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Weathering the Storm: Towards a Theory of Protracted Crisis Governance

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Weathering the Storm: Towards a Theory of Protracted Crisis Governance

MA Dissertation

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I. Introduction

Much contemporary political discourse revolves around the concept of crisis. Phrases such as the ‘immigration crisis’, ‘financial crisis’, ‘crisis of democracy’, or the ‘climate crisis’ among countless other cases are ubiquitous not only in common parlance but are also pervasive in academic contexts as well as in policy making. For instance, some recent animated debate in the Netherlands has been concerned with the announcement of a ‘migration crisis’ by Prime Minister Geert Wilders’s cabinet, and with whether the alleged ‘crisis’ has been discursively manufactured (Vincini et. al., 2024). It seems we live in an era defined by the language of crisis claim-making. Its omnipresence notwithstanding, crisis framing is highly ambiguous, irreducibly subjective, and potentially dangerous (Hodder & Martin, 2009). At the level of everyday political discussion, asking agent A to define the crisis of democracy for instance will almost invariably lead to a different reading of the alleged crisis than had one asked agent B. Agent A might have populist sympathies and allege that a crisis of democracy exists insofar as various elusive political elites have captured certain democratic processes. Conversely, agent B may challenge agent A’s assertion by claiming that it is in fact the reciprocal proliferation of populist discourse which rather constitutes the crisis in question. Such everyday ambiguity is of course not aided by the fact that, as is so often the case with political terminology, crisis is itself a nebulous concept. In the most general terms, a crisis can be understood as an instance of potentially catastrophic rupture (Anderson et. al., 2020). As I will argue in this dissertation, such a broad definition, though generally useful, is imprecise. I propose that there are different categories of crisis, each category requiring its own interpretive schematic. This dissertation will develop a theory of *protracted* crisis in particular as a pressing and conceptually underdeveloped category of crisis, one which I propose demands a re-evaluation of modern crisis governance. This prompts my primary research question, namely: what criteria for legitimate governance can reasonably be maintained in the face of a protracted crisis? I will answer this question across two chapters using anthropogenic climate change as a case study which I will argue conforms to a categorisation of protracted crisis.

In the first chapter of the dissertation, I will construct the conceptual boundaries surrounding protracted crises in order to distinguish such phenomena from other categories of exigent circumstance. Specifically, I will argue that a protracted crisis is distinguishable from other categories of crisis in virtue of two relevant features. The first feature of protracted crises is that they conform to an undefined timeframe, meaning no tangible endpoint can be identified to their potential for re-eruption. The second feature of protracted crises is that they are ‘attritionally’ lethal. This means that in virtue of such crises’ protractedness, an attritional fraying of the phenomenological boundaries surrounding normalcy occurs over time. This fraying is felt differently by different groups according to the degree of socio-political power they hold. I borrow the concept of ‘slow violence’ from racial violence theory to elucidate this process (Anderson et. al., 2020). These two features will yield two important principles with regard to the effective and legitimate governance of such crises. Firstly, protracted crises are not soluble in the truest sense of the term. Rather, the effective governance of such crises requires continuous, potentially indefinite mitigative and adaptive action; this demands the development of a contingent *modus vivendi*. Secondly, the legitimate governance of protracted crises

necessitates a democratisation of crisis governance. Given the attritional lethality of such crises, disempowered groups must be given meaningful avenues into articulating their understandings of the relevant crisis. Without this, a protracted crisis cannot be mitigated *as it pertains to those groups*. I will conclude the chapter by explicitly arguing for a reading of climate change as a paradigmatic case of protracted crisis.

Having demarcated the features which make protracted crises particular, my second chapter will ask what it means to cope politically with a crisis in an effective and legitimate manner. This will provide me with the tools to develop a normative theory of protracted crisis governance. I will begin by taking a step back to analyse a paradigmatic framework for understanding crisis governance—exceptionalism, or the state of exception—to ask whether the doctrine maps onto the demands pertaining to the legitimate and effective governance of crisis crises. Carl Schmitt was perhaps the first exceptionalist theorist to develop a tripartite framework for understanding the relationship between politics, crisis, and the Political. Thus, I will begin my analysis with a review of Schmitt’s classical doctrine of ‘decisionist-constitutionalism’ [terminology my own] making notable use of an essay by John McCormick (1997) to sketch out the relevant conceptual landscape. I will follow this with an analysis of some more contemporary critical work in the field of exceptionalist crisis governance by Giorgio Agamben (2003) and Bonnie Honig (2009, 2014) to develop a comprehensive ‘exceptionalist logic’ of crisis governance. Having done so, I will argue that exceptionalism fails to meet the requirements for legitimate and effective crisis governance in circumstances of protracted crisis. I will do so by critiquing a recent essay by Ross Mittiga (2020) in which he defends the implementation of authoritarian means to arrest the progress of climate change. I argue that Mittiga can be read as endorsing an exceptionalist mode of crisis governance insofar as he manufactures a binary division between circumstances in which a democratic state may comfortably ensure both what he calls ‘foundational legitimacy’ (FL) as well as ‘contingent legitimacy’ (CL), and circumstances of extreme exigency in which the preservation of FL must be prioritised to the detriment of CL. Mittiga calls foundational legitimacy the condition that the basic needs of a state’s people are met whereas contingent legitimacy, he claims, refers to the condition that the power used by the state to secure FL is exercised in a manner ‘acceptable’ to all those subjected to it. What counts as acceptable, he submits, is contingent on culture, time, and local circumstances (Mittiga, 2024, pp. 48-49). Mittiga’s distinction between FL and CL, I will argue, is a false one. Circumstances of protracted crisis make salient how a state’s *method* of crisis governance directly affects the extent to which the basic needs of its people are met. I will conclude my dissertation with some positive recommendations as to how the requirements for legitimate and effective protracted crisis governance might be more satisfactorily met.

Some final points of clarification are in order prior to the following argumentation. Firstly, my discussion of crisis governance should be considered relevant solely within the context of a functionally liberal democratic regime. While I do examine suggestions to implement authoritarian measures in the face of crisis, Mittiga’s thesis in particular, I assume that such measures would be implemented from within an extant liberal democratic order. As such, the bulk of this dissertation has a functionally liberal democratic regime as its case study in mind. Secondly, the dissertation is committed to a democratic reading of political legitimacy. I

will spend some time developing the normative reasons for such a reading in both of the following chapters. As a starting point, however, suffice it to say that democratic political legitimacy refers to the normative ideal that actions committed by an authority must in some way be authorised by those actors who would be meaningfully affected by the actions' implementation (Peter, 2023). Finally, in this dissertation I concern myself narrowly with how the concept of crisis is understood within an academic setting. Thus, I set aside 'everyday philosophy' for the purposes of the present work.

II. Diagnosing Protracted Crisis

Before inquiring into which features distinguish a protracted crisis from other crises, it would be useful to begin by briefly defining the concept of crisis in general. I have already cited a general definition, namely that a crisis can be understood as an instance of potentially catastrophic rupture (Anderson et. al., 2020), though this definition can be improved on somewhat by explicating the term's normative force. What I mean by this is that when we invoke 'crisis', we mean to prompt some sort of reaction to the phenomenon which we label as such. Brian Milstein explains that "call[ing] something a "crisis" denotes a plea for action—an *urgency* [...]" (Milstein, 2014, p. 146). The roots of this plea for urgency are twofold: firstly, the plea's force derives from the fear of potential catastrophe should the crisis be left unaddressed, and secondly from the belief that the crisis is in fact manageable. Were the relevant phenomenon to not exert sufficient cause for worry, the urgency contained within the term 'crisis' would be misplaced, thus rendering the phenomenon's designation as a crisis absurd. Conversely, should the relevant phenomenon be truly and totally unavoidable, the term 'crisis' equally collapses. For instance, assume that an extraterrestrial object roughly the size of the Chicxulub Impactor—the asteroid which caused the Cretaceous-Paleogene extinction event—were to suddenly be discovered hurtling directly towards the Earth. As of the year 2024, no aerospace agency on the planet has made adequate progress towards developing the technology required to orbitally redirect an object of such mass. In this thought experiment, assume the meteor will impact, causing an extinction level event. It would be odd to attribute the term 'crisis' to this scenario. The case more closely resembles a description of 'apocalypse', a term which denotes an *inevitable* catastrophic outcome. I propose therefore that when a phenomenon is labelled as a 'crisis', it is assumed that some sort of mitigating or adaptive response is in fact feasible. Brian Milstein (2014) calls this the 'pragmatic force' of crisis, though he claims that pragmatic force can only be generated if the phenomenon is truly *soluble*. I will argue that pragmatic force can be extended to cases in which solubility is not applicable if and only if meaningful mitigative and adaptive action is nonetheless possible.

