

A Subordinate Issue?

An Analysis of Parliamentary Discourse on Freedom of Speech in Slovakia*

MAX STEUER**

Abstract

Parliamentary discourse in democratic states is both a form of implementation of freedom of speech and a way of increasing awareness of the quality and level of freedom of speech in democratic regimes. The Slovak Republic is a country with a distinct post-communist tradition of freedom of speech, where restrictions and censorship have stood opposed to demands by citizens for the real acknowledgment of this right. This case study analyses how the issue of freedom of speech has evolved in the parliamentary debates from 1992 to 2013. It utilizes content analysis to discover the contexts in which freedom of speech has appeared in parliamentary proceedings in the National Council of the Slovak Republic and what clues to lawmakers' understanding of freedom of speech may be derived from these contexts. It is concluded that despite the consolidation of democracy and membership in various international organizations that incorporate protections for fundamental rights and rising awareness on freedom of speech itself in the country, freedom of speech was of marginal importance for Slovak MPs, which indicates the absence of a need for reflection on both domestic and international issues. A consequence of this neglect is the widening influence of courts in determining the scope and extent of freedom of speech in Slovakia.

Keywords: freedom of speech; political discourse; parliamentary proceedings; content analysis; National Council of the Slovak Republic; legislation

DOI: 10.5817/PC2015-1-55

1. Introduction

In 2013, it had been 20 years since the establishment of the sovereign Slovak Republic under a constitution that, at least in its wording, pays substantial attention to fundamental human rights and freedoms.¹ The country became a signatory to international human rights conventions, including the European Convention on Human Rights, with the result that Slovak statutory law has had to be brought into harmony with the human rights standards stated in these

* I am grateful to Professor Darina Malová, PhD., and the anonymous reviewers for their advice and comments.

** Max Steuer, Department of Political Science, Faculty of Philosophy, Comenius University in Bratislava, Gondova 2, 814 99 Bratislava. E-mail: steuer1@uniba.sk.

sources of law. Responsibility for enacting and amending legislation that touches on freedom of speech lies with the National Council, the country's highest legislative body, which derives its legitimacy directly from the Slovak electorate. This ultimately binds the freedom of speech and the entire scope of human rights to the parliament. Other actors — the courts and the citizenry — also play crucial roles, but only by virtue of interpreting or commenting on legislation the parliament has passed.

In recent years, freedom of speech has taken on increased importance in Slovakia. A dichotomy is visible between the country's legal guarantees of freedom of speech, which are in keeping with what is usual for European democracy, and actual judicial practice. When, for example, the right to freedom of speech has come into conflict with personal rights, many controversial decisions have been rendered that have later been largely found to violate freedom of speech guarantees under the Convention (Malová, Steuer 2014; see the precedent-setting case *Feldek v. Slovakia* in ECHR 2001). Concerns about the quality of the right to freedom of speech have also been expressed by the OSCE representative on Freedom of the Media (Mijatović 2013). The case of journalist Tom Nicholson, in particular, who was forbidden to publish a book about a political figure for almost six months, has brought growing attention to the issue from representatives of Slovak civil society (for example, from the Slovak Helsinki Committee in 2012 and the Fair-play Alliance in 2013).

In this article, my focus is on how parliamentary debates on freedom of speech have evolved, and particularly whether growing awareness of this fundamental right outside the National Council has been mirrored by discussions within it among Slovak MPs. Written records of parliamentary debates are selected for analysis based upon how frequently the term 'freedom of speech' or its variants appear. The aim is to show the contexts in which freedom of speech as an issue comes up and whether discussions are directed towards some specific area within that broader topic. This methodology was chosen because the study of parliamentary political discourse allows the positions taken by legislators on freedom of speech to be readily identified. This suitability is also apparent when one considers the influence parliamentary discourse may have on other actors, such as courts or the general public.

I begin by examining how often freedom of speech in Slovakia has been the topic of academic research and show that despite its special position and the role it plays in the introduction of democratic government, it was long neglected by scholars. This has begun to change in recent years but no evidence is available as to whether this increased interest is also being felt within the parliament. To fill this gap, after explaining the methodology behind my content analysis of parliamentary discourse, I offer empirical results in Section 4 that show the amount of attention lawmakers are giving to freedom of speech. These results allow me to argue that despite the growing attention it is receiving outside of parliament, the issue has not garnered increased notice within the legislative body in recent years. When it has come up, moreover, freedom of speech has been discussed almost solely in the context of legislation that only indirectly impacts its scope, on topics such as minority languages, immunity, and media legislation. The exception is the hate speech provisions of the Criminal Code, but aside from this it has remained a subordinate issue for Slovak MPs. Empirical evidence for this may be generalised into three areas. The first centres on the scope of the infrequent discussions on freedom of speech, most of which turn on regulations and restrictions on the right, rather than stressing its crucial role in democratic society. The second has to do with MPs' theoretical

grasp of freedom of speech. When they do employ theoretical arguments, MPs tend to stress approaches to the issue that do not coincide with the accepted European approach as envisaged by, for example, the Convention. The final area focuses on the fact that though significant public concerns have been raised about Slovak judicial practices in proceedings on the protection of personality, when freedom of speech and personal rights (often of public figures such as politicians) have come into conflict, there has hardly been any discussion of the matter in parliament, showing its marginal status for most, if not all MPs.

2. Freedom of Speech in Slovakia: As It Stands

Slovakia constitutes a potentially valuable environment to study the freedom of speech, defined as a fundamental right under Article 26 of the Slovak constitution. The country's interest lies in its position as one of those Central European states in which political rights took root after the collapse of communism in 1989. Democracy required a longer period for consolidation in Slovakia than in neighbouring countries of Central and Eastern Europe (Szomolányi 1999), and freedom of speech has often been under threat. Příbáň and Sadurski (2007) argue that political rights were an important factor in the region's democratisation and in forming the public sphere in CEE countries.

The historical roots of freedom of speech in Slovakia disclose a conflict between stringent controls to the point of censorship under previous regimes and a demand that the right to freedom of speech as presented in international human rights conventions be respected. One example of such a demand was the Charter 77 movement, which pointed to the fact that the International Covenant on Civil and Political Rights, to which communist Czechoslovakia was a signatory, incorporated language on the freedom of speech. But, as the Charter movement pointed out, the reality fell short of the Covenant's ideals: 'The right to freedom of expression, for example, guaranteed by Article 19 of the first-mentioned covenant, is in our case purely illusory. Tens of thousands of our citizens are prevented from working in their own fields for the sole reason that they hold views differing from official ones, and are discriminated against and harassed in all kinds of ways by the authorities and public organizations' (Charter 77 1977).

On the theoretical level, freedom of speech is a *conditio sine qua non* for democratic regimes, among others (Malová, Steuer 2014: 309–313). Many theories of the freedom of speech have been constructed using arguments intended to demonstrate its importance (e.g., Barendt 2005; Bartoň 2010; Herczeg 2004; Jäger, Molek 2007; Smolla 1992; Heyman 2008). The acceptance or rejection of these theories impacts directly on legislative measures and judicial protections for the right to freedom of speech (Stone 2011). But neither public nor academic discussion of these theories is visible in the Slovak environment. The only exception is perhaps Višňovský (2013), who states that in Central Europe, liberal free speech traditions are weakly positioned. The Central European region's specific characteristics are also emphasised by Belavusau (2013), who discusses all V4 countries with the exception of Slovakia. Still, more than twenty years after the fall of communism and with membership in organisations that explicitly protect the freedom of speech — such as the UN, the Council of Europe, and the European Union — freedom of speech may be assumed to have acquired the status of a principle in Slovakia as well as in other countries in the region.

