



# Pandemics and Paradigms of Contestation

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## Abstract

Paradigms of governance are defined in part by paradigms of contestation—stockpiles of culturally legible tactics for contesting power. This article analyzes the growing use of hard-block and mutual aid tactics in Metulia (sometimes called Victoria, B.C.) as exemplars that suggest liberal paradigms of contestation may be becoming less rigid. Drawing on Robert Cover and Charles Tilly, I argue that the present conjuncture is not, as many analyses suggest, merely a tipping point between one paradigm and the next. Rather, it is a creative moment of experimentation and indeterminacy defined by multiple crises, multiple emergences, and their unpredictable interactions.

**Keywords:** COVID-19, protest, contestation, repertoire, mutual aid, hard-block

## Résumé

Les paradigmes de gouvernance sont définis en partie par les paradigmes de contestation, soit un arsenal de tactiques culturellement lisibles pour contester le pouvoir. Cet article analyse plus précisément l'utilisation croissante de tactiques de blocage et de pratiques d'entraide à Metulia (parfois appelée Victoria, en Colombie-Britannique) en tant qu'exemples qui suggèrent que les paradigmes libéraux de contestation pourraient devenir moins rigides. En m'appuyant sur Robert Cover et Charles Tilly, je soutiens que la conjoncture actuelle n'est pas, comme le suggèrent de nombreuses analyses, un simple point de basculement entre un paradigme et le suivant. Il s'agit plutôt d'un moment créatif d'expérimentation et d'indétermination défini par de multiples crises, de multiples émergences et leurs interactions imprévisibles.

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**Mots clés:** COVID-19, pandémie, manifestation, contestation, répertoire, pratiques d'entraide, blocage

This special issue maps the important ways the bio-political management of the COVID-19 pandemic is shaping and challenging liberal paradigms of governance. Understanding these effects requires understanding that liberal paradigms were already experiencing multiple intersecting crises when the pandemic began.<sup>1</sup> From climate change to wealth inequality and the crises of capitalism, to colonialism and racial injustice, to crises of representation, dominant systems are struggling under the weight of their own contradictions. As a result, liberal hegemony is embattled, with authoritarian countries challenging the liberal world order,<sup>2</sup> populist parties disrupting liberal politics,<sup>3</sup> and polarization replacing liberal consensus.<sup>4</sup> All of these factors and more signify and contribute to a complex polycrisis, as various challenges feed and interact with one another.<sup>5</sup> COVID-19 adds to and interacts with these existing challenges, contributing new layers to the crisis of the liberal paradigm.

The embattled liberal paradigm consists not only of norms that structure how the state exercises power, but also of norms that structure how subjects enact freedom in relation to, within, outside of, and against dominant paradigms.<sup>6</sup> For Charles Tilly, types of regime exist alongside “repertoires” of social contention—stockpiles of available tactics which are both culturally intelligible and suited to existing political opportunity structures.<sup>7</sup> Here too, the effects of polycrisis are evident. The 2010s have been called a “decade of protest,” characterized by unprecedented square occupations and street mobilizations around the world<sup>8</sup> and culminating in a banner year in 2019.<sup>9</sup> Significantly, an unprecedented number of these are not issue-specific, but rather “omnibus” protests which question the established order in its entirety.<sup>10</sup> Again, the pandemic contributes—historically, pandemics are characterized not only by massive government interventions, but also by periods of dramatically increased social contention, unrest, and revolution.<sup>11</sup>

<sup>1</sup> Michael Lawrence, Thomas Homer-Dixon, Scott Janzwood, Johan Rockström, Ortwin Renn, and Jonathan Donges, *Global Polycrisis: The Causal Mechanisms of Crisis Entanglement* (Victoria: Cascade Institute, 2023).

<sup>2</sup> Elias Götz, “The Crisis of Liberal World Order,” in *The Routledge Handbook of Illiberalism*, ed. András Sajó, Renáta Uitz, Stephen Holmes (New York: Routledge, 2021).

<sup>3</sup> Chantal Mouffe, *For a Left Populism* (London: Verso, 2018).

<sup>4</sup> Thomas Carothers and Andrew O’Donohue, *Democracies Divided: The Global Challenge of Political Polarization* (Washington: Brookings Institute, 2019).

<sup>5</sup> Lawrence et al., *Global Polycrisis*.

<sup>6</sup> James Tully, *Public Philosophy in a New Key: Volume 1* (Cambridge: Cambridge University Press, 2009).

<sup>7</sup> Charles Tilly, *Regimes and Repertoires* (Chicago: University of Chicago Press, 2010).

<sup>8</sup> Matt Clement, “The 2010s: A Decade of Riot and Protest,” in *A People’s History of Riots, Protest and the Law* (London: Palgrave Macmillan, 2016); see also Erica Chenoweth, “The Future of Nonviolent Resistance,” *Journal of Democracy* 31, no. 3 (2020): 71.

<sup>9</sup> Chenoweth, “Nonviolent Resistance,” 69.

<sup>10</sup> Isabel Ortiz, Sara Burke, Mohamed Berrada, and Hernán Saenz Cortés, *World Protests: A Study of Key Protest Issues in the 21st Century* (London: Palgrave Macmillan, 2021), 111.

<sup>11</sup> William McNeill, *Plagues and Peoples* (Norwell: Anchor, 1976); Tahsin Saadi Sedik and Rui Xu, “A Vicious Cycle: How Pandemics Lead to Economic Despair and Social Unrest,” *IMF Working Papers* 216 (2020).

As Milan Babic argues, however, most approaches analyze moments of crisis either to decry the collapse of the old system or cheer the emergence of some well-defined alternative.<sup>12</sup> In so doing, they treat crisis as singular, a simple transition point between stable paradigms, rather than an open-ended multiplicity, an active terrain of struggle with its own complex relational dynamics, challenges, and opportunities.

In this article, I explore how paradigms of contestation are shifting and how this can help us to understand the present conjecture in its specificity and indeterminacy. To do so, I engage with changing practices of grassroots contestation in Metulia<sup>13</sup> (sometimes called Victoria, B.C.), where I live as an uninvited settler, and work to situate these changes relative to larger international trends. George Pavlich, drawing on Agamben, puts it this way: “[w]hen considering intersecting patterns of rule as a “paradigm” ... we might analyse singular instances of power to glimpse the contingent socio-political and discursive horizons that render them meaningful and viable. In other words, singular cases ... may be used then to make ‘intelligible a new ensemble’ of which they are an element and to which they give expression.”<sup>14</sup> This approach is not about selecting representative cases in any statistical sense; rather, it is about the ability of the example, as a complex act, to reveal an interplay of the global and the particular in ways that shed light on both.

In [Section I](#), I review some of the changing ways that I see local communities exercising agency relative to state authority. In particular, I highlight the growing use of both mutual aid networks and hard-block tactics—where activists use devices to complicate arrest and removal. In [Section II](#), I ask what hard-blocks and mutual aid have in common. I contend that both tactics attempt to directly affect material change, as well as or instead of appealing to the state for reform. To that extent, they represent a departure from liberal modes of contestation. In [Section III](#), I show how these changes participate in a broader international trend towards tactical diversification and experimentation. In [Section IV](#), I draw on Robert Cover to offer an explanation—the pandemic and concurrent crises are undercutting not only liberal paradigms of governance, but also liberal repertoires of contestation.<sup>15</sup> As a result, contestation is becoming increasingly “jurisgenerative,” as diverse groups posit their own normative visions complete with their own norms of resistance.

## I. Shifting Paradigms of Contestation in Metulia

Perhaps the most obvious shift in social contestation in Metulia, as elsewhere, has been the shift towards digital activism in response to the pandemic. Because this

<sup>12</sup> Milan Babic, “Let’s talk about the Interregnum: Gramsci and the Crisis of the Liberal World Order,” *International Affairs* 96, no. 3 (2020): 767–786.

