

УДК 321.01:327

DOI: <https://doi.org/10.21564/2663-5704.68.349842>

Fountis Anastasios, Dr., Faculty & Head of UG Studies, Berlin School
of Business and Innovation, Germany
e.mail: a.fountis@post.harvard.edu
ORCID iD: 0000-0001-7272-8314

GLOBAL STATE(S) OF EXCEPTION AND NOMOS OF THE EARTH

This paper explores the contemporary relevance of Carl Schmitt's political theory against the backdrop of the European Union, Russia, the United States, and China, elucidating how notions of sovereignty, decision, and Nomos shape global order today. Stefan Auer's discussions on «Carl Schmitt in Brussels» and «Carl Schmitt in the Kremlin» set up a dialectic: the EU's deliberate depoliticisation, manifesting as a vacuum of sovereign authority, is contrasted with Russia's unapologetic affirmation of political decision and spatial reordering, as witnessed in the Ukraine crisis. The EU, conceived as an empire of law, stumbles in crises because it lacks a central authority to decide when norms are suspended, thereby illustrating Schmitt's critique of liberal constitutionalism. Conversely, Russia's annexation of Crimea exemplifies the full enactment of Schmitt's theory, revealing how sovereignty becomes explicit in moments of existential decision. The analysis then turns to Washington, where Schmitt's ideas find resonance in the U. S. presidential system's emergency powers and in the country's persistent friend – enemy framing in foreign and domestic politics. Meanwhile, Beijing's single-party rule, centralised authority, and proactive management of perceived threats further reinforce Schmitt's emphasis on the sovereign decision. Through these comparative cases, the paper synthesises Schmitt's enduring significance, particularly his concepts of Nomos and the friend – enemy distinction, as frameworks for understanding the turbulence and transformation of today's international order. The paper argues that, rather than being obsolete, Schmitt's ghost haunts present-day geopolitics – yielding a world where legal rationality, sovereign power, and spatial rivalry collide, shaping the future through the persistent act of political decision.

Keywords: State of Exception, Nomos, Carl Schmitt, Friend-Enemy Distinction.

Problem Setting. The central problem animating the paper is the structural fragility of the modern international order, as exposed by the divergent ways leading actors understand and enact political sovereignty. The EU, striving for post-political

unity, faces crises that demand decisive action but is hamstrung by its legalistic, consensus-driven constitution. Russia, the United States, and China, however, embody contrasting models of sovereignty, each wielding Schmittian decision-making to various degrees, from Russia's assertive reordering of space to China's preemptive internal control and America's invocation of emergencies. The paper frames global politics as a contest over *Nomos* – the ordering principle that determines whose decisions hold force – and demonstrates how the friend – enemy distinction continues to define and disturb relations among major powers. The setting thus compels a reassessment of stability, legitimacy, and conflict, asking who, if anyone, truly «decides» in the current constellation of empires, rivals, and emerging global actors.

Recent research and publications' analysis. Recent research on Carl Schmitt's theories of sovereignty and *Nomos* has intensified due to contemporary geopolitical and technological realities. Scholars such as Stefan Auer [1–2] have examined how Schmitt's concepts illuminate the EU's inability to act decisively during crises, Russia's geopolitical strategy, and the broader challenges of legal sovereignty in the age of digital and global power shifts. Publications in international affairs journals, law reviews, and edited volumes have built on Schmitt's *Nomos* to interpret the division and confrontation between major powers. Notably, research clusters [3–8] have discussed the implications of Schmitt's ideas for EU-Russia relations after the Ukraine crisis, American and Chinese exceptionalism, and multipolar order creation in the shadow of cosmopolitan governance. These perspectives collectively underscore the resilience of Schmitt's thought in diagnosing the fragility and antagonisms that permeate contemporary global governance.

