

# **The Right to Resistance and Civil Disobedience in the Jurisprudence of the Courts and in Legal Practice**

## **Abstract**

The thesis deals with two important legal institutes with a tradition that goes far beyond our current legal system. In spite of this fact, these are not widely used legal instruments, although civil disobedience in particular has been gaining momentum recently. The right to resistance and civil disobedience are related legal terms, but with significant differences. The introductory part of this thesis introduces the right to resistance from a conceptual point of view, which has taken different forms throughout history. The subsequent historical development in different historical stages in different parts of the world is presented in a summary manner. Afterwards, the attention is focused on the positive-legal capture of the right to resistance in the Czech constitutional order with the definition of conditions for constitutionally consistent application. The initial theoretical introduction to the right to resistance is concluded with its definition in relation not only to civil disobedience but also to other legal instruments. The second part of this thesis is devoted to the use of the right to resistance by looking at specific cases decided by the highest judicial bodies of the Czech judiciary.

In the second half of this thesis is given space to the civil disobedience. First, it is outlined with possible theoretical backgrounds and formulations. This is followed by a historical excursus. These historical examples offer a glimpse of the origins and gradual spread of civil disobedience. Subsequently, the thesis deals with a description of the common features of civil disobedience that shape it in its totality. The final part of this thesis contains a detailed presentation of several well-known cases of civil disobedience. The individual cases provide insight into the current form of protest action. Each chapter with a given case will first explain its context and then evaluate the depicted actions of the actors involved using the commonly required signs of civil disobedience. In the end, the thesis focuses on the comparison of selected cases.

**Klíčová slova:** right to resistance, civil disobedience, case law