

Introduction to Energy and Nomos theme issue

Energetic underpinnings of the legal-political order and its transformation

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“We are entering the declining decades of the fossil-fuel era, that brief episode of human time when coal miners and oil workers moved an extraordinary quantity of energy, [...] providing the mechanical force that made possible modern industrial life, the megalopolis and the suburb, industrialized agriculture, the chemically transformed world of synthetic materials, electrical power and communication, global trade, military-run empires, and the opportunity for more democratic forms of politics” (Mitchell 2011, 231).

“The case can be made that large-scale fossil fuel combustion has always constituted violence, [...] and that it has been plainly irrational since the wide diffusion of the basics of climate science, but surely it reaches a new level of demented aggression when temperatures have increased by 1.5°C or a sea level rise of several meters has been locked into the earth system” (Malm 2018, 18).

Energy-society relationships are in flux. The tension is between the energetic base (and fossil fuel addiction) of “technologically advanced” societies, and the ecocidal/suicidal consequences of these practices. The moderately minded speak of “energy transition” in the face of the rising oil prices and the nuisances of climate change. Those who stress the gravity of the situation prefer to call it “transformation”. There are also people who have missed the mark completely and deny the need to act upon the energy-society relationship; their attitude is coherently modernist in the sense of energy blindness (Salminen & Vadén 2015), but in the face of the current

historical situation, it amounts to irrational violence.

Meanwhile in research, the studies of energy are proliferating in various disciplines and subfields (e.g. LeMenager 2014; Szeman & Boyer 2017; Wilson *et al.* 2017). In geography many of the relevant themes have been recognized. These include the energy landscapes of production, distribution and use, energy’s relationship to water, food and health, or to social justice, poverty, and vulnerability (e.g. Solomon & Calvert 2017), as well as to geopolitical imaginaries, urbanization, and the material infrastructure (e.g. Huber 2015). In this theme issue, the problem

of energy-society relationship is framed through the concept of *nomos*, i.e. through energy's relationship to the problems of societal and political order. In plain terms, the question is an intimidating one: how to bring about a rapid and large-scale transformation of sociotechnical practices in "good order"?

Through *nomos*, I want to stress the multidisciplinary study of the energy-society relationships. In Carl Schmitt's (1953/1993, 52) influential interpretation, the concept of *nomos* set out to achieve a "comprehensive consideration acknowledging the unity of actual relations". Schmitt's recognition of the key aspects of *nomos* as appropriation, distribution and production is a key insight that can be used to think of fossil energy as *nomos* or the matrix of modern politics. The *nomos* indicates a view of the earth as one whole, a *Globus*, which however has been geographically, politically and legally partitioned and ordered. This ordering lies at the root of the production of space, and of diverse ways of dwelling on the planet. The order refers to the spatiality of political power, but also on a more fundamental level to rule of law and monopoly of legitimate violence. The opposite of order here is not autonomy, freedom or even anarchy (which, after all, is an ordering principle), but the prospect of "civil war", one of the classic concerns of political theory. The question of ordering is pivotal for any concrete scheme or policy for energy transformation. In this regard Schmitt is a key thinker and his work on *nomos* can be taken as a starting point. Focus here should not be on a historical figure and his attributes or contextually obsolete knowledge, but on

the logic of reasoning that is suitable for times of crisis.

Worldwide the dominant societal and political order has grown fatefully dependent on the economy of capitalist growth fuelled by fossil energy. Cutting loose from this dependency will not be painless or smooth; it is, indeed, a deeply contradictory goal in terms of orientation and organizing principles of capitalist state and society. The question of order ties to the epistemology of fossil fuels (or petroknowledge) through (at least) two questions. Firstly, how the current situation of fossil fuel dependent political order came about over time and in space? Secondly, how to effect the policies of energy transformation in some order without triggering major and escalating societal and political disorder? The still contested horizon for the transformation of energetic and economic practices is the imminent social and ecological collapse caused, above all, by climate change, to which there already is a historical commitment through past emissions (Malm 2018). The question now is *if* climate change and its consequences can be contained within limits less than catastrophic.