The purpose of this article is to reveal the paradoxes inherent in the current order by using Carl Schmitt's theory as both diagnostic tool and critical lens. It aims to show how, despite efforts to transcend or neutralise the political through law, technocratic governance, or economic integration, sovereignty and the power to decide remain unavoidable dynamics, surfacing in both crisis and routine governance. Through the comparative analysis of Brussels, Moscow, Washington, and Beijing, the paper demonstrates that Schmitt's categories like sovereignty, *Nomos*, friend – enemy, are not mere historical abstractions but active variables in contemporary statecraft. The ultimate purpose is to push readers to confront the limits of legal rationality, the risks of unchecked decisionism, and the fact that world order is shaped by those willing and able to draw boundaries, define enemies, and decide exceptions. In this way, the paper exposes the structural tensions and philosophical confrontations driving today's geopolitical narratives, making clear that the struggle over *Nomos* is both persistent and unresolved.

Paper Main Body.

1. Carl Schmitt in Brussels and Kremlin

1.1. Carl Schmitt in Brussels: The EU's Problems with Sovereignty.

In “Carl Schmitt in Brussels,” Stefan Auer argues that the European Union’s political and institutional structure exemplifies the paradoxes and dilemmas that Carl Schmitt identified in liberal constitutionalism. The EU, Auer suggests, strives to transcend politics through law, consensus, and bureaucratic management – but in doing so, it risks losing the capacity for sovereign decision-making altogether. Auer draws directly on Schmitt’s famous definition: «Sovereign is he who decides on the exception.» In Schmitt’s view, every political community must have a final authority capable of deciding when normal rules no longer apply. The European Union, however, deliberately avoids this principle. Its legitimacy depends on the rule of law, not the decision of a sovereign. As a supranational entity built to prevent war and arbitrate between states through law, the EU denies the very conditions of sovereignty that make politics possible in Schmitt’s sense. Auer notes that this depoliticised design produces deep tension. In times of crisis – such as the Eurozone debt crisis – the EU must make urgent, exceptional decisions (e.g., bailouts, fiscal interventions, suspensions of member-state autonomy), but lacks a clear sovereign to make them.

Power shifts informally to actors such as the European Central Bank or the European Commission, undermining democratic legitimacy. In Schmittian terms, the EU’s «exception» is always present but never formally acknowledged. Thus, Auer interprets the EU as an incomplete polity: a structure that aspires to unity and legal order without the capacity for decisive action. Its political weakness is not a flaw but an intentional design choice – one that leaves it vulnerable in a world still governed by states capable of making Schmittian decisions. «Brussels,» Auer suggests, represents an attempt to tame politics – to neutralise the friend-enemy distinction through technocratic governance – but this very neutralisation leads to paralysis in moments when political decision becomes necessary. In short, Auer uses Schmitt to show that the EU’s liberal-legal framework creates a vacuum of sovereignty, making it structurally incapable of responding effectively to crises that demand political decision and strategic clarity.

1.2. Carl Schmitt in the Kremlin: The Ukraine Crisis and the Return of Geopolitics

In “Carl Schmitt in the Kremlin,” Auer shifts focus from the EU’s depoliticisation to Russia’s re-politicisation of international relations. Here, Schmitt’s ideas are not denied, as in Brussels, but embraced – implicitly and explicitly – by Moscow’s geopolitical strategy. Auer interprets the 2014 Ukraine crisis and Russia’s annexation of Crimea through Schmitt’s concepts of the political and Nomos. Where the

EU seeks to dissolve the friend – enemy distinction, Russia reasserts it. Where Brussels builds order through law, Moscow claims order through decision. Schmitt's sovereign, who decides the exception [18–20], finds its modern embodiment in Vladimir Putin's Russia. Auer shows that the Kremlin's foreign policy operates according to Schmitt's logic of Nomos, or the ordering of space. Russia views the post – Cold War expansion of NATO and the EU as an illegitimate redrawing of global order – a Nomos imposed by the West. By intervening in Ukraine and reclaiming Crimea, Russia symbolically and materially contests that order, reasserting its right to determine its own geopolitical sphere. In this sense, Auer reads Russia's actions as an act of land-appropriation in Schmitt's sense: a founding political gesture that redefines space and authority. Moreover, Auer argues that the crisis exposed the EU's Schmittian weakness. Brussels framed the annexation in terms of international law and norms, while Moscow acted according to political decision and power. This asymmetry – law versus decision – illustrates precisely what Schmitt meant by the inadequacy of liberal legalism in the face of existential politics.

