

## Re-reading the riots: counter-conduct in London 2011'

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## Re-Reading the Riots: Counter-Conduct in London 2011

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### Abstract

The riots that took place in England in August 2011 have widely been described as destructive, senseless and without purpose. This article, taking inspiration from Michel Foucault's later work on revolt as counter-conduct, argues for a new understanding of how to read political expression and thereby calls for the riots to be thought differently, as a form of counter-conduct. This demands a new appreciation for the possibilities of revolt where spontaneous, impulsive, mundane and non-spectacular events like riots can be construed as *political* rather than purely criminal. It also opens up possibilities for how we might understand the ethos of the 'revolting subject'.

### Keywords

Counter-conduct; riots; London Riots; Occupy

## Introduction

I teach Legal Theory to final year undergraduates. One of the exercises we set the students, to highlight the practical application of theory, is to think about the ‘London Riots’ from different theoretical perspectives to see how the narrative changes depending on how one thinks the event. Regardless of perspective, one thing they usually agree on is that the riots were destructive and senseless. But, I query with them, if critique is about thinking *differently*, can we think the London Riots as something other than *only* destructive and senseless?<sup>1</sup> This article aims to do precisely that – to re-read the riots as something other than *only* destructive and senseless using the critical framework of counter-conduct. This framework allows me to tell a different story, one that is removed from the popular dismissive readings of the riots that my students sided with, and which focuses on the behavior of the rioter as a performance of struggle which says I do not want to be conducted *like that*. The story is then about refusal of a type of conducting power that defines the *right way* to resist and which criminalises behavior that does not fit this label. It is not about whether the behavior of the rioter is bad but focuses instead on how she actually acts without the need to judge it as right behavior. There is then no ‘hero’ in my story – but there is no ‘villain’ either; my re-reading of the riots does not glorify the rioter or her behaviour but rather labeling her revolt counter-conduct allows me to see her behavior as *political* and not only criminal. Moreover, my story also draws attention to what the riots produced and not only what they destroyed in terms of both the counter-communities that the riots have seen flourish and in terms of the crisis in modern British society, defined as a Big Society,<sup>2</sup> which they reveal.

My objective in this article is then twofold; first, to explain the utility of counter-conduct as a framework for a new appreciation of the possibilities of resistance, and

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<sup>1</sup> Critique can be linked with ‘curiosity’ – that is, ‘a sharpened sense of reality, but one that is never immobilised before it; a readiness to find what surrounds us strange and odd; a certain determination to throw off familiar ways of thought and to *look at the same things in a different way*’ in M Foucault, ‘The Masked Philosopher’ in M Foucault, *Ethics: Volume 1: Subjectivity and Truth: Essential Works of Foucault 1954-1984* (P Rabinow, ed; R Hurley, trs) (London: Penguin, 2000), p. 325. My emphasis.

<sup>2</sup> Although David Cameron’s Big Society Agenda of 2010 (see D Cameron, ‘Speech on the Big Society’, 23 May 2011, available: <[www.gov.uk/government/speeches/speech-on-the-big-society](http://www.gov.uk/government/speeches/speech-on-the-big-society)> accessed 15 December 2015) has largely been replaced in political rhetoric by ‘Community and Society’, the ethos of the Big Society continues to be pursued by policies that reflect the three main original goals of the Big Society: community empowerment, promoting social action and opening up public services (see Civil Exchange, ‘Whose Society? The Final Big Society Audit’, January 2015, p. 6, available: <[www.civilexchange.org.uk/wp-content/uploads/2015/01/Whose-Society-The-Final-Big-Society-Audit\\_final.pdf](http://www.civilexchange.org.uk/wp-content/uploads/2015/01/Whose-Society-The-Final-Big-Society-Audit_final.pdf)> accessed 15 December 2015). Moreover, see also the pledge on the Big Society in ‘The Conservative Party Manifesto 2015: Strong Leadership, A Clear Economic Plan, A Brighter, More Secure Future’, The Conservative Party, Chapter 4.

second, to recognise the struggle of the rioting subject and to acknowledge her behavior as a political reaction and not one that is only criminal. In doing so, I hope to stretch the Foucauldian framework of governmentality and contribute to new understandings of protest as counter-conduct using the riot and its specificity as my case study;<sup>3</sup> and to add a concern with the political and ethical subjectivity of the rioter to existing readings of the riots.<sup>4</sup>

So, I begin by outlining counter-conduct as both the act of revolt and a framework, or methodology, for thinking about the riot as revolt. I go on to describe how the riots in London were conceived in popular discourse, before presenting my alternative narrative of the riots as counter-conduct. Here I examine what the riots countered in the sense of being a reaction against police power and against the responsabilisation ethic of the Big Society. Moreover, seeing the riots as counter-conduct highlights a crisis in policing and more generally in the Big Society ethic (which is one of responsible behavior; the active citizen of Cameron's Big Society should be dutiful and make the most of opportunity – she should not riot). I then draw out the specifics of the riot – which distinguish it from 'proper resistance' movements like Occupy: the riot is distinctive in terms of creating violent spectacles and spontaneous, impulsive reactions that do not affect change or are indifferent to it.<sup>5</sup> The conclusion of my story of the riot is then to point to the value of the counter-narrative; to highlight and acknowledge the political within how the rioter *actually acts*. I conclude by questioning how we might understand the ethos of the rioter and what its value might be. What possibilities for revolt, in other words, does recognising the improvised struggle of the rights-bearing subject allow for?

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<sup>3</sup> Note in particular here C Death, 'Counter-Conducts: A Foucauldian Analytics of Protest' (2010) 9(3) *Social Movement Studies* 235; see also B Sokhi-Bulley, 'Performing Struggle: *Parrhēsia* in Ferguson' (2015) 26(1) *Law and Critique* 7. On readings of Foucault on resistance, see L Cadman, 'How (not) to be governed: Foucault, critique and the political' (2010) 28 *Environment and Planning D: Society and Space* 539; BL Pickett, 'Foucault and the Politics of Resistance' (1996) 28(4) *Polity* 445; J Whyte, 'Is Revolution Desirable? Michel Foucault on Revolution, Neoliberalism and Rights' in B Golder (ed), *Re-Reading Foucault: On Law, Power and Rights* (Abingdon: Routledge, 2012), p. 207.

<sup>4</sup> See S Lambie, 'The Quiet Dangers of Civilized Rage: Surveying the Punitive Aftermath of England's August 2011 Riots' (2013) 112(3) *South Atlantic Quarterly* 577 and the collection of papers entitled 'Against the Day' in this special issue of the *South Atlantic Quarterly*; A MacDonald, 'Nocturnal Games in the Streets' (2012) 23(3) *Law and Critique* 185-197; and I Tyler, *Revolting Subjects* (London: Zed Books, 2013). On riots in general, I am indebted to the work of F Kaulingfreks, *Making Trouble: Disruptive Interventions of Urban Youth as Unruly Politics* (Rijerprint BV: Ridderkerk 2013) and C Douzinas, *Philosophy and Resistance in the Crisis* (London: Polity Press, 2013). **ADD SPECIAL ISSUE REFS**

<sup>5</sup> Note the counter-argument from D Bulley, 'Occupy Differently: Space, Community and Urban Counter-Conduct' in this Special Issue.

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## Counter-Conduct

It is no wonder, given the events of May 1968 in France, which witnessed large-scale student protests and occupations, and led to the greatest general strike in European history, that Foucault was interested in the question of ‘resistance’ in his work in the mid-late 1970s.<sup>6</sup> In 1976, he makes the well-known statement ‘[w]here there is power, there is resistance’.<sup>7</sup> Then, in 1978, he faces a problem of vocabulary; the term ‘resistance’ is no longer adequate and he looks for another word to describe ‘counter-movements’ or ‘counter-attacks’ that better captures a sense of refusal and struggle.<sup>8</sup> He dismisses ‘revolt’, ‘disobedience’, ‘dissent’ and ‘misconduct’ in favour of the term *counter-conduct*. ‘Revolt’ is too strong a term, too precise to designate more diffuse and subdued forms of resistance. ‘Disobedience’ is purely negative and ignores the extent to which resistance is productive, consistent and based in solidarity. ‘Dissidence’ is the worst word for him, it is too localized to the pastorate and is also not useful due to its dangerousness – the identification ‘dissident’ suggests ‘a process of sanctification or hero worship’ that makes it useless for identifying the delinquent or madman. The delinquent/madman is not a hero but does act ‘in the very general field of politics or in the very general field of power relations’.<sup>9</sup> ‘Misconduct’ is also rejected as it refers only to the passive sense of the word – to not conducting oneself properly. Counter-conduct, however, connotes diffuse forms of resistance; it refers to behavior that says “We do not want this salvation, we do not wish to be saved by these people and by these means ... We do not wish to obey these people ... We do not want this truth.”<sup>10</sup> A key feature of counter-conduct is then a ‘struggle against the processes implemented for conducting others.’<sup>11</sup> In observing the struggle and thinking it as counter-conduct we are challenged to look at ‘the way in which someone *actually acts*’<sup>12</sup> within the field of power relations (i.e. within the ‘social’) without, crucially, the need to judge the behavior as proper, or ‘sacred’.<sup>13</sup> And this makes it possible to see the behavior of ‘delinquents, mad people, and patients’,<sup>14</sup> or of the

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<sup>6</sup> On May 1968, see K Reader (with K Wadia), *The May 1968 Events in France* (Basingstoke: The Macmillan Press, 1993).

