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THE NOMOS OF THE EARTH IN HONG KONG

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I hereby declare that I have compiled this thesis independently. All sources, positions, details, and information by other authors have been adequately referenced, and the same paper has not been previously presented. The document length is 11970 words from the introduction to the end of the conclusion.

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PREFACE

This thesis is submitted for the master's programme of Technology Governance and Digital Transformation at Tallinn University of Technology. Professor Wolfgang Drechsler, to whom I am sincerely grateful for his patience, dedication, and valuable insights at different stages of the thesis writing, supervised the research. I would also like to thank all the TGDT program lecturers and colleagues, without whom I would not have been able to obtain the knowledge and motivation required to complete this thesis.

ABSTRACT

At least following the 2017 Chinese translation of *The Nomos of the Earth*, Chinese scholars have increasingly been using and applying Schmitt's spatial concepts in domestic and international issues. This dissertation will first summarize Schmitt's late work and then understand its reception and interpretation in China. The spatial concepts of *nomos* and *Great Space*, as well as some of the Chinese scholars influenced by Schmitt's work, will be introduced and discussed. Furthermore, this master thesis will examine the application of Schmitt's spatial concepts in Hong Kong and explore the impact of dwelling places on citizens' relations to other spaces in the city.

Keywords: Nomos, Carl Schmitt, Hong Kong, China

SUMMARY

The Nomos of the Earth in Hong Kong is a comparative political philosophy master thesis that tried to understand the impact of Carl Schmitt's *The Nomos of the Earth* in the Chinese political discourse. To be more precise, this dissertation sought to understand Schmitt's work, introduced key Chinese scholars whom Schmitt's spatial concepts have influenced their work, and attempted to provide a counterargument by proposing the study of dwelling spaces in Hong Kong. The study of the house hoped to provide a contextual and philosophical analysis that aimed to identify the ontological problems that originate when Schmitt's spatial notions are applied without considering the individual and intimate spaces of citizens in Hong Kong.

INTRODUCTION

*Could I but draw my sword o'ertopping heaven,
I'd cleave you in three:
One piece for Europe,
One for America,
One to keep in the East.
Peace would then reign over the world,
The same warmth and cold throughout the globe.
("Kunlun", Tse Tung 2008, 67)*

After World War II, the eminent but controversial German jurist and political theorist Carl Schmitt became increasingly isolated from academic and political circles. Schmitt's refusal to undergo de-Nazification and his unrepentant attitude banned him from holding academic positions in Germany. Despite of this, he continued his studies in international law and later became interested in Chinese politics and the figure of Mao Zedong in particular. In the *Theory of the Partisan*, written in 1962, Schmitt notes the significance of one of Mao's poems called "Kunlun," in which the latter imagines himself taking up a sword and splitting "the world into three pieces: one inherited by Europe, one presented to America, and one left to China" (Mitchell 2020, 219). According to Schmitt, the figure of the partisan, portrayed by Mao, was a historical embodiment of the *katechon*. What is a *katechon*? In the Second Epistle to the Thessalonians (2 Thess 2, 6–7), the Apostle Paul warns the Christian community that the Second Coming of Christ has not taken place yet and "can only happen after the rule of the Antichrist", but something is withholding his appearance on Earth (Drechsler and Kostakis 2014, 129). From Schmitt's perspective, the *katechon* acts as a restrainer, maintains political order, and prevents the world from engulfing into further chaos. By slowing down the fall of humanity into the spiritual and ethical abyss of the modern technical age, the partisan figure could thus be analogous to the *katechon* (Marchal et al, 2017, 65).

The partisan and the *katechon* reveal Schmitt's historic-theological emphasis on subjectivity and its role in history. However, this thesis will not explore Mao's poetry nor the *Theory of the Partisan*. This dissertation will focus on the perhaps most historical and

geopolitical book by Schmitt: *The Nomos of the Earth*. This work describes the origin of the Eurocentric global order, examines the reasons for its decline, and introduces groundbreaking spatial concepts. The author believes that engaging with *The Nomos of the Earth* could provide a better understanding of its use and reception in contemporary Chinese politics. Exploring the spatial concepts of “*nomos*” and “*Great Space*” in contemporary Chinese political discourse could shed some light on the use of Schmitt’s work in China. To be more precise, this master thesis will focus on analyzing Schmitt’s spatial notions, understanding some key Chinese scholars that have been influenced by the ideas of *The Nomos of the Earth*, and challenging some aspects of the Chinese interpretation of Schmitt’s work by studying the importance of dwelling places in Hong Kong. For comparative political philosophy, however, what is required is not a liberal critique of *The Nomos of the Earth* or a Western reprisal of Schmitt’s popularity in China, but a contextual analysis of the interpretation and reception of *The Nomos of the Earth* in contemporary Chinese discussions (Marchal et al. 2017, 40).

Nevertheless, using spatial notions, such as *nomos* and *Great Space*, to classify different groups of people can be problematic. A concept that presupposes a society where “individuals are locked into a set of macro-spatial units” would seriously undermine the capacity of people to express freely, speak out against authorities, and have autonomy over the spaces of their lives (Rowan 2011, 149). Questions of identity and belonging naturally emerge and must be considered if such spatial concepts are applied. Schmitt’s ideas from *The Nomos of the Earth* have recently gained attention in Chinese literature and scholarly discussions on Hong Kong. If Schmitt’s spatial notions are incorporated and applied to China’s nearby spaces by Chinese scholars, this dissertation hopes to consider the importance of intimate and inside spaces in the city of Hong Kong. Specifically, this master thesis will discuss and question some aspects of the Chinese interpretation of *The Nomos of the Earth* by pursuing a phenomenological analysis of the house. The study of the house, of dwelling spaces, is not an attempt to compare different types of homes in Hong Kong or a study that seeks to understand the complexity of the housing market in the city. On the contrary, the study of the house is much more intimate. Although the analysis of the house offers us a mere glimpse into the everyday life experience of a Hong Kongese individual; the study of the house is relevant for contemporary political philosophy because it focuses on a physical object that encompasses a universal vocabulary of space and is well-known around the globe (Bachelard 1994, 9). Seen in this light, how does the experience of the house in Hong Kong shapes its citizen’s subsequent knowledge of other spaces is of particular interest to the author.

1.1 Background and Nomos

By *nomos*, the Schmittian framework does not mean a mere “norm” or “established custom,” as it is frequently understood in the context of Greek philosophy (Hutchinson 1997, 1307). In this context, *nomos* is used to describe an objective rule and anything which is “recognized” as such, “believed to be,” “habitually” practiced, or “accepted” (Zartaloudis 2019, 38). According to the Schmitt scholar Gary L. Ulmen, the word *nomos*, in its original sense, comes from *nemein*, which means “to divide” and “to pasture” (Ulmen 2006, 70). *Nomos* also means “dwelling place, district, pasturage” (Ulmen 2006, 75). In *The Nomos of the Earth*, Schmitt argues that the meaning of the word *nomos* is rooted and connected to the relation between order and orientation. For Schmitt, *nomos* is an act of spatial ordering, and it is the measure by which land is divided, distributed, and inhabited. *Nomos* suggests an ordering of space, “an appropriation of land, a community’s normative order where any legal and jurisprudential thinking occurs in connection with a total and concrete historical order” (Ulmen 2006, 20). As far as one can see, the word *nomos* has had multiple meanings depending on its time period and historical context. However, through the Schmittian language of *nomos*, one can further explore the reception and interpretation of such a spatial term in contemporary Chinese scholarship and literature. The spatial concepts of *nomos* and *Great Space* will be studied in greater detail in the first and second chapters. After the 2017 Chinese translation of Schmitt’s late work, his spatial concepts have induced broad interest in Chinese intellectual and political circles (Mitchell 2020, 250).

