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## Emergency Claims and Democratic Action<sup>1</sup>

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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 conflict, are tremendously important social and political phenomena. Even if we consider only situations designated as emergencies in official databases, emergencies significantly—and negatively<sup>2</sup>—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.<sup>3</sup>

The straightforward normative importance of emergencies suggests that empirically-engaged political theorists and philosophers should study them. Indeed, many have done so.<sup>4</sup> In

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<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> Although this article 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 On the canonical thinkers, see Simon Caney, “Global Injustice and the Right of Necessity,” (unpublished ms.); Nomi Claire Lazar, *States of Emergency in Liberal Democracies* (Cambridge: Cambridge University Press, 2009); Bonnie Honig, *Emergency Politics: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). 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).

this article, 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 or reject those claims. Emergency claimants 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). The study of emergency claims thus builds on the study of emergencies understood as events that are, in a generic sense, “socially constructed,” and diverges dramatically from the study of emergencies understood as “objective” events that occur independently of human action and perception.

Studying emergency claims draws our attention to emergency claim-making as a distinctive political activity. This activity, in turn, is central to a broader field of actions and omissions that I call *emergency politics*. For the purposes of this article, emergency politics refers to 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.

In this article, I offer a detailed account of emergency claims and, to a lesser degree, emergency politics. I argue that scholars should shift their focus from emergencies to emergency claims because doing so offers new insights into the implications of emergency politics for marginalized groups.<sup>5</sup> I examine three such implications here. First, the emergency claims

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<sup>5</sup> 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

approach helps us to see what I call the “Janus-faced” quality of many emergency claims.<sup>6</sup> On the one hand, these claims function as “weapons of (or for) the weak,”<sup>7</sup> directing attention or resources to, or provide protection for, groups in desperate need or imminent danger. The literature on the duty to rescue often implicitly deploys emergency claims in this way (without thematizing their status as claims).<sup>8</sup> This “face” of emergency claims makes it hard to imagine doing without them.

On the other hand, emergency claims function as “weapons of the strong,” enabling already-powerful actors to extend and entrench their power. The idea that emergency claims function as weapons of the strong is familiar from the literature on emergency powers.<sup>9</sup> However, this literature focuses primarily on emergencies that involve the threat of violent attack. The emergency claims approach helps us see that emergency claims function as weapons of the strong in a much wider range of cases than the literature on emergency powers generally acknowledges, including cases of interest to theorists of the duty to rescue. In many cases, then, the two faces of emergency claims support and even help constitute each other.

Second, shifting our focus from emergencies to emergency claims bring into view a range of injustices and exclusions associated with failed, ignored, and rejected emergency claims, as

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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).

<sup>6</sup> As will become apparent, I mean “Janus-faced” in a colloquial sense, as one entity with two opposing aspects.

<sup>7</sup> 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.

<sup>8</sup> See, e.g. Singer, Peter. “Famine, Affluence and Morality.” *Philosophy & Public Affairs* 1, no. 3 (Spring 1972); Singer, Peter. *The Life You Can Save* (New York: Random House, 2009); Unger, Peter. *Living High and Letting Die: Our Illusion of Innocence*. Oxford University Press, USA, 1996; Miller, Richard. *Globalizing Justice* (Oxford: Oxford University Press, 2010).

<sup>9</sup> Rossiter, Clinton, and William J. Quirk. *Constitutional Dictatorship: Crisis Government in the Modern Democracies*. Revised edition. New Brunswick, N.J: Transaction Publishers, 2002; Lazar, *States of Emergency in Liberal Democracies*; Owen Gross and Fionnuala Ní Aoláin. *Law in Times of Crisis: Emergency Powers in Theory and Practice* (Cambridge: Cambridge University Press, 2006); Carl Schmitt, *Political Theology* (Chicago: University of Chicago Press, 1985). This is how the existing literature seems to me now. I plan to develop and defend this assertion in future work.

well as possible emergency claims that were never even attempted. That is, it helps us to see how “normal,” everyday social injustices “seep into” emergency politics. Third, the emergency claims approach helps us to see the regressive and conservative structure of emergency claims themselves (quite apart from the propensity of normal injustices to seep into them), as well as the tendency of emergency claims to undermine the interests of people affected by chronically bad situations. I illustrate some of these arguments using the example of emergency claims made about high levels of gun violence in Chicago, Illinois.

As I alluded to above, the emergency claims approach diverges significantly from two of the most prominent political theoretical literatures about emergencies, the literature on the duty to rescue and the literature on emergency powers and states of exception. Compared to these literatures, Bonnie Honig’s work on emergencies comes closer to the emergency claims approach outlined here. Honig emphasizes the need to find opportunities for “democratic renewal” in “emergency settings.”<sup>10</sup> But as the term “settings” suggests, Honig treats emergencies primarily as *backdrops* for democratic politics, not the very material of such politics. In contrast, the emergency claims approach is centrally concerned with the making, non-making, and even un-making of emergencies as a political activity, one with wide-ranging implications for issues of democracy and justice.

The emergency claims approach thus helps us to ask questions about (what I call) emergency politics that simply do not come into view if we take emergencies themselves as our subject. Most importantly: if emergency politics is detrimental to marginalized groups, what might superior alternatives to it look like? Can we identify historic or contemporary examples of political action that retain the sense of urgency and nascent solidarity evoked by emergency claims, but avoid the injustices and exclusions that these claims engender? My aim in this paper

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<sup>10</sup> Honig, xv.

is to show that the emergency claims approach sets us on a promising path toward answering this question.

