

16. Modern citizenship as civil disobedience 3.0

Gijs van Oenen

16.1 INTRODUCTION

How do citizens and government interact in a modern democratic state? Constitutions may thoughtfully lay out the system of government, legal norms may be artfully crafted and governmental policy carefully formulated. As yet, the proof of the pudding here is in the eating – that is, in the ‘public encounter’ of citizens and public officials, in the mutual understanding or misunderstanding that they may achieve. Such public encounters may take place on ‘street level’, between individual citizens and functionaries. Encounters also occur, however, at higher levels of interaction: the level of public discussion and opinion-formation, in formal or less formal settings, such as political meetings, television news shows, social media threads and newspaper op-eds. If we want to be informed about the ‘state of the union’, about the vital signs of democracy and citizenship, we should take a look at how public encounters are shaped, enacted and understood – by government as well as citizen.

In this chapter, I am concerned with both levels of interaction, although most prominently with the ‘higher’ level, that of public discussion and political controversy. I aim to show that over the past fifty years or so the public encounter between citizen and government, in this broad sense, has become increasingly antagonistic. It is fruitful, I believe, to frame this development in terms of a transformation of *civil disobedience* – when we understand civil disobedience in a similarly broad sense: as the acquired social and cultural ability and inclination of the citizen to not simply acquiesce in governmental policies, but rather to assess, challenge, oppose and even sabotage such policies when they are found wanting. Civil disobedience is thus related to an increased self-confidence and – more philosophically speaking – emancipation of the citizen who increasingly perceives him- or herself as an equal partner to government. And in fact, government as well as prevalent ideologies have often confirmed and promoted this impression, for instance through fostering

notions like ‘active citizenship’ and partnering with citizens as ‘co-creators’ of policy.

My thesis is that at present we witness the rise of ‘civil disobedience 3.0’. The first, respectful and conscientious phase of civil disobedience originated in the 1950s and 1960s, especially in the United States. It was succeeded, after the social and cultural transformations of the 1960s and 1970s, by version 2.0: a less deferential and more antagonistic form in which emancipated citizens employed a range of legal and political means to curb, neutralize and counteract governmental policies. Recently, we witness civil disobedience 3.0, referring to public encounters between citizens and government in which many citizens no longer even attribute *prima facie* authority to government.

In the theoretical articulation of this development, three notions play a key role. First, the idea – related to the work of Jürgen Habermas – that the process of emancipation has mostly been successfully realized in Western societies, resulting in more extensively developed citizen aspirations and capabilities, as well as in a more ambiguous relation of citizens to institutional authority. Second, Pierre Rosanvallon’s concept of ‘counter-democracy’, expressing how modern citizens increasingly adopt an attitude of *defiance* towards governmental authority. Third, the notion of governmentality as employed by Michel Foucault and the resistance to it as expressed in the formula ‘not wanting to be governed “like this”’. With reference to reactions to governmental Covid-19 measures, for example, it is argued that Foucault’s quasi-anarchist formula ironically is now being employed as a form of neo-liberal ideology.

16.2 AUTHORITY OF GOVERNMENT AND CITIZEN

The authority of government in modern democratic systems based on the rule of law has always been a two-sided affair. On one hand, government will normally derive a reasonable amount of legitimacy from being based on democratically elected organs of representation. Citizens who can vote in well-organized elections, who can freely participate in public debate and who have recourse to an independent judiciary may be expected to put a relatively high degree of trust in government and to generally act in accordance with rules established by government. On the other hand, in such political systems, citizens can always challenge rules and decisions made by government – not just as they apply to them personally, but as a matter of general principle. Opinions contrary to government can be freely expressed – not just as a matter of recognition of the autonomy of modern subjects, but also because those who rule have an interest in being informed about possible errors in their judgements, as Immanuel Kant (1946 [1793]) already understood. Modern democratic governments *need* citizens with critical abilities, who are willing and able to reason for themselves and dare to speak out. For similar reasons,

such societies need a public sphere, a realm of *Öffentlichkeit* established and maintained by citizens themselves, in which public discussions can freely play out without interference from either government or dominant private interests.