Chapter I of this dissertation will thus introduce the first research question: In which intellectual and historical context did Schmitt set out to write *The Nomos of the Earth*? Schmitt’s main concern at the time of the book’s writing was the decline of European consciousness and the old European international law that started to dissolve into “spaceless universalism” at the turn of the 20th century (Ulmen 2006, 11). The first chapter of this thesis will try to summarize Schmitt’s *Nomos of the Earth*, present its main ideas, and attempt to understand its impact on contemporary Chinese politics and academic literature. In the final pages of the book, Schmitt claims that there are three possibilities for a new *nomos*: a complete unity of the world, the struggle to retain the balance structure of the previous *nomos*, or a combination of several independent *Great Spaces* or blocs that could constitute a balance and establish a new order of the Earth (Ulmen 2006, 355).

1.2 Great Space

According to Schmitt, the United States carried out the first and most notorious application of a Great Space principle in international law. In the Schmittian framework, a *Great Space* concept does not conform to the “universalism of a global unitary legal order” but to the notion of a continent-sized sphere having its own version of international law (Marchal et al. 2017, 65). By calling into question the position of European international law, the proclamation of the so-called Monroe Doctrine in 1823 was the first significant revolt against Europe. Almost two hundred years later, one can possibly argue that Sino-American relations are continuously shaping the global international order. John Mearsheimer, a professor at the University of Chicago and an international relations scholar, argues that an increasingly confident China is also likely to establish its sphere of influence “and might try to push the United States out of Asia” (Mearsheimer 2005, 3).

In China, *The Nomos of the Earth* and the concept of *Great Space* are increasingly becoming popular among Chinese legal and political scholars such as theologian and academic Liu Xiaofeng, professor at Peking University Faculty of Law Chen Duanhong, and the legal theorist and government adviser on Hong Kong issues Jiang Shigong. The Chinese interest in Schmitt’s late work stems from the fact that, according to some Chinese scholars, China is entering a new dialectical stage in its history (Xiaofeng 2019, 155–168). Furthermore, to continue exploring the use of Schmitt by Chinese scholars, this dissertation will attempt to answer the second research question: What has been the reception and impact of *The Nomos of the Earth* in contemporary Chinese academic circles? The second chapter of this dissertation will introduce some of the leading Chinese scholars who have been influenced by *The Nomos of the Earth* and question some aspects of their interpretation. This master thesis will analyze the *Great Space* notion by applying the concept of *nomos* on a relatively local than global scale and focusing on the study of the house. Hong Kong’s housing unaffordability, mass occupations of space during the 2019 protests, and the coronavirus lockdowns have disrupted the understanding of public space in the city. Possibly, the re-ordering of space in Hong Kong has presented substantial changes and challenges to its citizens. Several questions concerning identity and belonging arise but are apparently not discussed in depth by Chinese scholars. Therefore, the third chapter of this dissertation will discuss the interpretation of *The Nomos of the Earth* in China and try to fill in some of the blank spaces that arise by proposing the study of the house.

1.3 The disruption of order and orientation

How is the study of the house relevant to the discussion of *The Nomos of the Earth* in China? And to what extent does the experience of the house in Hong Kong shape its citizens' relation to other spaces? These are the research questions that guided my research in the third chapter of this dissertation. According to Ulmen, *nomos* indicates a spatial ordering of social life, constituted by the appropriation and distribution of land "by which a tribe or a people becomes settled" (Ulmen 2006, 70). Although the word *nomos* has changed and evolved over time, it has retained a spatial dimension that reveals the importance of territory and the interactions that occur within a territory. I think one can argue that *nomos* may also be understood as a space of belonging and cultivation. In the 20th century, continental philosophy explored the relationship between building as dwelling and building as cultivating. Building understood as dwelling "unfolds into the building that cultivates growing things and the building that erects buildings" (Krell 2011, 245). The study of the house in Hong Kong is not aiming to understand its "availability, affordability, and volatility" (Leung 2015, 383) as done in previous studies; but is instead trying to propose an intimate cross-cultural study on the experience of a physical object common to all cultures. Arguably, the house is a human being's first world and shelter before he is cast out into the world. It is a space that fosters and provides humans to dwell, dream, and cultivate. Without a place to dwell, human beings become dispersed and lost beings.

Hong Kong is a city known for its small apartment spaces and ranks among the world's least affordable housing markets. A few acres of a plot of land can reach billions of dollars in a land auction. Subdivided flats and cage home apartments are common dwelling places for thousands of people. The limited living conditions and small apartment spaces that many people in Hong Kong experience possibly overwhelms and frustrates many of its young citizens. As far as one can see, the existing *nomos* in the city that has "isolated individuals in tiny homes" and restricted public space from the community largely dismantles the foundations that edify a sense of belonging (Matthews 2017, 7). The third chapter of this dissertation will try to describe how the experience of the house in Hong Kong shapes its citizen's understanding of order and orientation. Schmitt argues that the link between order and orientation is fundamental for any established *nomos* or spatial order. If the link between order and orientation is disrupted, spatial transformations could thus suspend Hong Kong's public space and change the *nomos* of the city.

METHODOLOGY

2.1 Literature Review

The primary source of this master's thesis was the English translation of *The Nomos of the Earth* by Carl Schmitt. The author tried first to understand and become familiar with the book's main ideas before undertaking any kind of research. By reading each chapter and taking notes, the author was able to generate his own ideas while doing research on the interpretation of Schmitt's work by other scholars. Thus, the book provided the researcher with the tools and concepts to do further research. The translation of *The Nomos of the Earth*, by G.L. Ulmen, was published by Telos Press, an academic journal established in May 1968 and "formerly" on the left side of the political spectrum. This journal aims to provide the "political left" with new perspectives by turning into "the admittedly conservative Schmitt with the aim of learning from him" (Antaki 2004, 318). In the late 1980s, Telos started to publish essays and articles about Schmitt, Western Marxism, and the critical theory of the Frankfurt School. Following the publication of essays about how Schmitt influenced some figures in the Frankfurt School, Telos became more interested in Schmitt's ideas regarding international law (Watkins 2015, 62–64). Since the translation by G.L. Ulmen in 2006, *The Nomos of the Earth* has received significant attention in the fields of international relations, international law, and political philosophy (Hooker 2009; Odysseos and Petito 2007). According to Schmittian scholar William Hooker, Schmitt's understanding of the state emphasizes the emergence of the Westphalian state and its importance in international law (Hooker 2008, 28). Schmitt's late work is concerned primarily with the development and decline of international law and the "problematic nature of modern global politics" (Hooker 2008, 22). Although Schmitt is often described as a jurist and legal theorist; the engagement with Schmitt's work in the English-speaking world usually takes place outside the field of law and within that of political theory and philosophy (Antaki 2004, 317–318). The reflection of *The Nomos of the Earth* in Western literature and its reception in contemporary Chinese discourse provides an exciting research topic for political theory and comparative political philosophy in particular. Comparative political philosophy should aim to initiate a dialogue between different cultural perspectives and interpretations. Still, any enterprise in this field must also be aware and cautious of the language it uses (Burik

2009, 5). The subject of this master's thesis thus belongs to the realm of comparative political philosophy because political philosophy often engages with questions of a broader scope and categories such as identity, politics, and spatial notions. I believe that trying to understand the reception of this particular work in contemporary Chinese academic circles could illuminate the debates occurring in modern global politics. Today, the emergence of a multipolar international system and the rise of a more robust and assertive China has sparked much discussion among scholars and intellectuals in the West (Lind 2019, 2). The reception and interpretation of Carl Schmitt's *The Nomos of the Earth* in China could possibly help Western scholars understand the contemporary Chinese discourse on international law and political philosophy. This dissertation will also introduce a phenomenological analysis of the experience of dwelling places in Hong Kong in an attempt to challenge some aspects of the Chinese interpretation of *The Nomos of the Earth*. Therefore, to further continue exploring the use of Schmitt by Chinese scholars, this dissertation will try to answer three research questions.

