

## Recenzje

DOI 10.14746/ssp.2020.2.11

**Stanisław Adam Paruch, *Efektywność ochrony praw człowieka Rady Europy i Unii Europejskiej*, Wydawnictwo Adam Marszałek, Toruń 2019, pp. 483.**

### **The European Union Safeguards Human Rights and the Ongoing Process of Militant Democracy in the Member States<sup>1</sup>**

It seems that in the world in which environment protection, animal care, an orientation toward minimalism, and the return to nature are becoming increasingly popular, a high level of human rights protection has been achieved. However, nothing could be further from the truth. Although people nowadays are becoming more aware, and civilization is developing at a faster pace, human rights are being violated every day around the world. Torture and humiliation are commonplace in some parts of the globe. In Europe, attempts are being made every day to restrict human rights, even through the use of legal means. The category of *militant democracy* is helpful to understand the process, and is used to define the political regime in which the parliament (Marszałek-Kawa, 2019) and the judiciary have legal means to limit individual democratic freedoms, such as religious freedom (Müller, 2012, p. 1119) or electoral rights (Ijabs, 2016, p. 289), and thus defend democracy against those who are considered its enemies (Loewenstein, 1937, p. 418; Molier, Rijpkema, 2018). In this situation, the book entitled *Efektywność ochrony praw człowieka Rady Europy i Unii Europejskiej* [Effectiveness of the protection of human rights by the Council of Europe and the European Union], written by Stanisław Adam Paruch, appears to be extremely important and interesting.

The publication consists of an introduction, four substantive chapters and a conclusion. In the first chapter, the author provides a general description of the human rights protection system, distinguishes different ways of evaluating effectiveness and establishes criteria by which this effectiveness can be analyzed.

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<sup>1</sup> This paper is a result of the research project Contentious Politics and Neo-Militant Democracy. It was financially supported by the National Science Centre, Poland [grant number 2018/31/B/HS5/01410].

Chapters two and three examine the effectiveness of the institutional system for the protection of human rights in the Council of Europe and the European Union. The author presents their genesis, identifies and outlines the sources of protection of human rights and institutions responsible for such protection, then turns to factors that are important for the effectiveness of these institutional systems, and finally assesses their effectiveness. The last chapter is primarily an attempt to identify mechanisms and solutions that can contribute to increasing the effectiveness of the European human rights protection system, highlighting the key role of the Council of Europe and the European Union. The author also formulates postulates that indicate the need to cover new areas and suggests the direction this should take.

Nevertheless, the publication is not without its weaknesses. First of all, the *historical or genetic method* is purely descriptive, and thus lacks a nomological or explanatory element. Scholars should avoid this method, but fortunately, in this publication it has a rather auxiliary function. Sometimes, the author uses colloquialisms or simplifications, such as “inborn weakness” (p. 392) in relation to the system, or a “normal case” (p. 413). Although sometimes enclosed in quotation marks, in academic language such mental shortcuts should be avoided for the sake of precise wording. Despite these minor slips, the publication is highly valuable. The author performs thorough analyses, and each chapter corresponds to a previously presented research hypotheses. The very valuable bibliography and adequate selection of sources for the subject studied are also noteworthy. In addition, there is no doubt that the monograph in question has been prepared on the basis of a very high level of academic expertise, and the author has demonstrated great proficiency and knowledge of the subject matter studied.

The publication certainly deserves to be brought to the attention of a wide group of readers. It is interesting not only for lawyers and students of European studies, but also for political scientists. The publication would seem to be of particular interest to researchers of militant democracy, because it prompts a reflection on why, despite the existing institutions and solutions in the field of human rights protection, one can observe the progressive process of militant democracy and limits being placed on further rights. Perhaps this is another reason and criterion that should be included in the study of the effectiveness of these institutions.

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