<sup>7</sup> M Foucault, *The History of Sexuality: Volume 1: The Will To Knowledge* (R Hurley, trans) (London: Penguin, 1998), p. 95.

<sup>8</sup> M Foucault, *Security, Territory, Population* (M Senellart, ed; G Burchell, trs) (Basingstoke: Palgrave Macmillan, 2007), p. 195 and pp. 200-202.

<sup>9</sup> *Ibid.*, p. 202.

<sup>10</sup> *Ibid.*, p. 201.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, p. 202. My emphasis.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

rioter – for what it is; a specific form of refusal or struggle that is a reaction against power as conducting. Counter-conduct is also not passive in the sense that it requires *actually acting* and the act can create a spectacle, a visual performance of struggle.

The context for Foucault's concern with the 'the problem of conduction'<sup>15</sup> was the Christian and Catholic pastorate of the sixteenth and seventeenth centuries, which was concerned with the 'art of conducting, directing, leading, guiding, taking in hand and manipulating men ... collectively and individually throughout their life and at each moment of their existence'.<sup>16</sup> This pastoral type of power has translated to the modern state, where 'technologies of pastoralism'<sup>17</sup> operate within government through a rationality that operates via a doctrine of police. The police, or *policing*, is thus the internal mechanism of government and 'aims at everything from being to well-being'<sup>18</sup> and is concerned with the problem of conduction. The rioter reacts against the conducting power of the police, which is increasingly hallmarked by violence and an excessively punitive response.<sup>19</sup> The rioter also counters being managed through the ethic of behavior that now defines her society. That is, within the modern British state, it is possible to identify technologies of pastoralism that operate within a new governmental ethic of responsibility, until recently marketed as the 'Big Society'. Re-branded as 'Community and Society', it features policies such as National Citizen Service that aim at shaping, guiding and regulating the behavior of youth.<sup>20</sup> It is this ethic of responsibility that the rioter is refusing by acting out in the riots we saw in London and then throughout England in 2011.

Counter-conduct is then the physical act of refusal. And it is also a methodology, a lens through which to view acts of refusal.<sup>21</sup> The lens magnifies the power relations of conducting power that regulate the individual of the Big Society into the right way to behave within society to be recognized as the right kind of active, responsible citizen. The active citizen had recourse to the right channels for resistance – which involve exercise of her right to freedom of expression and freedom of assembly through civilized channels. For instance, protest which disrupts public space by just *being there*, like the Occupy movement with which I make comparison later, is more palatable and does not

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<sup>15</sup> *Ibid.*, p. 230.

<sup>16</sup> *Ibid.*, p. 165. See also B Golder, 'Foucault and the Genealogy of Pastoral Power' (2007) 10(2) *Radical Philosophy Review* 157-76, p. 167.

<sup>17</sup> Golder, *op. cit.*, p. 167.

<sup>18</sup> Foucault, *Security, Territory, Population, op. cit.*, p. 328.

<sup>19</sup> N El-Enany, 'Ferguson and the Politics of Policing Radical Protest' (2015) 26(1) *Law and Critique* 3.

<sup>20</sup> Civil Exchange, *op. cit.*

<sup>21</sup> On governmentality as (an alternative) methodology, see B Sokhi-Bulley, 'Alternative Methodologies' (2013) 2 *Law and Method (Rechte en Methode)* 6.

result in the protestor being assumed to be only criminal. The active citizen does not need to riot. Moreover, she is not recognized as enacting a right to resist if she riots. She is not to inflict disorder.

### England's 'Summer of Disorder'<sup>22</sup>

#### *The Riots in Popular Discourse*

The 'summer of disorder'<sup>23</sup> took place between 6-10 August 2011, when several London boroughs (including Tottenham, Enfield, Walthamstow and Hackney) and cities across England suffered violence, looting and arson. The first night of rioting took place after a peaceful protest by about 200 people outside Tottenham police station over the fatal police shooting of Mark Duggan, a 29-year old black man, which has since been ruled to be a 'lawful killing' in January 2014.<sup>24</sup> The event was claimed by the Independent Police Complaints Commission to be part of an Operation [Trident] investigating gun crime within the black community. As *The Guardian* reported, 'all hell then broke loose'.<sup>25</sup> In parts of North London, the police reported disturbances on a scale that merited comparison with the Brixton Riots of 1981, also characterized by violence, boredom and spontaneous uprisings against years of repression by the police.<sup>26</sup> Similarly, 'copycat violence' took place in major cities such as Birmingham, Liverpool and Manchester, and led to the riots being termed the 'UK Riots' or, more accurately still, the 'England Riots', rather than the 'London Riots'.<sup>27</sup>

What made this 'Britain's most significant and widespread urban unrest in at least a generation'?<sup>28</sup> Whilst still only a small part of the population a substantial number of people, upwards of fifteen thousand, are thought to have taken part. Twenty-five hundred shops and businesses experienced looting. As Trott writes, '[o]n just one night

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<sup>22</sup> 'Reading The Riots: Investigating England's Summer of Disorder', *The Guardian* in partnership with The London School Of Economics, available: <<http://www.theguardian.com/uk/2011/sep/05/reading-riots-study-guardian-lse>> (accessed 2 April 2014). See also <[www.theguardian.com/uk/series/reading-the-riots](http://www.theguardian.com/uk/series/reading-the-riots)>

<sup>23</sup> Ibid.

<sup>24</sup> 'Inquest Touching Upon the Death of Mark Duggan', document of the Mark Duggan Inquest – available <<http://dugganinquest.independent.gov.uk/index.htm>> (accessed 28 March 2014).

<sup>25</sup> <<http://www.theguardian.com/uk/2011/aug/07/tottenham-riots-peaceful-protest>> (accessed 2 September 2013).

<sup>26</sup> C Bloom, *Riot City: Protest and Rebellion in the Capital* (Basingstoke: Palgrave MacMillan, 2012).

<sup>27</sup> See 'Reading the Riots', *op. cit.*; B Trott, 'Introduction: 'Rebellious Subjects: The Politics of England's 2011 Riots' (2013) 112(1) *South Atlantic Quarterly* 538.

<sup>28</sup> Trott, 'Introduction: Rebellious Subjects', *op. cit.*, 538.

in the capital, an unprecedented sixteen thousand police officers were deployed to quash the riots and according to the Metropolitan Police, 4,714 riots-related arrests were made during the uprisings and their aftermath – with 2,905 formally charged or summoned to court so far, and 1,103 of these receiving prison sentences.<sup>29</sup> Five people lost their lives.

The riots were described by politicians, councils, the courts and the media as criminal – and *only* criminal. Prime Minister Cameron addressed the nation by saying ‘what we know for sure is that in large parts of the country this was just *pure criminality*’.<sup>30</sup> Politicians launched new legal penalties such as granting ‘mandatory power of possession’ to landlords, allowing them to evict tenants for antisocial behavior and criminal convictions.<sup>31</sup> Councils supported the aim to evict rioters, claiming they had made themselves ‘intentionally homeless’ and asserting ‘we do not want you in our community’.<sup>32</sup> The media engaged in a huge ‘snitching’ campaign, enticing the public to name and report suspected rioters. The courts dealt out excessively punitive sentences for the main crimes of burglary (50%), violent disorder (22%) and theft (15%). 3,927 people were arrested for acquisitive crimes, disorder, criminal damage, violence against the person and ‘other’ crimes. Normal sentencing guidelines for riot-related offences were ignored by the judiciary. Lamble gives some selective and shocking examples: a 23-year old with no previous convictions was sentenced to six months in prison for stealing a bottle of water worth £3.50; a 22-year old was sentenced to 16 months for stealing ice-cream; a 48-year old was sentenced to 16 months for stealing doughnuts; and two young men were sentenced to four years in prison for attempting to incite a riots via Facebook – despite the fact that their posts did not result in any such action.<sup>33</sup> The lack of meaning associated with the riots was echoed by public intellectuals.

