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Everything is Dangerous: Conduct and Counter-Conduct in the Occupy Movement

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How can we conceive of practices of counter-conduct within spaces of resistance? This paper examines practices of counter-conduct in the context of Occupy movements that were keen to emphasise their openness, inclusivity, and their manifestation of processes which facilitate non-hierarchical and radically democratic social relations. As they criticise and work to unmake a global order marked by privilege, violence, alienation and extraordinary deprivation, they claim to embody and explore alternatives rooted in solidarity and empathy. However, such grand narratives can serve to obscure the more contested or ambiguous practices of these movements. In the face of stories and (proclaimed) subjects of emancipation, we explore those instances where resistance breaks down, excludes, ignores, privileges, and where subjects attempt to resist resistance. We do this by mobilising Foucault's concept of counter-conduct that allows for power to be conceptualised as dispersed, networked, and as predicated on unstable and multiplicitous subjectivities. In this context, exploring the processes of counter-conduct of those challenging other forms of counter-conduct does not fall back into a dichotomous position which legitimates the status quo, but both complicates the picture and asks important ethical questions of the form, nature and practice of contemporary resistance movements.

Introduction

On the 17th September 2011, the Occupy Wall Street camp was established in Zuccotti Park, a five minute walk from the New York Stock Exchange. From here, and inspired by the uprisings in the Middle East and North Africa and anti-austerity protests in Europe, the Occupy Movement spread quickly. Thousands of camps sprang up across the world, uniting disparate groups through a broad critique of neoliberal capitalism. It remains one of the largest and most dynamic responses to the global financial crisis, and one which, particularly in the US, captured the public imagination to an unusual degree. The combination of popular involvement, decentralised organisation and prefigurative actions that Occupy drew from and came to embody exemplifies creative and affective forms of resistance to neoliberal capitalism. To 'occupy' has become emblematic of a politics that is inclusive, subversive and active in a manner that both challenges and goes beyond traditional conceptions of politics as (mere) representation of some other ('legitimate') combination of sovereign and subjects.

It is no surprise, then, that a wide range of authors both academic and activist have taken Occupy as a fulcrum for their discussions of contemporary political resistance in a way that opens up and develops new forms of political practice in the post-crisis, post-austerity, post-welfarist era. However, a number of critics both internal and external to Occupy have raised questions about the limits of Occupy's resistance. These relate both to the ambiguities, contradictions and even conservatism of Occupy's message(s), and to Occupy's often problematic internal politics. These limitations relate, we suggest, to a more generalised problematic of resistance, that is, that resistance can never be thought in the absence of or opposition to power, or engaged simply insofar as it 'succeeds' or 'fails'. In order to pull out and engage with these dilemmas, we draw upon the somewhat over-looked element of Michel Foucault's body of work that focuses on the concepts of conduct and counter-conduct. Foucault introduces these concepts as a means to rethink tired and reductive understandings of power and resistance. Urging a move away from binary oppositions of sovereigns and subjects, he looked to excite thinking about power which focused attention on the ways in which subjects become entangled in and performative of complex forms of governance, without losing the capacity to resist, to behave otherwise, and to create themselves anew. For Foucault, the idea of counter-conduct as a practice of transforming the way one conducts oneself and the way one is conducted by others allows for an analysis of power relations in diverse settings, especially in spaces without straightforward dualities.

This paper explores how we might understand practices of conduct and counter-conduct *within* spaces of resistance. While radical social movements are often identified as embodying practices of counter-conduct in response to the conducting gestures of dominant or hegemonic social forces, they also generate their own rules, imperatives, exclusions and, in turn, resistances. As such, the paper seeks to complicate narratives which situate social movements as unproblematically open, inclusive and non-hierarchical. Such often-voiced grand narratives can serve to obscure the more contested or ambiguous practices of these

movements, their multiple internal forms of conduction, marginalisation and silencing. Looking in some detail at the Occupy movement, we highlight those instances where resistance broke down, excluded, ignored, privileged, and consequently where some subjects attempted to challenge the terms and practices of this movement. In identifying the practices of conduct and exclusion mobilised within the Occupy movement, our intention is not to undermine the ways in which the movement made substantial challenges to neoliberal governmentalities. Rather, it is to suggest that an analysis that proceeds through the lens of conduct and counter-conduct can shine light on the ways in which particular power relationships are reproduced even within intentional sites of counter-conduct. Our argument is not simply that this gives a more complete picture of the power relations in operation, but that attention to such processes is a crucial component of developing practices of resistance which do not themselves coalesce into forms of domination.

These arguments are outlined over three sections. The first traces the emergence of the notion of counter-conduct in Foucault's body of work and specifically in his exploration of the art of government. Situated within his understanding of power and resistance, counter-conduct dispenses with the commonly maintained governance-resistance dualism and draws attention to both the micro-physical processes in which subjects become impinged upon by manifold dominations as well as the potentiality of struggling subjects to oppose their conduction, their disciplinarisation and modulation. Resting on a conceptualisation of power as dispersed, networked and as predicated on unstable and heterogeneous subjectivities, the notion of counter-conduct helps open up spaces for critical inquiry, even (or perhaps especially) for analysing spaces which seem to gesture towards alternative forms of politics. The second section turns to the Occupy movement as a form of counter-conduct that sought to collectively oppose neoliberal capitalist conduction and exploitation by creating radically democratic, decentralised and non-hierarchical modes of organisation, seeking to foster non-violent spaces of openness and encounter. In four movements we demonstrates how Occupy participants countered and thereby fractured neoliberal orthodoxies and rationales by conducting themselves differently, by creating alternative social relations in a prefigurative spirit that refused to cater to demands for 'more of the same'.

In the third section we move beyond this analysis of Occupy-as-counter-conduct, and inquire into the ways in which various practices and discourses within the Occupy movement functioned as forms of conduct which served to direct participants in particular (and problematic) ways. Importantly, these forms of conduct did not proceed uncontested; that is, there was counter-conduct to these processes of conduction which operated within the wider space of counter-conduct. We first explore the issue of homelessness in Occupy camps and the ways in which the presence of those without homes was, at times, treated with suspicion or made conditional upon their 'political' contributions to the maintenance of the occupied spaces. The second example revolves around the question of naming, and debates about the colonial foundations of 'occupation' as a political strategy. Finally, we move to the ways in which the 'we are the 99%' slogan itself could function to conduct subjects in certain ways, seemingly deflecting attention from the many

differences within, and re-creating a dualist understanding of politics where a united and resistant subject stands opposed to the powerful few. We conclude by arguing that attention to such dynamics can help to guard against forms of domination being reproduced within spaces of resistance, and that such a posture provokes a critical or deconstructive attitude towards conduct itself.

Section I - Counter-Conduct

In his lecture series *Security, Territory, Population* given at the Collège de France in 1977-1978, Michel Foucault asks: 'How can we designate the type of revolts, or rather the sort of specific web of resistance to forms of power that do not exercise sovereignty and do not exploit, but 'conduct'?'¹ He situates the power that conducts 'souls' within the emerging art of government and, specifically, within the Christian pastorate. Forming a prelude to modern forms of biopolitical government, Foucault suggests that such pastoral power is 'something from which we have still not freed ourselves.'² The political technology that arose in the ecclesiastical pastorate, constituted around the relationship between pastor or shepherd and the members of his flock, was 'an art of conducting, directing, leading, guiding, taking in hand, and manipulating men [...] with the function of taking charge of men collectively and individually throughout their life and at every moment of their existence.'³ Foucault notes that the authority of the shepherd derives from his duty of care, the duty to 'provide the flock with its subsistence, to watch over it every day, and to ensure its salvation'.⁴ Keeping watch over the moving flock as well as every individual sheep, the shepherd's power is both individualising and totalising.⁵ Since the shepherd cares for the well-being of one and all he must know his subjects and be capable of detecting potential dangers that may affect the preservation of the flock. The pastorate establishes techniques of governing that revolve around the interrelation between the individual and the multiple both which have to become knowable, listened to, cared for, and watched over. With 'sovereign's old right – to take life and let live' undergoing significant transformation, Foucault detects in pastoral power the ability to govern through conduct.⁶

Conduct is the activity of conducting (*conduire*), of conduction (*la conduction*) if you like, but it is equally the way in which one conducts oneself (*se conduit*), lets oneself be conducted (*se laisse conduire*), is conducted (*est conduit*), and finally, in which one behaves (*se comporter*) as an

¹ Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-1978* (New York: Palgrave Macmillan, 2009), p. 200.