Obviously, in real life this relation between government and citizen has been far from straightforward, regarding both the cooperative and the critical dimension. Governments have acted undemocratically and citizens have obeyed undemocratic governments; governments have censored citizens and citizens have defied democratic governments. The art of democratic government is something that has to be learned, exercised, as well as maintained, by both parties involved – citizens and government. Neither democracy nor rule of law can be simply ‘enacted’; rights mean little when they are merely ‘given’, nor is democracy simply ‘what the people want’. Both democratic rule and citizenship have to be practised, tested, challenged, confirmed and reconfirmed, in a potentially endless process of confrontation and accommodation. The existence of a sphere of *Öffentlichkeit* enables citizens to consolidate these confrontations into ‘learning processes’, as proposed by Jürgen Habermas (cf. O’Mahony 2010).

We would be justified in describing such processes as necessary for the formation of both reliable democratic government and an emancipated citizenry – which in a sense are two sides of the same coin. Modern government cannot function without emancipated citizens. It depends on some degree of assent and cooperation by citizens, who should not be forced into submission but rather convinced through argument. Modern citizens must, to some degree, see and (somewhat) appreciate the rationality of government, which indeed may express itself in the form of critique – cf. Kant’s point noted above. And although citizens should largely organize the conditions for their processes of emancipation by themselves – by instituting and maintaining a sphere of *Öffentlichkeit*, within civil society – they cannot extend their emancipatory powers to the fullest extent without a government who appreciates and accommodates these powers.

From a slightly different perspective, however, one may see these same developments as the rise of a system of discipline and control that Michel Foucault called ‘governmentality’ (cf. Lemke 2019). ‘Slightly’ different, because what differs – in my view – is less the socio-historical analysis than its normative evaluation. Where Habermas sees the rise of an emancipated democratic public, Foucault sees the production of subjects willing to co-produce modern government. And where Habermas sees the development of a democratically oriented government, Foucault sees a system of domination strategically adapted to produce optimal compliance and minimal disturbance. From a Foucauldian perspective, more highly developed citizen emancipation equals more effective self-control by citizens, which in turn enables a less openly coercive government. However, government does not become less

directive. Its directive power merely becomes more subtle, not taking the form of repression and the exercise of physical force, but rather manifesting itself in advice, information, persuasion, facilitation, interaction, monitoring, checking, subsidizing and so on.

16.3 THE DYNAMICS BETWEEN EMANCIPATED CITIZENS AND GOVERNMENT

In the course of the last fifty years, both government and citizens have become evermore adept at playing this game – enlarging and adapting their repertoires so as to accommodate, pre-empt, frustrate or propagate the strategies employed by the other. Again, this should be seen from both perspectives – roughly speaking, the Habermasian and the Foucauldian perspective, which are more or less complementary. Being an emancipated citizen implies being able to deal with the many diverse manifestations of the increasingly complex apparatus of governmental institutions, at street level and in front office contacts, as well as in more impersonal institutional interaction. One needs both theoretical and practical knowledge to figure out where to go to ask for support (subsidies, care, permits, etc.); or conversely, which interactions or commitments to avoid. Somewhat paradoxically, the aim of government to move ever closer to the citizen and to become ever more ‘accessible’ requires more, rather than less, skills and knowledge on the part of citizens. The more ‘open’ an organization becomes, the more elaborate skills one needs to navigate its many options, opportunities and pitfalls.

In principle, the same goes for government. Its officials as well have to learn the skills and acquire the knowledge to adequately deal with citizens who have become emancipated and therefore also more demanding: they need to be taken seriously, by keeping them interactively engaged and informed, by inviting them to contribute and by responding to their requests for support, both in personal contacts and in more formal interaction. In doing so, an ever expanding set of rights of citizens has to be respected or even actively catered to; more generally, equal treatment has to be ensured. So while on one hand emancipation entails that citizens can and will increasingly take care of matters by themselves, it simultaneously also means that their demands on governmental services and facilities will increase, both qualitatively and quantitatively.

Although we can thus describe the increasingly more emancipated interaction between citizens and government as a kind of ‘showdown’, a mutual test of capabilities and skills leading to an extension of the repertoire of interaction, government naturally has an advantage over citizens. Citizens have to learn and develop their skills and knowledge individually or – preferably – in some movement or interest group, while government has much more resources to facilitate and optimize its learning process here. More sophisticated cit-

izens can ‘strike back’, for instance by filing requests under a Freedom of Information act, or a Privacy act, which may be time-consuming and frustrating for governments to comply with.

