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EMERGENCY CLAIMS AND DEMOCRATIC ACTION*

By Jennifer C. Rubenstein

Abstract: *The straightforward normative importance of emergencies suggests that empirically engaged political theorists and philosophers should study them. Indeed, many have done so. In this essay, however, I argue that scholars interested in the political and/or moral dimensions of large-scale emergencies should shift their focus from emergencies to emergency claims. Building on Michael Saward's model of a "representative claim," I develop an account of an emergency claim as 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 that claim. Emergency politics, in turn, consists of many different actors making and not making, accepting, and rejecting, a wide range of overlapping and competing emergency claims. I argue that scholars should shift their focus to emergency claims because doing so helps us see the fraught implications of emergency politics for marginalized groups. I examine three such implications: emergency claims are often "Janus-faced," meaning that they function simultaneously as "weapons of the weak" and weapons of the strong; they are often regressive, including by discriminating against victims of chronic bad situations, and they often perpetuate and exacerbate existing social hierarchies. Noticing these troubling features of emergency politics raises a question that I do not address here: What might plausible alternatives to emergency politics look like?*

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[1] — 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

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[1] 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, NJ: Princeton University Press, 1994); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2008).

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since 1990, while about 300 million people are currently negatively affected by conflict-related emergencies.[2]

The straightforward normative importance of emergencies suggests that empirically engaged political theorists and philosophers should study them. Indeed, many have done so.[3] In this essay, 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 that claim. Emergency claimants use speech, writing, visual images, and other strategies to persuade their audience(s) that (i) some person(s), thing(s), or state(s) of affairs are valuable, but (ii) they are threatened with imminent harm or destruction, yet (iii) 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, is central to a broader field of actions and omissions that I call *emergency politics*. For the purposes of this essay, 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 essay, 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.[4]

[2] 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.

[3] Although this essay 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 manuscript.); Nomi Claire Lazar, *States of Emergency in Liberal Democracies* (Cambridge: Cambridge University Press, 2009); Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton, NJ: Princeton University Press, 2011). For a historical and sociological perspective on emergencies 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).

[4] 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* (Princeton, NJ: Princeton University Press, 2011), 54–55).

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I examine three such implications here. First, the emergency claims approach helps us to see what I call the "Janus-faced" quality of emergency claims.[5] On the one hand, these claims often function as "weapons of [or for] the weak,"[6] directing attention or resources to, or providing 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.[7] This "face" of emergency claims makes it hard to imagine doing without them. On the other hand, emergency claims also often 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.[8] 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 studied by scholars of the duty to rescue.

Second, shifting our focus from emergencies to emergency claims brings into view injustices and exclusions that result from failed, ignored, and rejected emergency claims, as well as possible emergency claims that were never even attempted. In so doing, it helps us to see how everyday social injustices "seep into" emergency politics.

Third, the emergency claims approach helps us to see the regressive and conservative aspects of the structure of emergency claims themselves (quite apart from the propensity of quotidian injustices to seep into patterns of emergency claim-making), including the tendency of emergency claims to undermine the interests of people affected by chronically bad situations. I illustrate 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

[5] As will become apparent, I mean "Janus-faced" in a colloquial sense, as one entity with two opposing aspects.

[6] "Weapons of the weak" 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.

[7] See, e.g., Peter Singer, "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1, no. 3 (1972); Peter Singer, *The Life You Can Save* (New York: Random House, 2009); Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (New York: Oxford University Press, 1996); Richard Miller, *Globalizing Justice* (Oxford: Oxford University Press, 2010).

[8] Clinton Rossiter and William J. Quirk, *Constitutional Dictatorship: Crisis Government in the Modern Democracies*, rev. ed. (New Brunswick, NJ: 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); Eric Posner and Adrian Vermeule, *Terror in the Balance: Security, Liberty, and the Courts* (Oxford: Oxford University Press, 2007).

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about emergencies, the literature on the duty to rescue and the literature on emergency powers. 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."[9] 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 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 emergency politics that do not come into view if we take emergencies themselves as our subject. Most importantly: if emergency politics is detrimental to marginalized groups, are there superior alternatives? 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 essay is to show both that these questions are worth asking and that the emergency claims approach is a promising path toward answering them.