² Ibid., p.148

³ Ibid., p. 165

⁴ Ibid., p. 364.

⁵ Ibid., p. 364, p. 128.

⁶ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-1976* (London: Panguin, 2003), p. 241.

effect of a form of conduct (*une conduit*) as the action of conducting or of conduction (*conduction*).⁷

That conduct as governing rationality spread beyond ecclesiastical institutions was due to a crisis, induced by forms of resistance or ‘counter-conducts’ through which the ‘pastorate burst open, broke up, and assumed the dimension of governmentality’.⁸ Searching for a way to come to terms with these various resistances that challenged the pastorate in the late seventeenth and early eighteenth century, Foucault considers different variants: Dismissing revolt as ‘too precise and too strong’, disobedience as too weak, insubordination as ‘attached to military insubordination’, dissidence as too historically loaded and localised, and misconduct as too passive, he settles on the ‘badly constructed word ‘counter-conduct’’.⁹ As a ‘struggle against the processes implemented for conducting others’, counter-conducts were neither fully internal to the Christian pastorate nor fully external to it.¹⁰ Instead, these anti-pastoral struggles, as ‘border-elements’, confronted, questioned, and changed certain dominant ways of being conducted without negating the general condition of conduction.¹¹ While specific, local, and marginal, these practices set in motion ‘the general economy of the whole’ and ‘ultimately toppled not only a whole section of the ecclesiastical institution, but the way in which religious power was exercised in the West.’¹²

Elaborating on five forms of counter-conduct, ‘asceticism’, ‘communities’, ‘mysticism’, ‘the problem of Scripture’, and ‘eschatological beliefs’, Foucault shows how movements emerged that, in different ways asked: ‘By whom do we consent to be directed or conducted? How do we want to be conducted? Towards what do we want to be led?’¹³ Paradoxically, these anti-pastoral crises-inducing movements functioned as mechanisms that diffused conduct as an ecclesiastical technology of power beyond the pastorate, toward a secular and general governmental rationality. Questions asking by whom one allows oneself to be directed and how one governs oneself and others, once posed to the pastor and his institution, emerged also in relation to the conduction of ‘children, a family, a domain, or a principality.’¹⁴

Foucault’s invention of the term counter-conduct and his departure from traditional vocabularies, such as revolt, dissent and many others indicate that he sought to find novel ways to conceptualise the multiple dimensions and inter-relationalities of both practices of resistance and practices of governance. For Foucault, governmental conduct does not translate simply into sovereign impositions onto ‘powerlessly’ receiving subjects but rather implies (self-)direction, (self-)guidance, (self-)transformation, implication, and even care (for the self). If conduct as a governing mentality flows throughout social and governmental space, counter-conducts form necessarily in delocalised, circulating ways, immanent in regimes of conduction with

⁷ Foucault, *Security, Territory, Population*, p. 193.

⁸ *Ibid.*, p. 193.

⁹ *Ibid.*, pp. 200-201.

¹⁰ *Ibid.*, p. 201.

¹¹ *Ibid.*, p. 215.

¹² *Ibid.*, in footnotes on p. 120.

¹³ *Ibid.*, p. 214, p. 197.

¹⁴ *Ibid.*, p. 364.

perpetually entangled subjects. Both governance and counter-conduct are creative and productive forces, and their active correlation means that the often (even if falsely) ascribed negativity and destructivity of forms of resistance need to be left behind.¹⁵ The anti-pastoral struggles that transfigured Christianity and its institutions were, hence, rather ‘alter-conductional’ than anti-conductional struggles that locally and laterally challenged some but not all ways of being led. Through his notion of (counter-)conduct, Foucault opens up a vast political space without stable localities, subjectivities, and dualities for interrogation. Dispensing with the conception of governance and resistance as clearly distinguishable oppositional forces, thinking with counter-conducts means attuning to the ways in which they relate in complex if conflictual ways to forms of hegemonic dominance.

When exploring multiple expressions of counter-conduct, Foucault explicitly follows practices. For him, the process of conducting oneself differently in the face of multiple conductors necessitates concrete enactment. Focusing on practices also allows one to avoid what Foucault cautions against when discussing dissidence and dissident. Fearing that these notions assigned a ‘sacred status’ to certain individuals and implied ‘a process of sanctification or hero worship’, while, at the same time, foreclosing the possibility to conceive of ‘mad persons’ or ‘delinquents’ as dissidents, Foucault holds:

[B]y using the word counter-conduct [...] we can no doubt analyze the components in the way in which someone actually acts in the very general field of politics or in the very general field of power relations; it makes it possible to pick out the dimension or component of counter-conduct that may well be found in fact in delinquents, mad people, and patients.¹⁶

Turning to the ways entangled subjects actually resist certain forms of conduction, sometimes in contradictory, questionable, even oppressive fashions means discarding (claims to) stable subjectivities of resistance. Conceptualising resistance through counter-conduct shifts the often agent-centric gaze toward practical materialisations and thereby also helps dispense with the heroification of the resisting subject. If one accepts one’s entanglement in governmental modes of power and conduct, ethico-political questions emerge.

In his introduction to *Security, Territory, Population* Arnold I. Davidson suggests that ‘the notion of counter-conduct adds an explicitly ethical component to the notion of resistance [...] [and] allows one to move easily between the ethical and the political, letting us see their many points of contact and intersection.’¹⁷ For Davidson, counter-conduct forms the key concept that binds together ‘the political and ethical axes of Foucault’s thought’, and thus his earlier work on power relationalities and his later explorations of the ‘care for the self’.¹⁸ While never fully free from governmental conduction, counter-conduct points to the always-already existing potentiality for the subject to be/come otherwise, to create

¹⁵ Ibid.

¹⁶ Ibid., p. 202.

¹⁷ Ibid., p. xxi.

¹⁸ Ibid., p. xviii.

counter-narratives and counter-realities. Moving away from an ‘originary freedom, absolutely and wholeheartedly resistant to any governmentalization’, Foucault understands that counter-conduct as ‘the will not to be governed is always the will not to be governed *thusly*, like that, by these people, at this price.’¹⁹

Foucault’s proposition to understand conduct as a generalised contemporary technology of power rests on an understanding of power as a relational and micro-physical force, circulating in complex ways, potentially assembling as clusters, chains, institutions or systems, and forming various ‘social hegemonies’ or regimes of conduct.²⁰ The current state apparatus, then, constitutes merely one terminal form or cluster of power and not its ‘headquarter’.²¹ Attempts to conduct are hence not exclusively reserved to the functioning of the state apparatus and other social hegemonies but become identifiable in various social contexts and relations where dominance expresses itself. Inviting a closer investigation of micro-physical materialisations of conducts, Foucault indicates how they can function as governmental modes even *within* purportedly radical and progressive spaces. When referring to insurrections of conduct within the English, French, and Russian revolutions, Foucault states:

It would be interesting to see how these series of insurrections, these revolts of conduct, spread and what effects they have had on revolutionary processes themselves, how they were controlled and taken in hand, and what was their specificity, form, and internal law of development. Well, this would be an entire field of possible research.²²

Apart from exploring anti-pastoral struggles, Foucault never seems to have acted in any great depth on his interest to inquire into formations of counter-conducts within spaces or movements of resistance even if he alludes to them in passing. Turning his attention briefly to the French Communist Party (while being careful not to mention them by name), he notes:

...it cannot fail to function to a certain extent as a counter-society, another society, even if in fact it only reproduces the society that exists, and consequently it appears and functions internally as a sort of different pastorate, a different governmentality with its chiefs, its rules, and its principles of obedience, and to that extent it possesses, as you know, a considerable capacity both to appear as a different society, a different form of conduct, and to channel revolts of conduct, take them over, and control them (2007: 199).

