

Carl Schmitt's Postcolonial Imagination

Andreas Kalyvas*

February 2017

The experience not only of discovery, but especially of the conquest, is *essential* to the constitution of the modern ego, not only as subjectivity, but as subjectivity that takes itself to be the center or end of history.

Enrique Dussel¹

In 1941 Carl Schmitt asserted that, “The colony is the basic spatial fact of hitherto existing European international law,” its “foundation” and “basis.”² I would like to make two claims in relation to this remarkable but largely overlooked statement.³ First, Schmitt’s unconventional theory of international public law, with *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* as its most emblematic expression, can be systematically reconstructed from the centrality that the concept of the colony enjoys in his ambitious historical narrative of the rise and fall of the first global *nomos*.⁴ Second, such a reading exposes the colonial underpinnings of the modern international system. Also, themes and arguments associated with anticolonial discourses acquire a central significance and a general geopolitical framework is recommended for a critical understanding of political modernity and its postcolonial alternatives.

My broader claim, in short, is that the colony is a master concept of Schmitt’s political and legal theory of international law and one of his main contributions. It lies at the core of his work on politics, modernity, and space and tellingly at the center of his conceptualization of the international. This is confirmed by the central presence of the extra-European overseas colonies in his history of the modern *nomos*: they sustained at once the Eurocentric order, set off its dissolution, and brought the demand for another order. The centrality of the colony thus operates both in the making and unmaking of international public law, from its beginnings to its downfall.⁵ The modern international system of territorial sovereign states, Schmitt argued, originated in the second half of the 16th century during the ‘Age of Discoveries’ and the colonial encounter between Europe and the extra-European world to decline during the late 19th century and fall in the 20th with the process of decolonization and the formal abolition in international law of the colonial difference between the European soil and the overseas territories, state and colony, the civilized and the uncivilized.

What is therefore distinctive about Schmitt’s approach is that he regarded the colony as essential for international law. The consistency and often brutally cynical predisposition

with which he treated the relationship of international law and the colony indicates that he considered their historically evolving articulation as a decisive factor that has determined the global direction and spatial structure of modern politics. In this sense, his history of the *jus publicum Europaeum* is also a history of modern colonialism.⁶

Questioning the idea of international law as an exclusively intra-European phenomenon is one kind of historiographical contribution. As Schmitt's narrative consists of repeated attempts to trace the history of the modern state system beyond a single continent by adopting an explicit world perspective, it revisits the dominant view that international law arose within the practice of European states and recasts the debate on political modernity and colonialism.⁷ Another contribution that follows from his systematic study of the political and spatial dimension of the colony is his attempt to define it, to look for its concrete manifestations, its histories and trajectories, its spatial sites and special territorial status, and to examine its general impact on the structure of international law.

Undeniably, many of Schmitt's arguments reflect and reproduce assumptions and biases of the Eurocentric paradigm.⁸ Moreover, his conservative anti-liberal loyalties, fascist sympathies, unapologetic Nazism, and his virulent anti-Semitism might very well explain the presence of certain specific concepts and themes that he deployed in his numerous writings on international law and informed his geopolitical 'turn' from the domestic to the global during the late 1930's.⁹ I do not intend to challenge these interpretative facts nor am I interested in minimizing their presence. But I wish to broaden the scope of the debate, to complicate it to a certain extent, by revisiting Schmitt's history of international law from the conceptual lens the colony provides. By probing in particular his views on the relationship of modernity and colonialism as co-original and co-constitutive I find him, paradoxically, seating and conversing with the unlikely company of anticolonial and postcolonial thinkers.¹⁰

In the first section I focus on Schmitt's account of the origins of the Eurocentric *nomos* of the earth out of colonialism to discuss how his historical narrative of the *jus publicum Europaeum* anticipates the notion of the colonial encounter and lays bare the dialectical relationship between modernity, colonialism, international law, and the territorial system of states. The second section addresses the collapse of the Eurocentric order of international law, the displacement and relativization of Europe, which Schmitt traced, in part, to the process of decolonization and the abolition of the colonial difference. The third part looks at how he contemplated future post-Eurocentric global alternatives.¹¹ With the formal independence of previously colonized territories, he asserted, international law ceased to find its center of gravity in old Europe as world politics started drifting further West and South, carving new global divisions and opening up other geopolitical multipolar possibilities. One of these, beyond the West-East bipolar antagonism, he located it in the former colonial spaces as he regarded the non-aligned countries and the underdeveloped states a potential force of global change, which could herald a postcolonial plural global order, a post-European pluriversal *nomos*.

I. The Colonial Foundations of International Law

It is certainly true that Schmitt often described the age of conquest in the conventional and celebratory language of the “discovery of a new world,” the “achievement of newly awakened Occidental rationalism,” “the product of an intellectual and scientific culture,” suggesting it was the necessary and legitimate outcome of a presumed European superiority.¹² As many commentators have rightly noted, there is a nostalgic yearning that elevates the age of conquest into a great, epic moment of European history, an unprecedented civilizational accomplishment, which Schmitt depicted as one of the highest manifestations of human reason and “the last great heroic act of the European peoples.”¹³ It seems reasonable to infer that Schmitt saw the global rise of Europe as the result of a purely endogenous and autonomous dynamic, internal only to that continent, caused by the intrinsic tendencies of an already formed higher geopolitical and cultural totality. At times, he sounds Hegelian, as if the global rise of Europe was a foretold story, justified by a pre-established superiority, fated to conquer the world.¹⁴

These statements, however, do not adequately represent the novelty of Schmitt’s history of international law. Notwithstanding an explicit celebration of a bygone age and the concomitant lamentation for its irrevocable demise, there is a parallel narrative that runs through his writings on the modern spatial order and world politics and hints at a different historico-political understanding and geographical imagination.

What I wish to emphasize is this opposite tendency to conventional accounts of the history of international law that is signaled by Schmitt’s insistence on the centrality of the category of the colony as indispensable to the spatial constitution of the international system of states and the geopolitical rise of Europe. On this issue, he sounded unequivocal: “The whole spatial structure of the earth in European international law was *based on the distinctive territorial status of colonial overseas lands.*”¹⁵ This bold proposition identifies the colonies and their “distinctive territorial status” as the basis (*die Grundlage*) of the Eurocentric order, its “basic spatial fact” (*raumhafte Grundtatsache*).¹⁶ It is the colony, for Schmitt, and its special significance in international law, which determined and sustained the Eurocentric order.¹⁷

For one thing, against internalist and teleological views, Schmitt’s approach questions traditional accounts that have propagated the idea of a political and legal order of sovereign territorial states that emerged within Europe, autochthonously so to speak, arrived in the colonies fully formed, and became global through time by simply extending its sphere of application on a larger scale with the quantitative inclusion of new non-European entities into an existing stable interstate spatial structure.¹⁸ Instead, his heterodox history highlights how modern international law and the advent of the Eurocentric global order “*did not derive essentially from internal European land-appropriation and territorial changes, but rather from the European land-appropriation of a non-European new world.*”¹⁹

He could not be more explicit. The very existence of the *jus publicum Europaeum* depended upon a “free *colonial soil* outside Europe” as it did on the sea.²⁰ The modern interstate system originated outside the geographical confines of Europe, with the

colonial expansion to the Americas, as the effect of an illegal and violent land taking.²¹ For this reason, he described “The land-appropriation of a new world,” its colonization, as “the global event in the history of European international law,” which, with “Vast, seemingly endless free spaces *made possible and viable* the internal law of an interstate European order.”²² For, it is the conquest of the Americas that “*led to a new spatial order of the earth*” and, as he repeatedly maintained, “for 400 years it *supported* a Eurocentric international law: the *jus publicum Europaeum*.”²³ Thus, for Schmitt, it is 1492 and not 1648 that marks the beginning of the modern world and the global rise of international public law, defined as “a law among states, among European sovereigns. This European core determined the *nomos* of the rest of the earth.”²⁴

This “unrepeatable historical event” inaugurated a new epoch, the first complete spatial revolution on a planetary scale, propelling Europe to the geopolitical center of the earth.²⁵ The colonization of an extra-European world is the real constitutive event of global modernity.²⁶

How the conquest and colonization of a new continent gave rise to the modern interstate system of international law is explained by his singular interpretation of the global lines (first, with the Spanish-Portuguese divisional lines but mostly with the French-English amity lines) that were drawn by European powers from the end of the 15th to the middle of the 17th century in order to regulate their inter-imperial rivalries. These lines were foundational and generative of the first global spatial order as they put into effective play the rule of colonial difference.²⁷ In fact, the “distinctive” territorial status of the colonial overseas lands originates with the division of the earth into two distinct spatial zones, the statist and the colonial, the European and the non-European, the civilized and the uncivilized.

