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**The Climate and Ecological Emergency in the Era of State of Exceptions:  
The Hungarian Case<sup>2</sup>**

**Abstract**

We live in the era of overlapping state of exceptions: the climate and ecological emergency, the permanent crisis of global capitalism, migration crisis, the COVID-19 pandemic. Relying on the Hungarian political regime, this paper has investigated, how and why exceptional measures restructure our life. Upon the case of the Hungarian authoritarian populist regime, municipal experiences, and other contemporary tendencies, three main forms of state of exceptions will be investigated here: (1) the exceptionality of the migration crisis of 2015; (2) the climate emergencies declared by local governments, which are rather political declarations and not legally accepted versions of exceptional measures; (3) the overlapping forms of COVID-19-related emergencies. I will argue here that the main outcome of the exceptional measures is the rise of a new executive power and will demonstrate how heavily authoritarian regimes rely on the state of exception. Amplifying the authoritarian tendencies and the abusive application of the exceptional legal order, the COVID-19 crisis basically proved that it is worth considering institutionalizing the climate and ecological emergency as a tool in the struggle of resolving the planetary crisis of our time.

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## Keywords

Authoritarian Populism, Climate Emergency, Eastern Europe, Ecological Emergency, Hungary, Orbán regime, State of Exception

### **Introduction: The Exceptional Measures of Our Time**

Michael Hardt and Antonio Negri argue that the separation of war from politics was a fundamental goal of modern political thought and practice among both liberal and non-liberal political theorists (2004, 6). This consensus has collapsed, and authoritarian populist regimes are introducing the several kinds of permanent state of exception as it has been elaborated by Giorgio Agamben (1998; 2005). Michael Head puts it forward: “The early years of the twenty-first century have seen increasing resort to emergency-type powers or claims of supra-legal executive authority, including by the Western countries regarded as the world’s leading democracies...” (Head 2016, 1). Due to the COVID-19 pandemic and global social crisis, the rise of emergency power defines our time more than ever.

The disappearing borders of war can be interpreted in a way that war is dissolving in the peace situation and the rise of the state of exception remarkably indicates this procedure. Authoritarian populist regimes, with a sharp focus on security issues (for instance terrorism, domestic problems, climate migration), understood and applied this emergency measures of government. These regimes are using the power of the police/penal state to create political enemies and annihilate them as modern forms of *homo sacer* (Agamben 1998). The state of exception and the modern forms of deprived social groups, as contemporary *homo sacer*, have become the main accompanying parts of authoritarian populist regimes of our time. In this sense it was not the COVID-19 crisis and the crisis management of these regimes which raised the dangers of authoritarianization in Hungary since the authoritarian turn had already started earlier and cannot be separated from the emerging exceptional measures. I am arguing in this paper that the authoritarian crisis management was based on the never-ending exceptional government even before the pandemic crisis. It is to say that the conditions of the Hungarian authoritarian rule pre-existed the crisis and were certain to define how the government would respond to it. The use of the coronavirus situation is just the next level of exceptional government in Hungary. During the epidemic crisis Orbán has relied on

the exceptional government that has been enacted since the refugee crisis of 2015 and the new crisis merely shaped the new contours of the exceptional measures.

Authoritarian populism is about the use of exceptional measures to maintain political power and the COVID-19 crisis gave a new rise to this phenomenon. According to Agamben (2014) there is a seminal transformation in conjunction with the idea of government, “which overturns the traditional hierarchical relation between causes and effects. Since governing the causes is difficult and expensive, it is safer and more useful to try to govern the effects” (Agamben, 2014). Authoritarian populist regimes have started to manage the effects of the crisis made by them and this is a considerable change. Agamben described this situation in the following way: “The ancient regime aimed to rule the causes; modernity pretends to control the effects. And this axiom applies to every domain, from economy to ecology, from foreign and military politics to the internal measures of police. We must realize that European governments today gave up any attempt to rule the causes, they only want to govern the effects.” (Agamben, 2014). The exceptional or the putative exceptional situations offer the authoritarian populist regimes a convenient place to criminalize political groups and claim that these groups are enemies and that regimes protect people from these enemies they had created. This is a situation where the normal sets of governing are replaced by police forces and the normal situation becomes exceptional in which anything is conceivable (Antal, 2019: 29–30.).