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."[10]

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."[11] Likewise, the U.S. 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*."[12]

[9] Honig, xv.

[10] 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/.)

[11] See http://www.cred.be/projects.

[12] "About the Agency," FEMA, last modified July 14, 2014, http://www.fema.gov/about–agency. My italics.

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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 (although 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."[13] (I invoke this definition because it is broadly consistent with ordinary usage of the term "emergency," not because of its authority as a dictionary definition.) The first part of the definition, that emergencies are "unexpectedly arising," distinguishes emergencies from chronic situations. The second part of the definition, that an emergency "urgently demands 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."[14] 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."[15] 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 both an emergency and a disaster, with the two terms highlighting different aspects of it: calling

[13] "Emergency, n.," OED Online. June 2014. Oxford University Press. http://www.oed.com/view/Entry/61130?redirectedFrom=emergency (accessed July 23, 2014).

[14] "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.

[15] 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.

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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 "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 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]

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] 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 trade-offs, 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, 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 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."[18] Emergency relief, in contrast, tends to be far more focused on returning things

[16] A Google Ngram of these terms in English from 1800 to 2008 shows that "impending disaster" is used about fifty times more often, and "impending crisis" is used about twenty-five times more often, than "impending emergency."

[17] I thank James Nickel for this example.

[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. See also Ralph Adamo, "Squeezing Public Education: History and Ideology Gang Up on New Orleans," *Dissent* 54, no. 3 (2007): 44–51.

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to, or preventing further divergences from, the status quo ante. Thus, "build back better" is a familiar trope in post-disaster reconstruction; it is not a slogan of emergency services.[19] 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 influenced by what that rate has been historically.[20]

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."[21] 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 experiencing 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; the point is just to do it.[22] Even if there is uncertainty about logistics — for example, is it better to throw the drowning child a life preserver or swim to her? — the outline of the necessary course of action is 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 civil war 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. While emergency claims typically require a negative divergence from

[19] 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.

[20] 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.

[21] "Crisis, n.," OED Online. June 2014. Oxford University Press. http://www.oed.com/view/Entry/44539?redirectedFrom=crisis (accessed July 23, 2014).

[22] 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, personal communication, Spring 2013).

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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 are therefore 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 seen as being of shorter duration.[23] 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.

I have been describing general tendencies, not iron laws of grammar, meaning, or usage. Nonetheless, because "emergency" typically 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" part of emergency claims.

II. The "Claim" Part of Emergency Claims

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. Second, claims are often claims *to* something — in the case of emergency claims, to attention or resources, or to having rules suspended or violence deployed on one's behalf. 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, and so on. Empirical claims can likewise be evaluated based on whether they are true or false, or supported by compelling or paltry evidence. In addition to being evaluated in these ways, claims can also be studied to understand what their effects are, and how they function rhetorically.

In a 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,

[23] A Google Ngram shows that for the last few decades, "midst of a crisis" has been used about twenty-five 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.

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state of affairs . . . ."[24] 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. He is also attentive to interactions among representative claims.[25] I turn now to extending the overall logic of Saward's representative claim approach to the study of emergencies.[26]

A. 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')."[27] 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 also divided, into "referent" (e.g., the United States

[24] Michael Saward, "The Representative Claim," *Contemporary Political Theory* 5, no. 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, no. 1 (2012), 109–127.

[25] The existing literature on emergencies and disasters has generally not done this. A partial exception is Michele Landis Dauber (*The Sympathetic State: Disaster Relief and the Origins of the American Welfare State* [Chicago: University of Chicago Press, 2012]), which does focus on intentional emergency claim-making, although Dauber does not use this term. While Eric Klinenberg, *Heat Wave: A Social Autopsy of Disaster in Chicago* (Chicago: University of Chicago Press, 2002) discusses media coverage, his main focus is on coverage of the heat wave itself, not how that coverage interacted with other emergency claims. In *Everything in its Path: Destruction of Community in the Buffalo Creek Flood* (New York: Simon and Schuster, 1976) and *A New Species of Trouble: Explorations of Disaster, Trauma, and Community* (New York: Norton, 1994), Kai Erikson draws broader conclusions from the specific cases he studies, but, again, he does not discuss interactions among emergency claims.