2.2 Research questions

To present a comprehensive analysis that examines the impact and influence of *The Nomos of the Earth* in contemporary Chinese politics, a systematic literature review was conducted. These sources were collected at university libraries and online searching databases. The author obtained material from journals, books, essays, articles, reports, and academic papers, ranging from the Western reflection of *The Nomos of the Earth* to Schmitt's reception in China and voters' identity in Hong Kong. The following three questions guided the author's collection of sources, literature review, and research:

- In which intellectual and historical context did the author set out to write *The Nomos of the Earth*?
- What has been the reception and impact of *The Nomos of the Earth* in contemporary Chinese academic circles and politics?
- How is the study of the experience of the house relevant to the discussion of *The Nomos of the Earth* in China? And to what extent does the experience of the house in Hong Kong shape its citizens' relation to other spaces?

2.3 Research methods

As a comparative political philosophy and political theory dissertation, this was a text-based analysis of *The Nomos of the Earth* and the literature influenced by Schmitt's work. Such analysis aims to understand the mechanisms embedded in the text's language and the author's cultural context (Bauer et al. 2014, 2). However, since the amount of academic literature in English is limited with regard to the specific topic, the reception of *The Nomos of the Earth* in China, it seemed conclusive to expand the search to translated academic sources by Chinese and German scholars. This has both advantages and disadvantages. On the one hand, it allows the researcher to examine the interpretation and understanding of Schmitt's work in China. On the other, it presents challenges due to the narrower focus, loss of meaning, and lack of relevant sources translated into English. To expand the literature, some sources in English by scholars researching Hong Kongese politics were also collected. In addition, sources concerning the phenomenology and poetic nature of the house were particularly useful because of the house's universality and depth (Bachelard 1994, 10). Furthermore, non-academic reports by universities and institutes were used to validate as well as to supplement the literature. Despite the author's inability to read and write in German, Greek, and Chinese, this dissertation was still undertaken because of its significance in international relations and comparative political philosophy. Although the absence of proficiency in those languages limits the research; in today's hyper-connected world, comparative political philosophy provides us with the opportunity to undertake a research topic that involves different cultural perspectives.

Furthermore, content analysis was used by the researcher to identify and apply specific rules to divide each text into segments. By doing so, the segments are treated as separate units of analysis. This was particularly useful during the collection of Chinese sources translated into English. Separating academic sources from government and consultancies reports was also considered by the researcher. Most of the Chinese sources collected focused on either Schmitt's *Nomos of the Earth*, Schmitt's thought as a whole, or the Chinese perspective on Hong Kong. To complement the literature review, several academic works and studies on topics such as the phenomenology of the house and the protests in Hong Kong were included. To conclude, I believe that doing research on this subject was challenging but worthwhile and compelling. Writing a master thesis that consists of a philosophical study of dwelling spaces was not only a personal matter but also a global phenomenon taking into consideration the Covid-19 pandemic.

CHAPTER I

Chapter I will introduce Carl Schmitt's background, his controversial reputation, and his impact on contemporary political theory. Furthermore, this chapter will provide a contextual analysis of *The Nomos of the Earth's* development and publication. By exploring the concepts of *nomos* and *Great Space*, this chapter intends to summarize and emphasize the main aspects of Schmitt's work and lay out the conditions for the next chapter.

1.1 Author's background

Carl Schmitt was an infamous German jurist and political theorist during the 20th century. Schmitt's ideas take into account the cultural and political conditions that arose during the so-called disenchantment of the world. His political theology assumes that modern concepts of political theory are secularized theological concepts. According to his biographer Professor Reinhard Mehring, "Schmitt's reputation has long been tarnished by his opportunistic embrace of, and legal contributions to, the Nazi regime that took power in Germany after 1933" (Mehring 2014, 346). He was and remains a controversial figure due to his active involvement and association with the Nazis. Still, the controversy stems from the fact that his theoretical work remains highly influential and relevant today (Drechsler 1997, 129). The Post-Second World War period was particularly damaging to the academic career of Schmitt because he was "personally discredited and academically marginalized" (Brang 2019, 2). In recent times, however, Schmitt's ideas have drawn the attention of Chinese and Western scholars alike, and even those in the academia "who fundamentally disagree with Schmitt's concepts and premises often find themselves compelled to engage with them" (Mitchell 2020, 183). Scholars from the left side of the political spectrum have recently been drawn by Schmitt's ideas in an effort to understand his critique of liberalism and learn from him. Therefore, this master's thesis will attempt to understand Schmitt's *Nomos of the Earth* and explore its reception in political and legal circles in China.

1.2 The book's background

Written in the early 1940s, *The Nomos of the Earth* tells the story of the first truly global international legal order. Published in 1950, a year before Heidegger presented the lecture *Building Dwelling Thinking* to the Darmstadt Symposium on Man and Space, *The Nomos of*

the Earth describes the emergence of the public law of Europe and explains how it dissolved “into an abstract and universal international law in which war is deemed criminal in theory but not necessarily avoided or limited in practice” (Antaki 2004, 321). The intellectual and historical context of Schmitt’s late work will be considered and described in this chapter. Essentially, it seems Schmitt wanted to address the issue of Europe’s place in any new world order and its legacy in international law. For Schmitt, “the *jus publicum Europaeum* was the internal *nomos* of Europe that was projected in the external *nomos* of the earth” (Ulmen 2006, 17). Non-European space was considered to be either uncivilized or empty, “but free for exploration and occupation”. European international law, however, started to dissolve into “spaceless universalism” when European maritime and terrestrial expansion reached its zenith. The belief in European civilization was essential to the formation of European consciousness (Ulmen 2006, 10–11). The crisis of the modern age in the West derives, according to Schmitt, from the loss of order and orientation that European consciousness experienced at the turn of the 20th century. During the early writing days of *The Nomos of the Earth*, six months before World War Two began, Schmitt’s main objective was to prefigure a new international law and world order. From Schmitt’s view, the decline of the public law of Europe can trace its origins to the proclamation of the Monroe Doctrine in 1823. Schmitt was not interested in the Monroe Doctrine as such, but in the “*Great Space* principle it embodied” (Ulmen 2006, 23) The Monroe Doctrine became the first major revolt against the European political system and established the conception of a global and spatial international system. From then on, any intervention by foreign powers in the Western Hemisphere would be seen as a hostile act against the United States. After the Spanish-American War of 1898, the United States was presented with a serious and momentous dilemma: whether to maintain a purely defensive pluralist principle embodied by the Monroe Doctrine or embark on an imperialist expansion and a global claim to world power. Schmitt argues that “the American struggle for the open door in East Asia was likewise a struggle for universalist world domination, using liberal economic policy methods” (Ulmen 2006, 24). Following World War II, a new bipolar international system was formed by two competing superpowers: the United States and the Soviet Union. Schmitt thought that by the 1960s, however, the bipolar structure of the world would slowly turn into a multipolar international system due to the emergence of newly-independent states in Africa and Asia. Perhaps, addressing the question of the collapse of the old-world order was the major significance of Schmitt’s *The Nomos of the Earth* (Ulmen 2006, 9).

