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# The Fragility of Liberal Democracy Faced with Fascism and Climate Politics

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**ABSTRACT**

This article engages with the particular fragility of liberal democracy in current times. The particularity at stake here concerns the two major challenges that liberal democracy faces today, notably the rising allure of fascism (mostly AF hereafter) and the rise of climate politics (mostly CP hereafter). The article is not concerned with the external threats that fascism and climate politics pose for liberal democratic law. It engages with the way that any endeavour to deal with these threats threatens liberal democracy with the internal self-destruction of its essential ideals and principles.

**Keywords:** liberal democracy, fascism, climate change, Greta Thunberg, politics

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## 1. Introduction

This article engages with the particular fragility of liberal democracy in current times. The particularity at stake here concerns the two major challenges that liberal democracy faces today, notably the rising allure of fascism (mostly AF hereafter) and the rise of climate politics (mostly CP hereafter).[1] The main focus will be the latter challenge, but addressing the former is also important for two reasons. AF obviously threatens liberal democracy gravely and an incisive understanding of the gravity of this threat is crucial for an incisive understanding of the specific vulnerability of liberal democracy in the face of this threat. But understanding the threat of AF to liberal democracy is also important for another reason. Grave as this threat is, it is not nearly as grave as the threat that CP poses for the concept and ideal of liberal democracy. In other words, coming to terms with the gravity of AF also serves as a basis of comparison that allows one to come to terms with the much greater gravity of CP's threat to liberal democracy.

The article pursues these aims in five steps. *Section 2* highlights the "dithering" of liberal democracy in the face of AF and CP with reference to two recent examples, one taken from German politics, the other from British politics. *Section 3* looks closer into the nature of the two threats that AF and CP pose to liberal democracy so as to highlight the similarity and difference between them. It is in this section that the greater gravity of the CP threat becomes clear. *Section 4* engages with the ethical-political dilemma of the liberal democratic response to AF and CP. It shows again why the dilemma is greater in the case of the latter. In the case of the latter, liberal democracy is bound to get entangled in a conception of the relation between knowledge and politics that goes fundamentally against its grain. That is why *Section 5* turns squarely to dominant conceptions of the relation between

[1] The term "populism" that we predominantly use to refer to rising far-right movements often reflects an unwillingness or hesitance to call a spade a spade. Many of these movements already have many if not all the essential characteristics of what used to be called fascism in the dark decades of the twentieth century. However, if some readers would find it "too early" to consider "fascism" an accurate term for the pervasive right-wing populisms afoot in the world to today, I never plead with them to indulge my use of the term as a shorthand alert to a grave development for which "populism" also no longer comes across as an apposite term.



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knowledge and politics in Western thought. It does so by returning to the triangular constellation of epistemological-political positions that Western political thought inherited from Greek philosophy. Of concern in this triangle is the legacies of Plato, Aristotle and Protagoras. *Section 5* also extends its articulation of this triangular knowledge-politics constellation to a reflection on the relation between key developments in 20th century theories of science and knowledge, on the one hand, and liberal democratic theory, on the other, with Richard Rorty, Karl Popper, Thomas Kuhn, John Rawls, Frank Michelman and Alessandro Ferrara as its key points of reference. *Section 6* then takes the consolidating step. It draws the arguments articulated in the earlier sections together and puts forward a coherent understanding of the essential dilemma of liberal democracy in a time of AF and CP. In the course of doing so, it also proposes a formulation of a liberal democratic response to AF and CP that might steer clear of irresponsible dithering without falling foul of the liberal democratic commitment to open-ended discussion. The response proposed remains fragile, no doubt, perhaps too fragile to stand a chance. But this fragility is liberal democracy's essential or intrinsic fragility. Liberal democracy has never been and will never be able to shed its fragility like a skin. Fragility is too deeply woven into its spine, as Ernst-Wolfgang Böckenförde pointed out years ago with his now famous dictum.[2]

[2] See Böckenförde, 1976, 60: *"Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann. Das ist das große Wagnis, das er, um der Freiheit willen, eingegangen ist. Als freiheitlicher Staat kann er einerseits nur bestehen, wenn sich die Freiheit, die er seinen Bürgern gewährt, von innen her, aus der moralischen Substanz des einzelnen und der Homogenität der Gesellschaft, reguliert. Anderseits kann er diese inneren Regulierungskräfte nicht von sich aus, das heißt mit den Mitteln des Rechtszwanges und autoritativen Gebots zu garantieren suchen, ohne seine Freiheitlichkeit aufzugeben und – auf säkularisierter Ebene – in jenen Totalitätsanspruch zurückzufallen, aus dem er in den konfessionellen Bürgerkriegen herausgeführt hat."* Here is a slightly changed Deepl translation: "The liberal, secularised state lives on presuppositions that it cannot guarantee itself. That is the great risk it has taken for the sake of freedom. On the one hand, it can only exist as a liberal state if the freedom it grants its citizens is regulated from within, from the moral substance of the individual and the homogeneity of society. On the other hand, it cannot seek to guarantee these internal regulatory forces of its own accord, i.e. by means of legal coercion and authoritative command, without giving up its freedom and reverting – on a secularised level – to the totalitarian claim from which it emerged during the confessional civil wars."



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There is one more aspect of the liberal democratic fragility in the face of both fascism and climate politics that I will only mention here before moving on. The whole line of thinking developed here is still premised, for now, on the idea that liberal democracy, either alone or in collaboration with other non- or anti-liberal political regimes, can still respond to the climate crisis with an effective political act or course of action that one could call sovereign. A devastatingly acute recent article of Neil Walker alerts one to the reality that this assumption may not be warranted at all. Not only has liberal democracy always been a congenial host for a climate-disastrous property regime, and not only has it all along been conditioned by this property regime. It is today increasingly supplanted by modi of self-regulation that this regime has installed for itself under the aegis of transnational institutions associated with the global expansion of neoliberalism (Walker, 2023b, 142 -147). In what follows, I will simply be assuming, against the odds that Walker clarifies so soberingly, that a liberal democratic sovereignty – frail and marginal as it has become in the world today when one looks at basic statistics[3] – may still offer a response to the climate crisis of our time. It is with this assumption still in place that this article will be looking at the *intrinsic* (as opposed to extrinsic) challenges that liberal democratic sovereignty faces in a time of rising fascisms and a possibly apocalyptic climate crisis. An incisive assessment of the continued plausibility of this assumption and a proper response to Walker will have to remain on the agenda for another day.

Here is the plan, for today then, in thumbnail format: *Section 2* should be considered a descriptive contextualisation of an overarching argument with four

[3] Walker, 2023a, 11 highlights the following sobering statistics: "What emerges from the most recent (2021) Democracy Index, is that only 21 of the world's 167 independent polities – which is 12.6%, and only 6.4% of the world's population, live in 'full democracies'. Flawed democracies account for another 53 (31.7%) of countries, and another 39.3% of the global population. This means that, according to the Index, less than half of countries (44.3%) are basically democratic, and less than half of the world's population (45.7%) live under basically democratic conditions. And of the rest, as many as 59 (35.3%) covering 37.1% of the population (the majority in China) are classified as fully authoritarian regimes, while 34 (20.4%) of countries covering 17.2% of the world's population live in hybrid or semi-authoritarian regimes." See also Walker, 2023c.



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prongs. *Section 3* (first prong) will compare the respective threats that AF and CP pose to liberal democracy. *Section 4* (second prong) takes a close look at the essential political ethics at stake in the liberal democratic response to AF and CP. *Section 5* (third prong) extends the inquiry into the political ethics of liberal democracy to an epistemological-political inquiry into the relation between knowledge and liberal democratic ethics. *Section 6* (fourth and main prong) ties the whole argument together for purposes of a coherent understanding of the liberal democratic response to AF and CP and an incisive regard for the fragility of this response.

## 2. Dithering Liberal Democracies

Already in my book *The Concept of Liberal Democratic Law* (*CLDL* hereafter), I suggested that Greta Thunberg is not a liberal democrat, and perhaps justifiably so (Van der Walt, 2020a, xii). The suggestion – not worked out further in the book – was clearly enough that climate change may be confronting human political organization with challenges to which liberal democracy cannot respond adequately. Thunberg manifestly confronts liberal democracy with a call to immediate action that dispenses with democratic political procedures that always seem to postpone this call. The democratic process can stall and slow down action for ages, often cynically so for short term interests. Liberal democracy, in other words, appears to be a dithering form and practice of politics, and Thunberg no longer tolerates this dithering.

This article pursues an incisive understanding of that which climate activists are bound to consider "liberal democratic dithering." This section begins this pursuit by highlighting two recent examples of this "dithering," one taken from German politics, the other from British politics. They so happen to also relate respectively to the problems of rising fascism and apocalyptic climate change that we have identified above as the most significant threats to liberal democracy in our time.

In by-elections in the United Kingdom in July 2023, the Labour Party was expected to sweep away the Conservative Party in all of three traditional Tory



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strongholds. They eventually did so in only two of them. In the third, the Uxbridge and Ruislip by-election, the Tories narrowly held their constituency. Keir Starmer, the labour leader, attributed this loss to the plan of the Labour Mayor of London, Sadiq Kahn, to turn the whole of London into a low-emission zone, a plan against which significant popular protest became manifest in the weeks leading up to the election. Starmer's subsequent "food for thought" remark suggested a clear willingness to backdown from environmental commitments, were they to render Labour's chances of winning the general elections in 2024 less likely. His Tory opponent, Rishi Sunak, was quick to follow suit. Sunak quickly identified backing-down on climate commitments as a strategic opportunity for improving the Tories' dismal prospects for the 2024 elections.[4] This is how backing-down on long term climate commitments overnight became a strategy for vote-winning in the very short term in the UK.

This development in recent UK politics is bound to elicit utter dismay regarding democracy among all those who are convinced by a *knowledge claim* that future life on earth is threatened by a humanly induced planetary apocalypse. Of concern in this development is not the pathologically cynical disregard for long term common concerns of humanity that we have come to associate with the name Donald Trump. Trump's brutal withdrawal from the Paris agreement and his general climate-sceptic stance was indeed induced by the pathological cynicism of a deranged person, as have become abundantly clear in retrospect, but the gambling with environmental concerns between Starmer and Sunak does not seem – or is not supposed – to fit this bill. This is regular British parliamentary politics, the long-time revered liberal institution that Nelson Mandela lauded so graciously in his address to the court during the Rivonia trial. A theorist of liberal democracy may well need to pause and reflect on the question of how the United States, another long-time revered political liberal institutional framework with no one less than Hannah Arendt among the faithful reverends, could have allowed a deranged person to become its President. I will not do so here. I will focus instead

[4] See McKie et al., 2023.