[26] 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."

[27] Saward, *The Representative Claim*, 36.

public) and "object" (e.g., the aspects of the United States public that are represented, such as their values or desire for jobs and security).[28]

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 it, a first-hand witness to the situation, or someone who is significantly negatively affected by it in a way that generates authentic insight (i.e., a "victim").[29]

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 criteria for what counts as an emergency. (I describe 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 of body language, circulate photographs or videos, or arrange personal experiences for others, for example, a tour of a refugee camp for government officials.[30]

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 being an emergency are both offered to one or more *audiences*, which accept, ignore, or reject these claims. While it is tempting to view the subject as the central element of emergency claims, audiences are just as important: it does not matter what the subject says or does if her claim falls on deaf ears. In addition, like representative claims, emergency claims do not only communicate to an already-existing audience; they can also help to coalesce an audience around an issue, including by leading people to see themselves or events in particular ways.[31]

[28] Ibid., 36–37.

[29] 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.

[30] While democratically legitimate emergency claim-making does not rely on coercion or manipulation, emergency claimants are not limited to only making dry, logical arguments. They can — and certainly do — also try to get audiences to accept their claims by inciting emotions such as fear or pity.

[31] Erikson, *A New Species of Trouble*, discusses how disasters change people's identities. Laura Montanaro ("The Democratic Legitimacy of Self-Appointed Representatives," *The Journal of Politics* 74, no. 3 [2012]: 1094–1107) and Saward, *The Representative Claim*, discuss how representatives call forth constituencies.

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Because emergency claims are about immediate action, subjects often direct their claims to audiences they think can and should take immediate action. 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 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 almost always "overheard" by third parties who, although not directly involved in the situation, might still have some connection to it. For example, the United States 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 U.S. federal government after Superstorm Sandy.

Makers, subjects, and audiences all act against a *backdrop* of perceptions, institutions, and (more or less shared) 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.[32]

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.[33]

Powell directed his claim to several *audiences*, including the country representatives to the UN Security Council listening to his presentation and the

[32] While background conditions are not part of his basic model, Saward discusses them. See Saward, *The Representative Claim*, 72–77.

[33] "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.

United States 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.

B. 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.[34] 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.[35] 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), Reverend Jesse Jackson, Sr. wrote: "If we can find the money necessary to help children on the border [a reference to unaccompanied children entering the United States from Mexico illegally], $2 billion can come to Chicago to make where we live safe and secure."[36]

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.

C. The emergency narrative

With this account of the structure of a single emergency claim and a sketch of interactions among different emergency claims before us, I return now to

[34] 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.

[35] 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.

[36] 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/.

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filling in the substantive content 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 referent? While a subject may have some "wiggle 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. In so doing, it projects backward in time, telling us how things were before the emergency occurred, and forward in time, suggesting what immediate action can and should accomplish in the future. The emergency narrative 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 tells us that (situations that are socially recognized as) emergencies and disasters almost always harm members of marginalized groups more than members of more powerful groups.[37] 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 unexpectedly and/or rapidly become abnormally bad. Three possible benchmarks can be used to identify situations as abnormally bad:

[37] Klinenberg, *Heat Wave: A Social Autopsy of Disaster in Chicago*; Erikson, *Everything in its Path: Destruction of Community in the Buffalo Creek Flood*.

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) in the present.

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.[38] 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 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.* 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 to not 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. To see this, consider another (intentionally frivolous) example: the actor Olivia Munn wanted to wear a pair of Christian Louboutin shoes to the premiere of her new television 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.[39] E! Online's description of this episode as a "fashion emergency" was therefore entirely apt.[40] Even calling the situation simply an emergency — while

[38] In "Utilitarianism, Integrity, and Partiality," *Journal of Philosophy*, 97, no. 8 (2000): 421–39, 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 essay is that Ashford's emergency claim is far more dangerous and less beneficial than she suggests.

