The First Czechoslovak Republic as a Militant Democracy *avant la lettre*: Law, Institutions, and the Defence of the Republic[1]

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This article argues that the First Czechoslovak Republic developed a coherent regime of "militant democracy" *avant la lettre*, embedding legal, administrative, and judicial safeguards to protect the democratic-republican order against extremist threats. Using the 1934–36 case of a provincial official disciplined for importing and promoting Nazi propaganda, as a focal microhistory, the study shows how two statutes operated together: the Law for the Protection of the Republic (No. 50/1923 Coll.) and the Law on the Prosecution of Anti-State Activity by Public Officials (No. 147/1933 Coll.), which established specialised Disciplinary Courts for the Protection of the Republic. Drawing on parliamentary debates, ministerial directives, court rulings, police records, and the press, the article demonstrates that the 1933 reforms translated defensive constitutionalism into routinised procedure. It situates these measures within shifting perceptions of danger—from Bolshevism to Nazism—the Židenice putsch, and rising Sudeten radicalisation, and contrasts Prague's legally bounded emergency toolkit with Nazi Gleichschaltung. Engaging Karl Loewenstein's theory and recent scholarship on democratic self-defence, the article presents the First Czechoslovak Republic as an early model whose everyday enforcement targeted incitement, disloyalty in public service, and party militancy, revealing a constitutional democracy capable of defending itself without abandoning its character.

Keywords: militant democracy, Czechoslovakia, disciplinary courts, extremism, state response.

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On the evening of December 27, 1934, customs officers in the mountain settlement of Činvald/Zinnwald in the Ore Mountains (Krušné hory/Erzgebirge) carried out a routine inspection of individuals arriving from Nazi Germany.[2] Among those inspected was Gustav Martinovský, chief accounting secretary (*vrchní účetní tajemník*) of the Provincial Office in Prague (*Zemský úřad v Praze*). The customs officers found gramophone records in his possession which had not been declared for duty. During the inspection, Martinovský refused to communicate in Czech, although fluent in the language, and insisted on speaking only German. According to the customs officials, this was not an isolated incident: Martinovský had repeatedly brought similar items from Germany, and his conduct toward state authorities had long been confrontational.[3]

The customs duties, however, were a secondary issue. When the Činvald/Zinnwald customs office discovered that some of the records contained recordings by Nazi Sturmabteilung (SA) storm troopers, they notified the local gendarmerie, which seized two of the records and transferred them to the district office in Teplice-Šanov/Teplitz-Schönau for further proceedings. At the same time, the customs office reported to higher authorities that Martinovský's travel and conduct were suspicious.[4]

2 I wish to extend my gratitude to Wolfram Pyta, who has profoundly shaped the direction and arguments of my research. An early version of this article benefited from the discussions at the German Studies Association Annual Conference Seminar *"Militant Democracy, Then and Now"* (Montreal, October 2023), where I received invaluable feedback from Tobias Boes, Giovanni Capoccia, Benno Herz, and Benjamin A. Schupmann. Further refinement came from conversations at the conference *"Origins of Militant Democracy in the Interwar Period: Czechoslovakia and the Transatlantic Debate on the Future of Democracy"* (Prague, October 2024), including the interventions of Uwe Backes, Jens Hacke, Milan Hanyš, Heidi Hein-Kircher, Miroslav Mareš and Jana Osterkamp. I am also thankful to Georg Eckert for his final review of this article at the summer school of the Studienstiftung des deutschen Volkes (Rot an der Rot, August 2025). For archival assistance, I am grateful to Zuzana Dvořáková, Lucie Kalabisová, and Victoriia Pronina. I also wish to express my appreciation for Benjamin Letzler for his careful and precise proofreading and editing.

3 Národní archiv [National Archives] (NA), fond Presidium ministerstva vnitra [Presidium of the Ministry of the Interior] (PMV), NAD 1075/1, box 364, personal file of Gustav Martinovský.

4 NA, f. PMV, NAD 1075/1, box 364, personal file of Gustav Martinovský, Document dated 2 January 1935, č. j. 25.917 pr., Státní zastupitelství v Praze [Public Prosecutor's Office in Prague].

The confiscated records included banned Nazi materials imported into Czechoslovakia, among them the "Horst Wessel Song," the battle hymn of the SA, and later the anthem of the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP). The prohibition of this song had been confirmed by a ruling of the Regional Press Court in Cheb/Eger (*Krajský tiskový soud v Chebu*) on July 3, 1933, which declared it to be an "incitement against the state, against its origin, independence, constitutional unity, and democratic-republican form" according to the Law on the Protection of the Republic 50/1923 Coll.[5]

A police investigation was conducted, including a house search by the Prague Police Directorate (*Prezidium policejního ředitelství*). Based on the Interior Ministry's decision of 21 July 1934, which ordered that his case be heard before the Provincial Disciplinary Court for the Protection of the Republic in Prague under §13 of Law No. 147/1933 and thereby suspended him from employment pending proceedings, the investigation culminated on January 2, 1935, in a criminal complaint against Martinovský under §§14(5) and 17 of the Law for the Protection of the Republic (No. 50/1923 Coll.).[6] Because Martinovský held the position of chief accounting secretary at the Provincial Office in Prague, the matter involved not only criminal liability under the Law for the Protection of the Republic (No. 50/1923 Coll.), but also disciplinary responsibility before the Provincial Disciplinary Court for the Protection of the Republic in Prague (*Zemský kárný soud na ochranu republiky v Praze*).[7] This special court had been established in 1933 based on Law No. 147/1933 Coll. on the Prosecution of Anti-State Activity by Public Officials and Certain Other Persons and on the Transfer of Judges Against Their Will.[8]

5 Státní oblastní archiv [SOA, State Regional Archive] Plzeň, fond Krajský soud Cheb [Regional Court Cheb], box. 199, Tl VIII 82/33,

6 NA, f. PMV, NAD 1075/1, box 364, inv. no. 34.056, official communication addressed to the Office of the Reich Protector for Bohemia and Moravia, Group Bohemia, Department A, 13 July 1939, personal file of Gustav Martinovský.

7 NA, f. PMV, NAD 1075/1, box 364, inv. no. 41.632, communication from the Representative of the State before the Provincial Disciplinary Court for the Protection of the Republic at the Provincial Office in Prague to the Disciplinary Commission at the Provincial Office in Prague, 18 September 1936, personal file of Gustav Martinovský.

8 The Law on the Prosecution of Anti-State Activities by Public Officials of 12 July 1933 (No. 147/1933 Coll.) was a temporary emergency measure aimed at safeguarding the Czechoslovak Republic's sovereignty, independence, and democratic-republican order. It applied broadly to all public officials, including public

A protocol of a formal interrogation before the Regional Criminal Court in Prague (*Krajský trestní soud v Praze*) on April 3, 1935, summarised Martinovský's declaration:

> "Czechs are an inferior race compared to the Germans, and [...] the Slavs as a whole are just rabble; [...] whoever loses will pay for it, and who will lose will soon be shown by the near future, [adding that] he has no fear of war; [...] he travels to Germany, from where he brings gramophone records with songs banned in the Czechoslovak Republic, among them Hakenkreuzler songs such as 'Volk ans Gewehr,' 'Als die goldene Abendsonne,' and 'Der Gott, der Eisen wachsen ließ'."[9]

These statements led to further disciplinary proceedings. On October 26, 1936, the disciplinary commission at the Provincial Office in Prague, and subsequently the Provincial Office itself on November 16, 1936, submitted proposals to extend the ongoing proceedings. The Ministry of the Interior then decided, under § 6 of Law No. 147/1933 Coll., to initiate proceedings before the Provincial Disciplinary Court as well. The extension was justified in particular on the basis of a report of the Prague

officials, teachers, judges, clergy, and military officers – whether active or retired – whose salaries or pensions came from public funds. The law targeted individuals whose actions or associations were deemed subversive, such as participation in anti-state organisations, spreading false or destabilising information, or behaving in ways harmful to the dignity of public office. Sanctions included dismissal without pension, loss of family benefits, and forfeiture of pensions. Although severe, these penalties could only be imposed following proper judicial proceedings before Disciplinary Tribunals. The law was explicitly temporary, remaining in effect only during the declared period of "heightened protection of the state." Law No. 147 Coll. of 22 July 1933 (Zákon 147/1933 Sb. ze dne 12. července 1933 o stíhání protistátní činnosti státních zaměstnanců a některých jiných osob a o překládání soudců na jiné služební místo proti jejich vůli – Law on the Prosecution of Anti-State Activities by Public Officials and Certain Other Persons, and on the Transfer of Judges to Another Post Against Their Will) stipulated in § 17 that the provisions of the preceding paragraphs would apply for as long as the need for increased protection of the state persisted, with the duration of that period to be determined by government regulation. On October 9, 1933, Government Regulation No. 188 Coll., issued on October 6, 1933, was promulgated. It declared that the period of increased state protection would begin on the date the regulation came into effect (i.e. October 9, 1933) and that its conclusion would likewise be determined by a future government regulation. See GIOVANNI CAPOCCIA, *Reactions to Extremism in Interwar Europe*, Baltimore 2005, p. 258.

9 NA, f. PMV, NAD 1075/1, box 364, personal file of Gustav Martinovský, File dated 5 April 1937 of the Zemský kárný soud na ochranu republiky [Provincial Disciplinary Court for the Protection of the Republic] in Prague, No. 2/8 z.k.s. 10,

Police Directorate and documents from the Regional Criminal Court in Prague, which documented Martinovský's long-term expressions of disloyalty to the Czechoslovak Republic, his public questioning of its legitimacy, and his promotion of the ideas of a hostile regime.

The Disciplinary Court ordered Martinovský's dismissal from state service and deprived him of all rights and claims arising from his employment with the Czechoslovak state:[10]

> "By the above-mentioned conduct, the accused carried out activities directed against the sovereignty, independence, territorial integrity, constitutional unity, and democratic-republican state form of the Czechoslovak Republic. He thereby committed a criminal act under § 3 para. 1 of Law No. 147/1933 Coll., during a period of heightened state protection as determined under § 17 of the same Law by Government Decree No. 188/1933. He is therefore sentenced, pursuant to § 1(a) and § 2 para. 1(a) of Law No. 147/1933 Coll., to dismissal from state service and to the loss of all rights and claims for himself and his dependents arising from his employment with the state."[11]

The verdict is remarkable primarily because the Disciplinary Court for the Protection of the Republic in Prague did not view the actions of the accused solely as the promotion of Nazi ideology hostile to the Czechoslovak state, but above all as activity directed against its democratic-republican form of government. This aspect was at the very heart of Law No. 147/1933 Coll. of July 1933, which was not yet two years old at the time of the judgment issuance.

Examining the case of Gustav Martinovský reveals that he was convicted under two distinct statutes. The first, the Republic Protection Law, was already more than a decade old at the time of his sentencing and laid the foundations of legislative measures against extremism. Enacted in the early 1920s – in parallel to similar measures introduced in

10 On October 25, 1937, in light of the psychiatric report by Prof. Zdeněk Mysliveček and Prof. Herfort, the Central Disciplinary Court overturned the charges, concluding that Gustav Martinovský's *paranoia persecutoria* rendered him not legally responsible for his actions. He was subsequently declared fully incapacitated, and on his own request, on November 13, 1937, he was placed into permanent retirement effective November 30, 1937, with statutory pension rights. NA, f. PMV, NAD 1075/1, box 364, inv. no. 34.056, official communication addressed to the Office of the Reich Protector for Bohemia and Moravia, Group Bohemia, Department A, 13 July 1939, p. 3–4., personal file of Gustav Martinovský.

11 NA, f. PMV, NAD 1075/1, box 364, personal file of Gustav Martinovský, File dated 5 April 1937 of the Zemský kárný soud na ochranu republiky [Provincial Disciplinary Court for the Protection of the Republic] in Prague, No. 2/8 z.k.s. 10.

the Weimar Republic in 1922 – it was designed to counter right-wing terrorism, but in practice in Czechoslovakia (as in the Weimar Republic) it was applied chiefly against left-wing violence.[12] Martinovský's second conviction, which brought with it the lion's share of the penalty, was based on Law No. 147/1933 Coll., which sought to safeguard the state from disloyal public officials and had been in force for roughly two years when the offense occurred.

The case presented here underscores two significant points. First, convictions under the 1923 Law for the Protection of the Republic were not, as scholarship has largely emphasised, confined to high-profile political trials for high treason – such as the 1929 conviction of the Slovak fascist, Hitlerputsch participant and antisemite Vojtech Tuka,[13] who founded Czechoslovakia's first fascist organisation, the *Rodobrana*, and

12 The German Law for the Protection of the Republic (Gesetz zum Schutze der Republik, RGBL 1922 I, p. 585 ff.) was enacted in response to escalating political violence and the assassination of Walther Rathenau. It aimed to suppress anti-republican organisations, and propaganda through special legal measures. After constitutional concerns and federal resistance, the law was revised and partially repealed in 1926. A successor, the Second Law for the Protection of the Republic (Zweites Gesetz zum Schutze der Republik, RGBL 1930 I, p. 77 ff.), reintroduced essential mechanisms for protecting the Weimar Republic against extremist threats. The adoption of the Law for the Protection of the Republic was accompanied by a sharp conflict between the Reich government and Bavaria, as the Bavarian authorities rejected the law's centralising provisions and refused to implement it, viewing them as an infringement on state sovereignty and judicial independence. See GOTTHARD JASPER, *Der Schutz der Republik. Studien zur staatlichen Sicherung der Demokratie in der Weimarer Republik 1922–1930*, Tübingen 1963, pp. 139–149, and also CHRISTOPH GUSY, *Weimar – die wehrlose Republik? Verfassungsschutzrecht und Verfassungsschutz in der Weimarer Republik*, Tübingen 1991, pp. 128–191.

