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DISCIPLINING GEOPOLITICS: LATIN AMERICA, THE RUSSIA-UKRAINE WAR, AND CONNECTED SPACES OF (NON-)INTERVENTION BETWEEN ANTI-IMPERIAL HERITAGE AND SCHMITTIAN DECAY

Abstract: The term 'geopolitics' often raises a great deal of disdain amongst international lawyers. However, in the face of so many seeming erosions of international legal standards, especially as they concern the principle of non-intervention, some form of engagement with geopolitical realities is essential. In assessing the prospects for analysing international law generally, and the non-intervention norm specifically, through the lens of 'critical geopolitics', I take as my starting point the paradox of general neutrality amongst Latin American states regarding Russia's invasion of Ukraine. While seemingly out of place given the importance of Latin American contributions to the non-intervention norm, I argue that this disjuncture provides an opportunity to explore how geopolitical frameworks in the form of Carl Schmitt's *Grossraum* theory and John Mearsheimer's Neorealism play important roles in constructing international legal consciousness. In doing so, I aim to show how, despite possessing incentives for remaining neutral on Ukraine, Latin America has historically shared a similar intervention-defined fate to Central Eastern Europe that is likely to increase in the future. Through this process of mapping, I hope to open the door for theorisation on how recognising mutual similarities might form agency-expanding inter-connection between Latin America and Central Eastern Europe as parallel spaces defined by enduring the subjugation of – and mounting resistance to – the interventions of proximate great powers.

Keywords: non-intervention, aggression, armed attack, power politics, Russia, Ukraine, critical legal theory

1. Introduction – Why Nicaragua?

On 30 September 2022, amidst his ongoing war, Vladimir Putin announced Russia's annexation of the Ukrainian regions of Donetsk, Luhansk, Kherson and Zaporizhzhia.[1] When condemning the illegality of this action in the context of Putin's 'special military operation' to 'demilitarise and de-Nazify Ukraine' there is no shortage of doctrinal support. Under Article 2(4) of the UN Charter '[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.'[2] Under the 1970 Friendly Relations Declaration, an affirmation of UN Charter and customary international legal principles, 'armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law.'[3] Additionally, when articulating the parameters of sovereign equality as an axiomatic principle of international law, the Declaration states that 'the territorial integrity and political independence of the State are inviolable.'[4] Relatedly under the Rome Statute, in reasserting the definition of aggression under UNGA Resolution 3314 (XXIX) of 14 December 1974, an act of aggression can include 'the invasion or attack by the armed forces of a State of the territory of another State… or any annexation by the use of force of the territory of another State or part thereof.'[5] Russia, in both its initial invasion and subsequent declaration of annexation, has not offered legally cognisable arguments that justify its actions in light of these firmly entrenched standards.[6] Given these clear breaches, the United Nations General Assembly quickly responded by putting forth Resolution ES-11/4 condemning Russia and upholding Ukraine's territorial integrity as a fundamental demand of international law.[7] 143 States

1 Menkiszak, Domańska, and Żochowski, "Russia Announces the Annexation of Four Regions of Ukraine".

2 Charter of the United Nations (adopted 26 June 1945, entry into force 24 October 1945), at Article 2(4).

3 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, General Assembly Resolution A/RES/25/2625, UN Doc. A/8028 (24 October 1970).

4 Ibid.

5 Rome Statute of International Criminal Court, 2187 UNTS 90, entered into force July 1, 2002, at Article 8 *bis*, 2(a).

6 Green, Henderson, and Ruys, "Russia's Attack on Ukraine and the *Jus ad Bellum*".

7 Territorial Integrity of Ukraine: Defending the Principles of the Charter of the United Nations. General Assembly Resolution A/RES/ES-11/4 (13 October 2022).

voted in favour of this resolution, 35 abstained, and 5 voted against. Amongst the 5 who voted against – in addition to Russia, Belarus, North Korea, and Syria – was Nicaragua.

For many international lawyers, the word 'Nicaragua' is largely synonymous with the word 'non-intervention.' After all, it was the International Court of Justice's 1986 *Military and Paramilitary Activities* case that declared the US's support of anti-government rebels and mining of Nicaragua's harbours to be in breach of the non-intervention norm that exists as a matter of customary international law.[8] In an intimately connected manner, against the US's argument that actions against Nicaragua were warranted due to the 'totalitarianism' of its ruling left-wing Sandinista regime, the Court declared that '[h]owever the regime in Nicaragua be defined, adherence by a State to any particular doctrine does not constitute a violation of customary international law; to hold otherwise would make nonsense of the fundamental principle of State sovereignty.'[9] Celebrated throughout the world (and condemned by proponents of US interventionism[10]), this decision was arguably the grand validation of an extensive Latin American tradition of proclaiming that uncompromising formations of sovereign equality and non-intervention are mandated by international law.[11] How is it possible that the very catalyst for this articulation rejected the condemnation of forcibly acquiring territory – a most extreme and legally condemned form of intervention – rooted in one State deeming another State's government to be an illegitimate regime that must be 'de-militarised and de-Nazified' through a 'special military operation.'[12]

My aim in this article is to explore how this failure to uphold the non-intervention norm by one of its most iconic champions provides a unique occasion to reevaluate global geopolitics and its possible futures. As is well known, while Russia's war on Ukraine has galvanised Europe and the US-led West (and raised key questions concerning 'Eastern Europe' vis-a-vis

8 *Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America).* Merits, Judgment. I.C.J. Rep 1986, p. 14, 98.

9 Ibid., 133.

10 See e.g., D'Amato, "Trashing Customary International Law".

11 On earlier formulations, see Irizarry y Puente, "Doctrines of Recognition and Intervention in Latin America". Even other revolutionary left-wing Latin American governments including Bolivia, Cuba, and Venezuela, despite their close Russia links, could not seemingly bring themselves to vote 'no' on the matter of Ukraine's territorial integrity and merely abstained.

12 Address by the President of the Russian Federation 24 February 2022, President of Russia, http://en.kremlin.ru/events/president/news/67843, last accessed 30 May 2025.

'the West'[13]), condemnation of Russia is broadly unshared in the Global South.[14] Despite extensive African, Asian, and Latin American histories of condemning intervention and proclaiming inviolable sovereignty in the name of universal international law, the stance on the Russia-Ukraine War within these societies has generally been one of neutrality with many celebrating Putin's actions as a decisive blow against 'Western imperialism.'[15]

Few regions exemplify how this position of 'neutrality' on the Russi-Ukraine War conceals a broad array of contestation-spawning factors as much as Latin America where, historically, the US acted analogously to how Russia acts in relation to Eastern Europe and the former Soviet sphere.[16] On this basis, responses throughout the region have been diverse with some openly condemning Russia (and/or supporting Ukraine through humanitarian but not military assistance or sanctions), others supporting Russia, and others offering to mediate a negotiated settlement as a disinterested third party.[17] All of that said, while Nicaragua is only one nation within a complex region, and a small one at that, its views on multipolarity as an enabler of radical counter-hegemonic assertion are widely held throughout Latin America. Beyond Nicaragua, there is scarcely a legislature in the region where support of Russia, and efforts to shield it from international legal condemnation, is not expressed with a solid degree of regularity.[18] That said, the geopolitical rationale behind this radical Latin American disavowal of the very international legal constraints developed in great measure by radical Latin Americans warrants rigorous scholarly engagement – especially at a time

13 Mälksoo, "The Postcolonial Moment in Russia's War Against Ukraine"; Labuda, "Beyond Rhetoric: Interrogating the Eurocentric Critique of International Criminal Law's Selectivity in the Wake of the 2022 Ukraine Invasion".

14 Ambos, "Ukraine and the Double Standards of the West"; Heine, "Active Non-Alignment, the Sovereignty Paradox and the Russia-Ukraine War".

15 Mullerson, "War in Ukraine: How Did We Get there and is there a way Out of It", 7. For national perspectives, see volume 15, issue 4 of *Global Policy* (case-studies on Argentina, Brazil, South Africa, Egypt, Nigeria, China, India, Indonesia, and Saudi Arabia) and volume 45, issue 4 of *Contemporary Security Policy* (case-studies on China, India, Brazil, South Africa, Indonesia, Pakistan, Ethiopia, Saudi Arabia, and Egypt).

16 Barkawi, "War and Decolonization in Ukraine", 318-319.

17 Castro Alegría and García Pinzón, "Peripheral Autonomy in a Multipolar Order: Latin American Reactions to the War in Ukraine"; Quiroga-Villamarín, "Ghosts of Alignments Past: Understanding Latin American Proposals for 'Mediation' in the War against Ukraine".

18 Sánchez and Castellar, "Who Trusts Russia?".

when so many global developments are liable to being nebulously phrased as 'the return of geopolitics.'[19]

In attempting such an engagement, the approach here will be one of 'disciplining geopolitics': an analytical movement that contains three distinct, yet interconnected, manifestations. Firstly, 'disciplining geopolitics' raises the question of how international law and geopolitics might be engaged in a distinctly interdisciplinary capacity. To pursue this line of reasoning is to ask numerous questions concerning the construction of disciplinary knowledge, especially given how international law and geopolitics are often defined in stark opposition to one another. Secondly, in a manner focused on the non-intervention norm as a core structuring feature of international law, 'disciplining geopolitics' entails focus on how geopolitical rationales are asserted to dismiss invocations of non-intervention, and thus discipline those making these invocations into accepting the terms set by the purveyors of geopolitical rationality. Finally, as a converse to the preceding manifestation, 'disciplining geopolitics' stands for the prospect that these same disciplining geopolitical rationales can themselves be disciplined by visions of opposing intervention. However, to avoid falling into a narrow legal formalism when doing so, such endeavours to 'discipline the would-be disciplining' must understand how geopolitical arguments function and are situated within specific contexts which in this instance is the relationship between Latin America and the Russia-Ukraine War, broadly construed.

In engaging the first manifestation of 'disciplining geopolitics', Part I accounts for the international law-geopolitics relationship. Turning to 'critical geopolitics' as an approach largely untouched by international lawyers, I seek to further this engagement through focus on Gerard Toal's work on the former Soviet space. While placing Toal's insights in conjunction with international law raises the spectre of the infamous Carl Schmitt, it also provides insights into how Schmitt's views might be challenged as well as identified in unlikely places. Turning to characterisations of the war in Ukraine in relation to the second manifestation of 'disciplining geopolitics', Part II critically assesses geopolitical narratives that, in the name of rationality, dismiss the relevance of the non-intervention norm. Here I examine the role of Realist/Neorealist theories that, while crafted in opposition to Schmitt, enable the Schmittian agenda of building a world order increasingly organised around hegemonic 'greater spaces.' From here, Part III returns to Latin

19 Nickel, "What Do We Talk About When We Talk About the 'Return' of Geopolitics?".

America (the model for Schmitt's 'greater spaces' framework) as a region whose marginalisation and vulnerability to intervention proved pivotal in entrenching the non-intervention norm within international law, thus exemplifying the third manifestation of 'disciplining geopolitics'. Yet, despite the juridical universalisation of this anti-imperial heritage, continued vulnerability ultimately resulted in regional incentives to embrace Neorealist explanations regarding the Russia-Ukraine War. Finally, Part IV considers how the Schmittian ends furthered by Neorealism have the potential to further a horrifically interventionist future in Latin America whereby the Trump-related dismantling of US global influence might ultimately inaugurate a new era of US geopolitical expansion in the Western Hemisphere. I conclude by briefly considering potential alternative pathways in light of the geopolitical trajectories outlined above.