1.3 On the meaning of the word nomos

The English translation of Schmitt's book is divided into five parts. Part I, "Five Introductory Corollaries", introduces the keyword *nomos* while also providing a brief account of the history of the *jus publicum Europaeum*. In the first chapter of the first part, entitled "Law as a unity of order and orientation", Schmitt makes a clear distinction between the earth and the sea. Whereas the earth contains the soil in which any land appropriation occurs, the sea has no territory as such and thus lacks any spatial unity and legal character. Schmitt claims that before the birth of great sea powers, "the freedom of the seas" meant that the sea was a free zone. There were "no clear boundaries, no sacred orientations, no property, and no law" (Ulmen 2006, 43). By contrast, a land appropriation contains a solid space in which an established order and orientation builds houses, boundaries, and cities. From Schmitt's point of view, land appropriation, both internally and externally, is the primary legal title that underlies all subsequent law. This terrestrial principle, in which all law is rooted, provides a space where order and orientation meet (Ulmen 2006, 47). Before moving on to Part II of the book, Schmitt introduces the origins of the word *nomos* in the history of jurisprudential thinking. By using the word *nomos*, Schmitt wants to trace back the etymological roots of the word and apply it in a way so it could be understood in its original spatial sense. A sense in which the link between order and orientation is apparent and taken into consideration. For Schmitt, "the first land-appropriation understood as the first partition and classification of space, for the primeval division and distribution, is *nomos*" (Ulmen 2006, 67). According to Schmittian scholar William Hooker, one way of thinking about a *nomos*, therefore, is to think of it as a common understanding of space. Political acts are only possible within a coherent *nomos* where it is possible to distinguish the relationship between "us" and "them" (Hooker 2008, 101). In *The Nomos of the Earth*, Schmitt argues that the traditional Eurocentric order arose from a legendary, unforeseen, and unrepeatable historic event: the discovery of a "New World".

1.4 Land appropriation of a New World

Although Pre-Socratic philosophers, such as Xenophanes and Parmenides, held the notion that the universe was spherical, in ancient times Earth's boundaries in Europe were determined by collective mythical concepts such as the World Serpent or the Pillars of Hercules. Part II of *The Nomos of the Earth*, "Land Appropriation of a New World", describes the birth of international law out of the "discovery" of the new continent. Schmitt explains that the history of international law is also the history of land appropriations and, at certain times,

of sea appropriations. According to Ulmen, however, starting from the Age of Discovery in the 15th century until the end of the 19th century, “the *nomos* of the earth was embodied in European international law *Jus gentium*” (Ulmen 2006, 10). The discovery of a new continent provided European sovereign states with a new and free spatial dimension for them to interact and engage. The domain of the sea established an arena in which states began to compete for spheres of influence and trading routes. Such routes would eventually lead to the first global circumnavigation of the Earth and the further development of international law. The new global image, resulting from the circumnavigation of the earth and the discoveries of new territories in the 15th and 16th centuries, required a new spatial order. According to Ulmen, there has always been some kind of *nomos* of the earth. Schmitt claims that “in all the ages of mankind, the earth has been appropriated, divided, and cultivated”. Before the age of the great discoveries, Europeans had “no global concept of the planet on which they lived” (Ulmen 2006, 351). Starting in the mid 17th century, the emergent Westphalian state overcame European religious cleavages and limited interstate wars by bracketing war and transforming the medieval just cause of war (*justa causa*) into the modern non-discriminatory concept of the just enemy (*justus hostis*) (Reilly 2009, 176). According to Schmitt, the state was precisely the main achievement of the *jus publicum Europaeum* and its bracketing of war. European states started to acknowledge the sovereign right of neighboring states to manage over their own territories. By creating an internal zone of peace in Europe, the act of land appropriation in the “New World” created new amity and enmity lines. The appropriation of land in the American continent by European powers constituted a spatial division between a civilized order and a hostile disorder, “a house from a non-house”, a clear boundary in terms of international law.

1.5 Decline of the Jus Publicum Europaeum

In Part III of *The Nomos of the Earth*, “The *Jus Publicum Europaeum*”, Schmitt goes on and recounts the legacy and accomplishments of the *jus publicum Europaeum*. The bracketing of war resulted from the mutual recognition principle among the Westphalian states and the discovery of a new continent that established a separate spatial system. By demarcating a space of order in Europe from a space of disorder in the “New World”, the public law of Europe was “based on a spatial division of Europe and the rest of the globe” (Antaki 2006, 328). However, this division would ultimately challenge and dissolve the public law of Europe. Arguably, the displacement of European states by the proclamation and application of the Monroe Doctrine eventually led to the loss of European consciousness. By the end of the 19th

century, jurisprudential thinking lost grounding and failed to maintain the limitation and bracketing of war. Following World War I, the Treaty of Versailles, the League Charter, and the subsequent Geneva Protocol and Kellogg Pact changed the meaning of war but failed to prevent a new one. International law thus resulted in the destruction of the bracketing mechanisms that hindered war (Reilly 2009, 180). Part IV of the book, “The Question of a New Nomos of the Earth”, addresses the decline of the *jus publicum Europaeum* and raises the question of what is to succeed it. In *The Nomos of the Earth*, Schmitt argues that the old *nomos* that emerged in the 16th century had passed away, and some new spatial order would have to replace it (Reilly 2009, 181). As it was previously mentioned, he further claims that there are three possibilities for a new *nomos*: a complete unity of the world, a struggle to retain the previous *nomos*, or a combination of several independent Great Spaces unfolding a new *nomos* of the Earth (Ulmen 2006, 355). The idea of a *Great Space*, in the Chinese contemporary discourse, is going to be explored in the next chapter of this dissertation. Chinese discussions on the *Great Space* principle possibly suggest a pluralistic world order of multiple civilizational centers without intrusions by any Western state seeking to enforce liberal norms. Cozying up to Schmittian spatial concepts allows Chinese scholars to use and apply such ideas to the encroachment of Hong Kong’s legislature and the construction of artificial islands in the South China Sea. The reception and interpretation of *The Nomos of the Earth* in China happens in a particular historical context, and “the ideological tradition of class struggle in Marxism and Maoism offers an easy access to Schmittian kind of theory” (Marchal et al. 2017, 28). Chapter II of this dissertation will thus try to analyze the interpretation of *The Nomos of the Earth* and the *Great Space* concept in China.

1.6 Conclusion

Chapter I of this dissertation sought to identify and explain the most critical elements and ideas of Schmitt’s *The Nomos of the Earth*. The chapter introduced the author’s controversial reputation and the book’s background, tried to summarize Schmitt’s late work, and discussed some of the most significant concepts. Chapter II will present key Chinese scholars who have been influenced by *The Nomos of the Earth* and explore the application of the *Great Space* theory in China’s domestic spaces.

CHAPTER II

Chapter II will briefly discuss the history of the reception of Carl Schmitt in China and introduce some key Chinese scholars who have been influenced by the concepts of *The Nomos of the Earth*. These scholars are not only interested in Schmitt's work but also in Hong Kong politics. Furthermore, this chapter will explore the idea of the *Great Space* in much greater detail and attempt to apply it in the Chinese political discourse. Applying the Great Space theory in Hong Kong gives rise to significant questions of identity and belonging that are worth examining.

2.1 Carl Schmitt's reception in China

As this dissertation has previously indicated, Schmitt's ideas have become increasingly popular on the academic stage in both Western and Eastern countries alike. For example, Schmitt's Theory of the Partisan generated wide interest in Western academic circles following the War on Terror in the early 2000s. Critics of American imperialism found Schmitt's late work particularly interesting and captivating. Today, Schmitt's work on international law and his *Great Space* principle has recently gained more popularity and acceptance in places like China. Despite the recent interest in Schmitt's *Nomos of the Earth*, "Schmitt has had notable Chinese readers and a role in Chinese arguments on law and politics since 1929 at the latest" (Mitchell 2020, 186). During the Second Sino-Japanese War, some Chinese academics collaborating with the Japanese occupation authorities, most notably Hu Yingzhou, used Schmitt's ideas to a Japan-led "Greater East Asia Co-Prosperty Sphere" and a new spatial order in East Asia (Mitchell 2020, 214). However, it was not until the post-1979 Reform Era that Schmitt received more approval and adoption in the People's Republic of China. Liu Xiaofeng, a historian from Renmin University in Beijing, is perhaps one of the most important scholars who recently started to write about Schmitt in essays and translations. Following the 2017 Chinese translation of Schmitt's late work, Xiaofeng published an essay entitled *European Civilization's 'Free Space' and Modern China: A Reading of Carl Schmitt's Der Nomos der Erde*. In the essay, Xiaofeng declares that "China's destiny consists in overcoming the American hegemony by becoming the determiner of norms within its own space" (Mitchell 2020, 260). Xiaofeng also argues that although Schmitt did not foresee the geopolitical and economic rise of China, he was right "to conclude that the Chinese revolution would usher in a new law of the land and disrupt the global order of the European era even more fundamentally

