The Normalcy of Emergency Government

Stephen J. Collier

The New School

Presented at the Governing Emergencies Workshop
Royal Geographical Society, London
September 23-4, 2014

> "During the past twenty years we have substituted for the normalcy of the halcyon 1920s an almost unbroken series of emergencies: depression, defense, war, inflation, cold war. Indeed, emergency appears to have become the new kind of normalcy. National emergencies tend to favor improvisation by government. Yet with all our improvising, our 'putting out of fires,' our apparent activation by events instead of deliberate activation of events, we have emerged with a discernible pattern of domestic and foreign policy and, most important, with an acceptance of the idea that government should consciously plan a strategy for anticipating and meeting domestic and foreign emergencies at the operational level."
>
> Industrial College of the Armed Forces,
> *Emergency Management of the National Economy*
> 1954 (p. 69)

Emergency as a new kind of normalcy—it is a curious and apparently paradoxical formulation. It could point to two entirely different circumstances. It might suggest a situation in which emergency declarations that create exceptions to normal government become so pervasive that, in a familiar phrase, the exception becomes the norm. Alternatively, it could signal a situation in which emergency government is no longer exceptional government; in which it is part of "normalcy" in the sense that is normed, has routines, is regulated according to principles of economy, and constrained by principles of limitation. It seems to me that this ambivalence relates to at least some of what Ben Anderson has in mind when he refers to the "tensions" in the very concept of "governing emergencies."

I begin with this quotation from the Industrial College of the Armed Forces in 1954 because it locates us in the moment—and amid the set of circumstances—in which some of these tensions were being worked out in the United States. Before turning to this moment, and these circumstances, I want to introduce a conceptual distinction that will organize my comments. The distinction, which is derived from Foucault, is very basic and simple, but it is not always carefully observed.

In Foucault's familiar formulation, a *governmental rationality* refers to rationalization with respect to the specific reality of the thing being governed. It comprises practices of knowledge generation, techniques of intervention, and institutional arrangements. We might add that the "thing being governed" is not external or prior to these practices, techniques, and arrangements, but is rather constituted by them. What a governmental rationality does *not* entail is a specification of the governor. So, for example, emergency preparedness can be practiced, and is indeed practiced, in schools, by families, by private corporations, by militaries, or by governments of nation states.[1]

A *political rationality*, by contrast, specifies the domain of *political* government. It thereby entails a particular kind of normative question: what, to use another familiar formulation, is the agenda and the non-agenda of *political* government? What lends a particular set of governmental aims or techniques political legitimacy? To speak of a political rationality does not entail a rigid set of answers to such questions. Instead, it suggests a mode of posing them, a particular style of reasoned justification for drawing a line between what government *ought* to do and what government ought *not* do.[2]

Now obviously this distinction between governmental rationalization and political rationalization is purely nominalistic. Both conceptually and in practice these two registers are intertwined. Thus, in what follows I will refer to a "political technology of emergency preparedness" that operates on both levels simultaneously, though differentially, to shape the contemporary topology of American emergency government.

"Crisis Government" in the United States

Emergency government has been episodically contentious throughout American history, particularly during times of war, when American Presidents often invoked broad constitutional powers rather than specific enabling statutes to justify executive actions. But in the middle decades of the 20th century the problem of what was frequently called "crisis government" gained a new kind of persistence. For reasons that will soon be apparent, crisis government took on a new shape in President Roosevelt's initial response to the Great Depression, and in the struggles over executive power that followed it. These struggles continued through World War II, during which an apparatus of emergency government was assembled to mobilize American industry for military production. After the war, this apparatus was installed in peacetime institutions that were created to organize the permanent state of military-industrial preparedness that was thought to be required by the Cold War, and to manage economic mobilization during the "hot" war in Korea.

Depression, defense, war, cold war: these were the problems that made emergency seem to be the new kind of normalcy in the middle decades of the 20th century. In reflecting on this moment today, when emergency government is configured very differently, the circumstances are strikingly unfamiliar. In this period, the period during which the American pattern of emergency government took shape, emergency government referred primarily to emergency *economic* government.[3] Depression was addressed through "emergency" expenditures on unemployment payments and public works. Bottlenecks in military-industrial production were addressed through stockpiling or selective government investment in productive capacity. Imbalances in production programs were addressed through government allocation schemes.[4] It was out of and around these problems of *economic* emergency that a "discernable pattern" of emergency government emerged, roughly between the 1930s and the early 1950s.