For Auer, the «return of geopolitics» thus marks the re-emergence of Schmitt's world: a world of sovereign decisions, spatial order, and the friend – enemy distinction. The EU's post-political order, built on legal rationality, finds itself helpless against Russia's reassertion of the political. Schmitt's ghost, Auer concludes, now haunts both Brussels and the Kremlin – but in opposite ways: one denies his lessons, the other enacts them.

1.3. Synthesis and Theoretical Significance

Read together, Auer's two essays outline a striking dialectic in modern geopolitics:

- In Brussels, Schmitt's ideas explain the absence of sovereignty – the EU's struggle to act decisively in crises due to its legal-constitutional self-limitation.
- In the Kremlin, they explain the excess of sovereignty – a concentration of decision and force that disregards legal constraints to reaffirm political order.

Auer's broader argument is that Europe's post-political aspirations have created a world unprepared for the resurgence of Schmittian realism. The EU's «empire of law» cannot easily coexist with Russia's «empire of decision.» The Ukraine crisis, therefore, represents not only a territorial conflict but also a philosophical confrontation between two models of political order: the post-sovereign (EU) and the sovereign (Russia). Auer's Schmittian reading implies that modern Europe cannot escape the political. The friend – enemy distinction may be repressed, but it always returns – often violently. What the EU calls «normative power» is, in Schmittian terms, a denial of the political; and what Russia calls «sovereign democracy» is a reassertion of it. Between Brussels and the Kremlin lies the central question Schmitt posed nearly a century ago: Who decides when the exception arises?

Stefan Auer's twin essays show that Carl Schmitt's ideas remain disturbingly relevant. «Carl Schmitt in Brussels» portrays a post-political order that cannot decide, while «Carl Schmitt in the Kremlin» describes a political order that decides too easily and too absolutely. Together, they reveal the contemporary crisis of Europe: torn between the dream of law without power and the nightmare of power without law. In Auer's hands, Schmitt becomes neither a guide to emulate nor a villain to dismiss, but a theorist whose thought continues to map the fault lines of the modern political world – a world where sovereignty, law, and space remain in perpetual tension, and where the political, no matter how much we try to neutralise it, always returns.

2. Carl Schmitt in Washington and Beijing

2.1. Carl Schmitt in Washington

Schmitt's concept of sovereignty, defined as the power to decide the exception, can be seen in the U. S. presidential system. The President's ability to declare a state of emergency, implement executive orders, and wield significant military power embodies Schmitt's idea of the sovereign who stands above the law in times of crisis. Post-9/11 America, with the introduction of the Patriot Act and the ongoing War on Terror, exemplifies the use of exceptional measures to maintain security and order.

The friend-enemy distinction, central to Schmitt's definition of the political, is evident in American foreign policy. The U. S. has historically identified certain nations and groups as existential threats (e.g., the Soviet Union during the Cold War, terrorist organizations post-9/11, and more recently, China and Russia). This binary distinction justifies various foreign policy actions and military interventions, framing them as necessary to protect national security and interests. Schmitt was critical of liberal democracy, arguing that it often leads to instability and indecisiveness. In contemporary U. S. politics, the rise of populism and the polarization between political parties reflect Schmitt's critique. Leaders like Donald Trump have leveraged populist rhetoric, positioning themselves as representatives of the «real» American people against a corrupt and elitist establishment, thus echoing Schmitt's views on the need for decisive, sovereign leadership.

Carl Schmitt's theories provide a lens to analyze and understand the dynamics of power, sovereignty, and political identity in Washington. The U. S. political system, with its emphasis on executive power and the identification of external and internal enemies, demonstrates the enduring relevance of Schmitt's ideas in contemporary politics.

2.2. Carl Schmitt in Beijing

Schmitt's notion of sovereignty as the authority to decide on the exception resonates strongly in Beijing. The CCP (Chinese Communist Party), under the leadership of Xi Jinping, has consolidated power, ensuring the Party's dominance

in all aspects of Chinese life. The implementation of measures to maintain stability and control, such as the crackdown on dissent in Hong Kong and the surveillance of Xinjiang, reflects Schmitt's idea of the sovereign who can transcend legal norms to preserve order. The friend-enemy distinction is evident in China's approach to both domestic and international politics. Domestically, the CCP identifies and suppresses groups deemed as threats to national unity and stability, such as pro-democracy activists and ethnic minorities. However, the internal rivalries also around the role of PLA (People's Liberation Army) remain of crucial importance, as PLA plays its role in the internal and the external integrity of the nation.

