

DISCIPLINING DISRUPTION:
REGULATION AND SURVEILLANCE OF PUBLIC SPACES OF PROTEST

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ABSTRACT

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The analyses presented in this dissertation are guided by two broad questions. First, how do material elements of the public sphere (i.e.; access to, use, and regulations of public space, physical barriers, proximities among protesters, audiences, and counterprotesters, and police presence/absence) enable or constrain protest? And second, in what ways are we to understand and/or account for the rhetorical effects of protest, including disruption, in such contexts? I address these questions by exploring the current shape of the public sphere through thick descriptions of the public spaces of protest I have encountered during my fieldwork with North Carolina Stop Torture Now.

Drawing on the work of Michel Foucault, I argue that these regulations and surveillance practices discipline protest, particularly in its disruptive function. These extensive examples reveal how disciplinary power is locally dispersed, ubiquitous, and internalized by activists and supporters of the status quo. However, because relations of power and resistance exist in an indefinite and at times, contradictory, struggle, I argue that although protest is subject to disciplinary practices, protesters can and do challenge these technologies through creative disruption.

These disruptions in localized spaces of protest can create a productive tension in the face of complacency and the taken-for-granted legitimacy of the status quo. I argue that

creative disruption has the effects of stirring people to anger, inviting dispute, creating contentious spaces and/or creating dissatisfaction with the status quo. These spaces and the practices therein contribute to an understanding of the public sphere as material.

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CHAPTER 1

INTRODUCTION

The spatiality of the public sphere potentially transforms our understanding of the politics of the public. An understanding of public space is an imperative for understanding the public sphere.

Setha Low and Neil Smith, The Politics of Public Space

In the 21st century, the increased regulation and surveillance of the public spaces of protest have transformed the rules, roles, and spaces of democracy by disciplining protest, particularly in its disruptive function. Keeping in mind that the effects of such resistant practices are contingent and that rhetorical strategies must be carefully considered within their context, this project attempts to identify the conditions surrounding disruption when it is enacted and interpreted, and how it is disciplined and how it challenges disciplining technologies in the public sphere.

In the years since the terrorist attacks on September 11, 2001, the U.S. government has increasingly engaged in preemptive arrest of protesters, used agent provocateurs, secret wiretapping, and caged protesters in public spaces. As Don Mitchell documents in *The Right to the City*, surveillance and regulation of public space has been present throughout the history of social protest in the U.S. However, the increased and more sophisticated deployment in the years since the terrorist attacks in 2001 has not yet been fully explored by rhetorical critics. The relationship between public space and the public sphere is worthy of critical exploration because the manipulation of public spaces can constrain the disruptive

practices vital to the existence and functioning of democratic participation. Mitchell argues that:

theories of the public sphere . . . must always be linked to theories of public space. The regulation of public space necessarily regulates the nature of public debate, the sorts of actions that can be considered legitimate, the role of various groups as members of the legitimate public, and so forth. Regulating public space (and the people who live in it) “structures attention” toward some issues and away from others. (182)

It is important, therefore, for rhetorical critics to understand how the state’s regulation and surveillance of public space affects the public sphere and the practices therein. I argue that the material elements in these spaces discipline protesting bodies, and in turn, affect the disruptive function of protest and our ability to mediate state authority through critical publicity (Habermas).

While rhetorical critics have traditionally placed emphasis on the public sphere as a discursive arena, we have just begun to explore the problem of space and bodies themselves as rhetorical in a material public sphere. If we take seriously the role that the material public sphere has in the formation and dissemination of critical publicity, then the disciplining of the body in public space has enormous effects. As Setha Low and Neil Smith argue, the “spatiality of the public sphere potentially transforms our understanding of the politics of the public. An understanding of public space is an imperative for understanding the public sphere” (6). This project explores this public space/politics thesis more fully and provides an understanding of the public sphere as material.

This inquiry is guided by two broad questions. First, how do material elements of the public sphere (i.e.; access to, use, and regulations of public space, physical barriers, proximities among protesters, audiences, and counterprotesters, and police presence/absence) enable or constrain protest? And second, in what ways are we to understand and/or account

for the rhetorical effects of protest, including disruption, in such contexts? Free and open use of public space is vital for the maintenance of the public sphere; therefore, there must be an understanding of the rhetorical effects surrounding the regulation of this space. Ideas may be quite difficult to regulate or control, but the material space that gives rise and force to those ideas is easily and far too often regulated and controlled.

In order to answer the above questions, I have engaged in two years of ethnographic fieldwork with peace and human rights activists during local and national protest demonstrations. I have conducted most of this fieldwork with North Carolina Stop Torture Now (NCSTN) but have also been involved with Witness Against Torture, CodePink, and Veterans for Peace. NCSTN is a grassroots coalition of faith, human rights, peace, veteran, and student groups that has worked to expose and end North Carolina's role in the U.S. extraordinary rendition and torture program. Their specific focus is on exposing the use of "torture taxis" by Aero Contractors, Ltd. of Smithfield—aircraft operated by private contractors in collaboration with U.S. government agents to transport detainees to places where they are tortured.

While the U. S. extraordinary rendition and torture program is a human rights and peace issue being investigated by international organizations such as Amnesty International,¹ NCSTN and affiliated groups' rhetoric is worthy of study because it focuses on connections between local communities and the War on Terror. Because NCSTN's focus is on the local North Carolina connection to the global torture program, the majority of their demonstrations have occurred in local spaces such as the roadside in the rural town of Smithfield where Aero Contractors and the Johnston County Airport are located; downtown areas of Smithfield;

¹See Amnesty International report, "A Case to Answer: From Abu Ghraib to Secret CIA Custody: The Case of Khaled El-Maqtari."

Johnston County Airport Board meetings; and Johnston County Commissioners' meetings. While some actions have been staged in the more urban capital city of Raleigh, these actions are still localized and take place on a smaller scale compared to those actions by Witness Against Torture which, while having similar goals to NCSTN, focuses its efforts toward the Bush and Obama Administrations and the U.S. Congress in Washington, D.C. As described more fully in Chapter 2, these local protests and demonstrations are the focal points of my ethnographic fieldwork and provide examples of resistance in localized communities.

What is not included here are the reformist efforts of the activists including their extensive lobbying of the North Carolina General Assembly, speaking engagements, and annual conferences created to educate and raise awareness. While these are important and have contributed to placing torture and extraordinary rendition on the public agenda, I am focusing on NCSTN's efforts in the streets of North Carolina. NCSTN's focus on localized, creative dissenting communication serves as a testing ground for my broader research questions about the effects of social protest in times of increased surveillance and regulation of public space.

The remainder of this chapter proceeds in three sections including: (1) an overview of the regulatory and surveillance practices in the public spaces of protest as reported in recent media accounts; (2) a review of the theoretical concepts that frame my arguments; and (3) a description of my critical methodology and activist approach. The remaining chapters will develop the central argument of this project. Chapter 2 explores the current shape of the public sphere through descriptions of the public spaces of protest I have encountered during my fieldwork. Focusing on multiple sites, events, and discourses has allowed me to see how regulation and surveillance practices operate in a local context. I draw on the work of Michel

Foucault to argue that regulation and surveillance practices in public space discipline protest, particularly in its disruptive function. In Chapter 3, through further exploration of public spaces of protest, I argue that creative disruption enables various modes of communication and challenges the disciplining technologies present in those spaces. In Chapter 4, I provide an understanding of the public sphere as material arguing that the contentious spaces of protest and the modes of communication they enable constitute an evolution of what Habermas calls *representative publicness*. And finally, in Chapter 5, I provide heuristics for a theory of rhetorical effects and effectivity.

Surveillance and Regulation of the Public Spaces of Protest

In order to account for the disciplining effects of regulation and surveillance in the public spaces of protest in the United States in recent years, it is important first to provide an overview of the material elements that characterize the current shape of the public sphere. For the purposes of this section, I am referring to the public sphere that is constituted in contemporary acts of protest in support of human rights, peace initiatives, and democratic globalization in the U.S. and their subsequent media coverage. Mitchell argues that there has been an increase in security experts' perception of public space as a threat in the wake of the terrorist attacks on September 11, 2001. The series of legal decisions regarding free speech and assembly by the U.S. Supreme Court indicate an ideology that "free exchange of ideas can occur only when public space is orderly, controlled (by the state or other powerful interests that can maintain order), and safe" (Mitchell 48). These policies, which Mitchell terms, "public forum doctrine," are justified under the rubric of protecting free speech itself. Mitchell argues that Supreme Court decisions² indicate an assumption that "protest could

²See for example, *Hill et al. v. Colorado et al.* 2000. 120 S. Ct. 2480; *Madsen v. Women's Health Center* 1994. 114 S. Ct. 2516.

only ‘work’ if it was orderly and free of potential violence” (47). As a consequence, we are witnessing increased regulation of the public spaces in which such protest is embodied. The state insures this order and control through surveillance of protesters, preemptive arrest of activists based on the information gathered through this surveillance, and the construction of fences, barriers, protest zones, and police barricades.

Reports on the surveillance of activists who typically engage in public protest are prevalent. On October 13, 2006, *The New York Times* reported that the Pentagon was managing a database of information on peace activists and protest activities. This database was kept as part of the Defense Department’s Threat and Local Observation Notice (TALON), a program ostensibly used to monitor potential terrorist activity (Lichtblau, “Documents Reveal Scope”). However, a team of federal inspectors general reported that “most of the intelligence leads generated under what was known as the ‘President’s Surveillance Program’ did not have any connection to terrorism” (Hess, “Report: Bush Surveillance Program was Massive”). Because public space is used by activists for protest activities, the monitoring of these groups and their activities by anti-terrorism agencies reveals a strong perception that, when in public space, these groups pose a threat.

Surveillance practices have become increasingly sophisticated and coordinated since the creation of the Department of Homeland Security. The American Civil Liberties Union has released a number of reports about “fusion centers” since 2001.³ “For years now, the ACLU has been sounding the alarm on fusion centers, a post-9/11 phenomena set forth by the government to expand information collection and sharing practices among law enforcement agencies. There are over 70 fusion centers in the U.S.” (Simon, “Little Privacy-

³See for example, American Civil Liberties Union, “What’s Wrong with Fusion Centers—Executive Summary.”

Invading Snowflakes”). Fusion centers’ coordination of information can, theoretically, be useful in detecting potential terrorist activities. In practice, however, these centers have come under scrutiny for violating privacy rights and for their inability to sort through the vast amounts of information gathered, much of which is unrelated to terrorist activity. Glenn Greenwald suggests that “eliminating strict content limits on what can be surveilled . . . means that government agents spend substantial time scrutinizing and sorting through communications and other information that have nothing to do with terrorism” (“The Backfiring of the Surveillance State”). This surveillance has also led to many peace, animal rights, and environmental activists being labeled as domestic terrorists.⁴

Surveillance programs also provide law enforcement with the ability to engage in preemptive arrest of activists. In August 2008, independent media sources reported that the U.S. government and local law enforcement agencies sought to eliminate protests at the 2008 Republican National Convention. According to one report, “In the months leading up to the Republican National Convention, the FBI-led Minneapolis Joint Terrorist Task Force [a fusion center] actively recruited people to infiltrate vegan groups and other leftist organizations and report back about their activities” (Cohn, “Pre-emptive Strikes”). Potential protesters were then arrested prior to the convention. These groups were:

targeted by a series of highly intimidating, sweeping police raids across the city, involving teams of 25-30 officers in riot gear, with semi-automatic weapons drawn, entering homes of those suspected of planning protests, handcuffing and forcing them to lay on the floor, while law enforcement officers searched the homes, seizing computers, journals, and political pamphlets. (Greenwald, “Massive Police Raids”)

⁴See Department of Justice, Federal Bureau of Investigation. “Domestic Terrorism Symposium.” A report obtained via the Freedom of Information Act by the American Civil Liberties Union on 27 Jan. 2005. Accessed at <https://www.aclu.org/FilesPDFs/direct%20action%20foia%20document.pdf>.

The preemptive arrest of protesters obviously criminalizes democratic participation and reveals further the perception of the use of public space for protest as a security threat. As I will argue, these practices also change the shape of the public sphere by removing even the possibility of disruptive, democratic expression.

No less interesting than surveillance and preemptive arrest is the manipulation of the public spaces, form, and inevitably the content of protest. Mitchell argues that historically “the right to speak has often been undermined by spatial restrictions on where one can speak” (4). While *spatial* restrictions on speech have been a constant legal struggle since the early 1900s, the public experienced a renewed exposure to such restrictions with the introduction of free speech zones (see figures 1 and 2) and police lines at the 2004 and 2008 Democratic and Republican National Conventions (see figures 3-6).

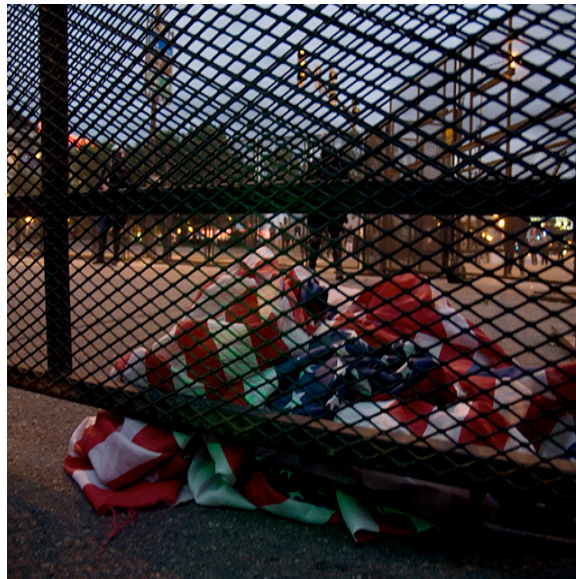


Fig. 1. Free Speech Zone at Republican National Convention.
Bradley. “Indictment.” Santa Cruz Independent Media Center. 4 Sept. 2008. Web.
<<http://www.indybay.org/newsitems/2008/09/04/18533032.php>>



Fig. 2. Free Speech Zone at RNC Minneapolis.

Bradley. "Xcel Energy Center." Santa Cruz Independent Media Center. 4 Sept. 2008. Web.
<<http://www.indybay.org/newsitems/2008/09/04/18533032.php>>



Fig. 3. Police Line at Democratic National Convention in Denver.

Skinny Vinny. "DNC." San Francisco Bay Area Independent Media Center. 24 Aug. 2008. Web.
<<http://www.indybay.org/newsitems/2008/08/24/18529552.php>>



Fig. 4. Police Force at DNC in Denver.
ex-Faultliners. San Francisco Bay Area Independent Media Center. 26 Aug. 2008. Web.
<<http://www.indybay.org/newsitems/2008/08/26/18530080.php>>



Fig. 5. Police Line at RNC in New York City.
Portland Independent Media Center. 31 Aug. 2004. Web.
< <http://portland.indymedia.org/en/2004/08/296076.shtml>>



Fig. 6. Police Line at DNC in Boston.

Richard Goldman. "A candid glimpse of the mad spectacle surrounding the Democratic National Convention in Boston." San Francisco Bay Area Independent Media Center. 10 Aug. 2004. Web. <<http://www.indybay.org/newsitems/2004/08/10/16916481.php>>

Similar structures and free speech zones have been constructed at democratic protests at neoliberal globalization and economic conferences, and lines of police officers in full riot gear have become a common sight (see figures 7 and 8).



Fig. 7. Protesters shake the security fence surrounding the WTO meeting site in Olympic Park.

Seán Marquis, *Asheville Global Report*, 20 Nov. 2002. Web. <<http://www.theglobalreport.org/issues/201/index.html>>



Fig. 8. Mass protests meet WTO in Hong Kong.
Independent Media Center. 12 Dec. 2005. Web.
<<http://www.indymedia.org/en/2005/12/829714.shtml>>

These cages, fences, and barricades with lines of police officers reveal the extent to which the perceived threat of public space has become entrenched.

Excessive police presence and protest zones are constructed ostensibly as security measures. However, upon critical examination, these types of regulations seek “to regulate both the content and the form of protest by regulating not protest itself but the space in which that protest occurs (and thus which is produced, at least in part, by protest)” (Mitchell 47). In an account about policing of public space during the G-20 Summit in Pittsburgh in 2009, for example, Radley Balko states that:

The most egregious actions took place on September 25, when police began ordering students who were in public spaces to disperse despite the fact that they had broken no laws. Those who moved too slowly, even from public spaces on their own campus or in front of their dorms, were arrested. A university spokesman said the aim was to break up crowds that “had the potential of *disrupting normal activities*.” Apparently a group of people needn’t actually break any laws to be put in jail. They must only possess the “potential” to do so, at which point not moving quickly enough for the cops’ liking could result in an arrest. (“The Criminalization of Protest,” emphasis added)

As I argue in later chapters, form simply cannot be separated from content. Regulating the form, mode, or space of expression, regulates the content and threatens the free expression so vital to the public sphere.

The perception of public space as a threat also leads to increasing militarization of public spaces of protest. In one account from the same G-20 Summit protest cited above, Balko reports that:

On the Friday afternoon before the G-20 meeting kicked into high gear, a student at the University of Pittsburgh snapped a photo showing a University of Pittsburgh police officer directing traffic at a roadblock. What's troubling is what he's wearing: camouflage military fatigues. It's difficult to discern a practical reason why a man working for an urban police department would need to wear camouflage, especially while patrolling an economic summit. ("Criminalization of Protest")

As I describe in later chapters, this increased militarization is common at protests. Having local law enforcement agencies dressed in military fatigues, I shall argue, sends a clear message about the threat that protesters presumably pose in public spaces.

The potential for ever-increasing militarization of these spaces seems probable. In an *Army Times* article, Gina Cavallaro discusses "brigade homeland tours," the use of brigade combat teams to provide support to local agencies and the federal government in managing emergency response situations. While much of the article discusses the use of these teams in helping with the aftermath of natural disasters, the language reveals another potential use of army personnel and their extensive combat training—to "help with civil unrest and crowd control" (Cavallaro, "Brigade Homeland Tours"). In addition to their traditional training in war zone combat, the teams are also being trained in the use of non-lethal packages such as beanbag bullets, tasers, and batons in order to "restore normalcy" (Cavallaro, "Brigade Homeland Tours").

Another method for “restoring normalcy” was revealed in *The New York Times* prior to the terrorist attacks on September 11, 2001. The report details the Pentagon’s plans for a new crowd-dispersal weapon. This weapon fires bursts of electromagnetic energy into crowds which causes a burning sensation on the skin of people, without actually burning them (Dao, “Pentagon Unveils Plans”). This weapon’s purpose, according to the article, is for use in peacekeeping missions in places such as Kosovo and Somalia, but considering the newly dispatched brigade homeland tours discussed above it does not seem a huge leap to see how this weapon could be used in conjunction with current crowd dispersal weapons in the United States such as rubber bullets and tear gas.⁵

In their edited volume on the politics of public space, Low and Smith argue that “antiglobalization and anticapitalist protesters, and social justice or antiwar activists, have borne the brunt of heightened assault on political dissent (invariably justified under the ludicrous rubric of antiterrorism)” (15). For a government entrusted with securing people’s safety and free expression in such spaces, the balance between freedom and security is decidedly tipped toward security. Government surveillance of its own citizens, preemptive arrest of activists, and the regulation and militarization of public spaces of protest are practices fraught with theoretical and ethical questions. In Chapter 2, I provide further evidence of these practices in a localized context and argue that these practices discipline the disruptive function of protest.

Understanding the Public Sphere as Material

In *The Structural Transformation of the Public Sphere*, Jürgen Habermas outlines a socio-historical description of the conditions that gave rise to the public sphere in European bourgeois society in the 17th and 18th centuries. His goal was to identify the requirements that

⁵See for example, “Troops Sent to Seattle as Part of Terrorism Contingency Plan.”

had to be in place before and during the emergence of the public sphere in order to identify the emancipatory potentials present in history. According to Habermas, the public sphere is defined by a modality of being in public with others, fostering a discussion of common interests which then require submission of individual judgment to the better argument. The judgments rendered within the public sphere carry a force that is able to mediate state authority through the principle of critical publicity—the moral force of the collective.

While both heralded and criticized by scholars, it must be understood that Habermas's review of European political economy cannot be fully abstracted from its particular moment in history. His description is contingent and serves today as a normative ideal (i.e.; his stress on the potential of a public sphere to mediate or influence state power) that can be expanded upon and revised in light of contemporary constraints and opportunities. While Low and Smith argue that “there is less and less room for the kind of ideal public sphere that Habermas envisages” (15), the idea of the public sphere, in all its complexities and functions in democratic societies, is worth struggling for, debating about, and expanding on because it allows us to reveal the institutions that obstruct our attempts to secure social change.

Low and Smith go on to argue that new ways of envisioning the public sphere are needed that incorporate considerations of space. While they applaud the breadth and depth of literature on the public sphere, they believe that the public sphere is “rarely if ever spatialized” (5). While much of the public sphere literature focuses on its function of enabling public discussion and debate, I argue that the public sphere also enables other communicative modes and practices and that it should be understood not only as a discursive arena, but also as material. When referring to the public sphere as material, I am referring to

the spatialization advocated by Low and Smith, and also to the physical structures and bodies present in those spaces that are used for democratic practices such as protest.