2. Confronting the Ghost of Schmitt

2.1. Framing the International Law-Geopolitics Continuum

To engage the first aspect of 'disciplining geopolitics', that is exploring how international law and geopolitics might be understood in an interdisciplinary manner, a theorist must navigate varied assumptions on how the relationship between these two fields are commonly configured. Broadly speaking, while geopolitics and international law are both concerned with the dynamics of authority in relation to global space – and thus share a common set of factual orientation points – the former focuses on 'power and interest' while the latter emphasises 'consent and agreement.'[20] To quote Alexander Orakhelashvili, '[w]hile under geopolitics the key is what is feasible, probable or reasonable, under international law it matters what is lawful under agreed rules.'[21] Naturally, this difference does much to inform oppositional self-conceptions within respective communities of practice given how their disciplinary training/acculturation has 'disciplined' them into thinking certain things about those who study similar issues from a different perspective. As such, the geopolitical analyst is liable to viewing the international lawyer as a naïve utopian while the international lawyer

20 Orakhelashvili, "International Law and Geopolitics: One Object, Conflicting Legitimacies?", 156.

21 Ibid.

is similarly liable to viewing the geopolitical analyst as a crass apologist for power.[22]

While these presumptions are longstanding, as consensus on the content and sources of international law becomes increasingly contested in a new era of regional assertion and great power rivalry, presumed divisions between international legal and geopolitical thought are not what they once were.[23] This is especially true if we consider the notion of 'comparative international law' whereby differing asserted conceptions of international law on a national, cultural, or regional basis require a solid degree of international political analysis when making sense of their manifestation.[24] Given these shifts, international lawyers would do well to consider the geopolitical motives behind a given legal interpretation, and geopolitical analysts would do well to consider how and why states frame their geopolitical interests in legal terms. This is especially true regarding the non-intervention norm that, despite the clarity of the obligations it imposes (particularly when it comes to waging wars of aggression), is ultimately only as strong as the degree to which states choose to respect it. What, within the broad remit of geopolitics, accounts for such choices? Answering this question requires greater clarity as to what 'geopolitics' and 'geopolitical thought' actually consist of.

While many (and possibly most) international lawyers have a general sense of geopolitics as a pursuit of state interests, few have an in-depth understanding of the canon of 'classical geopolitics' that forged the tradition in which modern geopolitical thinkers operate. Here, beginning at the turn of the century, varied thinkers – including Frederich Ratzel, Halford Mackinder, Rudolph Kjellén, Alfred Thayer Mahan, Julian Corbett, Karl Haushofer, and Nicholas Spykman – offered, in varying capacities, elaborate speculations on how human political action was ultimately determined by nature and its immutable geographic realities.[25] While different theorists

22 See e.g., Falk, "The Tragic Interplay of International Law and Geopolitics".

23 Müllerson, "Ideology, Geopolitics and International Law"; Orford, "Regional Orders, Geopolitics, and the Future of International Law"; Mik, "Russia's Aggression against Ukraine: A Clash of Two Visions of the International Community and International Law"; Heller, "The 'Great Powers' and the Formation of International Law"; Kotova and Tzouvala, "In Defense of Comparisons: Russia and the Transmutations of Imperialism in International Law".

24 Abebe, "Why Comparative International Law Needs International Relations Theory", 73; see also Stephen, "Wars of Conquest in the Twenty-First Century and the Lessons of History".

25 On these varied theorists and their contexts, see van der Wusten and Dijkink, "German, British and French Geopolitics: The Enduring Differences"; Kearns, "Geography, Geopolitics

emphasised varied geographic features, and some placed human institutions within the operation of nature itself, in the aggregate, classical geopolitics/political geography stood for the presumption that national survival hinged on the ability to control key coordinates of land and/or sea and, thus, competition over them between discrete political forces was mankind's destiny.[26] Though the geopolitical narratives criticised by international lawyers often originated somewhere within this classical canon, international lawyers have yet to comprehensively engage with the theories of critical geopolitics that emerged in response to classical formulations. Seeking to recover human agency in the face of determinism, while classical geopolitics concerns competition over power as it as is apportioned by the inevitable realities of nature, critical geopolitics asks the questions of why, and by which processes, political actors formulate narratives of interest, action, and competition under the guises of 'inevitability.'[27]

Given its mode of operation, the critical turn within geopolitics undertaken at the end of the twentieth century has much potential to speak to critically reframed conceptions of international law that were produced within a similar timeframe. Regarding the latter, as prominently articulated by figures such as Martti Koskenniemi and David Kennedy, international law, via the language that animates its existence through argument, is not a seamless web of logic, but rather contains a high degree of indeterminacy.[28] As such, argumentative differences are not politically neutral and international law, while not entirely reducible to politics, nevertheless acts as a vessel for all order of political assertion.[29] Through their respective abilities to expose contingent political choices behind

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and Empire"; Specter, *The Atlantic Realists: Empire and International Political Thought Between Germany and the United States*; Brands, *The Eurasian Century: Hot Wars, Cold Wars, and the Making of the Modern World*, 1-36.

26 For instance, Mackinder stressed control over the Eurasian 'heartland'. Mackinder, "The Geographical Pivot of History". Mahan and Corbett, variably centred control of sea lanes. Mahan, *The Influence of Sea Power upon History: 1660–1783*; Corbett, *Some Principles of Maritime Strategy*. Nicholas Spykman called attention to the temperate/tropical coasts of the Eurasian landmass as a vast 'rimland' – control over which would guarantee both land and sea power. Spykman, *The Geography of Peace*.

27 Dodds, *Geopolitics: A Very Brief Introduction*, 3; see also Toal, *Critical Geopolitics: The Politics of Writing Global Space*.

28 For an overview of this legal indeterminacy as, akin to language, variable at the level of vocabulary and definitive at the level of grammar, see Desautels-Stein, "International Legal Structuralism: A Primer", 208-214.

29 For various applications, see Koskenniemi, *The Politics of International Law*.

narratives of both the strategic imperatives imposed by spatial features and the purportedly correct interpretation of mutually-agreed upon rules, critical approaches to both geopolitics and international law have untapped potential in speaking to each other when developing in-depth understandings of world events. Though neither approach sweepingly proclaims that 'anything goes' (some spatial realities inevitably generate political response [i.e. rising sea levels]; some actions are clearly illegal [i.e. wars of aggression]), they can provide a synergistic approach to questioning the politics of determinism in a manner that liberates political imagination.

2.2. Critical Geopolitics through Russia's 'Near Abroad'

In view of this prospective interdisciplinary engagement, there are few more poignant illustrations of the contingent construction of geopolitical rationales, and their implications for international legal engagement, than Russia's war on Ukraine. On this point, prior to the full-scale invasion, Gerard Toal, a founder of critical geopolitics, presented a multifaceted showing how post-Soviet Russia constructed elaborate visions of a so-called 'Near Abroad.'[30] Here, competing, but connected, 'geopolitical entrepreneurs' mobilised varied tropes of fear, humiliation, and the recovery of past glory to construct rationales for intervention in the former Soviet Union, especially Ukraine and Georgia, that transformed political (if not legal) possibilities into imperatives of inevitable necessity.[31] In Toal's telling, insight on these points is best enabled by the identification of a 'geopolitical culture' concerned with '...how states see the world, how they spatialize it and strategize about the fundamental tasks of the state: security, modernization, and the preservation of identity.'[32] In the case of Russia and the post-Soviet sphere, the efforts of various 'geopolitical entrepreneurs', of which Putin arose as the champion and chief balancer of interests, constructed an overarching 'geopolitical culture.'[33] In furtherance of the ideals dictated by this culture, Russia's interventions created a 'geopolitical archipelago' whereby spatial

30 Toal, *Near Abroad: Putin, the West and the Contest over Ukraine and the Caucasus*.

31 Ibid.; see also Ištok and Plavčanová, "Russian Geopolitics and Geopolitics of Russia: Phenomenon of Space"; Suslov, "'Russian World' Concept: Post-Soviet Geopolitical Ideology and the Logic of 'Spheres of Influence"; Omelicheva, "Critical Geopolitics on Russian Foreign Policy: Uncovering the Imagery of Moscow's International Relations"; Wolf et al., "The Intimate and Everyday Geopolitics of the Russian War Against Ukraine".

32 Toal, *Near Abroad: Putin, the West and the Contest over Ukraine and the Caucasus*, 10.

33 Ibid., 211.

designations of varied sovereign status within and beyond Russia's borders (sometimes deemed 'frozen conflicts') provided Russia with self-perpetuating cause to further involve itself in these situations.[34] While the 2022 invasion of Ukraine certainly grew out of these facts, it would be unduly reductive to cast its occurrence as a geopolitical inevitability. Though writing before this event, there continues to be much value in Toal's proclamation that, contra the inevitable, '[t]he process is thoroughly contingent and constructed by prevailing geopolitical discourses and entrepreneurs.'[35]

What might these critical insights into geopolitics provide to the analysis of international law – also critically understood? On this point, it must be noted that geopolitical cultures do not exist in isolation, but rather actively forge and refine their identities through the contestation of rival geopolitical cultures, especially as it concerns the nature and purpose of international law. Contestation between Russia and the US-led West on this point is a textbook rivalry like few others.[36] Here, while the West maintains a geopolitical culture centred upon upholding a 'rules-based international order' that it casts Russia as a serial violator of, for Russia this so-called order is itself little more than a mechanism for the West to justify its own violations of international law.[37] Discourse in relation to international law (and violation thereof) in this domain produces all order of hypocrisy charges that were ultimately central to Putin's launching of his 'special military operation' against Ukraine.[38]

34 Ibid., 279-286. For international legal analyses of this 'geopolitical archipelago', see Borgen, "Imagining Sovereignty, Managing Secession: The Legal Geography of Eurasia's Frozen Conflicts"; Grant, "Frozen Conflicts and International Law"; Mälksoo, "Post-Soviet Eurasia, *Uti Possidetis* and the Clash between Universal and Russian-Led Regional Understandings of International Law"; Riepl, "'Peacekeeping or Keeping in Pieces'? – The Legacy of Three Decades of Russian-brokered Ceasefire Agreements in the South Caucasus".

35 Toal, *Near Abroad: Putin, the West and the Contest over Ukraine and the Caucasus*, 288.

36 Ibid., 274-279.

37 For critique by Russian scholars, see Vylegzhanin et al, "The Term 'Rules-based International Order' in International Legal Discourses". However, critical appraisal of this 'Rules-Based International Order' discourse are in no way confined to Putin apologists. Cf Dugard, "The Choice Before Us"; Mik, "Rules-Based International Order: A Critical Appraisal".

