

## REPORT ON THE BACHELOR THESIS

PPE – Politics, Philosophy & Economics, Faculty of Social Sciences, Charles University

<b>Title of the thesis:</b>	<b>Militantní demokracie v České republice a její meze</b>
<b>Author of the thesis:</b>	<b>Robert Vardanyan</b>
<b>Referee:</b>	<b>Janusz Salamon, Ph.D.</b>

### **SUMMARY OF POINTS AWARDED:**

<b>CATEGORY</b>	<b>POINTS</b>
<i>Theoretical background (max. 20)</i>	19
<i>Contribution (max. 20)</i>	19
<i>Methods (max. 20)</i>	19
<i>Literature (max. 20)</i>	19
<i>Manuscript form (max. 20)</i>	18
<b>TOTAL POINTS (max. 100)</b>	<b>94</b>
<b>The proposed grade</b>	<b>A</b>

### **Comments of the referee on the thesis highlights and shortcomings.**

Robert Vardanyan wrote an excellent thesis on an important topic, highly relevant to the contemporary political context, since due to the ground-breaking contribution of Donald Trump to political history of humanity, militant democracy was never as much in the centre of attention of political theorists as today. Called sometimes ‘defensive democracy’ (the term captures well its core idea of democracy which defends itself from the enemies of democracy), militant democracy is a challenging subject for an in-depth discussion, since it embodies a fundamental conflict between compliance with democratic ideals, such as freedom of association, freedom of speech or the right to be elected to parliament on the one hand, and the imperative to protect democracy itself from the anti-democrats who might take advantage of and misuse these democratic values by taking power in a democratic process with the intension to abolish genuinely democratic institutions of the state.

The importance of this topic is highlighted by the fact that liberal democracy may be endangered not just by a brisk and spectacular transformation of the political system by anti-democratic forces (as was the case with the Nazis takeover by democratic means in the Weimar Republic, but also by gradual process of the erosion of democratic principles, which may be observed today in an increasing number of liberal-democratic countries around the world which shift gradually and almost imperceptibly towards some form of illiberal or post-liberal democracy.

Robert navigates in an entirely convincing way the challenges of clarifying the necessary limits of militant democracy (beyond which a liberal democracy would transform itself into some form of ‘partial democracy’) on the one hand, while also providing a clear exposition of the possible justifiable limitations of the democratic principles when the survival of the democratic state is at stake.

At first sight, the structure of the thesis seems to be somewhat out of balance (as the thesis is divided into only 2 chapters and the second chapter is almost twice as long as the first one. However, as one keeps reading, the structure proves to be entirely efficient and it is, in fact, commendable that the Author devoted much more space and intellectual energy to applying the concept of militant democracy to the Czech case (in the second/longer part of the work), than to the conceptualisations themselves (in the first, theoretical part). Such structure made it unnecessary for him to pretend that he is doing some creative work in the theoretical part, since the really serious work begins in the second, practical part.

When it comes to style, the entire thesis makes an excellent impression, being written in a concise and precise language, almost betraying a legal mind. This tendency to be concise and precise accounts also for the relative brevity of the thesis (while the reader may feel quite exhausted on its completion).

The facility with the legal text is impressive too, especially given that in order to identify in the Czech legal system the elements of militant democracy, the Author had to identify also the impact of the EU law and the international law on the Czech legal system regarding this matter.

The picture of the Czech constitutional order that emerges from the discussion shows the Czech Republic to be a form of democracy in which the militant, democratic self-defence, element is quite powerful, as the constitutive democratic values are presented as more fundamental and thus capable of overruling the outcomes based on purely procedural considerations.

The literature is quite extensive, especially when it comes to the Czech sources, one has a sense of comprehensiveness, so given that we are talking about a Bachelor thesis, this is a resounding success.

QUESTIONS to the Author:

- (a) What light on the practical viability of militant democracy does the January 6<sup>th</sup> “insurrection” at the Capitol sheds?
- (b) Is the Czech legal system similar to that of other EU countries, when it comes to the robustness of the ‘democratic self-defence’ constitutional protections, or does the Czech Republic has unusually strong militant democracy legal provisions? (on par with Germany?)

**I recommend the thesis for final defence.**

**DATE OF EVALUATION: 06.06.2021**

*Janusz Salamon*

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**Referee Signature**