Read as a development of the previously outlined general definition of crisis, the term 'protracted crisis' refers to an undefined timeframe of attritional, potentially catastrophic rupture. This definition yields two important features of such crises which the proceeding sections will analyse systematically. The first feature is that protracted crises cannot be consigned or reduced to an identifiable timeframe. Any attempt to do so would merely constitute an arbitrary end-post. Insofar as a crisis is *protracted*, it must be understood as temporally undefined and thus perennial. The second relevant feature is that a protracted crisis' lethality is attritional. What I

mean by this is that protracted crises cause and maintain an attritional fraying of the boundaries between ordinary life and disaster, rendering the disastrous normal (Anderson, et. al., 2020). This process occurs at different speeds in different social contexts. It could be the case that while one group might not perceive the damage scale of a crisis at all, another group might feel it acutely. Combined, the features of a protracted crisis raise two significant concerns, one epistemic and the other political. The epistemic concern is this: how can protracted crises be understood as crises if they are perceived as being ordinary by certain groups? This epistemic concern pre-emptly a derived political concern, namely: how can protracted crises be legitimately and effectively governed if they affect different groups differently, thereby requiring potentially diverging mitigative and adaptive policy? Developing a theory of protracted crisis governance will require satisfactory answers to these concerns. Thus, the following chapter will be structured so as to first systematically develop both relevant features of protracted crises in turn, followed by the generation of the particular requirements for the legitimate and effective governance of such crises by providing tentative answers to the concerns generated by these features. Having laid the prerequisite conceptual groundwork, I will conclude the chapter by applying the interpretive schematic of protracted crisis to the case of anthropogenic climate change to argue that such a reading helps to elucidate certain relevant criteria for effective and just climate action.

i. Undefined Timeframe

I call Milstein's assertion that the pragmatic force behind the term 'crisis' can only be generated if the described exigent circumstances are soluble a 'logic of solubility'. Milstein's logic of solubility denies the possibility of insoluble crises insofar as exigent circumstances which "[...] we can only passively adapt to or cope with" more readily conform to categorisations of 'disaster' or 'tragedy' (Milstein, 2014, p. 147). While I have proposed in agreement that certain cases such as the meteor thought experiment resist crisis notation, I argue that Milstein's usage of the qualifier 'passively' with reference to adaptive action is misleading. In this chapter I will argue that protracted crises, in virtue of their undefined temporality, are in fact insoluble. Despite this, crisis notation can nonetheless be applied to them if and only if action can be taken to adapt to and mitigate their damage. Thus, I argue that adaptive and mitigative action is not always as passive as Milstein suggests. Protracted crises differentiate themselves from the meteor thought experiment insofar as an active mode of coping with their threat is feasible or even required.

The logic of solubility points to a certain teleology behind 'traditional' crisis governance. Understood in this way, crisis governance ought to be oriented towards the urgent elimination of the threat posed by the relevant crisis. The moment this *telos* is reached, the timeframe of crisis management is concluded whereupon some formal degree of normalcy can resume. Certain crises do conform to this formulation. For instance, the paradigmatic case of foreign invasion points to a set of well-defined temporal boundaries containing the period of crisis; namely, the invaders' initial incursion, and should the defending state prove victorious, the invading force's retreat. The case becomes more complex should the defending state be defeated. For the time being, however, allow the former scenario to constitute an example of what we may roughly call a 'defined timeframe of crisis governance'. Crises which conform to a defined timeframe are soluble. The sudden venting of a nuclear reactor, a foreign invasion, or a raging forest fire each

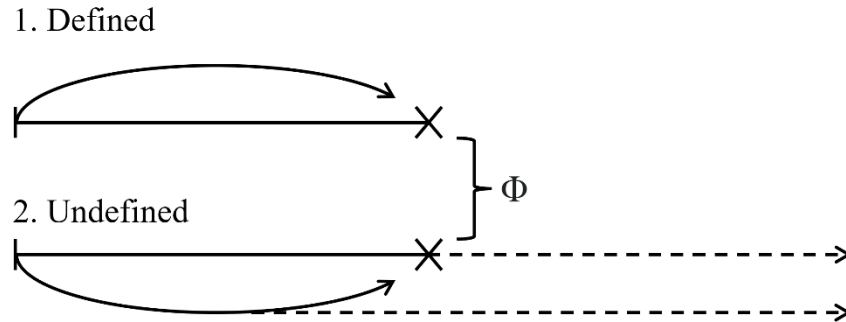
have solutions. A nuclear reactor can be shut down, an invading army can be defeated, and a fire can be extinguished. I propose therefore that it is a crisis' solubility which informs its adherence to a defined timeframe.

Protracted crises conversely resist the logic of solubility's teleology, however in virtue of their protractedness. For something to be soluble in the truest sense of the term, some possible (future) tangible endpoint to the cause of the phenomenon's damage output must be identifiable, as the previous examples show. This is, however, not the case with protracted crises. Protracted crises conform to an 'undefined timeframe'—that is, the quality of lacking tangible temporal boundaries. The reason for this is simply that such crises are not soluble, meaning that no tangible endpoint to the cause of the crisis's damage output can be identified. The solubility or insolubility of a crisis is always conceptually prior to the designation of its adherence to a defined or undefined timeframe, meaning that in order to gauge whether a crisis is protracted or not, one must first be able to gauge whether the damage output of a crisis can be permanently and totally arrested. An analogy will help to elucidate this process. Suppose that a person has contracted HIV. As of 2024, HIV cannot be cured, though it can be treated through a rigorous regimen—antiretroviral therapy—which requires that a patient regularly take a combination of medications. Antiretroviral therapy cannot remove HIV from the body, but it can stop the virus from duplicating (CDC, 2024). The person who has contracted HIV may continue to live a fulfilling life, but they must do so in constant awareness of their condition which threatens to re-erupt should they fail to adhere to a rigorous treatment regimen. At the individual level, coping with an HIV infection can therefore be described as analogous to the threat posed by protracted crises. The analogy works because of its non-conformance to the logic of solubility, that is, the fact that HIV cannot be cured. This means that the virus has an indefinite potential for re-eruption, and it is this quality which in turn would validate the adherence of the 'undefined' qualifier to its temporality.

All this is *not* to say that, insofar as protracted crises are not soluble, nothing can be done to negate their (potential) damage output. This would violate the second conceptual boundary of crisis—that they can in fact be meaningfully coped with. Rather, the HIV case takes a first step towards elucidating a different logic of crisis governance: a logic of true governance and not of solubility. From here, however, the HIV case becomes less helpful in that governance refers explicitly to the act of dealing politically with a phenomenon, whereas coping with HIV is a matter of medical treatment. Whether contracting and living with HIV itself constitutes a protracted crisis may be subject to separate debate. In the present work, I concern myself solely with political crises, that is, crises which can, indeed, must be *governed*. Crisis governance as true governance entails the rigorous and iterative uptake of mitigative and adaptive action within an undefined timeframe to the end of continuously containing the (potential) damage of a protracted crisis. Naturally, the particularities and socio-political requirements of the relevant mitigative and adaptive policy scheme will change according to the nature of the crisis. Figure 1, pictured below illustrates how the logic of solubility mapped onto crisis of undefined temporality fails to contain its potentiality for damage output. In both cases 1 and 2, the parabolic arrows signify the orientation of the crisis governing entity (i.e. the state) towards solution Φ . While in case 1 this orientation has positive efficacy, case 2 illustrates the continuation of the crisis's

potentiality for damage output despite the crisis governing entity's orientation towards and implementation of solution Φ . The parabolic arrow in case two is oriented towards solution Φ , whereas it should continue indefinitely (i.e. the governing entity ought to be oriented towards the generation of mitigative and adaptive action into the unforeseeable future).

Figure 1: mapping the logic of solubility onto defined versus undefined timeframes



The logic of true governance also bears on the definition of efficacy as it pertains to crisis politics. With regard to crises which conform to defined timeframes such as foreign invasion, the effective governance of crisis x refers to the capacity of the governing entity to generate a solution Φ as swiftly as possible. The effect of solution Φ would be to initiate a return to normalcy through the negation of crisis x . By extension therefore, the effective governance of a temporally defined crisis entails the degree to which a swift and decisive return to normalcy is actualised by a mitigating entity. This formulation, in adherence to the previously outlined logic of solubility presumes that a *return* to normalcy is possible, though of course not guaranteed (Milstein, 2014, p. 147). Conversely, protracted crises cannot be regulated by *returning* to normalcy, rather, their continuous governance must *become* a fundamental part of normalcy. Thus, in addition to the requirement that protracted crises be subject to the rigorous and iterative uptake of mitigative and adaptive action, they must also be *lived with* as a contingent feature of normalcy. True governance thus refers to the generation of a *modus vivendi* in which the given protracted crisis must be begrudgingly lived alongside with. The cleavage between returning to normalcy and becoming a part of normalcy thus points to a definition of efficacy as it pertains to the governance of protracted crises. Here, efficacy refers not only to the degree to which the mitigating agent enforces the iterative application of mitigative and adaptive action, but also the extent to which the uptake of the relevant mitigative and adaptive action is normalised (i.e. accepted as a (new) facet of normal life, or alternatively the extent to which the protracted *modus vivendi* is taken up).