38 As stated in his Ukraine invasion: 'Overall, it appears that nearly everywhere, in many regions of the world where the United States brought its law and order, this created bloody, non-healing wounds and the curse of international terrorism and extremism. I have only mentioned the most glaring but far from only examples of disregard for international law." "Address by the President of the Russian Federation 24 February 2022.'

While circular discourse on hypocrisy obscures what is actually at stake in terms of both legal breaches and their tangible consequences,[39] behind them is the reality of the overall international legal approach that emanates from post-Soviet Russia's geopolitical culture. Here, there is minimal evidence that Russia is seeking to alter international law in its totality (a task that would alienate numerous supporters/neutrals), but rather to uphold a minimalist conception of international law at the general level while simultaneously (and illegally) carving sweeping exceptions for itself within its 'near abroad.'[40] In this way, Russia positions itself as a champion against universalistic Western international legal efforts that (in the name of 'human rights', 'democracy', 'the rule of law', 'development/market reform', etc) seek to fundamentally alter domestic orders, especially of non-Western states.[41] At the same time, Russia denies that this axiomatic value of sovereign autonomy applies to states that Russian geopolitical entrepreneurs claim to possess an overriding historical relationship with Russia.[42] Given this reality, we are left to consider if there is any overarching theory of international legal-cum-geopolitical transformation that would resolve the international legal contradictions of Russia's geopolitical culture while also shedding light on why so many throughout the world are willing to remain neutral in the face of its pathologies? There certainly is and exposing its parameters forms a vital task.

2.3. Enter Schmitt and the Grossraum World Order

If there is a global vision that best maps onto the view of international law imagined by Russia's geopolitical culture, it difficult to find one more fitting than the theory expounded by Carl Schmitt, the infamous 'crown jurist of the Third Reich', in his 1954 text the *Nomos of the Earth*.[43] A descendant

39 Knox, "Imperialism, Hypocrisy and the Politics of International Law".

40 Allison, "Russian Revisionism, Legal Discourse and the 'Rules-Based' International Order", 980.

41 On 'sovereign democracy' as a Russian discourse of rejection here, see Chatterjee, "'Sovereign Democracy': Russian Response to Western Democracy Promotion in the Post-Soviet Space".

42 See Allison, "Russia's Case for War against Ukraine: Legal Claims, Political Rhetoric, and Instrumentality in a Fracturing International Order".

43 Influenced by classical geopolitical thinkers such as Ratzel and Kjellen who configured states as living organisms (Orford, "Regional Orders, Geopolitics, and the Future of International Law", 161-163; Chiantera-Stutte, "The State as a "Form of Life" and the Space as *Leistungsraum*: The Reception of Ratzel in the First and Second World Wars", 32-37), given its influence in influence

of Schmitt's earlier domestic-focused theories of emergency, dictatorship, and 'the political' as friend-enemy distinction, *Nomos* sought to account for the geopolitics of international law at a time when anti-universalist theories of international law, geopolitics (especially the German tradition of *Geopolitik*), and Schmitt himself where all tarnished by their Nazi associations.[44] Towards this end, Schmitt asserted a theory that the concrete order capable of grounding legal/political existence is only possible through wilful acts of spatial appropriation.[45] Chronicling such acts of appropriation and their legal justifications within the annals of European colonisation of the non-European world, Schmitt lambasted efforts – especially the post-First World War League of Nations system – as dysfunctional acts of 'spaceless universalism' whereby liberal consent was erroneously offered as a substitute for concrete order.[46] An alternative arrangement, he claimed, was the *Grossraum* (or 'greater space') whereby a 'greater power' (a *Reich*) could, in pursuit of its national existence, dictate authority beyond its borders and exclude 'spatially alien' modalities of intervention emanating from beyond this 'greater space.'[47] Schmitt's defining *Grossraum* model was the Monroe Doctrine where, in 1823, US President James Monroe declared that Europeans shall not attempt to recover old, or establish new, colonies in the Western Hemisphere.[48]

Reflecting upon the Cold War backdrop of this text, Schmitt proclaimed that the preceding five centuries of a Eurocentric nomos of the Earth was now at its end, a new nomos might manifest according to one three distinct options. These are: a one world government imposed by the Cold War' victor, a continuity of the earlier Eurocentric nomos backed by the guarantee of American hegemony, or a plurality of *Grossraums* were discrete *Reichs* would maintain power over distinct spheres of influence and set the terms

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in critical international thought (see Koskenniemi, "Carl Schmitt and International Law"; Salzborn, "Carl Schmitt's Legacy in International Law: Volksgruppenrecht Theory and European *Grossraum* Ideas from the End of World War II into the Present Day"), Carl Schmitt's *Nomos* is likely the most in-depth point of engagement between international lawyers and classical geopolitics.

44 Becker Lorca, "Eurocentrism in the History of International Law", 1039; Spencer, "A Short History of Geopolitics", 43.

45 Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, 42-49.

46 Ibid., 243-246.

47 Ibid., 247, 281-282.

48 Ibid., 281-283; see also Schmitt, "*Großraum* versus Universalism: The International Legal Struggle over the Monroe Doctrine", 46-47.

for their interaction with the larger world.[49] When applying this prediction to contestation between the West and Russia as it concerns the future of international law, while the West's geopolitical culture can be viewed as advancing the second option, Russia's seeks out the third.[50] Caught between these rival designs, Ukraine is a quintessential 'victim of geopolitics.'[51] While the terms set by Schmitt have proven compelling to many, with some seeing it as profoundly 'anti-imperial', [52] to frame the future of international legal order as a stark choice between these two options (option one being a historical path untaken) is to exclude an array of alternatives. Thus, when considering who has the authority to frame alternatives as such, it is helpful to consider why Schmitt is questionable to say the least.

First and foremost, there is the manner in which Schmitt's thoughts on law, space, and the nature of political authority were shaped by his involvement with Nazism and its particular spatial visions.[53] While *Nomos* was a postwar text, its relatively recent translation into English in 2003 was not accompanied by translations of his pre-war/wartime writings where he placed his *Grossraum* theory firmly within the agenda of Nazi expansionism.[54] After all, in Schmitt's framing, if the US could maintain a *Grossraum* over the Americas, then Germans could not be similarly denied in asserting authority over Eastern/Central Eastern Europe[55] – a region

49 Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, 354-355.

50 For applications of Schmitt in this capacity, see Auer, "Carl Schmitt in the Kremlin: The Ukraine Crisis and the Return of Geopolitics"; Hilpold, "Justifying the Unjustifiable: Russia's Aggression against Ukraine, International Law, and Carl Schmitt's 'Theory of the Greater Space' ('*Großraumtheorie*')". On the influence of Schmitt in Russia, see Lewis, *Russia's New Authoritarianism: Putin and the Politics of Order.*

51 See e.g., Müllerson, "Ukraine"; Ferguson, "Between New Spheres of Influence: Ukraine's Geopolitical Misfortune".

52 See von Bernstorff, "Governing Hegemonic Spaces in Carl Schmitt: Colonialism, Anti-Imperialism and the *Großraum* Theory".

53 See Barnes and Minca, "Nazi Spatial Theory: The Dark Geographies of Carl Schmitt and Walter Christaller", 674-677.

54 Elden, "Reading Schmitt Geopolitically: Nomos, Territory and *Großraum*", 92-93. On Schmitt's earlier thoughts (that were not translated into English until seven years after *Nomos*), see Schmitt, "The *Großraum* Order of International Law with a Ban on Intervention for Spatially Foreign Powers"; see also Specter, *The Atlantic Realists: Empire and International Political Thought Between Germany and the United States*, 80-90.

55 Schmitt, "*Großraum* versus Universalism: The International Legal Struggle over the Monroe Doctrine", 51-52; Carty, "Carl Schmitt's Critique of Liberal International Legal Order between 1933 and 1945", 61-62.

where Germans had long practiced various forms of colonialism and developed accompanying ideologies of superiority over non-Germans.[56] The Second World War on the Eastern Front was, in many ways, the logical conclusion of translating this theory into practice.[57] Here, even if Schmitt was not the most committed Nazi ideologue, the ability of his theory to justify spatial appropriation attempts where the failure of geopolitical expansion into the Soviet Union triggered intensification of the Holocaust hardly inspires confidence.[58] As Hannah Arendt inscribed in the margins of her copy of *Nomos*, 'Poor Schmitt: The Nazis said blood and soil—he understood soil. The Nazis meant blood.'[59]

2.4. Schmitt's Critique as Anti-Imperial Resignation

Though his Nazism does much to clarify his international theories, had Schmitt never had any involvement in Nazism, and perhaps even opposed it, his theories would nevertheless remain highly problematic. As Benno Teschke has shown, within Schmitt's account there is a stark fetishisation of geopolitics that disregards the base-level dynamics of social relations from which the reality of geopolitics ultimately derives.[60] This point is especially prescient if, following Toal, we understand geopolitics as forged through 'geopolitical cultures' that are ultimately formulated and sustained by the social fabric that gives rise to them. In other words, the efforts of 'geopolitical entrepreneurs' to construct geopolitical cultures will only succeed when enough members of a society exist within certain conditions that render them willing to buy what these would-be geopolitical entrepreneurs are selling. In an intimately related capacity, such a fetishised fixation upon actually existing geopolitical arrangements amounts to a fixation upon powerful actors. Those who do not exist in this capacity are

56 Liulevicius, *The German Myth of the East: 1800 to the Present*, 171-202.

57 Wolff, "The East as Historical Imagination and the Germanization Policies of the Third Reich".

58 On the failure of Nazi eastward advance as the trigger for implementing the 'Final Solution' to the 'Jewish Question' – thus turning focus from a spatial enemy to a racial one, see Chamberlin, *Scorched Earth: A Global History of World War II*, 265.

59 Quoted in Jurkevics, "Hannah Arendt reads Carl Schmitt's *The Nomos of the Earth*: A Dialogue on Law and Geopolitics from the Margins", 345.

60 Teschke, "Fatal Attraction: A Critique of Carl Schmitt's International Political and Legal Theory", 184.

liable to being dismissed as 'geopolitically irrelevant.'[61] To take these points seriously is to be eminently sceptical of those who would present Schmitt's *Grossraum* theory as 'anti-imperial.'[62] Rather, within its parameters, 'anti-imperialism' can only take the form of participation within an inter-imperial rivalry; not a principled opposition to imperialism as a general concept/practice.[63]

In the shadow of the *Grossraum* concept, the general neutrality of the Global South towards Russia's invasion of Ukraine speaks to heavily fragmented geopolitical imaginations of anti-imperialism and anti-interventionism that adherence to international law should, in theory, unify. As such this neutrality is easy to place within a Schmittian notion of 'non-intervention' whereby the subject who can legitimately oppose intervention is the regional 'greater space' as opposed to the proximate smaller states it is asserting its domination over. While there are many reasons for this state of affairs – reasons explored below – it must be remembered that there is nothing inevitable about this situation. As such, it is fully possible to imagine alternative geopolitical cultures dedicated to an 'anti-interventionism' premised on global solidarity as opposed to the 'non-intervention' that currently enables neutrality in the face of regionalised hegemony aspirations.