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on the banal indifference to climatological concerns in ordinary British politics, once one of the flagship liberal democracies of the world. At the time of the climate-indifferent jousting between Starmer and Sunak, this democracy had also just recently removed an at best marginally less-toxic-than-Trump politician from power. How this kind of derangement could have entered their once trust- and respect-worthy political institutions is a question that must therefore also haunt British liberal democrats today. But again, the contest between Starmer and Sunak is supposed to reflect a return to normal democratic politics, and it is this normal politics that is today playing ball with the demands of climate change on us, as if we have lots of time on our hand.

Recent state elections in Germany provide another example of banal politicking with essential societal and normative concerns. This example relates to the other major threat to liberal democracy current today, namely rising fascism. The German example shows that banal politicking is not restricted to venerable old liberal democracies whose institutional standards and practices may perhaps be said to have slipped somewhat lately. A not so old liberal democracy that, to the contrary, has to face up to a history of disastrous institutional failures is showing itself ready to risk its liberal democratic institutions once again. Programmatically concerned with erasing the dishonourable reputation that it earned for itself during the first half of the 20$^{th}$ century, Germany surely went out of its way during the second half of that century to prove and show itself to be an exemplary liberal democracy. Not so any longer. Already in 2018, after a series of dismal election performances that came to a head with the state elections in Thüringen, the Christian Democratic Union (CDU) party in Thüringen showed willingness to collaborate with the far-right *Alternative für Deutschland* (AfD) party to whom they were losing votes at an astounding rate. They did so for purposes of preventing the leftist party *Die Linke* from winning the state elections. Leading figures of the CDU at national level then still responded with dismay. The then just recently retired national chair of the party, Angela Merkel, vociferously distanced herself



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from this willingness to collaborate with the AfD, a party with visible links to known Neo-Nazi personalities and groups in Germany.[5]

Things have obviously changed in the four short years since then. The national leader of the CDU, Friedrich Merz, recently announced that the CDU is prepared to work with the AfD. Having faced severe criticism for this move, he more recently backtracked by saying that the cooperation with the AfD would only happen at local and not at national level, as if that offers consolation. Merz still leaves us with the disconcerting fact that it took only 78 years for a major German political party to show itself willing again to take risks with political energies of the kind that caused havoc in Germany, Europe and the world between 1933 and 1945.[6] One is well inclined to ask: what next? We know not only from Germany's past but also from recent developments in the United States where unscrupulous flirtation with this kind of politics can lead. How long will it take for a crowd of fascist weirdos to gather enough gall to storm the Bundestag if Germany's centre-right political parties continue to afford credibility to the far-right?

The two examples put forward here testify to the disconcerting way in which liberal democratic standards of political discourse and practice (and indeed of government in the UK) are falling apart in countries that claim to be liberal democracies. The sad testimony of the United States, only indirectly invoked above, makes this picture considerably bleaker. The question arises whether liberal democrats should continue to tolerate this decay and for how long. Committed liberal democrats are anything but revolution-mongers. They tend to stick to existing rule of law arrangements as long as they can. Reckless and zealous promotion of revolutionary change is not their way (see Rawls, 1997, 766 – 767). They are all too aware of the abyssal destruction to which reckless revolt can lead. Their ability to always give more time, and to talk things through once more, has been disparaged in striking fashion by Carl Schmitt. Instead of engaging in a decisive battle, bourgeois liberalism always endeavours to start a discussion (*[versucht] statt*

[5] For a discussion of and journalistic references to this development, see Van der Walt, 2023a, 112 – 114.
[6] See Taylor, 2023.



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*dessen eine Diskussion anzuknüpfen*), he famously asserted with reference to Donoso Cortes (Schmitt, 1996b, 63 – 64). Committed liberal democrats would nevertheless not be averse to claiming as a virtue exactly that which Schmitt derided. For them, the capacity and willingness to give more time and talk things through again and again, are key elements of their political ethics (see Van der Walt, 2020b, 113 – 149). But liberal democrats worthy of the name cannot simply talk on and give more time indefinitely while liberal democracy is falling apart under their noses. There may well come a time when they too may be obliged to stop talking. The moment that this time comes will always be the moment in which liberal democrats have to face the deep paradox of their political ethics and vision. The pursuit of their own fundamental ideals would then demand a contemplation of the limits and non-application of these very ideals. This is where the fragility of liberal democracy becomes most conspicuous, and it is this fragility that Ernst Wolfgang Böckenförde contemplated when he articulated his famous dictum (see footnote 2).

The planetary climate crisis into which we have descended has exacerbated this fragility in an *unprecedented* fashion. The climate crisis appears to threaten liberalism's core ethic of tolerant and open-ended discussion in a way that no former threat ever did. Of concern here is the core ethic of liberalism, namely, its willingness to give time and to keep talking *for as long as possible.* Amid the climate crisis in which humanity and non-humanity finds itself today, this "as long as possible" appears already expired. The climate crisis deprives liberal democrats of the ethic of open-ended talking, given the endless politicking to which the latter appears to give license. Thunberg knows that. She has turned a deaf ear to the endless talking about emission targets that is honoured only in breach. For her, all of this is just "blah, blah, blah" (see Carrington, 2021). She is insisting that things must change forthwith, and she *knows* what this change must entail. She believes her knowledge demands acquiescence *now*. It is no longer an invitation for democratic deliberation. It is an endeavour to instigate a revolutionary compliance with demands of knowledge that are no longer debatable. For this reason, she can no longer be a liberal democrat.



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*CLDL* acknowledged the possibility of times in which liberal democrats may be called upon to also "join the barricades." The question will of course always be: when? And to the extent that the identification of the "when" will not give way to sheer irrationalism, the question of the "when" will always be concerned with a unique claim to knowledge, a knowledge of a situation that assumes a cognitive grasp of urgency and necessity that demand immediate action. This unique knowledge generally does not sit well with liberal democracy. Perhaps it never does. We come back to this point in sections 3, 4 and 5. Suffice it to anticipate that discussion here by just observing that climate-change not only challenges our understanding of political knowledge. It also challenges our concept of knowledge as such. And it does so more devastatingly than any earlier threat to liberal politics and open-ended epistemic inquiry did in the past.

More devastatingly than ever before? Yes. The political liberal ethic of waiting for "as long as possible" can adjust to severely adverse conditions. It lives and has lived for long times amidst human rights violations that it considers anathema. It may even decide to compromise with outright oppression and worse. How long have "exemplary" liberal democracies not continued to trade blithely with China, notwithstanding ongoing oppression of the Uyghurs that has a hardly ignorable genocidal dimension? And let these democracies not forget the sins they commit themselves. American liberals have lived through four years of a brutally anti-liberal presidency without revolt. The prudence of having done so and of possibly doing so again surely remains debatable among liberal democrats. Fascism, totalitarianism and oppression are evidently not red lines that liberals cannot shift pragmatically and prudently.[7] The climate crisis is very different in this respect. The redline drawn by the climate crisis is not something that can be shifted in the hope of better times to come. The climate crisis tells us that *time is up*. Hence Thunberg's dictatorial stance. She, and those with her, *knows* or *claims to*

[7] Talking of redlines, let us not forget Barack Obama's "redline" regarding the use of chemical weapons in the Syrian civil war. See Paris, 2017; Taddonio, 2015.



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*know* that *time is up*.[8] Their claim is to really *know* the situation in which we find ourselves.

Where does her (their) knowledge come from? It comes from widely shared scientific assessments of the climatological change on planet earth and its causes. An overwhelming majority of scientists with solid scientific credentials concur in their assessments of the matter. There is little space in the circles of science for climate-scepticism. There are, however, still many climate-change deniers around among layman politicians. Unprecedented heat waves, wild-fires and looming water shortages may well be slashing their numbers by the day, but a significant number of them – invariably motivated by their own immediate interests – are still around and in disconcertingly powerful positions at that.[9] These climate-sceptics insist on their democratic right to contest the knowledge claims of scientists, and as long as they continue to do so in sufficient numbers, the liberal democratic dithering exemplified by Keir Starmer and Rishi Sunak will persist. The measures to be taken in response to the climate crisis therefore remain open to debate and liberal democratic political manoeuvring.

The situation that we have been describing in this section can be summed as follows: humanity faces, once again, the ageless stand-off between an intolerant politics that claims undoubtable knowledge as justification for its intolerance, on the one hand, and a tolerant politics that inversely claims a lack of such knowledge as the ground of its tolerance, on the other. Section 5 will return squarely to this stand-off and to the relation between knowledge and politics that it raises. It traces the roots of this stand-off to the different philosophical stances of Plato, Aristotle and Protagoras. If we want to come to terms with Thunberg, we must come to terms with the roots of the

[8] The scientific knowledge on which Thunberg and her generation are insisting are surely making its way squarely into the reasoning of major courts of the planet. See fn. 16 below.
[9] Examples abound. For two recent ones, see the reports on the former Australian Prime Minister Tony Abbott and the recently elected US House speaker Mike Johnson by Pengelly & Levine, 2023, and Butler, 2023. In France, leading climate-change experts count the former President Nicolas Sarkozy, the current President Emanuel Macron, the former Prime Minister Eduard Philippe and the leader of the centre-right *Les Républicains* among the soft-sceptics, politicians who do not deny climate change or that it is caused by human conduct, but water down its urgency in order to prioritize other governmental concerns or relativize France's contribution to global carbon emissions. See Goar, 2023.



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stand-off between knowledge and tolerance in the history of Western political and philosophical thought. We shall nevertheless take two further steps before turning to the perennial triangle on which Plato, Aristotle and Protagoras have premised Western political thought. We shall first take a closer look at the essence of the challenge which liberal democracy faces in a time of AF and CP (Section 3), and the reasons why this challenge cannot but expose the intrinsic fragility that always conditions liberal democracy as an arrangement of power and a form of politics (Section 4).

## 3. Fascism and Climate Change Politics: Two Quests for Reality

Fascism and climate politics are two very different kinds of politics. The former is invariably ethnicist if not downright racist in orientation. The latter's outlook is invariably cosmopolitan. They nevertheless have one characteristic in common. Both are "quests for reality." This common characteristic makes it quite possible that the one can morph into the other. This morphing is not likely to happen on the front of decidedly cosmopolitan climate-political movements, but the possibility of a morph or merge is far from unthinkable on the front of fascist movements. There is nothing that prevents the latter from including an uncompromising climate politics into its comprehensive world view.[10] The disinclination of the former to become fascist does nevertheless not imply that it cannot come to pose a deeply perturbing threat to liberal democracy. There is no reason *whatsoever* to suggest that this has already happened or is in the process of happening, but CP has the potential of becoming "totalitarian" or "fundamentalist" in ways that would render it irreconcilable with liberal democracy. Much of what follows in the next sections of this article constitutes an endeavour to understand and respond to this threat. The rest of this section will expound the reasons for assessing both AF and CP as quests for reality with which liberal democracy cannot compete, given its core commitment to the suspension of quests for reality in politics.

[10] Bernard Schlink's recent novel, *Die Enkelin* (Schlink, 2021), gives a very realistic portrait of such a merge among far-right political movements in Germany.