Badiou and Zizek identify a lack of revolutionary purpose and failure to provide an alternative as the rationale for their exasperation with the rioters. For a movement to be

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<sup>29</sup> *Ibid.*, pp. 538-9.

<sup>30</sup> D Cameron, ‘Speech on the fightback after the riots’, 15 August 2011, available: <<http://www.number10.gov.uk/news/pms-speech-on-the-fightback-after-the-riots/>> (accessed 22 August 2011). See also D Cameron, ‘PM Statement on Restoring Order to Cities’, August 9 2011, available: <<https://www.gov.uk/government/news/we-will-do-everything-necessary-to-restore-order-pm>> (accessed 2 September 2013). And D Cameron, ‘PM Statement on Violence in England’, 10 August 2011 – available: <<https://www.gov.uk/government/speeches/pm-statement-on-violence-in-england>> (accessed 2 September 2013).

<sup>31</sup> Lamble, *op. cit.* See also UK Department for Communities and Local Government, ‘Strengthening the Powers Possession for Anti-Social Behaviour: Summary of Responses to Consultation and Next Steps’, May 2012 – available: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8462/2148929.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8462/2148929.pdf)> (accessed 2 September 2013).

<sup>32</sup> Lamble, *op. cit.*, p. 581.

<sup>33</sup> *R v Blackshaw* [2011] EWCA Crim 2312.

‘revolutionary’ it must have an identifiable ‘collective will’ and ‘the desire for a radical change in ordinary life’ – this is what Foucault identified as key features of the Iranian Revolution.<sup>34</sup> The need for a ‘single slogan’ or ‘powerful Idea’ to incite change is also identified by Badiou, who distinguishes the revolutionary ‘historical riot’ (for example, the recent uprisings in a number of Arab countries) from the ‘immediate riot’ that was witnessed in London. Badiou describes the London events (which he compares to the Paris uprisings in 2005) as ‘violent, anarchic, and ultimately without enduring truth.’<sup>35</sup> Those involved ‘were nothing but gangs, hooligans, thieves, brigands – in short “dangerous classes” contrasted ... with ... good citizens.’<sup>36</sup> The event is thus an ‘immediate riot’, distinct from the lasting ‘historical riot’ because the latter stirs up historical possibilities and is motivated by a powerful Idea.<sup>37</sup> He gives the example of the most important and consistent of these as the Egyptian historical riot of early 2011. MacDonald also concludes that ‘exalting [the London rioter’s] base consciousness as a revolutionary awareness is a mere flattery of the riotous looters’.<sup>38</sup> The ‘immediate riot’ enacted by the riotous looters has no such revolutionary awareness or possibility for change. Nor can it ‘purify itself’ – that is, the immediate riot lacks truth, intention and cannot be victorious. It is not, for Badiou, a properly political event. Badiou supports his claim by outlining three key features of the immediate riot: first, ‘tumultuous’ youth participation; second, its territorial location – an immediate riot is localized to the territory of those who take part; and third, the subjective type – where the subjectivity is ‘composed solely of rebellion and dominated by negation and destruction’, making it impossible to distinguish between ‘a partially universalizable intention and what remains confined to a rage with no purpose other than the satisfaction of being able to crystallize and find hateful objects to destroy and consume.’<sup>39</sup> In a similar vein, Žižek describes the August 2011 riots, writing just days after in the *London Review of Books*, using Hegel’s phrase of ‘abstract negativity’.<sup>40</sup> He calls the rioters a ‘rabble’ and laments that,

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<sup>34</sup> M Foucault, ‘Iran: The Spirit of a World Without Spirit’ in *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984* (D Kritzman, ed; A Sheridan, trs) (Abingdon: Routledge, 1990) 211-224.

<sup>35</sup> A Badiou, *The Rebirth of History: Times of Riots and Uprisings* (London: Verso, 2012), p. 21.

<sup>36</sup> *Ibid.*, p. 16.

<sup>37</sup> *Ibid.*, p. 38-42.

<sup>38</sup> MacDonald, *op. cit.*, p. 196.

<sup>39</sup> Badiou, *op. cit.*, p. 23-5.

<sup>40</sup> S Žižek, ‘Shoplifters of the world unite’, *London Review of Books*, 19 August 2011, available <<http://www.lrb.co.uk/2011/08/19/slavoj-zizek/shoplifters-of-the-world-unite>> (accessed 28 March 2014).

it tells us a great deal about our ideological-political predicament and about the kind of society we inhabit, a society which celebrates choice but in which the only available alternative to enforced democratic consensus is a blind acting out. Opposition to the system can no longer articulate itself in the form of a realistic alternative, or even as a utopian project, but can only take the shape of a meaningless outburst.<sup>41</sup>

Therefore, whilst the initial demonstration in Tottenham may qualify as within ‘the proper realm of political dissent’,<sup>42</sup> the subsequent actions of the rioters are constructed as apolitical, the rioters as lacking agency and an agenda. In the absence of a clear intention, the frightened question of ‘what do the kids want’<sup>43</sup> runs through the minds of those observing. Badiou’s three characteristics of the ‘immediate riot’ do seem to apply to the events in London; youth, localization and rage. However, the purely negative readings of these events given by Badiou, MacDonald and Žižek miss the central point of refusal. They are engaging in a disciplining of spontaneous refusal and thereby failing to read the riots as political events.

#### *The Riots as Counter-Conduct*

##### *What is Being Countered*

The rioters, rather than performing only meaningless outburst, are refusing the conducting power of the police and the governmentality of responsabilisation. The refusal can be seen in how the rioter actually acts – which need not require (revolutionary) intention but can be prompted by impulse and even indifference. First, the riot counters police power as evidenced in violent police presence and racialised police tactics.<sup>44</sup> Violence, through the use of practices such as ‘kettling’, batons and horse charges to disperse crowds, has become ‘the hallmark of policing across the world’.<sup>45</sup> The typical modality for those in power, as El-Enany argues, is to depoliticize the policing of

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<sup>41</sup> *Ibid.*

<sup>42</sup> Lambie, *op. cit.*, p. 582.

<sup>43</sup> Douzinas, *op. cit.*, p. 140.

<sup>44</sup> On violence as ‘the hallmark of policing across the world’ see El-Enany, *op. cit.* See also ‘Policing England’s Riots: “The scale was vast” – ‘Reading the Riots’, available: <<http://www.theguardian.com/uk/video/2012/jul/02/policing-england-riots-scale-video>> (accessed 15 December 2015).

<sup>45</sup> El-Enany, *op. cit.*, p. 3.

radical protest by labeling it a crime (for instance, creating the offence of ‘violent disorder’ as happened through the 1986 Public Order Act).<sup>46</sup> The effect of this is to criminalise social conflict, so much so that protesters become not only criminal but an external threat, a terrorist threat which calls for heightened – and excessive – police response.<sup>47</sup> We are familiar with the images in London, Birmingham, Liverpool and Manchester of police in riot gear, forming walls to block off the rioters. The Mayor on London, three years on from the events in the city, advocated a more violent response to ‘protests’ in the form of water cannon.<sup>48</sup> Adrian Roberts, Metropolitan Police Silver Commander (July-August 2011) described the police presence in London as ‘vast’: ‘in twenty eight years of policing I’ve never experienced it, I don’t think the country has. It just was completely vast.’<sup>49</sup> Despite Roberts’ statement, *The Guardian* police interviews reveal regret that there were not enough police in London at the time of the most intense rioting.<sup>50</sup> Police presence and the violent policing tactics prompted the reaction of the riot; of the 270 people interviewed by the *Reading The Riots* study (a major research study conducted jointly by *The Guardian* and the London School of Economics), 85% commented that policing was an ‘important’ or ‘very important’ stimulus for the riots happening.<sup>51</sup> The *Reading the Riots* study reports versions of the same stock antagonist sentiment, ‘The police is the biggest gang out there’.<sup>52</sup> The rioter counters the way in which their behavior is regulated by police tactics. Police tactics, and *policing* dictate that there is a *right way* to revolt. Setting buildings on fire or looting from shops on the high street is not the right way to be heard; in fact, you will be not be recognized as a political, ethical rights-bearing subject if you revolt in this way. There is no place for the rights-bearing citizen who refuses the police in this way in democratic society. The rioter also refuses *racialised* police tactics. The *Reading the Riots* study reports that the ‘most acute sense of a longstanding mistrust was among black interviewees.’<sup>53</sup> Yet race, and a black versus (white) police rhetoric, was not the key factor; instead, as Newburn observes,

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<sup>46</sup> *Ibid.*, p. 4.

