

DEFENSIVE DEMOCRACY AND HUMAN DIGNITY: MEANS TO AN END. A LOOK AT THE ROMANIAN CASE

Elena Mădălina NICĂ¹

Abstract: *In its practice of militant democracy in 2024, the Constitutional Court of Romania did not explicitly refer to human dignity as a justification for the judicial outcome. In 2025 the Court expressly advanced human dignity, "the foundation of constitutional democracy", as a legal argument to justify the constitutionality of amendments and supplements of criminal law provisions sanctioning, *inter alia*, expression. The Court activated, as a first, art. 17 of the European Convention on Human Rights (prohibition of abuse of right) and, in relation to it, quoted the Strasbourg Court on the notion of defensive democracy, thus contributing to a beneficial dialogue on human dignity in the logic of defensive liberal democracy in Romania.*

Key words: *defensive democracy, militant democracy, human dignity, liberal constitutional democracy, Romanian Constitutional Court, Decision no. 355 of 10 July 2025, freedom of expression, abuse of right, art. 17 ECHR*

1. Introduction

To defend liberal democracy is not a goal in itself, but a means to the end of protecting, *inter alia*, human dignity, a core value, a functional principle and one of the purposes of liberal constitutional democracy, without which the latter would be affected in its justificatory logic, as it is based on and gravitates toward the protection of human rights and dignity. The latter's presence in the legal discourse of the actors practicing defensive and even militant democracy is useful in Romania in order to maintain a human-centered culture in which human dignity is an efficiently protected reality in a society organized as a constitutional democracy and a rule of law state.

Human dignity is to be conceived as an inevitably incomplete concept, political rather than metaphysical (Addis, 2013, p. 348). It is not fixed, but constructed through dialogue, particularized and contextualized in a polity conversing also with other polities, involving various actors (legislator, constitutional judge, courts, scholars, individuals, etc.). As a legal concept, human dignity does not have an immutable

¹ Faculty of Law, University of Craiova, nicamadalina@yahoo.com, Associate Professor Phd. ORCID ID 0009-0001-5237-2856

substance, but it is built through what is prohibited in the name of its protection (Dănișor, 2025, pp. 259, 262), as well as, if we envision it from the angle of the social state, through what it imposes as positive obligations. Because the construction of dignity should remain open in an upward direction that increases its protection and hence that of the human being, we will touch on how the Constitutional Court of Romania (CCR) recently perceived what the protection of human dignity against current specific threats prohibits and requires.

2. Human Dignity: Part of the End for which Defensive Liberal Democracy is a Means

Trenchantly put, “when it comes to democratic militancy, it is not democracy pure and simple that is at stake, but liberal democracy (...) an opponent of every system that is antithetical to it, which means that defending liberal democracy is not and cannot be unjustified, because it is inevitable” (Wagrandl, 2018, p. 144). It was argued even that the term “militant democracy” is “paradoxical, almost oxymoronic”, since it is “linked to the counter-majoritarian side of liberal constitutionalism, the rule of law”, being «the ultimate form, apogee or spearhead of the “(militant) state of law”» (Iancu, 2025b).

Against threats, even in the absence of violence designed to undermine the democratic state (Capoccia, 2013, p. 214), a militant democracy defends itself, as liberal democracy, through pre-emptive collective or individual measures such as restrictions on rights of participation and expression. Their application must be “subject to impartial oversight” (Ibid). Not all defensive democracies are militant. Defending democracy also encompasses “long-term goals strategies, such as those aiming at promoting, through education, democratic propaganda, etc., a democratic culture” (Capoccia, 2001, p. 432).

Other supporters of the need for democracy to be defensive against extremism without being militant propose the social-democratic self-defense (Malkopoulou, Norman, 2018). The main two arguments put forward, in line also with the republican philosophy of non-domination, are social non-dominance as a precondition for citizens to be able to exercise their liberties (social justice being a precondition for political participation and for stabilizing democracy, not an end in itself) and “the need for political stability to be grounded in political and economic equality, political crises (...) being symptoms of the structural weakness of the socio-economic order” (Malkopoulou, Norman, 2018, p. 12-13).