[39] 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.

[40] Thanks to Rachel Slotter for helping me to see the theoretical importance of fashion emergencies.

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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 it involved 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 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 her situation was abnormally bad compared to a historical benchmark of believing that she could wear the shoes. (It is worth noting here the role of background assumptions: if Munn had been a man, her situation would likely not have registered as an emergency with readers of E! Online.)

Although comparisons to historical benchmarks 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 its loss is not abnormally bad compared to synchronic or absolute benchmarks.

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."[41] 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 rapid negative divergence from the status quo ante. For a situation to be recognized as an emergency, immediate action must not only be possible and necessary; it must be aimed at returning things to

[41] Cited in Michele Landis,"Fate, Responsibility, and Natural Disaster Relief: Narrating the American Welfare State," *Law and Society Review* 33 (1999): 258.

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the status quo ante — or, as in an emergency room, getting them on that path. 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. 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.

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.[42] The idea that emergency-affected people should be helped gives emergency claims an activist, secular cast: to call a situation an emergency is to demand human action, and reject the idea that the situation should be accepted as God's will.[43] 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. 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. If something bad happens but nothing should be done in response, the situation is most likely a disaster or catastrophe rather than an emergency.

In summary, when subjects seek to make emergency claims about particular situations, they must show that i) things were normal at first, then ii) there was a rapid negative divergence from the status quo ante, but iii) immediate action can and should be taken to prevent further divergences from, or return things to, that status quo ante.

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

[42] 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 if no effort were 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.

[43] 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 Landis, "Fate Responsibility, and Natural Disaster Relief," 260.

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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 implications of emergency politics for marginalized groups that the emergency claims approach helps us to see.

A. Emergency claims as Janus-faced

First, the emergency claims approach suggests that many emergency claims that appear at first to be only 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. As the literature on the duty to rescue tells us, 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.[44] This is the first face of emergency claims: they are weapons of, or weapons wielded on behalf of, the weak. Yet as the literature on emergency powers tells us, those in power can use emergency claims to extend and entrench their power, often by suspending or overriding normal rules and procedures. In this way, emergency claims can be potent weapons of the strong.

Bringing these two literatures into conversation, as the emergency claims approach requires, helps us to see that the extension and entrenchment of power that often accompanies emergency claim-making is not limited to the cases of "ticking bombs" and violent group conflict that are the main focus of the literature on emergency powers. This dynamic is also present in other situations in which emergency claims are made, such as those studied by theorists of the duty to rescue. The two faces of emergency claims, then, are often 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 to the rescuers' power being extended and entrenched.

Indeed, the very features of emergency claims that make them effective weapons of the weak — their ability to motivate people to accept what

[44] 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* people from obligations to aid distant others; they generally do not discuss how the *content* of these complexities, such as the potential for emergency claims to empower those already in power, *alters* obligations. For example, David Schmidtz, "Islands in a Sea of Obligation: Limits of the Duty to Rescue," *Law and Philosophy* 19, no. 6 (2000): 683–705. Partial 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 Neera Badhwar, "International Aid: When Giving Becomes a Vice," *Social Philosophy and Policy* 23, no. 2 (2006).

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they normally would not, in the name of quick and decisive action to address an imminent threat — also make them potent weapons of the strong. For example, claims about "humanitarian emergencies" are used to not only rescue those in dire need, but also and simultaneously, to justify "humanitarian" military interventions.[45] Likewise, nongovernmental organizations, religious groups, and corporations engaged in various kinds of rescue sometimes enhance or entrench their power by claiming that particular situations are emergencies, or by drafting off of emergency claims made by others.[46] The insights of the literature on emergency powers, including insights regarding the best mechanisms for restraining the use of these powers, can and should be extended to these contexts.[47] This can only happen, however, if we study emergency claims themselves, including their propensity to be Janus-faced. For example, in studying the response to gun violence in Chicago, we should 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, via some of the same mechanisms, promote further surveillance and domination of those populations. I return to this point below.