<sup>13</sup> For the use of the place-name Metulia see Cheryl Bryce and Jeff Corntassel, “Practicing Sustainable Self Determination: Indigenous Approaches to Cultural Restoration and Revitalization,” *Brown Journal of World Affairs* 18, no. 11 (2011): 157.

<sup>14</sup> George Pavlich, this issue, drawing on Giorgio Agamben, *The Signature of All Things: On Method* (New York: Zone Books, 2009).

<sup>15</sup> Robert Cover, “Nomos and Narrative,” *Harvard Law Review* 97, no. 4 (1983): 49–53.

trend has received so much attention, however, I will focus on changes to in-person contestation.<sup>16</sup>

One striking development in local in-person protests has been a noticeable surge in local right-wing social organizing, including anti-homeless organizing,<sup>17</sup> right-wing council candidates,<sup>18</sup> anti-vax rallies, and eventually weekly “Freedom Convoys” that saw thousands of participants congregate from around Vancouver Island to protest public health restrictions.<sup>19</sup> Similar convoys took place nationwide. These actions saw the mass use of vehicle convoys to slow traffic or block streets and the use of car horns to create noise protests or harass local businesses for public health compliance.<sup>20</sup>

At the same time, the rallies and marches that had long been a mainstay of progressive activism declined dramatically.<sup>21</sup> There were, of course, notable exceptions. Black Lives Matter (BLM) brought significant crowds to the streets.<sup>22</sup> BLM

<sup>16</sup> As of June 2023, a Google Scholar search for “digital activism + pandemic” yields some 16,800 academic publications since 2020. For extended discussion, see Kabeel Mohyudin Dosani, *Digital Activism as a Tool in Fostering Collective Resilience and Empowerment amid COVID-19* (PhD diss., Fordham University, 2022).

<sup>17</sup> E.g., Nina Grossman, “Stadacona Park tenters at centre of neighbourhood petition citing drugs, crime,” *Time Colonist*, September 19, 2022, <https://www.timescolonist.com/local-news/stadacona-park-tenters-at-centre-of-neighbourhood-petition-citing-drugs-crime-5836582>; Kendra Crighton, “Petition demands Victoria ‘save Beacon Hill Park’” *Victoria News*, June 16, 2020, <https://www.vicnews.com/news/petition-demands-victoria-save-beacon-hill-park/>.

<sup>18</sup> Lindsay Kines, “The Mad as Hell Guy Wants to be Victoria’s Mayor,” *Times Colonist*, August 26, 2020, <https://www.timescolonist.com/local-news/the-mad-as-hell-guy-wants-to-be-victorias-mayor-4665287>; Lindsay Kines, “Stephen Andrew Tops Polls in Victoria Byelection,” *Times Colonist*, December 12, 2020, <https://www.timescolonist.com/local-news/stephen-andrew-tops-polls-in-victoria-byelection-wins-council-seat-4686234>.

<sup>19</sup> “Victoria Police Say ‘Freedom Convoy’ Protests at B.C. Legislature cost \$385K in Overtime,” *CTV News*, April 29, 2022, <https://vancouverisland.ctvnews.ca/victoria-police-say-freedom-convoy-protests-at-b-c-legislature-cost-385k-in-overtime-1.5882275>.

<sup>20</sup> “Victoria Police Issue ‘Significant’ Tickets at Horn-Honking B.C. Legislature Protest,” *CTV News*, July 15, 2022, <https://vancouverisland.ctvnews.ca/victoria-police-issue-significant-tickets-at-horn-honking-b-c-legislature-1.5989136>; Jake Romphf, “Victoria Mayor Calls for Respect at Second Convoy, Following Reports of Hate Speech, Harassment,” *Saanich News*, February 4, 2022, <https://www.saanichnews.com/news/victoria-mayor-calls-for-respect-at-second-convoy-following-reports-of-hate-speech-harassment/>.

<sup>21</sup> The weeks-long, nation-wide protests in solidarity with the Wet’suwet’en, for example, quickly disappeared. Even renewed pipeline and police activity on the Yintah in 2021 and active drilling under the Wedzin Kwah river, long a red-line for land defenders, failed to catalyze a comparable local response. While the more than eight Wet’suwet’en solidarity events in 2020 routinely received 400 to 800 Facebook engagements, the sole event in 2021 received only 100. “Reconciliation is Still Dead: Rally for Wet’suwet’en,” *Facebook*, October 5, 2021, <https://www.facebook.com/events/200190552205282/>; likewise, Our Earth Our Future, a local group of student climate-strikers, brought a record-breaking 20,000 protestors onto the streets of Metulia in late 2019 (Simon Little, “120K People Pack Vancouver, Victoria Streets for Climate Strike, Marches Held Around B.C.,” *Global News*, September 27, 2019, <https://globalnews.ca/news/5962218/vancouver-climate-strike-2/>) but practically disappeared during the pandemic, listing two online events in the remainder of 2020 and no events at all in 2021 or 2022 (“Our Earth Our Future—Events,” *Facebook*, accessed June 1, 2023, <https://www.facebook.com/ourearthourfuturevic/events/>), though Climate Justice Victoria did host one student climate strike in 2021 (“Climate Justice Victoria – Events,” *Facebook*, accessed June 1, 2023, <https://www.facebook.com/events/337119241413174>). Climate Justice Victoria, a prominent coalition of local groups, lists ten events in the twelve months following lockdown, compared to over forty in the twelve months immediately preceding (ibid.).

<sup>22</sup> “Thousands gather for Black Lives Matter rally in Victoria,” *CBC News*, June 7, 2020, <https://www.cbc.ca/news/canada/british-columbia/thousands-blm-rally-victoria-1.5602631>.

also helped popularize statue-removal tactics,<sup>23</sup> which have since been incorporated into decolonial movements more prominently.<sup>24</sup> The Ada'itsx/Fairy Creek blockades, which sought an end to old-growth logging, were perhaps the most prominent local site of contention during the pandemic.<sup>25</sup> At its peak, Fairy Creek activists maintained over a dozen blockades, some lasting well over a year, in what would become the largest act of civil disobedience in Canadian history.<sup>26</sup> Tactically, Fairy Creek revolved largely around suspending people from tripods, trees, bridges and cantilevers; and locking people into pipes buried in the road or embedded into logs, trenches, or vehicles (so-called “sleeping dragons”).

The first significant trend I perceive in this changing environment is that both Fairy Creek and the Freedom Convoys, in different ways, involved what activists term “hard-blocks”—the use of various devices to complicate arrest and removal, compared with “soft-block” tactics—people occupying space without attempting to physically complicate their removal.<sup>27</sup> While activists in Fairy Creek complicated their removal with tripods and sleeping dragons, Freedom Convoy organizers, both locally and nationally, accomplished the same with vehicles, particularly large commercial trucks which cannot be easily towed.<sup>28</sup>

This represents a notable shift compared with recent mass struggles, including the fight against Old Growth logging at Clayoquot Sound (the previous record holder for the largest act of civil disobedience in Canadian history),<sup>29</sup> the Protect the Inlet–led campaign against the Trans Mountain Pipeline Expansion (TMX), or even most of the rail and port blockades in solidarity with the Wet'suwet'en, which relied predominantly on soft-block tactics.<sup>30</sup> That is not to say that hard tactics are

<sup>23</sup> Claire Selvin and Tessa Solomon, “Topped and Removed Monuments: A Continually Updated Guide to Statues and the Black Lives Matter Protests,” *ART News*, June 11, 2020, <https://www.artnews.com/art-news/news/monuments-black-lives-matter-guide-1202690845/>.