Returning to my initial distinction, these developments can be located, in part, at the level of governmental rationalization: new knowledge practices, new techniques of intervention, new objects. But they can also be located at the register of political rationalization, in new kinds of critical reflection on governmental form, and novel justifications for certain kinds of governmental practice. On this latter register of political rationalization, a particularly significant role was played by a group of liberal Progressive reformers who tied the problem of emergency to much broader political transformations.[5] They argued that the dynamics of modern urbanization and industrialization placed radically new demands on government. Most significant were economic upheavals and mobilization for total war, which required decisive and forward-looking management, as well as extensive input from technical experts. The problem, the reformers held, was that the traditional institutions of American democracy—dominated by the courts and the legislature—did not provide powerful executive authority to manage crises or to institute rule by experts who could grasp, even anticipate, the social and economic dynamics of modern society. As these reformers saw it, the question posed by the Great Depression and the specter of war was whether it would be possible to meet what the reformer Charles Merriam referred to as the "stern demands" of modern government without destroying the foundations of liberal democracy.

No doubt this is all beginning to sound familiar. The issues raised by Progressive reformers echoed the much better known arguments about crisis, liberal democracy, and emergency government that were being advanced in this period by the German jurist Carl Schmitt. As the political theorist William Scheuerman has noted, a central role in Schmitt's thought was played by economic emergencies, which he saw as "anti-political" in a very specific sense: Economic emergencies demanded purely technical rule—rule by experts—that could be accomplished only by suspending the constraints and deliberative pace of constitutional government, and instituting unrestrained sovereign power. So in Schmitt's view there is a governmental rationality of emergency, in the sense of an expert rationality for governing crisis situations. But political rationality—which includes the question of what political government should and should not do—has no place in the event of an economic calamity. Only dictatorships, Schmitt famously concluded, can address the demands of crisis government.

Schmitt's challenge was acutely felt in the United States during those episodes of economic upheaval and war that followed the "halcyon" 1920s. The American reformers I have referred to were intimately familiar with the situation in Europe. They felt compelled to respond to the challenges presented by Germany, Italy, and Russia, where, many observers argued, dictatorships had avoided the crippling depressions that afflicted liberal democracies. These debates about dictatorship and crisis government also featured centrally in American politics during the 1930s. Some supporters of the New Deal argued that Roosevelt had to assume dictatorial powers to combat the depression.[6] Conservative critics, meanwhile, argued that the measures of the early New Deal were *already* an attempt to amass dictatorial powers. In their view, crisis government, at least during peacetime, was simply incompatible with American democratic traditions.

The Progressive reformers navigated this contested terrain by defining a third path. Contrary to the other two positions, they insisted on the possibility of a *political* rationality of emergency. This was not merely a theoretical or political philosophical claim. More importantly, they invented a new political technology of emergency preparedness, through which they aimed to transform the *possible* accommodations between emergency government and American political institutions. This political technology—which, we should bear in mind, was invented with the emergencies of great depression and in particular war mobilization in mind—was comprised of three elements.

1. First, it involved administrative devices for addressing emergency situations without recourse to a state of exception. This included a significant expansion of the Executive Branch—through measures such as the creation of powerful expert advisory committees—as well as provisions that allowed the President to reorganize and reequip the Executive Branch in response to ever-changing circumstances. It also involved legislative acts that created specific executive powers to manage emergencies *prior* to their occurrence, so that emergency declaration during a war or some other calamity would be based on powers delegated to the executive by the legislature, not on exceptional acts of pure executive or sovereign will.
2. Second, this political technology of emergency preparedness involved techniques for generating anticipatory knowledge of future events. If preparedness measures were to be planned and instituted during peacetime, and emergency powers provided for through normal legislative processes, then it was necessary

to understand the *possible* contours of emergency in advance of events themselves. From the 1930s to the early 1950s a whole series of techniques—such as resource inventories, lists of vital facilities, interdependency analyses, vulnerability assessments, and very primitive simulations—were developed in the service of "emergency models" of the economy that anticipated wartime production needs.

3. Third, this political technology of emergency involved regulatory devices to prepare for a mobilization emergency and to improve the management of emergency government. Among these were mechanisms such as stockpiling, measures for maintaining surge capacity during peacetime, and, particularly in the early Cold War, action plans for emergency government organization.

