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Emergency Revisited

Ex-communicating the Pandemic

Now, at the end of 2022,[1] we may indeed be past the acute phase of the Covid-19 pandemic, as predicted.[2] However, given the regular tendency to underestimate the resilience of the virus, which has already been demonstrated in all of the earlier phases – and we have no reason to expect this to change – one thing is fairly certain: while we have somehow managed to bring the pandemic *under control*, the entity *in control* is not human society, but the one that started the process in the first place, and which still shows some interest in running the show. The SARS-CoV-2 virus, which advanced from one dominant variant to the next in the first two years, has eventually evolved into a multitude of synchronous variants that only the most ardent enthusiasts systematically track. In parallel with the evolution of the virus, the dynamics of the pandemic have also changed significantly. Successive waves with large amplitudes have been replaced by barely perceptible constant levels, which turn out to be even more constant if we focus on the amount of the virus measured in wastewater instead of the number of recorded human cases.[3] At the population level, Covid-19 has

1 This article is a result of the research programme P6-0014 "Conditions and Problems of Contemporary Philosophy" and the research projects N6-0286 "Reality, Illusion, Fiction, Truth: A Preliminary Study" and J6-4623 "Conceptualizing the End: its Temporality, Dialectics, and Affective Dimension".

2 "WHO: 2022 can mark the end of COVID's acute stage", *UN News*, 29 December 2021, https://news.un.org/en/story/2021/12/1108932, accessed 7 November 2022.

3 "The potential advantage of environmental surveillance in WBE [wastewater-based epidemiology] is to enable predicting the overall status of a given catchment area with much less effort than clinical surveillance. WBE can provide insight into the outbreak situation in the entire catchment area by testing the wastewater sample over time. In contrast, clinical surveillance requires more time and cost for sample collection and testing. An additional big advantage of WBE is capturing people with asymptomatic and pre-symptomatic infections, who may not be included in clinical surveillance." (Shelesh Agrawal, Laura Orschler, and Susanne Lackner, "Long-term monitoring of SARS-CoV-2 RNA in wastewater of the Frankfurt metropolitan area in Southern Germany", *Scientific Reports*,

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become a less acute but increasingly definitive chronic threat – as well as another chronic disease in its own right, or rather a complex of more or less long-term conditions estimated to affect tens of millions people worldwide.[4] The pandemic, then, has a double non-ending: not only has it fully integrated itself into the web of human relations and become a constant trigger of potentially dangerous conditions, but it also leads a prolonged intracorporeal existence through the pathological processes it has already triggered. No matter how you slice it, the virus has learned to live with us and has achieved its only conceivable goal: to maximize its replication for the foreseeable future.

From a human perspective, the process and its results were far less straightforward.[5] Admittedly, the proponents of what soon became known as the Swedish model had a clear idea from the beginning. They did not hesitate to acknowledge the existence of the pandemic, but nevertheless believed that the easiest way to get rid of it would be to welcome the virus into the social body, expose such to infection, boost its immunity, and thus also endow it with the power to irrevocably disinfect all the physical, mental, and ethical domains that the virus and its sociopolitical counterparts were trying to contaminate. From their perspective, the viral pandemic had no potential in itself to cause a serious crisis. As long as people were determined to defend the normalcy they had hitherto lived until now, the viral pandemic would remain an isolated medical problem and slowly dissipate.

11 (5372/2021). In the late stages of a pandemic, other factors must be added to this 2021 assessment, namely all aspects of what we call "pandemic fatigue": at the societal level (reduced testing capacity and the change in public health messaging); at the level of individual psychology (reluctance to test and to engage with the pandemic in general); and at the level of the virus pathogenicity (reduced severity of acute illness in the majority of the population). For wastewater monitoring in major cities in Slovenia, which indicates relatively constant levels of the virus throughout 2022, see https://www.nib.si/aktualno/novice/1500-pilotni-monitoring-sars-cov-2-v-odpadnih-vodah and https://covid-19.sledilnik.org/en/stats#sewage-chart.

4 Heidi Ledford, "How common is long COVID? Why studies give different answers", *Nature*, 606 (2022), pp. 852–853.

5 Some ideas in the following segment were first published in Tadej Troha, "Kako smo ekskomunicirali virus?", *Disenz.net*, 12 October 2022, https://www.disenz.net/kako-smo-ekskomunicirali-virus/.

In contrast to this extraordinarily rigid epidem-ideological stance, most countries have taken a much more convoluted path, stumbling over every conceivable way imaginable to end the pandemic: an initial naïve denial of its existence, in which the pandemic was over simply because it had never begun; a structurally belated desire to eradicate the virus that followed the shocking realization that it posed a clear and present danger; an unprecedented collective effort to maximize infection reduction driven by the idea of elimination; the phase of deliberate and somewhat ill-advised abandonment of the elimination strategy, which resulted in hundreds of thousands of deaths in the fall and winter of 2020–2021, just before vaccines were to become available; vaccination as a pharmacological solution, which ended in a mismatch between the abstract idea of having the ultimate means of ending the pandemic at hand, rendering all other available means obsolete, and the reluctance to maximize its distribution in the population both globally and locally; and finally, the speculative prediction that Covid-19 would soon become endemic, which helped to keep out of sight the unmitigated spread of the Omicron variant, which in turn caused hundreds of thousands of additional deaths worldwide.[6]

The phases, of course, were rather more confused than the schematic sequence suggests, and were all the while permeated by a fundamental opposition between two tendencies: between the objective and subjective elimination of the pandemic, that is, between the actual disappearance of the virus and its collective denial, between fighting the infection and the imperative of learning to live with the virus. Be that as it may, the fact is that from a certain point on, when the waves were counted only by epidemiological modellers, the memory of the history of the pandemic and our participation in it also became blurred.