At the other end of the scale, however, there are at least as many citizens who find themselves stuck ‘between front desk and policy’. This is the title of a recent Dutch parliamentary report (Bosman *et al.* 2021) which draws attention to the large proportion of citizens, approximately one in five, who no longer manage to interact adequately with government agencies they need to rely on, such as the Tax Office (Belastingdienst) and the Unemployment Insurance Agency (UWV), due to lack of skill or adverse personal circumstances. Although, understandably, the report proposes measures to solve or mitigate these issues, it is unlikely or even impossible that they can be structurally solved, given the tendency of the developments sketched above.

Public encounters between citizen and government, as well as the concomitant deployment of skills and knowledge, take place at all levels, from street-level negotiations with government agencies through to neighbourhood policy meetings and local participation up to skirmishes at higher levels of policy, administration and adjudication. They are not always public in a similar sense or a similar way; yet they are all subject to the – formal or informal – rules and arrangements of democratic decision-making in accordance with the rule of law. And at all levels, they require a variety of skills and theoretical understanding that enable both parties to achieve accommodation and cooperation – or to challenge or even refuse what the other proposes or demands.

Some new light can be shed on these dynamics, by reconceiving part of the repertoire employed by the citizen in her confrontation with government, as it has developed over the past half century, in terms of a transformation of *civil disobedience*. In my view, civil disobedience represents an important aspect of the rise of the emancipated citizen, especially as it represents a counterpoint to the ever closer relation of interactivity that has developed between government and citizen over the past half century. Up to a point, here again we see two sides of the same coin, two dimensions of the same process. The skills and the knowledge enabling modern citizens to interact productively with government in order both to contribute to the successful implementation of policy and to realize personal goals and objectives are, generally speaking, equally pertinent where citizens act to obstruct or resist government policies.

Civil Disobedience 1.0

Traditional civil disobedience – the version we might call 1.0 – refers to obstructing the implementation of public policy after it has been enacted in accordance with democratic procedures. This is of course why it is considered inherently problematic. It is deemed acceptable only in exceptional cases

where conscientious objectors publicly and peacefully block the execution of lawful policies out of the conviction that these would lead to grave injustices. It represents a kind of ‘last stance’ of citizens who in good faith oppose iniquitous government policy.

The idea of civil disobedience as a principled personal attitude on political issues arose in the mid-nineteenth century, prominently put forward by Thoreau, who opposed slavery and the Mexican war (cf. Bennett 1994). As a matter of collective action, we can situate the rise of civil disobedience about a century later – the 1950s and 1960s – yet the authority of government was then still relatively uncontroversial and self-evident. Using a vocabulary proposed by the Dutch sociologist Abram de Swaan (1990), we can characterize this situation as a ‘command household’, in contrast with the ‘negotiation household’ that developed in the later 1960s and 1970s. As the terms reflect, this vocabulary was first developed to thematize changes in the private sphere, but we may extend their reach to include public developments as well (cf. Oenen 2011).

In the 1950s and early 1960s the relation between citizens and government was not (yet) an interactive one. Citizens were not in any form or at any stage consulted on policy-making; nor did they expect to be. Government unilaterally announced decisions, which were mostly accepted at face value. Governmental authority was perceived as a matter of commands, which largely went unquestioned. And generally, political theories of that time offered little or no room for such a stance. There can be no valid grounds for resisting democratically enacted government policies – or, depending on the orientation of the theory, for resisting government in any case.

It is thus unsurprising that in the few instances that government authority was in fact challenged, the form of the resistance was as categorical as the form of the authority it questioned. And such – rare – defiance of authority did not express a disdain for authority. Rather the opposite: defiance meant something, precisely because the authority it challenged was held in high respect. The best-known example is the civil rights movement in the United States. Another prominent example from the 1960s is the protest against the draft for the Vietnam War – but this already takes us some way into the relation between civil disobedience and the rise of a new youth culture and, more generally, to a cultural turn connected to emancipatory struggles, which would eventually lead to a new form of civil disobedience.