To conclude, in contrast to temporally contained crises such as the paradigmatic case of foreign invasion, protracted crises operate according to an undefined timeframe. This means that they cannot be ‘solved’ in the truest sense of the term. Rather, coping with a protracted crisis requires a logic of true governance, understood as the rigorous and iterative uptake of mitigative and adaptive action within an undefined timeframe. Moreover, the effective governance of a protracted crisis is not concerned with a *return* to normalcy. Rather, efficacy in this case refers to

the capacity for a governing entity to iteratively enforce mitigative and adaptive action, as well as to the extent to which mitigative and adaptive action is engrained into normalcy or normal life within the relevant geographical territory or society. The following section will introduce the second identifying feature of protracted crises, namely: their attritional lethality.

ii. Attritional Lethality

The second relevant feature of protracted crises has to do with how damage is both manifested and understood. It is thus worth pausing briefly to define damage as it pertains to crisis governance. In broad terms, I take damage to mean harm caused to persons, groups, property, political systems, or the natural world. Recall that the urgency latent within the concept of crisis is partially due to the fear of potential catastrophe should the crisis be left unaddressed (Milstein, 2014). Catastrophe can be read here simply as a great accumulation of damage. It is a scalar term; x being of catastrophic proportion refers to x 's accumulation of (potentially) dangerous or harmful characteristics. Moreover, x might become catastrophic very suddenly, or it might develop to catastrophic proportion over time. It is the latter category that the damage caused by protracted crises falls under. Such crises manifest themselves through 'episodes' or instances of damage output which are connected through various causal links. Individually, such instances could be understood as circumstantial. However, when viewed as a trend, the catastrophic proportion of the causal links connecting various instances becomes apparent.

Coping with a protracted crisis thus requires a correct understanding of the causal links connecting various instances of damage output. If one were to correctly ascertain the catastrophic potential of the damage caused by a recognisable trend of events, but incorrectly assume the cause(s) of those events, it is unlikely that one would be able to satisfactorily cope with the crisis. With reference to how such causal links are understood, this triggers an epistemological problem predicated on relations of social power particular to protracted crises. The problem states that as protracted crises develop, a degradation of the boundaries between normalcy and disaster occurs. This leads to the normalisation of causally linked damage 'episodes'. Depending on the degree of power one's group holds prior to the relevant exigent circumstances, one might be more or less successful in articulating the causes and effects of these episodes. This means that, as the crisis develops, the popularly understood causal links of a crisis are likely to be those articulated by those groups with greater power. The following will develop the architecture of this problem more explicitly.

Recent work in the fields of critical theory and ecocriticism has led to the development of the concept of 'slow violence' (Nixon, 2011, Anderson et. al., 2020). Slow violence as a theoretical concept articulates the conjuncture of power-contingent temporalities with environmental health and social justice. More precisely, it claims that the emergence and perpetuation of certain forms of (racialised) violence are made ordinary by their gradual and relentless application. This causes an imperceptible degradation of the boundaries surrounding ordinariness for agents living through slow violence. For instance, Anderson et. al. (2020, p. 631) cite the cumulative wearing down of marginalised communities [in the United States] through repeated acts of police violence as an example of post-colonial slow violence. In this case, it would be fair to say that the prevalence of police brutality in the US manifested through

individual acts of violence could be indicative of a protracted crisis: institutionalised white supremacy, as an example.

There is a causal link between the imperceptibility of slow violence and its lethality. As violence is rendered ordinary through its gradual, imperceptible application, a foreclosure of foreseeable futures occurs within the affected group (Anderson et. al., 2020). Subjects of slow violence are suspended in a condition of ‘stalled time’ or ‘disastrous time’ – terms borrowed from racial violence theory – wherein possibilities to live otherwise become phenomenologically foreclosed. Thus, as the iterative wearing down of the relevant group continues, their condition becomes normalised from within and without. It is for this reason that stalled time or disastrous time are power-contingent temporalities, as they maintain and reinforce a power asymmetry between subjects of slow violence and agents unaffected by and often unaware of its imperceptible application.

The attritional lethality of slow violence constitutes the second relevant feature of protracted crises, where the imperceptible degradation of the boundaries surrounding normalcy can be understood as a function of their protractedness. Protracted crises are not *necessarily* contingent on post-colonial power relations, though the concept of racialised slow violence nonetheless helps to elucidate the fact that, at the societal level, attritional damage is rarely if ever evenly distributed. Depending on the given context, factors such as geography, class, wealth, race, gender etc. will weigh differently on the experiences of different agents or groups within a period of protracted crisis. This said, it is nonetheless likely that prior power imbalances will weigh on the experiences of, and crucially popular reception of claimed experiences made by groups within a time of protracted crisis. Thus, protracted crises might have the effect of reproducing and reinforcing pre-existing trends of racialised slow violence. In the most general terms, suffice it to say for now that the attritional lethality of protracted crises is experienced by different persons or groups to different degrees, and the discrepancy between these experiences is likely to be a function of pre-existing power relations.

Earlier, I argued that successfully coping with a protracted crisis requires one to correctly ascertain the causal links connecting various manifestations of the crisis, or ‘episodes’. The epistemological problem sketched out above—that the persistent fraying of the boundaries between normalcy and disaster places prior disempowered actors in a state of ‘stalled’ or ‘disastrous’ time, attritionally foreclosing their capacity to conceive of possibilities for living otherwise threatens the successful governance of such crises. This is because, presuming that disempowered actors or groups are prevented from successfully articulating their claims about the causal linkages between instances of damage, the protracted crisis *as it pertains to those groups* cannot be satisfactorily governed. This requires some additional clarification. Suppose that protracted crisis x generates events a, b, c, n . Group A believes x to be symptomatic of Y , leading to a reading of crisis x as xY , while group B believes x to be a symptom of Z , resulting in a reading of crisis x as xZ . Suppose further that groups A and B are subject to a power imbalance, where group A holds a significantly larger amount of social power than group B . According to the previously outlined theory of (racialised) slow violence, it seems likely that popular discourse surrounding crisis x , as well as how crisis x is read in public policy would be as crisis xY . Now,

presuming crisis x is governed according to reading xY , this might indeed have the effect of mitigating the effects of crisis x on group A . In the best case scenario, it might mean that some or even most of group B 's troubles relating to the crisis are also eliminated. However, I argue that governing crisis x as crisis xY cannot completely account for crisis x as xZ . Other causal links between a , b , c , n will remain which, left unaddressed, will continue to plague group B .

Recall the epistemic concern which I sketched out in the beginning of this chapter, namely that protracted crises, in virtue of their undefined timeframes and their attritional lethality have the capacity to render the experience of disaster normal. This means that if left unchecked, protracted crises have the potential to cause disempowered groups to fall victim to a complete phenomenological foreclosure of possible futures. Once this has occurred, groups which have succumbed to attritional lethality would no longer have the capacity to articulate the causal links generating the crisis within which they find themselves, as the exigent circumstances which would have previously been classified as crisis-scale would at that point become consistent with normalcy. In other words, those groups would no longer have the resources to explain that a crisis existed in the first place. This is simply a matter of hermeneutical injustice. At this stage, it would no longer be accurate to describe the situation as a crisis but rather as a localised apocalypse. To this end, returning to Milstein's conceptual definition of crisis, he rightly claims that "[...] the participants in a crisis—those who would be acting—constitute a key part of the definition of a crisis as a crisis. The concept of crisis in modern society is dependent on a certain capacity for crisis consciousness, i.e. a capacity to identify a crisis and take action (Milstein, 2014, p. 147). Thus, lacking the capacity to identify a crisis, no crisis can be identified.

Complete phenomenological foreclosure must not be confused with my previously outlined requirement for effective protracted governance that a *modus vivendi* of true governance be established. While the former refers to the normalisation of disaster as a result of an incapacity to act to the point that further action becomes impossible, the latter refers to the active rendering of mitigative and adaptive action normal to the end of coping with the crisis in question. Both processes have the effect of normalising disaster, though while the former results in apocalypse, collapsing the conceptual boundaries of crisis, the latter can maintain crisis notation insofar as meaningful ways to cope with the crisis can continue to be generated. Distinguishing between these two forms of normalisation helps to generate an answer to the second concern raised by the two relevant features of protracted crises. Recall that the second concern was a political one. It refers to the fact that if protracted crises affect different groups differently, i.e. different groups construct different causal links between various instances of damage output, this might generate potentially diverging requirements for mitigative and adaptive policies. I propose a simple answer to this concern, namely that it generates a demand for the democratisation of crisis governance in circumstances of protracted crisis. Without provisions in place for groups to participate in meaningful democratic praxis to the end of articulating their experience of crisis, the risk that they succumb to a protracted crisis' attritional lethality is drastically increased. Chapter two will explain specifically why this is the case.