For Schmitt, this division indicates the world historical uniqueness of the modern *nomos*.²⁸ The new ‘discoveries’ and the circumnavigation of the globe unified geographically the earth by carving “internal divisions...within the framework of one and the same spatial order.”²⁹ The global lines encompassed for the first time in human history the whole earth by differentiating between two spheres, Europe and the rest of the world.³⁰ The colony is the effect of this partition of the earth and it is foundational, like the free sea, as it partakes in a constitutive act of spatial ordering. For this reason Schmitt considered the “special” meaning of the colony and its exceptional territorial status both as a symptom and an effect of global linear thinking.³¹ He understood it in relation to the originary split between “the soil of European states, i.e. state areas in the specific sense, and the soil of overseas possessions, i.e. *colonial lands*.”³² The ‘New World,’ the colonized territories, came to designate an extra-European, non-sovereign realm, located outside international law but immanent to and productive of the spatial structure of the global *nomos*.³³

The sense and core of the Christian-European law of peoples, its fundamental order, lay in the partition of the new earth. Among themselves the European peoples were, without much planned reflection, united in treating the non-European soil of the earth as *colonial soil*, i.e., as an object for their conquest and exploitation. This side of historical development is so important that one can

equally well, and perhaps more rightly, call the Age of Discoveries the Age of European land appropriation.³⁴

The territorial status of the colony is “special” and “distinctive,” therefore, to the extent that while it rests outside international law, not subject and thus not guided by Europe’s interstate rules of war, it remains internal to the global spatial order.³⁵ Schmitt describes a case of an inclusive exclusion. This explains, for instance, how wars could be waged between European powers in the colonies despite peace being concluded in Europe; or, likewise, how treaties and agreements among states that were valid for Europe did not apply to the colonies; or, how the dualism in English law between English soil, where common law ruled, and other areas where the king’s power was unrestricted, reached global proportions. Included into modern world politics by means of its exclusion, the colonies occupy an exceptional position in the structure of the Eurocentric order. Schmitt regarded this exception as foundational because it produced a normal, relatively pacified, secure, and stable space against an anomic zone, a lawless colonial space free for appropriation that became the indispensable site of limitless violence and wars of expansion and annihilation.³⁶

“The old Eurocentric system of international law,” Schmitt asserted, “rested upon the differentiation of international law of a *European* space of states of fully valid state order and implemented peace from a *non-European* space of free European expansion,” that is, between “the soil of the metropolis” and “colonial soil”:³⁷

The special *territorial status of colonies* thus was as clear as was the division of the earth between state territory and colonial territory. This division was characteristic of the structure of international law in this epoch and was inherent in its spatial structure.³⁸

The construction of a European normal space (the core) upon and in opposition to an anomic colonial zone (the periphery) was foundational for the Eurocentric order of the earth in the same way that the concept of the colony was “special” for the development of modern international law.³⁹ Schmitt claimed that on these extra-European spaces the imperial powers displaced their violent conflicts outside their continent, outsourcing them to the new world.⁴⁰ They imagined the non-European world “without a master, uncivilized or half-civilized, an area of colonization, an object for the seizure of holdings through European powers;”⁴¹ “a sphere outside the law and open to the use of force” since “everything that occurred ‘beyond the line’ remained outside the legal, moral, and political values recognized on this side of the line.”⁴² It was there that sovereigns could freely wage absolute wars against each other and against the indigenous populations, that is, colonial wars, sparing the European territory from the destruction they brought about.⁴³

The spatial ordering and legal orientation that resulted from the distinction of the two zones unburdened the state-making process as the colonial powers went on to “formalize” and “bracket” their wars on one side of the line, shielding Europe from destructive conflicts, which could be now removed and exorcised, on the other side, “beyond the lines.”⁴⁴ The politico-juridical system of sovereign states, which rested upon the

externalization of violence, was valid only in Europe. This spatial order of a regulated and balanced co-existence among territorial sovereigns, their equilibrium, their mutual recognition as equal and independent subjects of international law, the “humanization,” “bracketing,” “rationalization,” and “formalization” of European wars, “ended here,” Schmitt emphatically proclaimed, on this side of the lines, in Europe and on its soil.⁴⁵ It did not extend to the other side, the overseas colonies. Thus, “Both civil wars and colonial wars remained outside this bracketing,” outside the limits and restraints of international interstate law, in the colonial territories, removed from Europe and civilization.⁴⁶

The colonies, therefore, have another, additional exceptional meaning and the special territorial status they possess in the Eurocentric international order as “overseas zones” derives from their designation as stateless and lawless, extra-legal and normless, that is, “conflict zones.” Their existence was necessary for the pacification of modern Europe.⁴⁷ Europeans could conduct their total wars freely, outside the law, in those overseas colonial “zones designated for agonal test of strength,” “where force could be used freely and ruthlessly” and “only the law of the stronger applied.”⁴⁸

The designation of a conflict zone *outside* Europe *contributed* also to the bracketing of European wars, which is its meaning and its justification in international law.⁴⁹

This unprecedented geopolitical distinction between Europe and its colonies differentiated the war-in-form from colonial wars, the just enemy (*justus hostis*) from the just cause (*justa causa*), removed civil warfare from domestic politics, and produced the spatial conditions for a secure and protected geopolitical framework conducive to the development and rise of the European interstate order.⁵⁰ “Classical European international law,” Schmitt asserted, “pushed both of these dangerous forms of war and enmity [i.e. civil and colonial wars] to the margins.”⁵¹ Europe was spared of total wars because “the upholders of this international law had available sufficient free space in the *colonies* in order to rob their mutual confrontations in Europe of a genuine existential severity.”⁵² In the absence of such colonial spaces and their anomalous territorial status it would have been impossible for Europe to bracket war.⁵³

The significance of the amity lines in 16th and 17th century international law was that great areas of freedom were designated as conflict zones in the struggle over the distribution of a new world. As a practical justification, one could argue that the designation of a conflict zone at once freed the area on this side of the line – a sphere of peace and order ruled by European public law – from the immediate threat of those events “beyond the line,” which would not have been the case had there been no such zone.⁵⁴

In short, the distinction of state and the colony, law and anomie, inside and outside, the civilized and the uncivilized, which made possible a continental law of European sovereigns with a global reach, explains the special territorial status of the colony.⁵⁵ Here then lies the centrality of this concept for Schmitt:

The decisive meaning of the overseas colony for international law lies in the fact that the concrete reality of the concepts *war* and *peace* of hitherto existing international law could only be understood on the basis of this image of space. One must always be reminded of the fact that international law is a law of war and peace, *jus belli ac paci*.⁵⁶

This conceptual primacy of the colony in Schmitt's theory is reflected nowhere better than in his original interpretation of the doctrine of the natural state in modern political thought, which strongly evokes his earlier famous distinction between the norm and the exception.⁵⁷ The relationship between the two is now framed explicitly in concrete spatial terms as Schmitt came to identify the intellectual origins of the modern doctrine of the state of nature in the historical experience of European land appropriation and colonization.⁵⁸ Shifting attention from the familiar view that saw in the concept of the natural state a metaphor for the religious civil wars in Europe, Schmitt introduced a geopolitical reading that instead located it in the extra-European colonial spaces of the Americas. The depiction of a normless state of war of all against all, devoid of sovereignty and government, deprived of state and law, he argued, was influenced by how Europeans imagined human existence beyond the lines, outside politics and civilization.⁵⁹ It is in this manner that Schmitt redefined the traditional contrast between the natural and political state as a distinction between colonial spaces of exception, that is, extra-European lawless zones of war, violence, and expansion, and an interstate international order that self-regulates its internal discord and contains war.⁶⁰ In a similar vein he designated the juridical domestic state of exception as a spatial correlate "analogous to" the extra-European colonies.⁶¹

Thus, hidden underneath the normative foundations of the political philosophy of the modern state, at the very roots of its justification, Schmitt hinted at the sublimated presence of a colonial geography whose existence was acknowledged insofar as it had to be negated and disavowed. These colonial zones of exception constituted the spatial foundation of the Eurocentric global norm and sustained the political and cultural idea of Europe as such.⁶² Modern Europe, in other words, emerges only with the global lines, through its encounter with and distinction from the overseas territories.⁶³ It is the difference that colonialism introduces, as an exception to the law, which effectively grounds the concrete unity of a global spatial order, the "Family of Nations," and supplies it with a common European culture and shared legal and moral values, always against the background of the colonies.⁶⁴ Schmitt identifies here the necessary presence of a colonial difference against which the statocentric political and legal identity of modern Europe was constructed, took roots, and was enthroned at the center of the earth.⁶⁵

In the end, Schmitt's understanding of the colony is determined by how the spatial structure of political modernity works by excluding its own foundation. As a "basic spatial fact" of the modern *nomos*, the colony is constitutive of the European order of the earth. This atypical history of the rise of the Eurocentric *nomos* underscores how the norm (i.e. the state, the European center, international law) yet again rests on and depends upon an exception (i.e. the colony, the extra-European periphery).⁶⁶

II. Decolonization and the Relativization of Europe

Schmitt's account of the decline and fall of the Eurocentric international order consists of several explanatory strands, not always consistently interwoven into a coherent narrative. Their mutual association is undefined and indeterminate. Most prominent among them is the rise of the United States from a regional power to a global empire. Supported by a de-territorialized capitalist economy, a universal-imperial liberal ideology, and a potent technical-industrial-military apparatus, the United States appears as the main historical force responsible for the crisis and demise of the modern global *nomos*.⁶⁷

As much pronounced as this account is in Schmitt's writings, it does not exhaust his complex history of the unraveling of the *jus publicum Europaeum* and cannot distract from the conceptual centrality and political significance the colony has in this tale of demise. After all, as he complained, "the concept of colonies contained an ideological burden that affected, above all, European colonial powers."⁶⁸ To understand the significance of this "burden" and how and where it became consequential for the international order, Schmitt turned his attention to the changing territorial status of the colony, the de-colonization of the concept itself, and its actual vanishing with the advent of anticolonialism. He further explored and developed his conceptual history by implicating the formal abolition of the colony in the global disorganization and disintegration of the Eurocentric international order.⁶⁹ Hence, he treated anticolonialism as "a phenomenon that accompanies the destruction of this [i.e. Eurocentric] spatial order" and singled it out as one of the three "real objective problems of the actual global situation."⁷⁰

While the European states were still expanding into colonies, the emancipation of those colonies was beginning. In the same measure in which the overseas colonies detached themselves from European leadership, the state system of Europe, which was mainly built up on overseas expansion, began to change.⁷¹

Decolonization, from Schmitt's perspective, names the dissolution of the colonial difference that had produced and supported international public law. The special status of the colony that maintained the Eurocentric order for nearly four centuries was overturned. Its distinctive spatial position - within the global *nomos* but outside international law - was eliminated. The colony lost its exceptional status in *the jus publicum Europaeum* at the precise moment when the "Colonial soil had become as much *state territory* as was the soil of European nations."⁷² A new relationship was forged between the norm and the exception.⁷³ It was a relationship of indistinction that conflated their status by equalizing them. By fusing them into the undifferentiated boundlessness of the universal it ended the separation of state and colony.⁷⁴ This loss of their difference is at the source of the demise of the European interstate order.