Before delving into what this anti-interventionist geopolitical culture might look like, and how it might enable the reaffirmation of fundamental legal commitments, it is important to consider the second aspect of 'disciplining geopolitics' – how geopolitical frameworks assert discipline over non-interventionist conceptions that challenge their presumptions, especially legal ones. Unlike Schmitt's theory which sought to merge law, space, and power within an overarching frame, one of the major claims to geopolitical authority within at present is one that deliberately seeks to exclude law in its calculus of political realities in a territorialised world of sovereign states. However, despite this defining differentiation, in practice this approach ends up enabling the very rationales proclaimed by Schmitt despite presenting itself as a very different alternative to Schmittian thinking. This is non-other than the Neorealist theory of International Relations. Its influence upon characterisations of the Russia-Ukraine War renders it a disciplining theory of geopolitics that should be a source of engagement for all who would seek

61 Barkawi and Laffey, "The Postcolonial Moment in Security Studies", 331-333.

62 Cohen, "Whose Sovereignty? Empire Versus International Law", 4.

63 On this issue in relation to Ukraine, see Kotova and Tzouvala, "In Defense of Comparisons", 719.

to build a geopolitical culture of anti-interventionism that seeks to uphold international law in this domain.

3. Realism's Realities

3.1. John Mearsheimer and his World

On 28 February 2024, four days after Russia's full-scale invasion of Ukraine, the Russian Ministry of Foreign Affairs tweeted a 2014 article by the University of Chicago political scientist John Mearsheimer entitled 'Why the Ukraine Crisis Is the West's Fault.'[64] Written in response to the Russian annexation of Crimea that occurred following an unlawful invasion and independence referenda, in Mearsheimer's assessment, this was the result of NATO enlargement.[65] Crucial here was the 2008 statement from then US President George W Bush at a NATO summit in Bucharest that Ukraine and Georgia would be considered for NATO membership.[66] For Mearsheimer this statement, when considered in the broader context of NATO's eastward expansion, was a direct provocation that demanded a response for 'great powers are always sensitive to potential threats near their home,' and knowledge of this is 'Geopolitics 101.'[67] Linked to his larger point that EU expansion edified a Western view 'that geopolitics no longer mattered and that an all-inclusive liberal order could maintain peace in Europe', Mearsheimer anticipated the detractions of a hypothetical advocate of international law.[68] In his telling, the sovereign right of Ukrainians to choose their international associations 'is a dangerous way for Ukraine to think about its foreign policy choices' for '[a]bstract rights such as self-determination are largely meaningless when powerful states get into brawls with weaker states.'[69] Upon 2022 invasion, Mearsheimer quickly restated his argument that this war was triggered by Putin's rational response to NATO expansion.[70]

64 "MFA Russia" (*X*, 28 February 2022) https://x.com/mfa_russia/status/1498336076229976076?lang=en, accessed 07 July 2025.
65 Mearsheimer, "Why the Ukraine Crisis Is the West's Fault: The Liberal Delusions That Provoked Putin", 77.
66 Ibid., 78-79.
67 Ibid., 82.
68 Ibid., 84.
69 Ibid., 88.
70 Mearsheimer, "The Causes and Consequences of the Ukraine War".

When thinking through Mearsheimer's characterisations of geopolitics, international law, and their (non-)relationship, any critique of his reasoning – and understanding of his influence – is aided by positioning his theories within their broader contexts of disciplinary thought. While the origins of his discipline of International Relations are complex and controversial,[71] few would argue that the discipline was fundamentally altered by the influence of Hans Morgenthau, a German-Jewish émigré scholar to the US and a contemporary/interlocutor of Schmitt.[72] In seeking to configure 'the international' as a sphere of 'pure politics', Morgenthau influentially claimed that within this anarchic system where struggle and survival were the supreme values, there could be no shared moral or legal presumptions between bounded states.[73] Importantly, in devising a 'Realist' theory on this basis, Morgenthau rejected both classical geopolitics and international law as purported explanations for 'how the world actually works.' In his account, while geography was certainly a relevant factor calculating political action, to reduce political agency to responses to the constraints imposed by the natural environment would be a 'pseudoscience.'[74] Regarding international law, Morgenthau dramatically abandoned his earlier theoretical efforts in this domain.[75] Though he did not entirely banish the relevance of ethics to international affairs, 'law' as he understood it, could not abide the purported 'anarchy' he wished to understand[76] – a view perhaps engendered by transposing the collapse of the Weimer constitutional order in Germany to the international legal system writ large.[77]

While the 'Classical Realism' devised by Morgenthau largely viewed international political action as the 'art' of navigating anarchy, his frameworks soon gained the attention of the empirical social scientists who

71 Rather than relations between states, some of the first modern systematic studies of international politics were dedicated to relations between races with the over-arching goal of preserving world white supremacy, see Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations*; Davis, Thakur, and Vale, *The Imperial Discipline: Race and the Foundations of International Relations*.

72 Scheuerman, "Carl Schmitt and Hans Morgenthau: Realism and Beyond".

73 Morgenthau, *Politics among Nations: The Struggle for Power and Peace*.

74 Ashworth, "Realism and the Spirit of 1919: Halford Mackinder, Geopolitics and the Reality of the League of Nations", 293-294.

75 See Morgenthau, "Positivism, Functionalism, and International Law".

76 Jutersonke, "Hans J Morgenthau on the Limits of Justiciability in International Law", 207-208.

77 Koskenniemi, "Carl Schmitt, Hans Morgenthau, and the Image of Law in International Relations", 28-29.

proliferated in the postwar context.[78] From this methodological application (of which Morgenthau himself was no great champion), came Kenneth Waltz's 'Structural Realism' or 'Neorealism' that, in moving the study of international politics away from the practice of foreign policy, sought to build quantifiable models for assessing political action under conditions of 'anarchy', as distinguished from 'hierarchy.'[79] While Morgenthau was no great champion of such empirical methods, this turn to quantitative social sciences did diminish the influence of the classical geopolitics he viewed with much derision.[80] However, a new chapter in Realism dawned as Mearsheimer questioned Waltz's view that states occupied a 'defensive' position under conditions of anarchy and instead placed greater focus on states as driven by the imperative to maximise their power position to guarantee long-term survival – a reframing Mearsheimer deemed 'Offensive Realism.'[81] Applied to Ukraine, since NATO expansion threatened Russia's survival interest, in seeking to maximise power within the constraints of this geopolitical order, Putin's response was rational.[82] At first glance, Mearsheimer's model of purported rationality seems very different to the mystified and identity-based justifications Schmitt ascribed to the pursuit of territorial ambitions that inform a *Grossraum* order.[83] However, by emphasising 'power maximisation', Mearsheimer's Neorealism nevertheless bears the hallmarks of the same classical geopolitics that informed Schmitt's overall approach.

3.2. Mearsheimer's Critique as (More) Anti-Imperial Resignation

While this ironic Schmittian congruence is important, it must first be noted that there are many ways to critique Mearsheimer. One could argue that his brazen dismissal of international law dangerously disregards the ways in which law has successfully, yet precariously, realigned state behaviour in eliminating destructive international political practices, namely the ability

78 Specter, "Realism after Ukraine: A Critique of Geopolitical Reason from Monroe to Mearsheimer", 248-249.

79 Ibid., 249-250.

80 Ibid., 249; Waltz, "International Politics is Not Foreign Policy"; Wu, "Classical Geopolitics, Realism and the Balance of Power Theory", 788.

81 Mearsheimer, "The Tragedy of Great Power Politics".

82 Specter, "Realism after Ukraine: A Critique of Geopolitical Reason from Monroe to Mearsheimer", 251-252.

83 Carty, "Carl Schmitt, Nomos of the Earth, and the Question of Historic Title in International Law".

to acquire title to territory taken by force.[84] Moreover, one could centre Toal's insights to show how geopolitics operates on a much more contingent and situated basis that cannot be deduced through abstracted explanatory models.[85] Relatedly, one could apply an alternative construction of Realism, such as Classical Realism, as a means of better accounting for agency in relation to Russia and Ukraine.[86] Furthermore, one could turn to the record of Russia-NATO relations to show how the narrative of the latter's eastward expansion (and betrayal of promises not to expand) is far less straightforward than is often perceived, and mythmaking on this basis provides undue license to ignore other factors – namely Russia's internal politics.[87] While all of these critiques are valuable, if the objective is to develop a new geopolitical culture that seeks to uphold anti-interventionism as a global value, then engagement with Mearsheimer's Neorealism must account for its popularity as an explanatory framework within the broader sphere of political discourse.

When considering the success of Mearsheimer's argument in this broader discursive sphere, in addition to its accessibility and the iconoclastic shock it can sometimes instil, one of Neorealism's appeals is the manner in which it configures 'rationality/reasonableness' in both objective and normative terms.[88] As such, it allows one to describe their argument as an unbiased communication of a difficult factual reality while also (often implicitly) claiming that one's candour in communicating these difficult truths is a virtue in and of itself.[89] While this dual-purpose argumentative value partially explains why Mearsheimer's points on Russia/Ukraine have such wide spread appeal across ideologies, one group this appears rather unlikely in its appeal to is the anti-imperialist left – the type of appeal that presented itself in an extreme way with Nicaragua's siding with Russian on its annexation of Eastern Ukraine. Given that the anti-imperialist left, on

84 Hathaway and Shapiro, "International Law and its Transformation through the Outlawry of War"; Brunk and Hakimi, "The Prohibition of Annexations and the Foundations of Modern International Law".

85 Specter, "Realism after Ukraine: A Critique of Geopolitical Reason from Monroe to Mearsheimer", 254-257.

86 Smith and Dawson, "Mearsheimer, Realism, and the Ukraine War".

87 Mirra, "Not One Inch, Unless It Is from Lisbon to Vladivostok: NATO-Russia Mythmaking and a Reimagined Kyivan Rus".

88 Kazharski, "On "Westsplaining," Realism, and Technologies of the Self: A Foucauldian Reading of the Realist Commentary on Ukraine", 81-85.

89 Ibid., 91.

a worldwide scale, has a long history of advocacy invoking the language of international law and human rights in direct opposition to the language of geopolitical necessity, this seems to be a highly odd point of linkage between two very different geopolitical cultures.[90] Here it seems as if the narrative that the improprieties, duplicities, and threatening overtures on the part of NATO are the leading cause of the Russia-Ukraine War is doing a great deal of work in making Mearsheimer's NATO-critical arguments appeal to the anti-imperialist left.[91] This certainly makes great sense if one considers how varied Western interventions, typically done through or in relation to NATO, have had an array of disastrous consequences for local populations while, contra universalist rhetoric on humanitarian protection and 'ending impunity', planners and executioners of these interventions were largely shielded from accountability.[92] On a broader scale, these NATO interventions inscribe a perceived divide between the 'civilised' and 'uncivilised' in a manner that echoes the violent and racist hierarchy of European imperial domination[93] – a hierarchy in which Eastern/Central Eastern Europe has long occupied a decidedly liminal position.[94]

How might one take these realities surrounding NATO seriously when advocating for a geopolitical culture that uses anti-interventionism as a basis for far-reaching global solidarity? Here it is helpful to think about how 'NATO' itself is understood in relation to the debates that generate perceived common cause between the Neorealists and the anti-imperial left. Especially in the West, whether amongst its fiercest supporters or most critical opponents, NATO is often depicted in monolithic and 'thin' abstraction-based

90 For instance, the ire generated by Henry Kissinger was formative to the international human rights movement which condemned his decidedly amoral approach to geopolitics during his tenure as US President Richard Nixon's Secretary of State. See Arnold, "Henry Kissinger and Human Rights".