<sup>47</sup> *Ibid.*

<sup>48</sup> R Seymour, ‘The real reason water cannon are coming to Boris Johnson’s London’, *The Guardian*, 11 June 2014, available: <[www.theguardian.com/commentisfree/2014/jun/11/boris-johnson-water-cannon-blast-theresa-may](http://www.theguardian.com/commentisfree/2014/jun/11/boris-johnson-water-cannon-blast-theresa-may)> (accessed 15 December 2015).

<sup>49</sup> P Lewis and L Topham, ‘Policing England’s Riots: “The scale was vast” – video’, *The Guardian*, 2 July 2012, [www.theguardian.com/uk/video/2012/jul/02/policing-england-riots-scale-video](http://www.theguardian.com/uk/video/2012/jul/02/policing-england-riots-scale-video)

<sup>50</sup> *Ibid.*

<sup>51</sup> ‘Reading The Riots’, *op. cit.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

‘[m]any of the English riots were defined at least as much by *poverty* and disadvantage as they were about ethnicity.’<sup>54</sup>

Despite the statistical evidence, the Prime Minister claimed to the contrary that these riots were not about poverty; ‘[n]o’, Cameron stated, ‘this was about *behaviour*’. The rioter, secondly, counters the right way to behave and the Big Society ethic of responsibility. The riots were, the Prime Minister claimed, the effect of the disagreeable behaviour of unsavoury ‘thugs’ and ‘gangs’.<sup>55</sup> The solution to this is to therefore *change* behavior. How? By educating society into being (more) *responsible*. Cameron suggests that teaching the values of responsibility, opportunity and collective action, through for instance ‘National Citizen Service’ (NCS), which was the flagship policy of his Big Society agenda, is probably the best way to do that.<sup>56</sup> NCS remains one of the government’s main community-oriented policies and the Conservative Party Manifesto 2015 promises a place to *every* 16 and 17-year old who wants one.<sup>57</sup> NCS currently operates in England and Northern Ireland, having been piloted for two years in 2011 and 2012 it aims to increase places from 10,000 (in 2011) to 90,000 in 2014.<sup>58</sup> Described as a ‘non-military programme that captures the spirit of National Service’,<sup>59</sup> NCS targets young people between the ages of 15-17 by recruiting them for a summer or autumn programme outside of school term-times to take part in activities that will foster the values of social action, social responsibility and a sense of duty (such as taking part in road safety initiatives, underage drinking projects and renovating discarded public spaces like local parks). It involves five phases, which include, crucially, agreeing on a Social Action Project with the team, something that ‘will really make a mark on your local community’.<sup>60</sup> The programme makes the following commitment: ‘Not only will you be a

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<sup>54</sup> T Newburn, ‘The Ferguson riots may seem similar to those in UK in 2011 – but there are stark contrasts’, *The Guardian* 20 August 2014, available: <[www.theguardian.com/commentisfree/2014/aug/20/ferguson-missouri-not-so-far-from-tottenham-toxteth](http://www.theguardian.com/commentisfree/2014/aug/20/ferguson-missouri-not-so-far-from-tottenham-toxteth)> (accessed 15 December 2015).

<sup>55</sup> Cameron, ‘Speech on fightback after the riots’, *op. cit.*

<sup>56</sup> D Cameron, ‘Speech on the Big Society’, 14 February 2011, available: <<http://www.number10.gov.uk/news/speeches-and-transcripts/2011/02/pms-speech-on-big-society-60563>> (accessed 5 July 2011). These goals are echoed in the government’s Community and Society policies, as recognized by the Civil Exchange audit, *op. cit.*, p. 6.

<sup>57</sup> The Conservative Party Manifesto 2015, *op. cit.*

<sup>58</sup> NatCen Social Research, Office for Public Management and New Philanthropy Capital, Evaluation of National Citizen Service: Findings from the 2012 summer and autumn NCS programmes (2013), p. 10, available: <[http://natcen.ac.uk/media/205475/ncs\\_evaluation\\_report\\_2012\\_combined.pdf](http://natcen.ac.uk/media/205475/ncs_evaluation_report_2012_combined.pdf)> (accessed 2 October 2015).

<sup>59</sup> Cameron, ‘Speech on the fightback after the riots’, *op. cit.*

<sup>60</sup> NatCen Report, *op. cit.*

completely different person, but you will have made a huge network of amazing friends'.<sup>61</sup> This completely different person is the productive volunteer, or active citizen.

NCS thus represents the government's most robust strategy for the government of youth. It produces the active citizen in place of the struggling, rioting thug. The particular relations of conducting power within NCS operate as 'technologies of pastoralism'.<sup>62</sup> NCS is thus a governmentality relation that operates via pastoral power. Pastoral power refers to a specific type of governmental relation, or conducting power, that conducts the conduct of a population – where population refers not to a collective of individual juridical subjects within a determinate territory but to an entity with a life and density of its own.<sup>63</sup> In modern Britain, pastoral power as a 'power of care'<sup>64</sup> operates to ensure well-being and a sense of community through community-oriented programmes such as NCS, which is a modern and secular form of the 'art of conducting, directing, leading, guiding, taking in hand, and manipulating [youth] ... collectively and individually throughout their life and at each moment of their existence'.<sup>65</sup> The 'problem of conduction'<sup>66</sup> that Foucault identified as a characteristic of the Christian pastorate of the sixteenth and seventeenth centuries, thus remains in relation to the modern state – how to manage children, adults and families to ensure well-being. It is the rationality of that conduction that has changed, from a Christian ethic that leads to salvation, to a rationality of *raison d'état* which operates via a doctrine of *police*.<sup>67</sup> The Foucauldian notion of police operates by the same ethic – which is based in 'salvation, obedience and truth' and 'spiritual direction', that is the directing of conscience.<sup>68</sup> The police, I suggest are today's experts – the mentors, counselors and teachers who direct NCS, and the NCS providers; the network of actors that work within the charities, schools, private sector partnerships etc. that run the programme.

From the tactics used for recruitment, where all the youth has to do is 'just say yes',<sup>69</sup> her choices are guided and governed by an ethic of responsibility, which she is educated about by the experts, and that will transform her into a the 'completely different person' that her community needs her to be. Central to all five phases of the

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<sup>61</sup> *Ibid.*

<sup>62</sup> See further D Bulley and B Sokhi-Bulley, 'Big Society as Big Government: Cameron's Governmentality Agenda' (2014) 16(3) *British Journal of Politics and International Relations* 452.

<sup>63</sup> Golder, *op. cit.*, 164.

<sup>64</sup> Foucault, *Security, Territory, Population*, *op. cit.*, p. 127.

<sup>65</sup> Golder, *op. cit.*, p. 167. See also Foucault, *ibid.*, p. 165.

<sup>66</sup> Foucault, *ibid.*, 230.

<sup>67</sup> Golder, *op. cit.*, 168.

<sup>68</sup> *Ibid.*, p. 167.

<sup>69</sup> See <[www.ncsyes.co.uk](http://www.ncsyes.co.uk)> (accessed 15 September 2015).

NCS is a process called ‘guided reflection’ which ‘supports participants’ personal and social development during NCS’.<sup>70</sup> Guided reflection underpins the communication, teamwork and leadership abilities developed through NCS and to ‘facilitate long-lasting personal resilience which will help participants prosper during and after NCS.’<sup>71</sup> NCS thus creates a further a desirable characteristic of youth: the resilient young person who will grow into a resilient individual. Guided reflection, in its objective to secure this long lasting effect and change to individual characteristics and behavior, is a technology of pastoralism. Guided reflection does not end when the programme ends. From now on, at each moment of their lives, young people will be encouraged to be more engaged. They are now emotionally attached to a community and the ethic of responsibility that has been freely accepted is now part of the youth’s conscience. The values of NCS have been internalised and allow subjects to police themselves.