The last phase – let us call it ex-communication – was not another successive phase in the development of the pandemic, but the one that essentially took place after the pandemic had already ended, at least in the perception of its proponents. The ex-communication was posited, in short, as a process of recovery from an irrational obsession with a problem that society should never have accepted as its own. The virus we were trying to get rid of by the usual antiviral means – the more or less implicit narrative went – should have been fought from

6 "Omicron fuels record weekly COVID-19 cases, but deaths 'stable'", *UN News*, 12 January 2022, https://news.un.org/en/story/2022/01/1109652, accessed 7 November 2022.

the beginning with exclusively social instruments: societies wanted to eradicate the virus, they wanted to eliminate it, they wanted to suppress it, they wanted to manage the pandemic and mitigate the damage, but they could not really get rid of it until it was fully "socialized". Only after societies bridged the gap between the viral and the social pandemic – by allowing the virus to freely integrate into the population – could the pandemic be genuinely "eradicated", i.e. ex-communicated from our communities. In order to live with Covid and Covid with us, it was thus necessary to ex-communicate all messages that disturbed the tranquillity of "positive" communication – from calls for vaccination to projects for the installation of ventilation systems – and, above all, the de facto and discursive elimination of the central insignia of the pandemic, namely the face mask.

The final transition to the stage of ex-communication, which occurred in much of the world at the end of the summer of 2022, was largely carried out in a low-key manner, almost devoid of any gesture of authority, almost uncommunicated. From time to time, the authorities may have declared that we were entering the final stretch of the beginning of the end of the pandemic, but the role of effective mediator of the transition was mostly delegated to the population – which only had to overcome its inhibitions, let go of its long-standing but hitherto suppressed true opinion, and translate it definitively and unreservedly into pre-pandemic behaviour.

The precondition for this seemingly automatic leap into a new stable state of the social system was created much earlier, namely in that structurally premature anticipation of the end contained in the idea of a transition to endemicity at the end of 2021 – which was itself a repetition of the abstract idea that the best way to end the pandemic was to expose the population to infection, or, to use the German term, to carry out the process of *Verseuchung*, to "contaminate" the population with the virus and thus generate herd immunity. In terms of caring for the population, the proclamation of the impending endemic proved irresponsible, to say the least – in that while it promoted hope for a better future, it also implicitly glorified the catastrophic situation in the present and sublimated it to a sacrifice that simply had to be made at some point. (Sweden, they believed, had already accomplished this inevitable task in 2020.)

Although the actual numbers spoke for themselves, proponents of the endemization strategy – that is, an approach that required society not to take extreme

measures that might impede or even reverse a natural course that had already set in on its own – found their triumph in the fallacy of those who saw the emergence of Omicron at the peak of the Delta wave as the final cataclysm, surpassing previous pandemic waves by an order of magnitude. In their alarmist reaction – which was by no means unfounded given past experience and the increased infectivity of the new variant – they overlooked that despite the modifications, Omicron was nevertheless a variant of SARS-CoV-2 and not an entirely new virus that would transmit an altogether new disease. As a result, their predictions ignored the partial immunity acquired in one form or another and, more importantly, the price already paid for earlier waves, especially in vulnerable populations.

In contrast to the prediction of an immediate cataclysm, the bet on the transition to endemicity established quite different and much more ambiguous criteria of verifiability. Endemicity, which in the future mode suggested coexistence with a virtually completely harmless viral disease that could be cured by aspirin, tea, and rest (and salt water and sunshine, as Slovenia's first post-Covid Prime Minister liked to repeat in Summer 2022), had not yet been reached in the winter of 2021–2022. But in this case, the prophecy found its confirmation also in less direct and seemingly contradictory omens. The prospect did not come true in its definitive form, but since it was not determined in time, it could never be convincingly disproved either, unlike the prediction of a cataclysm. And that was enough in mid-2022 to transform the collective subject of hope into the collective subject of the gradual elimination of the signals of pandemic inertia – or, to put it simply, into the subject of the ex-communication of the pandemic.

Decision-makers, individuals, and collectives who entered the public debate on the pandemic only later had a relatively easy time in the process of ex-communication. Their effectiveness in stimulating the predisposed process rested on their ability to frame their messages without feeling burdened by continuity and possible contradictions with earlier positions. For example, when the time came to lift the mandatory use of face masks, they could go along with the spirit of the times, which tended toward the more or less complete abolition of masks.

