

The Urgent and the Important: Political Resistance During a Pandemic

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The author discusses the coincidence of the COVID-19 pandemic and Black Lives Matter protests that occurred in the summer of 2020 and scrutinises the alleged tension between careful quarantine and political protest. The author suggests this tension is a false one that results from an urgency bias in normative reasoning and political action. The author begins by outlining a structural conception of injustice and identifies how the indeterminacy of structural injustice can complicate and deter a response. The author then discusses the duty to assist. The author argues that although the duty to assist is often theorised in the context of emergencies, it arises with the same weightiness in the context of structural injustice. There is no necessary priority of emergencies over structural injustices, particularly as what is recognised as an emergency is itself a reflection of structural injustice. Indeed, the pandemic reveals that emergencies and structural injustice are not separate issues. The author describes a view of the pandemic and inequality as manifesting and exacerbating each other—a view under which the protests are also a response to the pandemic itself.

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Introduction

After the police killings of Breonna Taylor and George Floyd in 2020, Black Lives Matter (BLM) marches took place across the United States and abroad, with thousands protesting police violence against Black people and the structural racism it manifests. They did so during the COVID-19 pandemic, a “once-in-a-generation” global health emergency when “stay at home” and “shelter in place” orders were in effect. Superficially, responding to structural racism and to the pandemic are distinct projects and even at cross-purposes: the one requires individuals to stay at home, the other calls them to the streets and to gather in large numbers. Many urged protestors to stay at home and recognise the urgency, and hence immediate priority, of containing the pandemic. In response, others pointed out that police violence was its own pandemic, and that structural racism is a public health crisis as well. How should we, individually and collectively, respond to these seemingly competing claims? Does one have a priority over the other?

Productivity tools distinguish between the urgent and the important.¹ Urgent tasks are generally characterised by specificity and certainty: it is clear what a task requires, by when it must be completed, and what the consequences of failing to do so will be. Non-urgent tasks, on the other hand, do not always admit of such clarity: their targets may be expansive and aspirational, their timelines uncertain, the desired tasks underspecified and, as a result, accountability for non-performance—to others and to oneself—elusive. Many times, urgent and important tasks are one and the same. However, at times the urgent and the important come apart and a bias towards the urgent emerges, preoccupying us with urgent tasks that are relatively unimportant and intruding into our pursuit of the important. We reply to an administrator’s email flagged as “high importance” instead of writing the long overdue letter to a friend, or focus on finalising a syllabus over drafting a new manuscript. Sometimes, this is for good reason: the urgent email is, in fact, of high importance, and beginning the new manuscript is a daunting task the rewards of which are uncertain and distant. But researchers show we sometimes manufacture urgency, focusing on

1. See e.g. “Introducing the Eisenhower Matrix” (7 February 2017), online: *Eisenhower* <www.eisenhower.me/eisenhower-matrix>.

non-important and non-urgent tasks so as to avoid the more difficult—but also more important—work.²

A preoccupation with the urgent and the immediate can interfere with addressing the important and long-term; worse, it can be used as a pretext for denial, deflection, or delay. A version of the urgency bias emerges in other contexts. We focus on curing disease rather than its prevention, on securing justice between an individual wrong-doer and her victim rather than the background conditions against which this wrong-doing occurs, on mitigating the symptoms of problems rather than ascertaining and addressing their root causes. And, I want to suggest, the urgency bias colours our approach to the pandemic and to the choices we apparently have to make. The differences between the pandemic and structural racism, and between the responses they often elicit, might seem to mimic the differences between the urgent and the important, explaining—to some, justifying—a tendency to focus on one over the other. But the pandemic illustrates that this focus is not always reasonable and is sometimes disingenuous, and that in any event, the distinction between the urgent and the important does not always obtain, and the choices we need to make are not so stark. For all the handwringing about the pandemic risks of BLM protests, the evidence is inconclusive that protests led to an increase in the number of COVID-19 cases.³