Clearly, to the extent that overseas *colonial* territory became indistinguishable from *state* territory, in the sense of European soil, the structure of international law also changed, and when they became equivalent the traditional, specifically European international law came to an end.⁷⁵

As Schmitt emphasized time and again, this equation caused a global disorientation that undermined the foundations of the Eurocentric spatial structure.⁷⁶

The spatial structure of traditional and specifically European international law was based on the distinction between European state territory and non-European soil. But if the status of *state territory* in the sense of European international law – European soil – no longer was distinguishable from *overseas colonial – non-European – soil*, then the whole spatial structure of European international law had to be abandoned.⁷⁷

The long and varied process of decolonization, the abolition of the colonial difference, blurred the distinction between European soil and overseas territories, state and colony, by “eliminating the spatial sense of colonies” altogether.⁷⁸ When “an international colony was treated as an independent state,” Schmitt observed, it caused such a confusion that threw the entire international system into disorder.⁷⁹ With a growing number of ex-colonies admitted into international law and new non-European states recognized as sovereign entities with equal standing among the traditional members of the interstate system, the constitutive difference between Europe and its possessions, civilized and uncivilized, peace and war, was abandoned. The relationship between law and space collapsed and international law lost its concrete ordering and spatial orientation. By lowering the civilizational standard to the degree of effectively eliminating the distinction between European and colonial people, the Europeans, unintentionally and rather tragically, “were loosening all the foundations of a reception,” undermining the structure of their concrete spatial order.⁸⁰ With “a collection of states randomly joined together by factual relations,” he lamented, arose “a disorganized mass of more than 50 heterogeneous states, lacking any spatial or spiritual consciousness of what they once had had in common, a chaos of reputedly equal and equally sovereign states and their dispersed possessions, in which a common bracketing of the war is no longer feasible, and for which not even the concept of ‘civilization’ could not provide any concrete homogeneity.”⁸¹

The indiscriminate recognition of the former colonies as new state-members of the international community, their admission in the order of international law as equal participants, and the universalization of the principle of state sovereignty destroyed the spatial unity of the modern *nomos*.⁸² As it lost its measure and anchor in the spatial distinction between European and colonial soil, it dissolved into an empty humanism, an abstract universalism, spaceless, lacking boundaries and territorial differentiations.

The chronology that Schmitt proposed to track the beginning of the end is instructive in this respect. But it is inconsistent. His periodization includes shifting dates, uncertain places, and trajectories with elusive, ambivalent normative ambitions. Notwithstanding its failings, however, Schmitt’s reflections on the colony reiterate its conceptual primacy and explanatory force and reasserts its continuous presence in the history of international law, if only in the negative form of its destructive effects. They also hint at a political history of decolonization, as the indispensable complement to the history of the fall of the Eurocentric order.

A “first blow” against the Eurocentric world, “the first long shadow that fell on the *jus publicum Europaeum*,” according to Schmitt, occurred in 1823.⁸³ It originated in the West, with the Monroe Doctrine, carving again the earth through a new global line, which attached firmly the Western hemisphere to the greater space of the United States. This doctrine broke away from the established European equilibrium and conferred to the American soil a completely new status in international law. The sudden spatial transformation that ensued challenged the Eurocentric order by introducing the modern politics of greater spaces, *Großraum* politics. But it was only much later, Schmitt insists, at the aftermath of the First World War, that it became a concrete threat.⁸⁴ “As soon as the United States raised this doctrine to a global claim of world interventionism, it affected every state on earth.”⁸⁵ However, by that time the decline of the European international order was already an almost accomplished fact that did not have to wait for the universalization of the Monroe Doctrine. The Great War, the 1918-1919 Paris Peace Conference and the League of Nations, but also the Soviet revolution and Lenin’s philosophy of the partisan had by then “caused nothing else than the destruction of the whole Eurocentric world.”⁸⁶ There is also 1856, when the Ottoman Empire, a “non-European,” “non-Christian state” was admitted into the European “Family of Nations.”⁸⁷ Yet, as significant as this inclusion was it did not have transformative effects on the spatial structure of international law and the regulation of warfare, which remained firmly Eurocentric. Is it then in 1894, Schmitt asks, with the recognition and inclusion of Japan as an East Asian Great Power that begun the transition away from European international law?⁸⁸ He acknowledged it as a formative event that could have diluted the centrality of the European state as it came to signal “the problem of the transformation of the spatial order of European consciousness.”⁸⁹ Nevertheless, Schmitt complained, the significance of this event “remained occluded” and ignored.⁹⁰ Did he, instead, privilege 1884-5 as the date that marks “the relativization of Europe”?⁹¹ He certainly considered it consequential for international law: it is the date of the Congo Conference in Berlin.⁹² A conference that, for Schmitt, tragically “opened the door to the confusion, whereby an international colony was treated as an independent state.”⁹³ In a concerted attempt to regulate the appropriation and colonization of Africa and to codify its territorial partition among European powers, the Berlin Conference stumbled on the problem of neutrality and blurred the key distinction between European soil and overseas colonial possessions, state and colony. It undid the very foundations of international law it was supposed to protect. “To the extent that overseas colonial territory became indistinguishable from state territory,” Schmitt claimed, the state, “the core concept of the traditional interstate European international law thus was thrown into disorder.”⁹⁴ As the distinction between European soil and colonial territories was eliminated, international law lost its concrete spatial orientation and the interstate world system dissolved into a chaotic, violent, de-territorialized normative universalism.

The Berlin conference, in short, initiated a historical and political process that in the long run erased the global lines, eliminated the colonial difference between a relatively pacified European space and the overseas battle arenas, inside and outside, state and colony. It also anticipated the planetary spread of territorial states and made possible the entry of many new and disparate sovereigns into the world order.⁹⁵

As the distinction between state and colony was now gone so was the bracketing of war.⁹⁶ By eliminating the special status of the colonies decolonization universalized the principle of state sovereignty and national self-determination, got rid of its anomic constitutive outside, unified the earth, and relativized Europe by removing it from the center.⁹⁷ By doing so, it blurred the crucial distinction between inter-state and intra-state wars, state war and civil war, and radically transformed the meaning and practice of warfare itself.⁹⁸ It inaugurated a transitional era of absolute enmity, limitless military interventions, global civil wars, transnational police action, and world revolutions. Schmitt described this postcolonial intermediary stage, situated in the zone of indistinction between peace and war, as the “epoch of total war, of wars of extermination, and of the partisans.”⁹⁹

The decisive role the colony plays in the demise of international law is powerfully captured by Schmitt’s rich reflections on the transformation of modern war. The abolition of the distinction between state and colony eliminated the overseas zones of exception and removed the extra-European spaces of free, unregulated conflict. For centuries, Europe’s total wars were exported to and waged in the colonies. These colonial wars remained firmly outside international law. For Schmitt, the bracketing of war, the domestic pacification of the state, the international regulation of interstate war, the war-in-form, and the very balance and equilibrium of the Eurocentric order, all depended on the colony. But with a constantly shrinking colonial space, the opportunity to channel outwards latent European hostilities, to the free zones outside international public law, faded out.¹⁰⁰ As the advent of decolonization came to abolish the colonies, it led to a planetary closure that put an end to the distinctions between inside and outside, peace and war, the combatant and the civilian, the enemy and the criminal. Hence, war lost its ground, its localization and ordering.¹⁰¹ It escaped the spatial demarcations the international order had successfully imposed in the previous centuries. Colonial wars that had been “bracketed off” were released and came back to Europe. They crossed over to the other side of the vanishing line, spilling over and unleashing their violence and conflicts onto the European soil and beyond.¹⁰² As the global order of European colonization was ending with the territorial closing off of the colonial space, the world saw the return of unregulated discriminatory warfare, global civil wars, absolute enemies, and imperial ambitions. They all resonate in Schmitt’s theory of the postcolonial partisan and the rise of a motorized, de-territorialized political subject.¹⁰³ With differences abolished and distinctions blurred, new forms and types of war were unleashed, unlimited, involving mobile and irregular combatants, that is, revolutionary transnational partisans fighting global civil wars.¹⁰⁴

Schmitt’s critical engagement with anticolonialism has a prominent place in his history of the decline and collapse of the Eurocentric international order, especially so when it is read in the context of his overall theory of the colony. The more he tried to make sense of this demise, the more attentive he became to “the spatial character of anticolonialism.”¹⁰⁵

Anticolonialism, for Schmitt, is animated foremost by an anti-European ideology, a spatial opposition to the Eurocentric order, and a concrete negation of the colony. It

brought an end to the rule of the colonial difference and the concept of the colony as such, which was “so significant for traditional European international law...[but]...had become *juridically insignificant*.”¹⁰⁶ The struggle for national independence emerges as the key antithesis to colonialism, and as such it posits a direct threat to the spatial structure of international law and its essentially European core.¹⁰⁷ Anticolonialism calls the very survival of this global order into question as it undermines the fundamental distinction between peace and war.¹⁰⁸ The anti-colonial discourse finds its normative justification in relation to the universal “odium of colonialism” and represents a concrete negation of the spatial structure and territorial distinctions of the Eurocentric *nomos*.¹⁰⁹ It consists of a militant response that names Europe as a “global aggressor” and an enemy of humanity.¹¹⁰ This oppositional tendency takes the form of an “ideological burden,” which the “anticolonial propaganda” used profusely in order to criminalize Europe for its colonialism.¹¹¹ As a form of political propaganda that over-politicizes the concept of the colony it represents a reaction against and a refutation of the Eurocentric character of political modernity.¹¹² It is, for Schmitt, backward looking, oriented to a pre-European past, and as such it lacks the positive energies to shape the future.¹¹³

In short, the political concept of the colony remains central in Schmitt’s tale of the fall of international public law albeit in a radically transformed form. Its spatial status is no longer the same.¹¹⁴ The gradual emancipation of the colonies negates the Eurocentric difference between core and periphery, colonizer and colonized, that is, state and colony.¹¹⁵ The presence of the colony is expressed negatively, in the destructive tendency of anticolonialism to erase the colonial difference, eliminate the distinction between European soil and overseas possessions, and abolish the colonial zones of exception.

