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Laura Gabler
Klaus Stüwe (Eds.)

Populism and Post-Truth

Interdisciplinary Perspectives from South Korea and Germany

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Katholische Universität Eichstätt-Ingolstadt

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Preface

The concepts of populism and post-truth have become defining features of contemporary political and societal discourse across the world. The growing influence of populist movements, the erosion of trust in democratic institutions, the increasing spread of misinformation, and the role of digital media in shaping public opinion raise fundamental questions for politics, law, society, culture, and the humanities alike. How do populist narratives emerge and gain public support? What are the consequences of post-truth politics for democratic accountability and constitutional governance? How are these developments reflected in language, religion, literature, gender relations, and popular culture? Addressing such questions requires an interdisciplinary perspective as well as an international dialogue. This volume therefore brings together contributions by scholars from South Korea and Germany, offering comparative perspectives on one of the most pressing challenges facing contemporary democracies.

The chapters collected in this volume explore the phenomena of populism and post-truth from a wide range of disciplinary perspectives, including political science, constitutional law, history, linguistics, theology, literary and cultural studies, and gender studies. Taken together, they demonstrate the multifaceted nature of these developments while highlighting both shared concerns and country-specific experiences in South Korea and Germany.

This volume is the outcome of the 14th German-Korean Colloquium, held in Eichstätt in October 2024. For more than twenty years, these scholarly colloquia have been a central pillar of the academic partnership between Sogang University in Seoul and the Catholic University of Eichstätt-Ingolstadt, fostering sustained intellectual exchange and interdisciplinary cooperation between researchers from both countries.

The colloquium and this publication are the result of the dedication and commitment of many individuals. We would therefore first like to express our sincere gratitude to our Korean colleagues and friends, as well as to all German participants who contributed presentations at the conference and subsequently prepared their papers for publication in this volume.

Our former research associate, Gabriel Beauvallet-Bauchet, provided invaluable assistance in organizing the conference in Eichstätt. We are equally grateful to our secretary, Silke Fuder, whose work was essential to the successful organization of the event. We also thank our student assistant, Bente Wieking, for her support. Laura Gabler coordinated the communication with the contributors and took the lead in the editorial preparation and copy-editing of the manuscripts. We are deeply indebted to her for her professionalism, dedication, and meticulous work throughout the publication process. We would also like to thank our student assistants, Vera Stöckl and Ricarda Huber, for their valuable assistance in the editorial and technical preparation of the volume.

The German-Korean colloquia would not be possible without the generous financial support of numerous sponsors and funding institutions. We are particularly grateful to the Hanns Seidel Foundation and its former representative in Seoul, Professor Dr. Bernhard Seliger, who have supported this German-Korean partnership for many years. We also wish to acknowledge the generous financial support provided by the Professor Sutor Foundation, the Faculty of History and Social Sciences of the Catholic University of Eichstätt-Ingolstadt, the Hofmühl Brewery and the Eichstätt University Society.

Finally, we would like to thank the Advisory Board of KU University Press for including this volume in its publication series, as well as Herder Verlag, especially Dr. Jan-Pieter Forßmann and Lea Eggers, for their valuable support in bringing this book to publication.

Eichstätt, July 2026

Klaus Stüwe

Faking the News?

Donald Trump's Agenda Setting on Social Media and Impacts on Mass Media Reporting

SEBASTIAN EGELHOF

I. Introduction

With the rise of social media as a phenomenon of cheap, direct mass communication, the debate about consequences and influences on several aspects of communities began. It was as early as 2008, when South Korean researcher Youngmi Kim tried to define digital populism as a new kind of behaviour with postulations one still argues about in 2024. Kim (2008) concluded that social media makes populism easier. That shall be, she argues, because of the low costs for social media use combined with nearly unmediated freedom of expression and violent speech. However, the definition of digital populism in sciences is still ambiguous. Approaches by different researchers mostly share the result of digital communication channels being used with pointed populist messages as Bobba (2021) concludes. What lies between those approaches is not only more than a decade but also different presidencies in the US that shaped the political communication and use of social media in a direct and impressive way. Especially the presidency of Donald J. Trump and his rather famous and well observed use of Twitter must be marked as a turning point of social media use in modern American politics and probably – with some delay – even worldwide.

This contribution sheds light on this social media use and especially its impact on the mass media agenda. Therefore, the theory of agenda building is applied to Trump's presidential communication and some key findings of other, more detailed studies are provided to give a broad overview of the effects and possibilities of Trump's presidential twitter communication. Trump famously referred to critical media coverage of his presidency as 'fake news', particularly targeting major media organisations such as *CNN* and *The New York Times*. He even framed this reporting as the real political opposition to his presidency and portrayed journalists as enemies, which led to increased security measures for at least 48 reporters during his first two years in office (Sugars 2019). Given his extensive use of social media and its measurable impact on mass media reporting, the question arises whether President Trump himself contributed to 'faking the news' through his own presidential communication. This article seeks to explore this apparent paradox.

II. Agenda Building

An appropriate theory to analyse the effects of Trump's presidential communication can be found within the approach of agenda building. To understand this theoretical approach, one must look at the superior agenda setting-theory within the field of media impact studies first.

According to the agenda setting-theory, the status of an issue for an audience is significantly dependent on the prominence of that issue in media coverage (Noelle-Neumann et al. 1994). Pioneer researchers in agenda setting, McCombs and Shaw, describe the correlation between media agenda and audience agenda rather concise: 'While the mass media may have little influence on the direction or intensity of attitudes, it is hypothesized that the mass media set the agenda for each political campaign, influencing the salience of attitudes toward the political issues' (McCombs & Shaw 1972: 177). This leads to the core assumption of agenda setting theory that mass media reporting indirectly influences the audience's agenda by focusing on certain issues and in reverse by putting other issues more in the background of the audience's perception.

The influence of the mass media agenda on the agenda of the audience through mass media reporting can be differently pronounced (Maurer 2017: 16). There are typically three different models of explanation: the awareness-model, the salience-model and the priorities-model (Maurer 2017). Put simply, the awareness-model concludes that the attention of the audience is drawn in by certain issues and through this drawn away from other issues by mass media reporting. The salience-model goes one step further and recognises that the felt degree of importance by the audience is also significantly shaped by the mass media reporting

(Dearing 1996: 8). The most far-reaching priorities-model postulates that even the ranking of issues on the mass media agenda is transmitted to the audience's agenda by news reporting (Merten et al. 1992: 69).

Lang and Lang (1981) complemented this agenda setting-theory with the phenomenon of agenda building. By that, they integrated a political agenda in the until then predominant duality of mass media and audience agenda within the field of media impact studies (Maurer 2017: 69). It is to be stated that the existence of more than just these three agendas within the media impact studies is conceivable. Hypothetically, every social unit in societies could have an own agenda that influences other agendas (Rössler 1997: 21). However, this hypothetical construction is far too complex to be scientifically well-founded and comprehensible within certain studies.

The three essential agendas come to existence under complex processes. The mass media agenda is internally influenced by media professionals themselves (Kosicki 1993). In addition, the audience's agenda, also called public agenda, is influencing mass media agendas through feedback channels and reflections of its own issues (Brosius & Weimann 1995: 325) and the political agenda is creating its own issues to place on media agendas (Schenk 2007: 515). The public agenda is internally influenced by communication processes within society (Mc Luskie 1992: 422). At the same time, it is shaped by the mass media agenda through reporting (Pritchard 1992: 108) and the political agenda through opinion formation and conveying opinions (Peter 2003). The political agenda comes to its existence through intern working processes by political figures and institutions (Bachl & Brettschneider 2011: 251–253), on the outside it is shaped by mass media reporting about reactions of political actors (e.g. Gormley 1989) and the public agenda through support or rejection (Berens 2001: 54). These findings demonstrate that the agendas are shaped by different factors and have a potentially high influence on each other.

The single process of influencing the mass media agenda is also called media-agenda-setting (Rössler 1997: 31). This could be through public or also the political agenda. Agenda building, however, can be understood as a further development of this approach, according to Rogers and Dearing (1988; cited in Maurer 2017: 69). Therefore, agenda building in a narrower sense is the attempt of political actors to place what they think are important or favourable issues on the media agenda and in a wider sense it is the formation of the media agenda (Maurer 2017) By this definition, the demarcation between media-agenda-setting and agenda building becomes clear. While agenda building in a narrower sense focuses on the influence of political actors on the media agenda, media agenda setting can be seen as a generic term for all influences on the media agenda, regardless of the kind of influence taking actors. Further differentiation between agenda building in a narrower and wider sense is irrelevant for this contribution. Decisive is the understanding of agenda building as the emergence of the mass media agenda under the influence of the president of the United States of America as a political actor and also supported by the partial public of the social media platform Twitter. If one takes a closer look at the mass media agenda and compares it with the political agenda and certain reactions and feedback, there could possibly exist some similarities or deviations. Those must be examined to view possible correlations and potential influencing factors to answer the question what impact Donald Trump's presidential communication via Twitter had on mass media reporting.

III. Trump's Presidential Communication and Social Media use

The president of the United States could have always been regarded as a communicator. However, the role of his communicative function in office has changed enormously over time. It has always been important but has become even more so over time due to the rise of modern media and extensive news coverage (Stüwe 2013: 118–120). A communicative function in the office is not only key for this contribution, it is inherent for a president. Neustadt (1991: 11) famously described not only this symbolic function but presidential power in die USA in general as the 'power to persuade' Presidential leadership is therefore significantly dependent on the perception of communicative aspects, be it internal or external communication. Focusing on the acceleration of communication in general and the expansion of media coverage over time, it seems very likely that the communicative aspect of the office of the president has adapted to that in certain ways.

With the importance and power of presidential communication it is decisive to take a closer look at Trump's presidential communication first to analyse its impact on mass media reporting.

To fully understand Trump's presidential communication, it is necessary to consider his public communication long before he entered office. It was as early as the 1980s when Trump started to communicate increasingly publicly and on political issues. Staged as a prosperous and successful businessman, he gained national attention in 1987 when he booked a full page in the renowned newspaper *The New York Times* for an ad criticizing the government for being too globalist. Instead, Trump demanded more protectionism and isolationism (Simms & Laderman 2017: 33–35). While this example dates back three decades before Trump entered office as president, it becomes clear that his campaign slogans like 'America First' or 'Make America Great Again' were more of a consequent follow-up than a surprising new development in his world view. Stylistically, this public and pointed way of direct communication may remind audiences of his later use of Twitter, too.

Over the years, Trump gained more media coverage about his persona and anchored himself in the public consciousness, which became key of his later political success (Niederberger 2016: 25). While doing so, he managed to establish his name as a brand. Books, TV shows and all kinds of lifestyle products were sold under his name, leading to an even wider presence as successful businessman in the public perception. This marketing approach about himself became another factor of his later political success (Niederberger 2016: 51–52). Even multiple news reporting about financial problems and business failures over the years could not oppose this view, instead, Trump was increasingly seen as a clever salesman (Kupelian 2018).

After registering his Twitter account in 2009 (Oborne & Roberts 2017: 3), he began posting increasingly political content around 2011 Initially, he used the platform mainly to promote television appearances and to test the feasibility of a presidential candidacy in 2012 (Oborne and Roberts 2017: 23–24).

Several authors, for example Simms and Laderman (2017: 138–139), conclude that the content of Trump's communication is widely consistent throughout his rise in influence since the 1980s. Also, Niederberger (2016: 60) describes largely identical focuses in terms of content during his communication. This underlines the view of a largely constant style of communication with widely stringent content.

To contrast Trump's presidential communication, a comparison with his predecessor Barack Obama seems the most reasonable, since he was also very media savvy and active on social media. The following findings are based on their respective first 465 days in office and therefore within their consolidation time as presidents of the United States. As opposed to Obama, it seems as if Trump avoided conventional press conferences as soon as he had to stand by himself and without foreign state guests. The same goes for classical interview situations. What Trump seemed to favour were spontaneous interactions with media professionals alongside. He held significantly more short Question-and-Answer-exchanges with journalists than Obama, for example on his way to meetings or other appointments. Concordant to this, he used Twitter a lot more than Obama, which comes in handy for placing short, direct messages or thoughts without further explanation (Nelson 2018). Those comparisons lead to the conclusion that Trump maintained a more impulsive, spontaneous communication in shorter form and seemed to avoid longer press appointments.

His use of Twitter as a social media channel seems to complement that, however, at the beginning of his term, Trump's relationship with Twitter can be seen as ambivalent. About six months before the election in 2016, he announced that, as republican candidate, people would not have to worry about his use of Twitter. After entering office, he would stop using Twitter as it would be inappropriate, Trump promised (Gass 2016). After the elections, Trump's perception changed. All of a sudden, he understood Twitter as part of a modern presidential communication (Crane 2017) and a success factor for himself (Shepardson 2017). This attribution of meaning postulates a high potential for his presidential communication in general.

Studies about his Twitter do not focus on the official account of the President of the United States administrated by the White House[1] but on Trump's private account[2]. The official account consisted mainly of re-tweets from Trump's private

1 Profilname: "@POTUS", URL: https://twitter.com/potus?lang=de (1 May 2019).

2 Profilname: "@realDonaldTrump", URL: https://twitter.com/realdonaldtrump?lang=de (01.05.2019).

account at that time. An obvious reason for the focus on Trump's Twitter-communication via his private account must have been that it simply had more than twice as many followers[3] and by that further reach and popularity even before taking office.

The relevance of a tweet sent by his account for Trump's presidential communication became clear when then press speaker Sean Spicer confirmed in a statement in 2017 that a tweet from Trump sent from his private account had equally to be seen as an official statement of the President of the United States (Vitali 2017). In the first year of his presidency alone, this led to 2.564 official messages as part of the presidential communication[4], which averages to about seven Tweets per day. Presumably, not all of those Tweets have been written by the president himself (e.g. Linskey 2018)[5] and a classification for outsiders of the administration is simply not possible. What is decisive, however, is the officially confirmed relevance of those messages, partly like other speaking occasions where the speeches are widely also not written by the president himself. Furthermore, the public must assume that Trump gave permission to the tweets not written by himself in some form and tolerated them being published on his account. With that, Tweets that may not have been written by Trump himself become a significant part of his presidential communication.

Due to the extent of his Twitter-communication, there cannot be given a systematic or comprehensive depiction at this point. However, it must be stated that a significant part of this communication has led to persistent irritation. Trump did not only attack political institutions or courts[6], but also companies (e.g. Peña & Abrams 2017) and critical reporting journalists and media that did not favour his content or criticised his presidency or persona (Sugars 2019). The content dimension is to be described rather less consistent than its form and style. Through

[3] According to the user profiles described above, the @POTUS account had 25.7 million followers, while @realDonaldTrump had 59.9 million followers (as of 1 May 2019).

[4] The dataset was narrowed using the Trump Twitter Archive, available at: https://www.thetrumparchive.com/ (accessed 8 May 2026).

[5] For a methodological discussion of how to identify whether tweets were authored by Trump himself or by members of his team, see Feinberg (2017).

[6] Donald J. Trump, Twitter post, 5 February 2017, 12:39, https://twitter.com/realdonaldtrump/status/828342202174668800 (accessed 1 May 2019).

a closer look, there can be found many contradictions, for example about personnel decisions within his administration, the assessments of other states and conflicts as well as institutions (Superville 2018).

After he lost the elections in November 2020, Trump repeatedly used Twitter for spreading false claims about the election results and stirred up conflicts that led to violent riots. In January 2021, just days before the end of his term, Twitter and other social media companies deactivated Trump's accounts (Bleiker 2021). This marked a turning point in Trump's use of social media and highlighted the power of this medium, underscoring the importance of scholarly engagement with this phenomenon.

By doing so, one aspect of Trump's Twitter use seems to stand out. For example, Wells et al. (2020) notice that individual tweets can shape the news reporting about political actors particularly at that point, it is suggested by the author to use the scientific term[7] 'Trigger-Tweet' as introduced with the following explanation. While the noun 'Tweet' has been established globally for messages sent from accounts on the social media platform Twitter, the attribution 'Trigger' describes the effect producing characteristic of a tweet. A Trigger-Tweet can therefore be understood as triggering messages on Twitter leading to certain effects.

Trigger-Tweets can be found on countless public Twitter-accounts, not only on Trump's account. They have significantly higher reach and gain substantially more attention in terms of reactions. Because they inherit a triggering momentum, they can reach an accordingly higher scope in media reporting. Because of that, they differ clearly from other messages on account with average and more constant numbers of reach and reactions. Because Trigger-Tweets gain significantly more attention, they also receive more reactions leading to especially high rates of comments, more likes as a way of showing support or approval and more re-tweets, which means shares with the contacts of another unrelated account. If there is more than one tweet used for a longer message or more details because of

[7] While Wells et al. use the English verb 'to trigger' in the original language of their contribution to describe the consequences of individual Twitter posts with regard to media coverage, the technical term introduced here conceptualises these descriptions as a distinct noun and, as a concise expression, incorporates specific characteristics and phenomena that emerge from the following analysis.

the limited number of characters in a single message, the characteristics of a Trigger-Tweet can be found typically only in the last Tweet. Because of the connection through content or even syntactically, such a phenomenon can be called a 'Trigger-Tweet-Series'.

Trigger-Tweets, no matter if as single tweets or as a series, are crucial for analysing Trump's Twitter use as part of his presidential communication and effects on mass media reporting through the theory of agenda building. Those become clear within the following findings.

IV. Findings on Mass Media Influence

As stated before, President Trump published 2.564 tweets on his private Twitter account during his first year in office, which is equivalent to around seven tweets per day. The author published a significantly more detailed study on that topic (Egelhof 2022) on which the analyses and results presented in this chapter are based. Readers may consult this reference for further information and take it as source for the whole data provided in the following statements within this chapter on the findings on mass media influence.

Within Trump's 2.564 tweets during the first year of his presidency there can be found at least 36 unambiguous Trigger-Tweets or Trigger-Tweet-Series[8]. They do not accumulate in a certain timespan but stretch through all months, except for December. Presumably, this could be due to the holiday season and the typical temporary cool-down of the political business during those days. That does, however, mean that Trigger-Tweets can and do appear basically any time.

For an in-depth analysis of the changes a Trigger-Tweet potentially had on the mass media agenda, it is important to also differentiate between three spheres of influence: individual actors, collective actors and issues. That is due to the different influences or effects a tweet could have depended on if it is, for example, naming someone or if it is about a certain topic without clearly addressing someone. Therefore, an individual actor is defined as a single person in terms of a human

[8] For the sake of simplicity, this chapter will hereafter refer only to 'trigger tweets'. For the purposes of the empirical findings, any further differentiation is initially irrelevant.

being while collective actors are defined as institutions like courts, ministries or countries. Issues are problems or contents that are published.

Regarding the effects of individual actors on the mass media agenda, it is important to recognize that there is not enough significant research on Trigger-Tweets to give robust results on their impact on this sphere of influence. However, a preliminary trend can be derived from the given data. While it is not self-immanent that an individual actor named in a Trigger-Tweet is much more present on the mass media agenda, afterwards it seems to be very likely. The frequency of mention of such a person is, depending on the case, quite distinctively increased, varying between high single digit percentages up to over 50 percent in one case.

A more complete picture with more extensive data is given by analysing the development of the collective actors named in a Trigger-Tweet on the mass media agenda. While they are named more often than the individual actors, there is also much more data available on several cases. On average, in all cases they are more present in the mass media agenda after the Trigger-Tweet. Depending on the case, this increased presence ranges from around 14 percent up to over 200 percent. While there are some exceptions to that for special actors, on average the increase can be numbered as about 118 percent or, if one is to calculate out the extremum still over 34 percent.

Especially relevant is the development of issues that Trump set in his Trigger-Tweets. Such a development cannot be recognised in every case, but if it can be recognised as it is occurring in most cases, it is quite significant. Looking at the whole mass media agenda, there is a notable increase of more than six percent mentionable. But an even differentiated look into the news reporting reveals a much higher impact. If one only takes the relevant subject area as a basis for the data, for example security, foreign or domestic policy, the issues from a Trigger-Tweet are on average more than 24 percent more present on the mass media agenda. Considering that those issues are typically not visible on the mass media agenda before a Trigger-Tweet or only to limited extent, this is a significant change.

Overall, about 34 percent of the analysed news reporting material also used contributions from social media channels, almost always tweets from Twitter. While this differs, of course, from case to case, it is an impressive number that illustrates the value and significance of social media for mass media reporting. Most importantly, in all cases combined and with all spheres of influence on the mass media agenda, there could be found an overall average influence of over 31 percent from a Trigger-Tweet on the mass media agenda.

This is not to say that those numbers are representative for all Trigger-Tweets, moreover they are a manifestation of the cases analysed and they are limited to the design of said study. These results do, therefore, not claim to be representative. They do, however, indicate a certain correlation between Trump's agenda and the agenda of the mass media reporting. Considering that the link between Trump's agenda and the public has been Twitter at that time, it seems to be very likely that there was a pronounced agenda building effect happening.

V. Conclusion

Trigger-Tweets seem to make digital populism, as defined in the introduction, easier. With relatively low cost, a fairly high number of people can be reached and attention may be generated in a direct and often non-moderated way. However, that is not the only sphere in which Trigger-Tweets seem to have effects. Because of their high reach and popularity, they also influence the mass media reporting to a certain extent. Agenda building effects seem to become visible when contrasting the mass media agenda with the actors and issues in Trigger-Tweets before and after such a tweet happens. For the given cases in the pilot study, it can be numbered with about 31 percent at average.

By the hypothetical influence of Trump's tweets on the mass media agenda, it is necessary to raise the question if the president, who calls critical or bad reporting media companies fake news, is not the one who is faking the news with his Trigger-Tweets and the placement of his own agenda. Leastways, the correlation of these agendas and the indicated agenda building effects based on the given data show strong tendencies to acknowledge this assumption.

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Populism, Post-Truth Politics, and Presidential Accountability: Constitutional Lessons from the January 6th Capitol Riot and *Trump v. United States*

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I. Introduction

1. Democracy in an Era of Post-Truth Politics

Democracy depends not merely upon having fair elections but upon the capacity of citizens to make political choices based on accurate and reliable information. The legitimacy of representative government presupposes that voters are able to evaluate competing political claims using a commonly accepted body of facts (Dahl 1989; Rawls 1993). When objective facts lose their authority within public discourse, democratic decision-making process becomes very vulnerable (McIntyre 2018). Recently, the rapid expansion of digital communication has fundamentally altered this relationship between information and the decision-making process of democracy. Social media platforms have enabled unprecedented access to political information while simultaneously facilitating the widespread dissemination of misinformation, conspiracy theories, and politically motivated falsehoods (Pariser 2011; Tucker et al . 2018; Vosoughi, Roy & Aral 2018). Consequently, democratic societies increasingly face the challenge of preserving constitutional governance within an information environment in which factual accuracy is frequently subordinated to emotional appeal and partisan identity (Sunstein 2018).

The emergence of what has become known as post-truth politics represents one of the defining characteristics of contemporary constitutional democracies

(McIntyre 2018). Rather than persuading citizens through verifiable evidence, political actors increasingly appeal to emotions, identity, and distrust of established institutions. Within this environment, empirical facts often become secondary to narratives that reinforce pre-existing political beliefs (Wardle & Derakhshan 2017). Once citizens no longer share a common understanding of objective reality, democratic disagreement shifts from disputes over public policy to disputes over the legitimacy of facts themselves. This transformation presents profound challenges for constitutional governance because democratic institutions ultimately rely upon widespread public acceptance of electoral outcomes, judicial decisions, and the rule of law (Levitsky & Ziblatt 2018).

Although concerns regarding political misinformation are not unique to the United States, recent developments in American politics provide perhaps the clearest illustration of the constitutional dangers posed by post-truth political discourse. Following the 2020 presidential election, President Donald J. Trump repeatedly alleged that the election had been stolen through widespread electoral fraud despite the absence of credible supporting evidence. These allegations were rejected by state election officials, numerous courts, independent investigations, and ultimately Congress itself (House Select Committee 2022; Hasen 2022). Nevertheless, they continued to gain substantial public acceptance among millions of Americans. The persistence of these claims demonstrates that political narratives need not be factually accurate to become politically influential.

The culmination of this process occurred on January 6th, 2021, when thousands of individuals gathered in Washington, D.C., and violently entered the United States Capitol in an effort to disrupt Congress's certification of the Electoral College vote. The Capitol riot constituted one of the most serious attacks upon American constitutional democracy in modern history (House Select Committee 2022). It represented not merely an episode of political violence but also a direct challenge to the constitutional principle of the peaceful transfer of executive power. More fundamentally, the events of January 6th exposed the fragility of democratic institutions when significant portions of the electorate reject both verified facts and established constitutional procedures.

The constitutional significance of these events became even more pronounced following the Supreme Court's decision in *Trump v. United States* (2024). In recognising broad presidential immunity for official acts, the Court fundamentally reshaped the constitutional framework governing presidential accountability. Although the decision was formally concerned with separation-of-powers principles, its political consequences extend well beyond questions of constitutional doctrine (Fallon 2018; Goldsmith 2024). For many observers, the judgment raised broader concerns regarding the relationship between executive power, democratic accountability, and public confidence in constitutional institutions.

This Article argues that the Capitol riot cannot be adequately understood solely as the product of individual criminal conduct or partisan political conflict. Rather, it represented the culmination of a broader interaction between contemporary populism, post-truth political communication, digital misinformation, and declining institutional trust (Levitsky & Ziblatt 2018; Sunstein 2018). These developments collectively undermined the shared factual foundations upon which constitutional democracy depends. Accordingly, the constitutional implications of January 6th extend beyond criminal liability for individual participants and require a broader examination of how democratic institutions respond to political movements that reject empirical reality itself.

This Article proceeds as follows. Part II examines the theoretical foundations of contemporary populism and explains its resurgence in American politics. Part III analyses the emergence of post-truth political discourse and the role of digital media in amplifying misinformation. Part IV considers how these developments contributed to the events of January 6th, 2021. Part V analyses the Supreme Court's decision in *Trump v. United States* and evaluates its implications for presidential accountability. Finally, Part VI discusses the broader constitutional consequences of post-truth politics for democratic governance before offering concluding observations.

II. The Resurgence of Populism in Contemporary American Politics

1. Conceptualising Populism

Despite its widespread use in contemporary political discourse, populism remains one of the most contested concepts in political science. Scholars have defined populism as an ideology, a political strategy, a style of political communication, and even a discursive framework. Nevertheless, most contemporary scholarship shares one central premise: populism constructs politics as a moral struggle between 'the pure people' and 'the corrupt elite' (Mudde 2004; Müller 2016).

Unlike comprehensive political ideologies such as liberalism or socialism, populism has frequently been described as a 'thin-cantered ideology'. It possesses few substantive policy commitments of its own and instead attaches itself to broader ideological programmes (Stanley 2008). Consequently, populist movements may emerge across both the political left and the political right while maintaining remarkably similar rhetorical structures. What distinguishes populism is not its policy agenda but its claim that only one political movement genuinely represents the authentic will of 'the people'.

This understanding fundamentally challenges the pluralistic foundations of constitutional democracy. Liberal constitutionalism assumes that democratic societies inevitably contain competing interests, diverse identities, and legitimate political disagreement (Rawls 1993; Waldron 1999). Populism, by contrast, frequently rejects political pluralism by portraying opposition parties, independent courts, professional bureaucracies, and even the media as illegitimate obstacles preventing the popular will from prevailing (Urbinati 2019).

For this reason, Müller argues that populism should be understood not merely as anti-elitism but also as fundamentally anti-pluralist (Müller 2016). Populist leaders characteristically deny the legitimacy of political opponents by asserting that only their supporters constitute the 'real people' Such rhetoric transforms ordinary democratic competition into an existential struggle between patriotism and betrayal, thereby weakening institutional norms essential to constitutional governance (Levitsky & Ziblatt 2018).

2. The American Resurgence of Populism

Although populist movements have periodically appeared throughout American history, including during the People's Party movement of the late nineteenth century, contemporary American populism differs significantly from its historical predecessors. Modern populism has developed within an environment characterised by increasing political polarisation, declining trust in governmental institutions, rapid technological change, and the transformation of the digital information ecosystem (Norris & Inglehart 2019; Mudde & Kaltwasser 2017).

Following the 2008 financial crisis, public confidence in political institutions declined substantially. Economic inequality, globalisation, immigration, and cultural conflict generated widespread dissatisfaction with established political elites. These developments created favourable political conditions for candidates capable of presenting themselves as outsiders challenging a dysfunctional political establishment (Piketty 2014; Gidron & Hall 2020).

Donald Trump's presidential campaign represented the most successful manifestation of these broader political developments. His campaign consistently portrayed Washington, the federal bureaucracy, mainstream media organisations, and political elites as fundamentally disconnected from ordinary Americans. Through slogans such as *Make America Great Again*, Trump transformed diffuse public frustration into a coherent populist narrative centered upon national restoration, anti-elitism, and institutional distrust (Müller 2016; Urbinati 2019).

Importantly, Trump's political success cannot be explained solely through economic dissatisfaction. His campaign appealed simultaneously to cultural identity, nationalism, immigration concerns, and perceived threats to traditional American values. Consequently, contemporary American populism represents a multidimensional political phenomenon extending beyond conventional socioeconomic explanations (Norris & Inglehart 2019).

3. Donald Trump as a Populist Leader

President Trump presents an intriguing paradox within contemporary populism. Unlike many historical populist leaders, he neither emerged from economically disadvantaged social backgrounds nor advocated redistributive economic policies traditionally associated with populist movements. Instead, Trump inherited considerable wealth, cultivated an image of business success, and consistently supported tax reductions benefiting corporations and high-income individuals.

Nevertheless, these apparent contradictions did not prevent him from becoming one of the most influential populist leaders in contemporary democratic politics. Modern populism depends less upon the personal background of political leaders than upon their ability to construct persuasive political identities (Mudde & Kaltwasser 2017). Trump successfully portrayed himself as an outsider from so-called Washington politics confronting corrupt political institutions despite having occupied positions of extraordinary economic privilege.

His political communication relied heavily upon direct emotional engagement with supporters. Rather than presenting detailed policy proposals, Trump's speeches frequently emphasised symbolic themes including national decline, governmental betrayal, election integrity, immigration, and media bias. These narratives encouraged supporters to interpret political disagreement as evidence of institutional corruption rather than ordinary democratic competition (McIntyre 2018).

Moreover, Trump's repeated characterisation of mainstream media organisations as 'fake news' significantly undermined public confidence in traditional sources of political information. Once established news organisations became regarded as politically illegitimate, alternative media ecosystems increasingly replaced professional journalism as primary sources of political knowledge for many citizens (Sunstein 2018; Tucker et al. 2018).

4. Populism and Democratic Backsliding

Although populism does not inevitably undermine democracy, its interaction with constitutional institutions deserves careful examination. Populist governments frequently claim democratic legitimacy through electoral success while simultaneously weakening institutional mechanisms designed to constrain executive authority (Bermeo 2016; Ginsburg & Huq 2018). Independent courts, professional civil services, electoral commissions, and free media become portrayed as anti-democratic institutions because they allegedly obstruct implementation of the people's will.

Levitsky and Ziblatt observe that democratic erosion rarely occurs through dramatic constitutional revolutions. Instead, contemporary democracies often decline gradually as elected leaders weaken institutional safeguards while maintaining formal democratic procedures (Levitsky & Ziblatt 2018). Such democratic backsliding is particularly likely when populist rhetoric encourages citizens to distrust constitutional institutions responsible for limiting governmental power.

Within the United States, these developments became increasingly visible following the 2020 presidential election. Persistent allegations concerning widespread electoral fraud significantly reduced public confidence in election administration despite overwhelming evidence confirming the legitimacy of the electoral process (Hasen 2022; House Select Committee 2022). Consequently, political distrust became increasingly directed not merely towards particular political leaders but towards constitutional institutions themselves.

This transformation established the political environment within which post-truth narratives could flourish. Once institutional credibility deteriorates, empirical evidence alone becomes insufficient to restore democratic confidence. Understanding this relationship between populism and institutional distrust therefore provides an essential foundation for analysing the emergence of post-truth politics in contemporary America.

III. Post-Truth Politics and Digital Misinformation

1. The Emergence of Post-Truth Politics

The concept of post-truth politics describes a political environment in which objective facts exert less influence on public opinion than emotional appeals, ideological commitments, and personal beliefs (McIntyre 2018). Although political deception has existed throughout history, the post-truth era differs in both degree and mechanism. Rather than concealing falsehoods, contemporary political actors frequently challenge the very authority of factual verification (Lewandowsky, Ecker & Cook 2017). As a result, empirical evidence is increasingly regarded as merely one opinion among many rather than the foundation of democratic deliberation.