¹⁹ Michel Foucault, “What is Critique?”, in S. Lotringer and L. Hochroch (eds.), *The Politics of Truth: Michel Foucault* (New York: Semiotext(e), 1997), p. 32, p. 73, p. 72. Emphasis added.

²⁰ Michel Foucault, *The History of Sexuality, An Introduction: Volume I, The Will to Knowledge* (London: Penguin Books, 1998), p. 93.

²¹ *Ibid.*, p. 95.

²² Foucault, *Security, Territory, Population*, p. 228.

Whilst on the surface the Communist Party offered a radical alternative, the mechanisms of discipline, domination and conduct it employed were not substantially different from those of the hegemonic order and, in fact, reproduced many of its violent, exclusionary and hierarchical features.

In this article we hold that Foucault's idea of counter-conduct can function as an analytic to open up and explore practices of inclusion and exclusion *within* spaces of resistance. However, it can function as such only if one leaves behind narratives that have long informed conceptions of resistance, principally dualisms of governance/resistance and creation/destruction, and instead turns one's attention to the difficult and complex layers of mutual implication, contradiction and ambiguity that emerge (even) in radical spaces. Contemporary social movements in particular tend to define themselves as emancipated spaces, generating communities and practices marked by fairness, inclusivity, solidarity, and non-hierarchy. While there often is reason to believe in the sincerity of such pronouncements, and much to commend, there are also countless examples where practices of resistance exclude, privilege, marginalise, and where solidarity fails. Often the forms of violence or exclusion exercised within social movements operate as forms of conduct, where particular subjectivities are privileged, and where the terms of what constitutes appropriate radical politics functions as a form of governance within a movement or collective. As ever, in the face of such conduct there is contestation, debate, and insistence on behaving otherwise. That is, there is counter-conduct within the movements of counter-conduct. When examining such dynamics, a more subtle picture of the power relations in operation emerges. Such an analysis allows for an ethical critique of conduct (and of resistance) which always returns our gaze to debates and forms of conduct *within* a purported space of counter-conduct, and as such holds open the possibility for these new governmentalities to be challenged.

Section II - The Occupy Movement As Counter-Conduct

The Occupy movement, which began in September 2011 with the Occupy Wall Street camp and spread quickly to over 80 countries and 1500 locations worldwide, is a case study that frames discussions about the analytical purchase and political resources of the concepts of conduct and counter-conduct particularly well. Whilst the movement should be seen as part of a wider series of uprisings including (but not limited to) the Arab 'Spring', the Spanish *indignados* movement and the wider European anti-austerity protests, the particular legacies, debates and issues that confronted the Occupy movement help to frame the question of conduct in a variety of ways. As we indicated, the principle concern in this article is to look at the ways in which practices of conduct and counter-conduct operate *within* particular spaces of resistance. Whilst we go on to do this with respect to Occupy, it is useful to begin by looking at the ways in which the Occupy movement's contestation with what we might loosely term neoliberal capitalism can be productively understood through the analytic of conduct and counter-conduct.

In this section we highlight four key issues and debates surrounding Occupy which can be framed as questions of conduct. These are, firstly, the prefigurative ethos expressed by many of the camps, secondly, the refusal to make general demands and thirdly, the mobilisation of 'the 99%' as a political category. Fourthly, we suggest that the tendency towards horizontal and decentralised modes of organisation reflected

a desire not only to contest specifically neoliberal forms of conduct, but to remain alert to leftist forces which would seek to conduct the movement in particular ways; that is, that the Occupy movement's resistance was not concerned only with one particular cluster of power, but reflected a more general suspicion towards the practice of conduct *per se*.

As many have pointed out, one of the principle achievements of the Occupy movement was, albeit perhaps briefly, to effect a fracture in the conceptual hegemony that neoliberal orthodoxies of austerity and rational self-interest enjoy within mainstream political discourse. In an era where debates about economic policy are situated within an apolitical and managerialist framework, and where concerns about global injustices are usually articulated as disconnected from governing economic rationalities, it was not insignificant that mainstream news outlets and TV shows carried segments discussing the sustainability and desirability of (contemporary forms of) capitalism, or framing the economic depravity and insecurity faced by the majority of the world's population as *precisely* a consequence of the economic system. Occupy's message, Slavoj Žižek proclaimed, is that 'the taboo is broken; we do not live in the best possible world'.²³ This debate was, to an extent, produced by highlighting (and refusing) forms of conduct that are integral to the functioning of contemporary capitalist societies. In blocking roads and particular businesses, reclaiming foreclosed houses, buying cheap debt in order to cancel it and so forth, Occupy participants revealed modes by which liberal subjects are conducted and conduct themselves within global power relations, refusing to conduct themselves in such a manner. These dynamics were, however, not simply refusals or transgressions of neoliberal conduct which, whilst to some extent dissenting, can also serve to fix the place of power as an external force. They were significantly more creative than this, demonstrating an understanding of the ways in which a reshaping of power relations throughout the social fabric must be a central feature of any project for political change which will not coalesce into a return of the same.

Occupy participants sought to organise non-hierarchically and to make decisions in a manner which avoided majoritarian exclusion. Refusing to cede to the neoliberal dogma that social goods are available only through market relations, Occupy subjects created schools, kitchens, libraries, cinemas, and organised them in a manner commensurate with their political and ethical sensibilities. In this sense, they conducted themselves otherwise, in friction with neoliberal capitalist dogmas. Carlos Delclós and Raimundo Viejo speak of this *other conduct* when referring to the refusal to respond to dominant rationalities and to provide the 'sensationalist mainstream media' with desperately sought after 'scraps of headlines, sound-bites and riot porn'.²⁴ They state:

²³ Slavoj Žižek, "Occupy first. Demands come later.", *The Guardian* (October 2011), available: <http://www.theguardian.com/commentisfree/2011/oct/26/occupy-protesters-bill-clinton> (accessed 11 February 2015).

²⁴ Carlos Delclós and Raimundo Viejo, "The day after: the movement beyond the protest", *Roarmag* (January 2012), available: <http://roarmag.org/2012/01/delclos-viejo-indignados-2012-15-m-spain> (accessed 11 February 2015).

