From Rule to Revolution: Finding a “Form of Life” for Occupy Wall Street

by

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Abstract

Despite the fascination surrounding Occupy Wall Street, much of the literature describing this movement is marred by confusion and uncertainty, leading to unsatisfying explanations of the cause of Occupy’s dissolution. This project clarifies Occupy’s failure through the application of Giorgio Agamben’s theory on the “state of exception” and his depiction of the Franciscan “form of life.” This project first uncovers that Agamben’s “state of exception” signifies a suspension of juridical norms that blurs the distinction between life and law. Then, this project proposes that “form of life” signifies the realization of life outside of the determinations of law. By conceptualizing the Franciscan “form of life” as an absolute “state of exception,” this project demonstrates the Franciscans’ attempt to reject the legal norms of ownership. This project then utilizes Agamben’s depiction of the Franciscans as model for analyzing Occupy. Through this application of Agamben’s theory, this project posits that Occupy attempted to oppose plutocratic political norms but ultimately compromised this opposition by redefining itself within the political establishment. In conclusion, this project arrives at a compelling understanding of Occupy Wall Street and its failure.
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If they cast everything off, it is for a greater and not for another life.

Albert Camus, on the Franciscans

*Notebooks 1935-1942*
Section 1: The Stakes and the Sources

More so than any popular movement in recent memory, Occupy Wall Street proved to be an incredibly divisive and contentious phenomenon, eliciting both excitement and derision from its observers and critics. The flurry of articles and responses published during Occupy’s two-month stay in Zuccotti Park, brimming with both praise and ridicule, demonstrates the extent to which this movement seized the American public consciousness during its moment of spotlight. When delving into the abundance of sources describing Occupy, there appears to be an alarming amount of confusion among reporters about the exact nature of the movement. A puzzled New York Times editor, Arthur Brisbane, described the challenge of reporting on the movement: “Occupy Wall Street proved to be a difficult, sprawling story to report.”

This difficulty understanding Occupy is further emphasized by Todd Gitlin in his book *Occupy Nation* (2012). Although Gitlin spent a significant amount of time within Occupy’s encampment, the movement still perplexed him: “If you visited an Occupy encampment, you might think you had stumbled across a lost tribe—or a found tribe, possibly one made up of time travelers, plunged unaware into the present, leaving you to judge whether they are utopian or dystopian, or simply odd.” Despite the intensity of interest surrounding Occupy Wall Street, its rapid rise appears to have inspired as much confusion as excitement.

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1 Brisbane, “Who Is Occupy Wall Street?”
2 Gitlin, *Occupy Nation*, 59.
Nowhere is the confusion surrounding the movement clearer than in the discussion of the disappearance of Occupy after its brief moment of spotlight. Andrew Sorkin, a New York Times reporter writing on the one-year anniversary of the Occupy protests in New York City, concluded that the movement was a “frenzy that fizzled,” dismissing the movement as a “fad” that lost its popularity. This sentiment is repeated by several sources, which concurred that Occupy had simply fizzled out. Why exactly caused this change in Occupy from being a topic of national inspiration to another fading political “fad” is much less clear. Sorkin, for example, describes Occupy as a “frenzy” while articulating its failure, evoking a confusing and chaotic movement that cannot be fully grasped. While there is a wide variety of claims to explain why Occupy appeared to decay—ranging from reliance on social media to psychological differences between conservatives and liberals—the explanations of this failure are as contradictory and confusing as the attempts to define the movement.

The goal of this project is to clarify, in the words of Brisbane, the “seemingly formless mass of a movement” that was Occupy. This project will attempt to uncover a cohesive understanding of Occupy as well as the cause of the movement’s failure, supplemented by an application the theories developed by Giorgio Agamben. This project will begin by unpacking the narratives surrounding the Occupy movement and its failure, arguing that these explanations of failure are deeply flawed. The discussion

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1 Sorkin, “Occupy Wall Street.”
will then turn to Agamben with the thesis that Agamben’s depiction of the Franciscan monastic rule as an absolute “state of exception” can provide us with a model for conceptualizing Occupy and thereby provide a new understanding of its dissolution. This project will conclude with an analysis of Occupy through an Agambean perspective, arriving at a newfound understanding of this movement and the cause of its decline. While there were many Occupy camps that sprung up across the United States and even internationally, this analysis will focus exclusively on the Occupy movement of New York City, with an encampment in Zuccotti Park.

Before continuing, it is important to clarify the usage of “failure.” One could certainly argue that although Occupy seemed to retreat from the spotlight, the movement was not a failure. Most notably, the legacy of Occupy can still be seen in contemporary American political discourse. As Michael Levitin noted in an article published in June 2015, the language of one percent and ninety nine percent—terms that Occupy popularized through its mantra “We are the 99%”—now are commonly used to conceptualize income inequality. Moreover, Levitin proposes that income equality is now a core tenet of the Democratic Party due to the outspoken advocacy by Occupy. This article links the passage of regional actions to overturn Citizens United v. Federal Election Commission—the Supreme Court decision that opened the floodgates for unlimited corporate political donations—and even recent protests to raise the minimum wage for fast food workers to the legacy of Occupy. While several of Levitin’s claims remain supported by little more than inference, the article

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7 Levitin, “The Triumph of Occupy Wall Street.”
8 Ibid.
demonstrates that Occupy’s impact outlived its occupation of Zuccotti Park. Brian Stelter, in an article published in November 2011, further highlights Occupy’s discursive legacy. Stelter describes the extent to which Occupy protestors “succeeded in implanting ‘We are the 99%...into the cultural and political lexicon.’”9 As both Levitin and Stelter emphasize, Occupy had a profound impact on political discourse, particularly regarding inequality.

The clearest evidence of the discursive legacy of Occupy is perhaps a recent viral video created by an independent filmmaker known by his pseudonym Politizane, uploaded in November 2012 and titled Wealth Inequality in America. The video, with a series of infographics, depicts American income inequality through a visualization of the share of the economy controlled by the one percent (Fig. 1, see Appendix).10 Politizane even seems to reference the impact of Occupy by introducing the one percent as “the top one percent we’ve been hearing so much about.”11 The video’s popularity peaked in between 2013 and 2014—far after Occupy abandoned Zuccotti Park—and received over eighteen million views. As seen by its rampant popularity and explicit references to the one percent, Politizane’s work suggests that the discourse on equality initiated by Occupy embedded itself within America’s collective memory.

Although there are clear aspects of Occupy that persist in political discourse, these descriptions of the legacy of the movement do not disprove Occupy’s failure. Levitin and Stelter focus on the persistence of terms such as “the one percent” and

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9 Stelter, “‘We Are the 99 Percent’ Joins the Cultural and Political Lexicon.”
10 Politizane, Wealth Inequality in America.
11 Ibid.
“the ninety-nine percent,” concluding that Occupy was a success because these terms became engrained in political discourse on inequality. While equality is deeply important to the movement—as this project will demonstrate in Chapter 2—by focusing exclusively on the language used by Occupy, these sources ignore other crucial aspects of the movement. Contrary to the interpretation of these sources, Occupy—and the flurry of fascination around the movement—was grounded in the act of occupation. By declaring Occupy a “success” these sources brush over the centrality of the occupation of Zuccotti Park and approximate what truly constituted Occupy. While Occupy did appear to make a lasting impact on political discourse, the movement itself—embodied in the act of occupation—still seemed to disperse quickly after its formation. Evidence demonstrating Occupy’s discursive legacy, then, cannot disprove the narrative of failure as articulated in Sorkin’s article.\textsuperscript{12} To understand broadly how this failure is conceptualized, we will delve into three different sources that analyze Occupy and uncover how each conceives of the movement’s failure.

The three sources this section will investigate include the extensive reporting by the New York Times, David Graeber’s \textit{The Democracy Project} (2013) and \textit{Occupy Nation} by Todd Gitlin. Each of these sources provides a distinct perspective valuable for understanding how Occupy was conceptualized: the New York Times offers a perspective from a local and national external media observers, Gitlin from a sympathizer and Graeber as an active participant. Together, these three sources provide an overview of how Occupy was received by both participants and observers.

\textsuperscript{12} Sorkin, “Occupy Wall Street”; Taylor, “Why Occupy Fizzled.”
It is important to note that these three sources do not provide a comprehensive survey of Occupy nor a complete history of the movement. However, the purpose of this section is to uncover the explanations surrounding the movement’s failure and, due to their distinct perspectives, these three sources offer a strong approximation of the different perspectives that commented on Occupy.

The New York Times provides an invaluable resource for evaluating how Occupy was received. As both a local and international news source, the New York Times was able to report on Occupy both as a movement spatially bound in the center of New York as well as a part of a national phenomenon. Articles on Occupy were frequently published in the “City Room,” a blog devoted to reporting on the five boroughs. In addition, Occupy frequently found its way into the regional, national and opinion sections of the paper. Due to its extensive readership, The New York Times was effectively a conduit for those outside of the movement, broadly shaping how both locals and non-New Yorkers conceptualized Occupy. Because of its frequent local as well as national coverage of Occupy as well as its impact on how Occupy was received, the New York Times is a crucial source for understanding the framing of Occupy’s failure.

The New York Times reporting on Occupy is notable for perspective as an outsider “peering in” and is characterized by initial credulity followed by acceptance and even excitement. One of the earliest reports on the movement—published eight days after the beginning of the occupation—demonstrates an approach of distanced skepticism. In her article “Gunning For Wall Street, With Faulty Aim” published in
September 2011, Gina Bellafante characterized the movement as unfocused and misguided: “the group’s lack of cohesion and its apparent wish to pantomime progressivism rather than practice it knowingly is unsettling in the face of the challenges many of its generation face.”\(^\text{13}\) As this quotation demonstrates, Bellafante dismissed the movement for appearing to be progressive when in fact its participants knew little or nothing about why they were protesting. Bellafante further emphasized Occupy’s “pantomime[d]” progressivism by describing its inability to articulate any sort of driving motivation that inspired the protest: “the cause, though, in specific terms was virtually impossible to decipher.”\(^\text{14}\) In this article, Bellafante attempted to “decipher” the movement but ultimately dismissed the movement as unintelligible. As our later investigation of Occupy will demonstrate, precisely because she was unable to understand the movement, her investigation presents the truest depiction of Occupy. Nonetheless, Bellafante’s skepticism demonstrates that the New York Time’s early approach to Occupy was from a perspective of criticism.

Sentiment appeared to shift in the New York Times with an article by Sorkin published in October 2011, which noted the maturity of the movement and its clear purpose: “At times it can be hard to discern, but, at least to me, the message was clear: the demonstrators are seeking accountability for Wall Street and corporate America for the financial crisis and the growing economic inequality gap.”\(^\text{15}\) Nicholas Kristof, in an article published October 2011, thanked the movement for bringing attention to “the critical issue of economic inequality” in the United States, drawing

\(^\text{13}\) Bellafante, “Protesters Are Gunning for Wall Street, With Faulty Aim.”

\(^\text{14}\) Ibid.

\(^\text{15}\) Sorkin, “On Wall Street, a Protest Matures.”
from interviews he conducted with protestors.\textsuperscript{16} Despite the variety of perspectives contained within the New York Times, all columnists look at the movement as outside analysts, attempting to “decipher” or “discern” the movement.\textsuperscript{17} Despite occasionally attempting to reach out to protestors, such as in Kristof’s article, the New York Times was nonetheless forced to approach the movement as an outsider “peering in.” Because of this perspective isolated from Occupy, the New York Times attempted to understand the movement by making parallels and associations with political trends that were already familiar. As Brisbane noted in his article, the New York Times attempted to uncover “origins, leadership, issues and impact” within Occupy.\textsuperscript{18} This article demonstrates that the New York Times interpreted Occupy through the identification of terms important to other political movements. Forced to view Occupy from the outside in, the New York Times resorted to understanding the movement as a normal progressive movement. It is also interesting to add that Sorkin’s article, by articulating the demands of the movement as “seeking accountability for Wall Street and corporate America for the financial crisis and the growing inequality gap,” appeared to prefigure the emphasis on income inequality observed in both Levitin and Stelter.\textsuperscript{19}

In contrast to the outsider perspective of the New York Times, David Graeber in \textit{The Democracy Project} describes his credentials as someone closely tied to the movement during its inception. The first chapter of his book is devoted to depicting

\textsuperscript{16} Kristof, “America’s ‘Primal Scream.’”
\textsuperscript{17} Bellafante, “Protesters Are Gunning for Wall Street, With Faulty Aim”; Sorkin, “On Wall Street, a Protest Matures.”
\textsuperscript{18} Brisbane, “Who Is Occupy Wall Street?”
\textsuperscript{19} Sorkin, “On Wall Street, a Protest Matures.”
his extensive involvement in Occupy during the tumultuous days before the occupation began on September 17, 2011. Graeber describes in detail his collaboration with other protestors and activists leading up to the protest and even credits himself with creating the mantra “the 99%,” after finding inspiration from a *Vanity Fair* article by Joseph Stiglitz.\(^{20}\) This immense level of detail—including copies of some of Graeber’s email correspondence with fellow planners—demonstrates Graeber’s role as a participant in as well as a commentator on the movement. Graeber’s work, then, provides us with an understanding of Occupy from the perspective of an insider deeply involved with Occupy’s rise.

In addition to his active participation in Occupy, Graeber is a professor at the University of London and has written extensively about the economic impact of debt. Coming from this critical perspective, it is not surprising that Graeber describes increasing debt as a central facet in the movement’s popularity. Graeber notes that both students and the working poor are disproportionately burdened by debt, explaining why Occupy drew from both college graduates and middle-aged members of the working class. While students and the working class accumulated debt through different means, both groups shared a conviction that the burden of this debt was unjust: the debts of students “continue[d] to balloon at a giddy rate,” while the working poor were targeted by subprime mortgages.\(^{21}\) Both students and the working poor, Graeber emphasizes, “are actually paying more of their income to Wall Street...\(^{21}\)

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\(^{20}\) Graeber, *The Democracy Project*, 40; Stiglitz, “Of the 1%, by the 1%, for the 1%.”

than they pay to the government in taxes.” The burden of debt, according to Graeber, elucidates why Occupy drew both students and the working class into its camp.

Graeber cites the Great Recession of 2008, in addition to the crucial role of debt, as another factor that inspired protestors to take to the streets. This economic crisis demonstrated the government’s willingness to “bail [the banks] out if they managed to get themselves into trouble by making corrupt or idiotic loans.” Despite Obama’s claims of “change,” his presidency merely perpetuated and exacerbated these systems of exploitation, as seen by his willingness to dole out loans to corrupt financial institutions. Thus, Graeber interprets the movement as being governed by economic factors, drawing his explanation from the growth of debt, the financial crisis, and frustration in the failure of a leader to change this broken financial system. For Graeber, Occupy is a response to a financial system that rewards the exploiters and punishes with crushing debt those who play by the rules. Graeber’s insider perspective, then, proposes economic factors, most notably debt, to be the cause of Occupy’s rapid rise.

The third source that this section will analyze is Todd Gitlin’s *Occupy Nation*, a book that depicts Occupy through a perspective not as involved as Graeber but more intimate with the movement than the New York Times. While Gitlin has published on a variety of topics as well as in a variety of genres, in his introduction he describes himself as a scholar of the sixties: “I started publishing books and lecturing about the

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22 Ibid., 84.
23 Ibid., 79.
24 Ibid., 97.
movements of the sixties, movements that I was deeply involved in—antiwar, civil rights, the New Left.”\textsuperscript{25} It is from this critical perspective that Gitlin engages with Occupy. Gitlin emphasizes, however, that Occupy was not merely the inheritor of radical movements of the sixties, describing the movement as “in sum…remarkably new.”\textsuperscript{26} Gitlin even describes the earliest occupiers as “pioneers,” further emphasizing the extent to which he posits the movement as a genuinely innovative development.\textsuperscript{27} While Gitlin’s interest is certainly piqued by his involvement in prior progressive movements, he attempts to engage with Occupy on its own terms.

Similar to the New York Times, Gitlin took an investigative approach to Occupy: “impressed by the new, I set out to understand.”\textsuperscript{28} However, it is also clear that Gitlin identifies deeply with the movement and demonstrates a level of sympathy not seen in articles published in the New York Times. When proposing potential perils for Occupy, Gitlin writes, “I worry with this movement, not just about it.”\textsuperscript{29} While Gitlin is clearly an outsider, he offers a much more sympathetic perspective than the New York Times.

Despite Gitlin’s attempt to treat Occupy on its own terms, he nonetheless places it in the context of prior radical movements, particularly the New Left. When describing how Occupy members used a maypole with ribbons to represent the interconnectivity of the issues that the movement hoped to address, Gitlin writes, “It wasn’t only that the Occupy movement, like its radical precursor, the New Left,
decades before, imagined these connections.”30 Gitlin, although attempting to depict the movement on its own terms, nonetheless places it in the context of American radical action of the sixties. Like Graeber, Gitlin interprets Occupy through his own critical lens. To summarize, Gitlin provides a third perspective to understanding Occupy: a sympathetic observer who interprets the movement through its points of contact with progressive movements of the sixties.

To conclude, the three sources we have analyzed approach Occupy from vastly different perspectives. The New York Times observed the movement as an outsider “looking in” and shifted from skepticism to admiration. Graeber, meanwhile, was able to report on Occupy as someone deeply involved with its planning and present during its rise. Gitlin, while not active in the movement, nonetheless approached the movement as sympathetic outsider. As we have seen, the perspective each source adopted when analyzing Occupy led to slightly differently interpretations of the movement. The New York Times saw Occupy articulating demands for income equality; Graeber described the movement as a response to economic exploitation; and Gitlin placed Occupy in the lineage of prior radical leftist movements. As the following section will demonstrate, this variance in approaches led not only to distinct interpretations of Occupy but also led each source to propose completely different explanations of the movement’s failures.

Section 2: Occupy’s Decline and Flawed Explanations

30 Ibid., 238.
Drawing from the three sources described in the previous section, it is possible to extract two explanations for the movement’s failure. The first thesis, described by writers in the New York Times and Gitlin, proposes that the movement failed because of internal inefficiency. While the New York Times proposes that this internal failure is the inability to act politically, Gitlin cites a wider range of factors including safety concerns within the park and the inability to attract a wide coalition of supporters. The second narrative, proposed by Graeber, argues that external causes, particularly pressures from police, the media and Occupy’s liberal allies, led to the movement’s decline. This section will begin by describing the narratives of failure in all three sources. Then, by noting how each source’s prior conceptions of the movement determine their understanding of Occupy’s failure, this section will propose that the explanations provided by these sources are deeply flawed.

The New York Times, with hundreds of articles commenting on Occupy, does not provide a monolithic narrative of failure. Instead, by drawing primarily from opinion pieces, we can arrive at a broad understanding of the flaws of the Occupy movement as conceptualized by journalists writing for the New York Times. One place to look for understanding the failure of Occupy would be the forced evacuation of Zuccotti Park. The New York Times provided extensive coverage to the clearing of the park by New York Police, including a live-updated blog of the events. Several commentators noted that the expulsion signified a turning point for the movement, with one journalist posing the question “With their outposts gone, will the movement
wither?"31 In response to this question, Kristof opined that the crackdown of the movement only strengthened its resolve, suggesting that the police raid actually helped Occupy: “the mayor helped save the demonstrators by clearing them out, thus solving their real estate problem and re-establishing their narrative of billionaires bullying the disenfranchised.”32 While journalists seemed to ponder whether the forced evacuation would hinder Occupy, Kristof’s article suggests that the New York Times conceptualized this evacuation as strengthening, not weakening, the movement.

Instead of tying the movement’s failure to the forced evacuation, several journalists proposed that Occupy’s downfall was the result of internal disorder. In his article describing the “fizzling out” of Occupy, Sorkin cited internal factors as leading to this decline: “The problem with the movement, as many other columnists have pointed out before, was that its mission was always intentionally vague. It was deliberately leaderless. It never sought to become a political party or even a label like the Tea Party.”33 In this article, Sorkin articulated that Occupy’s blunder was its refusal to function like a normal political movement; it did not propose concrete issues nor did it have leaders. According to Sorkin, Occupy’s failure was spurred by its unwillingness to participate in politics.

In his article describing the forced evacuation of Occupy, Kristof reiterates the conviction that Occupy must act like a political advocacy group to succeed. Kristof

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32 Kristof, “Occupy the Agenda.”
33 Sorkin, “Occupy Wall Street.”
concludes his op-ed with the hope that Occupy shifts to political advocacy: “So as we move into an election year, I’m hoping that the movement will continue to morph into: Occupy the Agenda.” Charles Blow, another opinion writer, echoes the belief that Occupy must transition to functioning as a political group. In this piece, Blow opines that activist movements must work within the system as well as outside of it, writing: “I believe—because the optimist in me must—that votes will soon, somehow, follow the passion, that people will come to see marching not as a substitute for voting but a supplement to it, that more people will work to effect change inside the system as well as outside it.” While Blow’s article is directed towards the Black Lives Matter movement, he includes Occupy in the “new age of activism rising” that his article critiqued. For Blow, these movements must function within the system as well as outside of it in order to succeed. Both Kristof and Blow, then, propose that Occupy should function within the political establishment, further supporting Sorkin’s diagnosis. Together, these articles demonstrate that the New York Times’ reporting on Occupy conceptualized its failure as a lack of internal organization that hindered its ability to function as an effective political movement.

Todd Gitlin avoids offering an explicit diagnosis of the failures of Occupy—partially because he finished writing *Occupy Nation* in February 2012, before the future of Occupy was clear. Nonetheless, Gitlin outlines certain characteristics that he views as “perils” for the movement. When discussing the occupation of Zuccotti

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34 Kristof, “Occupy the Agenda.”
35 Blow, “From Eric Garner and Michael Brown to the Ballot Box.”
36 Ibid.
37 Gitlin, *Occupy Nation*, xv.
Park, Gitlin emphasizes the dangerous atmosphere that festered within the park. Describing the evacuation, Gitlin writes: “I must have heard this from more than a dozen Occupy people, usually unprompted, and although many noted that communicating had become harder after the dispersal, the dominant note was relief.”\textsuperscript{38} Gitlin cites an uptick in harassment, armed possession and heavy drugs within the camp, suggesting that he views the atmosphere of the camps as precipitating Occupy’s setbacks. Gitlin notes that the movement’s lack of tangible results also limited its effectiveness: “There will always be free riders, waiting and seeing, but if they are to get involved, most people need more incentives than the pleasure of their fellow seekers’ company alone: They need to believe that the activity brings tangible results.”\textsuperscript{39} For Gitlin, Occupy’s emphasis on “symbolic actions,” instead of tangible evidence of the movement’s effectiveness, limited the breadth of its appeal.\textsuperscript{40} Furthermore, the dysfunction of Occupy’s General Assembly (GA)—the central decision making body of the movement—led many to believe “the GA was too unwieldy to make decisions about logistics and direct action.”\textsuperscript{41} By emphasizing both the dangerous atmosphere in the park and the unwieldy General Assembly, Gitlin suggests that Occupy’s perils were a result of flawed internal infrastructure.