I have thus far defined the conceptual boundaries of protracted crises at a high level of abstraction. In the proceeding and final section of this chapter, I will apply the doctrine of

protracted crisis to the case of anthropogenic climate change as a case study. This will be an important first step towards chapter two's conclusion that climate change, understood as a protracted crisis resists exceptionalist crisis governance.

iii. Anthropogenic Climate Change as Protracted Crisis

On June 23, 1988, NASA scientist James Hansen testified to the U.S. Senate stating that the Greenhouse Effect had been detected. Hansen indicated that the year 1988 had been the hottest year on record in the United States, and that data from the previous thirty years pointed to an abnormal planetary warming trend of over 0.4 degrees centigrade between the years 1950 and 1980 (Hansen, 1988). Such a warming trend, indicated Hansen, had a probability of one percent in natural circumstances. Thus, he concluded that the 0.4-degree warming trend was a real warming trend caused by human activities (Hansen, 1988). Thirty-six year later, the global average temperature of our planet has warmed to nearly 15 degrees Celsius—approximately 1.45 degrees Celsius above the pre-industrial baseline—with some models suggesting that even the 2015 Paris Agreement's multi-national proclamation to keep the global average temperature well below 2 degrees Celsius could be put in jeopardy by the end of the decade (World Meteorological Organisation, June 2024). A global average temperature (GAT) increase of between 1.5 and 2 degrees Celsius would place upwards of thirty thousand species of birds, mammals, reptiles, and other animals at risk, lead to a catastrophic decline in coral reef populations globally, cause a significant rise in sea levels, widespread crop failures, and a drastic increase in heat-humidity related deaths annually (IPCC, 2023, Rogelj, J., D. et. al., 2018). Despite a broad consensus within the scientific community on the anthropocentricity of climate change, however, states have failed to operationalise these findings into adequate policy. Accordingly, a cautious but growing chorus of scholars have made in-roads into developing a doctrine of 'eco-authoritarianism' which would vigorously enforce draconian climate action on corporations and individuals alike to curb the burgeoning threat posed by relations of capital to our planet's ecology (Mittiga, 2022). In the following chapter, I will question whether recourse to blatant authoritarianism truly constitutes the most promising path towards governing the climate crisis, the gravity of its threat notwithstanding. Setting aside the daunting task of developing just and effective climate action for now, however, it is necessary to first devote adequate time to precisely categorising the threat posed by climate change. As such, this section will argue for a reading of climate change as a protracted crisis, it therefore being subject to all of the previously developed requirements for effective and legitimate governance.

I depart from the basic premise that our planet is warming at a drastic rate due primarily to the exponential increase in atmospheric greenhouse gas emissions since the onset of the Industrial Revolution. This premise is aligned with the scientific consensus on consensus with regard to the anthropocentricity of global warming. Some fringe groups, however, most notably within various energy sectors in the United States have been engaged in a lasting misinformation campaign since the mid-Twentieth Century in an attempt to disseminate doubt as to the truth and validity of the scientific consensus on consensus (Oreskes & Conway 2011). Should the reader remain unconvinced of the anthropocentricity of climate change, I direct their attention to Oreskes's work on these 'Merchants of Doubt' (2011). Thus, the position that climate change is a real phenomenon, and the derived assertion that humans are its primary arbiters is a

foundational assumption for my argumentation going forward. The proceeding argumentation will investigate anthropogenic climate change according to the two features of a protracted crisis: an undefined timeframe and attritional lethality.

Let us first consider the timeframe of the climate crisis. The easiest way to gauge whether a crisis conforms to a defined timeframe is to reason whether it is soluble, meaning whether its threat can be negated *in toto*. Conversely, should a crisis showcase an indefinite potential for re-eruption as illustrated in the HIV analogy, this would indicate that the relevant crisis operates according to an undefined timeframe. Recall that the analogy illustrates that continuous and potentially indefinite governance is required to quell the (potential) threat posed by protracted crises. Climate change can no longer be stopped in its tracks. As climate tipping points continue to be triggered, various domino effects will likely engage, causing irreversible damage to certain Earth Systems which could otherwise prevent further ecological collapse (IPCC, 2023). The pace at which our planet is warming can be slowed—drastically even—however the attainment of a pre-industrial GAP is no longer feasible, at least in the foreseeable future (IPCC, 2023). Humans have caused irreversible damage to our planet’s ecology; this is undeniable. This also means, I argue, that climate change is no longer soluble in the truest sense of the term. Future climate policy must therefore take the form of adaptive and mitigative action. Moreover, as a consequence of climate change’s insolubility, its governance must become integrated not only into politics of normalcy, but also more fundamentally at a phenomenological level into the lifeworld of those affected (i.e. everyone). Emphasis on the latter claim is indeed already prolific both in common parlance and policy, being understood as ‘climate consciousness’. Thus, I propose that the climate crisis’s time frame is undefined. No tangible endpoint can be conceived which would entail a wholesale elimination of the complex threat posed by anthropogenic climate change. As an important disclaimer, I do not deny the possibility that in the unforeseeable future a return to a pre-industrial GAP might once more become feasible. However, insofar as such a future is unforeseeable, this forecloses the possibility of imagining a *tangible* endpoint to the crisis. Thus, regardless of whether climate change might indeed be solved by returning to pre-industrial global temperatures in the abstract future, the crisis remains insoluble within the limits of my present analysis.

Considering the attritional lethality of the climate crisis next, recall that protracted crises manifest themselves through causally linked episodes of damage output. The gradual normalisation of such episodes renders their damage scale imperceptible, which in turn can subject certain groups to slow violence. Attritional lethality is a function of the gradual fraying of the boundaries enclosing normalcy. I have argued that this causal relationship is particular to protracted crises. As such, if one can reason that a crisis enables or reproduces slow violence through the fraying of these boundaries and is therefore attritionally lethal, there are solid grounds for attributing the ‘protracted’ qualifier to it. Regarding climate change-derived phenomena, global increases in severe weather patterns, desertification in arid zones—especially in sub-Saharan Africa—rising sea levels, and other drivers already result in countless deaths around the world annually (IPCC, 2023). Pinpointing a climate-related death, or the destruction of property as a result of climate change means constructing a causal link between a given tropical storm, drought, or other extreme weather phenomenon and anthropogenic climate

change. With regard to climate change, this is done by pointing to a correlative trend between the drastic increase in such phenomena over time and GAP increases, climate tipping points being triggered, and emission trends (IPCC, 2023). Thus, a causal link can be drawn between a village being torn apart as a result of a freak hurricane, for instance, and climate change. The storm in question would in this case constitute an ‘episode’ of climate change. As the planet continues to warm and more climate tipping points are triggered, severe weather patterns, desertification and sea level rises among other phenomena will likely become increasingly normalised. The usage of normal here need not necessarily denote the quality of being ‘acceptable’. By becoming ‘normalised’, I mean that such events will gradually become ingrained within collective understandings of how the world *is* and not necessarily how it *ought* to be. The next step of establishing the presence of attritional lethality is investigating how damage is dispersed.

Climate change-related damage is neither globally nor locally evenly distributed (Cretney & Nissen, 2022). Regarding the former dimension, the industrialised North’s capacity to cope with climate-related disasters vastly eclipses that of the global South. A pre-existing post-colonial power asymmetry exists between wealthy Western states and numerous developing nations in the Southern Hemisphere which, among other factors, has led to an uneven wealth and resource distribution between the two spheres (Moe-Lobeda, 2016, Cuomo, 2011). This has left many developing nations with inadequate tools to cope with climate-related disasters as they appear at or within their borders. Moreover, various geological factors ensure that nations on or near the equator are disproportionately affected by a rapidly changing climate (Posner & Weisbach, 2010, pp. 21-23). Sub-Saharan African states are at dire risk of desertification, while residents of equatorial Southeast Asian and Oceanian states are at increased risk of heat-humidity related death, and Pacific Island nations are at acute risk of total erasure due to rising sea levels, to name a few examples (IPCC, 2023, Lazrus, 2012). At the local level, despite circumstances varying drastically from state to state, various cases of forced displacement of vulnerable communities to the benefit of wealthy local actors (Cretney & Nissen, 2022, p. 1570), general disregard for Indigenous insight (Whyte, 2020), and reproduction of ‘acceptable’ minority disaster victims (Anderson et. al., 2020) among other trends point to an uneven distribution of power in local contexts with respect to how climate governance is conducted. This is to say that climate change places a significant portion of the world’s population in a condition of ‘disastrous’ or ‘stalled’ time. Much in the same way that marginalised communities are in danger of being imperceptibly worn down through repeated acts of police violence (Anderson et. al., 2020, p. 631), the continuous disempowerment of vulnerable communities both locally and globally in the name of climate action threatens a phenomenological foreclosure of possible futures for these groups. This is not to say that various actors have not actively fought against this process. Indeed, Indigenous scholars have been tireless in articulating their continuous disempowerment as an adverse effect of disaster governance (Whyte 2018). Such scholarship can be read as a polemic tool used to fight against the fraying of boundaries dividing normal time from stalled time, though without uptake by well-off groups, internal advocacy alone may not be adequate. For now, I close with the following dilemma: the iterative damage scale of climate change causes an imperceptible fraying of the phenomenological boundaries separating normalcy from disaster. This traps certain actors in a state of stalled time. Climate change, I argue, is therefore attritionally lethal.

To conclude this chapter, protracted crises are a category of crisis which conform to an undefined timeframe and are attritionally lethal. Anthropogenic climate change fulfils both requirements and can thus be read as a protracted crisis. Therefore, the generation of effective and legitimate climate policy must firstly be predicated on the fact that the crisis is not soluble in the truest sense of the term, and secondly on the consideration of the fact that the reading of the damage scale of the crisis will be contingent on existing power relations. Moreover, this entails that, given the epistemic and political concerns generated by protracted crises' relevant features, the generation of climate policy must be subject to democratisation. In the proceeding chapter, I will make the case for the democratisation of crisis governances *in cases of protracted crisis* more explicit by arguing that undemocratic crisis governance can generate neither effective nor legitimate mitigative and adaptive action in circumstances of protracted crisis. To this end, I will critique the doctrine of 'exceptionalism' or the 'state of exception', which I argue is a paradigmatic framework for governing crises in an undemocratic manner. I will conclude with some brief positive suggestions as to how democratisation might be understood.

