Warning Concerning Copyright Restrictions

The Copyright Law of the United States *(Title 17, United States Code)* governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If electronic transmission of reserve material is used for purposes in excess of what constitutes "fair use," that user may be liable for copyright infringement.
The Nomos of the Earth
in the International Law of
the Jus Publicum Europaeum

Carl Schmitt

Translated and Annotated by G. L. Ulmen

Telos Press Publishing
2006
TABLE OF CONTENTS

Translator’s Introduction
Translator’s Note and Acknowledgments
Author’s Foreword

Part I: Five I
Chapter 1. Law as a Unity
Chapter 2. Pre-Global Inter
Chapter 3. International Law
  A. The Respublica Chri
  B. The Christian Empire of the Antichrist
  C. Empire, Caesarism,
Chapter 4. On the Meaning
  A. Nomos and Law
  B. Nomos as Ruler
  C. Nomos with Homer
  D. Nomos as a Fundam
Chapter 5. Land-Appropri1

Part II: The Land-
Chapter 1. The First Globa
  A. Global Linear Think
  B. Rayas
  C. Amity Lines
  D. The Western Hemis
Chapter 2. Justification of Francisco de V
  A. Vitoria’s Scholastic
  B. Vitoria as a Theolo
  C. Vitoria’s Legacy
  D. Situating Vitoria’s T

Schmitt, Carl (1888–1985)
Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum
(Berlin: Duncker & Humblot, 1950; 2nd ed., 1974);
The Nomos of the Earth in the International Law of
the Jus Publicum Europaeum

Includes translator’s introduction, translator’s note and acknowledgments,
glossary of foreign terms, subject index, and name index.

ISBN: 0-914386-29-8 (cloth)
0-914386-30-1 (paper)

Civilization 6. American Foreign Policy

Telos Press Publishing
431 East 12th Street
New York, NY 10009
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

---

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.]
jurist, not of a geopolitician. As a jurist, I agree with Camilio 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 unencumbered 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 new theme. Both the theme and the situation are overwhelming.

The traditional Eurocentric nomos of today, as is the old nomos of the world, can only be answered with such an unforeseen discovery of a new 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. That will not be answered with such further scientific discoveries. How to understand the elemental orders of its territory, the taking of this book and the fervent faith of the earth has been promised nomos of the earth belongs only to
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
Earthy names might literally mean earth, stone, or ground, such as Adam or Jade, or they may refer to places and characteristics of the earth. Earth-related heroes and mythological figures related to the earth can inspire earth names too. Along with Adam and Jade, other names that mean earth in the US Top 1000 include Aaron, Axton, Clay, Gemma, Mason, Mira, Ruby, and Sierra. Other earthy baby names worth considering include Everest, Gardener, Ione, and Petra. Earth names might appeal to parents who are gardeners, mountain climbers, or ecologists. One of these names that mean earth can offer

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.