\textsuperscript{38} Ibid., 69.
\textsuperscript{39} Ibid., 172.
\textsuperscript{40} Ibid.
\textsuperscript{41} Ibid., 95.
Gitlin also proposes that Occupy’s most promising actions were small-scale occupations of foreclosed homes to prevent evictions.\(^{42}\) Through this description, Gitlin suggests that small-scale political action focusing on specific results was the best hope for Occupy’s future, while the project of occupying public space was at best unwieldy and at worst unsafe. Thus, like the New York Times, Gitlin cites the Occupy’s internal struggles—both disorganization within the camps and an overall lack of concrete goals—as catalysts for the movement’s failure.

David Graeber, in his description of Occupy, opposes and dismisses the narrative of failure proposed by the New York Times and Gitlin. The Democracy Project, in a section broken down into questions and responses, directly addresses the query posed earlier: “why did the movement appear to collapse so quickly after the camps were evicted in November 2011?”\(^{43}\) Graeber proposes that the narrative of Occupy failing was an invention of the media: “Pretty much the moment the camps were evicted in November, 2011, the media began reporting Occupy’s demise.”\(^{44}\) Graeber emphasizes how the media depicted Occupy as “Hobbesian chaos,” an attempt to debunk the concerns articulated by Gitlin.\(^{45}\) While Graeber opposes the notion that Occupy failed, he posits several factors that “really slowed things down, and led so many to believe the movement was collapsing.”\(^{46}\) These factors, while not offering an explicit narrative of failure, nonetheless elucidate Graeber’s views on what limited the movement’s effectiveness.

\(^{42}\) Ibid., 174.  
\(^{43}\) Graeber, The Democracy Project, 127.  
\(^{44}\) Ibid.  
\(^{45}\) Ibid., 129.  
\(^{46}\) Ibid., 137.
Graeber cites three factors that caused this decline: “the sudden change in police tactics…the abandonment by our liberal allies…and a sudden media blackout.”

Police violence against protestors increased dramatically during this period, Graeber notes, scaring away all but the most devoted protestors (“activists willing to accept beatings and imprisonment”). Meanwhile, the media “dutifully, report[ed] the dwindling members who showed up to such marches” without addressing the causes of this decline. In addition to media slandering, Graeber notes that after the camps were abandoned, “the liberal establishment decided to turn the other way.”

While the movement continued to function after these setbacks—Graeber cites action taken against home foreclosures—these factors forced the movement to reformulate and led to the fall of Occupy’s encampment. In Graeber’s work, Occupy’s ability to maintain a center in Zuccotti Park failed because of external pressures from the police, the media and the liberal establishment. This explanation posits Occupy’s breakdown as the result of external pressure exclusively, contrasting with the accounts of the New York Times and Gitlin.

Graeber further opposes the explanation provided by the New York Times by dismissing the claim that Occupy should function as a normal political movement. Instead of critiquing the movement for its lack of concrete political demands, Graeber emphasizes the extent to which this lack of demands constituted a strength of the movement. The disappointment of Obama’s presidency, Graeber describes, pushed

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47 Ibid., 127.
48 Ibid., 139.
49 Ibid.
50 Ibid., 140.
the younger students and graduates towards extra-political means. “What Obama had robbed them of,” Graeber writes “was precisely the thing he so famously promised: hope—hope of any meaningful change via institutional means in their lifetime.”\textsuperscript{51}

Viewing change as unachievable through traditional political means, Graeber declares that the members of Occupy deliberately chose to function outside of the political system. In contrast to the proposal by Charles Blow—who saw the future of Occupy as participation within “the system”—Graeber views this action as contrary to the spirit and purpose of the movement. Through an emphasis on Occupy’s commitment to not engage in political processes, Graeber argues that the failure of Occupy came about due to external pressures from the media and the police. In contrast to the explanations proffered by the New York Times and Gitlin, Graeber insists that the movement’s reticence to play politics led to its popularity. In this way, Graeber completely contradicts the New York Times’ proposal that the evacuation of Zuccotti Park would allow Occupy to become a “real” political movement that would “occupy the agenda.”\textsuperscript{52} For Graeber, the loss of Zuccotti Park was a huge setback by while Occupy’s refusal to play politics as usual was one of the movement’s core strengths.

Drawing from these three sources, we arrive at two narratives depicting the failure of Occupy: one depicting failure caused by internal inefficiencies and the other proposing failure as a result of external pressures. These explanations clearly interpret the failure of Occupy in drastically different—almost contradictory—terms. Despite these differences, there are troubling issues embedded in the explanations provided by

\textsuperscript{51} Ibid., 98.
\textsuperscript{52} Kristof, “Occupy the Agenda.”
all three sources. Implicit in each of these sources is a proposal of what the movement should achieve or should have achieved. The explanation of failure thus becomes the movement’s failure to live up to each author’s expectation for what the movement should have done. By focusing so intently on how they wanted the movement to have functioned, these sources ignore the specifics of how the movement actually did function. All three sources, then, are unable to analyze Occupy Wall Street starting from the source—the protest itself—and instead describe the movement’s struggles based on their prior conceptions of the movement, their knowledge of the fact that it did fail and their desire to explain that failure.

In the New York Times, for example, the explanation that Occupy failed due to internal stresses derived the presupposition that Occupy should have functioned as a political movement. As seen clearest in the articles by Kristof and Sorkin, journalists imagine Occupy to be a political movement in the mold of any other and so determined Occupy’s failure to be its inability to function politically. If we return to Brisbane’s article, he explicitly imposes a framework of standard political movements upon Occupy (“origins, leadership, issues and impact are basics for future coverage”). As this piece demonstrates, the New York Times interpreted Occupy as a normal political movement—seeking out leadership and specific issues for the movement. By conceptualizing Occupy as a political movement with tangible political goals, the New York Times’ journalists imagine that Occupy should function within the political system, a position characterized by Kristof’s tagline, “occupy the

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agenda.”

Starting with the assumption that Occupy was functioning within “the system” and had a specific, policy-oriented end goal, it is unsurprising that journalists in the New York Times depict Occupy’s inability to function “politically” as its failure.

Gitlin is also guilty interpreting Occupy through his conception of how he thinks the movement should function, particularly by comparing the movement to the New Left. John McMillian, in his book *New Left Revisited* (2003), summarizes this progressive movement as follows: “Briefly, the New Left can be defined as a loosely organized, mostly white student movement that promoted participatory democracy, crusaded for civil rights and various types of university reforms, and protested against the Vietnam War.”

This summary defines the historic New Left according to what it advocated for: civil rights, university reforms and anti-Vietnam protests. Moreover, McMillian even cites Gitlin as a source for understanding the New Left, demonstrating congruency between these scholars’ understandings of this movement.

When describing Occupy as the reincarnation of the New Left, Gitlin seems to impose the belief that Occupy should follow the model of the New Left and advocate for the specific political issues. This explains why Gitlin finds the occupation of foreclosed homes appealing as it corresponds to a single issue—the exploitation of American homeowners by the banks—similar to the specific issues that characterized the New Left. Gitlin’s explanation that Occupy failed because of its inability to tackle specific causes appears to be predetermined by his belief that

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54 Kristof, “Occupy the Agenda.”
56 Ibid., 2.
Occupy should function like the New Left. Like the New York Times, Gitlin’s conception of how the movement should function shapes his description of its failure.

Despite differences in his understanding of Occupy, Graeber also conceptualizes Occupy’s failure based on how he thinks the movement should function. By describing the movement as apolitical and revolutionary, Graeber proposes that Occupy should not engage with mainstream political procedures. According to Graeber, once Occupy was forced into contact with the apparatus of power through conflict with police, it could no longer remain isolated from mainstream politics and thus failed. This belief that Occupy should function outside of the political establishment predetermines Graeber’s depiction of Occupy’s failure; by imagining the movement as functioning outside of the political establishment, contact with this establishment would inevitably lead to the movement’s decline. Graeber, like the New York Times and Gitlin, first conceives an idea of how Occupy should have functioned and then “fits” a description of its decline upon to this prior conception.

The explanations of failure proposed by Gitlin, Graeber and the New York Times are all products of each source’s conception of how Occupy should have functioned and fail talk about how Occupy actually functioned. Moreover, it is clear that these sources approached Occupy with the knowledge that the movement—at least in regards to the occupation of Zuccotti Park—had already failed. As noted by journalists in the New York Times, they imagined their end goal of “occupy[ing] the agenda” to be a natural progression after the expulsion from Zuccotti Park. Similarly,
Gitlin describes the chaotic state of Zuccotti Park—knowing that it would eventually be abandoned—and uses this depiction of the park to propose that Occupy tackle more tangible issues, such as predatory foreclosure practices. Finally, Graeber utilizes the expulsion from the park to demonstrate the conflict between the authorities and Occupy, hammering home his belief that Occupy attempted to function outside of the political boundaries imposed by the police. Each explanation of failure, then, looks back on the movement once it had failed and then “fits” their explanation of this failure to their presupposition on how the movement should have functioned.

As mentioned earlier, Gitlin described the otherworldliness of Occupy as “a lost tribe…plunged unaware to the present.” It is strange, then, that these three sources also attempt to understand Occupy in the terms of contemporary political and economic phenomena. For example, the New York Times, as seen by Brisbane’s article, attempts understand the movement as a normal political movement through the depiction of “occcup[ing] the agenda.” Gitlin, as well, utilizes the model of the New Left as a means of understanding Occupy. Graeber, finally, interprets the movement through the lens of financial exploitation, describing Occupy as a result of economic discontent among both students and middle/working class Americans.

While contemporary sources are an enticing option to explain Occupy, it appears that these comparisons are unable to compelling describe Occupy and instead only lead to unsatisfactory explanations.

Breaking from the approaches taken by these sources, this project will not turn to another modern politically movement but instead will draw from a movement that,
while isolated temporally from Occupy, seemed to be at odds with its own society as well. The Franciscan friars of the thirteenth century, similar to Occupy, created a movement that was deeply perplexing to its observers. Unpacking the nature of this perplexity can offer a means to understand the unsatisfactory depictions of the Occupy movement. This project will attempt to uncover an explanation of Occupy and its failure that is not tainted by a conception of how the movement should have functioned but which is instead grounded in an understanding how the movement actually functioned.

In order to arrive at this new understanding, this project will turn to Giorgio Agamben’s depiction of the “state of exception” and the Franciscan movement as a means to analyze Occupy. The first chapter will describe Agamben’s “state of exception” and the Franciscan “form of life,” providing a model for radical action through which Occupy and its failure can be understood. In the second chapter, this project will apply of Butler’s concept of “performance” to analyze the practices of participation within Occupy. Through the application of Butlerian performance, this chapter will locate a “form of life” for Occupy. In the third and final chapter this project will apply this proposed “form of life” to Occupy to determine whether Agamben’s description of the failure of the Franciscans can provide us with a more satisfactory understanding of the movement’s failure.

Through the creation of an Agambean model, this investigation will provide an explanation of Occupy and its failure in a manner that does not assume how the movement should have function nor in a manner that assumes the movement had to
fail. This model, drawing from Agamben’s theory on the of “state of exception” and the Franciscan “form of life,” will uncover the contentious relationship between Occupy and the political establishment, arriving at an understanding of Occupy through its opposition to political norms.
Section 1: Giorgio Agamben and the “State of Exception”

This chapter will attempt to unpack the theoretical foundation of Agamben’s “state of exception” as well as his interpretation of the Franciscan movement, both of which will provide means of evaluating the modern phenomenon of Occupy. Agamben’s *State of Exception*, published in 2005, portrays the tension between law and life, crucial terms for understanding Agamben’s philosophy at large and his subsequent interpretation of the Franciscans. *State of Exception* begins by noting the importance of the “state of exception” as a means “to approach an understanding of the stakes involved in the difference—or the supposed difference—between the political and the juridical, and between law and the living being.” The conflicting accounts of Occupy described in the introduction—whether, for instance, Occupy functioned inside or outside of the political establishment—appeared to be grappling with similar questions on the limits of law. Agamben’s propositions about the relationship between life, law and politics within the “state of exception” can help to elucidate our own understanding of Occupy’s strained relationship to the law.

At the beginning of *State of Exception*, Agamben notes the difficulty of arriving at a cohesive definition of the “state of exception” due to “its close relationship to civil war, insurrection, and resistance.” Because the “state of exception” seems to emerge most frequently when legal norms are strained, it seems near impossible to find a cohesive definition of the “state of exception” as it relates to

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58 Ibid.
normative legal practices. To add to the confusion surrounding the “state of exception,” certain states attempt to inscribe the “state of exception” within their constitution—such as Germany and France—while other states—for example the United States and Italy—choose not to regulate the “state of exception” explicitly.\(^{59}\) Uncovering an exact, universal relationship between the law and “state of exception” is clearly a contentious undertaking due to the variety of constitutional approaches that address the “state of exception.” It is also important to note that Agamben draws the term “state of exception” from the work of Carl Schmitt, who proposed that the “state of exception” occurred in “extreme case[s] of necessity” when the sovereign determined to “suspend the application of its law.”\(^{60}\) Due to the frequency with which he invokes Schmitt, *State of Exception* can be seen as a prolonged response and expansion upon Schmitt’s term.

Agamben attempts to clarify this confusion regarding the relationship between the “state of exception” and the law. It is this opaque relationship between the law and the “state of exception” observed in constitutional thought that leads to Agamben’s first concise definition of this legal phenomenon: “the state of exception is not a special kind of law [like the law of war]; rather, insofar as it is a suspension of the juridical order itself, it defines law’s threshold or limit concept.”\(^{61}\) According to this definition, the “state of exception” is not a facet of the law but instead sets limits to when the law is and is not intact. By setting these limits, the “state of exception” has the power to suspend the entirety of the juridical order.

\(^{59}\) Ibid., 10.
\(^{60}\) Vinx, “Carl Schmitt.”
However, defining the “state of exception” as determining the threshold of law does not clarify much of the confusion surrounding this term. Describing the “state of exception” as a threshold, Agamben stresses, creates a “simple topographical opposition [inside/outside]” between the law and the “state of exception” that is ultimately insufficient. How can something that is responsible for activating and deactivating law be either totally contained within it or totally removed from it? Agamben clarifies this dilemma, writing, “the state of exception is neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur into each other.” The “state of exception” cannot exist either inside or outside of the juridical order but instead is the point at which what is contained within the order of legal governance and what is expelled out of it, blurs. To summarize, the “state of exception” is then a zone where the juridical order is suspended but where the state nonetheless continues to exert force and control. For this reason, the “state of exception” exists as a sort of “no man’s land” between what is inside and outside of the law.

While the law is temporary abolished during the “state of exception,” Agamben explains how this suspension of the law frequently results in violent struggles. Agamben uses the term force-of-law to clarify the frequently violent manifestations of states of exception—observed, for example, in the military dictatorships of Chile and Argentina. When describing this term, Agamben notes that

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62 Vinx, “Carl Schmitt.”
64 Ibid.
in the “state of exception,” both the state authority and revolutionary groups attempt to capture a force of law (defined by Agamben as actions “that are not formally laws [but] nevertheless acquire their force”). However, in the “state of exception,” law itself is suspended, so what both the sovereign and the revolutionaries attempt to capture is “a force of law without law [which should therefore be written: force-of-law].” Both revolutionary forces and state authority fight over control of the force-of-law, leading to the violence that often characterizes the “state of exception.” Force-of-law, then, demonstrates the violent core within the “state of exception,” namely that opposing forces will fight for the ability to enforce laws in the absence of juridical norms. The “zone of indifference” or “threshold” between the inside and outside of the juridical order is a zone of frequent violence and conflict over control of the force-of-law.

Drawing from the Roman term *iustitium*, Agamben further clarifies the liminal zone between the juridical and the extrajuridical wherein the “state of exception” resides. Agamben begins his investigation into *iustitium* by first defining this term. *Iustitium* refers to exceptional situations in which the Roman Senate would order political actors and even occasionally citizens to act in whatever measures they thought necessary to preserve the state, clearly analogous to the modern “state of exception.” However, the literal meaning of *iustitium* is “standstill or suspension of the law…a suspension not merely of the administration of justice but of the law as...
such.”\textsuperscript{70} Agamben draws from the political theorist Adolph Nissen, who described the process of \textit{iustitium} as a suspension of the legal norms and by extension the legal duties of citizens: “the \textit{iustitium} suspends the law and, in this way, all legal prescriptions are put out of operation. No Roman citizen, whether a magistrate or a private citizen, now has legal powers or duties.”\textsuperscript{71} During a state of \textit{iustitium}, Roman citizens and politicians are free to act as they see fit without having to adhere their actions to the law. According to Nissen’s depiction of \textit{iustitium}, this political phenomenon constituted a void in the law where legal responsibilities were suspended.

Agamben corroborates Nissen’s theory by drawing from Livy’s description of \textit{iustitium}. Livy describes how “consuls [the highest Roman magistrates] were \textit{in privato abditi}, reduced to the state of private citizens.”\textsuperscript{72} On the other hand, when a normal Roman citizen commits murder during \textit{iustitium}, he acts as if he were a consul.\textsuperscript{73} Livy’s depiction seems to validate Nissen’s characterization of the \textit{iustitium} as the suspension of law—including the suspension of the legal distinction between public officials and private citizens. Agamben also notes that a magistrates or a private citizen who acts during an \textit{iustitium} “neither executes nor transgresses a law, and even less does he create law.”\textsuperscript{74} Human action committed under \textit{iustitium} has no positive relationship to the law nor can it be classified as a transgression or as an

\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid., 45.
\textsuperscript{72} Ibid., 49.
\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid., 50.
execution of the law. As Agamben notes, the only coherent way to classify human action as it relates to the law is that it “inexecutes [inesegue]” the law and such actions “are mere facts” that can only be evaluated legally once the state of iustitium ends. Until the Roman Senate revokes the iustitium, human action cannot be limited or even related to the law. Like the “state of exception,” then, iustitium effectively deactivates the law, functioning in Roman jurisprudence in a manner almost identical to what Agamben would identify as a “state of exception.” Establishing that iustitium and “state of exception” are parallel political phenomena, Agamben then draws from iustitium to further understand the “state of exception.”

This role of iustitium, Agamben observes, clarifies the status of the “state of exception” as it relates to the law. As mentioned above, to define the political phenomenon of “state of exception,” is to define juridical thresholds. Drawing from descriptions of iustitium, Agamben concludes, “the state of exception is…a space devoid of law, a zone of anomie in which all legal determinations—and above all the very distinction between public and private—are deactivated.” Contrary to the theories that attempt to inscribe the “state of exception” as either external or internal to the law, Agamben’s investigation of iustitium allows him to define the “state of exception” as “a space without law.” The “state of exception” not only sets the threshold to the law, but it is a void of law itself and a complete suspension of juridical norms.

75 Ibid.
76 Ibid.
77 Ibid.
78 Ibid., 51.
While the “state of exception” exists in a void of law, Agamben nevertheless emphasizes the complex relationship between law and life contained within it. Agamben begins this discussion of the relationship between life and law with an inquiry into “anomic feasts,” or feasts “characterized by unbridled license and the suspension and overturning of normal legal and social hierarchies.”\textsuperscript{79} These festivals—where women and men exchange roles, masters serve their slaves and criminal behavior is temporarily sanctioned—clearly demonstrate a suspension of social and even juridical norms, suggesting anomic festivals are strongly linked to the “state of exception.” Moreover, these feasts are noted in “various epochs and cultures,” suggesting an important connection between these feasts and human society at large.\textsuperscript{80} The continued fascination with anomic feasts can even be seen today in the recent (and wildly popular) \textit{Purge} films, which depict a world where one night every year all criminal activity is permitted.

While anomic feasts have been traced back to astrological phenomena, Agamben cites Karl Meuli, whose work linked anomic feasts to the juridical systems of the time. As Agamben notes, Meuli linked every bizarre practice within the anomic feast to a corresponding legal custom: “a closer analysis shows that what at first seemed to be rough and wild acts of harassment are in truth well-defined traditional customs and legal forms.”\textsuperscript{81} Agamben summarizes how Meuli “showed how the disturbances and violent acts meticulously listed in medieval descriptions of the charivari and other anomic phenomena precisely replicate the different faces of the

\textsuperscript{79} Ibid., 71.
\textsuperscript{80} Ibid.
\textsuperscript{81} Ibid., 72.
cruel ritual in which the Friedlos [outlaw] and the bandit were expelled from the community.”

Meuli also described how Charivari—a “children’s begging ritual” that would later morph into Halloween—reversed juridical norms by having children violently punish whoever refuses to give a gift. Meuli, beyond noting the pervasiveness of anomic festivals, described how the rituals within these festivals corresponded to legal norms—such as the process of expelling criminals. Anomic feasts, Agamben describes, can be seen as a parodic subversion of the law that “brings to light in a parodic form the anomie within the law.” The variety of anomic feasts that Meuli analyzes and demonstrates to be references to legal provisions suggests a connection between anomie and law that transcends time and culture.

Anomic feasts demonstrate “[the] distance and, at the same time, [the] secret solidarity” between anomie and law. Drawing from this phenomenon, Agamben describes “conjoined and opposite forces” within law: one, a normative tendency that attempts to create “a rigid system of norms whose connection to life is, however, problematic if not impossible,” and the other: an anomic tendency that banishes norms while “act[ing] as the pure inclusion of life.” The tension within law—epitomized by the anomic feast’s parody of law—is that law both attempts to contain life within norms while also being drawn towards the complete inclusion of life within law at the expense of norms. The anomic feasts, from this perspective, demonstrate the dual trends of life’s relationship to law; life is both regulated by

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82 Ibid.
83 Ibid.
84 Ibid.
85 Ibid.
86 Ibid., 73.
juridical norms while also released from these norms by bursts of anomie. It is following this description of the contradictory tendencies of law that Agamben notes: “The anomic feasts dramatize this irreducible ambiguity of juridical systems, and at the same time, show that what is at stake in the dialectic between these two forces is the very relationship between law and life.”\textsuperscript{87} As Agamben describes in this quote, there is a “dialectic” between normative and anomic tendencies within the law, due to the fact that law cannot contain life in its entirety within norms. Anomic feasts, Agamben notes, respond to the law’s inability to regulate life in its entirety with parody, acknowledging the dialectic between anomie and norms. Drawing from Agamben’s depiction of the anomic feasts, life and law appear to be linked and yet in constant tension with one another. It is in the “state of exception” where, for Agamben, this opposition between life and law emerges.