Theorizations of the public sphere have evolved in the wake of new social movements, corporeal rhetoric, and image events. “The public sphere remains an ideal, but it becomes a contingent product of the evolution of communicative action, rather than its basis” (Calhoun 32). Habermas privileges communicative action that is rational. While it is dangerous to disregard the importance of rational-critical debate as a democratic practice, I argue that it is just as dangerous to disregard the affective elements on which people often make public decisions. Kevin DeLuca states that some movements “slight formal modes of public argument while performing unorthodox political tactics that highlight bodies as resources for argumentation and advocacy” (9). These political tactics, in the form of corporeal rhetoric, for example, are enacted by Queer Nation activists as they use their bodies to reclaim public spaces. Activists engage in same-sex “kiss-ins” in order to assert their right, not to privacy, but to be public. Protesters’ bodies have “challenged and changed the meanings of the world not through good reasons but through vulnerable bodies, not through rational arguments but through bodies at risk” (DeLuca 11).

While rhetorical critics often address the ideational elements of social movements, Lawrence Grossberg argues that “affect is what actually connects us to the world, what anchors us in our experience and into particular places, activities and things in the world” (“Affect and Postmodernity” 177). Following Grossberg, DeLuca, and others, I argue that non-ideational, affective elements, such as bodies in public spaces of protest, have rhetorical effects that should be addressed more fully. Raymond McKerrow argues that “only through a corporeal perspective—a sense of rhetoric as embodied—will we ever break the constraints

imposed by the narrower vision of an administrative rhetoric” (325). Administrative rhetoric limits the potential of rhetorical invention and social change by privileging the rational while denying lived experiences. McKerrow sees corporeal rhetoric as encompassing “affective as well as purely cognitive dimensions of the human person” (323). This is useful for an understanding of the public sphere as material because the public sphere is not solely a discursive or rational arena—it also includes material and affective elements. Surveillance and regulation of public spaces of protest then have effects on the rhetorical possibilities available to activists.

A focus on the body has been of interest to some critics in recent years. The literature reveals a focus on the excessive nature of protest as a way to understand resistance.⁶ Discussion of effects in these examples is usually in terms of gaining media attention, registering a problem or objection on the public agenda, and opening up spaces for dialogue and public discussion of issues. These are all valuable critiques and contributions to understandings of protest. Excessive media spectacles obviously require a public space in order to gain the media attention necessary to garner public support (or at least public discussion of the issues). However, this focus has led some critics, including Stanley Deetz, to dismiss protest activity as something that is completely mediated and therefore ineffective in challenging existing power structures. Deetz argues that those who cannot afford airtime on corporate-controlled media outlets are not heard. This is certainly a valid point. However, Deetz’s view (and a focus solely on media attention as the goal of protest) neglects the power of bodies in the material public sphere. I argue that this focus on media coverage is also unsatisfactory for understanding the increasingly regulated spaces of protest where activists

⁶See for examples, DeLuca; DeLuca and Peeples; Foust; Best; Bruner; Opel and Pompper

are unable to stage media spectacles because they are preemptively arrested or relegated to spaces where they have little to no media exposure.

In Chapter 4, I provide an account of how protesting bodies matter. Protesting bodies provide an evolution of representative publicness and contribute to an understanding of how critical publicity is disseminated through protest. As Habermas notes, representative publicness emerged at a time when state power rested in the absolute sovereignty of a monarch. Representative publicness was essentially the status of the monarch as it was publicly displayed to the people through his physical body. This performative act made the invisible power of the monarch visible. Over time, as the public sphere developed, there was a movement of power from the visible monarch to an invisible apparatus of public authority.

Habermas critiques the representative publicness of the monarch as something that made him inaccessible to the people. One consequence of the evolution of representative publicness that I argue for is that it addresses this critique because the presence of certain “publics” in protest spaces opens up communication and makes them accessible to other publics. The seemingly invisible power of the public is not only made visible (as with the monarch), this power is made material through its corporeality and presence.

An understanding of the public sphere as not only discursive, but material, allows theorists to explore how public spaces enable or constrain the formation and dissemination of critical publicity. Protesters’ bodies move us beyond the mere formation of critical publicity to a material dissemination of it. When protesters provide a physical presence in the streets, they are embodying their ability to legitimate (or not) state power. This is why an analysis of regulations in the material spaces of the public sphere is so important. It reveals how bodies are disciplined so as to constrain their ability to form and disseminate critical publicity. This

constitutes a shift in focus from media coverage of protest to the effects of material bodies themselves in a localized context.

Understanding the Rhetorical Effects of Disruption

Grossberg states that “every practice transforms the world in some way” (*We Gotta Get Out* 398). However, he cautions critics that “daily life is not the promised land of political redemption” (94). By valorizing daily life (culture) as always disruptive and ignoring the articulations between social structures and daily life, theorists constantly discover moments of resistance whether or not they have any tangible effects. Stephen Hartnett argues that “everything we do can have multiplier effects, spreading through space to reach audiences never imagined when planning local events” (211). This is the challenge of rhetorical studies—to determine how we can know the effects of a rhetorical practice.

In his exploration of resistant practices and their effects, Grossberg offers practical distinctions for understanding resistance and the effects of cultural practices. He argues that empowerment should be understood as having control over one’s daily life. However, this is not the same as struggle, which involves changing one’s conditions of daily life. While changing one’s conditions is important, it is not always resistance, “which requires a specific antagonism [recognition of a limit in the dominant ideology]. And resistance is not always opposition, which involves an act and explicit challenge to some structure of power” (Grossberg, *We Gotta Get Out* 95-96). For Grossberg then, the key for critics is not simply to identify practices as resistant or oppositional or empowering. Instead it is the critic’s responsibility to analyze how these cultural practices “are themselves struggled over and articulated to larger political projects” (95). This is important for recognizing how resistant practices are implicated and have effects within larger systems of domination.

For this project, I draw on Grossberg's understanding of effects as those "values or resources which enable other practices and effects" such as "capital, money, meanings, representations, subject identities, pleasures, desires, affects" (96-97). Practices that enable other effects can occur within different structural levels (i.e.; empowerment, struggle, resistance), and a political project may be an attempt to articulate these specific practices—and their effects—to larger structures. Fortunately for some movements, a progression toward social change occurs as people move beyond their individual daily lives and collectively organize to oppose specific laws and injustices within dominant power structures. In Chapter 5, I offer heuristics for a theory of rhetorical effects and effectivity by exploring how localized protests enable other communicative practices and/or effects. This is how I understand effectivity—as the opening of a proliferation of effects. This chain of effects may or may not be predicted.

Drawing on Foucault's understanding of the relations of resistance and power, I argue that theorists should build a strategic knowledge of power and resistance, as opposed to a global, systematic theory. Building a strategic knowledge is based on the idea that the effects of rhetorical practices are contingent and specific to historical moments. Critics must be careful not to assume that rhetorical practices are always, already resistant. In order for resistant, rhetorical practices to be understood as oppositional, they require collective interaction and reiteration, an articulation to a larger structure of power, and a revelation of a specific limit in a dominant ideology. Determining the effects of protest requires careful analysis of the relations among protest practices, protesting bodies, and regulation and surveillance practices. These communicative practices enable other practices, effects, values, resources, meanings, subject identities, and/or representations.

Political/structural effects are the goals of social movements. Theorists should understand these actualized effects and also attend to those oppositional acts that have a *potential* for cultural, social, rhetorical, and other, larger effects. Without some attention to the different levels of resistance, critics run the risk of neglecting those practices that have possibilities for enabling other practices or effects in wider publics. In Chapter 5, I provide understandings of *potential and actualized* effects within a specific, historical moment of regulation, manipulation, and surveillance of the public spaces of protests.

Critical Methodology and Activist Approach

The research approach in this project involves a material rhetorical critique of the public spaces of protest including regulation and surveillance practices, protesters' bodies, and material structures within those spaces. In order to fully explore the effects of these spaces and practices, I draw on the theories and methods developed under the rubric of material rhetoric. In this final section, I provide an overview of material rhetorical criticism, and then I explore how communication activism scholarship influences my ethnographic and ethical approaches to the public spaces of protest and the activists therein.

Through her critical work on U. S. memorial sites, Carole Blair provides an invaluable step in understanding rhetoric's materiality and poses five important questions for rhetorical scholars to consider. What is the significance of the text's material existence? What are the apparatuses and degrees of durability displayed by the text? What are the text's modes or possibilities of reproduction or preservation? What does the text do to (or with, or against) other texts? And finally, how does the text act on people? Critics can account for the consequences and/or effects of a particular practice by exploring its relationship to other texts and contexts. This can include a number of relationships, Blair argues, including enabling,

appropriating, contextualizing, supplementing, correcting, challenging, competing, and/or silencing.

For the purposes of this project, the materialist turn in rhetorical criticism is particularly important as I explore the spaces of protest. I critique the consequences of the regulation and surveillance of these spaces—how they enable, contextualize, silence, or challenge protest in the public sphere, and how they act on people. Greg Dickinson, Carole Blair, and Brian Ott argue that rhetoric “organizes itself around the relationship of discourses, events, objects, and practices to ideas about what it means to be ‘public.’ . . . [rhetoric is] a set of theoretical stances and critical tactics that offer ways of understanding, evaluating, and intervening in a broad range of human activities” (3). The analyses that follow reveal the rhetorical implications for those protesters in public spaces and for democratic practices within the public sphere.

As stated above, I have conducted fieldwork with North Carolina Stop Torture Now and other peace and human rights activists for over two years in the public, regulated spaces of protest. My participation as an activist and ethnographer with NCSTN allows me to not only observe these spaces and the practices therein, but to experience them first-hand. Many scholars in recent years have worked within a critical paradigm, and as Soyini Madison argues, have a responsibility to effect change. Much of the work in critical theory and performance ethnography seeks to affect change through critique. Moving a step further, Shannon Speed’s work on critically engaged activist research explores how “the kind of critical engagement implied by activist research allows us to merge cultural critique with political action to create knowledge that is at once empirically grounded, theoretically valuable, and contributes to the ongoing struggle for greater social justice” (75). My research

pursues activism as a mode of scholarship. In response to Antonio Gramsci's call for an engaged knowledge, I am committed to exploring embodied presence within spaces of resistance in order to address questions about the material nature of resistance and of the public sphere.

The nature of an activist approach implies commitments to activism as a way of being in the world and to research methods, writing, pedagogy, and academic scholarship that further social justice. In a report for the Carolina Center for Public Service, Dorothy Holland et al. provide an interdisciplinary review of the literature on engaged scholarship. They argue that there are

emerging new visions in several disciplines about what constitutes outstanding scholarship. A number of fields have begun extensive theorization and development of tools and practices for engaging in locally—as well as globally-oriented research/action projects. These developments reflect growing recognition of the unavoidable (and productive) interconnections between researchers and those who are researched as well as altered views of the ethics of research. (38)

Models of engaged scholarship, such as community-based, performance, feminist, applied, activist, participatory, and social justice scholarship, are rigorous and continue to gain credibility for their contributions, not only to communities outside the academy, but to academic scholarship and research.

Communication activism scholarship encompasses the activist scholarship pursued within the various concentrations of communication studies. At the Wayne State University Doctoral Honors Seminar led by Lawrence Frey in May 2008, the participants, including myself, identified the following three broad areas of social problems that were particularly amenable to communication activism scholarship: (1) lack of engagement with democratic principles such as free expression, public debate, and free media; (2) lack of basic human rights; and (3) violence in the form of militarism and war. Being a communication activism

scholar within peace and human rights movements puts me in the position to explore how these issues intersect and how communication theory and praxis can best be utilized to further social justice aims.

In their edited texts on communication activism, Lawrence Frey and Kevin Carragee argue that “such scholarship is grounded in communication scholars immersing themselves in the stream of human life, taking direct vigorous action in support of or opposition to a controversial issue for the purpose of promoting social change and justice” (1:10). Theory is brought into the field to further social justice, and knowledge is gained from the field in order to contribute to scholarship and theory. The focus on praxis in this view is especially important as theorists can become removed from the everyday *movement* of social movements and social justice. Lawrence Frey et al. argue that we should get back to the “the day-to-day responsibility we each have in promoting social justice” (123).

My research approach (and communication activism scholarship in general) owes much to the influence of performance studies scholarship, especially the contributions of Dwight Conquergood. While Conquergood does not use the term “communication activism,” he provides the most comprehensive and detailed look at the theories and methodologies that can inform an activist stance. In “Performance Studies,” Conquergood calls for “an ethnography of the ears and heart that reimagines participant-observation as co-performative witnessing” (149). This reimagining involves having an embodied presence within the field. Doing fieldwork “requires getting one’s body immersed in the field for a period of time sufficient to enable one to participate inside that culture. Ethnography is an *embodied practice*; it is an intensely sensuous way of knowing” (Conquergood, “Rethinking Ethnography” 352). A sensuous way of knowing involves listening, feeling, and direct

interaction with the material space of the field site and the people in it. Conquergood refers to Frederick Douglass's risked vulnerability when "*listening to and being touched by the protest performances of enslaved people*" ("Performance Studies" 149). It is my hope to continue to listen to and be touched by the protest performances of those fighting for peace and the most basic of human rights so that I might better understand their communicative practices and contribute to rhetorical scholarship.

A fully engaged, activist stance leads to knowledge production and scholarship. Knowledge is "forged from *solidarity with*, not separation from, the people" (Conquergood, "Performance Studies" 149). This solidarity brings to mind the bonds forged with those engaged in social movements. Citing Gramsci, Conquergood argues that "the intellectual's error consists in believing that one can know without understanding and even more without feeling and being impassioned ... that is, without feeling the elementary passions of the people" (qtd. in "Performance Studies" 149). Passion, feeling, solidarity—these are vital connections for the activist scholar who does not accept a paradigm of detachment for the sake of some unachievable objectivity.

While Conquergood's work provides a solid grounding for an activist stance, co-performative witnessing does not provide a complete understanding of the research approach utilized in this project. In his work, "Passing Ethnographies," Nick Couldry argues that some ethnographic sites do not allow for the full immersion into a culture that Conquergood describes. Couldry explains that there are "non-trivial sites of sociality where people come together on a temporary basis, often without knowledge of each others' full context for being there" (51). Protest spaces can be an example of this type of site.

I have immersed myself as an activist within the anti-torture and peace movements by attending organizational meetings and completing tasks not wholly related to my research. However, the public spaces of protest are often chaotic and ephemeral, making full immersion in a particular protest site difficult. Recognition of some protest spaces as “nonplaces” (Couldry 43) creates a productive tension that has allowed me to recognize the strengths of adopting an activist approach that calls for multiple methods. While ethnographers in particular may have a responsibility to those they work with, rhetorical scholars interested in social change can share in this responsibility. It is the responsibility of these particular rhetorical critics to unearth the subtleties of discourses and their insidious and/or emancipatory effects. In order to answer the questions posed in this project, ethnographic fieldwork, material rhetoric critique, and an activist stance that integrates them is necessary and important.

The body of literature surrounding communication activism scholarship is growing, and a contribution of this project involves exploring what it means to move between places of rhetorical criticism and rhetorical activism scholarship. Kenneth Burke argues that “the test of a revolutionary position is not in *what one rejects*, but in *what one would put in place of the rejected*” (11). An activist stance means using the criticisms of discourses to construct a more socially just community—to move beyond deconstruction to (re)construction. It is my hope that rhetorical criticism and rhetorical activism scholarship can contribute to social justice by bringing theory to bear on resistant practices. Finding connections between learning from, contributing to, and speaking with activists can be difficult; but it is these vital connections that contribute to our knowledge of how social change happens.

CHAPTER 2

POLICE PRACTICES, SURVEILLANCE AND MANIPULATION OF PROTEST SPACE

There was of course no way of knowing whether you were being watched at any given moment. ...You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard, and, except in darkness, every movement scrutinized.
George Orwell, 1984

Visibility is a trap.
Michel Foucault, Discipline and Punish

The examples explored in the previous chapter focus on the increased regulation and surveillance of public spaces where large protest actions converge. In this chapter, I focus on the effects of regulation and surveillance practices in smaller, localized protest spaces. Drawing on the work of Michel Foucault, I argue that these practices discipline protest, particularly in its disruptive function. Through reports and observations from my field work with NCSTN and other peace and human rights activists, I argue that disciplinary power operates in these spaces through technologies such as police practices and surveillance, manipulations of protest space, rules for access, and police absence.

Through extensive field work and interviews with activists during anti-globalization protests in North America, Luis Fernandez argues that there has been an increase in the militarization and policing of protest since the successful shut down of the World Trade Organization meetings in Seattle in 1999. Immediately following these protests, mass protest became more confrontational, innovative, and successfully disruptive. However, Fernandez argues that:

This all changed after the September 11, 2001, attacks on the World Trade Center and the Pentagon and the subsequent adoption of the USA PATRIOT Act, when the U.S. government scaled back the civil liberties of its citizens, presumably to increase national security. We now live with a government that endorses the use of torture, infiltrates peace activist meetings in churches, and routinely tracks international phone conversations. (4)

Drawing on Michael Hardt and Antonio Negri's cycle of innovation and control, Fernandez argues that the anti-globalization movement bears witness to this cycle that begins with innovation on the part of protesters, which is followed by an application of control by the state.

Fernandez's analysis, while quite thorough, admittedly focuses on large convergence protests and on the control portion of the cycle. In Chapter 3, I focus on what Fernandez has intentionally left out by revealing how protesters challenge the disciplining effects of increased regulation and surveillance through creative disruption and the co-creation of contentious spaces. For the purposes of this chapter, I focus on small-scale protests that occur in local spaces. A focus on the local level allows for a more nuanced account of how disciplinary power is dispersed and how challenges to this power operate.

Disciplinary Power

Foucault's theory of disciplinary power frames my analysis of the public spaces of protest. Focusing on the prison and the Panopticon as the basis of his analyses, his theory reveals how disciplinary power works in the everyday lives of individuals. In this section I provide an overview of Foucault's concept of disciplinary power including: (1) its dispersed, capillary nature and its difference from historical manifestations of sovereign or juridical power; (2) the disciplinary technologies of hierarchical observation, normalizing judgment, and the examination; and (3) the effects of these disciplinary technologies in producing docile bodies.

First, an understanding of disciplinary power in relation to sovereign or juridical power is needed. In *Discipline and Punish*, Foucault argues that:

Traditionally, power was what was seen, what was shown and what was manifested and, paradoxically, found the principle of its force in the movement by which it deployed that force. . . . Disciplinary power, on the other hand, is exercised through its invisibility; at the same time it imposes on those whom it subjects a principle of compulsory visibility. In discipline, it is the subjects who have to be seen. Their visibility assures the hold of the power that is exercised over them. It is the fact of being constantly seen, of being able always to be seen, that maintains the disciplined individual in his subjection. (187)

Historically, sovereign power was maintained through violence and force on the part of the monarch or state. Over time, this power evolved into the “disciplines” that, instead of force, involve techniques of observation, normalizing judgment, and examination to control individuals. “The elegance of the discipline lay in the fact that it could dispense with this costly and violent relation by obtaining effects of utility at least as great” (Foucault 137).

Disciplinary power, unlike sovereign power, does not operate in a strictly top down manner. It is dispersed throughout everyday life and practices. According to Foucault:

it is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method. . . . These were always meticulous, often minute, techniques, but they had their importance: because they defined a certain mode of detailed political investment of the body, a ‘new micro-physics’ of power. (*Discipline and Punish* 138-139)

Micro-power exists on the level of the everyday. It is local, operates subtly, and interestingly, is also used by individuals to resist power. Thus, resistance exists in the same space as power.

“The success of disciplinary power derives no doubt from the use of simple instruments; hierarchical observation, normalizing judgment and their combination in a procedure that is specific to it, the examination” (Foucault, *Discipline and Punish* 170).

These disciplinary technologies exert power over individual bodies. For Foucault hierarchical observation:

enables disciplinary power to be both absolutely indiscreet, since it is everywhere and always alert, since by its very principle it leaves no zone of shade and constantly supervises the very individuals who are entrusted with the task of supervising; and absolutely 'discreet', for it functions permanently and largely in silence. (177)

Hierarchical observation involves coercion under which individuals are always visible and therefore always subject to a normalizing judgment.

“Like surveillance and with it, normalization becomes one of the great instruments of power at the end of the classical age” (Foucault, *Discipline and Punish* 184). Degrees of normality/abnormality become a way of classifying individuals and then disciplining those who do not meet the requirements of “normality.” Instead of a negative power (that which prohibits), discipline operates by placing positive or negative values on practices. “It introduces, through this ‘value-giving’ measure, the constraint of a conformity that must be achieved. . . . The perpetual penalty that traverses all points and supervises every instant in the disciplinary institutions compares, differentiates, hierarchizes, homogenizes, excludes. In short, it *normalizes*” (Foucault 183). This normalizing judgment serves as a disciplinary technology that condemns or invalidates those deemed abnormal.

Normalizing judgment and hierarchical observation combine in a final disciplinary technology, the examination. For Foucault:

The examination combines the techniques of an observing hierarchy and those of a normalizing judgement. It is a normalizing gaze, a surveillance that makes it possible to qualify, to classify and to punish. It establishes over individuals a visibility through which one differentiates them and judges them. That is why, in all the mechanisms of discipline, the examination is highly ritualized. (*Discipline and Punish* 184)

The examination allows for an understanding of the body as an effect of power as well as an object of power. Power produces bodies and also disciplines them; the effect, then, of these technologies is to produce what Foucault calls docile bodies. He states that:

The historical moment of the disciplines was the moment when an art of the human body was born, which was directed not only at the growth of its skills, nor at the intensification of its subjection, but at the formation of a relation that in the mechanism itself makes it more obedient as it becomes more useful, and conversely. What was then being formed was a policy of coercions that act upon the body, a calculated manipulation of its elements, its gestures, its behaviour. . . . Thus discipline produces subjected and practised bodies, 'docile' bodies. (137-138)

A docile body is one that is constantly improved and transformed, but one that is also subjected and used. Foucault argues that "discipline 'makes' individuals; it is the specific technique of a power that regards individuals both as objects and as instruments of its exercise" (170). Disciplinary power creates a link between increased skills in the body and increased control over the body.