Internationally, China's strategic rivalry with the United States, tensions with neighboring countries over territorial disputes, and the Belt and Road Initiative reflect a Schmittian worldview where the delineation of allies and adversaries shapes policy and strategy. Schmitt argued that liberal democracies are prone to internal conflicts and inefficiencies. China's single-party system, which Schmitt might view as more stable and decisive, allows for swift policy implementation and long-term planning. The CCP's narrative of delivering economic prosperity and national rejuvenation legitimizes its authoritarian rule, suggesting a Schmittian preference for strong, centralized authority over democratic pluralism.

Carl Schmitt's theories offer a compelling framework to analyze the political strategies and governance of Beijing. The CCP's focus on centralized power, control, and the identification of enemies aligns with Schmitt's ideas, illustrating their relevance in understanding contemporary Chinese politics.

3. Nomos as a Board for Convergence and/or Rivalry

Carl Schmitt's political thought, especially as articulated in *The Nomos of the Earth* [15], still offers one of the most insightful and unsettling frameworks for understanding the contemporary international order. His insistence that the political always revolves around the drawing of lines, the marking of space, and the naming of enemies seems almost tailored to the landscape of the 21st century. When we transpose his thought onto today's world – Brussels, Washington, Moscow, and Beijing – we do not simply impose an old model on a new map. Rather, we discover that the old map still haunts the terrain we move across. Schmitt begins with *Nomos*: the foundational ordering of space, law, and power that structures how humanity divides the earth. It is not merely about land; it is about legitimacy, sovereignty, and the right to decide, especially in moments of crisis. Each of the four spheres we consider – Brussels, Washington, the Kremlin, and Beijing – can be read as engaged in its own contest over *Nomos*, both stabilising and destabilising in different ways, and always haunted by the friend – enemy distinction that Schmitt saw as the essence of the political.

The European Union, 'headquartered' in Brussels, is the most paradoxically Schmittian of the four. In its self-image, it seeks to transcend politics in favour of legalism, integration, and technocratic consensus. It replaces the old land-appropriating gesture with treaty, regulation, and bureaucracy. Yet this is a form of Nomos nonetheless – an ordering of the continent not through conquest but through absorption. Brussels attempts to neutralise the friend – enemy distinction by universalising cooperation, but the very act of doing so creates its enemies: populist movements at home and strategic challengers abroad. Its relative stability, reflected by modest internal strengthening and only mild exposure to external threat, tells us that its greatest danger may not lie beyond its borders but within them. The enemy Schmitt describes can emerge precisely in the place that denies its existence.

Washington represents a different kind of Nomos: not post-political, but hyper-political. The United States still lives through Schmitt's sovereign decision on the exception, even if it pretends otherwise. A state of emergency, once rare, has become a governing tool; the War on Terror turned the friend-enemy distinction into both global doctrine and domestic fracture. Yet the American problem today is not merely who it opposes abroad, but who it fears at home. The dissident, whether imagined or real, becomes not just an irritant but a structural force. Internal division acts as a significant drag on governmental strength, and Washington's external posture cannot fully compensate for its internal fragmentation. America, in Schmittian terms, still wants to decide the global Nomos. But it is increasingly unsure whether it can decide its own.