### **I. 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 it makes sense to treat emergency claims as 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.”<sup>11</sup>

This task is somewhat tricky, because 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*.”<sup>12</sup> However, other usages of these terms, along with their definitions and etymologies, reveal striking and analytically useful differences among them. I here highlight some of these differences. Although not every single usage of these terms reflects these differences, many usages do.

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<sup>11</sup> 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/>.)

<sup>12</sup> “About the Agency,” FEMA, last modified July 14, 2014, <http://www.fema.gov/about-agency>. My italics.

According to the Oxford English Dictionary, an “emergency” is “a state of things unexpectedly arising and urgently demanding immediate action.”<sup>13</sup> This definition is useful for our purposes because it is broadly consistent with ordinary, everyday usage of the term “emergency” (not because dictionary definitions are authoritative). The first part of the definition, that emergencies are “unexpectedly arising,” distinguishes emergencies from chronic situations. The second part of the definition, that emergencies “urgently demand[] immediate action,” distinguishes emergencies from disasters. In a disaster, immediate action is not necessary (or 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.”<sup>14</sup> An emergency is thus an impending disaster that can potentially be warded off, 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.”<sup>15</sup> That is, for the people who died, the tsunami was a disaster, not an emergency. (For the smaller number of people who did face potentially avoidable harm to their lives, homes, or livelihoods because of the tsunami, it was an emergency, as well as a disaster.) A given situation can therefore be described as both an emergency and a disaster, with the two terms highlighting different aspects of it: calling the 2010 Haiti earthquake a disaster emphasizes that many people were killed or injured; calling it an emergency emphasizes that there is—or, was—a chance to save lives through immediate action. Thus, while the terms

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<sup>13</sup> “Emergency, n.” OED Online. June 2014. Oxford University Press.

<http://www.oed.com/view/Entry/61130?redirectedFrom=emergency> (accessed July 23, 2014).

<sup>14</sup> “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.

<sup>15</sup> 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](http://www.msf-crash.org/drive/0777-1405_msf-and-the-aid-system.pdf).

“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 usages of these terms. 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. 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 strewn everywhere) has already happened, and there is no particular urgency about addressing it. 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.<sup>16</sup>

After the fire department from Alexandria, Virginia 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.<sup>17</sup> The fire fighters were interpreting the situation as a disaster: in their eyes, the damage had already been done. In contrast, the military personnel desperately hoping to save their colleagues viewed 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 and the capacity of human agency, but also different ideas about what is of value, contribute to judgments about whether a particular situation is an emergency or a disaster.

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<sup>16</sup> 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.”

<sup>17</sup> I thank James Nickel for this example.

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 the shift to charter schools in the immediate aftermath of Katrina described it as a “once-in-a-lifetime opportunity to create a fundamentally better public education system in New Orleans.”<sup>18</sup> Emergency relief, in contrast, is far more focused on returning things to, or preventing further divergences from, the status quo ante. Thus, “build back better” is a familiar trope in post-disaster reconstruction, but it is not a slogan of emergency services.<sup>19</sup>

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.”<sup>20</sup> 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 a situation that is socially recognized as an emergency. For example, someone facing a “religious crisis” or an “existential crisis” must think deeply, and eventually decide 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; the point is just to do it.<sup>21</sup> Even if there is uncertainty about logistics—e.g. is it better to

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<sup>18</sup> Cited in Danielle Holley-Walker, “The Accountability Cycle: The Recovery School District Act and New Orleans’ Charter Schools,” *Connecticut Law Review* 40 (2007): 125. See also Ralph Adamo, “Squeezing Public Education: History and Ideology Gang Up on New Orleans,” *Dissent* 54:3 (2007): 44–51.

<sup>19</sup> The fact that “build back better” is not assumed, but must be stated explicitly in the context of disasters, suggests that the dominant understanding of what constitutes an appropriate response to disasters might also be returning things to the status quo ante.

<sup>20</sup> “Crisis, n.” OED Online. June 2014. Oxford University Press.  
<http://www.oed.com/view/Entry/44539?redirectedFrom=crisis> (accessed July 23, 2014).

<sup>21</sup> 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



throw the drowning child a life preserver or swim to her?—the necessary course of action is still reasonably clear.

Thus, like “emergency” and “disaster,” the terms “emergency” and “crisis” can be used to emphasize different features or interpretations of the same situation. For example, humanitarian organizations and news outlets frequently refer to the present situation in Syria as both an “emergency” and a “crisis.” The “emergency” label emphasizes the need to act and implies that the necessary response is obvious; the “crisis” label emphasizes the complexity of the situation and the need to think carefully before acting.

“Emergency,” “disaster,” and “crisis” also have different temporal emphases. “It’s an emergency!” is a claim about a state of affairs that has unexpectedly (and so, most likely, suddenly and recently) arisen, but has not yet ended; it is happening now. Unlike emergencies, disasters can be identified as such only after they have had significant bad effects; “it’s a disaster!” is therefore a claim about what has, at least in part, already happened. Disaster claims, then, are slightly more backward-looking than emergency claims. Crises, like emergencies, are present-oriented. 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.<sup>22</sup> The title of the film “Living in Emergency,” a documentary about Doctors Without Borders, grabs our attention because it conflicts with our usual understanding of emergencies as having a very short duration.

