



RESTRICTING THE PRESS AND THE NEO-MILITANT DEMOCRACY: A COMPARATIVE ANALYSIS OF IRELAND AND GREAT BRITAIN*

OGRANICZANIE WOLNOŚCI PRASY A NOWA DEMOKRACJA
OPANCERZONA: ANALIZA PORÓWNAWCZA IRLANDII
I WIELKIEJ BRYTANII

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— ABSTRACT —

The freedom of the press is one of the basic guarantees of a democratic state and, at the same time, a guarantee of political rights. After 2008, when the great financial crisis occurred, the Member States of the European Union began to significantly limit the rights and freedoms of citizens, including freedom of the press. The introduced restrictions are characteristic of a neo-militant democracy. However, they sometimes become a tool in the hands of anti-democrats. The aim of the article is to check how and why over the years, between successive crises, i.e., financial crisis, the so-called refugee crisis, the coronavirus pandemic, freedom of the press was restricted in Ireland and Great Britain. These are the countries in which initially the political and social effects of the economic crisis were not felt, but later rapid regression was observed. By using content analysis based on reports from the Reporters without Borders and Freedom House organizations, the study uncovers how and why

— ABSTRAKT —

Wolność prasy jest jedną z podstawowych gwarancji demokratycznego państwa, a jednocześnie gwarancją praw politycznych. Po 2008 roku, kiedy nastąpił wielki kryzys finansowy, państwa członkowskie Unii Europejskiej zaczęły znacząco ograniczać prawa i wolności obywateli, w tym wolność prasy. Wprowadzone restrykcje są charakterystyczne dla nowej demokracji opancerzonej. Czasami jednak stają się narzędziem w rękach antydemokratów. Celem artykułu jest sprawdzenie, jak i dlaczego na przestrzeni lat, pomiędzy kolejnymi kryzysami, tj. kryzysem finansowym, tzw. kryzysem uchodźczym, pandemią koronawirusa, ograniczano wolność prasy w Irlandii i Wielkiej Brytanii. Są to państwa, w których początkowo nie odczuwano politycznych i społecznych skutków kryzysu gospodarczego, natomiast w późniejszym okresie zaobserwowano szybką regresję. Wykorzystując jakościową analizę treści, opartą na raportach organizacji Reporterzy bez Granic (Reporters

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the restrictions of freedom of the press changed. It locates the political structures of Ireland and Great Britain between the ideal types of neo- and quasi-militant democracy, depending on the goal of the restrictions. The research hypothesis is as follows: The restriction of freedom of the press in Ireland and the United Kingdom after 2008 shows that states are using the media system to pursue their particular interests by introducing solutions characteristic of quasi-militant democracies.

Keywords: freedom of the press; neo-militant democracy; Ireland; Great Britain; the United Kingdom; crisis

without Borders) i Freedom House, badanie to prezentuje, jak i dlaczego zmieniały się ograniczenia wolności prasy. Lokuje struktury polityczne Irlandii i Wielkiej Brytanii pomiędzy typami idealnymi nowej i quasi-demokracji opancerzonej, w zależności od celu ograniczeń.

Słowa kluczowe: wolność prasy; nowa demokracja opancerzona; Irlandia; Wielka Brytania; Zjednoczone Królestwo Wielkiej Brytanii; kryzys

INTRODUCTION

The first major crisis in the European Union took place after 2008 and induced considerable changes in contemporary neo-militant democracy in the Member States (Bäcker & Rak, 2019). Political rights and freedoms began to be restricted more and more. The objective of the implementation of restrictions varied across the states. While some restrictions undermined the sovereignty of political nations, others strengthened it. Moreover, the countries that were most severely affected by the crisis, namely Portugal, Italy, Greece, and Spain, began to be referred to as PIGS. Soon Ireland and Great Britain joined this group, therefore the first abbreviation was expanded and it was often written as PIIGS or PIIGGS. Ireland and the United Kingdom are special cases because they are countries where the political and social effects of the economic crisis were not felt at first, and then a rapid regression of democracy was observed.