In this essay, I consider how a version of the urgency bias informs our responses to structural injustice, suggesting a false choice between protest and pandemic and amplifying a sense of the priority of one over the other. I begin by outlining structural injustice and identify key characteristics of it. I then consider duties to respond to structural injustice and question whether there is a moral priority for addressing emergencies. I conclude that it is not straightforwardly the case that protesting structural racism is less important or less urgent than responding to a global pandemic. Indeed, the pandemic suggests that the distinctions between the two are far from stark, and that responding to the pandemic *entails* responding to structural racism. This will not definitively spell out the specific actions we should undertake as moral agents and citizens; however, insights from normative theory can clarify the distinction between the urgent and the important, alert us to a tendency to selectively imbue some circumstances with urgency whilst normalising others,

2. See Meng Zhu, Yang Yang & Christopher K Hsee, “The Mere Urgency Effect” (2018) 45:3 *J Consumer Research* 673.

3. See e.g. Tanya Lewis, “How to Evaluate Coronavirus Risks from Black Lives Matter Protests”, *Scientific American* (22 June 2020), online: <www.scientificamerican.com/article/how-to-evaluate-coronavirus-risks-from-black-lives-matter-protests/>; Dhaval et al, “Black Lives Matter Protests and Risk Avoidance: The Case of Civil Unrest During a Pandemic” (2021) National Bureau of Economic Research Working Paper No 27408, online (pdf): <www.nber.org/system/files/working_papers/w27408/w27408.pdf>.

and caution us against the temptation to prioritise the easy and obvious over the important and complex—and to in fact use the former to waylay the latter. While the pandemic has renewed attention to social and political injustices, the exigencies of the pandemic can also be used as cover for political repression.⁴

I. Responding to Structural Injustice

Justice may be understood broadly as pertaining to the distribution of resources in such a way that respects the moral equality and autonomy of persons. Disagreement about the requirements of justice will turn on, among other things, the relevant class of persons, the resources to be distributed, and what principles of distribution the moral equality and autonomy of persons generate. Call this the “standard account”. On this account, injustice arises when a just distribution of resources, however conceived, does not obtain: when the law denies a class of persons equal treatment, when being born into a poor family over-determines an individual’s life chances, or whenever individuals are placed in relations characterised by domination and subordination.

Like the standard case, structural injustice is not beholden to a particular conception of justice—of what, for example, equal treatment entails or what resources ought to be redistributed. Rather, structural injustice departs from its standard counterpart in two related respects: the relevant *sites* of injustice and the *mechanisms* by which it is perpetuated. In standard accounts, public institutions loom large as both the sites and mechanisms of justice. In John Rawls’s formulation, principles of justice apply to the “basic structure”: the major social institutions that “assign fundamental rights and duties and shape the division of advantages that arises through social cooperation”⁵—in short, those institutions, like the political and legal order and the market, that determine how an individual’s life will go. Structural accounts look beyond major social institutions, focusing also on the benign processes and practices that often are not institutionalised, that are unconsciously engaged in, but that together can unjustly burden an individual’s life-chances. In Iris Marion Young’s illustrative example of Sandy, a single working mother made homeless, a confluence of factors, such as urban planning decisions, the availability of public transportation, tenancy regulations, and social beliefs, including Sandy’s, about the desirability of suburban living, render Sandy homeless. This confluence falls short of conspiracy or even coordination, however, because an

4. See Adam Gopnik, “Politics, Protests, and Pandemics”, *The New Yorker* (17 February 2021), online: <www.newyorker.com/news/daily-comment/politics-protests-and-pandemics-covid-19>.

5. John Rawls, “The Basic Structure as Subject” (1977) 14:2 *Am Phil Q* 159 at 159.

important element of structural injustice is the unwitting and unwilling nature of the agents who help bring it about. Sandy's homelessness arises with no malevolent actor in sight (indeed, a well-meaning real estate agent features in the story). Rather, structural injustice is perpetuated through benevolent agents adhering to seemingly benevolent rules governed by innocuous norms.

