

Online Course Catalogue



EÖTVÖS LORÁND
UNIVERSITY | BUDAPEST

Course Title

**Exceptional Governance
Measure in the Era of
Climate and Ecological
Crisis**

Study Field

**Social
Sciences,
journalism
and
information**

University

**Eötvös
Loránd
University**

CHARM priority field

Sustainability and
Climate Change;

Course code

It will be added in
the Spring semester.

Faculty or department

Faculty of Education and
Welfare Studies

Study Level:

BA/BSc

Number of credit points:

3.0

Name of instructor(s):

Attila Antal

Short description of the course

In times of emergency, crises, ecological, public health and social crises (polycrisis), the strengthening of executive power is therefore a natural phenomenon, both historically and politically, as is the (constitutional) desire of legal and political systems and communities to limit the use of extraordinary measures of governance. The course will deal with the era of legal and political exceptionalism and its manifestations in the framework of polycrisis. The global ecological and climate crisis has brought us to an era of exceptionalism, as irrevocably demonstrated by COVID-19 and the complex of health, political, economic and social crises that followed.

Full description of the course

In times of emergency, crises, ecological, public health and social crises (polycrisis) (Henig-Knight, 2023), the strengthening of executive power is therefore a natural phenomenon, both historically and politically, as is the (constitutional) desire of legal and political systems and communities to limit

the use of extraordinary measures of governance. It follows that, in modern constitutional systems, the temporary suspension of normality, of the constitutional normal state, cannot in principle be considered undemocratic, since the purpose of this drastic step is precisely to protect the status quo. In any objective emergency (especially in the case of a pandemic that is in many respects uncertain and gives rise to doubts), the question of whether governance by extraordinary means is democratic is a very difficult one. Even more so since there can be legitimate disagreements between societies and within societies about the balance between civil liberties and public health. I think that COVID-19 (and the embedding of emergency models in the ideological and historical debates of the 20th century and beyond) has shown that we need to fundamentally rethink the paradigm of exceptional governance and that we can by no means rely on absolutes. In other words, the concentration of executive power is not anti-democratic in principle, but it can easily become so without active (and of course extraordinary compared to the normal state of affairs) controls. In the framework of the course, a huge emphasis will be put on the Central Eastern European (especially Hungarian) experiences of extraordinary governance. For almost a decade, Hungary has had at least one (sometimes two) extraordinary measure in force at the same time and has achieved continuous exceptional government. All this raises several dilemmas, since (as we have seen) governing by extraordinary means is not in itself undemocratic, but if the executive power primarily performs its tasks in an extraordinary manner, then this has very serious social and political consequences and this also leaves its mark on democracy. The course will deal with the era of legal and political exceptionalism and its manifestations in the framework of polycrisis. The global ecological and climate crisis has brought us to an era of exceptionalism, as irrevocably demonstrated by COVID-19 and the complex of health, political, economic and social crises that followed. As the pandemic has made the exceptional order more visible than ever before in our daily lives, a complex social science explanation and conclusions must be drawn. The aim of the course is to describe and capture exceptionalism in legal and policy theory and to contribute to the national academic discourse on the subject. The website of the postdoc project in which framework the course will be held: <http://www.stateofemergency.hu/>

Learning outcomes

By the end of the course, students will have an overview of the constitutional and political theoretical foundations of the extraordinary legal order that defines our era of climate and ecological crisis. Students will be able to evaluate the extraordinary governance measures introduced during COVID-19 in terms of democratic theory and practice.

Additional information

Course requirements

No.

Time zone

CET (Spain, France, Germany, Netherlands, Hungary, Norway)

Language of instruction

English

Mode of delivery:

hybrid (students of the CHARM partners join online, local students on campus)

Start date of course:

2024-12-02 00:00:00

Planned educational activities and teaching methods

Lectures, public debate, group work, guest speaker, workshop.

End date of course:

5/18/2024

Learning Management System/

Teams, Moodle.