13 Vojtech Tuka was tried for the crime of military treason under § 6 of the Law on the Protection of the Republic No. 50/1923 Coll., which involved cooperating with foreign military agents—particularly Hungarian or German officers—to disclose secret information concerning the defence of the Czechoslovak Republic, including the organisation, armament, and communication systems of its army and police. See PETER FEDORČÁK, *Tuka proti republike: Proces z roku 1929* [*Tuka against the republic*], Bratislava 2018, pp. 77–199; *Encyklopedie českých právních dějin. Vol. VIII: Procesy (do roku 1949)* [*Encyclopedia of Czech Legal History. Vol. VIII: Trials (until 1949)*], (eds.) KAREL SCHELLE, JAROMÍR TAUCHEN, Praha 2017, p. 239 f. For his participation in the Hitler-Putsch, see TATJANA TÖNSMEYER, *Kollaboration als handlungsleitendes Motiv?*, in: Kooperation und Verbrechen: Formen der „Kollaboration" im östlichen Europa 1939–1945, (eds.) Babette Quinkert, Christoph Dieckmann, Tatjana Tönsmeyer, Göttingen 2003, p. 33.

received a fifteen-year sentence under the same statute; or the 1932 *Jungsturm Verband* and *Volkssport* trials – but also had a distinctly everyday dimension.[14] It reveals that violations of § 14, "Disturbance of the Public Peace," were central to the state's efforts to preserve public order against what would today be described as hate speech. Notably, this provision had no equivalent in the Weimar Republic's 1922 Law for the Protection of the Republic (*Republikschutzgesetz*), underscoring the broader reach of the Czechoslovak statute in curbing incitement and interethnic hostility.[15]

Second, Martinovský's conviction under the other statute, Law No. 147/1933 on the Prosecution of Anti-State Activity by Public Officials, brings to light a judicial and institutional framework that has

14 For the Volkssport trial, see MIROSLAV BREITFELDER, *Volkssport a jeho proces*, Dějepis XXIII. Sborník katedry historie: napsán a sestaven k šedesátým narozeninám katedry 1948–2008. Plzeň 2008, p. 50; VÍTĚZSLAV SUCHOMEL, *Proces Volkssport* [*The Volkssport Trial*], Brno 2013 (BA thesis), pp. 27–51. For a general overview of both trials, see *Encyklopedie českých právních dějin. Vol. VIII: Procesy (do roku 1949)* [*Encyclopedia of Czech Legal History. Vol. VIII: Trials (until 1949)*], (eds.) KAREL SCHELLE, JAROMÍR TAUCHEN, Praha, 2017, pp. 264–267.

15 § 14 Disturbance of the Public Peace. 1. Whoever publicly, or before several persons, or incites several persons to act against the state, against its independence, or against its democratic-republican form, shall be punished for a misdemeanor by imprisonment from one month to two years. 2. Whoever publicly incites violence or other hostile acts against particular groups of inhabitants on account of their nationality, language, race, or religion, or because they are without religious affiliation, shall be punished for a misdemeanor by imprisonment from one month to one year. 3. Whoever publicly incites hatred against particular groups of inhabitants on account of their nationality, language, race, or religion, or because they are without religious affiliation, shall be punished for a misdemeanor by imprisonment from fourteen days to six months. 4. Whoever publicly incites violence or other hostile acts against an individual on account of his nationality, language, race, or religion, or because he is without religious affiliation, shall be punished for a misdemeanor by imprisonment from eight days to three months. 5. The same punishment shall apply to anyone who publicly, in a coarse or inflammatory manner, defames the Republic, the nation, or a national minority in such a way as to diminish the dignity of the Republic or to endanger public peace within the Republic or its international relations. See Law No. 50/1923 Coll., on the Protection of the Republic (Zákon č. 50/1923 Sb., na ochranu republiky), enacted 19 March 1923; KARL LOEWENSTEIN, *Legislative Control of Political Extremism in European Democracies II*, Columbia Law Review 38/1938, no. 5, p. 744; TEREZA KOČÁRNÍKOVÁ, JAN BERÁNEK, *Judikatura prvorepublikového Nejvyššího soudu týkající se popuzování k zášti, násilnostem a jiným nepřátelským činům* [*Jurisprudence of the First Republic Supreme Court concerning incitement to hatred, violence, and other hostile acts*], Acta Universitatis Carolinae Iuridica 70/2024, no. 4, pp. 95–97.

remained almost entirely absent from scholarly research: the Disciplinary Courts for the Protection of the Republic (*Kárné soudy na ochranu republiky*). Established in the summer of 1933, these courts were a central yet overlooked component of Czechoslovakia's militant-democratic legal system. Their existence raises crucial questions: What were these disciplinary courts, how were they organised, and what political and legal circumstances led to their creation?

This article aims to address these questions by connecting three levels of analysis – legal, institutional, and discourse – within the broader context of Czechoslovakia's transformation into a *militant democracy* in 1933. It begins with a concise reconstruction of the structure, composition, and procedural framework of the Disciplinary Courts for the Protection of the Republic, institutions that served as key instruments of the state's internal defence apparatus. It then situates their establishment within the wider legislative developments of the summer of 1933, when the Malypetr government introduced a series of emergency measures, among others, Law No. 147/1933 – designed to safeguard the republic against extremist infiltration both within and beyond the state administration.[16]

Beyond reconstructing the institutional framework, the article examines the political discourse that accompanied these developments. It explores how the government and its supporters – particularly within the Czech-German coalition and among the German Social Democratic Workers' Party in the Czechoslovak Republic – framed the new legislation as a "democracy of a strong hand" (*demokracie silné ruky*) or militant democracy ("Wehrhafte Demokratie"), emphasising its defensive and legalist character. Communist deputies, by contrast, denounced the measures as expressions of fascism and authoritarianism. This contemporary controversy, far from being a mere episode of political rhetoric, illuminates a fundamental European issue of the early 1930s: how a democracy under siege by totalitarian movements could defend itself without abandoning its constitutional foundations.[17] By linking the case of

16 HANS LEMBERG, *Die Tschechoslowakei im Epochenjahr 1933*, Bohemia 25/1984, no. 2, pp. 318–320.

17 Hans Kelsen, one of the most influential legal theorists and political philosophers of the twentieth century, addressed these questions in his 1932 essay *Verteidigung der Demokratie*. As a leading defender of constitutional democracy during the Weimar Republic, Kelsen argued that democracy is the only legitimate political system because it rests on the epistemological insight that no absolute truth or ultimate value

Gustav Martinovský with the establishment of the Disciplinary Courts and the broader legislative and ideological landscape of 1933, this study advances the argument that Czechoslovakia represents one of the earliest and most sophisticated examples of a functioning militant democracy in interwar Europe. Far from being an abstract ideal, the republic's defence system was a deliberate and legally codified project preserving democratic order through institutional discipline and judicial means.

Although Law No. 147/1933 Coll. is occasionally referenced in the literature, neither its genesis, its implementation, nor the structure and functioning of the Disciplinary Courts for the Protection of the Republic has been systematically examined. This article is the first to reconstruct the debate, institutionalisation, and enforcement of militant democracy in interwar Czechoslovakia. To this end, a broad range of sources of diverse provenance has been consulted: regional archival foundations, including records of the District Press Court in Cheb (*Krajský tiskový soud v Chebu*); files of the Prague Police Directorate (*Prezidium policejního ředitelství*) and the Regional Criminal Court in Prague (*Krajský trestní soud v Praze*); and personnel and disciplinary dossiers from the Personnel Department of the Provincial Authority in Prague (*Zemský úřad v Praze, personální agenda*). These are complemented by materials from the Ministry of the Interior and the Ministry of Justice preserved in the National Archives (*Ministerstvo vnitra and Ministerstvo spravedlnosti*), as well as by the parliamentary protocols of the Czechoslovak National Assembly, preserved in the archive of the Chamber of Deputies of the Czech Republic (*Poslanecká sněmovna*) in Prague and accessible through the NS RČS 1929–1935 Digital Library, together with the official parliamentary prints that justified draft laws and traced their adoption.

In addition, a series of contemporary newspapers and periodicals accessible via the National Digital Library (*Národní digitální knihovna*) and the online archive of the Friedrich Ebert Foundation has been

can be known by humans. Therefore, coercive power can only be justified through the consent of the majority. Any dictatorship, whether socialist or nationalist, inevitably destroys political and intellectual freedom, while democracy remains the political form of social peace and compromise, enabling the peaceful resolution of class conflicts. HANS KELSEN, *Verteidigung der Demokratie,* in: Abhandlungen zur Demokratietheorie, (eds.) Matthias Jestaedt, Oliver Lepsius, Tübingen 2006, pp. 229–238.

examined. In these cases, only the newspaper title and date of publication are cited.[18]

Both Czechoslovak laws, the 1923 Law for the Protection of the Republic and the 1933 Law on the Prosecution of Anti-State Activity by Public Officials, prefigure comparable legal measures in other democratic states to defend constitutional institutions from internal subversion. In 1937, the lawyer and political theorist Karl Loewenstein[19] introduced the concept of *militant democracy*, arguing that democracies must sometimes curtail liberal freedoms to prevent their own destruction. Observing how fascist movements exploited democratic rights, he maintained that constitutional safeguards and targeted legislation were necessary to deny anti-system parties the means to dismantle democracy from within. According to Loewenstein, fascism did not represent an ideology in the traditional sense, but instead a deliberately crafted technique for seizing power based on the psychological manipulation of the masses. Its success lay in its ability to "perfectly adapt" to the democratic system, which it exploited for its gradual dismantling. At the same time, fascism built paramilitary structures designed to project force, authority, and intimidation. The entire strategy aimed at taking power "on the basis of carefully maintained legality" – that is, by a path that remained formally legal.[20]

18 The newspaper *Der Sozialdemokrat*, the central organ of the German Social Democratic Workers' Party in the Czechoslovak Republic, can be consulted online via the digital collections of the Friedrich Ebert Foundation. Der Sozialdemokrat: Zentralorgan der Deutschen Sozialdemokratischen Arbeiterpartei in der Tschechoslowakischen Republik (Prague, 1921–1938), in Digitale Sammlungen der Friedrich-Ebert-Stiftung, available at: https://collections.fes.de/historische-presse/periodical/titleinfo/261847 (accessed 13 October 2025).

19 Karl Loewenstein was among the few intellectuals who correctly interpreted the signs of the time and emigrated to the United States as early as 1933. There, he began teaching political science and law, first at Yale University and later at Amherst College in Massachusetts. MARKUS LANG, *Karl Loewenstein: Transatlantischer Denker der Politik,* Stuttgart 2007; KARL LOEWENSTEIN, *Des Lebens Überfluß. Erinnerungen eines ausgewanderten Juristen,* (eds.) Oliver Lepsius, Robert Chr. Van Ooyen, Frank Schale, Tübingen 2023, p. 178.

20 Among Karl Loewenstein's most important writings in this field are the following studies: KARL LOEWENSTEIN, *Autocracy versus Democracy in Contemporary Europe (I)*, American Political Science Review 29/1935, no. 4, pp. 571–593; KARL LOEWENSTEIN, *Autocracy versus Democracy in Contemporary Europe (II)*, American Political Science Review 29/1935, no. 5, pp. 755–784; KARL LOEWENSTEIN, *Militant Democracy and Fundamental Rights (I)*, American Political Science Review 31/1937, no. 3, pp. 417–432; KARL LOEWENSTEIN,

Czechoslovakia figured prominently in Loewenstein's analysis as a striking example of a democracy prepared to defend itself: "In Czechoslovakia, the postulate of democracy at war is fulfilled to the letter."[21] He pointed in particular to the 1933 legislation targeting anti-democratic activity among public officials, noting: "The most drastic provisions designed to curb anti-constitutional activities of public officials of all kinds (...) are again found in Czechoslovakia (1933), where even the compulsory transfer of a judge to another service position, if not dismissal, is permissible if he is convicted of participating in anti-democratic activities."[22] On the basis of these insights, Loewenstein urged democratic states to adopt targeted measures – legal, institutional, and repressive – that would prevent the misuse of democratic mechanisms for their own destruction. From this premise arises the concept of militant democracy: an active, defensive model of democratic governance that does not hesitate to confront its enemies through the use of law and institutions. After the Second World War, several democratic states on the European continent built on Loewenstein's concept to implement militant democracy. France, The Netherlands, Portugal, Spain, Belgium, and especially the Federal Republic of Germany adopted legislative measures aimed at countering anti-democratic forces.[23]

Militant Democracy and Fundamental Rights (II), American Political Science Review 31/1937, no. 4, pp. 638–658; KARL LOEWENSTEIN, *Legislative Control of Political Extremism in European Democracies (I)*, Columbia Law Review 38/1938, no. 4, pp. 591–622; KARL LOEWENSTEIN, *Legislative Control of Political Extremism in European Democracies (I)*, Columbia Law Review 38/1938, no. 5, pp. 725–774; KARL LOEWENSTEIN, *Legislation against Subversive Activities in Argentina,* Harvard Law Review 56/1943, no. 8, pp. 1261–1306; KARL LOEWENSTEIN, *Legislation for the Defense of the State in Chile,* Columbia Law Review 44/1944, no. 3, pp. 366–407. On Loewenstein's perception of the First Czechoslovak Republic, see JAN VONDRÁČEK, *Die Selbstbehauptung der tschechoslowakischen Demokratie in der Zwischenkriegszeit als Vorbild und Impulsgeber für Karl Loewensteins Modell der Militant Democracy*, in: Verflochtene Herausforderungen politischer und gesellschaftlicher Demokratisierung. Ostmitteleuropas Demokratien zwischen den Kriegen, (eds.) Heidi Hein-Kircher, Steffen Kailitz, Marburg 2023, pp. 221–237.