<sup>24</sup> E.g., Elana Shepert, “Demonstrators Pull Down Gassy Jack statue in Vancouver,” *Vancouver News*, February 14, 2022, <https://www.vancouverisawesome.com/local-news/demonstrators-pull-down-gassy-jack-statue-in-vancouver-video-photos-5063407/>; “Victoria Statue of Captain Cook Pulled Down, Thrown into Harbour,” *CTV News*, July 2, 2021, <https://vancouverisland.ctvnews.ca/victoria-statue-of-captain-cook-pulled-down-thrown-into-harbour-1.5494067>.

<sup>25</sup> “Last Stand for Forests,” June 1, 2023, <https://web.archive.org/web/20220315024528/https://laststandforforests.com/>; “Ada'itsx/Fairy Creek Blockade,” *Facebook*, June 1, 2023, <https://www.facebook.com/FairyCreekBlockade>.

<sup>26</sup> Darron Kloster, “‘The Greatest Act of Civil Disobedience in Canadian History’: Fairy Creek Surpasses Clayoquot Sound in Arrests,” *Vancouver Sun*, September 9, 2021, <https://vancouvernews.com/news/local-news/the-greatest-act-of-civil-disobedience-in-canadian-history-fairy-creek-surpasses-clayoquot-sound-in-arrests>.

<sup>27</sup> “Blockades,” *The Movement Hub*, June 2023, <https://www.themovementhub.org/resources/blockades/>; “Tactic: Blockade,” *Beautiful Trouble*, June 2023, <https://beautifultrouble.org/toolbox/tool/blockade/>.

<sup>28</sup> Ted Raymond and Josh Pringle, “Ottawa Police Warn Protesters They Could Be Charged for Blocking Downtown Streets,” *CTV News*, February 9, 2022, <https://ottawa.ctvnews.ca/ottawa-police-warn-protesters-they-could-be-charged-for-blocking-downtown-streets-1.5773812>; Amanda Coletta, Miriam Berger, Amy Cheng, and Jennifer Hassan, “Freedom Convoy Protesters Shut Down Third Border Crossing,” *Washington Post*, February 10, 2022, <https://www.washingtonpost.com/world/2022/02/10/canada-freedom-convoy-alberta-ottawa-protests/>.

<sup>29</sup> For a discussion of contrasts see “Creeker – Volume 1”; “Creeker – Volume 2,” [creekerzine.wordpress.com](http://creekerzine.wordpress.com), June 2023.

<sup>30</sup> Recently, sabotage has become a more prominent feature of this struggle. See Anonymous, “Between Storms: Anarchist Reflections of Solidarity with Wet'suwet'en Resistance,” *BC Counter-Info* (2023), <https://bccounterinfo.org/wp-content/uploads/2022/10/BS-Black.trusted.pdf>.

unique to the pandemic—they have a long and diverse history. Even recently, activists with the Tiny House Warriors (THW)<sup>31</sup> used them against TMX, with support from Metulia-based activists.<sup>32</sup> Anti-logging actions in the Walbran Valley in the 90s—cousins to the much larger Clayoquot Sound protests—employed very similar tactics to Fairy Creek, although on a vastly smaller scale.<sup>33</sup> Some Wet’suwet’en solidarity actions used them as well, especially against banks.<sup>34</sup> However, the Walbran activists, the THW, and Wet’suwet’en allies who used hard-blocks were all acting in the context of much larger movements in which soft-blocks were the norm. In Fairy Creek, we see mass actions whose dominant approach is hard-blocks. Indeed, Extinction Rebellion Victoria (XRVI), long one of Metulia’s most active users of hard-blocks, was one of the few pre-existing groups to maintain high levels of activity during the pandemic.<sup>35</sup> Save Old Growth (SOG), a new group with close ties to both Fairy Creek and XRVI, also emerged from the pandemic, normalizing hard-block highway blockades that were far outside the norm even a few years earlier.<sup>36</sup> Likewise, there have been previous attempts at “Freedom Convoys” and other vehicle-based disruptions, particularly on the prairies.<sup>37</sup> However, these failed to engage the mainstream right in the way that recent convoy protests have. In this sense, recent movements suggest a growing role for hard-block tactics.

Alongside this contentious escalation, the pandemic also saw many activists redirect energy from street protests to mutual aid. The largest local mutual aid group, “COVID-19 Coming Together (Victoria/Lekwungen and W̱SÁNEĆ Lands),” garnered over 11,000 members in less than a month.<sup>38</sup> The progressive Red Cedar initiative also arose during the pandemic as a mutual aid space for out-of-work restaurant employees cooking and delivering COVID-safe meals to at-risk, un- or under-employed, and unhoused people.<sup>39</sup> The Community Care Tent arose as a grassroots harm reduction space for the unhoused community, many of whom

<sup>31</sup> “Tiny House Warriors,” June 2023, <http://www.tinyhousewarriors.com/>.

<sup>32</sup> Mike Graeme, “UVic Tiny House Build Completed, but Leaves Campus Early,” *The Martlet*, November 4, 2018, <https://martlet.ca/uvic-tiny-house-build-completed-but-leaves-campus-early/>.

<sup>33</sup> The (in)famous Earth First direct action manual attributes the cantilever tactic, also used in Fairy Creek, to the Walbran protests. Numerous other tactics found in the manual also occurred in both settings. “Earth First Direct Action Manual,” June 2023, [https://mutualaidisassterrelief.org/wp-content/uploads/2021/04/direct\\_action\\_manual\\_3-1.pdf](https://mutualaidisassterrelief.org/wp-content/uploads/2021/04/direct_action_manual_3-1.pdf).

<sup>34</sup> E.g., “Saanich Police Arrest 4 Protesters Blocking Bank in Broadmead,” *Saanich News*, December 13, 2021, <https://www.vancouverislandfreedaily.com/news/saanich-police-arrest-4-protesters-blocking-bank-in-broadmead/>.

<sup>35</sup> “Extinction Rebellion Victoria,” *Facebook*, June 2023, <https://www.facebook.com/XRVI.Earth>.

<sup>36</sup> “Save Old Growth,” *Facebook*, June 2023, <https://www.facebook.com/SaveOldGrowth.CalltoAction>.

<sup>37</sup> Stephen David Cook and Mia Rabson, “Pro-Pipeline Protest Convoy Approaches Ottawa After Rolling Across Country,” *CBC News*, February 18, 2019, <https://www.cbc.ca/news/politics/truck-convoy-red-deer-ottawa-arnprior-1.5023646>; Rob Drinkwater, “Hundreds of Trucks Roll Through Alberta, Sask. with Pro-pipeline Convoys,” *CBC News*, December 22, 2018, <https://www.cbc.ca/news/canada/calgary/hundreds-of-trucks-roll-through-alberta-sask-with-pro-pipe-line-convoys-1.4957706>.

<sup>38</sup> Kieran Oudshoorn, “Victoria Facebook Group Helping Thousands Struggling While Waiting for Government Support,” *CBC News*, April 8, 2020, <https://www.cbc.ca/news/canada/british-columbia/victoria-facebook-group-covid19-1.5526642>.