On closer examination, however, it becomes clear that the situation remains hostile in some ways to the robust expression of this political right, the consequence of a legal heritage that traces back to the previous regime (Sajó 2001: 122–124). To be specific, some people believe that in a period of transition, guaranteeing full freedom of speech might be dangerous, and that it is therefore better to limit it in the name of protecting democracy (Sajó 2001: 126–127). It is arguable, however, that it is precisely such an approach that bars a successful transition to a liberal democracy in many ways. Recent examples show there are still many obstacles to the freedom of speech; these include case law from the ECHR, which made two rulings on the violation of the right to freedom of speech by the Slovak Republic in January 2014 alone (ECHR 2014a; ECHR 2014b; see also Staník 2014), and legal analyses of factors harmful to the freedom of speech in Slovakia (Kamenec 2013) and of the ambiguous way in which it has been conceptualised (Drgonec 2013). Recently, sources have proliferated that are critical of freedom of speech in the country, showing increased interest in the topic. Aside from those noted above, see also Wilfling and Kováčeková 2011; Školkay et al. 2011; Deák 2013a and 2013b; and Horváth and Budinská 2013. It would be rational to expect that this increase would also be mirrored in parliamentary discussions, since it plays a crucial role in pointing to political issues that demand improvement. In the next section, further arguments are provided in favour of analysing parliamentary discourse.

3. The role and importance of parliamentary discourse

Slovak scholars have not spent much time analysing parliamentary discourse but this does not mean data that provides direct evidence of lawmakers' positions and opinions is unimportant. Political discourse may be analysed to reveal how broad and stable a country's free-speech standards are. There are several reasons for its utility in this regard. First, the opinions of politicians are usually higher-profile than those of ordinary citizens, are often presented in the media, and can influence public opinion. Second, the opinions public figures hold on freedom of speech may influence the way they act in specific situations – perhaps most visibly as regards defamation of character lawsuits. Third, in certain situations, declarations on freedom of speech may even be integrated into political campaigns or policy-making. A politician who repeatedly stresses the importance of free speech, for example, may appeal to liberal voters or may indeed choose to be defined in contrast to those who support placing broader restrictions on the freedom of speech in favour of other rights. Fourth, a relationship exists between the level of restrictions the parliament puts on the freedom of speech and the intensity of the chilling effect imposed on speakers (Comella 2007: 86). More stringent restrictions increase the chilling effect and the extent to which the courts may limit freedom of speech in particular cases. Finally, arguments in favour of the freedom of speech or in favour of placing restrictions upon it to secure other rights may arise in the legislative process in discussing proposed hate speech regulation under the Criminal Act, in discussing media laws, and so on.

In the broadest sense, to analyse political discourse means to analyse every utterance related to politics; in a narrower sense, it means focusing strictly on the speech of politicians. For our purposes, the key source of political discourse will be parliamentary negotiations,

since the judiciary and the public must operate in an environment governed by laws the parliament has approved.²

Parliaments are positioned at the heart of the political debate. They represent the most institutionalised arena or forum for discussion in democratic countries. As Bayley (2004: 9) notes, ‘the activity of parliaments is, or can be seen as, linguistic activity, and [...] parliament is the site where government and opposition go ‘on the record’, where justification and criticism of legislative initiatives is made, where interests are articulated and represented, and where politicians are judged by their peers, their party hierarchies and, perhaps to a lesser extent and indirectly via the media, by their electors.’ This view of parliaments implies the opinions on freedom of speech that MPs offer or fail to offer during debate mirror, to a large extent, their attitudes and views of this constitutional right. The character of these debates, as revealed by the records made of them, allows a more systematic investigation than would media research — the sensitivity of this topic for the media means such an investigation would likely end up examining media responses to politicians’ opinions, rather than focusing on an overview of those opinions. Having said that, media research could nevertheless constitute a valuable adjunct for providing a wider perspective on the issue.

The analysis of parliamentary discourse as a research technique is currently gaining importance. Its use highlights the central role played by language in politics, a notion that goes back at least to Aristotle (Chilton 2004: 199). Language is, in fact, an inherent part of political discourse, as Chilton (2004: 199) notes when he speaks of ‘the use of language in ways that humans, being political animals, tend to recognise as “political”’. Analyses of such areas as variant speech patterns used in parliamentary discourse when responding to men versus women (Moosmüller 1989), or the levels of deliberation in various kinds of parliamentary meetings (Steiner et al 2004), may yield conclusions of theoretical import. Different methods are used to research political discourse; critical discourse analysis and systemic functional linguistics are the two most frequently discussed (see, e.g., Bayley 2004: 27–32). When it comes to human rights issues in parliamentary discourse, the most widely analysed topics are debates on immigration or minorities in general (Jacobs 1998; van der Valk 2003; van Dijk 1997). Sometimes the simpler method known as content analysis is employed (e.g., Babbie 2012: 333–344), for instance in analysing parliamentarians’ concerns on various EU-related issues (Taniyici 2010). It is this latter method which will be used here. It is employed only rarely in human rights issues, although there is no reason to doubt its validity for exploring the contexts of fundamental rights. Specifically, I search for the key phrase ‘freedom of speech’ in all its Slovak variants and examine the context, frequency, and speakers who utilise the term. The proceedings database allows for fulltext search, making it possible to include all discussions from 1992 to 2013 in the search. This timescale should permit trends to be identified in the argumentation of parliamentarians speaking for or against the freedom of speech.

The results of this search have yielded a number of arguments and opinions in varying contexts. I evaluate them below on the basis of the issues touched on, the connections made, and how the term is handled. Also included are selected presentations of these opinions by the media. In using this data to arrive at conclusions, my aim is to show that detailed arguments in favour of the freedom of speech have been heard only rarely in Slovak parliamentary discourse throughout the period examined. This has not changed in recent years, despite the increased awareness of freedom of speech among citizens and by academics.

4. Results of the analysis

Over the period from 1992 to 2013, the keyword search found twenty-eight transcripts of parliamentary negotiations that included remarks on the freedom of speech. They concentrated for the most part on the degree of its regulation under law (Steuer 2014). The chief contexts in which these arguments appeared differed depending upon the electoral term in which the proceeding in question took place.³

Table 1: Number of Proceedings and Chief Contexts Mentioning Freedom of Speech during National Council Debates

Electoral term	No. of proceedings mentioning freedom of speech / Total No. of proceedings	Percentage of all proceedings in the term	Main context(s)
1992–1994	1/39	2.56	minority languages
1994–1998	7/53	13.21	minority languages, media policy, revision of the Criminal Code
1998–2002	3/63	4.76	revision of the Criminal Code, Freedom of Information Act
2002–2006	4/66	6.06	immunity for expressions in Parliament, Freedom of Information Act, revision of the Criminal Code
2006–2010	8/54	14.81	Press Act, revision of the Criminal Code, freedom of speech of judges
2010–2012	2/29	6.9	Press Act
2012–(2013)	3/27	11.11	Restrictions on obscene materials, Electoral Act
Total	28/331	8.46	(No dominant context extending through all periods can be determined)

Source: Steuer 2014 and author's calculations.

4.1. 1992–1994

One discussion of especial importance occurred in 1992, during the fifth session of the National Council on 31 August – 1 September 1992, when the draft Slovak constitution was debated (see Petránská Rolková 2013: 257–287). During the debate, Ivan Hudec, a member of HZDS, explained the importance of human dignity and stressed that society must ‘prosecute every expression of racism [...] as well as the most cunning ways by which hatred is spread, such as unconstitutional defamatory speech, surely well organised and probably also paid for’ (transcript, fifth session, 1992). Although Hudec’s argument targeted ‘racism’, his use of ‘unconstitutional defamatory speech’ is unclear and may lead to contradictory interpretations. Some interpretations would allow the prosecution of hate speech only if produced to cause direct harm; others would allow the regulation of all speech critical of the constitution.