21 K. LOEWENSTEIN, *Militant Democracy and Fundamental Rights II*, p. 643.

22 K. LOEWENSTEIN, *Militant Democracy and Fundamental Rights II*, p. 655.

23 SVETLANA TYULKINA, *Militant Democracy: Undemocratic Political Parties and Beyond*, London and New York 2015, p. 21; JAN-WERNER MÜLLER, *A 'Practical Dilemma Which Philosophy Alone Cannot Resolve?' Rethinking Militant Democracy: An Introduction*, Constellations 19/2012, no. 4, p. 536; SAMUEL ISSACHAROFF, *Fragile Democracies*, Harvard Law Review 120/2007, no. 6, p. 1409;

Thus, postwar West Germany was consciously designed as a *wehrhafte Demokratie* and adopted comparable legal and institutional mechanisms to safeguard its constitutional system. In the 1960s, a wave of antisemitic crimes prompted efforts to strengthen § 130 (Volksverhetzung) of the Strafgesetzbuch (Criminal Code),[24] while in 1972 the so-called Radikalenerlass was introduced in an atmosphere shaped by left-wing terrorism, notably the Rote Armee Fraktion (RAF).[25] Although not a direct response to terrorism, this measure sought to shield state institutions from radical infiltration. In this sense, the interwar Czechoslovak experience anticipated both the normative and institutional strategies that would later define the postwar European concept of militant democracy – a democracy capable of defending itself by legal means without ceasing to be democratic.[26]

MARTIN KLAMT, *Militant Democracy and the Democratic Dilemma: Different Ways of Protecting Democratic Constitutions,* in: Explorations in Legal Cultures, (eds.) Fred Bruinsma, David Nelken, Amsterdam 2007, pp. 133–134; BASTIAAN RIJPKEMA, *Weerbare Democratie: De Grenzen van Democratische Tolerantie*, Amsterdam 2015, p. 16.

24 The offence of *Volksverhetzung* (§ 130 of the German Criminal Code) was introduced in its modern form in 1960 through the Sixth Criminal Law Amendment Act (*Sechstes Strafrechtsänderungsgesetz*). Its purpose was to criminalise incitement to hatred against segments of the population, calls for violence or arbitrary measures against them, and assaults on human dignity through defamation or malicious disparagement. The provision was enacted in response to renewed antisemitic propaganda and right-wing extremist agitation in the Federal Republic, marking a significant step toward embedding the protection of human dignity within German criminal law. See *Strafgesetzbuch (StGB) § 130 Volksverhetzung*: (1) Whoever, in a manner capable of disturbing public peace, 1. incites hatred against a national, racial, religious, or ethnic group, against parts of the population, or against an individual because of his or her belonging to such a group or segment of the population, or calls for acts of violence or arbitrary measures against them; or 2. assaults the human dignity of others by insulting, maliciously maligning, or defaming a group, part of the population, or an individual because of his or her belonging to such a group or segment of the population, shall be punished by imprisonment from three months to five years. https://www.gesetze-im-internet.de/stgb/__130.html (accessed 13 October 2025).

25 UDI GREENBERG, *The Weimar Century. German Émigrés and the Ideological Foundations of the Cold War*, Princeton–Oxford 2014, p. 206.

26 Nearly forty years later, on January 28, 1972, the Federal Republic of Germany introduced a comparable measure known as the *Radikalenerlass* ("Radicals Decree"), issued jointly by the federal government and the premiers of the federal states. Under this decree, individuals who were members of, or affiliated with, extremist organisations were barred from employment as Public Officials (*Beamte*), a category encompassing much of the public sector, including teaching. The *Radikalenerlass*

Since the early 2000s, Oxford political scientist Giovanni Capoccia has examined democratic defence strategies systematically in numerous studies with a strong focus on interwar Czechoslovakia. Following the tradition of Karl Loewenstein and employing a comparative method, he analysed state responses to extremist movements in Belgium, interwar Czechoslovakia, and Finland.[27] He identifies interwar Czechoslovakia as one of the most sophisticated examples of militant democracy before the Second World War. Systematic historical research on the defence of democracy in Czechoslovakia nonetheless remains scarce.[28] Two major overview studies of Czechoslovak history devote only a few pages to domestic political measures, and these are treated largely in general terms.[29] Nevertheless, some authors have offered valuable contributions,

emerged as a response to left-wing terrorism, particularly that of the Red Army Faction, and reflected a renewed concern with safeguarding democratic institutions from ideological subversion within the state apparatus. For a general history of the law, see GERARD BRAUNTHAL, *Politische Loyalität und öffentlicher Dienst: der „Radikalenerlaß" von 1972 und die Folgen*, Marburg 1992.

27 GIOVANNI CAPOCCIA, *Defending Democracy Reactions to Extremism in Interwar Europe*, Baltimore 2005; GIOVANNI CAPOCCIA, *Defending democracy: Reactions to political extremism in inter-war Europe*, European Journal of Political Research 39/2001, no. 4, pp. 431–460.

28 For the development of historical research on Czechoslovakia between 1918 and 1938, see INES KOELTZSCH, OTA KONRÁD, *From "Islands of Democracy" to "Transnational Border Spaces." State of the Art and Perspectives of the Historiography on the First Czechoslovak Republic since 1989*, Bohemia 56/2016, no. 2, pp. 285–327; PAVEL KOLÁŘ, MICHAL KOPEČEK, *A Difficult Quest for New Paradigms. Czech Historiography after 1989*, in: Narratives Unbound. Historical Studies in Post-Communist Eastern Europe (eds.) Sorin Antohi, Balázs Trencsényi, Péter Apor, Budapest 2007, p. 208. See also the important work: JIŘÍ PEŠEK, *Vznik, charakter a konec první Československé republiky (Několik úvah k aktuálním diskusím)* [*The Origin, Character and End of the First Czechoslovak Republic: Several Reflections on Current Debates*], Český časopis historický / The Czech Historical Review, 116/2018, no. 3, pp. 659–692.

29 VĚRA OLIVOVÁ, *Československo v rozrušené Evropě* [*Czechoslovakia in a Troubled Europe*], Praha 1968; VĚRA OLIVOVÁ, *Dějiny první republiky* [*History of the First Republic*], Praha 2000; EVA BROKLOVÁ, *Československá demokracie. Politický systém ČSR 1918–1938* [*Czechoslovak* Democracy*: The Political System of the Czechoslovak Republic 1918–1938*], Praha 1992; ANTONÍN KLIMEK, *Boj o Hrad*, I–II [*The Struggle for the Castle*, vols. I–II], Praha 1996–1998; ANTONÍN KLIMEK, *Velké dějiny zemí Koruny české. Díl XIII. (1918–1929)* [*The Great History of the Lands of the Bohemian Crown, Vol. XIII (1918–1929)*], Praha–Litomyšl 2001; ANTONÍN KLIMEK, *Velké dějiny zemí Koruny české. Díl XIV. (1929–1938)* [*The Great History of the Lands of the Bohemian Crown, Vol. XIV (1929–1938)*], Praha–Litomyšl 2002; ZDENĚK KÁRNÍK, *České země v éře první republiky 1918–1938*, I–III [*The Czech*

such as Michal Burian's *Sudeten German Gymnastic Organizations and the Czechoslovak State, 1918–1938*, which provides important insights into the state's responses to the fascist movement's paramilitary athletic unit, which copied the German Sturmabteilung (SA).[30] Similarly, Michal Pehr's article on the Republic Protection Law from 1923 focuses primarily on the reactions of the political left and does not examine the law's implementation, the institutions involved, or related administrative processes.[31]

Institutionalising militant democracy: The establishment and organisation of the Disciplinary Courts for the Protection of the Republic (*Kárné soudy na ochranu republiky*) in Czechoslovakia in 1933

The establishment of the Central Disciplinary Court (*Ústřední kárný soud*) and the Provincial Disciplinary Courts for the Protection of the Republic (*Zemské kárné soudy*) in October 1933 illustrates the highly centralised and bureaucratically coordinated nature of Czechoslovakia's institutional response to internal threats. Pursuant to § 7 of Law No. 147/1933 Coll., the President of the Republic formally appointed Rudolf Bartoš, the departmental head of the Office of the Prime Minister, as chairman of the Central Disciplinary Court. The Czechoslovak government, by the decision of 9 October 1933, simultaneously appointed

Lands in the Era of the First Republic 1918–1938, vols. I–III], Praha 2000–2003; JOSEF HARNA, *Krize evropské demokracie a Československo 30. let 20. století* [*The Crisis of European Democracy and Czechoslovakia in the 1930s*], Praha 2006. For the intellectual and philosophical dimensions of democratic self-defence, see especially Milan Hanyš's analyses of Felix Weltsch: MILAN HANYŠ, National Humanism, Zionist Liberalism, and Democracy in the Philosophy of Felix Weltsch, Leo Baeck Institute Year Book (online first, 2025), and MILAN HANYŠ, *Felix Weltsch, tvořivý střed a obranyschopná demokracie* [*Felix Weltsch, the creative center and the defensive democracy*], Filosofický časopis 71/2023, no. 4, pp. 619–635.

30 MICHAL BURIAN, *Sudetoněmecké nacionalistické tělovýchovné organizace a československý stát v letech 1918–1938* [*Sudeten German Nationalist Physical Education Organizations and the Czechoslovak State in the Years 1918–1938*], Praha 2013.

31 Regarding the reactions of the Czechoslovak public to the laws for the protection of the Republic, see MICHAL PEHR, *Zákon na ochranu republiky a doprovodné zákony v meziválečné éře* [*The Protection of the Republic Act and accompanying laws in the interwar era*], Journal of the National Museum 184/2015, no. 3–4, pp. 31–60.

his deputy, the court's members, and state representatives, as well as the presidents, vice-presidents, and members of the provincial disciplinary courts seated in Prague, Brno, Bratislava, and Užhorod. The Ministry of the Interior, acting through its Presidium, issued detailed administrative instructions to all central and provincial authorities, including gendarmerie commands, to ensure the immediate delivery of the appointment decrees and the prompt operational readiness of these new judicial bodies. This coordinated legal-administrative law exemplifies the Republic's effort to institutionalise a system of "militant democracy" through specialised courts endowed with both disciplinary and quasi-judicial powers to safeguard the state against subversive activity.[32]

Further details on the internal organisation of these courts were defined in a ministerial directive of 10 November 1933, which laid out an elaborate framework for their composition and operation. According to § 8 of the law, each court ruled in senates consisting of a chair or vice-chair and two additional members, at least one of whom had to be an active civil or military judge. If the accused was a state employee, one member of the senate had to belong to the same administrative department, ensuring professional expertise and procedural legitimacy. In cases involving professional judges, whether active or retired, at least two members had to be judges in active service, thereby preserving professional parity. Each senate was appointed by the president of the respective disciplinary court for a period of one year. To accelerate judicial efficiency and standardise procedure, the Ministry of the Interior recommended that each court establish four to five permanent senates, differentiated by the occupational category of the accused. These included senates for administrative employees, for judges, for educators and clergy, for military personnel and members of the gendarmerie, and for employees of regional or municipal authorities. Each senate included at least one active judge as a permanent member, with substitutes appointed to ensure procedural continuity. Until a separate procedural code was issued, disciplinary proceedings followed the framework of the 1914 Civil Service Disciplinary

[32] NA, f. PMV NAD 1075/1, Sig. 871, box 450, Collection of Circulars of the Presidium of the Ministry of the Interior, 1925–1935 (Sbírka oběžníků presidia ministerstva vnitra, 1925–1935), Circular of the Presidium of the Ministry of the Interior (Oběžník presidia ministerstva vnitra), No. 18.590, Prague 24 October 1933, addressed to all central offices, provincial offices, and provincial gendarmerie commands (všem ústředním úřadům, zemským úřadům a zemským četnickým velitelstvím).

Code, which granted the accused the right to reject two senate members without justification within eight days of notification.[33]

One of the most distinctive features of these courts was their corporatist and ministerially segmented organisation, which mirrored the complex administrative structure of the interwar Czechoslovak state. The personnel lists published by the Ministry of the Interior in late 1933 show that every government department was represented by its own designated members and state representatives within the disciplinary judiciary. This structure created a direct link between the ministries and the quasi-judicial machinery of political protection, ensuring that disciplinary proceedings were informed by both legal expertise and sector-specific knowledge.