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The premises for assessing AF in terms of a quest for reality in what follows are drawn from intriguing contentions of Hermann Heller and George Orwell with which I have engaged extensively elsewhere and will invoke only briefly here.[11] Heller's contention concerns his criticism of Hans Kelsen's positivist theory of law. Kelsen's positivism, contended Heller, was representative of a merely technical conception of law that had lost its connection with the absolute and abyssal grounds of life – *seine Beziehung zum Absolutem, zum tragenden Grund und Abgrund des Lebens.* As such it contributed to or aggravated the "hunger for reality" of the Weimar youth – *einer nach sittlichen Begründungen suchenden und wirklichkeitshungrigen Jugend* – that drove them into the arms of the "neo-feudalism" (Heller's word for the fascism in the offing at the time) that was raising its head in the Weimar Republic (see Heller, 1992, 450 – 451).

Orwell's contention is drawn from his review of Hitler's *Mein Kampf*. The review explains the rise of fascism in Germany and elsewhere in Europe in the 1930s in terms of a "need for struggle and self-sacrifice." Orwell wrote: "[H]uman beings don't only want comfort, safety, short working hours, hygiene, birth control and, in general, common sense; they also, at least intermittently, want struggle and self-sacrifice, not to mention drums, flags and loyalty-parades" (Orwell, 1940).

This is precisely what Hitler offered the German people, Orwell continued: "Hitler has said to them, I offer you struggle, danger and death, and as a result a whole nation flings itself at his feet" (*Ibid*).

The resonance between Heller's invocation of the "absolute and abyssal grounds of life" and Hitler's offer of "struggle, danger and death" is unmissable. And Orwell was perfectly correct to interpret this offer with reference to a need for "self-sacrifice." Sacrifice, we learn from the classic anthropological studies of Henri Hubert, Marcel Mauss and Roger Callois, is the essential link with which primitive societies sustained their connection with the "sacred grounds" of their existence (see Hubert and Mauss, 1968; Callois, 1950; Van der Walt, 2023d; Van der Walt, 2005).

[11] For the engagement with Orwell, see Van der Walt 2020b. For the engagement with Heller, see Van der Walt, 2023b.



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The quest for this link, the quest for reality, is no less present among current strands of fascism than it was among the reality-hungry Weimar youth and the people who eventually flung itself at Hitler's feet. It is this quest that informs the increasing yearning for *the real people*, the *reality of the people*, afoot in the world today. This yearning spurs an increasing resistance to all the "alienating" mechanisms of representative democracy which frustrate the "real" voice of the people.

Liberal democracy has little to offer as far as this sacrificial quest for reality is concerned. It is a form of politics that pivots on the realisation that politics in pluralist societies (the condition of all modern societies in the wake of the Reformation and the shredding of universalist revolutionary ideals in the course of the nineteenth century) can neither hope nor afford to be "quests for reality." This is so because any unambiguous identification of reality demands a unitary and consolidated mechanism of identification that pluralist societies simply do not offer. In modern societies, the quest for unambiguous reality cannot but culminate in an unforgiving clash between different quests for reality. It is this clash that liberal democracy strives to avoid. For this reason, liberal democracy is the quintessential modern political retreat from the "absolutism of reality," as Hans Lindahl puts it in a most profound study (see Lindahl, 1998). The identification of reality always comes with an absolutist claim. It would not be an identification of reality if it did not. This necessary avoidance of absolute claims to reality in modern politics is precisely what is at stake in Rawls' conception of a public reason that retreats from comprehensive world views. Sometimes Rawls' articulation of public reason still comes across as a last faint echo of a reality quest, and some readings of his work tend to amplify this echo. We turn to this echo and its amplification in Sections 4 and 6. Suffice it to note here that this article puts forward a different reading of Rawls' project. It reads Rawls as a most forceful but not perfectly consistent endeavour to model the political on the basis of a retreat from the "absolutism of



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reality" which Lindahl discerns in the work of Claude Lefort and Hans Blumenberg.[12]

Again, liberal democracy cannot compete with fascism's quest for reality, because it is in principle premised on not playing the reality card in politics. Here lies its essential fragility in the face of fascism. Its most essential virtue commits it to leaving a field undefended where a whole history of western politics always played for the highest stakes. Hence perhaps its meagre success rate, to which Neil Walker points our attention (see fn. 3). Its prospect of defeat is nevertheless significantly grimmer in the face of CP than it is in the face of fascism, I shall now argue.

Liberal democracy's grimmer prospect of defeat, or rather, its prospect of grimmer defeat in the face of CP, concerns the forfeiting of its essential virtue, the virtue of not playing the reality card in politics. CP also plays the reality card, but it plays a very different reality card in a very different way, and liberal democracy cannot withdraw so easily from CP's game than it can in the case of fascism. Let us begin to unpack the matter at issue here by resetting our language. It is not contra-intuitive to consider AF in terms of gaming,[13] but CP is not into playing games. When it puts down its essential reality card it does so to announce, in fact, the absolute reality of the end of gaming on planet earth, the absolute reality of a humanly induced climate crisis that threatens to render the planet uninhabitable. The card it puts down is not hazardously or capriciously drawn from a deck of other playable cards. It is the one and only card that comes with the endorsement of rigorous scientific inquiry. CP is fundamentally motivated by a claim to scientific

[12] See fn. 29 and accompanying text for the essence of the "last-minute" inconsistency that Rawls loads or might be loading on his own shoulders. If the case for this inconsistency sticks, it would saddle the invocation of public reason with a last resort claim to reality that I would prefer to understate as far as hermeneutically and exegetically possible, given the remarkable moves Rawls makes to avoid this reality claim.

[13] One need not and should not consider everything Schmitt wrote stamped with the fascism to which his personal politics committed him. But it is sobering to note that the thinker who contemplated the political in terms of the serious case that warrants drawing the line between the friend and the enemy (Schmitt, 1996a, 26 – 37), also considered this serious case in terms of a respectful duel – a gaming, in other words – between big and noble men (Schmitt, 1997, 114 – 116, 284). If the serious case of the political is ultimately nothing but a game, fascism can surely be counted as one of its exemplary instances. There is no reason to believe Schmitt thought otherwise.



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knowledge regarding an absolute reality, the reality of a humanly induced climatological crisis with apocalyptic proportions. This is the reality card or reality claim from which liberal democracy cannot withdraw so easily, if at all. And here lies the risk of forfeiting its most defining credential and therefore also the most worrying fragility that it has ever faced in its relatively short history. The rest of this article will address this essential fragility of liberal democracy in a time of scientific CP. It will do so along two lines of thought: 1. CP draws liberal democracy into a politics of truth and a conception of scientific truth that goes against its deepest grain. 2. Liberal democracy is not likely to outlast CP in the way it has outlived the fascisms of the past, because the era of CP will last as long as the Anthropocene – here simply understood as the capacity of humans to control the fate of the planet – lasts.

## 4. The Life and Times of Liberal Democracy

The willingness to give things time, I have suggested above, is a key characteristic of political liberals. Their basic inclination – an inclination duly backed up by a sincere commitment to liberalism – is to avoid, *for as long as possible*, political decisions that terminate discussion of pressing matters. In what follows, I will unpack this inclination and commitment with reference to John Rawls' emphasis on a "call to civility" and an "appreciation for burdens of judgment" as core elements of political liberal ethics (see Rawls, 1996, 54 – 62, 119, 121, 217, 226, 236, 253). It is here – in this call to civility and appreciation of burdens of judgment – that one finds the core of Rawls' avoidance of a quest for reality in politics. Or so I shall argue.

The notion of an overlapping consensus regarding core principles of public reason is commonly perceived as the centre piece of Rawls' theory of political liberalism. A careful reading of his texts nevertheless makes it clear that he does not consider this overlapping consensus a simple "given." Rawls does not understand the overlapping consensus that informs public reason an unfailing presence that guarantees liberals the resolution of all their divisive conflicts. When



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it manages to become "given" to some extent, it does so only because liberals consistently *give* it to one another; give it to one another by appreciating their respective burdens of judgment and heeding a call to civility when divisive conflicts show up the residual *non-givenness* of their consensus. If the notion of an overlapping consensus regarding core principles of public reason is indeed the centre piece of Rawls' conception of public reason, that centre piece is held in place by an ethics of giving and forgiving that allows liberals to sustain an on-going discussion of pressing matters for *as long as possible*.[14]

Why this phrase "as long as possible"? It evidently suffers from a conspicuous criterion-deficit and therefore does not answer but repeats an agonising question. Moreover, the phrase is also conspicuously un-Rawlsian. When one takes Rawls as your point of departure, as I am indeed doing here, one would rather expect recourse to the phrase "as long as reasonable." This is the recourse that leading Rawls scholars like Alessandro Ferrara and Frank Michelman take. Assuming for argument's sake that these scholars might endorse my reading of Rawls' invocation of a "call to civility" and an "appreciation of burdens of judgment" in terms of an ongoing ethics of giving and forgiving, they would much rather resort to the phrase "as long as reasonable" for purposes of marking the limit or outer boundary of this ethics. This ethics of giving and forgiving or give and take can go on, they suggest, for as long as it remains within the bounds of the "still reasonable" that they and Rawls denote with the phrase "at least reasonable." This "at least reasonable," they argue, is the most we can hope for under circumstances of divisive pluralism. In other words, the criterion of the "at least reasonable" is also the "most reasonable for us" (Ferrara and Michelman, 2021, 51 – 72). Michelman refers to liberalism's "Goldilocks predicament" in his engagement with the questions raised by this "at least reasonable" and the "most reasonable for us." Political liberalism relies on core principles of public reason. The normative content or demand of these principles must not be applied too thickly, lest it forecloses the ongoing give-and-take of liberal politics that is a sine qua non for a

[14] See Van der Walt, 2021, 2023b and 2023c for previous elaborations of this argument and the references to Rawls that sustain it.



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liberal society or liberal democracy. It can, however, also not be applied too thinly, lest it forfeits its own normativity and basically capitulates in the face of whatever politics may come to oppose it (Ferrara and Michelman, 2021, 170 – 174; Michelman, 2022, 193 – 197).

Along with my reading of Rawls' "call to civility" and "appreciation of burdens of judgement" in terms of an ethics of giving and forgiving, or give and take, I will also expound this ethics in terms of Michelman's Goldilocks problem. I will nevertheless avoid recourse to his, Ferrara's and indeed Rawls' invocation of the "at least reasonable" and the "most reasonable for us." I will opt, instead, for the simple expression "for as long as possible," notwithstanding the criterion-deficit from which this expression all too clearly suffers. The reason for doing so is this: the "as long as possible" does not only pose agonising questions. It also hosts a significant benefit as far as a candid response to these questions is concerned. It avoids a question-begging element with which Rawlsian invocations of the "at least reasonable" and the "most reasonable for us" appear to be surreptitiously reconciled, and it does so by making this question-begging element flagrantly evident.