than the rise of the United States” (Xiaofeng 2019, 155–168). In a similar fashion, Wang Hui, a professor at Tsinghua University, quotes Schmitt in an article published in 2020 entitled *Twentieth-Century China as an Object of Thought: An Introduction, Part 2 The Birth of the Century- China and the Conditions of Spatial Revolution*. According to Wang, China’s revolutionary project engaged with two different kinds of established spatial orders: on the one hand, the colonial rule that originated from the sea in Hong Kong. On the other, the social relations grown and rooted in the mainland (Hui 2020, 134). The author of this dissertation believes it is important to take into consideration the context of the Chinese reception and interpretation of *The Nomos of the Earth*. However, before proceeding with the next sub-chapter, three fundamental questions arise: Firstly, who is reading and using Carl Schmitt in contemporary China; secondly, how is Schmitt understood and under what conditions; and, thirdly, why now? The impact of Schmitt in contemporary China, the so-called “Schmitt Fever”, has influenced liberals, conservatives, nationalists, and intellectuals from the “New Left”. Even though the term “New Left” is quite broad, scholars such as Chen Duanhong and Jiang Shigong have been identified with this movement and with Schmitt’s political and constitutional thought. Jiang Shigong, a legal and political theorist at Peking University Law School, is one of the main translators and exponents of Schmitt’s writings in China and a prominent adviser to the Chinese government on Hong Kong affairs. Chen Duanhong has also applied his readings of Schmitt to develop a new interpretation of sovereignty in relation to the Basic Law and the recent developments in Hong Kong. The reception and interpretation of Schmitt by these two scholars will be further explored in the following sub-chapters. Although an analysis of the early encounters of Schmitt in China could illuminate Schmitt’s impact on the country; the focus of this chapter will be solely on the reception of *The Nomos of the Earth* by contemporary Chinese scholars. According to Dr. Rory Rowan, a political geographer at the University of Zurich, most recently, “the 2017 Chinese translation of *The Nomos of the Earth* has generated wide interest and increased the popularity of the *Great Space* theory” (Rowan 2011 158). Today, the relationship between the United States and China is of significant importance in the field of international relations, international law, and comparative philosophy. The use and application of a *Great Space* in the East could be interpreted as a challenge to American influence in the region. A mix of technological and economic forces was already driving a change in the relationship between the two countries, but the Covid 19 pandemic has arguably accelerated this trend. Therefore, it is not surprising to see *The Nomos of the Earth* as an attractive and tempting work in contemporary Chinese political discourse.

2.2 A Great Space in the East

Chinese scholars interested in political and legal affairs are probably attracted to *The Nomos of the Earth* due to its relevance in geopolitical discussions. Schmitt's *Great Space* principle "plays into the hands of those who see the rise of Confucian civilization as an antidote to the transnational appeal of global domestic politics under the banner of universal human rights" (Marchal et al. 2017, 83). In the *Theory of the Partisan*, Schmitt's inclusion of Mao's poem "Kunlun" indicates that Schmitt shared the idea of how independent large spatial areas can achieve a kind of balance in the globe. From Schmitt's point of view, a unipolar world order cannot limit conflicts and bracket war because it fails to make the distinction between war and peace and the "us versus them" relationship. Multipolarity makes the distinction between "combatants and non-combatants" and between "zones of war and peace" clearer (Rowan 2011, 147). As far as one can see, the idea of a Chinese-led "*Great Space* in East Asia" is naturally seen from the perspective of the Chinese and their unique interpretation of *The Nomos of the Earth*. Therefore, for the remainder of this chapter, the *Great Space* theory will be discussed from the standpoint of contemporary Chinese scholars. In the article previously mentioned, entitled *New China and the End of American International Law*, Professor Xiaofeng argues that "just as old Europe was excluded from the Eastern Hemisphere after the rise of the United States, the United States could be squeezed out of Asia as a result of China's rise". Since China now has the power and ability to participate in global decision-making processes, China's arrival at the international arena has presented some challenges to the "free space" delineated by the United States (Xiaofeng 2019, 168). However, Schmitt warns us that any "new world order" must not abandon the principal achievements of the previous *nomos* of the earth, such as "the division of space and the bracketing of war" (Ulmen 2006, 33). According to Schmitt, the *nomos* of the earth is the order of the earth. The dissolution of the public law of Europe into international law affected European consciousness and the spatial ordering of the Earth. According to Ulmen's translation, *nomos* is the "process of dividing and distributing space and determining the convergence of order and orientation in the cohabitation of peoples" (Ulmen 2006, 78–79). The *Great Space* theory could be thus understood and interpreted from a local and a global perspective. It could be applied locally in relation to spaces within China's historical territory, such as Hong Kong and its dwelling places. Globally it could be applied with regard to large spaces in East Asia and other parts of the globe, such as the South China Sea and the Arctic. The spatial revolution in China, according to Professor Wang Hui, was able to incorporate large numbers of people from different backgrounds, religions,

and communities. Furthermore, it also maintained a centralization that demonstrated how “China’s heterogeneity” could be formulated into a “unified political form and social organization” (Hui 2020, 133). In the next sub-chapter, some of the Chinese scholars whom Schmitt has influenced will be introduced and discussed. Furthermore, the following sub-chapter will also attempt to explore in greater detail how Schmitt’s ideas can be applied on a more local rather than global level in China. The author will propose the study of dwelling spaces in Hong Kong in an effort to understand how the experience of intimate spaces can affect people’s subsequent understanding of public spaces.

2.3 *The Nomos of the Earth in China*

National reunification is perhaps one of the most important priorities of the People’s Republic of China (Chang 1992, 127). Since 2013, the Chinese government under Xi Jinping has made it clear in documents and public announcements that Chinese reunification is inevitable. The reunification of mainland China with Hong Kong and Taiwan is an important and popular topic in scholarly and intellectual debates. As was previously stated in this chapter, Liu Xiaofeng became a key figure in spreading “Schmitt’s Fever” during the 1990s. However, by using some of the ideas of *The Nomos of the Earth*, Liu discusses Schmitt’s concepts of *nomos* and *Great Space* “with minimal reference to the intellectual and historical context in which these concepts were first formulated” (Marchal et al. 2017, 79). More recently, scholars such as Jiang Shigong and Chen Duanhong have translated and written extensively on Carl Schmitt and his *Great Space* theory. Jiang Shigong is a professor of law at Peking University, a researcher on Hong Kong politics, and a promoter of Xi Jinping Thought. In an essay he wrote in 2018 called “Philosophy and History: Interpreting the Xi Jinping Era through Xi’s Report to the Nineteenth National Congress of the CCP”, Jiang claims that Xi Jinping Thought is going to be the basis of a national plan “that will propel socialism with Chinese characteristics into a new historical period, and thus open up a new political space” (Shigong 2018, 1–6). Furthermore, he concludes by stating that the history of the Communist Party can be summarized as follows: “China stood up under Mao, got rich under Deng Xiaoping, and is now becoming powerful under Xi Jinping” (Shigong 2018, 1–6). Nevertheless, despite his nationalist rhetoric, Jiang Shigong is mainly associated with the idea of the unwritten constitution regarding Hong Kong. According to him, both a written constitution and an unwritten constitution are the basic features of the constitutional and legal system in China (Shigong 2010, 12–46). The unwritten constitution structures the continuity of the state and is