The Kremlin sits comfortably within Schmitt's more familiar terrain. Russia does not deny the political; it cultivates it. Sovereignty is not diffused but personified. The line between inside and outside is sharply drawn, rhetorically and militarily. Land appropriation is not metaphorical; it is territorial and unapologetic. The annexation of Crimea, the pressure on Ukraine, and the language of encirclement by NATO fit squarely into Schmitt's schema: strong internal consolidation, high exposure to external pressure, and sustained suppression of dissent. Moscow's Nomos is reactionary, but not weak. It rejects the universal order claimed by the West and seeks to re-establish a spatial division grounded in force and history. Yet its power lacks the global elasticity that would allow it to dominate the broader configuration. It is 'formidable' but isolated, 'potent' but bounded. Even in the era after Vladimir Putin, the ambiguity remains. Ukraine's resistance and counter-attack in partisan terms [16; 17] within Russia's territory exposes its 'sovereignty', which is based on propaganda narratives of a 'glorious' past coupled with a revisionist despotism. CRINK (China, Russia, Iran and North Korea) often called the axis of upheaval with the 'in-out' strategy of Turkey to this constellation and the Global South/ BRICS imperative are components of this narrative with few chances

of success as the actors are nations with competing interests. Especially, India from the BRICS follow a centrifugal trajectory, as the aforementioned constellation seems that it does not serve anymore its national interests.

Beijing, by contrast, has begun to redesign the map. It is not simply reacting to an existing order but proposing a rival *Nomos*. The Belt and Road Initiative is land appropriation in infrastructural rather than imperial terms; the South China Sea is spatial order enforced not through declarations but artificial islands and naval presence. Internally, the enemy is named long before it emerges: separatists, liberals, external influencers, or any force that challenges unity. The core is a very high governmental self-strengthening, intense suppression of dissent, and acute response to external threat and all these reflect a system that sees politics as constant and danger as structural. Beijing does not seek to erase the political; it seeks to manage it through absolute preemption.

When we ask whether Washington might move closer to Brussels, Moscow, or Beijing, we are ultimately asking how *Nomos* shifts in the long arc of political time [11]. With Brussels, the approach already exists: they share legal traditions, economic interdependence, and a common language of legitimacy. Yet their alignment is not a fusion of *Nomos* but a negotiated coexistence within an increasingly fragile liberal order. Between Washington and the Kremlin, an approach would require a collapse of the current friend – enemy axis [12; 13], which at present defines both actors' identities. Russia benefits from the role of antagonist; America needs it to reaffirm its own fractured unity and the 'deal-making' approach of President Trump is a liberalism school of thought tactic that contradicts, in international relations terms, the core of the problem. The political distance is not merely strategic, it is existential. The fear of a new potential euro-asian superpower (Russia & China) is becoming a perspective that dominates the attitude of US foreign policy with a mere hope to reverse it and 'bind' Russia to the West. The whole idea is to repeal it, although it is not possible, due to the contradiction of interests between Kremlin and Beijing. Kremlin and the Russian revisionistic despotism was/is/will not be ever compatible with the western liberal order.

The relationship between Washington and Beijing is more complex. They are rivals not only in power but in the very grammar of spatial ordering. Beijing challenges the American-led *Nomos* by constructing alternatives rather than confronting directly. Washington, uncertain of its own internal cohesion, oscillates between engagement and containment, never fully committing to either. If a new *Nomos* is to arise globally, it is Beijing – not Brussels or Moscow – that appears poised to trigger it. Internal cohesion, extensive state capacity, and a clear external vision give China advantages that neither internal dissent nor external pressure has yet neutralised.

Will Washington prevail? That depends on whether it can reassert its own Nomos or whether it will become one actor among others in a multi-centric earth without a single sovereign decider [14]. Brussels will not dominate; it stabilises but does not command. The Kremlin can disrupt but not reorder. Beijing can do both and it is the main frenemy for Kremlin [9; 10]. Schmitt writes that every great order begins with a boundary, an allocation, a taking of space that precedes law and gives it meaning. Today, we are witnessing the overlapping of orders, the fraying of boundaries, and the competition of spatial claims – digital, economic, military, ideological. Stability, dissent, and external pressure are in perpetual flux, each shaping the capacity of a political entity to decide and endure. If there is to be a new Nomos of the earth, it will not arise through peaceful convergence. It will emerge, as Schmitt insists it always has, from decision, conflict, and the drawing of new lines. The only question is who will do the drawing – and whether the old map, with its comforting illusions of universality, will survive the redrawing at all.

