3.3.15

Dear McGill seminar participants:

This paper presents some ideas from my new book project, *Emergency Politics and Its Alternatives* (working title).

The project has three main objectives. The first is to thematize what I call “emergency politics” as an object of study, explain its importance, and provide conceptual, critical, and normative tools for studying it. The present paper is primarily focused on this objective.

The second objective, which I don’t undertake here, is to actually study emergency politics, empirically, in depth. Because interactions among what I call “emergency claims” are constitutive of emergency politics, studying emergency politics does not mean (only) studying discrete emergencies or making generalizations across emergencies, as sociologists often do. Rather, it means studying interactions among emergency claims, clusters or trajectories of emergency claim-making, and the ways in which particular institutions, rules, or practices affect whether and how different types of emergency claims are made and/or accepted over time. By studying emergency politics in depth, I want to understand two things: 1) *how* emergency politics works, that is, what actually goes on, and 2) *how well* emergency politics works for marginalized groups, from the perspective of democracy and justice.

My intuition is that emergency politics works surprisingly poorly for marginalized groups. Compared to possible alternatives, it tends to be less democratic and less just. It is, admittedly, difficult to contemplate doing without emergency politics entirely: where would marginalized groups be if they could not make claims on attention and resources by yelling “emergency” when things got particularly dire? But I think that we have not fully grasped the negative aspects of emergency politics, and the extent to which its positive attributes are inextricably bound up with its negative ones. The present paper also offers some preliminary arguments in this regard.

If I am right that emergency politics is more troubling than it initially appears to be, then the third objective of the project will be to identify some preferable alternatives, historical or contemporary. I have not gotten very far in developing these alternatives. (If I fail to find any, I will have to rename the book something like *Emergency Politics: Unfortunately the Best Available Option*.) However, my current thought is that there will be several alternatives, ranging from politics that are very different from emergency politics to politics that are quite similar to it. At the “very different” end of the spectrum might be politics of prevention, adaptation, or acceptance/mourning (e.g. in response to climate change). At the “very similar” end might be a modified form of emergency politics in which those directly affected have taken the reins and/or integrated more structural demands into their emergency claim-making (as I describe Rev. Jesse Jackson doing in this paper). In the middle might be historical invocations of the “right of necessity,” political agendas that foreground synchronic or absolute rather than historical benchmarks, such as human rights or the Millennium Development Goals, or social movements that seek to retain the urgency and sense of shared purpose of emergency claim-making, while rejecting its regressiveness, biases, and Janus-faced qualities (all of which are discussed in this paper).

That is the project as I now conceive of it. It is at a very early stage. I look forward to seeing/meeting you all in a few weeks, and hearing your comments and criticisms. If you are short on time and would like to skip some portion of the paper, I recommend skipping section I.

Thanks very much,

Jen Rubenstein

This is a working paper that supersedes an article with similar content, “Emergency Politics and Democratic Action” (forthcoming in *Social Philosophy and Policy*). This paper is more reflective of my current thinking than the article. Comments very welcome at [Rubenstein@virginia.edu](mailto:Rubenstein@virginia.edu).

**Emergency Claims and Emergency Politics[[1]](#footnote-1)**

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Large-scale emergencies, such as those associated with hurricanes, earthquakes, floods, famines, heat waves, epidemics, nuclear accidents, chemical spills, terrorist attacks, and violent conflicts, are tremendously important social and political phenomena. Even if we consider only situations designated as emergencies in official databases, emergencies significantly—and negatively[[2]](#footnote-2)—affect hundreds of millions of people annually: emergencies associated with so-called “natural” disasters have significantly negatively affected an average of 217 million people annually since 1990, while about 300 million people are currently negatively affected by conflict-related emergencies.[[3]](#footnote-3)

The straightforward normative importance of emergencies suggests that empirically-engaged political theorists and philosophers should study them. Indeed, many have done so.[[4]](#footnote-4) In this paper, however, I argue that contemporary scholars interested in the political and/or moral dimensions of large-scale emergencies should not study emergencies; they should instead center their analyses on *emergency claims*. An emergency claim is a claim that a particular (kind of) situation is an emergency, made by particular actors against particular background conditions to particular audiences, which in turn accept, ignore, or reject those claims. Emergency claim-makers use speech, writing, visual images, and other strategies to persuade their audience(s) that a) some person(s), thing(s), or state(s) of affairs are valuable, but b) they are threatened with imminent harm or destruction, yet c) human agency is capable of preventing or reversing at least some of that harm or destruction. That is, emergency claims are claims about value, threat, and human agency (among other things).

Studying emergency claims draws our attention to emergency claim-making as a distinctive political activity. This activity, in turn, helps to constitute a broader field of action that I call *emergency politics*. For the purposes of this paper, emergency politics consists of many different actors making and not making, contesting and not contesting, and accepting, ignoring, and rejecting a wide array of overlapping and competing emergency claims. What I will call the “emergency claims approach” thus draws attention to both the distinctive structure and content of individual emergency claims and emergency politics more broadly.

This paper offers a detailed account of emergency claim-making and, to a lesser extent, emergency politics. I argue that one main reason why scholars should shift their focus from emergencies to emergency claims and emergency politics is that doing so offers new insights into the implications of emergency politics for marginalized groups.[[5]](#footnote-5) I elucidate four such implications.

First, shifting our focus from emergencies to emergency claims brings into view rejected emergency claims and potential emergency claims that were never attempted. These rejections and non-attempts are especially important for marginalized groups, because they appear to track existing social injustices. Second, because it is far easier to make successful emergency claims about situations that are unexpected or rapidly arising than chronic situations, using emergency claims as a basis for distributing attention and resources creates a bias against people facing chronic difficulties. Third, emergency claims are often doubly regressive: because a negative divergence from the status quo ante is usually necessary for a situation to be recognized as an emergency, people who start out badly-off need to become even worse off to have their situation socially recognized as an emergency. In addition, because emergency aid is usually intended to return things to the status quo ante, it only aims to return badly-off people to their previous (bad) position.

Implicit in the three issues just described—rejected and non-attempted emergency claims, bias against people affected by chronic issues, and regressive-ness—is the supposition that making emergency claims, or having emergency claims made on their behalf, benefits marginalized groups. That is, these three issues imply that emergency claim-making is an effective “weapon of (or for) the weak.”[[6]](#footnote-6) However, the fourth implication suggested by the emergency claims approach is that this is not always the case. In particular, the emergency claims approach helps us to see that emergency claims are often “Janus-faced.”[[7]](#footnote-7) They function not only as weapons of (or for) the weak, directing attention or resources to, or providing protection for, groups in desperate need or imminent danger; they also function as “weapons of the strong,” enabling already-powerful actors to extend and entrench their power.

Together, these four implications suggest that emergency politics is, at best, a fraught enterprise for marginalized groups. This raises a further question: are there plausible alternatives to emergency politics? That is, are there historical or contemporary examples of political action serving (roughly speaking) the same purpose as emergency claim-making, while avoiding the bias, injustice, regressiveness, and Janus-face quality of emergency politics? My aim here is not to answer this question, but instead to show why it is worth asking.[[8]](#footnote-8)

Section I explains the “emergency” part of emergency claims. Section II explains the “claims” part. Section III discusses emergency politics. Section IV elucidates the four aforementioned implications of emergency politics for marginalized groups. To illustrate these claims, I draw on the example of the “emergency” of high levels of gun violence in Chicago, Illinois.

1. **The “Emergency” part of emergency claims: distinguishing “emergency” from “disaster” and “crisis”**

Emergency claims are not only *claims* as opposed to other ways of approaching emergencies; they are also *emergency* claims, as opposed to other kinds of claims. In order to see why emergency claims are distinctive, we need to not only discuss the relevance of calling them “claims,” which I do below, but also distinguish the concept of “emergency” from similar concepts, such as “disaster” and “crisis.”[[9]](#footnote-9)

The terms “emergency,” “disaster,” and “crisis” are sometimes used interchangeably. For example, the Centre for Research on the Epidemiology of Disasters (CRED) describes the events in its “*Emergency* Events Database” as “*disasters*.” Likewise, the US government’s “Federal *Emergency* Management Agency” (FEMA) states that its mission is “to lead America to prepare for, prevent, respond to and recover from *disasters.*”[[10]](#footnote-10) However, other usages of these terms, along with their definitions and etymologies, reveal striking differences among them. I here highlight some of these differences. My aim in so doing is to characterize what is often, but certainly not always, conveyed by calling a situation an emergency.

According to the Oxford English Dictionary, an “emergency” is “a state of things unexpectedly arising and urgently demanding immediate action.”[[11]](#footnote-11) This definition, which is broadly consistent with ordinary, everyday usage, has two parts.[[12]](#footnote-12) The first part, that emergencies are “unexpectedly arising,” distinguishes emergencies from chronic situations. If a situation “arises,” unexpectedly or otherwise, it did not exist before, and so is not chronic. In addition, a situation that arises unexpectedly typically arises rapidly, or is perceived as arising rapidly, so calling a situation an emergency usually implies that it arose rapidly.