Of concern is the *conspicuousness* of the "criterion-deficit" of the phrase "as long as possible." By leaving this criterion-deficit as conspicuous as it does, the "as long as possible" avoids the allusion to an already-available criterion with which the ethics of give and take can be measured. The invocation of the "at least reasonable" and the "most reasonable for us" does little to avoid this allusion, if it avoids it at all. And by not avoiding it – by suggesting there is an already-available criterion with which the ethics of give and take begins and ends, it actually negates the need for this ethics. It ultimately makes it impossible to read Rawls' "call to civility" and "appreciation of burdens of judgment" in terms of an ethics, for ethics has no significant role to play when essential criteria of conduct are already well in place. It reduces ethics to the moral imperative to stick to criteria that everyone involved has already endorsed as duly applicable. This is precisely the question-begging element of the "as long as reasonable" that the very conspicuous criterion-deficit of the "as long as possible" seeks to avoid. And in doing so, it also seeks to



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steer clear of the last-resort claim to reality – the reality of public reason as "at least reasonable" and therefore "most reasonable" for us – that might be haunting Rawls' conception of public reason in the final analysis.

It is important to underline what is at stake in the insistence to read Rawls' "call to civility" and "appreciation of burdens of judgement" as an ethics. Of concern is not the simple moral correctitude and uprightness to stick to principles already applicable (and therefore real), but the ethical openness to others – indeed to their burdens of judgment – that allows, for as long as *humanly* (not just reasonably) possible, for a process (or procedure) of perhaps arriving at principles that everyone can eventually come to consider applicable. In the reading of Rawls that I am offering here, his "call to civility" and "appreciation of burdens of judgement" concern an ethics, not a morality. Morality (the sticking to established *mores*) is surely not an unimportant consideration, but it only becomes applicable and possible later, that is, after an ethics of give and take has created stable enough conditions for it. Were one to reduce the call to civility and appreciation of burdens of judgement to a morality – to a steadfast sticking to already established principles[15] – one would attribute to Rawls the Platonism to which we pay attention to in Section 5. As will become clear below, I believe Rawls and especially Michelman give us enough reason to avoid such a reading.

But here is the rub: the fragility of liberal democracy that this paper addresses concerns the seemingly inevitable termination of this ethics and its transformation into an exacting and unforgiving morality in times of rising fascisms and climatological collapse. As we shall see, this inevitability is exponentially more pressing in the case of the latter than it is in the former. The latter is the bigger problem, and it is therefore the overriding concern of this paper. To understand why this is so, we first need to briefly restate the Goldilocks problem in terms of a temporal "as long as possible" as opposed to the normative "as long as reasonable." If liberal democratic principles are going to be applied too thickly (too intolerant

[15] Merely coping with them, in other words, as if the call to civility and appreciation of burdens of judgement were not constitutive of whatever principles one could consider established, but a simple matter of coping with the way in which these principles constrain more desirable comprehensive worldviews.



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of difference), the ongoing give-and-take that condition them (these principles) will halt all too soon. The process of give and take will come to an end *before* the "as long as possible" has duly run its course. If it becomes too thin (too tolerant), the "as long as possible" will run the risk of the "no longer possible" (the risk of liberal political public reason ending in self-termination).

In other words, the climatological crisis that "appears" (this very word will become problematic, as we will see below) to threaten the very future of humanity on planet earth today, raises liberalism's Goldilocks problem in an unprecedented fashion. It confronts political liberalism with a veritable expiry of the "as long as possible" in a way that none of the major questions liberalism had to face in the past ever did. Let us take flagrant violations of first- and second-generation fundamental rights as the major problems liberalism had to face in the past. These violations might soon pale in comparison with that which is now in the offing.

To begin with violations of first-generation rights, violations of basic human dignity, liberty and equality: There is no liberal democratic state on planet earth that has not been averse to calling "time's up" in response to these violations. There is no liberal democratic state on planet earth that has not been indefinitely tolerant of significant human rights violations on both own and foreign soil in the hope of better times to come. Always with reasons, of course, reasons that many a liberal have endorsed and will still endorse in the name of prudence and caution. Refusing to tolerate these violations a moment longer (calling time's up) may well lead to greater catastrophe and harm, went the argument. When it comes to the violation of second-generation rights, the liberal democratic record of tolerance is even more startling. Barring a handful of (mostly Scandinavian) exceptions, there is no liberal democratic state on planet earth that has not been tolerant of devastating poverty and squalor, caution and prudence – banal economic caution and prudence, at that – again being the standard justification.

The climatological crisis inverts the principle-caution constellation of past human rights violations in liberal democracies. It is no longer possible to justify the compromising of principles by invoking the avoidance of bigger trouble, because there is no bigger trouble imaginable than the ruination of life on earth that



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"appears" to be in the offing today (again, we will come back below to take a closer look at this word "appear"). It is ironic that the rights that liberal democracies have hitherto considered the least enforceable (in view of the negative impact of their enforcement on open democratic deliberation), the so-called "third generation" rights under which the right to a healthy and stable environment always used to be counted, might become the most exacting and unforgiving right in times ahead. We may soon face a remarkable inversion of our table of "first", "second" and "third" generation rights.

Imagine the worst catastrophe that liberal democrats may come to face, barring the complete destruction of inhabitability on planet earth. Imagine a fascist movement pulling off a coup d'état and turning a once liberal state into a totalitarian fascist one. Political liberals become persecuted, and they know that many of them are being murdered and tortured daily. Even under these circumstances may many of them still consider it prudent not to engage in suicidal resistance. They may well consider it prudent to wait acquiescently for the opportune moment in which non-suicidal resistance would become possible again. Or they may eventually decide to fight this fascist usurpation in a way that will also require them to suspend core liberal democratic values (the fight will not get anywhere without entering a state of exception that suspends several if not all fundamental rights). If they do, they will do so in the hope of returning to normal democratic standards in the wake of the fight. The climatological crisis is different. It does not allow for any kind of "waiting for better times." It is apocalyptic in a way that none of the crises liberal democracy had to face in the past were apocalyptic. It would therefore appear to deprive liberal democrats of their core ethic of liberal democratic tolerance. Tolerance is always a kind of waiting.

Hence also the assessment of Greta Thunberg in *CLDL*. Thunberg is no liberal democrat. She considers herself to be living in an exceptional time, a time in which liberal tolerance of different opinions on climate change is no longer tolerable because *the time is up*. Hers is evidently a dictatorial revolutionary vision that proscribes further debate on essential issues. How can the theory of liberal democracy come to terms with her and why is it important to do so? To come to



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terms with her, one needs to understand the knowledge claim that she is raising, as already pointed out above. Thunberg is relying on scientific assessments of the climate crisis as the ground for her intolerance. What has it meant, until recently, to rely on scientific assessments of a situation, and what does it mean today, now that we "appear" (again that word!) to have an apocalyptic climate crisis on our hands? This is the question to which Section 5 turns, taking recourse to the perennial Greek triangle, that is, the three key epistemological positions that Plato, Aristotle and Protagoras bequeathed to Western claims to knowledge.

Why is it important to come to terms with Thunberg? Is she not, after all, just a media personality with little impact on the workings of government and law in our time? Anyone who would think so just needs to look at the climate change cases that are being decided by major courts around the world today. Thunberg and her generation are increasingly successful at moving judiciaries to subject democratic politics – dithering democratic politics, they all basically suggest – to scientific assessments of the urgency of action.[16] These scientific assessments increasingly sidestep the whole Goldilocks problem that Michelman identifies at the heart of liberal democratic constitutional adjudication. According to Thunberg and her generation, the idea that the right to a stable environment should not be applied too thickly so as not to jeopardize the freedom of democratic debate and dissent is exactly that which has become untenable in our time, and the judiciaries of the world are increasingly heeding their call to action.

Are political liberals themselves beginning to heed this call, notwithstanding the fact that it is ushering in a juristocratic mode of scientific politics that they ought to consider anathema? And if they are, are they doing so in the hope of returning

[16] For the United States see *Massachusetts v. EPA*, 49 U.S. 497 (2007), *Held v. State of Montana*, CDV-2020-307, 14 August 2021. For the Netherlands, see *Urgenda Foundation v. The State of the Netherlands*, The Supreme Court of the Netherlands, case 19/00135 (20 December 2019). For the Czech Republic, see *Klimatická žaloba ČR v. Czech Republic*, Municipal Court in Prague 14A 101/2021 – 248. For Belgium, see *VZW Klimaatzaak v. Kingdom of Belgium and Others*, Brussels Court of First Instance, No. 167, 83, 2015/4585/A. For Pakistan, see *Ashgar Leghari v Federation of Pakistan*, Lahore High Court, 25501/2015. For Germany, see *Neubauer v Germany*, BVerfG, BvR, 2656/18. As current PhD research of Patrick Lentz at the University of Luxembourg points out, all these cases take prevailing scientific consensus regarding climate change and the reasons for it as secure knowledge that exacts urgent and relatively determined political action.



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to regular liberal democratic politics one day? If the answer to both these questions is positive, they may well need to prepare themselves for a long wait. The era of dictatorial climate politics may well last considerably longer than any fascist or other dictators that liberals needed to fight or sit out in the past. Given the unprecedented time spans in play here, they may do well to revisit the ancient roots of the questions they will be facing. This is what section 5 will do presently. Before we turn to it, it is important to add one last clarification regarding *the two sides* of the unique fragility that liberal democracy faces in our time.

Liberal democrats who are convinced of the utter urgency of the politics that Thunberg and company are pursuing may consider themselves compelled to suspend (not free to suspend or not to suspend) the liberal democratic ethic of open-ended discussion. Liberal democrats who are not so convinced of this urgency may soon be compelled in dictatorial fashion to "tolerate" this suspension for a longer time than they had to do during similar suspensions in the past. In the end it comes down to the same thing, like two sides of the proverbial coin: Liberal democrats will either have to tolerate their own suspension of liberal democratic ethics (live with themselves for imposing this suspension on others) or tolerate the suspension of this ethics that others impose on them (and tolerate themselves – live with themselves – for this toleration).[17] Of concern here is a liberalism beyond

[17] It is important to stress that the problem that liberal democratic ethics faces here does not concern the coercive imposition of a decisive political programme or policy on those who do not assent to it. Liberal democratic ethics – surely as articulated by Rawls and Michelman – is fully reconciled with the inevitability of such coercive impositions. The Rawlsian and Michelmanian understanding of political liberalism is surely squarely focused on the question why and when such impositions can duly be considered legitimate. It is therefore also not for reasons of the substance of her political vision and wanting to impose it on others that *CLDL* suggests that Greta Thunberg is not a liberal democrat. Many political liberals are surely deeply convinced by her political vision and fully prepared to impose it on those who are not convinced. Such impositions are standard in democratic politics. The problem that liberal democratic ethics faces here concerns something else. It concerns the scientifically informed suspension of liberal democratic procedures and processes in order to make those impositions without further delay, given the urgency of the matter. To be sure, the Rawlsian conception of political liberalism is also fully reconciled with the overriding of liberal democratic procedures in the case of urgent concerns with civil order and survival. As Michelman puts it in a recent text (Michelman, 2024, xx, somewhat adapted here): "[In a situation, call it Hobbesian, of cultural breakdown, [sustenance of] conditions of amicable civil order [is] to the liberal-minded even prior in importance to a regard for rights that only such an order can implement. Paraphrasing Rawls, the question then would be about application of a prior principle of survival/security "to [the liberal] philosophy itself." There can be no doubt,



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liberalism, a liberal tolerance of the illiberal or anti-liberal that one may infer from Rawls' and Michelman's application of "philosophy to itself."[18] This liberalism beyond liberalism, however, is probably the most fragile liberalism one can imagine.