A second comment to do with the freedom of speech related to Paragraph 5 of Article 26. The phrase ‘in the state language’ was criticised by representatives of the Hungarian minority

parties. Béla Bugár proposed that these words be omitted, arguing ‘If we say we’re building an egalitarian society, something the Prime Minister [author’s note: Vladimír Mečiar] has confirmed, I see no reason why state agencies and local governments could not provide information in ethnically mixed areas bilingually, that is, not solely in the minority language, I emphasise, but in the minority language, too’ (transcript, fifth session, 1992). Bugár’s amendment failed, but the discussion on minority languages with regard to minority rights guaranteed under Article 34 continued in ensuing years.

As may be inferred, freedom of speech was neither a complex nor an unclear issue that required discussion before the constitution was approved. Provisions copied from the Charter of Fundamental Rights and Freedoms seemed adequate to Slovak MPs. The discussion became mired at this point for many years, as will be seen below.

4.2. 1994–1998

Between 1994 and 1998, the position of Parliament in the Slovak political system was substantially weakened. High levels of party discipline among the ruling parties reduced it to a ‘voting machine’ (Malová 1997: 376). It is no surprise that most discussion of freedom of speech originated in the opposition. As an example, MP Peter Lauko criticised the appointment of an HZDS deputy as the head of Slovak Radio, contending such a crossover had the potential to give rise to media regulations that contravene those dictated by law (transcript of the fourth session, 1995). In the same session, former Minister of Culture Dušan Slobodník sharply criticised written communications between the Slovak president, Michal Kováč, and the chairman of the Organisational Committee for the Protection of Journalists. Opposition members emphasised the distinction between the office of president and Kováč’s personal opinions, while they stressed his right of freedom of speech.⁴

Deputy Milan Kňažko, meanwhile, called the ban on taking photographs in the meeting room issued by Chairman Ivan Gašparovič a violation of freedom of speech, because the meetings in question were public. In reply coalition member Eva Zelenayová emphasised that ‘words can do many things, but they can also do a lot of damage. I hope those who organise meetings that advocate the freedom of speech realise how much harm they may cause this republic’ (transcript of the sixth session, 1995). The same attitude on the part of HZDS members was observable in connection with other issues, as well. During the eleventh session of 1995, MP Alica Bielíková, who had formerly worked as a reporter for the Radiojournal program on Slovak Radio, criticised both the opposition and the media: ‘The complaints about the absence of freedom of speech in Slovakia and the control of the media that you are constantly disseminating and complaining about would wake the dead. After all, in this country oftentimes the journalistic profession follows no rules or ethics. One may insult, belittle, mock, or attack human dignity like happened yesterday in the National Revival [Národná Obroda]. But this is not uncommon when freedom of speech actually borders on harassment [...] and the press recognises no limits’ (transcript of the eleventh session, 1995).

Dušan Slobodník, then head of the Foreign Relations Committee of the National Council added ‘a legend is being created here that Slovakia has no media freedom. This is a deep untruth. And we can find a way very easily — I won’t tell you what it is — to prove that. Then if a single journalist or diplomat in the world claims there is no media freedom, one will have

to declare that they are not looking at Slovakia through objective eyes.' In actuality, the ruling party found no convincing means by which to prove that statement.

At a number of sessions, the requirement to use the state language in communication at local offices was labelled a restriction on the freedom of speech, mostly by Hungarian parties who supported the Act on Minority Languages and cited protections under Article 34 of Section II of the Slovak constitution. They also rejected wording in the State Language Act restricting the opportunity to use other languages in official communications. There was no agreement among the deputies on whether freedom of speech is bound up with the use of minority languages. The opposition was convinced it was; but HZDS member Zelenayová maintained the topic had nothing in common with Article 26 of the constitution, which 'deals with political rights.' She cited the first two sections of the Article, asking 'Please, do not reconcile the irreconcilable' (transcript of the eleventh session, 1995). It is open to question whether this assertion about the use of particular languages is true.

The final context in which the issue of freedom of speech appeared before the 1998 elections was in discussions concerning the revision of the Criminal Code (transcript of the fourteenth session, 1996; transcript of the twenty-first session, 1996; transcript of the twenty-fourth session, 1997). Some of the revised provisions were criticised sharply by the opposition⁵ because the ambiguously formulated crime of 'subversion of the Republic' was made punishable by imprisonment (Art. 92b). The same was true for disseminating 'false information which damages the interests of the Republic abroad' (Art. 98b). When the president vetoed these revisions, the government tried to rewrite some of the statutes, provoking opposition MP Benčík to charge that this 'directly threatened important political rights such as the freedom of speech, freedom of association, freedom of information, and others' (transcript of the twenty-first session, 1996). Marián Anđel, Vice Chair of the National Council, defended the constitutionality of the revision, stating, in reference to Section 4 of Article 26, that 'the law allows restrictions to be introduced, including sanctions.' When President Kováč delivered a speech on the revision, he concluded 'citizens' freedoms, primarily the freedom of speech and freedom of association, are the basic attribute of the changes that took place in 1989. Let us do everything we can to see they remain unchanged' (transcript of the twenty-fourth session, 1997). Other comments regarding the constitutionality of the revision were made by opposition representatives. The commonality of these critical voices that stressed the importance of freedom of speech may thus have prompted the National Council's failure to pass the revision after the president vetoed it. The debate also laid bare the gulf in the understanding of freedom of speech and the limitations placed upon it between the coalition and the opposition parties.

The 1994–1998 period came to an end regarding the freedom of speech issue with an address given to the National Council by Prime Minister Mečiar (transcript of the forty-ninth session, 1998). In assessing the government manifesto, he declared that 'if the existence of democracy in Slovakia during the government's term of office is to be disputed, one must ask what is meant by the term.' He indicated his own understanding by stating 'freedom of speech and the right to information are guaranteed for all citizens in the Slovak Republic.' This right, taken with others, was to be taken as evidence of the 'reality' of a democratic system in Slovakia. This is somewhat paradoxical; Mečiar's assessment of the scope of freedom of speech in the latter days of his government was questionable (see Mesežnikov 1999: 31; Kusý

1999: 100; Kusý 1998), but his placement of freedom of speech as the primary criterion for assessing the quality of democracy accorded with standard international views of the right.

4.3. 1998–2006

The parliamentary elections of 1998 led to the former opposition forces uniting in an attempt to form a coalition government. Its aim was to ameliorate the unfavourable economic situation and support Slovakia's European integration process. In Henderson's (2002: 50) estimation, 'after their election victory, the governing parties common desire to defeat Mečiar was replaced by the more positive goal of regaining Slovakia's international acceptance.' This was also visible in the National Council, where the opposition gained more control than it had enjoyed under previous governments. When it came to freedom of speech, debates were calmer and less divisive than they had been in the previous period, something that continued to be true after 2002, when the ruling parties regained their mandate.