At the end of the 1960s philosophers started to pick up on the meaning and importance of civil disobedience – although it has rarely been incorporated into a more general form of political theory. Among the first was Michael Walzer (1967: 163), who observed that civil disobedience ‘is almost always a collective act, and it is justified by the values of the collectivity and the mutual engagements of its members’. A few years later, John Rawls (1971:

364) proposed to conceive of civil disobedience as ‘a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government’. Agents of civil disobedience are to ‘appeal to the community’s shared conception of justice in their pleas, and to demonstrate their overall “fidelity to law” by accepting, or even seeking out, the legal consequences of their actions’ (Delmas 2016: 681). Later influential accounts have been formulated by Jürgen Habermas (1985) and Robin Celikates (2014, 2016). My own account is broadly in line with Celikates’ account, which takes important clues from the work of James Tully, in which civil disobedience is conceived as a ‘distinctive “art of citizenship”, an “unofficial” yet historically and politically prominent form of citizen participation’ (Celikates 2014: 211).

Civil Disobedience 2.0

As is well documented, the 1960s and 1970s are defined by social, cultural and political protest. Emancipatory struggles are acted out by a variety of social movements, prominently including feminism and youth culture and popularly summarized as a culture of ‘sex, drugs and rock’n’roll’. Established authority is successfully challenged and traditional patterns are disrupted: ‘the times they are a-changin’, as Bob Dylan famously proclaimed. Institutions of all kinds answer to this call and quickly become democratized. Both personal relations and social relations become more informal and more ‘horizontal’. This also extends to institutional functioning and the relation between government and citizens. In the terminology introduced above: the command household is being replaced by a negotiation household.

These developments have far-reaching consequences for the notion of civil disobedience, both theoretically and practically. From the early 1970s on, civil disobedience in the traditional sense dissolves, as the relations of authority to which it traditionally applied – those of the command household – are in rapid decline. Civil disobedience (1.0) does not really make sense anymore; isolated acts of conscientious objection against established authority are being replaced by more structural mechanisms of negotiation and interactivity. As part of a general movement of democratization, citizens are no longer just clients, but participants in institutions. Their experiences and opinions now become intrinsic to the functioning of these institutions.

This change can be understood both ideally and prudentially. Ideally, in the sense that the democratization of (especially governmental) institutions is indeed supported and motivated by a democratic ideology that took hold of both citizens and government. Both become committed to the ideal of arranging institutional structures more democratically and – somewhat later – as more ‘transparent’. Prudentially, on the part of the government, as it is coming

to see that arranging things democratically is now often equivalent to making arrangements for more effective policy implementation. Under the right conditions, citizen participation benefits the deployment and enactment of policies, as it tends to pre-empt later problems and objections by turning these into items of reasonable co-production and deliberation at an earlier stage of the policy process. As common public administration wisdom has it, this creates commitment and a support platform.

Civil disobedience 2.0 arises in the wake of these developments. Two main developments, or rather ‘twists’, are salient here. First, citizens start to approach these new conditions in a more individualistic and self-centred way, too. They are more ready to connect participation in policy-making to prudent protection of their self-interest. We see this prominently displayed in the rise of the NIMBY sentiment during the 1980s. New roads, windmills or asylum shelters: *Great, but not in my backyard!* Democratic participation in, and commitment to, government policy, fine, but not when this implies adverse consequences for my own conditions of living (Gibson 2005; Eranti 2017).

Thus the traditional choice between obedience and refusal, which was characteristic of the command household, is now being replaced by an interactive relation in which the categorical refusal dissolves and proliferates into a wider and more differentiated repertoire of options to thwart, oppose or counteract the realization of policy initiatives. This stance evolves from being surreptitiously performed, into an open attitude of defiance in which the precedence of the collective interest as represented in policy initiatives, over individual interest, is unapologetically being questioned and confuted. This is the second development or twist towards what we might call ‘democratic uncooperativeness’.

We can understand this attitude of defiance through interactivity as a specific episode in a longer development of what Pierre Rosanvallon has called ‘counter-democracy’. This term expresses a fundamental change in orientation towards democracy, in which citizen participation in democracy aims not so much at a shared realization of some collectively developed ideal, but rather at questioning and weakening the power of democratic government, so as to ascertain that it cannot infringe too much on the individual interests of citizens. Citizens, Rosanvallon (2006: 261–262) writes, no longer dream of conquering power in order to exercise it; their goal now is to constrain and limit it.

