



Counterpublic Protest and the Purpose of Occupy: Reframing the Discourse of Occupy Wall Street

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Last October, the night of the 25th, the country was riveted by the protests that resulted from the police evacuation of the [Occupy Oakland](#) site in Snow Park. Between the unforgettable images of police officers in riot gear and the severe head injury dealt to Marine veteran [Scott Olsen](#) by a canister of tear gas fired into the crowd, October 25th marked one of the first heavily-publicized moments of the use of excessive force against Occupy protesters. Not only was there violence later denied by the police, but the media outlets that had been covering the protest specifically did not mention the police actions.



The use of violence by the police, and particularly the seeming media complicity with that violence, marked an important moment in which observers could understand Occupy as a movement with purpose instead of a mere curiosity.

In a blog post on [The Awl](#), contributor Lili Loofbrouw [wrote of that night](#):

I watched on the ABC livestream and read on Twitter as the police charged the crowd with “unlawful assembly” and warned that they had five minutes to disperse before they’d release a chemical agent. I watched as the crowd refused to move. I watched as the police pulled on their riot masks.

And then the ABC livefeed went dead.

My Twitter feed went crazy with reports of tear gas.

I refreshed the livefeed frantically. “This broadcast has ended,” it said.

She notes that both CBS and ABC, which had been covering the protests, cut their livefeeds, and therefore “(whether by accident or in compliance with police orders) enabled the police to tear-gas peaceful American citizens untelevised.” The implication of this statement is

that the media was not only complacent, but *complicit* in the police violence on the night of October 25th. The problem with the coverage of the Oakland protest, as well as the larger problem with covering the Occupy movement, is that the flow of information in America generally comes through means that are private or privatized. In addition to the difficulty of representing Occupy, news stations can just cut their feeds, choosing not to cover certain events. How is someone supposed to have their voice heard, she wondered, when all the means of both speaking and listening have become so increasingly privatized? This realization prompted Loofbourow to move away from her computer screen and onto the streets, joining Occupy Oakland in order to learn more about the movement that she knew wasn't being shown on privatized news sources but also to find a *public* way to express her own views.

At Occupy Oakland, Loofbourow found herself part of a large vote on the rhetorical framing of the strike on Oakland that began shortly afterwards. The proposal, she recalls, was couched in rhetoric that was too extremist for her to support, calling for a strike to shut down the city in the name of "liberation." But as she was preparing to leave, certain that her more moderate views would be unwelcome, there was a call for discussion and a vote. Before her eyes, she writes, the crowd divided itself into groups of twenty in order to discuss the pros and cons of the strike and the rhetoric behind the strike. Each group was small enough that members could be heard, and then one representative from each group related the group's opinions to the whole via the human megaphone.¹ In this way, every person who showed up to the plaza that night had a voice in the proceedings. Despite the fact that she wasn't totally happy with the rhetoric of the strike, being able to share her voice and hear the voices of others — to actually participate in an

exercise of democracy — showed her the value of the Occupy movement.

I bring up this blog post from when the Occupy movement was still relatively new because I think it beautifully displays some of the most important things to notice about the movement. We see demonstrations of the problems with media coverage and use of force, but also an important look at the actual practices of the Occupy movement as a public structure. Compared to the privatized news sources and the closed channels of communication that mark our primary interactions with government policy, we see a plurality of voices and opinions, individual people being heard, and people striving to really talk to each other — whether they agree or disagree.

When we look at the representations of the Occupy movement in the mainstream media, we are primarily given the image of a leaderless group that doesn't know what it wants, and therefore cannot be successful. (How can you change anything if you don't have a specific list of wants and demands?) But I argue that the importance of Occupy Wall Street and the Occupy movement cannot be understood in these terms. By reframing a discussion of Occupy in the theory of *counterpublics* — that is public groups composed of otherwise marginalized individuals whose voices are often ignored — I present a better way of understanding the Occupy movement as a group engaging in effective discursive strategies for creating a world-changing dialogue.

Publics and Counterpublics

Jurgen Habermas's descriptions of the public sphere and public discourse in *The Structural Transformation of the Public Sphere* form the backdrop of any discussion of public discourse. The Habermasian ideal of public discourse

begins with the definition of a public: a group of private individuals, with no affiliation with the state, who come together on an even playing field to discuss issues of common concern using rational critical discourse. In order to come together as a public, people necessarily seek to discuss issues of the *common good*, finding consensus with each other and bracketing those areas where they have different interests. Habermas specifically studies the Bourgeois Public Sphere in the 18th century, which he credits as being a small public that, through creating a space for members to listen and be heard, helped to bring about representative democracy. The primary problem with his attempt to generalize the workings of the Bourgeois Public Sphere is that it represented a fairly homogenous group of interests — those of white, property-owning, fairly wealthy businessmen. But what happens when we want to apply the idea of a public/public sphere to a group of people who are considerably more heterogeneous? Michael Warner's 2002 book *Publics and Counterpublics* and Nancy Fraser's 1990 essay "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" make two of the best-known attempts to extend the idea of publics by utilizing the idea of *counterpublics* or *subaltern counterpublics*.