It was more difficult for those individuals and institutions that had actively promoted the wearing of masks in the earlier stages of the pandemic and tried to communicate the recommendations and obligations, searching for every possi-

ble way to get the intended message across. For these actors, ex-communication took on its full scope: to integrate themselves into a strangely unified collective subject that had rapidly emerged, to escape the fate of being ex-communicated themselves, they were compelled to perform their final act. To work themselves out of the communication of the outdated message, to eliminate the traces of the false belief they had participated in spreading, it was not enough for them to declare that what used to be mandatory had now become recommended. Ultimately, they had to ex-communicate the communication – by turning it into a parody.

Perhaps the best example of this sort is the campaign to promote protective behaviour called Operation Respect, launched in 2020 by the New York City Metropolitan Transportation Authority (MTA).

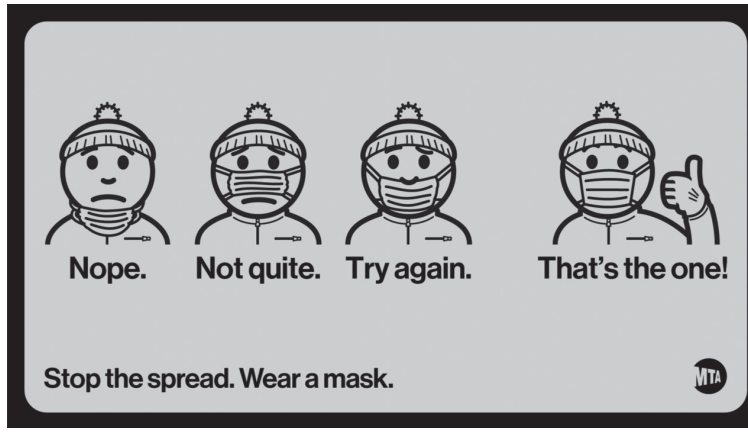
> In mid-March 2020, the COVID-19 pandemic effectively shut down the New York metropolitan region as non-essential businesses closed and many office workers began working from home. Midtown Manhattan, the nation's largest central business district, became desolate. Concerts, festivals, and sporting events were cancelled and the City's famed nightlife and restaurant scenes disappeared. Ridership on NYC's subways and buses plummeted to less than 10% of the pre-pandemic volume of 5.8 million daily riders. But while New York had paused, the MTA didn't. We maintained nearly-normal levels of train and bus service so that essential workers could get to their jobs at critical services and businesses. By keeping transit service levels high, we also ensured that those still riding with us had more room for social distancing on trains and buses and mostly normal commute times. As New York and the world struggled to understand and respond to the pandemic, the need for effective and accessible communications from public institutions like the MTA was critical.[7]

The communication of measures was framed entirely in the spirit of Western liberalism. Rather than directly imposing or giving precise and concise instructions on the proper use of PPE according to the science of the transmission of the particular virus, the communication was primarily tailored to the awareness that the commandment to act conflicted with the idea of the freedom of choice. To find a way out of this impasse, the authors drew inspiration from the more or

7 *Safe Travels and Operation Respect*, https://new.mta.info/safetravels, accessed 7 November 2022.

less phantasmatic image of a typical NYC resident, which provided a convenient model for dealing with all those who refused to do what was necessary at that moment. A rebuke was allowed – but with a twist.

> From the outset, the MTA in-house creative team knew that even though the pandemic was scary, our communications didn't have to be. We wanted our campaign to feel like advice from a fellow New Yorker: honest, direct, concise, and even a little playful at times. In other words, just like how a New Yorker would face down immense challenges.[8]



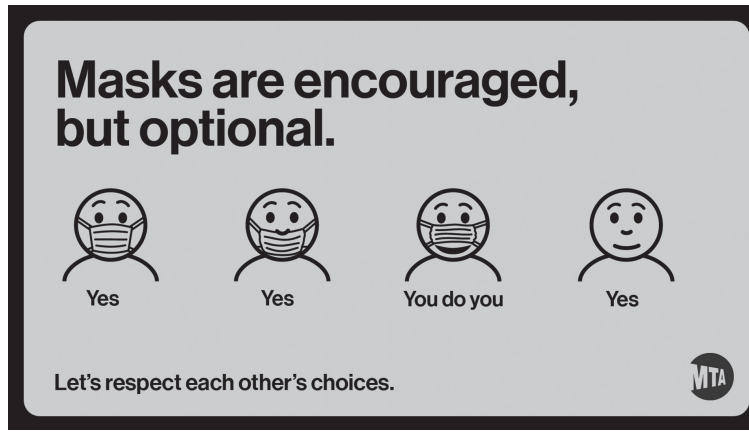
According to the MTA, the campaign was more than successful, increasing mask use to 95%, with proper mask use up 21%, and to 97% on buses, with proper mask use up 4%. Moreover, "the ideas and images of Safe Travels also found their way far beyond the MTA system. The campaign was shared globally, inspiring others in both public and private sectors to create similar designs and ideas. Our monthly Mask Force mask giveaways on MTA trains and buses also led other transit agencies to start their own mask distribution events."[9]

Over the course of two years of active campaigning, Operation Respect produced a variety of different, more or less successful visuals that attempted, in different ways, to convince the public that a protracted, but nonetheless tem-

8 *Ibid.*
9 *Ibid.*

porary, change in behaviour makes sense. These included ad hoc images, such as a masked Halloween pumpkin (saying "Have fun and keep a mask on your gourd.") and a masked Thanksgiving turkey (saying "Birds of a feather wear masks together.").