For a longer time than they had to do in the past? Indeed, much longer than one can foresee right now. History affords some hope that fascisms and other anti-liberal threats to liberalism will come and go. But the ability of human beings to render the earth inhabitable, the constant threat of this actually coming to pass, and the need for an illiberal containment of this threat are bound to stay with them until the age that has become known as the *Anthropocene* has come to an end.[19] One is talking about immense time scales here, and this warrants going back to a moment that Western philosophers may well want to consider a key milestone in the history of this *Anthropocene.*

## 5. The Perennial Greek Triangle: Plato, Aristotle and Protagoras

The historical context to which Plato responded with his idealist philosophy of two separate worlds, the ideal and the sensory, is well known. The context was the decay of *isonomia*, *sophrosune* and *phronesis* in Athenian politics. *Isonomia, sophrosune* and *phronesis* were the great political virtues for which the Greeks are known and revered to this very day.[20] In contrast to the Mycenaean tyrants whose palatial authority was rooted in myth, the Greeks developed a completely new form of politics, a form of politics of which shared decision-making guided by the principle of moderation was the key

however, that this kind of situation confronts political liberalism with its own limits and therefore surely with an existential crisis and paradox. One is back with Böckenförde's observation regarding liberalism having to suspend liberalism to sustain (any future possibility of) liberalism.

[18] See Rawls, 1996, 154; Michelman, 2022, 191; and Michelman's response to Neil Walker in Michelman, 2023; as well as my interpretation of this response in Van der Walt, 2023a.

[19] I am writing here, without even remotely measuring up to it, under the deep impression of (unpublished) work on the end of the Anthropocene that Hans Lindahl is currently doing. See also fn. 30 below.

[20] See Vernant, 2013; Winter 2020.



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element. This transformation in politics was corroborated by a profound socio-cultural change in which the heroic ethic of the outstanding and daring warrior, the ethics of individual excellence and excess, gave way to a cooperative ethics among equal citizens. The ethics of the heroic warrior never disappeared completely though, and the civil war saw it coming back with a murderous vengeance. The Athenian popular assembly retreated at the last minute from a decision to commit genocidal atrocity in their dealings with Mytilene, and finally failed to do so in the case of Melos (for a more elaborate discussion of this history, see Van der Walt, 2020a, 42 – 45).

This was the historical background of Plato's idealist philosophy, to which one important detail must be added: the condemnation of Socrates in 399 BCE. The death of Socrates by the hand of Athenian democracy was the last straw that inspired a philosophy that turned its back on democratic deliberation between philosophically unschooled laymen. Hence the idea of a philosopher king whose selfless reign would be informed by direct knowledge of the ultimate truth of all things, a knowledge gained after a lifetime of ascetic study that activated an ancient memory (*amnamnesis*). It is important to note two essential characteristics of this knowledge. The first concerns its immediate immersion in truth, its direct access to the forms or ideas that structure the universe. The second concerns the dictatorial consequences of this immersion.

Trust Richard Rorty to give one a concise and acute description of the immediate immersion and direct access to truth of Platonic knowledge:

> [W]e may think of both knowledge and justification as privileged relations to the objects those propositions are about. [If we do so], we will want to get behind reasons to causes, beyond argument to compulsion from the object known, to a situation in which argument would be not just silly but impossible, for anyone gripped by the object in the required way will be unable to doubt or to see an alternative. To reach that point is to reach the foundations of knowledge. For Plato that point was reached by escaping from the



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> senses and opening up the faculty of reason – the Eye of the Soul – to the World of Being. (Rorty, 1980, 159).

What Rorty highlights here is the non-hypothetical – ανυπόθετον – status that Plato (1935, 510B6) ascribed to the foundations of true knowledge.[21] Those foundations are in no need of hypothesis or argument and do not allow for either. Further to this, all knowledge rigorously based on them are likewise not in need of argument let alone persuasion. Hence also the inevitable dictatorial nature of this knowledge, and the dictatorial nature of the philosopher king's governance. Plato did not shy away from the startling implications of this dictatorial knowledge. Immersed in or directly in contact with the ultimate truth of things as the eye of the philosophical soul was, according to him, the government of the philosopher king would not need written laws and should, ideally, not rely on any. To the contrary, immediate dictation of unmediated and therefore unadulterated truth would only be hampered by the defects of writing, were it bound to written laws.[22]

Jacques Derrida (1967, 41) once observed that Hegel was the first "thinker of writing" (*premier penseur de l'écriture).* Of concern in this observation was of course not writing in the common sense that we attribute to it (written as opposed to spoken language), let alone Hegel's recognition in some or other text of the importance of writing as a mode of communication. Of concern was Derrida's grand thesis about writing as the primary mode of language, given the way all language is conditioned by temporal deferrals

[21] I relied on Baltzly, 1996, 33 – 56; Bailey, 2006, 101 – 126; and Wedgwood, 2018, 48 – 49 for guidance on Plato's ανυπόθετον.

[22] This quintessential dictatorial view is implicit throughout the *Republic*, but expressly articulated in *The Statesman.* See Plato, 1925, 295A – D. *The Laws* would seem to reflect a significant turn in Plato's thinking away from the *legibus solutus* dictatorial stance in the *Statesman* toward an endorsement of rulers bound by law and of laws that are not just enforced coercively but also persuade citizens to obey them. See Plato, 1926, 715C, 885E. Some scholars affirm this turn (see Morrow, 1941), others are reluctant to do so (see Lisi, 2013), while others (see Woozley 2010) believe the rule-of-law stance was not only already present in the *Statesman*, alongside the dictatorial view, but also Plato's actual philosophy of law regarding the real world (the dictatorial view only pertaining to the ideal state and the ideal ruler). Be it as it may, it is the standard conception of Plato's dictatorial philosopher king that I am taking as my model here, without arguing (or having to argue) that the matter was exegetically as simple as this.



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which the apparent immediacy of the voice belies. In other words, with his observation about Hegel and writing, Derrida commended Hegel as one of the first of Western metaphysicians to recognize the temporal deferrals on which the consummated emergence of any idea turns. Derrida was of course not himself concerned with any consummation of ideas, but we need not go into that now. Assuming for argument's sake that he was right in considering Hegel a "philosopher of writing" in the way he (Derrida) meant it, he was at least wrong, on his own terms, to consider him "the *first* philosopher of writing." If a regard for the time that truths or ideas take to become manifest makes one a "thinker of writing," that achievement can already be attributed to Aristotle. The argument that ideas (indeed Plato's ideas) require time to become manifest on earth was the heart of Aristotle's response to Plato on both of the two counts that we invoked above, the immediacy of philosophical truth, as such, and the immediate dictatorial enforcement of that truth by the philosopher king on *everyone else*. It is important to remember that the philosopher king is essentially alone, because his colleagues prefer to remain in the heaven of ideas until called back, against their will, for their term of governmental service on earth.

One must nevertheless note a certain incongruence in Plato's philosophy of the two worlds before we look more closely at the temporal and written status of philosophical insight and governance in Aristotle's thinking. The idea of the philosopher king returning from the ideal to the sensory world in order to govern the latter on the basis of knowledge of the former ruins the strict separation between these two worlds that standard interpretations of Plato's work have almost invariably considered him to contemplate. If these two worlds were so entirely separated as Plato is generally assumed to have argued, and at least sometimes undoubtedly did, the philosopher would have had no business back on earth, so to speak. His knowledge would be entirely useless over here. If knowledge of the ideas is to have any pertinence in the sensory world, the latter must in some way be amenable to the former. The



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former must be able to move the latter.[23] This was of course the essence of the problem that Aristotle detected in Plato's thinking. Plato gives no explanation of the way in which the ideas move the phenomena, he wrote.[24] Well, this is not entirely correct, might one reply in Plato's defence. The idea of the philosopher king returning to the sensory world to govern in dictatorial fashion suggests clearly that the sensory *can be coerced* to accord with the ideal. In other words, *sheer* coercion would seem to be the link between the ideal and the phenomenal world in Plato's philosophy that Aristotle was searching for.

If Aristotle failed to acknowledge this link between the phenomenal and the ideal in Plato's philosophy, it may well have been because of an understandable refusal or reluctance to consider coercion an adequate link, or a link at all. Coercion would leave the sensory world essentially unchanged. The moment the coercion stops, the sensory would fall back into non-conformity with the idea. Aristotle evidently looked for a more lasting and indeed more transformative effect of the ideal on the sensory. Hence his teleological remodelling of the relation between the ideal and the sensory in terms of a potentiality-actuality dynamic. Things cannot and need not be coerced into conformance with their ideal essences. They grow into this

[23] Taking issue with Plato's distinction between knowledge and belief (knowledge concerns the ideal forms, belief concerns the sensible world), Gail Fine (2003, 66 – 84) points out passages in Book V of the *Republic* to show that the distinction is not at all as strict as the two-world interpretation of Plato's philosophy suggests. Some passages invoke knowledge of the sensible world that is not mere belief, and some invoke belief regarding the forms that does not yet constitute real knowledge. Acceptance of the coherence of these passages requires that one retreats from the two-world understanding of Plato's work, argues Fine, something that she is "quite willing" to do (see 84). Gadamer, emphasizing the shift from a Pythagorean *mimesis* to a Parminidean *methexis* (participation) between idea and phenomenon in Plato's thinking – a shift, especially discernible in the *Parmenides* dialogue, that discarded the idea of a *chorismus* or complete separation between them – also questions the accuracy of the two-worlds understanding of Plato's philosophy, thereby suggesting the gap between him and Aristotle was not as wide as it is often perceived. See Gadamer, 1978, 9 – 23 and 76 – 92. Be it as it may, what one gains here on the side of exegetical accuracy, one loses on the side of making sense of more than two thousand years of political thought. There is little point in considering the whole history of Western political thinking an exegetical error.

[24] Aristotle, 1933, I, 991a–991b: καίτοι τῶν εἰδῶν ὄντων ὅμως οὐ γίγνεται τὰ μετέχοντα ἂν μὴ ᾖ τὸ κινῆσον.



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conformance, when they do (the may also not, as the world "potentiality" clearly suggests). They actualise their potentiality in the course of time.[25] This is where Derrida's "writing" – a dynamic of differential deferrals – can be considered to enter Aristotle's philosophy. To be sure, as in the case of Hegel, it is a "restricted economy" of writing. The very identification of *specified potentialities* that await their actualisation over time already implies an initial presence of potentiality that is not itself subject to time.