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decision-making, even though Scarry does not describe it that way (Rachel Schwartz, personal communication, Spring 2013).

<sup>22</sup> 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.

Because “emergency” differs from “disaster” and “crisis” in the ways just described, emergency claims differ, in corresponding ways, from disaster claims and crisis claims. I say more about the distinctive content of the concept of emergency below. First, though, I will examine the “claim” component of emergency claims.

## **II. The “Claim” in 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...”<sup>23</sup> Saward then offers a detailed description of representative claims. He does not merely show that representation is, in a generic way, socially constructed; 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 overall logic and orientation of Saward’s representative claim approach to the study of emergencies.<sup>24</sup>

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

The concept of a “claim” has at least three features that are especially relevant to the emergency claims approach. First, claims are intentional descriptions or assertions about the world: to study emergency claims is to study what actors say or assert about particular (kinds of) situations, as opposed to a) objective facts that are independent of human actions or perceptions, such as the shifting of tectonic plates, or b) unspoken shared assumptions, such as the (modern)

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<sup>23</sup> 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.

<sup>24</sup> Some claims are both emergency claims and representative claims, for example, “if nothing is done, climate change will be a catastrophe 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 kill us all if we don’t act now.”

idea that every individual human life is valuable. Both objective facts and unspoken shared assumptions are important for the emergency claims approach, but as we will see, they are secondary to intentional claim-making. Second, claims are often claims *to* something—in the case of emergency claims, to attention, resources, the use of violence on one’s behalf, or a suspension of normal rules and procedures. Third, many (though not all) claims can be evaluated: some claims, such as claims to resources, can be evaluated on normative grounds, for example according to whether they are justified, reasonable, fair, *etc.* Empirical claims can be evaluated based on whether they are true or false, supported by compelling or paltry evidence, *etc.* In addition to being evaluated in these ways, claims can also be studied to understand what their effects are, and how they function rhetorically.

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’).”<sup>25</sup> 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 becomes, in Saward’s

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<sup>25</sup> Saward, *The Representative Claim* (2010), 36.

model, both “referent” (e.g. the US public) and “object” (e.g. the aspects of the US public that are represented, such as their values or desire for jobs and security).<sup>26</sup>

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) a public official charged with addressing the situation, b) an expert with specialized scientific or technical knowledge about it, c) a first-hand witness to the situation, or d) significantly negatively affected by it in a way that generates authentic insight into it (i.e. a “victim”).<sup>27</sup>

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.” In emergency claims, referents are described as particular kinds of objects: those that meet criteria for what counts as an emergency. (I describe the content of these criteria below.) To describe a referent in this way, the subject might write newspaper articles, create reports with charts or graphs, verbally exhort her fellow citizens, engage in emotional displays of 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.<sup>28</sup>

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<sup>26</sup> Ibid., 36-7.

<sup>27</sup> 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 situation the subject is calling an emergency. For example, the subject might adopt a bearing that conveys her competence as a judge.

<sup>28</sup> I exclude force and manipulation from my account of emergency claims because they raise distinct issues that must be treated separately. However, emergency claimants can get audiences to accept their claims by inciting emotions such as fear or pity, not only by making dry, logical arguments.

The maker's presentation of the subject as a competent judge of what counts as an emergency, and the subject's description of the referent as a particular kind of object (one that meets the criteria for being an emergency), are offered to one or more *audiences*, which accept, ignore, or explicitly reject these claims. Although it is tempting to think of 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. Because emergency claims are about immediate action, subjects often direct their claims to audiences they think can and should take immediate action. Of course, due to modern communication technology, emergency claims today are almost always "overheard" by third parties who, although not directly involved in the situation, might still have some connection to it. For example, the US public at large, and indeed people all over the world, "overheard" the emergency claims made by officials in New York, New Jersey, and other states to the US federal government after Superstorm Sandy. Sometimes the intended audience of an emergency claim belongs to the same social group as the subject making the claim, 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.

These makers, subjects, and audiences all act against a *backdrop of perceptions and assumptions* that help to shape both the subject's claims and the audiences' responses to those claims. These backdrops influence the kinds of subjects that audiences recognize as competent judges, the claims that those subjects choose to make, and the claims that different audiences accept.<sup>29</sup>

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<sup>29</sup> While they are not part of his basic model, Saward discusses them. See Saward, *The Representative Claim* (2010), 72-77.

Here is an example of an emergency claim. On February 5, 2003, U.S. Secretary of State Colin Powell gave a 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.<sup>30</sup>

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.