Why, to what end should liberal democracy be defended? It is to give effect to its constitutive values and principles (conceived in a proceduralized sense, not an axiological immutable one) for which constitutional democracy and the imperatives of the rule of law function as a dynamic instrumental net of guarantees. According to art. 1(3) of the Romanian Constitution (RC), these values are human-centered and dignity is one of them: “Romania is a democratic and social state, governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989, and shall be guaranteed”.

Historically, European democracies “have been open to the idea of limiting democratic rights in order to protect the core of liberal democracy” (Maftean, 2018b). The Basic Law of Germany, the first modern Constitution to include means of militant democracy, provides: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority” [art. 1(1)]; associations whose aims or activities contravene the criminal laws or that are directed against the constitutional order are prohibited [art. 9(2)]; forfeiture of basic rights in case of abuse of freedoms of expression, of the press, of teaching, of assembly, of association, of the privacy of correspondence, posts and telecommunications, of the rights of property or the right of asylum in order to combat the free democratic basic order [art. 18: the forfeiture and its extent shall be declared by the Federal Constitutional Court]; “Parties that, by reason of their aims or the behavior of their adherents, seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional” [art. 21(2)]; exclusion from state financing for parties that, by reason of their aims or the behavior of their adherents, are oriented towards an undermining or abolition of the free democratic basic order or an endangerment of the existence of the Federal Republic [art. 21(3), introduced after the National Democratic Party case in 2017].

Defensive democracy is thus a means to the end of protecting liberty, equality and dignity. However obvious it might appear, advancing human dignity as a normative justifying principle or value of liberal democracy and the rule of law and legal argument in favor of militant or defensive democracy (as the FCC did in its case law on party bans) is not that widespread among scholars who adhere to the doctrine of militant democracy. Nevertheless, some of them have rightly argued that human dignity justifies militant or defensive democracy from both the liberal and the democratic standpoints.

From the liberal one, it is in the reading of the FCC’s 2003 case on whether it should ban the NPD party that it was argued: « human dignity is foundational for all of political morality and any notion of rights must be founded upon it (...) being foundational does not mean that it is used as just a background principle (...) the court agrees (...) stating that “[We are] responsible especially [for] the protection of individual legal interests such as dignity, life and health” (...) the court believes that threats to human dignity are also threats to the democratic basic order (...) they insist upon posting that dignity comes first (...) the majority (...) emphasized that Article 21, paragraph 2 was not only designed to prevent dangers to the existence of the “free democratic basic order” but to also “foreclose attacks on human dignity” (...) there is agreement that dignity can, and should, be protected by militant measures (...) militant democracy is derivative of the need to secure dignity» (Maftean, 2015, p. 136).

In Judgment of 17 January 2017 (No prohibition of the NPD as there are no indications that it will succeed in achieving its anti-constitutional aims), the FCC clearly stated that “the free democratic basic order” encompasses “the central basic principles that are absolutely indispensable for the free constitutional state” and is “rooted primarily in human dignity”; the latter’s guarantee covers “in particular the safeguarding of personal individuality, identity and integrity, as well as the fundamental equality before the law. Concepts aimed at racist discrimination are incompatible with this finding.”

From the democratic standpoint, human dignity has “a dual relationship” with democratic ideals: it is “the background norm, an abstract principle, frequently perceived as a justification for democratic rights of participation” and “signifies a particular social status or social practice arguably instrumental to active participation and the use of democratic rights” (Norman, Beckam, 2024, p. 484). In other words, protection of human dignity is beneficial for democracy; threats to the former are threats to the latter. Respect for dignity thereby “serves as a meta-function related to the recognition of full membership in a political community that is necessary for more specific rights to be respected, including democratic ones” (Id, p. 585).