In addition, successive crises such as the refugee crisis and the coronavirus pandemic have revealed a tendency to take away or restrict rights and freedoms guaranteed by law to an even greater extent (Rezmer-Płotka, 2020). The citizens and denizens of EU Member States began to protest (Rak, 2021b; Osiewicz, 2020), and states revealed features characteristic of both quasi- and neo-militant democracy (Rak, 2021b). Among the limited rights, one of the most important for a democratic state and political rights was freedom of the press. Mass media provide citizens with access to information from all over the world. It also gives an opportunity to interpret and create your own opinions on political and social

issues on the basis of the content provided. In a situation where there is censorship, detention of journalists and broadcasting propaganda content, it is not possible to talk about independent media. In this way, the media becomes a tool in the hands of the government, which can be used, for example, by limiting access to information and manipulating public opinion, e.g., in order to introduce legal solutions unfavorable for a democratic state and citizens but meeting the interest of the ruling class. Restricting the freedom of the press means that there is the lack of an intermediary between the government of a specific state and its inhabitants and the lack of control over the decisions made. The aim of the article is to check how and why over the years, between successive crises, i.e., financial crisis, the so-called refugee crisis, the coronavirus pandemic, freedom of the press was restricted in those two countries which joined PIGS later. The study uncovers how and why the restrictions of freedom of the press changed. It contributes to the studies on neo-militant democracies by accounting for the trajectory and nature of shaping the sovereignty of political nations in Ireland and Great Britain.

METHODOLOGY AND THEORETICAL BACKGROUND

The category of militant democracy was first used by Karl Loewenstein, who sought for the causes of the defeat of the Weimar Republic in the fight against Nazism. He defined it as a political regime in which parliament and the judiciary are equipped with legal means to restrict individual democratic freedoms in order to defend democracy against those who are considered its enemies (Loewenstein, 1937; Molier & Rijkema, 2018). However, the socio-political reality has changed and the category of militant democracy in relation to modern states had to be transformed into a neo- (Rak, 2020a) or quasi-militant democracy (Rak, 2020b). In the case of the second type, the significant fact is that the ruling itself becomes the enemy. Governments use democratic tools to self-destruct the democratic regime. Limiting the freedom of the press is one of the typical features of neo- and quasi-militant democracies (Capoccia, 2005, pp. 57–61) in the analyzed countries. In quasi-militant democracy, the ruling subjects restrict fundamental rights not to protect democracy but to overthrow it and meet their own political interest and agenda (Rak, 2020b). Quasi-militant democracy relies on its resemblance to neo-militant democracy. The difference lies in the purpose of using the restrictions. Neo-militant democrats use them to

protect the sovereignty of a political nation, whereas quasi-militant democrats aim to undermine it (Rak & Bäcker, 2022).

Due to the fact that freedom press is a guarantee of respecting the principles of a democratic state as well as civil rights and liberties, the article focuses on the way and results of limiting it. Ireland and Great Britain were included in the study as countries that joined the PIGS group later. These two selection cases allow for understanding mechanisms to defend democracy or to use the crisis to strengthen one's position of authority to pursue one's political interests at the expense of democracy; these countries have been struggling with the effects of the financial crisis for a long time, and these two countries have just joined them. In addition, in the short term, another crisis, the so-called refugee crisis was to appear. The time period covered by the study is 2013–2016. The caesura is justified by the fact that in 2013 the demobilization of social movements began in connection with the beginning of anti-democratic tendencies, when there was a change of power (actual changes in systems). The aim of the article is to check how and why over the years, between successive crises, i.e., financial crisis, the so-called the refugee crisis, the coronavirus pandemic, freedom of the press was restricted in those two countries which joined PIGS later.

The media system is a category that cannot be clearly defined, but on the basis of literature it is possible to indicate the most characteristic elements that create it. Wiesław Sonczyk indicates among them the mass media, institutions and organizations supplementing their activities, as well as supervisory or controlling bodies (Sonczyk, 2009). The media system defined in this way is very close structurally to the political system, which means that within it an external or internal enemy can be created. The introduced regulations and solutions characteristic of quasi-militant democracies may reveal undemocratic tendencies.

In order to solve the research problem and verify the hypothesis, an adequate method was used to compare the two countries. In the paper, I employ the comparative perspective and the content analysis within it as complimentary research technique. The content analysis is based on reports from the Reporters without Borders and Freedom House organizations. Triangulation of sources is necessary for this study because it allows the Press Freedom Index to be interpreted based on the limitations indicated in the Freedom House reports. The first organization is an international non-governmental entity that monitors and promotes press freedom around the world. The values that guide it include: guaranteeing all the freedoms, human dignity, promoting democracy and development, guaranteeing individual capacities (Reporters without Borders