Just under half of the rioters in 2011 were aged 18 to 24, and 26% were aged between 10 to 17; these younger teenagers would thus have been ripe for NCS recruitment. The unattractive and undesirable choice they instead made to riot, or the indifference that they showed in perhaps making no choice but rioting simply out of boredom, reinforces the attractiveness and desirability of the volunteer and volunteerism. ‘Those *thugs* we saw last week’, Cameron commented, ‘do not represent us, nor do they represent our young people – and they will not drag us down.’<sup>72</sup> Cameron further explicitly stated that in response to riots, the NCS ‘should become a great national effort’, a ‘rite of passage’ that ‘shows young people that doing good can feel good. The real thrill is from building things up, not tearing them down. Team-work, discipline, duty, decency; these might sound old-fashioned words but they are part of the solution to this very modern problem of alienated, angry young people. Restoring these values is what the NCS is about.’<sup>73</sup> Countering these values, countering the ethic of responsibility – which stifles the expression of struggle in the name of a right way to behave – is what the riots represented. The challenge, I suggest, is to acknowledge the riots as counter-conduct and to recognize political agency of the rioter without demonizing, and without glorifying, her. A reading of the riots as counter-conduct questions the form of activity, reorienting our gaze towards the tactics of government, protest and what they are doing

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<sup>70</sup> NatCen Report, *op. cit.*, 11.

<sup>71</sup> *Ibid.*, p. 11. My emphasis.

<sup>72</sup> Cameron, ‘Speech on fightback after the riots’, *op. cit.*

<sup>73</sup> *Ibid.*

and producing.<sup>74</sup> Asking *how* (and not *why*) the rioter is behaving, within what social and communal boundaries and restraints, highlights the rioter's social and political situation. Similar to the construction of the 'delinquent' or the 'madman', we can see how the 'rioter' is produced as 'thug' through a component of their counter-conduct and whilst acting in the general field of pastoral power relations (i.e. within the Big Society), and in turn within the general field of the political.

There are a range of counter-conducts, in addition to a struggle against police power and the ethic of responsibility that I might also have considered here. For instance, the rioters are countering a culture of consumerism by looting. The rioter, as part of an 'invisible class with no jobs' may be understood to be indulging in 'revenge' against consumer industries.<sup>75</sup> In today's neoliberal society, where 'consuming is the only operable form of citizenship ... [and] the market cannot only solve all problems but serve as a model for structuring all social relations'<sup>76</sup> the rioter's behavior is an acting out, whether deliberately or through indifference, against a consumer society that does not recognize her. It becomes then a type of performative action,<sup>77</sup> through which 'the performative protestor does not argue against the state, he *mocks* it.'<sup>78</sup> The rioter also counters her reduced mobility and increased isolation. In doing so, her behavior is not *only* mindless; it is also political. It is a refusal of behaving responsibly – and behaving *otherwise*.

#### *Counter-Conduct and Crisis*

The counter-conduct lens magnifies behavior that is acting *otherwise* and allows us to observe the way in which the rioter *actually acts*. In this way, we are able to see *crisis*. Foucault's studies on counter-conduct exposed the *effect* of counter-conduct as leading to a *crisis* in the pastorate. 'Crisis' here refers to the gradual erosion of pastoral, or conducting, power. The counter-conduct of the rioters of London 2011 highlights a crisis on two levels: first, it shows the failure of the Big Society and the erosion of its ethic of responsibility, and a crisis in how policing is done; second, it draws attention to

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<sup>74</sup> Death, *op. cit.*

<sup>75</sup> Bloom, *op. cit.*, 109.

<sup>76</sup> Henry A Giroux, 'Neoliberalism, Democracy and the University as a Public Sphere', an interview with Victoria Harper, *Truthout*, 22 April 2014, available: <<http://truth-out.org/opinion/item/23156-henry-a-giroux-neoliberalism-democracy-and-the-university-as-a-public-sphere#.U1bpVnAsYgA.email>> (accessed 23 April 2014).

<sup>77</sup> J Kulynych, 'Performing Politics: Foucault, Habermas and Postmodern Participation' (1997) 30(2) *Polity* 315, 330.

<sup>78</sup> Bloom, *op. cit.*, p. 334. My emphasis.

the production of marginalized communities and thereby highlights a ‘politics of discomfort’<sup>79</sup> within British society.

First, in terms of the Big Society, the riotous behavior of looting and arson clearly shows a failure in the Big Society. The message to behave responsibly according to the values of social action, social responsibility and sense of duty has not been heard, or at least been ignored. There is also a failure in the responsabilisation ethic in itself since the state and its policing methods betray behaving responsibly. The state’s extreme punitive response and violent policing represents ‘the riotous behavior of the elite classes’;<sup>80</sup> the state absolves *itself* of responsibility for framing and punishing delinquent communities that it will choose to ignore, unless to punish. The excessive punitive measures taken against ‘the mob’ were ‘consistently framed as rational and appropriate responses to the “mindless criminality” that had emerged on the streets.’<sup>81</sup> Whole communities are ‘punished, abandoned and chastised’<sup>82</sup> for the behavior of those who participated in the rioting. For instance, forcing communities out of social housing and assuming that the path to private housing will be easy shows not only an abandonment of responsibility on the part of the welfare state but also a chronic misunderstanding of poverty and the social hierarchy within conducting power.<sup>83</sup>

Second, counter-conduct leads to the production of *counter*-communities as individuals/groups become increasingly disillusioned with conducting power. The riots, rather than being disparate actions of rival or competing ‘gangs’, have instead been described as a ‘unifying experience’ brought about by a common enemy, the police.<sup>84</sup> The production of ‘marginalised’ as opposed to ‘affiliated’ communities as a response to conducting power is an inevitable consequence of counter-conduct.<sup>85</sup> The media, court and government response to the riots stigmatized and criminalized whole communities and not only individuals who took part in the rioting. These now deviant communities, defined by blind acting out and mindless criminal behavior, rest in stark contrast to the ideal active communities of the Big Society. They are the counter-communities, the

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<sup>79</sup> J Darling, ‘Domopolitics, governmentality and the regulation of asylum accommodation’ (2011) 30 *Political Geography* 263.

<sup>80</sup> Lamble, *op. cit.*, p. 583.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> Trott, ‘Introduction: Rebellious Subjects’, *op. cit.*

<sup>85</sup> Foucault points to the development of ‘community’ as one of five forms of counter-conduct that arose in response to the conducting power of the pastorate – he also mentions asceticism, mysticism, the return of scripture and eschatological beliefs – Foucault, *Security, Territory, Population, op. cit.*, pp. 204-15. See also N Rose and P Miller, *Governing the Present* (London: Polity, 2008), Chapter 4 on the distinction between affiliated and marginalised communities.

inexistents, or abnormals, who must be regulated (i.e. punished). This regulatory relation of conducting power (i.e. the governmentality of policing and of the Big Society, which produces a *right* way to resist) represents a ‘politics of discomfort’ which is an ‘affective positioning of [the urban poor] as those forever at the border, those produced as the other’.<sup>86</sup> We are uncomfortable with positioning ‘suspicious subjects’<sup>87</sup> (here, suspicious because of their non-conformist, irresponsible behavior) within the mainstream of society – by, for instance, offering them (added) welfare benefits, access to the job market and to affordable education. The communities thus become managed to the extent that we label and understand them as outcasts – punishable with violence, rejected by the *right* communities of the Big Society because they are not behaving responsibly or enacting a type of resistance that might be considered civilized and ‘proper’. The survival and growth of marginalised communities is an unexpected consequence of the counter-conduct of the rioter – and hence one of the specificities of the riot. These specificities distinguish the riot from ‘proper resistance’ or civilized movements enacted by recognisable subjectivities, like Occupy.

### The Specificity of the Riot

#### *The Riot as a Spontaneous, Mundane Spectacle*

Adopting a counter-conduct perspective means observing how the rioter *actually acts*, that is the *specifics* of her behavior. The rioter acts out a spontaneous, impulsive *reaction* to the conducting power of the state – which dictates the right way to live responsibly with threat of extreme punishment for behavior that does otherwise. Although spontaneous, the riot I suggest is still, despite being a *spectacle, mundane* in the sense that it is an expected response.