III. Democracy and the State of Exception

The roots of the term 'crisis' are found in the Greek word 'κρίσις' [krisis] which itself derives from the verb 'κρίνω' [krinō]. Approximately, *κρίνω* means to divide, to separate, to judge, or to decide (Milstein, 2015, p. 143). We find in this definition the conceptual architecture for perhaps the most prolific reading of crisis governance: exceptionalism. Exceptionalist crisis governance is predicated on the notion that a distinction is self-evident between what can loosely be described as the 'norm', that is, politics of 'normalcy' or an established lifeworld, and the 'state of exception' which refers to an (enclosed) moment of rupture from the norm. Crucial to this binary logic is the existence of a Decision with a capital D pertaining to whether or not such a moment of rupture is either in effect or imminent. To ask with whom this decision lies or ought to lie generates a separate discussion of sovereignty. For now, suffice it to say that exceptionalist crisis governance places democracy within perilously close proximity to decisionism. While democracy may reign within the 'norm', it is decisionism which must, according to exceptionalists, prevail within the 'state of exception'. The exceptionalist reading of crisis governance is certainly not the only framework in the existing scholarly literature. Indeed, much contemporary discussion surrounding crisis governance departs from a common understanding of exceptionalism as a somewhat flawed doctrine (Agamben, 2003, Honig, 2009, Anderson et. al, 2020, Feinberg, 2018, Osborne & Carlson, 2023). This notwithstanding, exceptionalism remains the dominant reading of crisis governance as it pertains to policymaking, particularly in the realm of security (Slaven & Heydon, 2020, Kurylo 2022). Indeed, I argue that the logic underpinning exceptionalist crisis governance can be found in some contemporary works which cautiously defend uses of authoritarianism in contexts of dire emergency (Mittiga, 2020). Thus, given its prolificacy, I propose that exceptionalism can be read as the *paradigmatic* account of undemocratic crisis governance. Despite its contested nature, it would be unwise to discount exceptionalism as being wholly antiquated straight out of the gate. As such, in this chapter I will trace the origins of exceptionalist crisis governance to establish the necessary groundwork for my later critique of the doctrine.

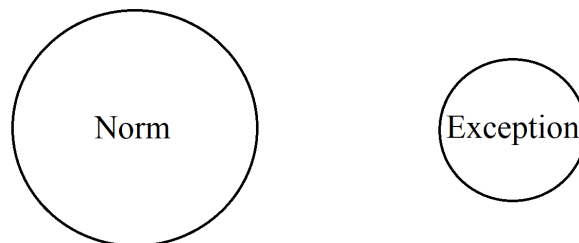
The conceptual-theoretical development of the state of exception has its roots in Carl Schmitt's Weimar legal theory (though some equivalence might also be drawn to the French *état de siège* [state of siege]). It will therefore be necessary to engage in some brief discussion of Schmitt's original work on the state of exception in '*Die Diktatur*' (1921) and '*Politische Theologie*' (1922) to satisfactorily introduce certain foundational concepts required for the proceeding argumentation. Following my review of Schmitt's classical work, I will touch on some relevant contemporary theory on the state of exception to highlight a crucial development in recent crisis governance theory pertaining to the concept of survival. Namely, I will argue alongside authors such as Giorgio Agamben (2003) and Bonnie Honig (2009) that exceptionalist crisis governance generates places the Decision as to what the relevant needs for political survival are within the state apparatus. The final section of this chapter will show how such a logic of survival generates significant problems when applied to contexts of protracted crises such as anthropogenic climate change. I will make this point by critiquing a recent essay by Ross Mittiga (2020). Mittiga, I will argue, can be read as endorsing a mode of exceptionalist crisis governance as a protracted crisis coping mechanism.

i. Decisionist-(Quasi)-Constitutionalism

The doctrine of crisis-as-exception originates from a Schmittian critique of constitutional liberal democracy. The account marries constitutional liberal democratic theory with a contingent decisionist logic and was borne primarily out of two books written by Schmitt in the early 1920's— '*Die Diktatur*' (1921) and '*Politische Theologie*' (1922). A prolific essay written by John McCormick (1997) traces various possible contextual influences as well as personal motivations for Schmitt's development of this doctrine across both books. McCormick explains that '*Die Diktatur*' and '*Politische Theologie*' were both written in the context of the fragile Weimar Republic, a constitutional liberal democracy whose first president, Friedrich Ebert made extensive use of Article 48 of the Constitution which enabled the executive body to, under certain circumstances take emergency action without prerequisite need for popular consent. Ebert made primary use of Article 48 to quench repeated rebellions from within the republic's territory, though the Article was also invoked to stabilise the national economy following a depression (McCormick, 1997). Contextualised by these events, in '*Die Diktatur*', Schmitt criticised the constitutional liberal state for being at particular risk with regard to extraordinary occurrences due to blind faith in the cumulative politico-technical apparatus of liberal democracy. Trust in the universality of nature and the precise and reliable functioning of liberal-constitutional institutions, argued Schmitt, had led liberal theorists to neglect (or even deny) the ontological possibility of the extraordinary (McCormick, 1997, p. 167). In response to this alleged oversight, Schmitt developed a theoretical groundwork for the office of 'commissarial dictatorship': a quasi-constitutional provision for concentrated emergency authority in the sovereign executive which was to be invoked within extraordinary circumstances. The office's function was preservative-restorative: preservative in as much as it could ensure the continuation of the extant juridical order, and restorative only insofar as that order had already been corrupted. Using the theoretical-historical example of the Roman institution of dictatorship, Schmitt argued that such a provision, its implementation being consigned to moments of exceptional circumstances could be a valuable tool to ensure the survival of the juridical order in times of crisis (McCormick, 1997, Scheuerman, 2014).

Schmitt's classical theory of commissarial dictatorship in '*Die Diktatur*' is illuminating and therefore worth revisiting for two reasons. Firstly, the theory establishes a foundation for how crisis is to be understood within the decisionist-constitutional account, namely as a period or state of exception. We can grasp a fundamental distinction between a state which Schmitt calls the 'norm' or normalcy, that is the continued functioning of the constitutional-liberal apparatus, and the 'exception' referring to an extraordinary period of rupture from the politico-technical lifeworld maintained by that apparatus to potentially disastrous effect. The exception was therefore to be understood as fundamentally distinct from the norm, as merging the two in any way would risk collapsing the binary division between both spheres. This is because the seepage of exceptional circumstances or measures into the realm of normalcy would render these circumstances or measures unexceptional. In other words, a thing cannot be both normal and exceptional at the same time. There is a non-normative and a normative component to this argument. Claire Wright (2015, p. 3) develops a distinction between emergency politics and discretionary politics where both are understood to implement extraordinary measures, though only the former is used in extraordinary circumstances. The claim is thus that when extraordinary measures are implemented in circumstances of normalcy, they become discretionary and therefore cannot logically be thought of as emergency politics. Wright's claim is the non-normative component to the norm-exception division. The normative component to the division is simply that any allowance for exceptional measures, or indeed empirically false discursive framings of current circumstances as being exceptional to seep into politics of normalcy presents a looming risk of authoritarianism in virtue of such a precedent's normalisation.

Figure 2: *binary division between norm and exception* (Wright, 2015)



Exceptional circumstances, according to Schmitt, cannot be governed within the extant constitutional-liberal order due to a contingent over-technicisation of politics (McCormick, 1997, p. 171). Political technicisation in this context refers to the regulation of relations among political actors according to a contingent ontological imaginary of the universality of nature. This is perhaps nowhere more evident than the basic liberal principle of the rule of law: that the law ought to apply to all actors equally, regardless of morally arbitrary circumstances. Schmitt's concern was that exceptional circumstances resist attempts at universalisation in virtue of their anomalousness, however. This problem bears equally on the prediction of exceptional circumstances as well as the governance of them. If Schmitt was right, this means that not only are constitutional-liberal regimes weak in terms of pre-empting exceptional circumstances, but also that the juridical apparatus of such regimes may prove ineffective at addressing exceptional circumstances when they arise, provided that such circumstances are governed through ordinary

politics. Thus, it can only be the case that exceptional times call for exceptional means. The exceptional means which Schmitt concludes are necessary entail the complete suspension of the juridical order until a resumption of normalcy is possible.

The second reason why Schmitt's classical exceptionalist account is worth revisiting has to do with its relationship to democracy. Despite his apparent reservations as to the capabilities of the liberal state vis-à-vis crisis governance, McCormick points to the fact that in '*Die Diktatur*', Schmitt does not yet seem to believe that the democratic constitutional-liberal project ought to be abandoned *in toto*. Constitutional liberal democracy, or the 'norm' is still presented as worthy of protection in as much as the end of the commissarial dictatorship is to be understood as its own destruction. However, it is within the exception where the decision reigns, i.e. the means through which the crisis is to be governed are to be decided on by the commissarial dictator, or sovereign.

It is worth noting that, written a year later, '*Politische Theologie*' abandons any previous attempt to articulate a theory of restorative commissarial dictatorship. The first line of the book: "Sovereign is he who decides on the exception" (Schmitt, 1922) points to a dramatic turn in Schmitt's project. Schmitt places in the hands of the sovereign not only the authority to decide on how to govern within the exception but crucially also whether an exception exists in the first place. The sovereign in question Schmitt classifies as a 'sovereign dictator[ship]' whose function, unlike that of a commissarial dictatorship is not to restore the constitutional order of a polity already in crisis, but to bring into being a *new* order out of a moment of rupture (McCormick, p. 170). It is at this point where the Schmittian account breaks with democracy completely.