Foucault's understandings of the mechanisms of power and resistance are invaluable for my own inquiries into the public spaces of protest. What is important about an understanding of disciplinary power and its dispersed nature is that it provides a more nuanced understanding of power that does not just reduce power relations to a binary of state versus subject. It allows for analyses of power and resistance at the level of the local and in the everyday interactions among individuals and between individuals and the state.

It is important to note, however, that while disciplinary power and its effects are ubiquitous and dispersed, these forces are *not* completely divorced from sovereign and juridical power. "Attention to dispersed forms of disciplinary power and resistance is conjoined with a profound recognition of juridical power, and the ways in which disciplinary and juridical forms of power intersect and work in tandem" (Fixmer and Wood 248). My

analysis in the sections below reveals how these forms of power intersect and work to discipline individuals in public spaces of protest.

Police Practices: Ordinances and Permits

Sovereign, juridical and disciplinary powers intersect and often work in tandem. Foucault is careful to note that disciplinary power has not *replaced* these other forms of power. “It has infiltrated the others, sometimes undermining them, but serving as an intermediary between them, linking them together, extending them and above all making it possible to bring the effects of power to the most minute and distant elements. It assures an infinitesimal distribution of the power relations” (Foucault, *Discipline and Punish* 216). In this section, I argue that police practices in the form of arbitrary ordinance enforcement and the permit process discipline bodies in protest spaces.

Fernandez argues that “a protest sphere is a location in which protesters and police contend for power. In such areas of contention, social actors interact in strategic ways, using tactics to gain protest capital, such as favorable public opinion or ability to disrupt the order” (33). One form of legal control categorized by Fernandez includes enforcing antiquated or other city ordinances. An example of an antiquated ordinance is a prohibition on covering the face in public, which was originally enforced to prevent certain Ku Klux Klan activities.

At an NCSTN protest on the sidewalk in front of the North Carolina General Assembly building in Raleigh, an activist donned an orange jumpsuit and black hood, as she had many times before, to symbolize solidarity with prisoners at Guantanamo Bay. She was told by a police officer that she had to “remove the hood or face arrest.” While we did not get much clarification on this hood wearing ban, we concluded that it was likely a remnant of the Ku Klux Klan ordinance. Fernandez suggests that prior to some anti-globalization protests,

police are given manuals outlining all the possible charges, such as these types of antiquated ordinances, that can be used against those congregating in public spaces.

Other ordinances are often passed in the months leading up to large convergence protests. These ordinances are usually temporarily enforced or put into force for the express purpose of controlling protesters' bodies. During the FTAA protests in Miami in 2003, for example, an ordinance banned "coordinated movement of two or more people with the intent of gaining public attention that interferes with the normal flow of [pedestrian or vehicular] traffic" (Fernandez 72). These examples of legal control suggest that public spaces of protest are more strenuously regulated as such violations would not normally be enforced at all and whose violation would certainly not result in arrest.

Protesters who choose not to comply with a police officer's order and are arrested, often find that charges are dropped soon after the protest is over. Protesters, therefore, have to make strategic choices in spaces where they are confronted with such policing—get arrested and win the legal battle later or comply in order to continue with some sort of (passive) demonstration. Criminalizing protest actions in this way disciplines activists by preventing the dissemination of their message in the moment, regardless of the eventual positive legal outcome.

While the police have traditionally been understood as a sovereign power, the example above reveals how their juridical power to arrest works with a disciplinary power to control bodies. Through the supervision of a localized protest space, police can enforce arbitrary rules and norms of behavior. Foucault argues that in

the eighteenth-century police added a disciplinary function to its role . . . as an instrument for the political supervision of plots, opposition movements or revolts. It was a complex function since it linked the absolute power of the monarch [or the state] to the lowest levels of power disseminated in society; . . . it filled in the gaps,

linked them together, guaranteed with its armed force an interstitial discipline and a meta-discipline. [quoting Vattel] “By means of a wise police, the sovereign accustoms the people to order and obedience.” (*Discipline and Punish* 215)

The threat of arrest (although often a soft threat as criminal charges will later be dropped) works to discipline bodies within the space and time of a protest action. Enforcing these ordinances compels compliance as protesters have become accustomed to obedience.

Manipulating public spaces and/or removing protesting bodies from public spaces reveals a perception of this particular use of public space as a threat. Public space, within this view, should be used only for decorous activities. Public space becomes that which only allows for docility and decorum; it accustoms people to this functioning of space and not others. It structures attention to forms of acceptable behavior—normalizing the space and making it decorous.

An obedience to these rules of docility and decorum can be seen through the permit process even when police are not present to enforce permit rules. According to Fernandez, the permit process “is a form of passive coercion in which the rules, as outlined by the police, become part of the working practices of the movement organizers” (14). My conversations with those in NCSTN who are responsible for procuring permits for various actions reveal that the permit process is generally a bureaucratic formality. In most cases, the police simply make a new copy of a permit used previously by the group.

Fieldnotes, roadside vigil at Governor’s Mansion, Raleigh, NC
January 17, 2009

Drove to Raleigh for a roadside vigil at the Governor’s Mansion today. It was cold. There were about twenty of us holding signs and banners. Good thing I wore my gloves. I’m not sure the newly elected Governor Perdue was even there. There was little traffic going

past us. We got a few stares and a few honks and thumbs up signals; that was about it. One police car drove by, but I don't think he even looked in our direction.

When Josh suggested we move to a different area closer to the mansion (and out of the shade since it was so cold), Jule reminded us that the permit said we couldn't block the sidewalk and we had to stay across the street from the mansion. We did what Jule asked. . . . We stood there for the full two hours, and I have to admit I am getting frustrated with these vigils.

In my experience, protesters themselves create docile spaces and bodies through their obedience to permit rules, such as not blocking a sidewalk, regardless of how little pedestrian traffic exists. They remind each other to stand a certain number of feet from a fence or across the street from a particular audience target, such as the Governor's Mansion in Raleigh. Protesters usually enforce these rules on each other regardless of police presence using the space only as it "should" be used, as a docile space. This vigil at the Governor's Mansion is an annual, permitted NCSTN event. Despite the lack of interaction with passersby or our ostensible target, Governor Perdue, we stood vigil for the allotted time as this was the routine.

Fernandez argues that the permit process of the 1980s and early 1990s "led to the rationalization of protest; and protest itself became predictable and habitual" (169). In addition to the example above, the small roadside protests on the highway in front of Johnston County Airport (JNX) in Smithfield (what NCSTN members call vigils) tend to follow this same pattern and are predictable with little to no disruption involved. The stated goal of these roadside vigils is to bring awareness to passersby that Aero Contractors engages in extraordinary rendition activities through the taxpayer-supported airport. Because this area is a busy, four-lane road with no sidewalk, there is no pedestrian traffic and vehicular traffic

moves past the protesters at around 55 mph. We have encountered a few people who take the time to stop and ask questions about our banners and have received some media attention from the local Smithfield newspaper; however, this is generally a predictable couple of hours.

The normalization of this process and docility of these spaces reveal how seamlessly the rules outlined in these permits become part of the activists' working practices. "Power has its principle not so much in a person as in a certain concerted distribution of bodies, surfaces, lights, gazes; in an arrangement whose internal mechanism produces the relation in which individuals are caught up" (Foucault, *Discipline and Punish* 202). The arrangement or manipulation of the space ensures docile bodies and structures attention toward the proper uses of that space. The banality of these types of permitted protests reveals their habitual and predictable nature. While these events may meet the goal of awareness raising, their predictability hinders their potential effectiveness as disruptive events.

Police Practices: Surveillance

Police also use surveillance to ensure predictable events and discipline disruption. The monetary restrictions in small towns and rural counties such as Smithfield, Johnston County would likely prohibit the extensive and costly surveillance operations used at large convergence events.⁷ However, fusion centers (described in Chapter 1) are in operation at smaller, localized protests. At an anti-war protest on the University of North Carolina at Chapel Hill's campus in Spring 2008, I observed two men in plainclothes videotaping protesters. When I asked them who they were and why they were taping, they vaguely

⁷Recent news reports on the costs of surveillance and police training for protests at the 2010 Vancouver and 2012 London Olympic Games indicate the extent of these expenses. For example, the 2010 Vancouver Olympics spent \$609 million on surveillance ("Protesters Promise No Violence"). The anticipated cost for security and surveillance at the 2012 London Olympics is £600 million ("London Plan at-a-glance").

responded that they worked with law enforcement. One of the men's shirts had an ISAAC logo on it. The Information Sharing and Analysis Center (ISAAC) is a North Carolina fusion center that works in conjunction with the Department of Homeland Security to "reduce North Carolina's vulnerability to terrorism and criminally motivated events" ("Help Protect North Carolina").

Foucault argues that analyses of power "should be concerned . . . with those points where it becomes capillary, that is, in its more regional and local forms and institutions" (*Power/Knowledge* 96). These regional forms of power reveal the dispersed and capillary functioning of power in local spaces. Even presumably small-scale operations such as ISAAC can provide police with the ability to engage in preemptive action that disciplines or even silences protest. One form of this preemptive action is surveillance in the form of infiltration. Fernandez argues that the effects of infiltration are numerous:

[Infiltration] allows police access to insider information about the movement, such as the location and routes of marches without permits and possible disruptive tactics (violent or nonviolent), and helps them identify and target leaders. Because a successful social movement requires innovation and surprise, police infiltrators do more than just prevent violence; they also minimize the success of any tactic, peaceful or otherwise. (112)

The possibilities of infiltration and surveillance are real concerns for activists on the local level. NCSTN activists discuss the possibility of being infiltrated by agent provocateurs or having their listserv and email discussions monitored.

One discussion⁸ about listserv security among NCSTN activists ended in explicit instructions to verify the "legitimacy" of new additions to the listserv and a warning to discuss "delicate topics" and protest planning with individuals only, and not via emails or the listserv. While this particular example of surveillance does not occur directly in the public

⁸Example taken from electronic communications with members of North Carolina Stop Torture Now.

spaces of protest, it reveals the activists' concerns about surveillance and how they modify their behavior and protest planning to avoid being watched and/or punished.

Less costly methods of police surveillance, which I have observed at virtually every protest I have attended, include the use of police patrols, photographing, and videotaping. Methods of surveillance in public spaces of protest are numerous and cover a range of technological sophistication beyond patrols, infiltration and videotaping. For example, mobile surveillance towers, also known as cherry pickers, (see fig. 9) have been increasingly used to monitor and police protest in public spaces.



Fig. 9. NYPD Mobile Surveillance Tower.
Joel Johnson. BoingBoing.net. 11 Aug. 2008. Web.
<<http://gadgets.boingboing.net/2008/08/11/sky-watch-nypds-mobi.html>>

Military aircraft drones (see fig. 10) are now being tested in the United Kingdom in preparation for the 2012 Olympics.⁹ And law enforcement agencies in the United States have

⁹See Lewis, Paul. "CCTV in the Sky: Police Plan to Use Military-Style Spy Drones." *The Guardian*. 23 Jan. 2010. 13 Feb. 2010. <<http://www.guardian.co.uk/uk/2010/jan/23/cctv-sky-police-plan-drones>>.

requested use of similar military aircraft drones for domestic surveillance and border security.¹⁰



Fig. 10. Draganflyer X6.

Joel Johnson. BoingBoing.net. 25 Sept. 2008. Web.
<<http://gadgets.boingboing.net/2008/09/25/draganflyer-x6-your.html>>

“Surveillance is only the start, however. Military drones quickly moved from reconnaissance to strike [in the wars in Iraq and Afghanistan], and if the British police follow suit, their drones could be armed—but with non-lethal weapons” (Hambling, “Future Police”).

An effect of a constant gaze, according to Foucault, is the internalization of this gaze—or a self-disciplining. Foucault discusses this effect through a review of the Panopticon, a prison system designed by Jeremy Bentham that used a specific architecture to insure constant surveillance of inmates. Foucault describes the Panopticon as an “enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded. . . this constitutes a compact model of the disciplinary mechanism” (*Discipline and Punish* 197). The unique design of this structure, which provided visibility of the inmates and

¹⁰See McCullagh, Declan. “Drone Aircraft May Prowl U.S. Skies.” *CNET News*. 29 Mar. 2009. 23 Jan. 2010.
<http://news.cnet.com/Drone-aircraft-may-prowl-U.S.-skies/2100-11746_3-6055658.html>.

invisibility for the guard(s) has the effect of a self-disciplining by the inmates as they can never be sure if or when they are being watched.

The effect of constant surveillance on protesters, I argue, is similar. As with the Panopticon, protesters may internalize the gaze and self-discipline—monitoring and modifying their behavior. “Hence the major effect of the Panopticon: to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. . . . that the inmates should be caught up in a power situation of which they are themselves the bearers” (Foucault, *Discipline and Punish* 201). As protesters monitor and/or modify their own behavior to avoid surveillance or punishment, the disruptive function of protest can be disciplined as protesters engage in less contentious activities.

It is clear that surveillance can chill resistant activity. It can also contribute to a perception of protest as a criminal activity. As protesters’ anonymity or privacy is threatened, they face the normalizing judgment placed on them as radicals or criminals. One NCSTN activist has talked to me repeatedly about her concerns over being under surveillance by police officers in her local community in Johnston County. Because she works and lives in this county (unlike most NCSTN members who live and work outside of Johnston County in Raleigh, Durham, Cary, etc.), she is concerned about the possible harm to her business relationships and the privacy of her family. Anonymity can be important to those activists whose political work is often conceived of as radical (or perhaps even criminal) or outside the norm.

Manipulating Public Spaces

Fernandez argues that as new movements emerged in the late 1990s with a more confrontational repertoire, the state became more focused on controlling space because legal

forms of control were not as effective at controlling protest. Fernandez focuses on the closing of public spaces such as restaurants and hotels to anti-globalization protesters traveling to certain areas. These closings make it difficult for traveling protesters to find places to meet, eat, and sleep. One of the many advantages that a local, grassroots group such as NCSTN has over large scale, convergence protests is the absence of this type of control. Meeting, sleeping, and eating spaces are ample as the activists have homes in the area.

Foucault states that “in the first instance, discipline proceeds from the distribution of individuals in space” (*Discipline and Punish* 141). Foucault’s review of how manipulations of space function in terms of disciplinary power relates most specifically to population distribution. He was concerned with how the “abnormal” such as prisoners, gay men and women, the transient, or the sick were quarantined or removed from the rest of society. However, his understanding of space’s relationship to disciplinary power remains valuable for understanding the effects of manipulations of protest spaces. For example, he argues that “discipline sometimes requires *enclosure*, the specification of a place heterogeneous to all others and closed in upon itself” (Foucault 141).

The construction of speech zones and controlling bodies through arrest (see fig. 11) are used by police to enclose or actively discipline protest. Speech zones quarantine protesters, while arrest removes them altogether from public protest space.



Fig. 11. Mass Arrest at Jackson and Seventh.
 Bradley. Santa Cruz Independent Media Center. 3 Sept. 2008. Web.
<http://www.indybay.org/newsitems/2008/09/03/18532436.php>

Interestingly, the surveillance practices discussed above enable police to use snatch squads to target and remove protesters quickly from public spaces. Disciplinary space's

aim was to establish presences and absences, to know where and how to locate individuals, to set up useful communication to interrupt others, to be able at each moment to supervise the conduct of each individual, to assess it, to judge it, to calculate its qualities or merits. It was a procedure, therefore, aimed at knowing, mastering and using. Discipline organizes an analytical space. (Foucault, *Discipline and Punish* 143)

These manipulations of space discipline protest by (1) contributing to a negative perception of protesters; (2) interrupting their communication; and (3) removing the possibility of disruption and further dissemination of their messages.

Fieldnotes, Salute to Our Troops parade protest action, Raleigh, NC
 April 28, 2008

. . . While still enduring the angry and offensive name calling of the parade watchers around us, I watched as Daniel ran in front of one of the moving tanks and laid down in the street. He was quickly pulled up by two police officers, handcuffed, and taken down the street out of my line of sight. I was shocked at how quickly this happened. The crowd booed him

and then cheered as he was taken away. The parade watchers behind Roger and myself seemed even more agitated after Daniel was taken away.

Amendment to fieldnotes: I was later called by Steve, Daniel's attorney and a member of NCSTN, to testify as a witness at three separate hearings for Daniel, all of which were postponed because the arresting officers did not show up. The judge finally dropped all charges.

Prior to his arrest, Daniel, whose brother is stationed in Iraq, calmly and silently held up a small sign promoting peace. However, we were told to “move along” twice by police officers. When Daniel's sign was ripped up by parade watchers, the police stood by without intervening. His peaceful, yet disruptive message was perceived as a threat or as a negative and criminal activity. The police immediately arrested him when he attempted to creatively disrupt the space by blocking the parade route—removing him from the space indefinitely. “That is why discipline fixes; it arrests or regulates movements; . . . it must neutralize the effects of counter-power that spring from them and which form a resistance to the power that wishes to dominate it: agitations, revolts, spontaneous organizations, coalitions—anything that may establish horizontal conjunctions” (Foucault, *Discipline and Punish* 219). Controlling our bodies in that space contributed to negative perceptions of our actions and structured attention to our use of the space as something that should be perceived as criminal. Removing Daniel through arrest further disciplined his ability to disrupt the parade and communicate a resistant message. The eventual dismissal of all charges against him reveals how little interest the law enforcement officers had in seeing him prosecuted, instead being satisfied with enforcing a disciplinary power over the space the protesters used and preventing further disruption of the parade.

It is interesting to note that space is also manipulated via “rules” for access to these spaces. Rules for access change in the moment and are often enforced by “authorities” other than police officers. These rules seek to manipulate space and control bodies in the absence of established, legal regulations. At an action staged during the JNX Open House in Smithfield, the rules for access to individuals and spaces where we could be present continually changed and were dictated by the JNX Manager, not the Sheriff’s deputies that were present. However, the police’s presence did compel us to comply with the changing rules.

Fieldnotes, JNX Open House, Smithfield, NC
September 13, 2008

Today we staged a direct action at JNX during their public open house. I was very nervous at the prospect of being in a potentially hostile environment. The plan was to hand out orange balloons to the children that said— NO JNX TORTURE FLIGHTS. INVESTIGATE AERO CONTRACTORS--NCSTN LOGO.

When I finally talked myself into going and arrived just behind Walt and Allyson, I was even more nervous. As soon as we parked, Allyson stepped out of her car and said, “I have to admit that I’m such a big chicken!” She was wearing her Code Pink shirt. She has a bit more reason to be nervous I thought (and I’ve been thinking that a lot lately) because she runs a business and lives in this county. People know her here and her children go to school with these folks. There is some comfort in my own anonymity in this community. I have so long heralded the courage of those who engage in “excessive” anti-globalization protests, but it takes so much courage to speak out among friends and within your own local community.

Allyson and I walked through the tarmac area while we waited on Paul to arrive with the helium tank and balloons. She told me that she had a conversation with one of our supporters at the Smithfield Herald who was concerned about “using” children to promote a political message. So she and Christina talked and decided to add red, white and blue

balloons to the mix, so that each child could get a balloon with no message if he/she chose. We agreed this was a good idea.

As we walked around the exhibits on the tarmac, it didn't take either of us long to notice we were being watched and followed by a Johnston County Sheriff's deputy. We went back to the parking area which was just on the opposite side of the gate/tarmac where the plane rides, antique planes and exhibits were set up. Josh and Christina (she was wearing an orange "Stop Aero" t-shirt) and her two children arrived. We all hugged and exchanged pleasantries. Then Paul arrived with the truck and supplies. We all laughed about the fact that a couple more deputies had arrived and were standing by the gate, watching us closely. We agreed that it was funny that they had no idea what we were planning. Funny too that they can so easily pick us out from the "regular" public attending the open house. I guess the bright orange and pink shirts are a giveaway!

We began setting up. It was then that I realized that we were going to hand out the balloons right there behind our vehicles in the parking lot. We were not actually going inside the gates onto the tarmac. I guess we needed permission from JNX for that. Of course, they would never allow it. Being in the parking lot made me feel much better and less nervous about possible confrontations. Why?

. . . I walked back across the driveway to the main group after I ran out of balloons about 15 minutes later. We were then approached by an agitated looking woman in a JNX hat and polo shirt. I was a little surprised it took that long. She said (mostly addressing Christina), "Why are you out here trying to ruin everyone's day? We're just trying to have a nice time and give some kids some free airplane rides."

To which Christina calmly and sincerely responded, "Oh, we're not ruining anyone's time. We're just giving out balloons and trying to educate people about Aero Contractors and their role in providing CIA torture flights. Do you know about Aero?" The woman became even angrier and stated that "if you hate this country so much you should move to Russia." A number of us couldn't help laughing. Then Christina said, as sincere and serious as always, "Why?" The woman had no response and walked away angrily toward the Sheriff's deputies. Allyson followed her a couple of steps and offered her a balloon. She refused.