[T]he revolution is not being televised precisely because it is happening inside and between us. We are moving too slowly for their sound-bites because we are going far, wide and deep. And, if we play our cards right, we will be in control of our time, our work and our lives before they know it.²⁵

These practices of counter-conduct were framed as manifestations of a prefigurative politics, whereby those engaged in projects of resistance seek to enact and explore alternative forms of relation and conduct even as they contest those in which they are embedded.²⁶

As they sought to highlight forms of conduct upon which neoliberal capitalism relies, and to engage in practices of counter-conduct, Occupiers displayed an understanding of the ways in which resistance can become folded within that very system it seeks to oppose, conducted within a discursive economy that privileges the existing state of affairs. One important move here was with respect to the question of demands, our second example of the ways in which conduct was negotiated within Occupy. As John Buell notes, the mainstream media castigated the movement for its lack of concrete demands; such a failing, it was stated, made it impossible for the protestors to be taken seriously.²⁷ Whilst some particular Occupy camps, such as Occupy Dame Street in Dublin, did issue a series of demands, most did not and there was no overarching series of demands for the movement as a whole (indeed, the autonomy of individual camps made this essentially impossible). The general scepticism towards concrete demands was largely held for two reasons. The first, highlighted by Richard Grusin, was that making explicit demands ‘would prematurely and unnecessarily constrain or limit the movement’s gathering strength’.²⁸ The second, indicated by Bernard Harcourt, is that to outline policy demands is to engage in a tacit acknowledgement and legitimisation of the political context within which policy is formulated: ‘[those] who incessantly want to impose demands on the movement may show good will and generosity, but fail to understand that the resistance movement is precisely about disobeying that kind of political maneuver [*sic*]’.²⁹ Whilst these two reasons are clearly both questions of conduct, it is the second with which we are concerned here; it has two components. The first recognises the ways in which the articulation of policy demands makes one vulnerable to conduct within a neoliberal discourse, where depoliticised debates about budget feasibility, good governance and so forth establish the terms for ‘legitimate’ dispute; the Occupy movement lives and dies by its numbers and tacitly legitimates extant power relations, while more substantial conversation about economic systems is

²⁵ Ibid.

²⁶ David Bailey, “#Occupy: Strategic Dilemmas, Lessons Learned?”, *Journal of Critical Globalization Studies*, Vol. 5 (2012), pp. 138-142; Naomi Klein and Yotam Marom, “Why Now? What’s Next? Naomi Klein and Yotam Marom in Conversation About Occupy Wall Street”, *The Nation* (January 2012), available: <http://www.thenation.com/article/165530/why-now-whats-next-naomi-klein-and-yotam-marom-conversation-about-occupy-wall-street> (accessed 11 February 2015); Anna Szolucha, “Real Politics in Occupy: Transcending the Rules of the Day”, *Globalizations*, Vol. 12, No. 1 (2015), pp. 66-82.

²⁷ John Buell, “Occupy Wall Street’s Democratic Challenge”, *Theory & Event*, Vol. 14, No. 4 (2011).

²⁸ Richard Grusin, “Premediation and the Virtual Occupation of Wall Street”, *Theory & Event*, Vol. 14, No. 4 (2011).

²⁹ Bernard Harcourt, “Occupy’s new grammar of political disobedience”, *The Guardian* (November 2011), available: <http://www.theguardian.com/commentisfree/cifamerica/2011/nov/30/occupy-new-grammar-political-disobedience> (accessed 11 February 2015).

deferred.³⁰ Secondly, this is not simply a recognition of the ways in which dissent is conducted, but a form of counter-conduct, an alternative mode of contestation in which the discourse of demands is shifted or refused in productive ways.

This counter-conduct is highlighted by Yotam Maron, in conversation with Naomi Klein, who reflects on Klein's concern that, in its efforts not to be co-opted by others, the Occupy movement becomes defined by what it is not:

I think you're right about that... We don't have demands in the way that other people want to hear them. But of course we have demands, of course we want things. When we reclaim a foreclosed home for a foreclosed-on family, or organize students to do flash mobs at the banks keeping them in debt, or environmental activists to do die-ins at banks that invest in coal, these are ways of speaking our demands in a new language of resistance.³¹

These demands are articulated in a way that refuses to enter the official political discourse, but which impacts directly upon it. They are also actions which, to an extent, exist independently of the political system which (purportedly) arbitrates between competing demands; as Maron continues, '[we] need to reclaim homes, not just as symbols, but for people to live in them'. Usefully, Harcourt places this within a Foucauldian frame:

It's a new type of resistance to politics *tout court* – to making policy demands, to playing the political games, to partisan politics, to old-fashioned ideology. It bears a similarity to what Michel Foucault referred to as “critique:” resistance to being governed “in this manner,” or what he dubbed “voluntary insubordination” or, better yet, as a word play on the famous expression of Etienne de la Boétie, “voluntary unservitude”.³²

We can understand the general refusal to issue demands, at least to some extent, as the movement conducting itself otherwise than is expected within the contemporary political milieu, as embodying or prefiguring forms of political subjectivity which evade established frameworks and look to impact more directly upon situations.³³

³⁰ It should be noted that many commentators took it upon themselves to articulate demands *for* the Occupy movement (Connolly 2011; Wight 2012). These demands often looked like a social-democratic wish-list directed by the desire to articulate ‘pragmatic’ or ‘achievable’ results (that is, results which did not fundamentally unsettle the liberal democratic framework). Such framings might be seen within the context of a wider series of gestures which situated Occupy as the ethical conscience of neoliberal capitalism (that might, as a result, be humanised) (Žižek 2013: 78). It is an open question whether the movement did enough to resist this co-optation (or conduction) within a liberal capitalist sentimentality.

³¹ Klein and Maron, *op. cit.*

³² Harcourt, *op. cit.*

³³ This sensibility is elegantly captured in Richard Day's reflections on the difference between a ‘politics of demand’ and a ‘politics of the act’: ... ‘every demand, in anticipating a response, *perpetuates* those structures, which exist precisely in anticipation of demands. This leads to a positive feedback loop, in which the ever increasing depth and breadth of apparatuses of discipline and control create ever new sites of antagonism, which produce new demands, thereby increasing the quantity and intensity of discipline and control... Clearly, the fundamental fantasy of the politics of demand is that the currently hegemonic formation will recognize the validity of the claim presented to it

This mobilisation of political subjectivities less amenable to capture and conduct within neoliberalism can also be identified in the use of ‘the 99%’ as an identifying label for the movement. This is the third dynamic of conduct/counter-conduct that we highlight. Situating ‘the 99%’ as a collective subject of political and economic grievance was one of the most prominent discursive moves of Occupy, and the phrase ‘we are the 99%’, which began as an internet meme, quickly became the defining and unifying slogan of the disparate movement. The label served both to highlight the massive wealth inequality between the top 1% and the bottom 99% (and the everyday insecurities and injustices faced by this majority), and to assert a collective subject of resistance. This collectivity stands in contrast to the rational, individualistic self-interested subject at the heart of neoliberalism. As Wendy Brown argued, ‘OWS has managed in spirit, analysis and conduct to substitute justice talk for interest talk. And it has done so when the language of justice seemed nearly extinguished by a neoliberal rationality that refracts all conduct through the metric of human capital self-appreciation’.³⁴ Insofar as neoliberalism depends on the conduct of self-regarding individuals, the mobilisation of a ‘new ethos of the mass’ precisely functions as a call to alternative forms (and, indeed, subjects) of conduct.³⁵ Moreover, as a number of authors have highlighted, this collectivity was not formed under the banner of particular claims or identities, or universalising political categories, but was based on a solidarity which, in McKenzie Wark’s terms, ‘orbits what it is not’.³⁶ As Brown makes clear, the assaults of neoliberal defunding and privatization (amongst other things), in lowering living standards across a vast range of social groups, have created an ‘unprecedented mutual identification’.³⁷ Against naked self-interest, the 99% stands as a collective signifier which invites the expression of a multitude of grievances and experimentations, provokes collaborative responses to individualised insecurity, and which does this without imposing a new series of totalising imperatives on those engaged in struggle.