Oxford Dictionaries' selection of *post-truth* as the 2016 Word of the Year reflected this broader transformation of democratic politics. Public debate increasingly shifted away from discussions grounded in verifiable evidence toward narratives designed to reinforce partisan identity and emotional solidarity (McIntyre 2018). Under these conditions, political success became less dependent upon factual accuracy than upon the capacity to generate emotional engagement and maintain group loyalty.

This transformation presents a fundamental challenge to constitutional democracy. Democratic institutions presume that political disagreements occur within a shared framework of objective facts. Citizens may legitimately disagree about public policy, constitutional interpretation, or ideological priorities, but meaningful democratic deliberation becomes substantially more difficult when the parties no longer agree on basic factual realities.

2. Digital Media and the Transformation of Political Communication

The rapid expansion of digital communication fundamentally altered the dissemination and consumption of political information. Traditional news organisations historically served as institutional gatekeepers responsible for editorial review, source verification, and professional fact-checking. Social media platforms, by contrast, substantially reduced these barriers, enabling political actors to communicate directly with millions of citizens without comparable institutional oversight (Balkin 2018; Tucker et al. 2018).

Recommendation algorithms further intensified this transformation. Rather than prioritising information according to reliability or public importance, digital platforms generally maximise user engagement. Content that provokes outrage, fear, or strong emotional reactions consequently receives greater visibility than nuanced or evidence-based reporting (Pariser 2011; Vosoughi, Roy & Aral 2018).

Moreover, social media platforms facilitate the formation of highly homogeneous political communities. Individuals increasingly consume information produced by ideologically compatible sources while avoiding exposure to competing viewpoints. These so-called echo chambers reinforce pre-existing political beliefs through repeated exposure to similar narratives, thereby reducing opportunities for critical evaluation and factual correction (Jamieson & Cappella 2008; Sunstein 2018).

The combined effect of algorithmic amplification and ideological segregation substantially weakens democratic deliberation. Instead of promoting informed political discussion, digital communication frequently encourages selective exposure, emotional reasoning, and ideological polarisation.

3. The 'Stop the Steal' Narrative

The controversy surrounding the 2020 presidential election demonstrates how post-truth politics operates in practice. Immediately following the election, President Donald Trump repeatedly asserted that widespread electoral fraud had deprived him of victory. These allegations persisted despite the absence of credible supporting evidence and notwithstanding repeated rejection by federal and state courts, bipartisan election officials, and independent investigations (House Select Committee 2022; Hasen 2022).

From a legal perspective, the failure of these allegations is relatively straightforward. More than sixty election-related lawsuits failed to establish systematic electoral fraud capable of altering the election outcome. Numerous recounts confirmed the accuracy of vote tabulations, while officials from both major political parties publicly affirmed the integrity of the electoral process (Hasen 2022).

From a political perspective, however, factual refutation proved largely ineffective. Rather than evaluating the fraud allegations according to judicial findings or evidentiary standards, many supporters interpreted legal defeats themselves as further evidence of institutional corruption. Consequently, the narrative became increasingly resistant to empirical falsification. Political belief gradually became detached from objective evidence and instead relied primarily upon trust in political leadership and shared group identity.

This illustrates one of the defining characteristics of post-truth politics: factual correction alone is often insufficient to change deeply embedded political beliefs. Once misinformation becomes incorporated into collective political identity, contradictory evidence may strengthen rather than weaken commitment to the original narrative.

4. Cognitive Biases and Political Radicalisation

The persistence of electoral misinformation cannot be explained solely through technological developments. Human cognitive processes also contribute significantly to the resilience of false political narratives. Confirmation bias encourages individuals to seek information consistent with existing beliefs while disregarding contradictory evidence (Nickerson 1998). Accordingly, citizens already sceptical of governmental institutions were particularly receptive to allegations that the election had been manipulated.

Similarly, motivated reasoning leads individuals to evaluate evidence according to preferred political conclusions rather than objective standards of proof (Kunda 1990). Information favourable to one's political group is accepted with relatively little scrutiny, whereas contradictory evidence is subjected to substantially greater scepticism. The Dunning–Kruger effect further contributes to political misinformation by encouraging individuals possessing relatively limited expertise to display unwarranted confidence in their own judgments (Kruger & Dunning 1999).

Complex legal questions concerning election administration, voting procedures, and constitutional law were frequently reduced to simplistic narratives circulated through social media. These narratives often appeared more persuasive than detailed explanations provided by courts, election officials, or constitutional scholars because they offered emotionally satisfying answers to politically complex questions. Collectively, these cognitive mechanisms interacted with digital communication technologies to create a political environment in which misinformation could spread rapidly while remaining remarkably resistant to factual correction.

5. Implications for Constitutional Democracy

The constitutional significance of post-truth politics extends far beyond the dissemination of inaccurate information. Constitutional democracy depends upon public confidence in institutions responsible for administering elections, interpreting the law, and ensuring the peaceful transfer of governmental authority. When citizens lose confidence in those institutions, constitutional procedures themselves become vulnerable (Ginsburg & Huq 2018; Levitsky & Ziblatt 2018). The danger therefore lies not merely in the existence of misinformation but in its capacity to erode institutional legitimacy. Once courts, legislatures, election commissions, and professional media are collectively portrayed as participants in a single corrupt establishment, constitutional governance becomes increasingly difficult to sustain.

The events of January 6th, 2021, represented the most visible manifestation of this institutional crisis. The Capitol riot was not simply the consequence of individual criminal conduct but the culmination of a prolonged process through which populist rhetoric, digital misinformation, and post-truth political discourse collectively undermined confidence in constitutional democracy.

Accordingly, understanding the events of January 6th analysis not only of the violence itself but also of the broader informational and constitutional environment that made such violence politically conceivable.

IV. January 6th as a Constitutional Crisis

1. The Constitutional Framework of the Peaceful Transfer of Power

The peaceful transfer of political power following democratic elections constitutes one of the most fundamental principles of constitutional government. Although the United States Constitution does not explicitly employ the phrase ‘peaceful transfer of power’, the constitutional structure presupposes that electoral outcomes will be respected and that executive authority will pass to the successful candidate in accordance with established legal procedures (Amar 2005; Ackerman 2010). This constitutional norm has historically distinguished stable constitutional democracies from authoritarian political systems, where political succession frequently depends upon force rather than law.

The Twelfth Amendment, together with the Electoral Count Act, establishes the constitutional process through which presidential election results are formally certified by Congress. Under ordinary circumstances, this certification has long been regarded as a procedural formality rather than an occasion for political confrontation (Congressional Research Service 2022). Throughout American history, presidential candidates have generally accepted electoral defeat even under highly contentious circumstances, thereby reinforcing public confidence in constitutional institutions.

The legitimacy of this process depends not merely upon legal rules but also upon widespread political acceptance of institutional outcomes. Courts adjudicate election disputes, election officials certify vote totals, and Congress performs its constitutional responsibilities on the assumption that political actors remain committed to the rule of law. Constitutional government therefore relies upon both formal legal procedures and informal democratic norms.

The events following the 2020 presidential election fundamentally challenged this constitutional tradition.

2. The Escalation of Electoral Misinformation

Following the declaration of Joseph R. Biden Jr. as the winner of the 2020 presidential election, President Donald Trump initiated an unprecedented campaign alleging widespread electoral fraud. These allegations questioned not merely a particular electoral outcome but the legitimacy of the constitutional system responsible for producing that outcome (Hasen 2022). Numerous lawsuits were filed in both federal and state courts, yet virtually all failed because the plaintiffs were unable to present evidence sufficient to establish fraud capable of altering the election result.

Equally significant, senior officials within the Department of Justice, state election authorities, and members of President Trump's own administration publicly affirmed the integrity of the election (House Select Committee 2022). These institutional responses reflected the ordinary functioning of constitutional accountability. Nevertheless, repeated factual refutation failed to eliminate public belief in the election fraud narrative. This divergence between institutional findings and public belief illustrates one of the defining characteristics of post-truth politics (McIntyre 2018).

Constitutional institutions derive authority from legal procedures and evidentiary standards, whereas post-truth political narratives derive authority primarily from emotional identification and political loyalty. When these two sources of legitimacy diverge, constitutional institutions face an unprecedented crisis of public confidence.

3. January 6th and the Breakdown of Constitutional Norms

The events of January 6th represented the culmination of this prolonged process of political delegitimisation. Thousands of individuals gathered in Washington, D.C., believing that Congress was preparing to certify an election that had been unlawfully stolen (House Select Committee 2022). Members of Congress were evacuated, legislative proceedings were suspended, and the certification of the Electoral College vote was temporarily interrupted.

From a criminal law perspective, individual participants committed a variety of offences, including unlawful entry, assault upon law enforcement officers, destruction of government property, and obstruction of an official proceeding. However, the constitutional significance of January 6th extends well beyond these criminal offences.

For perhaps the first time in modern American history, the constitutional process governing the peaceful transfer of presidential authority was physically disrupted by individuals acting under the sincere belief that constitutional institutions themselves had become illegitimate. The attack therefore represented not simply violence against a government building but violence directed against the constitutional order itself.

Importantly, the participants did not generally reject democracy as an abstract principle. Rather, many claimed to be defending democracy by preventing what they believed to be an illegitimate transfer of presidential power. This paradox illustrates the extraordinary capacity of post-truth political narratives to redefine constitutional reality. Once factual truth becomes politically negotiable, even violent resistance may appear constitutionally justified to those who sincerely accept false factual premises.

4. Constitutional Norms Beyond Written Law

The Capitol riot demonstrates the importance of constitutional conventions that exist independently of formal legal rules. Constitutional democracies function not solely because political actors obey legal commands but because they voluntarily respect unwritten democratic norms, including institutional restraint, mutual toleration, and acceptance of legitimate electoral defeat (Levitsky & Ziblatt 2018). Such conventions operate as informal guardrails preserving constitutional democracy during periods of political conflict.

The events surrounding January 6th revealed how rapidly these informal constitutional norms may deteriorate when political leaders repeatedly question institutional legitimacy. Once political competition becomes characterised as an existential struggle between patriots and traitors, ordinary constitutional procedures may be reinterpreted as instruments of political oppression rather than expressions of democratic governance.

This erosion of constitutional norms presents a challenge that cannot easily be resolved through legal reform alone. Statutes may regulate electoral procedures, criminalise violence, and strengthen institutional safeguards. They cannot, however, compel citizens to trust democratic institutions or require political leaders to respect constitutional conventions (Ackerman 2010; Ginsburg & Huq 2018).

Consequently, the long-term resilience of constitutional democracy depends upon preserving a shared commitment to truth, institutional legitimacy, and the peaceful resolution of political disagreement.

5. Lessons from January 6th

The Capitol riot should therefore be understood not as an isolated episode of political extremism but as a warning regarding the vulnerability of constitutional democracy in the digital age.

Three broader constitutional lessons emerge.

First, constitutional stability depends upon the integrity of the information environment (Sunstein 2018). Elections cannot command democratic legitimacy when substantial portions of the electorate reject verified facts in favour of politically constructed realities.

Second, constitutional accountability extends beyond governmental institutions. Political leaders, media organisations, and digital platforms each influence the quality of democratic discourse and therefore bear corresponding responsibilities for preserving constitutional democracy (Balkin 2018).

Third, legal institutions alone cannot protect constitutional government. Courts may reject unsupported allegations, legislatures may certify election results, and prosecutors may pursue criminal accountability. Yet these institutional responses become substantially less effective when public confidence in constitutional institutions has already been undermined (Hasen 2022; Ginsburg & Huq 2018).

January 6th, therefore illustrates that the most significant threat to constitutional democracy may arise not from constitutional defects themselves but from the gradual erosion of the shared factual foundations upon which constitutional government ultimately depends.

V. *Trump v. United States* and the Constitutional Limits of Presidential Immunity

1. The Procedural Background

The criminal prosecutions arising from the events surrounding the 2020 presidential election presented constitutional questions without modern precedent. Special Counsel Jack Smith alleged that former President Donald J. Trump had undertaken a series of actions designed to overturn the lawful outcome of the presidential election and to obstruct the constitutionally prescribed process for certifying the Electoral College vote (Department of Justice 2023). The indictment included allegations of conspiracy to defraud the United States, conspiracy to obstruct an official proceeding, obstruction of an official proceeding, and conspiracy against the constitutional right of citizens to have their votes counted.

Rather than focusing exclusively upon the factual allegations contained in the indictment, the litigation quickly evolved into a constitutional dispute concerning the scope of presidential immunity. President Trump argued that actions undertaken while serving as President could not become the basis of subsequent criminal prosecution because such prosecutions would undermine the independence of the Executive Branch and fundamentally alter the constitutional separation of powers (Trump v. United States, 2024). The Supreme Court therefore confronted a constitutional question extending far beyond the immediate criminal proceedings: to what extent may a former President be held criminally accountable for actions undertaken while exercising presidential authority?

2 The Majority Opinion

Writing for the majority, Chief Justice Roberts rejected the proposition that former Presidents enjoy absolute immunity from criminal prosecution for all official conduct. At the same time, however, the Court concluded that the Constitution requires substantial protection for presidential decision-making (Trump v. United States, 2024).

The majority distinguished presidential conduct according to its constitutional character. First, actions falling within the President's exclusive constitutional authority receive absolute immunity from criminal prosecution. Second, other official acts performed within the outer perimeter of presidential responsibilities receive at least a presumption of immunity. Finally, unofficial conduct undertaken in a personal or private capacity remains fully subject to ordinary criminal liability.

The Court grounded this framework primarily upon structural constitutional principles rather than explicit constitutional text. According to the majority, the President occupies a unique constitutional position requiring independence from subsequent political retaliation. Without meaningful immunity, future Presidents might hesitate to exercise constitutionally assigned powers out of concern that political opponents could later pursue criminal prosecution after a change in administration (Fallon 2018; Goldsmith 2024).

Consequently, presidential immunity was presented not as a personal privilege but as an institutional safeguard designed to preserve the effective functioning of the Executive Branch.

3. Constitutional Justifications for Presidential Immunity

The majority's reasoning reflects a longstanding constitutional concern regarding the separation of powers. Since *Nixon v. Fitzgerald* (1982), the Supreme Court has recognised that certain forms of presidential immunity are necessary to prevent judicial interference with executive decision-making. Criminal prosecution presents particularly serious institutional concerns because the threat of imprisonment may influence presidential judgment in ways incompatible with constitutional independence (Ackerman 2010; Amar 2005; Fallon 2018).

The majority further emphasised that the Constitution already provides political mechanisms through which presidential misconduct may be addressed. Congressional oversight, impeachment, elections, and historical accountability collectively function as constitutional checks upon executive abuse. Criminal prosecution, the Court suggested, must therefore remain sufficiently limited to avoid transforming ordinary political disagreement into criminal litigation.

From this perspective, broad presidential immunity serves constitutional stability rather than individual political interests. The majority sought to preserve energetic executive leadership while preventing future administrations from employing criminal law as an instrument of political retaliation.

4. The Dissenting Opinions

The dissenting Justices expressed profound concern regarding the implications of the majority's reasoning for constitutional accountability.

Justice Sotomayor argued that the decision substantially weakens one of the most fundamental constitutional principles of American democracy – that no individual, including the President, stands above the law. The dissent further criticised the distinction between official and unofficial conduct as conceptually uncertain and practically difficult to administer, thereby creating risks that future Presidents may abuse executive authority without meaningful legal consequence (Tribe & Matz 2014; Balkin 2019).

The dissent further criticised the majority's distinction between official and unofficial conduct as both conceptually uncertain and practically difficult to administer. Presidential actions frequently involve political, legal, and administrative considerations simultaneously. Consequently, lower courts may encounter considerable difficulty determining whether particular conduct should be characterised as official or private.

Perhaps most significantly, the dissent argued that the Constitution was deliberately designed to prevent concentrations of unchecked governmental power. Expanding presidential immunity beyond previously recognised limits, in the dissent's view, risks undermining constitutional equality before the law while weakening public confidence in democratic accountability.

The dissenting Justices expressed profound concern regarding the implications of the majority's reasoning for constitutional accountability. Justice Sotomayor argued that the decision substantially weakens one of the most fundamental constitutional principles of American democracy – that no individual, including the President, stands above the law. According to the dissent, the majority effectively grants Presidents unprecedented protection against criminal accountability, thereby creating risks that future Presidents may abuse executive authority without meaningful legal consequence.

The dissent further criticised the majority's distinction between official and unofficial conduct as both conceptually uncertain and practically difficult to administer. Presidential actions frequently involve political, legal, and administrative considerations simultaneously. Consequently, lower courts may encounter considerable difficulty determining whether particular conduct should be characterised as official or private.

Also, the dissent maintained that expanding presidential immunity beyond previously recognised limits risks undermining constitutional equality before the law while weakening democratic accountability (Dworkin 1986; Tribe & Matz 2014).

5. Presidential Immunity and Democratic Accountability

The constitutional significance of *Trump v. United States* extends well beyond the immediate legal questions presented before the Court. The decision illustrates the continuing tension between preserving executive independence and ensuring governmental accountability under the rule of law (Ackerman 2010; Fallon 2018).

Neither principle may be treated as constitutionally absolute. Excessively narrow presidential immunity risks encouraging politically motivated criminal prosecutions whenever executive power changes hands. Conversely, excessively broad immunity may weaken legal constraints upon executive misconduct while reducing public confidence that constitutional officials remain subject to ordinary legal standards.

The central constitutional challenge therefore lies in maintaining an institutional equilibrium that protects both effective executive governance and meaningful legal accountability.

6. Post-Truth Politics and the Interpretation of *Trump v. United States*

An additional constitutional concern arises from the interaction between judicial decisions and contemporary post-truth political communication. The Supreme Court addressed a technical constitutional question concerning the scope of presidential immunity. Public discussion of the judgment, however, frequently departed from the Court's actual reasoning. Within highly polarised political environments, complex constitutional doctrine was often reduced to simplified political slogans (Sunstein 2018) suggesting either complete presidential immunity or judicial endorsement of particular political narratives.

This divergence illustrates an important feature of post-truth politics. Judicial opinions derive legitimacy through careful legal reasoning, whereas political communication increasingly rewards simplicity, emotional resonance, and partisan interpretation. Consequently, constitutional decisions may acquire political meanings substantially different from their legal content.

The constitutional consequences of *Trump v. United States* should therefore be evaluated not only according to its doctrinal analysis but also according to its broader influence upon public confidence in constitutional government. A constitutional democracy ultimately depends upon citizens' willingness to distinguish legal reasoning from political rhetoric. When that distinction becomes increasingly blurred, judicial authority itself may become vulnerable to the same dynamics of misinformation and institutional distrust that contributed to the events of January 6th.

VI. Constitutional Accountability in the Age of Post-Truth Politics

1. Beyond Criminal Responsibility

The legal proceedings arising from the January 6th Capitol riot have understandably focused upon questions of individual criminal liability. Hundreds of participants have been prosecuted for offences ranging from unlawful entry and assault upon federal officers to seditious conspiracy and obstruction of an official proceeding. These prosecutions reaffirm the fundamental constitutional principle that violence directed against democratic institutions cannot remain beyond the reach of criminal law.

Nevertheless, criminal accountability alone cannot fully address the constitutional significance of January 6th. The Capitol riot was not merely the product of individual criminal conduct but the manifestation of a broader constitutional crisis involving democratic legitimacy, institutional trust, and the dissemination of political misinformation (Ginsburg & Huq 2018; Levitsky & Ziblatt 2018). A constitutional democracy may successfully punish unlawful behaviour while simultaneously remaining vulnerable to the political conditions that produced such behaviour.

Accordingly, constitutional accountability should be understood more broadly than criminal prosecution alone. It encompasses the responsibility of constitutional institutions to preserve democratic legitimacy, protect electoral integrity, and maintain public confidence in the rule of law (Fallon 2018).

2. The Rule of Law and Democratic Legitimacy

The rule of law requires considerably more than formal compliance with legal procedures. It presupposes that governmental authority is exercised according to publicly known legal rules that apply equally to all individuals, including those occupying the highest political office (Dicey 1885; Raz 1979). Equally important, however, the rule of law depends upon widespread public acceptance that legal institutions act with impartiality and constitutional legitimacy (Fuller 1969).

The events surrounding the 2020 presidential election revealed the vulnerability of this relationship. Courts repeatedly rejected allegations of widespread electoral fraud after careful consideration of the evidence presented before them. Election officials certified the electoral results in accordance with applicable statutory procedures. Congress ultimately completed the constitutional process prescribed by the Twelfth Amendment (Hasen 2022). From a legal perspective, constitutional institutions functioned largely as intended.

Yet institutional success did not necessarily produce public confidence. Millions of citizens continued to believe that constitutional institutions themselves had become instruments of political corruption. This divergence between institutional performance and public legitimacy represents one of the defining constitutional challenges of the post-truth era (McIntyre 2018).

The rule of law therefore depends not only upon judicial independence and procedural fairness but also upon an information environment within which citizens remain willing to accept evidence-based institutional decision-making.

3. Freedom of Expression and Democratic Self-Protection

One of the most difficult constitutional questions raised by January 6th concerns the relationship between freedom of expression and democratic self-preservation. Liberal constitutional democracies have traditionally adopted an expansive understanding of political speech. Even deeply offensive, misleading, or controversial political expression generally receives substantial constitutional protection because open public debate remains indispensable to democratic self-government (*Brandenburg v. Ohio*, 395 U.S. 444 (1969); *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)). The First Amendment reflects precisely this constitutional commitment.

At the same time, constitutional democracies cannot remain indifferent to organised campaigns that deliberately undermine public confidence in democratic institutions through systematic misinformation. The constitutional challenge therefore lies in distinguishing protected political advocacy from conduct that intentionally threatens the constitutional order itself (Sunstein 2018; Waldron 2012).

Importantly, this challenge cannot be resolved simply by expanding governmental authority to regulate political speech. Excessive governmental regulation of misinformation risks creating new constitutional dangers, including political censorship, viewpoint discrimination, and executive abuse of regulatory authority (Volokh 2012). A constitutional response to post-truth politics must therefore preserve both democratic resilience and constitutional liberty.

Accordingly, long-term constitutional solutions should emphasise institutional transparency, independent fact verification, civic education, and democratic accountability rather than broad governmental restrictions upon political expression (Balkin 2018).

4. Constitutional Responsibility beyond Government

The constitutional implications of post-truth politics extend beyond governmental institutions alone. Digital platforms now perform functions historically associated with newspapers, broadcasters, and other traditional intermediaries. Recommendation algorithms influence the dissemination of political information, shape public discourse, and affect citizens' exposure to competing political perspectives (Balkin 2018; Klonick 2018). Although these companies remain private actors rather than constitutional institutions, their societal influence increasingly resembles that traditionally exercised by public information infrastructures.

Political leaders likewise possess constitutional responsibilities extending beyond their formal legal obligations. Constitutional government depends upon voluntary respect for democratic norms, including acceptance of legitimate electoral defeat, institutional restraint, and respect for judicial independence (Levitsky & Ziblatt 2018). Although such norms cannot easily be enforced through legal sanctions, they remain essential for preserving constitutional democracy.

Civil society, educational institutions, professional journalism, and academic communities also contribute to constitutional resilience. Democratic legitimacy ultimately depends upon citizens possessing sufficient civic knowledge to distinguish empirical evidence from political rhetoric. Consequently, constitutional accountability should be understood as a shared responsibility distributed throughout democratic society rather than an obligation imposed exclusively upon governmental institutions.

5. Reconstructing Democratic Trust

Perhaps the most important constitutional lesson arising from January 6th concerns the necessity of rebuilding democratic trust. Constitutional democracies cannot function solely through coercive legal authority. Elections produce legitimate governments because citizens voluntarily accept electoral outcomes. Courts command obedience because their decisions are regarded as legally authoritative rather than politically convenient. Legislatures enact binding laws because democratic procedures enjoy widespread public acceptance (Rawls 1993; Fallon 2018).

Once this reservoir of institutional trust becomes substantially depleted, constitutional governance itself becomes increasingly fragile. Rebuilding such trust requires considerably more than criminal prosecution or judicial decision-making. It demands sustained commitment to governmental transparency, responsible political leadership, independent journalism, civic education, and public engagement with constitutional values (Ginsburg & Huq 2018; Levitsky & Ziblatt 2018).

In this respect, January 6th should not be regarded merely as an historical event but as a continuing constitutional warning. The resilience of constitutional democracy ultimately depends upon preserving a political culture in which factual truth, institutional legitimacy, and democratic accountability reinforce rather than undermine one another.

VII. Conclusion

The Capitol riot of January 6th, 2021 constituted one of the most significant constitutional challenges confronting the United States in the modern era. Although the immediate violence has subsided, the underlying constitutional questions remain unresolved. The events surrounding the 2020 presidential election demonstrated that constitutional democracies may be endangered not only by institutional weakness but also by the gradual erosion of shared factual realities (McIntyre 2018).

This Article has argued that the Capitol riot should be understood as the product of an interaction among contemporary populism, post-truth political communication, digital misinformation, and declining institutional trust. These developments collectively weakened the informational foundations upon which constitutional democracy depends and ultimately contributed to an unprecedented challenge to the peaceful transfer of presidential power (Levitsky & Ziblatt 2018; Tucker et al. 2018).

The Supreme Court's decision in *Trump v. United States* further illustrates the continuing tension between executive independence and democratic accountability. While the constitutional protection of presidential decision-making remains essential for preserving the separation of powers, constitutional legitimacy ultimately requires that no public official be placed beyond meaningful legal and democratic scrutiny (Ackerman, 2010; Fallon, 2018; *Trump v. United States*, 603 U.S.__ (2024)). Maintaining this balance will remain one of the central constitutional challenges confronting the American constitutional system.

More broadly, the constitutional implications of January 6th extend beyond the United States. Liberal democracies throughout the world increasingly confront similar challenges arising from digital misinformation, political polarisation, declining trust in public institutions, and the growing influence of post-truth political discourse (Norris & Inglehart 2019; Ginsburg & Huq 2018). Consequently, the constitutional lessons derived from January 6 possess significance far beyond American constitutional law.

Ultimately, constitutional democracy depends not only upon written constitutions, independent courts, or periodic elections. It also depends upon citizens' willingness to accept objective evidence, respect constitutional institutions, and resolve political disagreement through lawful democratic processes rather than force. Constitutional government cannot endure when truth itself becomes politically negotiable. Preserving democratic freedom therefore requires renewed commitment to both the rule of law and the integrity of the public sphere in which constitutional democracy operates (Rawls 1993; Sunstein 2018).

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The language of populism[1]

THOMAS HOFFMANN

I. Introduction

> Populism, which goes hand in hand with far-left or far-right party slogans and/or strong, personalized political leadership and polarized rhetoric, is on the rise worldwide. The presidency of Donald Trump in the US and the campaigns in favor of the Brexit referendum are seen as two prominent examples in recent years. (Woon Nam 2024: 3)

The above quote from a 2024 special issue of the *EconPol Forum* journal expresses a sentiment shared by many people: populism is on the rise. In addition to this, Woon Nam explicitly names two events from 2016, Donald Trump's first election campaign in the US as well as the 2016 Brexit campaign in the UK, as two recent prime examples of populism. Corpus[2] data provides strong support for these claims:

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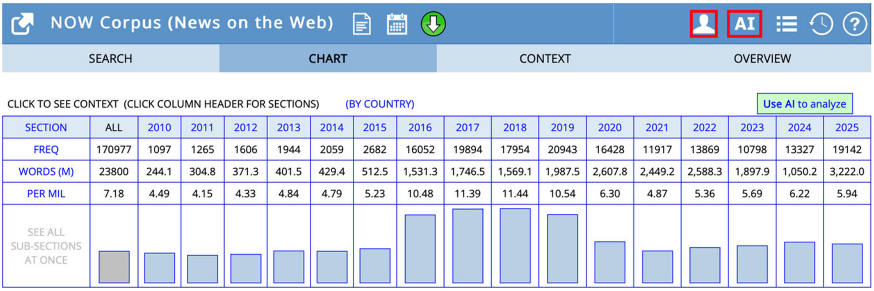
[1] This paper is an extended and revised English version of Hoffmann (2020).

[2] In linguistics, corpora are electronic databases of representative text samples of a language that can be queried and used for empirical studies of language use and conventionalization.



SECTION	ALL	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
FREQ	170977	1097	1265	1606	1944	2059	2682	16052	19894	17954	20943	16428	11917	13869	10798	13327	19142
WORDS (M)	23800	244.1	304.8	371.3	401.5	429.4	512.5	1,531.3	1,746.5	1,569.1	1,987.5	2,607.8	2,449.2	2,588.3	1,897.9	1,050.2	3,222.0
PER MIL	7.18	4.49	4.15	4.33	4.84	4.79	5.23	10.48	11.39	11.44	10.54	6.30	4.87	5.36	5.69	6.22	5.94
SEE ALL SUB-SECTIONS AT ONCE																	

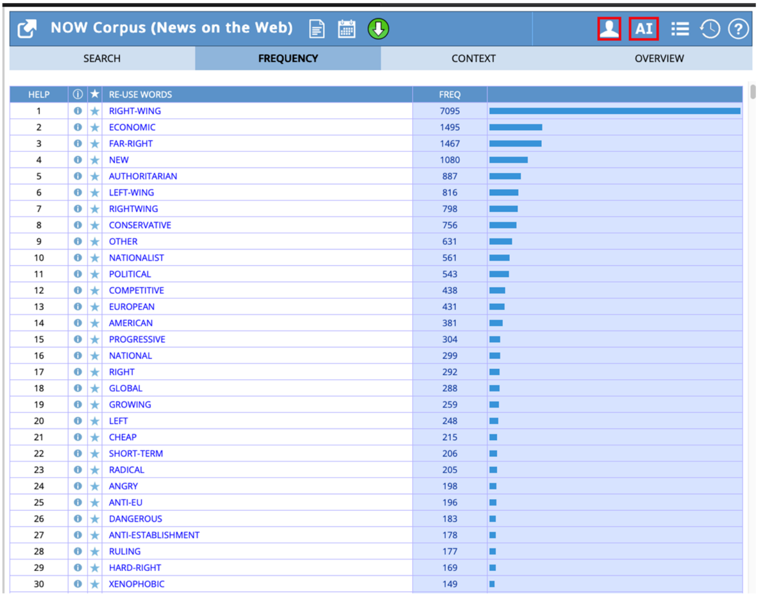
Figure 1. Frequency of words starting with populis* in the NOW corpus

Davies, Mark. (2016-) *Corpus of News on the Web (NOW)*.

Available online at https://www.english-corpora.org/now/.

Figure 1 shows the results of a query of the NOW corpus (News on the Web; Davies 2016) that looks for all words starting with 'populis*' (e.g. populist, populism, populist-leaning, etc.). The corpus currently contains 23.8 billion words from web-based newspapers and magazines (2010 to the present time) and grows by about 270–290 million words per month. As can be seen in Figure 1, populism and related terms experienced a sharp increase in 2016 (from 5.23 appearances per one million words in 2015 to 10.48 in 2016). This rise in use, therefore, does seem to coincide with major political events in 2016 such as Trump's election campaign or the Brexit vote, as claimed by Woon Nam above.

A central tenet of modern corpus linguistics is that 'words that occur in similar contexts tend to have similar meanings' (Surdeanu and Valenzuela-Escárcega 2024: 131), or as J. R. Firth famously put it 'You shall know a word by the company it keeps' (1957: 11). And, indeed, investigating the adjectives (ADJ) that immediately precede 'populis*' in the NOW corpus reveals important properties of the present-day discourse on populism and populist movements:



NOW Corpus (News on the Web)

SEARCH | FREQUENCY | CONTEXT | OVERVIEW

HELP	RE-USE WORDS	FREQ
1	RIGHT-WING	7095
2	ECONOMIC	1495
3	FAR-RIGHT	1467
4	NEW	1080
5	AUTHORITARIAN	887
6	LEFT-WING	816
7	RIGHTWING	798
8	CONSERVATIVE	756
9	OTHER	631
10	NATIONALIST	561
11	POLITICAL	543
12	COMPETITIVE	438
13	EUROPEAN	431
14	AMERICAN	381
15	PROGRESSIVE	304
16	NATIONAL	299
17	RIGHT	292
18	GLOBAL	288
19	GROWING	259
20	LEFT	248
21	CHEAP	215
22	SHORT-TERM	206
23	RADICAL	205
24	ANGRY	198
25	ANTI-EU	196
26	DANGEROUS	183
27	ANTI-ESTABLISHMENT	178
28	RULING	177
29	HARD-RIGHT	169
30	XENOPHOBIC	149

Figure 2. Top 30 most frequent adjectives preceding populis* in the NOW corpus

Davies, Mark. (2016-) Corpus of News on the Web (NOW).

Available online at https://www.english-corpora.org/now/.

