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# **POLITICS** **in Central Europe**

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# ESSAYS





# Introduction to the Special Issue<sup>1</sup>

MATEVŽ TOMŠIČ



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Europe and the world are in a turbulent historical period. The taken-for-granted arrangements that had been established before World War II were coming to an end. Consensus on the fundamental elements of the European institutional order is being replaced by increasing polarisation. There is still a lot of talk in political, academic, and media circles about European values, democracy, the rule of law, the protection of human rights, and the like. However, there are quite different ideas about their essence and content.

There is no doubt that the process of European institutional integration that resulted in the formation of the European Union made a decisive contribution to the long-lasting period of peace in Europe. After the collapse of the communist regimes in 1989, the opportunity presented itself for the 'old continent' as a political association to begin living its full life as a whole. It seemed that the process of enlargement would take place in a gradual and orderly way and that the period of peace and prosperity would continue; in short, Europe would live in a kind of paradise, a paradise whose security, as Robert Kagan said, was provided by the USA with its military force.

However, the situation has changed significantly in this millennium. Recurring crises caused both the European institutions and the member states to deal primarily with solving problems they brought. The peak of these crises was the Russian aggression against Ukraine at the beginning of 2022. A war has broken

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<sup>1</sup> Cofunded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

out on the very borders of the European Union, which has now raged for several years and which until recently seemed unthinkable.

In recent years, European political leadership has not been particularly successful. Europe has lost its global power and influence. Its economy began to weaken compared to the USA and China, mainly due to excessive burdens and overregulation, the basis of which was different ideological delusions that also inspired measures that threatened agriculture and, thus, the ability of Europeans to provide for themselves. The geopolitical weight of the European Union is also gradually decreasing, despite some positive developments, especially unity in condemning the Russian aggression against Ukraine and the commitment to help the attacked country; this is mainly the weakness of the military capacities available to European countries.

European politics is facing numerous challenges, which are conditioned by both external and internal factors. On the one hand, global problems include migration, climate change, and security threats. The power and influence of authoritarian powers such as China and Russia are growing worldwide, trying to influence events in the European neighbourhood and within the European Union itself. The latter is mainly active in this regard. Although Russia is not able to directly stop the expansion of NATO and the Union, it can try to undermine weak democracies in Eastern Europe and the Western Balkans by spreading distrust in democratic institutions and pro-Western politics on the one hand and by propagating anti-democratic and anti-Western political forces on the other. On the other hand, the European Union is facing the challenges of maintaining internal cohesion while respecting the differences between member states. In many countries, distrust in established politics is growing. We are dealing with the rise of populism and political extremism, regardless of political affiliation. The bearers of populist and extremist ideas are diverse, but most of them are directed against the European Union. This poses a potential threat to the long-term existence of the European political union. This is linked to the aforementioned ineffectiveness of politics in solving problems and a lack of leadership.

A significant challenge is also posed by developments in the media field, especially the role of the so-called social media, which, on the one hand, opens up space for the inclusion of a large number of people in the public space but, on the other hand, enables the spread of disinformation and 'fake news'. Much thought and sensitivity are required to deal with these negative media phenomena. While ensuring the conditions for correct and credible media reporting, care must be taken to maintain the greatest possible freedom of expression. The wisdom of political decision-makers is of crucial importance in such cases.

The special issue *Media, Populism, and the Future of Democracy* was produced within the framework of the Jean Monnet Centre of Excellence project *Media, Populism and Political Stability in the European Union* (MEDIAPOP), which the European Union funded. The articles deal with various aspects of the devel-

opment dynamics in Europe's political and media fields. Topics such as the characteristics of populism and the reasons for its rise or the characteristics of social media and their impact on political events are discussed in an in-depth, comprehensive and systematic manner. The authors' analysis is based on divergent but compatible methodological approaches. The contributions combine analysis of general trends, comparative analysis, and discussion of relevant case studies. As such, they make an essential contribution to a deeper understanding of what is happening on the European political and media scene.



# Who or What Caused the Rise of Populism?

MATEVŽ TOMŠIČ



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**Abstract:** *The article deals with who or what led to strengthening populist politics and its agents. This is a mutual combination of structural, cultural, political, media, etc. factors whereby one must recognise specifics in each country. However, the author pays special attention to the role of established elites, mainly political, but also others – i.e. business, intellectual and media in this respect. He claims that these elites bear a large part of the responsibility for the rise of populism because their irresponsibility, unresponsiveness and inefficiency in solving key social problems caused a sharp decline in trust in established politics and its leaders. This ‘lack of leadership’ offered populists a political ‘niche’ that some took advantage of.*

**Keywords:** *populism, elites, leadership, political developments, Europe*

## Introduction

Few phenomena in the context of the political dynamics of modern democracies receive as much attention as populism (see, for example, Mudde 2004; Mudde & Rovira Kaltwasser 2017; Tarchi 2016). The label ‘populist’ is used for political leaders, parties, movements, actions and regimes (Vittori 2017). Populism is connected with events considered major political upheavals, such as the victory of Donald Trump in the 2016 US presidential elections and the victory of Brexit supporters in the referendum on the United Kingdom’s stay or exit from the European Union in the same year. Both happened against the predictions of most political analysts and opinion polls. Many have declared them to be the result of misinformation, manipulation or even lack of judgment on the part of the masses (Hume 2017). The rise of radical right-wing parties in many European countries is also in the category of events that upset mainstream

politics and the public, particularly since, in some places, these parties are part of government coalitions. Two relatively recent examples are the relative victories of the Party for Freedom of Gert Winders in the 2023 parliamentary elections in the Netherlands and the Freedom Party of Austria of Herbert Kickl in the 2024 Austrian parliamentary elections. According to the prevailing belief of politicians and other opinion leaders, it is problematic for the stability and development of Europe and the expansion of the European Union. We heard similar warnings before the 2024 elections to the European Parliament when a concrete shift to the ‘right’ was expected to occur, with the strengthening of far-right and Eurosceptic parties in particular.<sup>1</sup>

Populism is not new; the first political parties and movements declared ‘populist’ appeared in the 19<sup>th</sup> century.<sup>2</sup> The phenomenon became more frequently thematised in the second half of the 20<sup>th</sup> century. It is worth noting the large conference organised in 1967 at the London School of Economics, where they sought to clarify the key dilemmas and conundrums related to the conceptualisation of populism (Berlin et al. 1968). Research interest in this phenomenon experienced a real boom in this century. This relates to many changes in the functioning of democratic political spaces, especially with the emergence of new political actors, including those that cannot be unilaterally placed within the framework of existing political-ideological schemes. Populism is the subject of interest in various scientific disciplines (Hunger & Paxton 2021; Naxera et al. 2024; Zhang & Liao 2023) which deal with the types of populism, its characteristics, origins and regional peculiarities, as well as its impact on social and political dynamics.

In the latter context, populism’s relation to democracy plays a vital role. More concretely, the dominant focus highlights its adverse effects on democratic life in Europe and worldwide. It is often even used as a label that members of established political elites and their supporters stick to their critics (Blokker & Anselmi 2020). Political leaders branded as populists are usually negatively portrayed by mainstream politicians and other opinion leaders. It is no secret that populist politics is directed not only against the established political elites but also – at least some elements of – against the institutional structure itself. The rejection of pluralism, neglecting the rule of law, and the negative attitude towards various social minorities are most often highlighted (Albertazzi & McDonnell 2008; Mudde & Kaltwasser 2017; Mueller 2016; Mounk 2018; Urbinati 2019). This is supposed to be especially true of new

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1 This was only partially realised. The right-wing parties – both moderate and radical – indeed grew stronger. However, the three largest political groups (the centre-right *European People’s Party*, the centre-left *Progressive Alliance of Socialists and Democrats*, and the centrist *Renew Europe*) remained a comfortable parliamentary majority.

2 This was the case of the *American People’s Party* (a left-wing agrarian political party that was particularly strong in Western and Southern parts of the country) or the *Narodniki* (a political movement specifically advocating the interests of the Russian rural population that strongly opposed the tsarist regime) in Russia.

democracies, such as those in Central and Eastern Europe since it is said their versions of populism are characterised by a high level of exclusivism (higher than its Western version) and associated with tendencies to introduce ‘illiberal democracy’ or even overt authoritarianism (Bugarič 2019; Halmai 2019; 2024).<sup>3</sup> However, on the other hand, some in the minority perceive populism more positively, as they see it as an egalitarian impulse against oligarchic tendencies (Borriello et al. 2023) and a possibility for the rejuvenation of democracy (Laclau 2005; Mouffe 2016), increasing political participation of the citizenry and giving voice to ordinary people whose opinions are often neglected by established elites (Canovan 1999).<sup>4</sup>

A mutual combination of factors caused the rise of populism. In this, we cannot ignore the role of political decision-makers. We are talking about members of the political elite whose actions direct political events and thus strongly influence people’s lives. An important role is played by the attitude of the political elite towards the citizens and between individual factions of the political elite. Some authors, such as Higley (2021), believe that the rise of populism in the West is connected with undermining consensus within the elite. In this regard, populist political actors, with their destructive actions (mainly constant attacks on the system’s institutions and their holders), are said to be among the main culprits for such events. This is expected to lead to political and broader social destabilisation. Also, other authors like Levitsky and Ziblatt (2018) and Bartels (2023) highlight populist political leaders as contributing to the erosion of the democratic system. Much less attention is paid in the academic research to members of established elites, or more specifically, to their responsibility for the rise of populism. However, during this time (when populist parties and movements were gaining popularity), they were firmly in power most of the time in most European/Western countries.

This article seeks to fill this gap. In dealing with factors that contributed to the rise of populism in Europe<sup>5</sup> in the last couple of decades, its primary goal is to explore the impact of the established elites, i.e. traditional political forces that still hold the most power positions within European polities. It thematises their conduct, particularly in crises, and the perception of the elites by the citizenry. The central thesis is that these elites bear a large part of the responsibility for the rise of populism because their irresponsibility, unresponsiveness and inefficiency in solving critical social problems caused a sharp decline in trust in established politics and its leaders. This ‘lack of leadership’ offered populists a political niche, which some took advantage of to build their appeal and spread their political agenda.

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3 Such practices can easily lead to human rights violations and degradation of democratic political culture (Kleindienst & Tomšič 2022).

4 For example, the recent study of Huber and Van Hauwaert (2024) shows that populist-oriented citizens are more prone to participate in politics beyond the electoral arena.

5 The focus is on developments in the European Union in this century.

## The character of populism

When discussing populism, we must remember that we deal with a divergent political phenomenon in various respects (Tomšič 2023). Despite its global occurrence – or perhaps because of it – it isn't easy to give a single and universally acceptable definition. The ambiguity of this concept is one of its main characteristics (Petri 2023). Suppose there is no consensus within the academic community about what populism is. There is even less of that in political circles and the general public, as it often adapts to political and other needs.

Populism can be thematised at least from the following perspectives: political ideology, political conduct, political strategy and style of political communication (Tomšič 2022). As an *ideology*, populism is quite inconsistent and diverse. It cannot be easily placed on left/right continuum (Kaufmann & Haggard 2019). However, what it has in common is that, according to Mudde (2004: 534), it considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people versus the corrupt elite' and claims that 'politics should be an expression of the *volonté générale* (general will) of the people'. *Political conduct* refers primarily to how political organisations are managed and political processes are directed, with a special emphasis on the relationship between the leader and his followers. According to some (Pappas 2016; Urbinati 2014), populism is related to the personalisation of politics, which means strengthening the role of political leaders vis-à-vis other actors within political parties (Cabada & Tomšič 2016; Tomšič & Prijon 2013). Although populist politics is often associated with a strong role of leaders, we cannot say that the existence of dominant leaders is its only characteristic.<sup>6</sup> The *political strategy* is primarily intended to mobilise supporters of the populist agenda (Weyland 2017). This is especially relevant before each election. It is primarily a matter of choosing topics that appeal to 'ordinary citizens', whose protectors the populists present themselves to be. This strategy is strongly related to the *style of political communication*. Some authors see populism primarily as a specific way of expressing and disseminating political messages (Jagers & Walgrave 2007; Moffit & Torney 2014; Krämer 2017). Populists are characterised by a simple way of expressing themselves behind unequivocal messages, which often paint a pronounced 'black and white' picture of the situation in politics and society (where it is clear who the 'good guys' are and who the 'bad guys' are). Discourse is generally designed to play on people's emotions. Populist communication rests on strong 'face-to-face' contact between the leader and his supporters and intensive media communication (Tomšič & Prijon 2013). Regarding the latter, social media plays a vital role (Mazzoleni & Bracciale 2018; Prior 2024). This kind of politician is keen

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6 One shall refer to French President Emanuel Macron's party *Rainissance* which has strong personal character but cannot be labelled as populist.



to present themselves as ‘men of the people’ who deeply understand the needs and wishes of ordinary citizens. They nurture the image of ‘self-made men’ who, regardless of their wealth, feel with and for ordinary people.

Populism is thus not something unified. We can discuss ‘varieties of populism’ (de Radt et al. 2004; Gidron & Bonikowski 2013; Ivaldi et al. 2017). It is diverse in terms of *ideological orientation*. Both in academic circles and the general public, the most talked about is right-wing populism when parties are mentioned, such as *the National Rally in France*, *the League in Italy*, *the Freedom Party in Austria* or the *Party for Freedom* in the Netherlands, as they have the greatest weight in general in terms of election results. However, in some places, we also deal with strong left-wing populism, like *Syriza* in Greece, *Podemos* in Spain and *Left* in Slovenia. There is also a so-called centrist populism, as with *ANO 2011* in Czechia. Some populists even reject political positioning, claiming to be ‘above ideological divisions’. Further, populists differ regarding their *thematic focus* – that is, their central theme – with which they wish to gain the electorate’s support. Some raise the issue of migration; others raise the issue of regional autonomy or national sovereignty and still others focus on the fight against capitalism. There are also differences in their orientations in terms of *international alliances*. In the European environment, this mainly refers to the attitude towards Russia. On the one hand, we have populists who are pro-Russian and who show sympathy for the regime of President Putin. On the other hand, we have those who are anti-Russian. They were the first to dominate until the Russian aggression against Ukraine, but then some of them began to renounce their support for Putin (an example of this is the French *National Rally*).

Despite all these differences, we can talk about the conceptual specificity of this phenomenon. Specific characteristics are common to different variants of populism. When we talk about these features, it is necessary to point out, in the first place, *anti-elitism*. This is typical of right and left, pro-Russian and anti-Russian populists. This is expressed in their ideas, rhetoric and how they address citizens. As Vachudova (2021: 474) observes, populism is a mechanism for appealing to voters by promising ‘to defend the people against establishment elites by arguing that these elites are protecting and expanding their own privileges at the expense of ordinary citizens’. It is a clear opposition to the established elites. Populists are not only against the political elite but also against other influential groups, such as the business or intellectual elite. Elite circles are often understood as a unified entity with group values, goals and intentions. Members of these elites are presented as selfish, incompetent or even exploitative. These elites are often accused of acting in concert with external forces, neglecting the interests of the ‘native’ population and giving ‘others’ (international corporations, migrants) priority over them.

Populists also have in common that they generally understand political and social life in a distinctly collectivist way (Forgas et al. 2021). They address wider

collectivities (nation, religious community, class – depending on the ideological sign) rather than the individual. They perceive the *political community as a single and indivisible entity*, as a community with its own values, ideals, desires and interests (Lavi 2022). In their political appeals, they refer to the people as a whole. That is why they do not favour pluralism (or are at least sceptical of it), as it leads, according to their belief, to undermine people's unity. This is also related to rejecting the separation of powers (in the sense of the 'checks and balances' principle). They portray the populist agenda as an 'emanation of the popular will'. Therefore, once in power, a leader, party or movement following this agenda should have a 'free hand' in making mutually binding decisions. Populists see the existence of institutions that could hinder this as an unnecessary distraction. Thus, when populists come to power, they generally favour the concentration of authority in the hands of the executive branch.

And finally, in the context of the European Union, populism is linked to *Euroscepticism*. Almost all populist parties are also Eurosceptic and vice versa (Conti 2018). However, it is necessary to distinguish between harder and softer variants of Euroscepticism, the former advocating the exit of their countries and the European Union, while the latter merely a loosening of the European political connection (i.e. the return of powers to the hands of the member states). At the global level, populists are usually *anti-globalist* oriented, meaning that they reject global neoliberal capitalism, criticise transnational corporations and oppose the authority of transnational political organisations. In their opinion, 'globalist' institutions and their holders undermine the sovereignty of national states by their actions, especially by their tendency to establish uniform mechanisms and binding rules for regulating matters in critical social areas.

However, populist policies and measures depend on a country's specific circumstances. Relationships with other political protagonists and their positions (mainly whether they are in the government or the opposition) also play an important role. If populists are in power, they often adapt to the new situation and adopt a more pragmatic stance.

We can say that the very phenomenon of populism largely defines the attitude towards the established elites, in the sense of a clear rejection of their character and way of conduct. In this regard, it is paradoxical that some leaders that are often labelled as populist, such as Silvio Berlusconi, Donald Trump or Andrej Babiš, were very rich and influential before entering politics. This means that they were already part of the elite at that time. However, they managed to communicate this fact in a way that make it irrelevant in the eyes of many voters.

## Differences in the strength of populist actors

Despite the numerous claims that populism is rising in Europe, there are significant differences between countries. This is related to different socio-

-economic circumstances and relationships within the political space. In the latter, relations within the political elite and the relationship between political decision-makers and citizens play an important role (mainly the perception of the former in the eyes of the latter).

On the one hand, we have a country like Italy, which some call the ‘promised land of populism’ (Tarchi 2015). The phenomenon of Silvio Berlusconi, the multiple-time prime minister, was associated with populism, and his politics characterised the last decade of the previous and the first decade of this century. Also, in the current Italian government coalition, there are two parties (*Brothers of Italy* and *League*), which are usually labelled as populist (only with the third coalition party, which Berlusconi once led, this label is no longer associated as a rule); it is similarly considered one of the main opposition parties (*Five Stars Movement*) (Pettrachin & Paxton 2021). On the other hand, in some countries populism is not very perceptible. However, for most European countries, at least one of the parties represented in the parliament can be characterised as populist.

This is related to considerable differences in the power of populist politics in terms of electoral support for populist parties and movements as well as the strength of the latter in the decision-making process (i.e. to what extent are they integrated into government structures). Populists are the strongest in Hungary, where the *Fidesz* party of Prime Minister Viktor Organ has been a *de facto* ruling political force since 2010. A similar situation was in Poland until the 2023 parliamentary election ended the eight-year domination of the national-conservative and traditionalist *Law and Justice* party. In some countries, populist parties form a coalition, as in the case of Slovakia (*Direction – Social Democracy, Voice – Social Democracy, Slovak National Party*) or have a majority in the government coalition, as is the case with Italy<sup>7</sup> or the Netherlands (*Party for Freedom, Farmer-Citizen Movement*)<sup>8</sup>; a similar situation existed in Czechia between 2017 and 2021 (with *ANO 2011* as major coalition partner). In others, they are junior partners in government coalitions, as with Spain (*Podemos*).<sup>9</sup> Even when populists are not in power, their political ‘weight’ varies significantly. In certain countries, populists are not in government but have some political influence, as in France (*National Rally*) and Sweden (*Swedish Democrats*).<sup>10</sup> However, there are also countries where populists are almost insignificant, playing

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7 In 2018–19, the Italian government comprised two populist Italy parties/movements (*League* and *Five Star Movement*). This was a unique case of an all-populist ruling coalition at that time.

8 At the time of writing this article, the new Dutch government has not yet been officially formed. However, an agreement has been reached on a joint coalition between the *Party for Freedom*, the *People’s Party for Freedom and Democracy*, the *New Social Contract* and the *Farmer-Citizen Movement*.

9 This was also the case in Austria during the former government, where the *Freedom Party* was a junior partner.

10 Although not in government, the Swedish Democrats support the current centre-right minority government, which allows them to influence its orientation and policies.

the role of a weak opposition at best (for example, Ireland). However, it must be said that even some parties which are not usually characterised as populist contain evident populist characteristics, both in terms of the way they communicate and in terms of political decisions.<sup>11</sup>

We must also be aware that support for populists (as well as other non-populist political protagonists) is changing. Thus, after Trump's presidential victory and the referendum victory of Brexit supporters in 2016, support for populists began to decline (not least, Trump lost the election in 2020). Nevertheless, in recent years, there has been a resurgence of populists in many European countries. This was partially demonstrated by the 2024 elections for the European Parliament.

We can state that manifestations of populism are specific to each country. They depend on the historical heritage and the characteristics of the national political culture, i.e. dominant values and ideological orientations. Different national traditions are among the leading causes of the above-mentioned earlier of populism, i.e. the existence of several types of populism in Europe. As mentioned, an important role is also played by the socio-economic circumstances in which the individual country is located. In principle, it is considered that aggravated conditions, defined by uncertainty, hardships and frustrations of a certain part of the population, create an opportunity for the rise of populist parties and movements that exploit these sentiments to promote their agenda, mainly by blaming established politics for such a situation. However, this depends on one's political skill, the charisma of populist leaders and the reaction of established parties to the challenges posed by populist politics.

Despite this, we can talk about certain regional patterns. There are differences in the manifestations of populism in the European 'West' and the 'East', i.e. between established and new post-communist democracies (Tomšič 2022). In general, populists in the East represent a stronger political force than the rest of Europe. Populist politicians more often become part of the political mainstream, occupying government positions. There are several examples of so-called populist 'niche parties' that reject traditional class-based orientation of politics, transcend socio-economic cleavage, and are – unlike traditional 'catch-all parties' – focused on a narrow set of non-economic issues (Meguid 2005; Wagner 2012) usually with a strong personalised character that succeeded in their march to power (*Direction – Social Democracy* in Slovakia, *GERB* in Bulgaria, *ANO*

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11 An example is the *Freedom Movement* in Slovenia, which convincingly won the parliamentary elections in 2022, and its leader, Robert Golob, became prime minister after them. His discourse before the elections was distinctly populist; it was based on uncompromising accusations of established politics, especially the party/government in power at the time, and grandiose promises that he would free people from the tyranny of the previous government and reform almost all areas of society. He continued with this rhetoric even after he ascended to the head of the executive branch. He made many promises (for example, he promised judges and prosecutors a salary increase of 600 euros), which turned out to be unfulfillable.

2011 in the Czechia). However, this trend later appeared in several established European democracies (Netherlands and Austria are the most evident recent examples). Certain phenomena, especially a high degree of political polarisation and citizens' dissatisfaction with the behaviour of established political elites (more on this below), which were once characteristic of the so-called 'new' democracies from the Western part of Europe, are now becoming more and more prominent in the 'old' democracies from the Western part of the 'old continent'.

'Eastern' populism is often highlighted as a particularly problematic version. It is associated with tendencies to introduce 'illiberal democracy' or even overt authoritarianism (Bugarič 2019). The ruling populists are accused of introducing (post) authoritarian practices like exerting control over media and undermining the principles of the rule of law (Bugarič & Kuhelj 2015; Lengyel & Ilonszki 2012). Populism in Central and Eastern Europe is characterised by a high level of exclusivism (higher than its Western version) in terms of a negative attitude from ethnic and other minorities and opposition to mass migration. However, to understand populism in East-Central Europe, and especially the popularity of populist leaders and their parties, it is important to understand the collective memory of the people in this region, which stems from the experience of the communist era. Due to its long-standing subordination to the regional hegemon (the Soviet Union at that time), the importance of maintaining national sovereignty is significantly higher than in the West. Due to this, in these countries, the main focus is on the protection of national self-determination from external interference (Verovšek 2019). What is understood from the side of the liberal established elites as populist nationalism is seen by a large part of the population in Central and Eastern European countries as defending the hard-won right to decide on matters of vital importance to them within their national institutions.

## Factors in the rise of populism

There are different explanations for the causes of the increasing popularity of populists in the West. Various meta-analyses that deal with research on them (Berman 2021; Scheiring et al. 2024) establish the co-influence of multiple factors, with their relevance varying for different forms of populism. In general, we can talk about four interrelated sets of factors: a) economic, primarily related to the nature of globalisation; b) political, related to the crisis of democracy, c) cultural, related to changes in values and the role of certain ideologies, and d) actor-related, mainly related to the activities of political elites. The first three will be presented in this section, while the last will be discussed in the following section.

Economic explanations of the rise of populism usually link it with the *consequences of globalisation*. The tensions resulting from the globalisation processes

in the economic (and also the political and cultural spheres) strengthen people's susceptibility to the messages of populist politics. Some authors, such as Rodrik (2017; 2021), believe that globalisation has gone too far and that the emergence of populism should be understood as a reaction to an insufficiently regulated free trade system. The globalisation based on neoliberal platforms brings about phenomena such as outsourcing, which means the migration of specific economic sectors from the West to the so-called Third World (where labour costs are lower), threatening job security in these industries. In many countries, people fear the loss of sovereignty due to being flooded with foreign capital, which raises the fear of dependence on large foreign corporations. In addition, the relaxation of the flow of people has led to mass immigration, which raises the fear of job loss (due to cheaper foreign labour) and loss of cultural identity, since many immigrants also come from environments that are very culturally different. Indeed, the effects of globalisation are contradictory: they are beneficial for some countries, regions or social groups and harmful for others. This is especially evident during economic crises, such as the one that erupted in 2008, since they always affect a particular part of the population. The social hardships caused by the crisis lead to frustration and dissatisfaction with the situation; populists take advantage of and play on this dissatisfaction by emphasising that established politics is responsible for their hardships.<sup>12</sup>

The rise of populism occurred in a situation characterised by many problems democratic polities are dealing with. Some even speak about the *crisis of contemporary representative democracy* (see, for example, de Benoist 2011; Torney 2014; Moises 2019). It seems that the citizens are becoming increasingly disillusioned with mainstream politics (Moffitt 2016) and even support for democracy as a system of government has weakened (Przeworski 2019). The increasing representation gap between traditional political parties and electorates in many democracies (Keman 2017) indicates the alienation of the former from society. The decreasing trust in political institutions is evident in many Western democracies. However, it is even more profound in the new democracies in Central and Eastern Europe. It is in these democracies that political parties are among the most distrusted institutions (Makarovič & Tomšič 2015). The result of this is a growing apathy among citizens, which is expressed in an ever-decreasing willingness to actively engage within the framework of established political institutions. Several public opinion surveys, which measure people's attitude towards democracy and various types of management and leadership (European Values Survey, World Values Survey, Pew Research Centre, European Social Survey), offer data showing that a considerable part of the European popu-

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12 Of course, the effects of globalisation processes depend significantly on the characteristics of the system arrangement. These characteristics also affect the scope and character of populism. According to Roberts (2019), different variants of populism have structural and institutional foundations in distinct patterns of capitalist development.



lation is disappointed with the political elite and the parliamentary form of democracy (Adam & Tomšič 2019). At the declarative level, people still respect democracy, but it is not the first choice for many, some of whom even support non-democratic forms of government that they believe would be more effective (e.g., a strong leader who operates outside of parliament). Some observers (for example, Foa & Mounk 2016) even warn against the deconsolidation of democracy, which should be brought about by the withdrawal of support for democratic institutions and the growing popularity of radical ‘anti-system’ political forces.<sup>13</sup>

Populism can also be understood as an expression of *resistance to the ideological currents* that advocate transnational integration and question the primacy of national identity. Authors like Norris and Inglehart (2019) speak about the ‘cultural backlash’ in terms of the defence of traditional values (which are supposed to be ‘under attack’ by progressivism). Others discover specific ‘populist attitudes’ (Schulz et al. 2018; Akkerman et al. 2019). However, different (not only progressive) ideologies are targeted by populists. This refers to the aforementioned neoliberalism, which represents the ideological basis of globalisation – especially in the economic field (Cayla 2021).<sup>14</sup> The latter rejects the need to maintain social equality in its distinct individualism. It advocates the deregulation of financial and other relations, thereby reducing the role and importance of the (national) state in ensuring social well-being. As a result, this also means neglecting the importance of collective forms of belonging as a framework for maintaining social cohesiveness. However, the most common target of populists is multiculturalism, which is accepted and even promoted by a significant part of established elites. As an ideology,<sup>15</sup> multiculturalism rests on the notion that cultural diversity is almost inherently positive. It claims that individual culturally specific communities must have the right and the opportunity to cultivate their values, customs and lifestyles (Heywood 2012). Multiculturalism related to the rise of post-materialist values, as described by authors like Inglehart (1977; 1990), argues for equality among these communities, focusing on protecting the rights of minorities (for example, immigrant communities within European societies) *vis a vis* cultural majority. Some even perceived it as something universalistic. However, many people blamed the multicultural views of (a segment of) the elite as the reason for poor handling of migration, particularly from the Third World. In particular, the right-wing

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13 One needs to state arguments that oppose the thesis of decreasing support of democracy (see, for example, Bartels 2023).

14 It has to be noted that in certain regions, we can witness neoliberal versions of populism (Weyland 1999).

15 Multiculturalism can be seen both as a policy strategy (settling relations between different culturally specific entities—ethnic and religious communities) and as an ideology (promoting the positive nature of intercultural differences). Here, we are focusing on the second aspect since it is the one that is particularly related to the rise of populism.

populists utilised these sentiments, blaming established elites as those responsible for these problems. They have been claiming that, based on their multiculturalist ideology, elites became alienated from the needs and wishes of ordinary 'autochthonous' people (Adam & Tomšič 2020; Tomšič 2022). This led many of them to align with strongmen like Vladimir Putin, who is perceived as a traditionalist and stringent fighter against 'moral decay'.

Various factors must be considered when discussing the reasons for populism's rise. As Baro and Todal Jensen (2024: 18) claim, there is no single model for explaining support for populist parties. The drivers behind the electorate's motives are diverse and derive from specific combinations of conditions and social forces in particular countries. However, the common point is rejectionism. Populism can be understood as a rejection (or at least a strong critique) of the established political and economic order (global capitalism, the European Union) as well as established ideologies (globalism, neoliberalism, multiculturalism). All of this is reflected in the rejection of established political protagonists, i.e. political and other elites perceived as their creators. The following section will discuss the latter's role in its rise.

## **Responsibility of established elites**

Regardless of the importance of systemic factors, it is necessary to realise that in the final stage, political actors are the ones who play a crucial role in making decisions on common matters, thus significantly influencing political and general social dynamics. In this, the political elite plays a key role, which can be defined, according to Higley and Burton (2006: 7), as 'persons who are able, by their strategic positions in powerful organisations and movements, to affect political outcomes regularly and substantially'. The regime's character largely depends on the composition of the political elite (Higley & Burton 1998; Higley & Lengyel 2000; Best & Higley 2010). Other segments of the national elite also play an essential role in this. 'The configuration of elites, i.e. relationships between different factions of the political elite as well as between the political elite and other elite segments (business, cultural elite), along with the elite's profile in terms of prevailing cultural patterns, exert a strong impact on the course of societal development' (Adam & Tomšič 2012: 54). When we talk about established political elites, we consider mainly the leaders of traditional political parties, regardless of their ideological orientation, and people (mainly from these parties) who occupy critical positions in government institutions. People's well-being largely depends on their performance, i.e. the effectiveness of their policy measures, especially when dealing with crucial social challenges.

In recent years, many European countries (as well as the USA) have seen changes in the elite configuration. We are witnessing growing ideological polarisation in politics and society, which means a widening gap and increasingly



frequent conflicts between political groups. This reduces governability in terms of the ability to make appropriate decisions regarding solving key social problems, resulting in suboptimal policy solutions. This, in turn, threatens social cohesiveness, strengthens frustrations among people and undermines trust in the institutions of democratic polity.

The rise of populism occurred in a situation characterised by the poor performance of traditional political parties and their governments (Tomšič 2017; 2022). Their failure to solve key social problems is accompanied by their lack of responsibility, which significantly contributed to the aforementioned weakening of trust in politics and politicians. Many elements are associated with the behaviour of established political parties, such as ideologisation, clientelism, nepotism, corruption, and other dysfunctional practices that contribute to such negative sentiments.

There is a widespread perception of the ineffectiveness of democratic political institutions and the lack of leadership, i.e. the incompetence and irresponsibility of established political elites, both at the national and European level (Adam & Tomšič 2019). This was especially evident in crises. First, we witnessed the poor handling of the first financial crisis in 2008, when the European institutions could not respond in time to some members' high indebtedness and economic weakness, especially Greece. These members had apparent problems with financial discipline and the inability to ensure financial control. However, the deception of some of the Union's leading countries was revealed, and they knowingly allowed it since their private banks (which lent money to these countries) also benefited from it (Mahnkopf 2012). The irresponsibility of the business and political elites, who were primarily responsible for the outbreak of the crisis with their speculations, came to the fore.

The performance was even worse later with the great migrant crisis of 2015. At that time, it turned out that the European Union had no plans to effectively deal with the many people from its near and far surroundings who wanted to settle within its borders. As envisaged by the so-called Dublin Regulation, the migration management system *de facto* collapsed, as it turned out that it could not be put into practice under the given conditions, as some members of the Union (Poland, Hungary, Czechia) explicitly refused to implement it. Each country at whose borders the migrants appeared had to find their own way. This has led to tensions and frustrations on the part of both migrants and the local populations. The approaches of the member states were opposed: one (Germany) invited migrants (especially those from Syria, where a civil war was raging at the time), while another (Hungary) erected fences on their borders. To this, we can add that the integration of migrants, especially those from Muslim countries, has largely failed, which is reflected in many social problems, such as the low level of education and the high level of unemployment in these communities. The migrant crises brought about security problems like an increase

in crime and the rise of terrorism (particularly in the years 2015 and 2016),<sup>16</sup> which created not only resistance to migrants but also feelings of threat among the citizenry. Many saw the cause of this as the incompetence of the ruling elites.

However, it is not only the inaction and inefficiency of the elite. Even their value orientations are often the target of criticism and the object of increasing rejection by a significant part of the electorate. As said, it is about neoliberalism and especially about multiculturalism. The former is defended by a large part of the business elite, while the latter is widespread among both the political and cultural elite (academics, journalists, celebrities, civil society activists). The latter is an integral part of progressive ideological currents connected to the new left (besides multiculturalism, genderism, lgbt-ism, etc. belong to this category), which highlights the rights of various social minorities, advocates value relativism and is generally sceptical of the European cultural tradition. While left-wing populists mainly attack neoliberalism, right-wing populists oppose said progressivism. There is a growing gap between the values of elites and ordinary citizens (with the latter mainly being more traditional – or at least less prone to support a progressivist agenda – than the former), which manifests itself in concrete differences in terms of political orientations. Perhaps this is most evident in the field of migration, where the citizens of the European Union are, in general, significantly less inclined to mass migration – especially from the Third World – and members of the elites.<sup>17</sup> Ignoring the value orientations of ‘ordinary people’ by the established elites leads to an additional erosion of trust in them.