A “paradigm shift” was observed in militant democracy “when it aims to protect the democratic values underlining the institutional arrangement, one that builds parameters which cannot be infringed upon, thus substantiating certain action as illegitimate” (Maftean, 2018b). From the “substantive-procedural perspective” of this author, a democratic defensive action is needed to prevent the violation of liberal fundamentals - equality, liberty, dignity -, core normative values protected from being exposed to majoritarian decision making (Maftean, 2018a, p. 72).

The RC guarantees these fundamentals [art. 16, art. 23 and art. 1(3)]. It also provides mechanisms of democratic self-defense (including the social state, related to the model of upholding social justice and liberty as non-domination) and of militant democracy, such as: constitutional democracy [art. 1(4)]; political parties have to observe national sovereignty, territorial integrity, the legal order and the principles of democracy [art. 8(2)]; unconstitutionality of political parties or organizations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity or independence of Romania [art. 40(2)]; the RCC has the power to decide on the objections of unconstitutionality of a political party [art. 146k]], but not of any other type of association [lack of correlation with art. 40(2)]; freedom of expression shall not be prejudicial to the dignity, honor, privacy of a person, and to the right to one's own image [art. 30(6)]; any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law [art. 30(7)]; constitutional rights and freedoms shall be exercised in good faith, without any infringement of the rights and liberties of others (art. 57); political pluralism shall not be subject to constitutional revision [art. 152(1)]; no constitutional revision shall be made if it results in the suppression of the citizens' fundamental rights and freedoms, or of the safeguards thereof [art. 152(2)]. As for the legislative level, we exemplify with Law no. 157/2018 on certain measures for the prevention and combating of anti-Semitism and Government Emergency Ordinance no. 31/2002 on the prohibition of organizations, symbols and acts of a fascist, legionary, racist or xenophobic nature and the promotion of the cult of persons guilty of committing crimes of genocide against humanity and war crimes (consolidated five times until 2025 and deemed to have been adopted “half-heartedly to secure EU accession” and “a paper tiger ever since” (Iancu, 2025a).

3. Human Dignity and Defensive Democracy in Motion in Romania in 2024 and 2025

In its practice of defending democracy observed herein, the RCC moved from not expressly invoking human dignity as justificatory for the defense of the constitutional order, constitutional democracy and the rule of law, when referring to “promoting anti-Semitic discourse” [human dignity was mentioned only when setting art. 1(3) RC as the framework of reference] to explicitly advancing dignity as a legal argument to justify criminal law restrictions of, among others, expression, thus upholding measures of what the RCC referred to, for the first time, as defensive democracy.

3.1. Ruling no. 2/2024 - human dignity not explicitly advanced (but implied?)

In Ruling no. 2 of 5 October 2024 on the challenge to a registration of candidacy in the 2024 presidential elections (candidacy ban), the RCC does not explicitly put human dignity in relation to speech and conduct deemed contrary to the principles of the rule of law and constitutional democracy. The Ruling encompasses appreciations of a principled nature that justify in general the protection of constitutional democracy (“democratic levers and procedures cannot be diverted from their purpose, it being impossible for them to lead to the denial of the very values and constitutional principles in the application or development of which they were regulated”) and which attest, without the RCC wording it as such, that the RC provides mechanisms of defensive democracy through which it defends constitutional democracy (a principle that “alongside that of the rule of law, underlie the organization and functioning of the state”), and more broadly it preserves “the democratic nature of Romanian society” because it “discourages and sanctions manifestations that constitute a major risk” to it.