This last point brings us to the fourth manner in which Occupy’s politics can be usefully framed through the lens of conduct. Whilst the first three have predominantly concerned themselves with recognising practices of neoliberal conduct (and gestured towards forms of counter-conduct), this fourth concerns the manner in which the movement fits within a tradition that, to some extent, seeks to evade not only neoliberal societies of control, but modes of conduct upon which much of traditional leftist politics depend. As David Bailey argues, the decentralised and horizontal nature of the Occupy movement positions it within a central debate amongst the extra-parliamentary left of recent years, a debate with roots in the First International, where anarchists and others feared that the Marxist focus on centralisation and authority

and respond in a way that produces an event of emancipation. Most of the time, however, it does not; instead it defers, dissuades or provides a partial solution to one problem that exacerbates several others’. Richard Day, *Gramsci is Dead: Anarchist Currents in the Newest Social Movements* (London: Pluto Press, 2011), pp. 107-108.

³⁴ Wendy Brown, “Occupy Wall Street: Return of a Repressed *Res-Publica*”, *Theory & Event*, Vol. 14, No. 4.

³⁵ *Ibid.*

³⁶ McKenzie Wark, “This Shit is Fucked Up and Bullshit”, *Theory & Event*, Vol. 14, No. 4. See also: Andreja Zevnik, “Maze of Resistance: Crowd, Space and the Politics of Resisting Subjectivity”, *Globalizations*, Vol. 12, No. 1 (2015), pp. 101-115; Jodi Dean, “Claiming a Division, Naming a Wrong”, *Theory & Event*, Vol. 14, No. 4.

³⁷ Brown, *op. cit.*

held ‘too great a potential for abuse’.³⁸ Bailey cites the Cohn-Bendit brothers’ recognition of leftist conduct as differing perhaps in content, but not in form, from that of the capitalist class:

...it is true to say that Communists, and also Trotskyists, Maoists and the rest, no less than the capitalist State, all look upon the proletariat as a mass that needs to be directed from above. As a result, democracy degenerates into the ratification at the bottom of decisions taken at the top, and the class struggle is forgotten while the leaders jockey for power within the political hierarchy.³⁹

The Occupy movement avoided the temptation to establish any governing ideology, preferring to let different encampments set their own terms, routines and (perhaps absence of) demands. There were no chiefs, governing theoretical programmes or structural hierarchies. Raimundo Viejo, in an often-cited statement, suggests that hierarchical movements with ‘an alpha male, a wolf who led the pack, and those who followed behind’ are outdated, and that now, instead ‘we are one big swarm of people’.⁴⁰ Whilst rules about conduct within camps were established at a local level, these related more to arrangements about noise and litter than about grand social frameworks. Furthermore such rules were negotiated and agreed by participants in a direct and reasonably equitable manner. Importantly, such features were not merely different from the forms of conduct that Foucault identifies in the French Communist Party (and other similar organisations); they were enacted precisely in the context of suspicious glances towards such Marxist orthodoxies, today seen to be present in organisations like the Socialist Workers’ Party. Occupy subjects recognised that such groups, whilst expressing critiques of capitalism, militarism and so forth, at a certain level promised something disappointingly familiar; in Foucault’s terms, they are positioned as ‘a different pastorate, a different governmentality’ with a capacity ‘to channel revolts of conduct, take them over, and control them’.⁴¹

Žižek provides a clear example of this leftist conduct when, in reference to Occupy, he asks some provocative questions: ‘...soon we will have to address the truly difficult questions – not questions of what we do not want, but about what we *do* want. What social organisation can replace the existing capitalism? What type of new leaders do we need? What organs, including those of control and repression?’⁴² For Žižek, an adequate politics exists only insofar as it produces new forms of conduct, better leaders, more adequately targeted repression. Disruptions of conduct, fractures in neoliberal hegemony, have no content of their own – and to think otherwise is a bourgeois distraction; in his own terms:

While it is thrilling to enjoy the pleasures of the “horizontal organisation” of protesting crowds with egalitarian solidarity and open-ended free debates, we should also bear in mind what GK Chesterton wrote: “Merely having an open mind is nothing; the object of opening the mind, as of

³⁸ Bailey, *op. cit.*, p. 139.

³⁹ Cited in *ibid.*, p. 140.

⁴⁰ Delclós and Viejo, *op. cit.*

⁴¹ Foucault, *Security, Territory, Population, op. cit.*, p. 199.

⁴² Žižek, “Occupy First. Demands Come Later”, *op. cit.*

opening the mouth, is to shut it again on something solid.” This holds also for politics in times of uncertainty: the open-ended debates will have to coalesce not only in some new master signifiers, but also in concrete answers to the old Leninist question, “What is to be done?”⁴³

Our suggestion is that the forms of counter-conduct that can be identified in the Occupy movement are not practices which push towards concrete answers and firm closures, but are instead political gestures which, whilst exploring alternatives and making particular choices, remain resistant to hegemonic closure. Žižek’s somewhat patronising invocation to closure fundamentally overlooks the ways in which Occupy, at its best, refused to re-tread familiar lines by establishing new totalities, pastorates, and governmentalities, viewing its openness not as a tactical interregnum but as precisely an alternative mode of political (counter-)conduct.

As stated, however, our intention in this article is not to celebrate the Occupy movement as a paragon, but precisely to explore the ways in which even such elegant examples of counter-conduct also work to conduct subjects in particular ways, to impose imperatives, draws lines of exclusion, and privilege particular constellations of power. In the final section, we discuss some of these forms of conduct. In exploring such forms we are not seeking to enact a facile dismissal of the Occupy movement’s experiments with counter-conduct; rather, our intention is to suggest that the spirit of that particular mode of counter-conduct might be recognised and respected precisely by turning it back upon itself, by engaging in a ceaseless interrogation of the ways in which lines of exclusion and conduct reappear even at the point at which subjects seek their effacement. In this sense, Foucault’s reflections on judgment and inspiration appear particularly pertinent:

My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism.⁴⁴

Our focus, then, is on those instances in which Occupy camps can be seen to have engaged in practices which were exclusionary, unjust, unequal, in which there were breakdowns in solidarity. In such contexts we can identify forms of conduct which look remarkably familiar, where certain imperatives were imposed which delimited and prescribed what forms of action, background or theoretical revolutionary sensibility was possible within Occupy spaces. Attention to such moments allows us to consider the ethical and political ambiguities at work in such contexts, to break down the heroic dichotomies which can serve to insulate spaces of resistance from critical attention and to obscure the forms of conduct exercised in purportedly liberated spaces. It also allows us to identify the forms of counter-conduct that emerged in response to this

⁴³ *Ibid.*

⁴⁴ Michel Foucault, “On the Genealogy of Ethics: An Overview of Work in Progress”, in P. Rabinow (ed.), *Michel Foucault: Ethics, Subjectivity and Truth (Vol. 1)* (New York: The New Press, 1983), p. 256.

conduct, and as such to recognise the dynamics of conduct as a powerful means by which to conceptualise the negotiation of politics, ethics and strategy in such spaces.

Section III - Conduct and Counter-Conduct within the Occupy Movement

In this section, we look at three issues which demonstrate some ways in which conduct was exercised within the Occupy movement. The first of these is the question of homelessness, and the suggestion that the movement was weakened by the high numbers of people without homes staying at the camps. Second, we look briefly at the contestation which took place about the colonial implications of the term 'Occupy', and then move to look at the ways in which the '99%' signifier itself can be seen to conduct subjects in particular ways. This last point, and the debates which have arisen around the idea of 'the 99%', help to situate these points as questions of radical political strategy in a manner which leads us to a broader consideration of the ethical and political terms of counter-conduct.