## Conclusion

Established politics, the mainstream media and a good part of the academic sphere characterise populism as problematic, let alone a threat to the future of the European democratic order. It is true that populists often paint the situation in society in a distinctly black-and-white way and offer simplified solutions to very complex social problems. Moreover, demonising the ‘enemies of the people’ contributes to political polarisation and the worsening of the social climate. However, it can be said that populism is not a cause but a symptom of the crisis of established politics and the deficiencies of mainstream political elites. Populism can be perceived as a reminder of the lack of representation and responsiveness in the democratic system or, as Mudde (2021) provocatively claimed, as ‘an illiberal democratic response to undemocratic liberalism’.

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16 See, for example, Riham Alkousaa, ‘Violent crime rises in Germany and is attributed to refugees’, Reuters, 3. 1. 2018. <https://www.reuters.com/article/us-europe-migrants-germany-crime-idUSKBN1ES16J>

17 For example, the research BVA Xsight for ARTE Europe Weekly, a project led by the French-German TV channel ARTE GEIE, which was part of the countdown to the European elections in June 2014, showed that seven out of 10 Europeans believe their country such as too many immigrants (Peregil, El Pais, 7. 5. 2024).

With its analysis, this article contributes to a deeper understanding of the importance of (mainly political) elites and their responsibility for the ever-increasing popularity of populist political actors in Europe. We are talking about established political parties, regardless of their ideological sign, which are still in power in most European countries and have key decision-making levers in their hands, particularly during (financial, migrant) crises. Of course, certain social circumstances created favourable conditions for the rise of populism. However, the key representatives of the European countries and institutions of the European Union have often not shown themselves with appropriate decisions. Populists were the ones who merely utilised their flaws and wrongdoings.

Populism has divergent effects, particularly on democracy. According to Schmitter (2019), one can speak about the virtues and flaws of populism, i.e. its positive aspects like the opening of political space and the deconsolidation of sclerotic party systems, the mobilisation of previously passive individuals and groups, the expansion of the range of possible political solutions; as well as negative ones including destabilisation of the decision-making process, raising unrealistic expectations among citizens, creating mistrust in the political system, introducing exclusivism and intolerance into political life, and professionalisation of politics. It depends on the specific political, economic and social situation and prevailing value patterns in a concrete environment which characteristics will prevail and what populism will manifest itself.

Populism is not a uniform phenomenon, so its different variants have different effects on democratic life. We can discuss different degrees of intensity regarding the populist approach and behaviour. On the one hand, we have the so-called 'soft' populism, mainly about harsh rhetoric. However, constitutional principles such as the separation of powers, fundamental rights and freedoms are not questioned. On the other hand, there is 'hard' populism, which is anti-system-oriented and rejects these constitutional principles. While the first does not have any fatal effects on the functioning of democracy, the second can be problematic from this point of view – particularly if it relates to authoritarian leadership, which rejects pluralism and tends to monopolise power in the hands of the one at the top of the power pyramid. In any case, populism represents a significant challenge to established politics, but at the same time, it also potentially encourages its 'self-transformation'. Populists have been utilising deficiencies, flaws and wrongdoings committed by traditional political elites. This happens quite often in times of crisis when people are subjected to various – real or imagined – fears and frustrations. If the established elites cannot address it adequately, the populists' door is 'wide open'.

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# Return to Power: The Illiberal Playbook from Hungary, Poland and the United States

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**Abstract:** *This article examines how illiberal leaders' behaviour towards the judiciary changes when they have a second chance in power. Drawing on Varieties of Democracy indicators for populist rhetoric and constitutional change, we identify several OECD worst performers and focus on two – Poland and Hungary – whose illiberal leaders ascended to power for a second time. For Hungary, we examine PM Orbán's first time in office, time in opposition and second time in office, when he undertook reforms of the Constitutional Court, Supreme Court and other courts. For Poland, we examine the Kaczyńskis' party's first time in office, opposition and return to power, when it undertook campaigns against a variety of constitutional institutions. We find the first mandate of such leaders is characterised by strong rhetoric and chaos, they consolidate control of their party while out of power, and in their second mandates they are much more effective and extreme in undermining judicial independence and the rule of law. The experiences of Poland and Hungary have important implications for the United States. In his first term, Donald Trump undertook various actions that undermined the judiciary, and his actions while out of office align with those of Orbán and Kaczyński, such that Trump's second term might well pose a significant threat to the US judiciary.*

**Keywords:** *populism, Orbán, Kaczyński, Trump, judiciary*

## Introduction

The rise of conservative populist or illiberal leaders in western democracies has been one of the most prominent political developments in the early twenty-first century. From Europe to North America and elsewhere, numerous countries have seen a conservative populist leader attract wide popular support, often with a political programme that seeks to enhance the power of the executive and erode some aspects of liberal democracy. In her well-known account of democratic backsliding, Nancy Bermeo describes how ‘executive aggrandisement’ threatens to displace democratic institutional arrangements while employing ostensibly democratic rhetoric:

Executive aggrandizement... occurs when elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences. The disassembling of institutions that might challenge the executive is done through legal channels... the defining feature of executive aggrandizement is that institutional change is either put to some sort of vote or legally decreed by a freely elected official—meaning that the change can be framed as having resulted from a democratic mandate. (Bermeo 2016: 10–11)

Following Enyedi’s recent work (2024), we define illiberalism in this study as the rejection of three core liberal democratic principles: the limitation of power, the neutrality of the state and the openness of society. Illiberal leaders pose a variety of threats to democratic practices and institutions, but the independence and institutional efficacy of the judiciary is a frequent target. As Jan-Werner Müller explains, ‘Those populists who have enough power will seek to establish a new populist constitution—in both the sense of a new sociopolitical settlement and a new set of rules for the political game (what some scholars of constitutionalism have called the “operating manual” of politics)’ (Müller 2016: 60–68).

This article explores a particular aspect of the illiberal leaders’ threats to the judiciary, as it examines how their policies regarding the judiciary develop in instances in which they return to power after a time away from national leadership; it analyses the learning curve of illiberal leaders, or how they act with regard to the judiciary when given a second chance at national leadership. It considers several cases, which were selected drawing on *Varieties of Democracy* (V-Dem) indicators describing executive-judiciary relations, and it identifies OECD worst performers. Based on these criteria, the paper examines the cases of Poland and Hungary in some detail, and it considers implications for the United States, given the reelection of Donald Trump. In each of the cases, the paper is attentive to warning signs from the first term, developments in the interregnum period and outcomes in the second term. The analysis here indicates

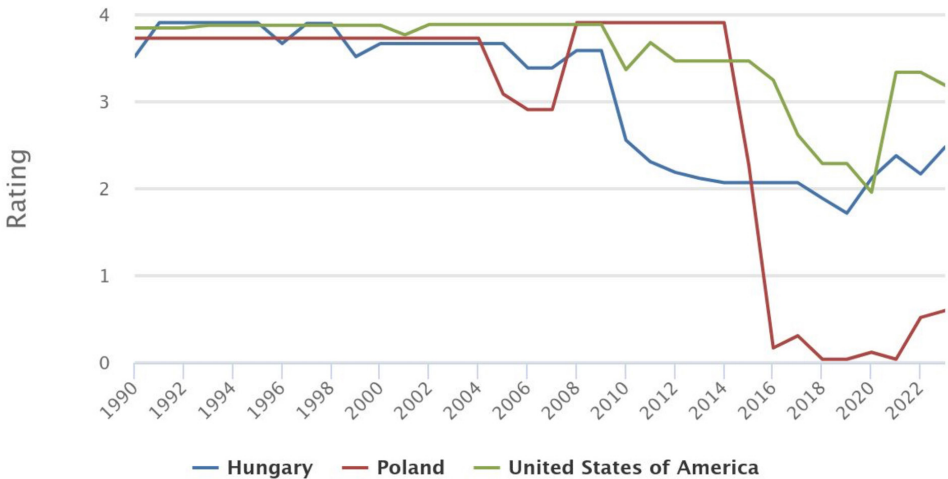
that while the first mandate of such leaders may be characterised by circus-like chaos and bluster, they remain active while out of power, and they can be much more effective and extreme in their second mandates, especially with regard to legal changes that may undermine the rule of law and the democratic nature of their polities.

### Case selection

As recently observed in various countries, the so-called ‘third wave of autocratization’ is generally characterised by ‘gradual setbacks under a legal façade’ (Lührmann & Lindberg 2019: 1095). To maintain the appearance of legality, would-be-illiberals require control over judicial decision-making, so judicial independence is among their first targets. Describing the clashes between contemporary populists and independent courts, two distinct (but sometimes connected) threats have to be examined.

The first threat involves the populist’s communication practices, rhetoric and propaganda. Such practices aim at circumventing judicial institutions by direct appeals to the *vox populi* – as personified by the populist himself. Such efforts can affect the *de facto* operation of the court system (for example via a chilling effect), but they have no lasting *de jure* consequences, as the institutional setup does not change (Sadurski 2022: 510). An empirical measure of such clashes, suitable for cross-country analysis, is provided by the *Varieties of Democracy* (V-Dem) project’s ‘Government attacks on judiciary’ indicator.

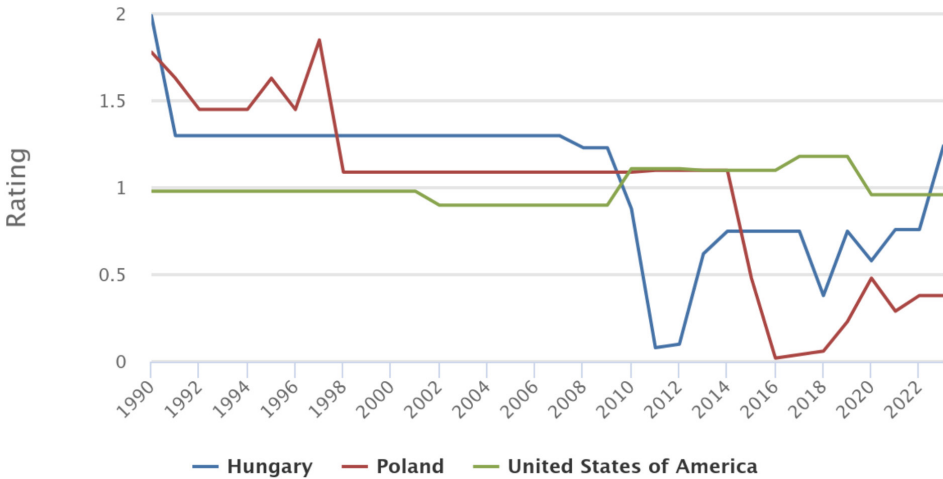
**Figure 1: Government attacks on judiciary in Hungary, Poland, and the United States between 1990 and 2023**



Source: V-Dem database v14 (Coppedge et al. 2024a)

The second threat involves direct legal and institutional changes. They are implemented to alter the constitutional framework according to the populist's wishes, typically in the direction described by *The Economist's* phrase 'entanglement of powers'.<sup>1</sup> Contrary to mere propaganda, this has a direct and lasting *de jure* impact on the operation of the court system (although it may also provoke *de facto* resistance by the judicial community).<sup>2</sup> In a sense, they institutionalise the populist's assault on the judiciary, creating a lasting legacy in the legal system. An empirical measure of such clashes – suitable for cross-country analysis – is provided by the *Varieties of Democracy (V-Dem)* project's '*Judicial reform*' indicator. Both variables were produced using a Bayesian item response theory measurement model and expert input (Coppedge et al. 2024b).

**Figure 2: Judicial reforms in Hungary, Poland, and the United States between 1990 and 2023**



Source: V-Dem database v14 (Coppedge et al. 2024a)

In the light of the V-Dem database (Coppedge et al. 2024a), we see substantial differences across OECD countries between 1990 and 2023 in terms of '*Government attacks on judiciary*'. In countries like Colombia, Israel, Italy or Turkey, governmental verbal attacks on the judiciary have been common over the last three decades. However, once the '*Judicial reform*' indicator is taken into account, it turns out that in only four OECD countries – Hungary, Poland, Slovakia and Turkey – 'the judiciary's ability to control arbitrary power was reduced via insti-

1 'The entanglement of powers,' briefing, *The Economist*, 29 August 2019.

2 For Polish examples see: J. Koscierzynski, J. 'Judges under pressure – report on the methods of harassment of independent judges by the authorities,' IUSTITIA Association of Polish Judges, 2019. Report available at [https://www.iustitia.pl/images/pliki/Judges\\_under\\_pressure\\_Raport\\_2019.pdf](https://www.iustitia.pl/images/pliki/Judges_under_pressure_Raport_2019.pdf)

tutional reform'. Moreover, in three cases – Hungary, Poland and Turkey – such 'reform' coincided with numerous verbal 'government attacks on judiciary'.

Perhaps unsurprisingly, these episodes denote the governance practices of Viktor Orbán, Jarosław Kaczyński and Recep Erdogan – paragons of the European 'third wave of autocratization'.<sup>3</sup> And two of them – Orbán post-2010 and J. Kaczyński post-2015 – exemplify a populist's return to power. That offers what we think to be the most promising case studies to examine how illiberal politicians behave once elected for the first time, how they deal with electoral failure and the period in opposition, and how their second time compares with the first, as far as relations with the independent judiciary are concerned. The following three sections describe the leaders' relevant actions in Hungary, Poland and the United States.

## Hungary

### ***Orbán's First Cabinet (1998–2002): A 'chancellor-democracy'***

In Hungary, the rise of right-wing populism centred on Viktor Orbán and the Fidesz political party. Fidesz first came to power via the 1998 elections, and it dominated the coalition government until 2002. The new PM, Orbán, who was only 35, appeared to be a centrist, pro-European, democratic politician. At that time Hungary was widely considered to be a consolidated liberal democracy, it was a new member of NATO, and it was about to begin negotiations to join the European Union. Voters wanted 'Europeanization' to complete the regime change and to move past the decade of post-communist 'wild capitalism'.

With Orbán, political discourse changed from macroeconomic structures to personalist, action-oriented narratives. At the beginning it was refreshing that Orbán's moderate populist-republican style of talk made politics more understandable for ordinary people. But ten years later, this republican understanding of politics was replaced by centralised propaganda. Orbán wanted to fill the vacuum of anti-politics in his first government, but he hollowed out democratic discourse in his second government. While the first Orbán government was part of the democratic era, it can also be seen retrospectively as a precursor to the Orbán regime. These two interpretations are not mutually exclusive, as the behaviour of the elite already showed certain authoritarian tendencies. Bueno de Mesquita and Smith (2011) argue that the difference between democracy and autocracy does not depend on the characteristics and commitments of politicians, but on the constitutional and political constraints that different political

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3 Each of them, together with D. Trump, deserved a chapter in Gideon Rachman, 'The Age of the Strongman,' Other Press, 2022; the respective chapters were titled: Ch. 2 'Erdogan – from liberal reformator to authoritarian strongman (2003)'; Ch. 5 'Orban, Kaczynski and the rise of illiberal Europe (2015)'; Ch. 7 'Donald Trump – American Strongman (2016).'

actors follow in the same way. Politicians are likely to have the same intentions in democracy and non-democracy – to come to power and stay in power as long as possible – even if the two regimes are different. According to Bueno de Mesquita and Smith, democrats can easily become autocrats if circumstances change.

In 1998, citizens preferred to vote for the only political player who had a clean slate. The emerging new right, led by Fidesz, had to satisfy the need for change and security at the same time. Orbán defined the period after the regime change as a period of disorder that had to be changed for the sake of order and security. Voters wanted growth within the confines of law, wealth and consumption, and they wanted to develop civic consciousness. They yearned for a form of capitalist modernisation that was not top-down or externally imposed, and which benefited more than just a select few: if not everyone, then at least those who ‘deserved’ it. The concept of ‘popular capitalism’ – a republican ideal that gained prominence following the austerity measures introduced in 1995 – appeared to align with these expectations. To meet these demands, Orbán presented himself as radical and conservative at the same time. However, he responded to these expectations with a rhetoric of radical elite change, favouring ‘friend- and kinship-based business circles’ and marginalising and sometimes criminalising those outside the preferred middle class. The biggest outcry was sparked by the appointment of party treasurer Lajos Simicska to the post of president of the Hungarian tax authority.

Following the 1998 elections, Orbán began to see himself not only as party leader but as a ‘chancellor’, and Hungarian parliamentary democracy as a chancellor democracy (*Kanzler-demokratie*) (Bozóki 2008: 200). As an aspiring, charismatic politician, he thought that a leader’s job was not to manoeuvre between interest groups but to shape the course of events. He should not follow but be a sovereign shaper of the political situation. His followers attributed charismatic traits to him, and his leadership style was broadly seen as transformative rather than transactional.

However, the 1998 government programme contained a fairly short passage about how Orbán envisaged the state under his control.<sup>4</sup> According to it, the government ‘will realize a new type of government’, and effective governance depended on the prime minister’s strengthened office as chancellery. The goal of this restructuring was to control the coalition partner and the government and to maximise the prime minister’s room for manoeuvre. It was not a government that had a prime minister, but a prime minister who had a government. Strengthening the chancellery did not result in a less expansive state, because it meant doubling the functions. Rather than interpreting these developments as clear signs of autocratisation, contemporary observers at the time characterised the shift as the ‘presidentialization’ of the Hungarian parliamentary

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4 Available at <https://www.parlament.hu/irom36/0021/0021.htm> (accessed on 9 October 2024).

system (Körösényi 2001). Another line of interpretation suggested that these transformations aimed at a shift from consensual democracy to majoritarian democracy (Ágh 2000).

It soon became evident that Orbán's strategic plan was to change the elite. According to his logic, regime change could not be considered complete as long as the former communist networks remained active. In 1998, Fidesz only spoke of the marginalisation of the former communists, but after 2010 it put the whole post-regime change era into the brackets of the 'messy decades' of post-communist politics. In terms of rhetoric, Orbán used similar arguments in 2010 when he returned to power: he described the previous 20 years as 'troubled times' and he claimed that Hungarians deserved strong leadership, majoritarian democracy, order and security.

Retrospectively, one can identify further warning signals in the functioning of the first Orbán government. Between 1998 and 2022, Orbán forced the chief prosecutor to resign, made his party occupy the public media boards, and compromised the leader of his ally and forced him to resign. Moreover, political friends, loyalists and family members started to play a greater role in the decision-making processes. This led to the rise of favouritism, clientelism and increasingly closed governance, in which the prime minister's office became powerful and isolated. Corruption scandals erupted, which also reflected tensions between Fidesz and its junior coalition partner, the Independent Smallholder's Party (FKGP). By the end of the term, Orbán effectively used these corruption cases to compromise the leader of FKGP and destroy his coalition party. This move backfired in the 2002 elections, because it was more important for Orbán to monopolise power than to win the elections together with his coalition partner.

Orbán also displayed autocratic attitudes toward media pluralism. The 1996 media law allowed political parties to send representatives to the board of public radio and television (Bajomi-Lázár 2017: 88). He cooperated in the media with a far right, semi-loyal opposition party, MIÉP, in order to control public radio and television channels (Bozóki & Kriza 2003: 22). Although it was more difficult for him under liberal democratic circumstances, he soon directed public media towards a pro-government direction. His stance on supposedly impartial public media was most vividly illustrated in his parting words at the end of the first term. In a speech in front of the television headquarters in August 2002, he proposed the creation of two public television channels, each to be managed by one side of the political spectrum.<sup>5</sup>

Autocratic attitudes toward media pluralism, cannibalisation of the party's coalition partners, uniting the right-wing bloc of party system and similar

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5 Available at <https://magyarnemzet.hu/archivum-archivum/2002/08/szabadsag-az-amit-nem-vehetnek-el> (accessed on 9 October 2024).



political steps made clear that Orbán did not tolerate different voices on the right. After the lost elections of 2002, Orbán famously identified his own party with the nation and declared that the ‘nation cannot be in opposition’<sup>6</sup> All his steps indicated that he was an enemy of political pluralism. His political philosophy was always simple: Once you have power you will be right.

### ***In opposition 2002–2010***

After an unexpected electoral defeat following an extremely polarising campaign (Bozóki 2008: 209–13), Orbán practically left the Parliament for almost a year to reorganise his party. He realised that the party still had its own liberal roots with conservative-bourgeois colours, and largely the same old membership. He changed his advisors, his strategy and his political ideology. After the turn from liberalism to conservatism (1993–4), he initiated another turn – from conservatism to nationalist populism. He repainted himself as a country boy who returns to his village, Felcsút, to reset his life closer to his family roots. He started to behave and to dress as one of them, presenting himself as the voice of the countryside.

In 2003, Orbán changed the legal structure and the sociological character of his party. He announced the ‘civic circles’ movement to be composed of largely rural, less educated, religious, non-partisan elements whose loyalty belonged to Orbán, personally, and not to Fidesz. He wanted to have no party outside himself. Previously it was difficult to be a party member because the party elite did not open the gate for newcomers. It was a party for 1989 veterans who knew themselves well. In 2003, Orbán let members of civic circles enter the party in a wave-like manner, which led to tensions between old-timers and newcomers. Orbán created high positions for the newcomers and by doing so he effectively purged Fidesz within a few years.

Secondly, Orbán reorganised Fidesz on the basis of electoral districts instead of geographical units. Previously, Fidesz had been based on village, urban and county organisations which were organised bottom-up. Formerly autonomous local leaders suddenly lost their positions, and the new leaders of electoral districts were pushed for candidates of the party. Orbán, as party president, successfully claimed veto power in the decision on candidates, both in individual districts and on the party-list (Political Capital 2003).

This internal restructuring helped Orbán survive his second consecutive electoral defeat in 2006. While party members became passive, some politicians in the party elite wanted to take over the party. However, they soon realised that all the sources of power belonged to Orbán. He took full control over Fidesz. Practically, Fidesz as a political party ceased to exist in 2006: It became a central-

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6 Orbán Viktor Dísz téren tartott beszéde [Speech of Viktor Orbán at Dísz Square]. *Ma.hu*. Available at <https://www.ma.hu/tart/rcikk/a/0/3774/1> (accessed on 9 October 2024).



ised, top-down constructed, hierarchical political machine without autonomy, ideology and internal pluralism.

Meanwhile, the left-liberal Prime Minister Ferenc Gyurcsány's speech<sup>7</sup> – which was delivered in a closed circle in May 2006 and was leaked a few months later – sparked a political crisis by exposing the country's economic situation as far grimmer than the re-elected Gyurcsány had portrayed in the run-up to the elections for the sake of securing a victory. This revelation shattered the brief period of polarisation equilibrium in the mid-2000s, fuelled by a 'competing populism' (Palonen 2009), propelling Orbán to initiate a feverish campaign against the second Gyurcsány government. Thus, Hungary was already in the midst of serious political turbulence with significant political polarisation, even before the emerging social discontent caused by the Great Recession in 2008 (Bozóki & Benedek 2024).

Orbán's populism was the catalyst for the crisis of post-1989 liberal democracy and the transformation of fragile elite consensus to overheated political polarisation. Orbán also emerged as the greatest beneficiary of this 'Cold Civil War', spearheading the creation of a new populist radical right. This also led to the rise of the far right party Jobbik and its paramilitary organisation, the Hungarian Guard (Magyar Gárda), and it even created a social atmosphere in which paramilitary groups executed racist killings against members of Hungary's minority Roma population. Together with the contradictory policies of the socialist-liberal government, the economic crisis of 2008, the toxic level of polarisation and the deconsolidation of liberal democracy (Bozóki & Fleck 2024) led to Orbán's constitutional majority in April 2010.

### ***The rise of the Orbán regime***

One might argue that the dynamics within the party from 2002 to 2010 were extended to the state and nation after 2010. The recipe was clear: having validated its success internally, the aim was to replicate it on a broader canvas. Thus, the authoritarian practices observed within Fidesz became a blueprint for authoritarianism at the national level and the concentration of power within the party laid the groundwork for the subsequent expansion of executive power across the state.

A year before the elections, Orbán emphasised the historical opportunity of the end of the polarised 'field of dual power' (i.e. the 'two-block' party system) with its constant value debates, and outlined the emergence of an era of a 'central field of political power' in which a large governing party is able to formulate and represent 'the national concerns... in their naturalness'.<sup>8</sup> By obtaining 53%

7 A teljes balatonöszödi szöveg (The whole text from the Balatonöszöd speech. In Hungarian): <http://nol.hu/cikk/417593/> (accessed on 9 October 2024).

8 Available at [https://2010-2015.miniszterelnok.hu/cikk/megorizni\\_a\\_letezes\\_magyar\\_minoseget](https://2010-2015.miniszterelnok.hu/cikk/megorizni_a_letezes_magyar_minoseget) (accessed on 9 October 2024).

of the party-list vote on a 64% turnout, and capturing a single-party constitutional supermajority (263 seats out of 386), this vision became a reality on the evening of 25 April 2010. This constitutional supermajority, which was absent in all of the cases or periods we examine in this study, played a critical role in shaping the distinct outcome of Hungary's illiberal leadership during its second time in power, even compared to Poland's experience between 2015 and 2023.

As a normative starting point of the subsequent institutional changes, Fidesz adopted a parliamentary resolution ('Declaration of National Cooperation'), framing its win as a 'revolution in the voting booths' and a mandate to establish a new political regime, the 'System of National Cooperation', calling the parliament a 'constituent national assembly and system-founding parliament'.<sup>9</sup> This signaled a shift towards the primacy of politics and the instrumentalisation of law, where legal and political institutions served the government's agenda. Orbán, who had been familiar with Antonio Gramsci's writings since his university thesis, sought explicitly to build a new political, economic and cultural hegemony, replacing the *rule of law* with *rule by law*, and fostering extreme institutional and informal centralisation (Bohle, Greskovits & Naczyk 2023).

Indeed, following the electoral victory, the new governing party unexpectedly initiated a constitutional process, despite having no constitutional agenda in its previous campaign programme ('Politics of National Affairs'),<sup>10</sup> and only sporadic references made prior to the election. Confident in the legitimacy provided by their two-thirds parliamentary majority, the government proceeded without seeking opposition support. Criticism of this unilateral constitutional approach came not primarily from opposition parties but from the Constitutional Court, legal scholars and international organisations like the Venice Commission and the European Union (Körösényi 2015: 92). The impacts of external actors, especially the European Union, on the hybridisation of Hungary's political system were weak (Bozóki & Hegedűs 2018), while Orbán's 'peacock dance' in the international stage was successful in the 2010s. These critical voices, though influential, were only able to delay the government's efforts, rather than significantly altering the outcome of the constitutional changes, first and foremost, the new constitution: the so-called Fundamental Law (FL).

The institutional developments can be grasped through the lens of 'populist constitutionalism' (Müller 2016: 60–68) and 'executive aggrandizement' (Bermeo 2016). The first term refers to a significant change in Fidesz's populist attitude towards the allegedly singular and transparent will of the homogenous people. While the party emphasised the importance of the unconstrained popular will in opposition, after it came to power, Fidesz started to use consti-

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9 Available at <https://www.parlament.hu/irom39/00047/00047.pdf> (accessed on 9 October 2024).

10 Available at [https://www.langzsolt.hu/upl/files/nemzeti\\_ugyek\\_politikaja\\_8481.pdf](https://www.langzsolt.hu/upl/files/nemzeti_ugyek_politikaja_8481.pdf) (accessed on 9 October 2024).

tutionalism as a tool to perpetuate political power by creating constraints on the popular will, formulated solely by the new governing party (Müller 2016: 62–63). Twelve amendments of the old constitution and the removal of the constitutional rule requiring a four-fifths vote to approve the cornerstones of a new Constitution opened the door to the unilateral constitutional process and the adoption of the new FL in April 2011, which came into effect in 2012. Citizens were involved only through nonbinding ‘national consultation’, instead of a genuine and transparent dialogue with civil society organisations, opposition parties and the general public (Tóth 2017: 399). This plebiscitary tool with vague questions lacking formal rules and transparency was designed with the aim of arbitrarily articulating the popular will, hence legitimising the steps of the government, as well as mobilising supporters (Körösényi, Illés & Gyulai 2020: 58). By capitalising on the high level of social polarisation (Coppedge et al. 2024a), autocratisation was effectively complemented by the populist discourse of Fidesz. The latter antagonistically contrasts the homogeneous camps of ‘we, Hungarians’ with ‘them, the globalists’, embedding these categories in an overarching narrative on the fight for the nation’s sovereignty (Batory 2016).

The other term – ‘executive aggrandizement’ – refers to a series of gradual institutional changes of democratic backsliding aimed at weakening checks on executive power (Bermeo 2016: 10), which typically target independent state organs, constitutional courts and the judiciary in general, the media, state companies and agencies, the cultural sphere and electoral rules (Hanley & Vachudova 2018). If we take stock of Orbán’s second term in power, we find numerous examples of attacks against these targets by changing everything from the civil code and constitutional court to media, elections and public administration, which makes the Orbán regime a quintessential example of democratic backsliding (Scheppele 2013: 561; Bánkuti, Halmai & Scheppele 2012: 140–44; Bozóki 2015; Kornai 2015; Tóth 2017).

Furthermore, the new government used its two-thirds parliamentary majority to implement significant changes to Hungary’s electoral system, aiming to consolidate its political dominance. Key reforms included reducing the size of Parliament, shifting to a one-round electoral system and introducing ‘winner compensation’, which allocated excess votes from winning candidates to their party’s national list. Additionally, the proportion of seats allocated through individual constituencies increased from 46% to 53%, further disadvantaging smaller parties. The redrawing of constituency boundaries, criticised as gerrymandering, also benefited Fidesz by concentrating its support in smaller constituencies.<sup>11</sup> These reforms, along with new party financing rules and provisions allowing ethnic Hungarians abroad to vote, further solidified Fidesz’s ad-

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11 László Róbert (2015): *The new Hungarian election system’s beneficiaries*. Available at [https://political-capital.hu/news.php?article\\_read=1&article\\_id=288](https://political-capital.hu/news.php?article_read=1&article_id=288) (accessed on 9 October 2024).

vantage, enabling it to retain its two-thirds majority in the 2014 elections (Tóth 2015: 246).

Alongside constitutional process and electoral changes, it is essential to highlight the media as a key area in the Orbán regime's consolidation of power. Benedek's (2024b) study provides a comprehensive analysis of the anti-pluralist transformation of Hungary's political public sphere after 2010. It traces the regime's growing influence over the media, revealing how economic and political interests merged through institutional changes, media ownership shifts, third-party campaigns and biased state advertising (Bátorfy & Urbán 2020). By the late 2010s, pro-government media had achieved significant dominance (Benedek 2024b: 477–79), distorting public discourse and promoting a growing level of self-censorship through autocratic innovations such as 'collaborative journalism', 'subsidized speech' and 'asymmetric parallelism' (Polyák 2015).

This growing control over the media reinforced Orbán's autocratic resilience, as a highly partisan public sphere limited citizens' ability to hold the government accountable and helped secure electoral victories. Crises like COVID-19 and divisive issues such as migration were effectively used to shape public opinion, though recent challenges, such as economic strain and political scandals, could threaten the regime's long-term stability. While in the Polish case, the rollback of media pluralism primarily affected public media, in Hungary, the changes impacted the entire media landscape. Alongside the one-party constitutional supermajority, this broad media transformation appears to be a key factor in shaping the outcome of illiberalism's second rise to power.

Furthermore, given the highly visible conflicts with the government's parliamentary majority and the sweeping nature of the changes, we focus in more detail on the Constitutional Court (CC), which underwent the most significant constitutional transformations. Following the Fidesz government's 2010 two-thirds majority, the CC frequently vetoed the government's legislative and constitutional initiatives. In response, the government systematically undermined the Court's powers, incorporating laws deemed unconstitutional directly into the constitution to bypass the Court's rulings. To choose candidates alone, the governing party reformed the nomination and election process of the CC,<sup>12</sup> and enlarged its membership from eleven to fifteen. Instead of the previous consensual rule, constitutional judges would be nominated by a nominating committee proportional to the size of parliamentary groups. As a result, due to vacancies, seven new Fidesz-close justices were elected within one year.<sup>13</sup> The term length for judges was increased from 9 to 12 years, while the upper age

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12 Act LXV of 2010 on amendment to the Act XXXII of 1989 on the Constitutional Court, 28 June 2010.

13 Hungarian Helsinki Committee – Eötvös Károly Policy Institute – Hungarian Civil Liberties Union (2015): *Analysis of the Performance of Hungary's 'One-Party Elected' Constitutional Court Judges between 2011 and 2014*. Available at [https://helsinki.hu/wp-content/uploads/2015/10/EKINT-HCLU-HHC\\_Analysing\\_CC\\_judges\\_performances\\_2015.pdf](https://helsinki.hu/wp-content/uploads/2015/10/EKINT-HCLU-HHC_Analysing_CC_judges_performances_2015.pdf) (accessed on 9 October 2024).

limit for judges was abolished, and the parliamentary majority gained control over appointing the CC president.

Initial clashes arose when the CC annulled<sup>14</sup> retroactive legislation,<sup>15</sup> prompting the government to limit the Court's ability to review financial and tax matters, particularly while public debt exceeded 50% of GDP.<sup>16</sup> Despite these restrictions, the CC continued to strike down Fidesz's legislation, including attempts to transfer cases between courts (Batory 2016). The breaking point in the confrontation occurred after the judges elected as one-party nominees and who took decisions in line with the interests of the government became a majority by April 2013.<sup>17</sup> In May 2013, the government adopted the Fourth Amendment to the FL.<sup>18</sup> This step of government was triggered by a decision of the CC in late 2012, which found that the government's Transitional Provisions relating to electoral registration, the notion of family and the legal status of a church were invalid. In response, Fidesz incorporated these provisions directly into the constitution, creating the dilemma of whether the CC could also examine the amendments of the constitutions, or if it should only consider the current version of constitution. Although the CC demonstrated its in-merit complaints, it refused to review this amendment (Pócza 2015: 175–79). This is particularly important since this amendment excluded the in-merit constitutional review in general, in addition to invalidating the judicial precedents of the CC. Furthermore, the new constitution also limited access to the CC by abolishing *actio popularis*, while constitutional complaint, introduced as a compensation for the former, has been an ineffective remedy for a violation of a fundamental right because of the high rejection rate by the refurbished CC (Chronowski 2014: 91–92).

Regarding judicial independence, the mandates of the Supreme Court president (elected in 2009) and the National Council of Justice president and members were terminated by 2012.<sup>19</sup> The administrative powers of the Council were transferred to the newly created position of president of the National Judicial Office (NJO), headed by the spouse of a Fidesz MEP (Tóth 2017). Since 2012, the NJO President has had authority over the selection, promotion, demotion and discipline of judges, powers previously held by fellow judges (Bánkuti, Halmai & Scheppele 2012: 143). Additionally, the retirement age for judges was

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14 Hungarian Constitutional Court, Decision 184/2010 (X. 28).