Theorists of structural injustice do not disagree, therefore, that structure is the appropriate subject of justice; they only urge a more expansive and less "reified" conception of structure.⁶ This latter conception, however, has significant implications. For one, it means that the site of justice is untethered to those institutions the state regulates and extends into norms, cultural practices, and everyday behaviour, many of which typically are seen to fall outside the sphere of justice.⁷ On this conception, the scope of justice, and hence injustice, is far less limited, and snubs the distinction between the public and the private that is so central to liberal understandings of political order and individual freedom. Second, it abandons the domain of explicit action intentionally undertaken by agents that knowingly or ascertainably results in harm. Structural injustice does not concern itself with the statute expressly targeting racial minorities or the racist deliberately using an epithet; it focuses instead on unconscious norms and the confluence of individual decisions, shaped by *past* decisions and structures. This means that individuals will inadvertently perpetuate injustice, including when they seek to dismantle it. And finally, this conception calls for scepticism about its remedy: given the complex and uncertain interrelation between different elements of structural injustice, changing one element, ostensibly to redress injustice may in fact redound to the opposite effect.⁸

If standard accounts of justice aim to prescribe what a just society would look like, accounts of structural injustice seek to diagnose why a society that is just on its face nevertheless results in injustice and oppression. The very nature of the diagnosis, however, tells against prescribing a cure. For while standard accounts of justice provide some measure of certainty—of the requirements of justice and of when these requirements have been met—structural accounts are characterised by uncertainty: on where the bounds of justice extend, on whether some seemingly innocuous practice in fact caused some particular injustice, and on whether a possible remedy would in fact act as such. If standard accounts of justice lend themselves to action, structural accounts tend towards paralysis.

This paralysis is exacerbated by uncertainty over which agents should be undertaking these actions. There is uncertainty about the appropriate principles

6. Iris Marion Young, "Political Responsibility and Structural Injustice" (Lindley Lecture paper presented at the University of Kansas, 5 May 2003), online: <kuscholarworks.ku.edu/handle/1808/12416>.

7. See e.g. Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (New York: Basic Books, 1983).

8. See Young, *supra* note 6 at 6.

for allocating responsibilities. Should, for example, remedial responsibilities be allocated to those who can most efficaciously act to defeat structural injustice; to those who have benefitted, however unwillingly, from injustice; to those who have contributed to the perpetuation of unjust practices and norms; or to those who stand in some particular relationship to wrongdoers or victims?⁹ And even when a principle or principles can be agreed upon, it is unclear *which* individuals they will pick out as, for example, beneficiaries or contributors. This is not only an empirical but also a conceptual challenge: it is a feature of structural accounts that the lines between victims, perpetrators, and bystanders are blurred, and that individuals can occupy more than one role—that victims can contribute both to their own oppression and the oppression of others.¹⁰

Structural accounts of injustice make two significant contributions to normative theorising about injustice: they identify some of the outcomes of putatively fair institutions as unjust, rather than only unfortunate or apt, unsettling what would otherwise be a normalised state of affairs. And they provide a diagnosis of how this state of affairs is produced by seemingly innocuous practices and norms. These contributions are limited, however, by vagueness. Structural accounts therefore point to the need for a remedy, identifying the need for action without being especially action-guiding. This opacity and resulting indeterminacy partly accounts for why responding to structural injustice is delayed—why discrete wrongs and emergencies are prioritised, like the unimportant email over the letter.

II. Prioritising Emergencies

In 1972, Peter Singer argued that a stranger who came upon a child drowning in a shallow pond had a duty to rescue the child, even if doing so would make his clothes muddy. Call this the paradigm case. Assuming this is a widely shared intuition, Singer extracts the following principle: “[I]f it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it”.¹¹ Applying this principle beyond stagnant bodies of water has far ranging implications: “[O]ur lives, our society, and our world would be fundamentally changed”.¹²

By way of illustration, Singer applies the principle to the millions dying in Bangladesh: a combination of civil war, climate disaster, and long-term poverty have together produced more than nine million refugees who lack