III. Postcolonial Futures and Pluriversal Alternatives

Tellingly, and rather paradoxically in light of his severe criticism of anticolonialism and his apparent nostalgia for the Eurocentric interstate order, Schmitt’s post-war writings do not advocate a return to the spatial structure and territorial distinctions of international public law. The first global *nomos*, its statocentrism, and the hegemony of Europe, he acknowledged, belonged irrevocably to the past and as much as he lamented their collapse, his work adapted and responded to the profound changes that were transforming world politics, including the new postcolonial reality brought about by the process of decolonization. During this period, the possibility of a new global *nomos* of the earth, beyond the Cold War’s bipolar system, emerges as his main theoretical and political preoccupation.¹¹⁶

His concerted attempts to think the contemporary global situation from the perspective of the vanishing colony are undoubtedly tentative, inconclusive, characterized by an occasional experimental quality, with sweeping positions, and often puzzling conclusions. But even though they lack the analytical rigor and conceptual sharpness of his previous studies on the history of international law and world politics they remain pertinent to the degree that they interrogated the geopolitical dualism of West and East by

exploring the political promises of a post-Eurocentric world without formal colonies, that is, a world order lacking the territorial divisions, spatial distinctions, and zones of exception that defined the classical interstate system. Thus, while he traced the origins of European public law to the colonial encounter and explained its demise in terms of the abolition of the colonial difference, he also contemplated how order and balance might be restored in a global age where the formal colonial frontiers were dissolved and Europe itself displaced. In spite of the many criticisms that can be made of Schmitt's work, his post-war reflections evoke alternative futures and open up the space for a post-European postcolonial order in the contradictions and conflicts he delineated between the movement towards world unity and the pluralization of autonomous greater regions.

It is more or less around the time of the Bandung Conference in Indonesia that Schmitt begun to consider systematically the former colonies as potential harbingers of a new division of the global space and a new *nomos*.¹¹⁷ In so doing, he revised and gave a new concrete historical and spatial content to the general idea of "pluriverse," which he had initially proposed during the inter-war period in his theory of the political and further developed in the direction of a doctrine of greater spaces or pan-regions (*Großräume*) as a member of the Nazi party and in the context of Germany's expansionist policies.¹¹⁸ After the war, he posed afresh the question of a new *nomos* by identifying the former colonies as growing regional blocks and a possible basis for a post-European spatial ordering that will succeed the bipolar interval.¹¹⁹ Already in 1952, for instance, he argued explicitly for a "third factor" (*dritte Faktor*), as a viable political alternative against the bleak prospect of the universal humanism of a single world sovereign.¹²⁰ He considered India, the Arab block, the Luso-Hispanic world, and China emerging international actors that could potentially break away from the transitional hegemonic phase of the two nuclear superpowers to inaugurate a new stage in world history, an era of "real pluralism" among several grand spaces capable of establishing an equilibrium of forces that will regulate and bracket war, thus instituting "a new international law of new dimensions."¹²¹ Ten years later, he observed a "surprising number of new African and Asian states" and described the "undeveloped" and "uncommitted nations or regions" as "the neutral states of the anticolonial space" and placed them at "the point of departure of a new world order."¹²² He attributed their privileged geopolitical positioning as world-historical actors of global change to the fact that "The previously colonized space seems to be the *predestined* environment for a new kind of neutrality."¹²³ The same year, in his treatise on the partisan, Schmitt lauded the spatial particularism and territorial dimension of anticolonial struggles by observing that "the names of Mao Tse-tung, Ho Chi-minh, and Fidel Castro indicate that the tie to the soil, to the autochthonous population, and to the geographical particularities of the land" could signal the possibility of a new re-spatialization of the earth, resulting from a telluric politics grounded in specific places. He also praised Mao Tse-tung's Chinese-Asiatic struggle against capitalist colonialism and endorsed his pluralistic image of a new *nomos* of the earth by approvingly quoting from his 1935 poem "Kunlun":

If I could stand above the heavens,
I would draw my sword
And cut you in three parts:
One piece for Europe,

Once piece for America,
One piece left for China,
The peace would rule the world.¹²⁴

Likewise, in his last published article, in 1978, Schmitt associated the “third sphere” with the “non-aligned states” and saw again in their efforts to affirm their neutrality a clear albeit contradictory historical movement towards a new plural *nomos* characterized by a balance between several autonomous and politically integrated regions representing a polycentric spatial structure of the earth.¹²⁵ The political spaces that decolonization has opened up against the West-East bipolarity could provoke a radical restructuring of the world order, a new special revolution.

Schmitt’s hypothesis of a postcolonial pluriversal spatial order, “an international order of the *Grossraum*,” is predicated on the assumption that it possesses all the formal attributes of his general theory of *nomos* and has similar effects.¹²⁶ It represents a model of balanced and equitable interdependence that seeks to reconcile spatial division and political difference.¹²⁷ In opposition to a boundless and spaceless universalism, and like the defunct international interstate order, the new post-Eurocentric *nomos* of the earth will consist of a plurality of coexisting independent entities, in this case, larger regions or continental blocks encompassing the whole earth instead only of the European states, each of which would be prohibited from intervening in the affairs of the others. Internally, each unit will have to be historically and culturally homogeneous with their own distinct political and legal forms of collective life; externally, in relation to each other, they will need to remain differentiated but interdependent, recognizing one another as juridically equals with the same rights of non-intervention, war-making, and neutrality, that is, in other words, each in possession of the monopoly of the political. The sharing of a set of common ordering principles and rules of engagement will entail new “just measures” and “sensible proportions” that will sustain an equilibrium of power among the several independent *Großräume* and achieve a balanced relationship of relative peace and bracketed wars without having recourse to a single hegemon or a superior sovereign standing above them.¹²⁸ Schmitt expected that such a post-universal, post-state world order will carve new spatial divisions and re-establish the link between law and space by providing binding reciprocal guarantees, crucial for the maintenance of the autonomy and particularity of each distinct regional block and for the pluralism of the system as a whole. Hence, Schmitt envisions a new post-European *nomos* as a non-universal global law among *Großräume*, with the parts recognized as equal legal and political subjects, based on the non-intervention of extra-regional parts, all partaking on a common spatial order.¹²⁹ In short, Schmitt’s postcolonial imagination expresses the transformation of global relations into a mutually beneficial interdependence, a new “normative order of the earth” consisting of several expectations, such as peace, stability, multilateralism, and coexistence.¹³⁰

Clearly, this postcolonial vision of a new re-territorialized planetary “pluralist and multipolar” spatial order resembles and reproduces the logic, function, and effects of the older interstate public law but now mediated through the experience of the Monroe Doctrine and projected onto a bigger scale, as it would be truly global, consisting of political units much larger than the territorial state.¹³¹ A great deal can be said about

Schmitt's hypothesis, its traditional realist presuppositions, its underlying method of analogy, its globalized multi-cultural tendencies, and its indeterminate dialectics of difference and sameness. I cannot venture here into these vast and complex debates. I can only comment briefly on two evident problems that Schmitt failed to adequately address and much less to resolve. The first refers to his general account of the origins and foundations of any *nomos* as such; the second pertains to its conditions of possibility.

Regarding the first problem, it's important to recall that all concrete spatial orders are preceded by a spatial revolution, that is, every international order in the broader sense of the term is premised on an original and constitutive act of land-appropriation that establishes an ultimate radical legal title that determines subsequent divisions, partitions, and distributions.¹³² The concept of an alternative postcolonial global system of greater political spaces, however, seems to lack such a pre-judicial founding moment since, as Schmitt came to recognize, in the post-war age, land appropriation is not anymore a political option.¹³³ Although appropriations have occurred in sea and air, and may occur in outer space with the conquest of planets, he seems to have insisted on the terrestrial, telluric dimension of human politics.¹³⁴ But with the option of colonization foreclosed, he did not provide a clear alternative account of what might be the great primeval act that will usher a spatial revolution generative of the postcolonial order. The idea of a second spatial revolution is poorly theorized, elusive and uncertain to the effect that Schmitt lacks a theory of transitions from one *nomos* to the next. As a result, the foundations of his post-European global pluriverse remain indeterminate. Unspecified also remains the concept of the enemy that would correspond to and could sustain a new *nomos* of the earth.

As for the second problem, an essential structural condition for the existence of a concrete order of the earth was the demarcation of a bounded space, geographically and culturally situated, of an inside that is clearly distinguished from an outside - even if the latter is included in the former - separated by divisional lines that provide a sense of orientation, measure, and commonality in relation to and against the background of what lies beyond. The hypothesis of coexisting regional or continental blocks on a planetary scale based on mutual recognition eludes the operation of a constitutive outside.¹³⁵ Can a comprehensive and common global spatial order generate internal coherence, a minimum of commonality, and a shared symbolic consciousness among its diverse members without external zones of exception? Can postcolonial non-discriminatory wars among greater spaces remain limited and bracketed in the absence of free anomic conflict zones? Confining disorder to an exterior while keeping peace in the interior appears as an indispensable attribute of any concrete spatial order for the management and limitation of conflict but does not fit well with Schmitt's allusions to the new postcolonial *nomos* pluriverse, which seems all inclusive and thus incapable of generating an inside/outside distinction, especially so since the soil of each and all the regional powers of the earth is conceived as juridically equivalent and equally protected.

Schmitt sought to tackle both problems by introducing the idea of new industrial appropriations as an epochal equivalent of sorts to the primordial act of land taking. "Industry-appropriation," he asserted, is the new form of appropriation that corresponds

to the industrial-technical age.¹³⁶ The forces that will appropriate and control the “spaces of development” (*Entwicklungsräume*) will also divide anew the earth to determine the possibility of a postcolonial order.¹³⁷ He concluded that “the space of industrial development and the division of the earth into industrially developed and underdeveloped regions and peoples” is decisive for the future *nomos*.¹³⁸ This is why he regarded the Third World as a foremost geopolitical terrain, “an area of conflict,” where the concrete planetary struggles for the coming *nomos* are fought out over industrial development and where alternative futures are enacted.¹³⁹

These incomplete and fragmented commentaries, the last Schmitt wrote on world politics, reiterate his claim that the main political question of his times is what and who will succeed the interval of the Cold War. He saw a clear opposition between the two likely outcomes: On the one hand, he denounced the dangerous prospects of “a planetary appropriation of industry” by one of the two contending Cold War super-powers emerging victorious to become the world’s sole sovereign, “the great appropriator, the great divider and distributor of our planet;” on the other, he ascertained a balanced pluralism among autonomous regional powers, unfolding in the anticolonial spaces of the postcolonies, in the combined efforts to appropriate their natural and industrial resources and break the binary spatial structure.¹⁴⁰ For Schmitt, eventually, the historical resolution of the antithesis between unipolarity and multipolarity, a global monopoly of a single power and a pluralism of coexisting *Großräume*, has a world-disclosing significance as,

It will then be seen that certain nations and peoples have sufficient strength to endure within industrial development and to remain faithful to themselves, while others lose face and sacrifice their human individuality to the idol of a technicized earth.¹⁴¹

Conclusion

Reading Schmitt from the perspective of the concept of the colony opens up his political and legal theory of international law to a postcolonial horizon and indicates its contemporary actuality. What remains so interesting in Schmitt’s approach is the uncompromising attitude with which he exposed the colonial underpinnings of the modern *nomos* and interrogated relentlessly Western universalism in his quest for alternative post-Eurocentric global futures. One does not have to accept his political motivations and choices, or agree with all of his philosophical assumptions to recognize the significance of the insights his historical reconstruction offers in rethinking critically about world politics. By arguing with Schmitt beyond Schmitt, engaging in a kind of post-Schmittian exercise, I draw some preliminary conclusions pertaining to the relevance and limitations of his insistence that the colony is essential for the spatial constitution of political modernity.