<sup>39</sup> “Red Cedar Café,” June 2023, <https://www.redcedarcafe.ca/>.

had been forced out of shelter spaces by pandemic restrictions.<sup>40</sup> Community Food Support began offering meal deliveries and operating a community fridge.<sup>41</sup> Community “care pods” emerged on the neighborhood level.<sup>42</sup> Activists even built illicit showers in city parks for the unhoused diaspora, sparking confrontation with the city.<sup>43</sup> In many cases, these groups grew out of progressive communities and/or explicitly understand their organizing along anarchist lines, as building alternative institutions capable of challenging the capitalist state, or simply rendering it irrelevant.<sup>44</sup> In other cases, mutual aid developed without an explicitly politicized mandate.<sup>45</sup> Though explicitly right-wing uses of mutual aid are decidedly less common, the Freedom Convoys also spawned networks to supply and feed participants.<sup>46</sup>

These tactics, too, have considerable histories, particularly in the struggles of bi-poc people.<sup>47</sup> Mutual aid has long been an important part of progressive political strategy,<sup>48</sup> and far-right groups have been experimenting with snow removal services, neighbourhood patrols, outreach to the unhoused, and other charitable or solidarity-based recruitment tools for years.<sup>49</sup> Nevertheless, the pandemic undeniably made mutual aid a more prominent feature of the progressive

<sup>40</sup> “Community Care Tent,” *Facebook*, June 2023, <https://www.facebook.com/BHCommunityTent/>.

<sup>41</sup> “Community Food Support,” June 2023, <https://communityfoodsupport.wordpress.com/>.

<sup>42</sup> “How to Start a Neighbourhood Pod!” June 2023, <https://web.archive.org/web/20230125233739/http://docs.google.com/document/d/17iMBTzaM4tPsUym-wyiEqOcOAIHvKiXN3XSjJ26TBKM/edit>

<sup>43</sup> Emily Fagan, “Victoria Shower Struggle: Police Raid Volunteer Effort for Homeless,” *Tyee*, November 21, 2020, [theyee.ca/News/2020/11/21/Victoria-Shower-Struggle/](http://theyee.ca/News/2020/11/21/Victoria-Shower-Struggle/).

<sup>44</sup> “COVID-19 Coming Together (Victoria/Lekwungen and W̱SÁNEĆ Lands),” for example, notes that “the system that has brought us all here, meaning classism, racism, and a whole universe of other harms... That’s what we are banding against and protecting each other through, on top of COVID-19,” “COVID-19 Coming Together (Victoria/Lekwungen and W̱SÁNEĆ Lands),” *Facebook*, June 2023, <https://www.facebook.com/groups/MutualAidVictoria/permalink/940461373055618/>.

<sup>45</sup> For example, there are few ideological clues in the description or founding posts of Victoria Mutual Aid Group – People Helping People “of Victoria Mutual Aid Group,” *Facebook*, June 2023, <https://www.facebook.com/groups/573010913752949/>, or in the draft materials for community care pods, “How to Start a Neighbourhood Pod!”

<sup>46</sup> Emma Jackson, “What the Left Can Learn from the ‘Freedom Convoy,’” *The Breach*, February 2, 2022, <https://breachmedia.ca/what-the-left-can-learn-from-the-freedom-convoy/>. Whether such networks constitute “mutual aid” properly speaking or simply charity is a legitimate question.

<sup>47</sup> For an inadequate but illustrative selection see GO Humanity, “The Radical Past and Present of Mutual Aid” (2022), <https://gohumanity.world/the-radical-past-and-present-of-mutual-aid/>; Charles Williams, Jr., and Hilda Booker Williams, “Contemporary Voluntary Associations in the Urban Black Church: The Development and Growth of Mutual Aid Societies,” *Nonprofit and Voluntary Sector Quarterly* 13, no. 4 (1984): 19–30; Robert Harris, Jr., “Early Black Benevolent Societies, 1780–1830,” *Massachusetts Review* 20, no. 3 (1979): 603–625; Husain Lateef and David Androff, “‘Children Can’t Learn on an Empty Stomach’: The Black Panther Party’s Free Breakfast Program,” *Sociology & Social Welfare* 44, no. 4 (2017): article 2; Brendon Holloway, Riley Hostetter, Karaya Morris, Jax Kynn, and Maximillion Kilby, “‘We’re All We Have’: Envisioning the Future of Mutual Aid from Queer and Trans Perspectives,” *Sociology & Social Welfare* 50, no. 1 (2023): article 9; Julie Leininger Pycior, *Democratic Renewal and the Mutual Aid Legacy of US Mexicans* (Austin: Texas University Press, 2014); Mills also puts mutual aid in the center of Anishinaabe constitutionalism, Aaron Mills, “*Miinigowiziwin: All That Has Been Given for Living Well Together: One Vision of Anishinaabe Constitutionalism* (PhD. Diss., University of Victoria, 2019).

<sup>48</sup> Dean Spade, *Mutual Aid: Building Solidarity During This Crisis (and the Next)* (London: Verso, 2020).

<sup>49</sup> E.g., “Questions, Concerns over Labour Day Lunch for Homeless Hosted by Far-right Groups,” *CBC News*, August 24, 2018, [cbc.ca/news/canada/edmonton/sons-of-odin-mustard-seed-labour-](http://cbc.ca/news/canada/edmonton/sons-of-odin-mustard-seed-labour-)

repertoire, and far right movements have made solidarity with the unvaccinated a major recruiting tactic.<sup>50</sup>

All these movements are creatures of polycrisis—driven by but not reducible to the pandemic. Freedom Convoys fueled longstanding far-right movements with new opposition to public health measures; existing anti-poverty networks drew on pandemic-driven displacements to fuel new forms of support; even climate and Indigenous sovereignty-driven movements like Fairy Creek were fueled in important ways by widespread unemployment, the availability of government financial support, and the psychological strain and social isolation that the pandemic helped create.<sup>51</sup> In fact, activists first noticed logging in Fairy Creek while browsing satellite data to kill time during lockdown.<sup>52</sup> Here in Metulia, then, the pandemic is interacting with other crises, and doing so in ways that have resulted in a growing role for hard-blocks and mutual aid.

## II. Thinking hard-blocks and mutual aid together

At first glance, the simultaneous turn towards relatively inward looking, non-confrontational mutual aid tactics and increasingly confrontational hard-block tactics seems puzzling. However, both involve forms of direct intervention that are not exclusively oriented around petitioning governments for redress. In that sense, both constitute a departure from the forms of contestation most associated with the liberal paradigm.

It is useful, then, to return briefly to the popularly understood foundations of modern liberalism—the myth of the social contract. The myth goes something like this: once upon a time, humans lived without organized society, robbing, killing and pillaging one another with impunity.<sup>53</sup> Life was, as Hobbes famously put it, “nasty, brutish and short.”<sup>54</sup> In order to escape this condition, humans contracted to pool all their authority in a single government that could make and enforce rules. The dominance of the state over its subjects is, then, the precondition of social life. Yann Allard-Tremblay’s concept of “governance as mastery” is helpful—the primary goal of governance isn’t the provision of substantive goods but simply the maintenance of effective top-down authority as a good in itself.<sup>55</sup>

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day-lunch-for-homeless-1.4798158; Raffy Boudjikianian, “Banned by Facebook, Shunned by Politicians, Soldiers of Odin hold Event at Royal Canadian Legion Branch,” *CBC News*, May 2, 2019, [cbc.ca/news/canada/edmonton/soldiers-of-odin-legion-1.5119042](https://www.cbc.ca/news/canada/edmonton/soldiers-of-odin-legion-1.5119042); “Concerns Raised after Soldiers of Odin Offer Free Snow Shovelling,” *CBC News*, December 22, 2016, <https://ca.news.yahoo.com/soldiers-odin-members-shovelling-snow-214407503.html>.

<sup>50</sup> Amrinder Bolina and Candyce Kelshall, “*Freedom Convoy 2022* (Vancouver: Canadian Association for Security and Intelligence Studies, 2022).

<sup>51</sup> Aysha Emmerson helpfully situates these effects in the broader psychological context of the anthropocene. *Once Upon a Time in Fairy Creek: Resilience and Ruination in the Anthropocene* (Undergraduate Diss., Harvard: 2022) 98, 107–108.