In the news, populism is associated with both the right (positions 1, 3, 7, 17 and 29) as well as the left (positions 6, 20) of the political spectrum. Right-wing populism, however, is not only more frequent as a topic in the news, it is also explicitly labelled as *hard-right* (position 29) or *far-right* (position 3). The news identify populism as a phenomenon that currently specifically occurs in Europe (position 13) and America (position 14), but it also seems to be a global phenomenon (position 18) that is *new* (position 4) and *growing* (position 19). Finally, overall, it is evaluated negatively, being qualified by adjectives such as *cheap* (position 21), *angry* (position 24), as well as *dangerous* (position 26) and being associated with xenophobia (position 30).

The quantitative analysis of news data reveals that, as claimed by Woon Nam (2024), populism is on the rise and is seen as a largely negative phenomenon. The present contribution now focuses on the language of populists and populist movements, investigating whether there is a distinct set of linguistic features that characterizes populist rhetoric (cf., e.g., Felder 2017; Hoffmann 2020; Stefanowitsch 2019). In other words, the paper explores 'the language of populism' from a cognitive linguistic perspective.

II. The characteristic properties of populism

So far, we have only looked at how the news discuss populism. Before turning to the linguistic analysis of populist language, however, it is necessary to establish how the phenomenon is defined in social science research. Stefanowitsch (2019: 236–237) offers the following two widely-cited definitions of populism:

> an ideology which pits a virtuous and homogeneous people against a set of elites and dangerous 'others' who are together depicted as depriving (or attempting to deprive) the sovereign people of their rights, values, prosperity, identity and voice. (Albertazzi & McDonnell 2008: 3)

> an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite,' and which argues that politics should be an expression of the volonté générale (general will) of the people. (Mudde 2004: 543)

Both definitions highlight populism as an ideology that fundamentally advocates a simplistic dichotomy of in-group ('us') and out-group ('them'; cf., *inter alia*, Tajfel 1981, 1982; Tajfel & Turner 1986): It pits 'the ordinary people' and their 'common sense/general will' against the interests of a 'corrupt elite' / an 'out-of-touch establishment' (see also Albertazzi & McDonnell 2008; Mudde & Kaltwasser 2017; Priester 2012; Selk 2020). As Mudde and Kaltwasser point out, beyond this simple dichotomy, populism offers no 'normative ideas about the nature of man and society' (2017: 6), which is why they call it a 'thin-centered ideology' that necessarily attaches to other (left- or right-wing) political ideologies. As we will see in the next chapter, the 'us-against-them' worldview at the heart of populism is directly reflected in linguistic expressions that are characteristic for, but not uniquely limited to, populist language.

III. Properties of populist language

1 'Hypertrophic' language use: In the name of the people

Felder (2017) calls attention to the fact that speaking 'for the ordinary people' (in contrast to 'the elite') leads populists to employ linguistic strategies that he labels 'hypertrophic language use' (hypertropher Sprachgebrauch): Populists regularly use expressions that imply that they are the only voice of the people, that they are speaking for all the (real) people (examples (1) and (3) from Felder 2017, 44; (2) from Hoffmann 2020, 57):

1. au nom du peuple
   'in the name of the people'
   (2016 campaign slogan of the French party Front National)
2. We've formed our people's army to fight the establishment …
   (2014 interview with Nigel Farage, party leader of the UK Independence Party[1])
3. Wir lassen uns nicht länger belügen! Wir sind das Volk!
   'We will no longer be lied to! We are the people!'
   (banner at a demonstration of the German Alternative for Deutschland party in Rostock, 2015)

In (1), the Front National lays claim to speaking in the name of all the people in France (reappropriating the formulaic phrase *République française. Au nom du peuple français* which is used to introduce court judgements in France; Felder 2017: 44). In (2), Farage declares war on the establishment by announcing that his party has formed 'our people's army'. Note how the phrase *our people* is contrasted here with the elite *establishment* against which Farage promises to wage

1 https://www.cnbc.com/video/2014/05/26/ukip-heading-a-peoples-army-farage.html [last accessed 30 December 2025].

war (the negative, martial tone of this and other populist statements will be discussed further below). In (3), finally, the protesters ('we') explicitly identify themselves as *das Volk* 'the people'. This, again, is a reappropriation of an existing slogan – *Wir sind das Volk!* was the chant that was the sung by the protesters at the Monday demonstrations in Leipzig in 1989 in the German Democratic Republic (GDR; see Felder 2017: 44).

While populism is often used as negative term for opposing political viewpoints (see Müller 2016; Selk 2020), it is important to remember that populism is a 'thin-centered ideology' (Mudde & Kaltwasser 2017: 6). It can attach to a wide variety of political stances and ideologies. Consequently, hypertrophic words and phrases are characteristic of populist language, but their political, historical and ethical evaluation always requires additional context. When the peaceful protesters in the GDR chanted *Wir sind das Volk!* in 1989, they were clearly not speaking for all citizens (take, e.g., the leaders of the socialist government party Sozialistische Einheitsparty Deutschlands (SED) or some members of the GDR intelligence agency Staatsicherheitsdienst 'Stasi'). From a purely linguistic point-of-view, the 1989 use of *Wir sind das Volk!* was just as hypertrophic as the one in (3). However, from an ethical point of view, the two uses differ considerably: In 1989, the chant was part of a peaceful revolution for 'Freiheit, Gleichheit, Brüderlichkeit'[2] ('liberty, equality, fraternity'). It is more than debatable whether these values were shared by the demonstrators of the *Alternative für Deutschland* (AfD) in 2015 when they were chanting the same words.

When politicians are elected to the German Bundestag, they are – according to the German constitution – 'Vertreter des ganzen Volkes' ('representatives of all the people'; Grundgesetz Art. 38(1)). The president of the United States swears to defend the Constitution of the United States[3] that famously starts with 'We the People of the United States …'[4]. In fact, the very definition of democracy as

[2] https://www.bundesregierung.de/breg-de/aktuelles/wir-sind-das-volk-469010 [last accessed 30 December 2025].

[3] https://constitution.congress.gov/browse/article-2/section-1/clause-8/ [last accessed 30 December 2025].

[4] https://constitutioncenter.org/the-constitution/preamble [last accessed 30 December 2025].

> Government by the people; esp. a system of government in which all the people of a state or polity (or, esp. formerly, a subset of them meeting particular conditions) are involved in making decisions about its affairs, typically by voting to elect representatives to a parliament or similar assembly; […] (Oxford English Dictionary online, s.v. *democracy* N. 1a.)

As these examples from the German constitution and the Constitution of the United States show, there are uses of the words *Volk* / *peuple* / *people* that are not hypertrophic in intention: these legal documents genuinely refer to the entirety of the citizens of a country. The words themselves, consequently, are not populist vocabulary per se – what is crucial is the intention with which they are used (Felder 2017: 48–49). Modern democratic societies depend on the dialogical negotiation of different interests and opinions (Felder 2017: 48, with reference to Jürgen Habermas and Josef Kopperschmidt, calls this 'strukturelle Dialogizität' 'structural dialogicality'). Whenever politicians employ terms in a way that only reflects the interests and opinions of a part of the populace (even if it is the majority) that simultaneously precludes any democratic negotiation, they, therefore, use them in a populist, hypertrophic way. This also applies to politicians of the political center, even when they are not generally considered as populists. The regular use of the term *alternativlos* 'without alternative' for many of her political decisions by Chancellor Angela Merkel (Felder 2017: 48), consequently, can be considered hypertrophic, as it precluded the possibility of discussing other alternative solutions. Similarly, Merkel's statement *Wir schaffen das!* 'We can do this!' with reference to the 2015 European migrant crisis was hypertrophic since even politicians from her own CDU/CSU parliamentary group questioned it (as evidenced, e.g., by Horst Seehofer's *wir schaffen das nicht* 'we can't do it'[5]). Again, it is important not to confuse the linguistic analysis with the political or ethical assessment of Merkel's statement. In fact, when she uttered *Wir schaffen das!*, her intention might have been to use an inclusive *wir* '*we*' that, in spirit of the German constitution, comprised all citizens. Yet, as the political reaction showed, a considerable number of politicians and the citizens disagreed. Regardless of their political orientation, in modern, pluralistic societies whenever politicians use first

[5] https://en.wikipedia.org/wiki/Wir_schaffen_das [last accesses 20 December 2025].

person plural pronouns (*we*, *our*, *us*), they are in danger of making hypertophic statements (this also, e.g., applies to Barack Obama's 2008 campaign slogan *Yes, we can*[6]).

Hypertrophic language, thus, is a feature of populistic rhetoric, but not all hypertrophic uses are cases of populism. How we judge hypertrophic political language to a large degree will depend on how the speaker construes the in-group (*we*, *our*, *us*) and how they, implicitly or explicitly, construe the out-group (*they*, *their*, *them*). As discussed above, a central feature of populism is the dichotomy of 'us' (as 'the ordinary people') against them ('the elite'; cf. examples (1)–(3) above). Even though Merkel's *Wir schaffen das!* statement and Obamas slogan *Yes, we can.* are hypertrophic in nature, they are, by definition, not populistic as they do not construe an elite out-group. The original 1989 slogan *Wir sind das Volk!*, on the other hand, implied that the elite SED was not representative of the real people and consequently was as hypertrophic and populistic as its use in (3) (even though, as mentioned above, both uses differ considerably in how they should be assessed ethically, historically and politically). Moreover, even if hypertrophic language use is a necessary but not sufficient property of populist language, recent linguistic studies indicate that populists use hypertrophic vocabulary much more frequently than other political actors. In the 2016 press releases of the AfD representation of Rhineland-Palatinate, for instance, the expression *gesunder Menschenverstand* ('common sense') occurs three times as often as in press releases of the CDU (the party that has the second most frequent uses of the term; Scharloth 2017). Moreover, an analysis of manifestos for the 2017 Bundestag election found that words such as *Volk* ('people'), *Bevölkerung* ('population'), or *Volkssouveränität* ('sovereignty of the people') occur significantly more often in the AfD manifesto than in those of the other parties (Bündnis 90/Die Grünen, CDU/CSU, FDP, Die Linke, and the SPD; Kranert 2019).

In a study of post-Brexit British political discourse, Stefanowitsch (2019), furthermore, showed that, as British Prime Minister, Theresa May used noticeably more populist features in her speeches than earlier prime ministers and leading opposition politicians. Hypertrophic phrases such as *our people*, *the British people*,

[6] https://en.wikipedia.org/wiki/Barack_Obama_2008_presidential_campaign#Slogan [last accesses 20 December 2025].

or *the will of the people* occur significantly more often in May's speeches. Since other populist linguistic features (such as criticism of 'the elite'; see also below) are absent in May's rhetoric, Stefanowitsch regards her as merely a 'reluctant populist':

> One is left with the impression that May remained agnostic with respect to the Brexit process and that she became a reluctant populist in order to argue for something that she herself never believed in and that she did not see as having any substantial merits.

Linguistic studies such as those by Kranert (2019), Scharloth (2017), or Stefanowitsch (2019) typically use methods from modern corpus linguistics to analyse populists' language (see also section 1). Written and/or spoken texts (e.g., speeches, party manifestos, tweets, etc.) are stored as an electronic corpus and queried for diverse linguistic features. This approach makes it possible to test empirically and objectively whether populists' language differs significantly from that of other politicians. A relatively common corpus-linguistic procedure is the so-called keyword analysis. This statistical method identifies those words that occur significantly more often in a target corpus than in a comparable reference corpus. Hoffmann (2020: 59–61), e.g., used the AntConc software version 3.4.3 (the latest current version is 4.3.1; see Anthony 2024) to analyse the manifestos of the 2017 German Bundestag election. In order to test the frequency of hypertrophic language in the right-wing AfD party, he took their manifesto as the target corpus and the manifestos of the other parties (Bündnis 90/Die Grünen, CDU/CSU, FDP, Die Linke, and SPD) as the reference corpus. As suggested by other studies (see, in particular, Kranert 2019), Hoffmann found that hypertrophic vocabulary such as *Volk* 'people' appeared significantly more frequently in the AfD manifesto. (4) provides a representative example of the use of *Volk* by the AfD:

4. Das Volk muss wieder zum Souverän werden
   'The people must once again become sovereign'
   (*Programm für Deutschland*, AfD-Programm für die Bundestagswahl 2017: 8)

(4) is not only hypertrophic, it is also clearly populistic: The implication is that the people are no longer the sovereign and the wider context puts the blame on an alleged elite (a 'secret oligarchy'):

5. Heimlicher Souverän in Deutschland ist eine kleine, machtvolle politische Oligarchie, die sich in den bestehenden politischen Parteien ausgebildet hat. Sie hat die Fehlentwicklungen der letzten Jahrzehnte zu verantworten. Es hat sich eine politische Klasse herausgebildet, deren vordringliches Interesse ihrer Macht, ihrem Status und ihrem materiellen Wohlergehen gilt. Diese Oligarchie hat die Schalthebel der staatlichen Macht, der politischen Bildung und des informationellen und medialen Einflusses auf die Bevölkerung in Händen.
   'The secret sovereign of Germany is a small but powerful political oligarchy that has formed within the established political parties. It bears responsibility for the political aberration of recent decades. A political class has emerged whose overriding concern is its own power, its status, and its material well-being. This oligarchy controls the levers of state authority, political education, and the informational and media influence exerted over the population.'
   (*Programm für Deutschland*, AfD-Programm für die Bundestagswahl 2017: 8[7])

The use in (4), therefore, is not only hypertrophic (the AfD claims to re-instate the alleged loss of sovereignty of the people), it also draws on the populistic dichotomy of us (the people) versus an elite that allegedly controls all executive power as well as education and the media.

Keyword analysis also offers support for the claim that Donald J. Trump uses populist rhetorics. Using the data from his as well as Hillary Clinton's campaign speeches from the 2016 election campaign (Hoffmann 2018), we can create word clouds of the 50 most frequent keywords that the candidates used significantly more often than their opponent:

[7] In this paper, page references are made to the online manifesto found under https://www.afd.de/wp-content/uploads/2017/06/2017-06-01_AfD-Bundestagswahlprogramm_Onlinefassung.pdf [last accessed 30 December 2025]. These differ from Hoffmann (2020), who used the print version for page references.

Figure 3. Top 50 most frequent keywords in Trump's 2016 election campaign speeches (compared to Clinton's campaign speeches) (data from Hoffmann 2018)

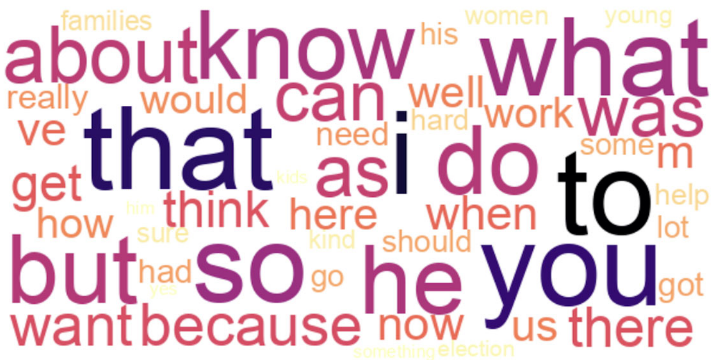


Figure 4. Top 50 most frequent keywords in Clinton's 2016 election campaign speeches (compared to Trumps 's campaign speeches) (data from Hoffmann 2018)

As Figure 4 shows, the most frequent keyword pronoun in Clinton's speeches was *you* (followed by *he*). In contrast to that, the most frequent pronouns in Trump's keywords are *our* and *they* (see Figure 3) – he, thus, regularly draws on the classic hypertrophic dichotomy of *us* against *them*. Subjecting *our* to a so-called collocation analysis, reveals that the most frequent word following *our* in Trump's speeches was *country* (*our country* appears 492 times in his speeches and has a highly significant log-likelihood of 3033.620[8] and an effect size of 5.295[9]). The example in (6) again illustrates the populist way in which Trump uses the phrase:

6. I said before, if crooked Hillary Clinton becomes president, terrorism will destroy the inner workings of our country. (Trump, Remarks at the KI Convention Center in Green Bay, Wisconsin, 05 August 2016[10]).

In (6), Trump refers to his opponent as *crooked Hillary Clinton* (*crooked* appears 17 times in his speech, once referring to the *crooked media*; all other 16 times preceding *Hillary*). Just like the AfD above, he sides with the real people (*our country*) and claims that Clinton as president (who is 'crooked' and as such part of the 'elite') would be responsible for the country being destroyed by terrorism. In the same speech, he calls her a disaster and claims that she will be bad for *our country*:

7. She will be a disaster. She will be so bad for our country, and I'm not just talking about Justices of the Supreme Court. She will be so bad for our country and we can't let it happen. We can't let it happen. (Trump, Remarks at the KI Convention Center in Green Bay, Wisconsin, 05 August 2016[11]).

This brings us to the second linguistic property populist rhetoric: its negative emotional tone and 'low' communicative style (Demata & Lorenzetti 2020: 3–4).

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[8] Log-likelihood values of >3.81are significant with a *p-value* < 0,05. Scores above 15.13 are significant at a value of *p* < 0,0001; see http://ucrel.lancs.ac.uk/llwizard.html [last accessed 30 December 2025].

[9] Antconc, standardly, uses Mutual Information to assess the effect size of a collocate pair (see Anthony 2023 for further details).

[10] Source: https://www.presidency.ucsb.edu/documents/remarks-the-ki-convention-center-green-bay-wisconsin [last accessed 30 December 2025].

[11] Source: https://www.presidency.ucsb.edu/documents/remarks-the-ki-convention-center-green-bay-wisconsin [last accessed 30 December 2025].

2 Low style and negative emotions

Demata & Lorenzetti (2020: 3) point out that populist language is often also characterized by a 'tendency to personalism and coarseness' that populists use to project themselves as part of the ordinary people. While traditional politicians use official and high-stylistic language,

> populists use a plain-spoken style, with clear and straightforward language dense with emotional overtones (e.g. anger, hate), thus inviting a certain kind of voters to identify with them. Such deliberately coarse language crusading against political correctness sometimes conceals more subtle dangers, like an exclusionary ideology. (Demata & Lorenzetti 2020: 3)

Important here is the insight from cognitive linguistics that words evoke so-called cognitive frames (see, e.g., Lakoff 2016; Lakoff & Wehling 2018). When someone hears words such as *crook* or *criminal*, they activate the Legality frame[12] and all the words and concepts associated with it. By repeatedly talking about *Crooked Hillary Clinton* (see above), Trump gets his listeners to associate his opponent with illegal/criminal activities

> even though she has been found to have been honest and legal by thorough studies by the right-wing Bengazi committee (which found nothing) and the FBI (which found nothing to charge her with, except missing the mark '(C)' in the body of 3 out of 110,000 emails). Yet the framing is working. (Lakoff 2016)

Similarly, when Farage's talks about forming 'our people's army to fight the establishment …' in (2), he dramatizes and emotionalizes political conflict through activating the frame of military conflict (by *form an army* and *fight*). In the same vein, the AfD politician Alexander Gauland polarized by exclaiming *Wir werden*

12 https://framenet.icsi.berkeley.edu/frames/Legality [last accessed 30 December 2025].

Frau Merkel jagen[13] ('We will hunt Mrs Merkel' after the 2017 Bundestag election. By using the word jagen 'hunt', Gauland activated the Hunting frame:

> A Hunter tries to gain Food by way of outsmarting or tracking a living. The Hunter hopes the attempt will result in the catching and killing of the living entity that is intended for human consumption. The act of seeking Food inherently involves the assistance of some tool, which can be an extension of the Hunter's body or an artifact fashioned or exploited for the use of food seeking, catching, and/or killing.[14]

As can be seen from the quote above, while not explicitly mentioned, evoking the Hunting frame leads to an activation of notions such as the AfD attempting to 'catch and kill' Merkel. While Gauland (and other populists who use such language) would probably maintain that he did not actually say and mean this, we know from cognitive linguistic studies that such associations are activated even when they are not overtly mentioned.

All these examples illustrate another linguistic feature characteristic of populism as a scandalising and polarising political style: 'the staging of conflict, negative framing, and emotionalisation' ('Inszenierung von Konflikten, negativem Framing und Emotionalisierung'; Scharloth 2017; Hoffmann 2020: 64–67). As Scharloth (2017) has shown, such negative linguistic features, e.g., occur much more frequently in press releases of the AfD in Rhineland-Palatinate compared to the documents of other parties: the AfD data contained more communication verbs that signal conflict (e.g. *kritisieren* 'criticise'; *defamieren* 'defame'), scandalizing vocabulary (e.g. *Bloßstellung* 'humiliation'; *Ungerechtigkeit* 'injustice'; *Skandal* 'scandal'), and more negatively evaluative adjectives than the comparison corpus of the other parties' press releases. Notably, these negative linguistic means have also been shown to be part of extremist language (Ebling et al. 2023).

The populist tendency towards words that evoke negative emotions was also confirmed by Hoffmann (2018): An automated sentiment analysis of the 2016

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13 Sydow, Christoph: Gauland über AfD-Erfolg. 'Wir werden Frau Merkel jagen' in *Spiegel online*, 24 September 2017, https://www.spiegel.de/politik/deutschland/a-1169598.html [last accessed 30 December 2025].

14 https://framenet.icsi.berkeley.edu/frames/Hunting [last accessed 30 December 2025].

campaign speeches of Trump and Clinton (drawing on Mohammad & Turney 2013; see Hoffmann 2018) revealed that Trump significantly used more words with a negative emotional association. In addition to this, a more detailed analysis of his emotional vocabulary found that Trump significantly employed more words associated with negative emotions such as fear, disgust, sadness and anger. In Figure 5, the Trump data from Hoffmann (2018) is plotted in a way that shows the most frequent emotional words in the campaign speeches and the emotions with which they are primarily associated:

Figure 5. Word cloud of most frequent emotional words in Trump's 2016 corpus (data from Hoffmann 2018)

As Figure 5 shows, Trump obviously also used positive and neutral words, but his negative vocabulary is dominated by *bad* and *illegal*. In contrast to this, Figure 6 does not only highlight the wider range of vocabulary employed by Clinton,[15] in addition to *time* and *president*, it is positive words such as *good* and *young* that are marked as more frequent by their bigger font size:

[15] Populist language is sometimes also associated with a simpler style and less varied vocabulary. As a recent study by Donnell & Ondelli (2022) pointed out, this effect can to certain degree be found in Trump's speech. Other populists, such as Farage in the UK or Le Pen in France do not seem to exhibit this simpler linguistic style.

Figure 6. Word cloud of most frequent emotional words in Clinton's 2016 corpus (data from Hoffmann 2018)

3 Meta-linguistic distancing strategies

The negative emotional language and scandalizing strategies are areas where populist and extremist language overlaps. Another feature that is found in both discourses are meta-linguistic distancing strategies (see Ebling et al. 2012; Hoffmann 2020: 63–64; Scharloth 2017). Take the example in (8).

8. Bund und Länder dürfen keine Mittel für die „Gender-Forschung" mehr bereitstellen und keine „Gender-Professuren" mehr besetzen.
   'The federal and state governments must no longer provide funds for "gender studies" and must no longer fill "gender professorships"'
   (*Programm für Deutschland*, AfD-Programm für die Bundestagswahl 2017: 41)

The distinction between biological sex and socially constructed gender identity is vehemently disputed by the AfD (which is why gender is one of the keywords in their 2017 manifesto; see Hoffmann 2020: 60). In (8), the party uses a classic meta-linguistic strategy to distance itself from 'Gender-Forschung' 'gender studies' and 'Gender-Professuren' 'gender professorships': quotation marks. Quotation marks are often used to reproduce the direct speech of a person not present or to introduce new terms that readers may not be familiar with and which, consequently, require definition. They can, however, also be used to distance oneself from established, familiar concepts: Others may treat a term as self-evident, but by putting it into quotation marks, one can signal meta-linguistic distance from it and from the content associated with it. In (8), the AfD, thus, distances itself from the two gender-related terms, marking them as non-conventional and non-standard by the quotation marks.

In addition to quotation marks, another meta-linguistic distancing marker is the word *sogenannte*(*r*/*n*) 'so-called', which likewise signals distance. For press releases by party branches in Rhineland-Palatinate in 2016, Scharloth (2017) showed that such meta-linguistic distancing markers were used above all by the right-wing extremist NPD and the populist AfD. In the 2017 AfD manifesto (Hoffmann 2020: 64), there are six examples in which *sogenannte*(*r*/*n*) precedes a term that is additionally placed in quotation marks:

9. Die Alternative für Deutschland tritt für die Gleichheit vor dem Gesetz ein. Deshalb lehnen wir sogenannte 'Quotenregelungen' ab.
   'The Alternative for Germany stands for equality before the law. We, therefore, reject so-called "quota regulations/affirmative action"'
   (*Programm für Deutschland*, AfD-Programm für die Bundestagswahl 2017: 12).

10. Die sogenannte 'neue Lernkultur', die den klassengeführten Unterricht durch selbstgesteuertes, kompetenzorientiertes Lernen ersetzt, hat zu massivem Leistungsabbau bei den Schülern geführt.
    'The so-called "new learning culture" which replaces teacher-based classroom instruction with self-directed, competence-oriented learning has led to a massive decline in pupils' performance.')
    (*Programm für Deutschland*, AfD-Programm für die Bundestagswahl 2017: 43).

By introducing affirmative action (9) or competence-based learning (10) by *sogenannte* 'so-called' the party visibly distances itself from these concepts. Additionally, in both (9) and (11) the quotation marks further emphasize the linguistic distancing from these terms.

Populists, thus, use meta-linguistic strategies to distance themselves from certain ideas and concepts that they associated with ‘the elites’. As we have seen, due to their thin-centered ideologies, the particular concepts that populists distance themselves from can range from diverse topics such as affirmative action, competence-based learning of gender studies.

4 En-chanted populism

Populist movements are characterized by their ability to mobilise larger crowds and win them over. As part of this, concise slogans and chants play a central role (Hoffmann 2020: 67–69). Just like football chants help create and consolidate group identities among fans at matches (Hoffmann 2015), short slogans such as *Wir sind das Volk!* in (3) or the one in (13) help to bring together crowds at populist events:

11. Deutschland den Deutschen, Ausländer raus!
    ‘Germany for the Germans, foreigners out!’
    (demonstration in Chemnitz in October 2018[16])

When chanting slogans together, individuals, first of all, produce a self-revelatory statement about themselves (Who am I? What do I reveal about myself?; see Schulz von Thun 1981). In (11), e.g., the protestors clearly construe themselves as xenophobic individuals. At the same time, a group identity (*we, the people*, etc.) is expressed and, through chanting, not merely expressed but continuously produced and re-actualised (see also Schulz von Thun 1981). In (11), the xenophobic individuals create a group identity (*we*, *the* (*real*) *Germans*) and separate themselves off from the out-group that they construe as all foreigners. The chanting here has a dynamic function in that it does not only express but also (re-)creates spontaneous group identities. Take (12) which is taken from campaign rally:

12. The new platform of the Democrat Party is radical socialism and open borders [CROWD BOOING] and I won’t allow the United States of

[16] Chemnitz: Deutschland den Deutschen Ausländer Raus! Widerstand!! 05.10.2018, https://youtu.be/HSIhFLEy6Nk?si=EK7P5dk1E3QFxLvU [last accessed 30 December 2025].

America to become the next Venezuela that's what they want to do [CROWD CHANTING: Build that wall!] (Donald J. Trump, campaign rally in Las Vegas, 2018, 23:56–24:46[17])

The promise to 'build a wall' between the United States of America (USA) and Mexico was one of Donald Trump's central campaign pledges in 2016. As (12) shows, at later appearances Trump no longer needed to mention the slogan himself. The mere claim that Democrats want open borders prompts his supporters initiate the chant *Build that wall!*. The chanting starts at about 24:30 and lasts for more than 15 seconds, during which time Trump is silent but supports the chant by rhythmically clapping or nodding. The chant expresses a worldview of direct causation that is typical of conservative framing in the US ('Immigrants are flooding in from Mexico – build a wall to stop them' see Lakoff 2016). In addition to that, by chanting the slogan the audience at the rally in (12) unites linguistically and expresses their shared group identity.

Examples such as (12), where chants are initiated spontaneously by listeners, can be taken as evidence that populists are indeed popular – at least with their target audience. Again, however, chanting is not an exclusive feature of populist speakers. In 2008, the slogan *Yes, we can!*[18] became the rallying cry of supporters of presidential candidate Barack Obama. Obama first used it in a campaign speech in Nashua, New Hampshire, 2008:

13. for when we have faced down impossible odds when we've been told we're not ready or that we shouldn't try or that we can't generations of Americans have responded with a simple creed that sums up the spirit of a people yes we can yes we can yes we can [CHANTING: Yes, we can!] (Barack Obama, campaign speech in Nashua, New Hampshire, 2008, 10:09–10:50[19])

As can be heard in the recording, the crowd joins in chanting shortly after Obama repeats *Yes, we can* for the third time. Later in the speech, whenever Obama takes

17 https://youtu.be/rF9_x5qOiM8?si=gbkAwO8p0AIkmiOQ&t=1436 [last accessed 30 December 2025].

18 https://en.wikipedia.org/wiki/Barack_Obama_2008_presidential_campaign#Slogan [last accessed 30 December 2025].

19 https://youtu.be/Fe751kMBwms?t=608 [last accessed 30 December 2025].

up the slogan again, the audience resumes chanting. Through chanting, the audience thus created and re-created a common identity of a group that supported Obama's policies and his campaign.

When larger crowds chant slogans and thereby signal group identity and approval, the only conclusion that can be drawn is that the speaker appears popular and is able to mobilise supporters successfully. This is, however, a purely formal view of the expressive side of these linguistic actions. From a linguistic perspective, we must also consider the content side of chants. Here, it becomes apparent again that populists tend towards negative (*Lock her up!*) and exclusionary (*Build that wall!*; *Deutschland den Deutschen!*) chants – whereas Obama's slogan has a more positive orientation (*Yes, we can!*). While being hypertrophic in nature (see Section 3.1), the Obama chant can at least potentially be construed as being inclusive and positive. Populist chanting, on the other hand, reinforces the in-group us-identity, while at the same time creating distance toward an out-group that often is identified as 'the elite' or 'foreigners/immigrants'.

IV. Conclusion

As this contribution has shown, there is no single, categorical 'language of populists'. Many linguistic features associated with populist speakers can also be found in politicians who are not normally counted as populists. There are therefore no features that would allow for a necessary and sufficient categorical classification into populist vs. non-populist language. At the same time, the features discussed in this paper (hypertrophic language use, criticism of 'elites', linguistic distancing strategies, scandalising and polarising vocabulary, and mobilisation and staging through chants) do seem to occur more frequently, in quantitative terms, among populist politicians. In addition, populist statements tend to be considerably more negative and exclusionary than those of other opposition parties.

I want to end with a brief, personal outlook: whenever I give a talk on 'the language of populists', a member of the audience will typically ask afterwards how one should talk to the supporters of populists. Should one respond emotionally and draw on negative rhetoric as well? As argued in Hoffmann (2020, 60–71), although democracy should always be defended with resolve, I would advise against this approach, especially in conversation with strong supporters of populists. It merely tends to harden fronts. Such escalation may help politicians to close ranks, but it prevents genuine, sincere exchange of opposing views. As an example, consider Hillary Clinton's remark that described Donald Trump's supporters as a 'basket of deplorables'[20] – a statement that only served to harden positions.

Should one instead argue coolly and logically, thereby 'disenchanting' populist claims? In my view, this approach overestimates human rationality. As Kahneman emphasises in his bestseller *Thinking, Fast and Slow*:

> To a psychologist, it is self-evident that people are neither fully rational nor completely selfish, and that their tastes are anything but stable. (Kahneman 2011, 269).

The areas of our brain that react instinctively and emotionally function quickly and automatically. Conscious and logical thinking, by contrast, is activated only slowly and requires more time (Kahneman 2011: 269). What does this mean for conversations with supporters of populists? As we have seen, populist language is often strongly emotionalised and negative. Its success seems to rest on addressing existing fears and worries; people feel understood by populists and, therefore, follow them. But once one is emotionalised – and that includes you and me – one is no longer as receptive to logical, factual argument.

Which route, then, should one take? The only one that enables genuine and, in the long run, successful conversation: Meet the other person with appreciation and respect; listen; and allow the other person first to articulate their worries and distress. Does that sounds somewhat esoteric? It may surprise you, but it is also the method used by the *Federal Bureau of Investigation* (FBI) in hostage-taking situations and negotiations with terrorists (see Voss & Raz 2016). The FBI does not sympathise with hostage-takers or terrorists, but years of experience have shown that "tactical empathy" is crucial for de-escalating crises. Before anyone listens to you – whether you like them or not – you must first signal that you can

[20] https://en.wikipedia.org/wiki/Basket_of_deplorables [last accessed 30 December 2025].

listen to them and that you respect them. Only then do you have a chance of persuading someone – whether you are negotiating with terrorists or with your children, whether you are debating with strangers or friends, whether you are arguing with someone who is a fellow party member or a supporter of organisations you cannot condone. This route is obviously not an easy one. But populism thrives in moments of crisis (Kazin 1995; Taggart 2000; cit. in Demata & Lorenzetti 2020: 2) and if we want to have any chance of rescuing people from following the pied-piper populists then we need to listen to them first and take their concerns seriously. Only then can one hopefully engage in 'structural dialogicality' – in a political discussion in which participants, despite different and opposing views, come together, negotiate and try to find consensual democratic solutions to the real and pressing issues of our time.