It would be strange to call Schmitt's account of emergency politics democratic. While the politics of normalcy he initially so vigorously defends refer explicitly to constitutional parliamentary democracy, the same constitutional rights which would otherwise ensure the quality of democracy according to the relevant reading of democratic praxis could not restrain the power of the sovereign executive within a state of exception. Even the comparatively moderate commissarial dictatorship, wherein the sovereign exercises power to the singular end of restoring the constitutional order is vulnerable to this critique. The office was to be understood as *quasi*-constitutional (hence decisionist-*quasi*-constitutionalism) in as much as it operated paradoxically between the juridical and the non-juridical. The commissarial dictatorship, despite being of the juridical order in as much as it was to be both codified in the constitution and be explicitly directed at the safeguarding of that order, nonetheless operated outside of the juridical order's boundaries in the pursuance of its task. As Agamben (2003) rightly points to, the exception can mean nothing but the suspension of the juridical order, for "what must be inscribed within the law is something that is essentially exterior to it, that is, nothing less than the suspension of the juridical order itself" (Agamben, 2003, p. 33). Thus, even if election is understood as a proxy for democratic praxis, and the appointment of a commissarial dictator were subject to popular vote following the onset of a national emergency, their election would more closely resemble a base account of mere authorisation-based representation (Pitkin, 1967, pp. 14-37) than a genuinely democratic entrustment of authority in a representative who would

be subject to some degree of accountability. Simply put: a dictator's genuinely democratic election notwithstanding, the consequential suspension of the juridical order following their election would nullify the position's democratic qualities. It is for this reason that Agamben cites the reign of Adolf Hitler over Nazi Germany as a localised eight year-long state of exception (Agamben, 2003). For Schmitt, this is not a problem given that he genuinely endorses an authoritarian mode of crisis governance. Schmitt's position notwithstanding, the second section of this chapter will show why such a view may spawn potentialities for illegitimacy.

To conclude, the decisionist-*quasi*-constitutionalist account can, at best, be understood as an insurance policy of last resort for constitutional democracies. Facing a crisis of sufficient proportion (i.e. existential) and of sufficient urgency, constitutional democracies may announce a state of emergency, suspend certain rights, and grant the sovereign executive additional powers until the state of emergency is declared concluded, at which point the juridical order is to be officially restored and the rule of law re-enforced. Thus, paradoxically, the decisionist-*quasi*-constitutionalist account of emergency politics entails the sacrifice of constitutional democracy for the preservation of constitutional democracy. Scholars have suggested ways in which the threat of blatant authoritarianism posed by the decisionist-constitutionalist account might be quelled, such as separating the office which decides on the exception from the office which decides on how to cope with it (McCormick, 1997) and demanding that acts taken within the exception not have legislative force (Fatovic, 2019). These amendments notwithstanding, the rift between democracy and the Decision holds. Regardless of whether a provision for emergency powers is enshrined in the constitution, the exercise of those powers within the state of exception would nevertheless be unconstitutional, and thus undemocratic according to a constitutionalist reading of democratic praxis. It is worth asking whether crisis politics ought to be democratic in general in the first place, however. Accordingly, the next section will show that the exceptionalist logic behind decisionist-*quasi*-constitutionalist emergency politics risks reducing responsive action to the singular immediate needs of the governing entity's (i.e. the state's) survival. This will reveal a discrepancy between the legitimating principles of exceptionalism and the requirements of legitimate crisis governance in circumstances of protracted crisis.

ii. Surviving Disaster

Recent scholarship has questioned whether the classical Schmittian distinction between exception and norm continues to be productive (Agamben, 2003, Honig, 2009, 2014, Ferejohn & Pasquato, 2004, Bandt, 2009, Anderson et. al., 2020). Giorgio Agamben's titular book '*The State of Exception*' (2003) theorises that since the Second world War, liberal democratic states have made increasing forays into de-exceptionalising the exceptional. That is, such states have begun to discursively appropriate exceptional circumstances into their policy frameworks. As such, Agamben argues that the state of exception has become a biopolitical paradigm of government. The state of exception has biopolitical force in as much as it, as an exercise of political power, has the effect of encompassing living beings in their totality, regulating their conduct and status as human agents through the suspension of the law. Agamben cites the November 13, 2001 'military order' issued by the president of the United States which legitimated the indefinite imprisonment of Taliban fighters, and the 2001 USA Patriot Act passed by the Senate—both proclamations following the September 11th attacks—as cases in which the

(localised) suspension of law had had particular biopolitical force. The ‘military order’ for instance had the force not only of erasing the status of imprisoned Taliban fighters as POWs, but also their status as legal persons under US law (Agamben, 2003). This effectively reduced those imprisoned in Guantanamo to a sub-human state as far as the law was concerned. Separately, Anderson et. al. (2020) cite research into racial violence following Hurricane Katrina (Braun & McCarthy, 2005) and the 2010 Haiti earthquake (Mullings et. al., 2010) to explain how state responses to natural disasters draw on and reproduce minority disaster victims as ‘disposable lives’ or discursively acceptable casualties. Here again certain agents are reduced to an enclosed state of being, regulated and managed as *quasi*-legitimate cannon fodder.

What the 2001 ‘military order’, USA Patriot Act, Katrina, and Haiti relief operations each point to is that, to the end of de-exceptionalising the exceptional, acts taken by the state in the wake of (or during) periods of crisis have the biopolitical effect of reducing the experience of living for some (or all) to remainders of ‘mere life’. Mere life can best be defined by way of contrast with ‘more life’ in relation to Jacques Derrida’s close etymological examination of the French word for survival: *survivance*, where *sur-vivance* — an excess or abundance of life denotes the quality of having lived more than expected (Honig, 2009, p. 10). Mere life is not antonymic to dying, as one reduced to mere life still lives. Rather than concerning living versus nonliving, the expanse between mere and more life lies between living and *overliving*. The demands of mere life force an agent to narrowly concern themselves with the immediate requirements for continued living. In her 2009 book ‘*Paradox, Law, Democracy: Emergency Politics*’, Bonnie Honig conjectures that as a matter of fact survival’s demands often “reduce us, [forcing us to] focus on specifics [or] immediacies [...]” (Honig, 2009, p. 10). By reducing our scope of thinking or by focusing on immediacies, we concern ourselves narrowly with the bare requirements to continue living. In contexts of survival, allowing oneself to succumb totally to the requirements of mere life will come at the cost of *overliving*. *Overliving* requires one to confront moral questions such as “how will I live after I have done what I needed to do?” or “is this the *right* thing to do?”. In other words, *overliving* requires us to think about *how* we survive, or alternatively, given that we might survive, *what* will we survive *as*? Read in Arendtian terms, *overliving* or more life denotes genuine political praxis, or the condition of plurality as the utmost realisation of the *vita activa* (Tömmel, Passerin d’Entreves, 2024). In contexts of political survival—i.e. circumstances of crisis—we as political creatures engage in *overliving* only when we *sur-vive* together as speaking agents by meaningfully interacting with each other. This entails that we not only concern ourselves with the immediate needs of our *own* survival, but also with those needs’ relationships with the needs of others.

If Agamben is right, it is striking that the normalised instrumentalisation of exceptional circumstances as justification for the proliferation of exceptionalist policy has become a paradigmatic facet of modern governance. This presents us with the worrying implication that the (neo)liberal state operates increasingly according to the normalisation of mere life. Returning to Katrina, a consequence of the generation of mere life can be read as the survival of the reigning socio-political order at the expense of disposable black disaster victims. The victims themselves are tragically and self-evidently reduced beyond mere life, yet the social order perpetuated through their sacrifice enables the reproduction of minorities *as* ‘acceptable

casualties'. With respect to the 2001 military order, mere life comprises the reduction of imprisoned Taliban fighters to a sub-human state through the legitimization of indefinite internment. Finally, mere life under the USA Patriot Act encloses public life through wiretapping, reducing humans to nodes in a vast surveillance network of unwitting informants under constant and imperceptible supervision by the US state department.

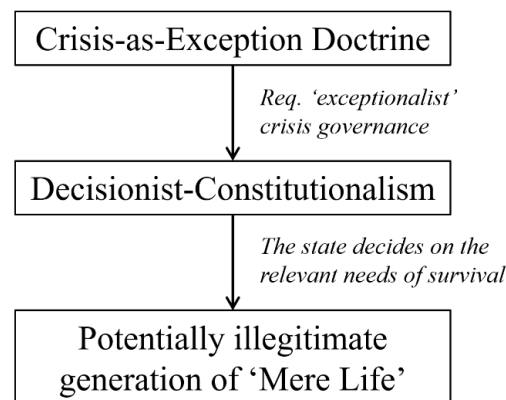
If cases of mere life production are as widespread as authors such as Agamben and Honig argue, this reveals a crucial question, namely, in contexts of political survival, *whose* survival are we really speaking of? The previous examples show that, prompted by various exigent circumstances (the immediate aftermath of the September 11th attacks, Hurricane Katrina, and the Haiti Earthquake), (neo)liberal states have produced policy which first and foremost ensured the continuation of their own sovereignty. Indeed, it has been argued elsewhere that, stimulated by the War on Terror, contemporary (neo)liberal orders perpetuate themselves increasingly through logics of emergency by containing and curtailing classes of events as well as possible futures through discursive framing (Anderson et. al., 2020, pp. 623-624, Bandt, 2024, p. 19). The reproduction of disposable victims, legitimization of indefinite internment, and establishment of national surveillance networks, among countless other cases could therefore be read as facets of a broader project by the (neo)liberal state to de-exceptionalise the exceptional to the end of iteratively re-establishing itself.

