

# **An Ecological State of Exception: Applying Carl Schmitt to Climate Change**

Written by Naman Karl-Thomas Habtom

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NAMAN KARL-THOMAS HABTOM, MAR 28 2023

State vulnerability can serve as a catalyst for a systemic shift to authoritarianism. Wars, economic turmoil, and constitutional crises can all lead to mobilization of manpower or resources, massive state intervention, and the issuance of emergency powers. Increasingly dire predictions and continuously worsening environmental catastrophes due to man-made climate change raises the specter of internal destabilization as a result of rising sea-levels, crop failures, and more frequent natural disasters. These in turn have the potential to sow the seeds for social unrest, which, in turn, can threaten the very viability of a state. Ecological autocracy – an authoritarian governance structure whose core objective is to respond to climate-induced crises – may rise out of this disorder.

### **Establishing Sovereignty During Climate Crisis**

The ability to resort to emergency powers already has a foundation in international law. Article 4 of the International Covenant on Civil and Political Rights explicitly permits:

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Similarly, Article 15 of the European Convention on Human Rights also allows states, “in time of war or other public emergency threatening the life of the nation... any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation.” Without a universal authority, however, implementation and oversight is effectively left to the very states that are adopting extraordinary powers within their own borders.

According to the German jurist and philosopher Carl Schmitt, “There exists no norm that is applicable to chaos.” Climate change’s compounding effects and increasing intensity could produce a state of constant crisis, thereby producing the conditions for environmental authoritarianism. The concept of a state of exception, in which normal constitutional governance is suspended in the face of a threat, takes a whole new form if the threat is perpetual. Unlike purely human problems – such as war or economic turmoil – climate change cannot be fully resolved merely through a new consensus that produces immediate effect. Withdrawal of troops or nationalization of financial institutes can have such swift consequences; a status quo ante climate change is far more elusive. Whereas the Romans practiced a time-limited form of dictatorship, ecological calamity may result in a move towards a permanent state of exception.

Sovereignty, Schmitt believed, comes from the exercise of power in times of crisis, not its legal form. The ability to act autocratically accords sovereignty to the actor. The question of “you and what army?” may have a literal answer not too dissimilar from the question itself. Societal collapse raises the issue of who wields the monopoly of power, a competition not just between the state and non-state actors but also within the state itself. Disputes about who has

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authority, meanwhile, risks postponing necessary climate action. The German Social Democratic philosopher Hermann Heller even went so far as to argue that the use of emergency powers could be imperative:

Politics is fundamentally negated when there is no longer the readiness in an emergency situation to annihilate the one who mounts an internal or external attack on the political unity. A state abolishes itself if it forbids the use of deadly force in all circumstances, or fails to shoot when its representatives are under fire from within or without.

While the ecological effects of climate change can somewhat be predicted through modeling – though more likely to underestimate its severity – the same is not true for how societies will react in response. This lack of foresight makes it harder to anticipate what the necessary political structures need to look like, especially in a liberal democratic context. Ecological autocracies, on the other hand, may respond without the constraints of legal structures, prioritizing effectiveness over initial legitimacy. In his work *Political Theology: Four Chapters on the Concept of Sovereignty*, Schmitt noted that:

The precise details of an emergency cannot be anticipated, nor can one spell out what may take place in such a case, especially when it is truly a matter of an extreme emergency and of how it is to be eliminated. The precondition as well as the content of jurisdictional competence in such a case must necessarily be unlimited. From the liberal constitutional point of view, there would be no jurisdictional competence at all. The most guidance the constitution can provide is to indicate who can act in such a case.

A state of exception is most consequential, and most practical, before the precipice of total chaos. While Schmitt conceived of it in the context of anarchy, the reality may be that it would already be too late by then. Rather than sovereignty emanating during the collapse of a state, as Schmitt argued, its collapse may in fact make it practically impossible to seize emergency powers since there is no effective mechanism (i.e. the state itself) through which to use this expanded authority. A more likely outcome is to languish in an anarchic limbo. Sovereignty, in true chaos, cannot be accorded to or claimed by anyone. Instead, the only possible task becomes reestablishing the state. However, ecological disorder, due to its perpetual nature, makes this task even more elusive. In turn, the imperative of establishing a state of exception in anticipation of climate catastrophe becomes greater than during social crises.