### **The Forms of Contemporary State of Exceptions**

In the recent past there have three main forms of state of exception evolved in terms of the Hungarian political system: (1) the authoritarian regime made a permanent state of exception upon the case of the migration crisis of 2015; (2) there is a new tendency of declaring climate emergency and the municipal leadership of Budapest elected in 2019 joined this initiative even in this year; (3) in parallel with the further escalation of the migration crisis, the Orbán regime introduced an overlapping set of state of emergencies on the COVID-19 crisis. It has been argued here that the Orbán regime used the state of exception for the migration and COVID-19 crises in an authoritarian way to maintain and reinforce its political power. This does not mean that we should give up the extraordinary measures and instruments to tackle and address the global climate and ecological crisis. I propose here that there is a need for democratic control over the extraordinary measures

that would be introduced in the context of the global climate and ecological crises. It is becoming increasingly difficult to establish a democratic-based state of exception, because the executive power ruled by authoritarian populism has begun to replace the rule of law with the mentioned extraordinary measures.

*The Refugee Crisis as a “Tailored State of Exception”*

The two-third majority of Fidesz in 2010 is rooted in the party’s penal populist attitude and commitment towards “law and order” (Haney, 2016: 353.). In the center of any authoritarian populist regime is the penal nationalism based on blaming and criminalizing others and otherness in a very similar way seen in neoliberal penal systems. For the penal nationalist crime control is not just about protecting its people, but also defending the nation against external and internal groups as well. Haney stresses that in Eastern Europe “the response to the migrant crisis also reveals, for penal nationalists punitiveness has become the basis of national sovereignty – It is as if being ‘soft’ on punishment will mean a loss of national independence and autonomy” (2016: 357). The exceptional politics started with the refugee crisis of 2015, the biopolitical hate campaign unfolded in the following ways: biological demonstration of the “enemy”; hate campaign on the streets; the fence off the border and moving beyond the migrant crisis, campaign against Brussels, NGOs, George Soros, inner enemies. In Hungary, the refugee crisis did not cause a serious social and political challenge, however, the regime was able to create a long-lasting exceptional situation without any real danger.

The Orbán regime upon the case of migration introduced and prolonged the state of exception in legal terms (Antal, 2019: 113–121; Antal, 2020; Antal, 2021). Following the clashes at the southern border of Hungary, the government committed to create the most secure basis for the moral panic caused by the regime, and therefore the modification of the Act LXXX of 2007 on asylum from 15 September 2015 introduced a new kind of state of emergency called the “*emergency caused by mass immigration*”. The executive power has full authority over the state of exception, it can be ordered by a government decree overall or in a specific territory of Hungary. The government introduced emergency caused by mass immigration in two southern counties of Hungary on 15 September 2015 by the decree of government 269/2015 (15 September). In this way, the government introduced a state of exception without any real bases and centralized every

relating exceptional power. The regime extended the local state of exception to nationwide by the decree of government 41/2016. (9 March) and the emergency caused by mass immigration has been continuously prolonged until September 2021. There are overlapping state of exceptions, because the exceptional measures induced by the refugee crisis have been merged with the state of exception due to the COVID-19 crisis.

The emergency upon the case of migration is a tailored one, because it has been declared without any real social danger. That is why the biological demonstration of the fabricated “enemy” was crucial for the regime. At the beginning of the migration crisis between 1–5 September 2015 thousands of refugees gathered outside Keleti railway station in Budapest (BBC 2015). The refugees at Keleti were handled in an inhuman and unacceptable way and they were helped/supported only by Hungarian and international NGOs. In the field of discursive politics, the government aimed to rule the communication sphere from the beginning and consequently used the phrases “migrant” and “migration with economic purpose” (this phrase was used by the Orbán regime stirring chauvinistic emotions) instead of using the term refugees. Moreover, the representatives of the Orbán government denied that the migration crisis has been caused not just by economic factors, but first of all humanitarian disasters, civil war and climate change. The Hungarian anti-refugee campaign reached its nadir with the fencing off the Hungarian border. In 2015, the Hungarian Government built a barrier on its border with Serbia and Croatia (The Guardian, 2016) The razor wire has become the biopolitical symbol of the Hungarian government’s hate campaign. The handling of the refugees at the fence do not comply with European traditions and regulations. Moreover, the biopolitical aim of the government is to scare away/keep away refugees with the anti-human treatment (Rodgers and Kallius, 2015). The regime interpreted the migration issue as a potential danger of terrorism, moreover created a very new state of exception by the amendment of the constitution: Sixth Amendment (14 June 2016) declared by the votes of Fidesz-KDNP and the radical right Jobbik authorization of the Parliament to declare at the initiative of the government a “state of terrorist threat”. The hate campaign did not stop with the refugee crisis and the government started to create and manage other crises based on the circulation of anger and hate. This requires new enemies: the populist weapon turned against Brussels, Hungarian human rights NGOs, George Soros, and other inner enemies. The regime has legalized the state racism maintained since 2015 and the Seventh

Amendment (28 June 2018) constitutionalized this scheme. The amendment declared that no “foreign population” shall be settled in Hungary. The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the state. The regime has laid down some constitutional basis for the xenophobic hatred policy of the previous years.