Placing attention on the issue of housing and homelessness was a major feature of the US-based Occupy movement's discourse. Activists highlighted rising house prices, increasing numbers of foreclosures and the criminalisation of homelessness as major issues facing ordinary people in the wake of the global financial crisis. A common theme of the 'we are the 99%' meme was the recognition that, for large numbers of people, access to shelter, housing or a safe home environment is not something that can be taken for granted. As well as seeking to bring these issues into public debate, Occupy activists engaged in more focused direct action on these fronts. For instance, the Occupy Our Homes group (one of many Occupy spin-off groups) organised civil disobedience and solidarity actions in support of people in danger of losing their homes, at times physically preventing bailiffs from removing people from their homes.

Despite this attention, homeless people who attended Occupy camps were received with some ambiguity. Whilst many camps welcomed and worked to support homeless participants (and we give some examples below), there were also examples where homeless people were treated with suspicion and even contempt. In these cases, we can see attempts to conduct the conduct of these subjects, to set particular standards for appropriate political subjectivity. One very pertinent discussion of this tendency can be found in a special Occupy edition of *nplusone* magazine, where two participants from Occupy Wall St. recall a particular encounter with a homeless man, Harris, who had been sent to the camp by police who had moved him on from his normal spot. Someone involved in the legal matters working group attempted to send Harris away from the camp, but Harris responded by reassuring him that he was not planning to actually sleep at the camp, and that he had been distributing chocolate around the camp during the day:

Having momentarily placated his adversary, [Harris] continued, "The problem with these other homeless people who are coming down here is that they are not contributing."

Now reconciled, the conversation turned to why “contributing” should be the basic criteria for whether the homeless should be allowed to stay. The legal attaché waxed political about how freeloaders were bad for the movement, but that homeless who are willing to contribute could be an asset. Then the two men asked Harris if he would make a proposal to the general assembly summing up their conversation. Harris declined, but they persuaded him to dictate a message that they could read on his behalf...

*If you are not contributing to the movement, then why are you here? If you do not go on marches, why are you here? This is a society of people who have come together to protest. If you are not protesting, why are you here? This is not a place for free food or free cigarettes. If you live in New York, go home. If you are homeless in New York, there are plenty of places to be homeless. Go there. Feel free to visit, maybe even eat some free food, occasionally. But don't stay here. Don't cause trouble. This society gives us enough trouble.*⁴⁵

Much of the discourse on homeless people at Occupy camps (from both Occupy activists and the wider media) turned on the extent to which these people constituted an asset or drain. Their numbers and experience in sleeping rough provided certain advantages, but this was counterbalanced by the perception that many came not to ‘contribute’ but to seek food, clothing and shelter, and by common associations between homelessness and alcoholism, violence and mental health issues. As Hero Vincent, a member of the Occupy security team in Zuccotti Park, stated, ‘It’s bad for most of us who came here to build a movement...We didn’t come here to start a recovery institution’.⁴⁶

In the light of this negative balance, the burden is placed on homeless people to demonstrate that they are ‘contributing’. As Herring and Gluck observed, ‘the question of “contribution” and demanding proof of support for the cause is discriminatory; it is a burden faced only by those who “appear homeless.” Those who can pass for “real protestors” in their dress, disposition, and discussion are considered assets in their mere presence and rarely questioned’.⁴⁷ Homeless people must therefore conduct themselves in particular ways, make particular assurances about their intentions, and attempt to avoid fitting into general stereotypes. This burden works in a particular direction, based on the assumption that the Occupy camp is the ontological premise against which conduct in the space is judged. As Herring and Gluck prompt, a different picture emerges when we recall that many camps co-opted spaces which had long been occupied by the homeless, bringing with them potentially disruptive media attention, and inviting police and bureaucratic repression.

This burden placed on homeless people, derived from the situating of the camp as the ontological standard of legitimacy within a particular space, works to set the standards for proper radical political

⁴⁵ Christopher Herring and Zoltan Gluck, “The Homeless Question”, *Nplusonemag – Occupy Gazette* (2011). Available: <https://www.nplusonemag.com/dl/occupy/Occupy-Gazette-2.pdf> (accessed 11 February 2015), p. 22.

⁴⁶ Adam Nagourney, “Dissenting, or Seeking Shelter? Homeless State a Claim at Protests”, *New York Times* (31 October 2011), available: http://www.nytimes.com/2011/11/01/us/dissenting-or-seeking-shelter-homeless-stake-a-claim-at-protests.html?pagewanted=all&_r=1& (accessed 11 February 2015).

⁴⁷ Herring and Gluck, *op. cit.*, p. 23.

subjectivity more broadly. The instrumentalising framework whereby the advantages and disadvantages of homeless attendees are weighed up in order to ascertain their usefulness establishes the aims of the camp as a sovereign standard of political legitimacy; they are the yardstick by which the political content of a decision, inclusion or strategy might be measured. As such, a dichotomy is established, made clear in the headline to the *New York Times*' not unsympathetic article on the subject: 'Dissenting, or Seeking Shelter?' Homeless people can either conduct themselves in the mode of "contribution" established by the camp (and so overcome their base stereotype and 'become' political) or have their conduct depoliticised; that is, they may be objects of sympathy and even attract some care and support, but they are not political agents. As one activist complained, 'It distracts a lot of energy away from the issues we're fighting for when we're just managing [homeless people and] life in the camp'.⁴⁸

There are counter-narratives to this account. Many of the stories that emerged from Occupy camps about relations with homeless people demonstrate important instances of solidarity. A number of sites, including in New York, Oakland and Portland, distributed thousands of free meals, and provided shelter, medical support and information to homeless people.⁴⁹ In Atlanta protesters worked hard to fight the closure of a local homeless shelter. Whilst a division was still made between those who became actively involved in the life of the camp and those who came for provisions or shelter, this was not always drawn in directly oppositional terms. As Michele Watson from the Los Angeles camp told a reporter, 'If you are hungry and are in need of a meal, we will serve you as long as you do not disrupt the occupiers... We don't turn anyone away. I don't care what your address is'.⁵⁰ Alongside this accommodation (despite the fact that it often stretched already limited resources) was a recognition that the act of seeking shelter or food is *precisely* a political act; that is, a refusal of the dichotomy between political protestor and freeloading opportunist. As Barbara Ehrenreich noted:

What occupiers from all walks of life are discovering, at least every time they contemplate taking a leak, is that to be homeless in America is to live like a fugitive. The destitute are our own native-born "illegals," facing prohibitions on the most basic activities of survival. They are not supposed to soil public space with their urine, their feces, or their exhausted bodies. Nor are they supposed to spoil the landscape with their unusual wardrobe choices or body odors. They are, in fact, supposed to die, and preferably to do so without leaving a corpse for the dwindling public sector to transport, process, and burn.⁵¹

⁴⁸ Nagourney, *op. cit.*

⁴⁹ USA Today, "'Occupy' camps provide food, shelter for homeless" (22 October 2011), available: <http://usatoday30.usatoday.com/news/nation/story/2011-10-22/occupy-wall-street-homeless/50868444/1> (accessed 11 February 2015).

⁵⁰ Nagourney, *op. cit.* See also Szolucha, "No Stable Ground", *op. cit.*, p. 27.

⁵¹ Barbara Ehrenreich, "Throw them out with the trash: why homelessness is becoming an Occupy Wall Street issue", *Tomdispatch* (October 2011), available: http://www.tomdispatch.com/post/175457/tomgram%3A_barbara_ehrenreich%2C_homeless_in_america/#more (accessed 11 February 2015).

