

## BURNISHED LAW JOURNAL

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### LEGAL PERSPECTIVE OF PROTESTS IN 21<sup>ST</sup> CENTURY

*“In the 21<sup>st</sup> century, I believe the mission of the United Nations will be defined by a new, more profound awareness of the sanctity and dignity of every human life, regardless of race or religion.”*

-Kofi Annan

#### INTRODUCTION

The first twenty years of the 21<sup>st</sup> century saw the return of mass movements to streets surround the world. Protest is natural expression of discontent in society, enabling participants to present claims that are not being satisfied or addressed. In situations where the democracy is weak or the state lacks capacity to mediating between the competing demands, the threat of democratic collapse or the reversion is ever present. Where the state feels threatened by social protest, it may adopt more authoritarian practices in order to safeguard existence condition, in order to amplifying grievances. These protest are partly a product of sinking confidence in mainstream politics, mass mobilization has had a huge impact on both official politics and wider society, and protest has become the form of political expression to which million of people. Protest is a crucial measure of discontent within society and may be seen as a sort of politics by other means. In periods of uncertainty and instability, protest can harm necessary regimes by heightening and amplifying tensions, potentially resulting in crisis and subsides in extreme cases. The wave of democratization and characterized the half moon of twentieth century saw a number of weak democracies appear and struggle, whereas other regime modifications saw new sorts of authoritarianism emerge. These crisis in the early twenty-first century have shaken both democratic and non-democratic states.

#### DIVERSIFICATION IN 21<sup>ST</sup> CENTURY

In the late 1960s and 1970s, battles against the political and economic order became fragmented, trade unions were attacked, the legacy of the anti-colonial struggles was eroded and the history

of the period was recast by the establishment to undermine its potency. The revival of protest exploded onto the political scene most visibly in Seattle outside the World Trade Organization Summit in 1999. In early 21<sup>st</sup> century, there was a birth of anti-globalisation movement in Seattle was followed by extraordinary mobilizations outside gatherings of the global economic elite. Alternative spaces were also created for the worldwide justice movement to attach, most notably the worldwide social forums, starting with Porto Alegre, Brazil in 2001. The global anti-war movement led to the biggest co-ordinated demonstrations in the history of protest on February 15 2003, in which millions of people demonstrated in over 800 cities, creating a crisis of democracy around the US and UK led intervention in Iraq.<sup>1</sup>

In the years leading up to the following the banking crisis of 2008, food riots and anti- austerity protests escalated around the world. To varying degrees, these movements sharply raised the question of political transformation but didn't find new ways of institutionalizing popular power. The result was that during a number of consequences, protest movement fell back on widely distrusted parliamentary processes to undertake and pursue their political aims.

- **CRISIS OF REPRESENTATION:-** On the one hand, the first two decades of the 21<sup>st</sup> century have seen soaring, inequality accompanied by debt and the neglect of working people. On the other there have been bad results from purely parliamentary attempts to challenge it. There is in another words, a huge crisis of representation.

At the same time, people are less and less willing to accept unrepresentative politicians and this is likely to continue in the future.

In Britain, the Labour Party's defeat within the recent general election is attributed largely to its failure to simply accept the 2016 referendum result.

In France, a general strike in December 2019 over President Emmanuel Macron's proposed pension reforms has disclosed the extent of opposition that folks feel towards their government. Thus, the tendency towards street protest are going to be encouraged too by the climate crisis, whose effects mean that the foremost heavily exploited, including along race and gender lines, have the most to lose.

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<sup>1</sup> Feyzi Ismail, Protest that helped define the first two decades of the 21<sup>st</sup> century-heres what next, *SOAS, University of London*, (December 30, 2019), <https://theconversation.com/protest-has-helped-define-the-first-two-decades-of-the-21st-century-heres-whats-next-128745> (Last visited on May 2, 2020, 6:45 IST)

- **THINKING STRATEGICALLY:-** As protestors gain experience, they consciously bring to the fore questions of leadership and organization. The goal is to form political and economic demands inseparable, such that it's impossible for a government to make political concessions without making economic ones too.

As the 2020s begin, it's clear we are living in an unprecedented moment; a climate emergency and ecological breakdown, a brewing global financial crisis, deepening inequality, trade wars, and growing threats of more imperialist wars and militarization.