Preemption as a basis for autocratic rule is less persuasive than when it is in response to an ongoing calamity at its peak. Yet, if a leadership views it as crucial, then an internal contradiction may occur: domestic opposition to a suspension of constitutional norms may force a sovereign to intensify the state of exception. In total chaos, the desire for decisive leadership in order to resolve the crisis may exceed the capacity of the sovereign whereas in an anticipatory state of exception regime capacity will be greater than popular support. Potential pushback can lead to authorities overcompensating for their lack of popular support. The level of climate-induced anarchy may be the final determinant on when a shift in authority occurs. Just as authoritarianism exists on a spectrum, so too does the amount of climate chaos that can trigger ecological autocracy.

## **Electoral Barriers to Climate Action**

The absence of long term lengths and the presence of frequent elections are often considered necessary in defining what a democracy is. The extension of term lengths or the rewriting of constitutional restrictions in order to allow for additional terms are often associated with authoritarianism and figures such as Russia's Vladimir Putin or Rwanda's Paul Kagame. The political norm in most liberal democracies is to have regularly scheduled elections anywhere from every two (US House of Representatives) to five years (French presidency), with most falling somewhere in between, usually at four years. But an electoral cycle the length of an Olympiad is detached from the challenges posed by climate change, which requires a generation-long vision.

Knowing that they only have one term guaranteed (if even that), ruling political elites are incentivised on maximizing their time in office with a narrow timeframe and shift their attention to reelection and maintain political power. This discourages long term policy planning, which is indispensable in combating climate change. Elected governments are quick to reverse announced but yet to be implemented policies, or those in the early stages. Construction projects, for example, often become victims of short-termism. One source is the strength of NIMBYism (not in my

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backyard), which has slowed down or blocked the erection of windmills either because of their lack of aesthetics or due to non-sensical conspiracy theories, such as the false belief that windmills cause cancer.

Even political parties that have been in power for several consecutive terms are unable to meaningfully harness their time since they are serving in a series of single terms. In Britain, the Conservative Party, which has governed since 2010, failed to build a single new “starter home” by 2019 despite promising to construct 200,000 during the 2015 general election. While a failure in itself, it did not prevent an even more ambitious goal of 300,000 new homes per year to be pledged during the 2019 general election, only for that to flounder as well. By contrast, the fact that the Singapore’s People Action Party has governed since independence in 1959 and is virtually guaranteed to win in the foreseeable future has allowed it to carry out land acquisition in a bid to optimize “the use of land resources is integral to sustaining Singapore’s economic and social growth.” Through a massive public housing program, the government has covered the housing needs of 80% of the population. With more extreme weather events, such as hurricanes, ecological autocrats may become convinced that one system is better suited for climate change adaptation.

Domestic political backlash to new realities can result in the abandonment of earlier climate goals, which is already happening as a result of the ongoing energy crisis in Europe. Due to sanctions imposed on the Russian Federation, European politicians have been forced to reckon with the reality of high energy costs. Rather than using this as a foundation for an ecological transition, governments have instead opted to focus on reducing fuel taxes that were meant to discourage the use of carbon-emitting fossil fuels. Electoral concerns have overshadowed long-term goals in order to placate short-term discontent, whereas authoritarians can be more immune by resorting to compulsory actions.

What can this mean for the future? Droughts and water shortages, direct results of climate change, could face similar political challenges. Liberal democratic capitalist states, which have largely abandoned the dirigiste policies of the 1950s and 1960s, may opt to pursue a market-based solution. Surcharges on water consumption for households could be introduced in order to encourage people to be less wasteful. However, as with energy, this can lead to widespread anger, especially if applied unequally, which is unavoidable in any system predicated on wealth rather than compulsion. Perception of fairness plays a key role in how populations view policies – this is even true for monkeys. Opposition politicians could begin campaigning on reducing water costs with proposed solutions ranging from government subsidies to privatization efforts. The pain threshold of voters makes such an outcome a question of “when”, not “if”. The abandonment of any water consumption targets will in turn worsen existing water shortages.