91 Additionally, Mearsheimer had an in-built fan-base amongst the anti-imperial left given his co-authorship of a study on the detrimental impact of supporting Israel on US foreign policy. See Mearsheimer and Walt, *The Israel Lobby and US Foreign Policy*. This connection only increased in the aftermath of 7 October and the Israeli assault on Gaza where accusations of Western double-standards here, especially compared to Ukraine, continues to act as a major global discourse.

92 Zolo, "Who is Afraid of Punishing Aggressors?"; Cunliffe, *Cosmopolitan Dystopia: International Intervention and the Failure of the West*.

93 Sen, "NATO and the Global Colour Line", 499-500.

94 Nowicka, "Is it Antislavic Racism, or How to Speak about Liminality, Stigma, and Racism in Europe".

terms as a force of either unqualified good or unqualified evil.[95] Here, even bottom-up efforts to imagine geopolitical cultures of peace premised on citizen interaction outside and beyond the imperatives of their states, though valuable, nevertheless have a tendency to reproduce such one-dimensional views of NATO.[96] In placing such NATO perceptions as central to how the Russia-Ukraine War has divided the anti-imperialist left in a way other wars (such as the 2003 invasion of Iraq) have not, according to Ian Klinke, what is missing is any understanding of NATO as an interacting site of diverse geopolitical visions/geopolitical cultures.[97] Accounting for this dearth, and gaining new insights into the formation of geopolitical cultures here, would contribute immensely to developing an account of the Russia-Ukraine War (and the places of NATO) that challenges the Neorealist depictions of international law and geopolitics as mutually exclusive ideal types. Moreover, contra Schmitt, this poly-view of NATO enables the incorporation of diverse viewpoints that would be cast as irrelevant by any frame that privileges the perspectives of would-be great powers/*Grossraums*. It could also expose how Schmittian pathologies are enabled by the very Neorealist analytical models that emerged out of a tradition dedicated to denouncing Schmitt, and those like him, as irrational.

3.3. On the Many Faces of NATO's Identity

When it comes to mapping differing geopolitical visions of NATO, even within the ambit of its member states, the view from Washington DC is not the view from Warsaw or Riga. For this latter grouping, who have deep-rooted experiences of the type of Russian violence presently being visited upon Ukraine, the NATO expansion explanation for Russia's conduct is frustratingly naïve to say the least. After all, it was Central Eastern Europe that formed a significant region within the greater Eurasian borderlands where maintaining unique cultures and languages amidst the intersection of clashing empires was a centuries long struggle.[98] This border land

95 Mirra, "Not One Inch, Unless It Is from Lisbon to Vladivostok: NATO-Russia Mythmaking and a Reimagined Kyivan Rus", 127-128.

96 Megoran, "'Russian Troops Out! No to NATO Expansion!' A Pacific Geopolitics for a New Europe".

97 Klinke, "Of Tanks and Tankies: What's 'Left' for Geography After the Invasion of Ukraine", 813.

98 Rieber, *The Struggle for the Eurasian Borderlands: From the Rise of Early Modern Empires to the End of the First World War*; Bartov and Weitz, *Shatterzone of Empires: Coexistence and*

condition culminated in the Second World War, an inter-imperial conflict like no other, where Central Eastern Europe became the most intense site of violence in human history in a manner that paved the way for decades of Soviet domination.[99] As such, NATO membership carries much significance in the region as a means of avoiding the fate of the 'buffer states' located between rival great powers who, empirically, were those most likely to lose their international legal personality as a result of conquest and occupation.[100] Such considerations are central to the region's geopolitical culture.

On this account, framing the war on Ukraine as a consequence of NATO expansion provides licence to ignore preceding centuries of Russian imperialism and colonialism in a manner that gives disastrous effect to NATO expansion as an absurdly bad-faith pretext.[101] Relatedly, the fact that this NATO-expansion framing, in its most influential variant, draws from Neorealist observations that the internal characteristics of states have minimal bearing on their international conduct provides justifications for ignoring the historical-cum-cultural dimensions of Russia's relationship with its neighbours.[102] This is to say nothing of how viewing NATO purely in terms of abstracted power dynamics fails to consider the contingent nature of how the Eastern/Central Eastern European states that joined NATO were made to adhere to cultural values premised on an idealisation of the West.[103] In light of the increased assertiveness of these states following the invasion of Ukraine, a consequential cultural inversion is certainly imaginable.[104] Here, the greater influence from formerly subaltern voices within NATO, or some analogous security arrangement, might itself be a source for contesting the interventions in the non-European world that generate widespread devastation and provide a basis for figures such as Putin to gain legitimacy

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Violence in the German, Habsburg, Russian, and Ottoman Borderlands.

99 On this inter-imperial reframing, see Chamberlin, *Scorched Earth: A Global History of World War II*; see also Mazower, "An International Civilization? Empire, Internationalism and the Crisis of the Mid-Twentieth Century", 561-563.

100 Fazal, *State Death: The Politics and Geography of Conquest, Occupation, and Annexation*, 97-150.

101 Mälksoo, "The Postcolonial Moment in Russia's War Against Ukraine"; Ramani, *Putin's War on Ukraine: Russia's Campaign for Global Counter-Revolution*; Finkel, *Intent to Destroy: Russia's Two-Hundred-Year Quest to Dominate Ukraine*.

102 Pejić and Subotić, "History of the Empire and Strategic Culture of Russia: A Reflection on Mearsheimer's Work on Ukraine", 329.

103 Mälksoo, *The Politics of Becoming European: A Study of Polish and Baltic Post-Cold War Security Imaginaries*.

104 Mälksoo, "The Postcolonial Moment in Russia's War Against Ukraine", 479-480.

by presenting themselves as the true 'anti-imperialists.'[105] Given their histories, Central Eastern Europeans possess insight into these dynamics of devastation and cynical manipulation in a way most Westerners lack.

The non-engagement with these realities via the abstraction of states as rational power-maximising 'units of analysis' is in many ways a testament to Realism's rejection of the arguments of classical geopolitics that depicted states as 'living organisms.' However, as pathological as such organicist views could be (Ratzel's Nazi-inspiring notion of *Lebensraum* ['living space'] being the overwhelming example[106]), the Realist over-correction is not without its own issues, especially when applied to the Russia-Ukraine War and especially in consideration of Neorealism's efforts to exclude cultural considerations in the name of empirical precision. On the one hand, this Neorealist abstraction further marginalises long-marginalised perspectives from Central Eastern Europe. On the other hand, it provides grounds for ignoring the substance of claims by Russia's elite who – in a manner akin to the geopolitical theorists of the early twentieth century – are prone to describing their state in organic-expansion based terms.[107] While many political geographers viewed these developments with interest, for the dedicated Neorealist seeking to project their framework onto world events, when Russians speak in terms of 'organic expansion', when filtered through a Neorealist lens, this 'is not actually what they mean' and any usage of such language can be folded into a 'rational response' to the structural fact of NATO expansion.[108] Through this misdirection of stated Russian purpose, those invoking organic rationales for expansion will possess an intellectual cover spawned from high abstraction. As such, the Schmittian effort to build a *Grossraum* is enabled by the very Neorealist explanatory frameworks

105 Rogulis, "NATO Military Interventions in Kosovo, Libya, Afghanistan, and their Impact on Relations with Russia After the Cold War." Moreover, in Cezary Mik's assessment of Western efforts to entrench their vision of a 'rules-based international order', 'building a balanced order on the basis of disciplining the rest of the world is not possible', Mik, "Rules-Based International Order: A Critical Appraisal", 61.

106 Ratzel, "Lebensraum: A Biogeographical Study [1901]: [translated into English by Tul'si (Tuesday) Bhambry]".

107 Medvedev, *The Return of the Russian Leviathan*; see also Ortmann, "Russian Spatial Imaginaries and the Invasion of Ukraine: Geopolitics and Nationalist Fantasies". This is to say nothing of the constitutive role of conspiracy theories within the construction of Russia geopolitical culture. See Kragh, Andermo, and Makashova, "Conspiracy Theories in Russian Security Thinking".

108 Specter, "Realism after Ukraine: A Critique of Geopolitical Reason from Monroe to Mearsheimer".

dedicated to refuting Schmitt's line of theory. The more international lawyers renounce engagement with geopolitical realities, and thus cede ground to Neorealists on this front, the harder these dynamics are to recognise.

While recognising the anti-Russian imperial understanding of NATO widespread in Central Eastern Europe is a valuable tool for articulating liminal agency in a changing international system, there remains the question of how it might be placed in dialogue with other anti-imperial visions elsewhere in the world. On this point, it must be noted that a great success of Neorealist discourse is its purported universality, and, on the question of NATO expansion, this (in addition to highly selective invocations of the Soviet legacy) becomes a point of Russian appeal to the Global South.[109] In other words, one need not possess a deep affinity for what Putin deems the 'historical unity of Russians and Ukrainians' to see Russia as being placed into defensive mode by the creeping incursion of a West who, via NATO, has a history of invoking ethical proclamations to justify legally questionable, and ultimately disastrous, interventions.[110] While debates on the Russia-Ukraine War throughout the Global South are diverse, when considering Klinck's call to map differing geopolitical visions of NATO, an unavoidable consideration here is how this organisation is taken to embody American power. In few locations is this connection as visceral as in Latin America – the region whose asserted patronage by the US inspired Schmitt's very concept of *Grossraum*. However, despite the region's general neutrality on Ukraine, it is nevertheless deserving of study as a site that produced a geopolitical culture exemplifying the third manifestation of 'disciplining geopolitics.' Here, Latin Americans successfully challenged necessity-based interventionist rationales by making anti-interventionism the centrepiece of imaginaries of international legal order that ultimately proved compelling to the vast majority of humanity.

109 Heine, "Active Non-Alignment, the Sovereignty Paradox and the Russia-Ukraine War".

110 On this point, despite oppositional rhetoric, Russian interventions and their justifications can be viewed as mimicking NATO interventions. Cunliffe, *Cosmopolitan Dystopia: International Intervention and the Failure of the West*, 54-55 ('Among all states, Russia perhaps has elevated and systematised the exploitation of humanitarian hypocrisy and interventionist discourse into an entire diplomatic tradition of non-innovation.'); see also Toal, *Near Abroad: Putin, the West and the Contest over Ukraine and the Caucasus*.

