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On the nature of the right to resist: a rights-based theory of the ius resistendi in liberal democracies

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Propositions relating to the dissertation “On the nature of the right to resist: a rights-based theory of the ius resistendi in liberal democracies” by Francesc Claret Traïd.

1. It is possible to formulate a universal rights-based theory of the right to resist through legal probe. Mainstream liberal legal models have no reason, other than political convenience, to deny the ius resistendi the status of a right.
2. All manifestations of dissent, opposition or resistance take place within a specific normative framework and in relation to actual power dynamics that condition the external expression but that do not determine the nature of the right to resist.
3. The right to resist embodies sovereignty and at the same time expresses our willingness to renounce our constitutive power when certain conditions are met.
4. The ius resistendi provides the missing normative value in the structure of rights that may otherwise be incomplete as well as to the normative spaces that posited to acquire the structure and the function of a right.
5. The basic tenets of legal theory (for instance the correlation between rights and duties) can be challenged without challenging the essence of the order that sustains it.
6. All norms, to the extent that they are part of a normative system created by men, are subject to being defeated.
7. The logic of the law, and of the system, consists in creating the conditions to resist its own defeasibility because the logic of law and the system continues to be the logic of power.
8. The increasingly blurry line that separates a liberal from an illiberal democratic regime constitutes the biggest challenge to effectively maintaining a system based in freedom and equality.
9. The journey can start at any time. It is never too late to embark in what can become a passion.