### ***Interactions among emergency claims and between emergency claims and other kinds of claims***

I have just outlined the structure of a single emergency claim. Emergency claims are, however, virtually never made in isolation. Not only are emergency claims often contested by members of the audiences that hear them, contemporaneous emergency claims support, contradict, and/or compete with each other, and with other kinds of claims.<sup>31</sup> For example, environmentalists who claim that climate change is an emergency must contend with those who

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<sup>30</sup> “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>

<sup>31</sup> 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.

claim that it is a disaster, crisis, or catastrophe—or none of these things.<sup>32</sup> 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 of emergency claims may also invoke comparisons with other emergencies to strengthen their own claims. For example, demanding additional funds to address gun violence in Chicago (an example I discuss further below), 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.”<sup>33</sup>

Not only do contemporaneous emergency claims interact with one another, but earlier emergency claims help to shape the backdrop of assumptions (as well as institutions, rules, and practices), against which later emergency claims are made. This is how we should understand situations that are socially recognized as emergencies without anyone explicitly describing them as such: most likely, these situations are similar to cases about which emergency claims were made, and accepted, in the past. Recognizing the *absence* of explicit practices of emergency claim-making about particular situations helps us to notice fissures in the apparent social consensus about them. For example, in the present-day United States, there is certainly more social consensus that an elderly African-American man suffering a serious injury constitutes an emergency than there was in the eras of slavery and Jim Crow. However, recognizing the historical processes that yielded this shift helps us to see that, even today, consensus on this point is far from complete, at the level of both individual beliefs and the design and everyday functioning of the US health care system.

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<sup>32</sup> 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](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).

<sup>33</sup> 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/>.

### *The emergency narrative*

With this account of the structure of a single emergency claim and interactions among different emergency claims before us, I return now to filling in the substantive content of “emergency” (beyond how it differs from “disaster” and “crisis”). In particular, what criteria must a referent be shown to meet for an audience to accept an emergency claim made about it? While a subject may have some “wobble room” to offer her own gloss or slant on what constitutes 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 recognize that this is the kind of claim she is making.

To make a successful emergency claim, a subject must show that a referent meets criteria involving value, threat, and human agency. These criteria trace what I will call an *emergency narrative*. This narrative emphasizes the need for immediate action in the present. It also projects backward in time, telling us how things were before the emergency occurred, and forward in time, suggesting what the immediate action should accomplish in the future. It therefore has 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 on emergencies and disasters tells us that they almost always harm marginalized groups more than



more powerful groups.<sup>34</sup> 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 previously had a low level of well-being now faces an emergency thus emphasizes the *relative* merits of that person's level of well-being 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, 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 become abnormally bad. Three possible benchmarks can be used to identify situations as abnormally bad: how things used to be in the place (or for the individual or group) in question, how things are in other places (or for other individuals/groups), and how things are in absolute terms. Of these, only the first is necessary for a situation to be socially recognized as an emergency. *No matter how bad a situation is in absolute terms or compared to how things are elsewhere, it is unlikely to be socially recognized as an emergency if it has persisted unchanged for a long time*—that is, if it fails to conform to the OED's definition of an emergency as a state of affairs that is "unexpectedly arising." 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

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<sup>34</sup> 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).

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 to not know what the word means.

In contrast, 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.<sup>35</sup> E! Online's description of this episode as a "fashion emergency" was therefore entirely apt.<sup>36</sup> Even just 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 scope of the relevant comparisons 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 was badly-off in relative and absolute terms, his situation had been ongoing for some time; conversely, Munn was well-off in relative and absolute terms, but she faced a rapid negative divergence from the status quo ante. (It is worth noting here the role of background assumptions: Munn's situation would likely not have registered as an emergency with readers of E! Online if she had been a man.)

Although comparisons to how things used to be are almost always necessary for emergency claims to be persuasive, and although they are sometimes sufficient (as in the case of

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<sup>35</sup> 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>.

<sup>36</sup> Thanks to Rachel Slotter for helping me to see the theoretical importance of fashion emergencies.

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 an emergency, the rest of us are unlikely to accept it as such. Although the situation involves the threat of a rapid negative divergence from the status quo ante, the billionaire's high level of material well-being, both relative to others and in absolute terms, seems likely to make an emergency claim about her situation unpersuasive to most audiences. We understand why *she* sees her situation as an emergency, but we ourselves are unable to adopt the affective stance, or accept the normative judgments, entailed by characterizing her situation as an emergency.

Thus, 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."<sup>37</sup> The implication is that because farmers have always dealt with drought, the current situation is not much worse than the past, and so cannot be an emergency.

The third stage of the emergency narrative is what happens immediately after the emergency. For a situation to be recognized as an emergency, the aim of immediate action must be to stop or reverse the abnormally bad situation and return things to the status quo ante. This requires seeing the situation in question as not a lost cause: so long as action is taken quickly, human agency can, at least potentially, avoid or reverse at least some damage to whatever is of value but under threat.

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<sup>37</sup> Cited in Landis, "Fate Responsibility, and Natural Disaster Relief," 258.

When the threat is to individuals' lives, this third stage of the emergency narrative often involves showing that those individuals deserve help, or at least, they do not deserve what will happen to them if no help is forthcoming.<sup>38</sup> The idea that emergency-affected people should be helped because they do not deserve to suffer or perish as a result of the emergency gives emergency claims an activist, secular cast: to call a situation an emergency is to reject the idea that the situation should be accepted as God's will.<sup>39</sup> 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. 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.

For a situation to be recognized as an emergency, immediate action must not only be possible and morally required; it must be aimed, as noted above, at returning things to the status quo ante. If the purpose of immediate action is more radical, then the situation begins to look less like an emergency, and more like a social transformation, reformation, or revolution. In summary, when subjects seek to make emergency claims about particular situations, they must show that things were normal at first, then there was a rapid negative divergence from the status

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<sup>38</sup> 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.

<sup>39</sup> Thus, victims are sometimes said to deserve help precisely because what 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.

quo ante, but immediate action can and should be taken to prevent further divergences from, or return things to, that status quo ante.