The second part of the definition is that emergencies “urgently demand[] immediate action.” The fact that this is only part of the definition of emergency tells us that emergencies are only a subset of situations that urgently demand immediate action. Thus, the question “does this situation urgently demand immediate action?” is not the same as the question “is this a (true) emergency?” Urgently demanding immediate action is a necessary, but not sufficient, condition for a situation to be socially recognized as an emergency. (As I discuss below, situations are sometimes seen as demanding urgent action because they are *relatively* urgent compared to other issues *within a defined field*, e.g. a “fashion emergency” is urgent in the sartorial realm.)

That emergencies demand immediate action also distinguishes them from disasters. In a disaster, immediate action is not necessary. At least, it is not necessary in the same way as it is in an emergency, because the bad outcome has already occurred: a disaster is “a sudden or great misfortune, mishap, or misadventure; a calamity.”[[13]](#footnote-13) An emergency is thus an impending disaster that can potentially be avoided, at least to some extent. For example, a report issued by the research arm of the humanitarian organization *Médecins Sans Frontières* stated that “the 2004 [Indian Ocean] tsunami, which killed many more people than it wounded, should never have been described as a life-threatening emergency.”[[14]](#footnote-14) This assertion might initially sound shocking, but in light of the foregoing distinction between emergency and disaster, it makes sense: for the many people who were killed immediately by the tsunami, it was a disaster, not an emergency. (It was also a disaster, albeit a smaller one, for those who survived but lost their home or livelihood.) The tsunami was an emergency insofar as it created impending harms that could potentially be avoided with immediate action—for example, the harms of exposure, permanent injury, or penury could be avoided by the immediate provision of housing, medical care, or fishing boats. In saying that the tsunami should not have been described as a *life-threatening* emergency, then, MSF was arguing that there were relatively few people who faced an avoidable risk of imminent death: many people were either killed immediately, which was a disaster rather than an emergency, or they faced emergencies as a result of the tsunami, but those emergencies were not life-threatening.

A given situation can therefore be described as an emergency and a disaster, with the two terms highlighting different aspects of it: calling the 2010 Haiti earthquake a disaster emphasizes that it killed or injured many people; calling it an emergency emphasizes that there is—or, was—a chance to save lives through immediate action. Thus, while the terms “emergency aid” and “disaster aid” are often used interchangeably, “emergency” telegraphs far more possibility; the optimistic view of emergencies is that they are windows of opportunity for helpful action.

This distinction between “emergency” and “disaster” also appears in more quotidian contexts. Someone who is seriously hurt goes to the “emergency room,” not the “disaster room,” because the aim of an emergency room is to save lives through immediate action.[[15]](#footnote-15) In contrast, parents refer to their teenage children’s messy rooms as “disaster areas,” not “emergency areas,” because the bad event (the teenager’s stuff being strewn everywhere) has already happened, and there is no urgent need to clean it up. More generally, we speak of “impending” disasters and crises, implying the need for immediate action to avoid them, but we generally do not speak of impending emergencies, because the need for immediate action is built into the concept of emergency.[[16]](#footnote-16)

After the Alexandria, Virginia fire department took command of the fire in the Pentagon caused by the 9/11 attack, teams of firefighters were stationed at the doors to block military personnel from rushing into the inferno to try to rescue their colleagues.[[17]](#footnote-17) The fire fighters were interpreting the situation as a disaster: in their view, the damage had already been done. In contrast, the military personnel desperately hoping to save their colleagues saw the situation as an emergency. These different responses were perhaps the result of different degrees of optimism or wishful thinking. They also might reflect acceptance of different risk/reward tradeoffs, or different values. In other words, not only different estimations of the severity of a threat, but also different ideas about the capacity of human agency and what is of value, shape judgments about whether a particular situation is an emergency or a disaster.

Responses to disasters can involve putting things back to the way they were, but they can also involve efforts to create the world anew, as happened with the public education system in New Orleans after Hurricane Katrina. Proponents of charter schools in New Orleans described Katrina as a “once-in-a-lifetime opportunity to create a fundamentally better public education system in New Orleans.”[[18]](#footnote-18) Emergency relief, in contrast, tends to be far more conservative, far more focused on returning things to, or preventing further divergences from, the status quo ante.[[19]](#footnote-19) Thus, “build back better” is a familiar trope in post-disaster reconstruction; it is not a slogan of emergency services.[[20]](#footnote-20) Even when the aim of emergency aid is to get things to a “normatively acceptable” state of affairs, rather than back to how they were previously, how things were previously often significantly shapes ideas about what counts as normatively acceptable. For example, what many see as a normatively acceptable infant mortality rate in sub-Saharan Africa is likely to be shaped by what that rate has been historically.[[21]](#footnote-21)

While emergencies demand immediate action, crises demand a decision: a crisis is “a vitally important or decisive stage in the progress of anything; a turning-point.”[[22]](#footnote-22) Etymologically, the term “crisis” is related to “cross,” as in a road crossing at which one must decide which way to go. While making a decision can be construed as a kind of action, it is a much more internal and cognitive kind of action than what is usually called for in situations that are socially recognized as emergencies. For example, someone facing a “religious crisis” or an “existential crisis” must think deeply before eventually deciding what, if anything, to believe. In contrast, someone who encounters a situation that she perceives as an emergency, such as a child drowning in a pond, must *act*—fast. There is no need to think deeply, because what to do is obvious.[[23]](#footnote-23) Even if there is uncertainty about logistics—e.g. is it better to throw the drowning child a life preserver or swim to her?—the necessary course of action is reasonably clear.

Thus, like “emergency” and “disaster,” “emergency” and “crisis” can be used to emphasize different aspects or interpretations of the same situation. For example, when the civil war in Syrian began, humanitarian organizations and news outlets frequently referred to the situation there as both an “emergency” and a “crisis.” The “emergency” label emphasized the need to act and implied that the necessary response was obvious; the “crisis” label emphasized the complexity of the situation and the need to think carefully before acting.

“Emergency,” “disaster,” and “crisis” also have different temporal emphases. While emergency claims typically require a negative divergence from the status quo ante to be accepted, they are strongly focused on near-future action to address near-future harm. In contrast, “it’s a disaster!” is primarily a claim about what has, at least in part, already happened. Disaster claims, then, are slightly more backward-looking than emergency claims. Crisis claims are present-oriented, like emergency claims. Yet crisis claims sometimes imply a longer duration than emergency claims: while we often say that we are in the *midst* of a crisis, we tend not to say that we are in the midst of an emergency or a disaster, because the latter are of shorter duration.[[24]](#footnote-24) The title of the film “Living in Emergency” (a documentary about Doctors Without Borders), is attention-grabbing precisely because it conflicts with our usual understanding of emergencies as having a very short duration.

I have been describing general tendencies, not iron laws of grammar, meaning, or usage. There are exceptions.[[25]](#footnote-25) Nonetheless, because “emergency” tends to differ from “disaster” and “crisis” in the ways I have described, emergency claims also tend to differ, in corresponding ways, from disaster and crisis claims. I say more about the distinctive content of the concept of emergency below. First, though, I will examine the “claim” part of emergency claims.

1. **The “Claim” part of emergency claims**

In a recent book and article about what he calls the “representative claim,” Michael Saward argues that we should “see[] representation in terms of claims to be representative by a variety of political actors, rather than (as is normally the case) seeing it as an achieved, or potentially achievable, state of affairs...”[[26]](#footnote-26) Saward then offers a detailed description of representative claims. He does not merely show that representation is socially constructed in a generic sense, nor does he focus on the social construction of a single historical or contemporary instance of representation. Instead, Saward articulates a general model of how representation is constructed: by what actors, doing what sorts of things. I turn now to extending the logic of Saward’s representative claim approach to the study of emergencies.[[27]](#footnote-27)

***The structure of a single emergency claim***

Representation is usually seen as having a tripartite structure: a *representative* represents a *constituency* to an *audience*. In contrast, the structure of the representative claim as Saward describes it is more elaborate: “A *maker* of representations (‘M’) puts forward a *subject* (‘S’) which stands for an *object* (‘O’) that is related to a *referent* (‘R’) and is offered to an *audience* (‘A’).”[[28]](#footnote-28) Saward’s model thus goes beyond the standard model of representation in two ways. First, the “representative” in the standard model is replaced, in the representative claim model, with a “maker” who puts herself or someone else forward as a particular kind of “subject.” For example, Nancy Pelosi (maker) represents herself as a smart, competent, and forceful political leader (subject) or her staff (maker) represents Pelosi in this way (subject). The subject also represents whatever is being represented in a particular way, foregrounding some aspects of it and downplaying others, so “the represented” in the standard model is divided, in Saward’s model, into “referent” (e.g. the US public) and “object” (*e.g.* the aspects of the US public that are represented, such as their desire for jobs or security).[[29]](#footnote-29)

Extending this kind of analysis to emergencies, we can say that an emergency claim occurs when a *maker* of an emergency claim presents herself, or someone else, as a particular kind of *subject*: a competent judge of what counts as an emergency. In order to present the subject as a competent judge, the maker might invoke various sources of legitimacy. For example, she might convey that the subject is a public official charged with addressing the situation, an expert with specialized scientific or technical knowledge about the situation, a first-hand witness to the situation, or a person significantly negatively affected by the situation in a way that generates authentic insight (i.e. a “victim”).[[30]](#footnote-30)