embodied in the leadership of the party. The party is able to support and incorporate the diverse localities that are found in the vast Chinese space by “integrating peripheral zones and its heterogeneous conditions into the central state and its homogeneous engine” (Shigong 2017, 123–158). Jiang further explores the theory of the unwritten constitution in his book *China’s Hong Kong: A Political and Cultural Perspective*. For Jiang, the Chinese empire was based on the continuous expansion of Confucian civilization and the successful assimilation of different people in a universal “tianxia system”(Shigong 2017, 62). The appropriation of land by the Chinese state did not produce the unity that gives the state its legitimacy, but the link between order and orientation and the “enabling of heterogeneity within a *Great Space*” is precisely what fosters unity in the country (Shigong 2017, 123–158). As the United States retreats from some geopolitical spaces in the world, Jiang seems to believe that it is China’s responsibility to contribute and construct a new model that will facilitate the coexistence of different political entities across different spaces. In his book on Hong Kong, Jiang argues that the Hong Kong Special Administrative Region is solid proof of the ability of the Communist Party to coordinate and integrate different political systems. He goes on and says that “the Hong Kong question does not mean handling matters arising in Hong Kong but handling the core issues in the rejuvenation of Chinese civilization” (Shigong 2017, 131). He suggests that the relationship between Hong Kong and the central Chinese government encapsulates the possibility for a future *nomos* of the earth. As a believer in unitary sovereignty, Jiang challenges the “one country, two systems” principle by prioritizing the “one country” (Shigong 2017, 194). He goes on and claims that “Hong Kong has always been part of China in the political ideology of the Communist Party because, in traditional political ideas, the state is an entity of culture or civilization rather than a legal entity” (Shigong 2017, 67). From this perspective, Jiang’s unwritten constitution possibly challenges the emergence of local identity and pro-independence movements in Hong Kong and does not seem to consider the importance of intimate and dwelling spaces in the city. The application of a *Great Space* principle in Jiang’s understanding of China’s nearby spaces does not seem to take into consideration that after several months of pro-democracy demonstrations and protests over an extradition bill in Hong Kong, a significant number of people in the city identify themselves as Hong Kongese and are willing to challenge the established *nomos*. In addition to Jiang, Chen Duanhong, also a professor at Peking University Faculty of Law, has defended China’s right to introduce a national security law in Hong Kong. In December 2020, in his Keynote speech during the National Constitution Day, Duanhong argues that the concept of “one country, two systems” violates the traditional definition of sovereignty and could pose a national security threat. As a

constitutionalist scholar, Duanhong says that “the constitutional arrangement of the Hong Kong Basic Law that accords a high degree of autonomy for Hong Kong” is unique to China’s constitutional and legal history (Duanhong 2020, 1–5). From Duanhong’s perspective, the “one country, two systems” is a distinctive legacy, but it cannot be a steppingstone towards the independence of Hong Kong. In *The Nomos of the Earth*, Schmitt says that every recognition of a new state had a spatial character. He further claims that “any territorial change had to be in accord with the spatial order as a whole, such recognition was indicative of the commonality of the existing structure” (Ulmen 2006, 192). Pro-democracy and pro-independence movements in Hong Kong have been suppressed since the Standing Committee of China’s National People’s Congress imposed a national security law on the city. The conflict between the Chinese leadership in Beijing and the local identity of the citizens of Hong Kong has generated political and social tension in recent years. The origins of the Extradition Bill protests and its impact on the local identity of Hong Kongese will be further discussed in the last chapter of this dissertation. The appropriation of public space by the young citizens of Hong Kong during protests, “the communal re-ordering of the city’s spaces and the collective expression of a right to belong in a public space,” temporarily disrupts the link between order and orientation in the established *nomos* (Matthews 2017, 8).

2.4 Conclusion

Chapter II of this dissertation described the history of Carl Schmitt in China. It introduced key Chinese scholars such as Liu Xiaofeng, Jing Shigong, and Chen Duanhong, who have recently read and used Schmitt’s ideas from his late work to discuss political and legal issues affecting China and its nearby spaces. Although Schmitt’s impact in China can be traced back to 1929; the focus of this chapter was to explore the reception and interpretation of ideas associated with *The Nomos of the Earth* in particular. This chapter tried to encapsulate the most important aspects of the Chinese political and legal discourse concerning Hong Kong. The third of this dissertation will deal with the ontological questions that arise from the application of a new *nomos* of the earth in Hong Kong. Furthermore, the last chapter will also examine how the experience of dwelling places in Hong Kong possibly impacts citizens’ understanding of public spaces in the city.

CHAPTER III

The third and last chapter of this dissertation will describe the possible ontological implications that arise if the *Great Space* notion is applied in Hong Kong. By proposing a phenomenological study of dwelling spaces in the city, this chapter will try to identify such ontological contradictions. Moreover, this chapter will also discuss how the Anti-Extradition Law Amendment Bill Movement and the Covid-19 pandemic disrupted Hong Kong's *nomos*, reoriented the city's understanding of public space, and ruptured the established spatial order. The interruption of such order brings about ontological questions of identity and of belonging that reveal the enduring significance of Hong Kong's political future. To conclude, this chapter will briefly examine the emergence of new spaces in the context of a *Great Space* theory.

3.1 Dwelling spaces and sense of belonging in Hong Kong

To dwell is to be in the world, to cultivate the earth, and “to concern oneself with the world” (Krell 2011, 242). In the 20th century, several continental philosophers wrote extensively on the importance of dwelling places and intimate spaces. However, it was French philosopher Gaston Bachelard who dedicated an entire oeuvre on the study of the house and the psychoanalytical aspects of it. According to Bachelard, the house is “an instrument with which to confront the cosmos”, an immunological system that protects us from the arrows of outrageous fortune, a sort of shelter for dreaming and visualizing (Bachelard 1994, 46). Dwelling places and intimate spaces provide human beings with the opportunity to find security and an inner strength against the monstrousness of the universe (Sloterdijk 2016, 504). The third chapter of this dissertation will thus investigate how the application of a *Great Space* theory in the Chinese political and legal discourse creates profound social and ontological ramifications for the citizens of Hong Kong. By proposing the study of the house in Hong Kong, the author of this master thesis hopes to stand face to face with Schmitt's spatial concepts and use them against him. In *The Nomos of the Earth*, Schmitt argues that *nomos* is an appropriation of land, a spatially concrete unity, a dwelling space where the link between order and orientation becomes apparent. Chinese contemporary scholars who have been influenced by Schmitt's spatial notions do not seem to take into consideration how a *Great Space* could affect the living and intimate spaces of Hong Kongese citizens. If Chinese scholars are hoping to fully integrate Hong Kongese citizens into the People's Republic of China, it is necessary to improve the living spatial conditions of thousands of citizens and consider the identity and

cultural differences that exist within them. Otherwise, incorporating Hong Kongese citizens into the “*Great Space of the East*” would not only be vain and hypocritical but would also establish a weak link between order and orientation. Proper dwelling spaces are fundamental for any human being to develop a sense of polis and of belonging. The absence of affordable and available housing in the city coupled with the increasing demand for dwelling places has led to the expansion of subdivided housing. Subdivided housing refers to “the division of a standard apartment into multiple dwellings in order to maximize the number of people who can occupy a small space” (Wilk 2017, 2). Less fortunate individuals occupy dwelling spaces known as “bedspace apartments” or “cage homes,” which are tiny homes for barely one person that closely resemble animal cages and sometimes comprised of “15 square feet” of living space (Marsh 2016, 159). Although Hong Kong's government has invested in housing programs, the efforts have not been yet sufficient to solve the housing crisis. Housing policies in Hong Kong show the lack of community involvement and leave many citizens alienated and voiceless (Wilk 2017, 8). In a city with a housing crisis and in which “almost all young people live in the family home well into their twenties, the opportunity to occupy, divide and produce space on one’s own terms was seized by young Hong Kongese” (Matthews 2017, 7). Youth movements and university students notably led the 2019 protests over the controversial extradition bill. Although many of them were born after the 1997 handover and never knew life in a British colony; the sense of identity and of belonging for many young Hong Kongese is arguably different from those in the mainland. When a street is appropriated and converted into space for public deliberation or when an urban park is seized and occupied, the spatial transformations temporarily disrupt the established spatial order and reshape the ordering of social life in the city, turning and reorienting typically busy streets and public spaces into spaces of expression of dissent, of pro-independence, and of belonging, thus temporarily suspending the city’s *nomos*. Dr. Matthews argues that by appropriating and occupying public spaces in the city, Hong Kongese young citizens “re-imagined the city’s *nomos* and asserted the right to belong in the city’s spaces and participate in its future” (Matthews 2017, 12). However, the Covid-19 pandemic and the 2020 Hong Kong national security law have recently challenged citizens’ understanding of public space. Unannounced lockdowns in certain parts of the city, border restrictions, quarantine and isolation requirements, and social distancing rules have almost entirely reduced the number of protests and demonstrations. Thus, putting at stake the political future of the city and challenging the sense of belonging of thousands of disaffected young citizens.