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Christianity and Right-Wing Populism Attempts to Differentiate in a Complex Landscape

ULRICH KROPAČ

I. Introduction

In the autumn of 2024, elections were held in three federal states in East Germany. Before the elections in Saxony and Thuringia, which took place on 1 September 2024, the chairman of the German Bishops' Conference, Georg Bätzing, explicitly warned in an interview against the right-wing populist party AfD, which is partly classified as a clearly right-wing extremist party:

> 'Anyone who deals with the public statements of AfD representatives and their programs will conclude that they contradict fundamental Christian principles of human dignity, the commandment of Christian love, and solidarity. This party aims to overthrow our democratic, free system. I must warn Christians against this.' (Lesch 2017b: 12)

During the interview, Bätzing reiterated that a right-wing extremist party like the AfD is not an option for Christians. But it is not just right-wing extremism; Christianity is also normatively incompatible with populism (Lesch 2017b: 12). At first glance, this insight might seem to conclude the discussion: Christianity on the one hand and right-wing extremism and right-wing populism on the other are two spheres that are clearly opposed to each other. However, this conclusion would be far too simplistic. The relationship between Christianity and right-wing populism is much more complex; it is sometimes diffuse and difficult to discern. In this challenging terrain, I aim to point out a few paths, with a geographic focus on Germany, and particular attention to the party '*Alternative for Germany*' (AfD). The argument unfolds in four steps.

II. On the Concept and Characteristics of Right-Wing Populism

When searching for a viable definition of populism, one often encounters the claim that the term is vague and lacks analytical precision. This becomes clear when reviewing a collection of definitions and typologies presented by historian and political scientist Karin Priester. Rightly so, she describes the term ‘populism’ as a ‘chameleon’ (Priester 2012: 32–50).

In the German-speaking context, the focus is on right-wing populism. However, even this term is difficult to define. Traditional distinctions between ‘right’ and ‘left’ are not helpful, as right-wing populists make socio-political demands that could just as easily come from the left.

Faced with this dilemma, as a theologian, I have no choice but to leave the search for an exact definition to political science and settle for an approximation. In this article, right-wing populism is understood primarily as a specific political style that relies on evoking strong emotions and offering simple solutions to complex problems in modern societies (Strube 2024: 21–22). In terms of content, the following are characteristics of right-wing populism (Klose & Patzelt 2017: 136):

- Emphasis on identity and democracy-related issues, especially demarcation from foreigners and demarcation from so-called elites.
- Evocation of the threat of collective identity loss.
- Demand for an ethnically and culturally homogeneous community.

This understanding of right-wing populism forms the basis of the following discussion, which first focuses on how right-wing populists attempt to instrumentalise Christianity and the churches for their purposes.

III. The Instrumentalisation of Christianity and the Churches by Right-Wing Populism

1. Attempts by the AfD to Capture Christianity

The AfD is an example of a right-wing populist and, to some extent, right-wing extremist party that pursues an anti-liberal, anti-pluralistic, and anti-democratic policy, as well as a völkisch-nationalist agenda (Püttmann 2017: 37). It is astonishing how quickly it has spread throughout Germany and penetrated the conservative middle class. The party aims to create a different country and a different society. An essential part of this programme is the fight against Islam and the expulsion of its followers. Christianity is courted and, at times, instrumentalised for this agenda. By advocating family values, homeland and the people, identity and tradition, as well as conservative values, and by evoking an 'intact' past while simultaneously rejecting gender activism and Islam, the AfD believes it has found natural allies in the churches.

The AfD strives for a form of Christianity reminiscent of the late 19th and early 20th centuries, particularly for characteristics of the Catholic Church at the time: anti-democratic, patriarchal, and anti-modernist (Strube 2024: 129). The term 'Christian West' is often used as bait and represents a static, identitarian, fundamentally pre-modern conception of a Christian-influenced Europe.

The AfD's attempts to connect with Christianity are diverse. Within the party, for example, there is an initiative called 'Christians in the AfD'. Moreover, AfD members strive to convey a Christian image without actually being Christian. Instead, they seek to infiltrate or hijack Christian initiatives (Strube 2024: 11).

The proximity between the AfD and Christianity is mostly superficial, as the party's relationship with Christianity is highly ambivalent. The AfD is not interested in Christianity as a religion, faith, or community of values. Instead, it views Christianity merely as a cultural phenomenon. The AfD uses it as a way to define German identity and culture and to distinguish it from Islam. In other words, the AfD refers to the cultural phenomenon of Christianity, not the religious one. Strictly religious people who believe they have found a political platform in the AfD that aligns with their faith are, in truth, merely 'useful idiots' for the party.

2. Reactions from the Christian Churches

So far, the AfD's plan to instrumentalise Christianity has not been successful. The bishops of Germany's two major churches are generally very critical of the party. Bishop Bätzing's criticism was mentioned at the beginning of this paper. Similarly, the Catholic Archbishop of Munich and Freising, Cardinal Marx, has repeatedly and strongly condemned the AfD. In February 2016, for instance, he stated:

> 'Considerations to shoot at defenceless refugees at the borders are unacceptable and inhumane. Parties that express such views are not an alternative for Germany.' (Quoted from Hermes 2017: 79)

These critical positions are reflected in recurring confrontations, for example when churches switch off their lights during nearby AfD demonstrations or explicitly exclude the party from church conventions. When the AfD's attempts to align itself with Christianity are rebuffed, the party reveals a different face: It denies the right of the church to express criticism or to engage politically at all (Hermes 2017: 87).

IV. Right-Wing Populist Temptations and Right-Wing Currents in Christianity

The previous remarks might have created the impression that Christianity is an unshakable bulwark against right-wing populist tendencies and firmly resists its unwanted instrumentalisation. However, as will now be shown, this view would be naive.

1. Possible Points of Connection for Right-Wing Populism in Church History

The reason why references to the church are so popular among right-wing populists and why parts of the churches are susceptible to them is closely linked to the churches' restorative and anti-Enlightenment past. During the so-called Pian Era, the period between the pontificates of Pius IX (1846–1878) and Pius XII (1939–1958), an anti-modernist stance shaped theology and the Catholic Church (Strube 2024: 131–148). Just a few keywords suffice to characterise this era: rejection of democracy and human rights, devaluation of the present as decadent, idealisation of a pre-Enlightenment past as a standard for the present, devaluation of dissenters and non-believers, hostility toward science, and so on. It is a historical fact that both major churches have repeatedly succumbed to anti-liberal temptations in the past. It must be clearly stated: Until not too long ago, the churches were still grappling with how to deal with democratic structures.

A look at church history – albeit a brief one – helps to understand two things: firstly, why right-wing populism finds ample confirmation of its positions in historical documents from the Pian Era; and secondly, 'why traditionalist Catholic movements in the political field so often lean toward right-wing extremist views' (Strube 2024: 131).

2. Right-Wing Currents in Christianity

One does not have to search long to find Christian support groups for the AfD (Strube 2017: 59–65). One example is the initiative *kath.net*. The well-known AfD politician and Protestant Beatrix von Storch strives for a 'holy alliance' between the AfD and reactionary church circles. In southwestern Germany, the AfD attempts to fish in church-friendly waters.

In all Christian denominations, there are religious identity movements seeking to reverse the aggiornamento of the churches (Ruhstorfer 2017: 108). In the case of the Catholic Church, the goal is to roll back the Second Vatican Council and democracy (Strube 2024: 157–160). Among the leaders of a distinctly Rome-loyal Catholicism, direct support for the AfD is frequently observed. Expanding the view to other European countries, such as Slovakia, Hungary, or Poland, one sees a clear alliance between nationalism and Catholicism, authoritarian church structures, and authoritarian state models. This unholy alliance reached a disturbing low point in Russia after the country invaded Ukraine.

A parallel phenomenon can be observed in the overlaps between certain charismatic movements and (right-wing) populist ideologies (Halagan 2024). Johannes Hartl, leader of the 'Prayer House' in Augsburg, employs populist tactics by relying on generalisations, simplifications, discrimination, and the construction of dangerous 'others'. Here, charismatic theology and theological populism intersect.

V. Tasks of the Churches in an Environment of Growing Right-Wing Populism

As shown in the two previous paragraphs, the relationship between Christianity and right-wing populism cannot be summarised easily. On the one hand, it is exploited by right-wing populist movements; on the other hand, certain church groups willingly form alliances with right-wing populists, hoping to restore a supposedly perfect church in a supposedly perfect past. What advice can be given to the churches in this situation? I offer four suggestions:

1. Clear Positioning

It remains indisputable that the political program of right-wing populism is incompatible with fundamental church convictions. The churches must stay faithful to this line and clearly articulate that human rights, human dignity, and solidarity – especially with those on the margins of society – as well as ethnic, cultural, and religious diversity, are non-negotiable for them, as these are core tenets of the Christian understanding of humanity. In other words, what is needed is a 'strategy of confrontation and clear boundaries' (Lesch 2017a: 201). Clarity also means demarcation. This may lead to mutual 'excommunication' with churches calling for a boycott of right-wing populist or right-wing extremist parties, while these parties, in turn, urge their members to leave the church (Lesch 2017b: 19).

2. Self-Criticism

The Christian churches in Germany reflect the broader society, including populist attitudes. As a result, churches are both part of the solution and part of the problem in addressing right-wing populism (Kaiser 2019: 99; 104). They should be aware of this ambivalence. Although it may be painful for the churches to acknowledge this, there are several structural similarities between certain church structures and political movements far to the right of the centre. The following are some examples of such analogies (Lesch 2017b: 20–21):

- For a long time, the churches in Germany struggled to accept democratic ideas and procedures. It is only recently that a significant shift has occurred in this regard. Nevertheless, a substantial need for further democratisation remains, especially within the Catholic Church.
- Conservative church circles vehemently defend traditional views of family and gender roles, although large parts of the population no longer share them.
- The strict separation between hierarchy and laity, clergy and laypeople, academic theology and popular piety, creates a top-down relationship within the church comparable to the populist narrative of a divide between the ruling elites and the common people.
- The church's practice in dealing with different lifestyles, cultures, and religions often differs from its teachings, which claim to affirm the equal dignity of all people.

The churches, therefore, face a learning process. This includes challenging their anti-democratic traditions, raising awareness of their susceptibility to right-wing populist attitudes, and recognising their weakness in resisting authoritarian temptations.

3. Activating Christian Potentials Against Right-Wing Populism

To put it briefly: The core of Christianity is a counter-programme to all right-wing populist and right-wing extremist activities. But what is specific to Christianity? At the very least, Christianity is based on the conviction of the dignity of every person, regardless of gender, skin colour, religious or cultural affiliation, or personal achievement. Christianity is centred on charity and service to others. The life of a Christian is essentially one of service to others. Ultimately, Christianity views itself as a religion that seeks to liberate people from fear. To this day, the first address of the newly elected Pope John Paul II, nearly half a century ago, remains unforgettable: 'Be not afraid.'

All of this is a thorn in the side of populists. They fear the egalitarian potential of Christianity because it contradicts their notion of human inequality. They reject the idea of universal solidarity in favour of solidarity within their ethnic group. Rather than reducing people's fears, they seek to fuel them: fear of foreigners, fear of elites, fear of non-binary people, fear of losing national identity, etc.

In short, Christian convictions hold enormous potential for strengthening democracy and preventing or resisting right-wing populism and right-wing extremism. Put simply: Democracy needs the churches (and vice versa: churches need democracy) (Strube 2024: 189–191).

In contrast to the right-wing populist idea of a Christian West as an idealised past, churches should promote a different concept of the Christian West: a Christian identity that is dynamic, uniting tradition and change.

4. Transformation of Christianity

As mentioned, Christian identity encompasses both tradition and change. Undoubtedly, there is much within the churches that is flawed and in need of renewal. Unlike ideologies, however, the churches are able to repent and are willing to learn. 'Repent' is a biblical wake-up call that has echoed for 2.000 years. The formula 'ecclesia semper reformanda' ('the church is always in need of reform') continuously challenges the churches to examine whether they are still following a gospel-based path. For their own sake, and to counter right-wing populist and right-wing extremist forces, the churches have the following tasks to work on (Strube 2024: 218–232):

- Recognising authoritarian temptations in their history and resisting authoritarian temptations today.
- Overcoming anti-Judaism as an original sin of Christian theology.
- Defending the Second Vatican Council with its fundamental statements on human dignity and religious freedom.
- Giving more space to emancipatory theologies and democratic processes within the churches.
- Overcoming destructive styles of theology and piety and promoting constructive ones.

VI. A Brief Conclusion

Christianity and right-wing populism share a complex relationship. In essence, the two are incompatible. But as with all human thought and action, religion, including Christianity, does not escape fundamental ambivalence. Some theological movements and church circles willingly ally with right-wing populism because they expect benefits for their vision of the church. However, the task of the churches is to resist right-wing populism uncompromisingly. This also includes advancing reforms within their ranks to lend credibility to the human image they represent, among both believers and non-believers. This makes them a crucial civil society actor in the fight against right-wing populism and extremism, and in support of democracy.

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Europe and its critics: Euroscepticism and populism from a historical perspective

VANESSA CONZE

The last elections to the European Parliament took place in June 2024. In these elections, the right-wing populist, partly right-wing extremist party AfD (Alternative für Deutschland) obtained just under 16 percent of the votes in Germany, making it the second strongest force. This trend continued in the elections to the state parliaments of eastern Germany a few weeks later. Here, up to 30 percent of voters cast their votes for the AfD. This meant that a party that is critical of or even opposed to European integration was able to achieve electoral success. The AfD's manifesto states:

> 'We believe that the EU is beyond reform and consider it a failed project. We therefore strive for a "confederation of European nations", a newly founded European economic and interest community in which the sovereignty of the member states is preserved. The welfare of Germany and its citizens is our top priority' (AfD 2024).

If such a fundamental 'reform' – i.e. the dissolution of the current institutional Europe – is not successful, the AfD will seek to leave the EU ('Dexit'). When the AfD was founded in 2013, criticism of the euro bailout during the financial crisis and fundamental criticism of the single currency were, in a sense, at the 'baptismal font' of the new party, but it was still far removed from the radical positions that developed in the following years. Today, the AfD can be understood as a party of radical Euro-critics (Lewandowski 2016). The party's Euro-critical positions are communicated in an openly populist manner.

The term 'euroscepticism' is a widely used analytical term, particularly in political science (Taggart 2017). In general, it refers to a very broad spectrum of attitudes towards the EU. These can range from selective – rather 'soft' – criticism to categorical – 'hard' – rejection, i.e. from moderate critical opposition to individual projects or elements of the European integration process on the one hand to fundamental, comprehensive and often militant-hostile rejection. The latter is usually expressed through demands for withdrawal from the EU (Leruth et al. 2018; Krouwel & Kutiyski 2018). In the following, this criticism of Europe, for which the AfD is only one example in a pan-European perspective, will be placed in a broad-er historical context. How can the developments of recent years be classified historically? The aim is to examine the historical connection between criticism of Europe and populism. To answer these questions, the following text will take a look at developments in Germany since the end of the First World War, starting with the first half of the 20th century. On the one hand, we will ask what Europe actually meant in Germany as a concept of order and political project, what criticism of it looked like historically, and whether this criticism was already genuinely populist at that time. In the interwar period, ideas of European understanding, let alone European unification, were much more diverse than in later decades. Moreover, they represented a clear minority opinion; national and nationalist interests were at the forefront. After the end of the Second World War and with the beginning of institutional European integration in the early 1950s, a phase that will be addressed in the second part of the text, this changed fundamentally. Against the backdrop of the Cold War, the project of European integration took shape in its specific form, a development that in turn had an impact on ideas about Europe. The former plurality of different concepts was increasingly narrowed down to a Europe in the sense of the European Community (EC). This institutional integration was supported by a majority of citizens in Western European countries, as will be discussed in the third section of this text. Although there was criticism of European policy, there was hardly any 'hard' Euroscepticism, no fundamentally negative attitude and hardly any populist exaggerations of the issue during these decades. This changed rather dramatically in the 1990s, when growing Euroscepticism emerged. The fourth part of this essay will focus on this period. Populism, which had been gaining strength throughout Europe since the millennium, played a central role in the development of this often fundamental criticism – as demonstrated not least by the rise of the AfD and other Eurosceptic parties and movements across Europe.

I. The struggle for European understanding: ideas about Europe and criticism of Europe in the interwar period

After the end of the First World War, the victorious powers attempted to develop a stable peace order at the Paris Peace Conference in 1919 (Leonhard 2023; Conze 2020). Nevertheless, European relations continued to be marked by considerable tensions after the end of the war. These included conflicts of a material nature, particularly with regard to the reparations payments that the German Reich and its allies were required to make, which were of central importance to all the deeply indebted warring parties. There were political problems, especially with regard to the fundamentally different interests of France – with its under-standable need for security – and Germany – with its desire for reintegration into international and European politics and revision of the Treaty of Versailles. The peace order established in Paris in 1919 did not seem capable of finding productive solutions to these different problems.

Since 1919, Germany's interest had focused on revising the Treaty of Versailles (Wright 2021). Beyond military conflict, the options for achieving this were limited. Through the so-called 'policy of fulfilment' in the early post-war period, German governments in the early 1920s attempted to prove that the reparations demands were impossible to meet. This strategy further fuelled the inflation that had been triggered by the debt financing of the war. However, it did not bring the goal of revising the Treaty of Versailles any closer. France in particular refused to make any concessions to Germany in the early post-war years. In view of the main goal of French policy, which was to achieve security against the German Reich as an economic and military force, the French pursued a tough, inflexible and aggressive policy towards Germany. This constellation culminated in 1923 in the occupation of the Ruhr region, hyperinflation and political crisis, and coup attempts by the right and left against the Weimar Republic.

After this 'catastrophic year' of 1923, a greater willingness to seek mutual understanding slowly developed among European neighbours. In October 1925, after lengthy preliminary negotiations and preparations, the high-level conference was convened in Locarno to find solutions to the problems that had accumulated in Europe since the end of the First World War (Blessing 2008). The very fact that the former enemies were willing to seek solutions together instead of continuing on the path of confrontation gave the Locarno Conference enormous significance at the time and made it a symbol of a new policy of understanding between the former wartime adversaries. This policy was embodied above all by Gustav Stresemann, the German Foreign Minister, and Aristide Briand, the French Foreign Minister, who jointly received the Nobel Peace Prize in 1926 (Pohl 2015).

This policy of understanding had to prevail politically and gain social legitimacy in each respective national sphere. In view of the ongoing 'war in the mind' (Krummeich 2001), this posed a major challenge. The idea of understanding as a solution for the ongoing conflicts only resonated with a small section of the populations in the European public sphere. They were represented by European associations and organisations that were founded not only in the German Reich from the mid-1920s onwards and which advocated understanding and reconciliation between European neighbours (Schulz 2010). For example, the 'Verband für Europäische Verständigung' (Association for European Understanding) led by the liberal Wilhelm Heile (Heß 1977; Holl 1974) sought to promote and communicate Gustav Stresemann's policy of understanding within German society (Conze 2025). However, the most prominent European movement was undoubtedly the 'Paneuropa' Union founded by Nikolaus Graf Coudenhove-Kalergi (Ziegerhofer-Prettenthaler 2004), founded to convince as broad a section of the population as possible, as well as representatives from politics, the public sphere, business and the media, that only cooperation between European states could ensure lasting peace and prosperity on the continent (Conze 2004). In addition to these publicly active associations, however, there were also groups that focused more on understanding and transnational networks, supported for example by Luxembourgish, German and French industry (Müller 2005). Catholics, on the other hand, promoted their own vision of Europe under the banner of the 'Occident' (Abendland). Their model for European cooperation referred to an idealised image of the Middle Ages, an era in which a strict focus on the Christian faith had shaped European politics and society. Thus, they considered the re-Christianisation of Europe to be indispensable, combined with strictly authoritarian-hierarchical, anti-modern and also anti-democratic political and social models (Conze 2015).

These very different concepts – and there were many more – show that ideas about Europe were still very disparate in the Weimar Republic. This was reflected in the German language that used a multitude of expressions for ideas of Europe: the ‘Abendland’, the ‘Reich’, ‘Paneuropa’, ‘Mitteleuropa’, the ‘Großraum’ or simply ‘Europa’. The concepts of Europe in the first half of the 20th century each represented different world views and ideas of order and sought to organise Europe and its societies according to class, religious denomination, economic, socialist, elitist, racial, imperial or even hegemonic criteria (Conze 2005). In a way, this plurality of different ideas about Europe can be compared to the ideas about the ‘nation’ in the 19th century. Until the founding of the German Empire in 1871, the concept of the ‘nation’ was a central point of reference in political discourse in Germany. However, there were very diverse ideas about how this ‘nation’ should be shaped politically, socially and culturally. It was not until the founding of the German Empire in 1871 that this compre-hensive discussion came to an end and shifted to concrete political problems in the face of a real existing nation state. The concept of Europe went through a very similar process in the first half of the 20th century. As long as European integration was not yet a political and economic reality, very different concepts and models of how and in what form the European continent should be organised could coexist and compete with each other.

This diversity of European ideas showed that the concept of European understanding was firmly anchored in political discourse in the 1920s. At the same time, however, the voices that rejected a European agreement were unmistakable. The European idea in its various forms did not represent the opinion of the majority in the 1920s. Rather, national or nationalist positions largely dominated European societies. In the German Reich, for example, anti-republican, right-wing nationalist circles in particular agitated against the ‘policy of under-standing’. National Socialists and völkisch groups denounced the Locarno Treaties as the result of the allegedly ‘Jewish-international financial spirit’ and accused the Reich government of treason. Representatives of the KPD also saw Locarno as nothing more than a ‘war pact’ that served to further ‘enslave’ the workers of all countries. The discussions centred on the Treaty of Versailles and its reception in the German Reich. The fact that the Germans and their allies had not been involved in the peace negotiations in Paris discredited the Treaty of Versailles in the German Reich among large parts of the political and public spheres as a 'dictated peace'. At the same time, this discredited from the outset those politicians who had felt compelled to agree to the treaty under the pressure of events. The military leaders responsible for the defeat had shirked their responsibility in 1918 and created an inextricable conspiracy narrative with the 'stab-in-the-back myth', which delegitimised the young republic from the outset (Barth 2003). In the mid-1920s, this conspiracy narrative also served to delegitimise Stresemann's policy of understanding. Populist arguments played a central role in this. Right-wing nationalism in the interwar period in particular had populist traits, with anti-elitist rhetoric and a clear enemy narrative that divided people into 'them' and 'us' (D'Onofrio 2012). It rejected more or less any understanding between European states as further 'enslavement' of the German 'Volk' and outlined the national 'resurgence' to great power status without ties or concessions as the solution to all problems.

The death of Gustav Stresemann in 1929 marked the end of the policy of understanding. Against the backdrop of the global economic crisis, the answer to the question of how Germany's interests could best be realised within Europe shifted towards nationalist concepts. The willingness to seek understanding between European neighbours was replaced by a turn towards 'Central Europe' (Mitteleuropa). Now, drawing on ideas that had been virulent be-fore and during the First World War, the creation of an order in (Central) Europe in which the Germans could realise their supposed 'natural' superiority for the benefit of Europe increas-ingly came to the fore (Elvert 1999). In retrospect, this led to the emergence of a vision of Europe in the German Reich that envisaged Europe under German hegemony and culminated in the National Socialist idea of Europe (Mazower 2010). The reorganisation of the European continent sought by the National Socialists was to be based solely on racial criteria (Sandkühler 2012). The goal was a large area dominated by an "Aryan race" from which millions of people – above all Jews – were excluded as supposedly 'racially inferior'. This exclusion did not only function as propaganda and ideology. Instead, the 'New Europe' was realised with merciless brutality by the German occupiers during the Second World War. Millions of deaths were the result.

II. 'Europe' in the West: The beginning of integration in the 1950s

The end of the Second World War did not only mark the end of all ideas for Europe based on German hegemony. The European integration that began in Western Europe in the early 1950s led to the narrowing of the concept of Europe to the institutional framework within the European Community (since 1957). Soon there was little or no room left for ideas about Europe based on different ideological and political concepts. Concepts such as the idea of the 'Occident' may have met a great social resonance in the 1940s and early 1950s (Schildt 1999). At that time, the Christian-conservative orientation of the 'Occident' seemed to offer the young Federal Republic a compatible European value system. However, from the mid-1950s onwards, the backward-looking, anti-modern attitude of the 'Occident' found less and less support. Instead, from the second half of the 1950s onwards, the idea of a Western Atlantic Europe oriented towards the European Community became increasingly prevalent in the Federal Republic as well. This was linked to the idea of a Europe that was organised politically and socially according to the values and concepts of order of Western democracies (Conze 2005: 291–384). In view of the economic upswing, the West German population found the idea of closer ties with the West increasingly attractive. The intellectual and political atmosphere in the Federal Republic changed from the mid-1950s onwards: anti-modernism and scepticism towards democracy slowly disappeared, to be replaced by a more positive attitude towards progress and pluralism. As the political and economic order of the Federal Republic proved stable, West Germans reconciled themselves with the parliamentary form of government and capitalism. The West, especially the USA, became a role model and was no longer considered an enemy. Following this development, the term 'Europe' was increasingly used as a synonym for the European Community (EC) from the end of the 1950s onwards. Alternative ideas of Europe, such as the 'Occident', largely disappeared from public and media discourse and from politics as an ideological frame of reference. The traditional plurality of ideas about Europe had thus disappeared. This showed on a linguistic level: when people talked about the European order, they now spoke of 'Europe' – all other synonymic terms more or less vanished.

This disappearance of fundamental counter-models to the emerging European integration since the 1950s does not mean that there has been no criticism of Europe and concrete European policy since the 1950s. However, this criticism referred to the concrete institutional form of the European system and not to the established European concept itself. What was hardly articulated anymore were concepts that envisaged Europe in a completely different way and called for the dissolution of European institutions or the withdrawal of individual countries from the European Community. By the late 1950s, there were no longer any political majorities for 'hard' criticism of Europe that questioned the entire European integration project and aimed at a fundamentally different 'Europe'. This was reflected in the almost complete absence of successful political parties at both national and European level that would have made such radical criticism of Europe the core of their political programme.

III. 'Benevolent disinterest'? 'Europe' between 1960 and 1990

What remained was 'soft' criticism, accompanied by fundamental approval of European integration. This is also reflected in European opinion polls, namely the 'Eurobarometer', which has regularly surveyed European citizens' attitudes towards integration since 1973 (Aldrin 2010; Nissen 2014). These polls generally showed high levels of support among respondents for the project of European unification. However, this general approval did not mean that Europeans knew much about the institutional structures and functioning of the EU. This is also reflected in the surveys. Their questions were very open and general in nature, rarely targeting specific attitudes towards integration, and ultimately apolitical (Höpner and Jurczyk 2015). The surveys are therefore an indicator of a deeper problem: It can be assumed that neither political knowledge about Europe nor emotional attachment to structures be-yond the nation state were particularly strong.

This distance between integration and people's everyday lives can be explained by the specific form that European integration took after the failure of the European Defence Community and European Political Community projects in the mid-1950s in the French National Assembly. Due to the strong focus on economic issues in a largely technocratic form, most citizens were rarely confronted with questions of European politics in their everyday lives. Against this background, the term 'depoliticization' can be used in relation to European integration. Political scientist Peter Mair coined this term for the 1990s and 2000s to explain the distance between citizens and the European unification project (Mair 2007). However, as Kiran Klaus Patel has already pointed out, it seems to be analytically helpful especially for the phase of integration from the mid-1950s to the 1980s (Patel 2022: 50; Crespy and Yerschueren 2009). Since there were virtually no institutional arrangements within the Euro-pean systems for the political participation of the population in European negotiation pro-cesses, Europeans were very rarely confronted with concrete European policy until the end of the 1980s. Elements of direct democracy such as referendums did not exist during these decades. And in national politics Europe played hardly any role in election campaigns, media discourse or political debates beyond general declarations of support. Even in the national elections for the European Parliament since 1979, the focus was mostly on national political issues, and the 'Europeanisation' of these election campaigns was slow to take hold (Oppel-land and Riedel 2019). This is also reflected in the protest behaviour of those years: since 1984, when data became available, less than 10 per cent of public protests (in the form of demonstrations, citizens' initiatives, etc.) related to the EC (Patel 2022: 55). At the same time, however, there were signs that general approval of integration could quickly turn into its opposite as soon as concrete interests and living environments were affected. The recur-ring 'farmers' protests' against 'Brussels' since the 1970s are one example of this (cf. Bisschop and Germond 2024).

Given the largely non-existent role that Europe played in national political discourses, it is not surprising that European integration was of little appeal to populist positions during these decades. For a long time, 'Europe' was hardly a source of political conflict, apart from the fact that populism as a whole played at most a 'marginal role in European politics' (Mudde 2020: 19) in Western Europe until the 1990s.In the Federal Republic of Germany in particular, parties that opposed European integration found little support for a long time (Kaiser 2022: 82–84).

This was due to the fact that it increasingly linked its self-image to Western integration against the backdrop of national division (Doering-Manteuffel 1999 and 2019).

However, against the backdrop of this general and perhaps superficial approval of the integration process since the 1970s and 1980s, a fundamental potential for conflict developed that went beyond individual political conflicts. Since the mid-1970s, this distance and the lack of connection between citizens and 'Europe' have increasingly been diagnosed as a political problem. The perception of a real or perceived 'democratic deficit' in the European Communities intensified in the face of a widespread 'democratisation drive' (Schönhoven 1999). Since 1969, the Federal Republic of Germany, this had been symbolised by the slogan of the social-liberal coalition, 'Dare more democracy'. Since then, social and political participation by citizens has been increasingly understood as an essential part of democracy. In turn, this reinforced the perception of participatory deficits at the European level and led to the development of the narrative of Europe's 'democratic deficit' in the second half of the 1970s (Marquand 1979). This developed into a central element of all criticism of Europe (Thiemeyer 2016).

The accusation of a democratic deficit was politically explosive. But this was not the only problem. Politicians became increasingly aware of the fact that the 'distance' between European integration and people's everyday lives carried with it the risk of lacking support in the long term. European institutions had been trying to counteract this trend and promote people's attachment to the European project since the 1970s. Part of these efforts was the increasing reference to a common 'European identity', which had found its way into political rhetoric since the early 1970s (Schmale 2008). It was first mentioned in the so-called 'Document on European Identity', which was adopted by the heads of state and government at the European summit in Copenhagen in December 1973 (Megens 2007). It stated to

> 'safe-guard the legal, political and spiritual values to which they [the member states] are com-mitted […] and uphold the principles of representative democracy, the rule of law, social jus-tice […] and respect for human rights as the fundamental elements of European identity' (European Union 1973).

This outlined the norms and values that have since become known as the 'European community of values'. In 1974, the European Council of Heads of State and Government set up an ad hoc committee called 'Europe of Citizens' (Tousignant 2005). This committee was tasked with developing measures and recommendations to strengthen Euro-pean identity, including the introduction of a European passport and the 'introduction of symbols for the existence of the Community, in particular a flag and an anthem' as well as the 'formation of European teams in sport' (European Union 1984). This marked the beginning of a targeted European 'identity policy', a 'strategy to win over citizens' in Europe (Schmale 2008: 127). This included 'visible symbols of European affiliation' such as a flag, an anthem and Europe Day. In 1985, Beethoven's 'Ode to Joy' became the official European anthem (Deschamps 2021). Since its introduction in 1986, the blue European flag with stars has become one of the most recognisable symbols of the EU. Finally, in 1985, the 'European Capitals of Culture' programme was introduced (Habit 2011) and a common cultural policy was established, as well as an official culture of celebration in the form of public festivals on Europe Day on 5 May (Quenzel 2015). EU citizenship and the red passport with its high recognition value, introduced in 1993, also contributed to the creation of an identity in the longer term (Gosewinkel 2016: 519–629; Lehning 2001). However, the introduction of direct elections to the European Parliament in 1979 was seen as the most important means of overcoming the diagnosed democratic deficit, strengthening the democratic legitimacy of the integration process and institutionalising the participation of the European population in political decision-making processes in Europe (Hülsken 2011; Nielsen-Sikora & Mittag 2011).