15 Act XC of 2010 on the Establishment and Amendment of certain Acts with an Economic and Financial Nature.

16 Law CXIX of 2010 on the Amendment to Law XX of 1949 on the Constitution of the Republic of Hungary.

17 Hungarian Helsinki Committee – Eötvös Károly Policy Institute – Hungarian Civil Liberties Union (2015): *Analysis of the Performance of Hungary's 'One-Party Elected' Constitutional Court Judges between 2011 and 2014*. Available at [https://helsinki.hu/wp-content/uploads/EKINT-HCLU-HHC\\_Analysing\\_CC\\_judges\\_performances\\_2015.pdf](https://helsinki.hu/wp-content/uploads/EKINT-HCLU-HHC_Analysing_CC_judges_performances_2015.pdf) (accessed on 9 October 2024). p. 5.

18 Fourth amendment to the Fundamental Law of Hungary, 25 March 2013.

19 Act CLXI of 2011 on the Organization and Administration of the Courts; Act CLXII of 2011 on the Legal Status and Remuneration of Judges.

lowered from 70 to 62, forcing nearly 10% of judges, including a significant proportion of senior judges, into retirement (Tóth 2017: 411). These changes were accompanied by political pressure and public criticism from ruling party politicians.<sup>20</sup> Despite these moves, like the case of L & J in Poland, Fidesz did not fully subjugate the judiciary as it did in other sectors.

The attacks on constitutionalism and judicial independence were reinforced by the passing of numerous ‘cardinal laws’, requiring a two-thirds majority to amend. Fidesz loyalists were also entrenched across key state institutions, including the Prosecution Service, Budget Council, State Audit Office and Central Bank. Furthermore, with its two-thirds majority, the governing party was able to extend its focus beyond ‘authoritarian institutionalism’ (Kim 2021) to specific fiscal and social policies, cementing these in the new FL, thereby constraining future governments on issues like pensions, taxation and budget management. These changes imposed significant limitations on future administrations, particularly those without a constitutional majority, as demonstrated by the Budget Council’s veto power, which could potentially lead to governmental crises. The complex, strategic and highly dynamic changes enabled the two-thirds parliamentary majority to swiftly seize control over all significant domestic political institutions (Kis 2019). Thus, between 2010 and 2014, Hungary’s constitutional framework was significantly altered through continuous amendments, creating a permanent state of exceptional politics (Körösényi 2015: 93; Magyar 2016; Bozóki & Fleck 2024) with a ‘semi-revolutionary’ constitution (Sárközy 2014: 165).

In sum, by the ‘free and unfair’ parliamentary elections in 2014 (Bozóki 2015: 30–33), the illiberal legal monster ‘Frankenstate’ (Scheppele 2013: 560) was born during Hungary’s U-turn in the early 2010s (Kornai 2015), which is characterised by a reverse state capture, the lack of institutional checks on the executive and an increasingly uneven playing field in party politics. In a changed electoral framework including party funding and campaigning regulation, and with the help of a popular new overhead cost reduction programme for households introduced in 2013 (similar to the post-2015 welfare transfers in Poland), the governing party was able to secure its single-party constitutional supermajority, which has opened the door to the completion of the autocratic transition during the next government cycle.

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20 Hungarian Helsinki Committee (2020): *Ruling Party Politicians Exerting Undue Influence on the Judiciary in Hungary 2010–2020*. Available at [https://helsinki.hu/wp-content/uploads/HHC\\_Hun\\_Gov\\_undue\\_influence\\_judiciary\\_29072020.pdf](https://helsinki.hu/wp-content/uploads/HHC_Hun_Gov_undue_influence_judiciary_29072020.pdf) (accessed on 9 October 2024).



## Poland

### *The origins (pre-2005)*

The right-wing populist *Law & Justice Party* (L & J, or PiS in Polish) was established by the twin brothers Lech and Jarosław Kaczyński. The history of L & J can be traced back to Lech Kaczyński's tenure as minister of justice (2000–2001), when he vigorously peddled a tough-on-crime agenda. Although his activities were firmly opposed by criminal law and human rights luminaries, they resonated with the demands of voters, who were fearful of a post-transition growth in crime and violence. In early 2001,<sup>21</sup> Jarosław Kaczyński capitalised on his twin brother's skyrocketing approval,<sup>22</sup> and established L & J (which explains the party's name).

The exposition of corruption scandals involving the post-communist cabinet (2001–2005) fueled a moral panic (on this phenomenon in the CEE region, see Krastev 2004), propelling the double electoral victory of L & J. It also allowed the Kaczyńskis to refine their earlier critique of the democratic transition, joining together: (i) post-communist conspiracy in state apparatus and business, (ii) violent organised crime and (iii) all-encompassing corruption. To break down the alleged conspiracy that L & J referred to as 'the system' (Polish '*układ*'), the Kaczyńskis advocated a 'moral revolution' establishing a 'Fourth Polish Republic'. Similarly to Orbán, the Kaczyńskis thereby rejected the period of democratic transition as 'post-communist', preached an 'elite replacement' project<sup>23</sup> and demanded a fresh start. Importantly, the political project of the *Fourth Republic* seemed to unite two parties established by a younger generation of anticommunists – L & J and D. Tusk's Civic Platform (Polish abbreviation PO). At that point, both parties presented themselves (and had been widely perceived) as responsible, republican forces seeking to strengthen and rationalise the state, and to free the country from its alleged post-communist malaise (although L & J had a national-conservative and CP neoliberal flavour).

### *First Cabinet: 'Circuses' rather than bread (2005–2007)*

In 2005, L & J won the parliamentary elections in September (26.99 per cent of votes, 155 seats out of 460 in the lower chamber), and the presidential election

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21 <https://pis.org.pl/partia/historia-partii#2001> (accessed on 9 April 2024).

22 In a July 2001 poll (when the PM dismissed him from the office) L. Kaczyński was 'trusted' by 68 per cent of the respondents, and distrusted by just 15 per cent (with 11 per cent neutral and 2 per cent non recognising). For survey communique see: [https://www.cbos.pl/SPISKOM.POL/2001/K\\_098\\_01.PDF](https://www.cbos.pl/SPISKOM.POL/2001/K_098_01.PDF) (Accessed on 9 April 2024), raw respondent-level data available at: <https://doi.org/10.18150/HWC0BJ>.

23 View presented as far back as in 1991, see (Kaczyński 1991). In his 2016 book, J. Kaczyński explained 'the building of the new state and the new social stratification is nothing else than the practical anticommunism' (Kaczyński 2016: 114).

in October (L. Kaczyński scored 54.04 perc. of votes in the runoff).<sup>24</sup> Despite widespread expectations, L & J and CP failed to form a coalition government establishing a *Fourth Polish Republic*. Instead, Kaczyński mounted a majority (and later on, a fully-fledged government coalition) with the agrarian-populist *Self Defense* (56 seats) and nationalist-catholic-EU-sceptic *League of Polish Families* (34 seats). It is noteworthy that, in a move similar to Orbán's handling of FKGP, Kaczyński allegedly attempted to cannibalise the junior partner – *Self Defense* – using an undercover anti-corruption operation aimed at its leader. As a consequence, the fragile majority broke down, leading to the snap elections of 2007, which L & J lost. Back in 2005, J. Kaczyński designated a lower-profile politician (K. Marcinkiewicz) as a 'compromise' prime minister, capable of handling coalition negotiations with CP. However, given his failure (and pressure from his twin brother – the President<sup>25</sup>), in July 2006, J. Kaczyński for the first (and only) time assumed the office of the prime minister.

To examine the relations of the first L & J cabinet with the justice system, it is useful to distinguish between (i) top-tier 'separation of powers' issues (especially the Constitutional Tribunal, hereafter CT) and (ii) 'ordinary' criminal law policies. As for the CT, the Kaczyński brothers denounced it as a guardian of the 'impossibilist' approach to statutory interpretation (Kaczyński & Kaczyński 2006: 11) allegedly hampering necessarily reforms, in particular lustration (on this in CEE region, see Nalepa 2010) and tough-on-crime policies. Thereby, L & J politicians embarked on a mix of propaganda (including critiques of specific verdicts and claiming that some judges represented a post-communist political party) and outlandish gestures.<sup>26</sup> The intensity of the clashes is best illustrated by CT case K 2/07 (new lustration law).<sup>27</sup> In a bid to push two judges to recuse themselves, L & J's MP representing the parliament accused them of clandestine cooperation with communist-era security apparatus.<sup>28</sup> Former CT President M. Safjan labelled these tactics 'political mobbing' (Safjan 2008).

Moreover, L & J politicians undertook two attempts to interfere with the process of appointing the CT president.<sup>29</sup> The first was initiated in 2006 by

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24 For detailed results see: <https://wybory2005.pkw.gov.pl/> (accessed on 9 April 2024).

25 L. Kaczyński even complained about the 'deep reluctance to take state offices' on the side of his twin brother (Warzecha & Kaczyński 2011: 65).

26 E.g. boycotting the annual 'gala' CT meetings, previously attended by highest level authorities.

27 The verdict of the full bench (11 judges) with 9 separate opinions had been issued on 11 May 2007.

28 Presenting – obtained day earlier from L & J controlled 'Institute of National Remembrance' – archival pieces of documentation. See (Dudek 2011: 302–303).

29 According to the article 194 of the Constitution of 1997, the CT president is selected in a two-step procedure. The first involves the 15 CT Judges voting during the General Assembly. In the second step, candidates selected by the Assembly (two, as specified in the law on Constitutional Tribunal) are submitted to the president of the Republic, who selects the CT president. The logic of both attempts included (i) amendment of the law on CT to introduce a third candidate (supposedly backed by the six judges appointed by the L & J majority, as Polish CT judges are appointed to a single 9-year tenure by



submitting a draft amendment to the CT law;<sup>30</sup> however, it failed as President Kaczyński finally selected one of the lawfully submitted candidates. The second, marked with another draft law,<sup>31</sup> failed as L & J lost the snap elections in 2007. Additionally, there were legislative activities aimed at some judicial independence guarantees in ordinary courts, like the ‘accelerated procedure’ of obtaining consent to arrest a judge, which was declared unconstitutional in the CT verdict of 28 November 2007 (K 39/07).

As for ordinary criminal law policies, it is important to see them within the framework of propaganda pillars, namely the ‘post-communist conspiracy’ and anticorruption moral panic. They included the creation of a brand-new secret service (Central Anti-Corruption Bureau, CBA), eager to rely on wiretapping and undercover operations<sup>32</sup> (crossing the tiny line that separates documenting crimes and initiating them, thereby leading to the first criminal conviction of CBA chief M. Kaminski<sup>33</sup>). Also, the practice of so-called ‘extractory arrests’ was popularised as a tool of obtaining testimonies by detaining potential witnesses. All in all, a so-called ‘technological line’ was established, linking the L & J politicians, secret services, public prosecution and the media (Janicki & Władyka 2016). Leaks from investigations, TV reporting with handcuffed people and inquisitorial L & J politicians’ press conferences became commonplace.

Three emblematic examples can be offered. First, in April 2007 the post-communist politician and former minister B. Blida allegedly shot herself during an arrest attempt, with a camera team waiting at the doorstep. Strikingly, later reportage and parliamentary hearings (SKBB 2011: 174) revealed that the *de facto* decision whether to handcuff her or not had been made personally by Prime Minister Kaczyński (he opted not to). Second, in August 2007, when CBA’s undercover provocation aimed at corrupting Deputy Prime Minister A. Lepper of *Self Defense* (allegedly in an attempt to break down and cannibalise his parliamentary club), former L & J Minister of Interior J. Kaczmarek was arrested (for allegedly leaking information on a CBA covert operation, see SKSS, 2011:32–67). Television stations aired the press conference of one of the top prosecutors presenting evidence against Kaczmarek, including wiretapped

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the ordinary majority in the lower chamber of the Parliament), and (ii) selecting this candidate by the L & J president of the Republic L. Kaczyński. The Kaczynskis’ plot to control CT had been described by former deputy Prime Minister A. Lepper in an interview with J. Żakowski, ‘W niektórych przypadkach udawałem głupiego’, *Polityka* weekly, no 32, 11 August 2007.

30 Ref. no. 765, Fifth parliamentary term.

31 Ref. no. 2030, Fifth parliamentary term.

32 Personified by Tomasz Kaczmarek – so-called ‘agent Tommy’, CBA officer turned L & J MP and anti-L & J convert.

33 He was pardoned by President A. Duda in 2015 and joined the new cabinet. After the Supreme Court declared his pardon ineffective, his first conviction was upheld and Kaminski was jailed, but then he received a second pardon. <https://www.reuters.com/world/europe/who-are-ex-ministers-jailed-poland-why-were-they-convicted-2024-01-10/> (accessed on 9 April 2024).

phone calls, geolocation data and CCTV recordings. A court declared the arrest excessive, and Kaczmarek was acquitted. Third, amid a snap elections campaign, Civic Platform MP B. Sawicka was caught receiving a bribe from a CBA undercover agent (in an alleged attempt to prove that the electoral victory of CP would lead to the corrupt privatisation of public hospitals, see SKSS 2011: 74–80). She was later acquitted.

To interpret these events, one could refer to another deputy prime minister in the L & J cabinet – the minister of interior and long-time confidante of the Kaczyński brothers, L. Dorn – and what he dubbed ‘moral-cognitive shock doctrine’. In his account, J. Kaczyński believed that ‘post-communist conspiracy’ can be ‘shown’ to the public, and that the resulting ‘cognitive revolution’ will propel ‘political revolution’ (Dorn 2013: 186–187).<sup>34</sup>

### ***L & J in opposition (2007–2015)***

Given the scope of this article, two aspects of L & J’s opposition period should be noted. The first is regarding the internal organisation of the party; the second is regarding the radicalisation of its language and embracing conspiracy theories about the 2010 plane crash that killed President L. Kaczyński. The drift of L & J into what is referred to as a ‘*leader’s party*’ (Rymarz 2012)<sup>35</sup> began as early as 2003, when L & J chairmen were granted the authority to suspend other party members.<sup>36</sup> After losing the snap election of 2007, tensions mounted within L & J, leading Kaczyński to suspend three vice-chairmen of the party.<sup>37</sup> In 2009 a new L & J statute was adopted<sup>38</sup> (the same was true in 2016, as L & J headed for electoral victory<sup>39</sup>), strengthening the chairmen’s grip on statutory bodies. Moreover, in 2006–2007 the overall image of L & J changed – from urban, republican and anticommunist (although with some clerical and nationalist

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34 To put it in less poetic terms than Mr. Dorn – propaganda portraying Kaczynski’s political opponents as corrupted criminals would secure him multiple terms in office.

35 On the other hand, D. Tusk’s Civic Platform had also been referred to as a ‘*leader’s party*’, the trend worrying even former constitutional judges (Rymarz 2012).

36 The pre-2003 L & J statute can be accessed at: <https://web.archive.org/web/20020528061056/http://www.pis.org.pl/> (accessed on 9 April 2024), while its amended version is at [https://web.archive.org/web/20060720185223/http://www.bip.ires.pl/gfx/pis/images/statut\\_pis.pdf](https://web.archive.org/web/20060720185223/http://www.bip.ires.pl/gfx/pis/images/statut_pis.pdf) (accessed on 9 April 2024). Key changes had been introduced in articles 28–29 (formerly 34–35). The consequences of this change had been described by (Dorn 2013: 168–169) as a creation of a ‘brand-new’ party that is ‘a projection of political will of the brothers’.

37 See for example reporting: W. Szacki, Kaczyński na ostro z reformatorami, *Gazeta Wyborcza* daily, 16 November 2007; A. Sopińska, B. Waszkielewicz, Trzech krytykuje Kaczyńskiego, *Rzeczpospolita* daily, 6 December 2007.

38 Available at [https://www.politicalpartydb.org/wp-content/uploads/Statutes/Poland/POLAND\\_Law-and-Justice-PiS\\_2009.pdf](https://www.politicalpartydb.org/wp-content/uploads/Statutes/Poland/POLAND_Law-and-Justice-PiS_2009.pdf) (accessed on 9 April 2024).

39 Available at [https://www.politicalpartydb.org/wp-content/uploads/Statutes/Poland/Poland\\_PiS\\_2016.pdf](https://www.politicalpartydb.org/wp-content/uploads/Statutes/Poland/Poland_PiS_2016.pdf) (accessed on 9 April 2024). See A. Machowski, Księga zapowiedzianej dyktatury, *Gazeta Wyborcza* daily, 10 November 2020.

flavour), it morphed toward rural, less educated, manifestly religious<sup>40</sup> – the evolution similar to post 2002 Fidesz.

As for the conspiracy theorising, J. Kaczyński's initial reaction to the Smoleńsk plane crash was remarkably dovish.<sup>41</sup> Kaczyński, running for president in 2010, had been surrounded by staffers who sought to run his late brother's re-election campaign. They envisioned a moderate candidate – the script that Kaczyński dutifully followed, only to debunk it (ejecting these 'liberals' from L & J<sup>42</sup>) after losing elections as a mere effect of his medications. Instead, he embraced a quasi-religious cult and outright conspiracy theory of the president's assassination (Bilewicz et al. 2018), amplifying earlier changes to the party image.

### ***Second cabinet: 'Bread' and constitutional crisis (2015–2023)***

Just like in 2005, when L & J took power for the first time, the presidential and parliamentary elections happened to coincide again in 2015.<sup>43</sup> In the 2015 presidential race,<sup>44</sup> J. Kaczyński's strategy involved lowering his own media presence, and instead promoting young member of the European Parliament A. Duda. Due to a weak campaign by the incumbent and the rise of a protest vote,<sup>45</sup> Duda scored a 51.55 percent victory in the runoff.<sup>46</sup>

Propelled by the unexpected presidential victory and a scandal with secret recordings of private conversations between incumbent Civic Platform politicians (like F. Gyurcsány's tapes, which provoked a public outcry even though it didn't expose criminal conduct), L & J's parliamentary campaign followed a similar strategy. Duda's campaign manager B. Szydło was designated as would-be prime minister. Thanks to strategic mismanagement of the left, which produced a high D'Hondt premium for the electoral winner, L & J managed to

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40 Referring to the clerical-nationalistic broadcasting station 'Radio Mary' – the clearest example of politicised religion in Polish political landscape, Kaczyński himself acknowledged back in 2006: 'It is impossible to win elections without the Radio Mary. I wanted to do this differently. [my previous party] had been an attempt to build upon the centrist electorate', see (Kaczynski & Kaczynski 2006: 292).

41 See for example reporting on his Youtube speech to Russians on WW II victory anniversary, see Jarosław Kaczyński do przyjaciół Moskali, *Gazeta Wyborcza* daily, 9 May 2010.

42 See for example A. Nowakowska, D. Wielowieyska, Ani nie zwariował, ani nie na proszkach, *Gazeta Wyborcza* daily, 2 March 2011.

43 The presidential term in office lasts five years, while the parliamentary term lasts four years.

44 Widely believed to be an easy win for the incumbent B. Komorowski from Civic Platform – to quote A. Michnik, losing the election would require a drunk-driving Komorowski to hit a pregnant nun on a pedestrian crossing, <https://www.tygodnikpowszechny.pl/tajemnica-adama-michnika-181252> (accessed on 9 April 2024).

45 P. Kukiz, ageing-rock-star-turned-politician scored 20.8 percent of votes in the first vote.

46 8.63 million to 8.11 million votes, see the Electoral Commission Communiqué Dz.U. 2015 poz. 725, detailed electoral results available at: [https://prezydent2015.pkw.gov.pl/319\\_Polska.html](https://prezydent2015.pkw.gov.pl/319_Polska.html) (accessed on 9 April 2024).

secure the first single-party parliamentary majority. Short of Orbán's constitutional supermajority, it was nevertheless the first single-party majority since the 1989 democratic transition.<sup>47</sup> Although it had not allowed proper constitutional changes, it could (and was) used as a tool of *de facto* constitutional change via ordinary legislation – the strategy requiring the dismantling of the constitutional court and increasing L & J vulnerability to the actions of the European Commission (especially as Kaczyński turned unable and/or unwilling to replicate Orbán's 'peacock dance' on the international stage, and L & J was not aligned with any key Euro-parliament party as was Fidesz with European People's Party).

As Szydło's cabinet formed, it turned out far more right-wing than some campaign commentators had expected. In particular, Smoleńsk-conspiracy peddler A. Macierewicz became the minister of defense (he retained the office until Jan 2018), Z. Ziobro returned to his 2005–2007 post as a minister of justice-prosecutor general, and the 2006–2009 CBA Chief M. Kamiński – pardoned by President Duda – became the coordinator for the security services (and, since August 2019, the minister of interior).

Despite that, the undercover operations and widely televised spectacular arrests of 2006–2007 did not return. However, evidence of Pegasus spying software deployment against opposition politicians and activists strongly suggests that, beneath the surface, secret services were indeed weaponised to political ends (PEGA Committee 2023). Although some of the spied text messages had been presented in the TV news, the bottom line is that the 2005–2007 'technological line' (Janicki & Władyka 2016) had been generally abandoned (which is likely the result of their questionable effectiveness back in 2007). Instead, more ordinary TV propaganda was employed (for example portraying Civic Platform's D. Tusk as a pro-Russian German agent) and massive social spending had been launched in order to secure electoral support. Only shortly before the 2023 elections, the so-called *lex Tusk* (Piccirilli 2023) had been adopted to create a McCarthy-style committee to investigate 'Russian influence' among Polish politicians – although it failed to produce a single public hearing, it managed to publish a partial report after the elections.<sup>48</sup>

As there is detailed English-language literature on the L & J governance practices in general, and its assaults on the judiciary in particular (Wyrzykowski 2019; Sadurski 2019a; Sadurski 2019b; Duncan & Macy 2020; Pech et al. 2021), we will focus on just a few emblematic points. The first one involves taking

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47 37.58 percent of L & J votes translated into 235 out of 460 lower chamber seats, see the Electoral Commission Communiqué Dz.U. 2015 poz. 1731 and detailed electoral results available at: [https://parlament2015.pkw.gov.pl/349\\_Wyniki\\_Sejm.html](https://parlament2015.pkw.gov.pl/349_Wyniki_Sejm.html) (accessed on 9 April 2024). Technically, the majority was referred to as a United Right, composed of L & J and two junior partners (one of them expelled from the coalition and cannibalised in 2021).

48 [www.gov.pl/attachment//4a451d44-74bd-4d3c-99b1-ce0de61af630](http://www.gov.pl/attachment//4a451d44-74bd-4d3c-99b1-ce0de61af630) (accessed on 9 April 2024).

control and hollowing-out the CT. Admittedly, it was preceded by the Civic Platform's majority unconstitutional attempt to nominate five (instead of three) Constitutional Tribunal justices.<sup>49</sup> However, instead of following the constitutional path to resolve such a crisis,<sup>50</sup> the L & J majority declared all five appointments 'nullified' and appointed five of their own justices (creating a problem of three so-called 'doubles').<sup>51</sup> Furthermore, over the subsequent years, L & J embarked on what retired CT judge M. Wyrzykowski dubbed a 'war against the Constitution' (Wyrzykowski 2019), attempting to block CT and finally promote one of the L & J appointees to its presidency. As this effort succeeded, CT underwent a transition 'from an activist court' through 'a paralysed tribunal' of 2016, 'to a governmental enabler' of 2017 onwards (Sadurski 2019b).

Second, with the Kelsenian Constitutional Court out of the way, subsequent 'reforms' were aimed at (i) public prosecution,<sup>52</sup> (ii) the common court system,<sup>53</sup> (iii) The National Council of the Judiciary<sup>54</sup> (appointing so called 'neo-judges'<sup>55</sup>) and (iv) The Supreme Court.<sup>56</sup> In an apparent flashback to 2006–2007, 'reform' aimed at courts had been followed by outdoor campaign targeting judges as

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49 While J. Kaczynski claimed that his actions were just a response to that unconstitutional behaviour, see interview in *Rzeczpospolita* daily, 18 January 2016, "Nie chcę większości w TK," comparison of the subsequent L & J actions with abovementioned 2006–2007 attempts to nominate CT president seems to debunk this claim.

50 CT finally declared appointment of the three justices valid, and subsequently two invalid, see CT verdict of 3 December 2015, K 34/15.

51 On this problem, see for example ECHR 7 May 2021 judgment in *Xero Flor v. Poland*, application no. 4907/18.

52 see Law of 28 January 2016 (Dz.U.2016.177) – undoing 2010 separation of the office of prosecutor general from the minister of justice, introduced by law on 9 October 2009 (Dz.U.2009.178.1375) – and strengthening hierarchical control of PG-MoJ.

53 See, for example, the amendment of 12 July 2017 (Dz.U. poz. 1452), allowing for the replacement of the Court presidents and strengthening MoJ supervision. According to the *Iustitia* Association of Judges, 130 Court presidents and their deputies had been replaced on the basis of the abovementioned amendment, see <https://iustitia.pl/ostatecznie-130-prezesow-i-wiceprezesow-zostalo-odwolanych-przez-ministra-sprawiedliwosci/> (accessed on 9 April 2024).

54 The original law adopted by the parliament (doc. no. 1423, VIII term) had been vetoed by L & J President Duda. The 'reform' had been introduced in a subsequent draft, submitted by the president and later on corrected by L & J MPs (doc. no. 2002, VIII term) and adopted as law on 8 December 2018 (Dz.U. 2018 poz. 3). Among other changes, it replaced the majority of the Council members – the representatives of the judicial community elected by the judges – with representatives of the judicial community appointed by the lower chamber majority. See ECHR judgment of 15 March 2022, *Grzęda v. Poland* (application no. 43572/18).

55 On this problem, see for example ECHR 23 November 2023 judgment in *Wałęsa v. Poland*, application no. 50849/21.

56 The original law adopted by the parliament (doc. no. 1727, VIII term) had been vetoed by L & J President Duda. The 'reform' had been introduced in a subsequent draft, submitted by the president and later on corrected by L & J MPs (doc. no. 2003, VIII term) and adopted as law on 28 December 2018 (Dz.U. z 2018 r. poz. 5). Among other changes, it aimed at purging judges via lowered retirement age – however, it was abandoned due to the Order of the CJEU Vice-President in Case C-619/18 – nevertheless, two additional chambers of the SC had been created and appointed via 'new' NCJ – one for disciplinary matters – see CJEU verdict of 15 July 2021 C-791/19 and ECHR 22 July 2021 judgment in *Reczkowicz v.*

a rotten ‘caste’<sup>57</sup> and supported by what turned out to be a clandestine troll-farm run at the Ministry of Justice, and involving L & J-friendly judges working therein (Applebaum 2020).<sup>58</sup>

Third, the actions mentioned above triggered substantial resistance from the judicial community (Borkowski 2016),<sup>59</sup> firmly rooted in the multicentric EU legal order (thereby backed by CJEU and ECHR jurisprudence). As a consequence, another set of activities focused on safeguarding previous ‘de-forms’. This included L & J-controlled-CT verdicts aimed at ‘blocking’ the Supreme Court,<sup>60</sup> ECJ<sup>61</sup> and ECHR,<sup>62</sup> as well as yet another legislation targeting judges examining the legality of ‘new’ NCJ appointments with disciplinary measures.<sup>63</sup>

Fourth, the L & J-controlled-CT (or just a CT packed by L & J with ultraconservatives, as their inner dynamics in this case remain unclear) issued what became the most contested CT verdict ever, removing severe (including lethal) fetal defects from the already restrictive list of circumstances allowing for legal abortion (Gliszczyńska-Grabias & Sadurski 2021).

Last but not least, the L & J cabinet initiated changes in the Polish political scene. In particular, it shifted the *Overton’s window* to the right, paving the way for the emergence of even more radical political vehicles of nationalists and economic libertarians (Konfederacja) that entered the Parliament in the 2019 elections (and contemporarily is largely viewed as a plausible L & J coalition partner after the next elections).

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Poland, Application no. 43447/19 – another for so-called ‘extraordinary cassations’ aimed at reviewing legally binding verdicts

57 As reported by *The Economist*, ‘Its campaign to paint the judiciary as a corrupt clique—complete with billboards depicting a drunk-driving judge—doubtless contributed to falling confidence in the justice system, down from 41% in 2015 to 32%, according to a Eurobarometer poll’, *The Economist*, ‘Change of state’, 21 April 2018. For archived website of the campaign dubbed ‘Just Courts’ (PL: ‘Sprawiedliwie Sądy’) see <https://web.archive.org/web/20170908170908/http://www.sprawiedliwesady.pl/> (accessed on 9 April 2024).

58 One of the judges involved in that activity, T. Szymdt, went public in 2022 to expose what he said was unethical behaviour by pro-government judges. On 6 May 2024, he asked for political asylum in Belarus, see <https://www.politico.eu/article/polish-judge-asks-for-asylum-in-belarus-protest-against-unjust-policy-towards-russia/> (accessed on 9 April 2024). It is unclear whether he spied for Belarus and/or Russia, and whether his hating activities were his own or externally inspired.

59 For example, in a ‘referendum’ of judges organised by Iustitia association, 3346 out of 3690 participating judges (over one in three judges in Poland) claimed ‘new’ NCJ fail to properly execute its constitutional tasks, and 3191 out of 3680 urged ‘new’ NCJ judges to resign, see: <https://iustitia.pl/juz-prawie-3700-sedziow-ze-154-sadow-ocenilo-krs-w-referendum-zorganizowanym-przez-forum-wspolpracy-sedziow/> (accessed on 9 April 2024).

60 See decisions of 28 January 2020 and 21 April 2020 (Kpt 1/20).

61 See verdicts of 14 July 2021 (P 7/20), 7 Oct 2021 (K 3/21), 10 March 2022 (K 7/21).

62 See verdict of 24 November 2021 (K 6/21).

63 The so-called ‘muzzle law’ of 20 December 2019 (Dz.U.2020.190) amending law on common courts. The provisions had been further amended (‘liberalised’) by law on 9 June 2022 (Dz.U.2022.1259), as a failed attempt to coin the ‘compromise’ with the European Commission).



## ***L & J in opposition (2023–)***

Given the depth and length of illiberal actions undertaken during L & J's second term in power, one might expect that any clean-up would not be a straightforward process. The extent of the challenge became apparent after the 2023 parliamentary election<sup>64</sup> that paved the way for the coalition cabinet of D. Tusk. As of 1 January 2025, neither the CT nor NCJ had been reformed to ensure conformity with the constitution. The moves aimed at the so-called 'restoration of the rule-of-law', carried out by new ministers, including Minister of Justice-Prosecutor General A. Bodnar (former Ombudsman), got mixed reviews even from some constitutional law scholars with a firm record of criticising L & J activities,<sup>65</sup> reviving the older debate of hawks and doves.<sup>66</sup> The Venice Commission<sup>67</sup> also took a rather cautious stand on legislation proposals aimed at resolving the problem of so called 'neo-judges' appointed by the L & J-packed NCJ. Nevertheless, in May 2024, the European Commission determined that there was no longer a clear risk of a serious breach of the rule of law in Poland, closing Article 7(1) of the Treaty on European Union procedure for Poland.<sup>68</sup>

Contrary to some expectations, J. Kaczyński maintained a relatively firm grip on L & J and enjoyed considerable support, as expressed in the 2023 parliamentary elections and the 2024 local and European Parliament elections.<sup>69</sup> The Smoleńsk conspiracy theory was not dropped. Interestingly, L & J borrowed CP's 2015–2023 'defending rule of law' narrative, claiming Tusk's cabinet was breaching the constitution and public prosecution was being weaponised against L & J politicians. L & J went as far as to declare M. Kamiński – serving

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64 L & J won with 7.64 million votes (194 seats), but the coalition government of D. Tusk was backed by a Civic Coalition (6.63 mln votes, 157 seats), PL2050 (3.11 mln votes, 65 seats), and the Left (1.86 mln votes, 26 seats), see the Electoral Commission Communiqué Dz.U. 2023 poz. 2234, detailed electoral results available at: <https://sejmsenat2023.pkw.gov.pl/sejmsenat2023/en/sejm/wynik/pl> (accessed on 9 April 2024).

65 An example of such debate is offered by two long interviews with eminent constitutional law scholars published by *Gazeta Wyborcza* daily: a rather critical one, by constitutionalist R. Piotrowski (*Mamy prawo DO PRAWA*, 15 April 2024) and the response from the retired CT judge E. Łętowska (*Postami nie są i być nie mogą*, 29 April 2024).

66 See for example W. Sadurski, *Konstytucja to nie pakt samobójczy*, *Gazeta Wyborcza* daily, 13 November 2023.

67 CDL-AD(2024)029-e, Poland – Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law on European standards regulating the status of judges, adopted by the Venice Commission at its 140<sup>th</sup> Plenary Session (Venice, 11–12 October 2024).

68 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_2461](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_2461) and [https://ec.europa.eu/commission/presscorner/detail/en/mex\\_24\\_2986](https://ec.europa.eu/commission/presscorner/detail/en/mex_24_2986) (accessed on 5 November 2024).

69 For the detailed data on the results, see respectively: <https://sejmsenat2023.pkw.gov.pl/sejmsenat2023/>; <https://samorzad2024.pkw.gov.pl/samorząd2024/>; <https://wybory.gov.pl/pe2024/> (accessed 5 November 2024).

his prison sentence for 15 days before a second presidential pardon<sup>70</sup> – a political prisoner.

## **The United States**

The Hungarian and Polish cases demonstrate how illiberal leaders can endanger the judiciary, especially when they return to power. They may therefore constitute a cautionary lesson for other countries, such as the United States, given Donald Trump's victory in the November 2024 presidential election. For many observers of American politics, Trump's first term as a conservative populist president amounted to a serious challenge not just to established political expectations and practices but to the stability of the American constitutional regime. Trump arguably posed a threat to a variety of basic democratic institutions and norms, including an independent judiciary.

### ***Multiple challenges to judicial authority***

There are multiple respects in which Trump undermined the authority of the judicial branch during his first term. For example, his irregular use of presidential pardons, which he often issued after celebrity appeals and outside established procedures, arguably undercut the judiciary by reversing its determinations without providing a persuasive justification. Trump's nomination of ideologically extreme candidates for judicial openings might constitute another threat to judicial independence, by reducing constitutional differences to mere partisan and ideological positioning. Beyond those two considerations, the following pages briefly note Trump's actions against the judiciary's jurisdiction and its role as authoritative constitutional interpreter, as well as his voluminous attacks against individual judges.

### Judicial jurisdiction

The Trump administration sought to limit the ability of federal courts to consider legal challenges to its actions. In other words, the executive branch endeavoured to curtail the judiciary's range of authority. Disputes over judicial jurisdiction occasionally arise in the US, but Trump arguably took the issue to a new level during legal arguments about his January 2017 executive order limiting immigration. Lawyers for the Trump administration claimed that the courts lacked jurisdiction to review its order and indeed claimed it was unreviewable. On 7 February 2017, in the course of oral arguments before a three-judge panel of the Ninth Circuit, August E. Flentje, the lawyer for the Department of Justice (DOJ), said, 'This is a traditional national security judgment that is assigned to

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<sup>70</sup> See footnote 33



the political branches and the president', apparently meaning that the judiciary could not second guess the president's determinations regarding national security. Judge Michelle T. Friedland then asked him, 'Are you arguing, then, that the president's decision in that regard is unreviewable?' Flentje replied, 'Yes' (Liptak 2017).