In the face of media reports which gleefully represented the Occupy London camp as marked by ‘desecration, defecation and class A drugs’,⁵² campers refused to establish (or accord with) a dichotomy between respectable (presumably middle class) protestors and degenerate elements. Instead, they released a statement which reemphasised that exclusion was (and is) the effect of neoliberal capitalism, and should not become a strategy of resistance:

Many homeless people have become part of Occupy London and through this have found a sense of community and increased optimism. Many occupiers have unintentionally become homeless during their involvement in Occupy London. In essence, a part of the homeless has become Occupy London, and a part of Occupy London has become the homeless. Together we call for social and economic justice.⁵³

Given the debates ongoing in the Occupy London camp (as in others) about the extent to which homeless people should be accommodated, conducted and excluded, this statement has to be understood not just as a communication to the outside world, but as a call to others within the movement to avoid the dichotomisations which conducted homeless people.⁵⁴ Our intention here is not to suggest that the Occupy movement and its participants failed on this count in any straightforward sense, nor to marginalise the clear difficulties faced by Occupiers managing a series of conflicting imperatives; rather, our argument is that an analytic of conduct and counter-conduct situates such contestations in a manner which shines light on how power relations operate in these contexts.

Another example of such contestation came from the debates which emerged at the end of 2011, following calls from indigenous activists to rename ‘Occupy Oakland’. They took issue with the widespread use of the terminology of Occupation, and the claim that land, economies and ideas previously marshalled in the service of neoliberalism had been ‘Occupied’, noting that the conceptual and topological terrain over which the movement was struggling was (and is) always already occupied, always built on colonial frameworks.⁵⁵ They suggested that a more radical proposition was not to (re)occupy, but to decolonize. Therefore they ran a campaign to rename the camp Decolonize Oakland, and to make the colonial foundations of contemporary political marginalisation explicit. As one influential statement argued:

The divisions that exist between the 99% and the 1% are built on colonial relations. It is our lands, our labor, our bodies, and our voices that have been stolen; at the encampment at Ogawa/Grant

⁵² Daily Mail, “Desecration, defecation, and class A drugs: Children found living in squalor at St Paul’s protest camp” (22 November 2011), available: <http://www.dailymail.co.uk/news/article-2064174/Occupy-London-Children-living-squalor-St-Pauls-protest-camp.html> (accessed 11 February 2015).

⁵³ Occupy London, “Homelessness Statement”, *OccupyLondon.org.uk* (2011), available: <http://occupylondon.org.uk/homelessness-statement/> (accessed 11 February 2015).

⁵⁴ Kieron Monks, “Occupy must embrace the homeless and marginalised, not shun them”, *The Guardian* (7 February 2012), available: <http://www.theguardian.com/commentisfree/2012/feb/07/occupy-homeless-marginalised> (accessed 11 February 2015).

⁵⁵ For a more substantial account of how the Occupy movement engaged with Indigenous populations in North America, see Adam Barker, “Already Occupied: Indigenous Peoples, Settler Colonialism and the Occupy Movements in North America”, *Social Movement Studies*, Vol. 11, Nos. 3-4 (2012), pp. 327-334.

Plaza and in our local neighborhoods [sic], we have come together to decolonize our minds, restructure our relationships to one another, and build political institutions that meet the needs of all people. What we are doing is decolonizing Oakland. Let us choose a name that reflects our actions and beliefs. Decolonize Oakland! Liberate our communities! Practice freedom!⁵⁶

The Native American activist Morning Star Gali pointed towards the baggage which comes with the term 'Occupy': 'We need to occupy this, we need to occupy that. It's the modern day colonial language... If there was a big sign over Gaza that said, 'Occupy Palestine' how would the Palestinian people feel? ... But somehow it's OK if that happens here' on occupied Chochenyo Ohlone land.⁵⁷ A proposal to change the name of Occupy Oakland to Decolonize Oakland was debated at a general assembly meeting that lasted three hours, but the motion only received 68% of the vote, well short of the 90% approval needed to pass. The most audible objection was summarised by John C. Osbourn, who cautioned that the name change might alienate Oakland from the wider movement, interfering with the 'brand recognition' that had been built up. As Queena Kim notes, such objections are ironic, given the critique of corporatisation which was such a feature of the movement.⁵⁸ It also operates as a form of conduct, whereby marginal or PR-unfriendly concerns are subordinated to the general strategic imperative. In the name of a united front, fractures are unhelpful; the priority is to form a 'coherent opposition'.⁵⁹

Such logics might also be seen to operate in the 'we are the 99%' meme and the establishing of 'the 99%' as the contemporary revolutionary subject. When we inquire into the slogan, the ambivalence of practices of counter-/conduct within Occupy comes to the fore. As we argued above, the mobilisation of a 99% versus 1% opposition functions as a form of collectivisation that opens political space to counter and overcome traditional (class) segmentations by focusing on the 'super elite'. It conjures a collectivity which permits a multitude of experiences and subjectivities. Notwithstanding these dynamics, one can ask whether the image of 'the 99%' might also operate as a practice of conduction that both sidelines inequalities within the 99% and fails to recognise the complicated power relationships within this multitude. As such, we might wonder who amongst the 99% gets to speak and what privileges, hierarchies and subjectivities re-materialise when some (seek to) speak in the name of all but the 1%? Agnes Gaygi points attention to the ways in which those best placed to articulate the concerns of 'the 99%' operate within a particular socio-cultural landscape that implicitly elevates certain, particular concerns to a universal status: 'Thus, when viewed from another position...it would seem that OWS has been speaking *in* our name, but not necessarily for us'.⁶⁰ Similarly,

⁵⁶ Corrina Gould, Morning Star Gali, Krea Gomez and Anita DeAsis, "Decolonize Oakland: Creating a More Radical Movement", *OccupyOakland.org* (December 2011), available:

<https://occupyoakland.org/2011/12/decolonize-oakland/> (accessed 11 February 2015).

⁵⁷ Queena Kim, "The Campaign to 'Decolonize' Oakland: Native Americans Say 'Occupy' Terminology is Offensive", *Truth-out* (December 2011), available: <http://www.truth-out.org/news/item/5786:the-campaign-to-decolonize-oakland-native-americans-say-occupy-terminology-is-offensive#> (accessed 11 February 2015).

⁵⁸ *Ibid.*

⁵⁹ David Harvey, "The Part of Wall Street Meets its Nemesis", *Verso Books* (October 2011), available: <http://www.versobooks.com/blogs/777-david-harvey-the-party-of-wall-street-meets-its-nemesis> (accessed 11 February 2015).

⁶⁰ Agnes Gaygi, "Occupy Wall Street? Position-Blindness in the New Leftist Revolution", *Journal of Critical Globalization Studies*, Vol. 5 (2012), p 146.

in an open letter to Occupy Wall St, and under the slogan ‘Decolonise the 99%’, the indigenous activist JohnPaul Montano appealed to Occupiers thusly:

Thank you for your courage. Thank you for making an attempt to improve the situation in what is now called the United States. Thank you for your commitment to peace and non-violence. Thank you for the sacrifices you are making. Thank you.

There’s just one thing. *I* am not one of the 99 percent that you refer to. And, that saddens me. Please don’t misunderstand me. I would *like* to be one of the 99 percent... but you’ve chosen to exclude me. Perhaps it was *unintentional*, but, I’ve been excluded by you. In fact, there are millions of us indigenous people who have been excluded from the Occupy Wall Street protest.⁶¹

He goes on to argue that mobilisations of the 99% which do not take account of the ways in which many within this category benefit from the continued occupation of indigenous lands will continue to be exclusionary.