IV. In the shadow of populism: the return of "hard" Euroscepticism

All these efforts since the 1970s have served to strengthen citizens' attachment to 'Europe' and their support for European integration. However, in the end, they may have achieved the exact opposite of what was intended: the constant rhetorical reference to 'democracy' and 'human rights' as the core of a European identity made the ‘growing gap between rhetoric and institutional capacity’ (Schulz-Forberg & Stråth 2010: 3) increasingly visible. This became apparent at the beginning of the 1990s. In 1992, the Maastricht Treaty was intended to bring about an institutional realignment of European structures, not least through the establishment of the EU with its three institutional pillars at the time – the European Communities, the common foreign and security policy, and police and judicial cooperation. This meant a substantial deepening of integration. Denmark and France put the Maastricht Treaty to a referendum. The Danes rejected the treaty by 50.7 percent. In France, it achieved only a wafer-thin majority. Political scientists often date the emergence of so-called ‘Euroscepticism’ to this ‘ratification crisis’ (Patel 2022: 39, 40). This marked a shift in public opinion about ‘Europe’: The European populations had previously supported the European integration project for decades, or at least not rejected it. To contemporary commentators – and to this day in academic retrospect – it seemed as if open protest had erupted out of nowhere. Thus, in the public perception, ‘Maastricht’ became and remains the ‘starting point of the crisis of European integration’, a crisis that has continued unabated to this day: from ‘per-missive consensus’ to ‘constraining dissensus’ (Hooghe & Marks 2009), which has since limited the scope for political action in Europe. However, it is possible that the ‘demobilisation and depoliticization of the political space of the EC’ described above meant that existing Eurosceptic elements such as ‘disinterest, ignorance and dissatisfaction’ remained largely invisible before the 1980s (Patel 2022: 57). This, in turn, led to the perhaps premature conclusion at the political decision-making level that the European population supported integration.

The ratification crisis triggered by the rejection of the Maastricht Treaty demonstrated that the European population’s approval of the European integration process could not simply be taken for granted. As unexpected as this crisis was for many observers, it was only a foretaste of the Euroscepticism that has been growing ever louder since then, especially after the turn of the millennium. This Euroscepticism was reinforced by the challenges Europe has faced since the end of the Cold War. The dissolution of the bipolar order and the accession of numerous former Eastern Bloc states to the EU in the first wave of enlargement in 2004 fundamentally changed the framework conditions for European integration. Decision-making became more difficult politically and harder to communicate to the public. This was com-pounded by a series of crises: the euro and financial crisis since 2007, the changing threat posed by Islamist terrorism, the coronavirus crisis, the climate crisis, the changed security situation and the challenge posed by Russia's war of aggression in Ukraine, as well as the associated energy crisis. And, of course, as a former Bavarian Prime Minister once put it, the 'mother of all problems': migration.

Because of these crises, the original narratives associated with 'Europe' after the Second World War have been pushed into the background or politically reshaped at various levels since the turn of the millennium (Mittag 2020: 28–33). On the one hand, this applied to the promise of prosperity: since its inception, European integration had focused primarily on economic activities. For a long time, this was accompanied by a promise of prosperity de-rived from the common market. The economic upswing that began in the 1950s and lasted until the end of the 'boom' in the early 1970s reinforced the appeal of integration even for those neighbours who were not yet members of the integration process – eventually, even the eternally sceptical British decided to join. Although the EU had experienced economic crises before, it was the euro and financial crisis since 2007 that shook this promise of prosperity and social welfare to its core (Offe 2016: 50–52). This, in turn, opened up space for arguments in national contexts that saw renationalisation and European decoupling as an economic panacea.

The same applies to the promise of peace: since the end of the Second World War, the European narrative had proclaimed that not only reconciliation, but also economic, political and social integration of Europe's neighbours was the only way to ensure lasting peace in Europe. The integration of the Germans was a decisive element in this context. The logic of the Cold War, which initially made this specific peace order possible in the west of the continent, cemented European integration within the bipolar world. This, in turn, further supported the narrative of peace and security associated with Europe. Thus, peace formed the normative-moral core motive of integration for a long time (Patel 2018: 75). The idea of Europe as the ultimate peace and security project after the Second World War had become deeply in-grained in the self-image of European societies (Senghaas 1992). The dissolution of the Cold War structures since 1989 called into question the associated European peace order, as the following years and decades would show. The 'return of war' to Europe during the 1990s in former Yugoslavia marked only the beginning of a process that increasingly dissolved the link between 'peace' and 'Europe' (Guérot 2016). Although the EU was awarded the Nobel Peace Prize in 2012, the European peace narrative was already being questioned at that point (Manners & Murray 2016). Russia's annexation of Crimea two years later and its war of aggression in Ukraine in 2022 visibly accelerated this process. Similar to the promise of prosperity, the EU's ability to maintain peace was deliberately questioned by populist actors, often supported by Russia (Jakupec 2025).

This conglomeration of crises faced by the EU and its member states apparently left many people with a vague sense of uncertainty. 'Europe's multiple crises' acted as 'catalysts for a profound crisis of confidence' (Klein 2016: 284). One of the consequences of these developments was the rise of populist parties in European nation states. Although this had already begun among others in France in the 1980s with the Front National, its Europe-wide rise began in the 1990s and the first decade after the turn of the millennium. At the national level, this populism was directed against established parties and politicians who, regardless of their political positions, were considered to be 'out of touch', 'corrupt', 'selfish' and 'focused on retaining power' (Rosenfelder 2017: 128). The reference to the 'true people' served populist parties as a 'moral claim to sole representation' (Müller 2016; Priester 2012: 3). Starting from national political arenas, around the turn of the millennium, 'Europe' and the European institutions also shifted into the focus of populists. Their criticism centred on three areas: 'firstly, the euro and the eurozone; secondly, the structures of the EU; and thirdly, the area of national, cultural and regional identity' (Hartleb 2018: 102, 103). This showed how quickly 'Europe' could go from being a background noise that had been largely ignored for decades, but which people basically agreed with, to an 'object of diffuse fears' (Patel 2022: 57). This development was not only visible in the electoral successes of populist parties (Libera et al. 2016): at the same time, approval ratings for the European integration project also began to decline (Klein 2016: 284).

This can be explained by the fact that precisely what had long characterised the integration process, namely its technocratic detachment from everyday life, could be exploited by populist arguments: the division into 'us' (the 'people') and 'them' (the government, the elites – or indeed 'Brussels') is one of the basic mechanisms of populism (Müller 2016). The fact that the European integration process was perceived to be far removed from people's lives made this division all the easier and generated the enemy image of 'Brussels'. This Euro-critical populism is represented by various national parties such as the *UK Independence Party* (UKIP), the *Front National* (FN), the *Freedom Party of Austria* (FPÖ), the *Hungarian Civic Alliance* (Fidesz), *Law and Justice* (PiS) or the *Alternative for Germany* (AfD). These parties and their entourages have gradually pushed the boundaries of what can be said, not only with regard to migration-related demands. Since at least the 2010s it has also become possible to question Europe in ways that were hardly articulated until the 1990s: the demand to leave the EU or even to dissolve it, the complete return of sovereignty to the nation state level, the national unbundling of Europe. The emergence of a 'hard' and fundamental criticism of Europe around the millennium and its political shape posed fundamental challenges for Europe. The political demands of 'hard' Euroscepticism are far more radical and destabilising than anything that 'soft' criticism encompassed. Brexit is the most obvious example of this development. However, the dangers for the European integration project extend far be-yond this specific case.

V. Conclusion

The history of European ideas and European integration in the 20th century was always accompanied by criticism. However, this criticism changed over the decades, as did the meaning associated with the term 'Europe'. Until the 1950s, ideas of European understanding were hardly capable of gaining political and social majorities and were more likely to be the product of intellectual elite circles. This was one of the reasons why advocates of European understanding were subjected to fierce, sometimes populist criticism in the 1920s. Nationalists tried with all their powers to agitate against concepts of understanding. The 'victory' of nationalism over the policy of understanding at the end of the 1920s and the renationalisation of politics in Europe led to increased confrontation. With the war started by the German Reich in 1939, a united Europe became a distant prospect. It was only after the Second World War that European integration developed, under the completely different conditions and circumstances of the Cold War. However, to the disappointment of some who would have liked to see supranational political unity in Europe, integration soon focused primarily on economic issues for specific reasons. Long barely noticeable to people in their everyday lives, Europe played only a minor role in national political arenas. At the same time, however, the idea of 'Europe' was associated with positive norms after the Second World War: as a 'peace project' in particular, Europe seemed to offer the possibility of ending the European continent''s war-torn past. At the same time, a united Europe promised wealth and prosperity. Approval of this general idea of Europe was consistently high among national populations during this phase – but it had little to do with the reality of European integration. Concrete knowledge about European structures was scarce, given that individual citizens rarely encountered 'Europe' in their everyday lives. Thus, for decades since the 1950s, it seemed that the European populations were supportive of integration. 'Harsh' criticism of Europe was rarely voiced and was not organised in a politically significant way. Until the 1980s, there were no fundamental alternatives to the model of the European Community (or Communities), and criticism focused on individual political problems.

However, since the 1980s, the idea that Europe suffered from a democratic deficit has be-come an almost ubiquitous narrative. In this narrative, 'Brussels' appeared as a faceless and nameless 'tyrant' far removed from the reality of people's lives (Hentges et al. 2017). This development intensified with the 'widening and deepening' of integration that took shape in the early 1990s with the Maastricht Treaty. The referendums on this treaty in France and Denmark in 1992 showed that this broadening and deepening was met with much more criticism among the European populations than many observers had expected. This criticism intensified in the following years due to the substantial changes that followed the collapse of the Eastern Bloc and the enlargement of the EU. The crises that Europe has faced since the turn of the millennium have increasingly opened up fundamental criticism of Europe to populist arguments. This link between criticism of Europe and populism threatens the integration project as a whole, as the successes of populist parties in national parliaments and also in the European Parliament have made clear. Those who regard the EU as an important, perhaps as the only means of self-assertion and defence for European states, especially in view of the current multipolar crises of global proportions, have not yet found an answer to this challenge.

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From Consensus Procedure to Conflict Zone

The Election of Judges to the Federal Constitutional Court in the Age of Populism

KLAUS STÜWE

I. Introduction

The Federal Constitutional Court is considered one of the most stable institutions of the Federal Republic of Germany. Since its founding in 1951, it has established itself as a central actor of the constitutional order and the political system, whose decisions unfold a societal impact far beyond the constitutional-legal dimension (Limbach 2001; Stone Sweet 2000).

This institutional strength, however, did not rest for a long time on a robust legal safeguarding of the court constitution itself, but to a significant extent on simple statutory regulations. In addition, the election of judges follows informal norms, well-established traditions of political compromise, and an implicit cross-party consensus. This weak legal institutionalisation, as well as the dependence of the election of judges on unwritten rules of the game, made the court structurally vulnerable to actors who are not willing to recognize these conventions.

The erosion of comparable consensus structures in other European democracies brought this latent vulnerability of the German model into focus. In Poland and Hungary, right-wing populist governments have demonstrated that constitutional courts can be substantially undermined in their independence through legislative-parliamentary strategies, including changing judge appointment procedures, increasing the number of judges, as well as the systematic delegitimisation of judicial authority in public discourse – without formal breaches of the constitution (Möllers & Schneider 2018: 69; Sadurski 2019; Kovács & Scheppele 2018). Levitsky and Ziblatt (2018) coined the term 'institutional subversion' for this mode of democratic regression: accordingly, democracies today no longer die through coups, but through the gradual erosion of the constitutional state's institutional infrastructure from within.

Above all, the rise of the '*Alternative for Germany*' (AfD) has contributed to an intensification of this debate. In the German context, the *AfD* embodies that type of right-wing populism which Mudde and Kaltwasser (2017) describe as a thin-centered ideology: a worldview that distinguishes between a morally pure people and a corrupt elite (cf. Müller 2016; Havertz 2021; Biskamp 2024). Repeatedly, the Federal Constitutional Court has been referred to from within the ranks of the *AfD* as a politically instrumentalised body. For example, in May 2021, *AfD* politicians criticised the public appearance of the Federal Constitutional Court within the framework of a democracy project by the Federal Agency for Civic Education. They accused the court of a lack of distance from politics and implied that it was a case of politically motivated partisanship. The *AfD* politician Stephan Brandner criticised that this showed 'once again that this court does not see itself as an objective custodian of the constitution, but as an actor on the political stag' (Legal Tribune Online 2021).

The fact that the *AfD*, due to its recent electoral successes, has moved into a position in which a blocking minority – and thus a potential for blockade in judge elections that require a two-thirds majority – enters the realm of predictability, has transformed the question of the court's institutional safeguarding from an academic exercise into an immediately politically relevant reform debate.

In the political science literature, this complex of problems is treated at the interface of two strands of research. On the one hand, comparative democracy research within the framework of the democratic backsliding debate has systematically examined under which conditions democratic institutions are weakened by democratically elected actors (Lührmann & Lindberg 2019; Bermeo 2016). On the other hand, judicial politics research has analysed the strategic interactions between politics and the judiciary as well as the institutional designs that can promote or endanger judicial independence (Ginsburg & Huq 2018; Hirschl 2004). The German debate offers the opportunity to link these two strands in a case that is characterised by a high initial institutional quality coupled with simultaneously identifiable procedural vulnerabilities.

Against this background, this article pursues a twofold objective. First, a systematic vulnerability analysis of the appointment procedure for judges of the Federal Constitutional Court shall be conducted to identify concrete institutional entry points for a political blockade. Second, the reform debate conducted between 2023 and 2025, including the amendment to the Basic Law adopted in December 2024, shall be evaluated.

The paper is structured as follows: Section two analyses the existing appointment procedure and its basic institutional structure, before a vulnerability analysis is carried out in Section three. Section four reconstructs the political reform debate in the years 2023 to 2025. Section five describes the amendment to the Basic Law and the amendment to the Federal Constitutional Court Act, which were adopted at the end of 2024. Section six provides an assessment of the reform. Section seven summarises the results and concludes with implications for the debate on the protection of constitutional court independence.

II. The election procedure

The procedure according to which judges for constitutional courts are selected and appointed is more than just a technical question. Given the far-reaching competences of constitutional courts, it is of the utmost importance that they possess the recognition and trust of the public. Already Heinrich Triepel noted that both the objectivity with which a constitutional court can operate and the general acceptance of its decisions depend to a high degree on how the appointment of judges is regulated (Triepel 1929: 27).

Which criteria must be considered in regulating the appointment of judges to ensure the effectiveness of a constitutional court? First, in a democratic system, it is a matter of course that the judges must possess democratic legitimacy. Second, one-sided political influence in the election of judges should be minimised as far as possible. Third, the selection procedure should lead to highly qualified judges. And finally, fourth, in federal states like the Federal Republic of Germany, an appropriate federal participation in the appointment of judges should be achieved.

These criteria, which have been referred to as the 'magic square of judge appointment' (Laufer 1968: 207), are difficult to satisfy simultaneously in practice.

In democratic systems characterised by majority decisions, it is practically impossible to achieve democratic legitimacy without the involvement of political parties. Therefore, the possibility of partisan, politically motivated influences always exists. If, on the other hand, one attempted to exclude political parties from the election of judges, their democratic legitimacy would suffer. The requirement of democratic legitimacy can also lead to the legal qualifications of the candidates being less decisive. And as far as the criterion of federal participation is concerned, a one-sided influence cannot be ruled out here either.

For these reasons, a perfect procedure for the selection of judges is not achievable. No procedure would satisfy all of these desired criteria equally. When it comes to the constitutional and lawful regulation of the appointment of judges, the realistic goal can only consist of fulfilling the aforementioned requirements as well as possible (Stüwe 2016).

Unlike in the USA, the election of the judges of the Federal Constitutional Court in the parliamentary system of the Federal Republic of Germany is the sole matter of the legislature. Already the Basic Law in its 1949 version prescribed that the members of the Federal Constitutional Court are elected: 'The members of the Federal Constitutional Court shall be elected half by the Bundestag and half by the Bundesrat.' (Art. 94 para. 1 old version GG).

However, the Basic Law originally contained no further details regarding the election of the judges; instead, Article 94 para. 2 GG specified that the design of the election procedure would be regulated in more detail in an ordinary federal statute. This Federal Constitutional Court Act did not enter into force until 1951, following protracted debates in the German Bundestag (Stüwe 1997: 55–58). It substantiated the statement of the Basic Law by first establishing that the Federal Constitutional Court consists of two senates (§ 2 para. 1 BVerfGG). The exact number of judges was also determined: in 1951, a decision was made for twelve judges, in 1956 the law was amended and the number reduced to ten, and since 1963 the Federal Constitutional Court has consisted of eight judges in each senate. § 5 para. 1 BVerfGG additionally stipulates that half of the judges of each senate are elected by the Bundestag and half by the Bundesrat. The responsibility for electing the President and the Vice President of the Federal Constitutional Court, each of whom chairs a senate, alternates between the Bundestag and the Bundesrat. The twelve-year term of office, the age limit of 68 years, and the prohibition of re-election for the judges of the Federal Constitutional Court were also regulated by the Federal Constitutional Court Act.

Until 2015, the election procedure was regulated differently in the Bundesrat and the Bundestag. The Bundesrat elected the judges directly in accordance with § 7 BVerfGG. The Bundestag, on the other hand, practiced an indirect election procedure in accordance with § 6 BVerfGG, in which the electoral power was transferred to an election committee specially established for this purpose. The election committee consisted of twelve members of parliament, who were elected by the Bundestag according to the rules of proportional representation.

The practice of the Bundestag to elect judges not in the plenary session but indirectly through a special election committee had always been controversial in political science, constitutional theory, and also in the political sphere. In the deliberations on the Federal Constitutional Court Act, two motives were associated with the introduction of indirect election. First, it was intended to prevent public debates about the candidates for the judicial office and thus protect the privacy of the applicants. This goal was emphasised by § 6 para. 4 BVerfGG, which obliged the members of the election committee to confidentiality. The duty of confidentiality extended both to the personal circumstances of the candidates and to their political convictions. Second, the assessment of the professional and personal qualities of the applicants was not to become a matter of public political disputes between the parties.

It was also assumed that the search for candidates could be carried out more objectively in a small committee than in a plenary session of the German Bundestag, which numbers several hundred members (Stüwe 2016). In a meeting of the Legal Affairs Committee dealing with the drafts for the Federal Constitutional Court Act, the Member of Parliament Arndt argued for the SPD: 'We will never arrive at a two-thirds majority in a plenary session like the Bundestag; based on political experience, that is impossible. If, on the other hand, we crystallise an electoral college that works, so to speak, in closed session, it is practically possible to obtain such a majority. In all probability, one will then even arrive at unanimous decisions in this electoral college' (quoted in Schiffers 1984: 151).

It was the Bundestag parliamentary group of *Bündnis 90/Die Grünen* that introduced a bill to abolish the indirect election procedure in the Bundestag in every legislative period since 1987. The then President of the Bundestag, Norbert Lammert, also suggested in a newspaper interview in 2012 that the judges of the Federal Constitutional Court should be elected by all members of the Bundestag (Süddeutsche Zeitung 2012). In the year 2012, however, the Federal Constitutional Court itself ruled in the context of an election scrutiny complaint that the indirect election of the Federal Constitutional Court judges in the German Bundestag is constitutional (BVerfGE 131, 230).

In 2015, all parliamentary groups of the Bundestag introduced a bill (BT-Drs. 18/2737) that led to an amendment of § 6 para. 1 BVerfGG and ultimately to the direct election of judges in the plenary session of the Bundestag. Since then, the judges to be appointed by the Bundestag are elected directly, as in the Bundesrat, upon the proposal of the election committee, which still exists. It is noteworthy that the election must take place without debate and by secret ballot, which makes clear that even after this amendment, a public debate about the qualities of the proposed candidates was to be avoided.

Central already in the original version of the Federal Constitutional Court Act was the requirement of a qualified majority for the election of judges: in the Bundesrat, the judges must be elected with a two-thirds majority. The first version of the Federal Constitutional Court Act even provided for a three-quarters majority (nine out of twelve votes) for the election committee of the Bundestag, which was reduced to a two-thirds majority (eight votes) in 1956. Following the introduction of direct election in the Bundestag, the election of judges now requires a majority of two-thirds of the votes cast in both the Bundesrat and the Bundestag, comprising at least the majority of the votes of the members of the Bundestag (§ 6 para. 1 BVerfGG).

The qualified majority was justified in the deliberations on the Federal Constitutional Court Act by the prominent role of the court. The Federal Constitutional Court was not intended to be an ordinary federal court, but a constitutional body standing on equal footing alongside the Bundestag, Bundesrat, Federal Government, and Federal President. This starting position made a simple majority vote unsuitable, as it would have reinforced the impression of mere party-political stacking and relativised the institutional authority of the court. Furthermore, it becomes clear in the Bundestag protocols that the election with a two-thirds majority was deliberately designed to ensure broad political approval and thereby anchor the institutional stability and independence of the BVerfG (Schiffers 1984).

In political practice, the requirement of a two-thirds majority since the founding of the Federal Constitutional Court led to informal arrangements in the run-up to judge elections. As in all political institutions of the Federal Republic of Germany, the parties are central actors in political will-formation and decision-making in both the Bundestag and the Bundesrat: since no single party has ever possessed such a majority in the history of the Federal Republic, the participating parties must agree on joint candidates even before the actual election.

Unlike in Switzerland, however, the informal coordination procedure practiced by the parties in the Federal Republic for filling constitutional judge positions does not aim to reflect the majority proportions in the German Bundestag. In fact, not all parties represented there are involved in reaching a consensus. Instead, since 1951, the *CDU/CSU* and *SPD*, which as catch-all parties ('Volksparteien') formed the strongest parliamentary groups for decades, remained the dominant actors.

Between 1951 and 2017, (only) the two parties *CDU/CSU* and *SPD* were able to jointly achieve a two-thirds majority in both electoral bodies. Even a coalition of one of these two parties with a smaller party was never able to achieve the required majority during this period. Therefore, the *CDU/CSU* and *SPD* were always dependent on the vote of the respective other party when selecting candidates. In consequence, this situation led to the *CDU/CSU* and *SPD* facing each other on practically equal terms in the election of judges; at the same time, however, they were also not dependent on the votes of other parties.

The informal arrangement between the *CDU/CSU* and *SPD* was structured such that they granted each other a right of nomination for a certain number of judge posts. When a judicial seat became vacant, the party entitled to the right of nomination for that seat could name a successor candidate. If the other party signaled its approval, the matter was settled. If, however, the other party raised objections, the nominating party had to make a new recommendation. If several seats were to be filled, the *CDU/CSU* and *SPD* agreed on a comprehensive list or a package. An alternating right of appointment was established for the offices of President and Vice President of the Federal Constitutional Court.

Certain points of this fundamental agreement between the *CDU/CSU* and *SPD* were further refined over time. Theoretically, as long as they could agree, the two parties could have established a duopoly in the election of judges that would not necessarily be dependent on the cooperation of smaller parties. From the very beginning, however, it was common practice that the smaller partners of a governing coalition were also allowed to make recommendations for a judge's successor. Thus, in times of Christian-liberal coalitions, the *CDU/CSU* ceded the nomination of a candidate to the *FDP*. The *SPD* also later adopted this custom. With the formation of the red-green coalition, the *SPD* and the Greens agreed in the coalition treaty: ‘The coalition parliamentary groups vote uniformly in the Bundestag and in all Bundestag bodies’ – which also included the election of constitutional judges. This effectively included the smaller coalition partner in the selection of candidates to be named by the *SPD*.

As a result of these informal agreements, during the 1950s and 1960s, the First Senate of the Federal Constitutional Court consisted predominantly of judges recommended by the *SPD*, while the judges of the Second Senate were primarily nominated by the *CDU/CSU*. For this reason, the senates were referred to at the time as the ‘red’ and ‘black’ senate. Later, a party-political balance was established within the senates, so that since the 1970s, one half of the senate members was nominated based on a *CDU/CSU* recommendation and the other half based on an *SPD* recommendation. Due to the aforementioned coalition agreements, judges proposed by the *FDP* and the Greens were also found in the First Senate.

In the year 2016, the minister-presidents of the states also agreed on a sequence of proposals for the Bundesrat, involving *Bündnis 90/Die Grünen*. According to this, the Greens could propose every fifth constitutional judge elected in the Bundesrat. The formula was: *Union* – *SPD* – *Union* – *SPD* – Greens. In 2018, when the *FDP* re-entered the Bundestag, the distribution key was changed again because it had proven ‘to be ill-thought-out’ (Lübbe-Wolff 2023: 181), then using the formula 3-3-1-1. In each senate, three of the eight judges were to be proposed by the *Union* and the *SPD* respectively, and one each by the Greens and the *FDP* (Legal Tribune Online 2018).

In practice, a so-called “package solution” has also established itself, in which several appointments are negotiated simultaneously. An example was provided by the judicial election in the summer of 2025: For three positions becoming vacant at the same time, the *CDU/CSU* proposed Günter Spinner, a judge at the Federal Labour Court, while the *SPD* nominated the law professors Frauke Brosius-Gersdorf and Ann-Katrin Kaufhold; originally, a joint vote on all three candidates was planned (Anwaltsblatt 2025). Because such a package solution combines several personnel decisions into a single voting process, opposition to even one individual candidate is sufficient to put the entire package at risk – a mechanism that was borne out in the further course of the July 2025 election.

For many decades, the *CDU/CSU*, *SPD*, the Greens, and *FDP* formed the core of this proportional system of proposals at the BVerfG. Through consensus-oriented preliminary agreements, these parties coordinated their nominations (Landfried 1994; Stüwe 2016). Other parties, however, were not taken into account. This affected *The Left* (or its predecessor party, the *PDS*), which since its founding in 2007 (or since 1990) was at no point included in the informal process and therefore could not nominate any judicial candidates either. Equally uninvolved were the *AfD*, which has been represented in the Bundestag since 2017, and the *Bündnis Sahra Wagenknecht (BSW*), which formed a group in the German Bundestag in 2024/25 as a splinter from *The Left.*

In the past, the informal dimension of nominating and electing the judges of the Federal Constitutional Court had many advantages. It enabled the judge elections to be carried out effectively and noiselessly for decades. Potential conflicts, such as when a candidate was perceived by the other side as 'too political', could thereby be avoided at an early stage and resolved, so to speak, confidentially.

The proportional party system also prevented a one-sided internal dominance of a specific political party within the court and, precisely because of this, acted as a legitimising factor (Lübbe-Wolff 2023: 181). The public perception of the Constitutional Court benefited from this in particular. Unlike with the U.S. Supreme Court, where public hearings and the media staging of judicial candidates heavily emphasise ideological differences (Epstein & Segal 2005), the German appointment process remained largely behind the scenes. As a result, individual nominations did not become topics of public polarisation, which protected the court from delegitimisation. For good reasons, other political systems therefore practice similar informal procedures as well: in Austria, in Switzerland, and in many other democratic states, proportional party systems play a decisive role in filling the highest courts (Lübbe-Wolff 2023: 168).

At the same time, however, the practice of constitutional judge elections also reveals a structural vulnerability: the agreement of the participating parties is not a formal requirement, but an informal arrangement based on political consensus. This depends on the willingness of the parties to act cooperatively. Furthermore, informal conventions are not necessarily permanent: changes in voter behavior and in the party system must lead to adjustments of the arrangement. The proportional system currently practiced basically reflects party-political relations of the past. With increasing polarisation of the party landscape, the consensus system can also become fragile, and the formal two-thirds majority could turn into a potential for blockade (Tsebelis 2002; Ginsburg & Huq 2018). This is precisely where the challenge posed by populist parties sets in: they are structurally not reliant on the traditional consensus-finding, but on the contrary, they benefit from delegitimising the informal arrangement as an intransparent agreement of the 'established parties'. In doing so, they transform what was previously a quiet system requirement into an open entry point.

III. Vulnerability Analysis

The institutional architecture of the Federal Constitutional Court has for decades been considered a prime example of consensually secured constitutional adjudication (Kommers & Miller 2012; Stone Sweet 2000). Due to its constitutional position, the qualified two-thirds majority in the election of judges, the long, non-renewable term of office of the judges, as well as its organisational autonomy, the Federal Constitutional Court is considered institutionally particularly stable and largely shielded from short-term party-political encroachments.

Nevertheless, recent works on autocratisation show that democratic institutions can be weakened not primarily through open rule-breaking, but through the strategic use of existing rules (Scheppele 2018; Lührmann & Lindberg 2019). The question, therefore, is not whether the Federal Constitutional Court is institutionally strong, but where within its institutional design potential vulnerabilities lie. This shall be examined in the following section.

A first entry point concerns the structural blockability of the appointment procedure. Although the two-thirds majority in the election of judges strengthens the democratic legitimacy of the court, it simultaneously increases the number of effective veto players (Tsebelis 2002). As shown, this model functioned relatively smoothly for decades, sustained by informal arrangements and a cross-party willingness to cooperate (Landfried 1994). In recent years, however, delays in the election of judges could occasionally be observed. For instance, internal party conflicts as well as differences between the Bundestag and Bundesrat repeatedly led to longer periods of vacancy when upcoming replacements were due. For example, in 2011/2012, considerable delays occurred in the Bundesrat regarding the succession for the departing constitutional judge Udo Di Fabio. The background to this was party-political tensions between *Union*- and *SPD*-led states over the staffing of 'their' contingent. The agreement dragged on for several months before Peter Müller was finally elected. Another example in the year 2018 was the election of Stephan Harbarth as Vice President (later President) of the Federal Constitutional Court, which led to internal party and cross-factional controversies. Parts of the opposition – particularly from the *FDP* and the Greens – criticised the immediate transition of a long-standing *CDU* member of the Bundestag to the court as problematic with regard to its political independence. The election was delayed compared to the originally expected schedule because internal and interfactional coordination first had to be intensified in order to ensure the required two-thirds majority. Both cases show that not only formal constitutional rules, but above all party-political coordination problems and federal majority constellations can lead to chronological shifts and periods of vacancy.

In the summer of 2025, the *SPD* nominated Frauke Brosius-Gersdorf, a professor of constitutional law, for one of the vacant judge seats at the Federal Constitutional Court. Although she still received the required qualified majority in the election committee, the subsequent vote in the plenary session was not carried out because parts of the *CDU/CSU* parliamentary group withdrew their support. The background to this was concerns raised within the Union regarding her political positions, particularly on issues such as abortion regulations and compulsory vaccination, which were interpreted by parts of the Union parliamentary group as politically controversial. This led to the *Union* faction leader Jens Spahn publicly campaigning for approval, which, however, did not convince all *Union* members of parliament (Legal Tribune Online 2025a).

The *AfD* also announced that it would reject Brosius-Gersdorf. In addition, there were campaigns in social media. Thus, social media posts and commentaries disseminated partly false statements about Brosius-Gersdorf's positions, which reinforced the argumentation against her person both in conservative media and on right-wing network platforms and led to a further politicization of the debate. For the first time in the history of the Federal Republic, a constitutional judge election became the subject of public disputes. The debate led to the election being removed from the agenda and ultimately canceled, because it was no longer clear from the outset that a two-thirds majority could be achieved. Brosius-Gersdorf subsequently withdrew her candidacy.

Although these episodes remained moderate in international comparison, they made visible that the qualified majority is not only consensus-securing but also capable of blockade. Comparative cases, e.g., the more than one-year non-filling of a judge seat at the Supreme Court of the United States in the year 2016, illustrate that appointment procedures can also become the venue for fundamental political conflicts (Devins & Baum 2019).

A second empirically relevant point concerns the informality of the German procedure. The practice of the 'package solution', in which several judge seats are negotiated between the major parties and decided jointly, was historically a stability factor. It reduced public confrontation and strengthened the perception of party-political balance (Landfried 1994). With the increasing fragmentation of the party system since 2017, however, this model came under pressure. The stronger presence of a system-opposition party in the Bundestag changed the majority arithmetic and increased the visibility of voting processes. Public debates about individual candidate proposals, for instance in the context of socio-politically sensitive decisions of the court, led to a stronger medialisation of the selection procedure. This shifts the function of informality: what was long considered a consensus-building convention can, under populist patterns of interpretation, be problematised as intransparent 'backroom politics' (Mudde 2004; Müller 2016). Empirically, this was demonstrated in party-political disputes in which individual candidacies were publicly discussed along ideological attributions – a phenomenon that had previously been largely avoided.

A third moment of vulnerability lies in the interaction between the structure of the term of office and the party-political climate. The twelve-year term of office without re-election is considered a classic guarantee of independence (Stone Sweet 2000). At the same time, due to age-related retirements, chronological clusters of replacements can occur. In legislative periods with several simultaneous subsequent appointments, the political significance of the appointment phase increases considerably. Comparative studies show that such ‘appointment clusters’ can be used strategically to bring about long-term ideological shifts without changing formal rules (Ginsburg & Huq 2018). In Germany, too, the chronological coincidence of several regular replacements in a phase of increased political polarisation led to more intensive party-political negotiations. The vulnerability arises here not from a violation of rules, but from the political-strategic use of regular personnel cycles.