Three contexts in which the issue of freedom of speech appeared in parliament during this eight-year period are worth mentioning. The first is the ever present problem of the Criminal Code and the sanctioning of hate speech. Discussions took place at two sessions in 2001 on a proposed revision to the Criminal Code, valid until 2005 (140/1961 Zb.), that abolished the criminal status of acts against the republic and the president (transcript of the fifty-first session, 2001; the transcript of the fifty-second session, 2001). The sponsor, MP Galbavý, stressed that 'from a current standpoint, they [author's note: paragraphs 102 and 103 of the old Criminal Code] are in conflict with the freedom of speech and indebted to the old regime. [...] They exceed the permissible range of restrictions on freedom of speech' (transcript of the fifty-first session, 2001). Others agreed with the revision. Ján Budaj opined that 'the paragraph in the Criminal Code on defamation and the paragraphs on the protection of personality in the Civil Code are fundamental in the same way. We should not stop at constitutional actors but should continue in the interest of protecting personality and improving the defamation paragraph, since the way it is currently formulated would make it impractical for any citizen to defend himself against defamation' (transcript of the fifty-first session, 2001).⁶

The discussion generated many ideas, some for and some against approving the bill. Peter Osuský said, 'Although it is true that one must stress freedom is at the centre of our civilisation, we must still protect it. Only by protecting freedom do we prove that we value it above the blood spilled and lives lost fighting for it. We also prove that we are willing to do anything to protect it in the future. It is in the interest of freedom to protect it from those for whom it is not a value but just a tool for gaining and abusing power' (transcript of the fifty-first session, 2001). Those against the bill expressed concerns about restricting academic research on topics to do with totalitarian regimes. No one, however, brought up a risk of them connected to such restrictions — that in some situations, such limits might help the authors of extremist ideas to portray themselves as martyrs barred from expressing their opinions.

In the end, the bill was approved by a majority vote of 56 of 105 deputies. Galbavý's proposal, by contrast, was rejected by a single vote, with 55 out of 110 in favour (National Council 2001a; National Council 2001b). These decisions resulted in the introduction into the Criminal Code of sanctions for denying the Holocaust and other extremist speech, but left

intact the controversial paragraphs 102 and 103 on defamatory speech against the president and state institutions. It may be inferred that proposals that in some way restricted the freedom of speech prevailed over those that aimed to abolish existing restrictions.

The problem of the Criminal Code came to the fore once again in 2005, with its re-codification (transcript of the thirty-sixth session, 2005; transcript of the forty-first session, 2005; the transcript of the forty-second session, 2005). The Ministry of Justice under Daniel Lipšic proposed excising offences to do with defamation of character from the Code. This was viewed as an attempt to introduce an American model of freedom of speech into Slovak legislation; it was rejected by the majority of MPs. In criticising the revision proposal, MP Gábor Gál said the right to freedom of speech is 'almost never absolute' (transcript of the thirty-sixth session, 2005). Lipšic replied with a paradigmatically American argument that 'the right to restrict the freedom of speech on the basis that the truth has not yet prevailed has a serious shortcoming. It implies that it is up to the state to say where truth lies.' He added that the freedom of speech is 'a basic freedom in democratic countries. Many other human rights and freedoms derive from it and we should therefore discuss it with especially great concern' (transcript of the thirty-sixth session, 2005).

In two further sessions, MP Katarína Tóthová (HZDS) insisted on introducing the notion of 'defamation for political opinions.' She said 'every freedom must have its limits. Someone must say freedom lies on this side of the line, on the other side lies abuse. And freedom of speech must have such limits, too'. Lipšic was strongly opposed, arguing 'if there is something that freedom of speech protects in this Republic, it is political discussion. If the state gains the power to prosecute someone who defames someone else because he supports KDĽH or HZDS, freedom of speech will be over in this country.' But Tóthová's proposal, which failed, was supported at this point by MP Ladislav Polka, with the interesting argument that 'every day our society proves that we have not evolved to a point of generosity such that we no longer penalize human stupidity and intolerance under the Criminal Code.' In the end, restrictions based upon political opinions were not approved by the National Council; every other restriction was. The 2005 debate may be one of the most illustrative demonstrations of views on the freedom of speech.

The second context in which the issue of the freedom of speech appeared in parliament was in introducing the Freedom of Information Act in 2000 (transcript of the twenty-sixth session, 2000). Those proposing the act viewed its purpose as 'providing every person with access to the right embodied in the constitution' of freedom of speech and information. Introducing the act into the Slovak legal system reflected the principle of transparency in public administration, i.e. that 'what is not secret is public' (Wilfling 2012: 9). There is no doubt that Article 26 of the constitution may stand as a pillar for such an interpretation of the freedom of information.

Finally, in 2001, MPs' immunity for what they say in parliament became a topic of discussion. The chair of the Constitutional Committee of the National Council, Ján Drgonec, proposed a constitutional amendment to widen immunity for opinions presented in parliament (transcript of the twenty-second session, 2004). He based his argument on the importance of free political speech for democracy, and on the law of most countries of the European Union, where 'holding members of parliament responsible [author's note: for such statements] under the civil or criminal code, or a disciplinary code, is expressly prohibited' (transcript of the

twenty-second session, 2004). During the discussion, some MPs expressed their gratitude to Drgonec for ‘taking this burden on, since it can be easily misinterpreted by the media as the product of an interesting discussion that may lead to the representative’s mandate being questioned’ (transcript of the twenty-second session, 2004). The constitutional amendment passed with a majority of 115 votes (National Council 2003). In succeeding years, two other constitutional amendments were passed on the immunity of members of parliament.

To summarise, during the period running from 1998 until 2006, there were indications that freedom of speech was construed in various ways in the National Council, particularly with regard to defamation of character, but the confrontations were milder, less conflictual. Even so, the right to freedom of speech served as a principal justification for important legislative changes. These strengthened parliamentary political speech and the responsibility of public authorities to provide the voters with information on their actions, on the one hand, while on the other hand extremist speech, particularly Holocaust denial, was restricted.

4.4. 2006–2010

During the initial term of Prime Minister Robert Fico’s government, there was one dominant context for arguments to do with the freedom of speech. This was the revision of the Press Act, which broadened the right of reply to articles written in the press. Many authorities, including international organisations, criticised the revision and viewed it as undemocratic (Nicholson 2008). The debate in the National Council wrought sharp divisions between the coalition and opposition parties. SDKÚ-DS members directly attacked Fico, with MP Milan Hort stating ‘unlike you [author’s note: Fico], we perceived 1989 first and foremost to have brought a wonderful gift of freedom that would allow us to express our opinions freely. We did not see that in the twenty-first century, in the opposition, someone would threaten to close our mouths and put us in jail’ (transcript of the eighteenth session, 2008). These emotional speeches contrasted with seemingly rational arguments by the ruling coalition, which spoke about a conflict between the right to freedom of speech and the freedom of information, since it is ‘also about the right to be informed, and this is where the shift in the modern perception of the freedom of speech by the public is occurring, gradually moving to the balancing of rights and obligations’ (Rafaj Rafaj, transcript of the twentieth session, 2008). Remarkably, he set the philosophical underpinnings of freedom of speech in Slovakia in the ‘rational space of Montesquieu and Hegel.’ The right to reply should be based on the ‘German model, not the broader French model’ (transcript of the nineteenth session, 2008), which, according to Rafaj’s interpretation of Hegel, should ‘qualify crimes committed by the media as acts of potential danger to society.’ Rafaj therefore supported more intensive regulation of freedom of speech by widening the right to reply on articles in the media.