In its decision in *State of Washington v. Trump*, No. 17-35105 (9 February 2017), the Ninth Circuit explained the Trump administration's argument about reviewability this way:

The Government has taken the position that the President's decisions about immigration policy, particularly when motivated by national security concerns, are *unreviewable*, even if those actions potentially contravene constitutional rights and protections. The Government indeed asserts that it violates separation of powers for the judiciary to entertain a constitutional challenge to executive actions such as this one.

The court was not persuaded by this radical claim, and its per curiam decision declared, 'There is no precedent to support this claimed unreviewability, which runs contrary to the fundamental structure of our constitutional democracy.'

## Judicial supremacy

Trump also challenged the doctrine of judicial supremacy, which holds that while other political actors may have their own views about constitutional meaning, only the judiciary's view (and, in particular, that of the Supreme Court) is authoritative. The idea of judicial supremacy is a bedrock principle of American constitutional law, and even minor rhetorical challenges to it tend to incur significant political costs. Nevertheless, in several respects the Trump administration challenged the norm of judicial supremacy and sought to assert its own constitutional views. This may be seen in terms of declarations by one of its top aides and also its presidential signing statements.

In February 2017, senior advisor to the president Stephen Miller made comments that seemed to challenge the ability of judges to curtail the president, after court decisions against Trump's executive order on immigration. Miller was then interviewed on two television programmes, on which he explicitly disparaged the idea of judicial supremacy. He said, 'we've heard a lot of talk about how all the branches of government are equal. That's the point. They are equal. There's no such thing as judicial supremacy. What the judges did, both at the ninth and at the district level was to take power for themselves that belongs squarely in the hands of the president of the United States.' He also said, 'we don't have judicial supremacy in this country. We have three coequal branches of government.' In short, Miller appeared to reject the idea that the judiciary's opinions about constitutionality should matter any more than the president's opinions.

Some of Trump's presidential signing statements also asserted that his own views of constitutionality should be binding. For example, in his first signing statement in May 2017, Trump said that he was reserving the right to disregard 89 parts of the bill that he had just signed into law. Trump's signing statement listed dozens of provisions of the law that in his view infringed on his own constitutional prerogatives and which he therefore intended to treat as merely 'advisory and non-binding'. Thus, Trump announced that his own constitutional interpretations would supersede those of Congress, with no allowance at all for the judiciary's supposedly authoritative role in determining such matters.

Similarly, when Congress passed a Russia sanctions bill in August 2017, Trump issued two signing statements, both of which challenged Congress on constitutional grounds. The first statement declared, 'in its haste to pass this legislation the Congress included a number of clearly unconstitutional provisions'. The second statement said the bill 'encroaches on the executive branch's authority'. Thus, Trump asserted that his own views about constitutionality should carry significant weight.

In December 2017, after signing into law a \$ 700 billion defence bill, Trump claimed 'the bill includes several provisions that raise constitutional concerns', and therefore 'my Administration will treat these provisions consistent with the President's constitutional authority to withhold information'. And in March 2020, Trump issued a signing statement after signing the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Trump's statement claimed 'the Act includes several provisions that raise constitutional concerns.' It further said that aspects of the act were unconstitutionally 'intruding upon the President's power'.

As the several signing statements noted above indicate, Trump maintained that the president's constitutional interpretations mattered, at least as much as those of the legislative branch, if not also the judicial branch. Thus, Trump appeared to reject the standard view of judicial supremacy, according to which only the Supreme Court's constitutional judgments are determinative.

### ***Criticising the judiciary's personnel***

While the abovementioned actions constituted significant respects in which Trump sought to lessen the federal judiciary's power, the main way in which Trump undercut the independence of the judiciary was arguably via his criticisms of individual judges and justices. Trump launched numerous personal attacks against a variety of judges. Presidential criticism of judges is not unprecedented in the US, but it is not the norm, and it is usually restrained. Trump's judicial criticisms were far more numerous and caustic than those of his predecessors.

Trump's criticisms of individual judges began shortly after he effectively secured the republican nomination. In May 2016, Trump criticised District

Judge Gonzalo P. Curiel and also Magistrate Judge William V. Gallo, both of the United States District Court for the Southern District of California, due to his frustrations with a legal suit against Trump University. During a political rally in San Diego, Trump criticised Judge Curiel in a lengthy rant. Trump said, 'I have a judge who is a hater of Donald Trump...' Trump continued, 'We're in front of a very hostile judge...' Trump complained, 'I'm telling you... they ought to look into Judge Curiel... because what Judge Curiel is doing is a total disgrace, OK?' He then said, 'I think Judge Curiel should be ashamed of himself.' Trump also told the crowd, 'We have a Magistrate named William Gallo who totally hates us' (Brennan Center 2020).

While the above remarks amounted to a hodgepodge of personal and political attacks, Trump also employed some racially tinged invective. Trump told the crowd in San Diego that Curiel 'happens to be, we believe, Mexican'. Trump's point appeared to be that the judge's racial heritage rendered him unable to fairly adjudicate some matters, such as immigration and border security (Epps 2020). Days later, Trump repeated his racial criticisms of Curiel during interviews with CNN and the Wall Street Journal, saying 'he's a Mexican. We're building a wall between here and Mexico'. According to a journalistic report, 'an aide in Judge Curiel's chambers... said the judicial code of conduct prevents him from responding to Mr. Trump' (Epstein 2016). After numerous politicians objected that Trump's criticisms of Judge Curiel were racist, Trump issued a lengthy response, in which he defended his criticisms.

In February 2017, just weeks into his presidency, Trump criticised US District Judge James Robart after a decision against his immigration order. Trump tweeted, 'The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!' Trump also tweeted that the judge was 'a known liberal sympathizer' and had 'just opened the door to terrorists!' Trump even suggested the judge should be held responsible for a future terrorist attack: 'If something happens, blame him' (Levitz 2017).

The day after the 9<sup>th</sup> US Circuit Court of Appeals heard oral arguments about his travel ban, Trump lashed out at the judges. Trump said, 'A bad high school student would understand this.' Trump then said, 'I don't ever want to call a court biased and we haven't had a decision yet. But courts seem to be so political, and it would be so great for our justice system if they would be able to read a statement and do what's right.' Trump further said, 'I have to be honest that if these judges wanted to, in my opinion, help the court in terms of respect for the court, they'd do what they should be doing. It's so sad.' The next day, White House spokesman Sean Spicer said Trump had 'no regrets' about his criticism of judges (Bellisle 2017).

The next month, Trump criticised US District Court Judge Derrick K. Watson of the District of Hawaii. Watson stayed a revised version of Trump's immigration ban, and he suggested that the policy was motivated by animus towards

Muslims. In response, Trump sarcastically asked the crowd at one of his rallies, 'You don't think this was done by a judge for political reasons, do you?' (Epps 2020; Burns 2017).

In April 2017, Judge William H. Orrick of the Northern California Circuit blocked Trump's immigration order. Orrick's decision was the third time in two months that Trump's order had been struck down by a federal judge, and Trump indicated his displeasure via a formal White House statement, which said 'an unelected judge unilaterally rewrote immigration policy for our nation' and gave a 'gift to the criminal gang and cartel element in our country' (Friedman 2019).

Later that month, Trump criticised the entire Ninth Circuit, after the court blocked his effort to de-fund sanctuary cities. Trump tweeted, 'First the Ninth Circuit rules against the ban & now it hits again on sanctuary cities – both ridiculous rulings. See you in the Supreme Court!' Trump then said that he was considering breaking up the Ninth Circuit. Nine months later, Trump again criticised the Ninth Circuit. In February 2018, when it was announced that a case regarding amnesty for DACA deportations would be heard in the 9<sup>th</sup> US Circuit Court of Appeals, Trump told a group of governors at the White House, 'We lose, we lose, we lose, and then we do fine in the Supreme Court. But what does that tell you about our court system? It's a very, very sad thing' (Judd & Waters 2018).

In November 2018, after Judge Jon S. Tigar of the Northern District of California stayed new rules on asylum applications, Trump complained, 'That's not law. This was an Obama judge', as if the partisan orientation of the individual who had nominated the judge rendered him incapable of rendering fair legal decisions. In addition to criticising Judge Tigar personally, Trump also took the occasion to criticise the entire Ninth Circuit court, apparently confusing it with the district court on which Judge Tigar sat (Reilly 2018). On Twitter, Trump said 'It would be great if the 9<sup>th</sup> Circuit was indeed an "independent judiciary," but if it is why are so many opposing view (on Border and Safety) cases filed there, and why are a vast number of those cases overturned.' Trump also called the circuit court's rulings a 'terrible, costly and dangerous disgrace'.

Four months later, in March 2019, Trump directed his ire at Judge Richard Seeborg of the District Court for the Northern District of California, after Seeborg determined that the administration's programme to make asylum seekers at the southern border wait in Mexico while they are processed violated existing laws. Trump re-tweeted Fox News host Laura Ingraham's characterisation of the decision as the 'tyranny of the judiciary'.

In February 2020, Trump criticised US District Judge Amy Berman Jackson, as she was about to sentence his former aide Roger Stone for lying to Congress (Buchanan 2020). Trump tweeted, 'Is this the Judge that put Paul Manafort in SOLITARY CONFINEMENT, something that not even mobster Al Capone had to endure? How did she treat Crooked Hillary Clinton? Just asking!' (Epps 2020). Trump also criticised the foreperson of the jury: 'There has rarely been a juror

so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of “Trump” and Stone. She was totally biased, as is the judge... Miscarriage of justice. Sad to watch!’ When Jackson defended the jurors, Stone’s lawyers immediately demanded that Jackson take herself off the case because of ‘bias’, and Trump echoed the demand via Twitter (Epps 2020).

## ***Trump and the Supreme Court***

Trump’s criticism of federal judges was not limited to the lower levels of the judiciary, as half-way through his third year in office it extended to justices of the Supreme Court. In June 2019, Trump criticised the Supreme Court’s decision in *Department of Commerce v. New York*, No. 18-966, 588 U.S. (2019), against incorporating a citizenship question into the national census. Trump tweeted that the Court’s decision ‘seems totally ridiculous’ (Epps 2020). When Trump was asked about the Court’s decision, he said, ‘It was a very strange decision. It was a very, very sad decision. Not in terms of voting. Not in terms of—just a very sad because it was so convoluted. It was—to get to that decision, had to be very, very hard.’

In February 2020, Justice Sonia Sotomayor issued a dissent in *Wolf v. Cook County*, 589 U.S. (2020), in which the Court’s majority permitted the administration to make it more difficult for people who entered the country lawfully to become citizens (Epps 2020). In a pair of tweets, Trump complained about Justices Sonia Sotomayor and Ruth Bader Ginsberg. He said, ‘Both should recuse themselves on all Trump, or Trump related, matters! While “elections have consequences”, I only ask for fairness, especially when it comes to decisions made by the United States Supreme Court!’ (Dwyer 2020). Trump followed up in a news conference, saying that the reasons for having Ginsburg and Sotomayor not participate in such cases are ‘very obvious’.

In the summer of 2020, Trump launched more complaints against the Supreme Court. He said, ‘These horrible & politically charged decisions coming out of the Supreme Court are shotgun blasts into the face of people that are proud to call themselves Republicans or Conservatives.’ Trump asked, ‘Do you get the impression that the Supreme Court doesn’t like me?’ (Coglianese 2020).

Trump’s criticisms of the Supreme Court arguably increased several months later, after his failed legal attempts to overturn his loss in the 2020 presidential election. Trump denounced the Court’s refusal in *Texas v. Pennsylvania*, 592 U.S. (2020) to delay the state certification of the election results as a ‘disgraceful miscarriage of justice’. On Twitter he said, ‘The Supreme Court really let us down.’ In a tweet responding to Sean Hannity of Fox News, Trump wrote, ‘This is a great and disgraceful miscarriage of justice. The people of the United States were cheated, and our Country disgraced. Never even given our day in Court!’ (Jenkins 2020, Collins & Eshbaugh-Soha 2020).

## ***The Significance of Trump's Criticisms of Judges***

Trump's criticisms of members of the judiciary were far more numerous and derisive than those of any previous president and constituted a serious threat to judicial independence. Altogether, in his first term Trump criticised some eight federal judges, the entire 9<sup>th</sup> Circuit and two Supreme Court justices. Trump's many criticisms did not fall on deaf ears but rather were met with a variety of counter-criticisms. Prominent politicians and judges who criticised Trump's attacks on judges included House Speaker Paul Ryan, Senate Majority Leader Chuck Schumer, Judge Neil Gorsuch (during the time of his nomination to the Supreme Court), Judge Jay Bybee of the Ninth Circuit, Chief Justice John Roberts, Judge Carlton Wayne Reeves of the District Court for the Southern District of Mississippi, Judge Paul Friedman of the US District Court for the District of Columbia and Judge Amy Berman Jackson.

Clearly, many people saw Trump's judicial criticisms as out of bounds, and for some they were not just inappropriate but dangerous. As law professor David Post warned, 'This is how authoritarianism starts, with a president who does not respect the judiciary' (Liptak 2016). Journalist Aaron Blake suggested that Trump's criticisms were part of a broader trend towards politicisation:

Comments like the ones Trump made... at the very least seem geared toward "working the refs" — i.e., sending a message that judges, who are supposed to be apolitical, won't be immune from his political wrath. And when they issue a decision he doesn't like, Trump is saying, they're going to pay the same price as a senator who votes the wrong way on a bill. This is something that's troubling to those who would prefer to keep politics out of the judiciary. (Blake 2017)

And as journalist Peter Beinart notes, greater politicisation of the judiciary might well decrease the public's sense of its legitimacy and respectability, which would lessen its ability to serve as a check on the more overtly political branches: 'The more he convinces his supporters that judges, like reporters, are corrupt and self-interested, the less public legitimacy they enjoy. And the less public legitimacy they enjoy, the less they can check Trump's power' (Beinart 2016).

### ***Post-presidency***

Trump falsely claimed that he won the 2020 presidential election, and on 6 January 2021 he encouraged a violent assault on Congress as it sought to officially certify Joe Biden as the winner of the election. After Trump grudgingly left the White House, the former president continued to proclaim his disdain for the American judiciary and regular legal proceedings. Many of Trump's complaints involved the various civil and criminal court cases he faced after his presidency



(Goudswaard 2023). For example, in February 2023, Trump criticised the investigation in Georgia about potential illegal election meddling, saying on social media that it was ‘ridiculous, a strictly political continuation of the greatest Witch Hunt of all time’.

In April 2023, Trump levelled various accusations at Manhattan District Attorney Alvin Bragg for prosecuting him for fraud, calling Bragg ‘corrupt’ and warning of ‘death and destruction’. Trump also criticised the judge in the case, Juan Merchan, calling him ‘a Trump hating judge’. That same month, Trump was publicly critical of the civil lawsuit against him for allegedly defaming a woman he had sexually assaulted, leading the judge in that case to issue an admonition ‘to please refrain from making any statements that are likely to incite violence or civil unrest’.

On 25 March 2023, at the first large rally of his re-election campaign, Trump claimed that Democrats were unfairly persecuting him and said the various legal cases against him were a ‘witch hunt’ that risked turning the US into a ‘banana republic’. Trump also told the crowd that ‘the weaponization of our judicial system’ is the ‘central issue of our time’ and said, ‘The abuses of power that we’re currently witnessing at all levels of government will go down as among the most shameful, corrupt and depraved chapters in all of American history.’

Beyond criticising officials involved in legal cases against him, Trump also criticised other aspects of the American constitutional and legal order. For example, in December 2022, Trump claimed on social media that the allegedly stolen 2020 election meant that he could simply cancel regular democratic rules and procedures: ‘A Massive Fraud of this type and magnitude allows for the termination of all rules, regulations, and articles, even those found in the Constitution’ (Olander 2022).

Apart from Trump’s various post-presidential criticisms of the judiciary and the rule of law, he managed to enhance his control of the Republican Party while out of power. For example, in early 2024 Trump asked Senate Republicans to scuttle a popular bipartisan border security bill so that he could still have the issue to campaign on, and they readily complied. Trump initially faced several high-profile challengers for the 2024 Republican presidential nomination, including some who were sharply critical of him and his politics, but he quickly vanquished them all, and most subsequently pledged their fealty to him. Trump emerged from the nomination process with a greater degree of control over his political party than any president in recent memory. And he emerged from the November 2024 presidential election with a strong political mandate and a party eager to do whatever he wants.

## Discussion

This article has examined the threat that illiberal leaders pose toward the judiciary in instances in which they return to power for a second time. It found striking similarities between the Hungarian and Polish cases, with serious potential implications for the United States, given Trump's return to power.

In each case, the leaders said and did various things in their first term that were worrying or even destructive from the standpoint of democratic norms. During the first term, institutional issues were often downplayed, with faith that immediate propaganda activities would be sufficient. In terms of actual policies and institutional change, each leader in their first term engaged in significant bullying and encountered various practical difficulties in advancing their positions. The leaders also arguably exhibited striking similarities once they were out of power, including stoking conspiracy theories, promoting nationalism and purging potential rivals to consolidate party leadership. The summary of main findings from the key studies are shown in Table 1.

After returning to power, in the cases of Poland and Hungary, the leaders sought to take over judicial institutions and alter their structure. In Hungary, the reduction of judicial autonomy and the dismantling of constitutional review during the second time of illiberal leadership signify more than a mere shift from strong judicial review to weak, or from legal to political constitutionalism (Halmai 2019; Körösényi 2015: 94). It represents the complete lack of effective institutional checks on executive power and the absolutised sovereignty of parliament, coupled with significant electoral support. The latter is fueled by 'populist autocratization' (Benedek 2024a), forging a profound emotional and identity-based bond between the illiberal leader and its followers. However, this entrenched political identity faces vulnerabilities when confronting short-term crises that challenge the deeply ingrained identity narratives, as demonstrated by the scandal in February 2024 involving a presidential pardon related to a pedophilia case. This incident precipitated considerable fallout, including the resignation of the head of state and a significant erosion of Fidesz's popularity. Despite this, the Orbán regime's stability has still remained ostensibly strong but is susceptible to internal fissures within the ruling power bloc, indicating that its resilience may be more fragile than it appears.

In Poland, L & J – lacking a constitutional supermajority – decided to incapacitate the Constitutional Tribunal (Wyrzykowski, 2019; Sadurski 2019b) to free its hands and implement subsequent 'reforms' of (i) public prosecution, (ii) the common court system, (iii) the National Council of the Judiciary and (iv) the Supreme Court. These activities led to initialisation of the procedure envisioned in Article 7 of the Treaty on the European Union for the first time in EU history. Although the 2023 parliamentary elections ended the eight-year period of L & J rule, the party managed to score the highest percentage of votes.



**Table 1: Summary of the key findings from case study analysis**

<b>Leaders Analytical dimensions</b>	<b>Viktor Orbán (Hungary)</b>	<b>Jarosław Kaczyński (Poland)</b>	<b>Donald Trump (USA)</b>
First time in national leadership	<b>1998-2002</b>	<b>2005-2007</b>	<b>2017-2021</b>
Single-party majority	No (coalition)	No (coalition)	n/a
Constitutional supermajority	No	No	n/a
Government engaged in propaganda against the judiciary	No	Yes	Yes
Successful initiatives (including legislative) interfering with judicial branch	No (pressure on the judiciary through budgetary constraints, but the judicial reform was left incomplete)	No (draft laws submitted to the Parliament, some passed laws nullified by the Constitutional Tribunal)	No
Law enforcement deployed to achieve political goals	Yes (acquisition of media oversight against the will of the CC and the Prosecutor General, later securing the latter's position, and covering up corruption cases)	Yes (undercover "anticorruption" operations and wiretapping leading to highly publicized arrests - later on successfully challenged before courts)	Yes (National Guard deployed to the southern border)
Out of national leadership	<b>2002-2010</b>	<b>2007-2015</b>	<b>2021-2025</b>
Expelling moderates from the political party	Yes (influx of individuals personally linked to Orbán into the party)	Yes	Yes
Radicalizing political base by peddling conspiracy theories	~Yes Populist shift and triggering polarization	Yes (Smolensk plane crash)	Yes (stolen elections)
Second time in national leadership	<b>2010-</b>	<b>2015-2023</b>	<b>2024-</b>
Single-party majority	Yes	Yes	Yes
Constitutional supermajority	Yes	No (attempts to circumvent the Constitution by statutory legislation and capturing the institutions)	No
Government engaged in propaganda against the judiciary	Yes	Yes	n/a
Successful initiatives (including legislative) interfering with judicial branch	Yes (CC, National Office for the Judiciary, Supreme Court, National Council of Justice, lower-court judges)	Yes (CT, National Council of the Judiciary, partially the Supreme Court and common courts)	n/a
Law enforcement deployed to achieve political goals	Deployment of intelligence tools (e.g., Black Cube, PEGASUS); absence of investigations against government-affiliated politicians; unlawful and intimidating police actions against protesters, including minors	No publicized arrests, deployment of sophisticated invigilation toolkit against political opponents (PEGASUS), relatively aggressive riot policing after abortion ban (2020), obstruction of investigations against government loyalists in minor and major corruption scandals	n/a

Source: Author

Also, predictions of its eminent breakup or voter base erosion – as of May 2024 – turned out premature, making L & J (and the values it represents) a looming danger on the Polish political landscape.

In short, there was a shift from circus-like politics to real political change. All in all, the illiberal leaders' second time in leadership proved far more dangerous to judicial independence and the rule of law. The experience of Hungary and Poland in this regard thus may serve as a warning for the United States. As the discussion here indicates, Trump clearly seems to fit the pattern. And he has even explicitly invoked and praised Orbán as a sort of compatriot and perhaps even a role model. For example, in April 2024 Trump said, 'I look forward to working closely with Prime Minister Orbán again when I take the oath of office', and he called the controversial Hungarian leader a 'great man'. And in the September 2024 presidential debate, Trump responded to the claim that world leaders were laughing at him by invoking Orbán and his praise for Trump: 'Let me just say about world leaders: Viktor Orbán. One of the most respected men. They call him a strong man. He's a tough person. Smart. Prime minister of Hungary. They said, "Why is the whole world blowing up? Three years it wasn't. Why is it blowing up?" He said, "Because you need Trump back as president. They were afraid of him."' For Trump, the notion of learning from Orbán is not just an academic possibility, it is a political reality.

### ***Future Trump threats to the judiciary***

Trump will likely continue to undermine a variety of democratic practices and institutions in his second term, much as he did when he was president from 2017 to 2021. This will likely include the independence and efficacy of the federal judiciary. As worrisome as that prospect might be, it might not just be more of the same, it might be even worse. By most accounts, Trump's first term as president was marked by confusion, chaos and near constant change, all of which undermined its ability to get things done (Whipple 2023). However, there is reason to think that in a second term Trump's efforts might be more effective than they were during his first term. Trump's bluster, unusual personal comportment and disdain for long held norms are no longer a novelty but rather are now established features of American politics. In other words, politicians, political parties, jurists and voters all know well what another Trump presidency would be like. Insofar as his radical differences from previous presidents led to some administrative difficulties, a second Trump presidency would be less novel and therefore perhaps less difficult. Put differently, having broken down so many norms in his first term, a second term will face fewer hurdles.

Furthermore, Trump's allies have had several years during his post-presidency to plan for how they might do better if given a second chance. Such plans include *Agenda47* and the Heritage Foundation's *Project 2025*, a nearly 900-page

detailed scheme that would dramatically expand presidential power and impose a variety of very conservative policies. Conservative groups have also carefully planned how Trump might revive and implement his short-lived ‘Schedule F’ plan (Swan 2022). Enacted late in his presidency and then reversed by his successor, Schedule F would help Trump battle bureaucratic intransigence in the administrative state by removing the job protections enjoyed by thousands of government employees and making them subject to termination at the whim of the president. This would likely enable the president to ensure the administrative state did his bidding without delay or complaint.

In terms of what Trump’s second term might mean for the judiciary and the rule of law, he and his aides have made clear what to expect. In May 2023, Trump said at a CNN town hall event that if re-elected he would ‘most likely’ pardon ‘a large portion’ of the hundreds of his supporters who were convicted for various federal crimes during the deadly attack on the US Capitol on 6 January 2021 (Goldmacher et al. 2023). For Trump, those people were not criminals subverting democracy, they were patriots fighting for their country.

Perhaps prompted by the federal government’s prosecution of the rioters, Trump also indicated that he intends to eliminate the traditional independence of the DoJ, including its head, the attorney general. Instead, Trump wants to bring the federal government’s law enforcement entities firmly within the president’s personal control. Trump has said that he would then order the DoJ to stop prosecuting him and to prosecute his political opponents instead.

By the end of his second term, Trump will likely have appointed roughly half of all federal judges. And he will reportedly pick judges who are even more politically extreme than those whom the conservative Federalist Society vetted in his first term. As a result of some of the dramatic decisions by the politically extreme judges whom Trump put in place in his first term, public faith in the federal judiciary has declined, and a majority of Americans now disapproves of the Supreme Court. Further judicial extremism would likely worsen that situation.

Whether or how Trump attempts to alter the judiciary in a more radical or institutional fashion may well depend on how it responds to his actions in his second term. If it issues decisions that go against Trump, then it may well incur his wrath. But it might be the case that the judiciary can avoid angering Trump, as its landmark July 2024 decision in *Trump vs. United States* said that the president is immune from criminal prosecution for official acts while in office. Although the practical details of that decision are not yet clear, it seems to remove a significant judicial constraint on the president.

The American judiciary survived Trump’s first term, but it emerged in 2021 weakened from Trump’s many assaults, and it has not altogether regained its pre-Trump strength during Biden’s interregnum. It will likely face even greater threats in Trump’s second term, and its inclination and capacity to resist them are uncertain.

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# Only Another Adjective, or Finally a New Functional Post-Ideological Subtype? A Conceptual Analysis of Valence Populism

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**Abstract:** *This paper explores the impact of the increasing focus on subtypes of populism on contemporary discussions within the field of political science. In an effort to provide more precise descriptions of emerging political tendencies, scholars have responded by introducing new and other types of ‘populism with adjectives’. Among these original conceptualisations remains a valence populism that fuses the appeals of populism and technocracy, and strategic positionality on the political spectrum. The paper begins by elucidating the development of valence populism’s conceptualisation and presents an analysis drawing from Sartori’s methodologies for conceptual innovation. Subsequently, the study assesses the qualities of the valence populism concept. The paper finds that, while valence populism stands as a promising and innovative concept with positive intrinsic attributes, it operates in the field of concurrent concepts with no significant troubles. We identify essential issues related to resonance and the need for clear differentiation from other concepts, which warrant careful consideration in future studies.*

**Keywords:** *concept, conceptual analysis, populism, valence populism, populism with adjectives*

## Introduction

Populism dominates contemporary debates on new forms of politics and possible strategies. Over the recent decades, scholarship on this phenomenon has proliferated, incorporating the concept of populism as a pivot for various theoretical explanations and subsequent empirical applications (e.g. Bus-

tikova & Guasti 2019; Díaz et al. 2023; Kaltwasser & Zanotti 2023). Alongside theoretical and empirical debates, the study of conceptual aspects of populism has significantly enriched the research agenda in political science (e.g. De Cleen & Glynos 2021; Pappas 2016). However, although there is minimal academic consensus on the fundamental definition of the *root* concept of populism (e.g. Hunger & Paxton 2021; Pappas 2016), many of its subtypes suffer from definitional and conceptual confusion. Valence populism is an example of this lack of clarity. The concept remains not clearly defined, making it difficult to distinguish from other closely related concepts (Gerring 1999). Furthermore, other concepts that describe similar phenomena – particularly non-ideological or non-left-right populism, such as technocratic (Bickerton & Accetti 2017) or centrist (Saxonberg & Heinisch 2022) subtypes – often apply to the same empirical cases. This significant overlap strengthens the need for clearer conceptual boundaries around valence populism.

To address these issues with the urgency of the comparative dimension, we follow the approach of previous conceptual analyses that examined subtypes of broader political concepts including democracy (Collier & Levitsky 1997), autocracy (Ali 2022) or coups (Marsteintredet & Malamud 2020). This approach allows us to treat valence populism as a *concept with adjectives*, situated on the lower rung on the ladder of abstraction compared to the root concept of populism (Sartori 1975). Based on this, this paper poses a crucial conceptual question: does the concept of valence populism occupy a meaningful place in the debate on populism subtypes, or is it merely another instance of conceptual stretching (Sartori 1970)? To respond to this question, we aim to determine whether valence populism offers a unique analytical tool or simply adds to the growing complexity and confusion within populism studies.

In a comprehensive examination of various iterations of valence populism, we ought to trace their etymological development and set currently missing theoretical and empirical boundaries for evaluating its scientific validity. This approach inherently consists of two main components: (1) an analysis of the term as such by its definition and the assessment of its empirical capacities, and (2) a broader validation test (Collier & Gerring 2009; Sartori 1975). The objective of this strategy, which integrates methodological insights from social sciences, is to determine how effectively the concept contributes to the scientific debate and the value it can hold against alternative concepts. Due to its unique blend of terms from different scientific disciplines, and its growing diffusion, valence populism (defined by Zulianello 2020; Zulianello & Larsen 2021) represents an ideal example for testing ‘populism with adjectives’.

The paper is structured as follows. The first part addresses the analysis of concepts with adjectives and underscores the importance of the link between different levels of abstraction. From the linguistic viewpoint, the second section argues for the relevance of associating terminology with political phenomena,

drawing upon arguments collected by Giovanni Sartori, a prominent European political scientist. In this section, we discover the gradual development of valence populism and elucidate its emergence in political science. The empirical part of the paper takes valence populism as a sovereign concept. Through qualitative analysis, it evaluates its relevance within the criteria proposed by Gerring (2009), which includes domain, external differentiation and resonance.

The paper's main contribution is threefold. First, it streamlines the conceptual debate regarding innovative populist subtypes. Second, it contributes to the clarification of core conceptual questions about the root concept of populism. Third, the paper challenges some assumptions that unquestionably link the methodological traditions of Giovanni Sartori and John Gerring.

## **The 'root' concept of populism and its subtypes with adjectives**

Concepts play a crucial role in the social sciences as foundational building components for constructing theories (Botes 2002; Goertz 2006: 6). While all concepts serve the function of theorising phenomena and their classes equally in principle (Gallie 1955), their practical role in research usually varies due to the force of exogenous influences, such as domain specificity, theoretical expectations or considerations of utility. Given the complexity of the contemporary world, concept hierarchy is a natural feature. The relationship between concept hierarchy, theory-building and subsequent generalisation is primarily defined by the ladder of abstraction, as outlined by Sartori (1970). This virtual hierarchy inherently shapes varying levels of *generalisability* depending on proximity to the empirical world, and it establishes the analytical area, where the root concept (Collier and Gerring 2009) represents the most general position, while descending the ladder indicates the decreasing opportunities for generalisation. Sartori (1975) himself calls for the complex analyses of these sub-concepts with adjectives (reflected by Collier & Levitsky 1997; Marstein-tredet & Malamud 2020) because they remain as existential reminders of the positivist scientific tradition. For fifty years, discussions in this area have led to various approaches, encompassing debates about prevailing scientific concepts in the contemporary landscape.

Populism stands as an example of the dispute about conceptualisation remaining paramount. Scholars often criticise populism for being stretched (Hunger – Paxton 2021), insufficiently and unclearly defined (Canovan 1981; Rovira Kaltwasser et al. 2019; Weyland 2001), or even problematic due to its unsystematic use (van Kessel 2014). These definitional concerns refer to the potential incoherence in theoretical and empirical utility. There are two ways to mitigate issues with the conceptualisation of populism. The first approach aligns with the call for a comprehensive general theory of populism (Pappas 2016) and involves reconceptualising and discovering the dominant paradigm. Despite

the current overwhelming set of definitions, Cas Mudde's (2004) ideological explanation is the most widely recognised in the community (Hunger & Paxton 2021). The second approach involves descending the ladder of abstraction to define the features of populism with adjectives. This attitude targets more specific issues and assesses the interrelationships among concurrent terms at the same level of abstraction to ensure comparability and external differentiation (Gerring 2017; Sartori 1991).

An eminent part of analysing populism at the lower level of abstraction concerns the terminology reflecting the left-right economic continuum (Mouffe 2018; Mudde 2004). While the concept of right-wing populism emerged from the systematic rise of the radical and extreme right factions and their mainstreaming (Rydgren 2005), left-wing populism mainly involved a new wave of movements asserting themselves after the Great Recession (Clements et al. 2018; Mouffe 2018). Nevertheless, the success of breakthrough populist actors who do not neatly fit within the left-right spectrum means that new considerations are needed for conceptualising subtypes. This adds categories like 'technocratic' or 'valence populism', which have a broader scope beyond positionality. For the analysis, I have selected the concept of valence populism due to its double-track interdisciplinary establishment, which brings a new perspective to the understanding of these political phenomena.

Valence populism sits at the medium level of abstraction (Sartori, 1975) and aligns with the empirical concept of valence politics presented by Curini (2018). In contrast to positional politics, which relies on the notion that political decisions are primarily measurable through left-right ideological ideas, valence politics centres on post-ideological characteristics defined by pursuing widely shared political values, such as transparency and anti-corruption narratives. The valence populism concept introduced by Zulianello (2020) occupies the same hierarchical position as valence politics in the conceptual area. Empirical cases of parties labeled 'valence populists', such as MS5 in Italy, ANO 2011 in Czechia or OL'aNO in Slovakia, are the parties that reject the dominance of the left-right scale and address the topics from a new angle. However, these empirical cases serve for other conceptualisations of populism subtypes as well (Goertz 2006), leading to definitional and conceptual overlap.

At this juncture, it is crucial to address the potential usefulness of valence populism, especially as it competes with other subtypes, notably technocratic and centrist populism. This raises important questions about the logic behind the emergence of this subtype and the specific niche it occupies in populism studies. Zulianello (2020), building on the framework proposed by Roberts (2018), acknowledges that all populist actors have their valence dimension, which serves as a tool for opposing traditional political approaches, often aligned with the defence of liberal democracy and conventional governance. Besides, Zulianello distinguishes valence populism as a separate subtype, dis-

connected from the left-right ideological spectrum. In left-wing and right-wing populism, the valence dimension is closely tied to a host ideology (Zulianello 2020). Zulianello argues that the introduction of this new subtype is necessary to reflect cases where there is no direct relationship with any traditional ideology, mainly related with the left-wing or the right-wing attitudes. In such instances, valence populism stands independently at the space, unanchored by traditional ideological frameworks (Zulianello 2020).