As Rosanvallon himself indicates, the rise of counter-democracy in some degree can be understood as the democratic counterpoint to Michel Foucault’s (1975) diagnosis of the rise of disciplining institutions in modern society and their relevance to modern forms of government. Disciplining institutions carry out a pervasive surveillance of those subjected to them, in order to make sure that their behaviour conforms to the standards required by modern society. This is precisely because modern society lacks fixed standards as self-evident

norms for orienting behaviour. In a modern civil society, citizens are supposed to be able to set normative standards by themselves and to live up to these out of their own accord. Institutions now acquire the somewhat paradoxical task of disciplining citizens into the art of ruling themselves. Quite plausibly, Rosanvallon (2006: 38) suggests that counter-democracy constitutes a kind of inversion of Foucault's surveillance principle: now the surveillance of power by society is at stake. Counter-democracy entails control mechanisms similar to those Foucault described, but these are now employed by citizens towards government, in order to check and 'discipline' it.

16.4 CIVIL DISOBEDIENCE AS DEFIANCE OF GOVERNMENT

We can thus understand the attitude of democratic uncooperativeness as part of this larger dynamic of defiance and surveillance by citizens of democratic governance. Gradually, the prudential and mostly self-centred NIMBY approach morphs into a more principled set of practices in which participation aims at curtailing and frustrating, rather than enhancing, government power. This constellation represents the fullest expression of civil disobedience 2.0. Uncooperativeness and refusal transform from exception to normal case; to regular democratic citizen behaviour.

A salient part of this constellation is the public celebration of judicial decisions that constrain, thwart or delegitimize governmental policy. In the Netherlands, three recent cases stand out. In the Urgenda case, courts – including eventually the High Court (20 December 2019) – decided that the state not meeting its own stated goal of reducing carbon dioxide emissions by 25 per cent in 2020 (as compared to 1990) constitutes an actionable tort. This decision was widely celebrated as a kind of citizen victory over government – citizens forcing their own government into submission. In the Srebrenica case, the High Court (19 July 2019) found that the 1995 murder of 350 Bosnian Muslims by Serb forces, commanded by General Mladic, was partly to be ascribed to 'negligence' by Dutchbat, the Dutch military unit on whose compound the men had sought protection – a situation at this point presumably under 'effective control' by the Dutch government. This decision as well was widely perceived as a 'defeat' for government – and a well-deserved one at that. Finally, during the Covid-19 pandemic, a judge invalidated the Dutch government's curfew measures as being insufficiently warranted by law. Many appeared to perceive this as a kind of revenge on the state; the national daily *De Volkskrant* called it a 'painful defeat' for government. When shortly thereafter, new (emergency) legislation was adopted that remedied this problem, *NRC Handelsblad*, the main establishment newspaper, caustically wrote: 'Judges cut off by new legislation' (18 February 2021).

It is not in itself unprecedented or necessarily problematic that courts somehow thwart government policy. It is remarkable, however, that such legal rulings are received with so much public and media enthusiasm, expressing unmistakable resentment towards government – now often referred to as the State, with a scare capital S. Rather than the citizen breaking the law and conscientiously accepting the consequences imposed by the courts, as in classical civil disobedience, it is now government itself that gets labelled by conscientious citizens as ‘law breaking’. There is a palpable sense that government should be put in its place and that any power able to achieve this should be celebrated as ‘democratic’. Government, it feels like, should not think that it is somehow *special*. Like royalty before, government has to be brought back to earth – not to say: on its knees.

Civil disobedience 2.0, as a specific moment in the larger context of the rise of counter-democracy, thus entails the sense that citizens no longer perceive government as standing over or above them. This can to a large extent be understood in terms of an emancipating citizenry, which has increasingly become involved with and committed to the democratic formation of governmental policies. As citizens have become so much involved with the process of policy-making and are being so explicitly invited and accepted as ‘co-producers’ of policy, it should not come as much of a surprise that they no longer feel government is something that is ‘superior’ to them. We may here note an interesting and problematic paradox for public administration theory and practice: the more citizens become equipped and willing to be co-producers of policy, the more they will also be equipped and willing to effectively thwart and undermine policy – and government more generally.

While my claim is that this ‘emancipation of civil disobedience’ would itself be sufficient to bring about this result, this tendency is compounded by other circumstances and developments. I want to briefly discuss three of these: horizontalization, neo-liberalism and populism.