The debate generated other ideas about the freedom of speech, for example those of Vladimir Palko, according to whom ‘the gap is widening between politicians who try to broaden the freedom of speech, which they understand as vulgar, obscene, brutal freedom of speech and the same politicians restricting freedom of normal political speech by other politicians, for instance through the courts. [...] Freedom of speech cannot be understood as freedom of speaking only those things that are nice to hear. It is not a freedom only for those in power. It is also a freedom for those who lack power, who speak about things which are not

pleasant, even things that are surely untrue and that we do not wish to hear.’ Some deputies raised concerns about the losses the Slovak Republic had suffered before the ECHR in freedom of speech cases (transcript of the twenty-eighth session, 2008). By contrast, opposition member Grečková asked about the validity of statements of fact: ‘Many times, facts which at first sight look objective may turn out to have been placed in a completely different context and be fragmentary, incomplete, or misleading by virtue of a changing situation or because not all the facts were published’ (transcript of the twentieth session, 2008). These excerpts allow the conclusion to be drawn that sharp differences existed between various understandings of the freedom of speech in discussion of the Press Act.

Aside from the Press Act, some sessions dealt with the revision of the Criminal Code (transcript of the thirty-fifth session, 2009; transcript of the thirty-ninth session, 2009)⁷ and with freedom of speech of judges (transcript of the forty-first session, 2009; transcript of the forty-third session, 2009). They also strengthened the different understandings of freedom of speech, sometimes with three identifiable approaches instead of two. The first, presented by Štefan Harabin, Minister of Justice, and MP Tóthová, was clearly ‘against the absolutization of freedom of speech’ that made reference to the American conception, and spoke about the ‘limits all freedoms must have lest conflicts arise.’ The second interpretation, put forth by MP Palko, viewed freedom of speech as ‘freedom to search for truth without punishment. [...] The question is whether freedom of speech should include any additional behaviour that follows the search for truth and expressing opinions’ such as flag burning. Daniel Lipšic, as he had many times before, defended the broad view in which no state authority has the right to manage public discussions until a direct threat to citizens arises. However, none of these approaches especially the differences between the second and the third, were discussed in greater detail and no exact connections with the legislation (apart from the Criminal Code) were made.

4.5. 2010–2012

A ‘quiet’ period began after 2010 for freedom of speech issues within the National Council. The only two references connected to the issue were concerned with the well-known from prior sessions: amendments to the Criminal Code to introduce sanctions for Holocaust denial and speeches that deny the crimes of communism and fascism (transcript of the twentieth session, 2011), and revision of the Press Act (167/2008 Coll.) (transcript of the sixteenth session, 2011; transcript of the twentieth session, 2011), which in fact limited the right to reply introduced by the previous government (see e.g. TASR 2011). The members of Smer-SD defended the original provisions with the argument that their formulations were to protect ‘the interests of recipients of information from the media, the citizens.’ According to Branislav Ondruš, ‘the right to reply is an instrument to protect the interests of citizens, because the interest of citizens is to be informed in a truthful, objective, comprehensive manner, and it is the right to reply which should ensure the public is so informed.’ This is an unconventional way of thinking, as there are many ways to inform citizens without this right, especially for public figures. Arguments against the tool were in this vein. Ondrej Dostál doubted that ‘the right for you to publish anything in the media that does not belong to you’ meant broadening the free speech standard. In his opinion, it was the exact opposite.

Regarding the amendment of the Criminal Code in July 2011, the arguments from the previous sessions dealing with the same issue repeated themselves. The amendment was again introduced by MP Osuský and was commented on by Ondrej Dostál, a member of the same party. Perhaps the most illustrative metaphor, an exception to the dominant non-philosophical approach to freedom of speech in the National Council, was included in the justification of the amendment, according to which its purpose is to ‘protect the truth’ (National Council 2011).

4.6. 2012–2013

It is not yet possible to provide a comprehensive assessment of the period after 2012. In 2012–2013 no important discussion that included broad views on freedom of speech has taken place in the National Council since the elections of March 2012. There were some minor comments made about freedom of speech in three sessions, beginning with a proposal to amend the Copyright Act by a member of OĽaNO (transcript of the eighth session, 2012; transcript of the twenty-third session, 2013), continuing with revision of the Act on Political Parties and Movements and the Electoral act (transcript of the fourteenth session, 2013), and concluding with revision of the Criminal Code (transcript of the sixteenth session, 2013). The first amendment was introduced because of ‘conflicts between subjects which primarily provide for freedom of expression, such as publishers of newspapers, magazines, radio and television broadcasters, and subjects which ensure the dissemination of information, mostly daily newspapers [...], or simply monitoring of the media.’ The amendment did not even make it to a second reading (National Council 2012).

MP Osuský commented the proposal to amend the act on elections to the National Council put forward by Igor Matovič,⁸ because the current act in his opinion ‘specifies the pursuit of the electoral campaign in a way that restricts freedom of speech and dissemination of information beyond the reasons set out in the Constitution’ (transcript of the fourteenth session, 2013). Similarly as with the previous proposal, this proposal also failed to get a second reading.

The revision of the Criminal Code was connected to sanctions for drug abuse, but the never-ending debate, led mostly by deputies Lipšic and Osuský on the regulation of extremist speech again rang out for a short time. Lipšic repeated his understanding that freedom of speech is based on ‘a clear distinction between what is protected and what is not.’ He stressed ‘speech that encourages violent conduct’ is not protected but ‘speech that does not directly initiate violent conduct’ deserves protection. In addition, ‘the lines have to be drawn and they cannot be determined by the parliament arbitrarily, on the basis of what we like and what we don’t’ (transcript of the sixteenth session, 2013). However, the revision itself was not devoted to this issue at all (National Council 2013b). The fact that a broader discussion centred on Lipšic’s understanding of free speech did not arise indicates a low level of interest in the issue by MPs.

5. Conclusion

In the 21 years of existence of the National Council, freedom of speech has regularly re-appeared in various contexts in parliamentary sessions. But it demonstrates that lawmakers have only marginal practical interest in justifying the importance of freedom of speech in

controversial situations. Article 26 was used to support or criticize both more extensive and more restrictive legislation on the freedom of speech, such as the Criminal Code, without regulation of extremist speech, on the one hand, or the prevalence of official communications in the state language, on the other hand. The contexts in which the issue of freedom of speech appeared varied between electoral terms and no dominant topic was visible. In addition, the growing concern for the quality of freedom of speech among representatives of civil society as well and the academic community in the recent years has not been mirrored in parliamentary discussions. Therefore, it is hard to speak of any straightforward trend in the attention devoted to the issue.

In trying to look for the causes of the subordinate status of freedom of speech in the Slovak parliament, a striking correlation may be identified between the agendas of the parliamentary political parties and the topics discussed in conjunction with the freedom of speech. In the 1990s, the struggle over minority languages and parliamentary procedures manifested in the topics discussed during the legislative terms. The conflict over the Press Act between the left-wing party and later the right-wing coalition was mirrored in the fact that this topic was discussed in connection with the freedom of speech. In the current electoral term, the regulation of obscene materials as part of the agenda of a new party, OĽaNO, also coincided with this issue as part of the parliamentary debate. Similarly, no party seemed to have emphasized the problems connected to the protection of personality, and it was precisely this issue to which the discussion was least devoted, as against initial expectations that the issue has gradually taken on importance for members of civil society and scholars. An example of an issue connected to freedom of speech fostered by individual engagement is the reoccurring polemic between Daniel Lipšic and Peter Osuský concerning the legal regulation of extremist speech and its conformance to the Constitution. This debate is perhaps also the only place philosophical interpretations of the freedom of speech have appeared. In general, however, it seems that parliamentary political parties have been shaping the parliamentary discourse about freedom of speech without taking into account the concerns over the issue outside the parliament's gates.