### ***Emergency claims and social construction***

As I noted at the outset, the emergency claims approach is intended to complement the existing literature on the “social construction” of emergencies, disasters, and crises. Like this existing literature, the emergency claims approach emphasizes that while tectonic plates shift and hurricanes rage independently of human perception, emergencies are in large part about the *meaning* of these events, and so do not exist independently of human perception.<sup>40</sup> However, there are at least two ways in which the emergency claims approach differs from much of the literature on the social construction of emergencies, disasters, and crises.

First, the emergency claims approach takes a wide-angle view from the very start. While it attends carefully to individual emergency claims, it situates them within the broader field of emergency politics, including other successful and failed claims, and claims that were never even attempted. This wide-angle approach is necessary because it is difficult to understand any single emergency claim without reference to this bigger picture. In particular, as I discuss below, issues of distributive fairness and recognition connected to larger-scale patterns of failed and never-attempted emergency claims are *only* visible if we adopt this wider view. In contrast, several classic works on the sociology of emergencies and disasters, such as Kai Erikson’s work on the 1972 Buffalo Creek flood and Klinenberg’s account of the 1995 Chicago heat wave, focus on a single emergency/disaster.<sup>41</sup>

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<sup>40</sup> On social construction in general, see, e.g. Berger, Peter L. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York: Anchor, 1967; Sally Haslanger. *Resisting Reality: Social Construction and Social Critique*. New York: Oxford University Press, 2012. On disasters in particular, see Anthony Oliver-Smith and Susannah M. Hoffman, *The Angry Earth: Disaster in Anthropological Perspective* (New York: Routledge, 1999);

<sup>41</sup> 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:

Second, much of the literature on the social construction of emergencies, disasters, and crises focuses on revealing the hidden effects of social structures and unspoken assumptions. In contrast, the emergency claims approach focuses primarily, though not uniquely, on intentional, explicit, claim-making. From the perspective of the emergency claims approach, the hidden effects of social structures and implicit assumptions are important because they help to constitute the background against which emergency claims are made (or not made). However, making these hidden effects and assumptions the center of one's analysis often means directing one's attention to structures created, and assumptions held, by dominant social groups. In contrast, focusing on emergency claim-making puts the political agency of the actual makers and subjects of emergency claims, and would-be makers and subjects of such claims, at the center of our analysis. These positions are often occupied by members of marginalized groups.

The emergency claim approach thus shifts our understanding of the people standardly known as "victims." On the standard approach to studying emergencies, the people who are threatened by the emergency are the victims. This is their primary identity. In contrast, the emergency claims approach does not assume that anyone is a victim. Instead, it examines the emergency claims made by different subjects, including their claims about who is a victim. It then turns to these putative victims, and asks: are they also making emergency claims about the situation? If so, what is the content of their claims? Have they heard the emergency claims made about their situation by others, and if so do they accept those claims? Do they have the capacity to contest them, and/or make other kinds of claims? In other words, without glossing

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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. An exception is Michele Landis Dauber (*The Sympathetic State: Disaster Relief and the Origins of the American Welfare State*. Chicago: University Of Chicago Press, 2012), who does focus on intentional emergency claims in the context of the Great Depression.

over the horrific pain and loss inflicted by many situations that are socially recognized as emergencies (and many situations that are not), the emergency claims approach directs our attention first to the agency of putative victims, including to their political agency before the putative emergency began.

### **III. Emergency politics and marginalized groups**

With this account of the emergency claims approach before us, we can now ask: why should scholars interested in the moral and political dimensions of large-scale emergencies shift their focus to emergency claims? As I noted at the outset, studying emergency claims directs our attention to emergency politics; studying emergency politics, in turn, directs our attention to how this politics affects marginalized groups. I turn now to elaborating three kinds of implications of emergency politics for marginalized groups that the emergency claims approach helps us to see.

#### ***Emergency claims as weapons of the strong***

First, the emergency claims approach suggests that many emergency claims that appear to be weapons of the weak are also, simultaneously, weapons of the strong. That is, many successful emergency claims are in this respect “Janus-faced.” This perspective differs from that offered by two of the most prominent literatures on emergencies: the literature on the duty to rescue and the literature on emergency powers. On the one hand, emergency claims direct attention and resources to people in desperate need, and motivate forceful action, up to and including the use of violent force, to protect people in imminent danger. In addition, by providing powerful, albeit temporary, loci of affective solidarity for addressing pressing issues, successful emergency claims prompt people to put aside their differences and work together.<sup>42</sup>

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<sup>42</sup> Solnit, Rebecca. *A Paradise Built in Hell* (New York: Penguin Books, 2010). It is difficult to say how effective emergency claims are at directing attention or resources to particular groups or issues. However, it seems apparent

This is the first “face” of emergency claims: they are weapons of, or weapons wielded on behalf of, the weak. On the other hand, those in power can use emergency claims to entrench and extend their power, often by suspending or overriding normal rules and procedures. In this way, emergency claims can be potent “weapons of the strong.”<sup>43</sup>

Focusing on emergency claim-making as a political activity helps us see that successful emergency claims often have the two “faces” just described. Moreover, these faces are intertwined, and sometimes even mutually constitutive: claims to more extensive power are often justified on the grounds that they are needed to engage in rescue; conversely, efforts to rescue often lead, systematically, to the rescuers’ power being extended and enhanced. Indeed, the *very features* of emergency claims that make them effective weapons of the weak—their ability 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.