In this regard, thinking through *nomos* and understanding the Schmittian spatial and political ontology informing it can prove to be of value. The reasons for this are twofold. First, given the disagreements on climate and energy policies, the 'negative' political anthropology (Minca & Rowan 2015, 272) where conflict is an inescapable feature of the planetary condition is a necessary starting point. From this perspective politics as the art

of ordering or formulating and executing efficient and legitimate policies in the name of the common good becomes fundamental. Of course, this view of politics raises the question of who is doing the ordering and who/what can become relevant actors capable to bring about systemic transformations. The nomos does not signify by default a single, planetary Euro- or American centric nomos, but can also mean the multiplicity of (local, regional) nomoi. In the same vein, the possibility of anomos (disorder) should not be understood only as a threat but also as a condition for autonomy (Luisetti et. Al. 2015), and ruptures in the existing order as chances for transformation.

The second useful aspect of the Schmittian political ontology is its critique of the inherent contradictions of the liberal state, and the attempt to recognize relevant entities and political actors in the changing/emerging nomos. According to this critique, the pluralism and collapse of the distinction between state and society have rendered the state incapable of standing above conflicting social groups and economic interests and making the necessary decisions to maintain social order. In the current condition, this means an incapacity to formulate and execute meaningful climate policies. This critique is less a form of nostalgia for authoritarian state sovereignty, than it is a starting point for explaining the surrender of state power to service of particular interests representing “the economy” (Mitchell 2011) and the consequent impotence of the state system in face of the climate crisis.

For Schmitt the crisis of the state system was already clear in the middle of the 20th

Century. Hence his theoretical interest in *Grossräume* (actors greater than states) as potential structure in the post-war nomos, and his critique of the Cold War power blocs and visions of the World State (Schmitt 1950). In Schmitt’s view the ideological poles of capitalism and socialism were both aiming towards technological appropriation of the planet itself, the consequences of which are manifest by now. Schmitt’s despair and eschatological view that “understood the 20th Century to have embraced ahead long rush into a nihilistic abyss of catastrophic destruction” (Minca & Rowan 2015, 285) has been dismissed as senile disorientation and theoretical bankruptcy (ibid.). Pointing at Schmitt’s nostalgia for the Eurocentric nomos, this dismissal has merit. But from our current perspective, the figure of rushing into the abyss of catastrophic destruction cannot be ignored. And this is taking place in various contexts without meaningful sovereigns that could stand above the interests of fossil capitalism. Against the fossil-fuelled power of the capitalist state, the touchstone of any imaginable transformative sovereignty would be the ability to declare a state of exception, and to authorize exceptional measures against the techno-economic processes that are the root cause for the warming condition. Without this kind of use of legislative and executive power, the legitimacy and relevance of state sovereignty are in question.

From this perspective, Schmitt’s (1963) figure of the partisan operating at the margins of the state system and challenging it is of interest. Schmitt divided this figure into the motorized partisan engaged in fossil fuelled universalist struggle, and

the telluric partisan characterized by the autochthonous relation to the land. For Schmitt, the telluric partisan (inspired, perhaps, by the Việt Minh and the 26th of July Movement) dwelling on and defending a piece of land was a positive figure holding hope for new world ordering. However, in the 1960's context of rapid fossil-fuelled economic growth and processes of modernisation, this theoretical figure proved to be inadequate to explain much of the spatial organization of political reality. In the current situation the impotence and inertia of the state system calls for partisans (other than motorized) in the sense of political mobilization, formation of new political subjects, and new practices of dwelling. The figure of the partisan points to the inadequacy of current forms of politics and political actors. According to Timothy Mitchell (2011, 267), the political significance of socio-technical systems lies in their points of vulnerability: democracy was possible because the energy systems depended on human labour, and organized labour could bring systems to a halt and thus had negotiating power. In current circumstances the public space of democratic debate and political struggle have yielded to technocracy of economic calculation because socio-technological systems have been shielded from such demands. This points to the crucial role of socio-technical infrastructure in organizing practices, subjectivities, and modes of dwelling, as well as to its transformative and revolutionary potential. In current circumstances, the "partisans" that could bring about the transformation, would need to be able to act through the vulnerabilities of socio-technical systems, but also be able

to come up with new ones that could form revolutionary infrastructures (Boyer 2016).