In practice, every ministry – from Industry and Trade to Posts and Telegraphs – appointed senior officials to serve as members or alternates of the respective disciplinary senates.[34] The courts were thus staffed not

33 NA, f. PMV NAD 1075/1, Sig. 871, box 450, Tabular overview of the composition of the Provincial Disciplinary Court for the Protection of the Republic in Prague, Brno, Bratislava, and Užhorod (Tabelární přehled o složení Zemského kárného soudu na ochranu republiky v Praze, Brně, Bratislavě a Užhorodě), Collection of Circulars of the Presidium of the Ministry of the Interior, 1925–1935 (Sbírka oběžníků presidia ministerstva vnitra, 1925–1935).

34 The composition of the Provincial Disciplinary Courts for the Protection of the Republic in Prague, Brno, Bratislava, and Užhorod, as recorded in the circulars of the Ministry of the Interior, reveals the broad administrative integration of the Czechoslovak state apparatus into the disciplinary judiciary. Representatives were appointed from nearly all central ministries, including the Ministries of Industry, Trade and Commerce; Railways; Public Works; Agriculture; National Defence; Social Welfare; Public Health and Physical Education; Posts and Telegraphs; and the Ministry for the Unification of Laws and Administrative Organisation. Each ministry was represented by senior officials – typically ministerial councillors, departmental heads, and in the case of the Ministry of National Defence, both administrative officers and military judges – reflecting the corporatist structure and sectoral specialisation of the disciplinary system. This arrangement extended to the appointment of official state representatives (*zástupci státu*), who acted as prosecutors or supervisory officials in proceedings before the courts. These included delegates from the Ministries of Foreign Affairs, the Interior, Finance, Justice, Industry and Trade, Public Works, Defence, Social Welfare, Public Health, and Posts and Telegraphs. NA, f. PMV NAD 1075/1, Sig. 871, box 450, Collection of Circulars of the Presidium of the Ministry of the Interior, 1925–1935 (Sbírka oběžníků presidia ministerstva vnitra, 1925–1935), Tabular overview of the composition of the Provincial Disciplinary Court for the Protection of the Republic in Prague, Brno, Bratislava, and Užhorod (Tabelární přehled o složení Zemského kárného soudu na ochranu republiky v Praze, Brně, Bratislavě a Užhorodě).

only by professional jurists but also by high-ranking bureaucrats drawn from the ministerial hierarchy. The Ministry of National Defence, for instance, appointed both administrative officials and military judges, effectively merging command and judicial authority within the same framework. The system extended even to oversight institutions such as the Supreme Audit Office and to technical ministries like Public Works and Railways, each contributing both court members and official state representatives who acted as prosecutors on behalf of the government. The Ministry of Justice delegated senior state prosecutors to ensure procedural consistency and maintain a unified standard of legal practice across the system. This distribution of personnel reveals a deeply integrated bureaucratic design: each ministry was simultaneously the source of the accused officials and a participant in their adjudication. Such a configuration blurred the traditional boundary between administrative and judicial authority, embedding the disciplinary courts within the very structure of ministerial governance. Yet this was not merely bureaucratic coordination, but also a deliberate institutionalisation of militant democracy. By granting every sector of the state its own quasi-judicial representation within the legal system of political protection, the Czechoslovak Republic created a network of disciplinary vigilance extending throughout the entire administrative apparatus. The Disciplinary Courts thus functioned as a hybrid mechanism: a decentralized yet hierarchically controlled instrument of state defence, through which the protection of democracy was pursued by legal and bureaucratic means.[35]

Shifting Perceptions of Threats: The Rise of Nazism as a Challenge to Democratic Order

The first legislative foundations of democratic self-defence in Czechoslovakia emerged in an atmosphere of acute fear of Bolshevism and the perceived collapse of the liberal order. The initial phase, beginning with the founding of the republic, represented a legal response to the radicalisation

[35] NA, f. PMV, Sig. 871, box 450, Collection of Circulars of the Presidium of the Ministry of the Interior, 1925–1935 (Sbírka oběžníků presidia ministerstva vnitra, 1925–1935), Circular of the Presidium of the Ministry of the Interior (Oběžník presidia ministerstva vnitra), No. 20.292, Prague, 10 November 1933, Disciplinary Courts for the Protection of the Republic; Establishment of Senates (Kárné soudy na ochranu republiky; ustavení senátů).

of both domestic and international politics after 1919. The central instrument of this early defensive legislation was the Emergency Powers Law (Law No. 300/1920 Coll.), which authorised the government to issue legally binding decrees in times of crisis. This was soon followed by the temporary suspension of jury trials (Law No. 268/1920 Coll.), limiting public participation in the administration of justice. The process culminated in March 1923 with two landmark statutes: the Law for the Protection of the Republic (No. 50/1923 Coll.), which broadly defined "anti-state" offenses, and the Law on the State Court (No. 51/1923 Coll.), which established a special judicial body to adjudicate politically motivated crimes. Together these measures created the essential legal architecture for safeguarding the democratic order, an architecture that remained in force until the end of the First Republic. The Czechoslovak legislation was shaped above all by fears of a Bolshevik coup and was applied most vigorously against the communist movement, perceived throughout the 1920s as the principal threat. For this reason, left-wing contemporaries denounced it as a "Terror Law," a label later perpetuated by Marxist-Leninist historiography after 1948.[36]

It is important to emphasise, as Michal Pehr has shown in his study on the media reception of Czechoslovakia's *Law for the Protection of the Republic*, that at the time of its debate and eventual adoption, parties across the entire political spectrum – above all the Communists but also the Social Democrats – rejected the bill in 1923 in unequivocally radical terms.[37] By contrast, the situation in 1933 presented a markedly different picture; the Social Democratic parties participated in the government together with the German parties, and thus generally expressed support for the series of measures adopted by the Malypetr cabinet in defence of democracy. This gradual shift in the perception of danger emerged toward the end of the 1920s and the beginning of the 1930s, when the rise of the Nazi movement in both Czechoslovakia and Germany redefined the principal challenge to the democratic order and prompted a new phase in the development of defensive legislation.[38]

36 HANS LEMBERG, *Die Tschechoslowakei im Epochenjahr 1933*, Bohemia 25/1984, p. 319 f.; JAROSLAV HAUSER, *K dějinám teroristického zákona na ochranu republiky*, Právník 92/1953, no. 1–2, p. 512.

37 M. PEHR, *Zákon na ochranu republiky a doprovodné zákony v meziválečné éře*, p. 32.

38 G. CAPOCCIA, *Defending democracy: Reactions to political extremism in inter-war Europe*, p. 704 f.

At the beginning of the 1930s the political system of the First Czechoslovak Republic faced intense pressure from the global economic crisis. The Great Depression did not stop at the country's borders; it struck Czechoslovakia with particular force and lasted longer than in most neighbouring states. This protracted impact was partly due to the highly developed industrial and agricultural economy of the Bohemian lands in the west and their fully differentiated social structure. The economy had also experienced a period of relative stability in the mid-1920s and had avoided the postwar inflation that afflicted many European countries, which delayed necessary adjustments when the crisis arrived.[39] The success of the Nazi movement in Germany was a consequence of, among other factors, the global economic crisis of 1929, which had a particularly severe impact on the economically fragile and socially strained border regions of Czechoslovakia. In the German-speaking districts, the downturn struck with exceptional force: roughly 60 percent of unemployed residents there were ethnic Germans, a reality that played directly into the hands of the Czechoslovak Nazis, who accused the authorities of the deliberate oppression of the German minority. The Deutsche Nationalsozialistische Arbeiterpartei (DNSAP) – commonly referred to in contemporary discourse as the "Hakenkreuzler" movement – capitalised on this resentment. The party arose from a transnational *völkisch* milieu that had developed since the late nineteenth century, combining social-radical elements with ethnic nationalism and antisemitism. In the municipal elections of 1931 and 1932, the DNSAP likely garnered as many as 400,000 votes, making it the strongest German party in the country. In Kopřivnice/Nesselsdorf, the party won 82 percent of the German vote; in Karviná/Karwin, it won 62 percent; in Fulnek/Fulnek, it won 58 percent; and it won about half of the votes in Aš/Asch and Most/Brüx. By May 1932, it claimed 61,000 members organised in 1,024 local branches.[40]

39 LADISLAV LIPSCHER, *Verfassung und politische Verwaltung in der Tschechoslowakei 1918–1939*, München 1979, p. 149.

40 JAROSLAV ŠEBEK, *Politické strany německé menšiny* [*Political Parties of the German Minority*], in: Politické strany. Vývoj politických stran a hnutí v českých zemích a Československu 1861–2004. I. díl. Období 1861–1938 [Political Parties: The Development of Political Parties and Movements in the Czech Lands and Czechoslovakia 1861–2004. Vol. I: The Period 1861–1938/, (eds.) Jiří Malíř, Pavel Marek et al., Brno 2005, pp. 869–872.

The year 1933 marked a decisive turning point in the response of the Czechoslovak state to extremism, arising from at least two distinct perceptions of threat.[41] In January, the *Národní obec fašistická* (NOF) launched an attempt to overthrow the Czechoslovak regime. On the night of January 21–22, a group of some 70–80 NOF members attacked the Svatopluk Barracks in Brno-Židenice in an effort to ignite a nationwide coup. Inspired by Mussolini's March on Rome in October 1922, they sought to advance on Prague. The uprising was swiftly suppressed by the predominantly ethnically German garrison stationed in the Brno barracks, supported by local gendarmes, and most of the insurgents were arrested. The leader of the action, Ladislav Kobsinek, fled abroad but was later extradited to Czechoslovakia. The initially lenient verdicts were subsequently revised by the Supreme Court – following an appeal by the public prosecutor – into harsher, multi-year prison terms, underscoring the state's determination to criminalise and deter fascist subversion. Kobsinek himself was sentenced to twelve years in prison, while other participants received multi-year sentences. Even Radola Gajda, the formal leader of the Czech fascists, was convicted and sentenced to six months in prison despite only indirect involvement. The failed coup revealed the immediacy of a new danger. Although the NOF was far less powerful than the Nazi movement led by the DNSAP in the border regions of Czechoslovakia, the incident provoked a parliamentary debate on state security the following month.[42]

The second seminal event that reshaped perceptions of danger to the republican and democratic order, and to the state itself, was the appointment of Adolf Hitler, *Führer* of the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP), as Reich Chancellor only ten days later, on January 30, 1933. From that moment, the Nazi movement in Czechoslovakia could rely on the backing of a powerful ally across the border. Germany was now ruled by the NSDAP, which had declared in the very first point of its *25-Point Program*: "We demand the unification of all Germans in Greater Germany on the basis of the right of self-determination

41 H. LEMBERG, *Die Tschechoslowakei im Epochenjahr 1933*, pp. 313–332.

42 IVO PEJČOCH, *Proces se strůjci židenického puče (1933)* [*The Trial of the Organizers of the Židenice Coup (1933)*], in: Encyklopedie českých právních dějin, svazek VIII. Procesy (do roku 1949) [Encyclopedia of Czech Legal History, Vol. VIII: Trials (until 1949)], (eds.) Karel Schelle, Jaromír Tauchen, Plzeň 2017, pp. 279–282; IVO PEJČOCH, *Židenický puč* [*The Židenice Coup*], Historie a vojenství 55/2006, no. 4, pp. 20–36.

of peoples."[43] The National Socialist threat, already confronted during the *Volkssport* trial of 1932, assumed a new dimension with Hitler's rise to power.[44] What had begun as a defensive struggle against domestic extremism developed in 1933 into a coordinated political and legal offensive against the transnational Nazi movement. The consolidation of Nazi rule in Berlin thus catalysed Czechoslovakia's shift from reactive containment to proactive democratic defence, culminating in a comprehensive system of measures designed to safeguard the republic's constitutional and democratic order and resulting in a crackdown on the National Socialist movement in Czechoslovakia by late 1933.

43 The Nazi Party's founding programme (*Gründungsprogramm der NSDAP* [*Founding Program of the NSDAP*]) is available online via the *Deutsches Historisches Museum* website (*LeMO – Lebendiges Museum Online*), https://www.dhm.de/lemo/bestand/objekt/gruendungsprogramm-der-nsdap-1920 (accessed 13 October 2025).