Walt and Josh began to roll out our large “Torture is Wrong” banner. They had not yet gotten it set up when we were approached by (I was told) the manager of JNX. He appeared angry, but his voice was calm and businesslike. He addressed Walt, Josh, Allyson and Christina. I was a bit too far away to hear the entire conversation, but I did hear the manager say, “This is our day. You don’t need to be here.” To which I heard Walt argue that we were within our 1st Amendment rights and were only handing out balloons and information. Either Christina or Allyson said that “we have no intention of causing a disruption.”

The manager eventually walked away and Allyson told me they had reached a compromise. We could distribute balloons in the parking lot, but could not put up our banners or signs. We left up the tri-fold, but put the banner away. Josh made the comment that he didn’t understand the problem with the banner because it just said “Torture is Wrong.” I couldn’t tell if he was being serious or not.

Our next mode of action was to have Christina and Allyson go inside the gates onto the tarmac with balloons and simply walk around handing them out and dialoguing with people we might have missed as they were coming in. They were stopped at the gate by the deputies. While I couldn’t see or hear exactly what happened, Christina and Allyson came back to let us know that the JNX manager had told the police officers that we now were no longer allowed to hand out balloons to people entering the gates, only as they were leaving the open house. This new rule was supposedly because the balloons could interfere with the planes landing and taking off. We briefly chatted about the point in challenging this, but decided that although legally we were in the right, if we were escorted off the grounds we would win in court but lose our opportunity to reach supporters and provide info to those who may not know about Aero.

While the “rules” for access at the JNX Open House were changed by the manager of JNX, as described, NCSTN activists also changed their own strategies and tactics in order to appeal to more publics (e.g.; the red, white and blue balloons) or avoid removal. In Chapter 3, I explore the effects of this particular creative disruption in more detail. For the purposes of this section, it is important to note how the rules for access to the space were changed in

order to prevent us from disrupting JNX's annual public relations event. Attempting to put us in spaces further away from the tarmac was an attempt to marginalize our message and presence. It would also have prevented us from access to those publics most able to effect change in their local community. We were never approached by the police officers present (this policy of nonintervention will also be discussed in Chapter 3), instead these rules were dictated to us by those members of the general public who are complicit with or actively in support of the status quo.

As discussed above, Foucault argues that disciplinary power intersects with other forms of power, such as juridical power. While, in this particular instance, I would argue that the JNX employees were not successful in disciplining our disruption, they did attempt to silence our message through a disciplinary technology and manipulation of space that rendered our protest inappropriate in that space and time. The power of the police, through their presence and gaze, intersected with JNX employees' power to place us within a normalizing judgment.

Police Absence

The examples above reveal how protest can be hindered due to excessive police (and others') manipulation of space and surveillance. Interestingly, police absence from a space can also discipline protest by rendering a protest irrelevant and a space dangerous. At a protest sponsored by Witness Against Torture in Washington D.C., my growing assumptions about what makes a protest effective were challenged. Believing that this protest would be more effective than the roadside vigils in Smithfield I had grown weary of, I was faced instead with a protest space in the nation's capital that was rendered dangerous and ineffective due to a lack of police presence.

Fieldnotes, 100 Days to Close Guantanamo and End Torture, Washington, D.C.
January 11, 2009

Today I left for the rally in Dupont Circle. I took the Metro in, not at all crowded and I didn't see anyone who overtly looked as if they would be involved in the protest. When I made it downtown about 45 minutes or so before the scheduled start of the rally, Witness Against Torture activists were already setting up. I walked around taking in any security presence, I didn't see any police officers, or cars, or even possible plainclothes officers. . . .

As I was sitting there, Beth from NCSTN sat next to me to put on her orange jumpsuit, she left her hood around her neck. We helped another activist, Vince, suit up as well. Then I helped her hand out flyers for the event to passersby. "We're here on the 7th anniversary of Gitmo and asking for its closure." People were very polite and took the flyers, but most did not really talk to us or glance at the flyers. I imagine people in DC are quite used to this type of activity.

One of the main organizers made some announcements and asked for volunteers to help guide the hooded demonstrators through the route since their vision would be difficult due to the hoods. Large puppets would also be used and they too would need help. I volunteered to help. When it was time for the march to begin I overheard that we did, in fact, have a permit, but that the police escorts had not shown up. The organizers decided to proceed anyway.

There were around 100-150 people participating. We started out from Dupont Circle and had to cross numerous streets. This was when my "job" as a guide and hazard marker became fully hazardous. With absolutely NO police presence (not one police car even passed us by that I saw), we had to manage traffic in D.C. with a 100 or so protesters in hoods and oversized puppet heads. It was awful. LOTS of angry drivers shouted at us saying we needed a permit. I was concerned for people's safety as the few non-hooded of us helped guide others down the middle of busy streets and intersections. When our fake military guards (from the performance) dressed in military fatigues stopped traffic—there were no complaints from the drivers. Interesting.

We returned eventually to Dupont Circle for another round of speakers and performances. There were still no counterprotesters and no police. I finally decided the

police were too busy with the Inauguration dress rehearsal in another part of town. Is this all just irrelevant now with Obama's election? Wouldn't it have been better to try to be in an area close to him since we were reminding him of his campaign promises? I think we would have gotten a lot more out of a different location. Of course, we certainly would not have been granted a permit for an area so close to President Obama, despite him being our ostensible target.

Police absence can discipline larger protests because it makes movement through spaces dangerous and difficult for protesters. In the example above it seemed to render the protest irrelevant, not even in need of police attention. The absence of police in this case prevented our ability to use public space to our advantage. Our permit only allowed us to be in an area away from the inaugural events. Therefore, attention was structured toward the inconvenience of our presence and not to the content or affective elements of our demonstration.

The examples explored in this chapter, police practices and surveillance, manipulation of protest space and police absence, reveal how protest is disciplined. Drawing on the work of Foucault, these practices reveal how disciplinary power is dispersed, ubiquitous, and internalized by activists and supporters of the status quo. This disciplinary power serves to constrain the disruptive function of protest.

Relations of power and resistance exist in an indefinite and at times, contradictory, struggle. Foucault argues that “power, after investing itself in the body, finds itself exposed to a counter-attack in that same body. . . . and so the battle continues” (*Power/Knowledge* 56). Although subject to disciplinary practices such as those discussed in this chapter, protesters can and do challenge these technologies through creative disruption and creative use of space. In the next chapter, I explore how these resistant practices challenge

disciplinary technologies in local spaces through a recuperation of disruption and the co-creation of contentious spaces.

CHAPTER 3

CREATIVE DISRUPTION: CHALLENGING THE DISCIPLINING EFFECTS OF REGULATION AND SURVEILLANCE

[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.
Terminiello v. City of Chicago (1949)

Whatever the deadening weight of heightened repression and control over public space, spontaneous and organized political response always carries within it the capability of remaking and retaking public space and the public sphere.
Setha Low and Neil Smith, The Politics of Public Space

In Chapter 2, I argued that excessive intervention through surveillance and manipulation of space disciplines the disruptive function of protest. The analysis in that chapter reveals how protesters are disciplined and self-discipline in order to avoid normalizing judgment or punishment. However, following Michel Foucault's theory that relations of power exist in an indefinite struggle, I argue that this disciplining does not exhaust the possibilities of resistance in public spaces of protest. Setha Low and Neil Smith argue that "the state's actions do indeed mold and frame what specific societies take to be public" (5), but there is room for a remolding and reframing on the part of the public itself.

In this chapter, I argue that creative disruption can and does challenge disciplining practices in the public sphere. I use the term creative disruption to describe the practices observed in my field interactions with North Carolina Stop Torture Now which suggest that a

kind of disruptive resistance remains possible under conditions of disciplinary technologies in the public sphere. Creative disruption in localized spaces of protest can create a productive tension in the face of complacency and the taken-for-granted legitimacy of the status quo. Borrowing from Justice William Douglas's eloquent majority opinion in the U.S. Supreme Court case of *Terminiello v. City of Chicago*, I argue that creative disruption in local spaces of protest stirs people to anger, invites dispute, creates contentious spaces and/or creates dissatisfaction with the status quo.

As discussed in Chapter 2, power operates through disciplinary technologies that create docile bodies. However, the relationship between power and resistance continues in an indefinite struggle with each and the other retreating, reorganizing and investing in different ways and spaces. As mentioned in Chapter 2, Foucault argues that "suddenly what had made power strong becomes used to attack it. Power, after investing itself in the body, finds itself exposed to a counter-attack in that same body. . . . For each move by one adversary, there is an answering one by the other" (*Power/Knowledge* 56-57). The space of localized, small-scale protests is the stage for one such counter-attack against the disciplining of regulation and surveillance practices. For Foucault, these:

resistances to the Panopticon will have to be analysed in tactical and strategic terms, positing that each offensive from the one side serves as leverage for a counter-offensive from the other. The analysis of power-mechanisms has no built-in tendency to show power as being at once anonymous and always victorious. It is a matter rather of establishing the positions occupied and modes of actions used by each of the forces at work, the possibilities of resistance and counter-attack on either side. (163-164)

The analysis in this chapter reveals how local activists resist by using tactics of creative disruption that challenge disciplining power in public spaces of protest. Through creative use of space, protesters co-create contentious (not docile or decorous) spaces. In Chapter 5, I provide suggestions for how to understand this resistance in more strategic terms.

After exploring how understandings of disruption, decorum and affect inform my use of the term *creative disruption*, I review how this vital democratic practice has functioned and been understood historically. Then, through an analysis of field interactions I have observed and in which I have participated, I distinguish the spaces, occasions, times and practices that exemplify my characterization of creative disruption. Finally, this analysis reveals how creative disruption challenges the disciplining effects of excessive regulation and surveillance by creating contentious spaces that enable various modes of communication on a local level.

Disruption, Decorum and Affect

At the most basic level, a disruption is that which disturbs the normal activity occurring in a particular place at a particular time. Disruptions interrupt the normal course or unity of some activity/event/space/etc. Creative disruption, as I characterize it, occurs in local spaces of protest and functions to stir people to anger, invite dispute, create contentious spaces and/or create dissatisfaction with the status quo. As exemplified below, creative disruptions are affective and often violate norms of decorum that exist in public spaces. In order to effectively challenge disciplining technologies that operate in public spaces of protest, creative disruptions must be increasingly inventive and resourceful. In this section I explore the rhetorical and cultural studies literature on decorum and affect and U.S. Supreme Court opinions on disruption and decorum that inform my use of the term *creative disruption*.

As seen in Chapter 2, disciplining technologies operate within norms of decorum to hold protest to a purely ritualized and rationalized standard. Norbert Elias argues that this “civilizing process is about affect control” (qtd. in Cmiel 270). The affective state, according

to Lawrence Grossberg, has a structure that defines and organizes experiences or passions. What is important is “the way in which the specific event is made to matter” (Grossberg, *We Gotta Get Out* 82).

Robert Hariman broadly defines decorum as “the rules of conduct guiding the alignment of signs and situation, or texts and acts, or behavior and place” (156). Hariman’s reference to behavior and place is of particular importance for understanding how decorum operates in spaces of protest. Protesters are often faced with the charge that their dissent violates decorum; their actions (not always their grievances) are deemed improper in a particular space or time. Herbert Simons states that “movements are threatened by society’s sanctions and taboos: its laws, its maxims, its customs governing manners, decorum, and taste” (4). It is important for activists to use disruption creatively in order to challenge or neutralize these threats. “One should observe the possible use of confrontation as a tactic for achieving attention and an importance not readily attainable through decorum” (Scott and Smith 31).

It is important to note that creative disruption is often confrontational, but not inherently violent. While the U.S. Supreme Court “moved to open up public space to certain sorts of incivil behavior [in the 1960s], there were limits. At no time did it accept the legitimacy of violence. The Supreme Court held fast to the notion that the state had a monopoly on the legitimate use of force” (Cmiel 280). Creative disruption, as I characterize it, is rhetorical because it invites dispute and creates contentious spaces that enable various modes of communication. Violence is certainly a type of disruption, but violence is not a protected form of expression, and it is not the creative, rhetorical disruption I argue for here.

In addition, the U.S. Supreme Court reinforces norms of decorum in public spaces of protest by protecting limited kinds of disruptive behavior in particular public spaces. As it said in *Grayned v. Rockford* (1971), a case on picketing outside a school: “The crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time.” When protest inside an institution was upheld, “it was because it was not disruptive” (Cmiel 281). This ruling essentially upholds a prohibition on the very thing that makes a protest effective, its ability to disrupt “normal” activity in order to create dissatisfaction with the status quo. Luis Fernandez argues that “a primary aspect of a powerful protest is its ability to disrupt. If you remove this power, then the protest is less effective and perhaps less successful” (85).

When a creative disruption is enacted in a space where authorities typically uphold certain norms of decorum, it can be all the more effective. The standards of decorum are, obviously, dictated by considerations of space, and considerations of space are vital for developing strategies of resistance. While the ruling in *Grayned v. Rockford* (1971) reveals that disruption is not always a protected form of speech, Robert Scott and Donald Smith argue that:

a rhetorical theory suitable to our age must take into account the charge that civility and decorum serve as masks for the preservation of injustice, that they condemn the dispossessed to non-being, and that as transmitted in a technological society they become the instrumentalities of power for those who “have.” (32)

Creative disruptions are tactics of protest that unsettle the very social norms and decorous spaces that give force to disciplining technologies or practices that activists seek to challenge. The space of a protest dictates the type of disruption that can occur. The example below of a

Eventually he spoke of the three alleged suicides at Guantanamo that took place in June of 2006: “Let us begin, this day, compelled by the enormity of the events, to commemorate the lives of Salah Ahmed al-Salami, Mani Shaman al-Utaybi, and Yaser Talal al-Zahrani, three men who died in Guantanamo in 2006. For four years the powers that be told us that these deaths were suicides, - which should have been enough to rouse the consciences of a free people. Now it appears far more likely that these innocent Muslim brothers were tortured to death.”

Other members of the group gave brief biographies of the three men, and afterwards they continued to pray. As the group acted, the Capitol police asked the tour groups to leave the area, and they began to close the doors to the Rotunda [those who refused to give police their names, instead using the names of Guantanamo prisoners were arrested]. I was able to get a few photos of the scene before leaving the Rotunda and joining the rest of the tour downstairs.

The space in the Rotunda where these activists demonstrated is a sacred space, one with formal and informal norms of decorum, and one that many would argue is not an appropriate space for disruption. It would certainly be considered unacceptable by most, or even traitorous by some, to mourn “enemy combatants” in the same space where fallen Presidents are laid in state. Although the area was eventually closed off by police, these activists were able to creatively disrupt this space and the public witnesses present there. This protest was enacted without a permit. However, that was its very power, to disrupt the normal activity within a space. The activists were able to enact their disruption quickly [and before the police closed off the space] because the police were not aware of their action ahead of time. While the protesters enacting a more traditional protest on the Capitol steps were arrested for not having a permit, those inside the Capitol Rotunda were able to effectively engage in a disruption before being arrested. Their creative disruption challenged the norms of decorum in the Rotunda through their resourceful use of space.

While the protesters in the above example effectively used space to disrupt the norms of decorum in the Rotunda, the effects of affective tactics like creative disruption are not guaranteed. These tactics involve risk not only to the protesters' physical bodies, but also to their goals. While the affective presence of bodies in public spaces may arouse certain experiences in publics that persuade them to face the human consequences of certain policies, there is always the risk that such a tactic will fail to persuade in the direction desired by the protesters. They risk arousing, not a productive tension, but perhaps disgust, hostility, and even violence. In the next two sections, I provide examples of disruption from historical protests in the U.S. and from my field experiences that implemented these risky, affective tactics with varying effects.

*Disruption: A Brief Historical Overview*¹²

Disruption—variously understood—has characterized the history of protest in the U.S. In this section, I highlight various modes of social disruptions in order to put into context the contemporary functioning of creative disruption that I have observed in local, contemporary spaces of protest. Through hunger strikes during U.S. women's efforts to gain the right to vote¹³ and labor strikes of the late 19th and early 20th century¹⁴, disrupting the status quo has been an important part of securing social change. During the Civil Rights Movement, many activists worked to disrupt the public's perceptions about segregation and racism in the South. Working from Mahatma Gandhi's teachings on *satyagraha* and

¹²The literature on the disruptive nature of protest in the United States is too extensive to be reviewed in full here. I provide a brief overview in order to reveal how disruption has evolved in the most recent decades of social protest in the U.S. when media attention became more widespread.

¹³See for example, Ritchie and Ronald.

¹⁴See for example, Zinn.

duragraha,¹⁵ these activists followed Martin Luther King, Jr.'s commitment to nonviolent direct action that would "establish such creative tension that a community . . . is forced to confront the issue" ("Letter from a Birmingham Jail").

Acts of civil disobedience such as sit-ins at lunch counters and marches in the streets were disruptive and demonstrated, not only a principled commitment to nonviolence, but also a strategy that brought the reality of racial violence to the forefront of public consciousness and conscience. According to Dennis Chong, nonviolence "operated on the principle that the crowd's or audience's reaction to a conflict between two parties will significantly affect its course" (20). Such actions disrupted everyday activities and persuaded witnesses to confront the human consequences of racism and segregation.¹⁶

After his arrest for civil disobedience in Alabama, King wrote that nonviolent direct actions "bring to the surface the hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with" ("Letter from a Birmingham Jail"). The purpose of these particular disruptions was to draw attention to the issues and gain media exposure. The media, in turn, had the "ability to transform local skirmishes into events of national importance. Public opinion could be mobilized against the southern status quo only if the conflict intensified and became salient to the general public" (Chong 21). Through the activists' suffering at the hands of the police, the reality of racism was brought to the public's attention and public opinion was used to bring about reform.

Some sects of the anti-war movement in the 1960s also practiced a principled commitment to nonviolence. However, when tactics such as teach-ins became too commonplace and lost their persuasive force, anti-war activists began utilizing disruptive

¹⁵See Garrow.

¹⁶See also, Schattschneider.

civil disobedience to unsettle individual's taken-for-granted perceptions about the Vietnam War. Civil disobedience such as burning draft cards or American flags gained media attention and disrupted the general public's complacency "by manipulating the symbol of the emotion" (Windt 70).

Other student activists who opposed the war engaged in other disruptive actions, although not always in the form of civil disobedience. The simple act of wearing black armbands to school to protest the war disrupted the taken-for-granted legitimacy of the status quo. In *Tinker v. Des Moines*, the U.S. Supreme Court protected this dissenting expression because it did not "disrupt" the functioning of the school. Kenneth Cmiel states that:

The Court noted how the case did not relate "to regulation of the length of skirts or the type of clothing, to hair style or deportment." Nor did it concern "aggressive, disruptive action." There was no evidence "that any of the armbands 'disrupted' the school." The Court, however, added that activity that *did* disrupt a school was *not* protected by the First Amendment. (281, emphasis in original)

In this case, the U.S. Supreme Court equates disruption and aggression, thereby concluding that the expression was not disruptive because it was not aggressive. However, an understanding of creative disruption as I use it here—that which stirs people to anger, invites dispute, creates contentious spaces, and/or creates dissatisfaction with the status quo—reveals that this action was indeed disruptive. That simple, creative act was disruptive to the point that the school board banned the activity in order to maintain normalcy in the face of social grievance, had the students suspended and disputed the issue all the way to the U.S. Supreme Court.

The Women's Liberation Movement of the 1960s also engaged in disruptions. In 1968, a protest of the Miss America pageant was organized. According to Gail Collins:

Waving placards saying NO MORE BEAUTY STANDARDS—EVERYONE IS BEAUTIFUL! and leading a sheep that was supposed to represent the contestants, the demonstrators

indulged in some guerilla theater while photographers—delighted at a break from the usual scripted activities—took endless photos. (193)

This disruption of the pageant stirred witnesses to anger as demonstrators were verbally harassed. “The Atlantic City demonstration was, in retrospect, a huge success—after all, we’re still talking about it now as the moment when the women’s movement made its debut on the national stage” (Collins 194). Their disruption challenged the decorum of the pageant and was disseminated via the media to national audiences.

It is important to note that disruptive tactics did not end in the 1960s. “There [were] still echoes of the New Left’s politics of incivility in the verbal assaults on fur wearers in the late 1980s” (Cmiel 275). In the 1990s, environmental, gay rights, and democratic globalization movements grew under threats of global warming, the HIV epidemic, and neoliberal globalization policies respectively. Many activists within these movements took seriously the idea that “in a civil society that relies on the mass media to define public life, one of the best ways to bring attention to your point of view is by strategic acts of incivility” (Cmiel 275).

Disruptive spectacles utilized by Earth First! and Greenpeace environmentalists involved activists risking their bodies in order to gain media attention and bring issues to a national stage. As noted earlier, these movements “slight formal modes of public argument while performing unorthodox political tactics that highlight bodies as resources for argumentation and advocacy” (DeLuca, “Unruly Arguments” 9). Activists burying themselves in logging roads and Julia “Butterfly” Hill’s two-year long tree sit demonstrated these tactics of disruption. Greenpeace activists also created image events by placing themselves and their small boats in the path of large whaling ships.¹⁷ Kevin DeLuca’s

¹⁷See DeLuca, *Image Politics*.

analyses of these events reveal the power and potential of employing these disruptive political tactics to gain media attention.

In another example, ACT UP activists engaged in “die-ins,” littering the aisles of St. Patrick’s Cathedral during Mass with their “dead bodies” which had to be removed on stretchers.¹⁸ This disruption created dissatisfaction with the Catholic Church’s policies on condom distribution and its condemnation of homosexuality. Similar disruptive tactics were enacted by Queer Nation activists as they engaged in same-sex “kiss-ins” in places such as suburban shopping malls. These disruptions invited disputes over the right, not to privacy, but to be public.