Neither the literature on the duty to rescue, nor the literature on emergency powers—arguably the two most prominent and coherent literatures about emergencies—fully acknowledge the Janus-faced nature of emergency claims.<sup>44</sup> The literature on emergency powers comes closest: it acknowledges that emergency claims are claims, and that they can function as weapons of the strong and (though to a lesser degree) weapons of the weak.

However, it tends to focus on emergencies associated with threats of violence. Yet emergency

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that emergency claims play an important role in addressing pressing issues affecting marginalized groups, including famines, epidemics, climate change, and gun violence.

<sup>43</sup> This rhetorical description of how emergency claims function as weapons of the weak is not intended to undercut the foregoing discussion of how the emergency claims approach (re)conceptualizes “victims.”

<sup>44</sup> Critics of the duty to rescue working within the duty to rescue paradigm often focus on whether the *existence* of complications and uncertainties about a situation *releases* us from obligations to aid distant others, rather than on how the *content* of these complexities *alters* our obligations. E.g. Schmidt, David. “Islands in a Sea of Obligation: Limits of the Duty to Rescue.” *Law and Philosophy* 19, no. 6 (2000): 683–705. Exceptions include Wenar, “Poverty is no Pond” in Patricia Illingworth, Thomas Pogge, and Leif Wenar *Giving Well: the Ethics of Philanthropy* (Oxford: Oxford University Press, 2012), and Badhwar, Neera “International Aid: When Giving Becomes a Vice,” *Social Philosophy and Policy*, Vol. 23, Winter 2006.



claims can function as weapons of the strong in a much wider range of cases. For example, claims about “humanitarian emergencies” are used to military interventions in other countries.<sup>45</sup> Non-governmental organizations, religious groups, and corporations sometimes enhance or entrench their power by claiming that particular situations are emergencies, or drafting off of emergency claims made by others.<sup>46</sup> The insights of the literature on emergency powers can and should be extended to these and other contexts. However, this can only happen if we recognize that emergency claims are often Janus-faced, and in particular, that in cases where emergency claims look like weapons of the weak, they are also, upon further inspection, also often weapons of the strong.

The Janus-faced quality of at least some emergency claims suggests that in studying situations that are socially recognized as emergencies, we should look for both “faces” of emergency claims, and try to understand how they interact; our starting assumption (which might be wrong in some cases) should be that both faces are present. For example, in examining the response to gun violence in Chicago, we should consider not only who is making, not making, ignoring, contesting, and accepting emergency claims, and not only how these claims interact with each other and other kinds of claims. We should also examine how claims that more resources and attention are needed to address gun violence can both direct valuable resources and protections to those in need, and also, simultaneously, via some of the same mechanisms, promote further surveillance and domination of those populations.

### ***Distributive and recognition-based injustices***

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<sup>45</sup> Fassin, Didier, and Mariella Pandolfi. *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*. Zone Books, 2013.

<sup>46</sup> Klein, *Shock Doctrine*; Nandini, Gunewardena, Mark Schuller, eds. *Capitalizing on Catastrophe: Neoliberal Strategies in Disaster Reconstruction*. Lanham, Md: AltaMira Press, 2008.

As just noted, successful emergency claims can enable powerful actors to dominate others, and in so doing contribute to both undemocratic and unjust outcomes. However, *failures* to make—or accept—emergency claims can also be unjust. These failures only come into view if we shift our focus from (situations that are socially recognized as) emergencies to emergency claims. 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, simply because of the group members’ ethnicity, that is an injustice. Likewise, audiences, especially those operating in an official capacity, can act unjustly if they reject, for illegitimate or arbitrary reasons, emergency claims that are made to them.

These failures to make, and rejections of, 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, especially its claim that its members are themselves under threat, can be akin to saying, “you have no value.” For example, discussing the issue of gun violence in Chicago, 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.”<sup>47</sup> In Martin’s view, “the country’s” failure to accept emergency claims made by and on behalf of residents of the South and West sides of Chicago amounted to a misrecognition based on class and, though Martin does not mention it explicitly, race.

Taking a larger-scale, more structural view of these distributive and recognition-based injustices, we might say that social injustice in any given society (local, national, or global) will

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<sup>47</sup> 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>

at the very least “seep into,” and likely profoundly shape, large patterns of successful, failed, and non-attempted emergency claims in that society. For example, severe inequality and material deprivation makes it difficult for poor African-Americans in the US to make effective emergency claims. Prejudice and social devaluation contribute to their claims being ignored or rejected. We do not need to agree on a thick account of social justice, or even on what emergency-affected individuals or groups are owed, to agree that in a society with significant social injustices, those injustices are likely to also manifest themselves in emergency politics.

In other words, patterns of successful, failed, and non-attempted emergency claims in a given society will likely track larger patterns of privilege and deprivation, power and powerlessness, in that society. However, because of the Janus-faced quality of many emergency claims, the implications of this are likely to be complex. 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. Likewise, 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 a) successful emergency claims made by or on behalf of a group, and b) that group’s power or social status.

### ***Injustice and the emergency narrative***

Suppose that we could somehow erect an impermeable barrier between society at large and emergency politics, such that the injustices in the former did not seep into or shape the latter.

