

# Militant Democracy on the Rise: Consequences of Legal Restrictions on Extreme Speech in the Czech Republic, Slovakia and Hungary

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## Abstract

The political discourse on regulation of extreme speech in Central Europe has shifted in favor of militant democracy, an approach which supports enhanced criminal law restrictions on speech. Developing the conceptual framework of the consequences of militant democracy and applying legal and parliamentary discourse analysis, this article shows whether and how the legal restrictions on extreme speech adopted in the Czech Republic, Slovakia and Hungary fulfilled the purpose for which they were adopted. The juxtaposition of justifications for restrictions and their application by judiciaries uncovers how extreme speech became normalized and appeared in more sophisticated forms due to the failure of legal militant democratic measures. Thus, it highlights how without reflecting the contextual specifics in the respective countries, restrictive legal regulation may not achieve the very purpose it was adopted for.

## Keywords

militant democracy – freedom of speech – extreme speech – legal responses – discourse analysis – Czech Republic – Slovakia – Hungary

## Supplementary Material

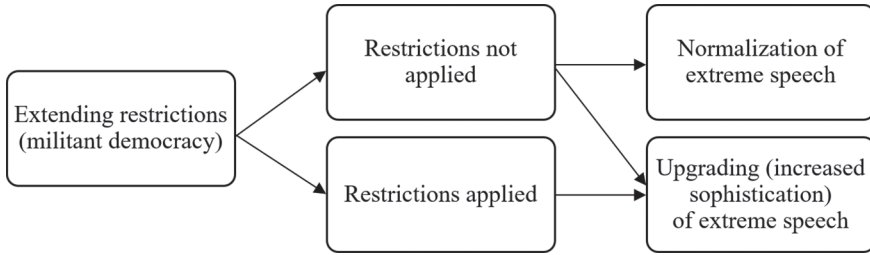


FIGURE 1 Possible consequences of militant democratic regulation of extreme speech.  
SOURCE: AUTHOR.

TABLE 1 Cases (until 2018) where violation of Article 10 or 17 of the Convention has been claimed by the applicants. Source: author based on HUDOC Database.<sup>74</sup>

Country	No. of violations of Article 10 found	No. of cases with no violation of Article 10 found	No. of cases declared inadmissible based on Article 17	No. of cases declared admissible based on Article 17
Czech Republic	1	1	0	1
Slovakia	10	1	0	2
Hungary	20	3	0	2 <sup>75</sup>