Initially—during the Great Depression and World War II—this political technology of emergency preparedness was established on what was understood to be a temporary basis, for the duration of the emergencies themselves. But in the early years of the Cold War this political technology became a more or less permanent feature of American government. It defined what the Industrial College of the Armed Forces, in 1954, called the "discernible pattern" in American emergency government.[7]

It is in light of this new political technology of emergency preparedness that we have to weigh the meaning and significance of the Industrial College's proposition that emergency had become the new normalcy. For in the space between crisis government—the term frequently used in the 1930s and 1940s—and emergency preparedness—a term that was only widely used after World War II—a substantial mutation had taken place in the topology of emergency government. It is only in the relatively distant mirror of mid-century debates—when emergency economic interventions were thought to pose fundamental challenges to democratic institutions—that we can understand the significance of the fact that today most aspects of emergency government simply do not pose the kinds of problems that "crisis government" was thought to pose in the 1930s. Whether or not events are discussed using a rhetoric of crisis (and here of course I have Janet's work in mind) it seems striking that in important respects emergency government does not precipitate crisis; it does not introduce states of exception; it does not suggest any kind of epochal turning point, in which the very fate of the American governmental system is at stake.

In saying this I don't mean to suggest that this political technology of emergency preparedness has been successful in a technical sense – certainly, this American "solution" to the dilemmas of crisis government has created its own problems, and its practical failures are legion.[8] Nor do I mean to deny that the problems of crisis government that preoccupied reformers in the 1930s are still with us in certain domains. But when compared to the situation in the middle of the 20th century, the horizon of these problems has been dramatically pushed back. Moreover, what is perhaps more striking, they no longer occupy the domain of what is now called emergency management.

Governing Emergencies at the Limits of the Economic

So where, then, might we more plausibly locate the contemporary problem of emergency government? In my remaining time I want to very quickly suggest a general orientation to this question by charting the paths that lead from the unfamiliar contexts of depression and war mobilization to the more familiar contemporary formations of emergency government. Here, three broad historical steps are relevant:

- First, in the aftermath of World War II, the military-industrial mobilization agencies began to concern themselves with an eventuality that was entirely foreign to wartime mobilization: a massive and devastating atomic attack on the United States. Mobilization planners became urgently concerned with the vulnerability of military-industrial production systems and with the reduction of that vulnerability.
- Second, with the advent of hydrogen bombs and in light of the anticipated future development of long-range missiles, war planning increasingly focused not on long wars with sustained periods of military-industrial production but on short exchanges of nuclear missiles followed by desperate efforts to organize national resources for survival and recovery. If "emergency preparedness" and "emergency management" were previously in the service of military-industrial production, then roughly from the mid-1950s to the early 1970s, and still within the domain of nuclear preparedness planning, we observe a process of "autonomization." Emergency preparedness and emergency management

became governmental aims in and of themselves.[9] In the course of this development two problems assumed center-stage: ensuring the wellbeing of populations in the wake of a nuclear attack, through measures like emergency medical services and other forms of disaster relief, and ensuring the continued functioning of those "essential services"—or, to use a later term, "critical infrastructures"—upon which the economy and basic livelihood of the population depends.

- Third, if "emergency government" was initially institutionalized to manage war emergencies, this specification was lost over time. As preparedness for thermonuclear war became increasingly unthinkable—with the development and proliferation of ever-more-powerful weapons—other kinds of events increasingly occupied the emergency management agencies. During the 1960s and 1970s attention focused on events like natural disasters, terror attacks, and infrastructure disruptions resulting from blackouts or foreign embargoes. Later—and here the story begins to approach the present—the list would expand to include other kinds of events, such as new and emerging infectious disease and cyber-attacks.[10]

There are a lot of dynamics at work in these transformations of emergency government. We can say, on the one hand, that the domain or problem space of emergency government shifts – from economic emergency to nuclear attack to a range of other domestic events. We can also say that the objects of emergency government shift, from the national economy to the population and the vital systems upon which the polity and economy depend. But I think something else is at work here that is linked to a fundamental transformation in political rationality in the United States (and in many other countries) in the second half of the 20th century.