*The Climate Emergency: Towards a New Form of State of Exception*

This new form of state of exception is induced by anthropogenic climate change and ecological disaster. It is to say, that based on experience so far, the declared climate emergencies are more political declarations and not legally accepted versions of exceptional measures. Several European municipalities and cities declared the climate emergency as a political agenda. From the legal perspective, climate and ecological emergency is still a “black box”, which needs to be given legal and social bases. The climate emergency is based on the claims of new forms of climate movements which are committed to mitigating the effects of the climate crisis and fighting to get decision-makers to finally adopt more effective actions. At the same time, the climate emergency has a very strong potential in terms of democratizing the contemporary emergency measures.

In May 2018, the Extinction Rebellion (ER), a social and political movement was launched in the UK with the main aim of creating a wave of resistance and protest through non-violent direct action against climate catastrophe, biodiversity and ecosystem collapse and the possible extinction of the human race. Several intellectuals have joined the movement and in April 2019 they took over key public spaces in London to raise public awareness of their cause. This has been so resounding that ER organizations have sprung up around the world and have taken to the skies in similar actions. The ER phenomenon has become strongly intertwined with the issue of climate emergency, as the key message of ER is that there has been a global emergency for a very long time, and the stakes are whether we survive on this planet or not. A key demand of the ER is therefore that governments face the truth and bring this topic to the attention of the people, declare a climate and ecological emergency and work together as broadly as possible to solve the crisis. In addition to the ER, Fridays for Future (FFF), started by Swedish student Greta Thunberg, has raised awareness of the climate crisis, and is becoming a global movement.

The movement has made a strong impact by engaging the youngest in the fight for global survival, who are demonstratively raising awareness of the ecological and climate crisis on Fridays instead of school.

The need for a climate or ecological emergency stems from the fact that we are long past the time when the climate and ecological crisis could have been dealt with within the existing economic, social and political systems and that this is why extraordinary measures are needed, such as the introduction of a global state of emergency. This requires action by nation state governments and political systems around the world. Recently, several cities (e.g. London, Los Angeles, Manchester, Vancouver, Basel, Konstanz) have declared a climate emergency in their own areas (Brändlin–Wecker, 2019). However, young activists campaigning against ecological and climate disasters around the world have had an even greater impact, with the Scottish and Welsh governments (or parliaments) declaring a climate emergency on 28 April 2019 and 1 May 2019 respectively. Also, on 1 May, the UK Parliament approved (without vote) the Climate Emergency Declaration, a decision that had a significant impact on public opinion but does not legally bind the UK government (BBC, 2019).

The summer of 2019 has been the hottest ever in Central Europe and several climate movements have been organized in Hungary by the Fridays for Future’s and Extinction Rebellion’s Hungarian organizations. The ER and FFF movements were able to make a strong impact because they involved the youngest in the struggle for global survival, demonstratively calling for attention to the ecological and climate crisis instead of school on Friday. Both organizations have a strong appearance in Hungary<sup>3</sup> and regularly organize actions, the most important events were the Climate Strike protests in 2019 (Walker, 2019). Adding to this, the Hungarian opposition parties won the local elections in Budapest while also made advances in rural towns at the municipal election in October 2019 (Kovács, 2019a). Moreover, on 5 November 2019 Budapest General Assembly declared the climate emergency (stopping new constructions in the City Park, increasing transparency, and refusing to apply the overtime regulation introduced by the government) for the first time in history of Hungary (Kovács, 2019b)

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<sup>3</sup> Source: <https://rebellion.global/branches/hu-hungary/> and <https://fridaysforfuture.hu/>