The RCC makes generic references to rights, freedoms, supreme values in the rule of law state, to “the interest of the state and society to develop on a democratic basis” and to the guarantees of the rule of law and of constitutional democracy which is considered “the foundation and benchmark of the Romanian state, incompatible with arbitrariness, voluntarism, extremist manifestations and whim”, while “democracy, the rule of law and respect for the Constitution constitute the essential, immutable and defining coordinates of the Romanian state”. The RCC does not stress that these guarantees are designed to ensure the effective protection of rights and freedoms and of their underpinning individual values, such as human dignity, not even when emphasizing that “any citizen can criticize the content or normative solutions” of the Constitution and “can advocate, propose and debate topics that involve” constitutional revision, “under the condition of being in accordance with democratic values and rules, democratic regress or the rule of law being excluded”.

Secondly, The RCC does not mention dignity when referring to “the constant speech” of the candidate, through which she “urges to change the democratic foundations of the state and to violate the constitutional order”, and not even when the RCC refers to “the promotion of a constant anti-Semitic discourse” and “of a systematic, persistent and long-term conduct intended to affect the constitutional foundations of the Romanian state and its guarantees, namely Romania's membership of Euro-Atlantic structures. The

call to disregard the fundamental values of the Constitution represents a frontal attack on democratic ideas and principles and on the constitutional order". Unlike the FCC, the RCC does not distinctly assess whether anti-Semitic speech is contrary to dignity as a specific fundamental value of the Constitution or as a democratic idea or principle.

We could speculate that human dignity is implicitly present in the RCC's reasoning. What is clear is the emphasis on Romania's membership in the EU and Euro-Atlantic structures, guarantee of the constitutional foundations of the state. Maybe the RCC implies that, alongside the rule of law and constitutional democracy, these are guarantees of supreme values, including human dignity. The RCC does not individualize it as such a value in the rule of law state, as stated in art. 1(3) RC (invoked only en bloc, as a basis for the subsequent assessments) and does not connect it to the obligations to respect the Constitution and to defend democracy (considered special eligibility conditions for running for President) or to the democratic society. The RCC does not contextualize systematically through a possible reference to art. 30(6) RC protecting the dignity of the person against freedom of expression or to art. 30(7) RC or to the obligation to exercise fundamental freedoms in good faith (art. 57 RC) and, in relation to it, to the abuse of right. The option to problematize by means of a broader systemic interpretation could have given more weight to the argumentation, from a principled outlook, anti-Semitic speech being criminally illegal under Law no. 157/2018.

The authors who concurred to a different extent with the militancy in Ruling no. 2/2024 did not approach it from the angle of human dignity. Addressing "the substantial merits" of the Ruling, an author argued that "for a state that for the most part of the 20th century was a dictatorship, it feels reasonable to want to impose a commitment to basic liberal values and the principles of rule of law as a condition of eligibility to the highest public office. The Court sent a powerful message to all potential candidates: while political programs are free to circulate in the marketplace of ideas, fundamental rights are not up for negotiation" (Merceșcu, 2025, p. 254-255). On a contrary note, the author according to which banning the candidacy "was not inherently unjustified in the logic of militant democracy", pointed out that "No matter how contrary their ideas are to the accepted public (...) the politicians should be free to speak their minds (...) democracy is capable of self-hygiene, and this kind of discourse could be tempered by the dominant pro democratic discourse and sanctioned, if necessary, by criminal law (for example, in the case of hate speech and incitement to violence). If this is not possible, then militant democracy is useless." (Guțan, 2025).

From the standpoint of the Parliament and the RCC, the criminalization of hate speech is a useful militant democracy measure. The RCC held that amending and supplementing GEO no. 31/2002 and Law no. 157/2018 was necessary in a democratic society and justified by the need to increase the protection of human dignity.