44 From 1931 onward, the *Volkssport* organisation came under growing police surveillance. House searches and reports exposed its paramilitary character and close links to the NSDAP in Germany. Founded on May 15, 1929, under the guise of a *German People's Sports Association*, the *Verband Volkssport* – established by Hans Krebs and Paul Illing after the model of the German SA – served as the militant wing of the DNSAP, securing meetings and organising drills from its headquarters in Litoměřice/Leitmeritz, and also public appearances in brown uniforms during the *Völkische Tage* of 1929. In August 1929, a 300-member delegation travelled to the NSDAP's party rally in Nuremberg, marching under the banner "Sudetenland treu zu Hitler." During that event, the *Volkssport* was accepted as a subordinate branch of the Munich SA. Joint exercises with SA units in Dresden followed, even after authorities banned the wearing of brown uniforms in 1931. By early 1932, the *Volkssport* had expanded from about 5,000 to nearly 40,000 members and openly propagated the "liberation of the homeland from the Slavic and Jewish yoke." On March 1, 1932, the government dissolved and banned the organisation for anti-state activities, initiating dozens of arrests across the border regions. The ensuing *Volkssport Trial* in Brno (August–September 1932) led to prison sentences for leading figures including Paul Illing, Hans Krebs, Leo Schubert, Rudolf Jung, and Rudolf Kasper. Though the verdicts underscored the state's resolve to suppress militant extremism, much of the German press portrayed the accused as victims of political persecution, further fuelling nationalist radicalisation in the borderlands. Regarding the history of the DNSAP, see MICHAEL WLADIKA, *Hitlers Vätergeneration: Die Ursprünge des Nationalsozialismus in der k.u.k. Monarchie*, Wien–Köln–Weimar 2005. For the fascist character of the DNSAP in particular, see ANDREAS LUH, *Die Deutsche Nationalsozialistische Arbeiterpartei im Sudetenland: Völkische Arbeiterpartei und faschistische Bewegung,* Bohemia 32/1991, no. 1, pp. 23–38, here p. 23; on the political leading figure of this fascist movement, see EVA HAHN, *Über Rudolf Jung und vergessene sudetendeutsche Vorläufer und Mitstreiter Hitlers*, in: Hundert Jahre sudetendeutsche Geschichte: Eine völkische Bewegung in drei Staaten, (ed.) Hans Henning Hahn, Frankfurt am Main 2007, pp. 91–143.

The Malypetr Government and the Politics of Democratic Defence: Parliamentary Rhetoric and Press Reactions

From October 1932 to February 1934, the Malypetr cabinet governed as a "Czech-German" coalition. Uniting Czech and German parties from the right, centre, and left under Agrarian leadership and commanding nearly 2/3 of the parliamentary seats.[45]

Jan Malypetr[46] brought extensive political experience to the premiership, having served as Minister of the Interior from 1922 to 1925 and as President of the Chamber of Deputies from 1925 to 1932. As an Interior Minister, he was responsible for the implementation of the Law for the Protection of the Republic from 1923, discussed above, and as Prime Minister he pursued a firm and decisive course in economic and political affairs.[47] The Prague political-cultural weekly *Přítomnost* published in its January 18, 1933 issue – just two days before the fascist attack on the Svatopluk Barracks in Brno – a long profile by Ivan Herben[48] titled *"Muž,*

45 It comprised the Republican Party of Agricultural and Smallholder People (Republikánská strana zemědělského a malorolnického lidu, AGR), the Czechoslovak National Democracy (Československá národní demokracie, ČND), the Czechoslovak People's Party (Československá strana lidová, ČSL), the Czechoslovak National Socialist Party (Československá strana národně socialistická, ČNSS), the Czechoslovak Social Democratic Workers' Party (Československá sociálně demokratická strana dělnická, ČSDSD), the German Social Democratic Workers' Party (Deutsche sozialdemokratische Arbeiterpartei, DSAP), and the German Farmers' League (Bund der Landwirte – Německý svaz zemědělců, BdL). Multi-ethnic governing coalitions, with the participation of German parties, governed regularly from 1926 until March 1938. G. CAPOCCIA, *Defending Democracy: Reactions to Extremism in Interwar Europe*, p. 251.

46 Research on Jan Malypetr has so far focused mainly on the trials before the National Court after World War II. A full biography of Jan Malypetr has not yet been published, and his political activities during the First Czechoslovak Republic have only been partially researched. See JAROSLAV ROKOSKÝ, *Jan Malypetr: prvorepublikový premiér a Národní soud v roce 1947*, parts I–II [*Jan Malypetr: Prime Minister of the First Republic and the National Court in 1947*, parts I–II], Střední Evropa 14/1998, pp. 82–83; ZDENĚK VÍŠEK, *Jan Malypetr: drama člověka a politika* [*Jan Malypetr: The Drama of a Man and a Politician*], Slánský obzor 9/2001, pp. 109–117; RENATA KUPROVÁ (ed.), *Jan Malypetr. Paměti a projevy* [*Jan Malypetr: Memoirs and Speeches*], Praha 2011.

47 ANTONÍN KLIMEK, *Velké dějiny zemí Koruny české. Díl XIV. (1929–1938)* [*The Great History of the Lands of the Bohemian Crown. Volume XIV (1929–1938)*], Praha–Litomyšl 2002, p. 255.

48 Ivan Herben (1900–1968) was a prominent Czech journalist during the First Czechoslovak Republic. After graduating from a military academy and briefly serv-

který ví, co chce" (*A Man Who Knows What He Wants*). The article portrayed Prime Minister Jan Malypetr as the embodiment of what Herben called a "strong democracy," presenting him as a man of firm will and clear purpose. Remarkably, even before the dramatic events unfolded and his government enacted the emergency defence laws, Malypetr was already publicly perceived as a determined and authoritative statesman. Herben praised Malypetr's refusal to govern by empty rhetoric, quoting the Prime Minister's assertion in his budget speech that "from the very beginning, when I took up my task, I was aware that it was necessary to assess reality as it truly is." For Herben, democracy demanded both responsibility and steadfast leadership, qualities embodied by a politician "who is not led by political fashion, events, or the times, but who leads." The article thus cast Malypetr not as an aspiring authoritarian but as a disciplined democrat seeking to reinforce parliamentary authority and restore public confidence in an era of economic crisis and mounting authoritarian threats. [49]

To counter the economic downturn, the Malypetr government initially pursued a deflationary policy similar to those in Germany and other countries. On June 9, 1933, however, it took an extraordinary step by passing the Enabling Act (*Zákon o mimořádné zmocňovací moci*), which authorised the cabinet to issue economic decrees without the normal parliamentary process. Originally limited to November 1933 but repeatedly extended until 1937, this law gave the government wide latitude for economic reforms. Most measures enacted under this authority addressed economic issues. Almost half concerned agriculture, notably the introduction of a grain monopoly in 1934, followed by regulations in social policy, finance, industry, and trade. The number of government decrees issued under the law grew from 20 in 1933 to about 70 in 1934 and 1935, and reached 124 in 1936, its final year of validity.[50]

ing as an army officer, he turned to journalism and, from the early 1920s until 1938, worked for leading newspapers: *Tribuna* (1922–1928), *České slovo* (1928–1938), and later as editor-in-chief of the Brno bureau of *Lidové noviny*. During the Nazi occupation, he joined the anti-Nazi resistance, was arrested by the Gestapo, and imprisoned in a concentration camp from 1940 to 1945. After the war he returned to political journalism, but following the Communist coup in 1948 he emigrated to the United States, where he became a cultural-political editor for Radio Free Europe.

49 IVAN HERBEN, *Muž, který ví, co chce,* Přítomnost 10/1933, no. 3, pp. 21–23.

50 LADISLAV LIPSCHER, *Verfassung und politische Verwaltung in der Tschechoslowakei 1918–1939*, München 1979, p. 149.

Communist politicians compared the government's policies to those of the National Socialists in the German Reich, arguing that both were destroying democracy. This contemporary critique highlights a striking, if ironic, parallel: while the Nazis in 1933 methodically dismantled democratic institutions, the Czechoslovak government moved in the opposite direction by the same means.[51] Rather than eroding the constitutional order, the Czechoslovak government sought to protect the democratic administrative apparatus and the competitive party system from parties and individuals advancing anti-democratic ideas. But since this Czechoslovak law was debated and passed only shortly after the notorious Ermächtigungsgesetz – the "Enabling Act" passed by the German Reichstag on March 23, 1933, which granted Adolf Hitler's cabinet draconian legislative powers and effectively dismantled parliamentary democracy –

51 Among the most consequential measures by which the Nazi regime dismantled the Weimar Republic in 1933 were: Decree of the Reich President for the Protection of the German People (Verordnung des Reichspräsidenten zum Schutz des Deutschen Volkes, 4 Feb. 1933, RGBl. I, p. 35), which restricted press and assembly rights and enabled the first repressions of the opposition; Decree of the Reich President for the Protection of People and State (Verordnung des Reichspräsidenten zum Schutz von Volk und Staat, the Reichstagsbrandverordnung, 28 Feb. 1933, RGBl. I, p. 83), which suspended the fundamental rights of the Weimar Constitution and authorised mass arrests and the establishment of the first concentration camps; Law to Remedy the Distress of People and Reich (Gesetz zur Behebung der Not von Volk und Reich, the Ermächtigungsgesetz, 24 Mar. 1933, RGBl. I, pp. 141–43), which transferred legislative power to the cabinet and effectively ended parliamentary democracy; Law for the Coordination of the Länder with the Reich (Gesetz zur Gleichschaltung der Länder mit dem Reich, 31 Mar. 1933, RGBl. I, p. 153) and the Second Law for the Coordination of the Länder with the Reich (Zweites Gesetz zur Gleichschaltung der Länder mit dem Reich, 7 Apr. 1933, RGBl. I, p. 173), which abolished the autonomy of the federal states and subordinated them to central authority; Law for the Restoration of the Professional Civil Service (Gesetz zur Wiederherstellung des Berufsbeamtentums, 7 Apr. 1933, RGBl. I, pp. 175–77), which excluded the "politically unreliable" and Jewish officials and paved the way for Nazi control of the bureaucracy; Law on the Confiscation of Communist Property (Gesetz über die Einziehung kommunistischen Vermögens, 26 May 1933, RGBl. I, p. 293), which seized KPD assets and destroyed its economic base; Law Against the Formation of New Parties (Gesetz gegen die Neubildung von Parteien, 14 July 1933, RGBl. I, p. 479), which established an NSDAP monopoly; and finally, the Law to Secure the Unity of Party and State (Gesetz zur Sicherung der Einheit von Partei und Staat, 1 Dec. 1933, RGBl. I, p. 1016), which legally fused the NSDAP with the state and completed the transition to totalitarian dictatorship. For the destruction of the Weimar Republic, see RICHARD J. EVANS, *The Coming of the Third Reich*, New York 2003, pp. 310–375.

communist newspapers quickly portrayed the Czechoslovak measure as a local variant of the German idea. Josef Guttmann, editor-in-chief of *Rudé právo*, the official newspaper of the Communist Party in Czechoslovakia, warned that the government was "baking an enabling law (...) a law that would give the government dictatorial full power," calling it "the very essence of a dictatorship of the government." The article argued that the statute's real purpose was to accelerate the "bourgeois 'solution' of the crisis," which meant "the impoverishment of the working people." It insisted that the so-called economic emergency masked "a decisive step toward fascisization and impoverishment," showing that "an attack on political rights is at the same time an attack on their bread, for fascisization also means hunger."[52] A companion article carried the blunt headline "Hands off the political rights of the working class!" and chronicled mass meetings, strike votes, and telegram campaigns against the "extraordinary laws." From western Bohemia to eastern Slovakia, workers' assemblies resolved that the "enabling law" was "a blow of the fascist reactionary hand" and demanded that it be repealed.[53]

By presenting the Czechoslovak Enabling Act (*Zmocňovací zákon*) as "a law of dictatorship" and equating it with Hitler's Reichstag measure, *Rudé právo* sought to convince readers that the Malypetr cabinet was "taking the path of fascist measures" and that "those who remain silent, consent." These denunciations reveal how the Communist press cast the enabling legislation not as an economic necessity but as a decisive assault on democracy itself. In an article published shortly before the enabling act was passed, *Rudé právo* ran the headline "Away with the Fascist Enabling Law!":

> "The Enabling Law is already finished and on Wednesday was presented to the Chamber of Deputies. The proposal the government submitted surpasses all expectations. The draft is so reactionary and anti-worker that it can be compared only with the Enabling Law of Hitler's fascists in Germany. [...] Thus, the government is to be armed by the end of this week with an Enabling Law of such a kind that nothing comparable can be found except in Hitler's Germany. With this empowerment, the coalition intends to push through those anti-worker laws that it would

52 JOSEF GUTTMANN, *Zabraňte fašistickému zmocnění k zbídačení!* [*Prevent Fascist Empowerment and Impoverishment!*], Rudé právo, 31 May 1933, p. 21.

53 *Ruce pryč od politických práv dělnictva! Dělnictvo odmítá výjimečné zákony* [*Hands Off the Political Rights of the Working Class! The Working Class Rejects the Exceptional Laws*], Rudé parvo, 31 May 1933, p. 21.