<sup>52</sup> Justine Hunter, “How an American Teen’s Pandemic Lockdown Launched B.C.’s Biggest Logging Protest in Decades,” *Globe and Mail*, June 3, 2021, <https://www.theglobeandmail.com/canada/british-columbia/article-how-an-american-teens-pandemic-lockdown-launched-bcs-biggest-logging/>.

<sup>53</sup> For discussion see Aaron Mills, “Driving the Gift Home,” *Windsor Yearbook of Access to Justice* 33, no. 1 (2017): 167–186.

<sup>54</sup> Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1904), 62.

<sup>55</sup> Forthcoming in *Indigenous Peoples and the Futures of Federalism*, ed. Amy Swiffen and Joshua Nichols (Toronto: University of Toronto Press, forthcoming).

As Tilly has shown, the material and ideological dominance of the centralized state—the star character of the liberal narrative—is historically associated with a shift away from repertoires of contestation that emphasize directly enacting immediate changes in local material conditions.<sup>56</sup> Indeed, such tactics are delegitimized as threatening the very chaos the social contract was designed to escape. Instead, “modern” repertoires revolve around attempts to create change indirectly by influencing the state, especially through petitions, marches, rallies, etc. Such tactics both presume and accept the mastery of the state. This is not to say that “pre-modern” tactics disappeared—direct action and mutual aid have been a prominent part of modern social movement praxis, with biopoc communities showing particular leadership.<sup>57</sup> Rather, it is to say that contemporary narratives delegitimize and criminalize direct tactics while valorizing forms of protest that petition the state.

Robin Celikates summarizes “the classical liberal definition that one can find in the work of the most influential [liberal] theorists of civil disobedience such as John Rawls (1971), Ronald Dworkin (1985), and, to a lesser extent, Jürgen Habermas (1985): civil disobedience occurs when citizens break the law in public, nonviolent, morally justified, and communicative ways in order to press for local changes in the political and legal order of a community, while recognizing the general legitimacy of that order.”<sup>58</sup> In this sense, “legitimate” civil disobedience is portrayed as “purely or primarily symbolic” and occurring “within the limits of fidelity to law.”<sup>59</sup>

A key feature of this account is that it draws a bright line between persuasion and coercion.<sup>60</sup> Legitimate disobedience can make a moral appeal to persuade power holders or members of the public, it cannot interfere with their freedoms, impose costs on their actions, or otherwise coerce them into courses of action they did not freely choose. “When protestors stop trying to merely persuade and start actively interfering with the conduct of others, they move from civil disobedience to ‘civil blackmail.’”<sup>61</sup>

Modern, liberal repertoires of contestation therefore both presume and work to preserve the mastery of the state. By constructing disobedience as an appeal to, rather than a challenge to, the law, liberal accounts make accepting state authority a precondition for legitimately challenging its policies.<sup>62</sup> By barring coercive action, such accounts preserve the state’s monopoly on violence. Of course, the actual practice of even the figures and movements most associated with liberal forms of civil disobedience—Thoreau, Gandhi, King, and others—have always exceeded

<sup>56</sup> Tilly, *Regimes and Repertoires* Chapter 3; see also Sidney Tarrow, *Power in Movement*, 3rd ed. (Cambridge, Cambridge University Press, 2011) Chapter 2; Donatella della Porta, “Old and New Repertoires of Contention,” in *Protest, Popular Culture and Tradition in Modern and Contemporary Western Europe*, ed. Ilaria Favretto and Xabier Itcaina (New York: Springer, 2017).

<sup>57</sup> *Supra* note 47; Howard Zinn, *A People’s History of the United States* (New York: Harper, 2005).

<sup>58</sup> Robin Celikates, “Constituent Power beyond Exceptionalism: Irregular Migration, Disobedience, and (re-)Constitution,” *Journal of International Political Theory* 15, no. 1 (2019): 70.

<sup>59</sup> Robin Celikates, “Rethinking Civil Disobedience as a Practice of Contestation—Beyond the Liberal Paradigm,” *Constellations* 23, no. 1 (2016): 38.

<sup>60</sup> Alexander Livingston, “Nonviolence and the Coercive Turn,” in *The Cambridge Companion to Civil Disobedience*, ed. William Scheuerman (Cambridge: Cambridge University Press, 2021), 257.

<sup>61</sup> Ronald Dworkin, *A Matter of Principle* (Cambridge: Harvard University Press, 1985), 112, cited in Livingston, “Coercive Turn,” 257–58.

<sup>62</sup> Celikates, “Constituent Power,” 70.

such a neat liberal definition, employing forms of coercion, revolution, and secrecy to create a repertoire that is far more expansive—and far more radical—than liberal theorists might suggest.<sup>63</sup> The force of the liberal model is not that it accurately describes movement practice, but rather that it provides a normative framework that allows authorities to distinguish between “good” and “bad” protestors, thereby justifying the repression of the later.<sup>64</sup> In this way, liberal narratives of contestation play an important role in buttressing the liberal paradigm of governance.

Hard-block tactics challenge this paradigm in at least two ways. First, they are not entirely persuasive in nature. While they certainly act as symbolic methods of communication, their function is not *only* to call on the conscience of the onlooker, but also to physically impede the movement of others—to deny them access to space, to disrupt the flow of capital, to disrupt the circulation of political power, to make certain courses of action more costly, etc. In this sense, hard-blocks are coercive, or at least more coercive than soft-blocks.

Second, while both Fairy Creek and the Freedom Convoy made appeals to dominant institutions, both also called those institutions into question. The Freedom Convoy, at least its national body, envisioned protest leaders partnering with the Senate and the Governor General to depose an elected parliament,<sup>65</sup> or, alternatively, protestors might treat themselves as legislators and enter into an extra-parliamentary coalition with opposition parties for the same purpose.<sup>66</sup> Both cases make some appeal to existing institutions, but either would amount to a coup d'état. While Fairy Creek participants called on the state for policy change, many simultaneously denied the jurisdiction of the Crown on unceded lands, or simply refuted the legitimacy of a state that is causing ecological collapse.<sup>67</sup> Neither setting was unambiguously characterized by the acceptance of, or appeals to, existing institutions. Rather, both bear an ambivalent, or perhaps polyvalent, relationship to the state.<sup>68</sup>

Despite their less threatening appearances, practices of mutual aid also push the boundaries of liberal paradigms of governance. Historically, the suppression of mutual aid has been a key strategy by which the state cultivates dependency and cements its own power.<sup>69</sup> The resulting dearth of spontaneous social cooperation is then held out as proof that humans are fundamentally uncooperative, and that

<sup>63</sup> Candice Delmas, “Civil Disobedience,” *Philosophy Compass* 11, no. 11 (2016): 681–91.

<sup>64</sup> Alexander Livingston, “Against Civil Disobedience: On Candice Delmas’ A Duty to Resist: When Disobedience Should be Uncivil,” *Res Publica* 25, no. 4 (2019): 2.

<sup>65</sup> Brian Lilley, “Convoy Plans to Replace Canada’s Elected Government the Stuff of Fantasy,” *Toronto Sun*, January 28, 2022, <https://torontosun.com/news/national/convoy-plans-to-replace-canadas-elected-government-the-stuff-of-fantasy>.

<sup>66</sup> Rachel Aiello, “Trucker Convoy Organizers’ Coalition Proposal ‘a Non-Starter,’ Expert says,” *CTV News*, February 8, 2022, <https://www.ctvnews.ca/politics/trucker-convoy-organizers-coalition-proposal-a-non-starter-expert-says-1.5773297>.

<sup>67</sup> Anna Young, “IS Xw CAA and Maia Wikler on Indigenous Sovereignty at Fairy Creek Blockade,” *For the Wild*, June 30, 2021, <https://forthewild.world/listen/x-is-x-aa-and-maia-wikler-on-indigenous-sovereignty-at-fairy-creek-blockade-240>; Maia Wikler, “Dispatch from Fairy Creek,” *Patagonia*, August 31, 2021, <https://www.patagonia.ca/stories/dispatch-from-fairy-creek/story-102898.html>.