Fourthly, attention must be drawn to potential functional problems in the event of a vacancy. The Federal Constitutional Court decides in two senates with eight members each; prolonged non-fillings can increase the workload of individual senates and alter the allocation of business. Research on the efficiency of constitutional courts shows that personnel bottlenecks can impair the effectiveness of institutional control (Ginsburg 2003). Although the ability of the court to function has remained secure so far, international examples (such as from Poland since 2015) show that targeted delays or controversial appointments can substantially alter the internal functional logic of a court (Sadurski 2019). The German debate reacted increasingly sensitively to such comparative cases, especially since 2023 in the context of European rule of law discussions.

Overall, the development of recent years does not show a picture of acute institutional destabilisation, but it does show a densification of structural risks: the strategic usability of qualified majorities, the growing visibility of informal procedures, the political charging of bundled appointment cycles, as well as the interaction with increasing polarisation. In the sense of autocratisation research, the potential threat lies less in an abrupt systemic breakdown than in a gradual change in the structures of expectation and cooperation (Lührmann & Lindberg 2019; Scheppele 2018). Safeguarding the Federal Constitutional Court thus proves to be a dynamic problem of institutional resilience under altered party-political framework conditions.

IV. The Reform Debate 2023 to 2025

The reform debate surrounding the Federal Constitutional Court in the years 2023 to 2025 did not only take place in academic circles, but was intensively negotiated in parliamentary committees, parliamentary groups, and via party congress resolutions. Already in the year 2023, the first legislative initiatives were taken to modernise the legal infrastructure of the Federal Constitutional Court: Thus, the Federal Government introduced the draft of a Tenth Act to Amend the Federal Constitutional Court Act (Bundestag Drucksache 20/9043) into the Bundestag, which in particular regulates the introduction of electronic legal communication with the Federal Constitutional Court and aims to digitalise legal communication as well as case file management. This draft was debated in the first reading on November 9, 2023, and subsequently referred to the Legal Affairs Committee (ebd.). This reform can be evaluated not only as a technical modernisation step, but also as an attempt to reduce procedural barriers and increase transparency. The AfD voted in the Legal Affairs Committee against the regulations, which were supported across parliamentary groups, while the *Union*, *SPD*, Greens, and *FDP* voted in favor (Bundestag Drucksache 20/10408), revealing initial party-political lines in the further development of the institutional setting.

The 2025 Bundestag election and the resulting majority proportions led to a series of highly political parliamentary disputes in which the Federal Constitutional Court came into focus as a conflict-resolution body. For instance, in March 2025, several organ dispute proceedings ('Organklagen') occurred in which members of parliament from the AfD parliamentary group and the party *Die Linke* attempted to prevent the convening of the 'old Bundestag' for special sessions in the run-up to the constituent session of the new parliament. These special sessions served the purpose of passing resolutions on amendments to the Basic Law with far-reaching political and fiscal consequences, including the reform of the debt rule ('debt brake') within the framework of a major budget and defense package. The Federal Constitutional Court rejected these applications for temporary injunctions as unfounded, thereby confirming the constitutional admissibility of the special sessions and the capacity of the old parliament to act (2 BvE 3/25, 2 BvE 2/25, 2 BvE 5/25, and 2 BvE 4/25). These proceedings were taken up in Bundestag debates and interpreted by *AfD* members of parliament as proof that the

Federal Constitutional Court was not party-politically neutral. Interjection by the Member of Parliament Stephan Brandner [*AfD*] in the session of the Bundestag on March 18, 2025: '*Your* Federal Constitutional Court!' (Bundestag, Plenary Protocols 20/214, p. 27735 B).

In terms of party politics, the parliamentary groups of *The Left* and the *AfD* expressed themselves in the year 2025 with programmatic demands for the reform of the Constitutional Court. Thus, the party *Die Linke* publicly claimed the right to have its own nomination right in the filling of judge posts. Parliamentary group leader Jan van Aken argued that a change in the nominal nomination powers was necessary in order to open up the current practice, which is effectively oriented toward the strength of the parliamentary groups, and to grant smaller parliamentary groups appropriate rights of participation (Legal Tribune Online 2025).

In parallel with this, an online petition ('Petition 179398') for the reform of the Federal Constitutional Court Act was started in March 2025, which demanded not only greater independence for the court but also a stricter separation of the judges from party-political ties (Petition 179398 2025). Although petitions formally do not constitute a direct legislative act, they functioned in the public debate as an indicator of societal attention regarding the question of judicial independence in times of political polarisation.

Another strand of the debate was the discussion surrounding a constitutional safeguarding against political influence. In the parliamentary disputes of the year 2024, members of the Bundestag had proposed across parliamentary groups to initiate party ban proceedings against the *AfD*, to be argued before the Federal Constitutional Court; this motion became the subject of a parliamentary consultation process in the Committee on Internal Affairs and Community and the Committee on Legal Affairs (Bundestag Drucksache 20/14105). In this context, it was emphasised that the judicial scrutiny of such proceedings was elementary for the protection of the free democratic basic order, which in turn placed the role of the court as guardian of the constitution at the center stage.

Finally, at the end of 2024, a further institutional step took place in the Bundestag that stood in the context of the reform debate: the anchoring of certain structural elements of the Federal Constitutional Court in the Basic Law. This is the subject of the following section.

V. The Constitutional Amendment of December 2024

With the amendment to the Basic Law adopted in December 2024, the constituent legislature reacted to a reform debate that, since 2023, had increasingly been conducted under the impression of international experiences with institutional erosion. The starting point was the realisation that although the institutional strength of the Federal Constitutional Court is generally estimated to be high, its legal safeguarding rested in essential points on simple statutory regulations and informal political conventions. In particular, the developments in Poland and Hungary functioned as a negative backdrop in parliamentary discourse: there, the weakening of constitutional adjudication occurred not through open constitutional breach, but through a multitude of formally legal individual measures regarding court organisation, appointment procedures, and terms of office – a strategy that Scheppele (2018) describes as 'autocratic legalism' and that Sadurski (2019) traces in detail using the Polish example. Accordingly, the goal of the German reform was to consolidate the position of the Federal Constitutional Court more strongly under constitutional law and to safeguard elements previously regulated by simple statute against short-term political interventions, and thereby 'permanently withdraw [the court] from daily political dispute' (Bundestag, Drucksache 20/12977).

The corresponding bill had been introduced on September 24, 2024, by the parliamentary groups *SPD*, *CDU/CSU*, The Greens, and *FDP*, as well as the non-attached Member of Parliament Stefan Seidler (*South Schleswig Voters' Association*). In a roll-call vote on December 19, 2024, 600 members voted in favor of the amendment to the Basic Law, 69 parliamentarians (from the *AfD*, the *BSW*, and some non-attached members of parliament) voted against it (Bundestag, Plenary Protocol 20/207, p. 26707 A). For the two-thirds majority, at least 489 votes from the members of the Bundestag were required.

In essence, the amendment to the Basic Law concerned three points. First, the twelve-year term of office of the judges, which had previously been standardised exclusively in the Federal Constitutional Court Act (BVerfGG), was expressly safeguarded at the constitutional level. Second, the requirement of a two-thirds majority for their election, which already existed under simple statute, was anchored in the Basic Law for clarification. Third, basic structural elements of the senate organisation – namely the number of senates and their equal representation – were immunised against changes by simple statute. In terms of content, no new organisational principles were created thereby; rather, already existing fundamental decisions of the Federal Constitutional Court Act were given the status of constitutional law.

These steps followed a logic of institutional entrenchment, as described in comparative constitutional research as a protective mechanism against political decisions of opportunity (Ginsburg & Huq 2018). By subjecting central organisational features of the court to the qualified constitutional amendment majority, the intent was to prevent a simple parliamentary majority from indirectly intervening in the institutional architecture of the court through amendments to the BVerfGG. In the plenary debates, explicit reference was made to the risk that formally legal but strategically motivated statutory amendments, for instance to change senate compositions or voting modalities, could bring about long-term shifts in power (Bundestag, Plenary Protocol, 20/207, p. 26681 C). The reform was adopted with the two-thirds majority in the Bundestag and Bundesrat required under Art. 79 para. 2 GG. The representatives of the proposing parliamentary groups argued that the amendment was an act of preventive resilience policy. For instance, Volker Wissing (FDP), Federal Minister of Justice, said: 'A very broad alliance of members of this House has presented proposals here that will strengthen and better protect the Federal Constitutional Court' (Bundestag, Plenary Protocol 20/207, p. 26667 A). Representatives of the AfD, on the other hand, sharply criticized the reform in the plenary session: 'You now also want to write your unrestricted, undemocratic grip on the personnel of the Federal Constitutional Court into the laws' (Bundestag, Plenary Protocol 20/207, p. 26671 D).

Beyond the three constitutional amendments, the reform package contained a fourth, simple statutory innovation (Bundestag, Drucksache 20/12978) that targeted one of the entry points identified in Section three: the structural blockade potential of the two-thirds quorum. Previously, § 7a BVerfGG already provided that the plenary session of the Federal Constitutional Court can submit its own election proposals if a judge election has not taken place within two months after the expiry of the term of office or the premature departure of a judge and the competent electoral body (the election committee of the Bundestag or the Bundesrat, respectively) has been requested to do so. However, this regulation was unable to resolve an actual blockade of the election procedure, since it merely established an additional right of proposal, but not an obligation to elect.

With the newly inserted § 7a para. 5 BVerfGG, the legislature now went a decisive step further. According to this, the voting competence transfers to the respective other electoral body if the originally competent body has not elected a judge within three months after the submission of an election proposal by the plenary session of the Federal Constitutional Court. If, for example, the Bundestag does not succeed in achieving the required two-thirds majority within this period, the Bundesrat can take over the election; conversely, the same applies. This creates, for the first time, an institutional mechanism intended to prevent a prolonged blockade of an individual electoral body without abandoning the requirement of a qualified majority as such. The substitute competent body also continues to decide by a two-thirds majority.

This fallback regulation is among the most substantial innovations of the reform. Although it does not eliminate the fundamental veto potential of qualified majorities described by Tsebelis (2002) in his veto players theory, it considerably reduces the risk of permanent vacancies without abandoning the basic idea of a broad cross-party legitimation of the election of judges. The reform thus combines two goals that at first glance appear contradictory: on the one hand, it adheres to the qualified majority as an expression of non-partisan consensus; on the other hand, it increases the institutional capacity of the court to act by making the blockade of an individual electoral body surmountable (cf. Ginsburg & Huq 2018).

The informal practice of party-political preliminary coordination, the 'package solution' for multiple appointments, as well as the de facto distribution of informal rights of proposal between the established parties, were, however, not codified. Thus, a central element of the German appointment model remains outside the formal constitutional texture and continues to depend exclusively on a willingness for political cooperation (Landfried 1994; Lübbe-Wolff 2023).

In the overall view, the amendment to the Basic Law of December 2024 is to be evaluated as an act of defensive institutional politics that goes beyond a purely symbolic anchoring in the constitution. It strengthens the institutional independence of the Federal Constitutional Court by removing central organisational decisions from the disposal of simple parliamentary majorities and, with the fallback regulation of § 7a para. 5 BVerfGG, closes for the first time one of the concrete entry points described in Section three, the structural blockability of qualified majorities. At the same time, however, the reform also highlights the limits of legal institutional safeguarding: it primarily addresses the formal architecture of the court and the technical susceptibility to blockade of the election procedure, but not the political-cultural prerequisites for its functioning. As research on democratic resilience emphasizes, institutional safeguards deploy their effect permanently only if they are sustained and respected by the political actors (Levitsky & Ziblatt 2018; Lührmann & Lindberg 2019). With good reason, the Member of Parliament Konstantin Kuhle (*FDP*) pointed out: 'What we are initiating today is a codification, is a safeguarding of the character of our state order as a liberal democracy. But the actual guarantee for the survival of this constitutional order must come from the people themselves' (Bundestag, Plenary Protocol 20/207, p. 26670 D).

But already in the Bundestag debate, it became apparent how differently the constitutional reform was interpreted. While Federal Minister Wissing emphasised: 'The fact that the democrats of this House can discuss these difficult questions objectively and at a high level across party and parliamentary group boundaries shows the strength and the quality of our political culture.' Beatrix von Storch (*AfD*) reacted in an interjection: 'Depending on the majorities! Wherever it just works! That is so shameless! Nefarious!' (Bundestag: Plenary Protocol 20/207, p. 26667 D).

VI. Evaluation

The preceding sections have shown a Federal Constitutional Court whose institutional strength until the end of 2024 rested less on robust constitutional foundations than on simple statutory regulation, informal conventions, and the good behavior of the participating parties. Thereby, it was structurally vulnerable. Against this background, the amendment to the Basic Law of December 2024 can be clearly evaluated: it has effectively narrowed the entry points identified in Section three, noticeably lowered the vulnerability of the court to populist strategies of attack, and it does so without being democratically questionable or constitutionally doubtful. On the contrary: upon closer inspection, the reform proves to be the catching up of a safeguarding that would already have been objectively obvious during the framing of the constitution in 1949. When the Basic Law entered into force on May 24, 1949, the then-novel institution of the Federal Constitutional Court was, however, only partially shaped in greater detail under constitutional law.

The Basic Law of 1949 limited itself in Art. 94 para. 1 old version GG to the brief statement that the members of the Federal Constitutional Court 'shall be elected half by the Bundestag and half by the Bundesrat,' and left all further details such as term of office, majority requirement, and senate structure to the simple statutory formulation by the Federal Constitutional Court Act, which only entered into force in 1951. Other constitutional bodies such as the Bundestag, Bundesrat, Federal President, and Federal Government, by contrast, owe their organisational basic structures directly to the constitutional text itself. That the Parliamentary Council proceeded differently with the Federal Constitutional Court was less a deliberate decision based on democratic theory than due to the fact that a constitutional court with genuine judicial review competence was an institutional novelty in 1949 without a consolidated model (Triepel 1929: 27; Laufer 1968: 207; Stüwe 1997: 52).

The amendment to the Basic Law of 2024 evens out this historical lag: it elevates the organizational core elements of the court to the same status that the other constitutional bodies enjoyed from the very beginning. It is thus not a novel restriction of democratic freedom of action, but rather a belated consequence of the court's own status as a constitutional body.

From the perspective of democratic theory, there are no profound objections to this step. Ginsburg and Huq (2018) show that precisely this form of 'institutional entrenchment', the safeguarding of organisational rules under constitutional law, is considered normatively unproblematic in comparative constitutional research because it does not restrict democratic self-determination over substantive issues, but merely determines how the body that will watch over compliance with the constitution in the future is staffed. From the perspective of the separation of powers as well, as described by Alec Stone Sweet (2000), the reform is to be evaluated positively: a monitoring body that is to remain effective vis-à-vis the respective parliamentary majority must not stand entirely at its disposal in terms of personnel. Precisely this logic underlies the two-thirds majority: it prevents a simple majority from staffing the court, which is supposed to monitor it, in its own image, and thereby secures the functioning of the separation of powers. The constitutional codification of this quorum instead of its previous simple statutory regulation merely reinforces this protection by an additional, higher hurdle and at the same time fits into a tradition of a militant, self-protecting democracy already laid down in the Basic Law itself (Kommers & Miller 2012).

Even the objection that the veto potential of individual actors could turn into an instrument of obstruction through the two-thirds rule carries only limited weight in the present case. On the one hand, as the cases of Di Fabio and Harbarth have shown, this veto potential was already present under simple statute prior to the reform; the constitutional amendment does not create it anew, but shifts an already existing hurdle to a higher level of norm. On the other hand, the simultaneously introduced fallback regulation of § 7a para. 5 BVerfGG, according to which the voting competence transfers to the respective other electoral body after three months, limits precisely that risk of blockade that would have been associated with a mere anchoring in the constitution without accompanying procedural safeguarding. In the overall view, the safeguarding effect thus outweighs the drawbacks: the reform effectively closes that gap through which the court could have been remodeled in a formally legal manner, following the pattern of 'autocratic legalism' (Scheppele 2018), as experiences from Poland and Hungary suggest (Sadurski 2019).

The safeguarding measures adopted by the legislature are thus to be evaluated positively overall from the perspectives of democratic theory and constitutional law and are, in their effect, suitable for sustainably lowering the vulnerability of the Federal Constitutional Court to populist attempts at interference. What the framing of the constitution in 1949 left open for historical reasons has been caught up on, and the Federal Constitutional Court is finally treated like the constitutional body that, by its nature, it always was. With this, to be sure, only the formal-institutional side of the problem is solved; whether this safeguarding unfolds its protective effect permanently depends on prerequisites that cannot be written into the text of the constitution.

VII. Conclusion

The procedure for electing judges to the Federal Constitutional Court requires a two-thirds majority in both electoral bodies, which no single political party has ever possessed in the history of the Federal Republic. Since the founding of the court, this quorum structurally forced the participating parties to reach an understanding. Since 1951, this understanding was organized through proportional distribution agreements between the *CDU/CSU*, *SPD*, Greens, and *FDP*, while other parties remained excluded from this informal arrangement.

Because the concrete formulation of the judge election procedure until 2024 rested exclusively on simple statutory regulation and the willingness for political cooperation among the participating parties, the court remained structurally vulnerable. The vulnerability analysis identified concrete entry points through which this informal arrangement could be undermined. In addition, with the increasing pluralisation of the party system and, in particular, with the entry of a populist party into the Bundestag, the prerequisites changed under which both the simple statutory regulations of the Federal Constitutional Court Act and the informal consensus building upon them had previously functioned. An arrangement that relied on the tacit willingness for cooperation among all forces represented in the Bundestag reached its limits as soon as a relevant parliamentary group no longer wanted to support this arrangement, but instead deliberately called it into question.

With the new regulations of December 2024, the constituent legislature reacted to these findings: with the anchoring of the term of office, the two-thirds quorum, and the senate structure in the Basic Law, as well as the fallback regulation of § 7a para. 5 BVerfGG, central entry points were closed without incurring democratic theory costs. At the same time, the reform catches up on what would already have been appropriate in 1949 given the status of the court as a constitutional body.

With this, however, the task of institutional safeguarding is not completed, but merely shifted to another level. Legal anchoring creates resilience against the grasp of simple majorities, but it does not replace the political prerequisites under which this resilience first becomes effective. Levitsky and Ziblatt (2018) have shown with the concept of 'institutional forbearance' that written rules deploy their protective function only if political actors are willing to respect them even when a literal exploitation of one's own majorities would appear advantageous in the short term.

For the Federal Constitutional Court, this means concretely: the two-thirds majority in the election of judges only functions if the forces represented in the Bundestag remain capable of consensus, meaning if there is a willingness across party lines to jointly find viable candidates instead of using the procedure for profile-raising or blockade. A look at Poland and Hungary illustrates what is at stake: there, what was lacking was not fundamentally legal safeguards for the constitutional courts, but rather the political willingness to respect them even when a governing majority could have acted otherwise (Kovács & Scheppele 2018; Sadurski 2019). Equally decisive is the respect for the institution itself: the recognition that a constitutional court derives its authority not from the approval of every single decision, but from the acceptance of its role as an independent guardian of the constitution (Lührmann & Lindberg 2019; Möllers & Schneider 2018).

Ernst-Wolfgang Böckenförde brought this correlation to the well-known formula for the liberal constitutional state as a whole, stating that it 'lives on prerequisites that it cannot guarantee itself' (Böckenförde 1976: 60). What Böckenförde formulated for the democratic constitutional state as a whole applies to its guardian in particular: the Federal Constitutional Court, too, cannot secure its own functionality solely out of itself. It remains dependent on the existence of a political culture that is aware of the court's vulnerability and is willing, precisely for that reason, to protect it from short-term majority interests. The amendment to the Basic Law and the amendment to the Federal Constitutional Court Act of December 2024 have given the court a more resilient legal foundation. Whether this foundation holds will be decided not by these legal texts alone, but by whether political actors remain willing to treat the guardian of the constitution as what it is: an institution that itself requires protection in order to be able to fulfill its protective function for the community.

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Brexit, populism and the Westminster Model of British democracy

STEFAN SCHIEREN

I. Introduction

On June 23, 2016, a majority of the British electorate voted for their country's withdrawal from the EU. Had populism achieved another triumph? Was Brexit a populist project? Was the debate waged using populist means? Was Brexit perhaps a vehicle to exploit the resulting 'disruption' in the political system to foster a 'hidden agenda' aiming at restructuring the state and its institutions under authoritarian, anti-democratic, and illiberal auspices?

To discuss the various aspects of these questions, I draw on Cas Mudde, Steven Levitsky, and Daniel Ziblatt. Cas Mudde (2020: 23–24) sees a 'thin-centered ideology' as a characteristic feature of populism, through which it succeeds in integrating heterogeneous and contradictory currents and forces into a politically relevant entity. Another characteristic feature is the narrative that an allegedly corrupt and power-hungry elite ('establishment', 'old parties', 'deep state') seizes the levers of power to pursue its own selfish goals, while disregarding the will of the people.

Furthermore, with Levitsky and Ziblatt, one must ask whether the populist forces were willing to circumvent or even openly disregard tried-and-tested democratic rules and practices in order to implement their political agenda, seeking to restructure the state in an authoritarian, radically economically liberal, and socially and politically illiberal manner. For this purpose, did populist politicians question the legitimacy of the opposition? Did they tolerate or even encourage violence against their political opponents? Were they willing to suppress civil liberties, constitutional principles, and the freedom of the press (cf. Levitsky & Ziblatt 2016: 46)?

II. 'Taking Back Control'

In January 2013, the then Prime Minister David Cameron from the Conservative Party announced that his government would hold an 'In-Out' referendum if the Conservatives won the 2015 election. Ultimately, he felt compelled to do so by the Eurosceptics within his own party and Nigel Farage's United Kingdom Independence Party. However, he did not intend to bypass Parliament to push through a policy for which there was no majority. Instead, like the vast majority of observers (Eatwell & Goodwin 2018: 10), he expected a vote in favour of continued membership. Similar to his predecessor Harold Wilson in 1975, he wanted to appease his own party, wipe the populist United Kingdom Independence Party off the political map, secure membership, and steer politics back onto a calmer path. His means may have been populist, but his platform was not. However, his miscalculation could not have been greater. After the unexpected result was announced on 24.06.2016, Cameron's political career was over. He fell victim to his own strategic, tactical, and personal misjudgements (Richards 2023: 271–273), which manoeuvred the country to the brink of a nervous breakdown.

At the heart of this misstep lies the decision to hold an in-out referendum. Cameron thus played into the hands of the populists around Nigel Farage, providing them with a decision-making tool that bypassed Parliament, the political centre of the state, where a majority for Brexit was completely impossible to achieve. The fact that referendums undermine the foundations of the Westminster model was at least as important (Laws 2018: 217; Schieren 2022: 162–164): 'Never has post-war British politics been so complex, and all because of the resort to direct democracy in the land of parliamentary sovereignty' (Glencross 2016: 72). The United Kingdom did not participate in European integration policies after the Second World War for the following reasons: a) Its foreign policy was based on its alleged 'special relationship' with the United States, b) its economic policy was based on the Commonwealth. It also wanted to preserve its sovereignty over its trade policy, c) with regard to its constitution the participation in a supranational legal community was out of the question.

It did not take long for this path to turn out as a fatal mistake. Economically, the country fell behind the booming EEC states. Ultimately, the country's poor economic situation was crucial in its decision to join the Community in 1973.

Two decades later, these motives had disappeared or diminished. In contrast, the reasons that had originally spoken against accession regained importance. In particular, the jurisprudence of the Court of Justice of the European Union encountered growing rejection.

Politics is never without alternatives. In a democracy, various political options can and must be debated. With respect to membership in the EEC, EC, or EU, thorough passionate, controversial, and ultimately heated debates raged in the United Kingdom (Gilbert 2020; Quinn 2021).

By referring to Enoch Powell (Corthorn 2019) and Margaret Thatcher, more and more conservative MPs and ministers in the 1990s and 2000s advocated leaving the EU, which they viewed as an obstacle to their dream of 'global Britain'. They argued that unrestricted business and free trade, rather than the EU, would create prosperity. The supposedly glorious past of the 'British Empire' was invoked as a blueprint, as a historic model of order, to allay British fears that leaving would lead to isolation. They spoke out for a union of English-speaking countries, either including the USA ('Anglosphere') or without the USA as CANZUK (Canada, New Zealand, United Kingdom), or a kind of 'Imperial Federation', a free trade area comprising the Commonwealth states. These distorted images of their own past (Brechtken 2022) and the resulting 'delusions of empire' (The New Statesman 2018) lacked any real basis (Kenny & Pearce 2018; Reynolds 2019), which was seen as such even among those in favour of leaving (Tombs 2021), but it served as an argument for leaving for parts of the voters.

Another central motive for the rejection of EU membership among Conservatives was their concern about preserving the foundations of the British constitution. Before 1973, Enoch Powell had warned emphatically that 'the Commons were preparing to legislate away its own authority, to become subordinate to another body as it has never been' (Heffer 2008: 608; see also Corthorn 2019: ch. 4).

In fact, accession in 1973 was a 'wilful manifestation of legislative schizophrenia' (Smith & Brazier 1998: 81), which gave rise to three problems in the medium and long term.

First, the history of accession provided opponents with arguments that, back in 1973, the British people had been deceived by the 'establishment' about the true consequences of membership. After these had finally become apparent, it was therefore justified to let the people decide. In his excellent study 'Yes to Europe' (2018), Robert Saunders has shown that this portrayal is exaggerated. However, it follows the populist pattern that a corrupt and self-centred elite deceives the people.

Second, the incompatibility between the two legal systems contributed to the United Kingdom's persistently difficult relationship with the EU (Schieren 2001), which made it an 'awkward partner' (George 1996).

The contradiction with parliamentary supremacy is obvious, for this principle states that statute law has absolute legal primacy and 'that no person or body is recognised by the law of England as having the right to override or set aside the legislation of Parliament' (Dicey 1915: 37–38). To prevent a collision with EU law, the Appellate Committee of the House of Lords used sophisticated legal reasoning in the 1990 Factortame case. The House of Lords declared the Merchant Shipping Act 1988 – horrible dictu – inapplicable, but immediately added that this was done on the orders of Sec. 4 of the European Communities Act 1972 (ECA), which contained the general provision that European legislation had direct effect in the United Kingdom. The basis of validity, as well as the legal application mandate for the general application of European law, therefore rest with the British legal order and not with European law. Parliamentary sovereignty is thus preserved insofar as Parliament is legally free to amend or repeal the ECA 1972. However, the only way to put an end to the permanent tensions between both legal systems was a withdrawal from the EU.

The controversial ruling (see Wade 1996; Elliott 2018) was primarily intended to allay concerns about the foundations of the British constitution. However, the effect was opposite. As a consequence of the Single European Act of 1987, integration developed more dynamically than expected (Thatcher 1993: 744; Moore 2019: ch. 5). Thus, it became increasingly clear that the power to act in many important policy areas no longer existed. The House of Lords had now shown the way in which Parliament's sovereignty could be restored – through withdrawal.

However, there was no majority in Parliament for withdrawal. Brexit supporters therefore called for the deployment of an instrument widely used or demanded by populists: a referendum. They were not hindered by the fact that a referendum is just as incompatible with the British Constitution as membership in a supranational community, which clearly counteracted the intentions of withdrawal (Schieren 2022: 162–164). The 'huge impact on the structure of the UK' (Young 2024: 193) caused by the Brexit referendum contradicted the declared intention to return to the constitutional status quo ante. This was also due to the fact that 'the desire to restore sovereignty to Westminster comes twenty years too late' (Murkens 20rf: 1; cf. Bogdanor 2019: 1; Craig 2019: 118–120; Hövelmeyer 2024; Schieren 2001; Schieren 2020).

After 2004, the third problem that emerged was freedom of movement within the EU, which led to strong immigration from the ten former Eastern Bloc states which had entered the EU. Unlike most other European countries, the British government refrained from suspending freedom of movement according to the treaties for several years with regard to those states because only a few thousand immigrants were expected (Tugendhat 2022: 166–167).

> 'The fact is that the Home Office, the Treasury and the Foreign Office never expected migration within the European Union on the scale that subsequently occurred in the second half of the last decade. It was a failure of forecasting, of foresight, of politics. And as the opinion polls have shown very clearly in the last ten years, the reality of migration and people's concerns about it have given rocket boosters to scepticism and hostility towards the EU' (Balls 2016: 185).

The exit therefore contained the promise of regaining control over immigration.

The migration issue resonated not only with the Conservative electorate, but also in the Labour Party's heartlands. Classic socialist positions also resonated there. For the deindustrialised and deprived regions, 'Taking Back Control' meant that an active and effective state would nationalise the old key industries, thus taming capitalism and restoring pride to the working class. This could only be achieved outside the EU (Mattinson 2020; Payne 2021; Winlow et al. 2017).

Therefore, the slogan 'Taking Back Control' proved highly effective. It contained a pertinent and positive message, promising the prospect of a better and self-determined future. It succeeded in uniting two political camps that otherwise had nothing in common. The thin bond between the two camps may be denoted as a 'thin ideology' (cf. Biebricher 2023: 498–500; Eatwell & Goodwin 2018: 21–23). However, this is not true for the ideas used to justify the withdrawal in either camp – apart from the 'delusions of empire' of course.

III. 'All Out War'

On 03.02.2016, Boris Johnson announced his intention to vote for Brexit and support the Leave campaign because, as he wrote in his (worth reading and entertaining) memoirs, he believed this was the right thing to do (Johnson 2024: 197–199). His political opponents (and some of his supporters), however, accused him of 'backing Leave for the simple and cynical motive of advancing his career' (Shipman 2017: 171). He had wanted to become Prime Minister since his youth (Shipman 2017: 159). He was somewhat belatedly successful in this endeavour.

Even though in the United Kingdom, deep-seated and long-standing reservations about the EU were crucial (Nedergaard/Henriksen 2018; Hawkins 2022) and the campaigns of both camps triggered only minor voter shifts, Johnson's move was favourable for Leave given the narrow gap between them. Johnson became the figurehead of a campaign that perfectly exploited the contrast between ordinary people (Leave) and the establishment (Remain) (Clarke et al. 2017a: 85, 171; Clarke et al. 2017b: 451–453).

The symbol for 'Vote Leave' was a red bus with a sign promising an additional £350 million per week for the cash-strapped National Health Service, coming from the £20 billion saved in EU contributions. However, this calculation did not take into account that withdrawal would also mean the loss of EU funding, and the net relief would be correspondingly lower. This was one of the numerous exaggerations, distortions, and half-truths in the Leave campaign that led to the accusation that the majority for Brexit was achieved only by lies and deceptions. Survey research cannot confirm this assessment (Whiteley et al. 2023: 7–9; Eatwell & Goodwin 2018: 30).

The leader of the United Kingdom Independence Party, Nigel Farage, ultimately crossed the line of what was acceptable. The party never missed an opportunity to accuse the so-defamed 'establishment' of betraying the interests of the people. Programmatically, this already characterises it as a populist party (Webb/Bale 2021: 16–17).

A few days before the vote, UKIP presented the poster ‘Breaking Point’, depicting a long line of people who had fled via the Balkan route and who were escorted by police forces in Bavaria from the border crossing to a reception centre. The claim was that, following Turkey’s allegedly imminent accession to the EU, the immigration of millions of people to the United Kingdom could not be prevented as long as the country remained a member of the EU. This was simply untrue.

The populist UKIP further inflamed the already tense atmosphere, as for the population, ‘taking back control’ primarily meant an end of immigration to the United Kingdom (Clarke et al. 2017a: 47). A few hours after the poster was launched, a right-wing extremist murdered Labour MP Jo Cox. Farage condemned the act but denied any connection to his repugnant campaign. The Leave campaign distanced itself from the act and from Farage (Shipman 2017: 338–340), but this did not change the rhetoric and the increasingly toxic atmosphere. Due to the countless insults, denigrations, attacks, and even death threats, many parliamentarians, including a disproportionate number of women, decided not to run for re-election in both 2017 and 2019.

Therefore, it remains to be noted that the debate about Brexit was conducted using populist means and that it was characterised by an above-average level of aggression and violence. However, political leaders unanimously condemned and rejected the use of violence.

What some actors can be criticised for, however, is that they stuck to their rhetoric and denied that it could be connected to the growing violence. For example, Johnson persistently referred to the Benn Act, which forced him to request a postponement of the withdrawal deadline against his will, as a ‘Surrender Act’ (Hansard, HC Deb., Vol. 664, 25.09.2019, col. 774–821). When asked to moderate his rhetoric because it had inflamed public sentiment to such an extent that Jo Cox was murdered, he responded by saying: ‘I have to say that I have never heard such humbug in all my life’ (Hansard, HC Deb., Vol. 664, 25.09.2019, col. 795).