But on 7 September 2022, just before the U.S. President famously announced that "the pandemic is over," there was a sudden about-face that was met with a strong response on social media (something that would have been hard to imagine just a few months later). As mentioned earlier, an institution that had spent the two years of the pandemic promoting a message that was now at odds with the increasingly widespread change in perception of the pandemic had to find a way out. And it published the following image:



The image went viral, triggering the obsessive production of memes that tried to reproduce the enigmatic impression it left and more or less failed in that attempt. In this case, analogies were impossible for structural reasons. For Western societies, in particular, the introduction of face masks was an unprecedented move (the memory of mask mandates during the 1918 pandemic[10] was too abstract to make a difference), and much effort was put into preventing it from ever becoming a precedent. For the time being, the majority accepted that face

[10] David M. Morens, Jeffery K. Taubenberger, and Anthony S. Fauci, "A Centenary Tale of Two Pandemics: The 1918 Influenza Pandemic and COVID-19, Part II", *American Journal of Public Health*, 111 (7/2021), pp. 1267–1272.

masks were effective and indispensable. However, it simultaneously held on to the belief that it was justified in principle to resist the mask mandates as potential means of oppression. The pandemic emergency was never fully recognized as a legitimate reality but rather as a half-crazed aberration. In practice, the old "normal" reality was suspended, but we continued to hold on to it as a normative framework and essentially judged our actions according to its criteria. The pandemic emergency was perceived as a unique process of provisional habituation, of provisional enlightenment: the actions it demanded were more or less accepted in our behaviour but questioned on every point. That's the one? Nope. Not quite. Try again.

The gesture of withdrawing this measure also led to a strange contradiction: when the authorities decided that masks would no longer be mandatory but would continue to be recommended, they avowedly acknowledged that it was reasonable to retain some fragment of this provisional habituation. Nevertheless, a lesson we never wanted to accept as permanent was not completely discarded, even at the moment of the return to normality, the return of the phantasmatic reality that ran parallel to the provisional state of emergency and that all along was the point from which we judged the measures and their justification. And when the old reality was reanimated, it discovered something it did not want: the remnants of a pandemic inscribed in it. These remnants had to be dealt with if it was to function as the bearer of normality.

Once again, the uniqueness of both processes makes quick analogies that attempt to interpret the vague impression of the second image doomed to failure. Instead, it is better to focus on the visual mechanism at work. In both images, the basic progression is from left to right. In the first image, the final goal is clear and consistent with the verbal message: the figure with an adequately positioned mask on the right gives meaning to the piece of fabric that the first three figures have yet to learn to use. The mask gradually falls into place and becomes a functional protective tool. When the process is complete, and our gaze is directed to the right (as also indicated by the jacket zippers), it is fixed there.

In the second image, our gaze is also directed to the figure on the right. This figure is fundamentally distinct from the previous ones – and is the one that visually supports the message that "masks are encouraged, *but optional*." But unlike in the first image, our gaze cannot remain fixed. The more we focus on this

figure, the more our gaze is drawn to the surplus of material substance added to the other three figures, which we repeatedly recognize as face masks. And it is the figure on the far left, with the correctly placed mask, where our gaze finally halts. However, we no longer see what we saw in the original image, but only a mask in its pure form, stuck to the person wearing it, numbed, stiff, and even lacking the spirit of self-irony of the "You do you" caption. No matter what position we brought with us, our viewpoint is now unmistakably the figure that first drew our attention. Even if we were still wearing the mask in September 2022, even if the image shocked us, even if we were appalled by it, as observers we have objectively become subjects of ex-communication: we inadvertently inhabited the light-hearted figure of normality that turns with amusement, disbelief, contempt, pity, or disgust to the image of its provisional past, which we have to do with for good.

The retroactive superego mechanism that pertains to the process of ex-communication, which instigates doubt (or even shame) as to the legitimacy (or even rationality) of our past decision to take emergency action, is perhaps the most unwelcome consequence of the pandemic for all those who had hoped that societies would draw lessons from it for dealing with the problem that is our constant, that we were more or less born into, and that is becoming increasingly impossible to banish from our minds – the issue of climate change.

Re-communicating the Climate Emergency

Admittedly, the pandemic has forced some reversal in economic policy in most countries, eliminating the fixed idea of austerity that has been employed for decades to respond to every crisis and has blocked any thought of substantial public investment in transforming the energy system, to begin with. Perhaps somewhere between the wars and the switch from Russian pipelines to American liquefied natural gas, some green transition will also take place – but no matter how ambitious it may sound, it will remain isolated, non-excessive, and non-invasive; rather than becoming one of the elements of a legally binding mechanism of the climate emergency, it will serve as an instrument of defence against immature, excessive, and invasive ideas that fail to adhere to the harsh reality of what is socially and economically possible.