For one thing, Schmitt’s account incorporates the violent colonization and exploitation of the Americas into a broader global narrative that highlights the constitutive role of conquest in the making of the international interstate system as an originary moment of modernity. Probably the first to do so, his narrative runs against the dominant idea that

the modern world order developed first within Europe, immanently, and then gradually spread outwards, exported to the rest of the world through colonial force and postcolonial imitation. Schmitt's history of the relationship between international law and the non-European world allows for a better understanding of how the global spatial revolution, which gave birth to and elevated modern Europe to the center of the world, was created by the colonial encounter and sustained with the difference between state and colony. This descriptive account includes what Bhupinder Chimni has insightfully named "a foundational critique of the history of international law," which he associates with the Third World Approaches in International Law (TWAIL) that, like Antony Anghie, situates colonialism at the very heart of international law.¹⁴² A similar influential critical discourse resonates powerfully in the philosophical and epistemological writings of Enrique Dussel, Anibal Quijano, Walter D Mignolo, and the decolonial perspectives from Latin America.¹⁴³ It also reverberates in the original analyses of colonialism and imperialism developed from the African continent, like Samir Amin, Siba N'Zatioula Grovogui, and James Thuo Gathii.¹⁴⁴ Correspondingly, Schmitt's plural and multipolar new *nomos* of the earth prefigures in later debates on a polycentric order, the trans-civilizational perspective in international law, and in visions of plural legal orders and Third Worldism's pan-regionalism as anticolonial alternatives to Western domination.¹⁴⁵

These and other unexpected encounters between Schmitt's theory of international law and anticolonial and postcolonial critical perspectives occur and become intelligible through the primacy assigned to the colony. It is a political primacy as well as an epistemological and historical one. Its centrality - as exception, foundation, and constitutive presence but also as a destructive force and a negative absence- animates both Schmitt's unconventional theory of international law and the anticolonial and postcolonial radical rethinking of modernity. The colony is treated correspondingly, as essential for the making of international law, itself a fundamental determination of modernity. This shared understanding indicates the point of a certain convergence, a common position that accentuates the formative role of colonialism as the real foundation and the inescapable condition of possibility of the modern. Colonialism becomes constitutive of modernity to the extent that the modern age is regarded as irrevocably colonial.

Recognizing this common ground between Schmitt and critical postcolonial approaches does not erase obvious differences, irreconcilable disagreements, and an unbridgeable chasm that expectedly and for good reasons separates them. Although points of encounter should not be neglected neither acknowledging them can cover up the obvious presence of a Eurocentric paradigm at work in Schmitt's history of international law. This is not only because of his well-known admiration of European civilization and the praise of its superiority. It is also that his metropolitan gaze departs from the center to reach the periphery in order to return back to this very same center, whose demise he lamented. For instance, his idea of a post-Eurocentric, pluralistic, and multipolar order, a balanced coexistence among distinct regional blocks forming an equilibrium of forces, does not escape the grasp of Europe as it reproduces a model of a mechanical order based on a specific statist rationality and ontology, historically and geographically determined. This realist rationality he applied it to larger entities and at global level but organized

along modern European philosophical principles, norms and rules. Schmitt's legal and political international theory faces here an important limitation as it reproduces what it sets to repudiate. A similar impasse appears in the glaring absence of the indigenous and the colonized. This is captured by Benno Teschke's poignant criticism of Schmitt's account that indicts him, rightly so, for "the absence of an inquiry into the inter-political nature of the encounter. The native Amerindians remain missing from his account.... They are not even acknowledged as passive bearers and victims of the incoming Spaniards and Portuguese, but nullified and written out of history."¹⁴⁶ It is true that Schmitt's discussion of the conquest of the Americas ignores the standpoint of the oppressed. His, remains a European perspective, built from the singular position of the colonizer. As such, his heterodox world history is not heterodoxical enough to accommodate the political agency of the colonized.¹⁴⁷

Indeed, Schmitt's postcolonial imagination is neither pure nor complete. It can be partial and flawed, contradictory, aporetic at times, cynical and ideological, occasionally distorted and distorting, even prejudicial. Notwithstanding these limitations, his international theory of politics and law and the primacy of the concept of the colony suggest three clear conclusions with a certain critical and emancipatory orientation. The first pertains to the colonial foundations of the interstate system, state sovereignty, and political modernity as such. Simply put, for Schmitt, modernity is both Eurocentric and colonial. The second refers to the opposition between anticolonialism and decolonization, on the one hand, and the modern Eurocentric international order, on the other. The former is described as a real political negation of the latter: the spatial structure of anticolonialism is inherently anti-Eurocentric. The last conclusion involves the political significance of the postcolonies as alternative spaces where greater regions and geopolitical blocks might develop into becoming founding participants and equal members of a pluriversal global *nomos*.

As a categorical description of the intimate relationship between colonialism and modernity and their complicity in the making of colonial modernity all three of Schmitt's conclusions register at the core of his thought the modern horizon opened by colonialism and point, however dimly, at possible decolonial global futures.¹⁴⁸

NOTES

* Andreas Kalyvas teaches political theory at The New School. He is currently a visiting Research Professor at the Public Affairs Research Institute (PARI).

¹ Enrique Dussel, *The Invention of the Americas. Eclipse of "the Other" and the Myth of Modernity*, trans. by Michael D. Barber, New York: Continuum, 1995, p. 25. See also, Enrique Dussel, "The 'World-System': Europe As 'Center' and Its 'Periphery' beyond Eurocentrism," *Latin America and Postmodernity: A Contemporary Reader*, ed. by Eduardo Mendieta and Pedro Lange-Churi6n (Atlantic Highlands, N.J.: Humanities Press, 2001), pp. 93–121.

² Carl Schmitt, "The Grossraum Order of International Law with a ban on Intervention for Spatially Foreign Powers: A Contribution to the Concept of Reich in International Law (1939-1941)," *Writings on War*, trans. and ed. by Timothy Numán, Polity Press, 2011, pp. 114, 116, 117.

³ Although the English translation of *The Nomos of the Earth* sparked a fruitful and substantial debate on Schmitt's theory of international law and more specifically on his critique of liberal humanitarianism and discriminatory warfare, the transformation of war into police interventions, the rise of the United States as a global empire, the dangers of a unipolar world, and the politics of emergency at a global scale in conjunction with transnational terrorism, his views on Europe's colonies as foundational to international law and its Eurocentric global order have not attracted a similar attention. For two illuminating exceptions that take the colony seriously in Schmitt's theory of international law, see Antony Anghie, "Identifying Regions in the History of International Law," *The Oxford Handbook of the History of International Law*, ed. by Bardo Fassbender and Anne Peters, Oxford University Press, 2012, pp. 1058-78 and John d. Blanco and Ivonne de Valle, "Reorienting Schmitt's *Nomos*: Political Theology and Colonial (and Other) Exceptions in the Creation of Modern and Global Worlds," *Politica Común*, 5 (2014), pp. 1-22. For a recent attempt that also explores the relationship between Schmitt's theory of international public law and postcolonial jurisprudence, see Martti Koskeniemi, "Carl Schmitt and International Law," *The Oxford Handbook of Carl Schmitt*, ed. by Jens Meierhenrich and Oliver Simons, Oxford Handbooks Online, April 2015, pp. 4, 12-5. Few other studies that acknowledge the presence and role of the colony and colonialism in Schmitt's writings, like Brett Levinson, "The Coming 'Nomos'; or, the Decline of Other Orders in Schmitt," *The South Atlantic Quarterly*, 104:2, 2005; pp. 205-15; Srinivasa Aravamudan, "Carl Schmitt's *The Nomos of the Earth*: Four Corollaries," *The South Atlantic Quarterly*, 104:2, 2005, pp. 231-2; Mitchell Dean, "A Political Mythology of World Order. Carl Schmitt's *Nomos*," *Theory, Culture & Society*, 23, 2006, p. 8; Stephen Legg, "Interwar spatial chaos? Imperialism, internationalism and the League of Nations," *Spatiality, Sovereignty, and Carl Schmitt. Geographies of the Nomos*, ed. by Stephen Legg, Routledge, 2011, pp. 106-7, 109; Mathew Coleman, "Colonial War: Carl Schmitt's deterritorialization of enmity," *Spatiality, Sovereignty, and Carl Schmitt. Geographies of the Nomos*, pp. 127-42; Jordan Branch, *The Cartographic State: Maps, Territory, and the Origins of Sovereignty*, Cambridge: Cambridge University Press, 2014, p. 103; Carlo Galli, *Janus Gaze. Essays on Carl Schmitt*, trans. by Amanda Minervini, Durham and London: Duke University Press, 2015, pp. 106-7.

⁴ Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* [1950], trans. by G. L. Ulmen, New York: Telos Press, 2003.

⁵ I disagree with Matthew Craven who, while acknowledging the relationship between colonial rule and international law in Schmitt's theory, describes it as "accidental" rather than "central." My argument, by contrast, is that this relationship is, for Schmitt, inextricable, that is, essential and constitutive. He treated colonialism as fundamental to the origins, form, function, and fall of the European international law. Matthew Craven, "Colonialism and Domination," *The Oxford Handbook of The History of International Law*, p. 863.