### *The COVID-19 Crisis and the Overlapping State of Exception*

The global pandemic crisis has thoroughly rewritten Orbán's original political plans for the next general election of 2022 (Antal, 2020). The Orbán regime did not expect such a crisis to evolve and spread as it has. Orbán was able to change his political strategy and started to take the pandemic seriously. At first, given the fact Orbán did not know exactly how devastating the crisis would be, the regime tried to continue the exceptional measures enacted for the refugee situation. On 6 March 2020, Orbán spoke of migration and the coronavirus as equal challenges (Orbán, 2020a), moreover on 10 March he argued “there is a clear link between illegal migration and the coronavirus epidemic” (Orbán, 2020b). After that there was a tipping point, because Orbán and his communication strategists perceived the fear of the Hungarian people and the fractions behind the government, and this has proven to be crucial, because people recognized there was indeed no link between immigration and the epidemic. Nevertheless, Orbán found the political potential of the epidemic and started to manage it in a military and policing way. The Prime Minister has seen higher political risk in economic and less in epidemiological consequences, that is why the measures he introduced are about protecting the economy rather than the workers. Orbán argued that “We should fight against this crisis by not giving up our goals... the workfare economy and the possibility of a proud life” (Orbán, 2020c). The main explanation of the new state of exception is the class compromise behind the Orbán regime.

In line with the waves that have unfolded since the outbreak of the COVID-19 crisis, the Hungarian government has declared three states of exception due to the coronavirus situation: 11 March 2020 (decree of government 40/2020), 3 November 2020 (decree of government 478/2020), 8 February 2021 (decree of government 27/2021). Each extraordinary period was associated with the so-called Empowerment Laws which are special authorizations of the incumbent Hungarian government by the Parliament, an authorization to implement long-term governance by decrees. The Fundamental Law otherwise provides the government with the possibility of governing by decree, but this is severely limited in time: decrees are only valid beyond 15 days if the Parliament authorizes the government to extend the decrees before the expiration of the 15 days. The Empowerment Laws eliminate these constitutional limitations. The first Empowerment Law (act XII of 2020) ensured unlimited access to governing by decree and it has been



repealed 18 June 2020. A time limit has been incorporated to the second and third laws (act CIX of 2020; act I of 2021) and they granted special rights for 90 days for the government. Due to this empowerment the government is entitled to suspend the application of certain laws, deviate from statutory provisions, and take other extraordinary measures (restricting mass events, visits to institutions and increase border control). Moreover, during the first wave of the pandemic the government proclaimed the special form of state of exception called *health crisis emergency* and it was in force (from withdrawal of the first Empowerment Law) until 18 December 2020, but then it was not re-promulgated.

The overlapping state of exceptions (2015-2021)					
Emergency caused by mass immigration		Coronavirus-related state of exception		Health crisis emergency	
<i>Timetable</i>	<i>Regulation</i>	<i>Timetable</i>	<i>Regulation</i>	<i>Timetable</i>	<i>Regulation</i>
From 15 September 2015 local application	Modification of the act LXXX of 2007 on asylum  Decree of government 269/2015	1. wave: from 11 Marc 2020 to 18 June 2020	Decree of government 40/2020  Empowerment Law 1: act XII of 2020	From 18 June 2020 to 18 December 2020	Act CLIV of 1997 on healthcare system  Decree of government 521/2013
From 9 March 2016 entered into force at national level		2. wave: from 3 November 2020 to 8 February 2021	Decree of government 478/2020  Empowerment Law 2: act CIX of 2020		
It has been prolonged nine times (until 8 March 2017, until 7 March 2018, until 7 September 2018, until 7 March 2019, until 7 September 2019, until 7 March 2020, until 7 September 2020, until 7 March 2021, until 7 September 2021)		3. wave: from 22 February 2021	Decree of government 27/2021  Empowerment Law 3: act I of 2021		

*Table 1 The forms of state of exceptions in Hungary (2015-2021)*

In terms of the first period of coronavirus-related state of exception it has become obviously that the government would have all the political power and control over legal

instruments by the renewal of the state of exception. Instead of this Orbán made a “trap” and choose the emergency power without any restrictions and ruling by decrees, meanwhile the opposition was blamed for the lack of national unity. The Enabling Law was necessary for Orbán, not just for the restriction of the opposition, but also for maintaining the class compromise of the regime (Antal, 2021). It is to say that the direct help of the working people is far not the priority for Orbán regime. The Orbán regime has always been much more afraid of the economic consequences of the crisis than of its epidemiological ones. The neoliberal and state-capitalist approach have primarily been decisive after 2010: strengthening the private health sector, a huge withdrawal of funds from public health, downsizing the epidemiological administration. The “embedded” neoliberal atmosphere remained essential from the outbreak of the coronavirus crisis and most of the government’s economic measures are about to save employers and capital, instead of protecting the workers. This attitude has already resulted hopelessness of people who lost their jobs due to the coronavirus. Moreover, the government introduced a new “Slave Act” in the event of an epidemiological emergency by providing employers with a freely ordered 24-month working time frame (meaning that anyone can be required to work overtime in telework at any time). Meanwhile, the national bourgeoisie gained huge amounts of public money and the regime started to carry out its neoliberal healthcare reforms and before the epidemic peaked, the regime emptied nearly 36,000 hospital beds and pushed seriously ill people and their families in a hopeless place.

