

Analysis of the right to resistance from the standpoint of peaceful protest

Análisis del derecho a la resistencia desde la protesta pacífica

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Abstract

The right to resistance took on a sumptuous protagonism in the second decade of the 21st century. Globally, the self-determination of peoples organized in peaceful protests or transformed rebellions with an excessive level of violence demonstrated that there is a need to model new measures of government that adapt to the demands of the 21st century. What will be evaluated in this article is a social reality, which now with the innovative information technologies allows us to discover the context in which the different demonstrations around the world originate. And with this we will be able to compare the different realities and relate them to our social scheme; which will allow us to discover if we are in front of the genesis of a universal ideological revolution or if each case simply corresponds to internal issues of the States which, if so, would allow us to formulate conclusions limited only to our national territory.



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Keywords: Law; resistance; demonstrations; rebellions; XXI Century.

Resumen

El derecho a la resistencia, tomó un suntuoso protagonismo en la segunda década del siglo XXI. A nivel global la autodeterminación de los pueblos organizada en protestas pacíficas o transformadas rebeliones con un excesivo nivel de violencia demostraron que existe la necesidad de modelar nuevas medidas de gobierno que se adapten a las exigencias del siglo XXI. Lo que se evaluará en este artículo es una realidad social, que ahora con las innovadoras tecnologías de la información nos permite descubrir el contexto en el que se originan las diferentes manifestaciones alrededor del orbe. Y con ello podremos comparar las diferentes realidades y relacionarla a nuestro esquema social; lo que permitirá descubrir si estamos frente a la génesis de una revolución universal ideológica o si sencillamente cada caso compete a cuestiones internas de los Estados lo cual, en caso de ser así, nos permitiría formular conclusiones limitadas únicamente a nuestro territorio nacional.

Palabras clave: Derecho; resistencia; manifestaciones; rebeliones; Siglo XXI

Introduction

Starting from the study of Universal history, we can meddle in the origins and the importance that the right to resistance has had in humanity and how it has been demonstrated in Ecuadorian life, especially in recent years.

It is completely imprecise to determine at what date, from what event can be considered the origin of the right to resistance. For there are many protests throughout history that have determined relevance in the context we are talking about.

It is a truly complicated challenge to obtain information regarding the right to resistance in ancient times. This can be interpreted as a lack of interest on the part of the authors or a censorship on the part of the governments towards those who deal with this subject. What we do have is references to authors such as Mencius, a disciple of Confucius, or Sophocles who made brief comments on this topic. But from the classical authors of ancient Greece, there is no approach to the right of resistance. Both

the Platonic and Aristotelian generations proclaimed a peaceful state, where compliance and obedience to the rule should prevail in society. (Correa Henao) .

It is already during the Middle Ages that we have more references to the right of resistance. A precedent is in the rebellions of the nobility that resulted in the creation of the Magna Carta of John without land in 1215. The most relevant requirement was not to increase taxes without prior approval of the nobility, it was also a precedent for the principle of Habeas Corpus where no member of the royalty could arrest a citizen without prior investigation. In addition, privileges were established for the nobility, which could not be denied by the king or the pope, and for the first time, the king's power was limited, and his sovereignty had to pass through the nobles and later through the people. (Von Hellfeld, n.d.) .

The Modern Age was marked by the manifestation of citizenship. Although the aforementioned was a hard blow to the abuse of power, it fulfills a particularity, which is the power against the power. For the nobles were those who claimed the rights of the king. The modern age is characterized by two things, the conquests to the new world; and the revolutions at the end of this age.

When the Europeans arrived in America, they divided the territories of the American continent; they dominated the indigenous and aboriginal cultures, until exterminating their culture and imposing that of the Europeans; they began a process of enslavement of African descendants and subjected the indigenous Americans to forced labor and exterminated a large part of the indigenous population by bringing new diseases.

By the end of the modern age, we have the great revolutions of the 17th century. The American Revolution in 1776 and the French Revolution in 1789. In both revolutions the same pattern is repeated that had the antecedent five centuries earlier in 1215. This was that the demand for rights came from the social elite (with certain exceptions in the French Revolution). But the truth is that in both historical events there was a right to resistance. Both with different contexts and reasons. In the case of the former, it originated due to the increase in taxes that the British crown imposed on the American colonies, in order to pay for the very high costs generated by the Seven Years' War. On the other hand, in France, there was the squandering, waste and squandering of public

funds in luxuries of the French crown, while the great population, including the bourgeoisie, were completely ignored and lacked services and food. Both contexts, propitiated the perfect environment to generate the demonstration against the rulers; thus giving rise to the Contemporary Age.

