

Common Misconceptions-- 4.0: Land and Soil

By Anna Von Reitz



Ever notice that ubiquitous phrase "land and soil"? Ever wonder why they don't just lump it together under one word, like "dirt"?

The Romans, and later, the British, made a distinction between "land" and "soil" and the Americans followed suit.

Under Roman Civil Law, the soil (Latin: "soli") comprises the first shovelful of dirt overlying all the rest, which is the land.

The British convention defines "soil" as the top six inches of the Earth, a sort of "intransigent" permanent skin that covers the entire planet, including the ocean basins.

The Romans assessed their Empire according to a system of distances and landmarks called "stadia"; the Brits adopted this system and measured their roads with "mileposts" and their farm fields with "acres" measured via horizontal Cartesian coordinates and marked with "boundary stones".

So the defining measure of "soil" is depth, and the defining measure of "land" is horizontal distance.

In this system which we inherited, the two things--"land" and "soil" are actually quite different, even though they must be considered together because the soil overlays the land.

As a practical matter, we all live on the soil.

In America, our counties define our soil jurisdiction, and the counties within the borders of a State taken together, create the soil jurisdiction of each State.

The soil within each State's borders comprises its "National Jurisdiction".

If you similarly join all the different State soil jurisdictions together, you find yourself looking at The United States, the familiar multi-colored political map showing our States as fifty pieces connected to each other like a crazy quilt.

Directly underlying this "quilt top" of soil is the land, made up of the subsoil and all the minerals and rocks and hidden aquifers and oil deposits we access when we drill wells.

If you were to map out the land directly underlying and belonging to each State you would have another crazy quilt, but this time, you would be looking at The United States of America.

Land, unlike soil, is an international jurisdiction.

Think of it like a layered sheet cake, with the soil layer overlying the land layer, and the whole thing cut up into "State" pieces.

Also think of it as The United States overlying The United States of America, whose reach extends out beyond the shores of our nation-states, to the edge of our currently claimed international sea boundary.

That is, a proper map of The United States of America would not only show the land jurisdiction of the States, but would extend out into the sea and include the "maritime borders" defined as "American Waters".

Thus the national boundaries of our States and of The United States are fixed and immutable as a depth dimension, but the international jurisdiction of the land and sea overseen by The United States of America is quite subject to change, as proven by over two hundred years of disputes over everything from deep sea fishing rights to ownership of oil reserves in the Arctic Ocean.

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