In Zulianello (2020), Zulianello and Larsen (2021), as well as other empirical applications, valence populism is defined inductively. The concept asserts itself in opposition not only to left-wing and right-wing populism but also to other populist subtypes. Hence, we must consider three key dimensions: 1) a definition establishing clear conceptual boundaries, 2) cohesion and differentiation ensuring the concept maintains internal coherence while standing apart from competing concepts and 3) empirical applicability assessing how well the concept can be applied in the empirical world, especially to the cases of the political parties.

## The process of the valence populism conceptualisation

Like many contemporary concepts used in political science, valence populism has its roots in the natural science. Its application in political science can be traced to the moment when the terms ‘valence’ and ‘populism’ completely converged and began to be used as a joint phrase. The term ‘populism’ was first defined by the *Etymology Dictionary*, which described it as ‘political doctrines and principles of the Populist Party’ (Populism – OED n.d.). Early classical works on populism (Canovan 1981) focused primarily on movements in America and Russia. However, over time, the empirical scope of populism research expanded significantly. This broadening of populism’s empirical reach led to new conceptual questions, particularly regarding whether populism should be viewed solely as an empirical label for certain movements or if it carries theoretical significance or aligns with specific ideologies or modes of thinking.

In contrast to the populism, the concept of ‘valence’ emerged with a relatively lower degree of specificity and empirical clarity. The *Etymology Dictionary* denotes it as a noun meaning ‘extract’ or ‘preparation’, with its origin in the Latin word ‘Valentia’, which originally meant ‘to be strong’ (Valence – OED n.d.). The political use of the term can be traced back to the 1960s, when Stokes (1963) introduced it into the empirical context of US politics. Stokes’ research began with an examination of political corruption in America, asserting that the two dominant American political parties held nearly indistinguishable positions, leading to their perceived interchangeability (Stokes 1963). Stokes instrumentalised the division between ‘positional’ and ‘valence’ political issues, where, in the former, parties remained anchored to their core positions, while



in the latter, their stances tended to moderate, often resulting in ‘centrist-first’ shared functions. A few decades later, Curini (2018) revisited the concept of valence and clarified which issues are explicitly valence-based, with corruption taking a central position. His work, along with Zulianello’s (2020) interpretation, emphasised that the role of valence populism lies in advancing valence issues – such as corruption, competence and governance – through populist strategies. Crucially, valence populism operates without a direct affiliation to any specific host ideology, positioning itself as ‘clear’ or ideologically neutral. This enables populist actors to mobilise support based on shared concerns about governance, rather than through traditional left-right ideological frameworks.

### ***Definitions and empirical applications***

Zulianello (2020) introduced the valence populism as a new subtype of populism along with the compilation of a dataset on European political parties by Zulianello and Larsen (2021). Zulianello (2020) characterised valence populism as primarily centred on non-positional issues, such as combating corruption, promoting transparency and advocating for democratic reforms, all while utilising populist, anti-establishment rhetoric. This approach links his understanding of populism with earlier definitions of valence by Roberts and Curini. Zulianello further took steps to differentiate valence populism from other subtypes, while also acknowledging its similarity to Stanley’s concept of centrist populism (Stanley 2017). By emphasising these non-positional, broadly appealing issues, valence populism stands apart from more ideologically anchored forms of populism, focusing instead on competence and governance. Nonetheless, as argued above, valence populism is not directly associated with the centrist political position; the shared characteristic is merely the absence of positionality – the ‘non-left-right’ character. Concepts should not inevitably overlap, and the centrist position depicts the fixed stance of a political strategy, whereas valence populism approximates a purer form and signifies its adaptable and dynamic nature.

Valence populism represents an empirical concept with inductive foundations grounded in existing political parties that emphasise specific topics in their communication. However, this attribute tends to pose problems with proper case selection. For instance, Huber et al. (2021) recommend applying the concept in cases where direct positioning on the left-right scale is absent. They present some left-wing and right-wing actors as valence populists and select parties for an empirical analysis, using the term ‘left- and right-wing valence populist parties’. In this way they classify Austrian FPÖ, Polish PiS, Czech ANO 2011 or Italian M5S. This application does not correspond strictly to Zulianello and Larsen’s umbrella dataset and contributes to further conceptual stretching.

Empirically, the concept has a twofold function. First, it operates as a full-fledged concept that can be applied, particularly in the case of political parties that promote a strong and visible anti-corruption agenda, which often becomes a central feature of their political messaging. Zulianello and Larsen’s (2021) original dataset provides a foundational framework for identifying whether such parties qualify as valence populist or not. This classification is also followed by other scholars, such as Dragoman (2021), who applied the concept to the Union Party in Romania because it avoids positional political problems in its communication and emphasises non-positional policies such as anti-corruption, transparency, democratic reform and moral integrity.

However, the second approach to empirically using valence populism is less clearly targeted and is observed through cases where valence populism is treated as one of several possible analytical frameworks rather than a direct and exclusive route from conceptualisation to empirical application. For instance, Perottino and Guasti (2020) draw connections between valence issues and the populist position of Emmanuel Macron in France. While they point out the importance of valence issues in Macron’s appeal, they ultimately align his political approach more closely with the technocracy, as it better reflects his governance style rather than valence concerns. Similarly, Angelucci and Vittori (2022) examine the case of the Italian M5S and claim that its appeal is rooted in valence issues and anti-corruption campaigns. Hence, they see the valence-populism unity as valuable but also work with other concepts for covering the broader portfolio of the subtypes.

*Table 1* presents the definitions of valence populism used in the present study. The table highlights the four most influential purposes, constituting a decisive component of the conceptualisation of this phenomenon.

**Table 1: An overview of valence populism definitions**

Author	Year	Definition
Roberts	2018	'Valence types of competition do not stake out distinct issue stands, but rather contest the ability of a political establishment to achieve widely-shared social and political goals.'
Zulianello	2019	'(Valence populist) parties that predominantly, if not exclusively, compete by focusing on non-positional issues such as the fight against corruption, increased transparency, democratic reform, and moral integrity while emphasizing anti-establishment motives.'
Dragoman	2020	'(Valence populists), namely the propensity of the party to avoid a positional character and predominantly compete by focusing on non-positional issues, for example, anti-corruption, increasing transparency, democratic reform, or moral integrity, while emphasizing anti-establishment motives.'
Angelucci & Vittori	2022	'Valence issues are anti-establishment appeals and anti-corruption campaigns.'

Source: Author

## Methodology

The intricacies of the concepts in social science call for in-depth analyses to assess their validity (Gerring 1999) and utility (Botes 2002). Qualitative research, which delves into the concepts' internal structures, is guided mainly by proposals provided by Giovanni Sartori's work. Sartori identified stretching as the most significant challenge to a concept's validity (Sartori 1970; 1975; 2009), which occurs when a domain and extension are improperly expanded. It appears that the numerous definitions of populism in this field have fallen into this trap. Over the last four decades, there emerged a community of Sartori's followers in social sciences, with John Gerring being recognised as a main representative of this methodological current (Collier & Gerring 2009; Lane 2016).

While the link between Sartori and Gerring is commonly viewed as aligned, I contend that subtle but significant differences between the methodological approaches of these two authors cast doubt on this conclusion. For Sartori (1975), conceptual taxonomies stand out for their indispensability in reducing social reality and play a crucial role in reflecting the hierarchical structure of concepts. He acknowledges that their internal hierarchy depends strictly on their context, and their validity is changeable across circumstances. In contrast, Gerring (1999) defends the concepts' independence from time constraints. The authors also differ in their interpretation of paths leading to concept formation. Sartori embraces a 'definitional' approach, extracting all relevant features. Gerring, on the other hand, accepts the formation of concepts through the notion of 'family resemblance' (Gerring 1999), which is essential for other scholars as well (Goertz 2006; Nyström 2005). This aspect is conspicuously absent in Sartori's work.

## *Operationalisation and data*

The necessary condition for an in-depth analysis of a scientific concept is the operationalisation of criteria that researchers consider crucial for its validity. The requirements for theoretically and empirically valid concepts possess universal parameters, the fulfillment of which advances the scientific discourse. In this case, operationalisation introduces measurable criteria into the empirical realm, which have informative value for the concept's internal validity. It is important to emphasise that I chose a methodological approach with criteria that allow the assessment of using these criteria in a form enabling the assessment of observable characteristics of the concept beyond the confines of its theoretical conceptualisation. This represents a subsequent step in the scientific process when more concepts are connected. Thus, we focus on an intensive examination of scientific sources engaging with the concept, thereby creating a framework within which it is scientifically employed.

Gerring (2017: 116) presents a framework that includes six criteria of valuable concepts that correspond to Sartori's focus on etymology while also introducing operational and empirical dimensions of the concept. This approach assumes that the concept is a holistic scientific phenomenon, where changes in one aspect result in changes in all its elements (Gerring 2017: 116). In this paper, we will address three of these criteria: (1) resonance, (2) domain and (3) differentiation. Criteria (a) fecundity, (b) causal utility and (c) consistency have been excluded from the analysis because (a) is relatively broadly defined and implies the need to apply the concept in theory-building, (b) poses challenges in defining analytical relations and causalities and (c) requires systematic qualitative work with all the cited articles and its internal character inherently correlating with (2) domain. Since we argue that a thorough assessment of the domain in a broader context addresses any potential problems arising from inconsistent use of the concept, the consistency criterion would only be during the analysis of subsequent theory validation. Gerring (2017: 30) himself argues that concepts serve causal and descriptive functions, justifying the exclusion of these criteria.

The operationalisation of (1) resonance is related to the amount of within-field published works that engage with the valence populism involving descriptive statistics; (2) domain pertains to the virtual space around the concept. With a concept established on an interdisciplinary basis, it provides an outcome assessing conditional interdisciplinarity. Finally, criterion (3), differentiation, introduces a comparative perspective when analysing neighbouring concepts and explains their differences and similarities.

For the empirical test of the set of criteria, we have added data to the dataset, which includes the article written by Mattia Zulianello in 2020, which, for the first time, systematically works with valence populism as a central analytical concept. Empirical data stems from the Google Scholar database<sup>1</sup> and involves *Author(s)*, *Title*, *Journal*, *Scientific field*, *Country for analysis* and *Year of publication* variables. Data were gathered from 216 publications.

Table 2 stages of Gerring's criteria for a valuable concept and operationalisation.

Gerring (2012: 114) identifies the fundamental problem in displacing conceptual disputes from the concept to the context, which results in replacing in-depth conceptualisation with empirical applications, which is replaced by empirical applications. The criteria aim to avoid the initial conceptual confusion. This empirical analysis aims to assess whether valence populism meets the conditions of value and utility.

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1 The latest update of the dataset was completed on 31 July 2023.

**Table 2: Gerring's criteria for a valuable concept and criteria's operationalisation**

Criterion	Definition of the criterion	Question	Operationalisation	Variable(s)
<b>Domain</b>	Area and scientific field where the concept is used	How clear and logical is (a) the territorial community and (b) the application on empirical cases?	Identification of the scientific disciplines working with concept, territorial affiliation	Scientific field, Country for analysis (dataset)
<b>Differentiation</b>	Refers to how different they are from other concepts	How distinguishable is a concept from neighbouring concepts? What defines the space of contrasts?	Identification of conceptual borders with (a) neighbouring and (b) similar concepts	Comparative analysis
<b>Resonance</b>	The extent to which (a concept) conforms or clashes with established usage	How faithful is the concept to extant definitions and dominant use?	Identification of the set of works citing the main work	Scientific field, Year of publication, Total number of publications (dataset)

Source: Author. Based on Gerring (2012)

## Domain

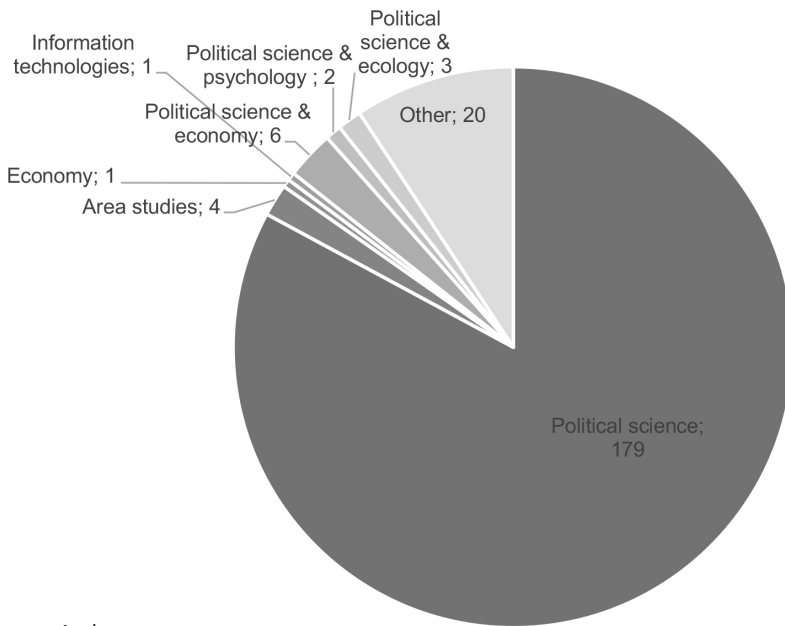
Gerring (2012: 120) comprehensively evaluates the domain through the general utility of the concept. This part of the empirical test includes assessing (a) territorial and (b) functional domains. While (a) concerns the regional focus of debates surrounding the concept, as seen when Stokes (1953) initially concentrated his study on the United States, (b) measures the relevance of the concept for individual scientific fields and their sub-disciplines. Notably, (a) data confirm that case studies based in Italy and Central Europe have significantly impacted the debate, primarily due to the presence of non-left-right breakthrough actors in politics. Data on the most influential works reveal that 141 (65.2%) articles affiliated with European territories, including 36 articles originating from Italy, establish this country as a flagship of the research. The articles published in Italy most often refer to the *de-ideologisation* of politics and the crisis of the traditional left-right continuum. Through an empirical application, they then try to explain new strategies adopted by the (mainly) populist parties operating in the territory. The concept is highly influential in Central Europe, where it is used to generate mid-range theories depicting the recent success of anti-corruption actors.

The evaluation of the (b) functional domain suggests that most papers belong to the pure form of political science (179, 82.8%), while a significant number of

papers are interdisciplinary, and political science is an essential component. In contrast, natural sciences, from which the concept of valence is adopted, occupy a negligible position. It should also be noted that a significant number of papers cite Zulianello’s article, mainly because of the follow-up dataset, which has become a springboard for research by many authors. The disciplinary domain indicates that, with Zulianello’s work, any connection to the natural sciences has completely disappeared and that valence populism can hardly be applied anywhere other than in the social sciences. As for sub-disciplines, I have analysed the connection with political party research, this being the fundamental part of Zulianello’s work. A total of 89 papers (41.5%) use the application in this field, representing less than half of the sample. In terms of sub-disciplinary classification, it is highly significant that valence populism can be applied to describe other units of analysis.

*Figure 1* shows the functional domain of the valence populism concept.

**Figure 1: Functional domain of the valence populism concept**



Source: Author

## Differentiation

Gerring (2012) delimits the concept as two-dimensional, inherently involving a focus on (1) neighbouring and (2) similar concepts. ‘Neighbourhood’ refers to the spatial determination concept situated ‘next to’ the original concept. For

instance, Zulianello (2020) has constructed the categories of left, right and valence populism, although some scholars do not explicitly distinguish valence from the left-wing or right-wing positions (Huber et al. 2021). Nevertheless, Zulianello's approach predominates in this debate. However, nuances regarding the placement of valence populism on the left-right scale raise a pivotal question: should valence populism be positioned alongside the left-right scale or within it? The one-dimensionality of the ideational space should be considered when populism is viewed as promoting a thin-centred ideology, as proposed by Mudde (2004), who proposed a paradigm. These considerations give rise to two approaches for defining neighbouring concepts in this context: (1) the ideational approach, which situates left-wing and right-wing populisms, and (2) a return to valence politics, which can help determine the position of valency.

Direct engagement with the valence populism concept is recommended, as the definition of valence politics inherently assumes the opposite of positional politics, which would require a conceptualisation of the term 'positional populism'. Furthermore, right-wing and left-wing types of populism have been previously defined and are widely conceptualised in the literature (Mouffe 2018; Mudde & Rovira Kaltwasser 2013), which situates the valence populism concept with greater precision.

Distinguishing the concept from those with similar or even more precisely defined attributes poses a greater challenge. The context in which scholars commonly use the central term must be examined. Two main concepts are identified in their definitions potentially interchangeable with valence populism: technocratic populism and centrist populism. In both cases, their internal consistency should be assessed. Bustikova and Guasti (2019) employ technocratic populism as a thin ideology rejecting traditional ideologies, prioritising expert political solutions and emphasising technocratic competence. The term has been applied to political parties that highlight the technocratic style of their politics and communication at the expense of other forms, for instance, the ANO 2011 movement in Czechia (Hartikainen 2021) or Macron's party *En Marche!* in France (Perottino & Guasti 2020). The notion of expertise differentiates this term from valence populism, which does not strongly emphasise policymaking characterised by these aspects. Moreover, technocracy tends to represent a more stable phenomenon, defined by clear positions regarding governance and decision-making based on expertise and competence. In contrast, valence populism remains more volatile due to its tendency to align with multiple host ideologies and address a range of broadly relevant political issues. This flexibility allows valence populism to adapt to different political contexts, but it also contributes to its conceptual fluidity, making it less stable than technocracy, which is anchored in the notion of rule by experts and specialised knowledge.

According to Stanley (2017: 185), centrist populism is relevant to the description of the anti-corruption narrative. The populist appeal is moderate and



centrist, owing to the ideological hollowness of these parties (Stanley 2017: 189). This concept attempts to classify the populist parties based on their location on the left-right scale. Unlike valence populism, this concept is regionally anchored. It has been applied in a similar way to the valence populism in the Czech case with the additional adjective ‘entrepreneurial’ (Saxonberg & Heinisch 2022), while earlier it was used to describe Slovak populism (Ucen et al. 2005). Furthermore, Zulianello (2019) acknowledges the similarity between valence and centrist populism. It should be noted that the overlap between these two concepts is more substantial than in the case of technocratic populism because it potentially refers to the questionable issue of left-right scaling. As previously mentioned, Huber et al. (2021) differentiate between these concepts based on the stability of the party position.

*Table 3* defines concepts with similarities to valence populism: technocratic and centrist.

**Table 3: Similar concepts to valence populism**

Concept	Year	Definition
<b>Technocratic populism</b> (Guasti and Butíková)	2019	'A thin ideology rejects the traditional political parties on the left and the right. Instead, it promises political expert solutions that will benefit the ordinary people. They suggest that it strategically uses the appeal of technocratic competence and weaponizes numbers to deliver a populist message.'
<b>Centrist populism</b> (Stanley)	2017	'Parties compete over competence and moral probity claims rather than distinct policy platforms. Here, the "thick ideological" content of populist parties' appeals is minimal or non-existent, to the extent that the parties appear -whether by design or by omission - to be more moderate and centrist.'

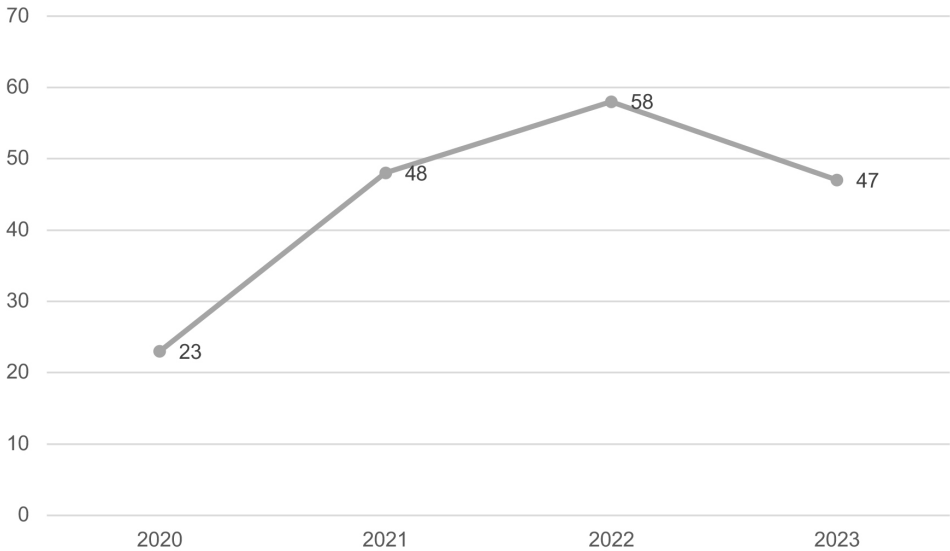
Source: Author

## **Resonance**

Resonance is understood within the scopes of (1) internal or (2) external discipline. Internal discipline refers to the resonance in the social sciences field, identified above as a primary scientific field. Given the direct link between valence populism and political science, the resonance assessment in external disciplines may not be as relevant. To assess resonance within political science, I filter political science (and political science + additional secondary disciplines) data outputs and focus on the years in which the concept most strongly influenced the scientific debate.

*Figure 2* shows the development of resonance in terms of time.

**Figure 2: Resonance of valence populism over time (2020–2023)**



Note: 2023 only until 31 July  
Source: Author

The empirical analysis of valence populism provides that the concept is logically structured but its practical utility may potentially be overwhelmed by additional items. The domain is limited to the field of political science, which has shifted the initial understanding of valency with a conceptual connection with populism in a newly-created arena. Also, it is proven that the tendency to compare subtypes of populism is necessary.

## Conclusion and debate

By applying Sartorian methodological principles, this research conducted a conceptual analysis of valence populism as presented by Zulianello (2020) and his successors. First, the study addressed gaps in the concept's definition, which largely stemmed from its primarily empirical and inductive development. As such, assessing the precise position of valence populism within the broader subtypes of populism became necessary. Importantly, no significant troubles were identified regarding the coherence or internal capacity. However, a revision of the empirical applications of valence populism was required. Key questions arose concerning the comparability of the concept, particularly in relation to other similar counterparts that explain the same political parties as their empirical cases. Therefore, the empirical applications were divided into two categories: one where valence populism operates as the primary explanatory concept, and another where it competes with other concepts for relevance. The

need to compare valence populism with its conceptual neighbours, especially centrist and technocratic populism, revealed significant overlaps. Despite these intersections, valence populism maintains the potential to defend its own place within the taxonomy of populism subtypes. Its distinctiveness lies in its combination of valence, which focuses on non-positional issues like anti-corruption and governance, and populism, both of which are independently defined and reflective of broader political phenomena. In conclusion, valence populism proves to be a useful and valuable concept in its own right. However, its empirical applications must be carefully delineated, as there is an inherent risk of conceptual stretching if not precisely applied, similar to other populism subtypes. Thanks to recent empirical cases involving political parties that build their campaigns on anti-corruption narratives or ambiguous political positions, valence populism remains valid and relevant within ongoing discussions about the subtypes of populism.

Taking a broader perspective, this paper advocates a more comprehensive analysis of concepts through the use of adjectives, as this approach can unearth underlying issues and their root concepts. In the context of populism, the article identifies a crucial gap that fosters conceptual confusion, particularly at lower levels of abstraction. The term 'populism' itself is quite elastic, with consequent impacts on its various subtypes.

This paper also underscores a connection between the methodological principles of Giovanni Sartori and John Gerring. Although Gerring is often regarded as the torchbearer of the Sartorian tradition in qualitative methods within political science, the article discerns fundamental differences in their respective approaches. Sartori's focus leans towards a more linguistic treatment of concepts, primarily aimed at enhancing terminology. Hence, Sartori places greater emphasis on taxonomies as the primary intrinsic features of 'complete' concepts. By contrast, Gerring's approach reflects a more empirical-based assessment of concepts, considering conceptual utility and the limits of the concept's application. Gerring also presents a complex array of potential principles, whereas Sartori acknowledges only one dimension.

This analysis is limited by its one-dimensional character as it scrutinises the defined concept as a singular entity rather than within the context of theory-building. The aim of this analysis was not to evaluate the potential for causal relationships, correlations or other intricate phenomena that demand in-depth qualitative exploration. Instead, the article argues that the concept should first undergo thorough conceptualisation, encompassing the historical root and subsequent development. The evaluation of the concept's applications and implementations should follow as the next step. In this respect, from a conceptualisation standpoint, valence populism emerges as a valuable and applicable concept, effectively addressing the typical issues within its domain.

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# How Active and Passive Social Media Engagement on Facebook and Instagram Shapes Democratic Attitudes Among Users in Slovakia

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**Abstract:** *Social media play an important role in the dissemination of political information and in political dialogue among agents, agencies and citizens. We study the effects of social media on democratic attitudes. Our analysis proceeds in two phases. First, we examine the effect of using eight social media platforms on support for democracy and liberal democratic principles. Second, we test the relationships between the intensity of six types of online political engagement on Facebook and Instagram and democratic attitudes. We employ linear and ordinal logistic regression analysis on a representative sample of 1,502 Slovak citizens aged 18 and older. We report three key findings: First, users of social media are not less supportive of democracy or liberal democratic principles. Second, passive political engagement on Facebook undermines support for liberal democratic principles. Third, active political engagement on both Facebook and Instagram is related to higher support for democracy as a regime but not for its liberal principles. In addition to the results on the effects of specific participatory activities, our study contributes by highlighting the need to differentiate between various types of democratic attitudes, different types of participation and different types of social media.*

**Keywords:** *social media, democracy, political engagement, Facebook, Instagram*

## Introduction

This article focuses on social media and the role they play in shaping attitudes toward democracy. Performance theories suggest that attitude formation reflects rational calculations in decision-making processes, including judgments about



political systems such as democracy. The ‘filters’ individuals use to reflect on objective agency performance are varied; however, academic literature emphasises the role played by information provided by the media. Communication channels may trigger informed decision-making processes and, therefore, influence moral judgments or assessments of trustworthiness (Norris 2002).

Recently, social media have become an important part of online news distribution and consumption (Newman et al. 2021), serving as crucial tools for sharing political information (Bhagat & Kim 2023) and providing easily accessible platforms for political dialogue (interactions with agents, agencies and horizontal communication). From this perspective, social media offer ample opportunities for studying new channels for transferring citizens’ inputs into policymaking and for analysing modern tools for political communication and participation.

On the other hand, social media platforms are also seen as vehicles for spreading disinformation and misinformation, which can distort public discourse and undermine trust in democratic institutions. This manipulation ranges from targeted disinformation campaigns that can influence voter behaviour to the broader dissemination of false information that can polarise public opinion and disrupt democratic dialogue. Concerns arise from pathologies associated with social network communication, including fake news, filter bubbles, echo chambers, hate speech, the rapid spread of false information and selective exposure (Shin et al. 2018; Pariser 2011; Sunstein 2017; Chetty & Alathur 2018; Soroush et al. 2018; Fuchs 2018). These phenomena contribute to declining trust, increased polarisation and the rise of populist and authoritarian figures (Vaidhyanathan 2022; Morelock & Narita 2021).

However, given the diverse content on social media and varied consumer practices, the question of how social media precisely shape political attitudes remains a pertinent and open inquiry that we aim to explore in this article. This study focuses on two social media platforms – Facebook and Instagram. Although these platforms were originally designed for different uses, they have become the most widely used platforms (Hootsuite 2019; Garcia et al. 2020), making it difficult for politicians to avoid using them. In principle, both platforms allow for similar types of interaction: passive reception of political content, sharing and commenting on political content created by others, or publishing one’s own (audio-visual) political content. Consequently, many national studies have recently focused on these two platforms (Alcott et al. 2024; Pierri 2023; Vargo 2020; Garcia et al. 2020).

In terms of analysis, we employ various regression analytical techniques to test the relationships between social media exposure and online political engagement on one hand and democratic attitudes on the other hand. Our analysis uses data collected in February 2024 by a professional agency with a representative sample of Slovak citizens over 18 years of age. The sample size

is 1,502 respondents. Our contribution is twofold. First, our findings show that the impact of online political engagement with social media may have both positive and negative effects depending on the particular social media platform and type of activity. We also demonstrate that the effect of social media as platforms on democratic attitudes is much lower than the effect of political elites in undermining democratic principles – albeit rhetorically. Second, our findings underscore the importance of distinguishing between different types of social media and modes of engagement since lumping them together can devalue outcomes and obscure real-world impacts.

The structure of the paper is as follows: After the introduction, we present the main theoretical arguments regarding how social media may impact democratic attitudes and which mechanisms we can expect to play a role. In the methodological section, we present data and analytical techniques employed to test our hypotheses. Subsequently, the empirical section reveals our findings. In the discussion section, we suggest potential explanations and interpretations of our findings as well as avenues and challenges for future research.

## **The interplay between social media and democratic attitudes**

### ***Conceptualising Democratic Attitudes***

What constitutes pro-democratic attitudes is debatable and largely depends on the specific conceptualisation of democracy. Accordingly, constructing a valid measurement of attitudes supporting democracy presents a considerable challenge. Schedler and Sarsfield (2007) contend that survey questions explicitly employing the term ‘democracy’ may elicit socially desirable responses, as respondents might idealise democracy without necessarily internalising democratic values.

Contemporary scholarly research provides extensive data on citizen endorsement of the abstract notion of democracy; however, there exists a notable gap in our understanding of what democracy signifies to ordinary citizens. Nevertheless, measurements of attitudes toward democracy based on support for the existing system (so-called ‘diffuse support’) and/or support for individual officeholders and the outputs from the system (‘specific support’) are still widely used, e.g. in comparative research surveys like the World Values Survey, the European Values Survey or surveys by the Pew Research Center.

An alternative approach to capturing popular attitudes toward democracy is rooted in the conceptualisation of democracy as liberal democracy. This aligns with diffuse support for a democratic regime and reflects the two pillars of liberal democracy: the electoral pillar based on citizen representation and majority rule, and the constitutional pillar encompassing institutional checks and balances to limit executive power and protect minorities. However, the battery of

questions that would appropriately capture the principles of liberal democracy remains open for debate. Van der Brug et al. (2021) argue that encompassing all principles of liberal democracy would be too broad an approach that ‘does not tap into the core of liberal democracy, which is putting institutional constraints on executive power’ (2021: 539). They narrow the operationalisation of liberal democratic attitudes to focus on the constitutional pillar, which introduces checks and balances to limit the power of elected politicians and thereby safeguard citizens from ‘majority tyranny’. ‘Support for the principles of liberal democracy implies that one accepts the fact that rights of minorities or individuals can sometimes prevail over majority opinions’ (2021: 539). In this view, liberal democratic attitudes align with the need for executive power to be constrained and support for fundamental rights of minorities and individuals’ protection through institutional checks and balances. Conversely, illiberal democratic attitudes – widespread even in countries that fulfill the criteria of liberal democracies – manifest as a rejection of the legitimacy of institutions (e.g. constitutional courts) that impose constraints on executive power and potentially limit majority tyranny (van Hauwaert & van Kessel 2018), along with a rejection of minority protection.

Empirical evidence suggests that attitudes toward democracy vary significantly based on its operationalisation, ranging from high support for ‘democracy’ as a regime to low support for liberal democracy measured through its constitutional pillar. Therefore, when investigating the impact of social media on democratic attitudes, we consider it useful to test indicators from both ends of this spectrum.

### ***The role of social media***

There are many definitions of social media, with many sharing a consensus that they are internet-based platforms for mass personal communication that facilitate interactions among users and derive their value primarily from user-generated content (van Bavel et al. 2024; Carr & Hayes 2015). As such, social media encompass various platforms including social networks like Facebook, Instagram, X (formerly Twitter), TikTok and others. Despite distinct features inherent in various platforms and applications, scholars commonly employ overarching terms like ‘social media’ or ‘digital media’ in their examinations; we will use ‘social media’ in this article accordingly.

Digital technologies contribute to shaping, transforming and challenging ideas and institutions such as democracy or fundamental rights. However, they serve only as one agent among many in these transformations. As Botero Arcila and Griffin point out, digital technology influences society through its affordances – meaning that ‘different technologies make certain actions and interactions easier or harder to perform. All things being equal, things that are

easier to do given particular affordances are likelier to be done, while harder things are less likely' (2023: 19). In the case of social media, the affordance of acquiring and disseminating information – as well as creating and maintaining contacts – has changed significantly.

At the beginning of the millennium, internet possibilities were viewed mainly positively regarding their impact on democracy. Scholars argued that the internet would facilitate a new form of information production based on decentralisation and diversity. They also saw potential for internet platforms to serve as deliberative forums strengthening civic engagement among citizens. Later, concerns about negative effects of digital technologies on democracy began to emerge.

The literature shows that social media have a significant impact on democracy; however, these effects are complex. The evaluation heavily depends on political context. What may destabilise established democracies (e.g. spreading distrust toward political institutions) can benefit emerging democracies by strengthening opposition against authoritarian regimes. Lorenz-Spreen et al. (2023) identified six key factors influencing democracy: participation, political knowledge, trust, polarisation, populism and echo chambers. Their systematic overview revealed that while social media have positive effects on democracy due to their potential to increase participation and political knowledge, three other factors are detrimental to democracy in Western societies. In other words, studies they reviewed confirmed that as social media use increases, so do polarisation, populism and online tribalism. All these phenomena undermine tolerance, respect for minorities and consensus-based politics – important attributes of democracy – while also increasing the potential deterioration of the constitutional pillar of liberal democracy encompassing institutional checks and balances to limit executive power and protect minorities. Therefore, we hypothesise that:

- *Exposure to social networks decreases support for democracy in general (H1a), as well as for principles of liberal democracy (H1b).*

If we delve deeper, we can identify several mechanisms operating through social media that influence democratic attitudes. Scholars have highlighted the potential for political attitudes to be altered or shaped through both firsthand experiences (Banducci & Karp 2003; Mattes & Bratton 2007) and mediated experiences (Lelkes 2016). Direct or firsthand experiences may stem from participation in political processes such as engaging in elections or participating in deliberative activities while directly observing government performance. This approach is grounded in learning-by-doing principles positing that political participation or civic engagement can empower citizens by contributing to perceptions of regime efficacy while fostering appreciation for democratic principles such as political accountability and consensus-building.

Indirect or mediated experiences occur through intermediaries such as following political issues in media contexts where individuals learn not only about specific cases or politicians but also gain insights into democratic practices and procedures.

We start from the assumption that our independent variable – social media – represents an infrastructure that facilitates the shaping of political attitudes through both channels. Firstly, individuals utilise social media to consume political news (mediated experience), while secondly providing spaces for online political participation (direct experience). Consequently, we posit that influence from social media on the formation of political attitudes should be evident. In the next section we explore more details regarding research on the influence of both forms of social media engagement – passive (news exposure) and active – on democratic attitude formation.

### ***Impact mechanisms: passives media engagement***

Social media access may affect political knowledge by increasing exposure to both true and false content. While there is mixed evidence suggesting a potential benefit for democracy, a concurrent accumulation of studies highlights a growing body of evidence indicating a detrimental effect on democracy.

