steer attention too much away from international law, and to either a geographical-scientific or an elemental-mythological approach. That would not do justice to the essentially jurisprudential foundations of this book, which I have taken much pains to construct.

I am much indebted to geographers, most of all to Mackinder. Nevertheless, a juridical way of thinking is far different from geography. Jurists have not learned their science of matter and soil, reality and territoriality from geographers. The concept of sea-appropriation has the stamp of a

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1. [Tr. Sir Halford John Mackinder (1861-1947) was both a geographer and a politician. In January 1887, the fame of his Oxford extension lectures resulted in an invitation to speak at the Royal Geographical Society in London. During the discussion after the lecture, he defined geography as "the science of distribution, the science, that is, which traces the arrangement of things in general on the earth's surface." In 1899, he was instrumental in establishing the first British school of geography, at Oxford. He is best known for his theory of the "heartland," which influenced the geopolitical thinking of Karl Haushofer. Mackinder's writings on land power are comparable to the ideas of Alfred Thayer Mahan (1840-1914) on sea power, which also influenced Schmitt's thinking.]
Camillo Barcia Trelles, an important scholar of contemporary international law, who also has dealt with the theme of land and sea. As a jurist, I agree with Camillo Barcia Trelles, an important scholar of contemporary international law, who also has dealt with the theme of land and sea. The ties to mythological sources of jurisprudential thinking are much deeper than those to geography. These were revealed to me by Bachofen, but the many profound insights of Jules Michelet should not be forgotten. Bachofen is the legitimate heir of Savigny. What the founder of the Historical School of Law understood to be historical authenticity, Bachofen extended and made much more fruitful. This historical authenticity is not just archeology and a museum artifact. It concerns the existential question of jurisprudence, which today would be sundered between theology and technology if the ground of its being here and now were not understood properly and developed fruitfully in terms of its historical relevance.

For this reason, the question of presentation is especially difficult. At present, there are all sorts of restraints and restrictions. A critic uncumbered by them will have no trouble finding bibliographic and other imperfections. What is more, I avoid mention of contemporary affairs and break off at many points, so as not to give a false impression. All experts lament the Babylonian linguistic confusion of our time: the crudeness of the ideological struggle, the disintegration and contamination of the most common and familiar concepts of contemporary public life. Since both the given subject and the present situation are overwhelming, all we can do is sift through the wealth of material, unnecessary controversy, and misinformation. Both the theme and the subject matter are so vast as to defy the forces of our time.

The traditional Eurocentric nomos of the earth belongs only to the surprising event. Only in fantastic parallels, such as men on their way to the unknown planet that could be expected to relieve their struggles on earth. This event will not be answered with such further scientific discoveries. However, understanding the elemental orders of its terrestrial environment, the taking of this book and the fervent study of its contents are necessary steps in the understanding of contemporary public life. Since both the given subject and the present situation are overwhelming, all we can do is...
sift through the wealth of material, present new ideas objectively, avoid unnecessary controversy, and not fail to grasp the magnitude of our theme. Both the theme and the situation are overwhelming.

The traditional Eurocentric order of international law is foundering today, as is the old nomos of the earth. This order arose from a legendary and unforeseen discovery of a new world, from an unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to the moon discovering a new and hitherto unknown planet that could be exploited freely and utilized effectively to relieve their struggles on earth. The question of a new nomos of the earth will not be answered with such fantasies, any more than it will be with further scientific discoveries. Human thinking again must be directed to the elemental orders of its terrestrial being here and now. We seek to understand the normative order of the earth. That is the hazardous undertaking of this book and the fervent hope of our work.

The earth has been promised to the peacemakers. The idea of a new nomos of the earth belongs only to them.

_Carl Schmitt_  
Summer 1950
In sociology, nomos refers to habits or customs of social and political behavior, socially constructed and historically specific. It refers not only to explicit laws but to all of the normal rules and forms people take for granted in their daily activities. It represents order, valid and binding on those who fall under its jurisdiction; thus it is a social construct with ethical dimensions. The nomos of the earth in the international law of the jus publicum europaeum by carl schmitt, trans. By g.L. ulmen (new york: telos press, 2003). By mark ANTAKI2. I. reading carl schmitt in english. Since the path-breaking works of George Schwab and Joseph Bendersky,3 there has been a great surge of interest in the work of Carl Schmitt in the English-speaking world. This has resulted in an ever-accelerating output of writings relating to Schmitt. For the most part, Schmitt's work has been understood under the univocal label of "critique of liberalism"4 (though with Schmitt