All in all, with some exceptions, Slovak parliamentarians mostly remain in a position of 'sweet ignorance' of problems to do with the freedom of speech. They treat it as a subordinate issue to support a variety of different, sometimes conflicting, proposals. This finding in the light of the results of the empirical analysis allows drawing three generalizations about the approach of Slovak legislators to freedom of speech that could be compared with the practice of other countries in further research.

First, parliamentary discourse on the freedom of speech as a whole was obviously concerned more with the limitations of freedom of speech than with stressing and justifying its importance. Even though Slovak traditions of freedom of speech include a strong tradition of public demand for this right, personified for instance in the Charter 77 movement, the current representatives of Slovak citizens, with some notable exceptions (see Section 4 above), rarely refer to these traditions when issues of freedom of speech are at stake. This may indicate differences between the preferences of 'ordinary' citizens and parliamentarians, although further research would be necessary to discover the details of the public's view of the issue.

Second, the regulation-oriented approach of Slovak legislators can also be observed in the lack of theoretical underpinnings for the freedom of speech and its position in Slovakia

as a European democratic state. Except for the exchange of ideas between MPs Lipšic and Osuský and the questionable differentiation between the German and French models of freedom of speech put forward by MP Rafaj, the various understandings of freedom of speech were almost never discussed in context of the current status of this right in Slovak legislation. This leads to the question of whether differences exist in the general approach taken to the freedom of speech in Slovakia versus other Central European countries, when compared to the acknowledged interpretation of the ECHR.

Finally, almost no evidence was found that MPs acknowledge the special role played by judicial decisions, as they rarely cite them in discussing issues related to the freedom of speech. Therefore, an absence of parliamentary discussion about freedom of speech in the context of the presence of some controversial judicial decision-making practices in cases concerning conflicts of freedom of speech and other fundamental rights may be observed. This may signal the consent of legislators to the dominance of judicial interpretations of freedom of speech, even when questionable. Moreover, a link might be found between the likely interests of politicians as applicants in proceedings concerning the protection of their personalities, and the public, especially journalists, who demand freedom of speech to present critical comments. It might be valuable to follow whether a change occurs in upcoming years, or whether the practice of other countries' legislatures in the region indicates more similarities or differences with that of Slovakia.

The consequences of the subordinate status of freedom of speech as an issue for Slovak legislators may be sought in the widening 'zone of discretion' of the Slovak court system. As a result, today it is first and foremost the courts that determine the true extent of freedom of speech in Slovakia.

List of abbreviations:

Convention	European Convention on Human Rights
ECHR	European Court of Human Rights
HZDS	Hnutie za demokratické Slovensko (Movement for Democratic Slovakia)
KDH	Kresťanskodemokratické hnutie (Christian Democratic Movement)
Most-Híd	Most-Híd (The Bridge)
MP	Member of Parliament
National Council	National Council of the Slovak Republic
OLaNO	Obyčajní ľudia a nezávislé osobnosti (Ordinary People and Independent Personalities)
SAS	Sloboda a solidarita (Freedom and Solidarity)
SDKÚ-DS	Slovenská demokratická a kresťanská únia – Demokratická strana (Slovak Democratic and Christian Union – Democratic Party)
SDE	Strana demokratickej ľavice (The Party of Democratic Left)
Smer-SD	Smer – sociálna demokracia (Direction – Social Democracy)
SMK	Strana maďarskej koalície (Party of the Hungarian Coalition)
SNS	Slovenská národná strana (Slovak National Party)

Notes:

1. This applies also to freedom of speech which is enshrined in the Article 26: '(1) The freedom of speech and the right to information are guaranteed. (2) Everyone has the right to express his views in word, writing, print, picture, or other means as well as the right to freely seek out, receive, and spread ideas and information without regard for state borders. The issuing of press is not subject to approval procedures. Enterprise in the fields of radio and television may be subject to the awarding of an approval from the state. The conditions shall be laid down by law. (3) Censorship is banned. (4) The freedom of speech and the right to seek out and disseminate information may be restricted by law, if such a measure is necessary in a democratic society to protect the rights and freedoms of others, state security, public order, or public health and morals. (5) Public authority bodies are obliged to provide information on their activities in an appropriate manner and in the state language. The conditions and manner of execution shall be laid down by law' (The Constitution of the Slovak Republic 1992).
2. In fact, legislatures exist in nearly every country on the planet, and have the potential to play an important political role even in non-democratic systems (e.g. Kreppel 2008: 160). The underlying principle of parliamentary government (which, with a few distinctions, is possessed by Slovakia) is 'the dominance of the legislature, especially in relationship to executive power' (Procházka, Káčer 2013: 55). However, the main task of the representatives of citizens in the parliament is to remain accountable to them by 'introducing and explaining what their motivation is to enact new regulations and what they expect from them in practice' (Procházka, Káčer 2013: 229).
3. The total 8.5 percent of proceedings that mentioned freedom of speech may seem to exhibit a rather expected level of interest for this particular issue (unfortunately, no comparable numbers from other parliaments have been found). However, in reading the percentages, one should bear in mind their limited explanatory power, as they include all proceedings where freedom of speech was mentioned at least once, sometimes without further discussion. That is why a qualitative evaluation of the discussions is needed which demonstrates the little attention given the topic.
4. For instance, Deputy Fogaš (SDE): 'I would like to cite Article 26 of the constitution, which says everybody has the right to express his opinion in both oral and written form. In the same way as Mr. Slobodník, Chair of the Parliament and the Prime Minister, this right belongs to the President. And so we should understand the attitudes expressed from this perspective' (transcript of the fourth session, 1995).
5. For instance, according to Jaroslav Volf, the proposed statutes could 'lead to a significant restriction of basic rights and freedoms, primarily the freedom of speech and the right to information, as protected in the constitution and international conventions and treaties binding on the Slovak Republic' (transcript of the fourteenth session, 1996). Ján Figel' (KDH) was the opinion that the revision allows the state 'to almost unrestrictedly suppress the freedom of speech of citizens' (transcript of the fourteenth session, 1996). He also pointed to a discrepancy with the Convention, which does not allow restricting value judgments. Peter Weiss (SDL) did not agree with the revisions because they 'open up room for a telic interpretation that may be misused to restrict the freedom of speech, freedom of association, or dissemination of information' (transcript of the fourteenth session, 1996). Béla Bugár spoke about the unconstitutionality of the provisions because the constitution 'requires the motivation of protecting the national security and public order for limiting freedom of speech. These values are not under threat in the Slovak Republic and therefore Art. 98 is unconstitutional. The interest of the Republic is hard to define or specify and may even vary according to the political situation' (transcript of the fourteenth session, 1996).
6. It is not clear what MP Buday thought when speaking about the deficiency of legal provisions that protect personal rights. This comment is the only one found connected to personal rights in the Civil Code that appeared during the discussion of freedom of speech. What is more, no reaction followed Buday's words. It may be that Buday brought this up as part of the justification for another revision

of the Criminal Code introduced at the same meeting concerned with Holocaust denial and extremist speech.

7. The revision that introduced terms like ‘extremist materials’ into the Code was approved but vetoed by the President. The President’s veto was overridden in the next session. See details on the bill in National Council (2008).
8. The materials, including the explanatory statement, are accessible via National Council (2013a). According to this explanation, the revision should, among other things, ‘bar parliamentary political parties from leading electoral campaigns, which would help citizens who decide to challenge political parties and thus aid democracy and equality of opportunity, whereas today the political parties enjoy a significant media advantage.’ In the discussion, a member of Smer-SD, A. Martvoň, viewed this intention as ‘an infringement of freedom of speech, as if the electoral campaign should depend solely on the discussions in the media and politicians could otherwise not speak before the elections; of course freedom of speech would be violated, because everyone can express ideas in a democratic society, when he wants and how he wants, as long as it is somehow consistent with the law’ (transcript of the fourteenth session, 2013).
9. All online sources cited as of 1st September 2014.