4. The Condition of the Original *Grossraum*

4.1. Latin America's Non-Intervention Norm

While far removed from its North Atlantic scale of coverage, for many Latin Americans, their imagination of NATO – as a US-led international alliance – is reminiscent of a US that was regionally focused on the Western Hemisphere before it became a model for global order via the UN system following the Second World War.[111] A great lesson of Latin American experience as the template for projections of US power was that US Americans were prone to using mechanisms of international order to promote their own narrow interests in universal terms. This was especially true as this US American interest universalisation took the form of interventions, via invocations of the Monroe Doctrine, in the affairs of Latin American sovereigns despite nevertheless championing an international legal order premised on sovereign equality and non-intervention – terms US Americans would often invoke in their international engagements with Europeans.[112] At the level of international legal argument, Latin American resistance would typically consist of charges that the US was itself bound by the same non-intervention norms that it demanded others adhere to, regardless of what the Monroe Doctrine was believed to permit.[113] Such calls were indicative of a broader geopolitical culture of 'republican internationalism' whereby interventionism was viewed as anathema to collective self-rule premised on non-domination, a central precept of republican systems of government.[114] This later provided a template for analogous arguments from newly independent Asian and African states via the post-Second World War advent of decolonisation.[115]

111 Pantelimon, "NATO-Latin America Relations: Hegemony of United States or Cooperation?".

112 Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century*, 107-135.

113 Scarfi, "Denaturalizing the Monroe Doctrine: The Rise of Latin American Legal Anti-Imperialism in the Face of the Modern US and Hemispheric Redefinition of the Monroe Doctrine". On earlier arguments against European intervention that informed this sensibility, see Long and Schulz, "A Turn Against Empire: Benito Juárez's Liberal Rejoinder to the French Intervention in Mexico".

114 Long and Schulz, "Republican Internationalism: The Nineteenth-Century Roots of Latin American Contributions to International Order", 645-650. This was set in contrast to European dynastic systems when princely interventions were endemic, see Calvo, *Derecho Internacional teórico y práctico de Europa y América*, 140-144.

115 Wu, "Challenging Paternalistic Interference: The Case for Non-Intervention in a Globalized World", 260; Helal, "Intervention, Force & Coercion: A Historical Inquiry on the Evolution

Why then the lack of similar juridical admonishing when these same universal norms are violated by Russia?

Addressing this question requires attention to how the interplay of Latin American history and geography made it vulnerable to US intervention, and how this shaped its anti-interventionist geopolitical culture and associated international legal arguments. Importantly, with vast expanses of towering mountain ranges, dense tropical rainforests, and extreme deserts forming formable natural barriers, Latin America presents a situation where, especially when given its inherited postcolonial structures, divided frontiers formed a barrier to overarching unity.[116] In other words, if 'civilisation' is measured by success within a system defined by market competition-based progress coupled with race hierarchy (and many influential architects of international law were enamoured by this measurement[117]), racially mixed and spatially diverse Latin American states – despite their formal sovereign independence – had a less-than-optimal geography, physical and human.[118] This situation contrasted directly with the frontier expanding-cum-consolidating US 'settler empire' to its north which, despite key ideological overlaps, developed according to an entirely different material trajectory.[119]

4.2. The Spatial Trajectories of Peripheral Statehood

Often in capacities underscoring this relative decentralisation via geopolitical fragmentation, Latin American states, having become independent in the nineteenth-century era of colonial capitalist expansion (as opposed to an era of war-based modernisation akin to early modern Europe) faced grave challenges when it came to developing industrial infrastructure.[120]

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of the Prohibition on Intervention".

116 On the physical geographies of this disunity, see Kelly, *Checkerboards and Shatterbelts: The Geopolitics of South America*. On persisting patterns of layered and divided sovereignty informed by the feudal aspects of Iberian colonial rule, see Mulich, "Empire and Violence: Continuity in the Age of Revolution".

117 Tzouvala, *Capitalism as Civilisation: A History of International Law*, 44-87.

118 Blaut, *The Colonizer's Model of the World: Geographical Diffusionism and Eurocentric History*.

119 On the US as a 'settler empire', see Rana, *The Two Faces of American Freedom*. On key similarities between formative US American and Latin American conceptions of imperialism and independence, see Simon, *The Ideology of Creole Revolution: Imperialism and Independence in American and Latin American Political Thought*.

120 Mazzuca, *Latecomer State Formation: Political Geography and Capacity Failure in Latin America*, 48-78.

Within this globalising world economy, Latin American societies thus largely remained the primary producers of extracted minerals and tropical 'cash crops' that fuelled the industrialisation that they themselves were largely excluded from. Compounding this dynamic were the extensive sovereign debts to European creditors incurred through independence struggles and post-independence foreign speculation bubbles.[121] This typically opened the door to diplomatic pressures, meddling in domestic affairs, and outright military intervention by the governments influenced by these foreign creditors.[122] Combined with the looming northern colossus (which consumed half of Mexico's territory in the 1840s[123]) and numerous disputes over the inheritance of contested colonial borders (a situation fuelled by a Latin American geography that predominately European scholars did not account for in their formative theories of territory[124]), Latin America was prone to interventions that took on many different guises.

As the nineteenth century progressed and ultimately gave way to the twentieth, Latin American jurists developed ever more sophisticated formulations against intervention as a permissible means of conducting international relations.[125] One rather obvious rationale concerned Latin America's potential social disruption spawned by foreign interventions, particularly by the US after President Theodore Roosevelt announced the 'Roosevelt Corollary' to the Monroe doctrine whereby the US appointed itself the enforcer and collection agent of Latin American debts owed to Europe.[126] However, another, more obscure rationale concerned how Latin America,

121 Dawson, "Contributions of Lesser Developed Nations to International Law: The Latin American Experience", 45-46; Dawson, *The First Latin American Debt Crisis: The City of London and the 1822–25 Loan Bubble*.

122 Zendejas, "The Entanglements of Domestic Polities: Public Debt and European Interventions in Latin America".

123 On Mexico's sovereign debts to the US as a trigger for this conflict, see Carmona, "Deuda externa y reconocimiento: Triangulación de intereses en el conflicto México-Texas, 1837-1844".

124 Elden, *The Birth of Territory*.

125 This famously included the 'Calvo Clause' (remedies for foreign investors restricted to those provided by national legal systems) and 'Drago Doctrine' (no debt recovery through forcible intervention). Hershey, "The Calvo and Drago Doctrines"; see also Thomas and Thomas, *Non-Intervention: The Law and Its Import in The Americas*.

126 Ricard, "The Roosevelt Corollary." Importantly, "[t]he Roosevelt Corollary not only consolidated US right to intervention in Central America and the Caribbean region, but it also soon became an important precedent for US global 'humanitarian interventions' beyond the Americas, invoking a legal right to enforce a 'police measure'" Scarfi, "Denaturalizing the Monroe Doctrine: The Rise of Latin American Legal Anti-Imperialism in the Face of the Modern US and Hemispheric Redefinition of the Monroe Doctrine", 245.

given its enmeshment within the world economy as a primary commodity producer, was not just vulnerable to interventions targeting it directly, but interventions elsewhere in the world that erupted into devastating world-impacting wars that disrupted the normal circulation of global commodity chains. This was very true of the First World War, an event whose effects on Latin America – especially as they concerned the social economies of production – are often absent in the Western mind given its visceral association of this event with trench warfare on the predominately French Western Front.[127] This was also true of the Second World War where the Allied blockade of Axis-controlled continental Europe, the primary destination of Latin American exports, caused commodities to pile up without consumers in a manner devastating to those whose livelihoods depended on production.[128] Fears of Axis sympathies here can be viewed as incentive for the US to maintain a 'Good Neighbour' approach to Latin America arrangement forged by President Franklin Delano Roosevelt prior to the war that vowed non-intervention.[129] These memories were fresh as delegates assembled in San Francisco to devise the UN Charter system. In many ways, this event was a universalisation of the order devised in the Western Hemisphere. Here, US Americans proclaimed leadership, and Latin Americans warned that such exercises of leadership must be constrained by robust international legal notions of non-intervention.[130]

The emergence of the UN Charter era, for all the hopes it offered, did not end intervention in Latin America, but rather ushered in a new chapter of its manifestation. Here, against the backdrop of the Cold War, intervention was often undertaken according to a rationale of non-intervention on the part of the superpowers. In 1947 came the US-orchestrated Inter-American Treaty of Reciprocal Assistance (or Rio Treaty) forging a military alliance of American states that, in its designs to combat Soviet intervention in the Western

127 Rinke, *Latin America and the First World War*, 64 ("From August 1914, the decline in the prices of export products such as coffee, sugar, and rubber resulted in noticeable problems in many economies, from Mexico to Central America and Brazil... No country in the region was spared government deficits and financial difficulties.") On the interwar transformations that were, in great measure, triggered by these realities, see Wood, *Radical Sovereignty: Debating Race, Nation, and Empire in Interwar Latin America*.

128 Martin, "The Global Crisis of Commodity Glut During the Second World War", 1280-1283.

129 Grandin, "The Liberal Traditions in the Americas: Rights, Sovereignty, and the Origins of Liberal Multilateralism", 88.

130 Wood and Morales, "Latin America and the United Nations", 716-717.

Hemisphere, licensed much forcible US involvement to its South.[131] For the Soviets, such proclamations of combatting Soviet intervention were the cynical legitimation of continuous capitalist intervention.[132] This message spoke directly to the conditions of many Latin American workers and peasants whose efforts, often under conditions of extreme exploitation, made the production of tropical commodities possible.[133] The aggregate result of this US-Soviet proxy competition was the support of dictatorial regimes who entrenched power through mass violence in a manner that went to increasingly extreme lengths when faced with resistance.[134] Against this backdrop, US commitment to the anti-communist Rio Pact principles could take the form of interventions up to and including government overthrows, done under the auspices of the Johnson Doctrine.[135] In addition to causing much immediate devastation, these interventions also blunted criticism of similar Soviet activity via Brezhnev Doctrine interventions in Central Eastern Europe undertaken via a similar logic of 'spheres of influence.'[136]

Beyond the contention of 'East versus West', given the broader decolonisation of Asia and Africa, Latin Americans also played a prominent role in the postwar struggle of 'North versus South' whereby the latter sought to eliminate the gap between rich and poor nations.[137] Embodying the experience that formal independence alone was insufficient for mass social uplift for states caught in cycles of primary production-based dependency, non-industrialisation, and external intervention, Latin America played a prominent role in articulating a New International Economic Order ('NIEO') in the 1970s.[138] However, as this assertion was frustrated in

131 Obregon, "Latin America During the Bandung Era: Anti-Imperialist Movements vs. Anti-Communist States", 234-237.

132 Dinerstein, "Soviet Policy in Latin America."

133 On Cuban agency in this broader geopolitical context, see Laffey and Weldes, "Decolonizing the Cuban Missile Crisis."

134 See Grandin, *The Last Colonial Massacre: Latin America in the Cold War*; see also Brands, *Latin America's Cold War.*

135 Rabe, "The Johnson Doctrine." 49 ("Although the 1965 intervention in the Dominican Republic represented the first overt U.S. military intervention in a Latin American nation in over thirty years, neither the intervention nor the pronouncement of the Johnson Doctrine marked a signal departure in the history of inter-American relations.")