3.2 Hong Kongese identity

The *Great Space* theory seems to be an attractive framework for political and legal Chinese scholars advocating for a multipolar international system and championing China's rise in a "*Great Space* in the East". Even before the 2017 Chinese translation of *The Nomos of the Earth*, Western scholars and post-modern philosophers found plenty of ammunition in Schmitt's late work against U.S imperialism and liberal hegemony. Dr. Rory Rowan claims that "what possibly makes Schmitt's work so engaging is also arguably the source of its dangerously seductive power" (Rowan 2011, 143). The author of this dissertation shares the opinion of Dr. Rowan and believes that *The Nomos of the Earth* is a particularly engaging and alluring work. Schmitt's work features elements of abstract philosophical thinking and the use of vigorous and polemic language. According to Rowan, "Schmitt's entire body of work can be characterized by the tension between events that open a field of ontological indeterminacy, revealing the absence of firm grounds for order, and the contingent attempts to establish such grounds" (Rowan 2011, 150). The tension between order and disorder lies at the heart of Schmitt's concept of sovereignty and the concept of the political. Italian philosopher Giorgio Agamben argues that the sovereignty paradox consists of "the fact that the sovereign is, at the same time, outside and inside the juridical order" (Agamben 1998, 15). The sovereign thus "neither occupies a space of order nor a space of disorder but rather marks the tension between them" (Rowan 2011, 151). The spatial notions introduced in *The Nomos of the Earth* suggest that space is "a sort of measure of the world bounded by the political" (Rowan 2011, 148). This spatial tension is particularly evident in the wake of Hong Kong's national security law, the Covid-19 pandemic, and the growing sense of national identity in Hong Kong. The Hong Kongese identity has presented a challenge to the mainland's efforts to reconstruct Chinese national identity in modern times. Contemporary Hong Kong society and politics cannot be understood without considering the city's history as a British colony for more than 150 years. Ever since the handover of Hong Kong in 1997, Beijing has tightened its grip on the social and political dynamics occurring in the city. The Sino-British Declaration of 1984 clearly says that the situation in the city would remain unchanged until at least 2047. Although Article 27 of the Basic Law states that Hong Kong residents shall have "freedom of speech, of assembly, and of demonstration,"; the rights listed in Article 27 have arguably been undermined and violated during the past decade (The Basic Law 1997, 11). In China's *Hong Kong: A Political and Cultural Perspective*, Jiang Shigong often highlights how the Chinese empire successfully incorporated and transformed large spaces under a universal "tianxia system" (Shigong 2017, 62).

In one of the chapters that focus on the form and nature of the Basic Law, Jiang argues that “the process of drafting the Basic Law was actually the re-negotiation of a social contract between Hong Kong and the central government in the mainland” (Shigong 2017, 141). As far as one can see, the contemporary use of Schmitt’s *Great Space* theory in the local spaces of Hong Kong by Chinese scholars apparently lacks, however, a deep analysis of the ontological consequences that the people could face if such theory is applied. The sense of belonging and the sense of identity are understood differently by the citizens of Hong Kong in comparison to those in the mainland. Theoretically, Chinese national identity is both “indigenous and reconstructive” (Lin et al. 2017, 76). The city of Hong Kong is a particularly interesting and difficult place to examine because the development of cultural identity varies and takes place within “a multicultural society that facilitates the formation of cultural identity in multiple directions” (Jordan 2020, 2). The large presence of youth movements in pro-democracy and pro-independence demonstrations in Hong Kong over the past decade, however, indicates an existing generational gap in the city. Therefore, it is not surprising to see that previous research on identity and self-identification by the University of Hong Kong concluded that “citizens are moving further away in their identification as Chinese and are increasingly moving towards identifying as Hong Kongers” (Kwan 2016, 3). Nevertheless, it is important to consider that “youth groups are not monolithic, and one’s cultural identity is not static” (Jordan 2020, 11). Because a large number of young Hong Kongese have possibly now adopted a Hong Kongese identity, the boundary of Chinese/Hong Kongese consciousness has challenged Beijing’s attempt to reconstruct a Chinese identity in the 21st century. From the perspective of the Chinese living in the mainland, people living in Hong Kong are part of the Chinese civilization. However, Beijing’s leaders’ forceful measures have only invited resentment from Hong Kongese young citizens and aggravated the identity issue. Following the Umbrella Movement and the 2019 protests over the extradition bill, the spatial notions from *The Nomos of the Earth* “have started to influence more concrete discussions of Mainland China’s nearby spaces, such as those on the law of the sea as well as the management of Hong Kong”. Some contemporary Chinese scholars have cited Schmitt’s *nomos* and his *Great Space* theory “as playing a role in theorizing international law and the Law of the Sea” (Mitchell 2020, 260). The next subchapter will explore the new spatial dimensions that emerge with the application of a *Great Space* in Hong Kong and the South China Sea. The advent of modern technology and cyberspace has also opened up new ontological spaces, and its impact on the citizens of Hong Kong will be further discussed.

3.3 New Spaces

This chapter will discuss how the emergence of new spatial dimensions and the construction of artificial islands in the South China Sea challenge the “one country, two systems” principle and the understanding of open space. In Hong Kong, recent political and social events have changed the interpretation and the future of this principle. The Covid-19 pandemic, the new amendments and annexes of the Basic Law, and the controversial national security law have reoriented the *nomos* of the city. The United States and European member states have declared that the “one country, two systems” framework, as provided for in the Hong Kong Basic Law and the 1984 Sino-British Joint Declaration, is being undermined by such moves. In *The Nomos of the Earth*, Schmitt argues that space and order are simultaneously grounded by concrete political acts. Modern technology has given rise to new military domains such as cyberspace and outer space and thus created new spaces of political engagement. Near the end of *The Nomos of the Earth*, Schmitt declares that “the earlier balance based on the separation of land and sea has been destroyed because modern technology has robbed the sea of its elemental character” (Ulmen 2006, 354). Today, it is possible Schmitt would be shocked and incredulous at how monstrous the impact of modern technology is in human affairs. From his perspective, the development of modern technology had made many borders and spaces “illusory” (Ulmen 2006, 19). The emergence of cyberspace has introduced new spatial-temporal dimensions and transformed human activity. In *The Nomos of the Earth*, Schmitt points out that spatial transformations are, at the same time, cultural transformations (Ulmen 2006, 55). According to Professor Wolfgang Drechsler, “the change of the way of life, indeed of the human person and how they identify and conceive themselves, through the Information and Communications Technologies (ICT) revolution is the main issue for PA in our time” (Drechsler 2020, 301). In November 2021, the Cybersecurity Administration of China proposed new regulations requiring technology companies looking for a listing in Hong Kong to undergo a cybersecurity inspection. In the name of national security, cyberspace platforms with more than 100 million daily users would be obliged to share major updates on data privacy and obtain government approval. The author believes that cyberspace is possibly the most visible aspect of globalization, and its governance has been recently challenged by the Chinese cyber sovereignty principle. Dr. Adam Segal claims that “in pursuit of tighter controls over information, cybersecurity and technological independence, and international influence, China has become more active in its efforts to shape the global internet” (Segal 2020, 86). China’s cyber sovereignty is the idea that each country has the right to exercise control over the Internet