Conclusion. The analysis provided demonstrates the enduring relevance and complexity of Carl Schmitt's political thought in the contemporary global arena, where sovereignty, decision, and Nomos remain contested and unresolved points of tension. The exploration of Brussels, Moscow, Washington, and Beijing shows that modern polities, despite varied attempts to escape or reshape the political, remain trapped within the structures Schmitt defined: the necessity of a sovereign decider, the drawing of boundaries, and the persistent friend-enemy distinction. The European Union's attempt to govern through law and consensus is revealed as fragile, unable to respond decisively at moments of existential crisis. This stands in stark contrast to Russia's open embrace of sovereign decision-making, as illustrated by its intervention in Crimea and broader geopolitical strategies, and to China's meticulous internal consolidation and external projection of power. The United States, oscillating between legal norms and state of emergency, embodies a hybrid Schmittian logic –simultaneously invoking and undermining liberal order. Collectively, these cases suggest that neither the universalisation of law nor the concentration of sovereign power can guarantee stability or legitimacy in a world marked by competing Nomoi and unpredictable threats. The conclusion drawn is that the future of global order will not be the product of peaceful convergence but the result of ongoing competition, conflict, and redrawing of lines – just as Schmitt anticipated. As boundaries blur and rival visions contest for supremacy, the capacity to decide the exception – whether in law, politics, or territory – remains the most sought after and perilous attribute of contemporary sovereignty.

REFERENCES

1. Auer, S. (2015). Carl Schmitt in the Kremlin: the Ukraine crisis and the return of geopolitics. *International Affairs*, 91(5), 953–968.
2. Auer, S. (2024). Carl Schmitt in Brussels: The Russia War against Ukraine and the Return of Geopolitics. *After the War? How the Ukraine War Challenges Political Theories*. Berlin: De Gruyter, 215–240.
3. Thumfart, J. (2021). The norm development of digital sovereignty between China, Russia, the EU and the US: From the late 1990s to the COVID Crisis 2020/21 as catalytic event. *JT Norm Development of Digital Sovereignty*, Vrije Universiteit Brussel.
4. Jacques, J. (2015). Sovereignty and the Laws of War in Schmitt's International Order, Durham Research Online, 30 April. URL: <https://durham-repository.worktribe.com/output/1432233/from-nomos-to-hegung-sovereignty-and-the-laws-of-war-in-schmitts-international-order>
5. Regenbrecht, J. (2025). Im Schatten von Carl Schmitt: Putins und Trumps Ideen zur Aufteilung Europas. *Institut für Sozialstrategie*, 5 March. URL: <https://institut-fuer-sozialstrategie.de/2025/03/06/im-schatten-von-carl-schmitt-putins-und-trumps-ideen-zur-aufteilung-europas/>
6. Antaki, M. (2004). Carl Schmitt's Nomos of the Earth. *Osgoode Hall Law Journal*, 42(2), 451–474.
7. Falk, H. (2022). Carl Schmitt and the Challenges of Interwar Internationalism. *Journal of International Relations*, 3 July.
8. Książek, J. (2024). Carl Schmitt's «Nomos of the Earth», or where the difficulties of contemporary liberals in governing countries come from. *Ordo Iuris Press*, 24 May. URL: <https://ordoiuris.pl/en/press-newsdesk/carl-schmitts-nomos-of-the-earth-or-where-the-difficulties-of-contemporary-liberals-in-governing-countries-come-from/>
9. Fountis, A. (2024). Mapping The State of Exception in Ukraine (2022-2024). *Transformation of World Order Through the Prism of War and Peace*: proceedings of the Scientific and Practical Conference. Kyiv: National Economic University named after Vadym Hetman. URL: https://jf.kneu.edu.ua/ua/depts5/k_politologii_i_sociologii/Department_of_Administration_and_Marketing_International_scientific_conference/
10. Fountis, A. (2023). Co-opetition Reloaded: Rethinking the Role of Globalization, Supply Chains, and Mechanism Design Theory. *Advances in Intelligent Systems and Computing*: proceedings of the Scientific and Practical Conference. Vol. 1450, 525–539. doi: https://doi.org/10.1007/978-981-99-3611-3_44
11. Legg, S. (2012). Spatiality, sovereignty and Carl Schmitt geographies of the Nomos. London: Routledge.
12. Fountis, A. (2023). Reversing Carl Schmitt: The State of Exception in Ukraine, after the 24th of February 2022. *The Bulletin of Yaroslav Mudryi National Law University Series Philosophy philosophies of law political science sociology*, 2(57), 140–148. URL: <https://www.cceol.com/search/article-detail?id=1124870>
13. Schmitt, C., Schwab, G. (1996). The Concept of the Political. Chicago: The University of Chicago Press, 1963.