⁶ Schmitt, *The Nomos*, p. 81.

⁷ Mitchell Dean, "A Political Mythology of World Order," p. 8.

⁸ For a systematic critical discussion of the "Eurocentric paradigm," see Dussel, *The Invention of the Americas*, pp. 19-26; Enrique Dussel, "Beyond Eurocentrism: The World-System and the Limits of Modernity," *Cultures of Globalization*, ed. by Fredric Jameson and Masao Miyoshi, Durham: Duke University Press, 1998, pp. 3-31; Enrique Dussel, "Europe, Modernity, and Eurocentrism," *Nepantla: Views from the South*, Vol. 1:3, 2000, pp. 465-78.

⁹ For a rejection of Schmitt's history and theory of international law that reduces his work to all the above mentioned elements, see Benno Teschke's "Fatal attraction: a critique of Carl Schmitt's international political and legal theory," *International Theory*, 32 (2011), pp. 179-227; Benno Teschke, "Decisions and Indecisions: Political and Intellectual Receptions of Carl Schmitt," *New Left Review* 67 (2011), p. 76; Benno Teschke, "The Fetish of Geopolitics. Reply to Gopal Balakrishnan," *New Left Review* 69 (2011), pp. 93-4; Stuart Elden, "Reading Schmitt's geopolitically: nomos, territory, and *Grossraum*," pp. *Spatiality, Sovereignty, and Carl Schmitt*, pp. 91-105. For a balanced and informed approach, see Joseph Bendersky's still indispensable study, *Carl Schmitt: Theorist for the Reich*, Princeton University Press, 1983, pp. 243-73. On Schmitt's views on this matter, see his response to Robert Kempner during his interrogation in Nuremberg and his written statements, "Interrogation of Carl Schmitt by Robert Kempner (I-III)," *Telos*, 72 (1987), pp. 97-107 and Carl Schmitt, "On *Grossraum*, the Hitler Regime, and Collaboration (I-III).

Answers to Allegations,” *Telos*, 72 (1987), pp. 107-29. For a recent discussion, see Reinhard Mehring, *Carl Schmitt. A Biography*, trans. by Daniel Steuer, Polity Press, 2014, pp. 358-65, 393-7.

¹⁰ Carl Schmitt, “Staatliche Souveränität und freies Meer. Über den Gegensatz von Land und See im Völkerrecht der Neuzeit” [1941], *Staat, Grossraum, Nomos*, p. 405. Anghie, “Identifying Regions in the History of International Law,” pp. 1074; Blanco and de Valle, “Reorienting Schmitt’s *Nomos*,” p. 4. See also, Walter Mignolo, *The Darker Side of Modernity. Global Futures, Decolonial Options*, Durham & London: Duke University Press, 2011, pp. 28-92; Achille Mbembe, *Critique e la Raison Nègre*, Paris: Éditions La Découverte, 2013, pp. 87-96. By contrast, I disagree with Julia Lassau who fails to notice the insights that Schmitt’s history and theory of international law provide for postcolonial perspectives. This failure is due to Lassau’s hyper-normative reading that unduly subordinates the descriptive to the prescriptive. Julia Lassau, “Postcolonialism,” *Spatiality, Sovereignty and Carl Schmitt*, pp. 251-9.

¹¹ “All that is European is today in the defensive.” Carl Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg” [1962], *Staat, Grossraum, Nomos. Arbeiten aus den Jahren 1916-1969*, ed. by Günter Maschke, Berlin: Duncker & Humblot, 1995, p. 595.

¹² Schmitt, *The Nomos*, p. 132; Schmitt, *Land and Sea. A World-Historical Mediation* [1942], trans. by Samuel Garrett Zeitlin and ed. by Russell A. Berman and Samuel Garrett Zeitlin, New York: Telos Press, 2015, p. 59.

¹³ Schmitt, *The Nomos*, p. 151; Schmitt, “Nomos –Name – Name” [1957], *The Nomos*, p. 349.

¹⁴ Schmitt, *Land and Sea*, p. 59.

¹⁵ Schmitt, *The Nomos*, p. 221 (emphasis added).

¹⁶ Schmitt, “The Grossraum Order of International Law,” pp. 114, 117.

¹⁷ The special status of the colony in international law indicates a conceptual primacy of sorts, a privileged point to consider while formulating a political history of international law.

¹⁸ For a compelling critique of the internalist view see, for instance, p. Dipesh Chakrabarty, *Provincializing Europe. Postcolonial Thought and Historical Difference*, Princeton, NJ: Princeton University Press, 2007, pp. 7-8. The most informed and persuasive repudiation of this view in international jurisprudence and history remains Antony Anghie’s landmark study, *Imperialism, Sovereignty, and the Making of International Law*, Cambridge: Cambridge University Press, 2005.

¹⁹ Schmitt, *The Nomos*, p. 183

²⁰ Schmitt, *The Nomos*, p. 198 (emphasis added); Schmitt, “Cambio de estructura del Derecho Internacional,” *Revista de Estudios Politicos*, Vol. 5 (1943), pp. 7.

²¹ Schmitt, *The Nomos*, pp. 48-9, 132, 135, 352; Schmitt, “The New Nomos of the Earth” [1955], *The Nomos*, p. 352; Carl Schmitt, “Cambio de estructura del Derecho Internacional,” p. 1-2; Schmitt, “Raum und Großraum im Völkerrecht” [1940], *Staat, Grossraum, Nomos*, p. 241; Carl Schmitt, “Dialogue on Space” [1958], *Dialogues on Power and Space*, ed. by Andreas Kalyvas and Federico Finchelstein and trans. by, Samuel Garrett Zeitlin, Polity Press, 2015, pp. 77-8.

²² Schmitt, *The Nomos*, pp. 83, 183, 140 (emphasis added).

²³ Schmitt, *The Nomos*, pp. 87, 140, 49 (emphasis added).

²⁴ Schmitt, *The Nomos*, p. 126-127; Schmitt, “Staatliche Souveränität und freies Meer,” pp. 401, 403-4, 408-9. This may explain why Schmitt was quite uninterested in Westphalia.

²⁵ Carl Schmitt, “Die Raumrevolution. Durch den totalen Krieg zu einem totalen Frieden” [1940], *Staat, Grossraum, Nomos*, p. 388; Carl Schmitt, “Staatliche Souveränität und freies Meer,” pp. 406; Schmitt, *Land and Sea*, pp. 55-64; Schmitt, “The Grossraum Order of International Law,” p. 118; Schmitt, *The Nomos*, pp. 39, 49.

²⁶ Carl Schmitt, “Staatliche Souveränität und freies Meer,” pp. 405, 408-9; Schmitt, “The Grossraum Order of International Law,” p. 118.

²⁷ Schmitt, *The Nomos*, pp. 86-100, 228; Schmitt, “Cambio de estructura del Derecho Internacional,” pp. 2-3, 7; Schmitt, “The Grossraum Order of International Law,” p. 116; Fredric Jameson, “Notes on the *Nomos*,” *The South Atlantic Quarterly*, 104:2 (2005), p. 201; Peter Stirk, “No Peace beyond the line,” *Spatiality, Sovereignty, and Carl Schmitt*, pp. 276-83.

²⁸ Schmitt, *The Nomos*, pp. 49, 50-5. All previous pre-Columbian spatial orders were purely terrestrial, limited to particular geographical regions, co-existing with other foreign orders, with external lines of demarcation that designated an absolute outside, thus lacking a planetary awareness.

²⁹ Schmitt, *The Nomos*, p. 92.

³⁰ Schmitt, *The Nomos*, pp. 198, 140, 148.