As governments respond with reforms, such measures on their own are going to be unlikely to satisfy the combination of political and economic demands.

### ADVANCED MECHANISM OF PROTEST IN 21<sup>ST</sup> CENTURY

With the increasing development of social media and other forms of communication, the century has seen rise and rise of **Citizen Journalism**, where normally people have produced written and filmed testimony about global events. This has been shown by a dramatic example is that when IT Consultant Sohaib Athar found himself tweeting in the demise of Osama bin Laden. This type of information is often a powerful tool of protest alerting the world of events that government would hide.

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New technology led to other forms of protest also. **Hactivism** (activism by computer hackers) takes many types, by cracking the websites of companies or organizations or either shattering their contents or making them unavailable to be use.

At the milder end of scale, **Clicktivists** make their protest via online e-petitions. Although this form of protest proved rather effective in some cases, some people feels that it lacks appropriate amount of efforts.

The increased focus on industry and banking brought about by the economic meltdown has seen the emergence of the **Activist Investor**, someone who buys shares in company in order to protest.<sup>2</sup>

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<sup>2</sup> Liz Walter, *21<sup>st</sup> century protest: new methods, new words*, (May 28, 2012), <https://dictionaryblog.cambridge.org/2012/05/28/21st-century-protest-new-methods-new-words/> (Last visited on May 3, 2020, 05:00 IST)

**Glitterbombing** is a type of protest which is a combination of the high-spirited and the serious, the comic and the aggressive – includes of throwing handfuls of glitter at whoever has originated the protester’s anger. It has been aimed mostly at the accused of homophobia, and most of the recent US Republican presidential applicants have now been glitter bombed at same time or another.

Another, type of bombing is **Yarn Bombing**, a protest not against bankers or politicians, but against blandness and dreariness. It is also known as Knit Graffiti, it involves leaving knitted things such as toy animals in public places, or wrapping anything from road signs to cars to telephone kiosks in vividly colored knitted covers. Begin in Texas, the craze was brought to London by a woman named Lauren O’Farrell, who re-christened it yarn storming, not liking the connotations of the term “bombing” and she took up knitting as a means of distraction while undergoing cancer treatment, and celebrated her all clear by tying an enormous scarf around the lions of Trafalgar Square.<sup>3</sup>

More serious though, not much least blazed, was the wave of **SlutWalks** that were the blackout response to a Canadian police constable’s recommended that women would be protective if they dressed more properly.

However, these may not be the effective form of protest, but it is atleast guaranteed to bring the smile to the face.

## **SOCIAL MOVEMENT, CIVIL SOCIETY AND PROTEST**

**Social Movement and social change:** - Social Movements are purposeful, organized groups striving towards a common goal. These groups might be attempting to make change, to stop change (anti-globalization movement ) and to provide a political voice to those otherwise disenfranchised( civil rights movement ). In January 2011, Egypt erupted in protests against stifling rule of longtime President Hosni Mubarak. The protest was bounced in part by the revolution in Tunisia, and in turn, they inspired the demonstrations in the middle east. There have been untold effects and major role in play in these protests and revolutions, but many have noted the internet-savvy youth of these countries. Some be of the opinion that the adoption of social technology—from Facebook pages to cell

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<sup>3</sup> Ibid

phone cameras—that supported to organize and document the movement accorded directly to the wave of protests called Arab Spring. The combination of deep unrest and disruptive technologies meant these social movements were ready to rise up and seek change.

Consider the effect of the 2010 BP oil spill in the Gulf of Mexico. This disaster exemplifies how a modification in the environment, integrated with the use of technology to fix that change, combined with anti-oil sentiment in social movements and social institutions, led to changes in offshore oil drilling policies.<sup>4</sup> Subsequently, in an effort to support the Gulf Coast's rebuilding efforts, changes occurred.

**Civil Movement and Protest:-** Within the literature on the quality of democracy, civil society features as an important element, providing both legitimacy and ensuring accountability. Where civil society activity is constrained in this way, associational activity declines, as individuals become isolated, demoralised and focused on individualistic needs. Protest is an important tool for civil society actors, as it disrupts and challenges these settled understandings and practices. By challenging the state in this way, civil society actors are able to test the limits of what is tolerated and force the state to take action. When responding to claims from civil society actors, states in turn can respond with 'a mix of concessions and repression.