within its borders and the right to choose its own Internet development path. The Chinese Cybersecurity Law enacted in 2016 has further promoted the cyber sovereignty principle and defined the security obligations that Internet providers and services must follow. It is yet unclear if the Chinese Cybersecurity Law could also be extended and applied to Hong Kong under the “one country, two systems” principle. However, as far as one can see, the recent events and regulations in Hong Kong have demonstrated that the Chinese leadership is keen on tackling the aspects of cyberspace that can be used to organize demonstrations and occupy public spaces. In 2019, large-scale DDoS attacks were levied at messaging-platform apps used by protestors to organize protests and demonstrations. Furthermore, several local apps associated with the pro-democracy movement were immediately shut down (Ho 2021, 3). The appropriation of space in Hong Kong by China goes beyond cyberspace and the Internet. It includes the new spaces that were opened up by the creation of artificial islands and the construction of bridges. Four artificial islands, three cable-stayed bridges, and an undersea tunnel link Hong Kong with the Chinese mainland. The construction of the Hong Kong–Zhuhai–Macau Bridge was completed and opened to the public in 2018, making it the longest sea-crossing and one of the longest bridges in the world. As previously discussed, the first sub-chapter of this chapter explored the relationship between building as dwelling and dwelling as cultivating. Although China has allegedly used the creation of artificial islands for construction purposes; the appropriation of artificial islands has also been used in the South China Sea to challenge international law and develop a new understanding of space. The recent events in the South China Sea are beyond the scope of this dissertation; however, “the extension of space and the creation of artificial islands to challenge international law in the sea are widely interpreted as not just metaphorically creating facts on the ground, but rather literally creating the very ground itself” (Marcus 2015, 1). The interpretation and reception of *The Nomos of the Earth* in China have influenced contemporary Chinese scholars interested in international law, the domestic spaces of China, and Hong Kong politics. If the construction of artificial islands, massive bridges, and cyber platforms opens up new spatial dimensions, it is also fundamental for Chinese scholars and policymakers to consider the ontological transformations that emerge in the dwelling spaces of Hong Kong. Individuals who suffer from the housing crisis in the city and who are confined in tiny homes could also be restricted from accessing a free and open Internet in the long run. This could ultimately challenge citizens’ understanding of cyberspace, undermine their communal relationship with public space, and desecrate their intimate relationship with personal space.

3.4 Conclusion

The third chapter of this dissertation introduced some of the ontological questions that arise with the application of Schmitt's *Great Space* theory in China. However, it seems mainland scholars who have been influenced by *The Nomos of the Earth* have apparently not offered an in-depth analysis of the challenges that the citizens of Hong Kong could face if such a theory is applied. The disruption of a city's established order brings forth questions of identity and of belonging that characterizes the struggle between order and orientation. This chapter attempted to offer an alternative view of Schmitt's spatial terms. It aimed to apply them in the context of intimate and local spaces, thus providing an analysis that considers the dwelling places and personal spaces of individuals in the age of spatial and technological revolutions.

CONCLUSION

The main objective of this master's thesis was to do research on the reception of Carl Schmitt's *The Nomos of the Earth* in China. The first chapter provided a brief introduction of Schmitt, his late work, and his main ideas. This chapter also explored the historical and intellectual context of the book's writing and publication and attempted to answer the first research question: In which intellectual and historical context did Schmitt set out to write *The Nomos of the Earth*? I think the context of Schmitt's work is perhaps relevant for Chinese and Western scholars alike because its writing and publication took place during the decline of the *jus publicum Europaeum*. By looking at the historical and intellectual conditions of Schmitt's writing and publication of *The Nomos of the Earth*, one can possibly understand why Chinese scholars are increasingly using Schmitt's ideas. The decline of the *jus publicum Europaeum* and the application of the Monroe Doctrine is somewhat analogous to the emerging multipolar international system and the rise of China. Since the 2017 Chinese translation of the book, key Chinese scholars such as Jiang Shigong, Chen Duanhong, and Liu Xiaofeng have been using spatial concepts from the book in domestic and international political discussions.

Schmitt's late work regarding international law has now been taken up with growing enthusiasm by a number of scholars, despite its late translation. According to Xiaofeng and some other Chinese scholars, China is entering a new dialectical stage in its history (Xiaofeng 2019, 155–168). China's current geopolitical situation "provides the opportunity for Chinese scholars to theorize about China's role as a great power in a multipolar world" (Mitchell 2020, 252–254). This comparative philosophy and political theory dissertation tried to demonstrate how investigating the reception and application of Schmitt's late work in China could shed some light on the contemporary Chinese political discourse on Hong Kong issues. Key Chinese contemporary scholars who have possibly been influenced by *The Nomos of the Earth* were introduced in the second chapter. This chapter also addressed the second research question: What has been the reception and impact of *The Nomos of the Earth* in contemporary Chinese academic circles? The nearby space of Hong Kong has recently been gaining attention from contemporary Chinese scholars. In the context of the "one country, two systems" principle, essays and articles written by these scholars "tend to be focused on relativizing the notion of Two Systems to instead emphasize, with Schmitt, that sovereignty is an exceptional authority that confers the final say on points of contention" (Mitchell 2020, 251). A comparative philosophy and political theory master's thesis should presumably not focus on scrutinizing the reception of *The Nomos of the Earth* in China but should instead attempt to provide a

philosophical analysis that demonstrates the rationale of the reception and addresses the ontological gaps that were perhaps not fully discussed by Chinese scholars.

Therefore, the focus of the third and last chapter of this master's thesis aimed to explore some ontological challenges that arise in the contemporary Chinese discourse of *The Nomos of the Earth*. When Schmittian concepts are applied in China's nearby spaces, some questions of identity and of belonging that arise have apparently not been discussed in depth by Chinese scholars. This chapter sought to investigate the third research question: How is the study of the experience of the house relevant to the discussion of *The Nomos of the Earth* in China? And to what extent does the experience of the house in Hong Kong shape its citizens' relation to other spaces? In this context, the existence and development of local identities in Hong Kong defy China's application of a Great Space and challenge its efforts to reconstruct Chinese identity and promote reunification. Although Beijing's forceful claim is perhaps counterproductive to its cause of unification; the Chinese leadership in Beijing should perhaps aim instead to foster a sense of unity and improve the lives of its citizens so that social cleavages can be resolved peacefully (Wang 2017, 65). Furthermore, the third chapter also briefly explored how the emergence of "new spaces" including cyberspace and the creation of artificial islands in the South China Sea possibly challenge the "one country, two systems" principle. The enactment of the national security law in Hong Kong, set out in Article 23 of the Basic Law, questions the ability of citizens to perform certain rights. Critics say the national security law effectively curtails the freedom to protest, the ability to occupy public spaces, the freedom of assembly and speech in cyberspace, and other democratic rights that no other part of China has. According to Dr. Daniel Matthews, the "*Great Space* and its approach to the *nomos* as a purely spatial and material ordering of things ignores the discursive constructions that affect our normative worlds and the lives of citizens" (Matthews 2017, 8). The philosophical implications that could arise if Schmittian concepts from *The Nomos of the Earth* are applied in the nearby spaces of Hong Kong have not been fully addressed by Chinese scholars. By proposing an analysis of dwelling places and intimate spaces, this master thesis hoped to provide a counterargument against the use of Schmitt's spatial concepts in Hong Kong. This dissertation tried to fill in some of the philosophical blank spaces from the contemporary Chinese discourse with the aim of placing the lives of individual people at the forefront of the discussion instead of locking them up into a set of "macro-spatial" units.

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