Horizontalization is a trend in government that has existed since the 1990s. It was part of the ‘third way’ that was – briefly – popular as an alternative to either liberalism or socialism and it was also embraced as part of the New Public Management governance philosophy of the times (cf. Osborne and Gaebler 1992). Many tasks previously carried out by centralized government, it was felt, could equally well, or better, be performed by independent entities, which were supposedly both more neutral and more flexible – the notion of government not being ‘neutral’ of course primarily being pushed by neo-liberalism, which claims that government should dedicate itself to enabling ‘spontaneous’ social forces, especially forces of the free economic market. Such independent bodies then appear as neutral regulatory agencies, largely unrelated to either government or democracy – which is an ideological move in itself. And government is in this way deprived of part of its more or

less self-evident and reliable functions and uses, leaving government with the more controversial and problematic aspects of governing. These developments chipped away at the citizen's basis for trusting in government's authority.

This tendency was emphasized and ideologically supercharged by the rise of neo-liberalism. Although much disputed, it may be fairly characterized as a radical ideology which continues to insist on classical liberal values such as freedom, individual rights and an aversion to government interference in social issues, while adding a sharp edge by claiming that government should facilitate, rather than regulate and restrain, free market operations. The implicit or sometimes explicit suggestion is that whatever government does, the market can do better. Unsurprisingly, this affects citizens' appreciation of government in a negative way. They conclude that both markets and citizens have little reason to respect the authority of government or its policies. Thus, neo-liberalism implies a further intensification and radicalization of the tendencies already present in counter-democracy and in civil disobedience 2.0.

Finally, there is populism. Whatever else it is or does, populism entails a distrust in government. Or at least in the 'establishment' invariably associated with it. Populism, in its various forms and guises, strikes a chord with many people in its insistence that government has alienated itself from common folks – which reflects a more general feeling that the forces driving modern society, such as globalization, technology, finance and education, produce an ever widening gap between those who are able to accommodate those forces and those who lack the resources to do so. Those who thus become excluded are not just some part of the people, but the 'real' people – or so populism claims. Populism proposes that government should be reclaimed by these real, or common, people – which naturally entails the claim that government is not, or should not be, something superior to them.

One may disagree with the more radical and rhetorical populist claims about 'the real people' being some homogeneous group engaged in a righteous fight against usurping elites, 'mainstream media' and such. Then again, however, many of the democratic measures put forward by populists are actually more widely embraced by 'mainstream' critics of the dominant political order. Think of referenda, elected officials, citizen panels, more 'representative' elected bodies, as well as more responsiveness, accountability and transparency. These all entail the idea that common citizens are equally well, if not better, able to decide on political issues as established government officials and institutions.

Civil Disobedience 3.0

This brings us to the phase of civil disobedience 3.0. This refers to the political condition in which government is no longer seen as entitled to any *prima facie*

claim of being more authoritative than any other institution or even any citizen. This citizen is shaped by a culture of emancipation, counter-democracy, neo-liberalism, but also by an ecosystem of ‘social’ media subjecting her to a continuous barrage of opinions, frames and perceptions seemingly without any hierarchical order or authoritative interpretation. Government’s voice now comes across as lacking any pre-eminence – it is merely one ‘influencer’ among others, so to speak. Its view on any issue constitutes just ‘one more opinion’, in the perception of many. Which implies that there is no special reason to feel bound to respect its opinion, countenance its policies or conform to its rules.

This tendency is on prominent display in times of the exceptional measures taken by governments to contain the Covid-19 virus. The virus presented governments with unprecedented challenges. Based on very limited knowledge and understanding, drastic measures had to be taken, with enormous adverse societal repercussions. Almost every strategy could be challenged as to its efficacy and proportionality. Although we may argue that the situation around the virus constituted a state of exception – and at least in a legal sense this indeed was the case – it can and should also be understood as merely a radicalization of certain main characteristics of contemporary political normalcy. Fallible virus-fighting policies provided sceptics, populists, liberals as well as ‘co-creators of policy’ with all the more reason to deny that government has any superior knowledge or insight. So the point here is not so much that people positively believe that they know more or better than government; more important is that people feel they are now so well-informed themselves that they are no longer prepared to give government even the benefit of the doubt. Even before Covid-19, for example, anti-vaxxers already thought of themselves as not so much against science, but as informed enough to personalize science to match their own needs (Wallace-Wells 2021).