> otherwise try in vain to sugar-coat with colourful demagogy about the defence of democracy."[54]

Unlike the German Enabling Act of the same year, however, the Czechoslovak measure did not end parliamentary power, impose party uniformity, or pave the way for one-party rule. Parliament retained its fundamental authority, and the multi-party democratic system remained intact.[55] The Communist framing presented the Malypetr government's enabling act not as a pragmatic tool to address economic crisis but as a step toward authoritarian rule. By drawing parallels to Hitler's Reichstag law, *Rudé právo* and its evening edition portrayed the measure as a class offensive by the bourgeoisie – an effort to break workers' resistance, strip them of political rights, and impose wage cuts and hunger under the guise of economic necessity. On June 9, 1933, the communist newspaper even titled its article with the German term itself, publishing it under the headline "Pryč s diktatúrou Notverordnungu!" (Away with the Dictatorship of the Emergency Decree!). This narrative sought to mobilise the working class in defence of democracy and to brand the cabinet's policy as an incipient form of fascism, regardless of the law's actual limits or the continued functioning of Czechoslovakia's parliamentary system. It was hardly surprising that the Communist deputies who opposed not only the government but the legitimacy of the Czechoslovak Republic condemned the measures as "fascist."[56]

Tensions in the border regions increased further in the spring of 1933. Clashes between supporters of the German Social Democratic Workers' Party and the Communist Party on the one side and the *Hakenkreuzler* on the other were reported daily and debated in parliament.[57] Moreover, after the Nazi takeover in Germany, SA and SS members – often

54 Večerní Rudé právo. "Neomezené zmocnění vlády k zvyšování cel a daní, k snižování platů, k vydávání zákazu stávek, odborání podpor a sociálního pojištění, k rušení kolektivních smluv. Konfiskováno. Pryč s fašistickým zmocňovacím zákonem!" [Unlimited Empowerment of the Government to raise tariffs and taxes, cut wages, issue strike bans, remove unemployment and social-insurance support, cancel collective agreements. Confiscated. Away with the Fascist Enabling Act!] 8 June 1933.

55 H. LEMBERG, *Die Tschechoslowakei im Epochenjahr 1933*, pp. 317–318.

56 H. LEMBERG, *Die Tschechoslowakei im Epochenjahr 1933*, p. 319.

57 On March 19, 1933, the *Sozialdemokrat* reported on a violent clash in Cheb, where roughly 200 Nazi "Ordner" stormed a Social Democratic election meeting in the Schützenhaus and brutally attacked about thirty participants with truncheons and rubber clubs, leaving several injured before police could restore order.

supported and covered by German law enforcement – regularly crossed the Czechoslovak border to attack their opponents on Czechoslovak territory, frequently engaging in gunfights with Czechoslovak authorities.[58]

In early 1933, several district judges in western and northern Bohemia were arrested for their participation in *Hakenkreuzler* activities. Among them were Dr. František Karas, head of the district court in Aš, and Dr. Scherber, head of the court in Loket. Both were released shortly after their arrests following interventions by sympathetic district officials, while disciplinary rather than criminal proceedings were initiated against them. Contemporary reporting noted that German nationalist agitation in the borderlands was particularly strong and that it enjoyed active support from local state employees, including teachers and professors, revealing the extent to which Nazi sympathies had penetrated the provincial administration.[59]

Press reports from early May 1933 portrayed the Czechoslovak response to Nazi agitation as hesitant and compromised. Despite strict decrees against *Hakenkreuzler* recruiting and cross-border raids, newspapers noted that these measures were "not yet applied with sufficient energy by the executive organs in the border offices." They pointed to a deeper problem: in the state offices of the frontier districts "many secret and open adherents of the *Hakenkreuzler* movement" were themselves employed in the public service. Against this background of internal disloyalty, the Malypetr government turned to legislative action.[60]

58 After the Nazis banned the Communist Party of Germany on February 28, 1933, in the aftermath of the Reichstag fire and began holding its members in "protective custody" (*Schutzhaft*) in newly established concentration camps, many German Communists sought refuge in Czechoslovakia. As historians Michal Frankl and Kateřina Čapková have shown, the Ministry of the Interior responded to these refugee movements by instructing law-enforcement authorities to return the Communists across the border so as not to aggravate the domestic situation. KATEŘINA ČAPKOVÁ, MICHAL FRANKL, *Nejisté útočiště: Československo a uprchlíci před nacismem 1933–1938* [*Uncertain Refuge: Czechoslovakia and Refugees from Nazism 1933–1938*], Praha 2008, p. 51.

59 *Hakenkreuzler Judges in Bohemia Arrested and Released* [*Hakenkrajclerští soudci v Čechách zatčeni a propuštěni*], Národní listy [National Papers], 22 March 1933.

60 *Blahovůle zemského úřadu k protistátním živlům* [*The benevolence of the Provincial Office toward anti-state elements*], Národní listy [National Papers] 30 May 1933.

The Genesis of the Law on the Prosecution of Anti-State Activity by Public Officials (Law No. 147/1933 Coll.)

On June 27, 1933, the constitutional committee of the Malypetr government presented an explanatory report for the draft law on "the prosecution of anti-state activities of public officials and certain other persons and on the transfer of judges to another post against their will."[61] The report justified the statute as an essential safeguard of the republic's democratic order, warning:

> "Also, the political conditions in certain neighbouring states call for heightened vigilance. In order to successfully meet any danger, it is absolutely necessary to exclude from all important posts in the public administration those persons who, instead of fulfilling their duty to combat anti-state activity with all their strength, knowingly support or even engage in it themselves.
>
> It is a categorical necessity that the public administration be cleansed of all such elements; misplaced leniency would bring grave retribution upon the state and its population.
>
> From this standpoint the present bill is to be regarded as a necessary and rightful defence of the state's democratic order; for a democracy, manifest in the democratic-republican form of our constitution, if it is to be and to remain a government of the people, must be strong in its defence against the enemy not only from without but also from within.
>
> If such an internal enemy should be, indeed, an organ of the public administration or of the judiciary, the danger is all the greater and the need for an effective and just defence all the more urgent."[62]

61 Chamber of Deputies of the National Assembly of the Czechoslovak Republic (N. S. R. Č.) 1933 (Poslanecká sněmovna Národního shromáždění Republiky Československé, 1933). Third Electoral Period, Eighth Session, Print No. 2314 – Law No. 147/1933 Coll. on the Prosecution of Anti-State Activities by Civil Servants and Certain Other Persons and on the Transfer of Judges to Another Post Against Their Will – Government Bill (III. volební období, 8. zasedání, tisk č. 2314 – zákon č. 147/1933 Sb. o stíhání protistátní činnosti státních zaměstnanců a některých jiných osob a o překládání soudců na jiné služební místo proti jejich vůli – vládní návrh). NS RČS 1929–1935, Digital Library (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/tisky/t2314_00.htm (accessed 13 October 2025).

62 Chamber of Deputies of the National Assembly of the Czechoslovak Republic (N. S. R. Č.) 1933 (Poslanecká sněmovna Národního shromáždění Republiky Československé, 1933). Third Electoral Period, Eighth Session, Print No. 2314 – Law No. 147/1933 Coll. on the Prosecution of Anti-State Activities by Civil Servants and Certain Other Persons and on the Transfer of Judges to Another Post Against Their Will – Government Bill (III. volební období, 8. zasedání, tisk č. 2314 – zákon č. 147/1933 Sb. o stíhání protistátní činnosti státních zaměstnanců a některých jiných osob a o překládání soudců na jiné služební místo proti jejich

The explanatory report articulates a vision of democracy, portraying the republic not as a purely liberal or permissive system but as one obliged to defend itself "against the enemy not only from without but also from within." Its insistence on "cleansing" the public administration of subversive officials betrays a profound fear that even judges and public officials could become internal enemies, and it presents the law as a pre-emptive strike to prevent the state's own institutions from being turned against it. By invoking the "political conditions in certain neighbouring states," the text situates this defensive posture within a Central European climate of authoritarian ascendancy and border insecurity. To meet these dangers, it legitimises extraordinary disciplinary courts and the forced transfer or removal of public officials and judges, casting such exceptional measures as a "necessary and rightful defence" and thereby giving a democratic veneer to coercive practices. In discourse-analytic terms, the report constructs a narrative in which the survival of democracy requires the temporary suspension of ordinary liberal protections, positioning the state as a guardian with both the right and the duty to neutralise internal enemies.

On July 4, 1933, the Czechoslovak Chamber of Deputies debated the government's bill on state officials for nearly five hours. This debate was not a technical discussion of civil service discipline but a confrontation over the limits of democratic self-defence. Members of the Czech-German governing coalition presented the bill as a milestone in protecting the republic. Rapporteur Deputy Richter framed the proposal within a wider network of legal measures designed to safeguard the democratic-republican order. Aware that democracy across Europe, and especially in Central Europe, faced an unprecedented crisis, Richter portrayed the law as a law of proactive self-preservation rather than repression. The democratic principle, he argued, remained the soundest foundation of human society – and it was the state's duty to protect it wherever its authority reached:

> "I hold that the opposition, if it truly stands for democracy, ought to rise to this position and not behold in every such law of the governing majority merely a fear of elections, as colleague Ostrý asserts, nor yet a design to fortify coalition seats, as

vůli – vládní návrh). NS RČS 1929–1935, Digital Library (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/tisky/t2314_00.htm (accessed 13 October 2025).

> Dr. Mayr-Harting[63] remarked yesterday in committee. We take timely measures that we may in no way share the fate that has overtaken the democratic parties in neighbouring Germany, and in this regard we show our concern even for the party [Deutsche Christlichsoziale Volkspartei/German Christian Social People's Party (DCV)] of colleague Mayr-Harting, whose kindred in these very days ignominiously vanish from the face of the earth. (Indeed!) We shall not permit that, by climbing the ladder of our democratic institutions, parties and movements should come to power whose program and practice aim to smother democracy. (Excellent!) If we resort to measures that may perchance appear a curtailment of democratic liberties, we do so of necessity and for a season only, that we may preserve democracy in its very essence. (Excellent! – Deputy Juran: "And what shall remain of that democracy?") You too shall remain here; the question concerns you as well. (Applause.)"[64]

Framing his argument in the shadow of Germany's swift descent into one-party rule, the speaker warned that democracy cannot rely on tradition or faith alone for its defence. The reference to Mayr-Harting's Deutsche Christlichsoziale Volkspartei[65] drives the point home: even

63 Rudolf Mayr-Harting (1874–1948) was a German-Czech politician and jurist. He promoted an "activist" policy within the German Christian Social People's Party (DCV), advocating cooperation between the German minority and the Czechoslovak Republic and co-authored the party's program with Karl Hilgenreiner. From 1926 to 1929, he served as Czechoslovak Minister of Justice in the cabinets of Antonín Švehla and František Udržal. Elected first to the Senate (1920–1925) and then to the Chamber of Deputies (1925–1938), he remained a leading pro-state German representative until March 1938, when mounting pressure led him to join the Sudeten German parliamentary club, where soon afterwards he retired from politics. PETRA SKŘEJPKOVÁ, *Profesor Robert Mayr-Harting a právnická fakulta Německé univerzity v Praze* [*Professor Robert Mayr-Harting and the Faculty of Law of the German University in Prague*], in: Češi a Němci v meziválečném Československu [Czechs and Germans in Interwar Czechoslovakia], (eds.) Jaromír Tauchen, Karel Schelle, Ostrava–Brno 2013, pp. 250–252.

64 Chamber of Deputies. Stenographic Record of the 290th Session, Tuesday, 4 July 1933 (Poslanecká sněmovna. Stenoprotokoly 290. schůze, úterý 4. července 1933). Digital Library of the National Assembly of the Czechoslovak Republic, 1929–1935 (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/stenprot/290schuz/s290001.htm (accessed 13 October 2025).

65 Hitler's rise elicited varied reactions among German-speaking Catholics in Czechoslovakia, making evident the lack of a unified position. Some circles showed openness toward the new regime, whereas others, particularly in rural areas, viewed the shifting church–state dynamic in Germany with pronounced suspicion. These divergent attitudes underscore the internally fractured nature of the milieu. See JAROSLAV ŠEBEK, *Sudetendeutscher Katholizismus auf dem Kreuzweg. Politische Aktivitäten der sudetendeutschen Katholiken in der Ersten Tschechoslowakischen Republik in den 30er Jahren*, Berlin–Münster 2010, pp. 133–138. For the history of the

a moderate Christian leader who might oppose the proposed bill would, in Hitler's Germany, already count among the persecuted. Soon after the designation of Adolf Hitler as chancellor, the Centre Party and the Bavarian People's Party, long pillars of Catholic political life in Germany, were compelled to dissolve, and by July 14, 1933, the *Law Against the Formation of New Parties*[66] had rendered the Nazi Party the sole remaining party.[67] By mentioning the Deutsche Christlichsoziale Volkspartei while its German counterparts were "vanishing from the face of the earth," the speaker brings into focus that neither religious affiliation nor democratic conviction offered protection in the Third Reich, presenting Czechoslovakia's emergency legislation as a necessary law of democratic self-preservation.

But Richter continued in a different direction, bringing the recent coup attempt in Brno-Židenice to the centre of his argument. He warned that the real peril to the republic came not from abstract ideology abroad but from violent conspirators at home and a judiciary too lenient to deter them. Citing the bloody attack on the Židenice barracks and the surprisingly mild verdict of the Brno state court, he insisted that democracy must be defended "not merely through laws but through their execution," with both administrative authorities and the courts bearing full responsibility. Judicial softness, he argued, made anti-state uprisings appear almost risk-free and threatened the stability on which economic and social progress depended. The bill under debate was thus presented as a necessary, temporary measure to cleanse the public service of officials who abetted or tolerated anti-state activity, a targeted safeguard against Czech fascist movements and an inattentive justice system, not an imitation of the authoritarian path unfolding in Germany:

> "The bill we are now debating is a necessary and legitimate defence of the democratic state in those areas and against those persons who may prove especially dangerous. I draw attention to the government's stated rationale: 'It is absolutely necessary to exclude from all important functions of the public administration

party in Czechoslovakia, see the still valuable study: HANS SCHÜTZ, *Die Deutsche Christlichsoziale Volkspartei in der Ersten Tschechoslowakischen Republik*, in: Die Erste Tschechoslowakische Republik als multinationaler Parteienstaat, (ed.) Karl Bosl, München–Wien 1979, pp. 271–290.