<sup>68</sup> See the discussion of resistance “by any means necessary” in Riley Case, this issue.

<sup>69</sup> Peter Kropotkin, *Mutual Aid: A Factor of Evolution* (Mineola: Dover, 2006).

without a sovereign to compel cooperation, there would be no organized society. Thus, we are taught to expect that disasters, during which state structures break down, will “reveal civilisation as a thin veneer, beneath which lies brutal human nature. From this perspective, the best we can hope for from most people under crisis is selfish indifference; at worst, they will swiftly turn to violence.”<sup>70</sup> When people band together, rather than going for each other’s throats, in times of social disorder,<sup>71</sup> they contradict liberal justifications for state control and coercion, and with it the justification for confining political activity to the liberal repertoire.

Like hard blocks, mutual aid tactics depart from liberal paradigms of contestation by seeking direct, local interventions rather than, or as well as, appealing to the state for policy reform. In its more radical variants, mutual aid constitutes a revolutionary strategy that aims to render state institutions irrelevant, starving them of participation until they wither away and die.<sup>72</sup> Of course, many of the mutual aid groups that arose during the pandemic are not explicitly anarchist in their self-understanding,<sup>73</sup> and many would likely balk at the idea of a stateless society. Nevertheless, even “apolitical” uses of mutual aid are oriented towards acting directly on material conditions, rather than, or alongside, seeking state aid. Frequently, such groups arise in response to state failures, and thus take the non-mastery of the established order as their point of departure, if not their destination.

Both mutual aid and hard-blocks therefore suggest that diverse actors on both the left and right are working to exert immediate influence on material conditions, rather than, or, more often, in addition to, influencing state policy. In this way, both challenge liberal paradigms of governance and the state-centric repertoires of contestation that go with them.

### III. From Local to Global

The growth of hard-block and mutual aid tactics in and around Metulia is, of course, a local phenomenon. However, a review of the broader literature on social movement advocacy during the pandemic suggests larger national and international trends towards direct political interventions, including political violence and riots,<sup>74</sup> direct

<sup>70</sup> Rebecca Solnit, “The Rise of Mutual Aid under Coronavirus,” *The Guardian*, May 14, 2020, <https://www.theguardian.com/world/2020/may/14/mutual-aid-coronavirus-pandemic-rebecca-solnit>.

<sup>71</sup> Maria Fernandes-Jesus, Guanlan Mao, Evangelos Ntontis, Chris Cocking, Michael McTague, Anna Schwarz, Joanna Semlyen, and John Drury, “More Than a COVID-19 Response: Sustaining Mutual Aid Groups During and Beyond the Pandemic,” *Frontiers in Psychology* 12 (2021): 1–17.

<sup>72</sup> Spade, *Mutual Aid*.

<sup>73</sup> Braden Leap, Marybeth Stalp, and Kimberly Kelly, “Raging Against the ‘Neoliberal Hellscape’: Anger, Pride, and Ambivalence in Civil Society Responses to the COVID-19 Pandemic in the USA,” *Antipode* 54, no. 4 (2022): 1166.

<sup>74</sup> Violent protests and riots increased by 53% globally since 2008. *Global Peace Index 2023* (Sydney: Institute for Economics and Peace, 2023). On the contribution of the pandemic, see, e.g., Frederik Juhl Jørgensen, Magnus Storm Rasmussen, Alexander Bor, Marie Fly Lindholt, and Michael Bang Petersen, “Pandemic Fatigue’ Fueled Political Discontent: Evidence From 8 Western Countries Over 11 Months of the COVID-19 Pandemic,” *PsyArXiv* (2022): e2201266119; Diana Miconi, Gabrielle Geenen, Rochelle Frounfelker, Anna Levinsson, and Cécile Rousseau, “Meaning in Life, Future Orientation and Support for Violent Radicalization Among Canadian College Students During the COVID-19 Pandemic,” *Frontiers in Psychiatry* 10, no. 3, (2022): 765908. Chenoweth’s data suggest that political conflicts which are primarily or exclusively characterized by violence are continuing a historic decline. However, Chenoweth also notes that nonviolent movements

action non-cooperation,<sup>75</sup> mutual aid,<sup>76</sup> and more. Nor are these fringe phenomena—recent protests are seeing mass middle-class involvement, reversing decades-old trends.<sup>77</sup> As in Metulia, these direct tactics sit alongside a surge of digital activism and a range of creative state-oriented tactics.<sup>78</sup> The point is not that the hard-block and mutual aid tactics are the only, or even the most important, shifts, either locally or globally. Rather, they stand as examples that illustrate and participate in a broader moment of experimentation.<sup>79</sup> According to Erica Chenoweth, social movements around the world are entering “a new phase of tactical innovation” as they begin “updating and renewing the outdated playbook that has led them to rely exclusively on protest at the expense of methods such as noncooperation and the development of alternative institutions.”<sup>80</sup> Jonathan Pinckney and Miranda Rivers similarly emphasize a broadening repertoire, as movements experiment beyond the traditional street protests that have dominated recent decades and enter a mode of creative “tactical diversification.”<sup>81</sup>

#### IV. A Jurisgenerative Moment

Cover’s work on law and narrative suggests one way to understand this era of experimentation. As Cover puts it, law has important narrative dimensions, working to generate state legitimacy by positing an understanding of the past and present and a vision of the future, and bridging the two together with a plausible program of conduct.<sup>82</sup> For example, we might say that the social contract myth posits a past of chaos and violence, a future of security and order, and state mastery acting as the bridge that brings us from one to the other. For Cover, the

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increasingly tolerate violent fringes. Thus, it may be true that movements which are exclusively violent are becoming less common, even while a tolerance for violence in mainstream politics is increasing. Chenoweth, “Nonviolent Resistance.”

<sup>75</sup> Blockades, which didn’t even warrant their own category in a 2013 analysis, now constitute 21% of global protests, while other types of civil disobedience have also grown. Ortiz et al. *World Protests*, 57–62; compare Isabel Ortiz, Sara Burke, Mohamed Berrada, and Hernán Cortés, “World Protests 2006–2013,” *Initiative for Policy Dialogue Working Papers* 274 (2013).

<sup>76</sup> Nils Carstensen, Mandeeep Mudhar, and Freja Schurmann Munksgaard, “Let Communities do their Work: The Role of Mutual Aid and Self-Help Groups in the Covid-19 Pandemic Response,” *Disasters* 45, no. 1 (2021): 146–173; Marina Sitrin and Colectiva Sembrar, *Pandemic Solidarity: Mutual Aid during the COVID-19 Crisis* (London: Pluto Press, 2020); Hsien Seow, Kayla McMillan, Margaret Civak, Daryl Bainbridge, Alison van der Wal, Christa Haanstra, Jodeme Goldhar, and Samantha Winemaker, “#Caremongering: A Community-led Social Movement to Address Health and Social Needs During COVID-19,” *PLoS One* 16, no. 1 (2021): e0245483.

<sup>77</sup> Ortiz et al., “World Protests,” 49–56.

<sup>78</sup> Maciej Kowalewski, “Street Protests in Times of COVID-19: Adjusting Tactics and Marching ‘As Usual,’” *Social Movement Studies* 20, no. 6 (2021): 758–65; Jonathan Pinckney and Miranda Rivers, “Sickness or Silence Social Movement Adaptation to COVID-19,” *Journal of International Affairs* 73, no. 2 (2020): 26–7, 33.