Public health policies can easily be criticized as doubtful, unwarranted, ineffective or plainly wrong. We found this out on the street, in the widely reported sentiment that citizens were ‘fed up’ with Covid-19 measures and, more generally, with the authority of government. Too lax, too strict, whatever – government measures seemed always to fall short or, rather, fall on deaf ears. During the summer period of 2020, due to the lower infection rate, ‘contact tracing’ again seemed a viable strategy. This was, however, defeated or at least significantly hampered by the apparent fact that especially young people simply refused to answer the telephone call when approached by public health authorities. The symbolic message is clear: Why indeed should you pick up the phone when government calls?

On the streets, in the public encounter, we find even more explicit acts of resentment against government authority. The most striking form, no doubt, is aggression and even violence against emergency services such as firefighters

and ambulance personnel. There seems to be an increasing number of reports of people bothering, hindering, criticizing or openly attacking such rescue workers (Maguire, O'Meara, O'Neill and Brightwell 2018). In the court of common public opinion and on the streets, government authority is thus under siege. Also at the formal level, this authority is being gutted. When the legal propriety of drastic Covid-19 measures such as the curfew was being questioned in court and felt wanting, commentators were quick to suggest that the fines already imposed on 'disobedient' citizens should be reimbursed, what would generally be perceived as a humiliating defeat for government.

It should be added here that simultaneously of course we actually see a considerable yearning, among certain strata or groups of citizens, for stronger government authority. Or even for authoritarian styles of government, within a formally democratic context. This is generally characteristic of populism, which thus constitutes a phenomenon complementary to civil disobedience 3.0. While populists are just as assertively critical or even dismissive of government, they do not feel able to act themselves as citizens on this sentiment – perhaps because they feel demoralized by no longer being able to connect with politics and institutions, as these require evermore interactive skills and capacities, as argued above. Instead, populists prefer to 'outsource' the counter-democratic political action to some charismatic leader who supposedly thinks and acts directly on their behalf. Populists thus tend to believe – or fantasize – that government is flawed and no longer able to represent the ordinary citizen, yet a populist leader would somehow be able to clear all this up, and both truly and forcefully represent the people (cf. Oenen 2018: Chapter 3).

Not just populist-minded citizens and media, but also well-respected op-ed columnists are all too willing to share with us their doubts: Why should we be so ready to believe government? Haven't we been too meek and accommodating for a long time already? Has government not reached the limit of its credibility – or already transgressed it? And even stronger: Are liberal governments not – perhaps even happily – moving in a totalitarian direction, curtailing liberties and, together with big pharmaceutical companies, testing citizens and pushing vaccines? It appears that civil disobedience 3.0 has now become 'enlightened liberal intellectual mainstream', rather than an obscure fringe phenomenon.

It might be useful at this point to ask whether civil disobedience 3.0 is not some kind of new *politics*, rather than a form of 'civil' protest. Indeed one could try to distinguish civil disobedience from 'political disobedience'. The latter would refer to the Occupy movement, for example. Although indeed this was a public protest which transgressed laws and challenged government's authority, it went further and 'rejected conventional political rationality, discourse, and strategies', as Bernard Harcourt argues. It 'adopted rhizomic, non-hierarchical governing structures' and 'confounded our traditional under-

standings and predictable political categories' (Harcourt 2012: 34–35). I agree that forms of disobedience that 'open possibilities for new ideas, tactics, and forms of resistance' are more properly analysed in terms of 'political' disobedience. I disagree, however, that this amounts to 'resisting the very way in which we are governed'. I believe civil disobedience 3.0 does imply such resistance, yet should not be equated with political disobedience, as it is more defensive and more aimed at defying and subverting government than at improving or outdoing it.

I would like to show this with reference to Michel Foucault's critique of 'governmentality', as developed in the late 1970s (cf. Dean 1999; Lemke 2019). Modern government, according to Foucault, should not be understood as rule based on contract, democracy or justice, but rather be perceived in terms of the herding of stock: a kind of surveillance-oriented care which keeps members of a community tractable and productive. Foucault understood the rise of interactivity in the relation between government and citizen as compounding this form of domination, rather than as expression of emancipation or democratization. Its main function is to instil in democratic subjects a stronger sense of co-responsibility for government and thus a stronger amenability to be made complicit in the project of governmentality.