Upon the second wave of the COVID-19 crisis, strong restrictions have been introduced: curfew in force between 8pm and 5am, restricted opening hours for shops and other businesses, digital education for universities and secondary schools above the eighth grade, closing of restaurants, sporting events are to be held behind closed doors (The Mayor, 2020). The Orbán regime maintained the neoliberal crisis management and did not provide significant aid to working people suffering from the coronavirus crisis. Instead, the government continued the cultural war against the University of Theatre and Film Arts (Euronews, 2020), envisioning the latest amendment to the Fundamental Law, which is a clear attack on LGBTQ communities, and proposed the same-sex and single parents adoption ban (BBC, 2020).

The experiences of the three waves made it obvious that the Prime Minister perceived the political risk in economic rather than epidemiological terms, which is why he

introduced measures to protect the economy first and not the workers. This fact explains why the Hungarian government relied on the exceptional legal regime, even when all epidemiological measures could have been imposed under normal circumstances. Introducing the exceptional measures, Orbán argued the mentioned agenda: “We should fight against this crisis by not giving up our goals ... the workfare economy and the possibility of a proud life.” (Orbán, 2020c). Nevertheless, Orbán has now discovered the political potential of the pandemic and started to manage it using military and policing methods. State of emergency put new powers into the hands of Orbán and at the same time this would also offer new opportunities in conjunction with the climate and ecological debates. Orbán recognized the political opportunities of the exceptional governance in terms of overlapping crises and used the experience from the migration crisis to address the COVID-19 crisis.

### **The Consequences of the Emergency: The Unlimited Executive Power**

Despite the easing of the restrictions related to the epidemic, upon the government's proposal the Parliament extended the state of emergency until September 2021. At the same time, the emergency caused by mass immigration will be in effect at least until September 2021 as well. The Orbán regime extends the overlapping state of exceptions. According to the regulation the exact time when the government is entitled to recall the state of emergency depends on the executive power itself. The Parliament still does not have any authority to control the exceptional measures. In fact, due to the two-third majority the Parliament does not play a counterweight against the government. The regime proposed a law not just recalling the state of emergency but making temporary regulation which is about to create a new form of state of exception. The government authorized itself to declare the medical state of exception with a decree. This new emergency measure remained totally uncontrolled by the legislature and will be under exclusive jurisdiction of the executive power. Under the circumstances of medical state of exception may be restricted or prohibited by government decree, inter alia the operation and opening of shops; the sale and consumption of certain products; use of health services; people-to-people contact; passenger traffic; freight transport; the operation of all institutions and events, activities which may contribute to the spread of an epidemic. The application of certain laws may even be suspended by the government or it can

deviate from certain legal provisions. Literally, this means that the Orbán regime will have a legal authority to establish a state of emergency on its own, without the authorization of Parliament. This means there is no need to accept a new Enabling Act and the legislature does not have any legal or political authority in conjunction with the extraordinary measures. The regime has created a kind of state of emergency that can be activated anytime without any prior authorization – the normal legal and political order have become peremptory fluid.

Behind the endless and overlapping state of exceptions there is the new rise of the unlimited executive power (Antal 2019, 35–41.). It is to say that contemporary authoritarian populist regimes can be characterized with extraordinary government measures which means managing the crisis made by them. After Agamben I called it the *permanent state of exception*. Obviously, the COVID-19 as an epidemiological crisis cannot be traced back to the Orbán regime, but the executive power has found a way to create a new political crisis based on the epidemic. The theory of state of exception's first and isolated appearance was Carl Schmitt's (2014) book of *Dictatorship* published in 1921 (2005: 6.). There was a rise of a debate on state of exception between 1934 and 1948, because of the collapse of European democracies and discourse on state of exception unfolded within the framework of constitutional dictatorship. The debate was maintained by Article 48 of the Weimar Constitution that granted emergency powers the president of the Reich. In the framework of Schmitt's "lengthening shadow" (Head, 2016: 1.), the state of exception and constitutional dictatorship are inseparable. In 1926 Schmitt summarized his definition on dictatorship: "Dictatorship is the exercise of state power freed from any legal restrictions, for the purpose of resolving an abnormal situation – in particular, a situation of war and rebellion. Hence two decisive elements for the concept of dictatorship are on one hand the idea of a normal situation that a dictatorship restores or establishes, and on the other the idea that, in the event of an abnormal situation, certain legal barriers are suspended in favor of resolving this situation through dictatorship." (cited by Hoelzl–Ward, 2014: xxiii). Schmitt distinguishes the two types of dictatorship in conjunction with regulation on the state of emergency, on the one hand "a dictatorship that, despite all its extra-legal authorization, remains within the prescriptions of a constitutional order and in which the dictator is constitutionally mandated (commissary dictatorship); and on the other hand a dictatorship in which the whole existing legal order