The idea that counter-conduct is an impulsive *reaction* suggests a spontaneity of action. Douzinas puts forward that the 2011 London Riots are a ‘*spontaneous* insurrection’,<sup>88</sup> meaning the riots are an ‘[u]nprecedented and innovative type of resistance and revolt’ where the ‘timing is unpredictable but their occurrence is certain’.<sup>89</sup> We can add to this definition of ‘spontaneity’ insights from critical studies in

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<sup>86</sup> Darling, *op. cit.*, 264. I have replaced Darling’s ‘asylum seekers’ with ‘urban poor’.

<sup>87</sup> *Ibid.*

<sup>88</sup> Douzinas, *op. cit.*, p. 8.

<sup>89</sup> *Ibid.*

improvisation and modern ‘nonscripted’ theatre (NST) – because there are important features here that attribute meaning, in the form of a strong political narrative, to the rioters’ actions. Despite sentiments like those of one 16-year old rioter, convicted of theft during the Birmingham riots, who comments ‘Now I regret being involved in it ... because now I got kicked out of college, I got a court case coming, I’m wasting my education’,<sup>90</sup> how the rioter actually act is a political reaction to conducting power. Ramshaw outlines four key features of ‘spontaneity’ as vitality, appropriateness, intuitiveness and readiness for change.<sup>91</sup> ‘Vitality’ refers to a ‘sense of aliveness’ or ‘magnetism’; ‘appropriateness’ means that the spontaneous act is more than ‘heedless impulse’ but is performed by an actor who has a ‘measure of the situation’; ‘intuitiveness’ implies a ‘range of expressive possibilities’; and, finally, the ‘readiness for change’ criterion ‘requires an ability to accept each moment as it comes and respond dynamically’.<sup>92</sup> We can use these practices of theatre to examine the performances on the streets in the summer of 2011, and thereby understand the actions of the rioters as spontaneous, and *political*, tactics of counter-conduct. The riots were characterized by *vitality* in that they exuded a magnetic energy and momentum which meant they gathered crowds that spread upwards from London. The riots were ‘appropriate’ in the sense that looting and setting things on fire is a predictable way to refuse police power and enforced responsabilisation. As Bloom observes, ‘what the looters took – clothes, electric goods including the latest TVs and phones, trainers and food – represented the very things they would shop for normally in the shops that wouldn’t give them jobs but would take their money.’<sup>93</sup> The performance of these ‘spontaneous tactics’ is ‘a different form of conduct’. ‘What I really noticed that day’, comments the same convicted 16-year old mentioned earlier, ‘was that we had control. It felt great.’<sup>94</sup> Given this sentiment, perhaps ‘the surprising thing should not be not that people revolt, but that they do not

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<sup>90</sup> H Clifton, ‘Rioter Profile: “The law was obeying us”’, 9 December 2011, in ‘Reading the Riots’ – available: <<http://www.theguardian.com/uk/2011/dec/09/rioter-profile-law-obeying-us>> (accessed 5 March 2012). Similar sentiments are echoed throughout the interviews (270 in total) that were conducted with rioters – see ‘Reading the Riots’, *op. cit.* and Trott, ‘Reading the 2011 Riots’, *op. cit.*, p. 543.

<sup>91</sup> According to the director of Playback Theatre, New York – in S Ramshaw, ‘Jamming the Law: Improvisational Theatre and the “Spontaneity” of Judgment’ (2010) 14 *Law Text Culture* 133, p. 138. On Playback Theatre as a type of improvisational, interactive, nonscripted theatre, and for more on ‘spontaneity’ as a crucial feature for non-scripted performers see J Fox, *Acts of Service: Spontaneity, Commitment, Tradition in the Nonscripted Theatre* (New York: Tusitala Publishing, 2003). On ‘improvisation’, see further K Johnstone, *Improvisation and the Theatre* (London: Methuen Publishing Limited, 1989).

<sup>92</sup> Ramshaw, *ibid.*, 138-9.

<sup>93</sup> Bloom, *op. cit.*, 109.

<sup>94</sup> Clifton, *op. cit.*

do so more often.<sup>95</sup> The riots were ‘intuitive’, in that they were expressive of anger and discontentment, and were without pattern and seemingly lacked coordination (see my comment on this below in relation with Occupy). Yet, the tool of spontaneity allows us to understand that whilst allowing for unpredictability and creativity in the form of counter-conducting, rioting preserves political agency and choice. In non-scripted Playback theatre, the actor tells the story on the basis of what they already know and do not seek out what they do not know, since this desire to *know* acts as an impediment to spontaneity. Spontaneity ‘recognises that creativity does not have to do so much with knowledge as with meeting the challenge of the moment with our full selves, including the animal part of us.’<sup>96</sup> It is a ‘creative response to a liminal condition’.<sup>97</sup> The rioter behaves as the spontaneous, animal-like actor, knowing only the anger and discontentment of her liminal community. However, this does not mean that spontaneous behaviour is entirely without rules of conduct – it is only ‘made possible by adherence to the ritual’<sup>98</sup> and exists only in relation to a collective or a community. The rioters acted as part of a synchronised mass, not in isolation. Finally, the riots can be equated with a ‘readiness for change’. They were characterized by the sentiment that we do not want to be governed *like that*.

The spontaneous behavior of the rioter is nonetheless predictable, expected and so it is *mundane*. Whilst the extent of the police and judicial response to the riots suggests that the extent of the violence, looting and arson was unexpected, the riot itself is not. Revolts *happen*.<sup>99</sup> In this respect, rioting is not actually particularly creative. However, the unexpected result and *form* of counter-conduct is ‘community’, or rather ‘counter-communities’. These are the groups of individuals who are seeking to counter being policed *like that* and have forged groups with actual or virtual presence that are placing *demands* on government. They are telling their own stories, appropriating the narrative of what the riots produced through fostering ‘community conversations’, across for example, Tottenham, Croyden, Birmingham and Liverpool, to tell of communities that are bound into a collective response to poverty and injustice. These conversations are recorded by the *Reading the Riots* study, which gives one example of a local resident who visits three organisations attempting ‘rebuilding’ of their community in the aftermath of

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<sup>95</sup> R Nunes, ‘Building on Destruction’ (2013) 112(3) *South Atlantic Quarterly* 568, 571.

<sup>96</sup> Fox, *op. cit.*, pp. 88-9

<sup>97</sup> *Ibid.*, p. 99.

<sup>98</sup> Ramshaw, *op. cit.*, p. 140.

<sup>99</sup> M Foucault, ‘Useless to Revolt’, in *Power: Volume 3: Essential Works of Foucault 1954-1984* (J Faubion ed, R Hurley trans) (London: Penguin, 2002), p. 452.

the riots, and concludes that youth and leaders are ‘uniting to tell a new narrative in Tottenham’; the new, alternative, narrative is one that speaks to not only the changed landscape following the riots but also the effects of the spending cuts which the community is struggling to overcome.<sup>100</sup> ‘Voices of resistance’ that make a ‘fierce challenge to the system we live under and the suffering it produces’ are also identified by the documentary *Riots Reframed*, produced by a by-stander during the riots.<sup>101</sup> These are voices of an oppressed community countering marginalization by the police and by an ethic that says they must be responsible, dutiful and active citizens without regard for their social and economic situations. They are voices of refusal and indifference. Counter-communities can continue to enact an unexpected counter-conduct by providing a place to tell their stories, by educating each other about *their* communities through setting up meeting spaces or community houses for youth, through book clubs and coffee mornings which is a kind of behaving *otherwise*.<sup>102</sup> It is not offering to volunteer for a local school (where you might not be able to afford to, or qualify to, send your children) but choosing to set up their own way of being in a (counter-)community.

Moreover, although the ‘expected’ riot produces a *spectacle* it is not spectacular.<sup>103</sup> The riot is a visual, spontaneous performance of refusal that is something to behold given the scenes of arson, looting and vandalism but it does not (or need not) have spectacular, or revolutionary, effect. The aesthetic of the riots in London mirrored an aesthetic of rioting that has gone before and that continues in Western Europe and North America.<sup>104</sup> The London riots are not the kind of spectacular protest of the

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<sup>100</sup> N Payne-Frank and S Brown, ‘Tottenham riots - residents unite to rebuild community – video’, *Reading the Riots: Community Conversations*, 3 July 2012, available <[www.theguardian.com/news/video/2012/jul/03/tottenham-riots-video](http://www.theguardian.com/news/video/2012/jul/03/tottenham-riots-video)> (accessed 3 January 2016).