Foucault was not only interested in analysing this new way of governing, but also in asking how it could be criticized, opposed or thwarted. He was painfully aware of the problems and contradictions involved in resisting governmentality, a style of government which tends to turn every attempt at critique into an opportunity for increased productivity and docility. Every form of resistance is turned into cooperation – indeed what basically happened with 'active citizenship' and citizens being 'co-producers of public policy'. As Foucault noted, the only viable form of opposition here is refusal – refusal to accept the invitation to participate. He expressed this in his admittedly and perhaps deliberately cryptic formula: Not wanting to be governed 'like this', or 'so much' (in French: '*tellement*', or '*comme ça*') (Foucault 2015; Patton 2005: 268). The point here is a principled (and perhaps, politically speaking, anarchist) non-acceptance of the premise of legitimacy of the proposed style of governance, so as not to get caught up in its duplicitous principle of obedient self-responsibilization.

It seems that in its stance towards government authority, civil disobedience 3.0 quite closely matches Foucault's refusal of governmentality. Both express emancipated citizenship as an acquired inability or refusal to accept the premise of authority of democratic government. The paradox exhibited by both is that the process of (self-)discipline involved in creating emancipated, active citizens leads not to a fulfilment of democratic values and ideals, but rather to its opposite: a refusal to further pledge their allegiance to these values

and ideals. Besides, it leads to the collective cherishing of the assertive and outspoken self, deemed to be liberated from external authority.

Now obviously, despite these convergences there are huge differences in the self-understanding involved in civil disobedience 3.0 as observable in society and the Foucauldian refusal of governmentality. Civil disobedience 3.0 entails an assertive stance, a self-confident conviction that the acquisition of democratic abilities and insights by citizens amounts to a weakening of democratic legitimacy of governmental authority. And in reverse, no longer being sensitive to that authority virtually amounts to proof of accomplished liberal citizenship. Foucauldian refusal, to the contrary, emanates from a deep distrust of the whole project of liberal emancipation and democratic government. This is seen as an ideological construct diverting attention from the fact that power is exercised exactly through such a sense of self-confidence as an emancipated liberal citizen. Those citizens reject government because they no longer need it, having being turned – and having turned themselves – into self-obeying individuals dutifully following the directives of emancipated liberal citizenship.

It does not seem there is some ‘quick fix’ to remedy the problems of civil disobedience 3.0 and the concomitant forms of citizenship. Public administration theory and practice, but actually politics more generally, will have to come to terms with the paradoxical given of citizens who are increasingly more able both to cooperate and to sabotage. Any one-sided strategy to address this problem, such as (even) more democracy or transparency, is likely only to exacerbate the situation – and eventually give rise to ‘civil disobedience 4.0’.

16.5 CONCLUSION

In conclusion, it can be argued that the process of emancipation of modern citizens, in which they have become an interactively committed contributor to democratically functioning institutions, gives rise to a number of unintended and unexpected consequences.

First, the process of becoming emancipated citizens, with the concomitant acquisition of interactive democratic capabilities, has encouraged a turn from democratic participation into an attitude of defiance. This attitude of defiance is part of what Rosanvallon describes as counter-democracy. In this reversal of the process of surveillance of citizens by government, it is now citizens that monitor and ‘discipline’ government. Second, in times when government is increasingly being conceived as ‘horizontal’, we can describe this mode of defiance of government as a new form of civil disobedience. In times of a ‘vertical’ perception of authority, defiance expresses itself in the shape of – what we can now call – civil disobedience 1.0: respectful and principled refusal to comply with the directives of government. In ‘horizontal’ times, however,

such a type of disobedience makes little sense. It is replaced by a much more common and less respectful challenging of the implementation of government policies overall. Third, at the present time – and especially in a time of Covid-19 pandemic measures – we can witness a radicalization of civil disobedience into the new version 3.0. In this new mutation, there is not even a *prima facie* perception of governmental authority as something different from any other kind of authority; government has become merely one influencer among others. It has become commonplace to challenge the substantiation and the legitimacy of government policy, in op-ed articles, television news shows and social media.

Finally, this version 3.0 of civil disobedience shows remarkable similarities to Foucault's proposed modality of relating to government authority, namely the modality of refusal – keeping one's distance from government. In its Foucauldian guise, refusal is obviously less argumentative, but ironically considerably more respectful than civil disobedience 3.0. Its refusal is not based on a judgement that government policy is incompetent, wrong or simply of no interest. It does not suffer from the self-aggrandizement and moral indignation of civil disobedience 3.0. The consequences of this transformation for how public encounters between officials and citizens play out can be witnessed every day.

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