is rendered obsolete and a completely new order is intended (sovereign dictatorship)” (cited by Hoelzl–Ward, 2014: xxiv). If commissary dictatorship is about the continuous extension of the state of exceptions, sovereign dictatorship prevails now as the constitutional system grabbed and institutionalized by a sovereign dictator. Schmitt argues in his *Political Theology* that “sovereign is he who decides on the exception” (2005: 5.), in this sense ultimate sovereignty means a constitutionalized dictatorship. Contemporary authoritarian populist regimes and leaders are convinced that there is a core need to reformulate and acquire political sovereignty by them. In this sense the authoritarian populism can be seen as a new rise of the executive power and this attempt has been reinforced by the COVID-19 crisis.

At the early state of the epidemic crisis, Agamben warned us of the “disproportionate response” in conjunction with the COVID-19 and argued that “what is once again manifest is the tendency to use a state of exception as a normal paradigm for government. The legislative decree immediately approved by the government »for hygiene and public safety reasons« actually produces an authentic militarization...” (Agamben, 2020). He has been heavily criticized: “Agamben thus fears that exceptional measures pushed through today are dangerously disproportionate. If the reader thinks that makes Agamben sound like coronavirus denialists such as Bolsonaro or Trump, then I must confess they are right. Just like these authoritarian leaders sacrifice global health to their own egos, it seems like Agamben dangerously underestimates the threat the coronavirus poses.” (Christaens, 2020). On the one hand, indeed, an unprecedented social and health catastrophe has occurred. On the other hand, it is also a tremendous effect, and the Hungarian situation confirms, that exceptional measures, emergency-type power, and unlimited executive power of authoritarian regimes all reemerged.

### **Conclusions: The State of Emergency in the Era of Climate and Ecological Crisis?**

The COVID-19 crisis will show whether the extraordinary tools used by governments in connection with the pandemic can be taken forward in tackling the global ecological and climate crisis. As William Davies argues in conjunction with “green populism”: “Our ecological condition should trigger a sense of emergency, potentially summoning up new forms of ‘state of exception’... One way in which the climate ‘emergency’ has been welded together with political tactics of an ‘exceptional’ nature is in the ‘Climate

mobilization' movement, which seeks to model climate policies along the lines of wartime mass mobilization of economic and civic infrastructures. This type of emergency response, at national and international scales, is one possible manifestation of what 'green populism' might mean." (Davies, 2019: 4–5.). Using the exceptional governance in the framework of the climate and ecological crisis is well-know, and paradoxically comes from the new civil movement promoting climate emergency. The need for a climate and ecological emergency stems from the fact that we are long past the time when we could have dealt with the climate and ecological crisis within the existing economic, social and political systems, that is why extraordinary measures are needed. All this requires the action of nation-state governments and all other political organizations in the world. In parallel with the ER and FFF phenomenon, the so-called issue of climate emergency has emerged. As it has been argued here, several cities (including London, Los Angeles, Manchester, Vancouver, Basel, Konstanz and Budapest) have declared a climate emergency on their own territories. This offers new perspectives for the democratized exceptional measures upon the climate and ecological crisis.