In *Climate Emergency Defined*, Paul Gilding suggests that the decision whether to switch to an emergency mode of response "should be considered as a rational, analytical question, not one of advocacy, belief or ideology."[11] According to Gilding, an emergency response requires two statements to both be true:

- there is a large and unacceptable impact and reasonable likelihood of the risk in question;
- an abnormal level of urgency, mobilization, and action is required to address and reduce the risk.[12]

After having provided evidence as to the impact of the risk (the existential risk to human civilization), the scale of the change required (a complete transformation of the economy), and the speed required to deliver the change (largely within a decade), he concludes that "even using a cautious and conservative analysis, it is clear that *only* shifting to an emergency mode of action could successfully address the existential risk that the climate crisis presents to humanity."[13]

In the abstract, the argument for the climate emergency does indeed seem obvious. Not only is there a clear scientific consensus on the severity of the crisis, but there is also a general public and political conviction that addressing this challenge requires swift and large-scale action. As for the practical implementation of this conviction, however, the persistent understatement of the urgency cannot be overlooked. To capture the shift from conventional forms of climate denial directed against the sheer reality of anthropogenic climate change to a network of more complex mechanisms aimed at reducing the time pressure to act, William. F. Lamb et al. coined the term *discourses of climate delay*.[14] The term encompasses a number of separate strategies, ranging from redirecting responsibility to a certain Other, to advocating incremental change, emphasizing unacceptable downsides, or the sheer impossibility of mitigating the inevitable future catastrophe. Despite their heterogeneity, all of these responses share the view that climate change is real and, in principle, requires some kind of action. However, if action is not guaranteed to be compatible with certain conditions,

11 Paul Gilding, *Climate Emergency Defined*, Melbourne, Breakthrough, 2019, p. 6.
12 *Ibid.*, p. 13.
13 *Ibid.*, p. 27.
14 William F. Lamb et al., "Discourses of climate delay", *Global Sustainability*, 3 (E17/2020), p. 2.

i.e. with economic progress, with our way of life, with conventional democratic procedures, or even with some notion of a more just future society, then action should either be postponed, mitigated, or transformed into methodical inaction

It is therefore crucial to adopt the more challenging, counterintuitive, and seemingly reductive strategy. Rather than treating the climate emergency in advance as an absolutely unprecedented crisis requiring absolutely unprecedented action – and ending up doing nothing – we should nevertheless take as our vantage point the minimal conceptual precedent and explore the potential of conceiving the climate emergency as a special case of the general concept of (a state of) emergency in its original legal sense.

However, this idea immediately encounters a seemingly insurmountable obstacle. There is a general consensus among climate scientist that some of the effects in the climate system are irreversible, largely due to positive feedbacks in the system triggered by human-induced perturbations. While these considerations by no means imply that all attempts to intervene in the process are futile, they do call into question the prospect of a return to the previous state of the climate system, at least for the foreseeable future. In this respect, the climate emergency points to a potentially infinite crisis that may require infinite emergency measures, seemingly contradicting the inherently finite, transient, and instrumental nature of a state of emergency.

It is the awareness of the potentially infinite character of the climate crisis that renders the legal idea of climate emergency in the strict sense impossible and illegitimate in the general perception. All the more so as the climate emergency not only requires a greater focus on climate and environmental issues, but also categorically demands all possible actions to resolve the crisis, which are "by definition and intent, disruptive to the status quo"[15] and thus inevitably come into conflict with various social values and may also affect certain fundamental human rights.

Finally, since the climate and environmental emergency ultimately concerns the threat posed by nonlinear processes in the Earth system progressively evading our control, it is important to bear in mind that an emergency response requires

[15] Gilding, *Climate Emergency Defined*, p. 6.

an ethical decision to fully embrace this unprecedented constellation – in which inaction is no longer neutral – and to invent an adequate mode of our engagement with the systemic emergency. Therefore, the emergency response directed against the inertia of the socio-economic system that is threatening to trigger harmful nonlinear processes cannot only be restrictive; rather, the task is also to open up the possibilities of initiating alternative nonlinear processes in the social, economic, and technological spheres that gradually gain inertia and thus become irreversible.[16]

In order to develop a functional concept of the climate emergency, it is therefore necessary to outline a notion of the end of the climate emergency response that does not coincide with the (potentially unattainable) end of the climate crisis. In doing so, we can start from the minimal difference between two approaches to defining the end of the state of emergency at the level of the general concept.

In the standard approach, the goal of the state of emergency is to restore the previous normal state. In this respect, the return to a normal legal order is possible when the authority that originally declared the state of emergency concludes that the disturbance of the normal state has ended. The end of the state of emergency is thus determined by an external reference to the normal state, which may be subjectively (and often arbitrarily) redefined in the process.