The *referent* in an emergency claim is the situation about which the emergency claim is made, the naturally-occurring and/or human-caused “raw material,” so to speak. The *object* is how the referent is interpreted, described, or “spun.” When subjects make emergency claims, they describe referents as objects that meet criteriafor what counts as an emergency. (I discuss the content of these criteria below.) To do this, subjects might write newspaper articles, create reports with charts or graphs, verbally exhort their fellow citizens, engage in emotional displays, use body language, circulate photographs or videos, or arrange personal experiences for others, e.g. a tour of a recently storm-ravaged area for government officials.[[31]](#footnote-31)

The maker’s presentation of the subject as a competent judge, and the subject’s description of the referent as an object that meets the criteria for what counts as an emergency, are offered to one or more *audiences*, the members of which accept, ignore, or reject these claims.[[32]](#footnote-32) Emergency claims serve not only to communicate to an already-existing audience; they can also help to coalesce particular audiences around an issue, or even lead people to see themselves in particular ways.[[33]](#footnote-33) Although it is tempting to view the subject as the main actor in emergency claims, audiences are just as important: it does not matter what the subject says or does if her claim falls on deaf ears.[[34]](#footnote-34) (It is part of the power of emergency claims that audiences often perceive these claims as self-evident. We rarely *feel* like we are choosing to accept or reject emergency claims; more often, we simply perceive emergencies as happening, or not. But it is important not to lose sight of audience members’ first-order agency in accepting or rejecting emergency claims, and their second-order agency in shaping the background conditions and experiences that influence what situations they perceive as emergencies.)

Sometimes, subjects make emergency claims (only) about themselves. In other cases, they make emergency claims (also) about others. One crucially important audience for these latter sorts of claims are the putative “victims.” Alleged victims sometimes agree with emergency claims others make about them; they sometimes argue that their situation is not sufficiently bad to qualify as an emergency, e.g. the abused spouse who insists “everything is fine.” In other cases they agree that their situation is very bad, but dispute the notion that their bad situation arose unexpectedly or rapidly.[[35]](#footnote-35)

Because emergency claims demand immediate action, subjects often direct their claims to audiences they think can and should take immediate action. Sometimes a subject and her intended audience belong to the same social group, for example, when a community organizer tells her neighbors that there is a crime epidemic in their community. In other cases the subject and audience members belong to different social groups, for example, when Syrian rebels appeal to the populations of distant countries for funding or political support. Of course, due to modern communication technology, emergency claims today are often “overheard” by third parties. Some of these third parties, though not directly involved in the situation, still have some connection to it. For example, the US public at large, and indeed people all over the world, “overheard” emergency claims made by officials in New York, New Jersey, and other states to the US federal government after Superstorm Sandy.

Makers, subjects, and audiences of emergency claims all act against *backdrops* of perceptions, institutions, and (more or less) shared assumptions that help to shape both the subject’s claims and audiences’ responses to those claims. These backdrops influence the kinds of subjects that audiences recognize as competent judges, the kinds of claims that subjects choose to make, and the kinds of claims that audiences accept.[[36]](#footnote-36)

Here is an example of an emergency claim. On February 5, 2003, U.S. Secretary of State Colin Powellgavea presentation to the UN Security Council. Powell presented himself as a competent judge of what counts as an emergency in this context (albeit with a hint of “I’m no expert” self-deprecation). He was therefore both *maker* and *subject* of the claim. Powell then described the *referent*, the situation in Iraq, as a particular kind of *object*: a situation that met the criteria for what counts as an emergency. Powell said:

When we confront a regime that harbors ambitions for regional domination, hides weapons of mass destruction and provides haven and active support for terrorists, we are not confronting the past, we are confronting the present. And unless we act, we are confronting an even more frightening future…. The United States will not and cannot run that risk to the American people. Leaving Saddam Hussein in possession of weapons of mass destruction for a few more months or years is not an option, not in a post-September 11th world.[[37]](#footnote-37)

Powell directed his claim to several *audiences*, including the country representatives to the U.N. Security Council listening to his presentation and the US public. His claim was also “overheard” by other audiences around the world. He made his claim against the *backdrop* of post-9/11 political culture. Insofar as various audiences accepted his arguments—which some did more than others— Powell’s emergency claim succeeded.

***The emergency narrative***

With this account of the structure of a single emergency claim before us, I turn now to filling in the substantive content of the concept of “emergency” (beyond how it differs from “disaster” and “crisis”). In particular, if a subject wants to persuade an audience that a referent (a particular situation) is a particular kind of object (an emergency), what must the subject convey about that situation? While a subject may have some “wiggle room” to offer her own gloss or slant on what counts as an emergency, if she veers too far from her audience’s expectations, audience members will not merely reject her emergency claim; they will not even realize that that was the sort of claim she was making.

To make a successful emergency claim, a subject must typically offer what I will call an *emergency narrative*.[[38]](#footnote-38) This narrative emphasizes the need for immediate action in the present. In so doing, it projects backward in time, telling us how things were before the emergency occurred, and forward in time, telling us what action can and should accomplish in the immediate future. Emergency narratives therefore have three stages: how things were before the emergency occurred, the emergency itself, and the immediate aftermath of the emergency.

Before the emergency, the emergency narrative tells us, things were normal, both in the sense of usual for the place or group in question and normatively acceptable. This requirement of normative acceptability might seem odd: surely people whose lives are plagued with great suffering and hardship nonetheless face emergencies! Indeed, the sociological literature tells us that (situations that are socially recognized as) emergencies and disasters almost always harm members of disadvantaged groups *more* than members of more powerful groups.[[39]](#footnote-39) Nonetheless, for a situation to be socially recognized as an emergency, it is conceptually necessary for the status quo ante to include someone or something of value. Otherwise, there is nothing worth saving or preserving, and so no need for immediate action to prevent imminent damage or harm. Claiming that someone who was previously badly-off now faces an emergency thus emphasizes the *relative* merits of that person’s situation prior to the emergency. For example, describing a person with terminal cancer as having a medical emergency because her chemotherapy port is infected emphasizes the relative merits of “merely” having terminal cancer. To accept an emergency claim, therefore, an audience must be persuaded that the status quo ante includes something worth preserving or protecting.

In the second stage of the emergency narrative, there is an “unexpectedly arising”—and so, typically, rapidly-arising—threat to something of value. That is, things quickly become abnormally bad. Three types of benchmarks can be used to identify situations as abnormally bad:

1. *Historical*: how things used to be in the place (or for the individual or group) in question.
2. *Absolute*: how things are compared to some absolute standard.
3. *Synchronic*: how things are compared to other places (or for other individuals/groups).

Showing that a rapidly-arising situation is abnormally bad compared to a historical benchmark is (almost?) always necessary, and sometimes sufficient, for an emergency claim about that situation to be accepted.[[40]](#footnote-40) Showing that a situation is abnormally bad compared to an absolute and/or synchronic benchmark can make an emergency claim about that situation more compelling, but is neither necessary nor sufficient.

In other words, no matter how bad a situation is in absolute terms or relative to how things are elsewhere, it is unlikely to be socially recognized as an emergency if it has persisted unchanged for a long time. This is the force of the “arising” part of the definition of emergency discussed above. For example, imagine that a mid-level executive emails his colleagues: “I’m sorry, but I can’t make the meeting today. We have a family emergency—my daughter has severe autism and every day with her is incredibly difficult.” The executive’s situation is bad compared to that of many other people, and perhaps bad in absolute terms (if his own life is severely constrained because of his daughter’s condition). However, because the situation has not arisen unexpectedly, it does not qualify as an emergency. The executive is not using “emergency” in a metaphorical or hyperbolic sense. His usage is simply wrong; he seems not to know what the word means.

Indeed, in some cases, showing that a situation is abnormally bad compared to a historical benchmark is *sufficient* for that situation to be socially recognized as an emergency. Consider another (intentionally frivolous) example: the actor Olivia Munn wanted to wear a pair of Christian Louboutin shoes to the premiere of her new TV show, but discovered just before the event that the shoes were too small. She took immediate action to rectify the situation by heating the shoes with a hair dryer to make them pliable, then stretching them to fit. E! Online’s description of this episode as a “fashion emergency” was therefore entirely apt.[[41]](#footnote-41) Even simply calling the situation an emergency—while shallow and hyperbolic—would have made sense in a way that the executive’s usage did not. The modifier “fashion” makes the description more plausible still, by limiting the frame of reference to the sartorial realm: the situation was a fashion emergency because of an immediate threat to a (sartorially) valuable state of affairs. The crucial difference between Munn and the executive is that while the executive’s situation was abnormally bad compared to synchronic and absolute benchmarks—that is, he was badly-off in relative and absolute terms— his situation had been going on for some time, so that it was not abnormally bad compared to a historical benchmark. Conversely, Munn was well-off in relative and absolute terms—her situation was not abnormally bad compared to synchronic and absolute benchmarks—but she faced a rapid negative divergence from the status quo ante, that is, her situation was abnormally bad compared to a historical benchmark. (It is worth noting here the role of background assumptions: if Munn were a man, her situation would likely not have registered as an emergency with readers of E! Online.) Thus, while an emergency is a situation that “urgently demands immediate action,” that demand can emanate from a situation being abnormally bad compared to a historical, and not necessarily an absolute or synchronic benchmark.