Kevin DeLuca and Jennifer Peeples’s analysis of the 1999 WTO democratic globalization protests also offers an account of disruptive tactics that serve as media spectacles in the public sphere. Their analysis focuses on dissemination through mainstream media and the television screen. They argue that this dissemination led to “substantive discussion of the issues” (139) that “provoked a debate [and] ... public discussions about trade” (DeLuca and Peeples 143).

This overview provides an historical context for understanding disruption as a protest tactic and reveals the focus on media attention within social movement studies. While this theoretical contribution is important, it seems unsatisfactory for understanding the current moment when increasingly regulated spaces of resistance make the staging of media spectacles difficult or impossible because activists are preemptively arrested or relegated to spaces where they have little to no media exposure. It also neglects the importance of understanding the effects of disruption in the moment of its enactment (as opposed to its later

¹⁸See Gamson.

dissemination via mainstream media coverage.) The analysis below of NCSTN's localized protests reveals how creative disruptions challenge the disciplining effects of increased regulation and surveillance while also enabling other modes of communication.

*Disrupting the Everyday: Public Witnesses*¹⁹

In his analysis of the rhetoric of the streets, Franklyn Haiman argues that there is little to no justification for the state to insulate the public from dissenting communication. "Once the principle is invoked that listeners may be granted some immunity from the messages they think they would rather not hear, or which cause them annoyance, a Pandora's box of circumstances is opened in which the right to free speech would be effectively nullified" (Haiman 16). For Haiman, there is no such thing as a neutral public; "every citizen who supports the status quo, either actively or by passive acquiescence, is a legitimate target for the communications of the dissenter" (16). I would add that there is also no neutral space. Because space can be and often is manipulated to serve the status quo, so to can it be used by dissenters to effect change.

The excerpt below from my fieldnotes provides an example of a successful, creative disruption of "normal" activity in a public space, watching a parade. Despite public witnesses' attempts to discipline the disruptions enacted by the protesters, this creative disruption stirred public witnesses to anger and invited dispute, effectively co-creating a contentious space.

Fieldnotes, Salute to Our Troops parade protest action, Raleigh, NC
April 28, 2008

¹⁹I use the term public witnesses to denote those individuals present in public spaces of protest who observe protest actions and serve, willingly or unwillingly, as the immediate audience. These witnesses at times, as argued here, also attempt to discipline the disruptive function of protest.

Today I truly risked myself for the peace movement. The “Salute to Our Troops” parade was held in Raleigh and Patrick had organized a direct action. My anxiety over being with a group of about a dozen protestors in a sea of thousands of parade watchers and supporters in the capital of North Carolina, the Nation’s Most Military Friendly State, was almost overwhelming.

When I finally found a place to park, it was right next to a group of Gathering of Eagles [a pro-military group I had encountered at previous protest actions]. As I waited to put my money in the parking paybox, I felt like I had PEACE ACTIVIST tattooed on my forehead. I noticed a lot of families and children with signs saying “Support our Troops” and “Thank you for your Service” and small and large American flags. One thought kept circulating over and over in my head: I am in the belly of the beast.

I walked what would be the entire parade route up to the Vietnam Memorial on the Capitol grounds where we were supposed to meet. I immediately recognized “my people” in their all black attire. I saw a few familiar faces and a few I did not recognize. Some of them had “Veterans for Peace” shirts on. [I later learned they had requested and been denied a spot in the parade.] Steve was there in his National Lawyers Guild green cap. I noticed our small group was being taped from a distance by what looked like a news reporter and camera operator, definitely not cops. [I later learned they were independent media reporters focused on providing coverage of our action, not the parade itself.]²⁰

Roger instructed some of us on how to unravel the banner at the start of the parade. I was asked to run it across the street, but quickly admitted I was too nervous. They were understanding and sympathetic; Patrick patted me on the back and thanked me for being there. The banner said “Don’t Celebrate War” and five of us (including me, two Veterans for Peace members, and two others) eventually agreed to unfurl it across the street in front of the police motorcycles that were to lead the parade.

We walked to the corner behind the media platform. After the fighter jets flew overhead to signal the start of the parade, we ran into the street, banner stretched between us. Immediately a parade watcher ran from the corner and grabbed at my section of the banner, trying to rip it down. Almost as quickly, a police officer grabbed my arm and

²⁰Independent media coverage provided by Goodwill Media Project can be found at <<http://goodwillmedia.wordpress.com>>.

escorted me back to the sidewalk. Daniel, who was behind me, had his sign ripped from his hands by a parade watcher. Three other police officers came into the street to make sure none of us walked back off the sidewalk. I was surprised at how quickly it all happened. We were on the street for less than 10 seconds. How did they see us so quickly? And why didn't they just arrest us?

The crowd on the sidewalk was absolutely hateful. They booed and yelled for us to "go home." I was called a traitor, a bitch, a low life, disgusting, and more. . . .

I turned my attention to the parade to try to block out the continuing nasty comments from the parade watchers around us. The parade included military marching, the USO, floats with service personnel's families and children, local high school bands, military bands, tanks, and pro-military groups such as the Gathering of Eagles on motorcycles. I saw about a dozen signs for the parade's various sponsors including banks, the Pork Council, WRAL (a local news station that was also broadcasting live from a platform at the start of the parade route), and local area businesses. People were cheering, clapping, and waving their flags and signs. Roger, Daniel and I stood silently holding our signs. . . .

A police officer asked us about our permit a few times, to which Roger replied we did not need a permit. "Everyone here is holding signs. You can't stop us based on the content on our signs. That violates our First Amendment rights." The police officer did not respond to this, but remained very close to us, and continued to speak into his radio.

As we stood on the street, Roger seemed to be taking the brunt of the yelling from the parade watchers behind us. One group moved up onto the stairs behind us and grabbed the sign out of Roger's hands and ripped it up. Then some others stepped in front of us and put large American and Marine Corps flags in our faces, which we either gently pushed away or stepped around. The police officer said nothing and did not intervene. . . .

Back on the corner, Patrick was involved with his own group of angry parade watchers (see fig. 13). As these photographs reveal²¹ his sign, JESUS SAID: "LOVE YOUR ENEMIES." was blocked, and eventually torn up by a young parade watcher. Four police officers were close by but did not intervene.

²¹See also video "Kid Rips Jesus Sign, Crowd Cheers." Goodwill Media Project, Pigeon Productions. 2008. 1 May 2008. <<http://revver.com/video/849305/kid-rips-jesus-sign-at-military-parade/>>.



Fig. 13 Kid Rips Jesus Sign.
Goodwill Media Productions. 26 Apr. 2008. Web.
<<http://goodwillmedia.wordpress.com>>

The crowd cheered when the boy successfully tore the sign. Patrick stood quietly, holding the ripped sign. Then a man with a large red Marine Corps flag stepped in front of Patrick which caused even louder cheering and clapping. The police officers stood close by but did not say or take any action. When another man attempted to take Patrick's sign, this time touching his arm repeatedly, a police officer did step in between them. Later, Patrick told us that the police "accused me of provoking them."

The affective elements of the protest described above, planned without a permit or prior police knowledge, led to both positive and negative communicative encounters with public witnesses. Unlike the predictable and habitual roadside vigils in Smithfield, this protest utilized a different type of space to creatively disrupt—stirring public witnesses to anger, inviting dispute and co-creating a contentious space. Our presence in the space of a public display of support for the military interrupted the unity of the parade. While the public witnesses tried to discipline our protest by getting us to leave the space or block our access to it, they were not successful in preventing disruption, instead co-creating a contentious space that enabled other modes of communication as seen below.

Fieldnotes, Salute to Our Troops parade protest action, Raleigh, NC
 April 28, 2008

Roger got into a heated argument with a parade watcher who said he was an Iraq War veteran. They were separated only by the police officer's body. The police officer repeatedly asked us to move on, but we refused. As the confrontation with the veteran and the other parade watchers got more heated, Roger decided to move down the street because "we're not getting anywhere staying here." I decided to stay. The parade watchers who had argued heatedly with Roger remained behind me, but were now quiet. The police officer was about two feet away from me talking on his radio.

Hesitantly, mustering the last of the courage I had brought with me, I walked up to the still obviously angry veteran. I said, "Would you mind just talking to me for a minute?" Arms crossed, he nodded curtly, avoiding my eyes. I began, "I heard you say you served in Iraq. My friend, Jim, served in the first army unit to enter Baghdad back in 2003. When were you there?"

He ignored my question, "Why don't you people just leave if you don't support the troops?"

My hands were shaking. "Well, the peace activists I know do support the troops. We protest the war because we believe it's an unjust war, and we're afraid that our government has gotten us into a mess that unnecessarily risks your lives. I'm afraid the military will never trust us again to only put them in harms way only when it is absolutely necessary." [I'm sure my field notes are more articulately written than I actually sounded in that tense moment.]

He scoffed, but relaxed his arms and began to tell me about his experiences in Iraq. We talked a bit about the Iraqi citizens he had met and how the media portrays the war. Before going on his way about fifteen minutes later, he shook my hand. I think we both walked away with some fortified opinions, but also with some new things to consider. I walked toward the media platform and relayed my conversation to a fellow protester who was trying to get on camera with his anti-war sign. His response: "Way to be a peacemaker!"

Being a peacemaker who disturbs the peace is a risky venture, but in this instance it was an invaluable part of enabling my conversation with the veteran. Creative disruptions

violate the norms of decorum that allow the public to uncritically enjoy everyday activities like parades. This action attempted to persuade public witnesses to consider what the parade glorified, to create dissatisfaction with the status quo. It successfully stirred the parade watchers to anger, created a contentious space that led to the dissemination of dissenting opinions, and enabled a productive conversation between myself and the veteran. While not all of the exchanges were productive, the creative disruption was a valuable democratic practice because it enabled dialogue as well as dissent. The disruption described below also disrupted the everyday so that a contentious space was created. This space enabled a number of communicative exchanges.

Fieldnotes, JNX Open House, Smithfield, NC
September 13, 2008

We began blowing up the balloons and tying string to them. The wind was such a pain, and we lost a few balloons to it. We joked about spreading our message further that way. Walt and Allyson put up the usual anti-torture tri-fold exhibit. We also put up a large American flag on the back of Paul's truck. Interesting touch.

After giving away a couple of balloons to families entering the gates, Christina announced that we needed to be sure to offer parents/adults brochures and literature and make sure they knew why we were here. It occurred to me that she is always very assertive and never seems nervous about her role as an agitator in these situations.

Stephanie (also a Code Pinker) arrived, as did Dwayne, who I had never met before. He's in his 70s I think and was wearing a Human Rights Watch hat. I found out he is from Clayton, a town in Johnston County. He positioned himself (alone) by the parking lot across the driveway from us for a while. I joined him after we had blown up a large number of balloons.

Some people asked Dwayne and me general questions about the open house as they walked by, thinking we worked for JNX. We gave them balloons and brochures and talked to them about Aero. Most of them seemed a little confused at first, but they also asked questions

and seemed interested in what we had to say. Most appeared to be reading the brochures as they walked away.

As described in Chapter 2, JNX employees were angry about our presence at the Open House and attempted to stop our disruption to their public relations event. While subjected to ever-changing rules, a contentious space was co-created, and we were successful in reaching members of the public without provoking arrest. Our disruption of this local event circumvented the disciplining effect of the permit process as we did not seek one. Considerations of what type of inventive activity would be effectively disruptive in such a space allowed us to confront JNX authorities to co-create a contentious space. Our presence in this space enabled various opportunities to communicate with a local public that is affected by JNX's complicity in torture and extraordinary rendition.

Police Practices: Nonintervention

While police were present at both of the actions described above, they did not intervene excessively as in the examples described in Chapter 2. A police presence without excessive intervention is important for protecting free speech without silencing dissent. However, police practices of nonintervention can have contradictory effects. While I would argue that it is important for reasons of security and the protection of free speech for police officers to be present at a protest, it can be difficult to draw the line between protection and excessive intervention.

In the example from the JNX Open House, the police did not intervene on behalf of JNX or NCSTN, but were simply present. They did not enforce the rules imposed by JNX employees and did not ask us to leave or if we had a permit (which we did not have or need). By allowing confrontations among NCSTN activists and JNX employees, we were able to

creatively disrupt the public open house and communicate with public witnesses while avoiding arrest or relegation to a space away from the airport.

The Salute to Our Troops action is a bit less straightforward. While the police did not immediately remove all of us from the space of the parade or separate us from the parade watchers, they did not protect our free speech as our signs were taken and destroyed. One activist who was present, Roger Ehrlich²², recounts his interpretation of these events.

Salute to Our Troops parade action
By Roger Ehrlich, August 19, 2008

During the time we were being heckled I didn't hear any police ask anyone to leave us alone. For example, they didn't tell the fellows with the Marine Corps banner who were confronting and blocking us to move away or stop yelling at us.

There were some particularly rowdy guys behind where we were on the sidewalk on a raised grid in front of a building. They were verbally threatening us and at one point one of the guys grabbed my sign and tore it up. I didn't hear the police say anything to them about leaving us alone or not disturbing the peace.

Who 'disturbed the peace' or acted disorderly? Did the Conservators of the Peace (C.O.P.) do that? It is clear to me while we were peacefully assembled and quietly exercising our First Amendment rights by holding our signs on the sidewalk like many others, other people were much more conspicuously disorderly and interfered with our First Amendment rights. Not only did they fail to impartially enforce rules against disorderly conduct and destruction of property, but they PARTICIPATED actively in the infringement of my and Daniel's rights by ordering us to put away our signs and leave the parade area. Only then did Daniel (who had his own strong personal reasons for not being silenced) resort to his action of lying in the street which, viewed in context, is better understood as an attempt to peacefully express himself after other efforts were overtly denied to him by the police.

²²Used with permission.

While we were moved out of direct line of the parade procession in the street, we were not arrested or removed from the contentious space of our own making. The police in this instance should have protected our speech a bit more strenuously by not allowing our signs to be taken and ripped up. However, taken as a whole, the police practice of nonintervention contributed to the co-creation of a contentious space. This creative disruption had important effects as public witnesses were confronted with the human consequences of U.S. war policies.

The next examples from my fieldnotes and from NCSTN activists reveal how police nonintervention helped enable creative disruption and the co-creation of contentious space at a direct action in Smithfield.

Fieldnotes, NCSTN Rally & Walk of Remembrance, Smithfield, NC
October 27, 2007

The police had informed NCSTN organizers before the start of the march that they would make no effort to separate us from the counterprotesters. The consensus from NCSTN and other activists I talked to seemed to be that the police wanted to spark a confrontation between the groups so they could shut the entire event down. I was handed a yellow flyer before the start of the march which read:

THE SMITHFIELD POLICE HAVE INDICATED THEY ARE EAGER TO SHUT DOWN OUR EVENT TODAY. WE WILL GIVE THEM NO REASON TO DO THAT. RATHER, WE WILL REMAIN FOCUSED ON OUR GOALS OF ENDING THE U.S. TORTURE PROGRAM, SHUTTING DOWN AERO CONTRACTORS, AND ENDING THE IMMORAL, BLOODY U.S. WAR IN IRAQ.

While I was not able to get clarification on this “policy” from the police during the rally, I’m guessing they changed this policy a bit in the interests of safety and sheer numbers of protesters and counterprotesters. They milled around on the closed street between the park where we were gathered and the counterprotesters (see fig. 14). I’m not sure if they

instructed the counterprotesters to remain across the street from the park or if the counterprotesters simply assumed they had to keep their distance. I don't think Smithfield police are used to dealing with this many people and this sort of disruption in their small town.



Fig. 14. GOE-Flipping Bird
Chuck Fager. *Doves & Eagles*. 27 Oct. 2007. Web.
<<http://www.quakerhouse.org/smithfield-rally-03.htm>>

. . . There were a few police officers present [at the gates of Aero after the rally], but they only stepped in when an argument seemed to get too heated. In one instance, I saw an older (maybe in his 70s?) male counterprotester take a sign down from the fence that read “Basic Human Rights.” He threw it to the ground, stomped on it and walked away. The woman who had put the sign up followed after him to object. He turned and began yelling at her. He was at least a foot taller than she was. A police officer placed his arms between them and motioned them apart. The counterprotester walked away abruptly, and the woman thanked the officer for his help. She picked up her sign and held it instead of putting it back on the fence.

The police did not stop us from tying the placards on the fence. Although when the wind blew one of the placards over the top of the fence, one of the female counterprotesters quickly yelled that they couldn't be on that side of the fence. Where this “rule” came from I

had no idea. A police officer stepped up and flipped the placard back over to the outside of the fence, but he didn't take it down. (see fig. 15). . . .



Fig. 15. Police officer fixes placard.
NCSTN. *Walk of Remembrance*. 27 Oct. 2007. Web.
<<http://ncstn.spaces.live.com>>

Police presence is essential for ensuring safety and free speech, but, as Haiman observed, it does not have to be excessive to the point of constraining disruption. “One can agree with this principle and still take the position that limitations on the time, place, and manner of protest designed to make the task of the police more manageable, are legitimate so long as they do not interfere substantially with the right of protesters to communicate their messages” (Haiman 18). The Smithfield Rally and Walk of Remembrance reveals a positive balance between the two extremes of excessive police intervention and police absence.

Disrupting the Everyday: Counterprotesters

Police presence in the example above protected free speech for both the protesters and counterprotesters and allowed for disruption and confrontation between the groups. These disruptions co-created a contentious space needed to enable other modes of

communication. The following fieldnotes and photos reveal the rest of my experience at the Smithfield Rally and Walk of Remembrance, my first public protest action with NCSTN.

Fieldnotes, NCSTN Rally & Walk of Remembrance, Smithfield, NC
October 27, 2007

... We began the march through downtown Smithfield toward the rally site at Town Commons Park on the bank of the Neuse River. It was here I first saw the counterprotesters we had been warned about, the Gathering of Eagles and Rolling Thunder. Two groups, I learned, that pride themselves on their patriotism and support for the troops. Most of the members are veterans of the Vietnam War and their families. Some of them were across the busy street from us, others followed us with giant American flags, megaphones, and air horns. They were LOUD. Their signs were pretty offensive as were their words and taunts (see fig. 16).



Fig. 16. GOE-Troop Hater Sign.
Chuck Fager. *Doves & Eagles*. 27 Oct. 2007. Web.
<<http://www.quakerhouse.org/smithfield-01.htm>>

Most of us were carrying long banners or signs. I saw a lot of Code Pinkers; they seemed to get the most verbal abuse from the counterprotesters. There were also other groups involved, some that I was familiar with such as the Quaker House out of Fayetteville and Veterans for Peace. I also saw the National Lawyers Guild observers in their bright green hats. There were at least two police officers videotaping and taking photos with digital

cameras throughout the march. Some of the protesters, counterprotesters, and what I think were a couple of independent media groups were also taping and taking photos.

. . . When we finally arrived at the Town Commons, the counterprotesters set up on the sidewalk across the street from the park. More amplified yelling, air horns, and whistles. . . . I looked around the grounds (it was still wet from the rain) and started visiting some of the exhibits. It was hard to hear what people were saying over all the yelling and noise across the street. And then I saw the banner hanging from the bridge “Moonbats Shut Up Go Home” (see fig. 17). Now what a Moonbat is, I’m not sure, but I assume it’s not a kind epithet.²³ More counterprotesters were on the bridge next to the banner encouraging drivers to honk their horns.



Fig. 17. GOE-Shut Up Go Home.
Chuck Fager. *Doves & Eagles*. 27 Oct. 2007. Web.
<<http://www.quakerhouse.org/smithfield-rally-03.htm>>

Then the real noise began. On the river behind the stage a loud swamp boat was going continually back and forth. It was deafening. There was no way to hear the speakers on the stage even though they had microphones. Eventually the police did stop the boat and

²³ Addendum to fieldnotes from Chuck Fager, used with permission: “According to the *New York Times*’s veteran lexicographer, the now retired William Safire, “Moonbat” emerged in about 2002 from a libertarian blog and was adopted as a piece of counter-slang to the term “wingnut,” often applied by some leftists to what they view as extreme conservatives. Safire quotes the blogger as saying it was “originally rendered as ‘Barking Moonbat,’ suggesting that certain issues seem to trigger a reflexive response from some people much like wolves howl at the moon” (emphasis in original).

we were able to hear much better.²⁴ . . . Toward the end of the scheduled rally program, most of the counterprotesters left. Many assumed they had given up and gone home. This was not the case.

I drove across town toward JNX for the next part of the protest to be held at Aero Contractors' headquarters. The plan was to conduct a walk of remembrance and vigil for victims of torture and hang placards with photos or silhouettes of torture victims on the fence at Aero Contractors' entrance. When we arrived we realized that the counterprotesters had not, in fact, gone home (see fig. 18 and 19).



Fig. 18. Approaching the GOE and Gates at Aero.
NCSTN. *Walk of Remembrance*. 27 Oct. 2007. Web.
<<http://ncstn.spaces.live.com>>

²⁴ Addendum to fieldnotes from Chuck Fager, used with permission: "The Smithfield police did a marginal job of keeping the peace; they denied our requests to keep the counter-rally at some distance from the park, to minimize disruption. We had to appeal to them several times before the chief walked down to the riverbank and scared off the swamp boat raiders."