In the 1930s and the 1940s it was broadly assumed that the institutions of emergency government had an expansive role to play in managing the economy. As late as the early 1950s, emergency measures were the most important instrumentalities in economic government.[11] Even as the aims and objects of emergency government shifted, the emergency agencies continued to administer economic interventions to manage current and future crises. Among these were: allocation programs to deal with shortages of certain key materials; import control programs to maintain domestic production of vital commodities like oil, to prepare for a future crisis in which foreign supplies were cut off; and price control programs, which were instituted periodically, up to President Richard Nixon's wage-price freeze in the early 1970s.[12]

But over the same period[13] we also observe a process through which instruments of emergency economic government were gradually stripped away. This process was partly due to the withdrawal of economic controls following the Korean War. But it was also the product of a critique—and I think it is appropriate to call it a liberal or neoliberal critique—that, while not of course entirely new, gained new force and took novel forms during this period. This critique—which was very diffuse, and was articulated across multiple domains—argued that economic measures designed to address emergencies imposed unacceptable costs on the "normal" functioning of the economy. For example, the oil import control program raised prices for domestic gasoline[14] and created resource misallocations, as inefficient producers continued to operate. Moreover, this critique held that the phenomena that previously justified emergency interventions could simply be left to the workings of the market, or to more routine and modulated interventions into the social and economic fields—the "normal" work of biopolitical government. Thus, if there was a shortage in certain vital materials or industrial products then markets could be relied upon to restore a balance between supply and demand. Inflation should be addressed not through costly emergency interventions such as price controls but rather by treating it as a monetary phenomenon, everywhere and always, to be governed through regulation of the money supply.

Bringing this story to the present, and to its conclusion, a similar kind of critique has been at work in many domains of contemporary emergency government. Even as mechanisms of emergency government have proliferated to ever more domains of political administration, we see a kind of counter-tendency to limit these interventions to cases of irreparable "market failure," to scale back and circumscribe interventions that are deemed too costly, or to design interventions—and targets of intervention—that allow new kinds of accommodations between emergency government and the workings of markets. Thus the critique that has developed since the 1960s of the perverse effects of relief measures in areas such as famine response and natural disaster policy, and their replacement by mechanisms such as insurance, vouchers, or cash transfers. Thus the shifting focus of preparedness measures from allocation or pricing mechanisms to the security of vital system, whether financial systems, cyber-systems, or energy infrastructures. And, thus, the proliferation of regulatory devices that manage the effects of catastrophe, or reduce the likelihood of catastrophe, through market-like mechanisms, such as carbon taxes or, again, catastrophe insurance.

This is all too fast, but based on these reflections, I would like to at least put on the table the following very stylized picture of the recent transformations and problematizations of emergency government: In the middle of the 20th century the central problem of liberal critique was to create a political technology that would make possible a greatly expanded emergency government without a state of exception. Today, that problem, though widely discussed, is relatively marginal, and a different dynamic predominates. Emergency is defined largely as something that escapes the "normal" domain of the economic, but that must also be accommodated to the workings of the economy. To the extent that this very stylized story is true, we could say that it is the limits of liberal economy rather than the limits of liberal democracy that are most pervasively and provocatively tested in the contemporary government of emergency.

---

[1] A history of governmental rationality might focus on the process through which techniques and practices are invented and then redeployed from one problem-area and institutional domain to another. It turns out that the "discernible pattern" of emergency government that the Industrial College of the Armed Forces referred to in 1954 already included many techniques that were subsequently disseminated and helped to constitute many domains of emergency government. Familiar contemporary techniques such as stockpiling; the maintenance of reserve or "surge" capacity; interdependency analysis; vulnerability assessment; lists of key facilities or emergency items;

catastrophe modeling; criticality evaluations; and continuity of operations planning were all more or less in place—or had at least been conceived—by 1954.

[2] Thus, returning again to the quote from the Industrial College of the Armed Forces, we would be concerned in particular with the phrase: “government should.” By this time, it was not merely that a set of techniques, devices, policies, and norms of emergency government had been invented. It is also that a particular way of posing this question of political rationalization had taken shape, one that is more or less within the frame of the contemporary.

[3] It is notable that in tracing this story to the period that stretches from the Great Depression to the early Cold War—and thereby, to the question of emergency economic government—is we located the beginnings of emergency government at an origin point of American biopolitics. In the 1920s the American federal government was virtually unrecognizable. In purely quantitative terms it allocated a tiny portion of national product. It was constrained by narrow interpretations of federal prerogatives in relation to the states and private interests, and of executive powers in relation to the other branches of government. Legislative rather than executive power predominated. All of this began to change with the response to the Great Depression. And precisely what is interesting is how the problem of emergency government and economic government were linked at this point. Most New Deal measures to alleviate the Great Depression were emergency measures. Modern economic government, in other words, initially took the form of emergency government—and the origins of emergency government, understood as a permanent institution, can be located in the response to evolving response to the Great Depression.