The relationship between life and law is the subject of the last chapter of Agamben’s \textit{State of Exception}, and this chapter deserves special attention in order to understand the tension between life and law suggested by the anomic feasts. To illustrate the strained relationship between law and life, Agamben draws from the Roman legal terms \textit{auctoritas} and \textit{potestas}. \textit{Auctoritas}, in private law, refers to the individual who intervenes “in order to provide legal validity on the act of the subject who cannot independently bring a legally valid act into being.”\textsuperscript{88} \textit{Auctoritas}, Agamben describes, involves the assistance of one individual (the \textit{auctor}) to validate the actions of another. This creates a dual set of duties necessary for validating an

\textsuperscript{87} Ibid.
\textsuperscript{88} Ibid., 76.
action: “one [who] is endowed with *auctoritas* and one [who] takes the initiative in
the act in the strict sense.”89 Here we arrive at a rudimentary distinction between
*auctoritas* and *potestas*; one party, endowed with *auctoritas*, validates a certain action
while another party, endowed with *potestas*, has the power to take action. Agamben
also notes that this responsibility of an *auctor* derives from “an impersonal power in
the very person of the *auctor*,” vested in the authority of the individual and not as a
representative of the validated party.90

In public law, *auctoritas* acquires a distinct meaning that further clarifies the
distinction between *auctoritas* and *potestas*. As Agamben notes, “*auctoritas*
designates the most proper prerogative of the Senate,” which cannot act on its own
and can only offer unbinding “counsel” to the magistrates.91 The Roman Senate
cannot act independently but instead is bound to act in congruence with either the
magistrate or with the popular decisions of the *comitia*.92 This distribution of power
corresponds roughly to the relationship between the *auctor* and the minor
encountered in the discussion of private law. In public law, the Senate—as *auctor*—
can validate the actions of the magistrate through counsel but cannot enact these laws,
while other legislative bodies—the magistrates and the *comitia*—are endowed with
*potestas* and can thus enact laws. Again, as Agamben notes, we find a “duality of
elements” in the law between *auctoritas* and *potestas*, similar to the relationship

89 Ibid.
90 Ibid., 77.
91 Ibid.
92 Ibid.
between the normative and anomic tendencies within the law elucidated by the anomic feasts.\textsuperscript{93}

Agamben then notes that in extreme situations, the Roman Senate is given unique responsibilities, supplementing the powers contained by \textit{auctoritas}. Agamben cites the term \textit{senatus consultum ultimum}, which after the invocation of \textit{iustitium} “resuscitates the \textit{imperium} of the former dictators, consuls and censors.”\textsuperscript{94} In these exceptional situations, the Senate revokes the \textit{potestas} of all individuals—who are invested with \textit{potestas} in the juridical void of the \textit{iustitium}—while reinstating \textit{potestas} among the political actors of the Roman Empire. Effectively, the Senate acting as an \textit{auctor}, is able to reset the legal norms after a state of \textit{iustitium}. While \textit{auctoritas} cannot make law independent of \textit{potestas}, “it is a power that suspends or reactivates law.”\textsuperscript{95}

In addition to \textit{senatus consultum ultimum}, Agamben notes the power vested in the Senate after the end of a monarchy (“when, because of death, there remained no consul or other magistrate in the city”).\textsuperscript{96} During this process—termed \textit{interregnum}—the senatorial \textit{patres} meet and name a new sovereign, further demonstrating the role of \textit{patres auctores} for ensuring the functioning of the juridical norms.\textsuperscript{97} During the \textit{interregnum}, the Senate, again, is entrusted with the power to ensure law remains intact through the declaration of a new sovereign. While \textit{auctoritas} is vested with no legitimate law-making power, it is responsible for activating and deactivating the law,

\textsuperscript{93} Ibid.  
\textsuperscript{94} Ibid., 79.  
\textsuperscript{95} Ibid.  
\textsuperscript{96} Ibid.  
\textsuperscript{97} Ibid.
which in turn corresponds to Agamben’s description of the “state of exception” as determining the limits of the law.\textsuperscript{98} Auctoritas and potestas, then, elaborate on the contradictory nature of law earlier observed in the anomic feasts. One aspect of the law corresponds to normative juridical functions—termed potestas for convenience—while auctoritas corresponds to the anomic and extrajuridical tendency within law—which manifests itself today in the “state of exception.”\textsuperscript{99}

While we have extensively described Agamben’s depiction of auctoritas and its conflicting relationship to potestas, we still have not unpacked how these terms elucidate life’s relationship to law. It is crucial to remember that auctoritas—whether in private or public law—ultimately resides in the life of the auctor. It is this direct connection to life that gives auctoritas the ability to reinstate law without destroying the juridical order, even though life cannot be contained entirely within the juridical order. Agamben writes, “the norm can be applied to the normal situation and can be suspended without totally annulling the juridical order because in the form of auctoritas, or sovereign decision, it refers immediately to life, it springs from life.”\textsuperscript{100} Although life cannot be contained within law, auctoritas, by springing from the life of the auctor, creates the illusion that life and law are connected. In the “state of exception,” then, auctoritas is able to preserve and ultimately reinstate the juridical norms precisely because it resides in the life of the auctor. The “state of exception,” then, “hold[s] together the two aspects of the juridical-political machine by instituting a threshold of undecidability between anomie and nomos, between life and law,

\textsuperscript{98} Ibid., 86.
\textsuperscript{99} Ibid.
\textsuperscript{100} Ibid., 85.
between *auctoritas* and *potestas*.”\textsuperscript{101} The “state of exception” also depends on life, such as the *auctor* or the sovereign, to recapture life and cage it within juridical norms. By relying on the *auctor* to reinstate the legal norms, the “state of exception” is also the point where the normative and anomic tendencies of law collide.

The “state of exception” is not only the space where life and law are at their maximum point of disconnect—as we observed in the anomic feasts—but it is also in the “state of exception” that the very distinction between life and law runs the risk of disappearing entirely. While the Roman legal system ensured the distinction between *auctoritas* and *potestas* could successfully recapture life after an *iustitium*, the “state of exception” in the modern world functions differently as sovereigns can claim both the anomic aspect of the law (*auctoritas*) and the normative (*potestas*) aspects of the law. Agamben writes: “But when they tend to coincide in a single person, when the ‘state of exception,’ in which they are bound and blurred together, becomes the rule, then the juridical-political system transforms itself into a killing machine.”\textsuperscript{102} When sovereign controls both the anomic and normative element of the law, Agamben emphasizes, the political system can accomplish mass killing by making life totally subservient to law. The modern “state of exception” which “threatens to make [the distinction between life and law] indiscernible,” also threatens to institute a political paradigm of mass murder.\textsuperscript{103}

\textsuperscript{101} Ibid., 86.  
\textsuperscript{102} Ibid.  
\textsuperscript{103} Ibid., 87.
Now we can understand why the “state of exception” has become “the dominant paradigm of government in contemporary politics.” The “state of exception,” by continually restricting life within the law, is a fundamental aspect of the juridical order and a necessary function for perpetuating law’s control over life. Moreover, once a single sovereign claims the “state of exception,” it becomes more and more difficult to distinguish life from law. Agamben even emphasizes that the machine of the “state of exception” is so effective that, while much of the world exists in a permanent “state of exception,” few are aware of the false linkage between life and law. Law’s reliance on the “state of exception” along with the modern development of sovereign dictatorships explains the permanent “state of exception” that characterizes modern-day government.

Although we may live in a permanent “state of exception,” Agamben is emphatic that this does not have to be the case. As Agamben notes, there is a “countermovement that, working in the inverse direction in law and in life, always seeks to loosen what has been artificially and violently linked.” Agamben roughly ties this idea to two overarching social forces in society: “one that institutes and makes [the connection between life and law], and on that deactivates and deposes.” One side of these social forces blurs the line between life and law through the “state of exception,” while the other side is a revolutionary force that reasserts a distinction between life and law. Furthermore, this process of reformulating life’s relationship to law unlocks Agamben’s conceptualization of politics, the final key to the line of

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104 Ibid., 2.
105 Ibid., 87.
106 Ibid.
questioning proposed at the beginning of his work. The void between law and life “opens a space between them for human action, which once claimed for itself the name of ‘politics.’” However, Agamben notes, “Politics has suffered a lasting eclipse because it has been contaminated by law, seeing itself, at best, as constituent power [that is, violence that makes law], when it is reduced to merely the power to negotiate with the law.” Modern politics, Agamben stresses, has forgotten to challenge the foundation that links law to life. True political action, on the other hand, will sever the fictional relationship between law and life, instead of using violence as a constitutive force to create law. Although life and law are frequently violently linked—as seen in the attempt to seize the force-of-law—Agamben’s “politics” offers the opportunity to free life from its bloody ties to law. Force-of-law depends on the assumption that life and law are related and that the violence inflicted in the “state of exception” corresponds to legal authority. By unsettling this assumption, “politics” offers an escape from the violent conflict embedded within the entanglement of law and life.

In conclusion, we have arrived at a summary of Agamben’s depiction of the relationship between life and law. In the “state of exception” law’s relationship to life is suspended, but it is also the place where the distinction between life and law becomes the most opaque. Agamben’s analysis of the anomic feasts demonstrated that life cannot be contained entirely within the law, while his the use of auctoritas in cases of iustitium shows the extent to which the law contains both anomic and

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107 Ibid., 88.
108 Ibid.
normative elements. Finally, Agamben emphasized that once these normative and anomie elements are both seized by a single sovereign, there emerges a permanent “state of exception” that leads to mass violence. However, Agamben notes that there remains a revolutionary trend—what Agamben conceives of as true politics—that attempts to radically reconfigure the relationship between life and law. While life is annexed within the law in the modern state, Agamben clearly envisions the possibility of a revolutionary movement that could upset the sovereign’s hold on life through law and unhinge life from law.

But what would such a movement, attempting to uncouple life from law, look like? To answer this question, we will turn to Agamben’s depiction of the Franciscan monks, which embody Agamben’s conception of a true “political” movement through proposing a “form of life” in opposition to juridical norms. Through an analysis of the Franciscans and their “form of life,” we will arrive at a model for radical movements that realize the revolutionary aspirations outlined in State of Exception.

Section 2: Franciscans and “Form of Life”

In his most recent work, Highest Poverty (2013), Agamben describes a movement that attempts to assert a new conception of life vis a vis the law: the Franciscan monks of the thirteenth century. This section will begin by describing Agamben’s conception of the Franciscan monks, focusing specifically on his usage of “form of life” to understand the movement. Then, this section will turn towards Agamben’s depiction of the failure of the Franciscans and investigate how the
Franciscan “form of life” informs this failure. Through this analysis of Agamben’s sketch of the Franciscans, we will arrive at a model for the radical, revolutionary countermovement described in the conclusion of *State of Exception* that can ultimately be applied to Occupy Wall Street.

To understand how the Franciscans asserted themselves against juridical norms, we must first unpack Agamben’s “form of life,” a term that originates in Franciscan literature to describe the Franciscans’ unique way of life. In the beginning of his discussion of “form of life,” Agamben notes that while many scholars explore the political and theological consequences of the Franciscan “form of life,” few if any have studied “the original aspiration that had led the movements to reclaim a *life* and not a *rule*.”\(^{109}\) The Franciscans, Agamben suggests, endeavored to realize a way of life and not, in contrast to other monastic movements, a type of rule. Moreover, the idea of a movement “reclaiming” life echoes the reformulation of life and law noted in his depiction of revolutionary movements in *State of Exception*, suggesting that the Franciscans fit within the revolutionary trend described in the previous section.

One clear point of inspiration for the Franciscan “form of life,” Agamben emphasizes, was the life of Christ as depicted in the Gospels. Agamben describes the crucial role Christ plays in the Franciscan “form of life,” noting “the form is not a norm imposed on life, but a living that in following the life of Christ gives itself and makes itself a form.”\(^{110}\) By utilizing the life of Christ, the Franciscan “form of life” formulated one specific life into a form for others to follow. As Agamben describes,

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\(^{109}\) Agamben, *The Highest Poverty*, 93.
\(^{110}\) Ibid., 105.
Francis used the life of Christ as a form for the lives of brothers: “our Lord Jesus Christ, whose footprints we must follow.”111 The life of Christ, then, is a form to which the Franciscan brothers model their own lives, creating something that is both a form and a life—hence “form of life.”

While the blurring between “form” and “life” through the life of the Gospels clearly inspired the Franciscan “form of life,” Agamben emphasizes that this term set the Franciscans in opposition to other monastic movements, particularly the Benedictines. While Agamben notes monasticism has always been concerned with instituting a way of life, the Franciscan innovation was to transform monastic life—which in the Benedictine Rule was conceptualized as “penitential”—into an “apostolic” or “angelic” form.112 Unlike other monastic rules, which regulate almost every aspect of the monk’s life so as to impose worship upon the monk, the Franciscan model aspired to a holy or angelic way of living. As Agamben notes, “what was in question in the [Franciscan] movements was not the rule, but the life, not the ability to profess this or that article of faith, but the ability to live in a certain way, to practice joyfully and openly a certain form of life.”113 By contrasting the Franciscans with the Benedictine movement, Agamben emphasizes the extent to which the Franciscan “form of life” is a split from prior monastic rules through its aspirational instead of penitential view of life.

Agamben draws from Second Rule of Francis to further emphasize the contrast between the Franciscans and the Benedictines. Describing this opposition,

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111 Ibid., 99.
112 Ibid., 93.
113 Ibid.
Agamben quotes the following from Francis’s Rule: “No one showed me what I should do [quid deberem facere], but the Most High Himself revealed to me that I should live [quod diberem vivere] according to the form of the Holy Gospel.” In this quotation, Francis creates an opposition between the “substantial and content-oriented quid” against the “existential and factual quod.” By refusing to engage in the “content-oriented quid,” Francis establishes the Franciscans in opposition to Benedictine Rule, which established specific duties for the monk to follow. In this quotation Francis also contrasts “doing” to “living,” creating a further opposition between “the observation of precepts and norms” and “the simple fact of living according to a form.” The Franciscan Rule, as this quote demonstrates, is not concerned with following specific rules or norms but instead aspires to “living according to the form” of the Gospels. Agamben proposes that through this articulation, Francis imagined his movement in opposition to the “content-oriented” Benedictine rule with its command for observing specific precepts. Francis, in his contrast between “quid” and “quod” as well as between “doing” and “living,” established the Franciscan Rule in opposition to the Benedictine Rule. The Franciscan “form of life,” though it might be framed as yet another monastic way of life, represented a radical departure from accepted articulations of the relationship between life and law.

In addition to opposing the Benedictine Rule, Agamben describes how the Franciscans also set themselves in opposition to juridical norms. To prove this point,
Agamben draws from Expositio quatuor magistrorum ("The Explanation of the Four Masters"), which describes the “precept” that brothers walk barefoot, except in exceptional scenarios in which brothers are permitted to wear shoes.\textsuperscript{117} Agamben draws from the following quote: “Wearing shoes depends on a dispensation from the rule in case of necessity; not wearing shoes is the form of life.”\textsuperscript{118} Drawing from this quote, Agamben notes that the Franciscans place themselves in opposition to the juridical nature of “dispensation”: “Where what is in question is an evaluation of a juridical character [the possibility of dispensatio], one has a rule. In the face of this, walking barefoot does not involve the observance of a rule…but the realization of a \textit{forma vitae}.”\textsuperscript{119} By describing rules as inherently juridical through the usage of dispensatio, this quotation demonstrates that the Franciscan “form of life” opposed not only prior monastic rules but also juridical norms. This opposition explains, then, why Agamben later writes that Franciscanism “can be defined…as the attempt to realize a human life and practice absolutely outside the determination of the law.”\textsuperscript{120} The Franciscan movement, according to Agamben, set itself in opposition to juridical norms and, through this opposition, imagined the possibility of life outside of the determinations of law.

Through this description of the Franciscans’ attempt to realize life independent from the law, Agamben seems to nod towards State of Exception. As noted in the discussion of the “state of exception,” Agamben proposes the potential

\textsuperscript{117} Ibid., 107.
\textsuperscript{118} Ibid., 108.
\textsuperscript{119} Ibid.
\textsuperscript{120} Ibid., 110.
for “political” action that “seeks to loosen” the violent link between life and law.\textsuperscript{121} The Franciscans clearly demonstrate this type of revolutionary action with their attempt to locate life “outside of determinations of the law.”\textsuperscript{122} This attempt to find life independent of law suggests that the Franciscan “form of life” epitomizes the revolutionary trend of true “politics” described in the conclusion of \textit{State of Exception}.\textsuperscript{123}

What precisely did this life opposed to juridical norms look like, and what norms did the Franciscans oppose? To understand these questions, we must analyze Agamben’s depiction of the conflict between the Franciscans and the Curia—the legal and bureaucratic branch of the Church—through the Franciscans’ concept of “poverty” and their subsequent formulation of “use.”

Agamben’s depiction of the Franciscans’ opposition to the juridical norms of the Curia centers on the term “poverty.” Agamben introduces poverty by describing the role it played in defining the Franciscan “form of life” as well as their relationship to the law: “The \textit{altissima paupertas} [‘highest poverty’], with which the founder had intended to define the life of Friars Minor, is in actuality the place where the fate of Franciscanism is decided both within the order…and in its relationships with the secular clergy and the Curia.”\textsuperscript{124} This is a particularly illustrative quote. First of all it suggests that it is poverty that “define[s] the life of Friars Minor,” demonstrating its centrality to the Franciscan “form of life.” In addition, Agamben also suggests that

\textsuperscript{121} Agamben, \textit{State of Exception}, 87.
\textsuperscript{122} Agamben, \textit{The Highest Poverty}, 110.
\textsuperscript{123} Agamben, \textit{State of Exception}, 88.
\textsuperscript{124} Agamben, \textit{The Highest Poverty}, 109.
poverty is the term that decided the relationship between the Franciscans and the juridical norms of the Curia, showing the importance of poverty for mediating the relationship between “form of life” and law.

When defining Franciscan poverty, Agamben cites Bonagratia—a Franciscan scholar and disciple—who defined poverty as “the free abdication of ownership for God’s sake.”125 However, Bonagratia also emphasized that the Franciscans maintain “the de facto use” of consumables while abdicating property rights.126 Drawing extensively from Bonagratia, Agamben states that, “the *abdication iuris* [abdication of rights] and the separation of ownership from use constitute the essential apparatus that the Franciscans use to technically define the peculiar condition they call poverty.”127 While Franciscans were committed to abdicating all rights, the rejection of all forms of ownership demonstrated that they specifically abdicate the rights of property. At the same time, poverty ensured the Franciscans maintained the ability to consume necessary substances such as food and beverages through the term “de facto use.” For Agamben, Franciscan poverty is the rejection of all property rights, and by extension ownership, yet it is also propped up on the term “use” to vindicate the consumption of necessities. Poverty, then, is clearly the point of conflict between the Franciscans and juridical norms—specifically the norms of ownership.

In addition to emphasizing the centrality of poverty, Agamben is particularly fascinated with the role of necessity for the Franciscans. It is also in this discussion of

125 Ibid., 113.
126 This term roughly refers to the ability to use consumable objects—such as food and wine—without possessing them. Use and its relation to the Franciscan movement will be discussed further in the description of the conflict between the Franciscans and the Curia.
necessity that Agamben links “form of life” to the “state of exception.” Agamben quotes the Franciscan writer William of Ockham who describes that the Franciscan brothers in “cases of necessity” could use objects that in normal circumstances were prohibited—such as riding horses or using coins.128 While in the normal state of being Franciscans rejected all property—and thus lived in a “state of exception”—in this state of extreme necessity Franciscans reverted to the juridical norms that apply to all other humans.

Agamben summarizes this relationship between “form of life” and the “state of exception” as “a reversal and at the same time an absolutization of the state of exception.”129 The Franciscan “form of life” permanently suspended the norms of property, creating an absolute “state of exception.” However, in exceptional situations of extreme necessity, Franciscan brothers reverted to juridical norms and reestablished their relationship to ownership and property. While we have seen the extent to which the Franciscan “form of life” opposed the juridical norms, “form of life” also existed in an absolute “state of exception,” where normal relationships with property and ownership were permanently suspended.

Now that we have described “form of life” extensively, it is perhaps important to reflect and summarize on these findings. “Form of life” conceives of life as the embodiment and aspiration of certain virtues, specifically poverty. “Form of life” is also set in opposition to both other monastic rules and juridical norms, specifically the norms ownership. By conceptualizing life severed from the law, the Franciscan “form

128 Ibid., 115.
129 Ibid.
of life” suggests that the movement fulfills Agamben’s standard for true “political” action. In addition, “form of life” not only challenges life’s relationship to law but also exists in an absolute “state of exception” where the norms themselves are abolished. To conclude, “form of life” is a means of synthesizing the writings of the Franciscans in a way that both identifies a central term of importance—poverty—while also describing the tension between the movement and the juridical norms of the Curia.

**Section 3: The Failure of the Franciscans**

While this investigation proposed that Agamben’s depiction of “form of life” set the Franciscans in opposition to the law, it is important to inquire whether or not the Franciscans were able to maintain this opposition. This section will describe the Franciscans’ attempts to vindicate their “form of life” *vis a vis* the Curia and summarize Agamben’s conception of the conflict between the Franciscans and the apparatus of the juridical norms that they opposed. Agamben’s explanation for why the Franciscan formulation of a “form of life” failed will provide our investigation a model for describing Occupy as they related to its political surroundings as well as explain its dissipation without reverting to simply stating how the movement should have functioned. The investigation of the Franciscans’ failure, then, will provide us with the final piece of the Agambean model through which we can ultimately evaluate Occupy.
Agamben’s depiction of the conflict between the Franciscans and the Curia centers on the Franciscans’ attempt to justify their rejection of the norms of ownership through the term “use.” According to Agamben, the Franciscan term “use” first emerged in Hugh of Digne’s *De finibus paupertatis* as a response to the critique that a person must “preserve his or her nature” and thus cannot abdicate the ownership of food and drink. Hugh employs “use” as a means to vindicate the Franciscans’ ability to eat/drink while still abdicating all ownership: “Conserving one’s nature does not in fact represent ownership of food and clothing, but use; moreover it is possible always and everywhere to renounce ownership, but to renounce use never and nowhere.” As Hugh describes, the complete abdication of ownership is possible because use and ownership are not always opposed and mutually exclusive; one do not own the food that one uses, just as one do not use the objects that one owns. For Hugh, then, the unique state of Franciscan poverty can be described as use without ownership. However, through this justification, Hugh also redefined poverty as “the voluntary abdication of ownership for the Lord’s sake.” By defining poverty only as it relates to a legal term (“ownership”), Hugh also entrenched poverty within the legal framework that the Franciscans opposed.