136 Franck and Weisband, "The Johnson and Brezhnev Doctrines: The Law You Make May Be Your Own", 1014.

137 Eslava, "The Developmental State: Independence, Dependency, and the History of the South".

138 Thornton, "Establishing the Limits of the Liberal International Order", 689-693.

the 1980s (largely via a Third World debt crisis felt extremely hard in Latin America), new forms of economic intervention were accompanied by new forms of military and political intervention – especially as tensions re-arose between the US and Soviet Union with the former's election of Ronald Reagan.[139] With this new US Administration came the 'Reagan Doctrine' of systematically promoting a version of 'low-intensity democracy' aligned with the protection of entrenched interests and disavowal of substantive social transformation.[140] A deliberate repudiation of Franklin Roosevelt's non-interventionist 'Good Neighbour Policy', this Reagan Doctrine criteria for governmental illegitimacy, as it justified material support to anti-government rebels in Nicaragua, was condemned by the International Court of Justice via its iconic 1986 Nicaragua case that set a new standard on non-intervention as a principle of customary international law.[141]

4.3. Contesting the End of History from Below

However, in only a few short years after the Nicaragua judgment embodied a radical spirit of non-intervention developed after the Second World War, the international legal order changed dramatically with the 1989 end of the Cold War. With this initially declared the 'end of history' and retrospectively declared the 'end of geography'[142], the US was the sole remaining superpower and cosmopolitan conceptions of international law increasingly sought to elevate 'humanity' above 'sovereignty.'[143] Within this 'new world order', prominent critics question whether the axiomatic value of sovereign equality and non-intervention should provide a shield for the 'rogue states', 'failed states', and 'repressive states' believed to be the source of the world's gravest problems.[144] Even life under a regime of the type of 'low-intensity democracy' promoted by the US in Latin America

139 Halliday, *The Making of the Second Cold War.*

140 Scott, *Deciding to Intervene: The Reagan Doctrine and American Foreign Policy*; Robinson, *Promoting Polyarchy: Globalization, US Intervention, and Hegemony.*

141 Grandin, "The Liberal Traditions in the Americas: Rights, Sovereignty, and the Origins of Liberal Multilateralism", 89; see also Chayes, "Nicaragua, the United States, and the World Court".

142 See e.g., Bethlehem, "The End of Geography: The Changing Nature of the International System and the Challenge to International Law".

143 On the significance of the First Gulf War against Iraq as a merging of these varied forces, see Aber, "Worldmaking at the End of History: The Gulf Crisis of 1990–91 and International Law".

144 See e.g., Reisman, "Sovereignty and Human Rights in Contemporary International Law."

in the 1980s was influentially proclaimed to be an emerging human right.[145] While Latin America (along with post-socialist Central Eastern Europe) was often touted as evidence of this democratic entrenchment,[146] it was in Latin America that a non-interventionist revival of Third Worldism and state socialism came to question the narratives of post-Cold War triumphalism. This prominently took the form of the Bolivarian movement emerged with Hugo Chavez's 2002 assumption of the Venezuelan Presidency and the broader 'Pink Tide' of left-populist regimes throughout the region, forces that situated the ill-effects of economic globalisation in relation to longer genealogies of dependency and intervention in the Global South.[147]

These political changes in Latin America, and the international legal arguments surrounding non-intervention they reanimated,[148] needs to be viewed in relation to contemporaneous changes relating to the region's traditionally dominant northern neighbour. With the attacks of 9/11 came not only new justifications for using military force in pursuit of the 'Global War on Terror,' but also new means of weaponizing the expansion of financial interconnection and information technology heralded as the great harbinger of freedom in the era of globalisation.[149] Thus, as once cautious practices of imposing economic sanctions became increasingly relied upon by US officials, this provided a basis for would-be challengers to US hegemony (in Latin America and beyond) to form cooperation arrangements in circumventing the effects of these sanctions and doing so in the name of non-intervention.[150] This dynamic gained the attention of resurgent great powers, namely Russia and China, who, in seeking to develop alternatives to US-led economic globalisation via authoritarian state capitalism, were well-positioned to take advantage of this discontent in forming alternative spheres of distribution and geopolitical influence.[151]

145 Franck, "The Emerging Right to Democratic Governance." On the 'low-intensity' problem, Marks, *The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology*, 50-75.

146 See e.g., Farer, "Collectively Defending Democracy in a World of Sovereign States: The Western Hemisphere's Prospect".

147 Roth and Lean, "A Bolivarian Alternative? The New Latin American Populism Confronts the Global Order", 221-222.

148 Ibid., 242-246.

149 Farrell and Newman, *Underground Empire: How America Weaponised the World Economy*.

150 Bajoghli, "Iran in Latin America: Building Alliances for Busting Economic Sanctions", 322.

151 Salzman, *Russia, BRICS, and the Disruption of Global Order*.

While, as discussed above, Russia's war on Ukraine cannot be reduced to this contestation of Western hegemony, given its histories, from a Latin American perspective unaccustomed to the thick realities of identity and ideology in Central Eastern Europe and the former Soviet space, this appeal by Russia makes a great deal of sense. This is to say nothing of how, similar to the two World Wars, the disruption of global commodity chains resulting from the Russia-Ukraine War and mobilisation of economic sanctions against Russia have been highly troubling in Latin American states in ways that underscores their status as primary producers within the larger world economy.[152] While sympathy for Ukrainian victims of aggression is certainly present, this is challenged by the pressure on these states to maintain neutrality as a distinct international legal status in a manner that would allow them to continue to do vital business with Russian entities.[153] This distributional pressure makes visible the linkages between marginalised geographies, historical memories of intervention, and mistrust of US American proclamations of virtuous world leadership that have long-defined the Latin American condition. This, in turn, generates incentive for Latin American states to embrace Neorealist explanations (including NATO enlargement as the cause of the Russia-Ukraine War) that frame neutrality in the face of multipolarity to be in their fundamental national interest. Through this rationale, Western claims that the opposition to Russia is essential in defending democracy from dictatorship, can easily be deemed unoriginal abstractions that do not resolve – and actively entrench – Latin America's subaltern status. Thus, despite waging a war of imperial conquest, as some prominent Latin American intellectuals have suggested, in offering the possibility of an alternative to global Western domination while largely restricting its assertions to its immediate geographic proximity, perhaps Russia should be seen as a 'decolonial ally.'[154]

152 For example, the agriculture sector in Peru has suffered immensely from the restricted access to cheap Russian fertiliser imports, see Nacimento, "The Russia-Ukraine War and the Peruvian Agrarian Crisis".

153 On the greater rediscovery of neutrality as an international legal status in this context, see Lim and Mitchell, "Neutral Rights and Collective Countermeasures for *Erga Omnes* Violations."

154 Durdiyeva, "'Not in Our Name:' Why Russia is Not a Decolonial Ally or the Dark Side of Civilizational Communism and Imperialism".

5. Rescaling the American Empire?

Latin America's general neutrality in relation to the war in Ukraine makes a great deal of sense if we presume a world system heavily influenced by Neorealist assumptions. After all, in the short-term, Latin American states would seem to have little to gain, and much to lose, by actively supporting Western efforts to uphold Ukrainian sovereignty. However, adopting a more long-term critical geopolitical approach to Neorealism's shortfalls certainly paints a more complicated picture for Latin America. After all, if it is legitimate that a great power stridently resists rival presence within its proclaimed sphere of influence, would Russia's interventionist logic vis-a-vis Ukraine not similarly apply to US American interventionist logic vis-a-vis Latin America? Mearsheimer would appear to think so. In his words,

> When you're a country like Ukraine and you live next door to a great power like Russia, you have to pay careful attention to what the Russians think, because if you take a stick and poke them in the eye they're going to retaliate. States in the Western Hemisphere understand this full well with regard to the United States.[155]

Such is a testament to how Neorealism (and its Classical forerunner), from the era of decolonisation to the present, never saw a principled critique of imperialism as within its scope of focus – only a statement of when imperialism would not be within one's rational interest.[156] While there is certainly space to embrace Neorealism as it pertains to Russia and condemn it as it pertains to the US as rank hypocrisy, another interpretation of this issue is that it stems from dysfunctional analytical frameworks as opposed to dysfunctional morality across cultures. However, on this point of dysfunctional analytical frames, the re-election of Donald Trump as American President is, if nothing else, cause to rethink most of everything as it concerns the non-intervention norm and its possible futures.

From one perspective, Trump's conduct in the realm of international affairs, baffling in its seeming blindness to basic geo-strategic truths (including tariffs/trade wars with Canada of all nations), has been hailed

155 Quoted in Specter, "Realism after Ukraine: A Critique of Geopolitical Reason from Monroe to Mearsheimer", 261.

156 Guilhot, "Imperial Realism: Post-War IR Theory and Decolonisation", 707.

as the 'death of the American empire.'[157] However, this statement carries with it a presumed theory of what exactly the 'American Empire' is. If we presume this empire as novel in its global extent, empowered through its holding of the world reserve currency via the US dollar, disavowing of juridical sovereignty claims over the regions it influences, and reliant upon 'soft power',[158] then a strong case can be made that Trump's so-called 'anti-globalist' agenda can, at least in some measures, be opposed this 'American Empire' concept.[159] Yet a limit of American Empire discourse is its typical presumption that the object of its inquiry is 'all' or 'nothing' in its functions and character. In other words, the 'American Empire' is either global or non-existent. However, nothing excludes a third option. On this basis, it is entirely possible that the fate of the 'American Empire' as it is presently known might not, under Trump or at some point in the future, dissolve, but rather undergoes a 'rescaling.'[160] In other words, if the US retreats from its varied commitments to overseas alliance systems that are global in nature, it might redirect its efforts to exerting itself with greater intensity in the Americas in a manner likely involving more deliberate violations of the non-intervention norm.

As to how intense this exertion might be, one need only consider Trump's rhetoric surrounding the prospect of territorial intervention and/or aggrandisement as it is largely, if not exclusively, focused on the Western Hemisphere. Whether it is the desire to acquire Greenland, re-take the Panama Canal, make Canada the 51st American state, declare Mexican drug cartels terrorist groups subject to military force, or rename the Gulf of Mexico the 'Gulf of America', such designs now occupy a place in American geopolitical rhetoric in a manner unseen in more than a century.[161] While easy to dismiss as the type of baseless spectacle that defines Trump's particular political brand, these assertions – and their open mockery of international law – nevertheless provide profound insights into the nature of American expansion and the legacies of how it has been imagined, points that might re-manifest in a future American geopolitical culture.[162]

157 Cooper, "Musk and Trump Are Causing the Dumbest Imperial Collapse in History".

158 For theorisations, Bacevich, *American Empire: The Realities and Consequences of US Diplomacy*; Colás and Saull, *The War on Terrorism and American 'Empire' After the Cold War.*

159 Wertheim, "Trump Against Exceptionalism: The Sources of Trumpian Conduct".

160 On re-scaling dynamics in a different context, see Brenner, *New State Spaces*.

161 Cave, "'Here We Go Again': Trump's Territorial Ambitions Rattle a Weary World".

162 On the first Trump Administration on this point, see Gill, *The Future of US Empire in the Americas: The Trump Administration and Beyond*.