In the alternative approach, the goal of the state of emergency can be defined from within. From this perspective, the state of emergency aims at abolishing its own *raison d'être*, i.e. the reason that originally led to its introduction. Accordingly, its end can be defined as a turning point at which its formal continuation is no longer indispensable to resolving the crisis.

In the face of the potentially infinite crisis, the second approach opens up space to circumvent the impasse, since the goal of the climate emergency as a legal

[16] In the words of Hans Joachim Schellnhuber: "You have to identify a portfolio of options [...] disruptive innovations, self-amplifying innovations. You cannot predict precisely. You need to look into whether there are high nonlinear potentials. Then you have to bet ... Say you identify twenty horses, you then have to send all of them into the race, and maybe three of them will make it across the finishing line. But they will instigate the change you need." (Nick Breeze, "It's nonlinearity – stupid!", *Ecologist*, 3 January 2019, https://theecologist.org/2019/jan/03/its-nonlinearity-stupid, accessed 7 November 2022.)

and political instrument does not have to be to effectively end the crisis and fully restore the previous normal state, but rather to transform the socioeconomic system so that it forms an alternative irreversible trajectory that leads us out of the crisis through inertia. Once the legal, political, economic, and behavioural patterns are reformulated to give shape to a new kind of systemic inertia, the reason for instituting the legal state of a climate emergency no longer exists and such can be lifted. In turn, the persistent elements of the climate crisis (i.e. the consequences of climate change that are nonetheless irreversible on a human time scale) can, in principle, be regulated within the framework of the generally applicable legal order.

The goal of the above outline is by no means to reduce the climate emergency to a legal problem. It is not to rely exclusively on legal mechanisms that would solve the problems on their own and miraculously tame national, international, supranational, and non-national actors. But the simple fact remains: law is the fundamental instrument of every state and, at least potentially, of every citizen. And perhaps the ultimate trick of late capitalism is that, by parasitizing on legal mechanisms, it has created absolute doubt that they could ever become an effective instrument in anyone else's service.

As David Spratt writes in the present issue of *Filozofski vestnik*: "when all is said and done, the choice is social collapse and economic disruption due to the failure to act fast enough, or economic disruption as a necessary consequence of emergency-level fast change. There is no third way."[17] And it is clear that the second way necessarily involves legal instruments – not only to strengthen the state's role but to enable the state to enact its own transformation.

> The urgent need is to take back and rebuild state institutions destroyed by neoliberalism in order to redirect production to socially-necessary goals (decarbonisation and cooling, and basic public needs including secure food and water, and health, education, and transport), to plan and manage the transition and adjustment, and to curb the destructive path of financialisation. This would be a massive politically-directed reallocation of resources not only in the OECD, but in China, India, Nigeria, and more. In the first instance, this is not a question of growth versus degrowth, but what needs to be, and can be, produced within resource

[17] David Spratt, "Reclaiming 'Climate Emergency'", *Filozofski vestnik*, 43 (2/2022), p. 123.

> sustainability and safe-climate boundaries. There is a battle for the role of the state, with democratic community movements around the world – including student strikers, the labour movement, Extinction Rebellion and its successors, and a myriad of other constituencies – demanding that the state act to overturn deregulation's hegemony. And just as proposals focussed on Green New Deals and market-driven growth have failed to deal with systematic market failure regarding climate risks and resource depletion, so enhanced social expenditure will also fail if state leadership does not provide a path out of the climate and ecological crises via an emergency mobilisation.[18]

The reduction of law to an instrument for managing-the-possible has had damaging consequences in other crises as well, most recently, of course, in the management of the pandemic – when many countries, including Slovenia, spent the entire acute phase of the pandemic in endless debates about the (dis)proportionality of the emergency measures, not only because they were exceptional or invasive, but also due to their grossly inadequate legal regulation. And when it comes to the climate emergency, the problem is even more far-reaching: in the climate emergency, law is not only a ready-made instrument providing the grounds for solutions that are self-evident at certain moments (e.g. a lockdown), but is, as such, one of the mechanisms for generating solutions that we do not yet know and cannot yet imagine, developing triggers with "high nonlinear potentials," to quote Hans Schellnhuber again.

But in addition to the solutions that have yet to be invented and the obvious solutions that we deploy when necessary, there is another kind of solution: the obvious solutions that, at some level, we know very well would still make sense but are considered impossible or not considered at all (such as building railways or averting wars, but also the basic idea of a legally regulated climate emergency that would go beyond non-binding declarations). Is the rejection of obvious solutions due to the fact that we have not even reached the point where we would recognize the need to implement them? Or, on the contrary, is this stalemate a consequence of the fact that we have, somewhere in the past, already "ex-communicated" the climate crisis, along with self-evident solutions that might one day significantly limit its impacts, like masks during a pandemic? In other words: Is the climate crisis, with all its extreme consequences, com-

[18] *Ibid.*, pp. 131.

parable to the pandemic as we perceived it in January, February, and March 2020 – or, on the contrary, does it make us as fatigued as the pandemic in late 2022? Are we avoiding actions that would help limit the climate crisis due to a primary aversion to the new (remember the first time you put on a mask?) or because of the secondary, habituated, cynical, and somewhat fabricated aversion we feel today to the idea of mask mandates or lockdowns?