Bonaventure, a Franciscan scholar and hagiographer, further embedded Franciscan poverty within the language of use/ownership in his defense of the Franciscans. In his *Apologia pauperum* (“Defense of the Mendicants”) written in

130 Ibid., 124.
131 Ibid.
132 Ibid., 123.
133 Ibid.
1267, Bonaventure distinguished four types of relations to objects: “ownership, possession, usufruct and simple use.” Bonaventure described that “only use is absolutely necessary to human life and, as such, unrenounceable.” Therefore, Bonaventure proposed that through “simple use,” the Franciscans were able to consume food and drink while abdicating “ownership” and “possession.” To justify the renouncement of “ownership” in relation to consumable objects, Bonaventure noted that the Pope “distinguishes between ownership and use, retaining the former for himself and the Church, while conceding the latter for the needs of his friars.”

Because the Pope maintained ownership of the consumable objects, the Franciscans could use these substances without owning them, drawing from the legal term *usufruct*—or usage borrowed from the owner. As Agamben notes, Bonaventure’s argument drew extensively from juridical principles, particularly from the Roman legal relationship of *filiusfamilias* where a son receives the right of use but not ownership from the father. Bonaventure’s argument, in summary, further linked Franciscan poverty to the term “use” and further bound the concept of Franciscan poverty to legal terminology.

Pope Nicholas III responded, mostly in agreement, to Bonaventure’s distinction between use and ownership in the 1279 papal bull *Exiit qui seminant* (“He Who Sows Went Forth”). In this bull, Nicholas III adopted Bonaventure’s quadripartite framework of relations to objects while also changing Bonaventure’s

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134 Ibid., 124.
135 Ibid.
136 Ibid., 125.
137 Ibid.
138 Ibid.
“simple use” to *simplex facti usus* (“simple de facto use”) and “ownership” to *ius utendi* (“right of use”). This change is important because in *Exiit qui seminant*, “the conceptual opposition no longer runs between *dominium* [ownership] and *usus* [use], but within use itself.” While both Hugh and Bonaventure proposed that use could exist without ownership, Nicholas III placed two types of use (*simplex facti usus* and *ius utendi*) in opposition to one another to justify Franciscan poverty. In making this distinction between types of use, Nicholas III drew from the juridical opposition “between law and fact, *quid iuris* and *quid facti*. Nicholas then established that eating and drinking were simple facts of life—*quid facti*—and thus did not correspond to any sort of right—*quid iuris*—that would necessitate ownership. Nicholas III then concluded, like in Bonaventure’s *Apologia pauperum*, that “drinking and eating are presented as paradigms of purely factual human practice lacking any juridical implication.” In contrast to previous works on Franciscan poverty, Nicholas determined two distinct types of use, one of which necessitates ownership (*ius utendi*) and one of which does not (*simplex factus usus*), justifying Franciscan poverty without distinguishing use from ownership.

In a sense, Nicholas III laid bare the fundamental question of Franciscan poverty, namely whether the Franciscans can exist outside of the law. According to Nicholas III, this question hinges on whether or not eating and drinking are contained within the juridical sphere. By establishing a definition of use that does not

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139 Agamben, *State of Exception*, 126.
141 Ibid.
142 Ibid.
necessitate ownership (simplex factus usus), Nicholas’s argument was able to conclude that Franciscan poverty existed outside of the framework of the law. While Nicholas ultimately reaffirmed the possibility of Franciscan poverty, he did so by establishing a definition of two types of use “use”—one of which that existed within law and one of that existed outside of it. At the same time, by relying on Roman legal foundation through the usage of the terms quid iuris and quid facti, Nicholas III proposed that simplex facti usus existed outside of law by drawing from legal terms and legal precedent.

Hugh of Digne, Bonaventure and Nicholas III all utilize different variations on the term “use” to vindicate the Franciscans’ ability to abdicate the legal norms of ownership. At the same time, all of these thinkers—whether intentionally or not—rely on legal terminology to justify Franciscan poverty. The separation between use and ownership—and by extension the argumentative foundation laid down by these three thinkers—was challenged and ultimately disproved by Pope John XXII. In his bull Ad conditorem canonum, John XXII—expertly versed in both Roman and ecclesiastical law—disproved the separation between use and ownership asserted by these prior thinkers. In this work, John XXII drew from Roman law to establish that “usufruct referred only to those goods that could be used without destroying their substance,” and that once an object is consumed, its ownership is granted to the consumer.143 Through this usage of Roman law, John XII “confirm[ed] that in consumable things it is impossible to constitute or have ius utendi or a usus facti, if

143 Ibid., 130.
one claims to separate them from ownership of the thing."\textsuperscript{144} By drawing from the Roman term \textit{usufruct}, John XXII was able to assert that use and ownership could not be separated when the object in question is consumed. Therefore, any distinction between de facto use and de jure use was neutralized as both necessitate ownership when the object is consumed, disarming Nicholas III’s argument. Through this critique, John XXII turned the Franciscans’ utilization of legal terms against them by demonstrating the inextricability of use from ownership.

After the damaging critique by John XXII, subsequent Franciscan thinkers continually attempted to sever use from ownership. A particularly creative argument by Michael of Cesena drew from the garden of Eden to assert that, because man was commanded to eat from the trees of the garden, “what was originally common was not ownership, but use.”\textsuperscript{145} Yet all of these subsequent vindications continue to articulate poverty only through the distinction between use and ownership, still utilizing the same legally bound terms that John XXII wielded against them. Because the legal foundation of “use” that these thinkers continued to draw from prohibited the separation of use from ownership, these further justifications still failed to vindicate the Franciscan “form of life” against the juridical norms of the Curia.

To understand fully Agamben’s conceptualization of the failure of the Franciscans, it is important to think back to how the Franciscan “form of life” was originally formulated in opposition to juridical norms. Hugh, Bonaventure and Nicholas III all attempted to justify this opposition to juridical norms through the

\textsuperscript{144} Ibid.
\textsuperscript{145} Ibid., 132.
language of the law. As Agamben describes, it is this articulation of use and ownership in legal terms that led to the failure of the Franciscans: “this doctrine, precisely insofar as it essentially proposed to define poverty with respect to the law, revealed itself to be a double-edged sword, which had opened the path to the decisive attack carried out by John XXII precisely in the name of the law.”\textsuperscript{146} By defining poverty through legal terminology, the Franciscan theorists bound poverty within the laws that their movement attempted to unsettle. Agamben summarizes this miscalculation as “simultaneously an overvaluation and undervaluation of the law.”\textsuperscript{147}

On the one hand, the Franciscans used legal terms to conceptualize poverty and never called into question its validity. On the other hand, they thought they could secure the possibility of life outside of law through juridical argumentation. According to Agamben, the Franciscans falsely believed they could justify living outside the law through legal terms without questioning the fundamental assumptions of the law—for example the distinction between de facto and de jure. Because of this miscalculation, poverty became ensnared with juridical terms, and the movement became susceptible to the denunciation by John XXII.

Although the Franciscans ultimately failed to justify their conception of life severed from the law, Agamben remains adamant that there is a possibility for a “form of life” that successfully opposes the law. Agamben comments, “What is lacking in Franciscan literature is a definition of use in itself and not only in

\textsuperscript{146} Ibid., 137.
\textsuperscript{147} Ibid.
opposition to the law.”

Because the Franciscans repeatedly defined poverty as it related to law, there was no definition of poverty in and of itself. Agamben later describes this as “the exclusive concentration of attacks [first of the secular masters and then of the Curia], which imprisoned use within a defensive strategy, prevented the Franciscan theologians from putting it in relation with the form of life of the Friars Minor.”

Agamben emphasizes the Franciscans’ inability to define “use” on their own terms and as it relates to their “form of life,” instead of defining it only in relation to ownership—and by extension to law. If use were defined in relation to “form of life,” instead of in relation to law, Franciscan “form of life” would have been able to withstand legal opposition by positing its poverty as a renunciation of law itself.

To summarize, the Franciscan failure resulted from the redefinition of poverty into the legal terms of use and ownership. This redefinition linked Franciscan poverty to the very same juridical norms that their “form of life” opposed, making it impossible for them to remain outside of the law. Once poverty became defined in relation to use and ownership, the Franciscans became unable to vindicate the abdication of ownership that poverty required. The movement’s failures, then, resulted from linking its central term—poverty—to the juridical norms that the movement attempted to oppose. Drawing from Agamben’s interpretation of the Franciscans, the Agambean model for assessing radical action defines a movement according to its “form of life” and evaluates the movement’s success based on its

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148 Ibid., 139.
149 Ibid., 140.
ability to maintain the opposition between its “form of life” and the juridical norms of
time.

Perhaps if we consider this discussion in light of our previous critique of the
descriptions of Occupy’s failure, we can see how Agamben avoids some of their
argumentative faults. Agamben does not approach the Franciscans with a
preconceived notion of how the movement should function or should have
functioned. Instead, Agamben looks towards the way in which the movement
articulated itself as a way to understand its relationship to the juridical norms it
opposed. Moreover, Agamben’s narrative of failure derives entirely from the norms
the Franciscans themselves set out to oppose, essentially holding the movement
accountable for the goals it set for itself. By drawing his understanding of the
Franciscans, their failure and the possibility of success entirely from the ways in
which the Franciscans articulated themselves, Agamben avoids prescribing an
interpretation of how the movement should have functioned.

**Section 4: A Franciscan Critique of Agamben**

Agamben’s depiction of the failures of the Franciscan movement emphasizes
the crucial role poverty played in constituting their “form of life,” and how the
articulation of poverty in legal terms set the movement up for failure. Moreover,
Agamben’s depiction of the Franciscans provides a model with which to analyze
radical action through his terms “form of life” and “state of exception.” However, it is
important to analyze Franciscan sources directly and question whether the importance
of poverty that Agamben applies to the Franciscans is corroborated by these sources. In his description of the Franciscans, Agamben both emphasizes poverty as a central tenet of the Franciscan “form of life” and describes poverty as the abdication of possessions and ownership. However, as this section will demonstrate, an analysis of primary Franciscan sources challenges and complicates Agamben’s description of the Franciscans. This section will describe the problems of Agamben’s portrait of the Franciscans and will draw from the Earlier and Later Rules written by Francis as well as the hagiographic Life of Francis by Thomas of Celano.

St. Francis wrote two Rules, termed the Earlier and Later Rules, between 1209 and 1223.\footnote{Armstrong, Francis of Assisi - The Saint.} Together, these two rules articulate the central values and principles of the Franciscan movement. The Earlier Rule and the Later Rule appear to have nearly identical introductory precepts, with the Earlier Rule describing central virtues of the movement “to live in obedience, in chastity, and without anything of their own, and to follow the teaching and footprints of our Lord Jesus Christ.”\footnote{Ibid., 64.} The Later Rule describes the core tenets of Franciscanism as “to observe the Holy Gospel of Our Lord Jesus Christ by living in obedience, without anything of one’s own, and in chastity.”\footnote{Ibid., 100.} While this description suggests three central virtues of Franciscan Rule (chastity, obedience and a lack of possessions), it is the lack of possessions, termed “most holy poverty” in the Later Rule, which received the most attention. Both the Earlier and Later Rules prohibited the brothers from possessing money and from working in exchange for coin. In the Later Rule, this ideation of poverty went beyond
not accepting monetary payments: “Let the brother not make anything their own, neither house, nor place, nor anything at all. As pilgrims and strangers in this world, serving the Lord in poverty and humility, let them go seeking alms with confidence.”¹⁵³ Franciscan poverty, as the Later Rule emphasized, necessitated a rejection of all possessions including a home. The Earlier and Later Rules, by emphasizing the holiness of poverty, seems to support Agamben’s description of Franciscan poverty as a central term that required the rejection of all forms of ownership.

However, this total rejection of possessions does not explain Franciscan poverty in its entirety. Despite the rejection of possessions constituting a central tenet of the movement, Francis’s Rules gave significant leeway to each brother to define poverty independently. For example, when discussing the process of receiving new brothers into the order, Francis specified that initiate must sell his own possessions without the assistance of the minister or other brothers. Describing this process of initiation, St. Francis wrote:

Let the above-mentioned person—if he wishes and is capable of doing so spiritually without any difficulty—sell all of his belongings and be conscientious in giving everything to the poor. Let the brothers and the minister of the brothers be careful not to interfere in any way in his temporal affairs, nor to accept money either by themselves or through an intermediary.¹⁵⁴

As demonstrated in this passage, Francis’s process of initiation gave remarkable freedom for each brother to define property independently, potentially undercutting the Rule’s emphasis on poverty as the rejection of all possessions. Why, if Franciscan

¹⁵³ Ibid., 103.
¹⁵⁴ Ibid., 64.
poverty necessitated the rejection of possessions, did Francis emphasize that brothers must rid themselves of property independently?

In addition to allowing brothers to define poverty for themselves, the Franciscan Rule also undercut its own emphasis on obedience by sanctioning brothers to defy the orders of a minister. The Earlier Rule described that “If anyone of the ministers commands one of the brothers something contrary to our life or to his soul, he is not bound to obey him because obedience is not something in which a fault or sin is committed.”\(^\text{155}\) Contrary to the Rule’s initial emphasis on obedience, the Rule gave significant leeway to brothers to follow the their “form of life” independently and even to disobey ministers if it accorded with their best judgment. How can the independence invested in each brother be reconciled with the complete rejection of possessions and obedience that the Rule demanded?

Thinking back to Agamben’s depiction of “form of life” can help solve this conundrum. Agamben observed how Francis tasked his brothers to follow the “footprints” of Christ, demonstrating that the Franciscan “form of life” was created in the form of Christ’s life.\(^\text{156}\) Indeed, this interpretation is supported by the introduction to the Earlier Rule, where Francis writes, “Let all the brothers strive to follow the humility and poverty of our Lord Jesus Christ.”\(^\text{157}\) It is the utilization of the life of Christ as a model that explains why the Rules give such freedom to brothers. In the Gospel of Matthew, Christ acknowledged that he could free himself, but instead chose to remain to follow God’s plan: “Or do you think that I cannot appeal to My

\(^{155}\) Ibid., 67.
\(^{157}\) Armstrong, *Francis of Assisi - The Saint*, 70.
Father, and He will at once put at My disposal more than twelve legions of angels? How then will the Scriptures be fulfilled, which say that it must happen this way?\textsuperscript{158}

As described in the Gospel of Matthew, while Christ could have freed himself by calling down angels, he instead chose to remain on the cross. From this perspective, Christ’s poverty was not simply a lack of possessions and iterant wanderings but instead was a self-imposed and conscious choice. Christ’s poverty was a voluntary poverty.

Christ’s voluntary poverty explains why prospective brothers must rid themselves of their belongings independently, as well as the emphasis on the individual determination of brothers \textit{vis a vis} ministers. The Rule required that, through the self-imposed rejection of possessions as well as the continual begging of alms, brothers repeatedly chose to remain in poverty. Through this individual choice to remain in poverty, the Rule was able to translate the voluntary poverty of Christ into the collective “form of life” of the brothers. Drawing from both its emphasis on poverty and the freedom allotted to brothers, the central virtue of the Rule of St. Francis was voluntary poverty. This voluntariness upends Agamben’s depiction of Franciscan poverty as the abdication of ownership. To summarize, the Franciscan Rule emphasized the importance of voluntary poverty, challenging and complicating Agamben’s conception of Franciscan poverty.

Thomas of Celano’s \textit{Life of Francis} also presents challenges for Agamben’s conception of Franciscan poverty. Poverty plays a central role in Thomas’s portrait of the Franciscan movement, and—concurrent with Agamben’s argument—this poverty

\textsuperscript{158}Matthew 26:53
is frequently linked to the rejection of possessions. Thomas describes how Francis and his followers, after stopping to rest outside the city of Orte, realized the importance of poverty:

They had great joy, because they saw nothing and had nothing that could give them empty or carnal delight. There, they began to have commerce with holy poverty. Greatly consoled in their lack of all things of the world, they resolved to adhere to the way they were in that place always and everywhere.\textsuperscript{159}

This passage is ripe for analysis—particularly clever is the ironic usage of “commerce” to describe a state that rejects the economic foundation of exchange. More pertinent to the argument, this segment also succinctly summarizes the unique state of Franciscan poverty. According to Thomas’s description, “highest poverty” referred to the “lack of all things of the world,” corroborating Agamben’s description of poverty as the rejection of possessions.

While \textit{Life of Francis} supports Agamben’s conception that Franciscan poverty referred to a lack of possession, the significance of poverty goes beyond the economic impact proposed by Agamben. In \textit{The Life of Francis}, poverty is repeatedly described a means of achieving other virtues. In the segment cited above, the Franciscans were thrilled to rid themselves of possessions, because they “had nothing that could give them empty or carnal delight.”\textsuperscript{160} This description frames possessions as a sort of inhibitor, giving the possessor carnal delights of the flesh instead of internal delights of the soul. In another section, the Franciscan poverty is linked to compassion and generosity: “Since they looked down on all earthly things and never loved themselves selfishly, they poured out all their loving affection in common, hiring themselves out

\textsuperscript{159} Armstrong, \textit{Francis of Assisi - The Saint}, 214.
\textsuperscript{160} Ibid.
for wages to provide for their brothers’ needs."\textsuperscript{161} Poverty—the shunning of “all earthly things”—allowed the brothers to exchange selfish love for communal love.

Perhaps the clearest distillation of \textit{The Life of Francis’}s attitude towards poverty comes from a description of St. Francis himself: “He wanted to own nothing so that he could possess everything more fully in the Lord.”\textsuperscript{162} As this description of Francis epitomizes, poverty was a means of achieving other virtues—whether obedience, faith or humility. In contrast to Agamben’s emphasis on poverty as a central facet of the Franciscan movement, descriptions of poverty in \textit{The Life of Francis} suggest that it was merely a means of achieving other virtues and a more profound connection with God.

Another facet of the Franciscans that Agamben seems to cast aside is the movement’s relationship to space. In the Earlier Rule, Francis writes, “wherever brothers may be, either in hermitages or other places, let them be careful not to make any place their own or contend with anyone for it.”\textsuperscript{163} This emphasis on renouncing space is reiterated in the Later Rule: “Let the brothers not make anything their own, neither house, nor place, nor anything at all.”\textsuperscript{164} In this segment, Francis described the importance of brothers severing all connections to space, further emphasizing the conflict between space and the Franciscan “form of life.”\textsuperscript{165} In response to concerns about space, Agamben would most likely view the Franciscans’ relationship to space

\textsuperscript{161} Ibid., 218.
\textsuperscript{162} Ibid., 222.
\textsuperscript{163} Ibid., 69.
\textsuperscript{164} Ibid., 103.
\textsuperscript{165} Ibid.
as a complete rejection of possessions, including any legal or informal attachments to a location.

Indeed, this Agambean interpretation finds support in *The Life of Francis*, which also describes the tension between the Franciscan “form of life” and space. As mentioned earlier, *The Life of Francis* describes how the brothers arrive at the revelation of poverty while staying outside of the town of Orte. During this episode, the brothers realized that despite this space offering an ideal location for worship, they must not tie themselves to one location: “even though the delight of that place could have greatly spoiled true spiritual vigor, it did not capture their affection. They left the place, so the continuity of a longer stay would not tie them even by appearance to some kind of ownership.”166 Clearly, the Franciscans’ tension with space derived from their rejection of ownership, congruent with Agamben’s theory on the Franciscan “form of life.”

While it is clear that the Franciscans’ relationship to space was tied to their rejection of ownership, this section by Thomas still poses difficulties for the Agambean interpretation. In this episode, the Franciscans refused to settle in a single location so as to not even appear tied to any sort of ownership. The relationship to property, then, was much less focused on opposing legal norms—though this may be an aspect of the relationship—than it was deeply concerned with using the relationship to space as a way to symbolically demonstrate their rejection of ownership. From this perspective, Agamben’s depiction of the Franciscans is again deficient. By focusing on the conflict between poverty and the juridical norms,

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166 Ibid., 214.
Agamben ignores the complex role of space as a symbolic demonstration of the abdication of ownership. The Franciscans’ relationship to space was clearly nuanced and cannot be understood solely as the rejection of the juridical norms of ownership.

As seen by the description of poverty found in the Franciscan Rules and The Life of Francis, as well as the Franciscans’ relationship to space, Agamben’s poverty does not capture the complexities of Franciscan poverty or the Franciscan Rules. Can we still assert, then, that Agamben’s model allows us to understand the Franciscans on their own term, or is he also imposing his conception upon the Franciscans that denies the movement the ability to speak on its own terms? While there are clearly faults in Agamben’s analysis, Agamben is more than aware that his emphasis on poverty does not describe the Franciscan movement in its entirety. When describing poverty, Agamben notes: “The claim of poverty, which is present in all the [monastic] movements and is clearly not new, is only one aspect of this way or form of life, which strikes observers in a special way.”¹⁶⁷ As this citation demonstrates, Agamben is aware that poverty is only one aspect of the Franciscan “form of life.” Simultaneously, Agamben notes that it is poverty that “strikes observers” and although there are other values that characterize the Franciscans, it is the movement’s relationship to poverty that makes it unique.

Although Agamben’s description of poverty does not fully explain the Franciscan movement, it provides a compelling explanation for understanding the conflict between the Franciscans and the Curia. Agamben’s understanding of Franciscan poverty as abdicating the legal norms of ownership explain the

¹⁶⁷ Agamben, The Highest Poverty, 92.
problematic articulation of poverty into legal terms and how this redefinition culminated in John XXII’s damning criticism of the movement. While an emphasis on poverty excludes aspects of the Franciscan Rule—its voluntariness, its role as a conduit for other virtues and the Franciscans’ relationship to space—by understanding of “form of life” as opposing juridical norms, it explains the extended scholarly battle wielded between the Franciscans and the Curia. Agamben effectively compensates for the holes in his depiction of the Franciscans by focusing his powerful explanatory model on interpreting the relationship between the Franciscans and the Curia as well as synthesizing their failure.