Nancy Fraser, seeking to create a theory of the public sphere that applies to "actually existing" democracies, is particularly concerned with the way that a public group handles differences in class, gender, and race. Fraser believes that it is impossible to bracket — or set aside — such differences, and that even attempting to bracket differences "usually works to the advantage of dominant groups in society and to the disadvantage of subordinates" (64). Instead, she theorizes that these differences must be brought to the center of discussion in order to make any attempt at achieving a real discussion that takes

varied viewpoints into consideration. The idea that difference should be a primary part of any public discussion is a radical break from the Habermasian ideal of discourse, which suggests that in order to achieve meaningful discussion, a public group must focus only on areas of "common concern." The idea of reaching a consensus about what is "common concern" is, in Fraser's theory of public discourse, a false ideal, and one that only leads to ignoring issues of supreme importance to otherwise marginalized groups. The concerns of these groups, which generally deviate from the "common concerns" of the larger or more dominant population, are often deemed to be "private" issues, rather than public ones, and thus are rhetorically positioned as not suitable for public debate.

Instead of one large public sphere, Fraser suggests that a better way of achieving real democratic dialogue is through a plurality of publics, each representing a particular group or set of interests. By having multiple smaller publics, each of which is made of people with closely aligned interests, the problem of bracketing is lessened because there is a better public arena created in which issues of difference and dissensus can be heard. Fraser refers to publics that specifically serve the needs of otherwise marginalized individuals as *subaltern counterpublics*, which function as "parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs" (67). Participation in a subaltern counterpublic is useful because it gives otherwise marginalized people a space to begin "disseminat[ing] [their] discourse into ever-widening arenas" (67). Fraser uses the feminist movement of the 1970s and 80s, which changed the entire national discourse about women and the problems of women, as an example of how a subaltern counterpublic is able

to create a message and then spread it out beyond their smaller public.

Michael Warner also draws on the idea of multiple public groups, and refers to those publics that represent otherwise subjugated or marginalized people as *counterpublics*. For Warner, a counterpublic is a public group that “maintains at some level, conscious or not, an awareness of its subordinate status,” so a group that understands itself as marginalized and particularly a group that recognizes that outsiders would not want to join the group is a counterpublic (119). Of special importance for Warner is the idea that a counterpublic is a fundamentally discursive space that is constituted through attention — so any particular text that draws the attention of people, and any group of people who give their attention to a text, has created a public. All publics are discursive spaces, according to Warner, but a counterpublic has particular discursive practices that are intended to be world-changing.

The world-changing discourses of counterpublics are discourses that move beyond the narrow conception of what Habermas referred to as rational critical discourse and instead embrace a wide variety of discursive practices. We see practices as diverse as poetic speech, the use of emotion and affect, and use of things other than speech — visuals, music or sounds, and also the sheer fact of many protesting bodies. These techniques are all intended not to *join* the larger hegemonic discourse, but to *disrupt* that discourse, and create the kind of liminal space where change can occur. Warner demonstrates how effective these kinds of discursive moves can be by pointing to the success of [ACT UP](#), which was famous for protesting with “die-ins,” in which members played dead on sidewalks to represent lives lost from HIV/AIDS.



By using language that directly challenged ideas of what was normal or acceptable in public and also by using the presence and display of bodies, ACT UP was able to actually change the way that HIV/AIDS was addressed in public. Other disenfranchised and marginalized groups—ranging from civil rights to workers’ rights—have also affected change by engaging in practices that go against our conceptions of rational critical discourse, as Nancy Welch points out in her 2008 book *Living Room*. In discussing the way that protesters have used means other than rational discourse, we are talking a lot about issues of emotion or affect and uses of the body (picket lines or die-ins). Warner’s idea of the nature and purpose of counterpublic discourse is very different from the way that Habermas discusses public discourse. In claiming that counterpublics seek to change the dominant public discourse, Warner contends that counterpublics cannot engage in the rational critical discourse and consensus-building that Habermas sees as ideal markers of the public sphere.