The climate and ecological crisis are therefore very closely linked to the state of emergency: on the one hand, the crisis itself was caused by the political, economic and social system in the context of global capitalism, which prefers solutions of exceptional governance, and on the other hand, a state of emergency could be some sort of solution to a crisis. Joel Wainwright and Geoff Mann are trying to outline in their book, *Climate Leviathan. A Political Theory of Our Planetary Future*, how an exceptional state can offer a way out of global crises. The authors' starting point is that the ecological crisis has not cared for the state of emergency for a long time, even though the security paradigm of exceptional governance is increasingly affecting the entire planet (Wainwright–Mann, 2018, p. 4). Wainwright and Mann's so-called "Climate Leviathan", utopian framework of analysis refers to the possible scenarios for the various options for political sovereignty and the global weight of the ecological disaster. This scenario assumes that in response to global ecological challenges, an entity will emerge over nation-state sovereignty that is not necessarily a single person, but a power figure capable of deploying extraordinary means to protect life on Earth. Its sovereignty extends to the entire planet (*planetary sovereignty*): it acts throughout the Earth and acts to protect earthly life (Wainwright–Mann, 2018: 15., 28.). The essence of Wainwright and Mann's concept, then, is that

climate Leviathan, as a potential and supreme sovereign, can introduce a state of emergency to the entire planet and decide on fundamental environmental and ecological issues.

In addition to the “Climate Leviathan” scenario, Wainwright and Mann outline other ideas, according to whether they question the existing socio-economic structure, i.e., global capitalism, and whether the proposed solutions cover the planet as a whole as a unit of sovereignty, or they remain at the nation-state level. The scenario within the capitalist system thus remains a climate Leviathan that assumes planetary sovereignty, in contrast to which the reactionary “Climate Behemoth” remains at the nation-state level (Wainwright–Mann, 2018: 28–30). Wainwright and Mann argue that: “Behemoth is Leviathan’s greatest immediate threat, and, while unlikely to become hegemonic, may well remain disruptive enough to prevent Leviathan from achieving a new hegemonic order. If Leviathan essentially reflects the dream of a sustainable capitalist status quo and Behemoth a conservative reaction to it...” (Wainwright–Mann, 2018: 37.). The climate emergency movements represent this “Climate Leviathan” concept because their main aim is the international action in terms of climate and ecological emergency.

In my view, the COVID-19 pandemic crisis and the following social, economic crises have shifted the global order from “Climate Leviathan” to the direction of “Climate Behemoth” – this is reflected in the Orbán regime’s overlapping state of exceptions. The authoritarian populist regime recognized the political opportunities of the exceptional government in the framework of overlapping crises. It is to say that the regime before, during and probably after the COVID-19 crisis has been using the state of exception in an authoritarian way and this framework will help maintain its political power. The main challenge here is how to democratize the concept of climate and ecological emergency and move forward this agenda against the authoritarian state of exception tendencies, which are the main obstacles for the planetary emergency measures.

## Bibliography

Antal, A. (2019): *The Rise of Hungarian Populism: State Autocracy and the Orbán Regime*. United Kingdom, North America, Japan, India, Malaysia, China: Emerald Publishing.

Antal, A. (2020). *Orbán's Enabling Act: Ruling the Post-Pandemic World*. Rosa Luxemburg Stiftung Brussels Office and Trademark Belfast. 7 April 2020. <https://www.brexitblog-rosalux.eu/2020/04/07/orbans-enabling-act-ruling-the-post-pandemic-world/>

Antal, A. (2021): *The Orbán Administration's Class Politics and the Spread of COVID-19*. *Berlin Journal of Critical Theory*, 5(1), 131–149.

Agamben, G. (1998): *Homo Sacer: Sovereign Power and Bare Life*. Translated by D. Heller-Roazen, Stanford, California: Stanford University Press.

Agamben, G. (2000): *Means without End: Notes on Politics*. Minneapolis: University of Minnesota Press.

Agamben, G. (2005): *State of Exception*. Translated by Kevin Attell, Chicago: University of Chicago Press.

Agamben, G. (2014): *From the State of Control to a Praxis of Destituent Power*. *ROAR Magazine*, 4 February. <https://roarmag.org/essays/agamben-destituent-power-democracy/>

Agamben, G. (2020): *The Invention of an Epidemic*. *Quodlibet*, 26 2020. English version: <https://www.journal-psychoanalysis.eu/coronavirus-and-philosophers/>

BBC (2015): *Migrant crisis: Activist convoy drives to Hungary*. BBC, 6 September 2015. <https://www.bbc.com/news/world-europe-34166882>

BBC (2019): *UK Parliament declares climate change emergency*. BBC, 1 May 2019. <https://www.bbc.com/news/uk-politics-48126677>

BBC (2020): *Hungary government proposes same-sex adoption ban*. BBC, 11 November 2020. <https://www.bbc.com/news/world-europe-54902048>

Brändlin, Anne-Sophie – Wecker, Katharina (2019): *Climate emergency trend gains traction in German-speaking countries*. *Deutsche Welle*, 29 April 2019.