One might argue that by describing the Franciscans through “poverty” instead of voluntary poverty Agamben commits the very same offense as Gitlin, Graeber and the New York Times, namely reading a value into the movement to infer how the movement functioned. However, Agamben is clearly aware that poverty does not summarize the Franciscans, but it is through this term that his analysis is able to explain the Franciscan movement’s conflict with the Curia. By describing the Franciscans through poverty, Agamben is able to understand how the Franciscans actually functioned—in relation to the legal norms of the Curia. The sources that analyzed Occupy, on the other hand, were unable to describe how Occupy functioned, instead only describing how they imagined Occupy should function. An Agambean framework, then, would provide a more sound understanding of Occupy, focusing on its relationship with the establishment that it attempted to oppose.
To summarize, Agamben’s depiction of the Franciscans is far from comprehensive—as it ignores the voluntariness of their poverty as well as the importance of space for the movement. Despite these flaws, Agamben’s description of the Franciscans notes the importance of the abdication of ownership for the movement as well as the role of poverty in negotiating the conflict between the Franciscans and the Curia. By brushing over certain aspects of the Franciscan movement, Agamben’s theory can explain other aspects with clarity. Due to the explanatory power Agamben’s theory provides towards the Franciscans, it appears to be a feasible model for understanding radical movements as they relate to the political establishment.

How exactly would an application of the Agambean model, drawing from “form of life” and the “state of exception,” depict other radical movements? Does this model offer descriptive power that other explanations lack? To answer these questions, we will now return to Occupy Wall Street, a movement that, similar to the Franciscans, attempted to institute a way of life that was seen as both deeply inspiring and dangerous to the status quo.
Section 1: Approaching Occupy with Agamben

In the previous chapter, we uncovered a model for radical action deriving from Agamben’s “state of exception” and his depiction of the Franciscan movement. This chapter will begin to apply the Agambean model to Occupy Wall Street. This application will set up a depiction of why—or rather how—Occupy failed and in doing so attempt to resolve the problematic explanations failure described in the introduction. While this application may seem far-fetched due to the drastically different temporal and social contexts for each movement, on the surface there appear to be several points of contact between the Franciscans and Occupy. The Franciscans, as Agamben noted, struggled to articulate themselves against the juridical norms of their time. Occupy, too, appeared to be caught between being inside and outside of the political norms, as seen by Graeber and Blow’s contradictory interpretation of whether Occupy should have functioned inside or outside of the political establishment.\(^\text{168}\)

Before proceeding with an analysis of Occupy through the lens of Agamben, it is important to clarify whether this application will attempt a comparison between the Franciscans and Occupy Wall Street. Just as the Gitlin, Graeber and the New York Times presupposed how Occupy should have functioned by comparing it to contemporary political phenomena, a comparison between the Franciscans and Occupy would commit a similar error. In his article “Why Compare?” R.

\(^{168}\) Graeber, The Democracy Project; Blow, “From Eric Garner and Michael Brown to the Ballot Box.”
Radhakrishnan outlines many of the risks accompanying broad comparisons, writing “comparisons are never neutral: they are inevitably tendentious, didactic, competitive, and prescriptive.”\textsuperscript{169} The sources described in the introduction inadvertently demonstrated the fallacy of a “neutral” comparison. By comparing Occupy to other political phenomena—the New Left, mainstream political movements, and economic exploitation—these authors inevitably prescribed the movement’s failures. The results of comparisons, as these sources demonstrate, are predicated on the perspective with which one views the objects undergoing comparison, supporting Radhakrishnan’s critique of comparative techniques.

Not only are comparisons inevitably prescriptive, but Radhakrishnan also emphasizes that comparative methods abbreviate the individual characteristics of the subjects being compared. Radhakrishnan continues, “Comparisons work only when the ‘radical others’ have been persuaded or downright coerced into abandoning their differences, and consent to being parsed within the regime of the sovereign One.”\textsuperscript{170} While Radhakrishnan notes that comparisons can offer “a new form of recognition,” there remains the risk of perpetuating “dire misrecognition” when attempting comparisons.\textsuperscript{171} Radhakrishnan cites “the global city” as an example of a comparison that erases local difference for the sake of comparative continuity: “I would argue, for example, that the ‘global city’ is the product of a comparatist coup: a coup that commits the global city to the rationale of transnational flows rather than to the

\textsuperscript{169} Radhakrishnan, “Why Compare?,” 454.
\textsuperscript{170} Ibid.
\textsuperscript{171} Ibid., 457.
rhythms and needs of the intranation. By comparing cities through the lens of transnational commerce, Radhakrishnan notes, the function of the city intranationally is overlooked. Comparisons, as much as they can offer new ways of understanding, pose the danger of obfuscating crucial differences.

Radhakrishnan’s article would warn us that a comparison between the Franciscans and occupy could lead to a prescriptive reading of Occupy as well as a blurring of the differences between each movement. However, the Agambean framework that we will apply to Occupy does not engage in the messy act of comparison that would lead to these types of oversights. As mentioned in the discussion of the Franciscans, Agamben overlooks several aspects of the Franciscan movement, including their commitment to voluntary poverty and their relationship to space. Similarly, the application of the Agambean model does not necessitate a complete depiction of the Occupy movement. Moreover, the application of an Agambean framework to Occupy will not attempt to understand Occupy through its points of contact with the Franciscan movement. Instead, it will describe Occupy as viewed through the lens of Agamben—applying the same terminology he used to describe the Franciscans—with the hope of resolving the unsatisfying explanations surrounding Occupy’s failure. While a comparison between Occupy Wall Street and the Franciscans would be deeply problematic, this project instead will incorporate Agamben’s depiction of the Franciscans as a way to infer an Agambean “reading” of Occupy Wall Street.

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172 Ibid.
Returning to Agamben’s analysis of the Franciscans, his depiction centered on their “form of life.” “Form of life,” to summarize, referred to the Franciscans’ aspirational conception of life, their opposition to juridical norms of the Curia, their existence in an absolute “state of exception” and a central value—poverty—that explained their practices as well as the norms they opposed. To apply an Agambean analysis of Occupy, we must arrive at a complete “form of life” for Occupiers that follows the model of the Franciscan “form of life.” This chapter will attempt to locate the first of these four facets of “form of life”: a central term, such as “poverty,” through which Occupy can be understood.

Returning to the Gitlin quotation cited in the introduction, Occupy was characterized by its eccentric rituals utterly strange to the uninitiated: “if you visited an Occupy encampment, you might think you had stumbled across a lost tribe—or a found tribe, possibly one made up of time travelers, plunged unaware into the present, leaving you to judge whether they are utopian or dystopian, or simply odd.”

Gitlin demonstrates the foreignness of Occupy by noting the movement’s assortment of “rituals,” including terms such as “mic check,” and a variety hand gestures. Here, Gitlin articulates the importance of finding the equivalent of Franciscan poverty for Occupy as such a term would offer a cohesive synthesis of the many confusing aspects of the movement. This section will draw from Occupy itself as well as the writings of Gitlin, Graeber and journalists in the New York Times in an attempt to uncover a central term that can explain these perplexing “rituals.”

174 Ibid., 60.
Francis was the first to express the value of poverty for his movement, describing the centrality of poverty in his Rules. Following the model of Francis, the first logical place to look for the articulation of a central value for Occupy would be a leader. However, due to Occupy’s leaderless structure, there was no equivalent of Francis to propose a central value in such an explicit manner. Gitlin describes how Occupy “thumbed its collective nose at designated leaders” and remained adamant that they could “do just fine without them.”\textsuperscript{175} Despite this policy, Gitlin notes that the movement had several informal leaders, but these temporary leaders “could not necessarily steer the movement, give it continuity, help it strategize, devise and debate rival positions, evaluate successes and failures.”\textsuperscript{176} As Gitlin emphasizes, Occupy refused to empower leaders who would speak for the movement. While Francis was able to articulate the values of the movement on behalf of its adherents, Occupy had no leaders who could summarize the movement’s purpose or its values.

In addition to its leaderless structure, Occupy was reluctant to issue any statement on behalf of other members of the movement due to frequent debates on race and class privilege, further hindering its ability to articulate a central value. Hyperaware of the role of privilege in empowering certain members over others, Occupy repeatedly refused to speak collectively for any of its members. As Gitlin describes, Occupy enacted a “policy called ‘progressive stack,’ an affirmative action policy for speakers’ lists” in an attempt to encourage more participation from women.

\textsuperscript{175} Ibid., 101.
\textsuperscript{176} Ibid., 103.
and minorities.\textsuperscript{177} Nonetheless, racial and economic tensions still simmered, particularly among the homeless individuals participating in the movement: “the homeless, disproportionately people of color, did not feel properly understood or appreciated by ‘people with the leisure to spend all day occupying.’”\textsuperscript{178} As the “progressive stack” and the concerns of homeless Occupiers demonstrate, the movement was preoccupied with ensuring each member was able to participate and express their opinions. Because of this fixation on equal participation, Occupy would never choose to formulate a “rule”—in the model of the Franciscans—because such a “rule” would inevitably speak for others instead of allowing them to speak for themselves.

While Occupy’s leaderless structure and concern for individual representation stymied its ability to express a central value for the movement, Occupy nonetheless released several documents that could potentially offer an articulation of this value. Perhaps the most informative of these documents is the “General Assembly Guide,” which describes the different gestures used to participate in the General Assembly (Fig. 2, see Appendix). This document includes images of different hand gestures, which range from a “block,” which vetoed any proposed legislation, to a “point of process,” which allowed an individual to skip the queue of speakers and speak immediately.\textsuperscript{179} This document also provides a lens into the purpose of the Occupy, describing the movement’s goal as “to protest the blatant injustices perpetuated by the

\textsuperscript{177} Ibid., 93.
\textsuperscript{178} Ibid., 98.
\textsuperscript{179} NYC General Assembly, “General Assembly Guide.”
1%—the economic and political elites—whose actions affect all of us, the 99%.”

While this document posits economic and political “injustices” committed by the one percent as its motivating factor, it does not articulate a value through which this opposition to the one percent can be understood. Nonetheless, the release of a document formalizing their practices of participation, similar to Gitlin’s emphasis on Occupy’s bizarre “rituals,” suggests that Occupy’s methods of participation are an avenue worth pursuing for an in-depth understanding of the movement.

As this investigation of Occupy demonstrated, the movement itself is unable to provide a central term equivalent to Franciscan poverty through which we might construct a “form of life.” Nonetheless, Occupy’s emphasis on its practices of participation suggests that these practices are a key to locating this term. We will now turn to the three sources discussed in the introduction in an attempt to uncover the meaning embedded Occupy’s practices. Although these sources were unable to provide a compelling portrait of the failure of Occupy, perhaps they offer a central term that synthesizes the actions of the protestors.

Despite their extensive reporting on the movement, the New York Times failed to cohesively synthesize the actions of the protestors. The closest a New York Times journalist came to describing Occupy cohesively was the article written by Sorkin noting the purpose of Occupy. In this article, Sorkin articulates certain demands he gleaned from observing the movement: “the demonstrators are seeking accountability for Wall Street and corporate America for the financial crisis and the

\[180\] Ibid.
growing economic inequality gap.” While Sorkin proposes that Occupy sought accountability for Wall Street, he does not describe or incorporate the practices of participation that are clearly important for understanding Occupy into his explanation. As noted by Brisbane, the New York Times saw “origins, leadership, issues and impact” as the “basics for future coverage” on Occupy. Because of this emphasis on leadership and issues—which due to Occupy’s leaderless structure did not necessarily apply to the movement—Brisbane inadvertently elucidates the New York Times’ inability to synthesize the practices of Occupy. By focusing exclusively on “origins, leadership, issues and impact” the New York Times ignored the unique practices of Occupy and are unable to provide a value that cohesively depicts them.

Despite his intimacy with the movement, David Graeber also fails to provide a singular depiction of the movement’s practices. While Graeber offers a more concrete understanding of Occupy than the New York Times, he does not specifically discuss the practices of the movement nor does he ascribe a central value to the movement. In The Democracy Project, Graeber understands Occupy as a fusion of democratic practices (which Graeber defines as “the process of collective deliberation on the principle of full and equal participation”) and anarchism (defined as “a free society in which no one could be physically coerced to go along with a decision they found profoundly objectionable”). Graeber discusses the history of democratic and anarchist movements, framing Occupy’s practices as the result of anarchism coupled with democratic beliefs. He even describes the hand movements that characterized

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181 Sorkin, “On Wall Street, a Protest Matures.”
183 Graeber, The Democracy Project, 170,195.
Occupy as adopted from “radical feminism, Quakerism, and even Native American traditions.” Graeber clearly interprets Occupy as inheriting its practices and structure from prior radical movements. However, in focusing on the extent to which Occupy draws from these prior sources, Graeber does not provide a term to summarize Occupy’s practices.

While Todd Gitlin observed importance of the practices of participation for Occupy, *Occupy Nation* does not articulate any single value through which these practices can be understood. In his work, Gitlin notes the variety of what he calls “rituals of participation” within the movement: “the spirit of Occupy thrived because the movement spawned mantras, rituals, symbols, imagery galore—a riot of pastiche and contagion.” Later in his book, Gitlin continues to emphasize the symbolic rituals of Occupy: “Occupy has been busy, one might even say frantic, performing mostly symbolic actions.” As Gitlin’s quote describing the otherworldliness of Occupy demonstrates, he is nonetheless confused by these extensive rituals/performances. While he does not fully explain the significance of these rituals, Gitlin proposes that they are attempts made by the movement to brand itself: “there emerged, moreover, to identify the movement—brand it, in the current lingo—the home-grown institution of the people’s, or human, microphone.” While the human microphone was only one of Occupy’s many participatory rituals—and will be described in Chapter 2 in more detail—Graeber interpreted this ritual as an attempt to

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184 Ibid., 195.
185 Gitlin, *Occupy Nation*, 74.
186 Ibid., 172.
187 Ibid., 76.
give the movement easy identifiers that would offer the plethora of Occupy camps a “brand.” Through the creation of an Occupy “brand,” Gitlin proposes, the movement could foster cohesion among its many different camps. Interpreting these “rituals” as merely a strategy to ensure cohesion, Gitlin is not interested in synthesizing these practices into a single value.

None of the sources analyzed above articulate a value that synthesizes the practices of Occupy nor was Occupy itself capable of proposing such a term. Nonetheless, this investigation uncovered the importance of Occupy’s practices of participation—seen by the movement’s dissemination of a document breaking down the language and symbols of the General Assembly. This emphasis placed on these practices suggests that they are a key to discerning Occupy’s “form of life.” To follow this “lead,” we will turn to a new theoretical source as a means to further understand the significance of Occupy’s “rituals.” As noted above, Gitlin describes Occupy as continually “performing.” Drawing from this citation, we will turn to Judith Butler and her theory on performativity as a means through which the practices of Occupy can be understood.

While it is unlikely that Gitlin’s use of “performance” is a reference to Butler’s work, Butler is a logical theorist to draw from when attempting to understand the practices of Occupy. In her most recent work, Notes Towards A Performative Theory of Assembly (2015), Butler applies her theory on performance to mass movements and even references Occupy directly. In her introduction, Butler identifies

188 Ibid., 172.
Occupy Wall Street as playing a role in her theory of the performativity of mass assembly:

As important as it is to clarify this lexicon of democratic theory—especially in light of recent debates about whether any of the public assemblies and demonstrations we have seen in the Arab Spring, the Occupy Movement, or the antiprecarity demonstrations—and to ask whether such movements can be interpreted as true or promising examples of the popular will, the will of the people, the suggestion of this text is that we have to read such scenes not only in terms of the version of the people they explicitly set forth, but the relations of power by which they are enacted.  

As this quote demonstrates, Butler is concerned with “the relations of power” these movements convey and clearly includes Occupy among the mass assemblies that her theory investigates. Moreover, Butler even attended a General Assembly meeting in New York City and spoke to participants, further demonstrating her fascination and familiarity with the movement.  

Butler’s clear interest in Occupy suggests that “performance” may prove to be a viable lens through which Occupy can be understood.

In addition to referencing Occupy, Butler also puts her work in conversation with Agamben through her reference and refutation of the Agambean concept of “bare life.” The relationship between Agamben and Butler’s theory will be investigated further in the following section, but the mere reference to Agamben demonstrates the extent to which the theoretical questions that Butler and Agamben address are interconnected. This theoretical interconnectivity further vindicates the utilization of Butler’s theory to arrive at the “form of life” of Occupy. This following

189 Butler, Notes Toward a Performative Theory of Assembly, 7.
190 Smabiner, Judith Butler at Occupy Wall Street.
191 Butler, Notes Toward a Performative Theory of Assembly, 80.
section will begin by describing Butler’s conception of gender performance and then demonstrate how this theory of performance can be applied to Occupy Wall Street. By applying Butler’s theory of performance to Occupy, this investigation will arrive at a synthesis of the practices of the movement and a central value through which these practices can be understood.

**Section 2: Butler and the Performance of Gender and Politics**

This section will begin with a summary Butler’s conception of performance as it relates to gender and then demonstrate how performativity can also be applied to mass movements. Through this analysis of Butler’s political performance, this section will demonstrate the subversion of norms implicit within Occupy and arrive at equality as the central term with which to define the “form of life” of Occupy.

In the first chapter of *Notes*, Butler provides an overview of her definition of performance: “Performativity characterizes first and foremost that characteristic of linguistic utterances that in the moment of making the utterance makes something happen or brings some phenomenon into being.” Butler cites performance as inherently a speech act, which—drawing from the studies of linguist J.L. Austin—refers broadly to the power bring things into existence through language. In the context of gender, performative acts bring the gender of the subject into existence. Butler cites the utterance “it’s a boy/girl” after a child is born as part of a “diffuse and complicated set of discursive and institutional powers” that establishes gender.

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192 Ibid., 28.
193 Ibid., 29.
This utterance demonstrates the extent to which the subject, even from birth, must constantly cope with being summoned through gendered language. Through this discursive summoning speech acts bring the gender of the subject into existence. As Butler describes in her essay “Critically Queer,” gender performance operates linguistically through “ritualized repetitions of norms” including “social constraints, taboos, prohibitions, threats of punishments.”\(^{194}\) Through repetition of simple speech acts norms are implicitly conveyed to and then repeated by the subject. Gender, then, is the effect of this discursive regime of norms imposed upon the subject. Through discursive interpellation, the subject internalizes and reiterates the norms of gender, creating gender in the subject.

It is important to note, however, that this process of reiteration is not guaranteed, and the subject can subvert the norms discursively imposed upon them. “Those very modes of embodiment,” Butler writes, “can prove to be ways of contesting those norms, even breaking from them.”\(^{195}\) During the process of reinterpreting and embodying norms, these same norms “may always go awry.”\(^{196}\) Although gender norms are constantly conveyed to the subject through speech acts, these norms are frequently subverted when the subject attempts to reiterate them. Butler writes: “We see that the animating aims of a regulatory discourse, as it is enacted bodily, give rise to consequences that are not always foreseen, making room for ways of living gender that challenge prevailing norms of recognition.”\(^{197}\)

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\(^{196}\) Ibid., 31.  
\(^{197}\) Ibid., 32.
then, is not predetermined by the norms imposed upon the subject but instead is
determined “from within its terms, its unforeseeable deviations, establishing cultural
possibilities that confounded the sovereign aims of all those institutional regimes.”
To summarize, while performative acts bring gender into existence by discursively
imposing norms, gender performance also frequently results in deviations and
subversions from these very same norms.

While the concept of performance is typically invoked to describe the process
of gender formation, in her most recent work Butler describes another type of
performance, deriving from her study of mass assemblies: political performance. If
performance is purely discursive, one might ask, how can it reasonably be applied to
mass assemblies? Butler clarifies this question through the role of recognition in the
embodiment of gender norms. Gender norms, Butler notes, regulate recognition by
creating zones “where many are expected not to appear or are legally proscribed from
doing so,” and “the compulsory demand to appear in one way rather than another
functions as a precondition of appearing at all.” Norms dictate appearance and the
ability to be recognized, giving certain people permission to appear while others, who
do not reproduce the norms with fidelity, are expected to be invisible. Therefore, the
embodiment of norms not only affects the discursive field but also “is a way of
ratifying and reproducing certain norms of recognition over others.” The crucial
role of performance in shaping who can appear and who can be recognized connects
performativity to mass assemblies such as Occupy.

198 Ibid.
199 Ibid., 35.
200 Ibid.
One final term that unlocks the relationship between performativity and mass assemblies is the term “precarious life.” As Butler notes, “precarity designates that politically induced condition in which certain populations suffer from failing social and economic networks of support more than others, and become differentially exposed to injury, violence, and death.” 201 “Precarious life” (such as “those who do not live their genders in intelligible ways”) is frequently targeted for exclusion from appearance and recognition. 202 When attempting to appear and be recognized, Butler writes that those who live a “precarious life…will be criminalized based on their public appearance.” 203 Precarity, then, refers to those whom the apparatus of authority attempts to exclude from appearing through the norms of appearance.

Similar to the process of embodying gender that inevitably leads to certain norms going awry, the norms of appearance described above are also not absolute: “Even as norms seem to determine which genders can appear and which cannot, they also fail to control the sphere of appearance, operating more like absent or fallible police than effective totalitarian powers.” 204 While “precarious life” is normatively excluded from appearing, performativity leaves open the possibility for these norms to be subverted. As Butler notes, precarious life appears “more often than not, angered, indignant, rising up, and resisting.” 205 Norms of appearance establish how subjects should appear in the public and pushes precarious life to not appear.

201 Ibid., 34.
202 Ibid.
203 Ibid.
204 Ibid., 39.
205 Ibid., 80.
Nonetheless, through the embodiment of the norms of appearance, precarious life can subvert these same norms and force itself to appear.

It is also important to note that Butler’s conception of “precarious life” sets her theory in opposition to Agamben’s “homo sacer.” In his first book, *Homo Sacer* (1998), Agamben explored this unique term, originally a Roman phrase used to describe an individual totally excluded from society who could be killed without legal consequence but could not be sacrificed.²⁰⁶ Agamben’s “homo sacer” was effectively banished from the political and relegated to pure life outside of law. In contrast to Agamben, while “precarious life” is excluded from the political, Butler holds that through political performance these groups can upset the norms of appearance and force their way into politics.²⁰⁷ For Butler, precarious life can reclaim its political status through the subversion of norms, a possibility not contemplated by Agamben in his depiction of the “homo sacer.”