(a), 2016). The organization was selected for the study in a deliberate manner, due to the reliability of the data and its international recognition, which allows it to track the trajectory of respect for press freedom over the years. The second organization, Freedom House, is an out-of-party non-profit organization that works for democracy and freedom around the world. In the case of Freedom House reports and Freedom Press Index, it should be noted that they did not only apply to Great Britain, as they related to the United Kingdom (i.e., with northern part of Ireland). The second organization prepares annual reports that allow you to familiarize yourself with the socio-political situation in a given year, which was important for the introduced restrictions. In the case of reports relating to press freedom, it is a source of interpretation for changes to the Press Freedom Index. In this way, on the basis of the information obtained from the analysis of the data published by these two organizations, it will be possible to answer the question: how and why the restrictions of freedom of the press changed? They will be crucial to understand the trajectory and nature of shaping the sovereignty of political nations in Ireland and Great Britain. The research hypothesis is as follows: The restriction of freedom of press in Ireland and the United Kingdom after 2008 shows that states are using the media system to pursue their particular interests by introducing solutions characteristic of quasi-militant democracies.

As a research tool in this study, antinomic ideal types of restriction of press freedom in a manner characteristic of neo- and quasi-militant democracy will be used. Assuming that the difference between these types is that neo-militant democrats use the restrictions to protect the sovereignty of a political nation, whereas quasi-militant democrats aim to undermine it.

FREEDOM PRESS IN GREAT BRITAIN

For the shape of the current media system of Great Britain, the most important was the dynamic socio-political and economic development. The media system of Great Britain is included in the North Atlantic model, i.e., liberal – despite the fact that there is external pluralism in this country, there are public media and regulations relating to the media system. These are the features that distinguish the state from others, because in the ideal model there is internal pluralism and there are practically no state interventions in the media system (Hallin & Mancini, 2007). These derogations may indicate the introduction of press restrictions

characteristic in particular of quasi-militant democracy due to the presence of external entities and state interference.

Previously, in the UK, freedom of the press was restricted by the Human Rights Act (1998). However, it was replaced by the Defamation Act of 25 April 2013, which included in the first article a provision that freedom of expression is restricted when it causes libel, or serious damage to the reputation of the claimant (Defamation Act, 2013). This could indicate the functioning of neo-militant democracy defending a political nation. In the UK, the Press Freedom Index in 2013 was 29/180 (Reporters without Borders (b), n.d.). Violations of press freedom that emerged this year referred to government actions, including threats and negative rhetoric against the editorial board, which exposed abuses related to surveillance, being a limitation of the sovereignty of the political nation, by interfering with the independence and reliability of the editorial office and at the same time the right to information for citizens (Freedom House, 2014UK). Parliament decided to establish a new body of a royal character, which was opposed by newspaper owners. Establishing an independent regulatory authority for print media through the royal charter (formerly voluntary, self-regulating mechanism) was a top-down appointment and imposition of a new body, contrary to the protests of the media environment. The existence of legislation restricting freedom of the press, for example, obliged to provide the police with reporting materials or criminalising statements that are considered to encourage terrorist activities. This is an action that makes journalists dependent on the security services. Enabling the request for privacy injunction in order to prohibit private and confidential information means, in practice, the potential prevention of journalistic investigations by influential and wealthy people. This prevents journalists from conducting thorough investigations and providing information to citizens. Harassment, threats and assaults on journalists in Northern Ireland are a violation of personal space. Moreover, there are internal scandals, e.g., in the BBC, and the concentration of private media ownership in the hands of large entities. Such concentration can lead to a reduction in media pluralism. Violations of media pluralism are another way to limit access to information and at the same time the sovereignty of the political nation. There is a risk of manipulating information through existing financial dependencies between, for example, large entities and politicians.

In the UK, the Press Freedom Index in 2014 was 33/180 (Reporters without Borders (b), n.d.). Compared to the previous year, there was a decrease. Violations of press freedom that emerged this year referred to existing legislation restricting

the freedom of the press (as in the previous year); in addition, the so-called DRIP law compelled telecommunications companies to store communications data for up to 12 months and allowing for the interception of communications outside the UK (Freedom House, 2015UK). This is primarily a restriction of citizens' right to privacy. Abuse of competences by security services, on the other hand, may lead to treating one's own citizens as an enemy. For example, under the 2013 regulations allowing for the prosecution of social media communications, in 2014 a man threatening one of the politicians on Twitter was convicted. This limitation concerns primarily freedom of speech. Harassment and threats in Northern Ireland continued, and there was still problem with concentration ownership of private media outlets in the hands of a few large companies. The pointed restrictions can be described as manifestations of the strengthening of quasi-militant democracy, since they relate, to a large extent, to the citizens of the state.