[4] It is for this reason that an organization like the Industrial College of the Armed Forces—the center of military thinking about economic mobilization for war—was acutely concerned with, and involved in, American emergency government. The same was true of other mobilization agencies both during and after World War II: the War Production Board; the Office of Emergency Management; the National Security Resources Board; the Office of Defense Mobilization, and others. These were the centers—at least within governmental organizations—of reflection on the problem of emergency government, and these were, in the United States, the first emergency management agencies.

[5] This group included Louis Brownlow, Luther Gulick, Herbert Emmerich, and the best known, but probably unknown to this audience, Charles Merriam. Bronlow, Gulick, and Merriam initially developed their ideas through their work on local government, but soon turned similar arguments to the Federal Government during the New Deal. They, along with other reformers, played a variety of significant roles in the New Deal, in the creation of a wartime emergency state during World War II, and in the creation of a peacetime emergency state in its aftermath.

[6] As Alfred Smith put it, during the depression, as during war, the constitution had to be put on the shelf

[7] One year after these words were written, the United States Government hosted a planning exercise for nuclear war called Operation Alert. This several-day exercise simulated a nuclear war for a host of top elected and appointed officials. As reports of bomb damage and casualties came in, President Dwight D. Eisenhower concluded that the situation in the country would be one of utter chaos. He declared partial military law. Much like Franklin Delano Roosevelt’s declarations of a limited national emergency following the German invasion of France in 1941, this was a neologism, an improvisation. The category of partial military law was not defined in any statute, and in this sense had no meaning. It was crafted to imply some kind of distinction from a unlimited national emergency—or unlimited military law. But the very fact that the category had been created in the very act of its declaration indicated a movement into an unmoored space. The declaration of a limit paradoxically demonstrated precisely that there was no limit. But in the case of Operation Alert this was, of course, a preparedness exercise that, for many participants, served precisely the purpose that all such exercises are meant to serve: to demonstrate that, at least in some important respects, we are unprepared. In massive Congressional hearings that followed the exercise, the legal scholar Charles Fairman had a telling exchange with the presiding senators. A great deal of discussion had emerged following Operation Alert about the need to ensure that the military was prepared for the role that Eisenhower had, apparently, anticipated for them. But for Fairman the lesson was not that the military—and, presumably, the federal government—had to be prepared for military rule. Rather, it was that the federal government had to be prepared to avoid military rule; that the disorder and governmental chaos Eisenhower predicted would accompany an attack had to be prevented through preparedness measures. This, in any case, is

the one of problems or tensions around which emergency has been made a new kind of normal: administrative devices…

[8] In many cases, the limitations imposed on emergency government—whether these are limitations of central power in relationship to states and localities, or limitations on executive power in relationship to the legislature, or even limitations on military power with respect to civilian government—have limited the effectiveness of emergency preparedness and emergency management in the United States.]

[9] The other side of this story is a process through which economic management functions—such as price controls, import restrictions, and stockpiling functions—were either rolled back or stripped away from the mobilization agencies. due to a series of transformations that are fundamental to the evolution of economic governmentality in the second half of the twentieth century, the kinds of emergency economic interventions wielded by the mobilization agencies were critiqued as being too rigid, too interventionist, and too costly in terms of their implications for economic efficiency, and they were gradually stripped away. This is not of course to say that functions of emergency economic intervention were curtailed, but that they were displaced to other loci of governmental intervention.

[10] This transformation is evident even in the successive names of these agencies: the Office of Defense Mobilization was succeeded by the Office of Civilian and Defense Mobilization, which was succeeded by an Office of Emergency Planning which was succeeded by an Office of Emergency Preparedness—itself a predecessor to the Federal Emergency Management Agency, which persists to this day as the lead emergency management agency in the United States.

[11] The mobilization budget accounted for most of the federal budget in the United States. The head of the Office of Defense Mobilization was referred to as the second most important person in America after the President himself, in no small part due to the outsized impact of mobilization policy on economic life.

[12] This program of price controls, notably, was managed by the Office of Emergency Preparedness, the descendent, through a few generations, of the Office of Defense Mobilization; the powers under which the Office acted had initially been established for economic mobilization during the Korean War.

[13] Specifically over the period from roughly 1953, when many of the emergency functions of the Office of Defense Mobilization were curtailed, and that office was merged with the National Resources Planning Board, to 1972, when the Office of Emergence Preparedness was abolished, along with many of the remaining emergency economic controls.

[14] US domestic prices were higher than in Europe through the early 1970s—a remarkable contrast to the contemporary situation in which European prices are much higher due to gas taxes.