Butler’s political performance, then, depends on precarious populations who are excluded from appearing but nonetheless seize and subvert the norms of appearance. Butler summarizes the idea of political performativity through the example of a transgender individual walking in public while feeling safe. Butler notes that this is only possible if “there are many there, exercising [this right] as well, whether or not anyone else is on the scene,” demonstrating that “precarious life” must come together to bring about a subversion of political norms.²⁰⁸ This emphasis on many individuals coming together explains why Butler applies political

²⁰⁸ Ibid., 51.
performativity specifically to mass assemblies. The transgender individual, then, exerts not only an individual performance of gender but also, when acting in concert with other transgender persons, a communal articulation of the ability to appear. Therefore, this action is a political performance as well as a performance of gender.

Further describing the political performance of a transgender person walking in the public, Butler writes, “Perhaps we can still call ‘performative’ both this exercise of gender and the embodied political claim to equality, the protection from violence, and the ability to move with and within this social category in public space.” Political performances challenge many norms of political life beyond the norms of appearance, including “protection from violence, and the ability to move with and within…public space.” These political norms, Butler emphasizes, are excluded from precarious life—such as the transgender individual Butler cites. Nonetheless, by coming together, protestors can seize and reclaim these norms. In this way, political performance and gender performance are markedly similar. Both involve the reiteration of certain norms—whether gendered or political—and both include the potential for subversion. However, for political performance, this subversion occurs through an alliance of precarious populations who together challenge their systematic categorization as unrecognizable. To summarize, although gender performance refers primarily to speech acts, the reiteration and subversion of norms that characterizes performance can also be seen in mass movements, where precarious populations challenge and subvert political norms.

209 Ibid., 52.
210 Ibid.
In addition to upsetting the norms of appearance, Butler also notes that political performances subvert the normative distinction between public and private. Not only is the subversion of public and private space crucial for understanding political performance, but it also allows us to arrive at equality as the central term conveyed by Occupy. As Butler notes, many movements of mass assemblies “lay claim to a certain space as public space,” transforming what spaces excluded precarious life into truly public spaces. For example, for the transgender person, nominally public space may in fact be private because political norms—the ability to appear and be protected from violence—are not provided. Nonetheless, through mass movements and the process of many bodies coming together, these nominally public spaces can be made truly public by forcing them to accommodate “precarious life.”

For Butler the subversion of the public/private distinction can be seen clearest in mass movements that choose to live in public squares. During these occupations, public space is transformed into a space where protestors sleep and eat as well as protest. By reconfiguring public space as a place for sleeping as well as gathering, the crowd “contests the distinction between public and private.” Through appearing in exclusive “public spaces,” the precarious are able to transform functionally private spaces to truly public spaces that accommodate “precarious life.” The subverting of the norms of public space and appearance, then, go hand in hand; appearing in public not only unsettles the norms of appearance but also transforms the norms of public space to genuinely public space.

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\(^{211}\) Ibid., 70.

\(^{212}\) Ibid., 71–72.
Butler draws specifically from Tahrir Square to demonstrate the blurring of public and private that occurs in mass movements. It is also through her depiction of Tahrir Square that Butler introduces the term “equality” as a central idea conveyed by mass assemblies, a term that will be crucial for understanding the “form of life” of Occupy. Butler emphasizes the actions taken by the Tahrir Square protestors to make the square a livable space, including the creation of “makeshift medical stations and bathrooms” as well as places for the protestors to sleep.213 Butler describes these actions as follows: “These actions were all political in the simple sense that they were breaking down a conventional distinction between public and private in order to establish new relations of equality.”214 By turning a public space into a place of private action, where protestors slept, ate and used the bathroom, these protests broke down the distinction between what was private and what was public. In addition, Butler notes that this breakdown ultimately conveyed equality.

Before analyzing the important role of equality, it is crucial to note that Butler’s depiction of the political in this instance resembles Agamben’s conception of “politics” put forward in State of Exception. In that work, Agamben noted that true “political” action attempts to unsettle the connection between life and law. Butler, like Agamben, seems concerned with the extent to which life—contained in the protestors eating and sleeping in the public square—challenges the norms of public space. For Agamben, however, the “state of exception,” which blurs life into law, also neutralizes the distinction between public and private, limiting the potential for

213 Ibid., 90.
214 Ibid.
“political” action: “the state of exception is...a space devoid of law, a zone of anomie in which all legal determinations—and above all the very distinction between public and private—are deactivated.”\textsuperscript{215} While for Agamben, political action uncouples life from law and by extension public from private, Butler’s sketch of the political conceptualizes politics as blurring the distinction between public and private space. Despite operating in contrary directions, political action for both thinkers is responsible for the renegotiation of the relationship between life and law as well as between public and private space.

Returning to the role of equality in political performances, Butler emphasizes that the breakdown of the distinction between public and private establishes “new relations of equality.”\textsuperscript{216} Butler views equality as the term that these mass assemblies convey through the subversion of the norms of appearance and public space. Describing the importance of equality, Butler writes:

\begin{quote}
In those instances in which demonstrators were, after all, sleeping and eating in the public square, constructing toilets and various systems for sharing the space, they were not only refusing to disappear, refusing to go or stay home, and not only claiming the public domain for themselves—acting in concert on conditions of equality—but also maintaining themselves as persisting bodies with needs, desires, and requirements.\textsuperscript{217}
\end{quote}

By appearing in public, the Tahrir Square protestors “claim the domain for themselves,” transforming the political norms of appearance to include their bodies. Moreover, by satisfying their bodily needs in public, these groups demonstrate the physical functions that make them equal. By claiming political norms provided to the

\textsuperscript{215} Agamben, \textit{State of Exception}, 23. \\
\textsuperscript{216} Butler, \textit{Notes Toward a Performative Theory of Assembly}, 90. \\
\textsuperscript{217} Ibid., 97.
non-precarius as well as by showing its biological equivalency, “precarious life” asserts its equality vis a vis the privileged. Equality, then, is a result of the unsettling of the norms of appearance and public space where “precarious life” receives the same political norms as the privileged. Butler summarizes the role of equality in mass movements, writing “the claim of equality is not only spoken or written, but is made precisely when bodies appear together, or, rather, when, through their action, they bring the space of appearance into being.”218 By appearing together, protestors unsettle the norms of appearance as well as the norms of public and private, together bringing the claim of equality into being. As Butler’s analysis of Tahrir Square demonstrates, mass assemblies bring equality into existence through political performance.

To summarize, Butler’s performance centers on the embodiment and subversion of norms. While performativity is typically applied to gender, Butler notes that mass assemblies also unsettle the norms of appearance and the distinction between public and private. In addition, by claiming political rights that normally exclude them, “precarious life” asserts equality through the subversion of norms. Through the political performances of mass assemblies, then, Butler provides a cohesive method to analyze the practices of Occupy Wall Street. In addition, she suggests that the underlying value conveyed by these performances is the term “equality,” providing us with a central term for Occupy’s “form of life.” However, it is important to evaluate whether Butler’s depiction of performance and equality truly fits within the framework of Occupy. The following section will first investigate

218 Ibid., 89.
whether Butler’s description of political performance can be applied to better understand Occupy’s perplexing “rituals.” Then, this section will attempt to apply Butler’s emphasis on equality to Occupy’s performances, proposing equality as a central term through which to create a “form of life” for the movement.

Section 3: Occupy Wall Street as a Political Performance

Butler’s political performance depends on mass assemblies constituted by “precarious life” that subverts of norms of appearance and the distinction of public and private space. This section will attempt to locate these aspects of Butler’s theory in Occupy to investigate whether Occupy can be understood as a political performance. Then, this section will turn to the specific performances of Occupy to uncover whether equality is the central term conveyed by these performances.

To begin, Butler’s political performance depends on the “precarious life” of its participants, defined by Butler as those excluded from politics and targeted by the regime. Occupy clearly fits into this model of political performance by attempting to make visible the “99%” who were systematically excluded from political processes in America. As Gitlin describes, people flocked to Occupy who were disappointed in Obama’s claims of hope, still feeling “that the political system was wholly closed, wholly impermeable, wholly controlled by the 1 percent.”

Exclusion from the political sphere was a strong motivating factor behind the rise of Occupy, as protestors felt that political power controlled entirely by the financial elites. From the perspective of Occupy, the 99% constitutes “precarious life,” isolated and excluded

219 Gitlin, *Occupy Nation*, 27.
from the political norms of democratic decision making. Occupy, then, fits within Butler’s framework of “precarious life,” suggesting that performance is valid means to interpret the actions of the movement.

The location of Zuccotti Park in the center of Manhattan’s financial district further shows its congruency with Butler’s performative theory by subverting the norms of appearance. As an article by Nelson Schwartz and Eric Dash published in October 2011 demonstrates, there was a wide range of responses towards Occupy from bankers. Schwartz and Dash note that while some “dismiss[ed] the movement as gullible and unsophisticated,” others “sa[id] they understand a bit of the outrage of the Occupy Wall Street crowd.”220 Beyond the variety of opinions found in bankers, Schwartz and Dash emphasize the extent to which bankers were forced to reconcile with “the protestors camped on their doorsteps.”221 By establishing their camp within the financial district of New York City, Occupy fostered the appearance of the “precarious life” and forced bankers to face directly the groups that they exploited. This demonstration had profound consequences beyond annoying the financial elite; as Roose noted in his article, the “anti-Wall St. fervor” of Occupy dissuaded many graduates from pursuing careers in finance.222 By forcing themselves to appear, Occupy upset the norms of appearance that concealed the consequences of financial exploitation. Following Butler’s description of political performance, the occupation of Zuccotti Park subverted the norms of appearance.

221 Ibid.
222 Roose, “At Top Colleges, Anti-Wall St. Fervor Complicates Recruiting.”
Also central to Butler’s political performance is the subversion of the norms of public and private spaces. Occupy, again, appeared to follow Butler’s theory, disturbing the distinction between public and private space through its occupation of Zuccotti Park. Zuccotti Park is an example of a rare but fascinating aspect of New York City planning, classified by the Department of City Planning as a “privately owned public space.” Privately owned public spaces were the results of zoning regulations in New York City that incentivized developers to build publically accessible spaces in exchange for “allowing them greater density in certain high-density districts.” The developers of 1 Liberty Plaza, which is a hub of financial activity (housing NASDAQ and Goldman Sachs), built Zuccotti Park in exchange for exemptions from height restrictions. By occupying Zuccotti Park, Occupiers regained control over space that—while nominally public—was in fact owned by financial power. The transformation of Zuccotti Park can be seen clearest in the change of its name. While the park was named after John E. Zuccotti, a New York development mogul, protestors returned the park to its original name, Liberty Plaza. Through the changing of the park’s name, protestors symbolically recaptured the park from the financial powers that created and owned it. In essence, Occupy transformed the privately owned public space to a space owned, operated and controlled by the public.

223 New York City Department of City Planning, “Privately Owned Public Space.”
224 Ibid.
225 Foderaro, “Zuccotti Park Is Privately Owned, but Open to the Public."
226 Massey and Snyder, “Mapping Occupy Wall Street.”
Furthermore, Occupy’s encampment within Zuccotti Park subverted the norms of public and private spaces. As the map of Zuccotti Park provided by John Massey demonstrates, within the camp there was a fusion of both private and public spaces (Fig. 3, see Appendix). Zuccotti Park included not only an “Assembly,” where members of Occupy met publicly for decision-making procedures, but also areas for sleeping, a library, a medical center, a spirituality center and a kitchen. By including both public spaces of political action (the Assembly) and private spaces (the sleeping zones and the kitchen), Occupy created a fusion of private and public spaces within the park. Furthermore, the proximity of public space and private space within Zuccotti Park demonstrates the blurring of public and private that Butler notes in her discussion of political performance (Fig. 3). Following Butler’s theory, Occupy’s performance of occupation subverted the norms of public and private space.

We can thus far conclude that Occupy contained the three aspects of Butler’s political performance: “precarious life,” the subversion of norms of appearance and the subversion of the distinction between public and private. Butler’s political performance, then, provides a method through which to analyze the actions of Occupy Wall Street. In her work, Butler proposes that this type of political performance also brings equality into existence. While Butler’s definition of political performance seems to fit elegantly with the overall structure of Occupy, it is important to inquire whether or not equality is conveyed by Occupy’s specific performances. To investigate this question, the following section will analyze the paradigmatic performances of Occupy: the General Assembly, the Human

227 Ibid.
Microphone and the Spokes Council. Through an analysis of each of these performances, this section will demonstrate that equality is deeply embedded within these performances and can be used to create a “form of life” of Occupy.

Section 4: The Centrality of Equality

Returning again to Gitlin’s description of the “dystopian, utopian, or simply odd” practices of Occupy Wall Street, we can now attempt to understand these “rituals” as political performances conveying equality.228 The first performance we will investigate is the General Assembly (frequently referred to as the GA), the primary decision making body of Occupy. According to the “General Assembly Guide” disseminated by the movement, the General Assembly was “a gathering of people committed to making decisions based upon a collective agreement or consensus.”229 Specific gestures were coded with meaning in the GA: “twinkling,” what Occupiers referred to as lifting one’s hands up and fluttering one’s fingers, signaled applause while “de-twinkling,” the fluttering of fingers held down to one’s side, signaled disapproval of the speaker.230 If a participant raised their hands, they were placed on a list to speak; if an individual made their hands into a triangle (termed a “point of process”), they were permitted to speak immediately.231 A “block,” symbolized by arms crossed across one’s chest with fists clenched, stopped the adoption of a proposal until the “block” was retracted, usually after much

228 Gitlin, *Occupy Nation*, 59.
229 NYC General Assembly, “General Assembly Guide.”
230 Gitlin, *Occupy Nation*, 60.
discussion. Finally, proposals were adopted if there was no “outright opposition.”

The participatory gestures that characterized the General Assembly’s procedures can be understood as a political performance that conveyed equality. These procedures allowed every individual participating to be heard—either by adding themselves to the list of speakers or through a “point of process.” Furthermore, the “block” gave every individual equal power so that a vast majority could not prevail over an individual who disagreed. This sought to ensure that each individual was regarded equally even if the majority did not share their opinions. The “General Assembly Guide” notes that the gestures used in the GA “ensure everyone’s voice is heard and every opinion is respected.” As Gitlin notes, “Everyone could speak at a GA. The principle was equal standing, and the norm was generosity.” The emphasis on “everyone” and “every opinion” demonstrates the General Assembly’s preoccupation with crafting participatory practices that valued each member equally. Moreover, the General Assembly was broken up into working groups—smaller groups devoted to a specific issue or topic—that utilized the same symbols of the GA, demonstrating that the pervasiveness of these symbolic gestures extended beyond the General Assembly. As Gitlin’s quote demonstrates, an emphasis on equal standing and equal participation was the motivation behind the procedures of

233 Ibid.
234 Ibid.
235 Gitlin, Occupy Nation, 92.
the General Assembly. The pursuit of equality, then, clarifies the seemingly confusing symbols that characterized participation in the General Assembly.

Another striking performance of the Occupy movement was the “People’s Mic,” also termed the “Human Microphone.” Graeber describes this performance as follows: “One person speaks loudly, pausing every ten or twenty seconds or so. When they pause, everyone within earshot repeats what they said, and their words carry twice as far as they would have otherwise.” An Occupier Gitlin cites notes that the People’s Mic “allow speakers to know that they are actually being heard…by repeating other people’s words, we are forced to actively engage with them.”

Especially for those standing outside the center of the Assemblies, the People’s Mic encouraged others to hear and engage with their opinions. Graeber seconded the crucial role of repeating what others had said: “since anyone can speak, and everyone must repeat, it forces participants to genuinely listen to everybody else.” Graeber also emphasizes how the People’s Mic allowed participants to “communicate to everyone simultaneously.” Even if one member disagreed with what another participant said, they still had to repeat the statement so others could hear. Moreover, as Graeber describes, the constant repetition ensured those standing far from the center of the GA could still participate in the decision-making process. By forcing all voices to be heard and engaged with, the People’s Mic allowed every member to be

236 Graeber, The Democracy Project, 51.
237 Gitlin, Occupy Nation, 78.
238 Graeber, The Democracy Project, 51.
239 Ibid., 50.
regarded equally by other members of the General Assembly. The principle of equality, then, was deeply tied to the performance of the People’s Mic.

A third and final performance that characterized Occupy was the so-called “Spokes Council,” which was a second decision-making body instituted to supplement the General Assembly. The Spokes Council was “made up of, physically, of a circle of members of working groups, the other members of which, in principle, would sit behind them, available to caucus when necessary.”

Figure 4, included in the Appendix, demonstrates the layout of the Spokes Council. Each triangular cluster in Figure 4 represents a working group and each blue dot at the top of the triangle represents the member of each working group that functioned as a spokesperson. The working groups consulted with their spokesperson when necessary as a means to ensure their opinion was conveyed, and the individual filling the role of spokesperson rotated weekly. Through the circular organization of the Spokes Council, no single working group was prioritized over any other. Moreover, through the structure of “spokes” even non-spokesperson members of working groups could channel their opinion through to the council. To ensure these voices were heard, the Spokes Council adopted the hand signals used in the General Assembly. While the Spokes Council relied on a certain level of representation for organization, the structure was designed to ensure that all participants had the chance to express their views, whether through a spokesperson or by being the spokesperson. In the structure and function of the Spokes Council, equality appears to be a central concept that inspired this

240 Gitlin, *Occupy Nation*, 95.
241 OccupyLV.org, “Spokes Council - Organizing with Affinity Groups.”
242 Gitlin, *Occupy Nation*, 95.
performance. To summarize, Occupy’s “rituals” of participation—including the General Assembly, the People’s Mic and the Spokes Council—can all be productively understood as political performances conveying equality.

Occupy’s devotion to equality can also be seen in its commitment to having no clear leaders, a quality of the movement that seemed to disturb outsider reporters. As Gitlin notes, the refusal to have a formal leadership structure deliberately made the movement difficult to interpret for journalists: “The movement was prepared to admit that it might be convenient for the journalists if they had leaders to flock to, but to the activists it was a point of pride that they could do just fine without them.”243 While Gitlin interprets the movement’s lack of leaders to be a rebuke to the media, through the lens of equality the commitment to leaderlessness is an example of Occupy choosing to give no formal power to specific individuals in order to ensure that all members are equal.

Equality also explains the usage of the “progressive stack.” As discussed above, Occupy instituted a form of affirmative action termed the “progressive stack” that allowing minorities and women to speak longer and move to the top of the queue for speakers. As Gitlin describes, the GA instituted the “progressive stack” because “there were complaints that some people there were more equal than other people, that those of privileged background dominated, and that women and people of color were ignored.”244 While Gitlin suggests that the “progressive stack” was the result of political correctness taken to the nth degree, equality can explain this procedure. As

243 Ibid., 101.
244 Ibid., 93.
Gitlin emphasized, Occupy established “the progressive stack” in response to some people being privileged over others. Through the “progressive stack,” Occupy attempted to make the GA even more equal by controlling for race and gender privileges. In addition to the rituals of participation, several aspects of Occupy that confused outsiders, including its lack of leaders and the “progressive stack” can be explained as an attempt to institute equality.

While the distinct political performances of Occupy convey the term equality, perhaps the clearest single statement demonstrating the centrality of equality comes from Occupy itself. The first statement released by the General Assembly—titled “Principles of Solidarity” and accepted by the GA on September 23, 2011—succinctly described the purpose of Occupy: “We are daring to imagine a new socio-political and economic alternative that offers greater possibility of equality.” This statement, published only six days after the beginning of the occupation, suggests that the principle of equality was one of the driving forces behind the movement. In contrast to Gitlin’s description of Occupy’s confusing and chaotic rituals, this investigation demonstrated the hidden order within these performances, namely that they all attempted to foster equality.

This investigation proposed that Occupy functioned through a variety of performances that conveyed equality. However, many writers emphasize that these same performances also inhibited the efficacy of Occupy’s decision-making process. For example, the General Assemblies, due to their attempt to incorporate all voices, tended to be lengthy and often unproductive. As one Occupier conveyed to Gitlin,

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245 NYC General Assembly, “Principles of Solidarity.”
“The GA tests the limits of patience for sure—many simple decisions [like how to transport laundry] can take over an hour.”\textsuperscript{246} Other Occupiers described the People’s Mic as equally exhausting, with several members bemoaning “its inefficiencies and cultishness.”\textsuperscript{247} In addition, the People’s Mic was “so ingrained in the movement that it was sometimes used as pure ritual, when there was no practical need for amplification,” demonstrating the extent to which the goal of these performances—equality—became unhinged from their function.\textsuperscript{248} The Spokes Council, as well, was rife with problems similar to the GA’s, as small matters were frequently discussed “for three hours as a handful of people succeeded in blocking consensus.”\textsuperscript{249} Gitlin also emphasizes that Occupy’s lack of leaders caused its own set of problems: “they could not necessarily steer the movement, give it continuity, help it strategize, devise, and debate rival positions, evaluate successes and failures.”\textsuperscript{250} As this long list of problems suggests, the political performances of Occupy that conveyed equality also led to vast inefficacies within the movement.

Returning briefly to the Franciscans, it is important to note that the relationship between poverty and obedience within the Franciscan Rule demonstrates tensions similar to the conflict between equality and efficacy seen in Occupy. The conflict between poverty and obedience is seen clearest in the strained relationship between brothers and their ministers. When describing this relationship, Francis writes that “let all my other blessed brothers diligently obey [their ministers] in those

\textsuperscript{246} Gitlin, \textit{Occupy Nation}, 94.
\textsuperscript{247} Ibid., 78.
\textsuperscript{248} Ibid., 76.
\textsuperscript{249} Ibid., 96–97.
\textsuperscript{250} Ibid., 103.
matters concerning the well-being of their soul and which are not contrary to our life.”251 On one hand, brothers are ordered to obey ministers, while at the same time they must ensure this obedience is not contrary to their “life.” This conflicting relationship to authority is further described in the following section, where Francis writes, “If anyone of the ministers commands one of the brothers something contrary to our life or to his soul, he is not bound to obey him because obedience is not something in which a fault or sin is committed.”252 In this segment, Francis informed brothers that they are not bound to obey their minister if the minister asks that they act contrary to the Franciscan “form of life.” At the same time, Francis still wanted brothers to adhere to religious hierarchy, as seen by his order to “diligently obey” ministers and by articulating obedience as one of the central tenets of the rule.253 This conflict between obedience and “form of life” is a confusing and contradictory aspect of the Rule that on one hand values obedience but only so long as obedience doesn’t limit the brothers’ freedom to live by the Rule. In situations where obedience and the Rule are in conflict, the Rule wins and the brothers are not bound to obey. Although obedience is valued by the Rule, Francis was willing to sacrifice it in order to ensure the “form of life” of brothers could persist.