The state's iterative re-establishment in this manner is only possible in virtue of exceptionalism's decisionist logic. Quite simply, this is because a concentration of decisionist power within the state apparatus generates the considerable risk that, faced with a crisis (whether manufactured or real), the relevant immediacies which the state will concentrate its efforts on preserving will likely be contingent on the interests of the state itself. Consequently, this means that insofar as the state itself is allowed to decide on which classes of actions constitute legitimate crisis governance, there is a non-negligible risk that such actions conform to the state's project of re-establishing its primacy. Whether this occurs in practice is beyond the scope and field of the present dissertation, though the cases sketched out in this section should at least give some pause for thought. Rather, the relevant concern is a normative one. It *oughtn't* be the case that the state maintain the capacity to instrumentalise a period of crisis or manufacture a crisis for its own gain at the cost of discursively 'necessary' casualties, or remainders. Insofar as the state is exclusively and unaccountably handed the prerogative to decide on what the needs of political survival are, remainders of mere life are likely to be produced, and it is this fact which generates at least a potential for illegitimacy.

Why is this explicitly a problem? In the context of political survival, questions of legitimacy center on the relationship between the two logics of living: mere life versus more life. It would be overly reductive to state that the production of mere life *always* generates grounds for political illegitimacy, however. As Honig reminds us, survival's needs often force us to engage with the needs of mere life. The adverse consequences of mere life production notwithstanding, it is often the case that some degree of focus on the immediate needs of survival is required to cope with a crisis, politically or otherwise. For instance, the active invasion of a state, or the immediate threat of invasion of that state would surely justify the suspension of law

and its supersedence by a requisite legal doctrine within the state’s territory (i.e. martial law, *l’état de siège*). This being to the end of protecting not only the juridical order of that state but also the lives of its citizens. Military conscription, which is surely justified in the case of foreign invasion has biopolitical force in as much as it forcibly reduces fighting-aged citizens to tools in the defense of the state. Thus, conscription can surely be read as a contingently legitimate producer of mere life. However, history reveals more sinister cases of mere life generated in the same context. Consider the extra-legal internment of ethnically Japanese Canadian and American citizens during the Second World War, or a more contemporary case: the second-class treatment of Palestinians in Israel under the Prevention of Terrorism Ordinance (PTO) (Feinberg, 2018), for instance. This points to the fact that there likely exists a normative standard between legitimate and illegitimate mere life. But where does the standard lie? With regard to crises conforming to a defined timeframe such as foreign invasion, finding this division is again beyond the scope of this dissertation. Insofar as I concern myself narrowly with the governance of *protracted* crises, I am more equipped to answer whether and how mere life can be generated in a legitimate manner under such circumstances of *lasting* exigency. The concluding section of this chapter will therefore develop a standard for governing protracted crises in a legitimate and effective manner, using climate change as a case study. I will argue that exceptionalism fails to meet this standard. My argumentation will be structured along the lines of a critique of Ross Mittiga’s recent essay “Political Legitimacy, Authoritarianism, and Climate Change” (2022) in which he claims that anthropogenic climate change constitutes a *political* catastrophe of sufficient proportion as to warrant the controlled implementation of authoritarian protracted crisis governance both legitimate and necessary.

Figure 3: *exceptionalist logic*



iii. Environmentalism, or Barbarism?

What makes a crisis a political crisis? This is the question which Ross Mittiga sets out to answer in his book *Climate Change as Political Catastrophe* (2024). Mittiga’s answer is that a crisis becomes politically catastrophic insofar as it threatens the basic material conditions which make just social relations—and by extension democratic governance—possible (Mittiga, 2024). Climate change, Mittiga argues, fulfils this condition. His book departs from this premise to gauge possible answers to climate change as a political catastrophe. To this end, Mittiga

investigates under which circumstances principles such as justice, fairness, or legitimacy ought to be sidelined for raw efficacy in the face of a politically existential threat. Consequently, in the third chapter of the book '*Political Legitimacy, Authoritarianism, and Climate Change*', Mittiga develops a cautious defence of 'eco-authoritarianism' as a potentially viable answer to anthropogenic climate change (2024, pp. 47-71). To develop his thesis, Mittiga distinguishes between two forms of political legitimacy. He calls *foundational legitimacy* (FL) the condition that the basic needs of citizens are met, and *contingent legitimacy* (CL) the condition that the power used by the state to secure FL is exercised in a manner 'acceptable' to all those subjected to it (Mittiga, 2024, pp. 48-49). What counts as acceptable, he submits, is contingent on culture, time, and local circumstances. Certain circumstances of extreme exigency, he argues, trigger a discrepancy between the demand for FL and acceptable ways to generate it (CL), however. The problem that Mittiga is pointing to is that faced with a crisis, normal [democratic] mechanisms for generating just policy might not be adequate to ensure that the basic needs of all citizens are met. This, he argues, leads to a justification of authoritarian means for legitimate purposes, i.e. the sacrifice of CL for the assurance of FL. In Mittiga's words: "[...] in crisis moments, political legitimacy may not only be compatible with authoritarian governance but *require* it. Conversely, stringent adherence to liberal-democratic constraints may diminish legitimacy insofar as this inhibits effectively responding to credible security threats" (2024, p. 49).

While I agree with the basic premise that climate change constitutes a *political* threat and thus requires urgent action, the following section will challenge Mittiga's thesis that recourse to authoritarianism may be justified for this reason. I will develop my argument according to the following principle: that circumstances of protracted crisis reveal the falsity of Mittiga's distinction between foundational and contingent legitimacy. I propose that, given the two relevant features of a protracted crisis, recourse to undemocratic means in the pursuance of mitigating the threat of political catastrophe posed by such a crisis merely exacerbates its potential to reach apocalyptic scale. My first chapter concluded by stating that legitimately and effectively governing crises which conform to an undefined timeframe requires a democratisation of crisis governance, lest disempowered groups succumb to attritional lethality. Translated, this means that the content of FL, that is the provision of basic needs, must include some provision for overliving, i.e. democratic praxis. Given this, I argue that Mittiga's claim that FL is prior to CL falters insofar as, in contexts of protracted crisis, the content of FL must include CL. If this is true, then Mittiga's invocation of exceptionalist crisis governance—that circumstances of political crisis warrant a focus on FL to the detriment of CL—fails.

To begin, it would be prudent to make explicit why Mittiga's proposal for the controlled implementation of authoritarian measures to combat anthropogenic climate change can be read in conjunction with the previously outlined exceptionalist doctrine of crisis governance. In order for Mittiga's framework to work, he must manufacture a division between a condition in which a state may safely concern itself with the demand for CL, and a condition in which circumstances are so dire that CL must be sacrificed to some extent so as to preserve the state's capacity to generate FL. I propose that the division between these two manufactured conditions maps onto the exceptionalist binary logic of norm and exception. I turn now to the potential implications of Mittiga's exceptionalism for the governance of protracted crises.

Recall the two relevant features of protracted crises which I developed in the first chapter of this essay: their adherence to an undefined timeframe and the attritional lethality of their damage scale. With regard to the former, it is unclear whether Mittiga assumes that the authoritarian means which he hesitantly advocates for are meant to have lasting effect. Given that climate change is a protracted crisis, its effective governance will demand continuous and rigorous uptake for an undefined period of time. Hence, supposing that Mittiga is to be believed in that eco-authoritarianism truly constitutes the only way to ensure FL when faced with the political threat of climate change, eco-authoritarianism must become a norm of governance into the unforeseeable future. Even if in the distant future carbon capture technology is developed to the point that emissions no longer constitute an omnipresent threat, or otherwise Schellnhuber's "great transformation" is accomplished (Stehr, 2016, p. 42), there is no guarantee of a return to democratic governance thereafter. This premise surely has troubling implications for the future prospects of democracy. Nevertheless, provided that eco-authoritarianism should prove effective in delivering satisfactory crisis governance, this could grant some justification for accepting Mittiga's thesis—albeit at a considerable cost. The cost becomes more apparent when examining the second characteristic of protracted crises: their attritional lethality.