Arguments for the democratising potential of social media point to an increase in political knowledge and diversity of news exposure, especially compared to regular media. Social media bring forth additional information sources, contributing to a better-informed public (Price 2013). It increases exposure to politically relevant information, diversifies sources and viewpoints, and enables dialogue and democratic participation as alternatives to traditional forms (Boulianne 2015). This was exemplified by the early events of the Arab Spring, demonstrating its impact on interest articulation outside conventional democratic channels (Lutz & Toit 2014).

On the other hand, empirical evidence often showcases the detrimental impact of social media on democratic processes, failing to fulfill optimistic ideas about democracy's positive transformation. Concerns arise from pathologies associated with social network communication, more specifically from distorted perceptions including fake news, filter bubbles, echo chambers, hate speech, rapid spread of false information and selective exposure (Shin et al. 2018; Pariser 2011; Sustain 2017; Chetty & Alathur 2018; Soroush et al. 2018; Fuchs 2018). 'Filter bubbles' (Pariser 2011) or 'echo chambers' (Sunstein 2001) in particular reinforce existing biases and online tribalism, making it difficult for individuals to engage with competing perspectives (see Vicario et al. 2019).

According to recent scholarship, the echo chamber effect strongly depends on the digital media in question. There was no evidence of echo chambers in studies looking at the internet on its own, for example, but they do seem to

emerge within social media networks where, through their isolation and possible radicalisation, they also have a negative influence on democracy (Lorenz-Spreen et al. 2023). Moreover, passive users of social media are more prone to be exposed to such an effect. The passive users of social media are mainly defined as those who only consume social media. Gainous et al. (2020) call such users ‘lurkers’. They remain outside the conversation and simply follow other users’ news feeds and status updates. Transferred to the political domain, such activities are comparable to news consumption (exposure) in the offline world.

The concept of the echo chamber is based on a theory of selective exposure which explains that users intentionally choose information which is in congruence with their views while avoiding the information that distorts it. Social media algorithms contribute to the selective consumption with an optimised offer. While the original theory of selective exposure built on traditional media environment was mainly focused on the demand side, social networks might reinforce the selective bias on both the demand and output sides of information consumption. Thus, when social media become a primary source of political news for citizens, their echo chamber effect might contribute to polarisation by locking a social media user into an information trap that minimalises different perspectives (potential for critical thinking) on the issue. From such an angle, digital media are seen as a ‘self-learning vehicle to indoctrination, to radicalisation, to shaming, and discrimination’ (Kaunert, de Deus Pereira & Edwards 2022: 53).

Due to these predispositions of social media, the exposure may lead users to adopt more extreme attitudes or views that align with their initial ideology. Based on these assumptions, we assume that passive engagement with social networks for consumption of political news decreases support for democracy in general, as well as for principles of liberal democracy.

- *The more intense the passive engagement with social media, the lower the support for democracy in general (H2a), and for liberal-democratic principles (H2b).*

### ***Impact mechanisms: active social media engagement***

The use of social media can be considered political participation if it attempts to affect the outcomes of political institutions or their structures (Brady 1999; Sairambay 2020). Some activities like online petitions, online organisation of protests or political campaigns are obviously considered political participation. Other activities, like ‘digitally native activism’ (Li, Bernard & Luczak-Roesch 2021), which can take the form of online movements aiming to counter online disinformation and hate speech by campaigning to withdraw advertising from certain websites, borders civic engagement and political participation.



The academic discussions on political participation in a digital environment revolve around the question of what kind of activity should be considered 'participation' (Gibson & Cantijoch 2013; Ruess et al. 2023). Some forms of online participation require minimal activity, leading authors to dismiss them as mere clicktivism (Morozov 2011) or 'feel-good forms of political participation' (Vitak et al. 2010). Consequently, they are considered insufficiently legitimate for use as participation due to a perceived lack of ability to effect change. Others advocate for broader definitions encompassing various contemporary forms of engagement (Norris 2002; Theocharis 2015; Pickard 2020).

In the previous section, we focused on passive use of social media like reading political news or visiting political websites (similar to media exposure in the offline world). Active use of social media 'refers to activities that facilitate direct exchange with others' (Verduyn et al. 2017: 281). This includes posting articles to the user's news feed, giving feedback by way of writing comments on posts and engaging in debate and discussion with others on the platform (Gainous et al. 2020). Some scholars would not consider such expressive engagement to be political participation as it does not necessarily aim at influencing government policies and structures (e.g. Verba et al. 1995). However, Norris (2002: 16) expands the political participation definition to include 'any dimensions of activity that are either designed directly... or indirectly to impact civil society, or which attempt to alter systematic patterns of social behavior'. Also, Gibson and Cantijoch (2013) include discussions and the expressive mode in their categorisation of participation even if they consider them *passive engagement* (in contrast to *active participation*). In line with other scholars, we find the term 'passive' for online discussion and expression somewhat misleading, as these activities require heightened levels of attention and engagement (Reuss et al. 2023) and they clearly fit into understanding political participation as a dyadic concept. Therefore, rather than labelling all discursive and expressive activities on social networks non-participation, we argue that it is necessary to distinguish between these activities. We consider those that go beyond clickivism and use argumentation in formulating an opinion/impetus to influence political institutions or civil society to be manifestations of an active engagement or an active mode of political participation. While liking a status on Facebook might hardly change any policy or pattern of social behaviour, writing a blog or participating in an online discussion might have effects similar to writing a letter to a politician in the offline world.

Political participation, especially its active forms, plays an important role in civic socialisation and proper functioning of democracy. The possibility of political participation via online media promotes the mobilisation of voters and voter turnout, which strengthens the democratic legitimacy of governments and parliaments (Lorenz-Spreen et al. 2023). Moreover, Carole Pateman's participatory theory of democracy posits that citizen political participation serves



an educational function, influencing individuals' opportunities to impact the political system and decisions, thereby enhancing the democratic legitimacy of outcomes. Furthermore, participation contributes to personal growth, psychological aspects of personality and the acquisition of skills related to democratic procedures. Pateman argues that participation also serves an integrating function, fostering acceptance, cooperation and group harmony among individuals engaged in collective decision-making (Pateman 1970: 63). This perspective emphasises the broader effects of participation on values, socialisation and democratic attitudes. The affordances of social media offer new opportunities for political activism, community formation, self-expression and access to information.

Scholars also anticipated social networks fostering relationships between citizens and their representatives, potentially boosting political trust. Deseriis (2021) notes that by lowering participation costs and facilitating cooperation, these platforms modernise representation along different dimensions: monitoring constituents' opinions (responsiveness), enhancing transparency (accountability) and encouraging collaboration on political initiatives (collaboration). Some even propose that on social media politicians and citizens can establish direct relationships, which would be characterised by interactive communication and mutual learning (Graham & Schwanholz 2020; Coleman 2017).

Based on the theoretical assumptions discussed above, we assume that:

- *The more intense the active engagement with social media for political participation, the higher the support for democracy in general (H3a) and also for liberal-democratic principles (H3b).*

## Data and variables

Our analysis is based on representative survey data from Slovak citizens aged 18 and older. The sample includes 1,502 respondents, selected using quota sampling. Quotas were established based on gender (48.1% men, 51.9% women), age (ranging from 18 to 87 years old, with a mean age of 47.52 years), education (13.2% with primary or incomplete primary education, 24.4% with secondary education without a diploma, 38.5% with secondary education with a diploma and 23.9% with higher education), as well as the size of residence and region. Data collection was conducted by the professional agency FOCUS between 12 and 22 February 2024.

Support for democracy was measured as a level of agreement with one of the opposite statements, where Statement A posited that Slovakia should abandon the ideals of democracy and introduce iron fist rule, and Statement B posited that the democracy may not be perfect, but is the best form of government for our country. The four-point scale offered options: i) totally agree with statement A,

ii) tend to agree with statement A, iii) tend to agree with statement B, iv) totally agree with statement B.

In addition to the general support for democracy there were an additional three pairs of statements addressing a few of the core liberal democratic principles (constitutional pillar): minority rights protection, right for association and equality of rights. Attitudes captured by these three statements were combined in a composite index expressing support for liberal democratic principles. Exact wording (English translation) of the statements is in Table 1.

**Table 1: Statements used as dependent variables**

Democratic Principles	Statement A:	Statement B:
<b>Support for democracy:</b>	It would be good for Slovakia to abandon the ideals of democracy as soon as possible and rule with a heavy hand	Although democracy is not perfect, it is the best form of government for our country
<b>Pair 1:</b>	In a democracy, the rights of minorities must be consistently respected	In a democracy, the majority has the right to make decisions even at the expense of minorities
<b>Pair 2:</b>	The Slovak Republic should guarantee equal rights to all citizens, regardless of their nationality	Slovaks should have a decisive position in the Slovak Republic
<b>Pair 3:</b>	Non-governmental organisations help to develop democracy and civil society in Slovakia.	Non-governmental organisations are under foreign influence and act against the interests of Slovakia.

Source: Authors

Online political engagement was measured in the following way. First, respondents were shown a list of social media platforms and asked to answer which ones they use. Subsequently we asked them ‘How often do you perform the following activities on the social network... (name inserted)?’ The indicators for passive political engagement with social media were:

- I read posts that are related to the social / political situation (news exposure)
- I give a like to posts that are related to the social / political situation (clicktivism)

The indicators for active political engagement with social media were:

- I comment on posts that are related to the social / political situation
- I share posts that are related to the social / political situation
- I create, add my own statuses that are related to the social / political situation
- I add photos or videos that are related to the social / political situation

Respondents marked the intensity with which they perform each individual activity. There were seven options ranging from several times a day to never.

As key control variables we included two items measuring offline political participation and two items measuring political trust. The offline participation helps to control for a degree of activism and interest in politics. The political trust allows controlling for partisanship and to certain degree also for political polarisation of respondents. As for offline participation, the question asks whether respondents cast a vote in the most recent parliamentary election (yes/no) and whether they took part in any of the numerous protests that took place prior to the data collection (yes/no). In regard to political trust, we included items measuring the level of trust to both Prime Minister Robert Fico (Smer/Direction – Slovak Social Democracy), and the opposition leader Michal Šimečka (Progressive Slovakia). In addition to this, we also included standard socio-demographic variables (gender, education, age, size of residence) as control.

## Analytical method

The choice of analytical method for testing our hypotheses was driven by the nature of the dependent variables. First, support for democracy is measured as a closeness to one of the opposite statements on a 4-point scale, which is an ordinal scale. Second, support for liberal democratic principles is a composite index calculated from three items measured on 4-point scale, which makes it a continuous variable.

For the hypotheses that include support for democracy we opt for ordinal logistic regression, which is a relatively powerful statistical technique used in social sciences to model relationships between an ordinal dependent variable and one or more independent variables. This technique takes into account that the intervals between the categories are not necessarily equal. Ordinal logistic regression is also suitable in our situation as we include multiple predictors that are both categorical and continuous variables.

The reported coefficients obtained from ordinal logistic regression have a straightforward interpretation: they represent the odds ratios of being in a higher versus a lower category of the dependent variable for a one-unit change in the predictor. This interpretation aligns well with the ordered nature of the dependent variable and provides clear insights into the effects of the predictors (Agresti 2010; Long & Freese 2014).

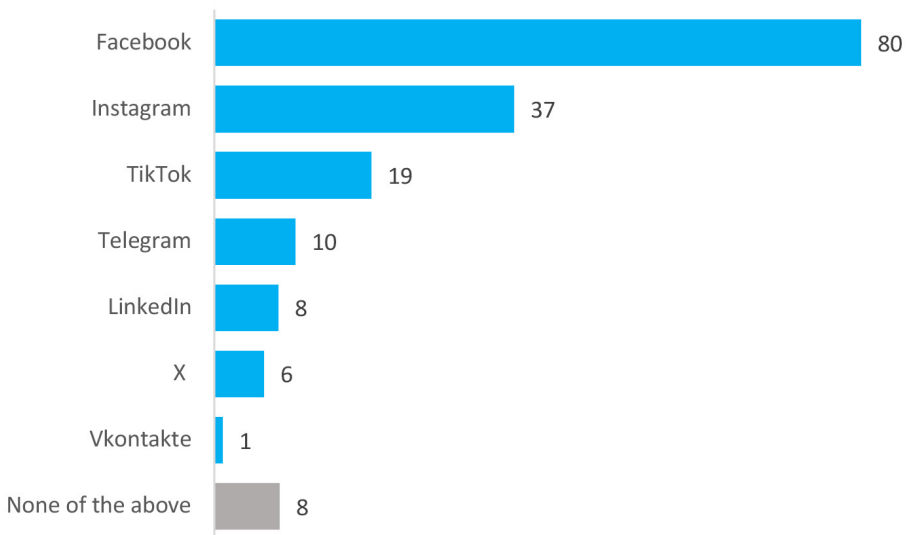
Regarding the hypotheses with support for liberal democratic principles as dependent variable, we employ the linear regression analysis. The results (Table 2 and Table 3) are then displayed in a form of odds ratios for support for democracy in general, and linear regression coefficients for support for liberal democratic principles.

## Findings

### *Users vs. non-users of social media*

The usage of social networks was measured as a multiple choice. Respondents were shown a list of social networks and were asked to mark all of those they use (Figure 1 includes all the networks in the list). In Slovakia, Facebook is definitely the most widely used social network with 80% of the population declaring usage. It is followed by Instagram with 37% of the population using it. Only eight percent of the population declares they do not use any of the social media included in the questionnaire (see Figure 1). Below, in a more detailed analysis of online participation, we focus on the two most used social networks in Slovakia – Facebook and Instagram.

**Figure 1: Usage of Social Networks in Slovakia**



Source: Authors

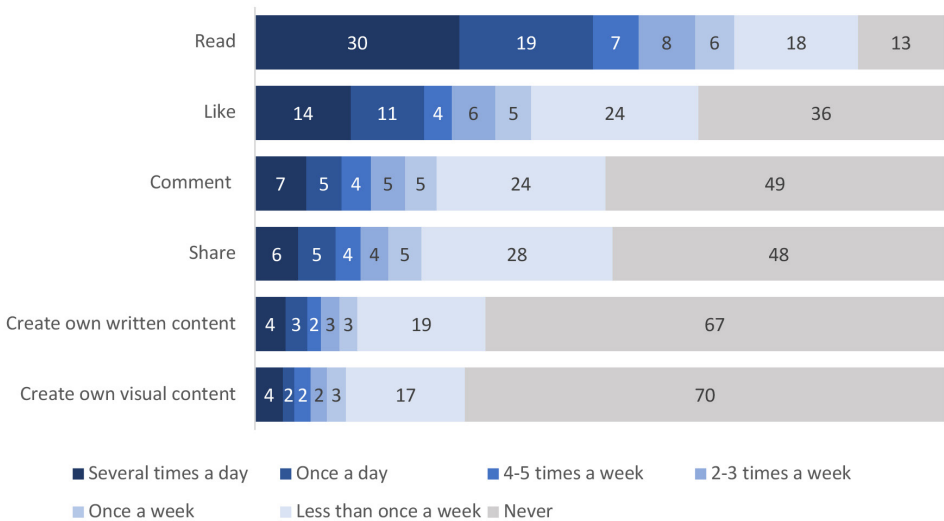
The data indicates that passive engagement with social media, such as reading and liking, is more common on Facebook compared to content creation, such as writing and creating visual content. The graphs below illustrate the frequency of various activities performed by users on Facebook and Instagram. Reading content on Facebook is the most frequent activity, with almost half of users engaging in it at least once a day (and 30% of users doing so several times a day, followed by 19% who read once a day). About one-fifth of the population reads Facebook content on a weekly basis, and another fifth does so less frequently. Notably, 13% of users never read content on Facebook.

In terms of liking content, about a quarter of people express their attitude at least once a day, while almost another quarter does so less frequently – less than once a week. However, the largest share of people claims they never like any content on Facebook (36%).

Commenting on posts has a lower frequency, with only 7% of users doing so several times a day, and the majority (49%) never commenting on Facebook posts. Sharing content is also infrequent, with about one in ten people engaging daily, and 48% of users reporting that they have never shared any content.

Creating original content is not a common activity, whether written or visual. More than two-thirds of respondents report that they never create their own content on Facebook. However, about 5–6% of users create original content daily, while another 7–8% do so once or more times a week. While a segment of users is highly engaged with frequent reading and liking, a significant portion rarely or never engages in content creation or sharing.

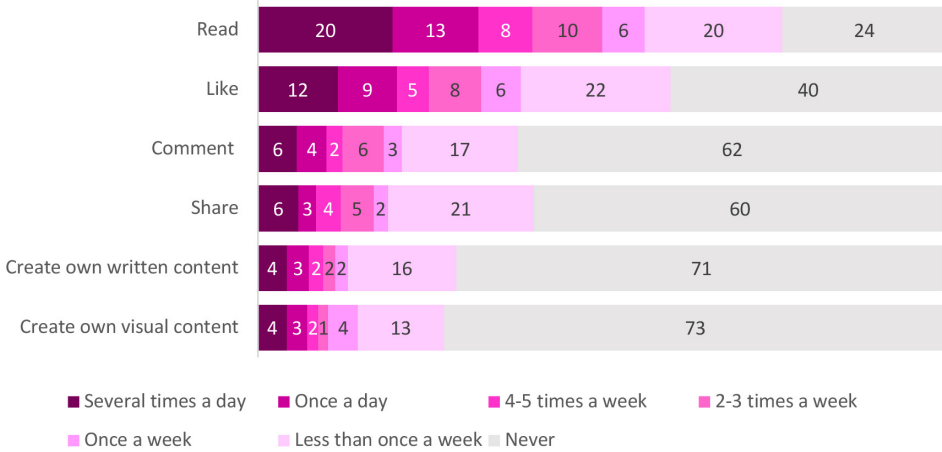
**Figure 2: Intensity of political participation on Facebook (in %)**



Source: Authors

The intensity of political participation on Instagram is quite similar to that on Facebook, although the number of users is more than twice as small. Reading about social or political issues is the most common activity. Conversely, creating original written or visual content is the least common activity, with more than 70% of people reporting that they have never done so. The precise share of people engaging in each activity is shown in Figure 3.

**Figure 3: Intensity of political participation on Instagram (in %)**



Source: Authors

The data on political participation on Facebook and Instagram indicates that passive engagement with social media – such as reading and to some extent liking – is more common compared to active engagement – such as writing or posting one’s own visual content. While some users are highly engaged with frequent reading and liking, there is also a significant portion who rarely or never engage actively.

### **Exposure to social media**

In the first step, we performed regression analysis with binary indicators of people’s engagement with eight social networks, plus an indicator for using any social network or none. The analysis shows that there is no statistically significant difference between the two groups: Facebook users and non-users in terms of their support for democracy or liberal democratic principles. The same holds true for most other social networks as well. In terms of supporting democracy in general and/or liberal democratic principles, there are no statistically significant differences between users and non-users of X, VKontakte, LinkedIn and Telegram.

Only a few effects seem to be present in the population. Users of Instagram have a higher probability of supporting democracy as a regime, as compared to non-users. However, the principles of liberal democracy are not supported more among Instagram users than among non-users.

Finally, individuals who are disconnected from any social network (the subpopulation of non-users) are significantly less supportive of liberal democratic principles. However, non-users constitute only around 8% of the general

population; they tend to be older with lower education levels and have lower interest in political participation even in offline contexts. It is likely that this segment actively avoids politics and may feel detached from it, thus expressing more negative attitudes toward principles of liberal democracy.

The results indicate that both hypotheses H1a and H1b are rejected. In none of the tested social media platforms did we find a negative impact from social media exposure. Surprisingly, we found a positive effect in the case of Instagram.

**Table 2: Regression Coefficients**

	Support for democracy	Support for principles of liberal democracy
Usage FB	1.294	1.087
Usage IG	1.296*	0.970
Usage X	1.476	1.069
Usage VK	0.378	0.787
Usage LI	1.064	0.995
Usage YT	1.775***	1.119*
Usage TK	1.069	1.105*
Usage TG	0.879	0.950
Usage ANY	0.796	0.861*

Source: Authors

### ***Passive vs. active social media engagement***

In the second step, we tested the relationship between the intensity of political engagement on Facebook and Instagram on support for democracy in general, as well as support for liberal democratic principles. Table 3 shows the regression coefficients.

Hypothesis H2a expected that more intense passive engagement with social media would lower support for democracy as a regime. The analysis shows that passive engagement (reading posts) on Facebook (coefficient = 0.952) and clicktivism (liking posts, coefficient = 0.998) do not have a significant association with support for democracy. On Instagram, the pattern for support for democracy is somewhat similar to that on Facebook but with slightly different intensities. Reading posts (coefficient = 1.08) and liking posts (coefficient = 1.053) do not significantly associate with support for democracy. Thus, hypothesis H2a is rejected.

Hypothesis H2b stated that more intense passive engagement with social media would lead to lower support for liberal democratic principles. We found that reading posts on Facebook is significantly and negatively associated with support for these principles (coefficient = -0.031\*\*). Liking posts does not show



**Table 3: Regression Coefficients**

Engagement	Particular activity	Support for democracy (odds ratios)	Support for principles of liberal democracy (linear reg. coeff.)
passive	FB / reading	0.952	-0.0305**
	FB / liking	0.998	-0.00244
active	FB / commenting	1.107**	0.0113
	FB / sharing	1.079*	0.00982
	FB / writing	1.153***	0.0217
	FB / creating visual content	1.219***	0.0390**
passive	IG / reading	1.08	-0.00212
	IG / liking	1.053	0.00462
active	IG / commenting	1.161*	0.0248
	IG / sharing	1.239**	0.0152
	IG / writing	1.350***	0.023
	IG / creating visual content	1.313***	0.0378

Source: Authors

a significant association (coefficient =  $-0.002$ ). Activities on Instagram do not show significant associations; reading posts (coefficient =  $-0.002$ ) and liking posts (coefficient =  $0.005$ ) are not significantly associated with support for these principles. This means that we accept H2b for passive political engagement on Facebook but reject it for Instagram.

Hypothesis H3a expected that higher active political engagement with social media would increase support for democracy as a regime. The regression analysis reveals that active engagement on Facebook is indeed positively associated with support for democracy. Commenting on posts has a significant positive association (coefficient =  $1.107^{**}$ ), as does sharing posts (coefficient =  $1.079^{*}$ ). Creating and adding one's own statuses (coefficient =  $1.153^{***}$ ) and adding photos or videos (coefficient =  $1.219^{***}$ ) also show a significant positive association with support for democracy. As for Instagram, the findings are rather similar. Commenting on Instagram posts (coefficient =  $1.161^{*}$ ), sharing posts (coefficient =  $1.239^{**}$ ), creating and adding one's own statuses (coefficient =  $1.350^{***}$ ), and adding photos or videos (coefficient =  $1.313^{***}$ ) all show significant positive associations with support for democracy. Thus, we accept hypothesis H3a in full.

Hypothesis H3b posited that more intense active engagement with social media would lead to higher support for liberal democratic principles. The regression analysis shows that activities such as commenting (coefficient =  $0.011$ ),

sharing posts (coefficient = 0.010), and creating and adding one's own statuses (coefficient = 0.022) show a positive, though not significant, association. However, adding photos or videos on Facebook is positively and significantly associated with support for the principles of liberal democracy (coefficient = 0.039\*\*). Regarding Instagram participation, none of the activities shows statistically significant effects, leading us to accept hypothesis H3b.

In summary, activities on both Facebook and Instagram that involve more active engagement (such as commenting, sharing and creating content) are generally positively associated with support for democracy. However, the support for principles of liberal democracy is only significantly affected by reading posts on Facebook negatively and by adding photos or videos on Facebook positively, while activities on Instagram do not significantly influence support for the liberal democratic principles.

## Discussion

Our research focused on the impact that social media engagement has on democratic attitudes. In general, the findings show that merely using social media does not negatively impact support for democracy. Users and non-users show similar levels of support for democracy when controlling for demographics, political trust and offline participation (H1). Our findings suggest that the impact of social media engagement extends beyond mere usage. Supported by the findings, we argue that it is the way and intensity with which users participate that plays a more significant role.

The analysis showed that passive political engagement on Facebook or Instagram does not have a significant impact on support for democracy (H2a), but passive engagement on Facebook negatively affects support for liberal democratic principles. A possible explanation for the lack of effect on support for democracy might be that democracy, as a political regime, is rhetorically accepted by political elites and the media as the only viable option. Even populist politicians or those with autocratic tendencies who undermine democratic principles in day-to-day politics (e.g. Viktor Orbán or Robert Fico) rhetorically declare their devotion to democracy. Therefore, even if people are passively reading content created by such politicians or media, it has little to no effect on their support for or rejection of democracy. However, more intense passive engagement with social networks leads to less support for liberal democratic principles such as minority rights protection or the right to associate. This finding aligns with expectations that social media often bring about distorted perceptions, including echo chambers, hate speech and selective exposure (Shin et al. 2018; Pariser 2011; Sunstein 2017; Chetty & Alathur 2018). We would also argue that the negative impact of passive engagement on Facebook may be a consequence of more passive usage leading to a spiral of negative feedback and

perception distortion, particularly as populist and anti-democratic politicians and disinformation media are significant contributors to content on Facebook.

When it comes to active engagement with social media, the regression analysis revealed that more intensive participation on both Facebook and Instagram is significantly related to increased support for democracy but not for liberal democratic principles (H3). The regression models also included control variables for political trust and offline participation. The fact that the influence of active social media engagement did not change after including trust in the prime minister and the opposition leader indicates that partisan orientation is not biasing the results – for example, it is not just supporters of the opposition driving both social media engagement and democratic attitudes. Therefore, we argue there is reason to believe that a learning or deliberative-style effect may indeed be present (Salzman 2019; Coleman 2017; Graham & Schwanholz 2020). Our research cannot, however, identify the exact nature of the causal mechanism linking active engagement and democratic attitudes, which poses a challenge for future research. Additionally, future research must address the idea that personal characteristics – such as values and morals – may predispose individuals to higher democratic standards as well as their promotion and active public participation, including engagement with social media. In such cases, the effects we found could be spurious.

Blaming and shaming social media for the deterioration of democracy may be overstated. Sometimes, as Margetts writes, social media ‘are blamed for almost everything that is wrong with democracy’ (2018: 1). Conversely, our study shows that non-users of social media have the same level of support for democracy and liberal democratic principles as social media users. Thus, we assert that mere engagement with social media cannot be solely blamed for negative effects or consequences on democratic attitudes. However, the problem with social media likely lies in how easily populist and autocratic politicians – as well as other social actors – can spread their messages, regardless of how manipulative or false they may be. In other words, there is no gatekeeping function like that found in traditional media with their editorial processes.

Therefore, if we consider a society where populist and anti-democratic politicians are part of the government and governing coalition, we argue that it is primarily their impact that contributes to a decrease in support for liberal democratic principles – whether they communicate via social media or not. We support our argument with regression coefficients from our models. The effects we found regarding political trust are several times more influential (in terms of coefficient sizes) than those associated with social media engagement. This raises questions about whether it is merely the use of social media (more or less intensively) that harms democracy or whether social media are simply platforms that political elites often abuse to spread ideas and emotions that attack liberal democracy as a particular form of governance.

## Conclusion

Social media – and social networks in particular – are often blamed for decreasing support for democracy and contributing to democratic backsliding. Our study showed that merely using social media (in relation to political content) does not appear to negatively impact support for democracy. We found no significant differences in democratic attitudes between users and non-users of platforms like Facebook, Twitter, LinkedIn, TikTok, Telegram and VKontakte, except for Instagram, where users showed slightly more support for democracy. We argue that it is not whether one uses social media but how intensively and in what kind of participation one engages that matters. Intensive social media engagement can influence support for liberal democratic principles. Frequent passive engagement on Facebook was linked to lower support for these principles – likely due to exposure to polarised content and disinformation.

Active engagement on both Facebook and Instagram correlated with greater support for democracy in general but not specifically for liberal principles. The relationship between intensity of active engagement and democratic attitudes may involve deliberative effects; however, the precise mechanisms remain unclear. Future research should explore the potential influence of personal values and characteristics on these findings.

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# Ripple/XRP in the Great Reset Conspiracy Theory: Comparative Analysis of Social Media in Poland and Slovenia

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**Abstract:** Conspiracy theories are attempts to explain important events, situations or their consequences as being guided by hidden powers, usually hostile towards ordinary people, originating from a secret agreement rather than emerging by coincidence. A particular increase in the popularity of conspiracy theories could be observed with the popularisation of the World Wide Web as an instrument of political and social communication, coupled with populist politics and growing distrust in institutions. The present study focuses on the escalating popularity of conspiracy theories, particularly the Great Reset conspiracy theory, which includes the idea of imposing tight control over the global economy with the popularisation of various virtual currencies, such as Ripple/XRP. The authors conclude that social media platforms, particularly those that provide anonymity, such as Telegram, play a crucial role in the dissemination of conspiracy theories, including the Great Reset conspiracy theory, while emphasising that social media with its universal global reach is also influenced by the political and social contexts of specific areas, which shape the nature of the conspiracies circulated.

**Keywords:** *conspiracy theories, Great Reset, Ripple, XRP, Poland, Slovenia*

## Introduction

Conspiracy theories are attempts to explain important events, situations or their consequences as being guided by hidden powers, usually hostile towards the general public, originating from a secret agreement rather than emerging by coincidence, by mistake or as a result of complex social reasons (Ver-

meule & Sunstein 2009). Such theories are often based on uncertain, fabricated or erroneous evidence, and are usually susceptible to falsification. Karl Popper (1971: 71) used the term *conspiracy theory of society* to describe a model in which explanation involves identifying people or groups interested in the occurrence of a specific phenomenon and planning and conspiring to bring it to fruition. Richard Hofstadter (1967) described conspiracy theories as an expression of a paranoid style of thinking characterised by exaggerated distrust and suspicion. Some researchers place conspiracy theories in one line with contemporary cultural phenomena that reflects uncertainty, distrust and fear of the complexity of the modern world (Knight 2000), and rejects the dominant explanations, seeking alternative, often enigmatic explanations (Barkun 2013). However, there is no easy explanation why people believe in conspiracy theories. According to Wardawy-Dudziak (2024), individual susceptibility combined with the specific sociopolitical situation may be part of the explanation, although there may be other important factors influencing the process of adoption as well. According to Matuszewski, Rams-Lugowski & Pawlowski (2024), who propose a three-level classification of conspiracy theories based on their deviation from conventional knowledge, an important factor may be the (dis)similarity of conspiracy theories from conventional knowledge. Consequently, conspiracy theories which are close(r) to conventional knowledge may be relatively easy to adopt. A particular increase in the popularity of conspiracy theories could be observed in times characterised by the rise of populism (e.g. Kukovič & Just 2022), democratic backsliding (e.g. Agh 2022), distrust in institutions (e.g. Haček 2024) and popularisation of the Internet as an instrument of political and social communication (Wojtasik 2024). Widespread use of the internet is paving the way for the elimination of the moderating role of traditional media and the creation of virtual meeting places for the proponents of such theories and the distribution of fake news (Pennycook & Rand 2019).

Conspiracy theories usually have several constitutive features occurring together (Pilch et al. 2023). One of the most important of these is the tendency to explain complex aspects in a simplified manner. Thus, these theories can serve as simplified heuristics for those trying to comprehend a complicated world, while rejecting sophisticated, yet more plausible explanations (Jolley, Mari & Douglas 2020). Another feature of conspiracy theories is the actual lack of rational evidential argumentation and the use of anecdotal evidence. They are based on weak, uncertain or unverifiable premises rather than on sound scientific research (Douglas, Sutton & Cichočka 2017). Conspiracy theories are also susceptible to falsification, but are resistant to logical arguments and evidence that contradict their assertions. Any evidence that contradicts a theory may be dismissed as part of a larger conspiracy (Lewandowsky 2021). They often have the nature of a self-perpetuating spiral, in which the lack of evidence is interpreted as proof that the conspiracy is hidden well, and that the evidence is

difficult to find. An example is the deep state conspiracy theory, which assumes that there is a hidden network of individuals and organisations within government structures that supposedly control policy independently of democratically elected representatives (Rosenblum & Muirhead 2019).

Given the significant and growing societal relevance of conspiracy theories, it is not surprising that research in this field is growing. Various studies have been done on the United States (Knight 2000) and specific parts of Europe, from Nordic countries (Astapova et al. 2022) to the countries in Central and Eastern Europe (Šteger 2024). These studies deal with various specific conspiracy theories related to particular phenomenon (Imhoff, Bertlich & Frenken 2022), from those about the Great Replacement (Bergmann 2021) and COVID-19 pandemics (Birchall & Knight 2023) to the idea of 15-Minute Cities (Glover 2024). However, the field of cryptocurrencies as an important contemporary phenomenon and accompanying conspiracy theories is (still) lacking proper research. We try to bridge that gap with the present research and an in-depth analysis of conspiracy theories about the Ripple/XRP in the Great Reset conspiracy theory. Ripple/XRP has been chosen (instead of, for example, Bitcoin – BTC or Ethereum – ETH) because the Ripple/XRP is associated with the conspiracy theory of the Great Reset, which is a well-spread conspiracy theory among those inclined towards conspiracy theories with the main idea that Ripple/XRP will become the global currency in the future and replace the USD as part of the larger plan.

## Methodology

To collect data, we created a list of the most popular social networks and instant messaging applications in Poland and Slovenia with Ripple/XRP online communities existing on those platforms in the Slovenian and Polish languages. The criterion for media selection was the popularity of the number of hashtags containing the words ‘Ripple’ and ‘XRP’. In the case of the profiles and thematic groups, the criterion for their selection was popularity as measured by the number of users or followers. Following social media sites and instant messaging applications were taken into analysis: Facebook, Twitter/X and Telegram. In the next step, we did a search for posts about Ripple/XRP, with the date of publication ranging from January 2022 to December 2023. The search method had a semantic nature, combining the co-occurrence of the terms ‘Great Reset’, ‘Ripple’ and ‘XRP’ in the threads, which we later analysed. We then extracted the main findings, which are presented at the end of the article.

## The Great Reset

One of the most popular conspiracy theories is that of the Great Reset, which refers to the term used by the World Economic Forum (WEF) to describe the global efforts to sustainably rebuild the economy after the COVID-19 pandemic

(Schwab & Malleret 2020). Because of the place where it was presented and the persons associated with it (in particular Klaus Schwab, founder and executive chairman of the WEF), it became very popular among some conspiracy theory proponents. The Great Reset conspiracy theory claims that global elites and international organisations such as the WEF plan to use the pandemic crisis (as well as other global crises) as a pretext to bring about radical changes in society and in the economy. The purported aim of these changes is to strengthen the control exercised over the world by supranational elites, and to weaken the societies and governments of individual states.