The willingness of Occupy to sacrifice efficiency in decision-making echoes Francis’s choice to value “form of life” over obedience and consistency. Similar to the Franciscans’ prioritization of poverty, Occupy chose to remain steadfast to its commitment to its central value, equality, even at the expense of confusion and

251 Armstrong, Francis of Assisi - The Saint, 66.
252 Ibid., 67.
253 Ibid., 100.
inefficiency. While many outsiders—such as Sorkin and Blow—saw the internal disorganization as Occupy’s Achilles Heel, Occupy’s commitment to equality at the expense of efficiency demonstrates that the movement functioned as a “form of life” with equality at its center.  

While this investigation proposed equality to be a central term through which Occupy can be understood, it is important to note that the entirety of the Occupy movement is not encompassed by this term. As mentioned in our analysis of the Franciscans, poverty does not encompass all the many facets of the Franciscan Rule, particularly the voluntary nature of the poverty emphasized in the Rule. While poverty provides a means to interpret many aspects of the Franciscans, it cannot explain every aspect of the movement. Similarly, if we were to analyze Occupy more in-depth, it is likely that we would uncover a wide range of values contained within the movement. As Agamben seems to acknowledge in his depiction of the Franciscans, it is impossible to encapsulate a movement within a single value. Aware of this impossibility, Agamben nonetheless uses poverty as a way to synthesize the conflict between the Franciscans and the Curia. Like Franciscan poverty, Occupy’s equality, as we will demonstrate in the following chapter, provides a means to understand the conflict between the movement and the political norms it opposed. Through uncovering this relationship, this investigation will locate a snapshot of how Occupy functioned in its opposition to the political establishment. In this way, it provides a better sketch of the movement than the sources discussed in the introduction, who repeatedly interpreted the movement according to how they

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imagined it should function instead of how it actually functioned. An Agambean analysis of Occupy, while not perfectly summarizing the movement, nonetheless improves upon the failures of previous investigations.

To summarize our findings, this section investigated Occupy Wall Street in an attempt to uncover a central value for the movement equivalent to Franciscan poverty. In her work, *Notes Towards a Performative Theory of Assembly*, Butler describes that mass movements, such as Occupy, convey equality. The specific performances of Occupy—the General Assembly, the Human Microphone and the Spokes Council—concur with Butler’s proposal of equality as a central value for the movement. Furthermore, and similar to the Franciscans, the enactment of this central term is prioritized over order and efficiency. In conclusion, we have arrived at equality as a central value that compellingly describes Occupy’s practices. However, this central term is not the only facet of “form of life.” To further understand this movement as a “form of life,” the following chapter will continue to apply Agamben’s depiction of “form of life” to Occupy. Through this investigation we will arrive at a complete understanding of Occupy’s “form of life” as well as a new conceptualization of Occupy’s failure.
Section 1: Completing the “Form of Life” of Occupy

In the previous chapter, we successfully synthesized the practices of Occupy through the lens of Butler’s performance and in doing so redefined Occupy as an Agambean “form of life” with a central value of equality. To further understand the “form of life” of Occupy, this chapter will analyze how the movement fits into the remaining aspects of the Agambean “form of life.” After uncovering the complete “form of life” for Occupy, this chapter will apply Agamben’s depiction of the failure of the Franciscans to better understand Occupy’s decline.

If we return briefly to Highest Poverty, Agamben describes that the Franciscan “form of life” drew from the life of Christ depicted in the Gospels, described an aspirational or “angelic” mode of living and existed in an absolute “state of exception.” Additionally, Agamben’s description of the Franciscans suggested that the central term of the “form of life”—poverty for Franciscans and equality for Occupy—pitted the movement in opposition to certain norms. To ensure Occupy fits within Agamben’s framework of “form of life,” this section will attempt to locate all of these aspects of “form of life” within Occupy.

Agamben emphasizes how the Franciscans utilized the life of the Christ in the Gospels to create their “form of life.” Agamben writes: “the form is not a norm imposed on life, but a living that in following the life of Christ gives itself and makes
itself a form.” The Franciscan “form of life,” as Agamben specifies here, transformed the life of Christ into a form that the brothers could follow. For Occupy, however, there was not a single life through which the movement constructed a form for its followers. As mentioned earlier, Occupy was particularly concerned with ensuring all voices were represented—seen for example in the “progressive stack.” The idea of a single life functioning as a model for members of Occupy would be in total contradiction to its attempt to recognize a wide range of voices. Moreover, without a text like the Gospels to draw from, there were no clear figures that could function as a model for its “form of life.” In contrast to the Franciscan “form of life,” Occupy did not draw from a single life to create a form for its devotees to follow.

Despite this facet of “form of life” that is clearly absent in Occupy, the movement followed Agamben’s depiction of “form of life” by proposing an aspirational mode of conceptualizing life. When studying the Franciscans, Agamben emphasizes the distinction between “form of life” and rule, describing “form of life” as a realization while rule is as observance. As an illustration, Agamben cites the command that brothers walk barefoot: “walking barefoot does not constitute the observance of a rule, but the realization of a forma vitae [form of life].” The contrast between “realization” and “observation,” Agamben notes, elucidates that the “form of life” is concerned with embodying certain virtues instead of simply following specific prohibitions. This sentiment is echoed by a quotation Agamben pulls from Olivi, who described the Franciscan “form of life” as “consist[ing]
essentially in an operation of word and life and in the actual exercise…of the virtues.”\textsuperscript{257} The aspirational aspect of “form of life” refers to “actual exercise” and embodiment of virtues, not simply adhering to specific rules or regulations.

In accordance with this aspirational aspect of “form of life,” Occupy was deeply concerned with embodying and enacting its values, not simply advocating for them. This can be seen in the repeated claims by members of Occupy that the movement embodied a new model for social organization. As articulated in the “Principles of Solidarity,” Occupy “dared to imagine a new socio-political and economic alternative.”\textsuperscript{258} A quotation Gitlin draws from Jonathan Matthew Smucker, a writer and activist in Occupy, further demonstrates the extent of Occupy’s attempt to propose a new societal formation: “Occupation is more than just a tactic…many participants are consciously prefiguring the kind of society they want to live in.”\textsuperscript{259} Another writer Gitlin quotes mentions that Occupy’s primary demand was “simply for a better world, which, as far as they’re concerned, they’ve already started building.”\textsuperscript{260} As Gitlin’s citations from those close to the movement demonstrate, Occupy envisioned itself as the realization of a better, more equal societal structure. By conceptualizing itself as the embodiment of ideals—the model of a new society—Occupy adheres to the aspiration aspect of Agamben’s “form of life.” Occupy was not concerned with advocating for certain issues but instead attempted to propose a new

\textsuperscript{257} Ibid., 107.
\textsuperscript{258} NYC General Assembly, “Principles of Solidarity.”
\textsuperscript{259} Gitlin, \textit{Occupy Nation}, 73.
\textsuperscript{260} Ibid., 122.
conception of society and politics. Following the model of the Franciscan “form of life,” Occupy attempted to embody and enact virtues through the act of occupation. Graeber echoes this sentiment, describing Occupy as an attempt to show fellow Americans that a new form of social organization was possible. Graeber writes, “The experience of watching a group of a thousand, or two thousand, people making collective decisions without a leadership structure, motivated only by the principle of solidarity, can change one’s most fundamental assumptions about what politics, or for that matter, human life, could actually be like.”261 As Graeber notes, Occupy was concerned with proposing a new societal structure, not with accomplishing specific issues. By noting Occupy’s role in unsettling assumptions about “human life,” Graeber also suggests that Occupy attempted to re-conceptualize life as it related to politics. Like the Franciscan who imagined life outside of law, Occupy contained an aspirational attempt to not only create new social model but also to redefine what human life could be.

Drawing from Graeber’s assertion that Occupy proposed a new definition of human life, Occupy clearly qualifies as a “political” movement in the Agambean sense. As noted in our discussion of “state of exception,” Agamben conceptualizes “political” activity as “show[ing] law in its nonrelation to life and life in its nonrelation to law.”262 By imagining life uncoupled from law, the Franciscans clearly functioned as a “political movement.” Occupy, following Graeber’s depiction, also proposed a new formulation of human life. Through the proposal of a new model of

261 Graeber, The Democracy Project, 89.
262 Agamben, State of Exception, 88.
society, Graeber noted that Occupy demonstrated life could exist without leaders and centered on equality. Just as the Franciscans were a truly “political” movement—unsettling the connection between life and law—Occupy, despite the criticism that it did not function within political norms, fits squarely into Agamben’s conception of the “political.”

But what were the norms that Occupy’s redefinition of life pushed against? The clearest statement of the norms Occupy opposed comes from the “Principles of Solidarity.” This document begins by describing the origins of Occupy:

On September 17, 2011, people from all across the United States of America and the world came to protest the blatant injustices of our times perpetuated by the economic and political elites. On the 17th we as individuals rose up against political disenfranchisement and social and economic injustice. This introduction specifies that “injustices…perpetuated by the economic and political elites” catalyzed the Occupy protest. Moreover, this document notes that the purpose of the movement was to rise up “against political disenfranchisement and social and economic injustice.” Occupy aspired to oppose political and economic exploitation wrought by these elite, demonstrating that the movement set itself in opposition to the political and economic norms that led to these injustices. Like the Franciscan “form of life,” Occupy opposed certain norms. Instead of juridical norms, however, Occupy articulated opposition to political and economic norms.

The Franciscans, through their use of poverty, placed their movement in opposition to the norms of ownership in particular. Occupy, too, opposed the specific

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263 NYC General Assembly, “Principles of Solidarity.”
264 Ibid.
265 Ibid.
norms of plutocratic politics—politics controlled by the financial elite—seen firstly in the occupation of Zuccotti Park. As mentioned earlier, while technically a public space, Zuccotti Park was in fact privately owned and created in exchange for leeway with certain building codes. Moreover, as Jerold Kayden emphasizes in his article published in October 2011, the public suffers from the policies established privately owned public spaces. Kayden describes the majority of privately owned public spaces as “practically useless, with austere designs, no amenities and little or no direct sunlight,” due to a lack of governmental guidelines as to what constitutes public space. Privately owned public spaces, then, can be seen as a failure of political and economic elite cooperation at the expense of the general public, where developers skirt zoning restrictions and the public receives useless space as a consolation prize. By reclaiming the park as a space for living—against the intentions of its owners—Occupy upset the norms of capitalist-controlled politics, where financial elites control politics while at the expense of the general public. Gitlin further demonstrates Occupy’s opposition to politics controlled by money, noting that the overarching idea behind the movement was that “the plutocracy that controls the commanding heights of the economy and politics needs to be curbed.” As both this quote and the occupation of Zuccotti Park demonstrate, Occupy opposed the domination of American politics by financial elites and the exclusion the ninety nine percent. In response to this grave injustice, Occupy set itself in opposition to the specific norms of plutocratic politics.

266 New York City Department of City Planning, “Privately Owned Public Space.”
267 Kayden, “Zuccotti Park and the Private Plaza Problem.”
268 Gitlin, *Occupy Nation*, 108.
Occupy’s opposition to the norms of plutocratic politics can also explain
Occupy’s lack of demands—a facet of the movement infuriating and perplexing for outsiders. As Bellafante noted in her initial critique of the movement, Occupy’s cause was “virtually impossible to decipher.” However, Graeber describes that the choice to not offer specific demands was a conscious decision by protestors to “refuse to take the traditional path, that rejected the existing political order entirely as inherently corrupt.” As Graeber emphasizes, Occupy refused to engage with the political establishment in order to demonstrate its corruption; hence, Occupy offered no demands. Gitlin reiterates this sentiment when describing the movement’s lack of demands, writing that Occupiers envisioned that “demands conferred legitimacy on the authorities.” Occupy’s lack of tangible demands, then, can be understood as Occupy’s opposition to plutocratic politics through the refusal to work within, and thus validate, the establishment. The American political establishment only led to the valuation of money over people, epitomized in the dysfunctional privately owned public spaces. By refusing to articulate demands, Occupy refused to give legitimacy to the elites who repeatedly exploited the masses. Occupy’s opposition to norms of plutocratic politics, then, explains why Occupy refused to articulate specific demands.

It is also important to add that in Agamben’s depiction of the Franciscans, it was their central term poverty that set them in opposition to the juridical norms of the Curia. Similar to the Franciscans’ usage of poverty, Occupy’s relationship with equality epitomizes their opposition to the norms of plutocratic politics. As Gitlin

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Bellafante, “Protesters Are Gunning for Wall Street, With Faulty Aim.”
Graeber, The Democracy Project, 89.
Gitlin, Occupy Nation, 110.
noted, Occupy opposed the massive power wielded by the “plutocracy,” who could dominate politics with their vast amounts of capital.\textsuperscript{272} The embodiment of equality, then, can be seen as an attempt to buck the inordinate power wielded by the elites. Through equality, the movement ensured that no one member had more power or control than others, contrasting with the financial elites’ control of politics. By allowing each member of Occupy to participate in politics—and even block the passage of legislation—Occupy’s equality opposed the norms of plutocratic politics that give exclusive power to the one percent. Equality, like the Franciscans’ usage of poverty, is the term that epitomizes Occupy’s conflict with the political norms it opposed.

It is important to reflect on role of equality in opposing political norms and the centrality of this opposition for our argument. While equality may not perfectly summarize Occupy, it provides a means to understand its conflict with its political surroundings and its opposition to the plutocracy. This description of Occupy as a “form of life” with a central term of “equality” provides an understanding of Occupy as it functioned in relation to the political establishment. While other sources were only able to understand Occupy based on their notions of how it should have functioned, Agamben’s “form of life” provides a facet of how Occupy actually functioned. The role of Occupy in opposing political norms also critiques Butler’s use of equality to describe mass movements. While Butler notes that the political performance of mass assemblies convey equality, this investigation demonstrated that Occupy not only conveys equality through its performances, but this term also sets

\textsuperscript{272} Ibid., 108.
the movement in opposition to juridical norms. Occupy’s relationship to equality, then, is distinct from the other mass movements that Butler analyzes. Instead of simply a term that the movement brings into existence through protest, Occupy’s equality defines the movement’s antagonistic relationship with the political establishment.

In addition to its opposition to norms, Agamben emphasizes that the Franciscan “form of life” fosters an “absolutization of the state of exception.” In order to define Occupy in the Agambean “form of life,” we will now investigate the extent to which Occupy also fostered an absolute “state of exception”—defined by Agamben as the suspension of juridical norms. The first sign that Occupy existed in an absolute “state of exception” was the apparent suspension of laws within Zuccotti Park, where normally illegal behavior became permitted. Describing the state of Zuccotti Park during the height of Occupy, Gitlin writes, “They became both communities of self governance and incubators of identity, even as real experience broke the mystique and the camps exposed their ugly sides, the criminality, and mental disturbance and ego-tripping.” Within the self-governing state of Occupy, “predatory men harassed women. There were heavy drugs.” As Gitlin’s hectic depiction of Zuccotti Park demonstrates, the Occupy encampment became a miniature “state of exception,” where laws barring criminal action—such as harassment and drug use—were suspended.

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274 Gitlin, Occupy Nation, 69.
275 Ibid.
Moreover, Occupy’s refusal to accept juridical norms within the camp demonstrates that the “state of exception” within Zuccotti Park was absolute. An article by Kate Taylor published in November 2011 cites “reports that protesters had been chastising perpetrators of crimes and ejecting them from the park, rather than notifying the police.”\(^{276}\) The supplanting of legal norms with informal chastisement suggested by Taylor’s article further demonstrates the suspension of society’s justice processes within the park. Additionally, Occupy’s apparent unwillingness to reach out to law enforcement to ensure juridical norms were followed indicates that Occupy decided to instill a state of lawlessness within Zuccotti Park. Just as life as a Franciscan fostered the absolute suspension of norms of ownership through the perpetual refusal own property or money, Occupy deliberately fostered an absolute “state of exception” by shunning intervention from law enforcement to control criminal behavior. Occupy’s refusal to accede to law enforcement demonstrates that, following Agamben’s depiction of the Franciscans, the “state of exception” of Occupy was absolute.

The extent to which the norms monitoring police behavior were blatantly disregarded by law enforcement in their interactions with Occupy further underscores that Occupy existed in an absolute “state of exception.” Graeber emphasizes the clandestine tactics used by police to discourage Occupy participation. Graeber cites protesters “tackled and having their heads repeatedly smashed by concrete” as well as “a systematic campaign of sexual assault against female protestors.”\(^{277}\) Moreover, an

\(^{276}\) Taylor, “Reports of Unreported Crime at Zuccotti Park Bother Bloomberg.”  
investigation by the Protest and Assembly Rights Project—an international group of legal experts evaluating human rights abuses—described endemic legal violations conducted by New York Police against members of Occupy. The Protest and Assembly Rights Project’s report “documents allegations of many incidents in which the evidence strongly suggests that police use of force was unnecessary and disproportionate, in violation of international law.” The report then files 130 incidents between protestors and law enforcement, including stomping, pushing and kicking. This report also notes that Zuccotti Park—as a privately owned public space—was required to be open to the public 24-hours every day. Nonetheless, the report notes that the government imposed “shifting and arbitrary park rules,” including provisions to limit those reentering the park with backpacks and sleeping bags after the mass eviction on November 15\(^{th}\), 2011. Both through its repeated abuses of protestors and by shifting the rules within Zuccotti Park, the police ignored the laws regulating their behavior, suggesting these laws were suspended as if in a “state of exception.”

In the perspective of the Protest and Assembly Rights Project, these actions taken by the police constitute grave human rights and free speech violations. However, this report offers no justification for why Occupy was subject to such brutal abuse. Agamben’s theory of “state of exception,” in contrast, provides an explanation for this incessant violence. If Occupy fostered an absolute “state of exception,” then the juridical norms monitoring free speech, guarding human rights and monitoring


\(^{279}\) Ibid., 117.
police conduct would also be suspended. Moreover, the repeatedly violent interactions between protestors and police can be explained through Agamben’s “force of law.” As Agamben noted, in the “state of exception” the sovereign and revolutionary groups fight over control of the “force of law,” or the ability to act with the power of law in the “state of exception.” From the perspective of Agamben, then, the abuses of police constituted the sovereign attempting to violently claim the “force of law.” Agamben’s “state of exception,” to summarize, explains not only why the police repeatedly ignored laws protecting protestors but also why this conflict between the police and protestors was particularly violent. The New York Police’s repeated abuses of Occupy members offer further evidence that Occupy existed in an absolute “state of exception.”

This investigation has demonstrated the extent to which Occupy fits within the framework of Agamben’s “form of life.” Occupy attempted to realize a “form of life” according to equality and redefined life as it related to politics and law. Moreover, Occupy’s embodiment of equality placed the movement in opposition to the norms of plutocratic politics. Lastly, as seen by the suspension of legal norms within the park and the movement’s violent interactions with law enforcement, Occupy existed in an absolute “state of exception.” Although there is not an equivalent of the Gospels from which Occupiers drew to create a “form of life,” Occupy displays nearly all of the characteristics of Agamben’s “form of life.”

280 Agamben, State of Exception, 39.
281 Ibid.
To summarize, Occupy can now be conceptualized as an attempt to institute a “form of life” and an attempt to realize life outside of the determination of law. As the Protest and Assembly Rights Project report demonstrated, Occupy frequently entered into conflict against the apparatus of the norms that they opposed. Moreover, Occupy, like the Franciscans, appears to have lost its fight against the normative body that it opposed, although there are few compelling explanations as to the nature of this failure. Now that we have determined that Occupy can be defined as a “form of life,” we can investigate whether applying Agamben’s depiction of the failure of the Franciscans will produce a satisfying explanation of Occupy’s failure.

Section 2: An Agambean Depiction of the Failure of Occupy

As mentioned in our discussion of the New York Times, Gitlin and Graeber, the explanation of failure proposed by all three of these sources is predetermined by their conception of how Occupy should have functioned. While these sources ultimately provide deeply flawed narratives of failure, our discussion of the theoretical framework of “form of life” and the absolute “state of exception” allowed us to understand the conflict between Occupy and the political establishment through the term “equality.” With this depiction of “form of life,” we can now apply Agamben’s analysis of the failure of the Franciscans to uncover a more satisfying understanding of the failure of Occupy Wall Street.

Returning to Agamben’s depiction of the failure of the Franciscans, he describes how by redefining poverty as “use” and “ownership” the Franciscans
inscribed themselves within the juridical norms that their movement opposed. Agamben summarizes this failure, writing, “This doctrine, precisely insofar as it essentially proposed to define poverty with respect to law, revealed itself to be a double-edged sword, which had opened the path to the decisive attack carried out by John XXII precisely in the name of the law.” Essentially, by redefining poverty in legal terms, the Franciscans made their “form of life”—and its opposition to the law—untenable. By defining themselves within the law, it is important to add, the Franciscans also lost the great novelty of their movement: “the attempt to realize a human life and practice absolutely outside the determinations of the law.”

To apply this framework to the failure of Occupy, there must be a similar moment for Occupy in which the movement’s “form of life”—its attempt to realize a new social order based on equality—was compromised by caving in to the norms that it set out to oppose. As mentioned previously, Occupy did not have leaders to issues statements or justifications on behalf of the movement. Therefore, the only way to apply Agamben’s framework is to look at how the movement articulated itself and whether through this articulation the movement compromised its opposition to political norms.