Although comparisons to a historical benchmark are (almost?) always necessary for emergency claims to be persuasive, and although they are sometimes sufficient (as in the case of Munn’s fashion emergency), they are not always sufficient. Suppose that a billionaire who spends her money only on herself will lose a few million dollars if she does not attend quickly to the paperwork for one of her investments. While she might consider this situation an emergency, and while the rest of us might be able to recognize that it is an emergency *for her*, we are unlikely to accept it as an emergency more generally; her possessing those millions of dollars is not, for us, something of value that ought to be preserved, presumably because it is not abnormally bad compared to synchronic or absolute benchmarks.

It follows that one obvious way to deflate and counteract an emergency claim is to argue that the situation in question is indeed regrettable, but not particularly abnormal for the place or group in question. This is what the American Red Cross argued during the Great Depression, when, explaining its refusal to aid farmers whose crops had been decimated by drought, it stated that drought was but “one of the many hazards of farming—like the boll weevil or a bad harvest.”[[42]](#footnote-42) The implication is that because farmers have always dealt with drought, the current situation is not much worse than the past, and so is not an emergency.

The third stage of the emergency narrative is what happens after the rapid negative divergence from the status quo ante. For a situation to be recognized as an emergency, the aim of immediate action must generally be to stop or reverse the negative divergence and return things to how they were before (or, as in an emergency room, get them on that path). On the one hand, then, engaging in emergency aid or emergency rescue typically requires the perception that something can and should be done; the situation at hand is not a lost cause.[[43]](#footnote-43) (If there is no chance of avoiding or mitigating harm, the situation is a disaster, not an emergency.) On the other hand, if the purpose of immediate action is more radical, then it is also not emergency response, but rather social transformation, reformation, revolution, or an attempt at social engineering.

When individuals’ lives are in danger, the third stage of the emergency narrative often involves showing that those individuals deserve help; at least, they do not deserve what will happen to them if no help is forthcoming.[[44]](#footnote-44) The idea that emergency-affected people should be helped gives emergency claims an activist, secular cast: to call a situation an emergency is to call for human action, and reject the idea that the situation should be passively accepted as God’s will.[[45]](#footnote-45) Indeed, we generally do not first recognize situations as emergencies and then decide whether intervention is morally or practically required; instead, we recognize situations as emergencies *because* we think that intervention is required. (If effective intervention is impossible, the situation is, again, a disaster rather than an emergency.) I would hazard that the duty to act is so constitutive of the concept of emergency that audiences are more likely to not recognize a situation as an emergency than they are to recognize it as an emergency but say that action is not required. “It’s an emergency but nothing should be done” is almost a contradiction in terms.

1. **Emergency politics**

Thus far, I have been discussing the content and structure of individual emergency claims. Yet these claims are almost never made in isolation. Not only are they often contested by various audiences; emergency claims also support, contradict, and/or compete with each other, and with other kinds of claims.[[46]](#footnote-46) For example, environmentalists who claim that climate change is an emergency must contend with those who claim that it is a disaster, crisis, or catastrophe—or none of these things.[[47]](#footnote-47) They must also compete for attention and resources with those who make emergency claims about the “financial crisis” or the situation in the Middle East. Subjects also draw comparisons with other situations to strengthen their own emergency claims. For example, demanding additional funds to address gun violence in Chicago (an example I discuss further below), Rev. Jesse Jackson wrote: “If we can find the money necessary to help children on the border [a reference to unaccompanied children entering the US from Mexico illegally], $2 billion can come to Chicago to make where we live safe and secure.”[[48]](#footnote-48)

In other words, individual emergency claims are virtually always embedded in the broader context of *emergency politics*, by which I mean the making, not making, accepting, rejecting, challenging, ignoring, facilitating, disrupting, not noticing, *etc*. of emergency claims. This politics can be agonistic or chaotic. Studying emergency politics therefore requires focusing on *interactions* among many types of emergency claims— and failures to make or accept those claims. In this sense, it differs significantly from the study of discrete emergencies/disasters, such as the 1972 Buffalo Creek flood, the 1995 Chicago heat wave, and hurricane Katrina.[[49]](#footnote-49) It also differs from efforts to identify similarities or parallels among different emergencies/disasters.[[50]](#footnote-50)

1. **The Implications of Emergency Politics for Marginalized groups**

We now have a detailed account of the structure and content of discrete emergency claims and a much briefer sketch of how those claims come together to collectively constitute emergency politics. What, then, are the implications of emergency politics, understood in this way, for marginalized groups? I turn now to elucidating four such implications. The first is “external”: it pertains to how ordinary, quotidian injustices “seep into” emergency politics. While it can be tempting to see (situations that are socially recognized as emergencies) as ruptures that break sharply with “normal” politics, it is also crucial to see the ways in which emergency politics are continuous with, or intensifications of, ordinary politics. The other three implications discussed in this section are “internal”: they arise primarily from the distinctive content and structure of emergency claim-making itself. I am not sure if these are the most important implications of emergency politics, but they seem to me significant and to have often gone unnoticed. To illustrate them, I draw on the example of gun violence in Chicago, Illinois over the past few years, a situation that many politicians, journalists, scholars, and others have described as an emergency.[[51]](#footnote-51)

1. ***Non-attempted and rejected emergency claims track existing injustices***

A one-off failure to make an emergency claim on behalf of some group, or a refusal to accept a group’s emergency claim, might be entirely justified—or, alternatively, it might be selfish, small-minded, grudging, or even morally abhorrent. Just as failures to make or accept individual emergency claims can be normatively objectionable, larger-scale *patterns* of such failures can also be objectionable, especially if they track or amplify existing social injustices. For example, if an official agency charged with making emergency claims systematically declines to make them on behalf of members of a particular ethnic group, there is good prima facie reason to think that this is unjust. Likewise, if an audience—say, the dominant social group in a society, or an institution such as the courts—regularly rejects a particular group’s emergency claims for arbitrary reasons, that is also likely to be unjust. While I do not have sufficient evidence to defend this assertion empirically, it seems highly likely that objectionable patterns in non-attempted and rejected emergency claims track existing social injustices.

Yet not all potential emergency claims deserve to be made—or accepted. That is, not all emergency claims involve imminent threats to states of affairs that have (or should be seen as having) value. So when are subjects justified in declining to make emergency claims, and when are audiences justified in rejecting claims that are made to them? Answering this question might seem to require an “objective” account of what counts as a “true” emergency. And this would seem to be a significant problem for my argument that scholars should focus on emergency claims rather than emergencies: we need to study emergency claims in order to bring non-attempted and rejected emergency claims into view, but do we not also need an account of “true” emergencies in order to understand the normative significance of those non-attempts and rejections?

No, for two reasons. First, scholars are not exempt from emergency politics. Our efforts to designate a particular (type of) situation as an emergency *are themselves emergency claims* that can be accepted or rejected by various audiences. It is not the case that everyone else makes emergency claims while we (academics) get to decide what counts as a “real” emergency. If we want to claim that a situation is an emergency, we must try to show that it involves an imminent but avoidable threat to something of value—just like everyone else.

Second, the question “is situation X a true emergency?” typically does not capture what scholars mean when they ask that question. What this question is usually used to express is “does this situation warrant an immediate and extraordinary response?” But as I discussed above, this is not the definition of an emergency. In addition to demanding immediate action, emergencies also arise unexpectedly and/or rapidly. So even when scholars want to discuss whether a situation demands immediate and extraordinary action, they should not ask whether that situation is an emergency. Indeed, asking this question is actively misleading, because it elides the possibility that the situation does demand immediate and extraordinary action even though it did not arise unexpectedly or rapidly.

Failures to make and/or refusals to accept emergency claims can operate in a material register and so have distributive implications; they can also operate in the register of recognition and so have symbolic or psychological implications. Indeed, because emergency claims are in part claims about value, rejecting a group’s emergency claim can be akin to saying, “what you care about has no value” or even “you have no value.” For example, discussing gun violence in Chicago, commentator Roland Martin wrote that “there is no doubt in my mind that if 16 people were killed in one weekend on the prosperous North Side of Chicago, this country would be up in arms. It would be the No. 1 story in every newspaper and on every news channel nationwide.”[[52]](#footnote-52) In Martin’s view, the failure to accept emergency claims made by and on behalf of the (predominantly poor and African-American) residents of the South and West sides of Chicago reflected the view that their lives had little value.

Focusing on emergency claim-making, and in particular on non-attempted and rejected emergency claims, brings several forms of power into view. Most obvious is the power to make an emergency claim on behalf of oneself or one’s group that others will accept. Severe inequality and material deprivation made it difficult for the (overwhelmingly poor, African-American, and young) people affected by gun violence in Chicago to do this. But the emergency claims approach also helps us to see other forms of power: the power of makers to convey the legitimacy of subjects of emergency claims to particular audiences; the power of makers and subjects to get others (whom we might call “advocates”) to make emergency claims on their behalf, and to hold those advocates accountable; the power of subjects to “call forth” audiences or influence audience members’ identities; the power of audiences to be able to respond to emergency claims by halting or reversing the threat (or give the impression that they are able to do so); the power of various actors and institutions to shape the background conditions that influence which emergency claims are made and/or accepted.

1. ***Emergency politics is biased against people affected by chronic situations***

We turn next to three implications of emergency politics for marginalized groups that the emergency claims approach helps us to see that are largely “internal” to the content and structure of emergency claim-making.