Fig. 19. GOE-Kill Jihadists for Beer Money.
Chuck Fager. Doves & Eagles. 27 Oct. 2007. Web.
 <<http://www.quakerhouse.org/smithfield-rally-05.htm>>

As I looked down the tree lined street toward Aero, I saw approximately forty counterprotesters in 3-4 lines stationed in front of the fence. I counted about 15 or so American flags and one Marine Corps flag. I could only see one police car parked on the side of the road, close to the fence and only 3-4 police officers. About 50-75 of us congregated at the front of the road and began our vigil (see fig. 20).



Fig. 20. Gathering at Aero.
Chuck Fager. Doves & Eagles. 27 Oct. 2007. Web.
 <<http://www.quakerhouse.org/smithfield-rally-05.htm>>

Stories from torture victims were read and prayers and poems were recited as the placards were handed out. However, the peaceful atmosphere was broken by the whistles, air horns, and constant yelling from the counterprotesters using megaphones. We were asked by the NCSTN organizers to be peaceful and to not carry any other signs besides the placards. We were told this was a vigil, not a protest. They did not want us to get into any arguments with the counterprotesters who were obviously not going to be moved away from the fence by the police. While the activists were peaceful, the other requests were not always followed as other signs were carried in and some could not help but engage in argument with the counterprotesters.

Four counterprotesters walked to the front of the road with a megaphone. (see fig. 21).



Fig. 21. GOE with megaphone.
NCSTN. *Walk of Remembrance*. 27 Oct. 2007. Web.
<<http://ncstn.spaces.live.com>>

While it was difficult to hear some of their taunts over the cacophony of NCSTN speakers and the whistles, yelling, and air horns of the other counterprotesters at the end of the road, I heard some counterprotesters saying things such as:

“We are not a violent group, we will not give you any violence, but we will certainly give you some verbal abuse.”

“I can drill a hole in your head, then you’ll know torture.”

“You are jihad supporters.”

[To an African-American woman beating a rhythm on a bucket]: “She must have got her drum from the hip-hop school.”

“I can’t believe you’d bring your children here.”

I heard one protester whisper to the person next to her that she had “never been so close to counterprotesters.”

We were instructed [by the rally organizers] to form lines of around 6-10 people and walk down the road toward Aero and the counterprotesters (see fig. 22). The groups were followed by small groups of counterprotesters and sometimes a single police officer. We began to quietly chant “we are all one” as we walked, many of us arm in arm. I was terrified for myself and the safety of my fellow activists. The chanting did help calm my fear (and my anger.)



Fig. 22. Walking to Aero & Eagles.
Chuck Fager. *Doves & Eagles*. 27 Oct. 2007. Web.
<<http://www.quakerhouse.org/smithfield-rally-05.htm>>

As we approached the gates, the noise and taunting became even louder, and I heard some sort of noisemaker that made farm animal sounds. In order to reach the fence, each group had to break up a bit and walk through the lines of counterprotesters and off the street onto the grass. I did not see any police officers videotaping here. The only people taping were protesters, counterprotesters, and an independent media group.

I kept hearing various people saying not to touch anyone. I heard one female counterprotester yell to an officer that, “She touched me! She touched me!” How were we

supposed to avoid touching in such a tight space? The counterprotesters were taunting us the entire time and putting the large flags in front of our faces. When we would try to walk around the flags, they would move back in front of us, with their backs to us, but with the flags still in our faces. Most of them were smiling and laughing, but some were obviously quite angry. . . .

After placing my placard on the fence and observing for a few more minutes, we began to walk back toward the head of the road. As we were leaving, the counterprotesters began to sing “God Bless America.” Then the funniest thing happened—the NCSTN protesters stopped and began singing along with them! I couldn’t help but laugh. This really seemed to anger the counterprotesters as they abruptly stopped singing and began chanting USA! USA! USA! instead.

As we walked back to the front of the road, I noticed three large vans (paddy wagons I guess?) and four police cars. In the drivers’ and passengers’ seats were officers dressed in riot gear. I drove home, exhilarated and exhausted. . . .

This lengthy excerpt reveals how the presence of counterprotesters can alter the public space of protest by co-creating a contentious (as opposed to a docile) space. Smithfield has rarely, if ever, been host to such a disruptive protest. What could easily have been a habitual, predictable protest became a space where affective confrontations occurred. The counterprotesters, in this instance, were not successful in disciplining the disruption, despite a strong attempt. In fact, the combination of police nonintervention and the counterprotesters’ presence created a space where modes of communication were enabled as the reactions from NCSTN activists below reveal.

From Joan Walsh²⁵, November 16, 2007

The Eagles are beyond obnoxious, yet I think that in some ways they are more worthy of respect than the ever-so-silent majority. At least they take the time and energy to go out and express their views publicly.

²⁵Used with permission.

We are All One

By Roger Ehrlich, October 28, 2007

The peace march and rally in Smithfield were beautiful, the ‘Witness to Stop Torture’ memorial procession down the driveway to the gates of the CIA flight-service was spiritually moving, and the confrontation with the loud, leather-jacketed group of Rolling Thunder patriots who awaited us at the gates was dramatic. But what will stick in my memory of the ground broken on October 27th was when Joe [a member of NCSTN] expressed his thanks to, Bart, a member of Rolling Thunder, when we were all packing up to go.

“I want to thank you for coming out today,” said Joe, “You guys coulda just kicked back at home, like most people, but you didn’t.” Bart said earnestly that he felt Jihadists were a real threat. Joe said so did he.

“You know,” said Bart, “I think this is the first time I’ve ever had a real conversation with one of you people, we’re always getting yelled at, we’re always getting so much hate coming at us.” Bart said more, “I really wish we could have more of a conversation.” We got his card. “Well my ride’s here,” said Bart, he shook hands with two or three of us.

Out of the car came the fellow who had been most disruptive of all, angrily shouting through a megaphone at us during the march and our ceremony, but had occasionally also shown a contrary desire to engage in conversation. He strode over to us. He still seemed angry to me, but said something about how I should check out something on the web about something that happened at one of the Nazi camps, something he seemed to be saying was personally significant to him. (I had carried my grandfather’s portrait who suffered torture from the Nazis, watched it get ripped off the fence by one of the Thunder, but gotten it back—only after extended taunting—when the ?Lt.? from the Sherrif’s [sic] office interceded). I said, “Okay, but I wish you would also listen to my story.” The car was waiting. He reached out his hand, we shook, they got in the car. We all drove away. . . .

We are All One (a separate vignette)

By Roger Ehrlich, October 28, 2007

Joe and I each had noticed the older man standing by himself near where the counterprotesters had been on the street overlooking the park where the rally was still

continuing. The Rolling Thunder had just left all together. Joe asked, “Do you think I should go talk to him real quick?” But we both knew we had better hurry over to the airport.

Later during the confrontation at the gates, the same man was off to one side engaging the counterprotesters. “Are you veteran?” one shouted, “Then come over with us.” “I’m not your kind of veteran!” he said. (Joe said he was holding a picture of Rumsfeld shaking hands with Saddam Hussein.) He carried on with his stand-alone engagement with the counterprotestors and seemed to prefer things that way. Maybe he wasn’t “our kind of peace activist” either.

The disruption and subsequent co-creation of contentious space in this example had the effect of enabling other modes of communication. Protesters and counterprotesters argued, dialogued, exchanged contact information, and have attempted to engage in dialogue since that day. The presumably spontaneous expression of the veteran/peace activist who chose to stand alone was also enabled in this contentious space that was not excessively regulated or manipulated.

The purpose or goals of creative disruption can be numerous, as can its intended or unintended effects. The examples here reveal how creative disruption, in its various forms, challenges the disciplining effects of excessive regulation in public spaces of protests. By avoiding arrest, circumventing the permit process and creative use of space, protesters can create contentious (not docile or decorous) spaces.

Creative disruption is a vital democratic practice in the public sphere and can be the impetus for social change. In the next chapter, I explore how these practices contribute to an understanding of the public sphere as material. An understanding of the public sphere in the current moment rests on an analysis of how it both affects and is affected by materiality. This involves understanding that the communicative practices which enable or constrain the

public sphere occur in spaces that include material structures and performing bodies and the effects of the public sphere on how multiple publics are brought into being.

CHAPTER 4

MATERIALIZING THE PUBLIC SPHERE AND THE EVOLUTION OF REPRESENTATIVE PUBLICNESS

*Through it [the act of confrontation] the radical acts out his drama of self-assertion and writes in smeary, wordless language all over the establishment
“we know you for what you are. And you know that we know.
Robert Scott and Donald Smith, “The Rhetoric of Confrontation”*

As noted in the introduction, the public sphere is defined by Jürgen Habermas as a modality of being in public with others, fostering a discussion of common interests which then require submission of individual judgment to the better argument. The judgments rendered within the public sphere carry a force that is able to mediate state power through the principle of critical publicity—the moral force of the collective. Conceptions, expansions, and critiques of the public sphere are useful to rhetorical critics whose very field is defined as *public*.

The previous chapters explore the current shape of the public sphere via local and material, public spaces of protest. As we have seen, the public sphere is produced and maintained through social, discursive relations *and* material structures. These spaces have been explored as sites for disciplining technologies and also as sites for creative disruption. In this chapter, therefore, I discuss more explicitly how these spaces and practices contribute to an understanding of the public sphere as material. An understanding of the public sphere in the current moment rests on an analysis of how it both affects and is affected by materiality.

Materializing the public sphere involves understanding that practices which enable or constrain the functioning of public spheres occur in spaces that include material structures and performing bodies. Setha Low and Neil Smith argue that new ways of envisioning the public sphere are needed that incorporate considerations of space. Materializing the public sphere also involves exploring how the public sphere brings multiple publics into being. Lawrence Grossberg argues that “materialism describes human reality in terms of material practices: what people do, how they transform the world. But it is less a matter of intentions than of effects, and it is less a matter of origins than of distribution (i.e.; what practices are available to whom, and which are taken up)” (*Bringing it All Back Home* 239). It is necessary to account for the materiality of the public sphere in order to understand how democratic conditions and practices are enabled and/or constrained.

In short, I argue that the public sphere should be understood not only as discursive, but as material—it includes public spaces, physical structures, and performing bodies. Second, I argue that the public sphere facilitates the formation and dissemination of critical publicity through multiple modes of communication among multiple publics. Finally, I argue that the contentious spaces of protest and the modes of communication they enable constitute an evolution of what Habermas calls *representative publicness*.

The Public Sphere as Discursive and Material Space

Within rhetorical studies, criticisms of material structures and places such as museums, memorial sites or even Starbucks²⁶, have addressed the importance of considering rhetoric’s materiality. An expansion of “the domain of rhetoric to include cultural practices and artifacts beyond the spoken or written word has begun to exert an influence as well, as

²⁶See for example, Blair, “Contemporary U.S. Memorial Sites as Exemplars of Rhetoric’s Materiality;” Dickinson; Zagacki and Gallagher.

understandings of extra-linguistic rhetorics have gained in sophistication” (Blair, “Reflections on Criticism” 273). These extensive bodies of work explore how material objects have a rhetorical character and how rhetoric is material in that it has effects. What is missing in rhetorical studies is an account of the *public sphere’s* materiality. In this section, I argue for expanding the scope of public sphere studies to include considerations of its materiality in terms of its effects and the spaces, structures, and performing bodies in public spaces of protest.

Margaret Kohn argues that one objection to an approach that highlights spatiality is that:

spatial analysis is superfluous because it is a subset of the highly theorized category of discourse analysis. According to this position, Foucault included spaces such as the clinic and the prison under the rubric of discourse. In fact, Foucault [in *Archaeology of Knowledge*] was careful to distinguish between discourse (informal rules for the production of specialized knowledge) and other elements of disciplinary power such as sites and institutions. (5)

It is my contention, following Kohn, that discursive or discourse refers to Foucault’s understanding of organizing knowledge, ideas, or experience rooted in *language*. In *Archaeology of Knowledge*, Foucault provides an understanding of discourse as a level between language and the abstract realm of ideas. Discourse is material in that it has effects, but because the public sphere is usually described as a discursive space, the focus has been on this level between language and cognition, with little to no attention paid to its material space or physical features.

As noted in earlier chapters, critical geographers such as Low and Smith have made clear that theorists interested in democratic practices should understand the importance of public space to the functioning of the public sphere. Low and Smith’s critique of public sphere and public space literature reveals that the two areas have not really come together.

“The weakness of the public sphere literature may lie in the distance that it maintains from the places and spaces of publicness” (Low and Smith 6). A focus on materiality, what people do and their relations to physical space and structures, is the basis of my inquiry. I address the weakness identified by Low and Smith by materializing the public sphere through understandings of how manipulation of space and surveillance practices discipline protesters’ ability to form and disseminate critical publicity. Don Mitchell argues that “the right to speak has often been undermined by spatial restrictions on where one can speak” (4). The distance between public sphere and public space literature can be reduced by understanding how the physical spaces, material structures, and bodies in public spaces of protest contribute to the functioning of the public sphere.

Kohn also works to close the distance between public sphere literature and the spaces of publicness. She begins by addressing criticisms that Habermas’s original conception of the public sphere did, in fact, include considerations of place. For Habermas, the public sphere existed wherever private individuals came together to debate critical, political issues. He explains that these places in 17th and 18th century Europe were usually cafés or salons. However, “for Habermas, the public sphere was not a physical place” (Kohn 29). It was an arena of language and ideas, a discursive space, and could not be reduced to a particular location. I do not intend to “reduce” the public sphere to a particular space or to ignore the importance of understanding it as a discursive arena. The goal in this chapter is to expand the focus to include the public spaces and material elements that affect the public sphere and thereby its effects on democratic practices.

Michel de Certeau argues for a consideration of material spaces because it expands focus to how environments and situations affect people’s intended or unintended behaviors.

Following de Certeau, Kohn argues that “space is also lived and experienced. It has a corporeal as well as a symbolic or cognitive dimension” (3). This leads to interesting theoretical questions: “is there something about shared physical presence that intensifies or transforms political experience? . . . Could particular spaces serve a transformative political project as well as a disciplinary regime?” (Kohn 2). In order to answer these questions, Kohn focuses on “the diverse places where politics take place: festivals, town squares, chambers of labor, mutual aid societies, union halls, night schools, cooperatives, houses of the people” (7). She focuses on these sites because “they are political sites outside of the state where the disenfranchised generated power” (7). Chapters 2 and 3 of this dissertation answer the latter question by revealing how public spaces of protest serve a disciplinary function and a challenge to that discipline respectively. In this chapter, I address the former question by arguing that shared physical presence among the state (police), protesters, counterprotesters, and public witnesses co-creates contentious spaces that have effects on public spheres.

While drawing on similar theoretical frameworks and questions, my analysis differs from Kohn’s in that it focuses on spaces that are regulated—where resistance exists in the same space as power. Foucault argues that:

there are no relations of power without resistances, the latter are all the more real and effective because they are formed right at the point where relations of power are exercised; resistance to power does not have to come from elsewhere [i.e.; the political sites outside of the state] to be real, nor is it inexorably frustrated through being the compatriot of power. It exists all the more by being in the same place as power; hence, like power, resistance is multiple and can be integrated in global strategies. (*Power/Knowledge* 142)

Accepting Foucault’s argument above and Habermas’s idea that the public sphere exists *wherever* people come together to discuss political issues, leads to questions about how various spaces affect the functioning and effects of the public sphere. The street is different

from the salon. The café is different from the private club. The bookstore is different from the university classroom. All contribute to the functioning of the public sphere by bringing multiple publics and contentious spaces into being, but in different ways and with different effects. This is why an analysis of the materiality of the public sphere is so important for understanding democratic, communicative practices.

Most public sphere studies focus on the public sphere as a discursive space to the point of neglecting it as a material space. Gerard Hauser states that:

The significance of the public sphere understood as a discursive space is that it alerts us to the manifold ways in which social will is shaped by rhetorical forces that dominate public life. ... Public spheres, then, are discursive spaces where society deliberates about normative standards and even develops new frameworks for expressing and evaluating social reality. (439)

Society, then, becomes a “public” through its deliberative communication in the public sphere and through the exercise of its social will (i.e.; critical publicity). Hauser is clear that “‘public,’ in the sense I am using it, refers less to geographic space than to the social-psychological space of a common world having common meaning for those who inhabit it” (438). Hauser’s work reveals the tendency in rhetorical studies to provide a distinctly discursive (i.e.; the level between language and cognition) understanding of the public sphere.

A close reading, however, reveals that references to spatiality, embodiment, and materiality are difficult to avoid when discussing the public sphere. Hauser notes that “social actors require the *means to appear before one another* in a fashion that is taken as believable” (440; emphasis added). This appearance reveals the embodied nature of the public sphere. Material spaces affect the conditions of appearance. This is not to say that individuals cannot “appear” before one another via mediated forms such as the television or

the Internet. However, for the purposes of the argument forwarded here, I am interested in focusing on those physical, material (as opposed to virtual) spaces that are not strictly visual. Different spaces and bodies in those spaces affect the formation and dissemination of critical publicity. While Hauser is avoiding geographical space, these conditions clearly have physical and material elements in addition to the social-psychological or discursive.

The conditions for appearance outlined by Hauser are particularly useful for an understanding of the materiality of the public sphere. “Considerations of the rules for access to the public sphere, freedom of speech, and the availability of competent witnesses are essential. Examining this aspect of the public sphere illuminates the tension between the possibility and the reality of a discursive space where social actors meet to discover their common world” (440-441). Rules for access and the availability of competent witness are dictated by manipulations of space and protesters’ bodies in those spaces. In the example from the JNX Open House, rules for access to the public event and its attendees were constantly manipulated in order to structure attention away from us and to prevent us from gaining access to the public witnesses present in that space. In other examples, manipulations of space through the use of free speech cages, barricades, or police lines in spaces of protest can hinder access and remove the availability of competent witnesses, as does the removal of protesters from particular spaces through arrest. Attempts to hinder the formation and dissemination of critical publicity, whether successful or unsuccessful, are clearly affected by the public sphere’s materiality.

Social actors’ free speech and ability to meet or witness are also affected by the material spaces in which they meet or are prevented from witnessing. For example, police absence from a large protest, as discussed in Chapter 2, makes spaces unmanageable or

dangerous, hindering protesters' ability to engage with certain witnesses or rendering their demonstration irrelevant. In the next section, I expand on understandings of the formation and dissemination of critical publicity to reveal how these protests bring multiple publics and contentious spaces into being. I also argue, following Daniel Brouwer and Robert Asen in *Public Modalities*, that the embodied nature of protest serves as a modality of publicity.

Formation and Dissemination of Critical Publicity

For Habermas, the public sphere's primary function is the formation of critical publicity. Critical publicity occurs, according to Habermas, when an opinion is supported by the reasoned consent of all. By engaging in communication about political and social issues, the public provides critical publicity that compels "public authority to legitimate itself before public opinion" (Habermas 25). Theoretically, those in power (i.e.; the state) should respond to this public pressure. In this section I argue, unlike Habermas, that the formation and dissemination of critical publicity occurs through multiple communicative modes, among multiple publics and in contentious spaces.

Brouwer and Asen argue that understanding publics as a sphere can be problematic because "spatial representations have difficulty conveying public engagement as a process that develops over time" (*Public Modalities* 5). However, while I am arguing for an understanding of the public sphere that includes consideration of space, the focus on materiality and embodiment in previous chapters takes process into account. This focus allows for an understanding of materiality and embodiment as a modality of publicity that includes the processes of forming, reforming, and disseminating critical publicity.

Immanuel Kant and Habermas argue that public opinion is the *moral* force of the collective. However, in order for critical publicity to truly mediate state power, it must be

understood as a *political* force. Critical publicity has a political force when it is disseminated to other publics, counterpublics, and/or the state. An understanding of the public sphere as not only discursive, but material, allows theorists to explore how it enables or constrains dialogic, reciprocal, non-reciprocal, *and* dissenting communication. Because there is not one public sphere or one public, there cannot be one universal public opinion, it is contested and contingent. It is always in a state of evolving, of being formed and reformed, being disseminated and then challenged or accepted by other publics. If we understand the public sphere as material, then we can see how the public spaces of protest enable alternative modes of critical publicity formation and dissemination.

A recurring critique of Habermas's theory is that it tries to acknowledge the normative ideal of the public sphere while providing an empirical account of its formation and functions.²⁷ His account of the public sphere reveals a focus on the formation of critical publicity through consensus-based deliberation; for Habermas, it is the best practice for reaching critical publicity. This implies a reciprocal form of communication typical of interpersonal or small group communication contexts. However, I argue that non-reciprocal modes of communication and dissensus are also important in the formation and dissemination of critical publicity.

Some Communication scholars have placed dialogue as the preferred and best means for solving public problems.²⁸ In his influential work, *Speaking into the Air*, John Durham Peters argues that "dialogue has attained something of a holy status. . . . Dialogue, to be sure, is one precious part of our tool-kit as talking animals, but it ought not to be elevated to sole or supreme status" (33-34). A focus solely on dialogue ignores, or at best subordinates, the

²⁷See, for example, Plot.

²⁸Notable exceptions to this trend include work by Peters; Schudson; and Tonn.

importance of non-reciprocal dissemination as a democratic practice that has persuasive effects. One consequence of subordinating non-reciprocal communication is that it excludes understandings of the effects of creative disruption that enable other modes of communication (including, but not limited to, dialogue).

The Witness Against Torture memorial demonstration in the Capitol Rotunda, the creative disruption of the Salute to Our Troops parade, and the NCSTN rally in Smithfield described in Chapter 3 all include examples of non-reciprocal communication. The analysis of this rhetoric reveals that other communicative modes were enabled by these creative disruptions including dialogue, but also including a spontaneous expression by a veteran/peace activist and chance and startling communication. Stephen Hartnett argues that chance communication (such as political art) or startling communication (such as strategically placed posters revealing startling statistics) can have multiplier effects. This geographic dispersion can reach audiences never imagined when planning local events.