-
- ³¹ Schmitt, *The Nomos*, p. 87.
- ³² Schmitt, *The Nomos*, p. 184 (emphasis added); Schmitt, "Raum und Großraum im Völkerrecht," p. 244-5.
- ³³ Schmitt, *The Nomos*, p. 93.
- ³⁴ Schmitt, *Land and Sea*, p. 64 (emphasis added).
- ³⁵ Carl Schmitt, "Völkerrecht [Ein juristisches Repetitorium] [1948/50]," *Frieden oder Pazifismus?: Arbeiten zum Völkerrecht und zur internationalen Politik 1924–1978*, ed. by Günter Maschke, 2005, Berlin: Duncker & Humblot, 2005, p. 794; Levinson, "The Coming *Nomos*," pp. 206-9. For a critical engagement with Schmitt's theory of the two spatial zones, see Lauren Benton's *A Search of Sovereignty. Law and Geography in European Empires 1400-1900*, Cambridge University Press, 2010, pp. 281-99. Benton makes a strong case against any binary approach that assumes sharp distinctions between European and extra-European spheres. Against Schmitt's dualism, she argues for the recognition of variegated legal spaces, layered sovereignties, degrees and gradations of law and sovereignty. As compelling as her account is, it does not fully grasp the meaning and implications of the special territorial status of the colony in Schmitt and thus misses the critical aspects of this concept.
- ³⁶ Carl Schmitt, "Raum und Großraum im Völkerrecht," pp. 241-2. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen, Stanford, CA: Stanford University Press, 1998, p. 36; William Rasch, "Human Rights as Geopolitics: Carl Schmitt and the Legal Form of American Supremacy," *Cultural Critique*, 54 (2003), pp. 124-6.
- ³⁷ Schmitt, "The *Grossraum* Order of International Law," p. 114; Schmitt, *The Nomos*, pp. 218, 148; Schmitt, "Raum und Großraum im Völkerrecht," p. 245.
- ³⁸ Schmitt, *The Nomos*, p. 199.
- ³⁹ Carl Schmitt, "Raum und Großraum im Völkerrecht," p. 242; Schmitt, *Land and Sea*, p. 60.
- ⁴⁰ Jan-Werner Müller, *A Dangerous Mind. Carl Schmitt in Post-War European Thought*, New Haven: Yale University Press, 2003, pp. 88-91.
- ⁴¹ Schmitt, *The Nomos*, p. 228; Schmitt, *Land and Sea*, p. 60.
- ⁴² Schmitt, *The Nomos*, pp. 94, 93.
- ⁴³ Schmitt, *Theory of the Partisan. Intermediate Commentary on the Concept of the Political* [1962], trans. by G.L. Ulmen, New York, Telos Press Publishing, 2007, p. 11.
- ⁴⁴ Schmitt, "Cambio de estructura del Derecho Internacional," pp. 2-3, 7; Schmitt, "The *Grossraum* Order of International Law," p. 117; Schmitt, *The Nomos*, p. 94; William Rasch, "Lines in the Sand: Enmity as a Structuring Principle," *South Atlantic Quarterly*, 104:2 (2005), pp. 257-8. For a realist, almost cynical reading of Schmitt's theory of global lines, see Louiza Odysseos, "Crossing the line? Carl Schmitt on the 'spaceless universalism' of cosmopolitanism and the War on Terror," *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order*, ed. by Louiza Odysseos and Fabio Petito, Routledge, 2007, pp. 124-43. For an almost reverse interpretation with idealist and romantic overtones see, Mika Ojakangas, "A terrifying world without an exterior: Carl Schmitt and the metaphysics of international (dis)order," *The International Political Thought of Carl Schmitt*, pp. 205-21.
- ⁴⁵ Schmitt, *The Nomos*, p. 93.
- ⁴⁶ Schmitt, *The Nomos*, p. 309.
- ⁴⁷ Carlo Galli, "Carl Schmitt and the Global Age," *The New Centennial Review*, 10:2 (2010), p. 6.
- ⁴⁸ Schmitt, *The Nomos*, pp. 93, 94, 95, 97, 99, 140-71, 148, 309; Schmitt, "Cambio de estructura del Derecho Internacional," pp. 4-8.
- ⁴⁹ Schmitt, *The Nomos*, pp. 97-8 (emphasis added); Rasch, "Human Rights as Geopolitics," p. 124.
- ⁵⁰ Schmitt, *Theory of the Partisan*, p. 9.
- ⁵¹ Schmitt, *Theory of the Partisan*, p. 11.
- ⁵² Schmitt, "The *Grossraum* Order of International Law," pp. 117, 116 (emphasis added).
- ⁵³ Schmitt, *The Nomos*, pp. 145-7; Schmitt, "Raum und Großraum im Völkerrecht," p. 244. As it has been rightly noted, Schmitt's insistence on land appropriation is also "his version of primitive accumulation." Srinivas Aravamudan, "Carl Schmitt's The *Nomos* of the Earth: Four Corollaries," p. 229.
- ⁵⁴ Schmitt, *The Nomos*, p. 97.
- ⁵⁵ Schmitt, "The *Grossraum* Order of International Law," p. 114.
- ⁵⁶ Schmitt, "The *Grossraum* Order of International Law," p. 115.
- ⁵⁷ Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty* [1922], trans. by George Schwab, Cambridge, MA: The MIT Press, 1988.

- ⁵⁸ Schmitt, *The Nomos*, pp. 95-7. For the significance of space in the formation of concepts, see Schmitt, "The *Grossraum* Order of International Law," pp. 87, 124.
- ⁵⁹ Schmitt, *The Nomos*, p. 96; Schmitt, "Raum und Großraum im Völkerrecht," p. 242; Rasch, "Human Rights as Geopolitics," pp. 126, 129.
- ⁶⁰ For the colony as a state/space of exception, that is, as a colonial state of exception, see Achille Mbembe, *On the Postcolony*, Berkeley: University of California Press, 2001; Achille Mbembe, "Necropolitics," *Public Culture* 15:1 (2003); Margaret Kohn and Keally McBride, "Colonialism and the State of Exception," *Political Theories of Decolonization: Postcolonialism and the Problem of Foundations*, Oxford University Press, 2011, pp. 77-98; Arjun Chowdhury, "The Colony as Exception (Or, Why o I Have to Kill You More than Once?)," *Borderlands*, 6:3 (2007); Randall Williams "A State of Permanent Exception: The Birth of Modern Policing in Colonial Capitalism," *Interventions* 5:3 (2003), p. 325; Derek Gregory *The Colonial Present: Afghanistan, Palestine, Iraq*. London: Basil Blackwell, 2004, pp. 136, 220; Yehouba Shenhaw, "Imperialism, Exceptionalism, and the Contemporary World," *Agamben and Colonialism*, ed. by Marcelo Svirsky, Simone Bignall, Edinburgh: Edinburgh University Press, 2012, pp. 17-31.
- ⁶¹ Schmitt, *The Nomos*, pp. 98, 207; Schmitt, "Cambio de estructura del Derecho Internacional," pp. 4-5; Blanco and de Valle, "Reorienting Schmitt's *Nomos*," pp. 3, 6-7. Most likely this is the first serious attempt to elucidate Schmitt's concept of the colony in terms of the exception and in the direction of a theory of a spatial zone that establishes although remains excluded from the first global order of the earth.
- ⁶² Carl Schmitt, "Völkerrechtliche Formen des modernen Imperialismus" [1932], *Positionen und Begriffe*, pp. 185-6.
- ⁶³ Levinson, "The Coming *Nomos*," p. 206.
- ⁶⁴ Schmitt, *The Nomos*, pp. 86, 141, 168; Schmitt, "Raum und Großraum im Völkerrecht," pp. 242, 245; Schmitt, *Land and Sea*, pp. 61-4; Rasch, "Lines in the Sand: Enmity as a Structuring Principle," pp. 255-9.
- ⁶⁵ Schmitt, *The Nomos*, pp. 233-4.
- ⁶⁶ Schmitt, *Land and Sea*, pp. 61-2; Rasch, "Human Rights as Geopolitics," pp. 128-30.
- ⁶⁷ Schmitt, "Völkerrechtliche Formen des modernen Imperialismus," pp. 162-80; Carl Schmitt, "Grossraum gegen Universalismus. Der völkerrechtliche Kampf um die Monroedoktrin" [1939], *Positionen und Begriffe*, pp. 295-302; Schmitt, "The *Grossraum* Order of International Law," pp. 83-95; Carl Schmitt, "Beschleuniger wider Willken oder: Problematik der westlichen Hemisphäre" [1942], *Staat, Grossraum, Nomos*, pp. 431-41; Schmitt, "Cambio de estructura del Derecho Internacional," pp. 9-33; Carl Schmitt, "Strukturwandel des Internationalen Rechts" [1943], *Frieden oder Pazifismus?*, pp. 652-70; Schmitt, *The Nomos*, pp. 100, 191-2, 227-32, 237-9, 240-58, 281-94, 305-8, 309-22; Carl Schmitt, "Die Einheit der Welt" [1952], *Staat, Grossraum, Nomos*, pp. 496-512.
- ⁶⁸ Schmitt, *The Nomos*, p. 199 (emphasis added).
- ⁶⁹ Schmitt, *The Nomos*, p. 241.
- ⁷⁰ Schmitt, "Die Ordnung der Welt nach dem zweiten Weltkrieg," pp. 595, 593. The other two real objective problems of global politics are space exploration and industrial development.
- ⁷¹ Schmitt, "'Grossraum' and 'Realm': New Terms for International Law," *, p. 119.
- ⁷² Schmitt, *The Nomos*, p. 234.
- ⁷³ Schmitt, *The Nomos*, p. 237.
- ⁷⁴ Schmitt, *The Nomos*, pp. 218-9.
- ⁷⁵ Schmitt, *The Nomos*, p. 199 (emphasis added).
- ⁷⁶ Schmitt, *The Nomos*, p. 234.
- ⁷⁷ Schmitt, *The Nomos*, p. 220.
- ⁷⁸ Schmitt, *The Nomos*, p. 220.
- ⁷⁹ Schmitt, *The Nomos*, p. 217.
- ⁸⁰ Schmitt, *The Nomos*, p. 233. See also, Levinson, "The Coming *Nomos*," pp. 209-10.
- ⁸¹ Schmitt, *The Nomos*, p. 234.
- ⁸² Schmitt, *The Nomos*, pp. 215, 233-4; Schmitt, "Staatliche Souveränität und freies Meer," p. 401-2; Levinson, "The Coming *Nomos*," pp. 210-11.
- ⁸³ Schmitt, "The *Grossraum* Order of International Law," p. 114; Schmitt, *The Nomos*, pp. 227, 289, 281-94, 240-58; Schmitt, "Völkerrechtliche Formen des modernen Imperialismus," p. 187.