As I noted above, an “emergency” is a state of things that not only urgently demands immediate action, but is also unexpectedly arising. So insofar as the politics of emergency claim-making serves to allocate attention and resources, it directs attention and resources away from groups affected by chronic conditions. This redirection is normatively objectionable insofar as a situation being unexpected or rapidly arising has nothing to do with whether immediate action should be taken to address it. That a situation arose unexpectedly or rapidly might have implications for *how* to address it, but as I have argued elsewhere, it is often irrelevant for determining whether a situation should be addressed, or what its relative priority should be compared to other situations.[[53]](#footnote-53) That is, the very concept “emergency” is constituted by a conflation of morally relevant and morally irrelevant features. Insofar as unexpectedness and rapidity of onset are morally arbitrary, and insofar as emergency politics is conceived of as a process for allocating “goods” such as attention and resources, emergency politics is biased against people negatively affected by chronic situations.[[54]](#footnote-54) The real-world normative significance of this bias depends in part on the broader context in which emergency politics operates, and in particular, whether there are other discursive or institutional mechanisms for directing attention and resources to people negatively affected by chronic situations.

1. ***Emergency politics is doubly regressive***

In addition to being biased against people in chronically bad situations, the politics of emergency claim-making also tends to be regressive, by which I mean disadvantageous to groups that are already badly-off. I argued above that to be recognized as an emergency, a situation typically must involve a negative divergence from the status quo ante. This means that the lower a group’s “normal” level of well-being, the worse things have to get for that group before its situation will be socially recognized as an emergency. For example, as we saw above, during the Great Depression, the Red Cross did not recognize drought as an emergency, because farmers dealt with droughts regularly. Had the farmers not dealt with drought regularly—had they been, in this respect, better off—by its own logic, the Red Cross would have had to recognize drought as an emergency for farmers. Likewise, as Roland Martin implies, the gun violence situation in the West and South sides of Chicago had to reach extremely high levels before it was recognized as an emergency: what counts as “normal” levels of violence in the West and South sides would have been deemed an emergency had they occurred on the North side. This point about regressiveness is similar to the previous point about bias, but it has a different emphasis: while the bias point emphasizes how emergency politics disadvantages people whose bad situation *has endured* for a while, the point about regressiveness emphasizes that emergency politics disadvantages people who are, at the moment the emergency begins, *badly-off*.

Emergency claim-making is also regressive in a second way: if the goal of an emergency claim is to return things to the status quo ante, then even emergency claims that work perfectly will return badly-off groups to their previous (bad) position. The structure of emergency claim-making is, then, regressive both in how it identifies emergencies (against a historical benchmark or *via* the presence of a negative divergence from the status quo ante) and in how it conceives of the task of responding to emergencies (as returning things to how they were previously). This attention to how things were previously has the benefit of making emergency politics sensitive to context: the social meaning of a group’s present situation is interpreted in light of its recent history. But it also makes it difficult for emergency claim-making to motivate radical or transformational political or social action.

The three implications of emergency politics for marginalized groups just described—the injustices associated with unmade and rejected emergency claims, bias against victims of chronic situations, and regressiveness—all rely on the idea that marginalized groups benefit from having their situation recognized as an emergency. That is, these implications construe emergency claim-making as a weapon of (or for) the weak. But emergency claims have another “face,” to which I now turn.

1. ***The Janus-faced quality of Emergency Claims***

By directing attention to emergency claim-making as a political activity, the emergency claims approach helps us to see that emergency claims often function simultaneously as weapons of or for the weak *and* weapons of the strong. That is, they are “Janus-faced.” Emergency claim-makers demand more extensive power on the grounds that it is necessary for them to provide attention or resources to, or bend the rules on behalf of, emergency-affected populations—or they explain their actions after the fact in these terms. Indeed, the *very features* that make emergency claims effective weapons of the weak—their tendency to motivate people to accept what they normally would not, in the name of quick and decisive action to address an imminent threat—also makes them potent weapons of the strong. While some literatures have gone further than others in recognizing the existence of and interconnections between both faces of emergency claims, I think that there is much more to say in this regard, and the emergency claims approach helps us to say it. In particular, the emergency claims approach suggests a set of starting assumptions about emergency claims that, while they might not hold in all cases, situate us most effectively for recognizing and grappling with the Janus-faced nature of emergency claims.

A first starting assumption is that large-scale emergency claims function, or are said to function, as weapons of or for the weak. While the literature on the “duty to rescue” does not self-consciously thematize emergency claim-making as a political activity, it engages in emergency claim-making in a way that assumes that emergency claims are weapons of the weak. For example, when Peter Singer and Onora O’Neill discuss the duty to aid someone who is drowning, they are deploying this face of emergency claims.[[55]](#footnote-55)

A second assumption suggested by the emergency claims approach is that large-scale emergency claims tend to function, at least in part, as weapons of the strong. This feature of emergency claims is entirely unacknowledged in the literature on the duty to rescue.[[56]](#footnote-56) The tendency for emergency claims to function in this way is, however, acknowledged in several other literatures. Most obviously, it is a central theme of the literature on emergency powers and states of exception. This literature, which was the subject of a mini-boom in the years after 9/11, focuses largely on how the executive branch of governments can be appropriately empowered and constrained during emergencies. For example, Gross and Ni Aolain ask what types of institutional design, and what virtues of citizens and leaders, are most appropriate for empowering the executive adequately to deal with emergency situations, while at the same time constraining the executive from expanding, entrenching, and/or abusing its power.

The emergency powers literature therefore implicitly acknowledges that emergency claims function as weapons of or for the weak and as weapons of the strong.[[57]](#footnote-57) The limitation of this literature, when it comes to recognizing the Janus-faced quality of emergency claims, is that it focuses on only a small subset of emergency claims—those that involve the threat of violent attack.[[58]](#footnote-58)

Other authors show how emergency claim-making functions as a weapon of the strong in other contexts, such as “natural” disasters, economic crises, famines, and “humanitarian” military intervention (different from the paradigm case of the emergency powers literature, which is a country that is itself threatened).[[59]](#footnote-59) However, this work seems to suffer from three limitations that get in the way of it fully acknowledging the Janus-faced quality of emergency claims. First, it sometimes loses sight of the possibility that emergency claims can function, legitimately, as weapons of the weak. Second, some of this literature is too quick to assimilate diverse types of emergency claim-making to a military paradigm. For example, in a study of a large landslide/flood in Venezuela, Fassin examines a “humanitarian state of exception” that was widely accepted “in the name of the emotion aroused by the disaster and its human consequences.”[[60]](#footnote-60) Yet what he goes on to describe—extralegal killings and abuses by the army—does not significantly broaden our understanding of how emergency claims are Janus-faced. While Fassin points to an unfamiliar *basis* for the state of emergency (empathy rather than nationalism), the *form of power* that he describes (extra-legal killings) and the *type of actor* that exercises that power (the army) are familiar from the context of violent conflict.[[61]](#footnote-61) What we really want to know about, and what the emergency claims approach helps us to explore, are the forms of power that arise in the context of emergency claim-making that cannot be easily assimilated to a military context.[[62]](#footnote-62) These include: when politicians claim that new drug laws must be passed immediately to protect “crack babies,” public officials decry the “obesity epidemic,” corporations tell their employees that “desperate times call for desperate measures” so they must accept temporary drastic cuts in pay or benefits, and non-governmental organizations providing emergency medical care engage in triage.

To be sure, there is literature discussing the aforementioned issues. However, it says much less than the literature on emergency powers about forms of institutional design and other means of constraining the use of emergency claims as weapons of the strong. For example, no one, as far as I know, has asked whether and how well the “extra-legality” approach to constraining executives described by scholars of emergency powers (i.e., expecting officials to break the law if morally necessary) might apply to a situation like the evacuation of patients from Memorial Hospital after Hurricane Katrina.[[63]](#footnote-63)

In short, to really confront the Janus-faced quality of emergency claims, our starting assumptions should be that 1) emergency claims function as both weapons of the weak and weapons of the strong; 2) they do so in a wide range of contexts (not only those involving the threat of attack), and 3) the insights of the literature on emergency powers about how to constrain the executive might be relevant to other contexts, actors, and modalities of power.

Foregrounding the Janus-faced quality of emergency claims also helps us to make sense of otherwise-puzzling features of public discourse about emergencies. After the weekend of July 4th 2014, in which 82 people were shot in Chicago (and 14 of those shooting victims died),[[64]](#footnote-64) Rev. Jesse Jackson issued a press release stating that, “In Chicago there are zones of terror and deprivation. Deprivation of an underclass that leads to terror in a city facing an undeclared emergency that should be declared a ‘state of emergency.’”[[65]](#footnote-65) In a follow-up television interview, Jackson exhorted the FBI to “intervene,” and asked the federal government to allocate $2 billion to address the issue of gun violence in Chicago.[[66]](#footnote-66)

In both his written statement and television interview, Jackson was clearly trying to use an emergency claim to direct attention to, and procure additional resources to address, the issue of gun violence in Chicago. That is, he was trying to use an emergency claim as a weapon for the weak. By making his statement immediately after the 4th of July weekend, and framing the shootings that weekend as a single event, Jackson sought to overcome the bias against chronic situations. Because Jackson is a prominent public figure, his personal involvement helped to overcome the challenges to successful emergency claim-making faced by people living on the South and West sides of Chicago. However, he might have contradicted the wishes of some residents of those neighborhoods, who did not want their neighborhoods portrayed in this way because it was bad for business or property values.