Cast in Derrida's terms: Aristotle's "writing" – actualisation over time – commences with potentialities already given, potentialities that are not themselves subject to temporality, not themselves the outcome of "writing." The immediacy of Plato's ideas is evidently still present in Aristotle's potentialities, more *actively* present at that. This "active presence" of the ideas in the sensory world would seem to spare Aristotle's political philosophy the need to resort to coercive imposition of the ideas. His is a thoroughly naturalistic political philosophy. Under favourable conditions, political existence grows into its ideal or essential form in the same way nature does. This growth of form takes time, but unlike coerced form, it does not simply disappear again when coercion stops. Political virtue must be cultivated in the course of time, but once cultivated, it does not simply evaporate. Like education, *paideia*, it is time consuming but lasting in a way that suspends the need for constant coercion.

Back to the rub now, back to the problem introduced and highlighted before this delving into Plato and Aristotle commenced: The time is up, Thunberg tells the politicians of this world in an undeniably Platonic fashion. Indeed, if the climate crisis is indeed a crisis, if she *knows* it is a crisis, she also *knows* there is no time left to let our political wisdom grow into a general

[25] See Aristotle, 1934: [K]nowledge has to become part of the tissue of the mind, and this takes time - δεῖ γὰr συμφυῆναι, τοῦτο δὲ χρόνου δεῖται. I have no exegetical evidence for the specific point about Aristotle's rejection of the coercive link between the ideal and the phenomenal world that I propose here. The argument rests on a simple syllogism: 1. Plato's political philosophy evidently enough (exegetically so) turned on a coercive link between the idea and the phenomena. 2. Aristotle discerned no link in Plato between the idea and the phenomena. 3. So Aristotle did not consider coercion such a link.



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acceptance of this knowledge. To put it bluntly: it is simply too late for Aristotle. Climate change would "appear" (that word again) to demand a return to Plato. And when we say this, we have not even begun to address the problem of liberal democracy in a time of climate change. Aristotle's politics takes time, already too much time, it would seem, but it only takes a fraction of the time liberal democracy needs. Aristotle was no liberal democrat. His concern with an aristocratic cultivation of the virtues through education was a softer dictatorship, but it remained a dictatorship, as anyone excluded from the already selected order of virtues (the already present and duly identified potentialities of the political) would have testified. It was the natural potential of slaves to be slaves, of women not to be citizens, and so forth. The surreptitious dictation and dictatorship behind the identification of these natural potentialities would not easily have been missed by those thereby duly dictated.

A search for a proto-liberal-democrat among the Greeks will therefore not lead one to Aristotle. His was an aristocratic, overtly anti-democratic and evidently deeply conservative philosophy steeped in a complete set of vested interests. A search for a liberal democrat among the Greeks can only lead to the one philosopher who expressly affirmed democracy as the only viable form of politics among free and equal citizens. That philosopher was Protagoras. A closer look at Protagoras is instructive for our understanding of liberal democracy, but it is also deeply disconcerting. For if we no longer have time to be Aristotelians, we very definitely no longer have time to be Protagorians.

Aristotle proposed to the Athenians a form of politics that pivoted on already present virtues that could be effectively cultivated in time, that is, within measurable periods of time. Protagoras proposed to them a form of politics of which the key gesture was its infinite deferral of consummate virtue, that is, of any conclusive articulation of political virtue *in time*. Of concern was his interpretation of the myth of Epimetheus and his *homo mensura* maxim. These two key elements of his thinking were closely related.



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The former held that all human beings only received a fragmentary glimpse of the justice the gods contemplated for them. The sacred whole – the godly comprehension of everything – would never be restored again. The measure according to which things would be measured among humans would henceforth always remain a *human* measure. Hence Protagoras' "*homo mensura* statement": the human being is the measure of all things, of things in as much as they exist and in as much that they don't.[26]

This insistence on the relativity of all human insight was nevertheless not accompanied by a relativist justification of superior force. It was accompanied, instead, by a cooperative understanding of democratic politics in which everyone would be invited to take part. His was an understanding of *isonomia* that had no anchor in transcendence, neither in the transcendent transcendence of Plato's ideas, nor the immanent transcendence of Aristotle's potentiality. All that this *isonomia* could ever hope to achieve, suggested Protagoras, was an indefinite continuation of political cooperation on terms everyone could accept. Among the Greek philosophers, no one ever came closer than Protagoras to Michelman's description of political liberal constitutionalism as a proceduralisation that "[vaults us over unliquidated differences.]" (Michelman, 2003, 6-8). But it is exactly here that the fragility of liberal democracy in our time becomes so bitterly evident. If we do not even have time left for Aristotle's still "timely" actualisation of potentialities, where will we find time for Protagoras' and Michelman's timeless exchange of fragmentary and conflicting visions of justice?

Why this elaborate engagement with the ancient Greeks if contemporary science "appears" (that word again) to converge on the view that we have very little time left? Here's the answer: engagement with these three ancient philosophical positions on knowledge and politics affords one a very time-efficient way of coming to grips with the epistemological status of this

[26] Here is the statement as recorded by Diels (1912, II 228) and bequeathed to posterity by Plato, 1921, 152a, and Laertius, 1925, IX 51: πάντων χρημάτων μέτρον ἄνθρωπον εἶναι, τῶν μὲν ὄντων, ὡς ἔστι, τῶν δὲ μὴ ὄντων, ὡς οὐκ ἔστιν. For a more elaborate engagement with the statement and scholarship on it, see Van der Walt, 2020a, 64 – 68.



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scientific convergence and the implications it has for our understanding and practice of politics. Let us begin with the standard understanding of scientific knowledge that has been holding sway ever since Karl Popper and Thomas Kuhn (to invoke here just two of the major beacons) came to stress the irreducibly hypothetical status of all scientific knowledge. Scientific theories can never be verified, claimed the former, they can only be falsified (Popper, 2013). Scientific theories emerge from a constant stand-off between normal and abnormal science, dominant and marginal scientific communities, claimed the latter (Kuhn, 1970). The great Platonic dream that guided much of Western philosophy and science over two millennia ended here. Here commenced the scientific conversation of mankind that Rorty identified and celebrated as the only alternative to the Platonic quest for absolute and un-hypothetical knowledge.

This turn in the theory of the natural sciences was a bonanza for the historical humanities and the theory of liberal democracy. Insight into the open-endedness of the natural sciences commenced to corroborate the open-endedness of all things human which the historical humanities stressed, and on which the theory of liberal democracy finally came to turn towards the end of the twentieth century. John Rawls was one of the water shedding milestones. For many his philosophy was still representative of Aristotle's soft Platonism (most notably among them Habermas, 1995). For others, prominently among them Michelman, Rawls' main concern was a Protagorean proceduralisation (so I read Michelman) of divisive tensions in the "conversation of mankind," both among political liberals, on the one hand, and among liberals and other decent peoples, on the other (see Rawls, 1996 and 1999). This open-ended discussion of mankind among liberals and other decent peoples of the world evidently turned on the hope that the scientific or scientistic totalitarianisms of the early and mid-twentieth century – most of them variations of "scientific" Marxism but let us not forget Hitler's scientific



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understanding of National Socialism[27] – were a thing of the past. The key question that we have up to now been preparing to ask, however, is this one: Can the open-ended conversation of mankind survive the scientific claim that we are running out of time on earth? Does this claim not signal the triumphant return of a Platonic claim to knowledge, with all the dictatorial and totalitarian implications always concomitant to it?

## 6. Concluding Remarks: Plato, Schmitt and the Failure of the Political

How long can the open-endedness of Popperian and Kuhnian conceptions of science be maintained if contemporary climatological research confronts the conversation of mankind with a hypothesis that the time is up, or rapidly running out? Can the scientific conversation of mankind remain open-ended when the hypothesis concerns the end of the conversation? Is the continuing insistence on the unproven hypothetical status of all science not perhaps the fatal mistake that currently plays into the hands of climate change sceptics and affords licence to dithering liberal democratic political practices of the kind we described at the beginning of this article? And what would recognition of this mistake mean for the open-ended conversation of mankind envisaged by liberal democracy, the open-ended tolerance of divisive dissent "for as long as possible"?

Let us consider again the categorical difference between the most pressing and second most pressing crisis that liberal democracies currently face on planet earth pointed out above. Liberal democrats may wisely tolerate the complete displacement of liberal democracy by fascist political usurpations in the hope that better times will or might return, times in which non-catastrophic resistance to fascism and authoritarianism may become possible

[27] See Supiot, 2007, 56. The link between scientism and 20th century totalitarianisms is a constant theme in Supiot's work, a theme that he also extends to the scientistic market ideology of our time. See in this regard especially Supiot, 2010.



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again. The climatological disaster that life on earth "appears" to face today threatens to deprive liberal democrats of any sense of temporality or provisionality that may justify their suspension of liberalism. For the remainder of the Anthropocene, the ability of the human being to render the earth inhabitable will never be undone again. The real or "apparent" threat of this inhabitability may therefore, sooner or later, not only preclude any further debate on the question of climate change "for now," but it will also preclude the re-opening of this debate for as long as the Anthropocene lasts. There is absolutely no justification – not even the thin rationale of self-preservation in the interim – for tolerance that plays Russian roulette with its own apocalyptic (as opposed to temporal) demise. In other words, climate change may come to deprive liberal democracy of its essence, its essential tolerance of difference and its embrace of open-ended discussion. It may well do so forever. It signals the expiry of the "as long as possible." This is the shredded heart of the fragility that threatens liberal democracy in our time, perhaps for the very last time.

Throughout this article I have alerted the reader to the words "appear" and "apparent." The Popperian and Kuhnian turn in the understanding of scientific inquiry and the insistence on the irreducible hypothetical status of all critical areas of scientific inquiry have turned us all into phenomenologists. From the perspective (there we go again) of phenomenology, knowledge and understanding of one's environment are irreducibly perspectival, that is, articulated from the perspective of some or other historical situatedness. It is this perspective that ultimately turns all aspects of reality into appearances. How long can political liberal humanity still afford to maintain and sustain the perspective of the perspective? How long before we have no choice but to return to Plato's rejection of perspective, of appearances, of frameworks of argument and persuasion, and of written laws that hamper immediate action in the face of crisis? How long before imminent apocalyptic disaster becomes absolute knowledge that proscribes discussion and argument? How long before it becomes un-hypothetical knowledge?



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Might this return to Plato still be avoided? One does not know. Whether climate scepticism and the dithering of democracies that invariably accompany it may one day be avoided on the basis of merely hypothetical knowledge is a question that one must consider. There is one sound argument in favour of a positive answer. The risk of complete climatological collapse may at some point in time (perhaps when current conceptions of a 1.5 °C rise in global temperatures will already come across as a quaint relic of the past) become so evident that the following *argument* might become sufficiently persuasive and effective to bring enough of us to our senses:

> Yes, there is no absolute scientific proof that human consumption of the earth is a cause of the climatological changes that we "appear" to be facing. But the threat of apocalyptic disaster appears to be such that we can no longer take chances. We have to do whatever seems sensible to do to avoid it. We cannot assert, but we have to assume or presuppose the non-hypothetical and non-phenomenological status of the knowledge that might guide us towards an entirely different way of living on earth that may avoid the disaster we currently appear to face.