3.2. Decision no. 355/2025: explicit reference to human dignity as "the foundation of constitutional democracy" and to defensive democracy; activation of art. 17 ECHR

As in Ruling no. 2/2024, in Decision no. 355 of 10 July 2025 on the objection of unconstitutionality of the Law for the amendment and completion of GEO no. 31/2002

and for the amendment of Law no. 157/2018, the RCC does not invoke art. 30(6) and (7), art. 57, and this time not even art. 1(3) of the Constitution, when stating the necessary protection of human dignity against the acts to which the law refers. However, as a remarkable novelty, the RCC activates the abuse of right rationale, taking the ECtHR's avenue of justifying individual militant democracy measures through art. 17 of the European Convention on Human Rights (ECHR), Prohibition of abuse of rights: "Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms set forth herein or at their limitation to a greater extent than is provided for in this Convention." Instrument of transnational militant democracy which "in light of common commitment to liberal democracy" counters "attacks on it if they come from individuals" and "protects the Convention wherever it applies" (Wargandl, 2018, p. 169), art. 17 ECHR helps implement a model of militant democracy that presupposes limitations including for freedom of speech and "has a sound justification by necessitating the protection of democracy's underlying values" (Maftean, 2018b), such as human dignity.

After referring to the ECtHR's case law on the limits of freedom of expression, the RCC invokes art. 17 ECHR, then passes through some of the ECtHR's relevant case law on the matter, to conclude that the facts to which the contested law refers fall, "in principle", within the scope of art. 17. When citing from The ECtHR's case law on art. 17 (e. g. "given the very clear link between the Convention and democracy, no person should be entitled to rely on the provisions of the Convention in order to undermine or destroy the ideals and values of a democratic society (...) the general purpose of Article 17 (...) is therefore to prevent totalitarian or extremist groups from exploiting the principles enshrined in this international instrument for their own benefit"), the RCC expressly mentions, in a welcomed first, the ECtHR's conclusion that art. 17 ECHR is linked to the notion of "self-defending democracy"/"defensive democracy".

As for applying also the proportionality test, once the RCC individualizes the legitimate nature of the purpose of the law "namely to protect, by means specific to criminal law, essential values and principles of democracy against acts that pose a major danger to the foundations of democratic political systems", without yet specifying what these values and principles are, the RCC cites as "being in the same vein" assessments from the explanatory memorandum of the law, that do not refer to human dignity, but, e.g., to democratic society, which guarantees the fundamental rights and freedoms, to preventing and combating anti-Semitism, xenophobia, radicalization and hate speech as acts of social justice, to anti-Semitism as a threat to democracy and society as a whole, not only to members of Jewish communities. The RCC later refers to collective rights of a national minority, the violation of which would violate the human dignity of its members. When specifying the necessary character in a democratic society of a "clear definition of the types of materials that are used to transmit/promote fascist, legionary, racist or xenophobic, respectively anti-Semitic ideas, conceptions or doctrines in the public space", the RCC focuses on the human being, stating "the total incompatibility of such totalitarian ideological values" with "the protection of the human being in his or her individuality" which "together with tolerance and mutual respect" are "values that

structure a democratic and constitutional culture". Human dignity is understood in terms of autonomy of individuality and respect for the human being. The reference to the structuring character of the mentioned values for the democratic and constitutional culture (not only for the state as a constitutional democracy) is salutary.

In the culminating point of advancing human dignity as legal argument, the RCC concludes with principled value: "it cannot be accepted that a fundamental value of democracy, such as freedom of expression, becomes a screen or a dome formally invoked for the promotion at the level of democratic society of values, ideas, concepts and doctrines that, in fact, have campaigned and continue to campaign for the destruction of constitutional democracy itself and its foundation, human dignity". Human dignity is thus highlighted as the foundation of constitutional democracy and as a legal and cultural justification of the criminalization of the acts referred to in GEO no. 31/2002 and Law no. 157/2018.