While Jackson’s press release described the situation in Chicago as an emergency, in a follow-up interview he resisted the interviewers’ attempts to get him to talk about the situation in those terms:

Jackson: “We need not only more teachers but more coaches, and some plan for an economic reconstruction bank.”

Anchor: “But how do you stop the violence? How do you stop what’s happening on the streets?”

[…]

Jackson: “there’s nothing wrong with people, the structure must change. And while we must share the pain and burden of this, we must also share the opportunity.”

Anchor (interrupting): “But let me ask you this, sir. You’re looking at the broader picture, something long-term. *What do we do right now, say, this weekend*?...”

Jackson: “we need an infusion of jobs right now.”[[67]](#footnote-67)

Jackson’s seeming equivocation about whether the situation in Chicago was an emergency can also be seen within his press release. There, Jackson argued that the “‘state of emergency’ [in Chicago] requires remedy and resources. It requires social and economic reconstruction, not just the emptying of guns and the filling of jails.”[[68]](#footnote-68) Yet “reconstruction” is an activity generally undertaken after disasters; it is not an emergency response. Moreover, the policies known as “Reconstruction” after the Civil War in the United States were not an effort to return things to the status quo ante. Whether or not Jackson intended that specific historical reference (it is hard to imagine that he did not), his use of the term here implies the need for a response to gun violence in Chicago that is far more radical, structural, and transformative than Jackson’s earlier invocation of a “state of emergency” suggests.

Was Jackson merely contradicting himself, in one breath calling the situation in Chicago an emergency and in the next breath backing away from this assertion? I think that a better description is that he was trying to both exploit the power and avoid the limitations imposed by the structure and content of emergency claim-making, including the Janus-faced quality of emergency claims. Jackson sought to evoke the feelings of urgency and solidarity that emergency claims can engender, while rejecting the idea that the situation in Chicago should be returned to the status quo ante (arguing instead that a Reconstruction was required). In addition, while he deployed an emergency claim as a weapon for the weak, Jackson sought to minimize the extent to which that claim could be used to further enhance the power of the strong, by arguing against “emptying guns” and “filling…jails.”

With this understanding of the Janus-faced quality of emergency claims in hand, we can now add an additional wrinkle to the foregoing discussion of non-attempted and rejected emergency claims. If emergency claims were *only* tools for procuring additional attention and resources, we might expect already-powerful groups’ emergency claims to succeed more often than their circumstances warrant. Conversely, if emergency claims were *only* tools for controlling and monitoring populations, we might expect emergency claims about marginalized groups (including claims made by members of such groups) to succeed more often than they would otherwise. However, because emergency claims frequently operate in both of these ways simultaneously—because they are Janus-faced—we should not expect to see either an entirely direct or entirely indirect relationship between successful emergency claim-making by or on behalf of a group, and that group’s power or social status.

Like Jackson, Roland Martin also deployed an emergency claim about Chicago as a weapon of the weak. (As I noted above, he argued that “if 16 people were killed in one weekend on the prosperous North Side of Chicago, this country would be up in arms.”) However, while Jackson emphasized the need for coaches and jobs and explicitly rejected “emptying guns” and “filling jails,” Martin had a very different idea. He argued that

There is no reason the National Guard can’t drop a dragnet over the hot spots in Chicago. They can erect barricades and check points, inspect cars, confiscate guns, run warrant checks and shut down the cartels in the city. In effect, Chicago needs a troop surge like what we saw in Iraq and Afghanistan. If we wanted to make the lives of residents there safer, why not do the same for Americans?[[69]](#footnote-69)

Martin suggested, in effect, that the U.S. government use emergency powers to address gun violence in Chicago. Unlike Jackson, he saw no need to parry his own emergency claim.[[70]](#footnote-70) What Jackson saw as a weapon of the strong (“emptying guns” and “filling jails”) was, to Martin, still a weapon of the weak.

1. **Conclusion**

The emergency claims approach is a conceptual, critical, and normative framework that brings into view emergency politics as a distinctive type of politics. In so doing, it raises a host of questions. However, perhaps the most far-reaching question raised by the emergency claims approach, is this: if emergency politics has severe problems and limitations, but also serves crucially important functions, can we identify alternatives to it? What other forms of political action, historical or contemporary, might serve roughly the same function as emergency politics, while avoiding its limitations?

I began this paper by pointing out that hundreds of millions of people are significantly negatively affected by situations recognized as emergencies in official databases, and that this is a good *prima facie* reason for scholars to study emergencies. The argument that followed, however, suggests that this formulation needs to be revised. We should not take the emergencies recorded in official databases as our starting point. Rather, we should begin with the databases themselves, and their role in emergency claim-making. By what process did the CRED databases, for example, come into existence? How were their criteria for what counts as an emergency decided upon? Whom do they empower? What sorts of events (or non-events) do they exclude? I plan to take up these questions in the future; my aim here has been to bring them, and their importance, into view.