In the previous section of this chapter, I proposed that, insofar as the state is given a *carte blanche* to generate mitigative and adaptive policy, there is considerable risk that the policy generated will be to the advantage of the state itself—i.e. the state could be incentivised to concern itself narrowly with the immediate requirements for *its own* survival. With regard to climate change policy, a recent paper by Mike Hulme (2019) points to a pressing symptom of, I argue, precisely this practice—that is the existing tendency of climate policy to be oriented towards 'net-zeroism' or what Hulme calls "hitting the carbon numbers" (pp. 23-24). This refers to the simplification of climate change to "reductive and seductive metrics such as global temperature and carbon dioxide concentration" (Hulme, 2019, pp. 23-24). While metrics such as these have undoubted importance, even primacy with regard to the tracking of climate change, the complete reduction of mitigative and adaptive action to "hitting the carbon numbers" fails to account for other crucial facets of the climate crisis (Hulme, 2019, Stehr, 2016). I propose that the reductive tendency towards net-zeroism is a symptom of climate change's attritional lethality. Specifically, I argue that the primacy of climate change as *singularly* an emissions problem can be read as the result of other readings of the crisis being (unintentionally) smothered by comparatively powerful social discourses. Recall that attritional lethality refers to the continuous fraying of boundaries surrounding normalcy to the end of placing disempowered actors or groups in a temporality of 'stalled' or 'disastrous' time. Presuming disempowered actors or groups placed in 'disastrous' time are prevented from successfully articulating their claims about the causal linkages between instances of damage, the protracted crisis *as it pertains to those groups* cannot be satisfactorily governed. With regard to common understandings of the causes and effects of the climate crisis, this is perhaps nowhere more salient than in Indigenous relations.

Indigenous and non-indigenous scholars such as Kyle Whyte (2017, 2019, 2020), Natalie Osborne, and Anna Carlson (2023) have argued that contemporary climate governance has failed to include Indigenous input to catastrophic effect. In particular, Whyte claims that climate action

must centre environmental justice with regard to indigenous relations in its generation of mitigative and adaptive policy (2020). In answer to whether it is too late to arrest climate change, he argues that discussions of environmental tipping points miss a crucial ‘relational’ tipping point which has already been triggered. Whyte’s relational tipping point refers to the qualities of relationships which connect indigenous communities to other governments, NGOs, and corporations which, if heeded, “could avoid further injustice towards Indigenous peoples in the process of responding to climate change” (Whyte, p. 1). These relational qualities include “consent, trust, accountability, and reciprocity” (Whyte, p. 1). Whyte’s thesis that this relational tipping point has already been triggered points to the fact that arresting climate change before various environmental tipping points are triggered by slashing emissions might nevertheless fail to generate a just climate action portfolio. I have invoked Whyte’s reading of climate action to point to a tangible case in which the dominant understanding of change and thus climate action has already fallen short to some degree in as much as the sidestepping of Indigenous relations in the pursuance of climate policy has already transgressed a point of no return. I propose that this can be read as an instance of the attritional lethality of climate change.

Returning to Mittiga, the reason I have argued at length as to why the dominant reading of climate action—that is, as *singularly* an emissions problem—is problematic is to propose that a *carte blanche* given to the state to ‘solve’ climate change may not help with regard to readings of the crisis by various disempowered groups such as Indigenous peoples. Even if Mittiga is right in that the state, once given the requisite authority to slash emissions by imposing heavy carbon taxes on high-polluting corporations, could mitigate the worst effects of climate change, leaving the state to its own devices would further disempower groups with diverging readings of the crisis. I must note here that I am not advocating for political discussion as to the anthropocentricity of climate change. There are empirical grounds for discounting input from groups who deny the human causes of climate change and would thus push against emissions reductions. Based on the scientific consensus on consensus, it is undeniable that climate action must urgently be concerned with drastic reductions in global greenhouse gas emissions (Oreskes, Conway, 2011). The relevant topic of discussion from here thus becomes *what kind* of damage does climate change cause, and to *whom*, to what *scale*, and *why*? Climate policy must be generated according to the socio-ecological grounds given in answer to these questions. Conversely, even if Mittiga’s proposal to arrest climate change through authoritarian means had the effect of arresting emissions, it would not generate the political discussion required to inform the manner in which these cuts were enacted, or whether other measures such as decolonisation were equally crucial to the generation of just climate governance.

To conclude, I have argued that the basic premise according to which protracted crises threaten Mittiga’s thesis is this: that Mittiga manufactures a binary division between FL and CL, the former being prior to the latter. Circumstances of crisis, he claims, reveal this. I have argued that protracted crises reveal precisely the opposite, however, in that what Mittiga calls ‘contingent’ legitimacy in actuality constitutes a crucial part of the content of ‘foundational’ legitimacy. For disempowered groups, the *manner* in which the state copes with a protracted crisis is central to whether they have a fighting chance at resisting the attritional lethality of a protracted crisis. Specifically, I have argued that this method of coping necessarily implies

democratisation, meaning that disempowered actors must in some meaningful way be given a ‘spot at the table’ with regard to decision-making processes which pertain to protracted crisis governance. Mittiga’s exceptionalism fails to account for this. His claim that a threat to a state’s capacity to generate FL might legitimate authoritarian crisis governance relies on the premise that authoritarian governance can itself guarantee FL, or at least do so better than a democratic mode of crisis governance. The ‘basic needs’ which Mittiga explains FL concerns itself with, however, include CL, which in cases of protracted crises, I argue entails democratic praxis, and to state that authoritarianism can guarantee democratic praxis would be absurd. Thus, I propose that exceptionalist crisis governance has the potential to place disempowered groups in further peril by (unintentionally) silencing their articulations of the crisis. It is precisely for this reason that (Indigenous) critics such as Whyte have argued *against* a formal ‘climate emergency’ as the dominant reading of climate governance would at best be of little use to indigenous communities and at worse be operationalised to their detriment (Whyte, 2020, Osborne & Carlson, 2023).

IV. Conclusion

In this dissertation I have set out to define which principles of legitimate governance could be maintained in circumstances of protracted crisis. To the end of developing a theory of legitimate and effective protracted crisis government, my first chapter set out by constructing the conceptual boundaries of the protracted category of crisis. This yielded two relevant features. The first feature of protracted crises is their conformance to an undefined timeframe, meaning that no tangible endpoint to their damage output can be identified. Such crises’ second feature is that their damage scale is attritional, referring to the fact that protracted crises cause and maintain an attritional fraying of the boundaries surrounding normalcy over time. Following this treatment, I showed that these two features of protracted crises generate two important principles with regard to the effective and legitimate governance of such crises. Regarding the first feature, I proposed that protracted crises are not soluble in the truest sense of the term. Rather, I argued that the effective governance of such crises requires continuous, potentially indefinite mitigative and adaptive action; this, I claimed, demands the development of a contingent *modus vivendi*—a state of begrudgingly *living with* the crisis. As to the second feature, I argued that the legitimate governance of protracted crises necessitates a democratisation of crisis governance. Given the attritional lethality of such crises, I claimed that disempowered groups must be given meaningful avenues into articulating their understandings of the relevant crisis. Without this, I made the assertion that a protracted crisis cannot be mitigated *as it pertains to those groups*. Having laid the necessary conceptual groundwork, I applied the interpretive schematic to anthropogenic climate change to argue that its threat to our planet’s ecology as well as to our political communities can rightly be categorised as a protracted crisis.

My second chapter took the conceptual architecture developed in the preceding sections to make explicit why undemocratic crisis governance fails to adhere to the demands for effective and legitimate protracted crisis governance. Specifically, I argued that protracted crises such as climate change challenge exceptionalist doctrines of crisis governance insofar as their effective and legitimate governance requires a crisis politics of overliving. What my first chapter developed as a need for democratisation, my second chapter made tangible as an emergency

politics of ‘overliving’, comprising the practice of engaging not only with one’s own bare requirements for survival but also with the requirements for others’. I argued that, despite the objective fact that survival’s demands entail some degree of focus on the bare requirements for continued living, exceptionalism places the Decision as to what the bare requirements of survival are within the state apparatus itself. While this may already entail a moral problem for *defined* timeframes of crisis governance, the question of the general legitimacy of exceptionalism is beyond the scope of the present work. Conversely, my final section advanced the claim that this fact elucidates a salient flaw within the exceptionalist mode of governance as it pertains to *protracted* crisis governance. To this end, I critiqued Ross Mittiga’s thesis that exceptionalist authoritarianism might better ensure that the basic needs of citizens are met than a democratic mode of governance in times of crisis. I did so on the grounds that in circumstances of protracted crisis, it is the practice of overliving—of democratic praxis through claim making about one’s (group’s) reading of the crisis—which itself must be contained within the content of what Mittiga calls foundational legitimacy. I argued that this causes a collapse of Mittiga’s binary division between foundational and contingent legitimacy, and by extension his thesis that foundational legitimacy could, indeed must be prioritised in circumstances of crisis.

I have argued at length to challenge the application of exceptionalist crisis governance to protracted crises such as anthropogenic climate change. Provided that I have succeeded in this, it remains to be stated what a democratisation of crisis politics entails. While, lamentably, a full treatment of this subject is beyond the scope of the present dissertation, I hope to have provided some useful starting points. Reading democracy as overliving enables us to imagine ways in which we may act together as humans or citizens to think collectively about protracted crises such as the climate crisis. Acts of civil disobedience are certainly not precluded from this reading of democratic praxis, though neither are formal mechanisms such as referenda. Further research into protracted crisis governance might entail a treatment of how differing doctrines of democratic theory could inform how meaningful participation in crisis governance is understood, as well as to what extent such processes should be operationalised. Regardless of form, however, attempts to cope with protracted crises such as climate change must centre democratic praxis in their governance; without this, we risk leaving disempowered groups behind.

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