In this hypothetical scenario, I now want to argue, emergency claims would *still* be sources of injustice and domination, because of their internal structure. (In reality, these effects of the internal structure of emergency claims operate alongside the effects of existing social injustices seeming into emergency politics described above.)

The first important aspect of the structure of emergency claims in this connection is that emergencies “urgently demand immediate action.” Yet in order to be socially recognized as an emergency, a situation must arise “unexpectedly.” Allocating attention and resources in response to emergency claims thus prioritizes rapidly-arising over chronic situations. Is this unjust? The answer depends on a) whether there is a principled reason to prioritize situations that are rapidly arising; b) what is owed to people affected by chronic situations, and c) whether there are other paradigms in place for directing attention and resources to chronic situations.

In response to (a), 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 are more tractable than ones that have been going on for a long time. Or perhaps, as mentioned above, rapidly-arising situations provide a “window of opportunity” for helpful action. In a somewhat different vein, perhaps limiting demands for immediate action to cases that are unexpected ensures that the burden on those from whom action is demanded is not too great.

Are blameworthiness, tractability, and considerations of demandingness good reasons to prioritize some situations over others? Even if they are, unexpectedness does not track any of these factors particularly closely. Victims of ongoing bad situations are not necessarily blameworthy for them. Moreover, just because a situation *was not* predicted, and so appeared to 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 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 impossible to address. Finally, there are many ways to limit demands on actors other than by prioritizing unexpected situations over those that are expected.

If giving priority to situations that arise unexpectedly is in part constitutive of the concept of emergency, and if arising unexpectedly is morally irrelevant to whether situations should be prioritized, it makes little sense to fixate on finding criteria for identifying “true” emergencies. What is needed instead, in at least some domains, are criteria for determining in which situations particular kinds of interventions are required—*regardless* of whether those situations can plausibly be pitched as, or are likely to be socially accepted as, emergencies. For example, we might want criteria for determining when different kinds of aid directed at meeting people’s basic needs should be provided, or when states within the US should receive funding to improve their electrical grids. However, far from identifying “true” emergencies, one purpose of these criteria is to help us *resist* the pull of factors that a) make situations more likely to be socially recognized as emergencies but b) are morally irrelevant to the question of whether those situations should receive priority.

To be sure, the distinction between unexpected and chronic situations might be important for other reasons; for example, different strategies or tools are sometimes necessary for addressing unexpected versus chronic situations. But if the unexpectedness of a situation or the speed at which it arises are irrelevant to whether it should be given priority, and if unexpectedness and speed are part of what makes a situation recognizable as an emergency, and

if emergencies are given priority over non-emergencies, then using emergency claims as a basis for allocating attention, resources, and the suspension of rules and procedures is likely to systematically and unjustifiably disadvantage people affected by chronic situations.

In addition to creating a bias against people whose basic interests are undermined by chronic situations, institutions and systems that allocate resources on the basis of emergency claims can also be regressive, by which I mean disadvantageous to marginalized (especially economically marginalized) groups, and conservative, by which I mean tending to return things to the status quo ante. As I argued above, 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 I noted above, during the Great Depression, the existence of drought was not enough for the Red Cross to recognize farmers' situation as an emergency, because farmers dealt with droughts regularly. Had the farmers not had to deal with drought regularly—had they been, in this respect, better off—then by its own logic, the Red Cross would have had to recognize the effects of drought as an emergency for the farmers. This feature of emergency claims makes emergency politics sensitive to context, in the sense that the meaning of a group's present situation is interpreted in light of its recent history. However, it also makes emergency politics more regressive than a politics that allocated resources or attention in some other way, for example based on comparisons among groups or comparisons to an absolute standard.

Emergency claims are also potentially 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. In other words, the

structure of emergency claims is regressive both in how it identifies emergencies— *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.

Emergency claims are not only often regressive, they are also often conservative: as just noted, successful emergency claims help restore the status quo ante. Conservatism, understood in this way, is not inherently just or unjust. On the positive side, compared to disaster claims, the conservatism of emergency claims offers less scope for those in power to unilaterally implement a new permanent arrangement, such as what happened to the public school system in post-Katrina New Orleans. On the other hand, the notion that the goal is to “get things back to normal” makes it difficult for poor and marginalized people to use emergency claims to address long-standing, underlying, and/or structural injustices.

Overall, then, the emergency claims approach suggests that emergency politics is a fraught enterprise for marginalized groups. While successful emergency claims direct attention and resources to people in dire need and provide a basis for (temporary) solidarity among groups, they often do so in a way that extends and entrenches the power of the already-dominant. That is, emergency claims are often Janus-faced. In addition, existing social exclusions frequently manifest themselves in emergency politics, replicating and sometimes exacerbating “normal” injustice. Relying on emergency claims to allocate attention and resources can give unjustified priority to victims of unexpectedly-arising over chronic situations. The regressive and conservative internal structure of emergency claims can be detrimental to already-marginalized groups. By recognizing emergency claim-making as a distinctive political activity, and emergency politics as a distinctive type of politics, space opens up to examine this politics from both democratic and justice-based perspectives.

#### IV. Emergency claims and gun violence in Chicago

The emergency claims approach is a conceptual and normative framework. As such, it can only be fully vindicated by putting it to use and showing that it generates valuable insights. Undertaking this task fully must await another day. However, I want to offer one brief illustration of how shifting our focus to emergency claims helps to explain otherwise puzzling features of emergency politics.