Taking such articulated discomfort seriously, the attempt to foster a collective political subject through the slogan might entail two interrelated problems: first, the danger of mobilising an antagonistic narrative that re-creates traditional and dualist conceptions of power *as* domination, held by the ultra-wealthy elite and lacked by the ‘powerless’ rest, and second, the deflection (thereby) from the urgent need to critically reflect upon the many existing differences, silences and violences within the 99%. Assuming commonality in opposition to a clearly definable other may not only privilege dominant voices within but also render inquiries into internal agonies and hierarchies seemingly redundant, inconvenient or even counter-productive. Commonly voiced responses to Occupy’s (non-)strategy eschewed introspection and mobilised the language of conduct to warn that a lack of coherence and unity within would endanger a radical politics, and therewith radical change. Claude Fisher, for example, calls for Occupy to ‘move toward a focused, disciplined, strategy to achieve a very few clear and doable ends (- and conversely, to avoid being seen as anarchistic, anti-everything and confused)’.⁶² And similarly, Žižek calls for a ‘strong body able to reach quick decisions and realize them with whatever force may be necessary’.⁶³ These invocations call for the recreation of internal governmentalities by prioritising the collectivisation of voices around a specific issue and claim (‘The Cause’) while disregarding or intentionally disciplining and silencing others that could possibly endanger the assumed commonality and unity.

This is, of course, not to dismiss the potentiality of the 99% as a collective signifier, nor to suggest that the slogan ‘we are the 99%’ in and of itself creates a ‘different pastorate’. As Jeffrey Juris et al.

⁶¹ JohnPaul Montano, “Decolonize Wall Street”, *Unsettling America* (October 2011), available: <http://unsettlingamerica.wordpress.com/2011/10/03/decolonize-wall-street/> (accessed 11 February 2015).

⁶² Claude Fischer, “Occupy! Now What?”, *Made in America Blog* (November 2011), available: <https://madeinamericathebook.wordpress.com/2011/11/08/occupy-now-what/> (accessed 11 February 2015).

⁶³ Slavoj Žižek, *The Year of Dreaming Dangerously* (London: Verso, 2012), p. 82.

demonstrate, plenty of space exists within the concept of the 99% to negotiate power and difference.⁶⁴ Rather, we want to allude to the possibility that the creation of a singular ‘we’ involves the danger of functioning as a mode of conduct by assigning knowability and coherence to supposedly conflictual spheres. Foucault, decentering and de-spectacularising both power and resistance by proposing the notion of counter-conduct, precisely sought to escape a dualistic logic and attune to the ‘dominations within’. He suggests:

[...] by domination I do not mean the brute fact that the domination of the one over the many, or of one group over another, but the multiple forms of domination that can be exercised in society; so, not the king in his central position, but subjects in their reciprocal relations; not sovereignty in its one edifice, but the multiple subjugations that take place and function within the social body.⁶⁵

Assuming a united collectivity as the mere inversion of neo-liberal individualism *à la* Žižek may foreclose inquiries into manifold entanglements of the subjects of the 99% in forms of conduction, and maybe even domination. By posing ‘the 99%’ as a slogan and subjectification not beyond contestation, we seek to highlight the ambiguities at play within such concepts, ambiguities with which any radical politics must ceaselessly engage if it is to counter re-materialisations of hierarchy, marginalisation and domination. As Judith Butler somewhat rhetorically asks:

Does “unity” set up an exclusionary norm of solidarity at the level of identity that rules out the possibility of a set of actions which disrupt the very borders of identity concepts, or which seek to accomplish precisely that disruption as an explicit political aim?⁶⁶

The issues revolving around homelessness, decolonisation and the 99% slogan point to the ruptures within, showing how the collective ‘we’ is always already impinged upon by difference. Rather than easily assuming unity, the internal problematisations of discourses of efficiency, occupation, brand recognition and collective subjectivity were also reactions to attempts to conduct the movement in particular ways and gesture to a mode or ethos of counter-conduct that continually resists flows of conduction.

Conclusion

To highlight the ways in which subjects were, in particular instances and situations, conducted in problematic ways, is not then to dismiss the Occupy movement’s challenge to neoliberal governance. Rather, it is to note the various politics of conduct at operation, and to complicate easy distinctions between governance and resistance, conduct and counter-conduct. That these debates took place within camps, with

⁶⁴ Jeffrey S. Juris, Michelle Ronayne, Firuzeh Shokooh-Valle and Robert Wengronowitz, “Negotiating Power and Difference within the 99%”, *Social Movement Studies*, Vol. 11, Nos. 3-4 (2012), pp. 434-440.

⁶⁵ Foucault, *Society Must Be Defended*, p. 27.

⁶⁶ Judith Butler, *Gender Trouble* (London: Routledge, 1999), p. 21.

some pushing for a less accommodating posture and others refusing to establish governing dichotomies, precisely demonstrates the complexities of conduct in these contexts.

We might wish to situate these debates as a contestation over what is to be understood by strategy in the context of counter-conduct. From some perspectives, strategy takes place within an already-established instrumental reason, where various elements are judged in accordance with how they contribute to the stated aims of the campaign. For others, a more deconstructive approach to strategy, wherein the refusal to conduct one another by such instrumental terms (that is, to establish a new hegemonic reason) becomes a crucial element. Foucault, we suggest, speaks to the latter when he declares:

If I were asked for my conception of what I do, the strategist being the man who says, “What difference does a particular death, a particular cry, a particular revolt make compared to the great general necessity, and, on the other hand, what difference does a general principle make in the particular situation where we are?”, well, I would have to say that it is immaterial to me whether the strategist is a politician, a historian, a revolutionary, a follower of the shah or of the ayatollah; my theoretical ethics is opposite to theirs. It is “antistrategic”: to be respectful when a singularity revolts, intransigent as soon as power violates the universal.⁶⁷

Whilst the complexities of this statement are beyond the scope of this paper, we would suggest that this ‘antistrategic’ ethos holds force in part because it pursues a mode of encounter which seeks to defer folding the impulse to conduct into the heart of radical politics; that is, by refusing to set up a general strategic programme, the conduct of those who differ or who do not immediately correspond to existing political imperatives or subjectivities is not always already naturalised – a space is held open for challenge. This space, perhaps, holds some potential for different modes of conduct.

Our argument in this paper is not simply to assert that things are more complicated than they might initially appear, nor to demonstrate that spaces of counter-conduct are themselves bound in contemporary power relations which privilege those who are not homeless or whose land has not already been occupied a thousand times over (or, to cite other terrain through which similar arguments can be made, are white, male, middle class and so forth). Rather, our intention is to highlight some ways in which a critical posture might be adopted which remains alive to and disruptive of these dynamics. Many of the statements which emerge from Occupy spaces frame the movement as always already successful as a liberated space, as representing a pure space of resistance against which the governance of neoliberal capital can be resisted, as, in some form, complete. Inclusivity, solidarity, non-hierarchy – these are presented as values realised in the space, rather than as aspirations which set the direction, if not the destination. Our suggestion is that, by recognising the ways in which contestations of conduct and counter-conduct operate *within* resistance movements, we can remain critical of these senses of completeness. A protest camp is not a non-hierarchical space. However, rather than dismissing the failures of this non-hierarchy, we might conceptualise them as

⁶⁷ Michel Foucault, “Useless to Revolt?”, in J. D. Faubion (ed.), *Power (The Essential Works of Foucault, 1954-1984, Vol. 3)* (London: Penguin Books, 1994), p. 453.

manifesting a conflict between conduct and counter- (or even anti-) conduct, and as such a productive space from which to resist the imposition of hierarchies (or governances). That is, if counter-conduct is a strategy of resistance, then an ethics of resistance might be one which continually brings this struggle back to the fore, even (and especially) in self-declared sites of counter-conduct.