In the 19th century, the industrial revolution developed in Europe, which later spread to the United States. During this period, abuse of the proletariat was very common. It was in the Haymarket Revolt in May 1886, in Chicago, that workers demonstrated demanding better working conditions, fair pay and proper rest for workers.

The twentieth century, on the other hand, was marked by the two world wars in the first half of this century. The curious thing about the wars is that they were the door that allowed women to demand the rights that had been restricted to them for centuries. The States took a leading role through publicity. In the United States, "*We can do it*" became the phrase par excellence of feminist demonstrations. During the wars, men were sent to the battlefield and women had to fulfill the role of father and mother at home; therefore, it became necessary for women to start working in the manufacture of armaments in order to support their children and the states.

With this we reach the second decade of the twentieth century, and it is the resistance to xenophobic, racist and homophobic policies that encourages these historically excluded groups to demonstrate to demand their rights as persons. In the case of Ecuador, it was the indigenous peoples and communities who have historically received such social exclusion. And this group has been the protagonist of the demonstrations related to the right to resistance.

From the last decade of the twentieth century, Ecuador suffered great political and social crises whose consequences were nothing more than triggers for new instabilities. Thus, government after government commonly had to face groups of demonstrators who, as a demonstration of their right to resistance, demanded improvements in social changes and immediate changes in government; thus, in a period of eight years the country had a total of seven presidents, when in that same period it is common to have a minimum of one and a maximum of two.

But starting from there is where we will analyze our source and the different studies that led that generation and the new ones to demonstrate in the streets. And also who are these groups and what are their interests. If they have a representative or guide who leads them and if the right to resistance really worked as a mechanism for the solution of the problems and at what cost it had to be.

Thus, in this paper we will delve from the general global context to our specific reality as a Latin American country. The study of history becomes interesting and necessary to understand the different social realities that in our present are shaping new ideological processes that will be elementary pieces for the transformation of the future of our country.

Even more so during the year 2019, where the so-called "Latin American Spring" broke out and different countries in the region were submerged in waves of chaos and massive rebellion by the protesting groups in each State.

For this reason, the following article will attempt to formulate conclusions that will allow the academic community to understand why there is a need for citizens to demonstrate and, moreover, to make a comparison between the Ecuadorian reality and the universal context of this so-called right to resistance.

Materials and Methods

This has to do with the right to Resistance, well. It is necessary to understand the political context to be able to determine why the right to resistance is given. The divorce that occurred between the current and the previous government also divided the whole mass of people who supported both into one. But the division and power struggle resulted in the death wound of the largest political party in the country.

Likewise, the government took measures that provoked the reaction of the population, but the segmentation of the demonstrators was strongly noted.

If there is a division in the population, all that is needed is a trigger for the group that is against the decisions of the authorities to demonstrate. From the cases we have analyzed we can state that the right to resistance is given when certain conditions exist, among those conditions we have:

All these cases arose throughout the narration of the historical context. The trigger that provoked the October 2019 demonstrations was the issuance of Decree 883, which eliminated fuel subsidies.

Manifestation of the right to resistance by Division of the Population

In October 2019 the Latin American Spring broke out. In the different countries where the right to resistance was manifested in the region, different conditions were present. In the case we are studying, the condition presented was the division of the population. When one group is in favor and another against the decisions of the governments, unfortunately the division between compatriots is going to happen. Next, we will analyze the role based on what was witnessed of each of the roles that played a leading role in the manifestations of the right to resistance.

Participants

For the right to resistance to exist, there must be an opposing party (the population) and a defending party (the State). In the case of the October demonstrations, the trigger was the elimination of the fuel subsidy.

Then the advocates and opponents are classified in a table.

Table 1 Classification of sides during the October demonstrations.

Defenders	Opponents
Central Government of Ecuador	Community of Indigenous Peoples and Nationalities
Municipality of the City of Guayaquil	Transport Association
National Police and Armed Forces	University Student Guilds
Media and Communications	Unitary Workers' Front
Population Segment	Population Segment

Results

We witnessed the reaction of the transportation union, and how for two days they had the city paralyzed without public transportation, only mass transportation was the one that fulfilled its day, however, it was interrupted due to the chaos that vandals made in the southern sectors of the city. This left the city completely without public transportation.

The reaction of the lower classes of society was shocking and numerous antisocials began to loot stores, pharmacies and other commercial establishments in the southern and southwestern sectors of the city.