These concepts of *counterpublics* set up an important theory of public discourse, particularly

when we see groups of marginalized people seeking to change the world around them. It is therefore an important lens to turn on a group like the Occupy movement, which — despite claiming to be the 99% — is made up of individuals who feel that their voices are not being heard in American political and economic discourse.

The Occupy Movement as Counterpublic(s)



I want to apply Warner and Fraser's theories of counterpublics to the Occupy Movement in two key ways. First, Occupy is a counterpublic space, in which individuals who see themselves as marginalized (a majority who are marginalized by unfair institutional policies) come together to engage in the kind of world-changing discourse that Fraser and Warner see as the purpose of a counterpublic. But Occupy also operates as a discursive space in which many smaller counterpublic movements (black caucuses, women's caucuses, LGBT caucuses, and others) are able to find a voice, and thus it is one of the

"ever-widening arenas" that Fraser mentions as important for counterpublic discourse. We can then look at the way that the Occupy movement works to change the national discourse in two different ways, both within theories of counterpublics.

Most of the discussions about what is wrong with the Occupy movement — and these discussions generally come from pragmatic liberals who claim that they'd like to feel sympathy with the movement, not from conservative pundits who simply dismiss the movement — revolve around the way that Occupy does not operate according to Habermasian ideals of public discourse. Occupy uses tactics that are *not* rational critical discourse, including humor, vulgarity, strange costumes, and emotional displays of anger and sadness. They barely even address the outside world and the cameras that get aimed at them (or, at least, the cameras that were getting aimed at them last year). Instead, their human megaphones are primarily used to address each other. They talk about things all over the map, stretching beyond the issues of "common concern." Instead of reaching a consensus of common concern, they bombard us with a million different messages.

There's a lot of factual truth to these critiques. We've all seen pictures of Occupy protesters dressed in ways that make them difficult to relate to.

Most of them don't go out of their way to gain the support of moderate and centrist Americans who view largescale protesting as dangerous or extremist. Even the name of the movement suggests the importance of physical bodies over elements of discourse, so it's no wonder that the American public has trouble understanding their message, especially as it is relayed through the mainstream media. There is also a huge diversity of message, as we see listed in the [Declaration of](#)



[the Occupation of New York City](#). A few of the concerns and reasons for protesting listed in that document are:

- They have taken our houses through an illegal foreclosure process, despite not having the original mortgage.
 - They have taken bailouts from taxpayers with impunity, and continue to give Executives exorbitant bonuses.
 - They have perpetuated inequality and discrimination in the workplace based on age, the color of one's skin, sex, gender identity and sexual orientation.
 - They have poisoned the food supply through negligence, and undermined the farming system through monopolization.
 - They have profited off of the torture, confinement, and cruel treatment of countless animals, and actively hide these practices.
 - They have deliberately declined to recall faulty products endangering lives in pursuit of profit.
- They continue to block alternate forms of energy to keep us dependent on oil.
 - They have participated in the torture and murder of innocent civilians overseas.
 - They continue to block generic forms of medicine that could save people's lives or provide relief in order to protect investments that have already turned a substantial profit.
 - They continue to create weapons of mass destruction in order to receive government contracts.

The complete list is then appended with a note that "These grievances are not all-inclusive."

So, here is Occupy, with a million voices being heard, not talking about things of "common concern," like Habermas says they should, but finding a way to air many different (many would argue *interrelated*, but still different) grievances at once. If we view this movement according to normative rules of public discourse, it's understandable why so many people think Occupy is unsuccessful as an agent of political change. However, when we look outside of Habermasian ideals of discourse and instead seek the theoretical framework of a counterpublic, we can understand the Occupy movement as far more effective.

Despite the fact that the Occupy movement has adopted a rhetoric of the majority (the 99%), the movement represents the voices of people who feel marginalized within the larger political economy. This is largely due to issues of neoliberal privatization. Welch points to the way that increasing privatization has made acts of public protest more difficult, both in terms of physical space (where we see "free speech zones" instead of public access) and in terms of the ideas that are open to public debate. Fraser, Warner, and other scholars (like Lauren Berlant)

show that the dichotomy of private/public is often used as a way to silence the concerns of people who are marginalized by defining their concerns as private. However, Welch uses this language to show how neoliberal economic trends and moves towards privatization create the same problem:

Overall, we can think of this collusion between the individual and economic privacies this way: Individual privacy rights are meant to exclude some of more (personal) matters from public regulation and debate; neoliberal privatization likewise seeks to exclude some or most (business/market) matters from public regulation and debate. (33-4)

One of the problems with a neoliberal economic structure in which once public issues become privatized is that any attempt to create public discourse becomes increasingly difficult, as it is always difficult to create discussion about supposedly “private” issues in public.