9. See David Miller, “Distributing Responsibilities” (2001) 9:4 J Political Philosophy 453.

10. See e.g. Ann E Cudd, *Analyzing Oppression* (New York: Oxford University Press, 2006).

11. Peter Singer, “Famine, Affluence, and Morality” (1972) 1:3 Phil & Pub Aff 229 at 231.

12. *Ibid.*

food, shelter, and medical care. Their plight is not, Singer notes, “unavoidable in any fatalistic sense of the word”,¹³ nor, I would add, has it been brought about deliberately. But this plight is preventable and remediable; that it persists is because individuals and governments have not taken the necessary action, unwilling to make the insignificant sacrifices—to muddy their clothes—that would bring about significant improvements in welfare for others.¹⁴

Many have balked at Singer’s conclusions. Although typically accepting there is a duty to assist the drowning child, they resist the implications Singer draws. Some point to differences between the paradigm case and these wider contexts, differences such as physical proximity or shared political membership, and argue that these are morally salient.¹⁵ Others do not query the analogy with the paradigm case but object that when applied to wider contexts the duty would become overly demanding.¹⁶ And others limit any given individual’s duty by taking into account whether or not everyone else is doing their fair share.¹⁷ By these lights, morally salient distinctions weaken the basis of the duty, and even when they do not, these duties are limited—either way, the world, morally speaking at least, would not be as “fundamentally changed” as Singer envisions.¹⁸

A putative difference I want to focus on is one that denies the analogy at all: the stranger coming upon the drowning child confronts an *emergency*, which can be characterised as a situation that is grave, unexpected, and requires immediate attention.¹⁹ The paradigm case is the quintessential emergency: the

13. *Ibid* at 229.

14. Singer writes:

When we buy new clothes not to keep ourselves warm but to look ‘well-dressed’ we are not providing for any important need. We would not be sacrificing anything significant if we were to continue to wear our old clothes, and give the money to famine relief. By doing so, we would be preventing another person from starving . . . [W]e ought to give the money away, and it is wrong not to do so.

See *ibid* at 235.

15. See e.g. FM Kamm, “Does Distance Matter Morally to the Duty to Rescue?” (2000) 19:6 *Law & Phil* 655.

16. See e.g. George W Harris, “Integrity and Agent Centred Restrictions” (1989) 23:4 *Noûs* 437.

17. See e.g. David Miller, “Taking Up the Slack? Responsibility and Justice in Situations of Partial Compliance” in Carl Knight & Zofia Stemplowska, eds, *Responsibility and Distributive Justice* (New York: Oxford University Press, 2011) 230.

18. Singer, *supra* note 11 at 231.

19. The Oxford English Dictionary defines an emergency as “A juncture that arises or ‘turns

child's life is in danger, her situation is unexpected and therefore unforeseeable, and without immediate action, she will perish. These factors yield others. The immediate action required is finite and self-contained, and given the unusual nature of her predicament, will be required relatively rarely: having discharged his duty, we can imagine the capable stranger carrying on with his day and week and month, his plans and projects largely unperturbed.

Confronting global poverty is of an entirely different order. Global poverty is not sudden or unexpected; it is not a random event but a complex problem with many longstanding causes. As a result, the action that is required is neither immediate nor finite—responding to global poverty could require far greater sacrifices over a lengthier period of time, imposing greater costs, and intruding into individuals' ability to pursue their particular projects. Our capable bystander would not be able to go on, muddled, with his day; he might instead have to spend a large part of it rescuing children from ponds. The complexity of global poverty does not only mean greater effort is required to secure a remedy; it also means that what such a remedy consists in and how best to bring it about is far from clear. Alleviating global poverty is not obviously or only a matter of transferring funds. Global poverty, like structural injustice more generally, is indeterminate.²⁰

The complexity and opacity of global poverty is, at least in part, why it is an enduring feature rather than a freak accident. The long-standing and seemingly intractable nature of global poverty means it easily becomes normalised: those with a duty to assist become inured to the suffering of others, failing to notice this suffering, or tempted to see it as someone else's problem, as deserved, or as unavoidable—the poor, after all, will always be with us. And what was once shocking becomes easily ignored or rationalised: children have been drowning in the Mediterranean for some years now.²¹

Global poverty, in short, is an instance of structural injustice: it is complex, opaque, enduring, and easily normalised. The essential principle remains the same, however: if great harm can be avoided at relatively little cost to ourselves, then we have a duty to so act. The complexity and opacity of global poverty means that it is less clear how we ought to act, but this only means that our duty

up'; *esp.* a state of things unexpectedly arising, and urgently demanding immediate action." See *Oxford English Dictionary* (New York: Oxford University Press, 2021) sub verbo "emergency".