<sup>79</sup> A crowd-sourced document lists 143 forms of “pandemic protest,” Unknown Authors, *Methods of Dissent & Collective Action Under COVID*, June 2023, [https://docs.google.com/spreadsheets/d/179hz-OKrIcAr3O0xi\\_Bfz9yQcK917fbLz-USxPZ3o\\_4/edit#gid=0](https://docs.google.com/spreadsheets/d/179hz-OKrIcAr3O0xi_Bfz9yQcK917fbLz-USxPZ3o_4/edit#gid=0). See also Erica Chenoweth, Austin Choi-Fitzpatrick, Jeremy Pressman, Felipe G. Santos, and Jay Ulfelder, “The Global Pandemic Has Spawned New Forms of Activism—And they’re Flourishing,” *The Guardian*, April 20, 2022, [www.theguardian.com/commentisfree/2020/apr/20/the-global-pandemic-has-spawned-new-forms-of-activism-and-theyre-flourishing](http://www.theguardian.com/commentisfree/2020/apr/20/the-global-pandemic-has-spawned-new-forms-of-activism-and-theyre-flourishing).

<sup>80</sup> Chenoweth, “Nonviolent Resistance,” 80.

<sup>81</sup> Jonathan Pinckney and Miranda Rivers, *Nonviolent Action in the Time of Coronavirus* (Washington: United States Institute of Peace, 2020), 5.

<sup>82</sup> Cover, “Nomos and Narrative,” 9.

problem with law is that there is too much of it.<sup>83</sup> This is true both in the sense that diverse social groups will develop their own divergent understandings of state law and in the sense that they will develop their own distinct narratives and, in some cases, will consider these “laws” supreme over state law.<sup>84</sup> Social groups are, in this sense, law-making or jurisgenerative. In order to maintain its normative monopoly, the state must be law-killing or jurispathic, working to suppress, destroy, absorb, coopt, delegitimize or criminalize competing narratives and the normative systems they support.<sup>85</sup> We might say that the social contract myth plays this role by delegitimizing forms of social organization that do not rely on state mastery as chaotic and dangerous. If state narratives become unconvincing, however, their jurispathic capacity is undermined, allowing social actors to develop and popularize their own competing narratives more easily.<sup>86</sup>

Indeed, Miconi et al. suggest that one effect of the pandemic is precisely that it undercuts people’s capacity to envision a positive future under existing systems.<sup>87</sup> Both the new precarities being experienced by the privileged and the increased inequalities being faced by the marginalized work to make the deficiencies of the dominant order more visible,<sup>88</sup> undercutting its output legitimacy.<sup>89</sup> Donatella Della Porta further suggests that when citizens are asked to sacrifice for the good of society, their expectations from society tend to grow.<sup>90</sup> Thus, increased expectations meet decreased outputs, making dominant narratives less compelling. The normative challenge is particularly acute for a governance paradigm built on mastery, as the pandemic reveals the radical limits of the state’s ability to exert control and provide security.<sup>91</sup> As Jørgensen et al. explain, the resulting “pandemic fatigue” is driving discontent not just with public health measures, but with the entire political establishment, fueling a radically anti-establishment politics across the political spectrum.<sup>92</sup>

Moreover, sudden changes in governance caused by the pandemic can open up the political imaginary,<sup>93</sup> creating “spaces for reflection about a future that cannot be thought of as being in continuity with the past.”<sup>94</sup> Indeed, the pandemic has

<sup>83</sup> Cover, “Nomos and Narrative,” 39–43.

<sup>84</sup> Cover, “Nomos and Narrative,” 34–37.

<sup>85</sup> Cover, “Nomos and Narrative,” 40–44.

<sup>86</sup> Cover, “Nomos and Narrative,” 39.

<sup>87</sup> Miconi et al., “Meaning in Life.”

<sup>88</sup> Toba Bryant, Scott Aquanno, and Dennis Raphael, “Unequal Impact of COVID-19: Emergency Neoliberalism and Welfare Policy in Canada,” *Critical Studies* 15, no. 1, (2020): 22–39; Bandana Purkayastha, “Divided We Stand: What the Pandemic Tells Us about the Contemporary US,” in *Social Movements and Politics During COVID-19*, ed. Breno Bringel and Geoffrey Pleyers (Bristol: Bristol University Press, 2022).

<sup>89</sup> Sedik and Xu, “Vicious Cycle.”

<sup>90</sup> Donatella della Porta, “Progressive Social Movements, Democracy and the Pandemic,” in *Pandemics, Politics, and Society*, ed. Gerard Delanty (Berlin: De Gruyter, 2021), 214.

<sup>91</sup> For discussion, see Ejsing and Denman, “Virulent Times.”

<sup>92</sup> Jørgensen et al. “Pandemic Fatigue.”

<sup>93</sup> David Snow et al., “Disrupting the Quotidian: Reconceptualizing the Relationship Between Breakdown and the Emergence of Collective Action,” *Mobilization: An International Quarterly* 3, no. 1 (1998): 1–22.

<sup>94</sup> Donatella della Porta, “Social Movements in the Emergence of a Global Pandemic,” in *Social Movements and Politics During COVID-19*, ed. Breno Bringel and Geoffrey Pleyers (Bristol: Bristol University Press, 2022), 132.

made actual policy outcomes that were barely thinkable a few short years ago. The Overton window is expanding. As Turner et al. put it, during sudden breaks in political routine “usual conventions cease to guide social action and people collectively transcend, bypass, or subvert established institutional patterns and structures.”<sup>95</sup>

Speaking to the interplay of these trends, Claus Offe argues that the pandemic has thrown existing epistemic regimes into crises—as the uncertainties of COVID reveal the limits of expert knowledge, non-experts feel increasingly emboldened to make sense of the situation for themselves.<sup>96</sup> Likewise, Turner et al. argue that the public is no longer passively accepting expert narratives but, rather, is increasingly involved in generating its own.<sup>97</sup>

If this is true of our primary narratives—narratives about society and its trajectory—we might also expect it to be true of the secondary narratives which discipline our conceptions of effective, legitimate resistance. Indeed, we have seen how liberalism’s secondary narratives—its paradigms of contestation—are also jurispathic, working to suppress and delegitimize forms of contestation that sideline or challenge the state. One possible explanation for increased tactical experimentation is thus that the waning hegemony of liberalism is occurring not only at the primary but also at the secondary level.

Indeed, both Chenoweth and Ortiz et al. show that while nonviolent contention has surged dramatically in recent decades, success rates have fallen.<sup>98</sup> In part, this may be because states have become more entrenched and more adept at countering conventional forms of resistance. However, Chenoweth argues that a more important set of factors lies in movements themselves, and in particular in a recent over-reliance on street protest and digital activism.<sup>99</sup> Regardless, after decades defined by unprecedented mass protests across the world, many major movements, from Occupy, the Arab Spring, and Europe’s Square movements, to youth climate strikes and the global environmental movement, to Black Lives Matter, Indigenous resurgence, the Colour and Umbrella revolutions, and others, have struggled to realize anything close to the transformative changes they envision.<sup>100</sup> Most glaringly, liberal modes of contestation have utterly failed to prevent catastrophic climate collapse—even in the face of considerable public mobilization, emissions continue to rise and meaningful changes remain elusive, to say the least.<sup>101</sup> In this context, the idea that accepted forms of contestation represent a viable path to social change is ever less persuasive. The same way decreased output challenges

<sup>95</sup> Lewis Killian and Ralph H. Turner, *Collective Behavior* (Englewood Cliffs: Prentice Hall, 1957).

<sup>96</sup> Claus Offe, “Corona Pandemic Policy: Exploratory notes on its ‘Epistemic Regime,’” in *Pandemics, Politics, and Society*, ed. Gerard Delanty (Berlin: De Gruyter, 2021).

<sup>97</sup> Stephen Turner, “The Naked State: What the Breakdown of Normality Reveals,” in *Pandemics, Politics, and Society*, ed. Gerard Delanty (Berlin: De Gruyter, 2021), 55.