According to Robert Asen and Daniel Brouwer, “Habermas’s original account has been the subject of considerable debate and has been criticized for perpetuating its own exclusions by failing to explore the contemporaneous functioning of *alternative modes of publicity*” (*Counterpublics* 5; emphasis added). The examples above reveal such alternative modes of publicity. Critical publicity can be formed through non-reciprocal communication. Reciprocal dialogue is important, as my interactions with the Iraq War veteran at the Salute to Our Troops parade and public witnesses at the JNX Open House reveal, but non-reciprocal communication also contributes to the formation and dissemination of critical publicity through dissensus.

For Habermas, the process of accepting the better argument requires a focus on rationality as a test of validity. This process has been critiqued by theorists as such a test can be a way to exclude anyone deemed “irrational.” Not surprisingly, those deemed irrational are often racial or ethnic minorities, women, the poor, and radicals, among others.²⁹ The valorization of rationality neglects the importance of affective and dissenting communication in the public sphere, particularly in public spaces of protest. As I have argued (Chapter 3), critical publicity can be formed through affective, dissenting performances by multiple publics in public spaces of protest. In the examples analyzed there, protesters depended on rational *and* affective appeals, consensus *and* dissensus to form and disseminate their messages.

Affective appeals are prevalent in contentious spaces. During the Salute to Our Troops Parade action, multiple publics were brought into being through the creative disruption and resulting dissemination of dissenting opinions. The affective appeals in this contentious space fostered dissent (as opposed to consensus) that served to form and strengthen critical publicity. A common cause may not have been negotiated, but a cause was disseminated and this has the potential of mediating state power.

Thomas Goodnight argues that the debates surrounding the public sphere have “matured to the point of asking how common cause is negotiated, social customs changed, multiple publics brought into being, and identities transformed in politically productive ways across alternative constructions of the public sphere” (272). Nancy Fraser’s theory of subaltern counterpublics is the most extensively referenced alternative construction. According to Goodnight, Fraser’s contribution is to “recognize nonliberal, nonbourgeois, competing public spheres as a corrective to idealizing bourgeois practices” (272).

²⁹See for example, Fraser; Squires.

Fraser defines counterpublics as “parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs” (123). Counterpublics, to use Jane Mansbridge’s term, “oscillate” between spaces of withdrawal/regroupment and public engagement. “The emancipatory potential of counterpublics emerges in this dialectical movement of withdrawal and reengagement with wider publics” (Asen and Brouwer, *Counterpublics* 7). For Fraser, the dialectic between this rhetorical rehearsal and public engagement is important for counterpublics to avoid becoming mired in withdrawal at the expense of public, political action.

What is problematic about the withdrawal/reengagement model (and Habermas’s argument that the agency needed to participate in the public sphere is nurtured in the private spaces of the home) is that it creates a dichotomy that is not reflective of the reality of critical publicity formation and dissemination. This dichotomy ignores the possibility of forming and disseminating critical publicity in public as opposed to private spaces. Massing together in public spaces of protest provides opportunities for critical publicity formation and dissemination outside of private spaces. “Political spaces facilitate change by creating a distinctive place to develop new identities and practices” (Kohn 4). Kohn argues that the spaces of the houses of the people or the trade unions or cooperatives were where this type of subjectivity was nurtured for the popular (not bourgeois) public sphere.

However, the carnivalesque protests performed by Orange Alternative preceding the fall of communism in Central and Eastern Europe provides an example of how critical publicity can be formed in public spaces of protest. Drawing on the comments made by Orange Alternative leader, Waldemar Fydrych, Michael Bruner argues that “emboldening

them [the public] to participate in political carnival, was precisely what Orange Alternative was all about. . . . Orange Alternative ‘happenings’ were ‘places to learn opposition’ and to discover more political forms of protest” (Bruner 145). The protest itself became a public space for forming and disseminating critical publicity. No movement to private spaces, the margins, or spaces of withdrawal was necessary.

This is not to say that public spaces of protest are never conducive to deliberation as my encounter with the Iraq War Veteran at the Salute to Our Troops parade action reveals. We engaged in a lengthy, reasoned discussion about issues of war, national security, media coverage of the Iraq War, government power, and peace activism. This discussion, while heated at times, ended in both of us changing our opinions on some of these issues, while fortifying our positions on others. In addition, the creative disruption at the JNX Open House led to many productive dialogues with members of the public who attended the event. The point is that these spaces can be conducive to multiple of modes of critical publicity formation with multiple effects—deliberation and nonreciprocal communication, consensus and dissensus.

Contentious Spaces

The analysis in Chapter 3 revealed that the co-creation of contentious spaces has the effect of enabling various modes of communication, including (but not limited to) dialogue and dissent. Creative disruption creates a contentious space for protesters, counterprotesters, and public witnesses to argue, dialogue, and exchange in reciprocal and non-reciprocal communication. As stated earlier, the NCSTN rally in Smithfield involved non-reciprocal dissemination of dissenting opinions. The effect of this action was not consensus (nor was that likely the goal). However, this disruption brought multiple publics into being. As the

excerpts in Chapter 3 reveal, much was said about the fact that the individuals (on both sides) came out to protest or counterprotest instead of “kicking back and staying home.” Brouwer and Asen argue that “publicity-as-activity constitutes specific publics. These publics are not identical to the public sphere—a conceptual social space. They are empirical—things created through action” (*Public Modalities* 8). Protesters and counterprotesters both became involved in the democratic process of making their dissent known. The affective elements of contentious spaces stir people to action.³⁰

According to Kirk Fuoss, “cultural performances, especially during social dramas but at other times as well, instantiate contestation among competing interests” (xiii). Fuoss’s understanding of the importance of contestation is useful for understanding how contentious spaces contribute to the public sphere. “Performance [including protest] thus represents an inherently contestatory practice in which change is averted, fomented, and represented, and as a result of which change takes place. . . . performance—whether it sustains or subverts the status quo—remains inherently contestatory, incessantly engaged in societal formation and reformation” (Fuoss xiv). In public spaces of protest, protesters, counterprotesters, the state (police) and public witnesses co-create contentious spaces that contribute to the formation and dissemination of critical publicity.

Brouwer and Asen’s understanding of the public as a modality is also useful for understanding this type of public engagement as an important process. They argue that modality refers:

both to ways that social actors engage others publicly and to ways that scholars

³⁰Although the parameters of this project did not allow me to fully analyze the advent of tea party protests in recent months, I would venture to guess that these disruptions will stir those who have become complacent under the Obama Administration to action.

study processes of public engagement. With respect to practice, modality illuminates the diverse range of processes through which individuals and groups engage each other, institutions, and their environments in creating, reformulating, and understanding social worlds. (*Public Modalities* 16)

Stirring people to anger, inviting dispute and creating dissatisfaction with the status quo are valuable processes because they stimulate people to participate in the formation and dissemination of critical publicity. As stated by many of the NCSTN protesters and some of the counterprotesters at the Smithfield Rally and Walk of Remembrance, there was a mutual understanding that these protest performances constituted a vital democratic space and process, one in which more people should participate. Multiple publics are brought into being in these spaces with the effect, potentially, of mediating state authority through their material power. Individuals are stirred out of the political apathy so lamented by cultural and political critics. In the next section I argue that the embodied nature of the material public sphere enables an evolution of representative publicness.

Evolution of Representative Publicness

According to Habermas's historical description, representative publicness emerged at a time when state power rested in the absolute sovereignty of a monarch. Representative publicness was essentially the power of the monarch as it was publicly displayed to the people through his physical body. During this time it was vital to maintain a public display of power in front of the people, and they were required to witness this display in order to complete the performative act of the presence of sovereignty. "The people were not completely excluded; they were ever present in the streets. Representation was still dependent on the presence of people before whom it was displayed" (Habermas 10). According to Habermas, this performative act made the invisible power of the monarch "visible through the public presence of the person of the lord" (7). Over time, as the public

sphere developed, there was a movement of power from the visible monarch to an invisible apparatus of public authority.

According to Foucault, “in a society like that of the seventeenth century, the King’s body wasn’t a metaphor, but a political reality. Its physical presence was necessary for the functioning of the monarchy” (*Power/Knowledge* 55). Understanding the public sphere as material, where bodies are present, reveals an evolution of representative publicness. These material bodies are not metaphorical, but constitute a political reality. Their physical presence is a material force of legitimation. This is not a representation of the public, but the material public. When publics provide a physical presence in the streets, they are embodying their ability to legitimate (or not) state power. This embodiment is a modality of publicity.

Bodies protesting and engaging in creative disruption reveal the sovereignty of publics in the face of corporate or state sovereignty. It not only makes the seemingly invisible power of the public visible (as with the monarch), it makes this power material through its corporeality and presence. This is how one can account for the effects of resistance in the material public sphere—by understanding how contentious spaces enable other discourses, practices, and effects through their presence, not simply their mediated images on a television screen or in a newspaper image.

For Habermas “the more cultivated his [the monarch’s] movements, the more sonorous his voice, the more staid and measured his whole being is, the more perfect he is; . . . and whatever else there may be in him or about him, capacities, talents, wealth, all seem gifts of supererogation” (13). The monarch represented the divine through his “aura” and was above critique; because of this, he was inaccessible to the people. A consequence of the evolution of representative publicness that I argue for here is that it actually makes power

more accessible through the material presence of the people in a public space. Their presence opens up spaces for communication and makes them accessible to other publics and critiques.

In other words, protestors' bodies move us through the process of critical publicity formation to its material dissemination in the public sphere. Seyla Benhabib argues that power "is the only force that emanates from action, and it comes from the mutual action of a group of human beings: once in action, one can make things happen" (78). When people engage in the process of public engagement via embodied protest, they disseminate their material as well as their symbolic power in the public sphere. "When freedom emerges from action in concert, there can be no agenda to predefine the topic of public conversation. The struggle over what gets included in the public agenda is itself a struggle for justice and freedom" (Benhabib 79). One of the effects of this collective action is that it disseminates more diverse opinions for further evolutions of critical publicity.

As stated earlier, DeLuca and Peeples's analysis of the 1999 WTO democratic globalization protests offers an account of dissemination in the public sphere, but they limit their analysis to dissemination through mainstream media and the television screen. Dissemination of critical publicity also occurs in the material (as opposed to virtual) spaces of the public sphere and in encounters among bodies, between protestors and the state (i.e.; police), and between protestors and counterprotestors. Media attention is obviously an important goal, but the examples provided in the previous chapter reveal how that which receives media coverage gets constructed in the first place, as well as an account of how critical publicity is disseminated outside of mainstream media outlets that often serve the interests of the status quo.

Robert Cox argues that “only an epideictic discourse that transcends the realist calculation of costs and benefits can invite political subjects into being who would create anew the desire, and the spaces, for a democratic accountability” (128). The perspectives enable by protest displays are “laced with assumptions about what is or is not desirable or to be valued, about what is and is not praiseworthy, about what ought and ought not to be. In that respect, displays exhibit epideictic qualities” (Prelli 15). The epideictic nature of protest, its display of that which deals with matters of justice, invites political subjects into being and, by virtue of the evolution of representative publicness, creates democratic accountability.

Creating multiple publics and enabling various modes of communication, these are the “values or resources which enable other practices and effects” such as “capital, money, meanings, representations, subject identities, pleasures, desires, affects” (Grossberg, *We Gotta Get Out* 96-97). These effects are suggestive of a theory of rhetorical effects. In the next chapter, I explore these issues and provide heuristics for a theory of rhetorical effects and effectivity.

CHAPTER 5

HEURISTICS FOR A THEORY OF RHETORICAL EFFECTS AND EFFECTIVITY

We can begin by doing small things at the local level, like planting community gardens or looking out for our neighbors. That is how change takes place in living systems, not from above but from within, from many local actions occurring simultaneously.
Grace Lee Boggs

In this chapter, I begin to suggest some heuristics for understanding the effects and effectivity of rhetorical practices, especially those that might be considered resistant. I work under two assumptions: (1) that “cultural performances”³¹ make things happen that would not have happened in that way, to that extent, in that place, at that time, or among those persons had the cultural performances not taken place” (Fuoss 82); and (2) that power and resistance exist in micro practices that are locally dispersed (Foucault, *Power/Knowledge*). Cultural performances, such as the creative disruptions described in this dissertation, challenge disciplining technologies. If disciplinary power is effective in producing docile bodies through the manipulation of space (as shown in Chapter 2), then so too can resistance be effective in these spaces (as shown in Chapter 3). My analyses have revealed how these tactics have had effects such as enabling other modes of communication, creating contentious spaces, and bringing multiple publics into being.

³¹As noted briefly in Chapter 4, Kirk Fuoss defines cultural performance as “an inherently contestatory practice in which change is averted, fomented, and represented, and as a result of which change takes place” (xiv). Drawing on the work of Singer, Fuoss argues that cultural performances are “the ultimate units of observation for the ethnographer” (xiii). Thus, the resistant acts of creative disruption enacted by NCSTN activists described in earlier chapters can clearly be compared to what Fuoss terms “cultural performances” as they are contestatory practices and have served as the ultimate units of observation during my ethnographic fieldwork.

The question that remains is: how can we begin to account for the effectivity of these local tactics at broader, global levels of power? The effects of these local practices may not always be immediately structural, but contingencies must be explored in order to get from here to anywhere but here. What is needed is an account of how these locally situated practices are potentially articulated to larger structures of power.

Michel Foucault states that “the role for theory today seems to me to be just this: not to formulate the global systematic theory which holds everything in place, but to analyse the specificity of mechanisms of power, to locate the connections and extensions, to build little by little a strategic knowledge” (*Power/Knowledge* 145). In contributing to the long-pursued, progressive project of understanding power and resistance, the task, presumably, is to build this strategic knowledge and open up spaces for new possibilities to put lines of resistance into play. The intellectual traditions I explore below begin to contribute to an understanding of the effects and effectivity of resistant practices, but they do not point to a unified theory that holds everything in place. “Like power, resistance is multiple and can be integrated in global strategies” (Foucault 142). As a result, I argue that the acts of local resistance I have analyzed in this dissertation may potentially be integrated in broader strategies—such an articulation is critical to a theory of effectivity.

In this chapter, therefore, I identify the intellectual traditions that inform my use of the terms “effect” and “effectivity,” specifying some of the major tensions, ambiguities and/or contradictions within or among the uses of these terms. Through the local and dispersed view of power and resistance I trace in these traditions, I then argue that movement critics should begin to attend to the ways in which local, resistant acts, such as the creative disruptions enacted by NCSTN activists, can be articulated to broader contexts and systems

of power. Only in this way can we begin to understand a theory of rhetorical effectivity appropriate to the local, non-mediated, and material spaces of public protest.

Destabilizing Language and Producing Cultural Codes

In the mid-1990s, Alberto Melucci made the argument that a bias existed in social movement studies; this bias was “the exclusive concentration on the visible and measurable features of collective action—such as their relationship with political systems and their effects on policies—at the expense of the production of cultural codes” (6). He argued that it is the production of these cultural codes that is the principal activity and basis for visible action. By focusing strictly on the empirical effects of movements, some theorists risked neglecting the destabilization of meanings that give rise to such changes.

As a result, Melucci offered an analytical approach to studying social movement effects through their *communicative character*, specifically on how they destabilize meanings. He proposed accounting for the way activists bring about change “in the way people’s experiences are perceived and named” (Melucci 185). For him, this is how we know effectivity—through a change in the way people name and perceive experiences. Melucci’s argument has been a vital one for understanding social movements and one that many Communication scholars have taken up when analyzing social movements in the mid- to late-1990s. For example, in her analysis of anti-globalization protesters, Kirsty Best argues that “democracy is also essentially cultural, continuously defined, contested and redefined not merely through reasonable discussion, but also through struggles over values and meanings associated with its overall cultural resonance and component parts” (219). In other words,

democratic subjectivities are constituted through an array of mediated texts that are under the strain of this struggle over meaning.³²

A particularly sharp critique of this focus within Communication Studies comes from Dana Cloud. According to Cloud, contemporary social movement theorists' focus on politics of recognition (via destabilizations of meaning and thereby recognition of identity) have caused a complicity with capitalism and a turn away from redistributive-oriented social movements.³³ These scholars, in Cloud's view, are promoting a standpoint that rejects the state and the economy as sites of resistance. For Cloud, this standpoint has insidious consequences because it leads to a turn away from redistributive justice and supports the view that social movements should *only* adopt strategies related to destabilizing language and/or gaining recognition. Cloud argues that there is a

contention that economic and political forces have generated a rupture or break away from modernist capitalist relations among the state, the economy, and counterpublics. Proponents of this idea suggest that the centrality of the nation-state as a site of political agency and transformation of subaltern counterpublics has waned and that social movement agents should look elsewhere to demand something less than wholesale redress. (236)

Cloud argues that instead of fighting for redistributive justice at the site of the state or economy, social movement leaders are encouraged to shift their focus "from mass-movement demands for direct and immediate economic redress and toward a micropolitics of identity and consumption" (243).

While this is an important point and one that should be taken into consideration, it seems that Cloud's argument mischaracterizes a great deal of the literature on the effects and goals of resistance. For example, Melucci would agree that we must be careful not to adopt a

³²See also Bourdieu; and Fraser, "Heterosexism, Misrecognition, and Capitalism."

³³For a more thorough account of the debate surrounding recognition and redistribution see Judith Butler and Nancy Fraser in *Social Text*.

radical form of identity politics that leads to sectarianism. This view also disregards the fact that a system that rejects capitalism will not necessarily be free of other forms of oppression such as racism, sexism and homophobia.

The destabilization of language is an important part of understanding resistance. Activists often appropriate, re-appropriate, or reverse language as part of an overall strategy of resistance. The naming of an experience is an important element of power that is often struggled over in our culture. Some examples include the destabilizing of the term and definition of marriage, naming a group of protestors “democratic globalization activists” versus “anti-globalization activists,” or naming a cause “pro-life” or “anti-choice.”

Within my own field research, I have observed struggles over the meaning of “torture.” Is a certain practice “torture” or an “interrogation technique?” It is important to note that these are not “merely” struggles over meaning; for activists in the anti-torture and peace movements, the struggle over naming and destabilization of terms has material effects. They assert that the rhetorical construction of “enemy combatants” or “detainees” has allowed for the complete removal of basic legal, political, and human rights. What these examples reveal is that the effects of the destabilization of language can and should be accounted for by theorists. This is a struggle over meaning, but with obvious material consequences for the individuals involved.

Understanding Resistance as “Oppositional”

Lawrence Grossberg’s understanding of the effects and effectivity of resistant acts may provide a heuristic for avoiding these pitfalls. The focus on everyday practices in the Cultural Studies tradition has produced a number of important contributions to understanding the effects of resistance. However, as Grossberg argues, “daily life is not the promised land

of political redemption” (*We Gotta Get Out* 94). By valorizing daily life (culture) as always disruptive and ignoring the articulations among social structures and daily life, Grossberg argues that scholars will constantly discover moments of resistance whether or not they have any effects. Structures not only constrain and oppress, they also enable and empower, as the examples in previous chapters indicate.

Grossberg argues that *empowerment* should be understood as having control over one’s daily life. However, this is not the same as *struggle*, which involves changing one’s conditions of daily life. While changing one’s conditions is important; it is not always *resistance*, “which requires a specific antagonism. And resistance is not always *opposition*, which involves an act and explicit challenge to some structure of power” (Grossberg, *We Gotta Get Out* 95-96). The example of the 1960s Women’s Liberation Movement proves a useful illustration here. Consciousness raising groups provided empowerment for women to gain control over their daily lives. However, this empowerment might not have involved changing the conditions of a woman’s daily life, such as more equitable division of childcare or household responsibilities. However, in the case that this empowerment does lead to such a struggle, it may not then necessarily lead to a recognition of these inequities as a specific limit in the dominant ideology of patriarchy (i.e., for Grossberg, resistance). Grossberg would argue that resistance in the form of a recognition of this specific antagonism, also does not always necessarily lead to opposition of patriarchy. Fortunately for the Women’s Liberation Movement, conditions did lead to a progression toward social change as women moved beyond their individual daily lives and collectively organized to oppose specific laws and injustices within dominant power structures.³⁴

³⁴See Campbell for a more thorough account of this brief illustration.

This progression from struggle to resistance to opposition, however, does not always necessarily occur, particularly as acts of resistance may fail to become oppositional. This is a distinction that is often overlooked by scholars studying resistance. Empowerment alone is often assumed to be always, already resistant or oppositional. This is an ambiguity or slippage that should be acknowledged and corrected in order to get back to the business of accounting for the effects of resistance within ever-changing systems of power. In order to avoid the assumption that a practice is inherently resistant, theorists, following Grossberg, should ask if resistance is being articulated to larger structures of power and revealing limits in dominant ideologies.