Some may question whether Chicago, Illinois, deserves the title of “Murderiest Murder City in Murderland.”<sup>48</sup> Yet over the past few years, many politicians, journalists, scholars, and others have described the level of gun violence in Chicago as an emergency.<sup>49</sup> After the weekend of July 4<sup>th</sup> 2014, in which 82 people were shot in Chicago (and 14 of them died),<sup>50</sup> Jesse Jackson Sr. 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.’”<sup>51</sup> In a follow-up television

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<sup>48</sup> 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/>.

<sup>49</sup> 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.”

<sup>50</sup> 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\\_departments\\_undercounts\\_murder\\_and.html](http://www.slate.com/articles/news_and_politics/politics/2014/07/chicago_july_4_shooting_spree_the_police_departments_undercounts_murder_and.html).

<sup>51</sup> “No Plan for Reconstruction for Chicago: Statement By Revered Jesse L. Jackson, Sr.,” dated July 7, 2014, [http://rainbow.3cdn.net/3c25750fbb98e3336e5\\_nzm6iy007.pdf](http://rainbow.3cdn.net/3c25750fbb98e3336e5_nzm6iy007.pdf).



interview, Jackson exhorted the FBI to “intervene,” and requested that the federal government allocate \$2 billion to address the issue of gun violence in Chicago.<sup>52</sup>

In both his written statement and television appearance, 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 sought to use an emergency claim as a weapon of the weak. Yet in his television appearance, the news anchors interviewing Jackson persistently pressed him to talk about the situation in Chicago in the way that Jackson himself had initially presented it: as an emergency. Yet Jackson resisted, pushing the conversation toward more structural analysis and solutions:

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.”<sup>53</sup>

Likewise, in his press release, 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.”<sup>54</sup> Yet “reconstruction” is an activity generally undertaken after disasters, not in response to emergencies. Moreover, the specific set of policies known as “Reconstruction” after the Civil War in the United States did not attempt 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), the term implies the need for a

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<sup>52</sup> Mike Tobin, “Amid gangland shootings, Chicago leaders call for federal resources.”

<sup>53</sup> WGN Web Desk, “Rev Jackson on Chicago’s violence: ‘It’s an emergency state.’” My emphasis.

<sup>54</sup> “No Plan for Reconstruction for Chicago: Statement By Revered Jesse L. Jackson, Sr.”

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 contradicting himself in these two instances, in one breath calling the situation in Chicago an emergency and in the next breath backing away from this assertion? A better description of what he was doing, I think, is that he was trying to manage the Janus-faced character of his emergency claim and resist the logic of the emergency narrative. He tried to resist the emergency narrative by rejecting the idea that the situation in Chicago should be returned to the status quo ante; instead, nothing short of a Reconstruction was required. Jackson also pushed back against the Janus-faced character of emergency claims: while he used an emergency claim as a weapon for the weak, he sought to minimize the extent to which that claim could be used to further enhance the power of the strong, by (among other things) arguing against simply "filling...jails."

In contrast to Jackson, another commentator, Roland Martin, embraced the second "face" of emergency claims as weapons of the strong. After describing Chicago as on its way to "being lost to guns, gangs, drugs and hopelessness," Martin went on to argue 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?<sup>55</sup>

In this passage, Martin is basically arguing for the U.S. government to use emergency powers to address the situation in Chicago. Yet he suggests that the failure to provide the measures he describes amounts to a distributive or recognition-based injustice, born of classism and racism ("If 16 people were killed in one weekend on the prosperous North Side of Chicago, this country

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<sup>55</sup> 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>

would be up in arms...”).<sup>56</sup> In other words, Martin tries to use an emergency claim to advocate intense action by the strong, but he describes this action as fulfilling a duty to the weak. Is a “dragnet over the hot spots in Chicago” yet more domination or a sign of equal respect? Martin’s rhetorical strategy illustrates how the two faces of emergency claims cannot be torn asunder.

## V. Conclusion

Shifting our focus from emergencies to emergency claims and emergency politics brings into view a whole array of questions and concerns that are otherwise difficult to see. In response to any given emergency claim, we might ask: are the individuals affected by the situation at hand empowered to make emergency claims about that situation—or to contest emergency claims about it by others? What modalities of listening and openness to others’ emergency claims are ethically required of democratic citizens? To what extent are emergency claims Janus-faced, and what forms of power are at work when the first face of emergency claims (their role as weapons of the weak) also functions as the second face (as weapons of the strong)? Looking more broadly at patterns of emergency claim-making in emergency politics, we might ask, To what extent do large-scale patterns of emergency claim-making, especially failures to make or accept emergency claims, track and/or exacerbate broader injustices?

Finally, if emergency politics is at best fraught, and at worst actively harmful for members of marginalized groups, what are the alternatives? What other forms of political action, historical or contemporary, retain the affective urgency, action orientation and potential for solidarity of emergency claim-making, while avoiding the various forms of injustice and domination associated with it? Social movements? Commitments to human rights? Appeals to

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<sup>56</sup> Ibid.

self-interest? Exploring these forms of politics as alternatives to emergency politics must, like a full empirical vindication of the emergency claims approach, await another day. However, I hope to have shown that shifting our gaze from emergencies to emergency claims and emergency politics is a promising first step in this endeavor.