Contact hours per week for the student:

2

Assessment methods

Students will prepare a short paper which will be discussed in a student workshop at the end of the course.

Specific regular weekly teaching day/time

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Certification

Transcript of records

Number of places for CHARM students

10

Course literature (compulsory or recommended):

AGAMBEN, Giorgio: Homo Sacer: Sovereign Power and Bare Life. Transl.: D. Heller-Roazen. California, 1998. AGAMBEN, Giorgio: State of Exception. Chicago, 2005., DOI: <https://doi.org/10.2307/j.ctv1134d6w.16>

AGAMBEN, Giorgio: The Invention of an Epidemic. Quodlibet, 2020.02.26., <https://www.quodlibet.it/giorgio-agamben-l-invenzione-di-un-epidemia>

ANTAL, Attila: Hungary in State of Exception Authoritarian Neoliberalism from the Austro-Hungarian Monarchy to the COVID-19 Crisis. Lanham, 2022. ANTAL, Attila: The Rise of Hungarian Populism. State Autocracy and the Orbán Regime. Bingley, 2019., DOI: <https://doi.org/10.1108/9781838677510>

BENJAMIN, Walter: Critique of violence. In BULLOCK, Marcus - JENNINGS, Michael W. (eds): Selected Writings. Vol. 1. 1913-1926. Cambridge, 1921., 1996. BJØRNSKOV, Christian - VOIGT, Stefan: The architecture of emergency constitutions. International Journal of Constitutional Law, 16. (2018) 1., 101-127., DOI: <https://doi.org/10.1093/icon/moy012>

DE ANGELIS, Gabriele - OLIVEIRA, Emellin de: COVID-19 and the “state of exception”: assessing institutional resilience in consolidated democracies - a comparative analysis of Italy and Portugal. Democratization, 28. (2021) 8., 1602-1621., DOI: <https://doi.org/10.1080/13510347.2021.1949296>

ENGLER, Sarah - BRUNNER, Palmo - LOVIAT, Romane - ABOU-CHADI, Tarik - LEEMANN, Lucas. - GLASER, Andreas - KÜBLER, Daniel: Democracy in times of the pandemic: explaining the variation of COVID-19 policies across European democracies. West European Politics, 44., (2021) 5-6., 1077-1102., DOI: <https://doi.org/10.1080/01402382.2021.1900669>

FEREJOHN, John - PASQUINO, Pasquale: The law of the exception: A typology of emergency powers. International Journal of Constitutional Law, 2. (2004) 2., 210-239., DOI: <https://doi.org/10.1093/icon/2.2.210>

GINSBURG, Tom - VERSTEEG, Mila: The Bound Executive: Emergency Powers During the Pandemic. Virginia Public Law and Legal Theory Research Paper, (2020) 52., DOI: <https://dx.doi.org/10.2139/ssrn.3608974>

GROSS, Oren - NÍ AOLÁIN, Fionnuala: Law in Times of Crisis: Emergency Powers in Theory and Practice. Cambridge, 2006., DOI: <https://doi.org/10.1017/CBO9780511493997>

GROSS, Oren: Chaos and Rules: Should Responses to Violent Crises Always Be Constitutional? The Yale Law Journal, 112. (2003) 5., 1011-1134., <https://www.yalelawjournal.org/article/chaos-and-rules-should-responses-to-violent-crises-always-be-constitutional>. DOI: <https://doi.org/10.2307/3657515>

HEAD, Michael: Emergency Powers in Theory and Practice. The Long Shadow of Carl Schmitt. Surrey, 2016., DOI: <https://doi.org/10.4324/9781315563282>

Number of places available for CHARM students

The whole maximum amount of participants in the course is 40 participants (charm students or not)

Contact mail address for further information about this course

antal.attila@ajk.elte.hu

Relevant information

The course will be held in the framework of "The State of Emergency in the Era of Global Ecological and Pandemic Crisis" posdoc project:
<http://www.stateofemergency.hu/>