The most important foundations underlying the Great Reset theory are four factors that represent a conspiratorial reinterpretation of the assumptions underlying the change called for by the WEF. The theory assumes that the real aim of the Great Reset is to concentrate world power in the hands of a small group of global leaders and organisations. Their goal is to shift the decision-making centre to the global level by reducing the sovereignty of individual governments (Beck 2022). Corresponding directly to these assumptions is the idea of a world government, i.e. a supranational centre of power outside the political control of national societies. The second fundamental premise involves extending control over global economic processes. According to the theory, the plan is to impose tight control over the global economy, which may include promoting closed payment systems, overseeing citizens' spending and restricting private ownership. Its basis may be provided by one of Schwab's statements, 'You will own nothing and you will be happy' (Brown 2021). The pro-environmental approach of the Great Reset is also a factor that arouses the interest of conspiracy theory proponents. Some of the latter interpret the emphasis on sustainability and environmental protection as an attempt to introduce globalist control over the resource economy and natural resources, rather than as genuine concern for the planet (Roth 2021). Another important foundation underlying conspiracy perception involves the real motivations, with the assumption that the actual motives behind the Great Reset are hidden from the general public and that the publicly presented goals are merely a façade, aimed at procuring public support for the officially presented agendas, whereas the real ones remain concealed. An example of such a hidden goal, as indicated by Great Reset proponents, is the Central Bank Digital Currency (CBDC) introduction. As a result of the full insight into citizens' spending associated with CBDCs, the latter would constitute an instrument of exercising greater control of and imposing economic discipline on disobedient members of society (Mercola & Cummins 2021: 49).

In the economic aspect of the Great Reset, some proponents of the theory envisage the widespread use of blockchain technology to introduce a new system of global settlements. This would involve the international adoption of cryptocurrency, a future new reserve currency for the whole world, to replace traditional reserve currencies such as the US dollar. In this area, Ripple and

the XRP cryptocurrency it created are particularly popular among Great Reset theorists (Derousseau 2019; Seibolt 2022). Working with a number of global financial institutions, Ripple developed a technology to enable ultra-fast and low-cost international transactions. This technology in turn could be used as part of the Great Reset to create a more strongly integrated and more efficient global financial system, easy to control institutionally.

The aim of the article is to compare the opinions of conspiracy theory proponents on the role of Ripple and XRP in introducing the assumptions of the Great Reset among social media users in Poland and Slovenia. The main research question is as follows: Are there any similarities in the perception of the role of Ripple and XRP in Poland and Slovenia? Two main opinions clash in this respect among social media users. The first one is that Ripple and XRP are part of the Great Reset, because by cooperating with the WEF, they are bringing about a reduction in the scope of social and political freedoms. The second opinion, quite contrary to the first one, is that Ripple and XRP offer greater protection and anonymity to internet users through the use of blockchain technology.

## **Ripple and XRP**

Ripple, the company behind the XRP cryptocurrency, was established in 2012 in San Francisco, and it played a key role in developing the infrastructure enabling instant and low-cost financial transactions around the world. The idea for a system based on the Ripple protocol was originally formulated in 2004 by Ryan Fugger, who created Ripplepay, which was the first prototype of the system (Fugger 2004). In 2012, Chris Larsen and Jed McCaleb co-founded Ripple Labs (currently Ripple) with the aim of creating an improved transaction technology that would be faster, more scalable and less energy-intensive than, for example, Bitcoin (Salb et al. 2022). One of its main products is RippleNet, a global payment network whose main aim is to enable instant, secure and low-cost interbank transactions. It is an open source digital technology whose development is based on the Ripple Consensus Protocol (Hitam, Ismail & Saeed 2019). Large financial institutions around the world started to see the benefits of implementing this technology. XRP is the native cryptocurrency of the Ripple network. It was created to serve as a universal 'bridge' between different currencies for transactions in the Ripple network, enabling instant low-cost settlements. Over time, the utility of XRP was recognised by market participants and, consequently, in 2023, it became one of the most significant alternatives to traditional financial transactions (Aoyama et al. 2022). Despite the controversies and the market concerns about cryptocurrencies as such, Ripple managed to partner with numerous financial institutions around the world, offering them a technology enabling faster and cheaper international money transactions.



XRP itself is designed to act as a ‘bridge’ between different currencies, both fiat (i.e. traditional) and cryptocurrencies. This allows banks, other financial institutions and private users to perform international transactions more rapidly and more economically than if they used traditional systems. Operating within RippleNet, a system that enables instant, secure and low-cost international transactions, as opposed to Bitcoin, for example, which relies on a decentralised transaction confirmation process, XRP uses a consensus algorithm, enabling quicker and more scalable solutions. Unlike Bitcoin, which uses proof-of-work to achieve consensus in the network and confirm transactions, XRP uses a set of validators that work to achieve network consensus to confirm transactions and block sequences (Roma & Anwar Hasan 2020). Consequently, XRP is poised to carry out transactions in a matter of seconds, whereas in the case of Bitcoin and Ethereum, for instance, it can take from several minutes to several hours to confirm a transaction. In addition to speed, another advantage of the project is its scalability. It is capable of processing thousands of transactions per second. Another aspect contributing to XRP’s popularity are the low transaction costs for the participants, making it an attractive instrument for money transfers and other financial operations, especially high-value ones. As opposed to most cryptocurrencies, the project is deflationary in its nature, as the entire supply of 100 billion XRP was generated at the very start, and some of it is destroyed as a result of the transactions performed. Transaction fees incurred by users are ‘burned’ and removed from circulation, resulting in a gradual reduction in the total amount of the currency (Micu & Dumitrescu 2022). The main objection with regard to XRP concerns the degree of centralisation. Unlike many other cryptocurrencies, which are highly decentralised and community-based, Ripple has a significant influence on the development and management of XRP. Although the company itself claims that the network is becoming increasingly decentralised and democratic, many people in the cryptocurrency community believe that the founder still has too much control over XRP.

## **Ripple and XRP in the Great Reset conspiracy theory**

In the world of blockchain technology and cryptocurrencies, where transparency and decentralisation are among the most important values, any actions taken by companies and organisations that appear to deviate from these ideas may lead to conspiracy theories emerging about them. The most popular ones in this area are those concerning the origins and functions of Bitcoin (Golumbia 2016), though Ripple and its cryptocurrency XRP are no exception, and have also become the target of various speculations and conspiracy theories. One of the most frequent accusations against Ripple is that it controls too much XRP, leading to the speculation that the company might manipulate the price on the market. Some argue that Ripple may be deliberately influencing the price

of XRP by buying back or selling a large number of tokens in a short period of time (Wilser 2023). As Ripple has established partnerships with a number of large banks and financial institutions, there have also been speculations that XRP is a 'bankers' currency', created specifically for them. Some theories suggest that banks and governments may be working with Ripple to replace traditional financial systems. On the other hand, when the United States Securities and Exchange Commission (SEC) brought a case against Ripple Labs, speculations appeared that this was a government conspiracy to destroy XRP as a competing cryptocurrency or an attempt by the traditional finance sector to take control of blockchain technology. Finally, there is speculation in some circles that XRP could become a global reserve cryptocurrency to replace traditional ones (Steves 2022). Such opinions are not isolated either with regard to some other cryptocurrencies such as Bitcoin and Stellar Lumens (Buckler 2022). On an interesting side note, the source of one conspiracy theory was ChatGPT, which suggested to a certain user that XRP was not a real blockchain, as Ripple had 'ultimate control' of XRP (Coghlan 2022).

A substantial number of the conspiracy theories cited here suggest that global elites are planning to redefine the global economic and social system. In this context, various speculations have repeatedly linked Ripple and its cryptocurrency XRP to the Great Reset. Ripple, with its advanced technological solution for international payments, has often been presented as a key element in the evolution of the global financial system. In the context of the Great Reset, some speculate that technologies such as XRP could be used to support a new, decentralised financial structure (Ikeda 2022). The company works with multiple banks and institutions around the world, which some interpret as proof that the company could play a key role in the architecture of the future global financial structure following the Great Reset. Some people in the cryptocurrency community suggest that XRP could become the only global 'bridge' between different currencies, would play a key role in a new, integrated financial system, and could even become the only global currency in the future (Lyons 2023). According to some speculations, the fact that Ripple is associated with global initiatives such as the WEF may indicate the company's key role in shaping the future of the global economic system (Covell 2021).

## **The Ripple/XRP online community**

People interested in blockchain technology actively gather in many places on the internet to exchange information, speculate about the future, share news and support one another. This also applies to Ripple and XRP, which, due to their popularity, draw the interest of both investors and conspiracy theorists (or those falling into both categories). The most popular places on the web where the Ripple/XRP community is most active include the [bitcointalk.org](https://bitcointalk.org)

online forum. Until recently, this was one of the oldest and most popular forums about cryptocurrencies, with many threads dedicated to Ripple and XRP. Another online medium bringing this community together is Reddit, with the subreddits /r/Ripple/ and /r/XRP/. These are now the two main places where interested users discuss, in English, all things related to such projects, but with a predominance of investment-related threads. On Facebook, currently the most popular social network, Ripple's official profile has 220,000 followers, which should be considered a rather moderate number. Many profiles and key figures associated with Ripple, as well as enthusiasts and analysts, are active on Twitter/X. Hashtags such as #XRP, #Ripple and #XRPArmy are often used to discuss this cryptocurrency. It seems that, due to the nature of the communication model, Twitter/X is currently the most active forum for blockchain technology enthusiasts. Ripple's official Twitter profile has 1.6 million followers. Similarly, YouTube features a number of channels dedicated to XRP analyses, news and speculations. Another relatively new medium are instant messaging groups, the most popular of which are found on Telegram and WhatsApp. They are used for the exchange of information and for real-time discussions. An interesting phenomenon is linked to the emergence of the Clubhouse app. It brings together many blockchain technology enthusiasts, including XRP supporters, who have started to hold live discussions on various Ripple-related topics thanks to the technology offered by the app.

Social media allow users to share information in a variety of ways. Modern research has shown that they can play a key role in the spreading of conspiracy theories. Researchers point out that information is often communicated in a context that favours the spread of fake news, making the latter more accessible to an extensive audience (Douglas et al. 2019). Aspects related to blockchain technology are in themselves complex, and may easily become simplified both at the level of facts and of explanations, due to the somewhat superficial nature of communication via social media. Therefore, it should not be particularly surprising that the Great Reset conspiracy theory is also being put forward in the context of Ripple and its XRP chain.

## **Ripple/XRP and the Great Reset in Polish and Slovenian social media**

The global popularity of XRP (at the time of writing of this article, it is the fifth largest cryptocurrency in the world in terms of capitalisation) means that Polish and Slovenian social media also feature profiles and thematic groups dedicated to describing it and commenting on it. Some of them also engage in distributing information related to conspiracy theories. This part of the article includes an analysis of one profile or thematic group on Facebook, Twitter and Telegram for each country. The criterion for media selection was the popularity

of the number of hashtags containing the words 'Ripple' and 'XRP'. Regarding profiles and thematic groups, the criterion for their selection was popularity as measured by the number of users or followers.

In the case of Facebook, the amount of content analysed in Polish and Slovenian that had been assigned the Ripple and XRP hashtags was significant, but it did not systematically address aspects related to conspiracy theories. In the case of Slovenia, the analysis focused on the largest public group called Kripto Slovenija. It had 19,000 members, whose main activity involved discussions about individual blockchain technology projects and their market prospects. Since the beginning of 2022, 26 threads had appeared whose title contained a reference to Ripple/XRP. The comments did not include direct references to conspiracy theories, except one indirect suggestion that Ripple had won a lawsuit with the SEC, the US securities market regulator. In the case of Polish Facebook, the analysis focused on the XRP Polska group, with 10,000 users. Similarly to the Slovenian group, this community is primarily interested in the investment aspect of the XRP cryptocurrency, although its potential to replace traditional reserve currencies is highlighted. Since the beginning of 2022, 76 new threads had appeared on the group's profile, mostly concerning investment matters. Just like in the Slovenian group Kripto Slovenija, users noted Ripple's court showdown with the SEC, but they treated it as a potential threat of XRP being recognised as an asset subject to regulations governing the US capital market. It can therefore be seen that Facebook was not a medium used for the spread of conspiratorial content regarding Ripple/XRP in the case of Poland or Slovenia.

The principal social medium for promoting and sharing information about various blockchain-based projects is Twitter/X. This is due to its information-centred nature, as it focuses on delivering short messages as quickly as possible, as well as to its particular interest in this technology, which became apparent after Elon Musk took over the platform. The billionaire is an enthusiast of blockchain technology, and he had already been investing much earlier in various cryptocurrency projects. It needs to be noted that every one of the 100 largest blockchain-based projects in terms of capitalisation have official Twitter profiles, very often with impressive numbers of followers (e.g. Bitcoin has 6 million, Ethereum has 3.1 million and Ripple has 2.6 million), constituting the most important channels of communication with their respective communities. In addition, these profiles are very often created by community members to animate discussion forums concentrating on narrower as well as nation-specific (and often language-specific) ones. Interestingly, most of them are run in English, not in the respective national languages. The English-language ones are in fact quite popular, also in Poland and Slovenia.

There is scarce content concerning Ripple/XRP on Slovenian Twitter/X. Compared to Poland, as it has already been pointed out, this may be due to dif-

ferences in population size between the two countries. In practice, apart from individual posts with the hashtag #XRP, only one profile focused on Ripple/XRP can be indicated – namely XRP sLOVEnia (@mitjaxrp). It has over 800 followers, but they have been displaying very little activity. New profile posts appear once every few days or weeks, and are often only technical in nature. Most frequently they are retweets of English-language posts. In years 2022–2023 (analysed here), no post on this profile referred to the Great Reset or to other conspiracy theories. In the case of Poland, the situation is also noteworthy, as the two most popular profiles dedicated to Ripple/XRP, @xrppoland and @PolskaXrp, are run in English. In addition, in the former, the most recent entries come from 2021, so only activity on @PolskaXrp was analysed. The profile has only 20 followers and focuses on retweeting information about XRP/Ripple from the English-language blogosphere. Of the 220 posts published from 2022 to 2023, none refer directly to conspiracy theories, but some of them did mention the use of XRP as a versatile and the only universally accepted bridge between the world of traditional currencies and those based on blockchain technology. This mechanism would reportedly result in an increase in the value of XRP by several hundred times. Interestingly, in some predictions of this kind, analysts were quoted from recognised US banks, for instance Shannon Thorp of Wells Fargo (Best 2023).

A platform held in special esteem by supporters of conspiracy theories is the Telegram instant messaging service (Walther & McCoy 2021). This is for a number of reasons, the most important of which is the lack of capital ties of the service to US internet corporations. At the same time, users do not seem to be bothered by the fact that the app was developed in Russia, generally seen as a country specialising in disinformation on a global scale (Tatarczyk & Wojtasik 2022). Other reasons for Telegram's popularity include its interoperability, simplicity and anonymity of use and the fact that, unlike Twitter/X, it informally promotes discussion groups in national languages.

In the case of Slovenia, there is no Telegram group dedicated to XRP/Ripple, but the most popular among those interested in blockchain technology is the Bitcoin Slovenia Group (BSG) channel with more than 2,000 users. They focus on actively exchanging comments and opinions on the cryptocurrency market, including the assessment of XRP's place in the current and future monetary system. An analysis of posts from 2022–2023 yielded no threads about Ripple/XRP in the context of conspiracy theories. Although BSG users did note the Ripple vs SEC court battle, they interpreted it only in the context of potential opportunities and threats to the market prospects of the XRP price quotes. After the initial resolution of the lawsuit in August 2023, they reacted enthusiastically to the fact that the court had not recognised XRP as a security, but in no way did they link this to the cryptocurrency's potential participation in the Great Reset.

In 2022, Polish Ripple/XRP enthusiasts set up a special group called Królicza Nora (Rabbit Hole) on Telegram (although before that, some of its members had been holding discussions on Twitter/X). Its name referred to a place from the book *Alice's Adventures in Wonderland*, which turned out to be a bottomless well. At the same time, it is the concept that gave its name to the rabbit hole syndrome, a theory explaining the adoption of conspiracy theories (Sutton & Douglas 2022). As the group's founder explained, the name has two origins. The first source is the film *The Matrix* and the white rabbit that appears in it, connecting the protagonist (Neo) to the eponymous matrix. The second inspiration comes from the book *Alice's Adventures in Wonderland*, in which going down the rabbit hole provides an insight into a deeper consciousness and an opportunity to see hitherto hidden meanings.<sup>1</sup> The group is composed of 75 people who, at various times, publish between a few and several dozen posts a day, mostly dedicated to the use of blockchain technology and cryptocurrencies.

However, the most frequent and common theme in the group's posts is the theory that XRP will be the only global currency in the future. Elaborate concepts emerge on its basis concerning the Great Reset, with the publication of links to materials describing them, for instance videos by Katarzyna Szewczyk (2021). Among the group's members, the Great Reset is associated primarily with the WEF's activities. This is evidenced by one of the first posts by a user called Levi:

I've been thinking about this recently and at the end of the day, even if a few hundred or a few thousand or maybe even a few million people accidentally become millionaires it won't make any difference to them and if you start telling people about the Freemasons' plans about the WEF about Schwab etc. they look at you as if you were a moron. People are so blinded by TV and believe the government so much that it's actually inconceivable... and let's face it, you don't go to work for the government for a salary of 10/15k because you can earn a lot more much more easily.

Another post links the WEF to Freemasonry and Jews and the war in Ukraine combining different conspiracy theories into what some call *superconspiracies* (Birchall & Knight 2023 79)<sup>2</sup>:

I'm actually wondering about another thing and maybe someone has some info, I understand that Freemasonry does not communicate directly, and if they do, they communicate rarely, their membership is quite secret, and so is the way in which they transmit information... Besides, I understand that Europe and

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1 The information comes from the authors' interview with the group's founder.

2 As noted by Birchall and Knight (2023: 79) conspiracy theories rarely come as a single, separate claim, but are instead integrated into endlessly shifting mega-conspiracy theories that connects all kinds of details into an overarching theory.



the US are trying to introduce a new world order and on the other side we have China Russia India Brazil? Because if so, why are they attending the WEF? Or is it the other way around? Unless there are no opponents and the pseudo war is just there to make room for Jews in what currently is still Ukraine.

The posts cited above are merely examples; the number of messages with direct and indirect references to the WEF exceeded 100 during the period studied.

In the context of conspiracy theories described here, the group's participants see Ripple and its cryptocurrency XRP as part of a new socio-economic order that will emerge after the Great Reset. They are perceived as a part of a future system of political and social oppression, as they would ensure full control over the financial flows of private companies and citizens. Their secondary objective, according to the group's participants, is the reduction in the usefulness of cash in favour of digital money, already being implemented today. They see this as a certain paradox of blockchain technology: on the one hand, it provides far-reaching anonymity for market participants, while on the other hand, it can be used to restrict the free disposal of assets.

## Conclusions

Social media play an important role in shaping the public opinion in today's digital world. The numerous studies cited indicate that they may indeed foster the spread of conspiracy theories. Firstly, they encourage users to form and join groups of people with similar beliefs. In these echo chambers, information is often amplified by like-minded users, which can lead to the reinforcement of belief in conspiracy theories, e.g. by the tendency of users to consume and share information within closed communities (Del Vicario et al. 2016). Secondly, algorithm-based content suggestion on social media may be important. Algorithms are designed in such a way as to present content users will find most interesting, which in turn may lead to a focus on one-sided information. It has also been noted that social media tend to give users information which is in line with their beliefs (Bakshy, Messing & Adamic 2015). Another important factor contributing to the reinforcement of conspiracy theories through social media is anonymity, which can encourage the spread of fake news and conspiracy theories without fear of liability. Social media also make it possible to share information instantly. Often, this information is not sufficiently checked before being shared, which additionally fosters the spreading of conspiracy theories. Fake news also spreads faster and is more engaging for users compared to true information (Vosoughi, Roy & Aral 2018). In addition, social media users tend to believe information on the basis of the popularity of the content. Information that is widely shared or has many likes may be seen as more reliable (Penneycook et al. 2020). Finally, conspiracy theories often have a strong emotional



charge. Some research suggests that people are more likely to believe and share information that evokes strong emotions (Bruder et al. 2013).

The research presented here concerning one of the aspects of the Great Reset conspiracy theory, using the example of social media in Poland and Slovenia, shows that social media is not in all cases conducive to the promotion of content based on conspiracy theory premises. This results from the specific nature of the content presented as well as from the differences between the individual media in this respect. Content related to the involvement of Ripple/XRP meets the audience engagement criteria listed above. Such content appears in echo chambers, usually coming from anonymous user accounts, and refers to current and emotionally engaging issues. The present study highlights differences in how Ripple/XRP related conspiracy theories are spread in Poland and Slovenia. In practice, it is only on Polish Telegram that one can find a group that systematically publishes and discusses Ripple/XRP's involvement within the Great Reset conspiracy theory. Groups such as 'Królicza Nora' (Rabbit Hole) on Telegram actively publish content about the Great Reset, often linking Ripple/XRP with a new socio-economic order that is expected to emerge after this event. In Slovenia, there is no similar activity on Telegram, which may, among other things, indicate the lower interest in such conspiracy theories. This discrepancy suggests that conspiracy theories resonate differently across cultures and may be influenced by a broader national context. Apart from the mechanical effect of the size of the two populations (the Slovenian population is 18 times smaller than the Polish one, which undoubtedly restricts the content acceleration mechanism), other factors may also have an impact. The most important of these include the stronger orientation of the Slovenian cryptocurrency community towards participation in the activity of portals/groups concerning blockchain technology in general (in Poland, there are many communities centered around individual cryptocurrency projects) and the stronger politicisation of the Polish Ripple/XRP community. When discussing the Great Reset, members of the latter very often display extreme nationalist, anti-Ukrainian (resulting from the war going on in Ukraine) and anti-European attitudes. The presence of conspiracy theories on such platforms therefore reflects how misinformation can be tailored to fit national or ideological contexts, which has broader implications for understanding social media's role in the dissemination of misinformation at a global level.

The study presented here did not address the totality of attitudes towards the Great Reset conspiracy theory in the community of blockchain technology supporters in Poland and Slovenia. This is because it was limited to groups and profiles unambiguously assignable to national parts of the infosphere of the countries examined. At the same time, it is known that the blockchain community is markedly global in its nature, and most often does not gather around national and linguistic references. Therefore, a potentially attractive direction

for the development of the research presented would involve extending it to include groups and profiles with global reach. In the methodology applied here, however, this will be difficult from the point of view of the reduced possibility of linking the participants operating there to their national points of reference.

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# Media in Power: Media Actors in Ukrainian Legislative Body and Zelensky's Phenomenon

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**Abstract:** *The role of the media and its representatives has grown significantly due to mediatisation, which is especially evident in periods of weakening political institutions. In Ukraine, the Orange Revolution (2004) and the Revolution of Dignity (2013) opened the way to politics for an increasing number of media actors, which made it possible to analyse their legislative activities in 2006–2019 to define domination media or political logic. The ascension of new political figures in 2019, led by V. Zelenskyy and his Servant of the People party, can only be partially attributed to mediatisation and populism.*

**Keywords:** *mediatisation, populism, media, democracy, politainment, parliament, revolution, Ukraine*

## Introduction

The media increasingly infiltrates our lives, modifying not only our interpersonal communication but also reshaping the political landscape. The erosion of traditional media monopolies over information is due to the emergence of the Internet and the proliferation of social media, along with the rise of the populist movements and the global weakening of democratic institutions.

Consequently, media representatives (journalists, bloggers, actors, etc.) are increasingly engaged by political parties to run for office, while politicians actively employ marketing and entertainment technologies to attract voters. In a stable democracy, media logic and political logic compete on an equal footing. However, the weakening of political institutions creates conditions for political processes to be subordinated to media logic. This shift enables media representatives to come to power, as demonstrated in Ukraine and, to some degree,



in Poland, with the recent appointment of its new parliamentary speaker. This raises an essential question: Do media actors use their access to the legislature to serve their professional, political or personal interests?

## **Mediatisation, democracy, populism and the 'fourth estate': A literature review**

Today, mediatisation affects 'all spheres of society, from family structure to the ageing process, from gender relations to power, from the political apparatus to economic structures' (Mazzoleni 2008a: 3052). Many researchers believe that mediatisation is the main axis around which the modern process of political communication revolves (Brants & Voltmer 2011; Kriesi et al. 2013).

The emergence of new media and new communication tools that allow people to connect easily and continuously with their social environment, as well as to access, consume and produce a diverse range of content, has strengthened mediatisation. Traditional mass media alongside these new tools have penetrated so deeply into all spheres of human activity to the extent that no individual or social group can exist outside media influence. Hjarvard (2008) conceptualises 'mediatisation' as a process of modernisation, at the centre of which the organisational, technological and aesthetic operating mode of the media shapes the forms of interactions between social institutions.

Marcinkowski and Steiner (2014) suggest that mediatisation should not be understood as a straightforward, media-driven influence but rather as an outcome of a complex interaction of multiple media and non-media causes. They consider it a consequence of the functional differentiation of society and, in particular, the functional autonomy of the mass media system, which is influenced by three determining factors: universality, exclusivity and autonomy (Marcinkowski & Steiner 2014: 74, 77–78).

In a broad sense, mediatisation is a process of social transformation driven by media both as technology and an institution independent of other institutions and social spheres, shaping their communication processes. Consequently, these institutions and social spheres become deeply influenced by the media, which leads to structural changes in how they interact with each other. This influence impacts and modifies their actions and practices to the point that they become dependent on the media and its logic (Altheide 2013; Hepp 2013; Hepp et al. 2010; Meyen et al. 2014; Strömbäck 2011; Strömbäck & Esser 2014).

Meanwhile mediatisation of the political sphere is not to be interpreted as indicative of a declining political culture or as a pathological colonisation of politics by media. Instead, it primarily serves to make politics function under conditions of increased interdependencies, high political complexity and inclusivity. Thus the media, acting as 'summoned ghosts' that cannot be banished again, may produce unintended side effects for the system – a possibility that

cannot be ruled out. But even in this case they remain merely ‘summoned’ ghosts and not diabolical visitations (Marcinkowski & Steiner 2014: 88).

We fully agree with the view that it is erroneous to consider mediatisation a developmental process externally ‘imposed’ on the political system to get it wrong. ‘Mass media cannot... force anything on politics, not even media-savvy self-presentation. It is politics itself that realises its dependence on media more than ever and is therefore reprogramming itself to appear more attractive’ (Marcinkowski & Steiner 2014: 86).

Mediatisation, as a historical process of social change driven by the ubiquitous presence of media, explains the dominance of media logic. Media logic is a set of rules and regulations for covering politics and seeking to attract the attention of the audience in the face of fierce competition for this scarce resource (Mazzoleni 1987). It is perceived as an important or ‘even dominant’ feature of election coverage, when news about personalities, party strategies, campaign events and horse-race type stories take precedence over substantive political issues (Strömbäck & Kaid 2008: 425). Consequently, political institutions – parties, governments, parliaments – have adapted their communication practices to media logic in their struggle for publicity and for the attention of voters. The media logic is most clearly manifested in the United States, where tabloids and mainstream outlets have decisive influence on political campaigns, while the public service broadcasting structures in most European countries were able to resist its power (Brants & Van Praag 2006; Strömbäck & Dimitrova 2011). News media ‘constrain the choices of these other political actors, i.e., they structure... the actions of those working in the three official branches of government, in public administration and in different stages or parts of the political process and develop different practices to manage them’ (Strömbäck & Dimitrova 2011). Moreover, this process transforms not only discourse, but also leads to organisational and procedural changes. In other words, the logic of media is not only the grammar of communication, but also a force that pushes for institutional change (Asp 2014; Couldry & Hepp 2013; Hjarvard 2008). From the media’s point of view, politics was seen as any other topic to be covered by its audience, created and presented on the basis of the ‘news values’ of the media industry and often show business. The most tangible result of this was the transformation and adaptation of traditional stylistic features of political communication to typical media formats (Altheide & Snow 1979). Strömbäck (2008) explains this transformation as the so-called ‘third phase of mediatisation’, when the media further emancipate themselves from political actors and succeed in making their formats, content, grammar and rhythm so pervasive that ‘no social actor who needs to interact with the public or influence public opinion can ignore the media or afford not to adapt to its logic’ (Strömbäck 2008: 238).

Political logic is the opposite of media logic and aims to facilitate collective decision-making and ensure the implementation of political decisions. During an

election campaign, the main actors are parties and candidates who address voters with topical issues and policy proposals. During governance, the discussion, negotiation and decision-making by the legislative or executive branches of government come to the fore, as do the implementation of and accountability for political decisions (Esser & Strömbäck 2009; Sampert et al. 2014; Strömbäck & Esser 2014).

The mediatisation of politics is a component of the broader mediatisation of society, particularly significant in relation to power dynamics and associated relationships. It can be defined as the influence of media on the political sphere: 'the media have become central to most political processes, such as election campaigns, government communications, public diplomacy and image building' (Mazzoleni 2008a: 3048). Politics, political communication and information are changing towards a 'Mediatization 2.0' situation wherein the logic of traditional media merges with interactive communication modes, rendering the political system more dependent than ever on the media (Mazzoleni 2014: 44).

The process of mediatisation transforms the meaning of media for democratic regimes. The *raison d'être* of media as the 'fourth estate' is to serve as a counterbalance to the three estates of the Legislative, Executive and Judiciary. Its role is to be 'set apart from the rest of society to provide the checks and balances necessary to make society function well' (Stiglitz 2017: 14). Mansbridge et al. (2012: 20) argue that any democracy requires political media to play the role of transmitter of reliable and useful information, helping citizens interpret facts and make connections between facts, roles and policies, and acting as watchdogs, critics and investigators.

A decline in democracy limits the dissemination of accessible information, thereby undermining the independence and influence of the 'fourth estate' (Haggard & Kaufman 2021). Furthermore, in the age of mediatisation, technology and ownership have become dominant in moulding the fourth estate to a form of 'hyper-commercialization', sensationalism and oversimplification (McChesney 2016).

The concentration of ownership, the consolidation of media markets through a web of alliances, and changes in the production, distribution and consumption of news negatively impact media as the fourth estate. Some researchers refer to this phenomenon as 'media capture' – that is, 'a situation in which the media have not succeeded in becoming autonomous in manifesting a will of their own, nor able to exercise their main function, notably of informing people. Instead, they exist in an intermediate state, with vested interests, and not only the government, utilize them for other purposes' (Mungiu & Pippidi 2013: 41). Stiglitz (2017) argues that the fourth estate is a crucial component of the checks and balances within democratic society and 'when the media get captured by those they are supposed to oversee – whether government, corporations, or other institutions in our society – they cannot or will not perform their critical societal role' (Stiglitz 2017: 15–16).

Mediatisation exerts both functional and transformative effects on politics and democracy. However, some researchers contest the notion ‘that we are moving towards a media-driven democracy’ and concluded that we are witnessing ‘an intense but harmless mediatisation of politics’ (Mazzoleni & Schulz 1999). Mediatised political communication can negatively impact democracy in several ways: 1) it may sustain communication injustices by excluding ‘out-groups’ from the national discourse; 2) it may lead to neglect or pay only inconsistent attention to significant, long-term social challenges; 3) due to the perpetration of monolithic framing and stereotyping, it may severely limit citizens’ awareness of the options available for tackling important issues and their ability to make informed choices when acting politically themselves; 4) policy proposals, decisions and outcomes may be subjected less often to informed scrutiny; 5) the opportunity that citizens can gain something worthwhile from voicing political differences may be reduced if those exchanges are little more than slanging matches; 6) mediatisation can obscure the chain of accountability that is supposed to operate in a democracy (Blumler 2014: 37).

A substantial body of literature explores the significance and role of media and its representatives in the context of the increasing importance of media (mediatisation), the interaction between media and politics, and media’s impact on the course of democratic processes. However, there is a notable lack of empirical research on the behaviour of media actors in the political environment when they manage to become a member of the legislature or head an executive body. As a member of parliament, a media actor can influence not only public opinion, but also alter the legal norms that govern social relations and have a long-term impact on the development of the state. In other words, what agenda will the media actor promote? Will they defend professional interests and improve the conditions for media operations, following the political programme of the party they represent in parliament, or will they pursue their own interests? In the context of mediatisation, this pertinent question emerges: Will media logic prevail over political logic or will the reverse occur?

Before moving on to these issues and in order to understand mediatisation in Ukraine better, it is worth briefly discussing populism and politainment. It may have contributed a qualitatively new level of mediatisation not seen in other countries. In Ukraine a media actor and entertainment business owner with no political experience became the head of the executive branch of government for the first time, while his political party gained a majority in the legislature. It is widely believed that a combination of populism and experience in implementing entertainment projects is the determining factor in V. Zelenskyy’s victory in the 2019 presidential election.

Mazzoleni (2014) stated that populism can only be fully understood within the framework of the media-driven influences that shape its contemporary features and proposed the dual concept of media populism, which allowed us

to understand how, when and where populism is affected by mediatisation. On the one hand, the 'close connection between media populism and the popular content spread by the media industry causes the media's own brand of populism to provide a platform that is conducive to political populism'. On the other hand, 'some news as well as entertainment media not only play an indirect instrumental role but also act as primary players in promoting a populist agenda' (Mazzoleni 2014: 49).

Laclau (2005) noted that one of the effects of populism, for better or for worse, is the revival of politics. For example, in Poland the YouTube channel of the Sejm, the lower house of the Polish parliament, has attracted more than 650,000 subscribers – more than five times that of Germany's Bundestag (Minder & Erling 2024). The showman behind what has become known as Poland's Sejmflix is the parliament's new Speaker, Szymon Hołownia, who previously hosted Poland's version of the Got Talent television show, and who has encouraged citizens to 'stock up on popcorn' and tune in to more exciting and inspirational parliamentary debates than those held before. Now the Sejm is 'the most popular parliament in the world' because people yearn to witness the country's expected legislative overhaul.

Until recently, researchers largely overlooked the role of media entertainment in political communication, apart from a few exceptions (Van Zoonen 2004; Tenenboim & Weinblatt 2009, Curran 2011; Williams & Delli Carpini 2011). Curran (2019) argues that the media entertainment impinges on public life by values, perceptions 'facilitate a debate about values that underpins politics, they can also impinge on public life in another way' (Curran 2019: 287); the formation, maintenance and adjustment of social identity, and the maintenance and revision of public norms (Curran 2019: 287–292).

The examples of infotainment and politainment are evident in several highly mediatised political contexts. Infotainment applies to the entire news business, and not only its political content, as it 'denote[s] the decline of hard news... programs and the corresponding development of a variety of entertainment shows that mimic the style of news' (Baym 2008). The term politainment refers to the 'blending of politics and entertainment' and 'the entangling of political actors, topics, and processes with entertainment culture'. This encompasses two processes: (1) political entertainment – how the entertainment industry leverages political topics across various entertainment formats; and (2) entertaining politics – how political actors capitalise on their celebrity status (staging photo-ops, party convention spectacles, talk-show appearances, etc.) to enhance their images and promote certain issues through media access (Nieland 2008: 3659–3660).