<sup>98</sup> Chenoweth, “Nonviolent Resistance,” 74–75. Ortiz et al., “World Protests,” 63–67.

<sup>99</sup> Chenoweth, “Nonviolent Resistance,” 76–79.

<sup>100</sup> I don’t mean to denigrate the changes these movements have produced nor ignore the success stories. Nevertheless, I think it is fair to say that many movements have experienced a mismatch between their high levels of public support and the level of the resulting reforms.

<sup>101</sup> Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report* (Cambridge: Cambridge University Press, 2023).

primary liberal narratives, the decreased efficacy of liberal modes of contestation challenges secondary narratives as well.<sup>102</sup> Indeed, recent protests are not only larger and more common, they are also more direct, increasingly organized outside of mainstream organizations, and increasingly oriented towards contesting the political system itself, precisely because that system has proved so resistant to past mobilizations.<sup>103</sup> Liberal paradigms of contestation may therefore be struggling to provide a narrative that social actors find plausible. As a result, repertoires are loosening and the range of experimentation is growing. Once again, the pandemic contributes to this trend—as public health restrictions made many standard tactics unsafe or impractical, activists were forced to innovate.<sup>104</sup> This introduces new modes of contestation at a time when old norms are less determinative, helping produce the current era of experimentation. Such a loosening of repertoires is hardly unprecedented,<sup>105</sup> but it is nevertheless a significant feature of the present conjuncture.

If liberal secondary narratives are indeed waning, Cover suggests we should expect to see two types of jurisgenerative activity: the insular and the redemptive. Insular strategies focus on building autonomous normative worlds independent of the dominant order, while redemptive strategies focus on transforming the world by contesting existing systems.<sup>106</sup> Of course, these strategies are not totally discrete.<sup>107</sup> Nevertheless, we might say that groups using hard-block tactics are primarily engaged in redemptive strategies. Mutual aid, on the other hand, is largely insular. One way to understand the surge of hard-block tactics and mutual aid practices is thus to say that contestation is becoming increasingly jurisgenerative, as groups lose faith in the state-centric narratives and repertoires that characterize liberal forms of disobedience and respond by creating their own normative projects complete with their own norms of contestation.

The present era of experimentation may therefore be a symptom of the decline of liberal hegemony—a decline which leaves fertile space for alternative narratives of society and resistance to emerge. The questions of which norms and repertoires will fill this space, and how they will interact, are key questions of the present conjuncture. Some movements react to the decline of the mastery narrative by seeking more horizontal forms of social organization—in other words, they abandon mastery as a paradigm of governance, attacking or sidelining hierarchical structures.<sup>108</sup> Others seek to recuperate mastery,<sup>109</sup> reasserting old hierarchies and privileges without the moderating influence of liberal norms.

<sup>102</sup> For changing political opportunity structures, see Tarrow, *Power in Movement* 27, 32, 250.

<sup>103</sup> Ortiz et al., “World Protests,” 63–67.

<sup>104</sup> 81 percent of respondents to a global survey indicated that their social movement has adopted new tactics in response to the COVID-19 pandemic. Pinckney and Rivers, “Sickness or Silence,” 27.

<sup>105</sup> Ortiz et al. compare it to the 1830s–1840s, 1910–1920s, and the 1960s, for example. Ortiz et al., “World Protests,” 13.

<sup>106</sup> Cover, “Nomos and Narrative” 35–40.

<sup>107</sup> Cover, “Nomos and Narrative” 34, 60.

<sup>108</sup> For a complementary analysis, see Mads Ejsing and Derek Denman, “Democratic Politics in Virulent Times: Three Vital Lessons from the COVID-19 Pandemic,” *Distinktion* 23, no. 1 (2022): 11–18.

<sup>109</sup> *Ibid* 6–11.

This article suggests that the interplay of, and competition between, such alternative paradigms may already be reshaping paradigms of governance in lasting but unpredictable ways. Indeed, we may now be entering what Tarrow calls a “cycle of contention”—as each group experiments, it creates opportunities and threats, both for the state and for other contentious actors.<sup>110</sup> Each affected actor responds with experiments of its own, setting in motion cascading, relational cycles of conflict, norm generation, and tactical diversification. The results of such cycles are open-ended and, indeed, constitute a crucial terrain of struggle.

## Conclusions

This analysis suggests that the pandemic has contributed to an ongoing waning of the hegemony of liberal narratives, and this is true both of paradigms of governance and of paradigms of contestation. As a result, we are entering a jurisgenerative moment—a moment of normative and tactical fecundity and experimentation. Like the polycrisis of liberalism, this is a moment of polyemergence, where partially formed experiments and evolving crises interact and feed one another in complex, cascading, and unpredictable ways.

This analysis differs fundamentally from many prevailing understandings of the pandemic. Slavoj Žižek’s influential analysis, for example, posits that humanity sits at a turning point between communism and barbarism.<sup>111</sup> Giorgio Agamben posits a tipping point between bourgeois democracy and a permanent state of “exceptional” biopolitical technocracy.<sup>112</sup> Sylvia Walby, taking issue with both authors, argues for an inflection point between intensified neo-liberalism and revitalized social democracy instead.<sup>113</sup> President Biden, for his part, sees an era defined by competition between autocracy and liberal democracy.<sup>114</sup> As Babic argues, in reducing moments of crisis to mere transition points between stable paradigms, such analyses prevent us from engaging with crisis as an open-ended era with its own relational dynamics, challenges, and opportunities.<sup>115</sup> My analysis suggests instead that this moment cannot be understood as merely a tipping point between two stable, pre-existing paradigms. Rather, the present conjuncture is defined precisely by its multiplicity and indeterminacy.

What sort of future this moment portends is an open question—or rather, an ongoing contest. Many have greeted this moment as a rallying cry to defend liberal paradigms of governance from illiberal alternatives. Many will surely move to defend liberal norms of contestation as well. If a cycle of contention is indeed being set in motion, this option is unrealistic. In light of the polycrisis liberalism has produced, it is also undesirable. If present trends continue, a successful defense of

<sup>110</sup> Tarrow, *Power in Movement*, especially Chapter 10.

<sup>111</sup> Slavoj Žižek, *Pandemic!* (Cambridge: Polity Press, 2020), especially Chapter 10.

<sup>112</sup> Giorgio Agamben, *Where Are We Now?* (Lanham: Rowman and Littlefield, 2021).

<sup>113</sup> Sylvia Walby, “Social Theory and COVID: Including Social Democracy,” in *Pandemics, Politics, and Society*, ed. Gerard Delanty (Berlin: De Gruyter, 2021).

<sup>114</sup> Jacqueline Feldscher, “Battle Between Democracy and Autocracy Leads Biden’s First State of the Union,” *Defense One*, March 1, 2022, <https://www.defenseone.com/policy/2022/03/battle-between-democracy-and-autocracy-leads-bidens-first-state-union/362643/>.

<sup>115</sup> Babic, “Interregnum.”

existing paradigms of contestation will, without exaggeration, lead to planetary catastrophe on a nearly inconceivable scale.<sup>116</sup> In this context, increased room for experimentation must be greeted as an opportunity, as well as a threat. The goal for those who loathe authoritarianism must not be clinging to old repertoires of contention, but rather understanding, shaping and using new ones. In short, post-pandemic cries of “no return to normal”<sup>117</sup> are both a descriptive reality and a normative injunction.

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<sup>116</sup> Intergovernmental Panel on Climate Change, *Synthesis Report*.

<sup>117</sup> Geoffrey Pleyers, “The Pandemic is a Battlefield: Social Movements in the COVID-19 Lockdown,” *Journal of Civil Society*, 16, no. 4 (2020): 295–312.