66 *Law Against the Formation of New Parties* (*Gesetz gegen die Neubildung von Parteien*), 14 July 1933, Reichsgesetzblatt, Part I, No. 81 (15 July 1933), pp. 479 ff.

67 R. J. EVANS, *Third Reich*, p. 441; KARL DIETRICH BRACHER, *Die deutsche Diktatur*, Köln 1972, p. 241.

> those who, instead of fulfilling their duty to combat anti-state activity with all their strength, knowingly support it or even engage in it. It is imperative that the public administration be cleansed of all such elements.' I believe that every decent public employee and every public official must agree with this principle."[68]

Deputy Richter's address exemplifies the rhetoric of a militant democracy. From the outset he wraps the measure in banner words, such as "self-preservation of democracy," "order," and "calm," casting the bill as a temporary safeguard rather than a permanent restriction. By invoking the collapse of democratic parties in neighbouring Germany, he frames coercion as prudent foresight. At the same time, he delegitimises critics through terms such as "subversive elements," "blood-stained attack," and "risk-free coup attempts," portraying dissent as an existential threat. Richter's speech thus reveals two crucial dimensions of the Czechoslovak political imagination in mid-1933. First, Nazism was perceived as the paramount external danger, a totalitarian force whose rapid consolidation in Germany served as a moral and strategic warning. The spectre of democratic collapse across the border gave urgency and legitimacy to exceptional legislative measures within Czechoslovakia. The reference to Mayr-Harting's German Christian Social Party, juxtaposed with the dissolution of its German counterparts, dramatised the immediacy of this threat: moderate, Christian-democratic forces had no place under Hitler's regime.[69] Czechoslovak legislators interpreted this not as distant misfortune but as a political premonition.

Second, while Nazism supplied the external reference point, the domestic fascist movement furnished the internal justification. Richter's

68 Chamber of Deputies. Stenographic Record of the 290th Session, Tuesday, 4 July 1933 (Poslanecká sněmovna. Stenoprotokoly 290. schůze, úterý 4. července 1933). Digital Library of the National Assembly of the Czechoslovak Republic, 1929–1935 (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/stenprot/290schuz/s290001.htm (accessed 13 October 2025).

69 After the Nazi takeover in January 1933 and the Reichstag fire in late February, the Centre Party entered a rapid downward spiral. Ludwig Kaas, a priest and long-time party chairman who was negotiating the Reichskonkordat, steered the party toward accommodation, while Heinrich Brüning, the former Reich Chancellor who succeeded him, introduced reforms that deepened its dependence on the new regime. At the same time, escalating repression dismantled the party's press, organisations, and officials. By early July 1933, facing arrests, bans, and intensifying coercion, the leadership agreed to dissolve the party and instructed its members and elected representatives to align themselves with Hitler's political order. See R. J. EVANS, *Third Reich*, pp. 364–366.

repeated invocations of the failed coup in Brno and of "blood-stained" conspirators constructed fascism as a native pathology requiring a firm legal remedy. The emphasis on judicial leniency and the "cleansing" of public administration anchored the law within a logic of internal purification, consistent with the discourse of militant democracy that framed coercion as protection. In this synthesis of external vigilance and internal discipline, fascism became the argumentative hinge through which democratic repression could be reconciled with democratic preservation.

Seen in this light, the July 1933 parliamentary debate encapsulated the Czechoslovak version of militant democracy in its formative moment: Nazism defined the existential threat, while domestic fascism provided the rhetorical and legal pretext for institutionalising a defensive democracy, one that sought to remain faithful to its republican ideals precisely by arming itself against those determined to destroy them.

Across the aisle, Communist deputies, along with Slovak and Magyar Nationalist Party members, condemned the Enabling Act as a dangerous overreach and an assault on liberal rights, deriding it as yet another "terror law." Slovak deputy Martin Rázus,[70] of the Slovak National Party (Slovenská národná strana), countered the government's proposal with a pointed warning that laws designed to defend democracy could just as easily be turned against it. He criticised the bill's vague and elastic language, especially the notions of "constitutional unity" and the "democratic-republican form" of the state, as dangerously open to interpretation. Such wording, he argued, could allow judges to criminalise legitimate political activity, including Slovak efforts toward greater autonomy within the republic. Casting the law as a "sword of Damocles" over public servants, Rázus contended that the true danger to democracy lay not in extremism but in the government's own tendency to expand its powers under the guise of protection, transforming a measure of defence into a potential instrument of domination.

70 Martin Rázus (1888–1937) was a Slovak poet, novelist, essayist, dramatist, publicist, Lutheran pastor, and politician. As leader of the Slovak National Party (SNS) from 1929 until his death, he championed Slovak national and political autonomy, helped secure the party's first seat in the Czechoslovak National Assembly in 1929, and co-authored the 1932 Zvolen Manifest, which called for legislative autonomy for Slovakia. See MICHAL GÁFRIK, *Martin Rázus II. Osobnosť a dielo (1923–1937)* [*Martin Rázus II: Personality and Work (1923–1937)*], Bratislava 2000.

Their sharp denunciations shaped both contemporary perceptions and later historical writing. The German communist deputy Kurt Babel[71] launched a sharp attack on the bill, denouncing it as a repressive measure that threatened both civil liberties and the rights of public employees. He portrayed it as yet another step in a series of coercive laws – following the June Enabling Act and new press restrictions – designed to silence dissent and intimidate state workers under the guise of protecting democracy:

> "To defend democracy by terror laws! Paradoxical as it sounds, no less paradoxical are the facts we behold in the government's conduct. The gentlemen of the ruling coalition are in haste to take their holidays, and just before departing, they bring forth a new terror law – a blow against state employees such as we have not known since the Republic began. The gentlemen desire quiet and order for their vacation. The consequences and attendant phenomena of the economic crisis have stirred the masses; the pot seethes and boils, and the government feels its very existence endangered.
>
> It began with the Enabling Law of 8 June, by which the government, during the holiday period and beyond, may at will issue the harshest emergency decrees against working folk; after this Enabling Law it brought forth a law to place a gag upon opposition members of parliament, then sought to impose quiet and order by a press law to curb all criticism of its deeds, and now comes with a bill against state and public employees, against all provincial, district, and municipal workers, as well as the employees and labourers of enterprises and institutions—a measure so dreadful that many employees, in the brief time it has been discussed, have scarcely been able to form a clear notion of it. [...] That is why, even before this brutal assault upon the livelihood of state and public employees, the government presents such a fascist terror law against them. [...] The government calls that democracy. [*Shouts from the Communist deputies. – Vice-Chairman Roudnický rings the bell.*] Mussolini likewise, to maintain his fascist dictatorship, dismissed eight thousand mayors in 1924. Here a law is issued by which the same may be done—and it is

71 Kurt Babel (1897–1968) was a Sudeten German communist and veteran labour activist who became an important figure in interwar Czechoslovak politics. A railway worker and trade unionist, he joined the Communist Party of Czechoslovakia (KSČ) in 1925 and represented northern Bohemian industrial districts in the National Assembly from 1929 to 1935. As KSČ district secretary in Teplitz-Schönau, he aided German communist refugees from Nazism. After the Sudeten annexation he fled to Britain, joining the Sudeten German Committee and earning a place on the Nazi "Special Wanted List." Returning in 1945, Babel worked in the KSČ Central Committee and trade-union leadership, later editing the German-language labour paper *Aufbau und Frieden* until his removal in the early 1960s for resisting the party's assimilationist line toward the German minority. See *Biographisches Handbuch der deutschsprachigen Emigration nach 1933.* Band 1: Politik, Wirtschaft, Öffentliches Leben, (eds.) WERNER RÖDER, HERBERT A. STRAUSS, München 1980, p. 29.

called the defence of democracy. Hitler and Mussolini likewise purged their offices of so-called anti-state elements, but only to preserve their fascist dictatorships."[72]

The arguments advanced by Kurt Babel in the Chamber closely echoed the line taken by the Communist press during the debate over the Enabling Act (*zmocňovací zákon*) earlier that summer. His denunciation of the disciplinary bill as a "terror law" extended the claim that the government's legislative program – centred on enforcing loyalty within the state apparatus – represented a drift toward fascist repression. In both parliament and the press, Communists portrayed themselves as the true defenders of democracy while equating the Republic's effort to secure the loyalty of its officials with the authoritarian purges carried out by Hitler and Mussolini.

Hugo Bergmann[73] of the governing Czechoslovak National Socialist Party (*Československá strana národně socialistická*), on the other hand, offered specific examples underscoring the necessity of a civil service law, characterising the diffusion of National Socialist ideology as a clear and present danger to the democratic system, as well as to society and educational institutions in the border areas to Germany.[74] Bergmann argued that the debate could not be dismissed as one-sided, noting "that even honest Germans and Hungarians are calling for measures against the excesses of these disruptive forces." To support this point, he referred to

72 Chamber of Deputies. Stenographic Record of the 290th Session, Tuesday, 4 July 1933 (Poslanecká sněmovna. Stenoprotokoly 290. schůze, úterý 4. července 1933). Digital Library of the National Assembly of the Czechoslovak Republic, 1929–1935 (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/stenprot/290schuz/s290001.htm (accessed 13 October 2025).

73 Hugo Bergmann (1880–1944) was a Czechoslovak politician and interwar deputy of the National Assembly for the Czechoslovak National Socialist Party. After the 1920 parliamentary elections, he became a deputy in 1923 as a substitute after František Hlaváček was stripped of his mandate. He successfully defended his seat in the elections of 1925, 1929, and 1935 and officially held it until the parliament was dissolved in 1939, shortly after transferring in December 1938 to the newly formed Party of National Unity. By profession he was a postmaster and, according to 1935 records, served as mayor of Brandýs nad Labem, where he also lived. https://www.psp.cz/sqw/detail.sqw?id=646&org=291 (accessed 13 October 2025).

74 For a history of the schoolhouse as a crucial site of national struggle in the border regions beginning at the end of the nineteenth century, see the second chapter, "Schoolhouse Fortresses," in PIETER M. JUDSON, *Guardians of the Nation: Activists on the Language Frontiers of Imperial Austria*, Cambridge 2006, pp. 19–66.

a letter written by a teacher who was himself a Social Democrat, demonstrating that members of the German Social Democratic Party likewise recognised the need for action against subversive elements. He then read an excerpt in German from that letter:

> "And now I report further: In the schools, swastikas are drawn in exercise books and the Horst-Wessel-Lied [Horst Wessel Song] is written in them, which is distributed in printed form to children. Teachers greet one another with the Hakenkreuzlers' greeting [Nazi salute]; in gymnasiums the Horst-Wessel-Lied is taught and sung. After the Ministry of Posts issued a decree limiting the German Reich radio, pupils composed a song: 'Die Fenster zu! Der Hitler spricht! Das paßt den blöden Čechen nicht.' ['Close the windows! Hitler is speaking! That doesn't suit the stupid Czechs.'] Teachers ignore and mock the decrees of the Ministry of Education. They speak of Hitler's arrival, which will drive Germans friendly to the Czechs into Prague."[75]

This passage illustrates the view that ordinary school life has become a breeding ground for Nazi ideology. Symbols, songs, and teacher behaviour spread loyalty to Hitler and erode respect for state authority. The taunt "Hitler is speaking! That doesn't suit the stupid Czechs" captures both open contempt for Czechoslovak rule and the boldness of youth steeped in nationalist mockery of state power (the Ministry of Education). The calm, matter-of-fact tone heightens the menace: routine classroom activity has turned into a quiet form of political radicalisation, perhaps more dangerous than open violence. Hugo Bergmann continued:

> "[...] It cannot therefore be claimed that this law would serve as a persecutory instrument against honest state and public employees of German nationality. We are not going as far as they do in Germany, where matters are settled very easily and swiftly, without regard to whether someone has contributed to a pension or not; they simply take it away if a person does not share the dictator's views."[76]

75 Chamber of Deputies. Stenographic Record of the 290th Session, Tuesday, 4 July 1933 (Poslanecká sněmovna. Stenoprotokoly 290. schůze, úterý 4. července 1933). Digital Library of the National Assembly of the Czechoslovak Republic, 1929–1935 (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/stenprot/290schuz/s290001.htm (accessed 13 October 2025).

76 Chamber of Deputies. Stenographic Record of the 290th Session, Tuesday, 4 July 1933 (Poslanecká sněmovna. Stenoprotokoly 290. schůze, úterý 4. července 1933). Digital Library of the National Assembly of the Czechoslovak Republic, 1929–1935 (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/stenprot/290schuz/s290001.htm (accessed 13 October 2025).