B. How "normal" social injustice seeps into emergency politics

As just noted, successful emergency claims can enable powerful actors to further dominate others, and in this way contribute to 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 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, that is an injustice. Likewise, audiences, especially those operating in an official capacity, can act unjustly if they reject emergency claims for illegitimate or arbitrary reasons.

Of course, 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, and when are audiences justified in rejecting, emergency claims? Answering this question might seem to require an "objective" account of what constitutes a "true" emergency, which in turn would be a significant problem for my argument

[45] Didier Fassin and Mariella Pandolfi, *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions* (Brooklyn, NY: Zone Books, 2013).

[46] Klein, *Shock Doctrine*; Nandini Gunewardena and Mark Schuller, eds., *Capitalizing on Catastrophe: Neoliberal Strategies in Disaster Reconstruction* (Lanham, MD: AltaMira Press, 2008.)

[47] I plan to pursue this task in future work. Gross and Ní Aoláin (*Law in Times of Crisis: Emergency Powers in Theory and Practice)* offer a useful overview of these mechanisms.

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that scholars should focus on emergency claims rather than emergencies. There are, however, two reasons why we do not need an account of what counts as a true or objective emergency. First, scholars are not exempt from emergency politics. Their efforts to designate a particular (type of) situation as an emergency *are themselves emergency claims* that can be accepted or rejected by various audiences. That is, scholars can describe situation X as a "true" emergency because in their view it involves an unexpected imminent addressable threat to someone or something of value. Scholars should recognize this description for what it is: an emergency claim. Second, when people ask, "is situation X a true emergency?" typically what they mean is, "does situation X warrant an immediate and extraordinary response?" But as I discussed above, this is not same as asking whether situation X is an emergency. In addition to demanding an immediate response, emergencies also arise unexpectedly and/or rapidly. So even when scholars want to discuss whether a situation demands an immediate and extraordinary response, they are usually not really asking whether that situation is an emergency. To conflate these two categories is to elide situations that did not arise rapidly or unexpectedly (and so are not emergencies) but do demand an immediate and extraordinary response.

Unjustified 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, especially its claim that its members are directly threatened, 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."[48] For Martin, "this country's" failure to accept emergency claims made by and on behalf of the (predominantly African-American and poor) residents of the South and West sides of Chicago reflected the view that their lives had little value.

Taking a larger-scale, more structural view of refusals to make or accept emergency claims, it seems very likely that existing social injustice will at the very least "seep into," and likely profoundly shape, large-scale patterns of successful, failed, and non-attempted emergency claims. For example, severe inequality and material deprivation make it more difficult for poor African-Americans in the United States to make effective emergency claims; prejudice and social devaluation also contribute to their claims

[48] 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.

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being ignored and 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.

Patterns of successful, failed, and non-attempted emergency claims, then, will likely track larger patterns of privilege and deprivation, power and powerlessness. 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 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 claims made by or on behalf of a group, and that group's power or social status.

C. 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 the latter. In this hypothetical scenario, I now want to argue, emergency claims would *still* be sources of injustice, because of their internal structure. (In reality, the effects of the internal structure of emergency claims that I am about to describe operate alongside the effects of existing social injustices seeping into emergency politics described above; I discuss them separately for purposes of analytic clarity.)

The first important aspect of the structure of emergency claims in this connection is that emergencies "urgently demand immediate action," but 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 unexpected (and, so, rapidly arising) situations over chronic ones. Is this unjust? The answer depends in part on whether there is a principled reason to prioritize situations that are rapidly arising.[49]

In response, one might argue that people are less blameworthy for bad situations that arise unexpectedly, because they could not have prevented them. Or perhaps situations that arise unexpectedly are more tractable

[49] It also depends on what is owed to people affected by chronic situations and whether there are other paradigms in place for directing attention and resources to chronic situations. I do not address these issues here.

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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.[50] Victims of ongoing bad situations are not necessarily blameworthy for them. Moreover, just because a situation *was not* predicted, and so appeared to arise rapidly, 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 political decisions about how much time and resources to invest in prediction. 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 only requiring them to respond to unexpected situations.