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2. Of course, people can also benefit from emergencies. See David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989* (Princeton, N.J: Princeton University Press, 1994); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*. (New York: Picador, 2008). [↑](#footnote-ref-2)
3. Data from the “Emergency Events Database” and “Complex Emergencies Database” maintained by the Centre for Research on the Epidemiology of Disasters (CRED) in Belgium; see also Jennifer Leaning and Debarati Guha-Sapir, “Natural Disasters, Armed Conflict, and Public Health,” *New England Journal of Medicine* 369, no. 19 (2013): 1836–42. [↑](#footnote-ref-3)
4. Although this paper engages primarily with the contemporary literature on emergencies, emergencies have also been a major theme in the history of political thought. On the canonical thinkers, see Simon Caney, “Global Injustice and the Right of Necessity,” (unpublished ms.); Nomi Claire Lazar, *States of Emergency in Liberal Democracies* (Cambridge: Cambridge University Press, 2009); Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton: Princeton University Press, 2011); Tom Sorell, *Emergencies and Politics: a Sober Hobbesian Approach* (Cambridge: Cambridge University Press, 2013). For an effort to place historical emergencies in a sociological perspective that emphasizes humanitarianism, see Craig Calhoun, “The Idea of Emergency: Humanitarian Action and Global Disorder” in Didier Fassin and Mariella Pandolfi. *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions* (New York: Zone Books, 2013). [↑](#footnote-ref-4)
5. By “marginalized” groups I mean groups that are pushed to the margins of society, where they lack not only access to adequate employment, but also meaningful political power, moral standing as equals with others, and/or a means to make their voices heard. This conception of marginalization is less focused on economic exclusion as the source of other exclusions than is Iris Young’s account (Iris Marion Young, *Justice and the Politics of Difference*. (New in Paper edition, Princeton, N.J: Princeton University Press, 2011), 54-5). [↑](#footnote-ref-5)
6. This is a reference to James C. Scott, *Weapons of the Weak* (New Haven, CT: Yale University Press, 1987). The difference between “of” and “for” is significant; as we will see, individuals and groups sometimes contest emergency claims made “for” them. [↑](#footnote-ref-6)
7. As will become apparent, I mean “Janus-faced” in a colloquial sense, as one entity with two opposing aspects. [↑](#footnote-ref-7)
8. I plan to address this question in future work. [↑](#footnote-ref-8)
9. While there is a large literature on catastrophes, I do not discuss catastrophes here. The crucial difference between catastrophes and emergencies for present purposes is that in catastrophes but not emergencies, the bad outcome has already occurred. This is the same basic distinction as that between disasters and emergencies. (Other distinctions are sometimes drawn between disasters and catastrophes. See E.L. Quarantelli, “Catastrophes are Different from Disasters: Some Implications for Crisis Planning and Managing Drawn from Katrina,” published June 11, 2006, http://understandingkatrina.ssrc.org/Quarantelli/.) [↑](#footnote-ref-9)
10. “About the Agency,” FEMA, last modified July 14, 2014, <http://www.fema.gov/about-agency>. My italics. [↑](#footnote-ref-10)
11. “Emergency, n.”. OED Online. June 2014. Oxford University Press. http://www.oed.com/view/Entry/61130?redirectedFrom=emergency (accessed July 23, 2014). [↑](#footnote-ref-11)
12. Gross and **Ní Aoláin write that “[a]lthough there are many competing definitions of ‘emergency,’ temporal duration and exceptional nature of the threat are common starting points for all of them” (*Law in Times of Crisis*, Cambridge: Cambridge University Press, 2006, p. 172).** [↑](#footnote-ref-12)
13. “Disaster, n.”. OED Online. June 2014. Oxford University Press. While action might be necessary to prevent a disaster from worsening, the term “disaster” directs our attention to what has already happened. I thank Andrew Gates for this observation. [↑](#footnote-ref-13)
14. Rony Brauman and Michaël Neuman, “MSF and the aid system: Choosing not to choose,” published May 2014, <http://www.msf-crash.org/drive/0777-1405_msf-and-the-aid-system.pdf>. [↑](#footnote-ref-14)
15. Emergency medicine often aims to only stabilize a patient, not return her to full health. This might seem to create a problem for a claim I make below, that emergency aid is about returning things to the status quo ante. In response I would say that emergency medicine imagines itself as part of a broader trajectory aimed at returning the patient to good health. It is not aimed at making the patient healthier than she was before. If a drug addict overdoses, she might need emergency medical care to prevent her from dying, but if she then realizes that she has “hit bottom” and “needs help,” then we are more likely to describe her as having had a personal crisis, not (only) a health emergency. [↑](#footnote-ref-15)
16. A Google Ngram of these terms in English from 1800 to 2008 shows that “impending disaster” is used about 50 times more often, and “impending crisis” is used about 25 times more often, than “impending emergency.” [↑](#footnote-ref-16)
17. I thank James Nickel for this example. [↑](#footnote-ref-17)
18. Cited in Danielle Holley-Walker, “The Accountability Cycle: The Recovery School District Act and New Orleans’ Charter Schools,” [*Connecticut Law Review* 40 (2007): 125](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1825329##). See also Ralph Adamo, “Squeezing Public Education: History and Ideology Gang Up on New Orleans,” *Dissent* 54:3 (2007): 44–51. [↑](#footnote-ref-18)
19. Gross and **Ní Aoláin, *Law in Times of Crisis*, p. 174.** [↑](#footnote-ref-19)
20. Insofar as “build back better” is not seen as an obvious feature of disaster response, but must be stated explicitly, disaster aid too might also typically imply returning things to the status quo ante. [↑](#footnote-ref-20)
21. Darcy, James and Charles-Antoine Hofmann. 2003. “According to need? Need assessment and decision-making in the humanitarian sector.” Report #15, Humanitarian Policy Group. London: Overseas Development Institute. See also Rubenstein, “Distribution and Emergency,” *Journal of Political Philosophy* Vol. 15, No. 3, 2007, pp. 296–320. [↑](#footnote-ref-21)
22. “Crisis, n.”. OED Online. June 2014. Oxford University Press. http://www.oed.com/view/Entry/44539?redirectedFrom=crisis (accessed July 23, 2014). [↑](#footnote-ref-22)
23. Elaine Scarry offers CPR as an example of the kind of “thinking” that is useful in emergencies, but what she describes is almost entirely habit and reflex rather than thinking. See Elaine Scarry, *Thinking in an Emergency* (New York: W. W. Norton & Company, 2012). Ironically, CPR *does* require a great deal of active judgment and decision-making, even though Scarry does not describe it that way (Rachel Schwartz [an EMT], personal communication, spring 2013). [↑](#footnote-ref-23)
24. A Google Ngram shows that for the last few decades, “midst of a crisis” has been used about 25 times more often than “midst of a disaster” and “midst of an emergency.” However, “permanent crisis” and “chronic crisis” are used more than “permanent emergency” and “chronic emergency,” even when the greater prevalence of “crisis” over “emergency” is taken into account. [↑](#footnote-ref-24)
25. I say this because it is likely to be true, but at present I think I’m able to weasel out of what I see as the two best examples of situations that seem to meet my formal definition of disaster but also seem to be emergencies. Example #1: Two people who live far away from each other are severely hurt; an ambulance can only reach one of them in time. Is this not an emergency? My response: only because uncertainty about which person the ambulance will rescue leaves the possibility of rescue available for each. If we specified that the ambulance was going to rescue Jamal but not Hakeem, then it would be an emergency for Jamal and a disaster for Hakeem. Example #2: A giant asteroid is headed straight for Earth. It will hit in an hour and destroy everything. There is nothing we can do to stop it. Is this not an emergency? My response: it is an emergency only insofar as we believe that there is something we can do to preserve something of value, like find family members and say goodbye. That is where the sense of urgency comes from. Once that is done, the situation is an impending disaster, not an emergency. I thank participants at the GALA workshop at UC Berkeley for discussion of these and other examples. [↑](#footnote-ref-25)
26. Michael Saward, “The Representative Claim,” *Contemporary Political Theory* 5:3 (2006): 297-318; Michael Saward, *The Representative Claim* (Oxford: Oxford University Press, 2010); see also, Andrew Schaap, “Critical Exchange on Michael Saward’s *The Representative Claim*,” *Contemporary Political Theory* 11:1 (2012), 109-127. [↑](#footnote-ref-26)
27. Some claims are both emergency claims and representative claims, for example, “if nothing is done, climate change will be a disaster for my constituents.” However, some representative claims are not emergency claims, e.g. “my constituents want a new highway.” Conversely, some emergency claims are not representative claims, for example, “climate change will destroy my business if I don’t act now.” [↑](#footnote-ref-27)
28. Saward, *The Representative Claim* (2010), 36. [↑](#footnote-ref-28)
29. Ibid., 36-7. [↑](#footnote-ref-29)
30. When the subject and maker are the same entity, the maker’s claims about the subject’s competence as a judge will often be embedded in the subject’s claims about the referent (i.e. the situation the subject is calling an emergency). For example, the subject might adopt a bearing that conveys her competence or authentic connection to the situation. [↑](#footnote-ref-30)
31. While the boundaries of the concepts of force and manipulation are notoriously difficult to draw, emergency claims that clearly use force or manipulation raise distinct issues that I do not address here. [↑](#footnote-ref-31)
32. Fassin (*Humanitarian Reason*, Ch. 8) offers a fascinating analysis of the figure of the witness, and how different kinds of witnesses—victims, third parties, and others—have presented themselves in order to maximize their legitimacy in the eyes of different audiences. [↑](#footnote-ref-32)
33. Kai Erikson, *A New Species of Trouble* (New York: Norton, 1995) discusses how disasters change people’s identities. Montanaro and Saward discuss how representatives call forth constituencies. [↑](#footnote-ref-33)
34. Carl Schmitt’s *Political Theology* (Chicago: University of Chicago Press, Tr. George Schwab, 2005) can be read as an argument about the importance of the audience, and in particular the importance of the sovereign as the audience. The sovereign might make emergency claims, but what really matters is the sovereign’s power to accept or reject them. [↑](#footnote-ref-34)
35. Peter Redfield, *Life in Crisis* (California: University of California Press, 2013), Ch. 8 esp. p. 205. [↑](#footnote-ref-35)
36. While they are not part of his basic model, Saward discusses these backdrops. See Saward, *The Representative Claim* (2010), 72-77. [↑](#footnote-ref-36)
37. “Transcript of Powell’s U.N. Presentation,” delivered February 5, 2003, http://www.cnn.com/2003/US/02/05/sprj.irq.powell.transcript.10/index.html [↑](#footnote-ref-37)