Some recent research has refuted the argument that the popular media are more inclined than the traditional media to give greater prominence to populists, and found that there are 'no differences between the various media outlets'

(Bos et al. 2010: 157), and that ‘there is no ground for the idea that popular newspapers are more sympathetic toward populist parties than quality newspapers’ (Akkerman 2011: 942). Nevertheless, the media play a key role in different phases of the populist movement lifecycle, as any media outlet – tabloids and mainstream media – are potentially ‘complicit’ in one or all of the four phases identified by academic research (Stewart et al. 2003; Mazzoleni 2008b).

The aim of this article is to determine whether media logic, which is a defining characteristic of mediatisation, dominates political logic in the activities of public authorities. This will be assessed through an analysis of the rule-making activities of media actors in the Ukrainian parliament from 2006 to 2019 as well as during the 2019 presidential election.

## **Media and populism: The case of Zelenskyy**

Growing public dissatisfaction with the geopolitical course and dominance of the pro-Russian party regions of Ukraine led to the Revolution of Dignity in 2013–2014. As a result, Viktor Yanukovych was ousted from power, while Russia annexed Crimea and occupied part of Ukraine’s eastern territory. Almost the same pro-democratic forces led by P. Poroshenko and the parliamentary coalition ‘European Ukraine’ (comprising the People’s Front, Petro Poroshenko Bloc, ‘Self-help’ (Samopomich), Oleh Lyashko’s Radical Party and the All-Ukrainian Union ‘Motherland’ (Batkivshchyna) came to power for the third time. However, they failed to address the pressing needs of the war-torn country, leading to a significant rise in public discontent.

There was a growing demand for new faces and a new generation of politicians, which was effectively met by Volodymyr Zelenskyy, an actor and entertainment business owner with no prior political experience. He garnered 73% of the votes in the second round of the 2019 presidential election. As a result, the previously unknown party ‘Servant of the People’, lacking any experience in rule-making, achieved an unprecedented victory, winning 254 parliamentary seats (56%).

Throughout the history of world politics, there have been a number of media representatives in the broad sense (actor Ronald Reagan) or media owners (S. Berlusconi) leading a country. However, they either had prior political experience or their media business was a minor part of their broader business empire. V. Zelenskyy made history as the first media person to lead a nation without any political background.

His success was attributed to the use of populist messaging (Ash & Shapovalov 2022; Kim 2023; Viedrov 2022; Yanchenko & Zulianello 2023). Though voters usually get frustrated with populists quickly, reflected in their falling ratings and renewed trust in traditional politicians, V. Zelenskyy maintained the best balance of trust among his main competitors in both 2019 and 2024,



which cannot be solely explained by the rally round the flag in the context of the full-scale Russo-Ukrainian war. According to opinion polls, even now his primary rivals have failed to get closer to the public.

**Table 1: Balance of trust and distrust in politicians**

Politicians	Balance of trust and distrust (%)	
	2018 (1)	2024 (2)
Zelenskyy V.	-24.8	16
Tymoshenko Yu.	-45.8	-67.1
Poroshenko P.	-68.4	-42.9
Boiko Yu.	-60.2	-67.8
Klychko V.	-68.1	-4.4

Sources:

1. Six months before the elections: ratings of candidates and parties, motivations for voting, expectations of citizens (2018)
2. Assessment of the situation in the country, trust in social institutes, politicians, officials and public figures, attitude to elections, belief in victory (2024)

## The fourth power in Ukraine: Data and methods

Can Zelenskyy's victory be explained by the growing influence of the fourth estate in the context of mediatisation? To explore this question, we analysed the legislative activities of media representatives in the Ukrainian parliament between 2006 and 2019.

In 2004 the Orange Revolution concluded with the victory of democratic pro-European forces, largely due to the active work of civic activists and journalists. Using the new opportunities brought about by the Internet and social media, they were able to mobilise millions of Ukrainian citizens in support of one of the presidential candidates – Viktor Yushchenko.

In previous convocations with the introduction of a mixed election system the political parties and blocs invited famous personalities – primarily artists and athletes – while journalists were represented as active party members (working in party newspapers or combining party activities with journalism). Oligarchs were also represented in the parliament, controlling almost all the most popular media and contributing to the establishment of a brutal censorship regime during the presidency of Leonid Kuchma (1994–2005). This is why the period from 2006 to 2019 was chosen to analyse the influence of the media on the political process within the example of activities of media representatives in the parliament.



For the purpose of this article, we analysed the biographies and legislative initiatives of Ukraine's MPs from 2006 to 2019 (V–VIII convocations) to identify media actors among them and to assess their legislative priorities via content analysis. In analysing the list of MPs, only media actors were taken into account – individuals who work or have worked in print or online media, on radio and television as journalists or editors, and are members of professional organisations (for example, the National Union of Journalists of Ukraine). Individuals who own media outlets were also classified as media actors, even if such ownership is not their primary business, but rather a part of their corporations.

The opposition status of media actors is determined at the time of the announcement of parliamentary elections. Following the Orange Revolution (2004), the parliamentary elections in 2006 led to the formation of a democratic, pro-European 'orange' coalition known as the Coalition of Democratic Forces. However, this coalition faced growing internal contradictions and collapsed within a year, resulting in a snap parliamentary election in 2007. Accordingly, pro-Russian political forces campaigned as the opposition. Although pro-democratic parties won the elections again and managed to form their own coalition, after the 2010 presidential elections – which were won by pro-Russian Viktor Yanukovich – the parliament was restructured. Communists with pro-Russian forces created the 'Coalition for Stability and Reforms'. As a result, democratic pro-European parties ran in the 2012 parliamentary elections as opposition, as well as in the snap parliamentary elections in 2014.

According to the People's Deputies of Ukraine official website, particular attention was paid to two types of legislative initiatives submitted by MPs. Firstly, these are so called 'professional initiatives' that relate directly to journalistic activity. These initiatives encompass draft laws that regulate the media sphere (broadcasting, publishing, cinematography); advertising as the main source of media income; usage of media for political campaigning; access to information; censorship (public morality); control over the activities of law enforcement agencies in persecuting and obstructing the activities of journalists (reports of the Prosecutor General's Office, temporary parliamentary investigative commissions); protection of journalists' rights. Additionally, this includes legislation on the activities of supervisory state bodies in this area – in particular, the National Council of Television and Radio Broadcasting of Ukraine, a collegial public authority responsible for ensuring compliance with Ukrainian laws in the sphere of television the observance of Ukrainian legislation in the sphere of television and radio broadcasting – as well as temporary parliamentary investigative commissions and the protection of journalists' rights.

The second group of initiatives relates to the societal roles of journalists as the fourth estate, emphasising their function in holding those in power accountable, as a watchdog ensuring transparency of public policy. In the Ukrainian context, this primarily involves combating corruption, responding to the cases

of abuse of power (and creation of temporary commissions to investigate cases of abuse that have been the subject of journalistic investigations, high-profile cases, etc.). Anti-corruption legislation includes establishing and ensuring the functioning of anti-corruption bodies, temporary investigative commissions to investigate corruption, control over the work of law enforcement agencies in responding to abuse of power (by officials and law enforcement agencies), and government cleansing (lustration).

The presence of pro-democratic forces in opposition opens up significant opportunities for media actors. Following the revolutionary events, the number of new media actors without parliamentary experience surged by 50% in the 5<sup>th</sup> convocation and by 64% in the 8<sup>th</sup> convocation (see Table 2). However, both professional journalists and media owners virtually overlooked the potential to enhance the legal framework for their activities. The issue of corruption became relevant only after the Revolution of Dignity (2014).

**Table 2: Number and legislative activities of media actors of V–VIII convocations**

Convocation of the Parliament of Ukraine	Number of media actors (media proprietor)	Novices	Opposition status / (change of party affiliation)	Professional initiatives	Anti-corruption initiatives	Efficiency of media interests protection (% of the total number of initiatives)
V (2006–2007)	20 (4)	10	16 / 1	42		16% (42/254)
VI (2007–2012)	24 (3)	6	3	230	14	28,6 % (244/853)
VII (2012–2014)	14 (4)	2	10 / 1	85	30	25% (115/460)
VIII (2014–2019)	22 (5)	14	17 / 2	277	146	16% (423/2613)

Source: Archive by convocations of the Verkhovna Rada of Ukraine

It would be reasonable to expect that media actors would follow media logic and mainly advocate their professional interests by proposing changes to the legislation. However, with few exceptions, they did not take advantage of this opportunity. The comprehensive law on media, which harmonised media legislation and aligned with the *acquis communautaire*, was only adopted in 2022, despite numerous opportunities for law making. Notably, one journalist-blogger was identified who, having been a member of three convocations, did not submit a single legislative initiative until the eight convocation, during which they submitted 25 initiatives. It should be noted that media owners in the parliament also did not use their position to improve media legislation (only two out of six media owners), and two almost ignored law making activities (see Table 3).

**Table 3: Legislative activities of media proprietor (V–VIII convocations)**

Media proprietor (convocation)	Legislative efficiency, % (adopted / proposed initiatives)	Professional bills	Anti-corruption initiatives
Akhmetov R. (V)	0 (0/1)	-	-
Akhmetov R. (VI)	100 (1/1)	-	-
Bahraiev M. (V)	0 (0/2)	2	-
Bahraiev M. (VI)	70 (7/10)	9	-
Bahraiev M. (VII)	0 (0/12)	11	1
Kniazhytskyi M. (VII)	14 (5/35)	19	4
Kniazhytskyi M. (VIII)	38 (68/180)	44	-
Lovochkin S. (VIII)	-	-	-
Muraiev Ye. (VIII)	0 (0/167)	-	6
Poroshenko P. (V)	67 (30/45)	-	-
Poroshenko P. (VII)	30 (3/10)	-	-
Tretiakov O. (V)	0 (0/3)	2	-
Tretiakov O. (VI)	20 (2/10)	2	-
Tretiakov O. (VIII)	26 (57/217)	1	-

Source: Archive by convocations of the Verkhovna Rada of Ukraine

## Conclusion

We can define mediatisation as a process of social transformation driven by media, both as technology and institution, operating independently of other institutions and social spheres, and shaping their communication processes. But in politics it should not be interpreted as indicative of a declining political culture or as a pathological colonisation of politics by media. Instead, it primarily serves to make politics function under conditions of increased interdependencies, significant political complexity and inclusivity. Therefore, we analysed the behaviour of media actors who have gained the opportunity to directly influence politics by becoming members of the legislature, which sets the rules of conduct for all political actors. In the context of mediatisation, one could expect them to continue following the media logic and promote their own professional (media) interests. However, our content analysis of media actors' legislative initiatives over the four parliamentary convocations revealed a limited impact of mediatisation.

According to the analysis of MPs of the Ukrainian parliament between 2006 and 2019, the status of opposition in the context of growing authoritarian ten-

dencies gives journalists without political experience a better chance of getting elected. Media representatives in the role of legislators don't follow media logic, practically neglect the interests of their profession and are prone to co-optation by political forces, advocating instead for conforming to political logic. Most of them converted their media potential into political and administrative potential (positions in public authorities after completing their cadence). We could state that the role of media actors depends on the stage of development of the political system. They play a prominent role in mobilising voters to protect their rights and democratic institutions, as they did during the Orange Revolution and the Revolution of Dignity in Ukraine. But in other cases, they have minimal impact on the trajectory of political processes, even in relatively young democracies where democratic institutions are still being reinforced because they are co-opted by political actors as a tool to influence public opinion.

Regarding the Zelensky phenomenon, his victory should not be seen as a manifestation of mediatisation on the wave of populism's success. It can largely be attributed to anti-elitist sentiment within Ukrainian society along with a high level of distrust toward politicians from the first decades of the post-Soviet period – one of the leading themes of populist discourse. However, we should not expect this phenomenon to be repeated in countries where elites are circulating, and centrist politicians maintain substantial voter support.

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# The Interdependence of Socio-economic Factors and Media Literacy: Focus on Critical Media Content Analysis and Evaluation

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**Abstract:** *Media literacy is of fundamental importance for democracy, as it enables individuals to better navigate the complexity of digital media, critically evaluate media content and assess the trustworthiness of media representations. By promoting media literacy, societies can counter disinformation, misinformation, oversimplifications and manipulative practices in public discourse, thereby safeguarding principles of informed citizens' engagement. Structural position of the individual in the socio-economic environment affects their media literacy. As individuals navigate their behaviour, they often draw upon social norms, roles and expectations as reference points for what is considered appropriate conduct. Thus, while individuals exercise agency in their behaviour, their choices contribute to the maintenance and reinforcement of the social structure. In this article, we examine the relationship between socio-economic factors and media literacy, with a particular focus on how an individual's socio-economic standing influences their ability to critically analyse and evaluate media content. We emphasise that the socio-economic context not only impacts media literacy but also shapes social behaviour in ways that reinforces existing socio-economic boundaries.*

**Keywords:** *media literacy, critical thinking, social stratification, disinformation, media education*

## Introduction

The abilities to use media, to critically analyse and understand digital messages (received and generated), and to develop a meaningful and realistic response to the changeable complex media environment have become indispensable competencies. Societies and individuals are massively faced with the question of how to keep pace with the rapid changes of digital media and how to shape upbringing and educational processes, both in the context of primary and secondary socialisations, and in the context of lifelong learning, which will enable people to form useful media habits, norms, values as well as digital-related professional and life-related competences. A meaningful media education promotes the socially beneficial use of new digital technologies, conveys relevant skills, competences and motivation for active participation in the economic and political processes. It guides people to active, responsible and competent use of the digital media and teaches them how to avoid the pitfalls and dangers that lurk in the digital environment (Rek 2021). By enhancing critical thinking, media education plays a pivotal role in equipping individuals with the tools necessary to counter the oversimplification, misinformation and emotional manipulation associated with populist discourse (Rek 2024). Both public discourse and scientific reflection highlight a series of possible negative or undesirable effects of the uncritical and unformed use of digital media. Media literate persons are commonly defined as credibly informed, reflexive, critical persons, who are also able to participate in a digital environment actively and responsibly. They are better able to protect themselves and their families from harmful, inappropriate, inaccurate or offensive media content and can consciously choose and understand the characteristics of digital content and services. It is easier for them to actively take their own meaningful and responsible decisions regarding their digital use (as opposed to passive, uncritical, mass media influenced and guided decisions), also considering the context of the wider social, political and economic environment. They take full advantage of the opportunities offered by online digital media, but also understand the value and benefits of traditional media, such as books, and are also able to meaningfully incorporate traditional media in their lifestyles and reflections. Media literate persons are also able to adapt to the rapid pace of technological and media change (Golob et al 2024).

Media literacy plays a pivotal role in shaping an individual's ability to critically analyse, comprehend and respond to media messages. It is significantly connected to the health and functionality of a democracy as it affects people's ability to access and critically assess credibility of information. It equips citizens with the tools to navigate the complexities of the media landscape, fostering an informed and critical citizen's engagement essential for the functioning of democratic societies (Ramiro Troitiño & Mazur 2024; Valič et al. 2023; Tomšič 2022). Media literacy can be acquired through the processes of

media education. In this article, media education refers to both formal and informal methods of teaching and raising awareness about media and its use. Media literacy can be an outcome of these processes – the knowledge, skills, behaviours and beliefs learners acquire (Buckingham 2013; Rek 2019). Many surveys on media education and literacy carried out over the last decade have highlighted the close link between socio-economic circumstances and people's media habits (see, for example, Bennett et al. 2020; Wartella et al. 2013; Helsper 2020, 2021; Rek & Kovačič 2018; Simoes & Santos 2020). Also, our previous research (Rek & Kovačič 2019; Rek 2019; Golob et al. 2023) and thorough study of the relevant literature guided us to the understanding that socio-economic stratification plays a significant role in the way media education as a pathway to media literacy is carried out.

Pierre Bourdieu's theory on social-economic distinctions provide a powerful framework for understanding how social inequalities are created and maintained. He introduces the concept of boundaries as invisible lines that separate different social groups based on factors like wealth, education and cultural tastes. These boundaries help define who belongs to what particular social class and who does not. Through the process of social reproduction, these boundaries can be maintained across generations (Bourdieu 2023). Social institutions such as education and family play a crucial role in passing down cultural capital – knowledge, skills and tastes – ensuring that social hierarchies are preserved (Bourdieu & Passeron 1990). Bourdieu also highlights the importance of distinctions where people's preferences for certain cultural products, which may also be a specific form of media content, serve as markers of their social status. These distinctions are not just expressions of personal behaviour but are used to reinforce class boundaries by signalling one's social position. Furthermore, the interrelation between socio-economic factors and cultural practices perpetuates inequality, as individuals' behaviours and choices are shaped by their structural position in society (Bourdieu 2023). Bourdieu's theories offer a lens to understand how media habits not only reflect but also reinforce social class divisions (Wacquant 2018). Media consumption is shaped by cultural capital, habitus and social reproduction, leading to distinctions that perpetuate socio-economic inequalities. This makes media habits a crucial part of how individuals maintain and signal their social positions in society (Ignatov & Robinson 2017; Ragnedda 2018; Calderon Gomez 2021).

In this article, we use Bourdieu's theoretical framework to examine how social-economic factors affect critical analysis and evaluation of media content as a significant element of media literacy. Due to the importance of the role that the ability to critically analyse and evaluate media content plays in the issue of populism and the future of democratic discourse, we will devote crucial attention to this component of media literacy in this article. First, relying on Bourdieu's theoretical framework, we will apply a structural perspective and as-

sume that people living in structurally similar socio-economic circumstances develop similar media related behaviour, beliefs and norms. These starting points are based on the literature review on the topic presented in the first chapter. Second, we will aim to identify the distinctive processes of (re)production that establish new or maintain existing boundaries of social stratification, which may arise due to varying abilities in the critical analysis and evaluation of media content among individuals, using research results of own quantitative survey.

## **Socio-economic determinants of media literacy**

Constantly changing and evolving technology requires individuals and society to constantly improve and develop new skills. The increase in the number of media outlets and platforms and their diversity also poses a challenge. Media literacy represents an individual's ability to access various media, to understand them and to be able to critically analyse and evaluate both media and media content. Hobbs (2010) explains that the key competences for media literacy are as follows:

- **Access:** defines an individual's ability to handle devices that allow us to access digital media, effective information seeking, listening and reading comprehension, etc.
- **Analysis and evaluation:** define an individual's ability to understand symbols, recognise the purpose and attitude of a particular message, judge the credibility and quality of a media contribution, etc.
- **Creation:** defines an individual's ability to recognise their own need for communication and self-expression, to be skilled in writing and speaking, to be able to collaborate with others, etc.
- **Reflection:** defines a person's ability to understand how differences in values, habits, experience and lifestyles shape people's media habits, understanding the risks and consequences of using digital media, etc.
- **Action:** defines an individual's ability to be an active citizen, participate in communities that are in the public interest, respect laws, etc. (Hobbs 2010,18)

Individuals are required to have a critical attitude towards media content and to have the ability to evaluate the information received (accuracy, verifiability, quality), ability to analyse and evaluate and to formulate arguments. Critical assessment of media messages therefore also includes an individual's ability to research, locate and select information that meets his individual needs, and to be able to evaluate the obtained information based on certain parameters, such as truthfulness, honesty, the interests of the creator of media content, etc. When decoding media messages, it is important to ask the following fundamental questions (among others): Who created this message? What techniques were used to

get my attention? Did others understand the message differently than I did? Which lifestyles, values and opinions were included, and which were ignored? Why was this message sent? With a critical perspective, individuals make sense of media message context. With the skill of interpreting media messages, they can recognise the difference between reality and the reality presented by the media. In addition to reading media messages, individuals who are critically media literate will also be able to identify and be aware of the sources of media messages in everyday life.

Given the increasing importance of media education and literacy, the amount of research concerning the digital media has been increasing since the 90s. The early research was often framed by diffusion theory, focusing on peoples' willingness to adopt and have access to ICT. With the development of the digital environment 'the information era has brought about new literacies' (Torres & Mercado 2006: 260), and one of the most important literacies in the 21<sup>st</sup> century in our digital societies is critical digital media literacy, which includes not only the possibility of having access to the media, but also – even to a significantly greater extent – the capacity to analyse, to evaluate and to create media content (Buckingham 2000; Livingstone 2012; Tilleul et al. 2015). Media education and literacy research today is highly multidisciplinary, drawing on insights from social studies of technology, information science and human-computer interaction, educational practice, media and communication research and audience studies. Recent developments in the media landscape, along with international collaborations in media education and literacy research, further broaden the range of multi- and interdisciplinary/approaches to media literacy, linking together literacies based on computer/ICT/digital skills and the capacities of critical understanding, creative expression, and political and civic participation, etc.

Extensive research findings have pointed to the conclusion that socio-economic positions influence access to – what Selwyn (2004) calls – the 'opportunity structure' of digital technologies. This reaches beyond just access to digital technology, highlighting that there are a range of experiences for those categorised as 'digitally included' (Clayton & MacDonald 2013; Yates & Lockley 2018). Other literature on access to and uses of the internet have made similar arguments. Grant (2007) clearly argues that economic capital alone is not a sufficient explanation of why people do or do not meaningfully engage with technology. Clayton and Macdonald (2013) drawing on Graham (2002) and Selwyn (2003) summarise this position as follows:

The various forms of economic, social and cultural capital (Bourdieu 1997) individuals bring to technology in terms of their own socio-economic positions and internalized dispositions or habitus, is key in influencing the way in which technology might (or might not) be used as well as perceptions of benefits gained. (Clayton & Macdonald 2013: 948)

Staubhaar et al. (2012) note that social class affects citizens' exposure and willingness to invest in skills and knowledge and shapes their disposition toward and familiarity with technology. Clayton and MacDonald (2013) argue from their data that:

Accumulation of legitimized forms of cultural capital, including knowledge, skills and customs which are invested in, inherited and embodied differentially by social groups, is crucial in determining the ability to appropriate technology for socially valued purposes... Without legitimate knowledge, connections or reasons to meaningfully engage, individuals may struggle to make what is seen to be appropriate use of technology within a society in which they do not dictate what is useful. (Clayton & MacDonald 2013: 949)

Media education, as the most commonly employed means of enabling media literacy can be understood as a social practice anchored in one's social environment as well as in the wider social-cultural and political contexts (Buckingham 2020; Hobbs 2011). Research contextualising media education processes in sociocultural terms explore new forms of digital exclusion (Buckingham 2013) and considerable inequalities in media literacy that largely reflect other forms of social disadvantage (Helsper 2020). Many studies have confirmed correlation between media education processes and forms of social inequality (see for instance Paus-Hasebrink et al. 2019; Holloway et al. 2013; Hesketh et al. 2013; Duch et al. 2013; Anand & Kroznik 2005; Rek & Kovačič 2018). It has been confirmed (see for instance Rideout & Hamel 2006; Wartella et al. 2013; Bittman et al. 2011) that media habits and competences children develop are related to level of education and socio-economic status of children's parents. Cultural reproduction theories highlight how families' unequal stock and transmission of cultural capital explain socio-economic status inequality in academic achievement (Bourdieu & Passeron 1990).

A literature review on the early roots of the digital divide provided by Pasetta and Gil-Hernández (2022) indicates that previous research has examined the following dimensions in the transmission of cultural capital between parents and children: reading habits (i.e. bedtime stories), educational material resources (i.e. books, educational games, computers), cultural communication (i.e. teaching them to be analytical, to reason and to be argumentative), and extracurricular activities (Jaeger & Breen 2016). Furthermore, parents with high cultural capital tend to follow an educational strategy of 'concerted cultivation' for their children (i.e. structured activities, supervision of homework) (Lareau & Weininger 2003), while working-class parents are more likely to follow a 'natural growth' strategy, which generally involves less supervision and organised time (Bodovski & Farkas 2008). This framework was also applied to examine inequality in ICT access, use and literacy through the lens



of digital capital (Drabowicz 2017; Ignatow & Robinson 2017). Parents with higher socio-economic status, and high cultural and digital capital use ICT more for informational purposes than parents with low socio-economic status (van Deursen & van Dijk 2014) and can maximise their children's learning opportunities arising from the use of technology.

Families with high socio-economic status tend to monitor their children's intake and the type of media devices they use by setting time rules and encouraging educational activities (i.e. using computers for doing homework and learning, retrieving information, reading news, emailing) (Nikken & Oprea 2018; Notten & Becker 2017; OECD 2015; Chaudron 2015; Livingstone et al. 2015). Disadvantaged parents tend to be less involved in their children's media education, for multiple economic and social reasons. Even among parents of young children, lower income/lower educated parents are likely to experience a generational digital divide and feel less confident in their ability to guide children's use of touchscreens and prevent their exposure to risks. Consequently, they are reluctant to engage in parental mediation and scaffolding of their children's media literacy practices. Children are left to experiment on their own, learning by trial and error, or to seek out support from their older siblings (Mascheroni et al. 2018).

School also plays a significant role in media education. Research done by Ciboci and Labaš (2019) suggests that parents see schools as an important actor in transferring knowledge and providing information to parents on how to protect children in digital media; on the other hand, they think that teachers are, alongside parents, responsible for children's media education. However, schools differ significantly in their capacity to deliver media education – providing training for children, teachers and parents. Regarding ICT use, Passaretta and Gil-Hernández (2022) pointed out that although ICT is not a specific subject in many education systems, school learning environments may also shape socio-economic inequality in digital literacy. Schools' differences in average student ability and SES composition (Robinson et. al. 2018), as well as ICT infrastructures and staff training (Gerick 2018; Pinie & Redecker 2017) might account for a substantial share of socio-economic gaps in ICT literacy. Those in economically disadvantaged areas might have limited access to high-speed internet or updated technology, which impacts their exposure to diverse media and educational resources. Affluent communities may also have better access to libraries, educational programmes and community centres that support media literacy initiatives. These resources might be limited or less accessible in economically disadvantaged areas.

We can conclude that media literacy, but more specifically, the ability to critically approach media content can be influenced by various socio-economic factors. Income and economic status affect access to resources such as internet connectivity, digital devices or subscriptions to online information and news

resources. Low-income families may have limited access to these resources, which impacts their ability to develop media literacy skill. Also, higher levels of education often correlate with increased media literacy (Kovačič & Rek 2018). Access to quality education equips individuals with critical thinking skills, which are essential in understanding and evaluating media content as well as the media industry. Addressing these socio-economic determinants involves implementing policies that aim to bridge the digital divide, provide equal access to education and technology, promote media literacy programmes in underserved communities and support initiatives that empower individuals from diverse socio-economic backgrounds to critically engage with media content.

### **Critical analysis and evaluation of media content reinforces social and economic capital**

Based on the analysis of the literature, we can conclude that the structural position of the individual in the socio-economic environment is a factor of media literacy and their ability to critically engage with media content, which is an important element of media literacy. Individuals often reinforce the social structure when shaping their behaviour. They look to societal norms, roles and expectations as reference points for appropriate conduct. Consequently, an individual's behaviour contributes to the maintenance and reinforcement of social structure and plays a significant role in reinforcing one's position within the social structure (Giddens 1984).

In order to figure out whether the ability to critically analyse media content affects the economic and social position of an individual, we conducted a short online survey in Slovenia in June 2023 on a sample of 224 individuals. Social media platforms were used to target diverse respondents in a survey based on their age and education level. Education level is often used as a key predictor of socio-economic differences in many studies and analyses. While our sample size is substantial enough to meaningfully conduct a simple linear regression analysis, we acknowledge that this sample is small, and it is not representative of the broader population. Further research is needed that includes a more representative sample.

Most respondents belong to the 41–50 age group (28%), followed by respondents in the 31–40 age group (26%), 18–30 age group (22%), 51–60 age group (17%), with the fewest respondents in the 61 and older age group (7%). Most respondents have completed high school (32%), followed by those who have completed a bachelor's degree (27%), master's or doctorate (23%), completed vocational college (10%), and the fewest respondents have only completed primary schools or less (8%).

Salary is often considered a significant indicator of economic capital. Economic capital refers to the financial resources, wealth or assets an individual

possesses or has access to (Bourdieu 1997). A salary, as a regular payment received in exchange for work or services provided, is a direct representation of an individual's economic earnings and financial standing. In our survey the respondents had to determine on a 1–5 scale what their average monthly salary is, based on the Slovenian average salary (which in April 2023 was 1417.69 €/net (SURS, 2023)), with the value 1 representing well below average and the value 5 well above average. Of the respondents, 43% chose the middle value, which means that they consider their monthly salary to be average based on the Slovenian average in April 2023. Of the respondents, 23% chose the value 4, which represents an above-average salary and 20% chose the value 2, which represents a below-average salary. Based on the results, it can also be seen that only 1% of the respondents rated their average salary as well above average, compared to the Slovenian average, and 13% chose option 1, meaning well below average.

The size of an individual's network of acquaintances can be considered an indicator of social capital. Social capital refers to the resources, benefits and advantages that individuals gain from their social networks, relationships and interactions (Bourdieu 1997). Respondents were asked to determine the size of their network of acquaintances on a 1–5 scale, with 1 representing a very small network of acquaintances and 5 representing a very large network of acquaintances. Of the respondents, 39% estimated that their network of acquaintances is neither large nor small. Another 28% rated their network of acquaintances as large, with 12% as very large; and 7% rated their network of acquaintances as very small, while 14% estimated that they have a small network of acquaintances.

Respondents were also asked to express their agreement with the statement: I analyse and evaluate media content critically on a 1–5 scale, where 1 means 'I don't agree at all' and 5 means 'I completely agree'. Of the respondents, 30% chose the answers *neither agree nor disagree* (3). Another 5% of respondents did not agree with this statement at all (1) and 7% disagreed (2). And 30% chose option 4 – agree with the statement and 28% fully agreed with the statement.

We used regression analysis to understand the relationship between the respondent's assessment of their income level, the size of network of acquaintances and respondents' assessment of their critical engagement with media content. We aimed to examine how changes in critical media content analysis and evaluation are associated with changes in salary or the size of an individual's network. In linear regression analysis, the calculated p-value associated with salary and critical engagement with media content was  $p=0,041 < 0,05$  which suggests that critical engagement with media content has a statistically significant effect on salary. However, as the R square value explains only 2% of the variance of the dependent variable ( $R^2 = 0,02$ ), we can see that an individual's ability to critically engage with media content accounts for a very small proportion of the variability observed in salary. The beta coefficients ( $b=0,12$ )

suggest a positive, though modest or relatively weak, effect of critical engagement with media content on salary. The effect size is relatively small.

The calculated p-values associated with the size of an individual's network of acquaintances and critical engagement with media content was  $p=0,028 < 0,05$ , which suggests that critical engagement with media content has a statistically significant effect on an individual's network of acquaintances. As the R square value again explains only 2% of the variance of the dependent variable ( $R^2 = 0,02$ ), we can see that an individual's ability to critically engage with media content accounts for a very small proportion of the size of an individual's network of acquaintances. The beta coefficients ( $b=0,14$ ) suggest a positive, though modest or relatively weak, effect of critical engagement with media content on the size of an individual's network of acquaintances. The effect size is relatively small.

## Conclusion and discussion

Bourdieu (1984) discusses how social structures shape individual practices through the concept of habitus, which refers to the dispositions ingrained in individuals by their socio-economic conditions. He also highlights the ways individuals navigate and negotiate their social environments while also reinforcing or altering existing structures. The structure and agency theoretical framework posit that individuals are influenced by the social context, but they can also challenge, adapt to or change this structure through their actions. Thus, the dynamic interplay between structure and agency highlights how people both shape and are shaped by the socio-economic circumstances in which they live. Our analysis suggests that individuals' dispositions and practices, shaped by their socio-economic conditions, influence how they engage with media. Individuals from different socio-economic backgrounds may develop distinct media literacy skills based on their exposure to various media forms and their ability to access and critically analyse media content. From our literature review we can conclude that higher levels of education, which is often used as a key predictor of socio-economic differences, commonly correlate with increased media literacy. Access to quality education equips individuals with critical thinking skills, which are essential in understanding and evaluating media content. Income and economic status also affect access to resources such as internet connectivity, digital devices and subscriptions to credible news sources. People with lower income might have limited access to such resources, impacting their ability to develop media literacy skills. Digital divide is also highly influenced by socio-economic circumstances of the community and the overall development of the region or society. Affluent communities may have better access not only to digital infrastructure, but also to libraries, educational programmes and community centres that support media literacy initiatives. These resources can be limited or less accessible in poor areas.

The interplay of structure and agency indicates that individuals not only absorb media messages but also navigate their media environments (Rek 2019). This means that people can actively seek out information, challenge media narratives and adapt their media consumption habits based on their understanding and experience, as they possess the agency to challenge these structures through their media practices (Bourdieu 1984; Giddens 1984). Determining whether the ability to critically analyse media content affects an individual's economic and social position is highly relevant. If critical media analysis and evaluation is linked to improved economic and social outcomes, it underscores the importance of media literacy as a tool for empowerment. It increases the likelihood that individuals will use their media literacy skills to navigate their socio-economic circumstances effectively, make informed decisions and advocate for their rights. Critical media analysis also contributes to informed citizenship, enabling individuals to engage in civic activities, challenge misinformation and participate in public discourse. If this skill is correlated with better economic and social positions, it reinforces the argument that media literacy is essential for democratic participation and social cohesion.

The results of our research show that critical media content analysis and evaluation only modestly reinforces socio-economic circumstances of an individual, like their salary or the size of their network of acquaintances. Critical engagement with media content has a statistically significant effect on individuals' economic and social capital, but the effect size is relatively small. As the survey we conducted was very simple and conducted on a small sample, its major contribution can be seen in proving the point that there is a statistically significant effect of critical engagement with media content on certain determinants of economic and social capital. However, a more in-depth and large-scale research project, including a broader variety of indicators of economic and social capital, may provide a better understanding of the matter.

We were also surprised to see that the critical analysis and evaluation of media content plays only a minor role in the size of acquaintance networks. We assumed that it could play a more significant role in how people interact, communicate and build their relationships (especially online), both personally and professionally. Ability to critically assess digital media messages enables them to navigate the vast amount of information available online, leading to better informed, credible and impactful network effects. Further research on social capital combined with critical media analysis and evaluation could give us a better understanding of how individuals assess the quality and credibility of information shared within a network and how a critical understanding of the nuances and biases within media content helps individuals develop their online networking strategies and circumstances.

Bourdieu (1986) argues that capital is embodied in various forms, and its accumulation takes time. The capital that an individual possesses determines

the individual's position in society (Bourdieu 1986). There are many reasons for social inequality, and it appears that media literacy is not among the strongest determinants of a socio-economical divide. Nevertheless, we do see numerous interconnections between media literacy and social inequality. Just as we need time to master certain skills, or to gain the knowledge or wisdom of virtuous citizens, we also need time to accumulate capital, according to Bourdieu. By understanding and practicing critical analysis and evaluation of media messages there is less chance that someone would take advantage of us, and a greater chance that we can take advantage of the given information for new opportunities that the media world offers us, and with which we can strengthen our economic and social capital.

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