IV. The 'People' versus a 'Corrupt Elite'?

Following a lawsuit by London investment banker Gina Miller, the High Court ruled in November 2016 that the withdrawal notification could only be made on the basis of an Act of Parliament. The Daily Mail defamed the three judges of the court as 'Enemies of the People' and published details of their private lives. Minister Sajid Javid accused them of seeking to undermine the 'will of the people' (Shipman 2018: 51). Since the High Court had only decided on a procedural matter, this was nonsense. It took Liz Truss, the Lord Chancellor, three days until she defended the judges and she did so in a quite lukewarmly way. According to the Bar Council, this was 'constitutionally absolutely wrong' (quoted in Le Seuer et al. 2023: 112). The then President of the Supreme Court, Lord Neuberger (Le Sueur et al. 2023: 397–398), and its later President, Lady Hale, warned that attacks like the one in the Daily Mail could undermine the independence of the judiciary (Hale 2022: 230–231).

Liz Truss, however, justified herself in a book she wrote about her time in office:

> 'I found the outrage completely mystifying. Of course I supported and do support the independence of the judiciary and had indeed sworn an oath to uphold the rule of law. But this was a headline in the Daily Mail, not an attempted coup. I also believe passionately in the freedom of the press and in the right of people to criticize those in a position of authority. In my view, the Daily Mail was perfectly entitled to criticize judges, and judges were perfectly at liberty to ignore the newspapers' (Truss 2024: 80).

Certainly, these are defiant words. Further, the term 'enemies' is certainly more than just criticism. However, some law experts shared the opinion that freedom of expression is a valuable asset and that the judiciary in a democratic state must endure criticism. Furthermore, it is true that the foundations of judicial independence – independent election of judges, judges serving for life, judicial immunity, no political influence on proceedings, and a guarantee of legal recourse – were never challenged (Le Sueur et al. 2023: 399–401; Russell & James 2023: 269–274).

Finally, Theresa May's government left no doubt that it intended to comply with the ruling. 'We introduced the most straightforward possible Bill necessary to enact the referendum result and respect the Supreme Court's judgment' (Hansard, HC Deb., Vol. 623, 13.03.2017, col. 38). The Notification Act was passed by a large majority (494 to 122, see Hansard, HC Deb., Vol. 621, 08.02.2017, Division 161). When the Supreme Court upheld the High Court's November 2016 decision on 24.01.2017, the ruling did not lead to any further protests of any significance.

After the court ruling, the debate shifted back to the House of Commons, where three quarters of the members were against withdrawal, as well as a majority in the Conservative Party (Clarke et al. 2017a: 30). Since the referendum was not legally binding, the decision remained with Parliament. Against this background, David Nuttall, MP for Bury South, set the tone at the end of the debate on the EU (Notification of Withdrawal) Bill: 'The people have spoken. This House must now act accordingly' (Hansard, HC Deb., Vol. 620, 31.01.2017, col. 995).

However, this was merely a political statement, because from a legal perspective, Nuttall's 'must' categorically contradicted the foundations of the British constitution. No one and nothing can legally bind Parliament, and according to orthodox doctrine, a referendum could not even have a politically binding effect. 'Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion' (Edmund Burke, quoted in Fischer 2022: 147; cf. Sternberger 1967: 526–543). Nevertheless, references to the referendum would dominate the debate over the next two years and demonstrate the incompatibility of referendums with parliamentary supremacy.

To make matters worse, the May government unexpectedly lost its majority in the 'snap election' of 08.06.2017, which the Prime Minister herself had initiated. From then on, the government depended on the support of the Northern Irish unionists from the Democratic Unionist Party. Because approximately 20 staunch EU supporters still belonged to the Conservative Parliamentary Party (Russell & James 2023: 184), the government was effectively incapable of taking action. Increasingly desperate, it therefore referred to the 'will of the people' to persuade Parliament to approve its policies. In this sense, Theresa May portrayed the referendum as an 'instruction' from the people. 'I became Prime Minister immediately after that referendum. I believe it is my duty to deliver on their instruction and I intend to do so' (Hansard, HC Deb., Vol. 652, 15.01.2019, col. 1126 – my emphasis). Nevertheless, May suffered the worst defeat in recent Parliamentary history after she had tabled the withdrawal agreement she had negotiated with the EU

(Hansard, HC Deb., Vol. 652, 15.01.2019, col. 1122; f. Russel & James 2023: 183–184). She stuck to her strategy:

> 'Parliament promised to abide by the result. Parliament invoked article 50 to trigger the process. And now Parliament must finish the job. That is what the British people expect of us and, as I find when speaking to my constituents and to voters right across the country, that is what they demand.' (Hansard, HC Deb., Vol. 652, 16.01.2019, col. 1178),

but without success. After the second heavy defeat in Parliament on 12.03.2019 (Hansard, HC Deb., Vol. 656, 12.03.2017, col. 291) Michael Gove repeated the position of the government: "17.4 million people–a clear majority–voted to leave. That is a mandate that we must respect, and an instruction that we must deliver." (Hansard, HC Deb., Vol. 656, 13.03.2017, col. 383 – my emphasis).

After May's aborted third attempt to persuade the House of Commons to approve the withdrawal agreement with the EU on 29.03.2019 (Hansard, HC Deb., Vol. 656, 29.03.2019, col. 771), her downfall was only a matter of time. The members of the Conservative Party voted for a successor to the office of party leader and thus prime minister, who offered them the guarantee that the exit would be implemented within the extended deadline of 31.10.2019.

Boris Johnson formed a cabinet of Brexit supporters and appointed Dominic Cummings, the architect of the Leave campaign, as his special advisor. This immediately changed the tone. The new government portrayed itself as the advocate of the 'people', seeking to enforce their will against the 'elite', embodied by Parliament.

> 'The people of this country can see perfectly clearly what is going on. They know that Parliament does not want to honour its promises to respect the referendum […]this Parliament is gridlocked, paralysed, and refusing to deliver on the priorities of the people. […]We will not betray the people who sent us here; we will not. That is what the Opposition want to do. We will not abandon the priorities that matter to the public' (Hansard, HC Deb., Vol. 664, 25.09.2019, col. 774–776).

Did this rhetorical cannonade serve another purpose than to clarify the fronts for the foreseeable election? Did it, perhaps, aim at despising and delegitimising Parliament?

V. Delegitimising the ancient institutions?

Both means are part of the standard repertoire of populism (Müller 2020: 66). However, phrases like 'this Parliament is gridlocked, paralysed' (Johnson) or '[t]his Parliament is a disgrace' (Attorney General Geoffrey Cox, Hansard, HC Deb., Vol. 664, 25.09.2019, col. 659) must be viewed against the background of the rules and functions of British parliamentarism in the extraordinary political and constitutional situation of autumn 2019.

The pronoun 'this' does not refer to Parliament as an institution, but rather to the 56th Parliament in its composition at the time, as it emerged from the election of 08.06.2017. Currently, the 58th Parliament is in session. Furthermore, Johnson aptly described the situation with the adjectives 'gridlocked' or 'paralyses'. As a result of the 2017 election, the government was dependent on the DUP to maintain a majority in the House of Commons. After the expulsion of 21 members of the Conservative Parliamentary Party on 04.09.2019, the government had lost this majority (Russell & James 2023: 264–265; Seldon & Newell 2023: 82–86). This completed the deadlock between government and Parliament.

The House of Commons was neither obliged nor willing to agree to the government's policies. Six months earlier it in vain had already looked for other proposals capable of securing a majority in a series of abortive 'indicative votes' (Hansard, HC Deb., Vol. 657, 27.03.2019, col. 482–513; Hansard, HC Deb., Vol. 657, 01.04.2019, col. 893–910). This left the government and Parliament in a deadlock. To overcome a deadlock, the Westminster model stipulates that a) the House of Commons supports a newly formed government, b) the House of Commons expresses no confidence in the government of Her Majesty, thus forcing its resignation and new general elections, c) the Prime Minister requests a vote of confidence or resigns, triggering new general elections, or d) the Prime Minister dissolves Parliament using the Prime Minister's power.

However, these rules had changed with the Fixed-term Parliaments Act 2011 (FTPA).

When it became known in mid-August 2019 that the Johnson government was planning to prorogue Parliament, opposition leader Jeremy Corbyn considered the possibility of a minority government supported by the SNP and the Liberal Democrats. The move came to nothing because neither the SNP, the Liberal Democrats, nor the breakaway Conservatives considered Corbyn a conceivable Prime Minister (cf. Russell & James 2023: 258–260).

The only remaining option was a snap election, but due to the Fixed-term Parliaments Act 2011 (Schieren 2023), Johnson could no longer do so without parliamentary approval, as his predecessors had been able to in the past. Therefore, he tabled three motions for self-dissolution of Parliament, and failed each time to obtain the two-thirds majority required by Sec. 2 (1) of the FTPA (Hansard, HC Deb., Vol. 664, 04.09.2019, col. 291–316; Hansard, HC Deb., Vol. 664, 09.09.2019, col. 616–645; Hansard, HC Deb., Vol. 667, 28.10.2019, col. 54–81).

Furthermore, the FTPA had ruled out the possibility that a resignation could lead to a general election. Even a fictitious vote of confidence risked being ruled inadmissible by the courts. Moreover, the Conservatives did not want to enter an election with a Prime Minister whom they had previously, albeit fictitiously, withdrawn confidence from (Norton 2020: 121–123).

Consequently, it was accurate to speak of a 'gridlock' and to accuse the House of Commons of refusing to comply. Johnson's assertion that 'the electorate are being held captive by this zombie Parliament' (Hansard, HC Deb., Vol. 664, 25.09.2019, col. 780) was inappropriate in its wording but accurate in its description of the situation. Leaving the decision about who should govern in the future to the voters by dissolving Parliament certainly cannot be considered populist or undemocratic. This is what the constitution stipulated (Young 2024: 35–37).

VI. Disregarding the rules and the law?

1. Prorogation

Since his hands were tied by the FTPA, Boris Johnson announced the 'prorogation' of Parliament from 10.09.2019 to 14.10.2019 as a surrogate on 28.08.2019. This was his prerogative power (Sec. 6 (1) FTPA). It was, however, unusual that Johnson had not informed his cabinet about his decision. Equally unusual was the five-week duration. Since the 1930s, a prorogation had never lasted longer than three weeks. The timing also aroused suspicion: just days before the important European Summit on 17. / 18.10.2019, and just weeks before 31.10., the withdrawal date. Obviously, it was the government's intention to remove Parliament from the game in the crucial weeks before the exit date (Russell & James 2023: 263–264). In the end, the government failed. However, was it a calculated breach of the law? Was the government toying with the idea of ignoring an unfavourable ruling? Did the government intend the courts to yield? In all cases, the answer is no.

A. Showdown in the House of Commons and the Benn Act 2019

The press and literature often claim that the Supreme Court prevented a no-deal exit with its ruling (see 6.1.2.). This is not accurate. Parliament itself ensured this by passing the EU (Withdrawal) (No. 2) Act 2019, named after Labour MP Hilary Benn and also known as the Benn Act.

After Parliament returned from its summer recess, Boris Johnson declared that under no circumstances would he apply for the extension of the exit date. 'If this Government are in charge and I go to Brussels, I will go for a deal and I believe I will get a deal, and we will leave anyway – even if we do not, we will leave anyway on 31 October' (Hansard, HC Deb., Vol. 664, 03.09.2019, col. 140). This threatened a no-deal Brexit.

Due to the impasse described between the government and Parliament, Parliament decided to take an unusual step. It assumed control of foreign policy, which normally falls within the domain of the government under royal prerogative. Parliament decreed by law that the government had to submit a request for an extension of the withdrawal deadline by 19.10.2019 at the latest if it had not obtained the approval of the agreement negotiated with the EU by the House of Commons by then.

In order to even get the bill onto the agenda, the House of Commons suspended other provisions. In regular parliamentary business, the government sets the parliamentary agenda (Sec. 14 Standing Order). Motions from the opposition and individual MPs usually do not even make it onto the agenda. In order for Hilary Benn's motion to be tabled at all, a motion for an 'emergency debate' (Sec. 24 Standing Order) had to be submitted and agreed to by the House of Commons. Its Speaker decides on the admission of motions.

In keeping with the practice of the Westminster model, only motions that can count on the government's approval make it to the Chamber. Benn's 'private members' bill' would have had no chance of being debated under normal circumstances. However, Speaker John Bercow allowed an 'emergency debate' contrary to the established parliamentary rules, in which the House of Commons then decided to suspend Sec. 14 Standing Order for some sitting days in order to determine the agenda itself. Against the government's wishes, the House of Commons agreed to the temporary suspension, allowing the Benn Act to be tabled, debated, passed in record time in the House of Commons and the House of Lords, and to receive Royal Assent on 09.09.2019, one day before the planned adjournment of Parliament.

All this was possible because the rules regulating the Westminster model were suspended. The initiative for these deviations did not come from the government. In fact, the government even showed restraint and respect for the unwritten rules of the constitution. In principle, it would have had the power to advise the Queen to refuse her Assent to the Benn Act. The Queen would then have had to choose whether to violate the convention and disregard the government's advice, or to follow it and thereby refuse to implement a law passed by Parliament following due process. Johnson considered this option, but his Attorney General Geoffrey Cox advised him against it because it would have put the Queen in an untenable position that Johnson did not want to put her in. He therefore refrained from giving advice (Shipman 2024b: 72), thus following the convention of refraining from anything that would draw the Queen into day-to-day politics or discredit her (Brazier 1999: 193–195; Norton 2020: 32–35).

Further, Johnson proved to be law-abiding with regard to the Benn Act. After a final attempt to obtain the necessary 'meaningful vote' from the House of Commons had failed on 19.10.2019 (Hansard, HC Deb., Vol. 666, 19.10.2019, col. 598–672), he requested an extension under the EU (Withdrawal) No. 2 Act (Schieren 2023: 673).

B. Miller II

By this time, the Supreme Court had already inflicted another major defeat on the government. It declared the government's advice to the Queen to prorogue Parliament for five weeks to be 'unlawful' (R (on the application of Miller) v The Prime Minister and Others UKSC [2019] 49, para 69).

Did the government advise the prorogation knowing, or at least expecting, that it was unlawful according to the Supreme Court? Was it seeking a confrontation with the Court? The answer is no.

The government did not expect that the Supreme Court would rule on the use of the prerogative to prorogue Parliament.

> 'The powers of the courts were [...] limited: in accordance with traditional orthodoxy the courts would only control the existence and extent of prerogative power, they would not inquire into the manner of exercise of an admitted prerogative.' (Craig 1998: 81; cf. Casson/Scott 1985: 146).

The dissolution and prorogation of Parliament were 'high politics'. The House of Lords doubted that such a subject 'could be successfully challenged on grounds of irrationality' (Craig 1998: 83). Generally, such decisions were deemed political and therefore 'non-justiciable' (Williams 2018: 51).

Furthermore, there were some convincing arguments to prorogue Parliament. The prorogation would end one of the longest "sessions" in parliamentary history. Additionally, Johnson had taken office during the current legislative period and had a legitimate interest in presenting his agenda to Parliament and the public at the ‘State Opening’ of Parliament, following a prorogation, in the obligatory ‘Queen’s Speech’. These were reasonable motives.

However, the long duration, the timing, and the obvious intent of the prorogation were remarkable. Was the government abusing its prerogative powers? Did this impermissibly curtail the rights of Parliament? Was the judiciary in command for reviewing this and, if necessary, providing relief?

The courts involved already disagreed on the answers to those questions. The Inner House of the Scottish Court of Session and the English Court of Appeal dismissed the challenges to the prorogation as ‘non-justiciable’. The Outer House of the Scottish Court of Session and, ultimately, the Supreme Court ruled in the opposite direction. They delivered a ‘radical judgment’ (Samson 2022: 32) that is closer to the continental European understanding of the separation of powers than to the British constitutional tradition. It shifted the ‘ground rules of our constitution’ (Finnis 2021; more cautiously, Cox 2021: ch. 6).

First, the Supreme Court had to clarify whether Sec. 9 of the 1689 Bill of Rights applied. This section shields ‘proceedings in Parlyament (sic)’ from any form of judicial review and establishes a ‘statutory zone of non-justiciability’ (Finnis 2021: 319). Was the prorogation such a proceeding of Parliament?

The Supreme Court ruled that the prorogation was not a ‘decision of either House of Parliament. Quite the contrary: it is something which is imposed upon them from outside’ (R (on the application of Miller) v The Prime Minister and others UKSC [2019] 49, paras. 68 et seq.). From ‘outside’ because formally the order came from the Queen, on the advice of Her government.

To reach this result, however, the Supreme Court had to redefine of what parts the Parliament is composed. Erskine May’s canonical legal text, Parliamentary Practice, states: ‘Paragraph 1.1: Parliament is composed of the Sovereign, the House of Lords, and the House of Commons. Collectively, they form the legislature and, as distinct constituent parts of the constitution, exercise functions and enjoy privileges peculiar to each’ (UK Parliament 2019; cf. Dicey 1915: 424–425). However, in Miller II, the Supreme Court separated the Crown from the other two parts of Parliament, placing it ‘outside’ of Parliament and thus abolishing the ‘Crown in Parliament’ as a legal entity of the British constitution. In doing so, it redefined the separation of powers, another of its fundamental principle, and installed an institutional separation of powers that had previously been functional (Finnis 2021: 308; cf. Samson 2022: 32).

Erskine May further states in paragraph 8.5: 'The prorogation of Parliament is a prerogative act of the Crown. Just as Parliament can commence its proceedings only at the time appointed by the Queen (sic), so it cannot continue them any longer than she (sic) pleases' (UK Parliament 2019, 06.06.2025). This constitutional convention was 'neither followed nor even acknowledged' (Finnis 2021: 312), because now the Supreme Court ruled that Parliament had to continue.

After the Supreme Court had thus established the justiciability of the prorogation, the next step was to prove the unlawfulness of the ministerial advice. Considering its duration, timing and discernible intent, the Supreme Court ruled that the five-week prorogation had impermissibly restricted Parliament's ability to exercise its central functions of legislation and controlling the government (R (on the application of Miller) v The Prime Minister and Others UKSC [2019] 49, para. 50), rendering it illegal.

However, is this a sound argument? Did Parliament really need the protection of the Supreme Court? Considering the events, this is doubtful, because Parliament had proven itself capable of enforcing its political will. It had already taken precautions to this end in the summer of 2019. Parliament had used the situation in Northern Ireland, where there had been no regional government for months, to force the government in Whitehall, against its will, to keep it continuously and regularly informed about the situation in Northern Ireland through the Northern Ireland (Executive Formation) Act 2019. This prevented the government from announcing the prorogation, which had been speculated about since summer 2018, without Parliament reconvening after the summer recess (Finnis 2021: 323; Russell & James 2023: 250–256).

Thus, there were five sitting days from 03.09. to 10.09.2019, during which Parliament did not prevent the prorogation, but destroyed its underlying intention. The Benn Act (see 6.1.1) forced Johnson to request an extension, thus averting a no-deal Brexit. It is therefore not immediately clear why the Supreme Court concluded that Parliament was being obstructed in the exercise of its central functions (Finnis 2021: 322–324).

By nevertheless elevating itself to the role of 'guardian of the Constitution', the Supreme Court cast doubt on the fundamental principle of parliamentary supremacy, although it asserted upholding it by its decision, and overturned the idea of 'responsible government' inherent in the Westminster model, which includes 'judicial restraint'. According to Aileen McHarg, the judgment converts 'the government's conventional duty to account to Parliament into a legally-enforceable obligation' (McHarg 2020: 95 – original emphasis). Thus, the court overlooked the 'efficient secret' (Walter Bagehot) of the British Constitution, 'arising from the constitutional fusion of executive and legislative authority' (McHarg 2020: 92–94; cf. Schieren 2022: 169–171).

It should have become clear by now that the ruling was highly controversial (Norton 2020: 85) and 'far from unassailable' (McHarg 2020: 93). In an initial reaction, Jacob Rees-Mogg, at the time Leader of the House of Commons, therefore spoke of a 'constitutional coup' (Rees-Mogg 2019), which is not entirely unreasonable given the subsequent analysis by scholars. However, the next day, Attorney General Geoffrey Cox corrected his Cabinet colleague in the House of Commons:

> 'The Government accept the judgment and accept that they lost the case […] I do not think that it was a constitutional coup. […] The Supreme Court has made new law. Let us be absolutely clear: from now on, the prerogative power of Her Majesty, advised by the Prime Minister, can be the subject—the justiciable subject—of the court's control, and that was a judgment that the Supreme Court was perfectly entitled to make' (Hansard, HC Deb., Vol. 664, 25.09.2019, col. 652, 655–656).

The government therefore did not hesitate and was emphatic in its efforts to nip in the bud any suspicion that it might disregard the court and ignore the judgment.

For Johnson, who was at the United Nations in New York on the day the ruling was announced, the defeat in court represented one of the most serious personal and political crises of his time in office (Johnson 2024: 3–5). Outwardly, he appeared unshaken: 'I strongly disagree with this judgment' (quoted in Shipman 2025: 91). At the same time, upon his return from New York, he assured 'that we are as one in respecting the Supreme Court, and we are as one in thinking that that judgment was wrong', and 'I repeat the confirmation I have made many times that this Government observe, and will observe, the law' (Hansard, HC Deb., Vol. 664, 25.09.2019, col. 785, 788).

Therefore, one cannot observe that the government had any intention to disregard the institutions or the law. The government even exercised restraint, again, if one compares it with the reaction of scholars and lawyers, some of whom regarded the Supreme Court verdict as 'yet another worrying example of the misuse of judicial powers in politics' (Whiteley et al. 2023: 40). John Finnis called the ruling a 'revolutionary error' (Finnis 2021: 328). Cunliffe accused the Supreme Court of having 'usurped Parliament's authority by intervening' in politics (Cunliffe et al. 2023: 111). Even those who welcomed the outcome of the ruling acknowledged that it shifted the foundations of the British constitution (Russell & James 2023: 269–274; Hövelmeyer 2024: 245–247). The government was therefore far from making a foreseeable wrong decision. Furthermore, it certainly had no intention of challenging the Supreme Court.

Therefore, the rule-breakers, if you can call them that, were not sitting at 10 Downing Street, but rather across the street in the Middlesex Guildhall at Parliament Square.

2. 'Get Brexit Done' and 'Levelling Up'

After Johnson requested an extension, the path for a snap election was cleared. The Labour opposition tried in vain to focus on the social consequences of the Conservative government's austerity policies and the NHS in its hard-left election manifesto. The Conservatives' 'Get Brexit Done' dominated. This campaign particularly targeted voters in the so-called 'Red Wall', i.e., the regions of the deindustrialised and deprived North, Northeast, and Midlands, who had voted for Labour since time immemorial and had been hostile to the Conservatives because of Thatcher's policies. However, with regard to the migration issue in connection with Brexit, Labour lost votes in all directions in these regions, allowing the Conservatives to win the election triumphantly (Denver & Garnett 2021: 224–226).

The combination of conservative positions in economic policy and 'law and order' on the one hand, with a policy of state intervention on the other hand, as expressed under the slogan 'levelling up', creates the appearance of a political orientation more frequently found among populist parties and movements (Biebricher 2023: 518–520).

As for Johnson, he probably had primarily electoral considerations in mind when he promoted a policy of 'levelling up', but ultimately, the foundation of his platform proved too flimsy. It didn't last much beyond election day. 'Levelling up' remained the label for a policy that Johnson was unable to push through within his party. While northern MPs pleaded for state investment, those from the 'Blue Wall' in the south feared competition from the Liberal Democrats. Thus, nothing progressed. By the time Johnson's Levelling Up Minister finally presented his White Paper, Johnson was already fighting for political survival. His successor, Liz Truss, had no room left for 'levelling up', and her successor, Rishi Sunak, ended the flagship of this policy in 2023, the HS2 high-speed rail line, which was supposed to connect Birmingham with Manchester and Leeds (Bale 2023: 192, 230).

3. Internal Market Bill 2020 and Northern Ireland Protocol Bill 2022

A major obstacle to an agreement between the United Kingdom and the EU was the special situation in Northern Ireland. In order to achieve an agreement with the EU, Johnson made concessions that he had previously ruled out to his fellow citizens. It is possible that Johnson only agreed to the compromise with Brussels because he believed he would not have to keep the commitments he had made. In any case, the Internal Market Bill 2020 contained provisions that clearly violated the agreements that had just been reached. While the House of Commons followed the government's line, the House of Lords opposed it. After the EU also issued a clear response, the government withdrew the bill. A new attempt to circumvent the agreement in the Northern Ireland Protocol Bill in early summer 2022 was not pursued after Johnson's ouster by Rishi Sunak, who then negotiated the legally compliant Windsor Framework (see Le Seueur et al. 2023: 109; Young 2024: 120–132, 197).

4. Party Gate, the Pincher Affair, and Johnson's Downfall

Whenever his inner circle or himself were concerned, Johnson was ready and willing to disregard the rules or change them to his advantage. 'The premiership of Boris Johnson MP 2019–22 marked a new low in respect for the rule of law' (Le Seueur et al. 2023: 107; cf. Hennessy 2023).

In 2020, the Parliamentary Commissioner for Standards imposed sanctions on Owen Paterson, a close confidant of Johnson, for violating the Code of Conduct for MPs. The Committee of Standards, a committee of the House of Commons, upheld the decision and recommended its adoption to the House of Commons, which had the final say on sanctions. The sanctions could have led to Paterson's dismissal from office. While the Code of Conduct undoubtedly needed revision, Johnson's amendment was too obviously aimed at exonerating his confidant. This behaviour, bordering on ruthlessness, prompted the Commissioner to resign. Public outrage ultimately led to Paterson's resignation (Young 2024: 99–101; Seldon & Newell 2023: 538–540).

Shortly thereafter, Johnson was accused of having repeatedly violated the coronavirus regulations issued by his government. As the violations constituted criminal offenses, the Metropolitan Police initiated an investigation. A total of 83 people living and working in Downing Street received penalty notices, including Boris Johnson, his wife, and Chancellor Rishi Sunak. Both, however, remained in office (Le Seueur 2023: 108; for more details Shipman 2025: chs. 20–22). Twenty years earlier, resignation would have been inevitable.

In the spring of 2022, the Conservatives fell behind Labour in the polls. Losses in the local elections in May were heavy. As soon as the celebrations for the Queen's 70th anniversary had ended, Johnson faced a vote of no confidence from the Conservative Parliamentary Party, which he narrowly survived by 211 to 148 (Seldon & Newell 2023: 542–544).

Nevertheless, Johnson did not change his behaviour. Although he knew about the allegations that Chris Pincher had committed sexual assault, he wanted to promote him. This became impossible after the allegations became public. Pincher was expelled from the party. But Johnson publicly denied that he had been aware of the allegations at the time of his appointment. The fact that this was patently untrue was the last straw. On 06.07.2022, Johnson bowed to the pressure from his party, after more than 60 of his ministers had resigned. In his resignation speech, Johnson did not mention the events that led to his downfall (Shipman 2025: 525–527).

The Party gate affair had repercussions. Since the Committee on Privileges believed Johnson had lied to Parliament about the parties at 10 Downing Street, it recommended that the House of Commons should suspend Johnson from Parliament for 90 days. On 19.06.2023, the House of Commons approved the motion with 354 votes, including 118 former party colleagues, while only seven of the most loyal members voted for Johnson (Hansard, HC Deb., Vol. 734, 19.06.2023, col. 583–664; Young 2024: 12–13). Deeply shocked, Johnson called the committee a 'kangaroo court' and resigned his mandate as a simple MP (Shipman 2025: 767–769).

Less than a year earlier, Johnson's political survival was still at stake. According to a report by Sebastian Payne, he showed an unfathomable willingness to use the constitutional powers vested in him to prevent his removal from office, thereby disregarding fundamental principles of the unwritten constitution. Johnson allegedly wanted to dissolve Parliament and call new elections to prevent the House of Commons from bringing a vote of no confidence against him. Meanwhile, according to the Dissolution and Calling of Parliament Act 2022, the right to dissolve Parliament had returned to the Prime Minister. The chairman of the 1922 Committee, Graham Brady, Simon Case as Head of the Civil Service, and the Queen's Private Secretary, Edward Young, were able to dissuade Johnson from this idea. Otherwise, they would have recommended that Elizabeth II remain 'unavailable for a day' to gain sufficient time for Johnson's overthrow (Payne 2022: 208–209; Norton 2023: 87).

Now the time had come for the opposition to table a motion of no confidence. Normally, the government does not remove a motion of no confidence from the opposition from the agenda of the House of Commons, as is the case with other opposition motions outside of the 20 opposition days per session. Nevertheless, the government did not include the motion of no confidence tabled against the

Prime Minister by opposition leader Keir Starmer on 12.07.2022 in the agenda. However, this did not constitute a breach of convention, as motions of no confidence usually are directed against the government and not against the Prime Minister personally. The government therefore offered the opposition the opportunity to table such a motion. Starmer, for his part, did not want to do so, as his motion was intended to give Johnson's critics the opportunity to vote against him without bringing down the government and triggering a general election. This, in turn, was something the government wanted to avoid. A few days later, Johnson himself submitted a vote of confidence, which he clearly won by 349 to 238, because the Parliamentary Party voted unanimously in favour of the government (Hansard, HC Deb., Vol. 718, 18.07.2022, col. 726–812; Buchsteiner 2022).

While the government's manoeuvres did not change the political outcome, Johnson had to hand over his office to Liz Truss on 06.09.2022. However, his willingness to circumvent constitutional principles for easy gains in external image and perception bears the characteristics attributed to populist politicians. Yet, institutions and individuals proved resilient enough to repel such attacks.

5. Her Majesty's Government and the Judiciary

At the height of the dispute between the government, Parliament, and the judiciary, there were fears that Johnson might disregard the law despite all his assurances. However, Johnson complied with the Benn Act and adhered to the Supreme Court's ruling.

Nevertheless, there was an evident 'lack of adherence to the duty of candour' in immigration law, which can be described as 'unusual' (quoted from Young 2024: 137–138, from R. (HM) v. Secretary of State for the Home Department [2022] EWHC 696 (Admin.) and Ibid. 2729).

For example, the Home Secretary disregarded a ruling by the competent tribunal on the conditions for an immigrant and imposed other, more stringent ones with the justification that he considered the decision unlawful. The Supreme Court stated unequivocally that the Home Office could not arbitrarily ignore a ruling and had to abide by it. If the Minister had doubts about the legality of a tribunal decision, he was not entitled to change it. He had to refer the matter to the ordinary courts. Only the courts may decide on legality, not the government itself. The government complied (Young 2024: 138–139).

A court order required the government to enact immigration legislation for the entire kingdom, not just England, Wales, and Northern Ireland, so that claimants in Scotland could also assert this right. The ministry ignored this order for over two years, until the Supreme Court enforced the law (Young 2024: 134–135).

These cases certainly raise eyebrows, but compared to the abundance of judgments that the authorities follow, the cited cases are the famous exceptions that prove the rule (Young 2024: 139).

VII. Dismantling the State and its institutions?

1. 'Britain Unchained'

Margaret Thatcher had attempted to overcome the constraints imposed on the executive by the unwritten rules of the British Constitution and intermediary institutions such as the BBC and the Church of England, but had been prevented from doing so by her own Conservative Party (Dorey 2023: 133–135). Now, the 'Blunder of Brexit' (Jo Murkens) seemed to provide the opportunity for a fundamental restructuring of society, the economy, and the state, considered necessary by market liberals and radical libertarians who regarded themselves as Thatcher's successors (Slobodian 2019; 2023: ch. 2). On 06.09.2022, the market radicals and populists appeared to have achieved their goal: Liz Truss became Prime Minister. She had presented her 'strategy'(Truss 2024: 228) ten years earlier in the book 'Britain Unchained'. Together with her Chancellor of the Exchequer, Kwasi Kwarteng, who co-authored the book, she immediately set about implementing her radical liberal program (Cliffe 2022) – and failed spectacularly. After only 44 days in office, she announced her resignation. In populist fashion, she blamed the 'establishment in Westminster and Whitehall' (Truss 2024: 69) for her failure. She uses this phrase on 13 of the 50 pages of her memoirs, in which she deals with the referendum, Brexit, and judicial reform (Truss 2024: 55–100). However, it is probably more accurate to say that Truss failed because of her own shortcomings (Seldon & Meakin 2024).

2. The Dissolution and Calling of Parliament Act 2022

In March of 2022, the Dissolution and Calling of Parliament Act 2022 received Royal Assent. The Act repealed the Fixed-Term Parliaments Act 2011 and restored the previous legal status, which granted the Prime Minister the right to dissolve Parliament and call new elections whenever the Prime Minister deemed appropriate. Furthermore, in response to the Supreme Court's Miller II ruling, the Act contained an 'ouster clause' that removed this decision from judicial review.

The right to dissolve Parliament is a key source of the Prime Minister's prominent position in the political system (Schieren 2025). However, its reassignment to the Prime Minister is not an indication of an authoritarian restructuring of the state in which checks and balances institutions are curtailed. In fact, the Fixed-Term Parliaments Act 2011 had proven dysfunctional (Schieren 2023). Its repeal was therefore justified. In addition, the Prime Minister's powers were not expanded in a historically unprecedented manner. Rather, the status quo ante was restored, which was not suspected to be authoritarian although it had been repeatedly criticised since the 1980s (Schieren 2025).