As De (2015) notes, competing interpretations of events often serve as triggers for protest, revealing submerged tensions. Examining the Shahbag movement in Bangladesh, she argues that a single photograph activated feelings of historical injustice and contemporary inequalities, leading to large-scale mobilisation. This case reinforces the fact that the limits of what the state permits are shaped by what is deemed socially acceptable by society, as well as by the level of democracy and capacity within a particular state.<sup>5</sup>

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<sup>4</sup> Little William & McGivern Ron, Introduction to Sociology, (1<sup>st</sup> ed., Canadian) 2012, <https://opentextbc.ca/introductiontosociology/chapter/chapter21-social-movements-and-social-change/> (Last visited on May 04, 2020, 06:49 IST)

<sup>5</sup> Thomas O'Brien, *Population, protest and democracy in the twenty-first century*, <https://rsa.tandfonline.com/doi/full/10.1080/21582041.2016.1237438#.XnsQ2kAzBIX> (Last visited on May 04, 2020 06:49 IST)

**Mass Protests and Democracy:** In the conditions of democratic polities, protest movements without a particular political agenda have been relatively rare, and usually originate when it is widely believed that there has been an horrific failure of democratic representation. Thus, the mass movement prior in the last century in Anglo-Saxon democracies such as the UK, the US and Canada protested against the obvious immorality of excluding half the population from voting. Similarly, the civil rights movements in the US in the 1960s protested the obvious immorality of successfully disenfranchising most African-American voters through the so called “Jim Crow” laws. The most current example of worldwide and ongoing peculiar protests in India provide a useful counterpoint. As anti-government protests make a clangor of daily life in India, the government has just enacted a long-mooted law to fast-track citizenship applications for refugees from surrounding countries who are Hindu, Christian, Parsi, Jain or Buddhist – but not Muslim. Critics argued the legislation is unconstitutional and weaken India’s secular ethos. In opposite to neighboring Pakistan, an Islamic Republic, India’s founding leaders were inflexible that their country would not have an official religion. More than 80% of the country is Hindu but India also has the third largest Muslim population in the world and one of the oldest Christian communities outside the Middle East.<sup>6</sup> People in India’s north-east, safeguard of their varied cultures and long suspicious that those cultures might be contaminated by migrants, are also unhappy. They say they don’t need refugees from neighboring Bangladesh to become citizens of their country, whatever their religion. Some of the predict protests against this bill have been in north-eastern states such as Assam. This time the demonstrations were powered by views of police beating protesters from a Muslim-majority university who were demonstrating contrast the law. Footage of young people, including many women in religious garments, being attacked by officers or stuck in a library that was being detonated have surprised Indians and crystallized the concerns of opponents of the prime minister, Narendra Modi, that this government is destroying civil liberties.

## CONCLUSION

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<sup>6</sup> Michael Safi, *What are the Indian protests about and how significant they?*, The Guardian, Dec 19, 2019, <https://www.theguardian.com/world/2019/dec/19/what-are-indian-citizenship-protests-about-and-how-significant-are-they> (May 05, 2020 01:52 IST)

The early part of the twenty-first century has seen a number of significant, large-scale protests across the globe. Uprisings in the countries of the former Soviet Union and the MENA region have brought down non-democratic regimes and forced concessions. In contrast with the regime changes of the late twentieth century, the result has not been an apparent flourishing of democracy as was initially predicted. At the same time, protests in the established democracies of Western Europe and the Americas have targeted levels of inequality and forms of governance. These events are generally viewed positively, as they appear to represent the expression of the popular will and greater participation. However, the underlying drivers and outcome of such large-scale mobilizations are not necessarily positive. In Western Europe and the United States, populist movements and politicians have capitalized on the discontent expressed and the anti-political feeling to challenge the established political order. In present social media world, it is relatively easy to organize a protest, and those who believe in the cause, or those who have nothing good to do may well show up. It is infinitely more threatening to craft a serious political groundwork that builds on the protest's underlying grievances and articulate them in a way that makes sense to average voters.



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