This community, after the mestizo community, is the one with the largest number of representatives in Ecuador. In a report made by Vision360, it was determined that the mestizos have 60% indigenous genetics, while the members of the Indo-American community have 90% genetics of this ethnicity. The comment that comes to light is that, if the indigenous community is justified in demonstrating, the answer to this is that everyone has that right. Another question arises and that is, are indigenous people subject to ordinary legislation and justice? To answer this question I go back to a class with a Master in Constitutional Law, where we analyzed Article 1 of the Constitution of the Republic, which quotes in its first line: "Ecuador is a constitutional State of rights and justice...". According to the analysis of the Master Constitutionalist the word rights, is not applying to its subjective sense (understood as the right to life, education, etc.) but is applying to the objective sense of the word, that is to say, interpret rights as systems of norms, referring to ordinary law (Civil Code, Penal Code, etc.) and indigenous law. In other words, the indigenous people have their own law and the Constitution protects them. This does not mean that they have a libertarianism, they have their limitations.

It was openly notorious that vandalism occurred by civilians from outside the indigenous community; during the period of 21st Century Socialism there were also indigenous uprisings and acts of vandalism were extremely rare. Vandalism in demonstrations is very common. During the 2005 Rebellion of the Outlaws, vandals who had nothing to do with the indigenous movement set fire to a ministerial building; in our current context this act was repeated, but in the building of the General

Comptroller of the State. The responsibility lies with the same civilian vandals outside the indigenous community. On the other hand, this movement was being very demanding with its proposals, among them was the resignation of ministers of state.

Let's understand as media, social networks and press.

In the social networks we collected evidence of the countless fake news that have circulated, others are old news and others are international, among which I can mention: a video where a person is immolated (the police uniforms were not Ecuadorian), a news of the death of a soccer player during the looting on October 2 (the looting began on October 3), some videos where looters appear and there are parked buses with dark blue and white colors (those buses stopped circulating two years ago). With this background we cannot give complete reliability to the social networks due to the large amount of *fake news* that were presented.

As for the press, there are many criticisms regarding the limited and misrepresented information in the media, among those news I highlight: having said that the peaceful march in which I participated was done with the intention of boycotting the supposed march for peace; having said that they had retained a group of policemen who had said they were there of their own free will, rejecting the violence of the police to citizens and having escorted the indigenous groups to reach the stage of the agora of the house of culture. The question is whether the misrepresented or limited information of the press media is justified? Taking into account the Ecuadorian legal system, the answer is yes, due to the fact that there is a state of exception, the exercise of freedom of information can be suspended or limited, however, this justification implies that the information presented is not entirely truthful, and this has already been proven.

The Constitution states that the National Police and the Armed Forces are institutions for the protection of rights. This is something not perceived during the demonstrations, the results of the witnesses affirm that there was abuse of force, for groups of demonstrators including those who were peacefully demonstrating, however, the State of Exception implies limiting the right of free association, but the limitation of one right does not imply the violation of another, such as the integrity of the person.

Discussion

The citizens are the most harmed. The citizen is lacking food and paying exaggerated prices for them, is paying more in the transportation system, students are insisting on classes, and everyone is still earning the same salary. The discontent of all classes is understandable. "The country can be moved forward by working" is a valid argument, but it has limits. Because it is useless to work if it does not improve the quality of life, nor is it effective if the benefits of the state are wasted and used for corruption. Even in first world countries there are popular demonstrations, he cited as an example the protests of the yellow vests in France, which also occurred due to fuel issues. The global context we are living in is one of demonstrations and protests, not only in Ecuador. In Argentina Macri had to deal with demonstrations due to the agreements with the IMF, similar to Moreno's situation; in Peru Vizcarra had to suppress the National Congress, in Colombia there are multiple student protests, Venezuela is a case of public knowledge, and in the United States they want to remove Donald Trump through impeachment. So if in this context citizens are dissatisfied with governments, it is because governments are opening one of the conditions that allow the right to resistance to be unleashed. The mistake of the central government was to take a measure abruptly when it could have had a lesser impact when taken part by part. Therefore, by means of this article, I propose as a solution to instruct the citizens to modify the salary and work systems so that the remuneration increases in a prudent manner. Implement education and culture as a means of raising citizen awareness. Having this does not mean that popular demonstrations will be extinguished, but it does mean that the citizen's vision will change, and will build a country that seeks the common welfare of a nation and not social licentiousness or the benefit of minority sectors.

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