Whether this obviously Kantian argument (Kelsenian as far as the theory of law is concerned) is forceful enough to bring enough climate sceptics to different insights and effectively terminate the current dithering of liberal democratic politics is the biggest question that humanity in general and liberal democracies in particular are facing today. Eventual acceptance of this Kantian (Kelsenian) argument seems very unlikely as yet. The endeavour to forge a non-negotiable point of departure out of knowledge that lacks absolute grounds has a long history of yielding under pressure. All that one can say with adequate certainty is this: this argument may well become the last stand of a humanity that once considered itself free, and of a form of politics that once went by the name of liberal democracy. Failure of this argument may well usher in the return of Plato's philosopher king with his un-hypothetical



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knowledge. And with Plato, of course, we will basically have returned then to the Mycenaean tyrants and their mythological insight into the secrets of the universe.

Scholars of Greek philosophy have often been intrigued by the paradoxical proximity between Plato's philosophy of absolute knowledge, on the one hand, and the embeddedness of this philosophy in the most ancient myths of ancient Greece, on the other.[28] This is remarkable, because the proximity between myth and the notion of absolute knowledge is less paradoxical than it may appear at first glance. Horkheimer and Adorno's seminal exploration of the transformation of myth into science and science into myth is a helpful reminder in this regard (Horkheimer and Adorno, 1992), but it is surely not difficult for post-Popperians and post-Kuhnians to comprehend instantly that the notion of absolute science is itself nothing but a myth. It is this myth from which Rorty and the whole spectrum of open-ended humanities and open-ended science (Popper, Kuhn and many others) endeavoured and perhaps managed to free us, at least for a while. It is this freedom that John Rawls envisaged when he made the appreciation of burdens of judgement and the call to civility – both expressions so evidently underlining the irreducible freedom to dissent and to think differently – the heart of his theory of political liberalism. Open-ended freedom of scientific inquiry and political discourse are the core conditions of liberal democracy. They are the mainstays of a discursive existence, the mainstays of the freedom to resist mythological authority

> […] *for a long as reasonable, add Rawls, Michelman and Ferrara, thereby making some allowance, it seems, for a non-discursive constraint of reason on liberty, a constraint that ultimately cannot but suspend the call for an appreciation of burdens of judgement and civility*.

[28] For a glimpse of the busy scholarship in this field, see Edelstein, 1949; Latona 2004; Richardson, 1926; Sease, 1970; Segal, 1978; Voegelin, 1947; Wright, 1906; Barret, 2001; Frutiger, 1930.



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The reason for adding this non-discursive constraint is understandable, for liberty has a way of getting itself into deep trouble. It has a way of destroying itself freely, as if hating itself, Jean-Luc Nancy once observed: *la liberté se détruit en toute liberté, comme une haine initiale d'elle même* (Nancy, 1988, 164). This invocation of a "reasonable" limit to liberty is nevertheless questionable in view of the argument developed in this article. It risks invoking reason as a known or knowable reality that effectively constrains liberty, as if the invocation of and submission to reason are not themselves expressions or articulations of liberty that may or may not materialise. The problem that results from this invocation of reason as a constraining reality is twofold. The first concerns the way it would disqualify the whole reading of Rawlsian conceptions of liberal democracy offered above. Most notably, it would disqualify the reading of Rawlsian liberalism as an endeavour to resist and avoid quests for reality of the kind afoot in AF and CP. This would of course be my problem, not theirs, Rawls, Michelman and Ferrara may reply. The second problem is nevertheless one that they would not be able to discard so easily as my and not their problem. It concerns the question why this constraining reality of "the at least reasonable" has been so utterly ineffective in the history or histories of liberal democracy. Should one insist on this invocation of a "reasonable" constraint on liberty, one is bound to end up having to explain reason's pervasive and ceaseless compromise with unreason, that is, the "reasonable" acceptance of the unreasonable.

In a (perhaps somewhat desperate) endeavour to avoid this explanation of reason's compromise with unreason, an explanation that is bound to get one entangled in Platonic distinctions between the ideal of liberal democracy and its imperfect (if not dismal) practices on earth,[29] this article ventures a

[29] This entanglement, once entered, cannot but expose an inconsistency in Rawls' theory of political liberalism already pointed out early in Section 4 above. Taken as a real and extant (after reasonable agreement) criterion of judgment, I observed there, "the at least reasonable" negates the need for ethics. In other words: enter the ideal world of real reason, exit the need for a call to civility and an appreciation of burdens of judgment. This inconsistency may appear repairable if one would water down the call to civility and appreciation of burdens of judgement to a mere matter of moral coping, that is, of coping morally with the undesirable



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different articulation of a constraint on liberty that one may consider non-negotiable. Instead of endorsing the very vaguely but still undeniably Platonic invocation of a *reasonable* compromise with the unreasonable (exactly the predicament of Plato's philosopher king re-entering the cave), it puts forward a normatively less ambitious idea. It puts forward the idea of compromising, *simply for as long as humanly possible*,[30] with that which liberal democrats *must consider unreasonable for as long as they remain liberal democrats.* Instead of defining the criterion that will determine the "for how long," the alternative offered here leaves it flagrantly undefined, and purposefully so. It does so because it candidly accepts that any critical decision of a form of life to resist that which threatens its very existence is no longer classifiable in terms of reason and unreason. Here emerges the most worrying convergence between political liberal and Schmittian conceptions of the political that liberals have to digest.[31] There is, however, one fundamental difference between these two conceptions of the political that can never be fuzzed or erased. For Schmitt and Schmittians, this moment of the decision without

reality (in the real world, that is) of having to give up comprehensive for the sake of public reason (see fn. 14 above). It nevertheless is not. If the "eye of the soul" (see the Rorty quote above) is really opened to the share of extant public reason (the essential part of it that ultimately counts) that is effectively "at least reasonable" to everyone, it would cancel or terminate the need for any "moral coping." Clinging to comprehensive reason in the face of public reason is, after all, not something like weakness of the flesh that must be overcome with moral effort. It concerns attachment to a competing claim to reason that the dialectically enlightened "eye of the soul" would discard without further ado (remember Socrates: no one does wrong *knowingly*). In other words, public reason, if real, however "thinly" so, would be sufficient and effectively comprehensive whenever it really matters. Exit again the need for a call to civility and an appreciation of burdens of judgement. Rawls' invocation of a call to civility and an appreciation of burdens of judgement constitutes an acknowledgement that public reason is not "of this world." This makes it one of the most forceful theories of liberal democracy on offer today, I observed above (Section 4). No doubt, it is strong tobacco, and it is quite understandable that Rawls and Rawlsians would *sometimes* want to mix a sweetener – the idea of the "at least reasonable" – into it. But this sweetener not only weakens it. It ruins exactly that which distinguishes it from all other brands on offer. The *sometimes* emphasized here of course implies a *not always.* For this *not always*, see Rawls, 1996, 240 – 241, and Michelman, 2023, 6 – 8.

[30] We also need to think about the restrictiveness of this expression "humanly possible," as invaluable comments on this paper by Hans Lindahl pointed out to me. We may most likely get nowhere as long as we continue to think of the crisis we are facing as a human or humanitarian crisis.

[31] For an instructive exploration of the relation between Schmitt and political liberalism, see Ferrara, 2023, 103 – 123.



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criterion – the decision that *creates* the criterion – is the very essence of the political. For political liberals and liberal democrats, this moment is the utter failure of the political. It is the moment in which they feel *compelled* to suspend their fundamental ethic of *always giving things more time*; of giving things time "for as long as it is humanly possible to do so." Here lies the essential fragility of liberal democracy that this article has in mind, the essential fragility from which liberal democracy never escapes (Böckenförde already noticed it). The exceptionality of this fragility in a time of climatological crisis concerns the grim realisation that there is or appears to be (take your increasingly meaningless pick) no more time to give.

Political liberals have lived with all sorts of fascisms and other abuses of fundamental rights for longer than Rawlsian intimations of "the at least reasonable" ever could have permitted them to do. They have been giving much more time than their own reason permitted, surely always in the hope of better times to come. Climate change may well put an end to this liberalism beyond liberalism.[32] It may turn liberal democrats into that which they have always hoped to avoid *for as long as possible*, indeed *forever*: into Schmittians and Platonists at that.[33] The sovereign decision of the most

[32] See again the text at fn. 18 above.

[33] Between Schmitt and Plato, we will never be able to answer the question whether the moment of the sovereign decision is the source of absolute knowledge (Schmitt) or vice versa (Plato). Right now, the answer may not matter much. Due regard for this inversibility of the Schmittian and the Platonic casts light on the question whether the climate crisis that we are facing can really bring about the dramatic transformation of the fundamental epistemological framework that underpins our understanding of scientific knowledge invoked in this article. It is difficult for Kuhnians or Popperians or phenomenologists in general to imagine that we will ever arrive at a post-Kuhnian, post-Popperian or post-phenomenological epistemological framework that may in many respects be reminiscent of pre-Kuhnian, pre-Popperian or pre-phenomenological epistemological thinking. But thinking that this is impossible surely underestimates the extent to which these epistemological frameworks are themselves conditioned by and exposed to historical vicissitudes that may render them obsolete. The epistemology (or epistemologies) of our time that came to stress the open historicity of knowledge may very well itself become a "victim" of that historicity. To return to Schmitt and Plato: the historical intervention of a sovereign decision can quite imaginably suppress all conceptions of the open-ended historicity of knowledge to effectively restore Plato's vision of eternal essences. I stress this in response to pertinent questions masterfully posed to me by Hoi Kong during a presentation of this article as a paper at the University of British Columbia on 20 January 2024.



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serious of serious cases may lead them all to accept, as absolutely indisputable knowledge, the scientific claim that time is up, or running out fast.

## References

Aristotle (1933) [ca. 350]. *Metaphysics* (Harvard University Press Loeb Library).

___ (1934) [ca. 340]. *Nicomachean Ethics* (Harvard University Press Loeb Library).

Baltzly, D. C. (1996). To an Unhypothetical First Principle in Plato's Republic, in *The Philosophy Quarterly*, vol. 13, n. 2, 149 – 165.

Bailey, D.T. J. (2006). Plato and Aristotle on the Unhypothetical in Oxford Studies, in *Ancient Philosophy*, vol. XXX, 101 – 126.

Barret, J. (2001). Plato's "Apology": Philosophy, Rhetoric, and the World of Myth, in *The Classical World*, vol. 95, n. 1, 3 – 30.

Böckenförde, E.-W. (1976). *Staat, Gesellschaft, Freiheit, Studien zur Staatstheorie und zum Verfassungsrecht* (Suhrkamp).