20. This indeterminacy is epistemic, in that it is unclear how to respond, and it can also be moral, in that in some cases, whether there is a wrong to address (as opposed to merely a misfortune) and who has a duty to address it will be unclear. See Violetta Ignieski, "Distance, Determinacy, and the Duty to Aid: A Response to Kamm" (2001) 20:6 *Law & Phil* 605.

21. See Marco Procaccini, "Two Children Drown Every Day on Average Trying to Reach Safety in Europe", *UNHCR* (19 February 2016), online: <www.unhcr.org/news/latest/2016/2/56c707d66/children-drown-day-average-trying-reach-safety-europe.html>.

to assist entails a duty to inquire how to assist, and if our individual efforts of inquiry and assistance are insufficient, then we have a duty to undertake these efforts collectively. Indeed, collectivising these efforts may well mean these duties cease to be as onerous as they might initially appear—that paying our taxes would in fact alleviate global poverty in the way that collectively funding a lifeguard means that most of us do not need to spend our time rescuing drowning children.²² And the enduring nature of these injustices and the ease with which they are normalised should make us wary of our own instincts and intuitions: of what we recognise as unusual and urgent and what we let fade from notice, what we refuse to accept and what we are willing to let become an enduring feature of the political and social landscape.

III. Political Resistance as a Pandemic Response

Both public discourse and normative theorising draw distinctions between the structural and the standard, the long-term injustice and the emergency. Together, these can be used to justify, or at least to rationalise, a focus on some problems over others and to establish an order of priority between them. Among other things, they undergird a belief that structural racism should be addressed only once the pandemic is under control.

As I have suggested, however, these distinctions are not so stark. Structural and standard accounts of justice are of a piece with one another, and our moral duties in emergencies are the same as our duties in non-emergencies—in both cases, complexity and opacity alter *what* responding entails without undermining the duty to respond. There is greater uncertainty, and as a result greater disagreement, about what a remedy consists of, about what actions will secure this remedy, and about which agents should take these actions—but this only changes what the duty requires and frustrates accountability without undermining the existence or weightiness of the duty. We should treat with scepticism, therefore, claims that the very nature of duties to respond to harms in the one case is fundamentally different from the other. Indeed, the difficulty inherent to responding to structural injustice makes it tempting to defer these indefinitely, as is the temptation to focus on the urgent over the important. Less innocuously, this uncertainty can be used, especially by those who benefit from these structures and on whom the duties might be most onerous, to delay and deflect.

One response to the claim that protests are irresponsible in a pandemic, then, is to insist that structural racism is *also* urgent, to point out that there is

22. See e.g. Stephanie Collins, “Duties of Group Agents and Group Members” (2017) 48:1 J Soc Philosophy 38.

a pandemic of political violence,²³ and to draw on the language of catastrophe and crisis to compel attention to what has long been ignored or minimised or denied.²⁴ This response does not question the distinction between the urgent and the important, between emergencies and non-emergencies, but instead queries *where* that distinction is drawn. In doing so, it highlights how easily structural injustice is normalised; the motivated reasoning that informs why it is not recognised as an emergency against which our collective resources should be marshalled; and even when it is, the disingenuous reasons given for deferring any meaningful response.

But the pandemic can also be understood as eliding these distinctions between the urgent and the important, the structural and the standard, and the emergent and the on-going. For one, pandemics are not random events but result from ultimately human decisions about social and economic design. Viruses jump from animal to human carriers as a result of habitat destruction wrought through mining, logging, and human settlement.²⁵ And *how* a pandemic unfolds reflects prior social arrangements, resource distributions, and vulnerabilities. Far from “being in it together” against a unifying threat, the pandemic response and political decision-making reveals political priorities, background assumptions—for example, that staying at home is an option or a safe one²⁶—and unequal vulnerabilities. Put another way, only some children are at risk of drowning in ponds.