<sup>101</sup> <[riotsreframed.com](http://riotsreframed.com)> (accessed 18 April 2015). Producer of *Riots Reframed*, Fahim Alam.

<sup>102</sup> Note for example the ‘Books and Breakfast’ initiative of ‘Hands Up United’ set up in the aftermath of the Ferguson Riots. It facilitates dialogue and local engagement with social justice issues, political theory and educational development of the community of Ferguson. By March 2015, it reported having served 150 residents, see <[www.handsupunited.org](http://www.handsupunited.org)> (accessed 15 December 2015).

<sup>103</sup> See further Douzinas, *op. cit.*, pp. 139-140.

<sup>104</sup> Note, in particular, the following: The uprisings in the Paris banlieues in 2005 – see Y Haddad, H Yazbeck, and MJ Balz, ‘The October Riots in France: A Failed Immigration Policy or the Empire Strikes Back?’ (2006) 44(2) *International Migration* 23; A Sajed, ‘Securitized migrants and postcolonial (in)difference: The politics of activism among North African migrants in France’, in P Nyers and K Rygiel, *Citizenship, Migrant Activism and the Politics of Movement* (Routledge: Abingdon 2012) and CL Schneider, ‘Police Power and Race Riots in Paris’ (2008) 36(1) *Politics & Society* 133; the Moroccan-Dutch youth riot in the Slotervaart neighbourhood in western Amsterdam in 2007, which followed the fatal police shooting of 22-year old Dutch-born Bilal Bajaka, and the scenes of arson in the northern and southern suburbs of Stockholm in 2013, thought to be in response to the police shooting of a 69-year old man in his own apartment, – see Kaulingfreks, *op. cit.*; vandalism and looting in Athens in 2008 following the unprovoked police killing of 15-year old Alexis Grigoropoulos – see Douzinas, *op. cit.*; and, the Ferguson Riots of August 2014, which followed the fatal police shooting of unarmed black teenager Michael Brown – see Sokhi-Bulley, ‘Performing Struggle’, *op. cit.*

Ukrainian Maidan (labelled the Hrushevskoho Street Riots of January 2014) or of the central business district in Hong Kong (labelled the ‘Umbrella Movement/Revolution’ of 2014). Nor was the spectacle one of ‘peaceful’ or ‘civilised’ protest or resistance of the kind witnessed during the Occupy London movement, which also began in London in 2011.<sup>105</sup>

### *Rioting versus Occupation*

I refer to Occupy here because it provides a useful comparator in terms of highlighting our aversion to and readiness to dismiss the ‘revolting subject’<sup>106</sup> when compared with the subjects who resists in the *right way*. The right way refers to ‘resistance’ that is more civilized and that lacks the specificity of the riot – so, that lacks spontaneous impulse, mundanity and spectacle that is not spectacular. Yet, the London Riots and the Occupy London movement can both be said to have similarities in their *misuse of public space* and in the extent to which they were *organized* events.

In terms of a *misuse of everyday, public space* the riots were inflicted on the urban space of ‘the street’.<sup>107</sup> Just over half (51%) of all crimes were committed against commercial premises,<sup>108</sup> meaning that the usually aesthetically pleasing recreational space of the ‘high street’ was spoiled. The appropriation, albeit by accident, of the space outside St Paul’s Cathedral was initially supported by the Reverend Giles Fraser, the Canon Chancellor of St Paul’s Cathedral – but Occupy London was not an entirely dissimilar misuse of this communal space. To ‘Occupy’, as the verb suggests, means to dwell, reside or inhabit. Occupy took over a public space not meant for alternative dwelling or residence or habitation ‘by establishing temporary tent communities with kitchens, bathrooms, libraries, first-aid posts, information centres, sleeping areas and educational space, they recreated new spaces of provision: prefigurative alternative communities with very few resources.’<sup>109</sup> In terms of *organization* of the event, Occupy famously claims a lack of leadership (if you consider leadership as a hierarchical, disciplinary relation) and the absence of an agenda, with no concrete demands. However, the movement is coordinated and managed using the techniques of general assemblies,

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<sup>105</sup> <<http://occupylondon.org.uk/about-2/>> (accessed 15 December 2015).

<sup>106</sup> This construction is taken from Tyler, *op. cit.*

<sup>107</sup> Douzinas, *op. cit.*, p. 9.

<sup>108</sup> For comment on the events and key findings, see the interview with *The Guardian’s* special projects editor in Trott, ‘Reading the 2011 Riots’, *op. cit.*

<sup>109</sup> J Pickerill and K Krinsky, ‘Why Does Occupy Matter?’ (2012) 11(3-4) *Social Movement Studies* 279, p. 283.

human microphones and hand signals to synchronise movement. And yet whilst Occupy might appear a well-oiled machine by comparison to the ‘mobs’ that took to the streets in August 2011, movement during the riots were coordinated through social media – Facebook and Twitter maintained a ‘buzz’ and continuously updated individuals on where the rioting was taking place. In particular, the instant messenger service on Blackberry, known as BBM, was used to advertise future riot locations, arrange times to meet, share updates, warn people of police locations and to sell looted goods.<sup>110</sup>

Despite these apparent similarities regarding use of space and organisation, Occupy can be more easily read as proper resistance because of three distinguishing factors: first, the nature of the *subjectivities* who took part. The subject who occupies is an existent, politically viable identity, whereas the subject who riots is an in-existent and so less politically viable. Crucially, the Occupier is a ‘grievable life’ that can be mourned and whose vulnerability can be sympathised with.<sup>111</sup> Compare this to the rhetoric describing the rioters. The Community Secretary blamed an ‘uneducated, unemployed sub-class’ for the riots.<sup>112</sup> The clean-up project in the days that followed saw the ‘broom brigade’ wearing T-shirts proclaiming ‘looters are scum’.<sup>113</sup> Echoing the sentiment of Blair’s victory speech at Aylesbury council estate in 1997, the rioters were likened to an ‘underclass of people cut off from society’s mainstream’ because they were a ‘workless class’.<sup>114</sup> Tyler uses a work/worklessness dichotomy to identify a ‘revolting subject’ who is ‘the chav’; the ‘figure of sloth, ignorance and welfare dependence stuck in time and place.’<sup>115</sup> There is statistical evidence supporting the rhetoric. The ‘Riot Data’ collected by the *Reading The Riots* Study specifically asks the question ‘Was Poverty A Factor?’ and, using Home Office research, shows that those appearing in court tended to be from deprived backgrounds (as compared with the population as a whole) – 35% of the adults who took part were claiming unemployment benefits (compared to 12% of the working age population); 42% of the young people summoned to court were on free school

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<sup>110</sup> Trott, ‘Reading the 2011 Riots’, *op. cit.*, p. 547. Note that, in this sense, the riots were not ‘new’ in terms of their ‘ferocity’ and (loosely) coordinated ‘mode of operation’; they resembled not only the riots of the 1980s but of the seventeenth and eighteenth centuries, which represented a similar and ‘peculiar pastiche of consuming and shopping driven by the very mechanisms of the consumer industries the looters abused’ (note the anti-Catholic protests in London that led to the Gordon Riots of 1780, which involved the ruinous attack on Newgate Prison) – see Bloom, *op. cit.*, pp. 121-2.

<sup>111</sup> J Butler, *Precarious Life: The Power of Mourning and Violence* (London: Verso, 2004).

<sup>112</sup> C Woodhouse, ‘Sub-class behind summer riots says Pickles’, 20 October 2011, *London Evening Standard*. Available <<http://www.standard.co.uk/news/politics/subclass-behind-summer-riots-says-pickles-6359650.html>> (accessed 2 April 2014).

<sup>113</sup> See Lambie, *op. cit.* and Tyler, *op. cit.*, p. 181.

<sup>114</sup> T Blair, ‘Speech at the Aylesbury Estate, Southwark’, 2 June 1997. Referenced in Tyler, *op. cit.*, p. 159.