- ⁸⁴ Schmitt, *The Nomos*, p. 100; Schmitt, “The Grossraum Order of International Law,” pp. 89-90; David Chandler, “The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?” *Millennium: Journal of International Studies*, 72: 1 (2008), p. 44.
- ⁸⁵ Schmitt, *The Nomos*, pp. 305, 231; Carl Schmitt, “Grossraum gegen Universalismus,” pp. 295-302; Schmitt, “The Grossraum Order of International Law,” p. 89.
- ⁸⁶ Schmitt, *Theory of the Partisan*, p. 53. For the first time the fate of the spatial order of Europe was determined by the world, reversing completely the previous hierarchical relationship characteristic of an expiring Eurocentric international law. See Schmitt, *The Nomos*, p. 241.
- ⁸⁷ Schmitt, “Völkerrechtliche Formen des modernen Imperialismus,” p. 185; Schmitt, “The Grossraum Order of International Law,” pp. 114, 117; Schmitt, *The Nomos*, p. 231.
- ⁸⁸ Schmitt, *The Nomos*, p. 191, 215.
- ⁸⁹ Schmitt, *The Nomos*, pp. 231, 290.
- ⁹⁰ Schmitt, *.
- ⁹¹ Schmitt, *The Nomos*, pp. 217-9.
- ⁹² Schmitt, “The Grossraum Order of International Law,” p. 116.
- ⁹³ Schmitt, *The Nomos*, 217.
- ⁹⁴ Schmitt, *The Nomos*, pp. 199, 217-8, 226.
- ⁹⁵ Schmitt, *The Nomos*, p. 226; Schmitt, “Cambio de estructura del Derecho Internacional,” p. 9; Chandler, “The Revival of Carl Schmitt in International Relations,” pp. 45-6.
- ⁹⁶ Schmitt, *Theory of the Partisan*, p. 32.
- ⁹⁷ Schmitt, *The Nomos*, pp. 217-26.
- ⁹⁸ Schmitt, *The Nomos*, p. 299.
- ⁹⁹ Schmitt, “Die Ordnung der Welt nach dem Zweiten Weltkrieg,” pp. 598, 597; “Gespräch über den Partisanen – Carl Schmitt und Joachim Schickel,” p. 623.
- ¹⁰⁰ Stirk, *Carl Schmitt, Crown Jurist of the Third Reich*, p. 75.
- ¹⁰¹ Schmitt, “The Grossraum Order of International Law,” p. 117.
- ¹⁰² Agamben, *Homo Sacer*, p. 38; Blanco and del Valle, “Reorienting Schmitt’s *Nomos*,” p. 7.
- ¹⁰³ Schmitt, *Theory of the Partisan*, pp. 22, 76.
- ¹⁰⁴ Carl Schmitt, “Antwortende Bemerkungen zu einem Rundfunkvortrag von Karl Mannheim,” *Ex Captivitate Salus. Erfahrungen der Zeit 1945/47*, Greven Verlag Köln, 1950, p. 14; Schmitt, *Theory of the Partisan*, pp. 32, 49, 52, 74-80, 95.
- ¹⁰⁵ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 595.
- ¹⁰⁶ Schmitt, *The Nomos*, p. 234; Schmitt, *Theory of the Partisan*, pp. 32, 49.
- ¹⁰⁷ Levinson, “The Coming ‘Nomos,’” p. 206; Mehring, *Carl Schmitt*, p. 490.
- ¹⁰⁸ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 598.
- ¹⁰⁹ Schmitt, “Nomos – Nahme – Name,” pp. 349, 346.
- ¹¹⁰ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 597.
- ¹¹¹ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 594-5; Schmitt, “Nomos – Nahme – Name,” pp. 349-50.
- ¹¹² Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 595-6.
- ¹¹³ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 595; Aravamudan, “Carl Schmitt’s *The Nomos of the Earth: Four Corollaries*,” p. 232.
- ¹¹⁴ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 593-6.
- ¹¹⁵ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 595.
- ¹¹⁶ See for instance, Schmitt, *The Nomos*, p. 39; Schmitt, “The New *Nomos* of the Earth,” pp. 351-5; Schmitt, *Theory of the Partisan*, p. 95; Jan- Werner Müller, “Vision of global order in a ‘post-european age’: Carl Schmitt, Raymond Aron, and the civil servant of the world spirit,” *Ricerca di Storia Politica*, 2 (2004), pp. 205-26; Claudio Minca and Rory Rowan, *On Schmitt and Space*, Routledge, 2016, pp. 232-5.
- ¹¹⁷ Aravamudan, “Carl Schmitt’s *The Nomos of the Earth: Four Corollaries*,” pp. 231-2.
- ¹¹⁸ Carl Schmitt, *The Concept of the Political*, ed. and trans by George Schwab, University of Chicago Press, 1996, p. 54. For an illuminating discussion of the concept of Grossraum, see Minca and Rowan, *On Schmitt and Space*, pp. 153-186, 247.
- ¹¹⁹ Galli, “Carl Schmitt and the Global Age,” pp. 9-10.

- ¹²⁰ Schmitt, “Die Einheit der Welt,” p. 499; Mehring, *Carl Schmitt. A Biography*, pp. 456. Interestingly, in the same year the French demographer and economic historian Alfred Sauvy coined the term ‘Third World.’ See, Alfred Sauvy, “Trois mondes, une planète,” *L’Observateur*, p. 14.
- ¹²¹ Schmitt, “Die Einheit der Welt,” p. 500.
- ¹²² Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 602, 605.
- ¹²³ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 606 (emphasis added).
- ¹²⁴ Schmitt, *Theory of the Partisan*, pp. 59, 58.
- ¹²⁵ Carl Schmitt, “The Legal World Revolution” [1978] trans. by Gary L. Ulmen, *Telos*, 72 (1987), pp. 80-1; Mehring, *Carl Schmitt*, p. 490.
- ¹²⁶ Schmitt, “‘Grossraum’ and ‘Realm,’” p. 115.
- ¹²⁷ Schmitt, “‘Grossraum’ and ‘Realm,’” pp. 117-8.
- ¹²⁸ Schmitt, “The Grossraum Order of International Law,” pp. 88, 101, 109; Schmitt, “‘Grossraum’ and ‘Realm,’” pp. 117-9; Schmitt, *Land and Sea*, p. 94; Schmitt, “Cambio de estructura del Derecho Internacional,” p. 34; Schmitt, *The Nomos*, pp. 296, 243-4, 247; Schmitt, “Die Einheit der Welt,” pp. 499-500; Schmitt, “The New *Nomos* of the Earth,” p. 355; Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 607-8; Schmitt, *Theory of the Partisan*, p. 58. See also, Chantal Mouffe, “Schmitt’s Vision of a Multipolar World Order,” *The South Atlantic Quarterly*, 104:2 (2005), pp. 249-51.
- ¹²⁹ Schmitt, “‘Grossraum’ and ‘Realm,’” pp. 118.
- ¹³⁰ Schmitt, *The Nomos*, p. 39.
- ¹³¹ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 602.
- ¹³² For the importance of spatial revolutions in Schmitt’s theory, see Minca and Rory Rowan, *On Schmitt and Space*, pp. 189-82.
- ¹³³ Carl Schmitt, “Appropriation/Distribution/Production: An Attempt to Determine from *Nomos* the Basic Questions of Every Social and Economic Order” [1953], *The Nomos*, pp. 334-5.
- ¹³⁴ Schmitt, *The Nomos*, p. 39; Schmitt, “Dialogue on New Space,” pp. 80-1; Schmitt, *Theory of the Partisan*, p. 80.
- ¹³⁵ On this point, see Minca and Rowan, *On Schmitt and Space*, pp. 183.
- ¹³⁶ Schmitt, “*Nomos* – *Nahme* – *Name*,” pp. 347; Schmitt, “The Legal World Revolution,” p. 79.
- ¹³⁷ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 606.
- ¹³⁸ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 605.
- ¹³⁹ Schmitt, “The Legal World Revolution,” pp. 80-1; Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 606-8; Schmitt, “Appropriation/Distribution/Production,” p. 335; Mehring, *Carl Schmitt*, pp. 491, 458-9; Jean-François Kervégan, “Carl Schmitt et ‘L’ Unité du Monde,’” *Les Études Philosophiques*, 2 (2004), p. 21; Galli, “Carl Schmitt and the Global Age,” p. 10.
- ¹⁴⁰ Schmitt, “The Legal World Revolution,” p. 80; Schmitt, “Appropriation/Distribution/Production,” p. 335; Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” pp. 607-8; Mehring, *Carl Schmitt*, p. 491.
- ¹⁴¹ Schmitt, “Die Ordnung der Welt nach dem zweiten Weltkrieg,” p. 608.
- ¹⁴² B.S. Chimni, “The Past, Present, and Future of International Law: A Critical Third World Perspective,” *Melbourne Journal of International Law*, 8: 2 (2007), pp. 502-3, 511. See also, B.S. Chimni, “Third World Approaches to International Law: A Manifesto,” *The Third World and International Order: Law, Politics, and Globalization*, ed. by Antony Anghie, Bhupinder Chimni, Karin Mickelson, and Obiora C Okafor, Brill, 2003, pp. 47-74; Antony Anghie and B.S. Chimni, “Third World Approaches to International Law and Individual Responsibility in Internal Conflicts,” *Chinese JLL* (2003), pp. 84-6, 96, 102; James Thuo Gathii, “TWAAIL: A Brief History of its Origins, its Decentralized Network, and a Tentative Biography,” *Trade, Law & Development*, 3:1 (2011), pp. 30-1, 38-46; Antony Anghie, “The Evolution of International Law: colonial and postcolonial realities,” *Third World Quarterly*, 27:5 (2006), pp. 739-53; Anghie, *Imperialism, Sovereignty, and the Making of International Law*, pp. 1-31, 310-21.
- ¹⁴³ Anibal Quijano, “Coloniality and Modernity/Rationality,” *Cultural Studies*, 21: 2 (2007), pp. 168-78; *.
- ¹⁴⁴ Samir Amin, *Eurocentrism*, Zed Books, 1989; Oji Umoxiirike, *International Law and Colonialism in Africa*, Nwamife, 1979; N’Zatioula Grovogui, *Sovereigns, Quasi-Sovereigns, and Africans: Race and Self-Determination in International Law*, University of Minnesota Press, 1996; James Thuo Gathii, “Imperialism, Colonialism, and International Law,” *Buffalo Law Review*, 54: 4 (2007), pp. 1013-66.
- ¹⁴⁵ Surya Prakash Sinha, *Legal Polycentricity and International Law*, Carolina Academic Press, 1996; Omuna Yasuaki, *The Transnational Perspective in International Law*, Brill, 2010; Samir Amin, *Delinking:*

Towards a Polycentric World, Zed Books, 1990; Samir Amin, *Beyond US Hegemony? Assessing the Prospects for a Multipolar World*, Beirut: World Book Publishing, 2006; Donald J. Puchala, "Third World Thinking and Contemporary International Relations," *International Relations Theory and the Third World*, ed. by Stephanie Neuman, Palgrave Macmillan, 1998, pp. 133-58; Tukumbi Lumumba-Kasongo, "Rethinking the Bandung conference in an Era of 'unipolar liberal globalization' and movements toward a 'multipolar politics'," *Bandung: Journal of the Global South*, 2:9 (2015), pp. 2-17.

¹⁴⁶ Teschke, "Fatal attraction: a critique of Carl Schmitt's international political and legal theory," p. 8; Teschke, "Decisions and Indecisions: Political and Intellectual Receptions of Carl Schmitt," pp. 61-95. See also, Levinson, "The Coming 'Nomos'," p. 16.

¹⁴⁷ Schmitt, like most conventional studies of the history of international law, neglected the voice of the colonized and focus on textual readings of canonical thinkers. His scholarship reproduces this disregard. For instance his treatment of colonialism does not draw upon thinkers who spoke to these issues from the experience of being colonized.

¹⁴⁸ Levinson, "The Coming 'Nomos'," pp. 211-4.