If giving priority to situations that arise unexpectedly is partly 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 United States 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 make situations likely to be socially recognized as emergencies but that are irrelevant to 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. However, if unexpectedness and rapidity of onset are part of what make a situation recognizable as an emergency, but are also morally irrelevant, then using emergency claims as a basis for allocating attention and resources and deciding when to use violence or suspend rules is likely to systematically and unjustifiably disadvantage people affected by chronic situations.

[50] For a related discussion, see Rubenstein, "Distribution and Emergency," *Journal of Political Philosophy* 15, no. 3 (2007), 296–320.

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In addition to creating a bias against people affected 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 groups that are already badly-off. As I discussed above, to be recognized as an emergency, a situation typically must involve a rapid 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 for its situation to be socially recognized as an emergency. For example, as I also noted above, during the Great Depression, the mere 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 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 synchronic 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 often 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 sometimes function as weapons of or for the weak, directing attention and resources to people in dire need, and suspending rules or even deploying violence on behalf of the vulnerable, successful emergency claims also often function as weapons of the strong, extending and entrenching the power of the already-dominant. That is, emergency claims are often Janus-faced. In addition, existing social injustices

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frequently manifest themselves in emergency politics, replicating and sometimes exacerbating "normal" injustice. The internal structure of emergency claims can have regressive and conservative effects, and the limitation of emergency claim-making to rapidly arising and/or unexpected situations disadvantages victims of chronic situations. Recognizing emergency claim-making as a distinctive political activity provides a basis for examining these and other aspects of emergency politics.

IV. Emergency Claims and Gun Violence in Chicago

The emergency claims approach is a conceptual and normative framework that can only be fully vindicated by putting it to use and showing that it generates valuable insights. This task 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.

Over the past few years, many politicians, journalists, scholars, and others have described the level of gun violence in Chicago, Illinois, as an emergency.[51] After the weekend of July 4th 2014, in which eighty-two people were shot in Chicago (and fourteen of them died),[52] Reverend 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.'"[53] In a follow-up television 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.[54]

[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." But see also 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/.

[52] Josh Voorhees, "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.

[53] "No Plan for Reconstruction for Chicago: Statement By Reverend Jesse L. Jackson, Sr.," dated July 7, 2014, http://rainbow.3cdn.net/3c25750fbb98e336e5_nzm6iy007.pdf.

[54] Mike Tobin, "Amid gangland shootings, Chicago leaders call for federal resources."

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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 for the weak. In the television appearance, however, when the interviewers pressed Jackson to talk about the situation in Chicago in the way that Jackson himself had initially presented it — as an emergency — 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."[55]

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."[56] 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 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 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 resist the logic of the emergency narrative and manage the Janus-faced character of his emergency claim. 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

[55] WGN Web Desk, "Rev Jackson on Chicago's violence: 'It's an emergency state.'" My emphasis.
[56] "No Plan for Reconstruction for Chicago: Statement By Reverend Jesse L. Jackson, Sr."

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."

Another commentator, Roland Martin, also made claims about gun violence in Chicago, but unlike Jackson, he embraced both "faces" of his emergency claim. 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?[57]

In this passage, Martin is in effect arguing for the U.S. government to use emergency powers to address the situation in Chicago. He further 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 would be up in arms . . . ").[58] In other words, Martin uses 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 is it a necessary response to urgent need? Is it—to invoke a third possibility suggested by Martin's comments — a sign of equal respect? Martin's rhetorical strategy illustrates how the different 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 directly affected by the situation empowered to make emergency claims about it or contest emergency claims made by others? How and to what extent is a given emergency claim Janus-faced? How and to what extent is it regressive? More generally, we might ask: What modalities of listening and openness to others' emergency claims are required of democratic citizens? What forms of power are at work when emergency claims that are intended to serve as

[57] 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

[58] Ibid.

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weapons of or for the weak also function as weapons of the strong? 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 self-interest? Exploring these alternatives to emergency politics must await another day. However, by shifting our gaze from emergencies to emergency claims and emergency politics, I hope to have at least begun to show that this task is necessary.

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