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OWS, Discourse, and Narratives

Posted By [Timothy Zick](#) On October 24, 2011 @ 3:57 pm In [Civil Rights, Constitutional Law, Current Events, Uncategorized](#) | [5 Comments](#)

One of the fascinating things about the nascent movement on Wall Street and elsewhere is the attempt by various groups to characterize and to some extent normalize it through devices of discourse and narrative.

Media outlets prefer clean and concise narratives. In terms of substance, they want to be able to report on the specific, concrete demands of a group or movement. The OWS demonstrations have obviously been frustrating in that regard. In the absence of a concrete slogan or message (and sometimes despite one), the media tend to resort to a bias in favor of conflict reporting. They focus on confrontation with police, or highlight fringe elements in the group. There has been plenty of this kind of reporting, and fake reporting (e.g., The Daily Show), concerning the OWS demonstrations. Many pundits and commentators have offered serious proposals in terms of potential OWS agenda items. The political right and left have their own narratives. As the New York Times [put it](#) ^[1]: “The take on the right is that Occupy Wall Street is the same old riffraff of leftist anarchists, unlike the grass-roots conservative Tea Party; seen from the left, it’s an authentic uprising against the huge income disparity in America and a call for redistributing the wealth.” The comparison to the Tea Party was inevitable. Although each protest movement is unique, many seek to make sense of new movements by referring to movements of the recent, and even distant, past. Historical narratives can be somewhat helpful in terms of situating and understanding new movements.

Constitutional law professors have their own preferred discourse with respect to social movements. As I discussed in my last post, Jack Balkin has [suggested](#) ^[2] that the OWS demonstrations could be framed as a constitutionally-inspired movement. Whether the roots are in the Guarantee Clause, as Balkin suggests, or the Preamble, which I offered as a plausible list of OWS concerns, engaging in this sort of discourse may be something of an occupational hazard. Of course, Balkin and I may genuinely think we see a connection to the Constitution in the OWS protests. However, the truth is that this is a convenient and familiar discourse for constitutional scholars. It allows us to talk about OWS in a way that makes sense to us, in a language rooted in constitutional text and expertise. As [Paul Horwitz](#) ^[3] and others have observed, however, focusing on constitutional discourse and pressing this kind of narrative on the OWS movement may not be wise or particularly healthy in terms of public discourse. As the Tea Party’s success has demonstrated, rooting a movement in the Constitution provides a structure for arguments and a narrative that many find attractive. However, not all movements are *about* the Constitution. Not all protests make substantive constitutional claims.

The basic desire to understand and frame the OWS demonstrations is perfectly understandable. This is how people generally tend to make sense of seemingly unique phenomena — by comparing them to similar phenomena, or situating them in a familiar narrative or discourse. Perhaps, though, we ought simply to give this potential movement, like others, the necessary breathing space to channel its anger and resentment into a coherent set of political and social (and perhaps constitutional) claims. This requires something ubiquitous media and the blogosphere make extremely difficult — namely, the patience to allow the protesters to engage in speech, peaceable assembly, and petition and to listen through the clatter that attends public protests to their specific complaints. At this point, no one knows which narrative best fits this movement — or even whether it will eventually become a movement. There may be kernels of truth to the media narratives, the left/right narratives, and the constitutional discourse. We ought to listen to OWS supporters’ complaints, to gauge their frustration and the extent to which it is shared by other Americans, and to try to understand the implications of their grievances. As the *Times* put it: “When a cold Washington [or New York] winter arrives, most of these tents are likely to fold up. It’s not as likely that the sentiments will disappear.”

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URLs in this post:

[1] put it: http://www.nytimes.com/2011/10/24/us/24iht-letter24.html?_r=1&emc=tnt&ntemail0=y

[2] suggested : <http://balkin.blogspot.com/2011/10/occupy-constitution.html>

[3] Paul Horwitz: <http://prawfsblawg.blogs.com/prawfsblawg/2011/10/balkin-and-pasquale-meet-samaha.html>

[4] : <http://www.bopsecrets.org/recent/situationists-occupations.htm>

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