Here, Bergmann highlights the contrast with Nazi Germany, where the *Law for the Restoration of the Professional Civil Service* (*Gesetz zur Wiederherstellung des Berufsbeamtentums*) had been enacted roughly two months before, on April 7, 1933. This law required all public officials to prove "Aryan" ancestry and political reliability, giving the Nazi state broad power to purge the administration. Among many prominent victims was the eminent legal theorist Hans Kelsen, architect of Austria's 1920 constitution, who was removed from his professorship at the University of Cologne.[77] Judges, teachers, university professors, and municipal employees alike were dismissed, often stripped of pensions despite long service. Bergmann uses this example to emphasise that Czechoslovakia's legal approach stood in contrast to Germany's swift, ideologically driven purge of experienced public servants. He went on:

> "[...] I believe that only by cleansing the public administration of all subversive and anti-state elements can confidence in public administration be restored and, in this way, peace and order secured. This is surely the aim of all upright citizens, including Germans and Hungarians.
>
> Justice, of course, must mean rewarding the good and punishing the bad. We want to punish the bad; but if we wish to be just, we must also reward the good. That means devoting the greatest attention to the conditions in which all honest Czechoslovak state and public employees live along our borders, where, with great dedication, they defend the integrity of the state, its property, the interests of the treasury, and the interests of the entire nation. (Excellent!) [...] We must not forget our customs officers, who in these difficult times risk their lives at every moment; nor must we forget the honest gendarmes and policemen who protect and safeguard public order. Democracy must be strong. A democracy that cannot defend itself is doomed to extinction. If democracy wishes, through this bill, to defend itself and to rid itself of all those who obstruct a happier and better development of the political, social, cultural, and economic conditions in our country, it is only natural that we will vote in its favour. (Excellent! – Applause.)" [78]

Bergmann's call to "cleanse the public administration of all subversive and anti-state elements" and to honour "customs officers, honest gen-

77 THOMAS OLECHOWSKI, *Hans Kelsen. Biographie eines Rechtswissenschaftlers*, Tübingen 2020, p. 556.

78 Chamber of Deputies. Stenographic Record of the 290th Session, Tuesday, 4 July 1933 (Poslanecká sněmovna. Stenoprotokoly 290. schůze, úterý 4. července 1933). Digital Library of the National Assembly of the Czechoslovak Republic, 1929–1935 (Digitální knihovna NS-RČS 1929–1935). [online] Available at: https://www.psp.cz/eknih/1929ns/ps/stenprot/290schuz/s290001.htm (accessed 13 October 2025).

darmes and policemen who protect and safeguard public order" echoed a wider climate of alarm in early-1930s Czechoslovakia. Cross-border violence, Nazi agitation, and armed incursions, like the SA raid near Jáchymov/Joachimsthal in March 1933, were among several incidents widely reported in the press and debated in parliament.[79] Bergmann's insistence that "democracy must be strong" captured the prevailing concern that the young republic faced mounting external and internal threats, making the courage of border officials and state employees emblematic of the vigilance required to preserve the nation's integrity.

In the months following the July parliamentary debate on Law No. 147/1933 Coll., in which Social Democratic deputies had warned that the influence of National Socialism was steadily expanding across the border, the Czechoslovak judiciary and executive both moved decisively. In October 1933, the Supreme Court in Brno ruled on the appeal of the *Volkssport* case, upholding the original verdict and classifying the DNSAP as an anti-state organisation.[80] This ruling paved the way for its dissolution. Almost simultaneously, the National Assembly adopted the law on the suspension and dissolution of political parties

79 According to a report of the state attorney in Prague, on the night of March 16, 1933, just weeks after Hitler's rise to power, four armed SA members from Saxony illegally crossed the Czechoslovak border near Jáchymov/Joachimsthal with the explicit aim of "to search for leading members of the Social Democratic Party, Communists, and Jews who were being persecuted" and had fled Germany. The intruders roamed the wooded frontier, fired pistols to intimidate a Jewish youth hostel called "Jüdisches Jugend- und Sportheim" and later approached the Social Democratic lodge "Telemarken-Skiklub," singing "various Nazi songs" in a nearby inn. When confronted by a two-man Czechoslovak financial guard, they suddenly shouted the signal "On the job," drew "repeating pistols" hidden under their coats, and, wielding rubber truncheons, disarmed the officers, escaping back toward Saxony with a captured Czechoslovak carbine. Despite a chase in which a guard fired five rounds, the attackers fled across the border. Czech gendarmes quickly organised a cross-border pursuit and, with Saxon police, apprehended the men in Oberwiesenthal, but the stolen weapon was never recovered. The district commander's report concluded that the armed Nazis had acted as "members of a trained organisation of Hitlerite assault units," underscoring both the calculated violence of the incursion and the vigilance of the Czechoslovak officers who repelled it. See NA, f. Ministry of Justice [Ministerstvo spravedlnosti], box 1089, file no. 38.618/33–14, Report and opinion of the Supreme Public Prosecutor's Office in Prague in the criminal case against Marie Simonová et al.

80 M. BURIAN, *Sudetoněmecké nacionalistické tělovýchovné organizace a československý stát v letech 1918–1938*, p. 223.

(201/1933 Coll.),[81] authorising the government, not the Constitutional Court, to suspend or dissolve political parties whose activities were deemed extremist or subversive.[82] As Michal Pehr observes, paradoxically – precisely because interwar Czechoslovakia represented an exceptionally pluralistic party system – this law stood as the only instance within the Czechoslovak legislative framework that explicitly addressed the existence and functioning of political parties.[83] After the Law on the Suspension and Dissolution of Political Parties was debated in the Czechoslovak Parliament, the newspaper *Der Sozialdemokrat* published an article entitled "Wehrhafte Demokratie – Entschiedene Maßnahmen gegen antistaatliche Parteien" ("Militant Democracy – Decisive Measures against Anti-State Parties"), which included the following:

> "[...] this is an unusual bill, one that profoundly intervenes in political life and can only be understood if one recognises that it concerns the protection of democracy. As long as political parties stood on democratic ground and contended for power by democratic means, all of them without distinction possessed the right to the democratic freedoms that we won through great sacrifices and decades of struggle. Today, however, when political parties seek to exploit democratic freedoms only in order to destroy democracy itself, democracy must defend itself with every means at its disposal."[84]

Within a few weeks, the Sudeten German National Socialist Party (DNSAP) formally dissolved, seeking to preserve its property before the anticipated government ban under the new legal framework. The government decree of November 11, 1933, announcing the dissolution of the DNSAP, was published in the *Official Gazette of the Czechoslovak Republic*, No. 259, on November 12, 1933. This measure was intended to mark the definitive end of the National Socialist movement in Czechoslovakia. Following the self-dissolution of the DNSAP and the prohibition of the *Volkssport* organisation for its ties to Nazi groups in Germany,

81 Law No. 201/1933 Coll. on the Suspension and Dissolution of Political Parties, adopted 25 October 1933; (Zákon č. 201/1933 Sb. o zastavování činnosti a o rozpouštění politických stran).

82 For a history of the Constitutional Court in the First Czechoslovak Republic, see JANA OSTERKAMP, *Verfassungsgerichtsbarkeit in der Tschechoslowakei (1920–1939): Verfassungsidee – Demokratieverständnis – Nationalitätenproblem*, Frankfurt am Main 2009.

83 M. PEHR, *Zákon na ochranu republiky a doprovodné zákony v meziválečné éře*, p. 47.

84 *Wehrhafte Demokratie*, Sozialdemokrat, 18 October 1933.

most former members joined Konrad Henlein's newly established *Sudetendeutsche Heimatfront*, which soon became the principal vehicle of Sudeten German nationalism in Czechoslovakia. Henlein's declared goal, much like that of the NSDAP, was to achieve his objectives by formally legal means.[85] With this, a new chapter in the democratic defence of the republic began. I argue that the First Czechoslovak Republic underwent three phases of militant democracy. The first unfolded from 1920–1923, the second extended through the political developments culminating in 1933, and the rise of the Sudetendeutsche Heimatfront marked the beginning of the third phase, which reached its culmination in the Law for the Defence of the State in 1936.[86] This law is considered by Giovanni Capoccia to be "probably one of the strictest and the most elaborate piece of anti-extremist legislation ever passed in a democracy."[87]

At this stage, the focus shifted from merely safeguarding the republican-democratic system to preserving the integrity of the state itself, transforming Czechoslovakia, through the internationalisation of the problem, into the very object of its own defence. Capoccia groups these measures into four interrelated clusters, all of which were present in the Czechoslovak system and were largely enacted during or after moments of acute political crisis, demonstrating a conscious defensive strategy rather than ad hoc repression: (1) Reinforcing core state institutions: Parliament empowered the cabinet and president to declare emergencies and assume extraordinary powers, while statutes secured the loyalty of the civil service, police, and armed forces by shielding them from extremist penetration and allowing the removal of officials suspected of subversive sympathies. (2) Restricting political pluralism: The government gained legal authority to ban or suspend political parties and associations that threatened fundamental features of the democratic system, providing a direct instrument for neutralising anti-system actors. (3) Limiting extremist propaganda: Legislation tightened censorship, broadened the definition of political libel, prohibited glorification of political violence, and outlawed the dissemination of false or destabilising information, thereby curtailing radicals' ability to delegitimise democratic institutions

85 On the politics of Konrad Henlein, see, in general, RALF GEBEL, *„Heim ins Reich!" Konrad Henlein und der Reichsgau Sudetenland (1938–1945)*, München 2000.

86 On the third phase, see TOMÁŠ ŘEPA, *Proces schvalování zákona o obraně státu z roku 1936*, Dějiny a dějepis 36/2022, no. 1–2, pp. 41–60.

87 G. CAPOCCIA, *Defending Democracy: Reactions to Political Extremism in Inter-War Europe*, p. 260.

and leaders. (4) Protecting public order: Additional statutes restricted the use of violent or illegal tactics in political conflict, constraining demonstrations, paramilitary activity, and other disruptive strategies to preserve peaceful democratic procedures.[88] Capoccia emphasises that the effectiveness of this legal architecture depended less on the statutes themselves than on the political willingness to employ them coherently. In contrast to Weimar Germany, Czechoslovakia retained a durable coalition of democratic parties willing and able to design and enforce a systematic policy of democratic self-defence, creating one of the most elaborate and integrated systems of anti-extremist legislation in interwar Europe and illustrating how a stable parliamentary democracy could use targeted legal instruments to contain radical threats while preserving constitutional rule.[89]

Conclusion

The case of Gustav Martinovský provides a lens through which to observe the early institutionalisation of democratic self-defence in interwar Czechoslovakia. His disciplinary prosecution under *Law No. 147/1933 Coll. on the Prosecution of Anti-State Activity by Public Officials and Certain Other Persons and on the Transfer of Judges Against Their Will* demonstrates how the state sought to operationalise the principle of protecting the Republic through legal and bureaucratic means. The establishment of disciplinary courts and the formalisation of procedures against subversive public officials were not arbitrary repressive measures but rather deliberate attempts to reconcile liberal legality with the imperatives of political stability. In this process, the Czechoslovak Republic transformed the abstract notion of defending democracy into a concrete administrative and judicial practice – one that functioned within constitutional limits while addressing the existential threats posed by extremist movements.[90]

88 GIOVANI CAPOCCIA, *Legislative Responses against Extremism. The "Protection of Democracy" in the First Czechoslovak Republic (1920–1938)*, East European Politics and Societies, 16/2003, no. 3, pp. 691–738, here p. 707.

89 G. CAPOCCIA, *Defending Democracy: Reactions to Political Extremism in Inter-War Europe*, p. 437.

90 Since no consolidated archival records or systematic statistical series for the Disciplinary Courts for the Protection of the Republic have yet been identified, the

The broader discourse and political context amplifies this significance. Parliamentary debates and press coverage at the time reveal that these defensive measures were deeply controversial. While government and centrist voices emphasised the safeguarding of democratic institutions, Communists and other critics condemned the measures as "fascist" or "Hitlerite," accusing the state of adopting authoritarian methods. Yet the Czechoslovak case represents not a copy but a striking counterpoint to legislation in Nazi Germany: similar legal instruments, when embedded in a democratic and pluralist framework, served to reinforce rather than dismantle the Republic.

It is particularly remarkable that already in 1933, the proponents of these determined measures against radical forces referred to them as a form of *demokracie silné ruky* – a "democracy of the strong hand" that anticipated *wehrhafte Demokratie* long before this term gained currency in German-speaking scholarship and political theory after the Second World War.

This article demonstrates that the Czechoslovak Republic did not merely theorise the problem of defending democracy but practiced it. Through legislation, judicial oversight, and administrative vigilance, the Czechoslovak Republic developed mechanisms that prefigured the later conceptualisation of militant democracy by Karl Loewenstein.[91] In this sense, interwar Czechoslovakia stands as a militant democracy *avant la lettre*.

preliminary insights provided by this study require further development. Because these courts were located within the respective ministries and administrative departments, future research must assemble and examine the relevant personal files at both the regional and national levels. Such work should reconstruct the caseload, determine the professional and national backgrounds of the officials under investigation, and identify the categories of offenses most frequently prosecuted. This will require the systematic collection of dispersed files preserved across different ministries and subordinate offices.

91 Lowenstein regarded this law as a significant and commendable instrument for safeguarding the democratic order, emphasising its exemplary rigor within the broader European context: "The most drastic provisions designed to curb anti-constitutional activities of public officials of all kinds – including university and school teachers and persons drawing pensions from the state – are again found in Czechoslovakia (1933), where even the compulsory transfer of a judge to another service position, if not dismissal, is permissible if he is convicted of participating in anti-democratic activities." See K. LOEWENSTEIN, *Militant Democracy and Fundamental Rights II*, p. 655.