In the absence of concrete actions, liberal democratic states may opt for voluntary guidelines, which have so far failed to have any meaningful impact on climate change efforts. California, for example, encouraged its inhabitants to conserve water meanwhile droughts have continued to worsen. Concurrently, big businesses’ pledge of environmentally conscious practices have been revealed to be little more than greenwashing. Even lifestyle-based approaches have little to show for. While vegetarianism and veganism has become more mainstream in recent years in Western countries, global meat consumption, one of the leading causes of carbon emissions, has quadrupled since 1961. Ecological autocrats may view over reliance on voluntary “efforts” as not a lesson to emulate but a danger to avoid.

## **Technocratic Reliance**

The most successful democratic counterexamples to the issue of unstable governing coalitions are those that practice a form of grand coalition governance. In countries like Germany, the major center-right and center-left parties joined forces to create a so-called purple coalition in order to overcome the difficulty of putting together a stable government that can last an entire mandate. This is a derivative of a wartime practice, namely a government of national unity. During the Second World War, the British political elite indefinitely suspended elections in favor of a broad-based coalition that included the three major parties, which meant that ten years passed (1935-1945) before another general election was called. Even in countries not at war but for whom the specter of conflict looms large this practice has been invoked, such as in Sweden. While the parties are democratically elected, such practices have the effect of rendering the majority of the vote void. Though the effects of climate change are now being felt, they have so far failed to galvanize societies into taking drastic actions. As environmental conditions worsen, this calculus could

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change and become more akin to wartime sentiments.

Even in the absence of a formal grand coalition, a broad political consensus can emerge, such as the one that came into being in post-war Europe. This enabled the reconstruction of the continent with a social focus. However, such a consensus, which was generally a result of top-down imposition of outlook that was a response to bottom-up pressures, has become far more elusive in recent decades. On a wide range of topics, electorates in liberal democracies simply do not agree. This extends to climate change as well, which has become a politicized issue. According to a study by the University of Michigan, between 1985 and 2017, media coverage of climate change in the United States became increasingly partisan and politicians became more frequently cited than scientists. Economic concerns and culture war issues hinder a genuine struggle for ecological survival.

Reversal of policies following their implementation, on the other hand, can become too hard and unresponsive to new circumstances. The reality is that while in democracies it is easy to change governments it is harder to change policy. Meanwhile, in dictatorships altering policies is far easier than replacing governments. Major threats require flexible, non-dogmatic leadership that is able to rise to the challenge. Political parties, by tying themselves to a particular constituency, often become too rigid in order to achieve and maintain political power. Chinese political scientist Zhang Weiwei argues that political parties in Western liberal democracies can best be described as “partial interest parties,” which has the effect of relying on an adversarial modus operandi with a narrow sectional focus rather than being cooperative with a grand vision that is necessary to fight climate change. This can even manifest itself symbolically and physically. Following a bombing of Westminster, Prime Minister Winston Churchill purposely chose to retain the House of Commons’ adversarial and confrontational design that was intentionally too small to seat all the members. In a climate crisis, the primary interest ought to be the survival of a functioning state.

Much of the advancement in democratic countries was carried out by a technocratic civil service. As the East Asia specialist Ezra Vogel wrote in his seminal work *Japan as Number One: Lessons for America*, the important decisions in Japan’s postwar economic miracle were “made by the permanent bureaucrats rather than by the politicians of the Diet and the cabinet.” Vogel correctly observed that what distinguished the Japanese civil service was a mixture of long-term employment, political uninterruptedness with limited interference, and meritocratic selection, which meant that a bureaucrat could “think about the long-range issues confronted by his ministry, and interaction between seniors and juniors ensures stability of ministerial leadership, institutional memory, and continuity of policy.” In other words, bureaucrats supplanted elected politicians as the true rulers. Across the Pacific, the United States’ scientific establishment working with the state oversaw the growth of the tech sector, as highlighted in Mariana Mazzucato’s *The Entrepreneurial State*. Despite the presence of an electoral system, large segments of policy were administered as if it was part of Plato’s ship of state.