This means, finally, that an adequate response to the pandemic *qua* response to the pandemic needs also to be a response to the structural inequalities against which it emerges. It is not the case that the pandemic and structural racism are two equally important but distinct sources of harms and wrongs; rather, it may be more accurate to recognise that each manifests and exacerbates the other. The fact that Black people disproportionately are killed by the police is not unrelated to the fact that Black people are amongst the most vulnerable to the

23. See Osagie K Obasogie, “Police Killing Black People is a Pandemic, Too”, *The Washington Post* (5 June 2020), online: <www.washingtonpost.com/outlook/police-violence-pandemic/2020/06/05/e1a2a1b0-a669-11ea-b619-3f9133bbb482_story.html>.

24. See Robinson Meyer, “The Protests Will Spread the Coronavirus: The Country Should Expect a Spike in Less Than Two Weeks, Public Health Experts Say”, *The Atlantic* (1 June 2020), online: <www.theatlantic.com/health/archive/2020/06/protests-pandemic/612460> (quoting Dr. Maimuna Majumder as stating that “[s]tructural racism has been a public-health crisis for much longer than the pandemic has”).

25. See John Vidal, “Destroyed Habitat Creates the Perfect Conditions for Coronavirus to Emerge”, *Scientific American* (18 March 2020), online: <www.scientificamerican.com/article/destroyed-habitat-creates-the-perfect-conditions-for-coronavirus-to-emerge>.

26. See Catherine Kaukinen, “When Stay-at-Home Orders Leave Victims Unsafe at Home: Exploring the Risk and Consequences of Intimate Partner Violence During the COVID-19 Pandemic” (2020) 45:4 *American J Crim Justice* 668.

pandemic and the least protected by the pandemic response—Black Americans have died at 1.4 times the rate of white Americans.²⁷ “Black Lives Matter” is a call for action not only in terms of police brutality but, it turns out, an apt reminder in terms of a pandemic response.

Conclusion

Responding to the pandemic and to structural racism superficially are in tension with one another; they also seem to be different *types* of problems that call for different political and social responses. The one seemingly is unprecedented, the other long-standing. Clear and individual instructions for responding to the one—“Stay at home; wear a mask; wash your hands”—are unavailable in the other: “Black Lives Matter”, those “three basic and urgent words”,²⁸ restate an obvious truth and issue forth a call to action but do not specify these actions which, in any event, are unlikely to be done within the comfort of one’s home. Everyone is vulnerable to the virus; the police tend to kill only some with near complete impunity. These differences have no moral salience, and in fact should make us sceptical of claims that they do, given the temptations of motivated reasoning.

There is no shortage of wrongs that call for redress—climate change, poverty, gender-based violence, migration—with little consensus on how to address them and in what priority. Two insights from normative theory bear on this: structural accounts of injustice unsettle what we have come to regard as normal or inevitable and identify some of the seemingly innocuous mechanisms by which these wrongs are perpetuated; duties of assistance point to the ways that these seemingly normal states-of-affairs should be responded to as a matter of moral requirement and not charitable virtue. Together, they concede the complexity inherent to addressing structural injustice without undermining the weightiness of the duties to do so.

In responding to these injustices, there will be tasks that are more urgent and important. This is not to deny, therefore, the distinction between the urgent and important, but to recognise that they sometimes result from the same underlying structural issues, and that the one cannot be addressed without the other. A pandemic response that does not take into account racial injustice will not succeed: it will save some at the expense of others. This suggests that we can appreciate and retain the distinction between the urgent and the important

27. See “The COVID Racial Data Tracker: COVID-19 is Affecting Black, Indigenous, Latinx, and Other People of Color the Most” (2021), online: *The COVID Tracking Project* <covidtracking.com/race>.

28. Christopher J LeBron, *The Making of Black Lives Matter: A Brief History of an Idea* (New York: Oxford University Press, 2017) at xi.

but prioritise them with a view towards addressing their common, underlying causes. And we can be cognisant of how prioritising the urgent prevents us from addressing its underlying causes—and provides a pretext for avoiding both the effort of bringing about more fundamental change and the losses such change would impose on those who benefit from the status quo.