One Cultural Studies scholar, Carol Stabile, provides a useful example in her radically contextual analysis of the television program *Roseanne*. Stabile reveals the importance of understanding the contingent nature of resistance and effects in her critique of the resistance model. Stabile claims that textual analyses of the show are lodged in a dualism of resistance/recuperation that limit our understandings of the relationships between economic and cultural changes when analyzing media texts. She calls for an understanding of *Roseanne* (and other media productions) not as inherently resistant, but as a product of economic, profit-driven and cultural forces. Stabile argues that the dominance of the resistance model in academia has led to a lack of self-reflexivity among Cultural and Media Studies scholars. Contrary to certain textual analyses, Stabile argues that *Roseanne* is not a resistant text. In fact, texts are never resistant in and of themselves. According to Stabile, the show reflects the dynamism of ideology and reifies the dominant ideology, while ignoring the fact that most women work out of economic necessity and not as a matter of choice. Stabile answers Grossberg's call by providing an account of the specific conditions

surrounding *Roseanne*, instead of falling into a reading of *Roseanne* within a model that assumes a resistant text.

Resistant practices are complex and contradictory, as are their effects. While critics must be vigilant in their understanding of the contingency of this struggle, these practices can, as Grossberg argues, “produce effects: e.g.; capital, money, meanings, representations, subject identities, pleasures, desires, affects, etc. Their effects can be seen as values or resources which enable other practices and effects” (*We Gotta Get Out* 96-97). The effects of particular practices are never simple matters; they depend on how and where they are situated within given contexts and relations of power. The key for critics, then, is not simply to identify practices as resistant or oppositional or ideological (although this may be useful in some instances). Instead it is more important for critics to take responsibility for analyzing how these practices “are themselves struggled over and articulated to larger political projects” (Grossberg 95).

Fuoss provides a model for analyzing such cultural performances via three realms: the direction of effectivity, the mode of effectivity and the spheres of contestation. Fuoss argues that:

individual modes of effectivity are neither inherently ideological nor inherently resistant. The various modes of effectivity may be employed either to sustain relations of domination or to subvert them, and the classification of a particular mode as an instance of ideology or resistance depends not on the mode *per se* but rather on the use(s) to which it is put. Finally, the modes are not perfectly discrete, and modal hybrids are frequently encountered. (86)

The examples provided in previous chapters provide an example of how this type of analysis functions. While police presence in spaces of protest may be viewed as inherently ideological, the analysis provided in Chapter 2 reveals that, in fact, it is police *absence* which can discipline protest. Police presence coupled with a policy of nonintervention (explored in

Chapter 3) is what allowed for resistant, disruptive practices to occur in a particular contentious space. Understanding this police practice, put to the particular use of providing safe spaces for disruption, reveals that modes of effectivity are not perfectly discrete or inherently ideological or resistant.

Similarly, within a sociological tradition, Terry Lovell suggests that the effectivity of resistant practices depends on collective interaction and reiteration. She offers an analysis of Rosa Parks's resistance and agency that takes historical specificity and context into account. She calls for a move away from the "subjected self" toward a focus on the "social relations of political (inter)action, and the specific historical conditions of particular social transformations" (Lovell 2). For Lovell:

transformative political agency lies in the interstices of interaction, in collective social movements in formation in specific circumstances, rather than in the fissures of a never-fully-constituted self, or in the always open-ended character of speech and language, although these instabilities of language and the self are indeed among the conditions of possibility of agency. (2)

This argument is particularly important for two reasons. First, it locates *political* agency within interaction and collectivity, and not within an individual performative act. And second, it addresses the possible pitfall that Communication Studies scholars might fall into of assuming that speech acts are always, already resistant. "It appears to be the words that do the deed, but actually the effectiveness of the words depends upon social institutions and the position or status within those institutions of the person who speaks the words" (Lovell 3). Resistance depends upon a *collective* interaction, not just an individual performance. While singular practices can violate norms of decorum and have the potential for providing political agency, in order for a practice to be actualized as resistant it must be reiterated through collective interaction. In his analysis of Saul Alinsky's Industrial Areas Foundation actions,

Jerry Blitefield argues that such actions “manifest a shifting power balance through ‘premonitory proof.’ The action is proof of the group’s capacity to challenge and disrupt established power relationships, and it is premonitory in that its successful enactment implies the possibility of future enactments” (Prelli 21).

Determining the effects of resistance requires careful analysis of the relations among practices and their contexts, and whether these practices enable other communicative practices, values, resources, meanings, subject identities, and/or representations. Acts of creative disruption, for example, should not be discounted as unimportant because the *potential* for providing political agency is paramount to social reform on any level. However, in order for such a tactic to be actualized as resistance, one would have to move beyond an analysis of an individual performative act or practice to a consideration of the contingencies and specificity surrounding the practice and its connections to larger structures.

Lovell’s argument is instructive here. She argues that when analyzing Rosa Parks’s resistant act on the bus, we cannot uncritically attribute effectiveness to the performative act alone, but must understand the act within the historical specificity of the moment. This specificity includes Parks’s social status within the Civil Rights Movement and within larger power structures typified by the “erosion of the legitimacy” of Alabama’s segregation ordinances (Lovell 6). “To assess the nature of Rosa Parks’s act it is necessary, therefore, to look at the broader context, legal and social, and at the actions of others who played critical parts in the decision to make Parks’s arrest a civil rights issue” (Lovell 7). Parks’s singular act had the potential for resistant effects, but it was only through its reiteration and an analysis of its context that actualized resistance occurred.

It is also important to note that the effectivity of resistant practices should not be limited to determining if the rhetor's or social movement's stated goals were immediately met. In his book on the legacy of the Mississippi Civil Rights Movement, Kenneth Andrews reveals that activists and scholars have come to understand the influence of social movements according to "whether a movement achieves its stated goals—whether it succeeds or fails" (14). However, in a reflexive turn, he argues that this is a simple dichotomy. "Publicly stated goals may capture a small part of a movement's broader objectives. Thus movement goals only provide a partial basis of understanding the impacts of social movements. . . . Our understanding of social change will be richer if we examine the broader consequences of movements" (Andrews 16-17).

While Andrews's multivariate study of the enduring impacts of the Civil Rights Movement focuses on "political changes, including agenda setting, policy enactment and implementation and the acquisition of political power" (20), he is careful not to disregard effects that fall outside of this understanding. His "discussion applies to social and cultural impact as well because these types of changes are intertwined with and can mediate between social movements and changes in political institutions. . . . the challenge for scholars is to disentangle these factors and examine how they interact in a complex historical sequence" (Andrews 20-21).

Intentions versus Effects

In addition to disentangling these factors, scholars should begin to address larger questions of causality in studies of social movements. Specifically, rhetorical critics and performance studies scholars considering the effects of resistance should acknowledge issues of overdetermination. Della Pollock states that there is a "peculiar resistance of performance

to logics of cause and effect. ... In the symbolic field of representations, effects are unpredictable, even uncontrollable” (2). The effects of destabilizing meanings and perceptions can certainly be unpredictable. Kristina Schriver and Donna Marie Nudd’s analysis of the Mickee Faust Club’s performative protests reiterates this argument. Schriver and Nudd argue that performative protest should not be understood simply as being a success or a failure. Echoing the argument made at the beginning of this chapter, Schriver and Nudd recognize power in a Foucauldian sense—as fluid, diffuse, and emanating from many different points. They argue that theorists and activists must analyze their own internal assumptions about constellations of power in order to “defang negative points of power, exploit ambivalent points of power, and make positive points work for the planned performative protest event” (Schriver and Nudd 213).

Carole Blair echoes this argument within a rhetorical tradition. She states that effects must be understood as more than fulfillment of a rhetor’s goals (“Contemporary U. S. Memorial Sites”). A focus on goal fulfillment has traditionally led critics to focus solely on production and not on the effects of what is produced within larger structures. For Blair, rhetoric has a material force beyond goal fulfillment that can be accounted for by focusing on the point of view of society and its purposes, not solely on the rhetor’s intentions and motivations.

An analysis that focuses exclusively on rhetors’ goals and intentions may lead to an eclipse of the point of view of society and its purposes. A recent critique of the convergence model provides an example. The convergence model employed by most anti-globalization protesters and other groups involves thousands of people converging on the streets of a city holding an economic summit or other spectacle of global capital. The rhetors’ goal is to gain

media attention, and while there can be positive effects emanating from these types of excessive protest spectacles, Jane Kirby argues that these global spectacles can also cause local problems. Instead of bringing attention to a local struggle, convergences can distract and detract from these local, grassroots struggles. These local struggles are often the very things movements seek to draw attention to—the effects of certain policies on local communities. What is needed, from “society’s” point of view, is local relevance and “an explicit and real connection between global forces and local struggles” (Kirby, “Global Spectacle, Local Debacle”). What is also needed is a critique of this protest not mired in an understanding of effects as that which meets the rhetors’ goal of gaining media attention. This focus would neglect the negative, and likely unintended, effects of the rhetorical practice.

A scholar working within the intersections of rhetoric and performance studies in order to understand the effects of similar acts of resistance is Marcyrose Chvasta. Chvasta, in response to critical assessments of carnivalesque protest, assesses the efficacy of post-9/11 performative street protests. She asks, “is carnivalesque protest—as a means for causing institutional change—becoming ineffectual (and, more painfully, was it ever effective)?” (Chvasta 6). A general consensus among activists and scholars has been that performative, carnivalesque protest utilizes irony and humor as resistant tactics and is effective as a form of resistance. Chvasta would not agree. Drawing on Michael Bruner’s analysis, Chvasta argues that celebratory protests have little political efficacy in the face of an increasingly humorless state. Using ACT UP activists as an example, she argues that:

direct actions are still performed around the world. Yet we don’t *see* much from them these days. There are multiple reasons for this ranging from the death of members to the increase in other government policies and cultural oppressions to protest, to a decreased willingness of the popular media to cover the direct actions. (Chvasta 9)

The excess of protest so valorized in rhetorical studies of movements in recent years, must be understood according to the context surrounding its reiteration or lack thereof, among other contingencies. “Although carnivalesque protest has the potential and power to attract media attention, educate the public on targeted issues, and build community among activists, it is less successful in directly effecting changes in governmental and social policy” (Chvasta 5).

However, when understood as part of a larger framework of resistance, performative protest can point “toward possibilities, different ways of being in the world. When activist groups combine carnivalesque and bureaucratic tactics, a tangible efficacy—such as changes in FDA regulations or the creation of a Patriot Act Free Zone—occurs” (Chvasta 12). In other words, this is not to say that there is *no* place for the carnivalesque within the public spaces of protest, or that it is completely ineffectual, as Chvasta is careful to note.

This review of intellectual traditions reveals that scholars interested in understanding the effects and effectivity of resistance should be open to the contributions of various scholars working in multiple paradigms. Andrews states that:

studying the consequences of social movements requires that one engage with many other disciplines, subfields, theoretical approaches and empirical traditions that have their own explanations of cultural, social, or political change. . . . Rather than an obstacle, this engagement should be seen as an opportunity to create bridges between work on social movements—which is often quite insular—and other areas of social science inquiry. (22)

In the push toward social change, critics cannot be closed to the attempts of scholars in multiple traditions to account for the contingent and ever-evolving effects of resistant practices. As we continue building a strategic knowledge, we must not fall into the pitfalls of cynicism on the one hand or uncritical valorization on the other.

Moving from Effects to Effectivity

As explored above, building a strategic knowledge is based on the idea that the effects of resistant practices are contingent and specific to the oppositional potential of actions within historical moments and contexts. Taking into account the contexts surrounding the public spaces of protest in this contemporary moment, specifically the increase in regulation and surveillance practices explored in the previous chapters, reveals how contentious spaces enable discourses, practices and effects through protesters' material presence, not simply their mediated news images. As discussed earlier, the media spectacles and theories about them in the 1990s are no longer satisfactory for understanding the effects of protest in a current moment. In addition, these theories tended to focus on large-scale convergences and not on the smaller, local protests analyzed in this dissertation. The contingencies surrounding how power is deployed in a material public sphere via police practices, surveillance and a normalizing gaze reveal that media spectacle is no longer (if it ever was) a wholly effective tactic.

Instead, I argue that small-scale, local protests are effective through their material presence and not solely through their ability to gain media coverage. They are effective as an evolution of representative publicness that makes their power as a critical public material. Considerations of these contingencies allowed me to avoid assumptions that these practices are inherently resistant. For example, the roadside vigils described in Chapter 2 were not effective as resistant practices as they did not create contentious spaces.

Being present in a material public sphere and engaging in creative disruptions in a local hub of the globalized rendition and torture program at Aero Contractors in Smithfield, North Carolina allowed for an account of the effects of local practices. Disruptions to the system are more accessible in these local spaces. For example, one of the early activities

employed by NCSTN was plane spotting.³⁵ Plane spotting had two purposes. First, it was used pragmatically to document proof of Aero's involvement in extraordinary rendition activities. Second, it was used rhetorically to stage visual media and raise awareness (see fig. 23).



Fig. 23. Plane Spotting.
NCSTN. "Actions and Vigils 2005-2007." October 2007. Web.
<<http://ncstn.spaces.live.com/>>.

This practice worked in conjunction with international plane spotting activities in order to further document claims that extraordinary rendition was occurring. Following about four months of plane spotting activity, Aero Contractors was forced to restructure their space at the airport by putting up a privacy fence and building an additional hangar to obscure visibility of the planes being used by the company (see fig. 24). According to Chuck Fager, "Aero had inserted slats in the chain link fence, and removed the sign from the gate, going 'undercover'" (*Doves & Eagles*).

³⁵See <http://www.ncstoptorturennow.net/resourcesplanespotting.html>.



Fig. 24. Fence with slats at Aero Contractors.
Chuck Fager. *Doves & Eagles*. 27 Oct. 2007. Web.
<<http://quakerhouse.org/smithfield-rally-06.htm>>.

In order to continue making their presence known at the local level of power, Walt and Allyson, two of NCSTN's members who are residents of Johnston County, attended numerous JNX Board Meetings. Their "silent intimidation" (as Walt referred to it) coupled with presentations of documentation of Aero's illegal and immoral activities served to "gum up" these mundane but necessary meetings. Eventually this activity was taken up by other activists at monthly Johnston County Board of Commissioners' meetings. In response to negative and hostile feedback from some commissioners claiming NCSTN's activities harmed U.S. efforts in Iraq and Afghanistan, NCSTN invited Floyd McGurk, a retired Army officer with two sons and other family members on activity duty in Iraq to testify at the next commissioners' meeting. At this point, one of the commissioners stated that NCSTN " 'was down here trying to bully local government' because it could not 'get it done' at higher levels of government" (Kenney, "Talk Turns Testy").

In order for NCSTN's singular, local practices to have *effectivity* in the larger system, they must be taken up at other rendition sites across the globe in order "gum up the works" of the global rendition and torture program. Collective interactions and reiterations of these practices are already beginning to be taken up across local spaces of resistance nationally and internationally. For example, anti-rendition and torture organizations such as Shannonwatch in Ireland, Reprieve in the U.S., Australia, the Netherlands, and London³⁶, and No More Guantánamos³⁷ are beginning to coordinate efforts with NCSTN on national and global levels to end rendition and seek redress for victims of torture.

In addition to these collective efforts, NCSTN's localized protest tactics provide examples of how connections can continue to be forged between global forces and local struggles. Instead of being alienated from local communities, activists are local community members invested in the politics and reputation of their counties and state. By focusing on North Carolina's connection to the globalized extraordinary rendition and torture program, NCSTN activists are able to make these issues locally relevant and explore how they are related to the global War on Terror.

And finally, while seeing the *potential* in resistant practices is useful theoretically, it is also important for scholars to account for the effects of *actualized* resistance, that is, in Grossberg's terms, as an *oppositional* practice. Creative disruptions in these local spaces have the *potential* of forcing a reconsideration of the role of North Carolina in the U.S. extraordinary rendition and torture program. While I may not yet be able to empirically account for the broader effectivity of these singular practices, I have accounted for their emergence, reiterations, and potential alignments across space. As the resonances of these

³⁶For more information about Reprieve, see <http://www.reprieve.org.uk/secretprisons>.

³⁷For more information about No More Guantánamos, see <http://www.nogitmos.org>.

dispersed acts and their effects are taken together, an account of this social movement's broader consequences can be developed.

One potential area of effectivity is just beginning to take shape as NCSTN works to "build alliances at the state, national and international level to push for accountability" for torture injustices through their new initiative Weaving a Net for Accountability. A key goal of this process is to:

lay the groundwork for creation of a Commission of Inquiry for North Carolina, composed of state, national and international public figures and experts. The Commission will carry out such tasks as holding open hearings to create a formal public record of North Carolina's role in the extraordinary rendition program, and developing recommendations to local, county and state officials on how to create and/or enforce bans on use of tax dollars and public facilities for torture and extraordinary rendition. ("Weaving a Net of Accountability")

As this process emerges and works to meet its goals, it will be important to account for its actualized effectivity. Most recently, torture accountability has taken steps toward effectivity as indictments have been demanded by the Attorney General of Spain for thirteen CIA agents including three pilots employed by Aero Contractors.³⁸

Understanding the effects and effectivity of resistant practices means that theorists should build a strategic knowledge of power and resistance from the specific (local) acts, contexts, and articulations that occur as a consequence of such practices, as opposed to a global, systematic theory. In this chapter, I have suggested heuristics for a theory of rhetorical effects in the hopes of pushing myself and other rhetorical scholars interested in social movements to ask: how can local acts of resistance continue to be reiterated and multiplied across spaces? how can alignments be drawn across various struggles against centralized and dispersed technologies of power to develop an effective progressive project

³⁸See Horton, Scott. "Arrest of 13 CIA Agents Sought in Spain." *Harper's Magazine*. 12 May 2010. Web. <<http://www.harpers.org/archive/2010/05/hbc-90007028>>.

of emancipation? As I continue my work within rhetorical studies and on the ground with human rights activists, it is my hope to contribute to understandings of how these practices get articulated to broader, global systems of power.

CHAPTER 6

CONCLUSION

The analyses presented in this dissertation have been guided by two broad questions. First, how do material elements of the public sphere (i.e.; access to, use, and regulations of public space, physical barriers, proximities among protesters, audiences, and counterprotesters, and police presence/absence) enable or constrain protest? And second, in what ways are we to understand and/or account for the rhetorical effects of protest, including disruption, in such contexts?

I have addressed these questions by exploring the current shape of the public sphere through thick descriptions of the public spaces of protest I have encountered during my fieldwork with North Carolina Stop Torture Now (see Chapter 2). Focusing on multiple sites, events, and discourses has allowed me to see how regulation and surveillance practices, particularly the disciplinary technologies utilized by police, manipulations of protest space, rules for access, and police absence, operate in a local context. Drawing on the work of Michel Foucault, I argued that these regulations and surveillance practices discipline protest, particularly in its disruptive function. These extensive examples revealed how disciplinary power is locally dispersed, ubiquitous, and internalized by activists and supporters of the status quo.

However, relations of power and resistance exist in an indefinite and at times, contradictory, struggle. In Chapter 3, I argued that although protest is subject to disciplinary practices, protesters can and do challenge these technologies through creative disruption. Creative disruptions are those practices I observed in my field interactions with NCSTN which suggest that a kind of disruptive resistance remains possible under conditions of disciplinary technologies in the public sphere. These disruptions in localized spaces of protest can create a productive tension in the face of complacency and the taken-for-granted legitimacy of the status quo. I argue that creative disruption has the effects of stirring people to anger, inviting dispute, creating contentious spaces and/or creating dissatisfaction with the status quo.

These creative disruptions and subsequent co-creation of contentious space also have the effect of enabling various modes of communication including dialogue, debate, argument and spontaneous expressions of dissent. While the goals and effects of creative disruptions can be varied and numerous, the examples in Chapter 3 reveal how creative disruption, in its various forms, challenges the disciplining effects of excessive regulation in public spaces of protests. By avoiding arrest, circumventing the permit process and creative use of space, protesters created contentious (not docile or decorous) spaces.

These spaces and the practices therein contribute to an understanding of the public sphere as material. As argued in Chapter 4, an understanding of the public sphere in the current moment rests on an analysis of how it both affects and is affected by materiality. This involves understanding that the communicative practices which enable or constrain the public sphere occur in spaces that include material structures and performing bodies and the effects of the public sphere on how multiple publics are brought into being. The public

sphere is produced and maintained through social, discursive relations *and* material structures. Understanding the public sphere materially allows for a better understanding of how the public sphere facilitates the formation and dissemination of critical publicity through multiple modes of communication among multiple publics. Bringing multiple publics into being in contentious spaces of protest constitutes an evolution of what Habermas calls *representative publicness*.

And finally, in Chapter 5, I argued that these analyses are important for discerning the effects of rhetorical practices in spaces of public protest. And, based on the locally dispersed view of power and resistance outlined there, how these singular resistant acts get articulated to larger structures of power. It is only through such an analysis that we can begin to understand a theory of rhetorical effectivity in the material spaces of public protest.

As NCSTN continues to work in multiple spaces to end extraordinary rendition and torture, it is important for me to continue making note of how the movement has effectivity in larger structures of power through their locally situated practices. The analyses presented here have served as a testing ground for broader questions about the effectiveness of protest in the current moment. However, some questions remain. How can other movements utilize locally situated practices to effect change? What role do large-scale convergences and media spectacles hold in our current moment, if any? How can independent media (such as that created and used by NCSTN) be more effectively deployed to challenge the disciplining effects of mainstream media framing of protesters? And finally, how can we (as activists and scholars) find a balance between those disruptions that enable communication and those which silence and shut down communication in the public sphere?

Utilizing an activist approach and critical methodology is one way to address these and other questions about the rhetoric of social movements in the public sphere. The push toward engaged scholarship in rhetorical studies can be furthered by the knowledge produced from an oscillation between spaces of rhetorical criticism and activism. It is my hope that this dissertation serves as part of the ongoing movement to contribute to academic scholarship and social justice.

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