Meanwhile, the centrally planned economies in the Warsaw Pact countries were successful as long as they focused on heavy industry. Between 1928 and 1955, the Soviet economy grew faster than the United States during the late nineteenth century when it was at a similar level of development. Countries like Hungary were initially able to rely on technocrats to recover from the Second World War but failed in transitioning to a consumption-based economy. As one external observer noted in 1962, “the reconstruction of East Germany is less obvious to the casual observer because thus far capital investment has been emphasized rather than the development of the consumer economy.” In their book *The People’s Republic of Walmart*, authors Leigh Phillips and Michal Rozworski illustrate that even large consumer-facing industries rely on central planning. The immediate challenges facing the world with climate change is the foundational infrastructure that societies depend on, such as housing and energy production, which are identical to the ones that centrally-planned economies were best at. With global temperatures possibly rising as high as three degrees Celsius, entire power grids, for example, are set to collapse if not replaced. Heatwaves along with growing energy demand will result in more frequent electricity blackouts.

## Responding & Acting Unilaterally

A fundamental weakness in fighting climate change has been the failure of binding multilateral solutions. Developed countries, unwilling to significantly modify their lifestyles, point to heavy emitters such as China and India as reasons not to do anything. These countries, in turn, highlight their lower per capita emissions and accuse the wealthy West of

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hypocrisy. The result has been a paralysis on the international arena. Coupled with concurrent geopolitical challenges, governments have failed to formulate a global response. As the effects of climate change become increasingly felt in more countries, including developed ones that have so far been largely immune from the most devastating impacts, climate change adaptation may become an increasingly central feature of government policy. But adaptation in one country without a planetary solution to the overarching problem requires effective resource allocation, which market forces – the preferred pathway of liberal democracies – cannot address.

Yet autarky has the effect of forcing a country to become even more autarkic. The mere act of acting in isolation can spur other countries to similarly scorn cooperation, resulting in a self-enforcing loop that produces a tragedy of the commons. The procurement of COVID vaccines was a nation-based approach to a global threat. The ability of a few countries to pursue a hoarding strategy left many poorer and more vulnerable countries to fend on their own, learning the hard way that years of talk on global cooperation was in fact empty rhetoric. In the absence of a cooperative approach, bidding wars and massive purchases of vaccines resulted in a more expensive and badly distributed solution. The failure to ensure vaccine availability in the Global South made variants inevitable, thereby undermining the efficacy of the vaccines themselves and resulted in an additional one million deaths. It also reminded countries not to depend on paternalism or solidarity.

The ability of a few rich countries to buy up the world's vital resources during times of shortage will lead countries to halt exports. As a result of interrupted supply of Ukrainian wheat in the global market, countries such as India instituted export bans. With worsening climate change, a centrally-planned response may be in the cards. The same danger lies ahead for emerging sectors in critical metals. A climate-induced infrastructural shift that fails to ground itself successfully in internationalism makes an autocratically nationalist response harder to avoid. A decade's worth of empty promises pledging to financially support poorer countries has only produced cynicism for those bearing the apocalyptic brunt of climate disaster.

Climate change is already forcing people to move and will only become more common. Three trends are pushing people out and turning them into migrants and refugees: rising water levels, worsening heat intensity, and economic pressures that are the result of environmental degradation. The latter can manifest itself as overfishing and warming waters depleting fishing stocks, which leads desperate fishermen to either emigrate or turn to piracy in places like the Gulf of Guinea or off the coast of Somalia. Rapid and uncontrolled migration can best be managed through international coordination yet has consistently failed. During the 2015 migration crisis in Europe or in response to Bosnian emigration in the early 1990s, countries individually and abruptly adopted new border policies that do not solve the problem but merely shifts it to a neighbor. Despite these individual efforts, the push factors of migration, whether climatic or conflict-related, are always stronger than pull factors.

Rising sea levels will displace people and distort property markets, both of which will force state intervention. Knowing that this is a reality in the near future, ecological autocracies, in a bid to minimize the chaos that it will include, may pursue preemptive relocation as there would be no point in waiting for cities to already be submerged. However, the gradual nature of rising sea levels and general unwillingness to uproot means that there will be resistance to adapting to a non-imminent threat, which might make forcible relocation be the sole option aside from just abandoning people to their fate. With the exception of financial inducements, like with colonial settlers, population resettlement is often a coercive and bloody affair. During the Stalinist period, millions were sent thousands of kilometers away from their ancestral homelands with thousands dying en route. Willingness to move can be found as part of evacuation efforts when faced with a clear danger, like an advancing army. The ecological equivalent, however, would be people fleeing in the midst of the worst that environmental disaster can offer, which is the least optimal time to act. Migration under such conditions is the hardest to control, especially through non-authoritarian means.