Apart from directly addressing the current state of affairs, there are two far more intriguing and certainly less psychologically exhausting approaches to dealing with the climate crisis: first, various versions of "climate fiction" that point to the future and show the evolved effects of current processes with essentially deferred realization (the main author here is undoubtedly Kim Stanley Robinson); second, an approach that looks to the past and examines the genealogy of the underlying concepts (sometimes going back to the 19th and early 20th centuries) or the genealogy of denial mechanisms, which usually centres around the early 1990s (the most prominent representatives being Naomi Oreskes and Naomi Klein).

In this regard, Nathaniel Rich's 2019 *Losing Earth*, which focuses on the period between 1979 and 1989, "the decade we could have stopped climate change," as the subtitle goes, is certainly ground-breaking. It is not a story about the organized production of denial by the fossil fuel industry; that decade was still relatively free of such pressures. If the efforts of activists and scientists failed during that decade, the reasons are much more complex and ambiguous.

> There can be no understanding of our current and future predicament without an understanding of why we failed to solve this problem when we had the chance. For in the decade that ran between 1979 and 1989, we had an excellent chance. The world's major powers came within several signatures of endorsing a binding framework to reduce carbon emissions – far closer than we've come since. During that decade the obstacles we blame for our current inaction had yet to emerge. The conditions for success were so favorable that they have the quality of a fable, especially at a time when so many of the veteran members of the climate class – the scientists, policy negotiators, and activists who for decades have been fighting ignorance, apathy, and corporate bribery – openly despair about the possibility of achieving even mitigatory success. As Ken Caldeira, a leading climate scientist at the Carnegie Institution for Science in Stanford, California, recently put it,

> "We're increasingly shifting from a mode of predicting what's going to happen to a mode of trying to explain what happened."[19]

If there is a lesson to be learned from the Covid-19 pandemic, it is not substantive, but formal: the only valuable experience we have gained lies in the fact that we have been able to observe it from the beginning. In this way, we could follow its entire development, mainly the evolution of its perception and understanding. The course of the pandemic was not absolutely determined. It resulted from a combination of the fundamental system coordinates into which it entered and the contingent elements, which, at specific points, created inflexions in its trajectory. And it is precisely research thereon that is needed in the case of the climate crisis: before it became a manifest crisis and, to some extent, absolutely intractable, there must have been – we assume – a series of contingencies that both determined the "objective" state of the current Earth system and framed the contemporary collective psychology of climate delay. As a combination of the two, the disposition of our societies was formed, from which we can no longer extricate ourselves by normal means – or, to paraphrase Freud, the moment of *Klimakatastrophenwahl*, the choice of the climate catastrophe.

One of the fascinating events that Nathaniel Rich refers to in his book is the first interdisciplinary symposium on climate change, organized by Margaret Mead back in 1975. The report of the seminar reads like a strange mixture of the familiar and the peculiar, of phrases and programme texts that could easily be included in a research project proposal even today, of projections of primitive models that are virtually consistent with actual trends, of the birth of an early scepticism that has hardly changed in 50 years, of speculations about the coming of the next ice age, and of expressions of serious concern about the then extremely acute problem of stratospheric ozone depletion, which we have somehow miraculously managed to mitigate.

Of course, there were sceptics of the standard science/social science sort even then, but they were refuted with great ease, perhaps even more effectively than today:

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[19] Nathaniel Rich, *Losing Earth. The Decade We Could Have Stopped Climate Change*, New York, Picador, 2019, pp. 5–6.

One participant wondered whether the Conference was organized with the preconceived notion that environmental change was automatically dangerous and bad. Do we equate change with danger – or are we looking for the good that might come of change? [...] Regarding the desirability of change, a participant suggested that if we know absolutely nothing about the effects of change, then we might assume that 50 percent will be bad and 50 percent will be good. The question then becomes: What is the potential magnitude of any change for which we want to worry about the 50 percent that will be bad? [...] Those comments were attacked as misleading, like saying that "when I stick my pencil into my watch and stir it around there is a 50-50 chance I will improve it." When we are dealing with a biological system which is rather finely tuned in many respects and which has evolved over a long period of time, the odds are much higher that a given perturbation will cause a negative effect. The importance of time scales cannot be emphasized enough. Some people tend to argue that "evolution is the solution to pollution." Yet when you look closely at how evolution tends to solve things, you find it solves them with extreme mortalities per generation. [...] [S]everal people questioned whether the ecosystem really is as fragile as we think. One person noted that we have been screaming this at the public for so long that we now have an obligation to be more objective about "the delicacy of the ecosystem." We are finding that polluted lakes can rejuvenate at remarkable speed and that most pollutants added to the atmosphere are removed or rendered harmless within a relatively short time. [...] An ecologist countered that Dr. Broecker had given an excellent example of how the biosphere is not compensating for the activities of man [...]. Man-produced CO_2 is not being taken up by the biosphere at a rate comparable to its production rate. Further, the evidence that biotic systems are sensitive to human activities is overwhelming. No one is ever going to repair the damage done to the fisheries of the Great Lakes and most of the rivers of the East Coast of the United States. No one will ever repair the damage to our eastern forests – the loss of the chestnut tree was a very serious loss, both economically and ecologically. There are many other examples. Man is having important, lasting effects on the ecosystem, he said.[20]

[20] William W. Kellogg and Margaret Mead, *The Atmosphere: Endangered and Endearing*, Kent, Castle House Publications Ltd., 1975, pp. 69–72. Available at https://archive.org/details/in.ernet.dli.2015.132143/mode/1up.