While, according to American exceptionalist self-understanding, conquest has long been viewed as a practice of European empires rejected by American notions of democratic constitutional liberty, as Aziz Rana has shown, there are ample grounds for questioning this narrative. According to Rana, while the merging of constitutional order and a progressive 'American creed' of universal freedom and inclusion are often projected onto the founding of the US in the late eighteenth century, this synthesis did not exist until early the twentieth century when the westward expansion frontier officially closed.[163] Prior to this, the US was an unabashed 'white republic' that made no promises based on universal equality or territorial integrity as matters of law.[164] Ironically, it was only through justifying the formation of an overseas empire, especially in the Philippines, following the 1898 Spanish-American War that the Constitution was imagined in universally inclusive terms.[165] However, the offering of such universal proclamations invited counter-claims, many deeply rooted in commonplace national perceptions, that such colonial domination was fundamentally incompatible with American virtue.[166] Forging a geopolitical (counter-) culture, popular American invocations of this liberal universality and its hypocritical deployments, along with local resistance, did much to challenge the US occupations in Latin America justified on the grounds of civilisational progress in the early twentieth century.[167]

However, this liberal anti-imperialist geopolitical culture was severely challenged as the American state cast itself as a global protagonist against the backdrop of the two World Wars. Here, in entrenching the formatively colonial view that interventionism was a fulfilment of constitutional promise (and harshly repressing anti-imperial dissidents in the name of 'national security'[168]), American officials distinguished their approach to territory, and the international legal commitments attached to it, from the notion of conquest – an activity believed to be exemplified by the Germans.[169] Thus, after the First World War, where German-associated conquest

163 Rana, *The Constitutional Bind: How Americans Came to Idolise a Document that Fails Them*.
164 Ibid., 172-175.
165 Ibid., 185-190.
166 Livingston, *Damn Great Empires! William James and Politics of Pragmatism*.
167 McPherson, *The Invaded: How Latin Americans and Their Allies Fought and Ended US Occupations*; Striffler, *Solidarity*, 35-70.
168 Rana, *The Constitutional Bind: How Americans Came to Idolise a Document that Fails Them*, 223-256.
169 See e.g., Wiloughby, "The Prussian Theory of the State."

played an important justification for US involvement,[170] the contrasting characterisation of US expansion was one largely accomplished through peaceful purchase as opposed to military violence.[171] Narration along this line continued during the Second World War as Nazi expansion according to rationales of *geopolitik* were executed in a manner influenced by American frontier expansion coupled with the Monroe Doctrine-based justifications that so inspired Schmitt.[172] Thus, upon American entry into the Second World War, prominent American geographers, including Isaiah Bowman (a key theorist of postwar American global power[173]), asserted that their peaceful approaches to geography were fundamentally distinct from the Nazis' conquest-oriented geopolitics – and used cartographic collaborations with Latin Americans as proof of this point.[174] However, the greater fulfilment of this commitment was American distancing from political geography more generally through the building of a new science of International Relations that sought to separate the analysis of world politics from the concrete analysis of space writ large.[175] Given the influence of this postwar anti-spatial tradition, it was not readily entertainable that someone like Trump, existing outside the assumed intellectual norms of American statecraft,[176] would seek to revive maligned notions of geopolitics in the name of restoring American 'greatness.'[177]

170 Notestein and Stoll, *Conquest and Kultur: Aims of the Germans in Their Own Words*.

171 Potter, "The Nature of American Territorial Expansion," 194 ("Most of the territorial acquisitions of the United States have resulted, not from the use of armed force, but by free cession. That is the one great and irrefutable disproof of American imperialism.").

172 Interesting, when the US began to progressive aid the Allies prior to its entry into the Second World War, German Foreign Minister Joachim von Ribbentrop stated "...that the non-intervention in the affairs of the American continent by European nations which is demanded by the Monroe Doctrine can in principle only be legally valid on the condition that the American nations for their do not intervene...in the affairs of the European continent." Quoted in Chamberlin, *Scorched Earth: A Global History of World War II*, 130.

173 Smith, *American Empire: Roosevelt's Geographer and the Prelude to Globalization*, 401-415.

174 Bowman, "Geography vs. Geopolitics", 359 ("[In] ...I935 I proposed a Pan-American Atlas on a cooperative basis...It was not a proposal to learn how to use science to 'conquer' Latin America after the fashion of the German geopolitikers, but how to work together for common ends, and specifically how to do so through cultural exchange, trade, and general economic improvement.")

175 Rosenboim, "The Value of Space: Geopolitics, Geography and the American Search for International Theory in the 1950s", 651; see also Smith, "'Academic War Over the Field of Geography': The Elimination of Geography at Harvard, 1947–1951".

176 Toal and Agnew, "Geopolitics and Discourse: Practical Geopolitical Reasoning in American Foreign Policy".

177 Interesting, classical geopolitics perhaps influenced the Trump phenomenon through its embrace by the same European radical right that has informed the Trumpist break from

If we are to imagine Trump as the harbinger of a new American geopolitical culture, this raises further questions of what usable analogies might exist. Here – despite the traditional role of Germans as Americans' interlocutors on matters of international law, politics, and spatial conceptions[178] – if a more concrete approach to geography is to be undertaken then perhaps Russia is a more fitting analogue. After all, Russia, despite being the quintessential old-world autocracy, was similarly built by frontier expansion and, through this process, developed notions of one ethnos dominating all others through this process.[179] In this way, the historic dominance of 'Great Russian' Slavs over Finno-Ugric peoples, Tartars, Caucus peoples, Poles, Finns, Baltic peoples, Jews, and 'Little Russian' Ukrainians can perhaps be analogised to the construction of an ideal of American whiteness that justified African American enslavement, the destruction of indigenous communities, hierarchies amongst immigrant populations, and interventions in Latin America.[180] While no analogy is perfect, if notions of American constitutional exceptionalism (and the geopolitical cultures based them) are understood to be contingent and largely inaccurate in their portrayal of American origins, then this exceptionalist framework is limited when excluding this deep-rooted Russia comparison. Thus, as a matter of ongoing relevance, we must account for the forces that would make anyone want to fixate upon these aspects of an expansionist past as a means of defining the present and anticipating possible futures.

In addressing this question, this US-Russia comparison, as it has been triggered by Trump, might reveal much about the future of American intervention in its proclaimed 'sphere of influence' using Russian activities towards this end as a broad template. What is noteworthy here are the ways in which politics under the Second Trump Administration bears a striking resemblance to post-Soviet Russia in the 1990s in the domains of soaring inequality, reckless privatisation/deregulation, and a corrupt politics of kleptocratic patronage.[181] Here, against the triumphalist speculation that prevailed amongst its implementors, the introduction of unrestrained

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mainstream American conservatism, see Bassin, "'Everything Is Revealed in Maps': The European Far Right and the Legacy of Classical Geopolitics during the Cold War".

178 Specter, *The Atlantic Realists: Empire and International Political Thought Between Germany and the United States*, 50-67.

179 Sunderland, *Taming the Wild Field: Colonization and Empire on the Russian Steppe*.

180 Lieven, *Empire: The Russian Empire and its Rivals*; Rana, *The Two Faces of American Freedom*.

181 Geoghegan, "Want to Understand Trump's US? Look at Late '90s Russia".

capitalism in Russia did little to instil a durable sense of liberalism and the rule of law as it related to both domestic and international affairs.[182] Rather, when considering Alexander Etkind's proclaimed 'Russia against modernity' problem whereby fantastical visions of a glorious past justifies external aggression against Ukraine as part of a broader reactionary denial of the need to confront pressing global realities, much of this approach can be rooted in how the upheaval of the 90s shock cultivated the maligned social forces that empowered Vladimir Putin as a perceived agent of strength and moral renewal.[183]

Trump's agenda, or the agenda driving Trump, is easy to cast in analogous terms as 'America against modernity' whereby similar histories spawn similar fixations on territorial expansion and the resurrection of a golden age amidst wide-spread societal ruination.[184] However, driven by venality more than the realisation of any long-term grand vision, Trump is hardly Putin's equivalent. As such, focus on Trump in relation to Putin is perhaps detracting us from comprehending what the possible visions of some future American equivalent to Putin might be? What kind of geopolitical designs on the Western hemisphere as a 'sphere of influence' might this hypothetical American Putin have if Putin's geopolitical visions of Ukraine are anything to go by? Much as Putin combs through the annals of history when finding a Russian past to justify interventionist designs,[185] American history has no shortage of bizarre illustrations that would not seem out of place within current American political rhetoric increasingly normalised by Trump.[186] To take a critical view of geopolitics seriously is to imagine how the future of the non-intervention norm might be shaped by these forces if the outcome of Schmitt's theory of *Grossraum* is allowed to succeed. While Latin American approaches to Neorealism in relation to Ukraine might justify their interests in the short-term, such Neorealism cannot prevent, and might even legitimise, an entirely new round of interventions in the region by

182 Pomeranz, *Law and the Russian State: Russia's Legal Evolution from Peter the Great to Vladimir Putin*, 143-164.

183 Etkind, *Russia Against Modernity*.

184 Popular Western support for a robust international order committed to democracy was largely correlated to increased standards of living – the decline of which is similarly correlated to populist backlash against international institutionalism. Trubowitz and Burgoon, *Geopolitics and Democracy: The Western Liberal Order from Foundation to Fracture*.

185 Medvedev, *A War Made in Russia*.

186 May, *Slavery, Race, and Conquest in the Tropics: Lincoln, Douglas, and the Future of Latin America*.

a rescaled American Empire. After all, the framework of Neorealism, created by and for would-be world powers, was simply never intended for nations on the global periphery.[187]

6. Conclusion – For a Geopolitical Culture of Anti-Interventionism

While the potential outcome mapped out above is a foreboding one, it is not in any way destiny. Rather, in taking geopolitical rationales and their possible trajectories seriously, it has been my aim to raise deeper discussion on what international legal thought can and should become in light of the overbearing global realities we are living through. What then might it mean to build a geopolitical culture of anti-interventionism dedicated to preventing a future where dominance by great powers is the highest law of them all? When considering potential sources on this front, both Central Eastern Europe and Latin America possess firm foundations for building compelling geopolitical cultures, and accompanying international legal conceptions, in light of their unique histories and geographies. However, there are many worldly pathologies that have a vested interest in these two geopolitical cultures never seriously engaging one another. When considering the complicity of intellectual frameworks in reproducing these pathologies, to quote Benno Teschke, "Neorealism is a science of domination... [i]n terms of explanatory power, it obscures more than it reveals and compresses the rich history of human development into a repetitive calculus of power."[188] When developing an alternative model of explanation-cum-political action that refuses to allow the non-intervention norm to be swept away by the machinations of history, we must consider the insights of those on the receiving end of justified domination both individually and in conjunction. Otherwise, geopolitics disciplines us all.

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