Worsening climate change will render swaths of the Middle East, the Indian subcontinent, and the Horn of Africa too hot for human habitation where, according to the United Nations, "heatwaves are predicted to meet and exceed human physiological and social limits." Coupled with the fact that other parts of the world are made unable to sustain human life, this new reality will lead to growing focus on controlling migration, including internal. However, internal migration control is generally rejected in liberal democratic society and associated with dictatorial governments.

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Article 13 of the Universal Declaration of Human Rights asserts that “[e]veryone has the right to freedom of movement and residence within the borders of each State” and “the right to leave any country, including his own.” In practice, new wealthy neighbors can result in resentment, such as in the case of gentrification, while disadvantaged neighbors showing up can lead to people moving out, like white flight.

Nevertheless, if new arrivals are unavoidable due to climate change, whether foreign nationals or compatriots, simply leaving it to market forces will be insufficient. Even in the absence of uncontrolled migratory pressures, the housing market has proved inadequate from Vancouver to London to Sydney. In order to avoid large slums like in India and Brazil or homeless encampments in the United States, an ecological autocracy may opt for a Chinese-style *hukou* system, which requires prior authorization before moving and restricts people's access to government services to the cities and provinces where they are registered. Digitisation and strict enforcement against illegal occupancy may be part of the tool kit, as it already is in China's efforts to control urbanization.

## **The State and Technology**

Some states may opt to pursue wartime-style mobilization of resources in order to promote technological advancement, such as seen during the First and Second World Wars. The Cold War saw liberal democratic society continue to practice a military-focused heavy involvement in science and research funding, which operated largely beyond the domestic political sphere precisely because of the high levels of deference to the executive branch due to fears of a third world war as well as the largely independent nature of strong civil service branches

Several sectors and fields of research have become testing grounds already. Lab grown meat and artificial rainfall are just some examples. However, as with all nascent sectors, state intervention and protection is necessary in order to enable capital intensive endeavors to flourish. Alexander Hamilton wrote in 1790 that:

The superiority antecedently enjoyed by nations, who have preoccupied and perfected a branch of industry, constitutes a more formidable obstacle... To maintain between the recent establishments of one country and the long matured establishments of another country, a competition upon equal terms, both as to quality and price, is in most cases impracticable. The disparity in the one, or in the other, or in both, must necessarily be so considerable as to forbid a successful rivalry, without the extraordinary aid and protection of government.

China's growing food insecurity – a result of its rapid urbanization, industrialisation-related environmental degradation, and growing appetite – has spurred the state to become active in this sector. The People's Republic has even taken its struggle for food security to space. Beginning in 1987, the government began sending seeds on low Earth orbit flights thereby exposing them to high intensity cosmic rays and low gravity resulting in DNA mutations that are subsequently selectively bred. The goal has been to create drought resistant crops and the results have been encouraging. One product of space mutagenesis has been Luyuan 502, the second most cultivated wheat in China, which has an 11% greater yield while being more salt and drought tolerant.

Without a strong state and urgent problem to address, this would have been unlikely. The American space programme of the 1960s, though carried out by democratically-elected governments, was a byproduct of the Cold War's hostile geopolitical environment and technocratically administered. Following the Apollo 11 moon mission – when the U.S. won the Space Race – and the launching of detente, Congressional and presidential support for NASA waned considerably. From the mid-1960s till 1973, the agency's budget fell by roughly 57%, adjusted for inflation.