2015 was the year of the refugee crisis, the highest rate of asylum applications in EU Member States. In the UK, the Press Freedom Index in 2015 was 34/180 (Reporters without Borders (b), n.d.). Compared to the previous year, there was a further decrease. Violations of press freedom that emerged this year referred to: a significant financial burden for the public broadcaster in order to cover the cost of television license fees for all Britons over age 75; existing legal regulations restricting press freedom; mass surveillance (Freedom House, 2016UK). This is a limitation of the independence of the media and exerting pressure through the introduction of a financial commitment. Broad powers of security services, e.g., to collect data, surveillance, hack into and surveil computers and telephones, are to interfere with citizens' privacy and restrict freedom of speech. Attacks and threats against journalists from Northern Ireland continued. There was also still a problem with ownership of private media outlets that is concentrated in the hands of a few large companies. Most of the restrictions also existed in previous years and indicate a further limitation of the sovereignty of the political nation. In this way, the structures of quasi-militant democracy were further strengthened.

In the UK, the Press Freedom Index in 2016 was 38/180 (Reporters without Borders (b), n.d.). Compared to the previous year, there was another significant decrease. Violations of press freedom that emerged this year referred to authorities confiscating the passport of a foreign journalist at the request of his government (Freedom House, 2017UK). In this case, we can talk about the mechanism characteristic of neo-militant democracy, because action has been taken to protect the sovereignty of the political nation from an external

enemy. In addition to the problems that occurred in previous years, such as: concentration of the ownership of private media outlets in the hands of a few large companies, mass surveillance, government approval formally grants vast powers to security agencies, and the BBC's governance and duties are established in a Royal Charter. There was also the possibility of punishing publishers not registered in the unpopular print regulator with financial penalties. In this case, there was a control and restriction of press freedom through the application of a financial sanction. In this way, the sovereignty of the political nation was once again limited and the structures characteristic of quasi-militant democracy strengthened. The enemy became publishers who did not comply with state regulations.

The changes in the years 2013–2016 mostly indicate the strengthening of quasi-militant democracy structures in the state. Both journalists and citizens have become the enemy. The sovereignty of the political nation was constantly limited.

FREEDOM PRESS IN IRELAND

Ireland is cited as an example of a country where the link between the formation of a democratic society is closely linked to the development of the media (Menkes, 2009, p. 147). The media system of this country is, as in the case of Great Britain, classified under the North Atlantic model (Hallin & Mancini, 2007). However, it differs significantly from it due primarily to the struggle for national identity, which determines the historical development of the press, influencing the missionary nature of the media, the Northern Irish conflict and its political and legal consequences limiting freedom and the strong position of state radio and television broadcasters (Kaczmarczyk, 2009, p. 8). These distinctive features of Ireland's media system may indicate the existence of solutions rather appropriate for quasi-militant democracies, since state policy plays a large role in this system.

Previously, in Ireland, freedom of the press was restricted primarily by the Censorship of Publications Act, which stipulated in Article 15 that the publication of a book that did not comply with the provisions of the Act is punishable by a fine or imprisonment of up to six months (Censorship of Publications Act, 1929). In addition, there was a constitutional provision, Article 40 on the right of citizens to freely express their beliefs and opinions (Constitution of Ireland,

1937). In 2018, an amendment was made to Article 40, the restriction on freedom of expression is added when it concerns blasphemy (Thirty-Seventh Amendment of the Constitution, 2018). The existing legal status can be described as the beginnings of strengthening the structures characteristic of quasi-militant democracy, because it referred to censorship and restrictions on freedom of expression. This can lead, for example, to punishing people who speak unfavorably about the government or major politicians.

In Ireland, the Press Freedom Index in 2013 was 15/180 (Reporters without Borders (c), n.d.). Violations of press freedom that emerged this year referred to existing legislation containing provisions restricting freedom of the press (Freedom House, 2014IE). Changes were planned in the field of copyright, which would allow limited reproduction of an individual's work without his or her consent. This is an attempt to legally restrict copyright. Also, what was planned was an increase search and retrieval fees for freedom of information – a mechanism aimed at obstructing access to information. Furthermore, interrogation of journalists suspected of revealing stories that may come from police sources – a mechanism characteristic of quasi-militant democracy, where journalists who use information become the enemy. As in the UK, there were physical attacks on journalists (although rare) and the concentration of media ownership and a lack of content diversity. As in the case of Britain, this means regularly limiting the sovereignty of the political nation.