The approach from a cultural and historical perspective continues with the emphasis on protecting and guaranteeing the dignity of the human being, seen as a "democratic culture that cannot be relativized" by "promoting in the public space ideas, concepts and doctrines" aiming also "to undermine the pluralistic democratic regime". In the RCC's interpretation, clarifying the legislation in force is necessary also because this promotion could be done by an "easy instrumentalization through the new means of mass communication of the image fixed in the collective mind of the persons who were part of the leadership of fascist, legionary, racist or xenophobic organizations representing historical symbols of the respective totalitarian and anti-democratic political movements from the interwar period". The RCC draws attention to the fact that an effective protection of the human being is culturally and historically contextualized. In like manner, both human dignity and defensive democracy depend on particular cultural and historical context and experiences (Addis, 2013; Capoccia, 2013, p. 214).

The RCC qualifies "promoting and justifying terrorism and war crimes, incitement to violence, promotion of totalitarian ideologies (communism, fascist, Nazi, legionary ideology), incitement to hatred (xenophobia and racial discrimination, hatred on ethnic grounds, religious hatred), denial of the Holocaust and other related issues" not only as threats to "constitutional order, justice and peace", but also as "major violations of fundamental rights" and of "the principles of democracy and the rule of law, which underlie the political systems of the signatory states of the Convention". This "requires increased and effective protection from the state, including for the individuals, groups of individuals, social categories or communities targeted, as well as a sanctioning regime proportional to the gravity of the acts (...) the preeminence of these values not only justifies, but also requires an adequate criminal policy, capable of responding effectively to a situation in society." Referring to "new realities" and to "current needs for criminal protection of the social values concerned", the RCC acknowledges the present-day more serious threats to human dignity, the democratic culture and constitutional democracy.

Although the Court upheld the constitutionality of the law also in Decision no. 356 of 17 July 2025, published on 25 November 2025, the former has not yet been promulgated.

4. Conclusions to Keep the Discussion Open

In 2025 the RCC introduced into discussion human dignity, value of democratic society, of the rule of law state and the foundation of constitutional democracy, as requiring increased protection against the acts covered by GEO no. 31/2002 and Law no. 157/2018, thus justifying amendments and supplements thereof found constitutional because in accordance with the ECtHR's case law on limits of freedom of expression in relation with art. 17 ECHR, and also with the proportionality test. Moreover and notably, the RCC, as a first, cited the ECtHR on the notion of defensive democracy linked to art. 17 ECHR, thus contributing to a dialogue on human dignity in the logic of defensive liberal democracy in a much more significant manner than in its previous case law on GEO no. 31/2002, in which the Court only briefly invoked human dignity when rejecting the claims of unconstitutionality. The RCC's positioning in 2025 is beneficial for raising awareness on the importance of human dignity in Romanian society and as a step forward in making its protection more effective. The fate of the application of OG no. 31/2002 and Law no. 417/2018 in their new form remains to be seen.

We will further examine in a more extensive approach in what capacity human dignity was envisioned in Decisions no. 355 and 356 of 2025, considering also previous constitutional case law and using the functional perspective according to which dignity has three functions in legal argumentation, interpretation and adjudication - source of human rights, objective value, and relative individual right (Horak, 2022, p. 241), in order to observe the logical coherence and convincing character of the RCC's reasoning. The efficient protection of human dignity against acts that thereby threaten liberal constitutional democracy depends considerably on it, but also on all the participants in the dialogue through which we build the cultural, political and legal sense of human dignity. This paper aimed to contribute to this dialogue, including by joining the views that promote human dignity as a normative principle justifying the defense of liberal democracy as a means to the end of equally defending and protecting human beings.

Acknowledgements

This work was supported by a grant of the Ministry of Research, Innovation and Digitization, CNCS - UEFISCDI, project number PN-IV-P8-8.3-ROMD-2023-0158, within PNCDI IV.

References – all sites were last accessed on November 29th, 2025

Addis, A. (2013). The Role of Human Dignity in a World of Plural Values and Ethical Commitments. *31 Netherlands Quarterly of Human Rights* 403, 403–440. Retrieved from <https://ssrn.com/abstract=2441227>.