<https://www.dw.com/en/climate-emergency-trend-gains-traction-in-germanspeaking-countries/a-48309846>

Christaens, T. (2020): Must Society be Defended from Agamben? *Critical Legal Thinking*, 26 March. <https://criticallegalthinking.com/2020/03/26/must-society-be-defended-from-agamben/>

Davies, W. (2019). Green Populism? Action and mortality in the Anthropocene. *Environmental Values*, 29(6), 647–668.

Euronews (2020): Hungarian students blockade university in protest against Orban reforms. Euronews, 4 September 2020. <https://www.euronews.com/2020/09/04/hungarian-students-blockade-university-in-protest-against-orban-reforms>

Haney, L. (2016): Prisons of the past: Penal nationalism and the politics of punishment in Central Europe. *Punishment & Society*, 18 (3), 346–368.

Hardt, M. – Negri, A. (2004): *Multitude: War and Democracy in the Age of Empire*. New York: Penguin.

Head, M. (2016): *Emergency Powers in Theory and Practice. The Long Shadow of Carl Schmitt*. London and New York: Routledge Taylor & Francis.

Hoelzl, M. – Ward, G. (2014): *Introduction to Dictatorship. From the origin of the modern concept of sovereignty to proletarian class struggle*, by C. Schmitt, x–xxix. Cambridge, Malden, MA: Polity Press.

Kovács, Z. (2019a): Municipal election in Hungary, as it happened. Index. 13 October 2019.

[https://index.hu/english/2019/10/13/hungary\\_municipal\\_election\\_campaign\\_2019\\_live\\_coverage/](https://index.hu/english/2019/10/13/hungary_municipal_election_campaign_2019_live_coverage/)

Kovács, Z. (2019b): Budapest declares climate emergency, opposes new buildings in City Park, vows to increase transparency. Index. 5 November 2019. [https://index.hu/english/2019/11/05/budapest\\_general\\_assembly\\_climate\\_emergency\\_city\\_park\\_overtime\\_act\\_transparency/](https://index.hu/english/2019/11/05/budapest_general_assembly_climate_emergency_city_park_overtime_act_transparency/)

Lemke, T. (2011): *Biopolitics: An Advanced Introduction*. New York and London: New York University Press.

Orbán. V. (2020a): Order is the basis of freedom. 6 March 2020. <https://2015-2019.kormany.hu/en/the-prime-minister/news/order-is-the-basis-of-freedom>

Orbán. V. (2020b): Prime Minister Viktor Orbán informed his EU counterparts about situation in Hungary. 10 Marc 2020. <https://2015-2019.kormany.hu/en/the-prime-minister/news/prime-minister-viktor-orban-informed-his-eu-counterparts-about-situation-in-hungary>

Orbán. V. (2020c): Let's not give up our goals. 2 April. <https://2015-2019.kormany.hu/en/the-prime-minister/news/let-s-not-give-up-our-goals>

Rodgers, A. – Kallius, A. (2015): Behind the Iron Fence: Why Hungary's Anti-Migrant Fence Will Be a Disaster. *Huffington Post*. 28 July 2015. [https://www.huffingtonpost.com/amy-rodgers/hungary-migrant-fence\\_b\\_7882824.html](https://www.huffingtonpost.com/amy-rodgers/hungary-migrant-fence_b_7882824.html)

Schmitt, C. (2005): *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago and London: University of Chicago Press.

Schmitt, C. (2014): *Dictatorship. From the origin of the modern concept of sovereignty to proletarian class struggle*. Translated by G. Schwab, Cambridge, Malden, MA: Polity Press.

The Guardian (2016): Hungary's PM plans 'more massive' fence to keep out migrants. *The Guardian*. 26 August 2016. <https://www.theguardian.com/world/2016/aug/26/hungarys-pm-plans-more-massive-fence-to-keep-out-migrants>

[The Mayor \(2020\): Hungary reintroduces State of Emergency. The Mayor, 4 November 2020. https://www.themayor.eu/ga/hungary-reintroduces-state-of-emergency](https://www.themayor.eu/ga/hungary-reintroduces-state-of-emergency)

Walker, S. (2019): Migration v climate: Europe's new political divide. *The Guardian*. 2 December 2019. <https://www.theguardian.com/environment/2019/dec/02/migration-v-climate-europes-new-political-divide>

Wainwright, J. – Mann, G. (2018). *Climate Leviathan. A Political Theory of Our Planetary Future*. London, New York: Verso.