In Ireland, the Press Freedom Index in 2014 was 16/180 (Reporters without Borders (c), n.d.). Compared to the previous year, there was a decrease. Violations of press freedom that emerged this year referred to existing legislation and legislation restricting press freedom, a precedent court judgment that suggested that damage to a person's reputation could lead to criminal sanction (Freedom House, 2015IE). It is an infringement relating primarily to the certainty of the existing law. There was an announcement of a referendum on removing the blasphemy clause from the constitution. Existing limits on the public and journalist's access to files held by the police were still pointed out – it was revealed that the police had been secretly recording phone calls to and from police stations, that is, creating an internal enemy, limiting the right to privacy. There was still a problem of infrequent attacks on journalists and the concentration of media ownership, and a lack of content diversity. Moreover, the government published draft merger guidelines that provide for increased control of any merger involving the same owner. On the one hand, it is an action that restricts the freedom of citizens in the indicated scope, on the other hand, it is an action for pluralism. Most of

the regulations meant limiting the sovereignty of a political nation and can be described as characteristic of quasi-militant democracy.

2015 was the year of the refugee crisis, the highest rate of asylum applications in EU Member States. In Ireland, the Press Freedom Index in 2015 was 11/180 (Reporters without Borders (b), n.d.). Compared to the previous year, there has been an improvement in press freedom. Violations of press freedom that emerged this year referred to problems already existing in earlier years, i.e.: high concentration of ownership, the referendum announced last year on removing blasphemy from the constitution scheduled for the period after the 2016 elections, existing merger guidelines to regulate the effects of mergers on plurality of both ownership and content; existing restrictions on access to information in relation with interrogations of investigative journalists still taking place (Freedom House, 2016IE). The structures of quasi-militant democracy continued to strengthen, and the sovereignty of the political nation was limited.

In Ireland, the Press Freedom Index in 2016 was 9/180 (Reporters without Borders (c), n.d.). Compared to the previous year, there was an improvement in press freedom. At the same time, Ireland was very high in the ranking, which means a high degree of respect for press freedom. Unfortunately, access to information on violations is difficult or impossible, because the report on freedom press from this year is not available.

Although Ireland ranks much higher in the rankings relating to respect for press freedom than the United Kingdom, these restrictions are mostly evidence of a limitation of the sovereignty of the political nation. As in the case of the previous state, the strengthening of the structures characteristic of quasi-militant democracy is visible.

DISCUSSION AND CONCLUSIONS

On the basis of the analysis, it can be concluded that restrictions on freedom of the press have been treated by the government as a useful and effective means to pursue particular political interests and strengthen their position in the power structures. In this way, the hypothesis was partially positively verified, because most of the restrictions introduced pointed to quasi-militant solutions rather than neo-militant democracy. However, there are still some elements characteristic of neo-militant democracies, which may indicate a desire to ensure the protection of the sovereignty of the political nation. This protection consists mainly

in the use of democratic instruments to prevent interference by external actors. The implemented solutions were used to limit the freedom of the press through existing instruments and legal solutions, which undermined the sovereignty of the political nations. Verification of the hypothesis allows to enrich the existing research on militant democracies, among other things, with the conclusion that the type of media system and the solutions used within it can determine the possibility of occurrence of neo- or quasi-militant democracy. The more important the state is in the media system, the greater the risk of manipulation and the greater the freedom to restrict the freedom of the press.

The fact is, however, that Ireland respects press freedom to a greater extent than the United Kingdom on the basis of the Press Freedom Index, despite the fact that the index has fluctuated over the years in both cases. Even in the case of a state that largely respects freedom of the press, the violations that have arisen testify to the limitation of the sovereignty of the political nation.

The restrictions on freedom of the press in both countries were primarily violations characteristic of quasi-militant democracy, because journalists were most often portrayed as enemies, the same could be said about access to information, as well as about citizens. This meant using democratic tools to fight their own citizens. Although in the case of Great Britain, when the passport of a foreign journalist was taken away, one can talk about the means of neo-militant democracy. It is the mechanism characteristic of neo-militant democracy, because action has been taken to protect the sovereignty of the political nation from an external enemy. Mass surveillance and control through planned financial sanctions are also measures characteristic of quasi-militant democracy, as the state uses democratic tools to restrict the freedoms of certain individuals. It also meant regularly limiting the sovereignty of the political nation. However, in the case of Ireland, this was a deliberate move to increase media pluralism. It is difficult to clearly define the appointment of a control body in the UK, because it was also supposed to be the controlling entity, but it is doubtful to appoint it in a royal capacity. In this case, the protests of media circles were ignored, i.e., their sovereignty was limited.

Freedom of the press is restricted primarily by existing or introduced legislation. The analysis of other restrictions introduced in the analyzed cases has the potential to reveal whether these countries can be described rather as quasi-militant democracy and they will also help to determine the rank of other tools in the processes of creating the indicated political structures.

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