38. Another way to approach emergency narratives is to think about the “ur-emergencies” to which they refer. For example, Giorgio Agamben argues that (what I call) emergency narratives often involve analogies to war (*State of Exception*, Chicago: University of Chicago press, 2005, p. 21-2). However, the quotation from Franklin D. Roosevelt that he uses to make this point also includes medicine metaphors. This raises the question of whether there are other “ur” emergencies to which other emergency claims regularly refer, for example flooding. In future work, I plan to attend to the framing effects of ur-emergencies: what difference, if any, does it make if we speak of a war on poverty, an epidemic of poverty, or a flood of impoverished people? [↑](#footnote-ref-38)
39. Eric Klinenberg, *Heat Wave: A Social Autopsy of Disaster in Chicago* (Chicago: University of Chicago Press, 2002); Kai Erikson, *Everything in its Path: Destruction of Community in the Buffalo Creek Flood* (New York: Simon and Schuster, 1976). [↑](#footnote-ref-39)
40. In “Utilitarianism, Integrity, and Partiality,” *Journal of Philosophy*, Vol. 97, No. 8 (Aug., 2000), pp. 421-439, Elizabeth Ashford argues that “the source of the extreme demandingness of morality is that the current state of the world is a constant emergency situation.” If anyone accepts this claim, that would count as an exception to my argument about the need for emergency claims to invoke historical benchmarks to be accepted. However, even if people do accept this claim, a central upshot of this paper is that Ashford’s emergency claim is far more dangerous and less beneficial than she suggests. [↑](#footnote-ref-40)
41. Marc Malkin, “Olivia Munn’s Louboutin Fashion Emergency: ‘I Am the Female Asian MacGyver!’” *E! Online*, dated June 21, 2012, http://www.eonline.com/news/325144/olivia-munn-s-louboutin-fashion-emergency-i-am-the-female-asian-macgyver.Thanks to Rachel Slotter for helping me to understand the theoretical significance of fashion emergencies. [↑](#footnote-ref-41)
42. Cited in Landis, “Fate Responsibility, and Natural Disaster Relief,” 258. [↑](#footnote-ref-42)
43. In the example of the fire at the Pentagon discussed above, it’s possible that the military personnel rushed in not because of any considered judgment that the situation was not a lost cause, but rather because of the meaning of the act of trying to rescue their comrades, regardless of the outcome. [↑](#footnote-ref-43)
44. In contexts ranging from extreme sports to drunk driving, we often perceive as emergencies situations in which victims are culpably causally responsible for their own predicament, but are not seen as deserving the suffering that would result from the full effect of their actions were no effort made to assist them. Martha Nussbaum refers to this as an issue of “proportionality.” Martha Nussbaum, *Upheavals of Thought: The Intelligence of Emotion* (Cambridge, Cambridge University Press, 2001), 311. [↑](#footnote-ref-44)
45. Thus, victims are sometimes said to deserve help precisely becausewhat happened to them was an “act of God” in a figurative sense, rather than the result of their own foolishness or indolence. See Michele Landis, “Fate, Responsibility, and Natural Disaster Relief: Narrating the American Welfare State,” *Law and Society Review* 33 (1999), 260. [↑](#footnote-ref-45)
46. Adi Ophir, “The Politics of Catastrophization” in Didier Fassin and Mariella Pandolfi, eds., *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions* (Brooklyn, NY: Zone Books, 2013), 73. [↑](#footnote-ref-46)
47. For example, Daniel Smith, “It’s the End of the World as We Know It…and He Feels Fine,” *New York Times Magazine*, April 17, 2014, http://www.nytimes.com/2014/04/20/magazine/its-the-end-of-the-world-as-we-know-it-and-he-feels-fine.html?gwh=535D1D13FC67B07E098A8E4F08232C33&gwt=pay&assetType=nyt\_now. [↑](#footnote-ref-47)
48. Mike Tobin, “Amid gangland shootings, Chicago leaders call for federal resources,” *Fox News*, July 10, 2014, http://www.foxnews.com/us/2014/07/10/amid-gangland-shootings-chicago-leaders-call-for-federal-resources/. [↑](#footnote-ref-48)
49. Eric Klinenberg, *Heat Wave: A Social Autopsy of Disaster in Chicago* (Chicago: University of Chicago Press, 2002); Kai Erikson, *Everything in its Path: Destruction of Community in the Buffalo Creek Flood* (New York: Simon and Schuster, 1976). While Klinenberg discusses media coverage of the heat wave, his main focus is still on coverage of the heat wave, not how that coverage interacted with other emergency claims. [↑](#footnote-ref-49)
50. Erikson, *A New Species of Trouble*; Solnit, *Paradise Built in Hell.* [↑](#footnote-ref-50)
51. In 2013, the Congressional Black Caucus convened what was widely called an “emergency summit” (formally, the “National Summit on Violence in Urban Communities”) in Chicago. Trymaine Lee, “Gun violence in Chicago: Black leaders convene ‘emergency summit,” *MSNBC*, last updated October 2, 2013, http://www.msnbc.com/politicsnation/gun-violence-chicago-black-leaders. In 2014, the **Law Center to Prevent Gun Violence** held a panel discussion called “**Lives on the Line:** **Dismantling Chicago’s Gun Violence Epidemic**.” See “Lives on the Line: Dismantling Chicago’s Gun Violence Epidemic,” *Law Center to Prevent Gun Violence*, dated May 9, 2014, http://smartgunlaws.org/lives-on-the-line-dismantling-chicagos-gun-violence-epidemic/. Also in 2014, Jesse Jackson described the gun violence situation in Chicago as an “emergency state.” WGN Web Desk, “Rev Jackson on Chicago’s violence: ‘It’s an emergency state,’” *WGNtv.com*, dated July 7, 2014, http://wgntv.com/2014/07/07/rev-jackson-on-chicagos-violence-its-an-emergency-state/. Roland Martin argued that Chicago “is quickly being lost to guns, gangs, drugs and hopelessness.” Roland S. Martin, “Send the National Guard to Chicago.” For a more skeptical account, see Mason Johnson, “Chicago Not Actually ‘Murder Capital’ Of, Well, Anything,” *CBS Chicago*, dated September 26, 2013, http://chicago.cbslocal.com/2013/09/26/chicago-not-actually-murder-capital-of-well-anything/. [↑](#footnote-ref-51)
52. Roland S. Martin, “Send the National Guard to Chicago,” *The Daily Beast*, dated July 9, 2014, http://www.thedailybeast.com/articles/2014/07/09/send-the-national-guard-to-chiraq.html [↑](#footnote-ref-52)
53. One might argue that people are *less blameworthy* for bad situations that are unexpected, because they could not have prevented them. Or perhaps situations that arise unexpectedly provide a “window of opportunity” for helpful action, such that prioritizing rapidly-arising situations is *more cost-effective*. In a somewhat different vein, perhaps limiting demands for immediate action to cases that are *limits the burden on those from whom action is demanded*. Yet even if blameworthiness, cost-effectiveness, and considerations of demandingness are good reasons to prioritize some situations over others, unexpectedness does not track any of these factors particularly closely. Victims of ongoing bad situations are not necessarily blameworthy for them. Even if they are, this does not mean that letting them suffer the full effects of their blameworthy actions would be just. Moreover, simply because a situation *was not* predicted, and so appearedto come out of nowhere, does not mean that it *could not have been* predicted: whether or not a situation is predicted is often, at least to some extent, the result of contingent political decisions. Likewise, the fact that a situation was unexpected does not necessarily mean that it is more tractable or cost-effective to address than one that is ongoing: just because a situation has not been addressed adequately thus far does not mean that it would be difficult or extremely costly to address. Finally, there are many ways to limit demands on actors other than by prioritizing unexpected situations over those that are expected. See related discussion in Rubenstein, “Distribution and Emergency.” [↑](#footnote-ref-53)
54. An obvious line of future research related to this point is to examine situations in which emergency claims on behalf of victims of chronically bad situations succeeded: why did they succeed? What (if any) distortions were involved? What happened? [↑](#footnote-ref-54)
55. Singer, *The Life You Can Save*, O’Neill, “Lifeboat Earth.” Other examples in this vein: Richard Miller, *Globalizing Justice*, Ch. 2 and Unger, *Living High and Letting Die*. Wenar, “Poverty is not Pond” is a partial exception, but he has much more to say about why rescue efforts are complicated than about how rescue functions as a form of power. In future work, I plan to discuss how the duty to rescue needs to be revised in light of the Janus-faced quality of emergency claims. I will argue that more than tinkering around the edges is necessary: the whole thing needs to be overhauled. [↑](#footnote-ref-55)
56. The duty to rescue literature is anchored by the paradigmatic example of a drowning child; the literature on emergency powers is anchored by the paradigmatic example of a ticking bomb. Yet both wish to say something action-guiding about large-scale conflicts. It is as if we both want to learn about life on the McGill campus, but you have a map showing only poutine joints and I have a map showing only the height of snow drifts. We will both end up with very different, and highly distorted, accounts of the same phenomenon. [↑](#footnote-ref-56)
57. Some scholars, such as Posner and Vermeule (*Terror in the Balance*), deny that US presidents over the past 70 years have abused their executive power in emergencies. [↑](#footnote-ref-57)
58. E.g. Gross and **Ní Aoláin, *Law in Times of Crisis*, p. 4. Lazar and Posner and Vermeule also maintain this focus, as do many others.**  [↑](#footnote-ref-58)
59. David Keen, The benefits of Famine; Klein, *Shock Doctrine*; Nandini, Gunewardena, Mark Schuller, eds. *Capitalizing on Catastrophe: Neoliberal Strategies in Disaster Reconstruction*. Lanham, Md: AltaMira Press, 2008; Fassin, Didier, and Mariella Pandolfi. *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*. Zone Books, 2013. [↑](#footnote-ref-59)
60. Fassin, *Humanitarian Reason*, 182-3. The same thing can be said about *Contemporary States of Emergency*. As the subtitle of that book states, it is about “military and humanitarian interventions” and their mutual imbrication. [↑](#footnote-ref-60)
61. E.g. Greg Beckett (“Politics of Emergency” *Reviews in Anthropology*, 2014), argues that the essays in *Contemporary States of Emergency* “throw out the baby with the bathwater” by rejecting all emergency claim-making as only weapons of the strong (in my language). For example, Fassin and Panolfi write that “even dressed up in the cloak of humanitarian morality, intervention is always a military action—in other words, war” (p. 22). [↑](#footnote-ref-61)
62. Fassin’s *Humanitarian Reason is* more helpful in this regard. [↑](#footnote-ref-62)
63. Sherri Fink, *Five Days at Memorial*. [↑](#footnote-ref-63)
64. Voorhees, Josh, “Blood on the Fourth of July” Slate, dated July 10, 2014, http://www.slate.com/articles/news\_and\_politics/politics/2014/07/chicago\_july\_4\_shooting\_spree\_the\_police\_department\_undercounts\_murder\_and.html. [↑](#footnote-ref-64)
65. “No Plan for Reconstruction for Chicago: Statement By Revered Jesse L. Jackson, Sr.,” dated July 7, 2014, http://rainbow.3cdn.net/3c25750fbb98e336e5\_nzm6iy007.pdf. [↑](#footnote-ref-65)
66. Mike Tobin, “Amid gangland shootings, Chicago leaders call for federal resources.” [↑](#footnote-ref-66)
67. WGN Web Desk, “Rev Jackson on Chicago’s violence: ‘It’s an emergency state.’” My emphasis. [↑](#footnote-ref-67)
68. “No Plan for Reconstruction for Chicago: Statement By Revered Jesse L. Jackson, Sr.” [↑](#footnote-ref-68)
69. Roland S. Martin, “Send the National Guard to Chicago,” *The Daily Beast*, dated July 9, 2014, http://www.thedailybeast.com/articles/2014/07/09/send-the-national-guard-to-chiraq.html [↑](#footnote-ref-69)
70. Ibid. [↑](#footnote-ref-70)