Consequently, the Occupy movement struggles against issues similar to those of the feminist and queer groups highlighted by Fraser and Warner. Both feminist groups and gay activist groups had to fight against the portrayal of their interests as something private, in the same way that Occupiers attempt to convey the idea that unemployment, underemployment, and poverty are not *private* concerns, but should in fact be part of a larger public discourse. We need only look at counter-protest groups like [We are the 53%](#) to see that many who define themselves against the Occupy movement do so based on the rhetoric of “personal responsibility,” thus turning the problems Occupy sees as public into private concerns. Similarly, the focus on problems with unregulated corporate control means that the Occupy movement is bringing up issues that are fundamentally private (privatized) and attempting to make them public.

If we look at Occupy as a marginalized counterpublic group struggling to make their message public, their discursive strategies can be seen within the lens of counterpublic discourse. Instead of seeing the movement, both in terms of physical protest and discursive techniques, as ineffective because it strays from normative public discourse — largely ignoring rational critical discourse and refusing to focus on a primary issues of “common concern” — we can look at the way that the movement effectively uses counterpublic discursive strategy. The elements of Occupy that abandon rational critical discourse, although such elements can often be off-putting to outsiders, are discursive strategies that have a long history of creating a liminal space for changing instead of joining dominant discourse. The strong tendency of the protests to speak inwards to themselves — such as focusing the human megaphone inward to speak to the group rather than to the public at large — make much more sense when we consider Nancy Fraser’s belief that the subaltern counterpublic is important as a space for creating counter discourses among themselves prior to addressing others. Even Habermas understood that a public was important for its ability to create discussion *within that public*, as happened with the Bourgeois Public Sphere. Most importantly, though, we can see the value of the plurality of messages coming out of the movement.

While the long list of problems offered by the *Declaration of the Occupation of New York City* has struck many as a problem because it keeps Occupy from having a single (and therefore “actionable”) goal, the plurality of messages and the refusal to stick to a false idea of the “common good” is another of the Occupy movement’s strengths as a counterpublic. By giving many different voices a way to be heard, Occupy acts as a way for smaller counterpublic groups — particularly those defined by gender, sexuality, and race — to have their voices heard.

Although the inclusion of different voices has been imperfect, the presence of caucuses devoted specifically to issues of sexuality, gender, and race have created the kind of widening discursive arenas that Nancy Fraser believes are important for counterpublics. An issue of concern to the women's caucus might be discussed amongst the women and then presented to the larger public at a general assembly. In this way, women's concerns, as well as the concerns of other caucuses, are better heard by the rest of the group.

**What do
Equal Pay
Reproductive Rights
and Sexual Assault
Have to do with the
Occupy Movement?**



EVERYTHING!
We cannot successfully
Occupy Wall Street
unless we also
OCCUPY PATRIARCHY
Please join us at
occupypatriarchy.org and
facebook.com/occupypatriarchy

One of the best examples of the way that marginalized voices have been heard comes from the very beginning of the Occupy movement, when the *Declaration of the Occupation of New York City* was being written. Originally, the beginning of the document read: "As one people, formerly divided by the color of our skin, gender, sexual orientation, religion or lack thereof, political party and cultural background, we acknowledge the reality: that there is only one race, the human race..." Many people of color blocked the passage of that language, and were able to get the final document to read: "As one people, united, we acknowledge the reality: that

the future of the human race requires the cooperation of its members..." This text is far less problematic because it doesn't deny the presence of racism, but rather makes it part of the discourse. And it was heard and voted on because, in this one arena, there appears to be a space for talking about the subtle rhetorical moves of institutionalized racism, and the way that institutionalized racism and classism are related. Here, we see a demonstration of the way that the space created by the Occupy movement serves to open up discussions of difference in the way that Nancy Fraser suggests is necessary for honest public debate.

Considering the Occupy movement within the framework of counterpublics allows us to better talk about the particular discursive strategies that it employs. Instead of holding to Habermasian ideals of public discourse, by comparing the movement's strategies to those of other counterpublic and protest groups, we create a space for better understanding and appreciating the work that Occupy is and can be doing.



Note:

1. The human megaphone is a frequent tool of the Occupy Movement used when local ordinances ban amplified sound. One speaker gives her message, which is repeated by people standing nearby, thereby amplifying the sound with other human voices. [Click for a sample of Robert Thurman, noted Buddhist American Scholar, giving a short speech at Occupy Wall Street.](#)

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