References:⁹

- Babbie, Earl. 2012. *The Practice of Social Research*. Belmont: Wadsworth Publishing Company.
- Bächtiger, André and Hangartner, Dominik and Hess, Pia and Fraefel, Céline. 2008. ‘Patterns of Parliamentary Discourse: How ‘Deliberative’ are German Legislative Debates?’ *German Politics* 17, no. 3, 270–292.
- Barendt, Erik. 2005. *Freedom of Speech*. Oxford: Oxford University Press.
- Bartoň, Michal. 2010. *Svoboda projevu: princípy, garance, meze*. Prague: Leges.
- Bayley, Paul. 2004. ‘Introduction: The whys and wherefores of analysing parliamentary discourse.’ In: *Cross-Cultural Perspectives on Parliamentary Discourse*. Ed. Paul Bayley. Amsterdam: John Benjamins Publishing Company, 1–44.
- Belavusau, Uladzislau. 2013. *Freedom of Speech. Importing European and US Constitutional Models in Transitional Democracies*. London: Routledge.
- Charter 77. 1977. *Manifesto of Charter 77 – Czechoslovakia* (http://lcweb2.loc.gov/frd/cs/czechoslovakia/cs_appnd.html).
- Chilton, Paul. 2004. *Analyzing Political Discourse: Theory and Practice*. London: Routledge.
- Comella, Victor Ferreres. 2007. ‘Freedom of Expression in Political Contexts: Some Reflections on the Case Law of the European Court of Human Rights.’ In: *Political Rights under Stress in 21st Century Europe*. Ed. Wojciech Sadurski. Oxford: Oxford University Press, 84–119.
- Deák, Marko. 2013a. ‘Gorila a test proporcionality. Zablúdil súd pri hľadani limitov práva na ochranu osobnosti? (1. časť).’ *Justičná revue* 65, no. 1, 31–43.
- Deák, Marko. 2013b. ‘Gorila a test proporcionality. Zablúdil súd pri hľadani limitov práva na ochranu osobnosti? (2. časť).’ *Justičná revue* 65, no. 2, 184–200.
- van Dijk, Teun A. 1997. ‘Political Discourse and Racism: Describing Others in Western Parliaments.’ In: *The Language and Politics of Exclusion. Others in Discourse*. Ed. Stephen Harold Riggins. London: Sage.
- Drgonec, Ján. 2013. *Sloboda prejavu a sloboda po prejave*. Šamorín: Heuréka.
- ECHR. 2001. *Case of Feldek v. Slovakia, Application No. 29032/95*. Strasbourg: ECHR (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59588>).
- ECHR. 2014a. *Ringier Axel Springer (No. 2) Case, Application No. 21666/09*. Strasbourg: ECHR (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-139899>).
- ECHR. 2014b. *Ringier Axel Springer (No. 3) Case, Application No. 37986/09*. Strasbourg: ECHR (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-139901>).

- Fair-play Alliance. 2013. *Neakceptovateľný zásah do slobody slova*. Bratislava: Aliancia Fair-play (<http://fair-play.sk/articles/neaakceptovatelny-zasah-do-slobody-slova>).
- Henderson, Karen. 2002. *Slovakia: The escape from invisibility*. London, Routledge.
- Herczeg, Jiří. 2004. *Meze svobody projevu*. Prague: Orac.
- Heyman, Steven J. 2008. *Free Speech and Human Dignity*. New Haven, Yale University Press.
- Horváth, Edmund and Budinská, Lucia. 2013. *Ochrana osobnosti a náhrada nemajetkovej ujmy*. Bratislava: IURIS LIBRI.
- Jacobs, Dirk. 1998. 'Politics and Policy: The Dutch Parliamentary Debate about Voting Rights for Foreign Residents.' *International Migration Review* 32, no. 2, 350–373.
- Jäger, Petr and Molek, Pavel. 2007. *Svoboda projevu. Demokracie, rovnost a svoboda slova*. Prague: Auditorium.
- Kamenec, Tomáš. 2013. *Media Freedom in Danger? Legal Analysis of Selected Factors in the Slovak Republic*. Bratislava: Aliancia Fair-play (http://www.fair-play.sk/pdf/Kamenec_Analyza_EN.pdf).
- Kreppel, Arné. 2008. 'Legislatures.' In: *Comparative Politics*. Ed. Daniele Caramani. Oxford: Oxford University Press, 159–188.
- Kusý, Miroslav. 1998. 'Human rights.' In: *Slovakia 1996–1997. A Global Report on the State of Society*. Eds. Martin Bútora and Thomas W. Skladony. Bratislava: Institute for Public Affairs, 35–38.
- Kusý, Miroslav. 1999. 'Human rights.' In: *Slovakia 1998–1999. A Global Report on the State of Society*. Eds. Grigorij Mesežnikov, Michal Ivantýšyn and Tom Nicholson. Bratislava: Institute for Public Affairs, 95–106.
- Malová, Darina. 1997. 'From the Ambiguous Constitution to the Dominance of Informal Rules.' In: *Democratic Consolidation in Eastern Europe, Volume 1: Institutional Engineering*. Ed. Jan Zielonka. Oxford: Oxford University Press, 347–377.
- Malová, Darina and Steuer, Max. 2014. 'Sloboda prejavu v Slovenskej republike: Analýza vybraných súdnych rozhodnutí.' *Právnik* 153, no. 4, 309–325.
- Mesežnikov, Grigorij. 1999. 'Domestic Politics.' In: *Slovakia 1998–1999. A Global Report on the State of Society*. Eds. Grigorij Mesežnikov and Michal Ivantýšyn and Tom Nicholson. Bratislava: Institute for Public Affairs, 13–64.
- Mijatović, Dunja. 2013. 'OSCE media freedom representative concerned about Slovak judiciary seeking high damage awards in defamation cases.' *osce.org*. 2nd May 2013 (<http://www.osce.org/fom/101240>).
- Moosmüller, Sylvia. 1989. 'Phonological variation in parliamentary discussions.' In: *Language, Power and Ideology. Studies in Political Discourse*. Ed. Ruth Wodak. Amsterdam: John Benjamins Publishing Company, 165–180.
- National Council. 2001a. *Návrh poslanca Národnej rady Slovenskej republiky Tomáša Galbavého na vydanie zákona, ktorým sa mení zákon č. 140/1996 Zb. Trestný zákon v znení neskorších predpisov*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=462>).
- National Council. 2001b. *Návrh skupiny poslancov Národnej rady Slovenskej republiky na vydanie zákona, ktorým sa mení a dopĺňa zákon č. 140/1961 Zb. Trestný zákon v znení neskorších predpisov*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=431>).
- National Council. 2003. *Návrh poslanca Národnej rady Slovenskej republiky Jána Drgonca na vydanie ústavného zákona, ktorým sa mení Ústava Slovenskej republiky č. 460/1992 Zb. v znení neskorších predpisov*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=1180>).
- National Council. 2008. *Vládny návrh zákona, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=2650>).
- National Council. 2011. *Vládny návrh zákona, ktorým sa mení a dopĺňa zákon č. 301/2005 Z. z. Trestný poriadok v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony*. Bratislava:

- Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisOdbobia=5&CPT=342>).
- National Council. 2012. *Návrh poslanca Národnej rady Slovenskej republiky Jozefa Viskupiča na vydanie zákona, ktorým sa mení zákon č. 618/2003 Z. z. o autorskom práve a právach súvisiacich s autorským právom (autorský zákon) v znení neskorších predpisov*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=4160>).
- National Council. 2013a. *Návrh poslanca Národnej rady Slovenskej republiky Igora Matoviča na vydanie zákona, ktorým sa mení a dopĺňa zákon č. 85/2005 Z. z. o politických stranách a politických hnutiach v znení neskorších predpisov a ktorým sa mení a dopĺňa zákon č. 333/2004 Z. z. o voľbách do Národnej rady Slovenskej republiky v znení neskorších predpisov*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=4324>).
- National Council. 2013b. *Vládny návrh zákona, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony*. Bratislava: Národná rada SR (<http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=4355>).
- Nicholson, Tom. 2008. 'Svet vidí tlačový zákon ako nedemokratický.' *sme.sk*. 4th February 2008 (<http://www.sme.sk/c/3711005/svet-vidi-tlacovy-zakon-ako-nedemokraticky.html>).
- Petranská Rolková, Natália. 2013. *Ústava Slovenskej republiky a jej dvadsaťročný vývoj (1992–2012)*. Bratislava: Národná rada SR.
- Příbáň, Jiří and Sadurski, Wojciech. 2007. 'The Role of Political Rights in the Democratization of Central and Eastern Europe.' In: *Political Rights under Stress in 21st Century Europe*. Ed. Wojciech Sadurski. Oxford: Oxford University Press, 196–238.
- Procházka, Radoslav and Káčer, Marek. 2013. *Teória práva*. Bratislava: C. H. Beck.
- Sajó, András. 2005. *A szólásszabadság kézikönyve*. Budapest: MTA Állam és Jogtudományi Intézet.
- SITA. 2011. 'Novela tlačového zákona je na vláde.' *aktuality.sk*. 21st February 2011 (<http://www.aktuality.sk/clanok/182636/novela-tlacoveho-zakona-je-na-vlade/>).
- Školkay, Andrej and Hong, Mária and Kutaš, Radoslav. 2011. *Does media policy promote media freedom and independence? The case of Slovakia*. School of communication and media (<http://www.mediadem.eliamep.gr/wp-content/uploads/2012/01/Slovakia.pdf>).
- Slovak Helsinki Committee. 2012. *Výhlásenie Helsinského výboru pre ľudské práva k otázke slobody prejavu na Slovensku*. Bratislava: Helsinský výbor pre ľudské práva na Slovensku.
- Smolla, Rodney A. 1992. *Free Speech in an Open Society*. New York: Knopf.
- Staník, Miroslav. 2014. 'Vydavateľ Nového Času uspel na medzinárodnom súde: Štrasburg rozhodol, že bola porušená sloboda slova!' *cas.sk*. 14th January 2014 (<http://www.cas.sk/clanok/270182/vydavatel-noveho-casu-uspel-na-medzinarodnom-sude-strasburg-rozhodol-ze-bola-porusena-sloboda-slova.html>).
- Steiner, Jürg and Bächtiger, André and Spörndli, Markus and Steenbergen, Marco R. 2004. *Deliberative Politics in Action. Analysing Parliamentary Discourse*. Cambridge: Cambridge University Press.
- Steuer, Max. 2014. *Freedom of Speech under Pressure? Analyzing Judicial Decisions and Political Discourse in Slovakia*. Bachelor Thesis. Comenius University, Faculty of Philosophy, Bratislava.
- Stone, Adrienne. 2011. 'The comparative constitutional law of freedom of expression.' In: *Comparative Constitutional Law*. Eds. Tom Ginsburg and Rosalind Dixon. Cheltenham: Edward Elgar.
- Szomolányi, Soňa. 1999. *Kľukatá cesta Slovenska k demokracii*. Bratislava: Stimul.
- TASR. 2011. 'Novela tlačového zákona prešla prvým čítaním.' *sme.sk*. 23rd March 2011 (<http://www.sme.sk/c/5820464/novela-tlacoveho-zakona-presla-prvym-citanim.html>).
- Taniyici, Şaban. 2010. 'Europeanization of Political Elite Discourses in Turkey: A Content Analysis of Parliamentary Debates 1994–2002.' *Turkish Studies* 11, no. 2, 181–195.
- The Constitution of the Slovak Republic* (460/1992 Coll.).
Transcript of the fifth parliamentary session of the National Council, 31 August – 1 September 1992.
Transcript of the fourth parliamentary session of the National Council, 19–26 January 1995.
Transcript of the sixth parliamentary session of the National Council, 5–7 April 1995.

- Transcript of the eleventh parliamentary session of the National Council*, 8 November 1995.
- Transcript of the fourteenth parliamentary session of the National Council*, 26 March 1996.
- Transcript of the twenty-first parliamentary session of the National Council*, 16 December 1996.
- Transcript of the twenty-fourth parliamentary session of the National Council*, 11 February 1997.
- Transcript of the forty-ninth parliamentary session of the National Council*, 10 July 1998.
- Transcript of the twenty-sixth parliamentary session of the National Council*, 4 February 2000.
- Transcript of the fifty-first parliamentary session of the National Council*, 7 September 2001.
- Transcript of the fifty-second parliamentary session of the National Council*, 7 November 2001.
- Transcript of the twenty-second parliamentary session of the National Council*, 4 March 2004.
- Transcript of the thirty-sixth parliamentary session of the National Council*, 20 January 2005.
- Transcript of the forty-first parliamentary session of the National Council*, 15 March 2005.
- Transcript of the forty-second parliamentary session of the National Council*, 20 May 2005.
- Transcript of the eighteenth parliamentary session of the National Council*, 21–22 January 2008.
- Transcript of the nineteenth parliamentary session of the National Council*, 6–7 February 2008.
- Transcript of the twentieth parliamentary session of the National Council*, 8–9 April 2008.
- Transcript of the twenty-eighth parliamentary session of the National Council*, 6 November 2008.
- Transcript of the thirty-fifth parliamentary session of the National Council*, 24 April 2009.
- Transcript of the thirty-ninth parliamentary session of the National Council*, 16 June 2009.
- Transcript of the forty-first parliamentary session of the National Council*, 15 October 2009.
- Transcript of the forty-third parliamentary session of the National Council*, 28 October 2009.
- Transcript of the sixteenth parliamentary session of the National Council*, 23 March 2011.
- Transcript of the twentieth parliamentary session of the National Council*, 28 June 2011.
- Transcript of the twentieth parliamentary session of the National Council*, 13 July 2011.
- Transcript of the eight parliamentary session of the National Council*, 6 November 2012.
- Transcript of the fourteenth parliamentary session of the National Council*, 8 February 2013.
- Transcript of the sixteenth parliamentary session of the National Council*, 15 March 2013.
- Transcript of the twenty-third parliamentary session of the National Council*, 10 September 2013.
- van der Valk, Ineke. 2003. 'Right-Wing Parliamentary Discourse on Immigration in France.' *Discourse Society* 14, no. 3, 309–348.
- Višňovský, Emil. 2013. 'John Stuart Mill: sloboda a šťastie.' In: *Dejiny sociálneho a politického myslenia*. Eds. František Novosád and Dagmar Smreková. Bratislava: Kalligram.
- Wilfling, Peter and Kováčeková, Eva. 2011. *Sloboda prejavu a žaloby na ochranu dobrej povesti*. Pezinok: VIA IURIS.
- Wilfling, Peter. 2012. *Zákon o slobodnom prístupe k informáciám. Komentár. Problémy z praxe. Rozhodnutia súdov*. Pezinok: VIA IURIS.