14. Schmitt, C., Schwab, G. (1985). *Political Theology: Four chapters on the concept of sovereignty*. Cambridge: MIT Press.
15. Schmitt, C., Ulmen, G. L. (2006). *The Nomos of the Earth in the International law of the Jus Publicum Europaeum*. New York: Telos Press.
16. Slomp, G. (2005). The theory of the partisan, Carl Schmitt's neglected legacy. *History of Political Thought*, 26(3), 502–519.
17. Fountis, A., Sagaydak, Y. (2022). The actual State of Exception in Ukraine under a Schmittian Perspective. *Ukraina i svit: pravovi pytannia rehionalnoi ta lobalnoi bezpeky*: proceedings of the Scientific and Practical Conference. Kyiv: Kafedra, 113–115.
18. Gerhardt, V. (2003). Politik als Ausnahme Der Begriff des Politischen als dekontextualisierte Antitheorie. *Carl Schmitt: Der Begriff des Politischen*. Berlin: Akademie Verlag, 205–218. URL: <https://doi.org/10.1524/9783050080352.205>
19. Gould, R.R. (2013). Laws, Exceptions, Norms: Kierkegaard, Schmitt, and Benjamin on the Exception. *Telos: A Quarterly Journal of Politics, Philosophy, Critical Theory, Culture, and the Arts*, 162, 1–19.
20. Schwab, G. (1989). *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt Between 1921 and 1936*. New York: Greenwood Press.

Фунтіс Анастасіос, викладач, керівник програми бакалавріату, Берлінська школа бізнесу та інновацій, Німеччина

ГЛОБАЛЬНИЙ(-І) ВИНЯТКОВИЙ(-І) СТАН(-И) ТА НОМОС ЗЕМЛІ

Стаття досліджує сучасну актуальність політичної теорії Карла Шмітта на тлі Європейського Союзу, Росії, Сполучених Штатів та Китаю, пояснюючи, як поняття суверенітету, рішення та Номосу формують сучасний світовий порядок. Дискусії Стефана Ауера на тему «Карл Шмітт у Брюсселі» та «Карл Шмітт у Кремлі» встановлюють діалектику: навмисна деполітизація ЄС, що проявляється як вакуум суверенної влади, протиставляється безкомпромісному утвердженню Росією політичних рішень та просторового перевпорядкування, як це спостерігалося в українській кризі. ЄС, задуманий як імперія права, зазнає невдачі в кризах, оскільки йому бракує центрального органу, який би вирішував, коли норми призупиняються, що ілюструє критику Шміттом ліберального конституціоналізму. І навпаки, анексія Криму Росією є прикладом повного втілення теорії Шмітта, показуючи, як суверенітет стає явним у моменти екзистенційних рішень. Далі аналіз переходить до Вашингтона, де ідеї Шмітта знаходять резонанс у надзвичайних повноваженнях президентської системи США та в постійному протиставленні країни принципу «друг-ворог» у зовнішній та внутрішній політиці. Тим часом однопартійне правління Пекіна, централізована влада та проактивне управління уявними загрозами ще більше підсилюють акцент Шмітта на суверенному рішенні.

За допомогою цих порівняльних випадків у статті синтезується незмінне значення Шмітта, зокрема його концепцій Номосу та розмежування «друг-ворог», як основ для розуміння турбулентності та трансформації сучасного міжнародного порядку. У статті стверджується, що привид Шмітта не застарів, а переслідує сучасну геополітику, створюючи світ, де стикаються правова раціональність, суверенна влада та просторове суперництво, формуючи майбутнє через постійний акт політичного рішення.

Keywords: *надзвичайний стан, номос, Карл Шмітт, розрізнення друга та ворога.*