Technological optimism alone is unlikely to be sufficient, which will require sacrifice in consumption, which can only be implemented in times of great insecurity and through government policy. A pure reliance on creating “smarter” technology based on efficiency and production at scale is incompatible with the radical changes necessary to minimize the risk of ecological collapse. Energy use is the clearest example of the limitations of efficiency-focused improvements. In the nineteenth century, British economist William Stanley Jevons observed that improvement in energy efficiency did not result in reduced usage but in fact an increase. Between 1830 and 1865, Jevons noted that “[t]he reduction of the consumption of coal, per ton of iron, to less than one-third of its former amount, has been followed, in Scotland, by a ten-fold total consumption, not to speak of the indirect effect of cheap iron in accelerating

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other coal-consuming branches of industry". In order for any ecological programme to be effective, it needs to have the ability to confront elite economic interests in order to avoid this type of "rebound effect." South Korea's military government successfully managed to constrain the country's business class in a bid to guide industrial policy. The same willingness and capacity to confront business interests is necessary for climate.

A similar phenomenon can be observed on the individual level. Studies asking people how much money would make them happy, or at least reduce their unhappiness, consistently show that desires are always relative to existing levels. In other words, regardless of material or economic well-being, people want more than they have – even if they are already wealthy, which produces a hedonic treadmill. Following a significant improvement or change in life, improved happiness level fades and a new baseline is eventually established. Consequently, in the absence of pre-existing wealth or consumption equality, it is difficult to produce an absolute value that can be widely applied except through compulsion, which is most effectively established through the state.

Many developed countries have successfully reduced their carbon emissions over the past three decades. This would suggest that the Jevons paradox is not a twenty-first century concern. However, much of the decline is the result of the outsourcing of pollution-heavy sectors to poorer countries. Rather than simply considering national emission figures, a look at consumption-based carbon emissions per citizen – which includes production of foreign-made goods – shows that progress has been limited at best. In environmentally-conscious Switzerland, between 1990 and 2019, production-based emissions fell by nearly 17% while at the same time consumption-based emissions rose by more than 36%. Ecological authoritarians are then faced with the option of dealing with local and global challenges. The former may be addressed through the exportation of certain sectors but this does not resolve the underlying challenge that increasingly faces all countries. Furthermore, it is not self-evident that the developing world will continue to be an open receptacle for the developed world's pollution. Countries such as the Philippines have begun refusing to import trash originating from Western landfills. Meanwhile, one of the challenges of nuclear power has been finding areas that are willing to host radioactive material. If local cities are resistant, how likely are foreign countries to accept nuclear waste if they are already rejecting garbage?

## **Autocracy and Public Support**

Authoritarian states, with the exception of purely repressive states like Latin America's military juntas of the 1970s, often rely on either broad implicit support or high levels of passivity or apathy. One path of achieving this is through a rentier or patronage system, as is the case of oil-rich Gulf monarchies. However, this becomes harder to maintain during times of scarcity and challenges, especially since citizens will have become accustomed to certain lifestyles. Contemporary "spin dictators", defined by Sergei Guriev and Daniel Treisman as "today's strongmen [that] realize that in current conditions violence is not always necessary or even helpful" who "can fool people into compliance and even enthusiastic approval." They do not content themselves with merely political control, which can be obtained through the instillation of fear as stereotypical dictators of the twentieth century tended to do. Rather, the new generation of authoritarian leaders rely on spin in order to legitimize their grip on power through a sophisticated mix of partial suppression of dissent coupled with the cultivation of genuine widespread support.

Ecological autocratic governments are incentivized to implement drastic and radical measures early on in order to secure long term popular support, while a failure to deal with a challenge at the initial stage can impair any improved efforts in the future. Times of emergency result in an outpouring of propaganda material. In the case of war, it is not sufficient to be attacked but necessary to constantly remind the citizenry of why they are fighting. Maslow's hierarchy of needs focuses the attention of humans toward their immediate needs, such as food and shelter, which is manifested primarily through employment and immediate access to basic goods and not the underlying issues. Transitory but real challenges, such as inflation and crime, have consistently overshadowed climate action in terms of importance. Extreme weather events can have an immediate effect on public attitude towards climate urgency yet have so far failed to turn environmentalism into a pillar of the state. This makes popular sentiments an unstable basis for a democratic mandate for drastic ecological reforms.

The need for a new normality in an ecologically unstable state may make ecological autocracy more likely in coming years. The path towards an ecological civilization remains unclear. Some governments may rely on trust, but for

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others trust will be good but control will be preferable.

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