

Law and Social Protests

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Abstract This paper deals with the relationship between law and social protests, a topic that seems particularly relevant at this time, when recent public events show the existence of growing tension between citizens and public officers. The paper does not explore the ultimate causes that triggered these social protests, but rather the normative and legal questions raised by these conflicts. The main question that it addresses is the following: How should the law act in the face of these growing expressions of social discontent? The main point that it defends is that social protests are political expressions that, as such, deserve a special public (and particularly judicial) protection. The argument is particularly directed at studying the legal consequences of taking the expressive components of social protests seriously. The exploration may have a further theoretical interest for those who are interested in reflecting upon the scope and limits of the theory of deliberative democracy.

Keywords Protests · Social protests · Freedom of expression · Democracy · Equality

Introduction

This paper deals with the relationship between law and social protests. The topic seems particularly relevant at this time, when recent public events show the existence of growing tension between citizens and public officers. We have seen expressions of this public discontent with the institutional system in Latin America at the beginning of this century, which followed the implementation of severe programs of structural economic adjustment. We have also seen conflicts of this type in Europe and in the United States and more recently, conflicts that also followed economic crisis and the application of economic reform programs. In this paper I shall concentrate my attention not in the ultimate causes that triggered these social protests, but rather on some of the normative and legal questions raised by these conflicts. My main question, in this respect is the following: How should the law act in the face of these growing expressions of social discontent?

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