Socio-technical systems are entangled with the preconditions of every concrete political, social, and economic order. In this sense, the key aspects of nomos, the processes of appropriation, distribution and production, are useful to identify the focus of each of the five contributions of this theme issue.

Regarding appropriation, Schmitt's influential book the *Nomos of the Earth* has been interpreted as the "index fossil for Holocene jurisprudence" (Potage 2019), and in its sensitivity to the fabrication of space in relation to power, also as candidate for a better grasp of the Anthropocene. The focus on appropriation enables an adequate account of the colonial roots of present structures of economic power: the figure of appropriation or 'taking' is central to modernity even if its medium or object varies historically. In this sense land-appropriations through settler-colonial violence may not be the dominant form of the day (even if ongoing land-grabbing hardly receives sufficient attention), but the logic has not been displaced in industrial appropriation or in its by-product, the pollution-as-appropriation, which in the context of the climate crisis becomes atmosphere-appropriation.

In this theme issue the contributions by Simo Sarkki and Teemu Suorsa focus on the aspect of appropriation. Sarkki draws from game theory to identify the structure of environmental politics as broad coalitions that are both dealing with the consequences of past appropriations as well as engaged in a struggle where novel forms of appropriation take shape. Through his

analysis Sarkki concludes that our current situation is best described as a “contested emergency”. Suorsa’s contribution ties to the problem of appropriation through collective and individual experience in the circumstances of fossil-capitalism. Through a case of welfare work in schools Suorsa discusses the tendency to shift focus from reality of socio-material practices to a ‘ghost’ (abstractions and detached psychological processes) that is characteristic to energy blindness of fossil-capitalist society.

The second meaning of *nomos* as distribution refers to the part or share of goods that the order is available to provide to its subjects. Schmitt’s concrete example in the mid-20th Century context, the car that each worker in the US has parked in front of his house, is an excellent one. In this issue, Kyle Conway discusses the cultural shift in 1950’s Europe and North-America in which fossil-fuelled everyday practices became the norm through the privatization of mobility. He further identifies its consequences as the chronotopes of petromodernity that shape people’s experience of space and time. Giovanni Frigo’s essay approaches distribution as a problem for a new legal-political order, which needs formulation in the face of various crisis developments and rearticulated geo-physical limitations. Frigo reflects on the possibility of a *jus oecologicum planetarium* that could constitute a *nomos* or *nomoi* respectful to finitude of the earth.

The third meaning of *nomos* as production points to the use of land and its resources made possible by the institution of ownership and rights. This aspect contains the economic activities and practices of dwelling: the mode of production, productive use of space and the

running of the economy. In their case study focussing on the depths of the Pyhäjärvi mine, Katariina Ala-Rämi, Kyllikki Taipale-Eräväla and Mirja Väänänen discuss the prospects of utilising the landscapes produced by extractive industries for novel purposes, in this case for production of geothermal energy. Their contribution orients towards questions of how to live with the consequences of past forms of taking and producing and how to develop “the arts of living on the damaged planet” (Tsing et.al. 2017). Socio-technical arrangements and infrastructures that can be constituted through such developments are crucial, and they are tied to the other aspects of *nomos* so that sustainable economies warrant socio-spatial justice and legitimate legal-political order.

This theme issue will have achieved its purpose if it encourages thinking through the complexity and consequentiality of energy-society relationships. The heuristic of the *nomos* utilized here is not the only option, but it has the merit of seeking a holistic understanding of the complex of the spatio-political order and its material underpinnings while at the same time providing a set of analytic distinctions that can be used to navigate in this rough terrain. The commitment to the ontology of political conflict doesn’t preclude the possibilities of cooperation and consensus but encourages to view them as political achievements, temporary results of political action and struggle.

Research topics that might gain inspiration from this kind of reasoning include the recognition of energy’s centrality for a geographical conception of space, for the societal consequences

of energy transformation, for research on materialist geopolitics and the “concrete order” of infrastructure, as well as for questioning the spaces of politics and modes of political subjectification. Energy humanities have already established the epistemic significance of energy and shown that infrastructures need to be studied beyond engineering knowledge (e.g. Salminen & Vaden 2015; Szeman & Boyer 2017). In geography, the novel meaning of “energy geographies” (Huber 2015) has been recognized but thinking through the energy dependency of disciplinary practices and knowledges has barely begun.

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