So, if we are looking for a signal of the contradiction that might be responsible for the later developments, it is pretty unlikely that we will find it in the opposition between the early climate realists and the early sceptics – the sceptics were too weak for something like that in that particular historical context. An ambitious effort was not as unthinkable in the 1970s as today. It is hard to believe that the transition to serious action could have been prevented by a bunch of sceptical naysayers (especially since the action could have been much less disruptive and much less transformative given the much lower cumulative carbon emissions at that time).

On the contrary, the signal of contradiction must be sought in the ambition itself. To quote a longer passage from the report from the panel "Managing the Atmospheric Resource: Will Mankind Behave Rationally?":

> What international measures could be taken, and what international organizations could be charged with what tasks? How do we get from here – with our currently rising but mostly isolated concern for the problems – to there – with an international will effectively mobilized for actions (or inactions) to benefit all?
>
> One step, perhaps achievable fairly quickly, would be a ban on using the atmosphere for hostile purposes, including banning weather or environmental modification for those ends. The USSR and the United States, as noted earlier, already have developed draft materials along such lines for consideration. Currently, no country has the capability to create such effects while limiting them to the target country, yet all can appreciate the dangers should some country try to do so. Thus, such a ban is one from which all nations can benefit.
>
> Another area, not under wide discussion but potentially similar to the above, would be an international agreement to ban modification of the Greenland and Antarctic ice sheets. These ice masses, along with the Arctic Sea ice, are coupled closely with the atmosphere and are integral parts of the thermodynamic system that drives the world's weather and climate.
>
> One reason to formalize international understandings fairly quickly on these ice masses is that plans are extant for modifying them. One such plan is to sprinkle vast areas of Arctic and Greenland ice with coal dust. This would increase the amount of heat held in the system (because the white snow or ice reflects heat

> back out to space at a much higher rate than black dust would) and thus presumably counteract a possible global cooling trend; its advocates hope it will result in increased melting of the ice, opening northern ports to year-round shipping, and raising ocean levels (although this last would happen slowly – no tsunami would engulf the world's port cities in a few weeks, months, or even years).
>
> Our current knowledge is not good enough to predict the exact consequences of a major modification of these ice masses, but is sufficient to suggest that the effect could be significant, both on the global average climate and in increasing local variability of weather patterns.
>
> Perhaps, with increasing knowledge of how the ice masses interact with the atmosphere, we could learn to "fine tune" our weather patterns, offsetting a general cooling trend (if there is such) by one technique, a general warming trend by another. But those skills are well beyond us today. Rather like a small child trying to fix his grandfather's fine old watch, the potential for unintentional harm far exceeds the potential for a happy improvement. The goal of such a ban on the modification of these ice packs would be to minimize disruption of the system until we learn how – and whether – to initiate such controlled changes.[21]

Of course, it would be premature to draw definitive conclusions from a single historical record, as this is a subject that requires much more extensive research. But if we have been looking for the minimal signal of the contradiction that caused an impasse at a time when action could have been taken, we seem to have found it. This internal contradiction, this internal split between the ambition to prevent an ice age by increasing warming and the ambition to stop global warming, was most likely one of the main reasons for the initial delay. Scientists knew even then that deliberately and purposefully interfering with the system was too risky. However, this caution not only stopped the techno-utopian projects to prevent an ice age but also held back the urgency to adopt preventive measures that would have mitigated a more or less invisible process at the time. The concurrence of two contradictory tendencies led to caution, the caution led to general inaction, and this inaction – ironically – solved the very problem from which it retreated. As Ganopolski, Winkelmann, and Schellnhuber demonstrated in their 2016 paper, it is implausible for an ice age to happen for at least

[21] *Ibid.*, pp. 86–87.

100,000 years.[22] Not because the anthropogenic global warming would compensate for the cooling of the planet, but because we have prevented the inception of the next glaciation or perhaps even brought the Earth system to exit the Pleistocene glacial-interglacial cycle. Such clear signals of the Anthropocene present us with a new choice, i.e. a choice between two versions of the self-evident, two versions of the impossible. Either we open up a whole new set of possibilities of the thinkable, the normal, and the legitimate – or we surrender to reality and wait calmly to watch all of it unfold. But most likely we will choose neither and dive passionately into a world that no longer exists.

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[22] See Andrey Ganopolski, Ricarda Winkelmann, and Hans J. Schellnhuber, "Critical insolation–CO2 relation for diagnosing past and future glacial inception", *Nature*, 529 (7585/2016), pp. 200–203.

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