The clearest and perhaps only statements released by the movement itself came from the documents approved by the General Assembly. The “Declaration of the Occupation of New York City,” passed by the General Assembly on September 29, 2011, constitutes a redefinition of Occupy’s “form of life,” similar to the

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282 Agamben, The Highest Poverty, 137.
283 Ibid., 110.
Franciscans’ terminological change. This document enumerates a long list of “grievances” that the movement wants addressed.\textsuperscript{284} The grievances listed span a large range of topics, beginning with a statement on foreclosures: “They have taken our houses through an illegal foreclosure process, despite not having the original mortgage.”\textsuperscript{285} Further grievances include statements on student debt (“They have held students hostage with tens of thousands of dollars of debt on education, which is itself a human right”), campaign donations (“They have donated large sums of money to politicians, who are responsible for regulating them”), invasion of privacy (“They have sold our privacy as a commodity”), freedom of the press (“They have used the military and police force to prevent freedom of the press”) and dependence on oil (“They continue to block alternate forms of energy to keep us dependent on oil”).\textsuperscript{286} Despite the long list of grievances included in the “Declaration,” the document also specifies that this list is not “all-inclusive.”\textsuperscript{287}

This long list of “grievances” phrased the movement in terms of specific changes the movement wanted enacted. According to the Agambean model, this represents a fundamental change in the movement’s “form of life” and its relationship to political norms. As mentioned when discussing Occupy’s “form of life,” Occupy refused to articulate demands in order to not confer “legitimacy upon the authorities.”\textsuperscript{288} By phrased the movement’s purpose in terms of specific issues it wants addressed, Occupy appealed to the political establishment to address these

\textsuperscript{284} NYC General Assembly, “Declaration of the Occupation of New York City.”
\textsuperscript{285} Ibid.
\textsuperscript{286} Ibid.
\textsuperscript{287} Ibid.
\textsuperscript{288} Gitlin, \textit{Occupy Nation}, 110.
grievances, legitimizing the authority Occupy previously defined itself against. This articulation of “grievances,” then, inadvertently transformed Occupy into the very sort of political advocacy group that the movement previously opposed. If we accept the Agambean model we have been tracing, then Occupy’s “Declaration” is the point at which the movement inscribed its purpose as certain, concrete political issues, compromising its opposition to political norms. This is a clear parallel to Agamben’s depiction of the Franciscans, who through defining poverty through “use” and “ownership,” set up their movement to be subsumed into the Roman Curia by John XXII. Moreover, leaving open the possibility to add more grievances to their “Declaration” only continued to ensconce the movement within the accepted political norms. Similar to the Franciscans, who repeatedly attempted to vindicate poverty through “use” and “ownership,” adding more grievances would not make the movement more malleable but would instead further entrench the movement within the political framework it opposed.

Agamben’s depiction of the Franciscans also emphasizes the extent to which the Franciscan scholars redefined their central term, poverty through “use” and “ownership.” After this redefinition of poverty into specific legal terms, the Franciscans “form of life” lost its power to oppose the juridical norms of the Curia. Thus, if we follow the Agambean model, Occupy’s enumeration of grievances would effect an internal change in the nature of the movement, which would ultimately fundamentally change the meaning of their central term—equality. While the “Declaration” does not include a formal terminological change, it nonetheless
suggests that the “grievances” offer a depiction of equality. Many of the “grievances” seem to nod towards the creation of an equal society, including sections describing lowering student loans, abolishing exploitative mortgages and establishing a free press. This enumeration of “grievances” effectively redefined equality to signify the specific political changes outlined in the “Declaration” instead of the new social order proposed broadly through Occupy’s performances. By redefining equality as specific political changes that were to be enacted through the political establishment, Occupy’s “Declaration” inscribed equality within the political norms that the movement opposed.

Graeber, describing Occupy’s refusal to articulate demands, posed the sarcastic question, “Why don’t we engage with the existing political structure so as to ultimately become a part of it?”289 While Graeber intended to demonstrate Occupy’s commitment to opposing political norms, in fact this quote succinctly summarizes Occupy’s failure. By articulating equality in terms the political structure could understand, Occupy became a part of the establishment, losing its ability to propose radically new ways of conceptualizing politics and life.

In his discussion of the Franciscans, Agamben notes that their terming of “poverty” through “use” and “ownership” was a “double-edged sword,” providing the Franciscans with temporary protection while ultimately setting the movement up to be struck down by the legal critique of John XXII.290 Occupy’s redefinition of equality into “grievances” appears to follow a similar trajectory. The articulation of

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290 Agamben, *The Highest Poverty*, 137.
certain grievances provided a response to Bellafante’s early critique that the movement had no clear political purpose. However, once the movement had articulated specific political goals, it could be criticized for not achieving them. As demonstrated by the opinion pieces of Kristof and Blow, many observers anticipated that Occupy would change its tactics and “occupy the agenda.”291 The articulation of the movement into “grievances” vindicates Kristof’s interpretation of the movement as attempting to achieve certain political goals. However, once these political goals enumerated in the “grievances” were not accomplished, outsiders viewed Occupy as another popular movement that simply “fizzled out.”292 While Occupy’s redefinition provided temporary refuge from Bellafante’s critiques, this redefinition ultimately led to the movement compromising its opposition to the political establishment and set up the movement for further criticism when it was unable to achieve concrete political goals.

Ironically, an Agambean critique of Occupy Wall Street suggests that the movement’s peak as a “form of life” occurred at the time of Bellafante’s critique of inefficiency. During this moment, Bellafante saw the movement as “impossible to interpret,” in essence dismissing Occupy because it could not be interpreted as a normal progressive movement.293 However, Occupy opposed the political establishment, aspiring to be incomprehensible to those approaching Occupy as a standard progressive movement.294 Therefore, Bellafante’s article captured the

291 Kristof, “Occupy the Agenda.”
292 Sorkin, “Occupy Wall Street.”
293 Bellafante, “Protesters Are Gunning for Wall Street, With Faulty Aim.”
294 Gitlin, Occupied Nation.
movement at the moment when it retained its power to propose a new “form of life” in opposition to political norms. While Bellafante saw this incomprehensibility as a weakness, from the perspective of Agamben her article depicted the movement in a moment of strength, in the midst of its attempt to propose a radically new way of conceptualizing life.

Bellafante also bemoaned that the movement “pantomime[d] progressiveness instead of practic[ing] it knowingly.” However, Occupy’s attempt to practice standard progressivism was, from the Agambean perspective, the cause of its decline. Once the movement defined itself through “grievances,” it lost its novelty and inadvertently set itself up for failure due to its inability to function as a normal political movement. In a further twist of irony, once Occupy became a political movement in eyes of Bellafante, it lost its grasp on “politics” in the sense in which Agamben uses the term. Through transforming into a standard progressive movement with specific political demands, Occupy no longer proposed a new conception of life as it relates to law and politics. Therefore, by redefining equality, Occupy lost its “political” dimension in the Agambean sense since it no longer attempted to sever life from law, while at the same time becoming a political movement in the eyes of Bellafante.

Occupy’s reformulation into a movement that functioned within the political establishment also explains Occupy’s subsequent policy proposals. After police forced protestors out of Zuccotti Park, Occupy released a statement against SOPA (Stop Online Piracy Act) as well as a “Resolution to End Corporate

Personhood,” clear examples of traditional political advocacy. These statements—approved by the GA on December 4th and December 29th respectively—appear to contradict Occupy’s commitment to shunning the political establishment and its refusal to articulate any concrete demands. However, from the perspective of Agamben, these overt political statements are merely the result of the movement’s fundamental redefinition as “grievances.” Once the movement inscribed itself within political norms through the articulation of “grievances,” advocacy for specific laws and policies was a logical development. Similar to the Franciscans who could not argue poverty out of the juridical terms used to define it, Occupy’s articulation of “grievances” trapped the movement in the language of ordinary political advocacy.

According to this Agambean critique of the movement, Occupy only lasted from its start on September 17th until the adoption of the “Declaration” on September 29th, essentially one and a half weeks. This would seem to be an absurd measure of the movement’s strength, as it continued to gather momentum until its eviction from Zuccotti Park on November 11th. Nevertheless, it is important to remember, as discussed above, that Agamben is concerned primarily with the Franciscans’ radical conception of life severed from law. If we hold strictly to this model, we can now identify Occupy’s “failure” as the moment when Occupy lost its radical ability to embody a new political reality—and a new conception of life—and instead became another political movement advocating for certain changes within “the system” and in terms “the system” could understand.

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296 NYC General Assembly, “Statement Against SOPA”; NYC General Assembly, “Resolution to End Corporate Personhood.”
As noted in our discussion of the Franciscans, Agamben proposed that the friars could have maintained their opposition to the law by creating “a definition of use in itself and not only in opposition to law.” Applying this critique to Occupy, Agamben would have advocated that Occupy define equality not through the language of political advocacy but instead in the movement’s own terms. As we demonstrated earlier, Occupy did not seem to have a formal definition of equality. Nevertheless, we were able to employ Butler to point out that the political performances of the movement conveyed this value of equality. Through these performances, Occupy defined equality in its own terms, even if many of its observers—such as Gitlin and Bellafante—could not grasp this articulation. To maintain their definition and control over “equality,” Occupy could have continued the performances of their occupation while suppressing any attempts to articulate equality as specific demands. Our Agambean reading would thus propose that by remaining incomprehensible to the political mainstream, Occupy would have retained control over a definition of equality and would not have entangled this term with the political norms it opposed. By refusing to redefine equality through demands, Occupy would have maintained its “form of life” vis a vis the political norms. Just as Agamben imagined a past where the Franciscans didn’t fail, an Agambean reading of Occupy proposes a possible outcome where Occupy did not redefine itself and was able to maintain its “form of life.”

Now that we have found an understanding of Occupy’s failure from the perspective of Agamben, we can reflect on the advantages this interpretation offers.

297 Agamben, *The Highest Poverty*, 139.
As proposed in the introduction, Gitlin, Graeber and the New York Times first conceived of how the movement should have functioned and then fit their explanation of failure to support this presupposition. For Agamben, on the other hand, the only “end” for the movement was to maintain the pursuit of the goals and aspirations the movement itself proposed. Instead of interpreting failure through a preconceived notion of how Occupy should have functioned, the Agambean framework only evaluated Occupy based on the oppositions the movement itself articulated.

In addition to avoiding the prescriptive tendencies of other sources writing on Occupy, the Agambean interpretation of the Occupy movement constructs its interpretation from the movement itself. As mentioned in our discussion of comparisons, the use of direct comparisons is a dangerous technique that often results in the blurring of the “Other” into the “One.” The New York Times and Gitlin interpret Occupy through this faulty use of comparison—equating the movement to political advocacy groups and prior leftists mass movements respectively. Graeber, while not directly comparing Occupy to other political phenomena, nonetheless interprets the movement through his concept of debt. Instead of looking to prior movements or theories to understand Occupy, the Agambean depiction of Occupy grounds its interpretation in the performances that characterized the movement’s opposition to political norms. By conceptualizing Occupy as a “form of life” in an absolute “state of exception,” the Agambean interpretation is able to grasp both the powerful reformulation of life proposed by the movement as well as the ultimate contradictions that compromised its unique moment of power.

298 Radhakrishnan, “Why Compare?”
One further advantage provided by an Agambean analysis of Occupy is its ability to synthesize the contradictory explanations put forward by the New York Times and Graeber. Graeber and the New York Times proposed that Occupy functioned outside and inside of the political mainstream respectively, making for a cohesive understanding of Occupy near impossible. The Agambean reading of Occupy, however, reconciles these perspectives by showing that Occupy functioned both inside and outside of political norms. Graeber, who was present during the planning and first days of Occupy, saw the movement when its refusal to act according to political norms was clearest, explaining why he described Occupy as existing outside of political norms. The New York Times, on the other hand, only admired Occupy when it began to function as a more traditional political movement and after the “Declaration,” explaining why the New York Times proposed that Occupy should function within the establishment. From this perspective—and in agreement with Graeber—Occupy’s initial refusal to enter politics was its strength. However, in congruence with the opinions of several New York Times journalists, Occupy transitioned to functioning as a standard progressive movement through the articulation of “grievances.” By demonstrating how over time Occupy functioned both inside and outside of political norms, the Agambean depiction of Occupy’s failure can explain these drastically differing conclusions.

To conclude, this investigation has applied Agamben’s theory on the “state of exception” and his depiction of Franciscan monastic practices to arrive at a new understanding of Occupy Wall Street. While Occupy clearly had a strained
relationship to political norms, this interpretation brings these norms to the forefront, demonstrating that Occupy both as it existed outside of political norms and how this existence was deeply troubling and challenging for the establishment. Although Occupy may not have succeeded in creating the utopic vision for society it envisioned, it nonetheless was able to propose a new conception of life that challenged and inspired its adherents and observers.

When describing the Franciscan movement’s renegotiation of life and law, Agamben proposes that the Franciscan attempt to realize life outside of law is “in the present conditions of society, totally unthinkable.”\(^\text{299}\) While it is true that the Franciscans’ explicit severing of life from law is a novelty unique to that movement, Occupy also functioned “politically” in its attempt to imagine life freed from political norms. Through its vision of a new social structure, Occupy, like the Franciscans, brought into existence a new relationship between life and law. Although Occupy’s vision for a new conception of life ultimately failed, our Agambean analysis of Occupy demonstrates that—contrary to Agamben’s pessimistic forecast—a contemporary movement could emerge and reassert the distinction between life and law. Although Agamben’s model explains the failure of radical movements, there is hope for a new movement to carry forward the project attempted by Occupy and the Franciscans and realize a “form of life” that frees life from the confinement of law.

\[^{299}\text{Agamben, The Highest Poverty, 110.}\]
In its analysis of Occupy Wall Street, this investigation provided an alternative to the flawed narratives surrounding the movement. Instead of tying the movement’s failure to a prior conception of how Occupy should have functioned based on anecdotal comparisons to seemingly similar contemporary political movements, this investigation instead pursued a description of how Occupy did function, understanding Occupy through its conflict with political norms. However, the Agambean interpretation of Occupy is not without its own failings. As mentioned in the introduction, this interpretation does not is not comprehensive and cannot account for the unique factors that impacted the viability of Occupy. The Agambean investigation of both Franciscans and Occupy focused on the movement’s internal cohesion and its strength as a “political”—i.e. proposing life severed from law—entity. While Agamben’s theory explains Occupy’s tensions with external forces as a result of existence in an absolute “state of exception,” this perspective looks only towards the movement for an understanding of its failures. While the strength of this interpretation is the ability to analyze the movement as it related to the political establishment, it is also important to note the limitations of Agamben’s interpretive framework.

Perhaps the biggest failing of Agamben’s interpretative framework is the inability to incorporate space into “form of life.” Although Agamben’s theory on “form of life” is remarkably transposable and can be utilized to understand movements isolated temporally and culturally from the Franciscans, Agamben’s
interpretive framework does not cohesively link the movements’ relationships to space to their “form of life.” As a conclusion, this final section will attempt to supplement and critique Agamben through an investigation into the relationship between “form of life” and space.

As demonstrated in our discussion of both the Franciscans and Occupy, space plays an important role in both of these movements. Franciscan literature repeatedly emphasized that brothers remained iterant and chose not to settle in a single space so as to avoid even the appearance of ownership.\textsuperscript{300} For Occupy, as well, the control and transformation of space was one of the central facets of the movement. As we discussed in the performances of mass assemblies, Occupy was able to upset the norms of private and public, creating spaces that manage to be simultaneously public and private. For example, Zuccotti Park included spaces for mass political activities, as well as a kitchen and spaces for sleeping.\textsuperscript{301} The role of space, as these examples demonstrate, is deeply tied to the “form of life” of both the Franciscans and Occupy.

When discussing the role of space for both the Franciscans and Occupy, it is important to note that the movements appeared to have opposing relationships to space. While the Franciscans abdicated the reliance on space and advocated for constant movement, Occupy centered on the transformation, reclamation and occupation of space. Although “form of life” provides a framework through which a wide range of radical action can be understood, these movements’ contradictory relationships to space demonstrate a clear limitation on the application of this theory.

\textsuperscript{300} Armstrong, \textit{Francis of Assisi - The Saint}, 214.
\textsuperscript{301} Massey and Snyder, “Mapping Occupy Wall Street.”
Part of this distinction in approaches to space can be explained by the central term of each movement’s “form of life.” Thomas of Celano, as mentioned earlier, specified that the Franciscans refused to settle in any single space to avoid the perception that they would be tied to ownership. This commitment to abdicating all ownership can be understood as the embodiment of Franciscan poverty, explaining their strained relationship to space. For Occupy, however, the relationship between space and “form of life” is more opaque. According to Graeber, Occupy depended on a “free public space in an American city,” suggesting that Occupy could only exist urban settings specifically. While this sentiment is not articulated by Occupy, it is possible to view the city as the embodiment of inequality, where the fabulously wealthy and the exploited poor can live and work adjacent to one another. From this perspective, the occupation of urban space can be seen to challenge the inequality embedded within the American city. While this understanding of “form of life” and space is not complete, part of this contrast between Occupy and the Franciscans’ relationships towards space can be explained by the central term of each movement’s “form of life.”

It is also important to note that each movement’s relationship to space is deeply tied to its respective historical “moment.” For instance, Lester Little’s *Religious Poverty and the Profit Economy* (1983)—a classic of medieval history—observed that the Franciscans’ conception of poverty depended upon the unique economic circumstances of the late thirteenth century, specifically the rise of “cities

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with their inhabitants and their products and their particular modes [which] had come to assume a role in contemporary affairs of great importance in proportion to their small size.”³⁰⁴ Due to the economic prominence of cities, Franciscans catered their religious program to target property and money—subjects of deep importance for the merchant-class of urban dwellers—and were able to find support in the patronage of “the prospering and influential people of urban society.”³⁰⁵ Franciscan poverty, Little demonstrates, depended on the unique framework of small, mercantile cities where wealthy, merchant patrons could support the poverty-stricken Franciscans. Franciscan abdication of space, Little suggests, was contingent on the movement’s historical “moment.”

Occupy’s relationship to space is bound up in its historical “moment” as well. Butler’s conception of space, through which we were able to interpret Occupy’s subversion of norms of public and private space, only evaluated mass assemblies. Due to its focus on this modern phenomenon—specifically the “Arab Spring” protests along with Occupy—Butler’s theory on space is temporally bounded and cannot be applied directly to the Franciscans. As described by Graeber, Occupy depended on “free public space” in an urban setting in order to establish a center of occupation.³⁰⁶ Like the Franciscans, Occupy’s relationship to space depends on historical factors, particularly the emergence of urban public space. The historical frames that inform these movements’ relationships to space, then, push against a cohesive model synthesizing “form of life” and space.

³⁰⁴ Little, Religious Poverty and the Profit Economy in Medieval Europe, 219.
³⁰⁵ Ibid., 197.
³⁰⁶ Graeber, The Democracy Project, 134.
Perhaps because of the impossibility to capture space within a model for radical action, Agamben avoids incorporating the Franciscans’ relationship to space into their “form of life.” Nonetheless, it seems premature to declare that relationships to space are historically contingent and thus cannot be accounted for in Agamben’s model for radical action. Instead, after showing Occupy to embody an Agambean “form of life,” this movement seems to also present the opportunity to further investigate the role of space in the Agamben’s theory.

Further analysis of Occupy Wall Street presents the opportunity to expand on the relationship between space and “form of life.” Agamben draws entirely from the Franciscans to understand “form of life,” limiting himself to a small number of antiquated sources. Occupy, on the other hand, is a modern movement with most of its participants still alive. Because of the accessibility of the sources on Occupy, further analysis of this movement offers the potential to expand on Agamben’s “form of life.” While the historicity of each movement’s relationship to space seems to push against a model for understanding this relationship, the accessibility of sources on Occupy presents an avenue for future research. Through comprehensive research on Occupy’s relationship to space, it is possible to expand on Agamben’s “form of life” so as to incorporate space into his theory.

The language of space has become particularly prevalent among contemporary radical movements. The fostering of “safe spaces” has become a topic of frequent debate among today’s activists, particularly on college campuses. For Agamben’s “form of life” to be a model that is applicable for radical action today, his
theory must explicitly incorporate the importance of space. While an examination of
space within Occupy is outside of the scope of this project, this investigation provides
a potential path to expand upon the Agambean model. By uncovering more in-depth
accounts of Occupy’s relationship with space, space could be incorporated into
Agamben’s “form of life” to ultimately create a stronger model for describing and
synthesizing radical movements.

The role of space, to conclude, is an exciting and essential frontier for
developing Agamben’s “form of life.” With the continued expansion of the “state of
exception” into the modern paradigm of politics, uncovering the relationship between
“form of life” and space is more important now than ever before. If the “state of
exception” continues to expand, there runs the risk of erasing entirely the distinction
between life and law. To further Agamben’s project of “form of life” and to push
against the “state of exception” that has encompassed modern politics, we must turn
towards space as the site where pure life and pure law can be found.
Figure 1: *Wealth Inequality in America* Infographic
https://www.youtube.com/watch?v=QPKKQnijnsM.
On September 17, 2011, people from all across the United States of America and the world came to protest the blatant injustices perpetuated by the 1% - the economic and political elites - whose actions affect all of us, the 99%.

We spoke out, resisted, and successfully occupied Wall Street. Today, we proudly remain engaged in non-violent civil disobedience while building solidarity based on mutual respect, acceptance, and love.

We are the 99% and we have assumed full responsibility for the future of our society, our culture, and most importantly, our own lives.

The General Assembly is a gathering of people committed to making decisions based upon a collective agreement or “consensus.”

There is no single leader or governing body of the General Assembly - everyone’s voice is equal. Anyone is free to propose an idea or express an opinion as part of the General Assembly.

Each proposal follows the same basic format - an individual shares what is being proposed, why it is being proposed, and, if there is enough agreement, how it can be carried out.

The Assembly will express its opinion for each proposal through a series of hand gestures (see next panel). If there is positive consensus for a proposal - meaning no outright opposition - then it is accepted and direct action begins.

If there is not consensus, the responsible group or individual is asked to revise the proposal and submit again at the following General Assembly until a majority consensus is achieved.

Within the General Assembly, there are smaller gatherings known as “Working/Thematic Groups” that focus on supporting specific initiatives or topics relevant to the movement. These range from Food, Medical, and Legal Committees to Arts & Culture, Direct Action, Principles of Solidarity and many more. All groups are open to anyone interested in supporting.

For a list and description of each group, check out: nycgacc/groups/

There are four basic hand gestures used during the General Assembly to express an opinion. These are used to ensure everyone’s voice is heard and every opinion is respected.

a. Yes/Agreement

b. No/Disagree

c. Point of Process – a valued interruption

d. Block – This action will stop a proposal from being accepted unless retracted after further dialogue.
Figure 3: Map of Zuccotti Park
Figure 4: Layout of Spokes Council
## References


https://www.youtube.com/watch?v=JVpoOdz1AKQ.


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