Capoccia, G. (2001). Defending democracy: Reactions to political extremism in inter-war Europe. *European Journal of Political Research* 39, 431–460. <https://doi.org/10.1111/1475-6765.00584>.

Capoccia, G. (2013). Militant Democracy: The Institutional Bases of Democratic Self-Preservation. *Annu. Rev. Law Soc. Sci.* 9, 207–226. [10.1146/annurev-lawsocsci-102612-](https://doi.org/10.1146/annurev-lawsocsci-102612-)

134020.

Constitutional Court of Romania, Ruling no. 2 of 5 October 5, 2024. Retrieved from https://www.cc.ro/wp-content/uploads/2024/10/Hotarare_2_2024.pdf.

Constitutional Court of Romania, Decision no. 355 of July 10, 2025. Retrieved from https://www.cc.ro/wp-content/uploads/2025/07/Decizie_335_2025.pdf.

Dănișor, D. C. (2025). *Statul român între liberalism și naționalism. O analiză juridică și filozofică a principiilor constituționale* [The Romanian State between liberalism and nationalism. A legal and philosophical analysis of constitutional principles]. București: Universul Juridic.

Federal Constitutional Court of Germany, Judgment of 17 January 2017. Retrieved from <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2017/bvg17-004.html>.

Guțan, M. (2025, May 28). The New Enemies of Romanian Militant Democracy: Fighting Radical-Right Populism and Manipulative Social Media. *SSRN*, 9 pages. <http://dx.doi.org/10.2139/ssrn.5272229>.

Horák, F. (2022). Human Dignity in Legal Argumentation: A Functional Perspective. *European Constitutional Law Review* 18, 237–263. <https://doi.org/10.1017/S1574019622000141>.

Iancu, B. (2025). Militant Democracy and Rule of Law in Three Paradoxes: The Annulment of the Romanian Presidential Elections. *Hague Journal on the Rule of Law*. <https://doi.org/10.1007/s40803-025-00245-8>.

Iancu, B. (2025). *Democrația militantă și „lecția Weimarului” în România: aspecte juridice și politice* [Militant democracy and the “Weimar lesson” in Romania: legal and political aspects]. Universul juridic PREMIUM. Retrieved from <https://www.universuljuridic.ro/democratia-militanta-si-lectia-weimarului-in-romania-aspecte-juridice-si-politice/>.

Maftean, M. (2015). Dignity, militant democracy, and defending the democratic order. In Pleyers, G., Sava, I. N. (Eds.), *Social Movements in Central and Eastern Europe. A renewal of protests and democracy* (pp. 119–138). București: Editura Universității din București.

Maftean, M. R. (2018). *Fighting Fire with Fire: A Normative Exploration of the Militant Democracy Principle*. Submitted to Central European University Department of Political Science. Budapest: Hungary. Retrieved from <http://www.etd.ceu.edu>.

Maftean, M. (2018). For a Chastened Militant Democracy. *The Tocqueville Review* 21, 7 pages. Retrieved from <https://tocqueville21.com/le-club/for-a-chastened-militant-democracy/>.

Malkopoulou A., L. Norman L. (2018). Three Models of democratic Self-defence: militant democracy and its alternatives. *Political Studies* 66(2), 442–458. <https://doi.org/10.1177/0032321717723504>.

Mercescu, A. (2025). The Romanian Constitutional Court doing “militant democracy” (twice and more to come). *Journal of Contemporary Central and Eastern Europe*, 33(1), 251–261. <https://doi.org/10.1080/25739638.2025.2482401>.

Norman, L., Beckman, L. (2024). Democratic self-defense and public sphere institutions. *Constellations*, 31(4), 580–594. <https://doi.org/10.1111/1467-8675.12737>.

Wagrandl, U. (2018). Transnational militant democracy. *Global Constitutionalism* 7(2), 143–172. <https://doi.org/10.1017/s2045381718000084>