<sup>115</sup> Tyler, *ibid.*

meals, which are only available to 16% of secondary school pupils from the poorest backgrounds.<sup>116</sup> Furthermore, 58% of those who appeared in court lived within the 20% most deprived areas in England (Manchester in particular showed a correlation between suspects and poorer residence areas).<sup>117</sup> They are then an ‘invisible class’,<sup>118</sup> an ‘underclass’,<sup>119</sup> the ‘inexistent’,<sup>120</sup> whose lives are constructed as dispensable and *not* grievable – even before they rioted. Occupy by contrast represented an existent subjectivity of middle-class white youth who are not able to get jobs after university, individuals who are having their homes repossessed or are resentful of bankers bonuses – and this prompts more mourning than the sub-class of chavs. Moreover, the middle classes were not *acting out* on a spontaneous, impulsive reaction as part of a mob; rather, they were *just there* as part of a *civilized* movement. Second, then, Occupy is distinguishable as proper resistance when compared with the riots due to the *spontaneity* of the rioter. Whilst the organization of these two events in history is comparable, they do not actually compare. As a spontaneous actor, the rioter (as I show below) is providing an unruly, creative (though expected) response to a liminal condition of inexistence. The ‘spectacular show of criminal justice might’<sup>121</sup> in response to this spontaneous performance highlights the extent to which spontaneity is constructed as apolitical. Occupy was closed down on health and safety grounds, a nominally benevolent response to middle class ‘resistance’ by contrast. Third, Occupy can be more easily seen as proper resistance because the spectacle was *not violent*.<sup>122</sup> Occupy performed the spectacle by just *being there*; in this way, Occupy ‘mattered’ as a ‘spatial strateg[y] of disruption’.<sup>123</sup> This space of occupation was what Arendt describes as a ‘space of appearance’<sup>124</sup> – where shared political speech and action occur and can vanish just as quickly.<sup>125</sup> It is a *political space*.<sup>126</sup> The behavior of the protestors was, given its non-violent nature, behaving responsibly. Moreover, the spectacle, in its disruption of

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<sup>116</sup> <<http://www.theguardian.com/news/datablog/2011/aug/16/riots-poverty-map-suspects>> (accessed 2 April 2013).

<sup>117</sup> *Ibid.*

<sup>118</sup> Bloom, *op. cit.*, p. 109.

<sup>119</sup> Tyler, *op. cit.*, p. 142.

<sup>120</sup> Badiou, *op. cit.*, p. 56.

<sup>121</sup> Lamble, *op. cit.*, p. 579.

<sup>122</sup> It is outside the scope of this article to consider the nature of ‘violence’ as political. What I am interested in doing here is pointing to differences in the aesthetic of the spectacle – as violent and non-violent and hence unpalatable and palatable in the democratic state.

<sup>123</sup> Pickerill and Krinsky, *op. cit.*, p. 280.

<sup>124</sup> H Arendt, *The Human Condition* (New York: Doubleday Anchor Book, 1959), p. 178.

<sup>125</sup> WJT Mitchell, ‘Occupy: Three Inquiries in Disobedience’ (2012) 39(1) *Critical Inquiry* 1, p. 4.

<sup>126</sup> J Butler, ‘Bodies in Alliance and the Politics of the Street’, Lecture held in Venice, 7 September 2011, in the framework of the series *The State of Things*, organized by the Office for Contemporary Art Norway (OCA), available: <<http://leicpcp.net/transversal/1011/butler/en/print>> (accessed 4 April 2014).

everyday space, *was spectacular* in a way the riots were not; Occupy made a statement in its call for ‘alternatives’.<sup>127</sup> The riots created a more mundane (as in expected) though visually disturbing spectacle defined by the violence of arson, looting and assault; and the behavior was a *being otherwise*, that is countering being responsible or at least being indifferent to the duty to be so.

## Conclusion

‘What is going on? Of what are we the half-fascinated, half-devastated witnesses? ... the end of that world? The advent of a different world?’<sup>128</sup>

‘The enigma of revolts’<sup>129</sup> is particularly pertinent to the riot since it is difficult to understand both how to label this kind of revolt and how to understand the ethos of the revolting subject. I have proposed here that we label the revolt as counter-conduct. Thinking the riot in this way, that is adopting the counter-conduct framework, allows for telling a different story to the one that says the riots were only destructive and senseless, and that villainises the rioter. The different story allows us to see the political agency of the rioter, her struggle and the counter-narrative of the struggle of her community, and indeed to recognise the development of counter-communities as a consequence of revolt. The counter-conduct framework provides a useful theoretical tool by which to analyse spontaneous eruptions that fall outside what conducting power defines as legitimate and recognisable resistance *proper* (as I have argued Occupy to be). The framework provides then a new ‘analytics of protest’<sup>130</sup> that recognises political agency in the specifics of how the rioter actually acts – in a spontaneous, impulsive way, in an expected and mundane way to create a spectacle that is not spectacular.

Can counter-conduct then affect change and create possibilities for the ‘advent of a different world’? It is simply in the *struggle* itself and through it that positive conditions emerge. It is only by open contestation and struggle that, “in the end,” Foucault suggested, “possibilities open up.”<sup>131</sup> Action does not need to be consciously aware of these possibilities for them to happen. It need not be revolutionary or resemblant of

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<sup>127</sup> See Occupy London Statements, available: <<http://occupylondon.org.uk/about-2/>>(accessed 15 December 2015).

<sup>128</sup> Badiou, *op. cit.*, p. 1.

<sup>129</sup> Foucault, ‘Useless to Revolt’, *op. cit.*, p. 449.

<sup>130</sup> Death, *op. cit.*

<sup>131</sup> M Foucault, ‘Confinement, Psychiatry, Prison’ in *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984* (D Krizman, ed; A Sheridan, trs) (London: Routledge, 1990), p. 197. My emphasis.

occupational movements, both of which are more readily identifiable as *proper* resistance. The riots led to talks on compensation and Cameron called for amendment to the Riot Damages Act so that any homeowner or business person whose property was damaged is able to seek compensation under the Act, even if they were uninsured.<sup>132</sup> Furthermore, we are questioning the deliberate depoliticisation and criminalization of the riots<sup>133</sup> – and thus how to read the riots in a political way.<sup>134</sup> Might it even have been possible to open up communication between the participants in the riots and ‘more legitimate’ protesters? Nunes poses the interesting and challenging question of whether such communication could have happened between the rioters and the student protestors who responded to increased tuition fees and proposed cuts in education with strong protests between late 2010 and early 2011 – through, for instance, the setting up of a common jail and legal aid for students (who were also facing trial).<sup>135</sup> Could this have created ‘a space for mutual education and politicization’?<sup>136</sup>

Finally, have I here indulged in a ‘wish fulfilling romanticism of the anti-capitalist interpretation of such events’?<sup>137</sup> I do not think counter-conduct romanticizes revolt. It simply ignores the need to depict heroes and villains in the story in its concern with how behavior that counters the right way to behave happens. What I have not done here, however, is address that side of the enigma that questions the ethos of the rioter. My students were a little baffled at the idea of counter-conduct as an *ethos* – how, they asked, can we call the reckless, unruly and selfish behavior that is rioting ethical? I want to ask, and leave you with, a more challenging question: how can rights-bearing subjects (even the revolting ones) enact non-spectacular refusal in a society that does not recognise them?<sup>138</sup>

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## Acknowledgements

<sup>132</sup> For comment see Lamble, *op. cit.* Although, by March 2012, of the almost 4,000 claims received by the Metropolitan Police Authority, only 181 uninsured claims had been dealt with – see Bloom, *op. cit.*, p. 100.

<sup>133</sup> See the speech by S Khan, ‘Riots are not a Genuine Outlet of Political Angst’, *Evening Standard*, 9 Aug 2011, available <<http://www.standard.co.uk/news/riots-are-not-a-genuine-outlet-of-political-angst-6431047.html>> (accessed 2 September 2013).

<sup>134</sup> On the question of ‘whether, how and in which sense to ascribe the status of ‘political’ to the riots, see the short essays in the ‘Against the Day’ section of the *South Atlantic Quarterly* (2013) 112(3) – especially Trotter, ‘Introduction: Rebellious Subjects’, *op. cit.* and Nunes, *op. cit.*

<sup>135</sup> Nunes, *op. cit.*, p. 574-5.

<sup>136</sup> *Ibid.*

<sup>137</sup> MacDonald, *op. cit.*, p. 88.

<sup>138</sup> I address these questions further, and from a *rights* perspective, in *Governing (Through) Rights* (Oxford: Hart Publishing, forthcoming 2016), Chapter 5.

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