Butler, J. (2023). Former Australian PM Tony Abbott says climate warnings are 'ahistorical and implausible', in *The Guardian*, 1 November 2023; https://www.theguardian.com/australia-news/2023/nov/01/former-australian-pm-tony-abbott-says-climate-warnings-are-ahistorical-and-implausible?CMP=Share_iOSApp_Other.

Callois, R. (1950). *L'Homme et le Sacré* (Gallimard).

Carrington, D. (2021). 'Blah, blah, blah': Greta Thunberg lambasts leaders over climate crisis, *The Guardian*, 21 September, https://www.theguardian.com/environment/2021/sep/28/blah-gretathunberg-



ISSN 2724-6299 (Online)
https://doi.org/10.6092/issn.2724-6299/19162

leaders-climate-crisis-co2-emissions#:~:text=Blah%2C%20blah%2C%-20blah%2C%E2%80%9D,have%20not%20led%20to%20action.

Derrida, J. (1967). *De La Grammatologie* (Les Éditions de Minuit).

Diels, H. (1912). *Die Fragmente der Vorsokratiker II* (Weidmannsche Buchhandlung).

Edelstein, L. (1949), The Function of the Myth in Plato's Philosophy, in *Journal of the History of Ideas*, vol. 10, n. 4, 463 – 481.

Ferrara, A. (2023). *Sovereignty Across Generations* (Oxford University Press).

Ferrara, A. and Michelman, F. I. (2021). *Legitimation by Constitution* (Oxford University Press).

Fine, G. (2003). *Plato on Knowledge and Forms* (Oxford University Press).

Frutiger, P. (1930). *Les Mythes de Platon: Étude philosophique et littéraire* (Librairie Félix Alcan).

Gadamer, H.G. (1978). *Die Idee des Guten zwischen Plato und Aristoteles* (Carl Winter Universitätsverlag).

Goar, M. (2023). Réchauffement: les climatologues face à l'armée du doute, *Le Monde*, 6 October, 9 – 10.

Habermas, J. (1995). Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism, in *The Journal of Philosophy*, vol. 92, n. 3, 109 – 131.

Heller, H. (1992). 'Recht, Staat, Macht', in H. Heller, *Gesammelte Schriften II* (J.C.B. Mohr, Paul Siebeck).

Horkheimer, M. and Adorno, T.W. (1922) [1944]. *Die Dialektik der Aufklärung* (Fischer Wissenschaft).

Hubert, H. and Mauss, M. (1968). Essai sur la Nature et La Fonction du Sacrifice, in Mauss, M., *Œuvres 1. Les Fonctions Sociales du Sacré* (Les Éditions de Minuit).

Kuhn, T. (1970). *The Structure of Scientific Revolutions* (University of Chicago Press).



ISSN 2724-6299 (Online)
https://doi.org/10.6092/issn.2724-6299/19162

Latona, M. (2004). The Tale is Not My Own (οὐκ ἐμὸς ὁ μυθος): Myth and Recollection in Plato, in *Apeiron: A Journal for Ancient Philosophy and Science*, vol. 37, n. 3, 181 – 210.

Laertius, D. (1925) [ca. 200 - 250]. *Lives of Eminent Philosophers II* (Harvard University Press Loeb Library).

Lindahl, H. (1998). Democracy and the Symbolic Constitution of Society, in *Ratio Juris*, vol. 11, n. 1, 12 – 27.

Lisi, F. L. (2013). Plato and the Rule of Law, in *Méthexis*, vol. 26, 83-102.

McKie, R. et al. (2023). Dropping Green Pledges would be Political Suicide, Sunak and Starmer Warned, *The Guardian*, Saturday 22 July, https:/www.theguardian.com/environment/2023/jul/22/green-pledges-sunak-starmer-byelections?CMP=share_btn_link.

Michelman, F.I. (2003). Constitutional Legitimation for Political Acts, in *The Modern Law Review*, vol. 66, n. 1, 1 – 15.

Michelman, F. I. (2022) *Constitutional Essentials*, 2022 (Oxford University Press).

___ (2023). Response to the Contributors, in Balkinization Symposium on Frank Michelman, *Constitutional Essentials. On the Constitutional Theory of Political Liberalism* (Oxford University Press), https://balkin.blogspot.com/search?q=Constitutional+Essentials.

___ (2024). Response, in *The Luxembourg Symposium on Constitutional Essentials*, *Philosophy & Social Criticism* (Forthcoming, 2024).

Morrow, G. R. (1941). Plato and the Rule of Law, in *The Philosophical Review*, vol. 50, 105 – 126.

Nancy, J-L. (1998). *L'expérience de la liberté* (Galilée.)

Orwell, G. (1940). Review of Adolph Hitler's Mein Kampf, in *New English Weekly*, 21 March, https://gutenberg.net.au/ebooks16/1600051h.html.

Paris, G. (2017). Le jour où Barack Obama avait effacé sa « ligne rouge » sur la Syrie, *Le Monde*, 07 April, https://www.lemonde.fr/international/article/2017/04/07/le-jour-ou-barack-obama-avait-efface-sa-ligne-rouge-sur-la-syrie_5107363_3210.html.



ISSN 2724-6299 (Online)
https://doi.org/10.6092/issn.2724-6299/19162

Pengelly, M. and Levine, S. (2023). "Election denier, climate skeptic, anti-abortion: seven beliefs of new US House speaker Mike Johnson," *The Guardian*, 25 October, https://www.theguardian.com/us-news/2023/oct/25/who-is-mike-johnson-house-speaker-election-denier-climate-anti-abortion?CMP=share_btn_link.

Plato (1921) [ca. 390]. *Theaetetus* (Harvard University Press Loeb Library).

___ (1925) [ca. 370?]. *The Statesman* (Harvard University Press Loeb Library).

___ (1926) [ca. 347]. *The Laws* (Harvard University Press Loeb Library).

___ (1935) [ca. 380]. *The Republic* (Harvard University Press Loeb Library).

Popper, K. (2013) [1934]. *Logik der Forschung* (De Gruyter).

Rawls, J. (1996). *Political Liberalism* (University of Columbia Press).

___ (1997). The Idea of Public Reason Revisited, in *Chicago Law Review*, vol. 64, 765-767.

___ (1999). *The Law of Peoples* (Harvard University Press).

Richardson, H. (1926). The Myth of Er (Plato, Republic, 616b), in *The Classical Quarterly*, vol. 20, nn. 3/4, 113 – 133.

Rorty, R, (1980). *Philosophy and the Mirror of Nature* (Basil Blackwell).

Schlink, B. (2021). *Die Enkelin* (Diogenes).

Sease, V. W. (1970). The Myth in Plato's Theory of Ideas, in *The Southwestern Journal of Philosophy*, vol. 1, nn. 1/2, 186 – 197.

Segal, C. (1978). "The Myth Was Saved": Reflections on Homer and the Mythology of Plato's Republic, in *Hermes*, vol. 106, n. 2, 315 – 336.

Schmitt, C. (1996a) [1932]. *Der Begriff des Politischen* (Duncker & Humblot).

___ (1996b) [1922]. *Politische Theologie* (Duncker & Humblot).

___ (1997) [1950]. *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (Duncker & Humblot).

Supiot, A. (2007) *Homo Juridicus. On the Anthropological Function of the Law* (Verso).

___ (2010). *L'esprit de Philadelphie. La Justice Sociale face au marché total* (Seuil).



ISSN 2724-6299 (Online)
https://doi.org/10.6092/issn.2724-6299/19162

Taddonio, P. (2015). "The President Blinked": Why Obama Changed Course on the "Red Line" in Syria", May 25, https://www.pbs.org/wgbh/frontline/article/the-president-blinked-why-obama-changed-course-on-the-red-line-in-syria/.

Taylor, P. (2023). "Will Europe's centre-right parties accept defeat or sell their souls to the hard right?", *The Guardian*, Monday 28 August 2023, https://www.theguardian.com/world/commentisfree/2023/aug/28/europe-centre-right-parties-european-parliament.

Van der Walt, J. W. (2005). *Law and Sacrifice* (Routledge).

___ (2020a). *The Concept of Liberal Democratic Law* (Routledge).

___ (2020b). The Gift of Time and the Hour of Sacrifice, in B. W. Nail and J. Ellsworth (eds.), *Law's Sacrifice. Approaching the Problem of Sacrifice in Law Literature and Philosophy* (Routledge).

___ (2021). Liberal Democracy and the Event of Existence, Seen from a not-so-Rickety Bridge Between Rawls and Merleau-Ponty. Reply to my Critics, in *Etica & Politica / Ethics & Politics*, vol. XXIII/2", 521 – 576.

___ (2023a). Introduction. Balkinization Symposium on Frank Michelman, *Constitutional Essentials. On the Constitutional Theory of Political Liberalism* (Oxford University Press), https://balkin.blogspot.com/search?q=Constitutional+Essentials.

___ (2023b). Rawls, Habermas and Liberal Democratic Law, in *Netherlands Journal of Legal Philosophy*, vol. 52, n. 1, 16 – 46.

___ (2023c). Reply to my Critics, in *Netherlands Journal of Legal Philosophy*, vol. 52, n. 1, 134 – 156.

___ (2023d). *The Literary Exception and the Rule of Law* (Routledge).

Vernant, J.-P. (2013)[1962]. *Les origines de la pensée grecque* (PUF Quadrige).

Voegelin, E. (1947). Plato's Egyptian Myth, in *The Journal of Politics*, Vol. 9, No. 3 (August), pp. 307-324.

Walker, N. (2023a). Populism and Constitutional Democracy: Feature or Bug?, *University of Edinburgh School of Law Working Paper*, No. 2023/01.



ISSN 2724-6299 (Online)
https://doi.org/10.6092/issn.2724-6299/19162

___ (2023b). Sovereignty, Property and Climate Change, in *The Edinburgh Law Review*, vol. 27, n. 2, 129-156.

___ (2023c). The Authoritarian Alternative. In Balkinization Symposium on Frank Michelman, *Constitutional Essentials. On the Constitutional Theory of Political Liberalism* (Oxford University Press), https://balkin.blogspot.com/search?q=Constitutional+Essentials.

Wedgwood, R. (2018). Plato's Theory of Knowledge, in D. O. Brink, S. Sauvé Meyer, C. Shields (eds), *Virtue, Happiness, Knowledge: Themes from the Work of Gail Fine and Terence Irwin* (Oxford University Press), 33 – 56.

Winter, S. (2020) Keeping Faith with Nomos in *Touro Law Review*, vol. 36, no. 1, 345 – 366.

Woozley, A. (2010). Plato and the Need for Law, in *The Philosophical Quarterly*, vol. 60, no. 239, 373 – 395.

Wright, J.H. (1906). The Origin of Plato's Cave, in *Harvard Studies in Classical Philology*, vol. 17, p. 131 – 142.



ISSN 2724-6299 (Online)
https://doi.org/10.6092/issn.2724-6299/19162