3. Channel 4 and the BBC

Another characteristic of populist politics is campaigning against public service media, whose impartial and critical reporting is a thorn in the side of the populists. Channel 4, founded in 1982, is legally a private company but is wholly owned by the state. When its licence came up for renewal in 2021, the Johnson government considered selling its shares to a private investor. The government conducted a public consultation, in which 15.329 people participated. 89 percent of them opposed the privatisation plans. With its clear majority in Parliament, the government could have ignored the vote. Instead, it dropped its plans (Young 2024: 174–176).

Nadine Dorries, Secretary of State for Digital, Culture, Media and Sport in Boris Johnson's last cabinet and, bizarrely, his unconditional supporter (see Dorries

2024), made no secret of her disliking the BBC and pushed for reform of the company. Her efforts were unsuccessful. While the BBC was not spared the austerity policies of the Conservative governments from Cameron to Sunak, it remains a leading media company. Its coverage of Boris Johnson's affairs contributed significantly to his downfall.

4. Reform of the Electoral Commission and the Electoral Integrity Act

A standard populist tactic involves manipulating electoral rolls or constituency boundaries (gerrymandering) to diminish the chances of success for political opponents and improve one's own. Majority voting systems are particularly vulnerable to this. In Great Britain, the Electoral Commission oversees elections and referendums and makes proposals for constituency changes. It can also impose penalties for violations. The 2022 reform of the commission raised fears that its independence could be curtailed. This proved to be unfounded. The changes addressed aspects that were indeed in need of reform (Young 2024: 178–180).

The Electoral Integrity Act introduced an ID card. This was highly controversial within the Conservative Party, which categorically rejects identity cards. The justification was to curb electoral fraud. Electoral fraud, however, was not a real problem. The law made voting more difficult, especially for students who did not live where they studied. These were primarily Labour voters (Bale 2023: 191–193).

5. Judicial and Courts Act 2022

In Great Britain, administration is largely executed by Non-departmental Public Bodies (or Quangos), whose organisation and structure were fundamentally reformed in 2007. The core of the reform was the general two-tier structure of the administrative procedure. Citizens can appeal to the first when they want an administrative decision reviewed. The second tier serves to review the decision taken by the first tier (Elliott & Thomas 2024: 290, 684). The 2007 reform was implemented because the tribunal system previously in place did not comply with the principles of the rule of law of Article 6 of the European Convention on Human Rights. Even after leaving the EU, the country remains subject to the ECHR. This causes frustration among many Conservatives and their voters, especially as far as immigration is concerned. The reform introduced by the government by the Judicial and Courts Act 2022, though, was limited to reasonable and comprehensible aspects (Young 2024: 194–196).

6. Police, Crime, Sentencing and Courts Act 2022 and Public Order Act 2023

The entire field of public safety law is a compromise between various legal interests. The right to freedom of expression is limited by criminal law, for example in cases of insult or defamation. Freedom of demonstration must respect the individual's right to freedom of movement and must not endanger public safety. The police's powers of intervention are regulated by the Public Order Act (Elliott & Thomas 2024: 853–855), supplemented by the Protection from Harassment Act 1997 (Elliott & Thomas 2024: 848–850).

Roadblocks set up by groups such as Extinction Rebellion regularly brought London's traffic to a standstill. However, the police could not deal with such forms of protest under the existing law. Due to public outrage over the roadblocks and the apparent helplessness of the authorities, the government changed the law. They passed the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023. Sec. 78 of the Police, Crime, Sentencing and Courts Act 2022 abolished the common law offense of 'public nuisance' and created new primary statutory offenses: 'serious harm', 'serious annoyance' and 'serious inconvenience'. This lowered the threshold for criminalising or prohibiting public protest. The Joint Committee on Human Rights of the House of Commons and the House of Lords raised concerns about the broad and vague definitions of the offences, but these concerns were ignored.

Furthermore, the police's powers of intervention were expanded in the Public Order Act 2023 (Elliott & Thomas 2024: 865–867). The number of 'stop and search' operations rose from 279,756 in 2017/18, a low, to 530,363 in 2021/22 (Elliott & Thomas 2024: 885). During the celebrations for the coronation of Charles

III in May 2023, the police used their significantly expanded arrest powers under the new law to crack down on protesters holding signs reading 'Not my King', for which the police subsequently had to apologise (Leithäuser 2023).

7. A British Bill of Rights

One year after taking office, the Blair government incorporated the European Convention on Human Rights into British law with the Human Rights Act 1998. Parts of the Conservative Party argued that Brexit would not be complete until the country had also replaced the Convention with a British Bill of Rights. The Conservative Party announced a Bill of Rights in its 2010 and 2015 election manifestos. In 2012, Cameron set up the Commission on a Bill of Rights, entitled 'A UK Bill of Rights? The Choice Before Us'. It recommended a Bill of Rights but remained so vague that it was never implemented. His successor commissioned an Independent Human Rights Act Review (IHRAR), which in 2021 only recommended changes to the Human Rights Act but generally advocated its retention. Johnson ignored the recommendation and introduced a bill in 2022 that would have repealed the HRA and significantly curtailed the rights it conferred. After Johnson's ouster, Rishi Sunak dropped the proposal (Elliott & Thomas 2024: 798–800). Even after fourteen years of Conservative government, the Human Rights Act 1998 remained unchanged.

VIII. Conclusion

Were the policies and politics of Brexit a prime example of populism? Did Brexit aim at disrupting a polity to rebuild it under authoritarian, anti-democratic, and illiberal auspices? The answer is no.

1. By leaving the European Union, the British government implemented the decision the British people had made in a referendum. There are good reasons to consider this decision wrong. But it was reached democratically.

2. Whether 'Leave' or 'Remain', both sides did not hold back on – let's say – exaggerations. UKIP did also not hesitate to resort to outright lies. Of considerably greater importance, however, was a fundamental and deep-rooted scepticism towards the EU, an 'embedded Euroscepticism' (Hawkins 2022). This was equally prevalent among Tories and the Labour Party, albeit for different reasons. In both cases, the criticism was generally justified, even if it did not necessarily lead to the conclusion that Brexit remained the only option.
3. Between 24.06.2016, the day the result of the referendum was announced, and David Cameron resigned, and 12.12.2019, the day Boris Johnson achieved a decisive election victory that enabled him to finalise the country's exit on 31.01.2020, the United Kingdom experienced its most challenging years since World War II. However, the 'Blunder of Brexit' (Murkens) was not the work of populists intending to disrupt the political system in order to reshape it to their own ends. Rather, the 'Blunder' was the result of a chain of political errors by Conservative governments from Cameron to Johnson, including the passage of the Fixed-term Parliaments Act 2011.
4. After Brexit was completed, the country could have entered calmer waters had Boris Johnson not been Prime Minister: He did not shy away from a populist style. However, reforms to state broadcasting, the Electoral Commission, legal protection in administrative procedures, and parliamentary law did not serve to implement a populist agenda. Ultimately, Johnson's personal shortcomings brought him down.
5. The inauguration of his successor, Liz Truss, was the only truly populist moment of those years at the government level. Completely misjudging her political weight, she failed to implement her programme after less than seven weeks.
6. It remains to be seen to what extent politicians such as Nigel Farage will be able to capitalise on the resulting turmoil. The election of 04.07.2024 returned the Labour Party to 10 Downing Street with a majority of 170 seats. However, the share of the vote was just over a third. Nigel Farage's far-right and nationalist Reform UK Party came second in more than 90 constituencies. Time will tell whether the party will be able to establish itself as a politically relevant force. It was quite successful in the local elections in May 2025. If the result is confirmed in the next general election, populism would have achieved a belated political victory after all.

A final remark on 'populism' as a term or analytical concept: In my view, it has proven more obstructive than enlightening or insightful for this article. Given its ubiquitous use in the media and in political debate, the term carries too many connotations to accurately reflect scientific findings. Even the most carefully considered and nuanced attempts at definition are not really satisfactory or sufficient (Pfordten 2025).

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The Urban Renewal of Downtown Seoul and the Populist Dream of Vigilantism in *Vincenzo*

EUNJU HWANG

Vincenzo (2021) is a Korean TV series about a conflict over the fate of Geumga Plaza between its tenants and Babel, a conglomerate trying to evict them to build a tower on the site. Vincenzo, whose name became the title of the series, is a Korean-Italian mafia lawyer who comes to Korea to retrieve 15 tons of gold bars hidden under Geumga Plaza. While trying to buy time to find the gold before the demolition of the building, he becomes close to the tenants. Protecting them from Jang Han-woo, the conglomerate's owner, and his accomplices (mass media, lawyers, prosecutors, and politicians who support the villain), he becomes a dark hero of vigilant justice. The fight between Babel and the tenants reflects the populist understanding of the major social conflict: the clash between the elites and the people. In a society where 'everyone runs their own gangs and cartels', including 'the National Assembly, prosecution, police, public offices, and corporations', as described by the tenants' lawyer Hong Cha-Young, the tenants' victory over Babel under Vincenzo's leadership manifests the fulfilment of populist desires. The strong anti-elitism, distrust of government, the justice system, and the mass media, and the wish for a charismatic hero shown in the series reflect the ripe conditions for the rise of populism in Korea during the last few years of President Moon Jae-in's term.

Pop culture critic Lee Seung-han (2021: 406) argues that the popularity of *Vincenzo* and its cathartic effect are symptoms of Koreans' disillusionment since Park Geun-hye's impeachment, revealing their despair that nothing will ever change in reality. The author of *Vincenzo* Park Jae-Beom himself said that when he wrote the first two of Justice Trilogy (*Good Manager*(김과장2017), *The Fiery Priest* (열혈사제2019)), he was still hoping for a better society, but when writing *Vincenzo*, he no longer did. However, viewing the series solely from the perspective of the Moon Jae-in administration's failures oversimplifies the complexity of its context. To understand the series in its full complexity, we must examine the history of neoliberalism in Korea and the ruthless pursuit of profit that has eroded democratic and human values. Geumga Plaza is a microcosm of Korean democracy: the livelihood of the 'ordinary' people is threatened by Babel's tyranny. The 121-story tower that Babel intends to build at any cost to replace Geumga Plaza symbolises neoliberalism and its merciless indifference to social inequality. Ironically, it is a mafia that saves Korean democracy from the neoliberal monster, a far worse 'cartel' than the mafia itself. The series conveys the message that 'Un diavolo scaccia l'altro (one devil drives out another)', proving that Vincenzo, as a dark hero, is the product of strong pessimism: you cannot fight a monster without becoming one yourself. However, Vincenzo helps the tenants fight Babel without turning them into monsters, thus maintaining the binary opposition of the 'good' people and the 'evil' elites.

This opposition forms the central element of populism. According to Cass Mudde and Cristóbal Rovira Kaltwasser (2017), populism can be defined as 'a thin-centred ideology that considers society to be ultimately separated into two homogeneous and antagonistic camps, "the pure people" versus "the corrupt elite", and which argues that politics should be an expression of the volonté générale (general will) of the people' (6). They further argue that being 'thin centred' (6), populism can 'take very different shapes' (6) by attaching to other ideologies such as fascism, liberalism, and socialism. Thus, the term ranges from left-wing populists who consider the socio-economic structure as the enemy of the people to right-wing populists who believe the 'others' such as refugees and immigrants are their enemy. The antagonistic relationship between the elites and the people in *Vincenzo* reflects the emerging populism in Korea. Then, who are the 'people' in this case? What are the characteristics of Korean populism?

Bai Byoung-in (2019) argues that Korean populism is an outcome of the implementation of neoliberal policies during Kim Dae-jung's and subsequent Roh Moo-hyun's presidency that caused the 'concentration of wealth to the chaebol and economic polarization' (29). Shin Gi-wook and Kim Ho-ki (2023) also see 'inheritance-based capitalism' as one of the major factors critical to the upsurge of populism on the global level (60). On the other hand, Cho Yong-ho's (2023) research proves the rising populist tendency after Kim Dae-joog's term, pointing out the ‘waxing demand for strongman rule’ since the early 2000s (364). According to Chung Dong-joon’s 2023 survey of 1.834 citizens, Korean populism tends to be anti-elitist, advocates direct democracy, and does not reject either pluralism or democracy (39). All in all, Korean populism can be characterised by (1) distrust of the elite, (2) preference for direct democracy, and (3) preference for a charismatic leader. *Vincenzo* reflects all these characteristics: as a metaphor for Korean democracy, Geumga Plaza represents the stage on which a drama unfolds: the people must defend the ground they are standing on. However, the demand for charismatic leadership does not carry the danger of tyranny: as Vincenzo is wanted by the police, he cannot stay with the tenants once he serves their purpose. Having been empowered by their victory over Babel, the tenants, representing the people, can now defend themselves without him. The strongman leaves, and power is returned to the people.

Vincenzo was filmed in Cheonggye Shopping Centre in Sewoon Arcade, from where one can look down on Cheonggyecheon stream. The choice of Sewoon Arcade as a shooting location for *Vincenzo* was no coincidence. Sewoon Arcade and the Cheonggyecheon area have a long history of top-down (re)development that has marginalised the powerless and benefited the rich. It has been a site where the poor have fought to claim their right not to be displaced. After the Korean War, war refugees and job-seeking migrants from the countryside formed a shanty town along the stream. In the 1960s, an elevated motorway was built, and the stream was covered. Sewoon Arcade was built in 1967 as part of a slum clearance project. It was the first large-scale modern shopping centre and became a symbol of modernisation. An arcade of 8 interconnected buildings stretched for 1 km, crossing 4 blocks from north to south. It was a residential and commercial complex with a shopping mall, restaurants, coffee shops, a church, a sauna and a hospital realising the concept of a ‘city within the city’. Wealthy people rushed into the new, modern residential complex, but not long after, they moved to the newly developed Gangnam district, and small businesses took their place. Fancy apartments became electronic business offices, and Sewoon Arcade became the mecca of electronics in Korea until the opening of Yongsan electronics market in 1987. In the 1990s, business declined rapidly due to online shopping. Sewoon Arcade and the eight surrounding blocks became a part of slum clearance and urban renewal projects. In 2005, citing ecological benefits and the cultural heritage restoration, the city removed the elevated motorway and restored the stream. This displaced more than 680 street vendors and caused business in this area to decline sharply. News clips from 2004 show how brutal the eviction was.

Pointing out how the memory of repeated displacement persists in this area, Choi (2020) states that 'displacement is not just a result but a series of processes' (48) and that it remains 'an ongoing situation for the business owners in that area' (48). Even when they are not physically forced to leave, they are under indirect and non-physical 'displacement pressure' (48). Mayor Oh Se-hoon proposed the 'Green Zone Park' project in 2006. According to its blueprint, a one-kilometre-long park was to replace Sewoon Arcade. As its name suggests, the project aimed to make Seoul a green city. His plan stressed the benefit of connecting the royal shrine and Namsan with a park, but his real goal was a slum clearance. He wanted to redevelop the inner-city slum with small factories, workshops, and print shops to raise revenue. Since Seoul alone could not raise sufficient resources, he planned to sell the sites to developers and promised them to increase the floor area ratio so that they could build high-rise buildings. Despite the decline in business, the small business owners of Sewoon Arcade were unwilling to leave. The small businesses and workshops in the vicinity protested because they could not give up the advantages of agglomeration. They were also proud of their job. It was not just a 'slum'; they made an important contribution to the Korean economy by serving as a one-stop inventory and service to small and mid-sized factories. Notwithstanding their strong protest, Hyundai Shopping Centre – the northernmost building in the arcade – was demolished in 2009. The fate of Sewoon Arcade and the Cheonggyecheon area shifted depending on who became mayor. In 2014, Park Won-soon, the last Mayor of Seoul, decided not to demolish the arcade and built walkways and bridges to connect all buildings of Sewoon Arcade (2016 – 2022), hoping they would attract more visitors and 'reanimate' the area. The Sewoon Again Project, which started in 2014, attracted more small businesses to open along the walkways. However, as Oh became mayor again, he revoked Park's decision to keep the arcade and revived his redevelopment plan. The newly built walkway and bridges will be demolished in 2025. As seen above, Sewoon Arcade has constantly been a site of clash between the developers and the tenants, that is, the 'elites' and the 'people' in populist terms.

In *Vincenzo*, the scenery of Sewoon Arcade and the tenants' fight against eviction remind us of several traumatic incidents in the past caused by urban renewal projects in Seoul. In Episode two, Babel attempts to evict the tenants by illegal means. After abducting his family, Babel forces Mr. Cho, the owner of Geumga Plaza, to sign a contract to sell the building. Just one week after the eviction notice, Babel sends in a demolition team with heavy equipment, planning to have them 'accidentally' damage Geumga Plaza during a 'cleanup' of the next building. Babel's owner and his lawyers believe that once the building is damaged, the tenants will move out, fearing it will collapse. The lawyers are prepared to defend the company by claiming it was a mistake, an accident. While outlining this in a meeting, Babel's lawyers mention the casualties from other cases – 'Four deaths from Yoocheon-dong redevelopment and twelve deaths from Yonghoo-dong redevelopment' – as if they were nothing serious. Although Yoocheon-dong and Yonghoo-dong do not exist in Seoul, this scene is reminiscent of the deaths of three children in 1987 who were killed by a wall left unattended after the forced demolition in Sanggye-dong. The thugs hired by Babel to threaten the tenants – although they appear as comic characters in the series – reflect the gangs in reality that often resorted to violence. Episode 16 reminds us of another trauma in history. Babel sends someone to cause a gas leak. If Vincenzo had not found the timer that was supposed to start a fire and stopped it, the building could have exploded and burned down to ashes. In Jeonnong-dong in 1997, a demolition team set fire to the tyres that its residents had piled up to barricade against forced demolition, and the fire spread to the chemicals in the tower occupied by the protesters. They jumped to escape the fire. Park Soon-deok, a 34-year-old woman, died, and many were injured. Similarly, in 2009, five protesters and a policeman were killed in a fire during a forced eviction in Yongsan.

In the context of the history of Sewoon Arcade and its vicinity, Geumga Plaza is the site of an ancient conflict over the use value and exchange value of real estate, between tenants and landlord, between the people and the elites, between good and evil. The fifteen tons of gold hidden in a secret vault under the building symbolise the exchange value of the site. The tenants who run their business and live there know only the use value of the building and stay there because they have no choice. On the other hand, Babel sees only its exchange value. Geumga Plaza has to be demolished and replaced by a new high-rise building, Babel Tower. Jang

Han-woo, determined to make Babel the 'top' of everything, plans to control the 'law, journalism, National Assembly, government, and intelligence agency' by auctioning off high-floor suites of the tower to those in power for free. Jang continues, 'we [he and his brother] have to make people believe the country will be in ruins if Babel goes down' (Episode 13). The chaebol system has grown stronger and stronger since its liberation through the neoliberal reform after the IMF crisis. Therefore, Jang wants to put Babel at the top of everything. To achieve that, Geumga Plaza must be sacrificed. We all know that it was at the expense of small and mid-sized businesses and wage workers that the chaebol groups were able to survive the rough transition of IMF and successfully transform themselves into transnational corporations.

However, only Vincenzo and his partner Cho know about the gold until the others find out about it in later episodes. What brought Vincenzo to Korea from Italy was purely the gold bars. The very first scene of the series shows Vincenzo facing Geumga Plaza. With a voiceover saying, 'it is my goal to tear it down' (Episode one), we observe the computer-generated image of the collapsing building. In other words, his initial goal is the same as Babel's: to demolish the building for money. Geumga Plaza is a means to that end, just an old building with no special meaning attached to it. Vincenzo proceeds to protect the building from Babel for his own purposes, not for the tenants. However, as he lives in the same building and interacts with them, he develops a close relationship with them. The night before he is murdered, Hong Yoo-chan, a human rights lawyer fighting against Babel, asks Vincenzo to be a devil who 'drive[s] out another [devil]' (Episode three) because they cannot fight the monster alone. The people who run a laundry, a piano school, a dance school, a snack bar, a restaurant, a pawn shop, a travel agency, and a Buddhist temple in Geumga Plaza have been desperately waiting for a leader like Vincenzo, who not only protects them but also makes them realise they can protect themselves.[1] In Episode 19, Vincenzo compares the tenants to flies caught in a spiderweb:

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[1] Geumga Plaza in the series looks more like Sewoon Arcade when it just opened as a 'city in the city', with various shops and services in the late 1960s. When Vincenzo arrives at the apartment unit on the sixth floor, a baby's crying is heard from other units, and there's also glow-in-the-dark stars on the ceilings of his unit, suggesting a family with

The law is like a spiderweb. It has limited durability. Strong wasps will tear it apart and fly away, but weak flies end up dead on the spiderweb. But the flies in this plaza join forces together and are biting off everything, whether it's a wasp or a spiderweb.

As weak flies can only survive by working together, the tenants can jointly counter all threats. Interestingly, in this analogy, along with the wasps, the law is considered a threat for outsiders. The law has nothing to do with justice. It is just another predator, a snare to feed on flies. Babel and its lawyers always make deals under the table. From the police to the judge in court, from a prosecutor to a presidential candidate, no one is free from Babel's lure, and the tenants all know that they cannot expect fair and equal treatment in front of the law.

Smart and strong, Vincenzo's charismatic leadership reflects the growing affinity for charismatic leaders. He knows exactly what to do whenever they face new obstacles. However, he also needs the tenants' help. In Episode 19, the tenants turn out to be the 'Avengers' in a fight. Vincenzo gets in trouble while fighting many gangsters by himself, but the tenants save him, revealing their past as gang members and athletes. After the fight, the tenants confess that they did not fight until then because they did not have a legitimate reason to do so. Through their fight alongside Vincenzo, the plaza people gain a strong sense of empowerment. Dubbing themselves as the 'Vincenzo Cassano family', they are no longer the same victims of the system. The piano teacher declares: 'we are not who we used to be. Whoever messes with us will have their hair pulled out' (Episode 20).

Vincenzo, the populist's dream leader, becomes even more perfect because he does not stay in power and impose tyranny. He departs once his objective is achieved. The power to control their fate lies in the hands of the tenants. In the last scene, a politician insists during an election campaign that the redevelopment of the area will make the borough rich. The tenants of Geumga Plaza ask, 'Are you sure it's the borough that will become rich? Or, is it you who will become rich?' (Episode 20) and they claim that they will 'not allow [him] to raze this area to the ground. And they are not scared of the police at all' (Episode 20). The scene suggests that even after the destruction of Babel, Geumga Plaza is not immune to the

children lived in it before Vincenzo. Since the late 1970s, most apartments have been used as offices for electronics. The anachronistic picture of the arcade gives a sense of history and human feelings; it stresses that it is occupied by people, not just by shops.

threat of redevelopment. However, the people of Geumga Plaza are ready to fight and do not need Vincenzo's help this time.

Vincenzo, a 'devil against another' who has sinned by mercilessly killing the villains, is also saved. In Episode 14, he calls himself 'a scumbag who cleans up scum'. This self-perception probably makes him hesitate to express his love for Hong Cha-young. However, in Episode 20, when Choi Myoung-hee, Babel's 'evil' lawyer, tells him he is not different from her, he replies that he is not like her because he is Vaisravana. Later in the episode, it becomes clear that the reference to Vaisravana comes from his conversation with the monk in Geumga Plaza. In a flashback, the monk compares Vincenzo to Vaisravana, 'a Buddhist deity who protects Buddha's ways and human beings'. Because of the many sins Vincenzo has committed, the monk says that he cannot become like Buddha, but that he will receive praise from Buddha from time to time.

Despite the happy ending, the romance between Vincenzo and Hong Cha-young, and comical elements that run throughout the series, Vincenzo conveys a dark vision of the future. It is clear to the audience that it is a story of wish fulfilment: a hero as young, handsome, and competent as Vincenzo does not exist in reality, and neither will the people's victory over the chaebol last. This viewpoint is confirmed by looking at how the real situation has developed: Immediately after his re-election, Mayor Oh revived his project to redevelop Sewoon Arcade and its surrounding area, beginning with the planned demolition of Sampoong Arcade and the PJ Hotel, both integral parts of the Sewoon Arcade, in 2026. As a result, the prospect of the Sewoon Complex disappearing in the near future is increasingly probable. It is certainly not its tenants who will benefit from the redevelopment. Vincenzo reminds us of the sad reality, pointing to the widening gap between the people and the economic and political elites, and highlighting the rise of populism in Korea.

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Can The Dead Save The Living?

Enduring Influence of the 1980 Gwangju Uprising on Korean Democracy[1]

Jinhyuk Oh, Youngho Cho, and Anna Hengge

I. Introduction

On 3 December 2024, South Korea faced one of its most serious democratic crises since the 1987 transition when President Yoon Suk-yeol declared martial law amid a period of escalating political confrontation with the opposition, particularly the Democratic Party of Korea (DPK). What could have been another authoritarian rupture instead produced a rapid course correction: the decree was lifted within hours, following immediate resistance by the National Assembly – most visibly when opposition leader Lee Jae-myung livestreamed himself scaling a perimeter fence to enter the Assembly grounds despite police and military cordons – and fast citizen mobilisation that placed civilians directly in confrontation with deployed troops and armoured vehicles (No 2024; Ro et al. 2025). The episode revealed both democratic vulnerability and democratic capacity: formal institutions were tested by executive escalation, yet collective actors moved quickly to restore constitutional rule (Ro et al. 2025).

Why did South Korean democracy recover so swiftly from such an extraordinary challenge? Institutional explanations alone are insufficient. Formal rules did not automatically block or prevent the declaration; courts did not intervene immediately; and the military, while ultimately restrained, was legally mobilised against elected officials and citizens. A more complete explanation, we argue, must account for the interpretive and normative constraints that shaped behaviour in real time: why political elites responded as if the costs of noncompliance

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were high, and why citizens interpreted the declaration not as ordinary partisan conflict but as an existential threat requiring immediate collective action.

We develop this argument through three linked mechanisms. First, an interpretive mechanism: historically grounded and socially reproduced, collective memory supplies threat analogies that shape crisis recognition – above all, the meaning of 'martial law' and military coercion as signals of authoritarian danger (Olick 2007). Second, a mobilisation mechanism: dense civil-society networks, commemorative practices and moral boundary-making lower the threshold for rapid collective action in defence of democracy (Kim 2000; Tarrow 2011). Third, an elite-constraint mechanism: anticipated political costs of domestic coercion can narrow the space for escalatory compliance (Huq & Ginsburg 2018; Cho 2024); where constraints operate within coercive organisations, compliance may also be shaped by organisational incentives and cohesion concerns (Feaver 1999; Croissant et al. 2013).

Yet, 'collective memory' is not an abstract cultural residue; it is anchored in specific episodes of state violence and subsequent struggles over interpretation. In South Korea, no event more plausibly constitutes the core of this memory than the 1980 Gwangju Uprising (5 18). The reason is not only that Gwangju involved extensive victimisation – a point that remains politically salient and contested in public counting and commemoration – but that it crystallised a paradigmatic pattern: the state deploying coercion against citizens demanding political voice, while simultaneously attempting to control the meaning of that violence through censorship and delegitimising narratives (Mosler 2020; Kim & Cho 2025). Gwangju was therefore a dual crisis of violence and knowledge: repression was paired with efforts to control the authoritative account through censorship and delegitimisation (Mosler 2020; Baker 2003). In this sense, the conflict over whether the uprising was democratic resistance or criminal disorder prefigures the rival 'truth' claims and competing interpretive arenas that later scholarship describes as post-truth politics (Harsin 2015).

In light of South Korea's violent path to democracy, novelist Han Kang posed a haunting question in her 2024 Nobel Prize lecture: '*Can the past help the present? Can the dead save the living?*' (The Nobel Prize 2024). The South Korean case suggests a constrained answer: yes, but only under specific conditions. Past sacrifices do not automatically safeguard democracy. They do so only when they are institutionalised as moral reference points through memory struggle (Bernhard & Kubik 2014), carried and reproduced through civil society and personal networks (Kim 2000; Koo 2001) and mobilised during moments of democratic crises (Tarrow 2011). If the 'dead' can 'save the living', they do so not through metaphor, but through a memory regime that raises the moral and political costs of authoritarian escalation and lowers the collective action threshold for democratic defence (Bernhard & Kubik 2014; Huq & Ginsburg 2018).

Accordingly, this chapter argues that 5·18 functions as a democratic memory regime in South Korea: a collectively sustained interpretive framework that constrains authoritarian behaviour, structures elite decision-making and enables rapid citizen mobilisation when democracy is threatened. Because Gwangju's meaning is continuously invoked, denied, reframed and defended, it remains available as both a democratic constraint and a site of polarising truth struggle – central to contemporary conflicts over who can credibly define political reality in an era of deepening polarisation (Mosler 2020; Kim & Cho 2025).

II. Gwangju 1980: Authoritarian Violence and Moral Rupture

The immediate structural precondition for the uprising was the authoritarian consolidation that followed the 16 May 1961 coup led by Park Chung-hee. Over subsequent decades, Park's regime greatly expanded coercive and surveillance capacity, including the Korean Central Intelligence Agency (KCIA), and progressively narrowed the scope of political competition (Cho 2024). However, as Park's electoral support later began to erode, the regime shifted from competitive authoritarianism toward overt constitutional engineering, most decisively through the 1972 Yushin Constitution (Cho 2024: 4–5). The constitution introduced a system of indirect presidential elections, created the National Council for Unification and strengthened censorship and constraints on criticism of the regime (Park 2021: 42). These reforms consolidated Park's rule by insulating the executive from meaningful electoral contestation.

Park's assassination in October 1979 by his subordinate Kim Jae-gyu, the head of KCIA, produced a brief period of political uncertainty that stirred hopes of democratisation – the 'Seoul Spring' – raising expectations of constitutional revision and the restoration of civil liberties (Heo & Roehrig 2010; Park 2021). However, this period was short-lived. On 12.12.1979, General Chun Doo-hwan and aligned officers associated with the *Hanahoe* network (politicised army fraternity group) consolidated control within the military and, in practice, over key state institutions (Heo & Roehrig 2010). As civil mobilisation continued into early 1980, the new military junta moved to extend martial law nationwide on 17.05., dissolving democratic civil-society space, targeting opposition leaders and, ultimately, aiming to break the spirit of the Seoul Spring (Heo & Roehrig 2010). Chun Doo-hwan and his new military group planned to make the acting president, Choi Kyu-ha, resign and take open steps toward presidency, indicating the persistence of military dictatorship and the failure of the 'Seoul Spring'.

In Gwangju, protests initially emerged in the morning of 18.05. as student-led demonstrations against the nationwide expansion of martial law and the perceived reversal of political liberalisation. While peaceful at first, the dynamics changed once the state responded with repression. Military troops, including paratroopers, intervened with extensive force, including beatings, mass arrests and lethal violence against demonstrators and civilians. What began as a campus-centred protest escalated into a citywide confrontation between civilians and the coercive apparatus of a newly consolidated military-led regime.

The human costs of the crackdown were substantial, though the precise figures vary across sources and counting rules. For example, figures cited via the 18.05. Memorial Foundation report 154 killed, 74 missing and 4.141 wounded or arrested, while debate continues over missing victims and the politics of classification and recognition (Cho 2024: n.14; Mosler 2020). For the purpose of this chapter, the crucial empirical factor is not one definitive number, but that the scale and visibility of coercion were sufficient to produce a durable moral rupture in the perceived legitimacy of coercive authority. Gwangju has been the heart city of the Southwestern *Honam* region from which 25 percent of the Korean population comes. It was clear that residents of this regional heart city were brutally massacred by Chun Doo-hwan and his new military group.

The relevance of this episode to post-truth politics lies in the regime's dual strategy: coercion was paired with an effort to control what counted as authoritative knowledge about the violence. In this chapter, 'post-truth' refers to political contestation over epistemic authority – over who can credibly define political reality and which interpretive frame becomes dominant – rather than to a generalised indifference to facts. Harsin (2015) conceptualises this as a regime dynamic in which rival truth claims circulate in competing 'truth markets' rather than being settled by a single set of arbiters. The frames deployed against Gwangju – criminal disorder, regional manipulation and North Korean instigation – provide an early template of that struggle.

The regime's strategy did not stop at repression. It also sought to control interpretation through censorship and delegitimisation, depicting the uprising as a criminal disorder, subversion, regional manipulation, or foreign instigation – designed to deny its character as democratic resistance and justify coercive escalation (Mosler 2020; Baker 2003). Information control was facilitated by isolating the city and restricting the circulation of reporting. In this context, the work of journalists who documented and disseminated visual evidence – including the German reporter Jürgen Hinzpeter, whose footage circulated internationally – became politically consequential insofar as it challenged official framings that depicted the protests as externally instigated riots by North Korean agitators (Jackson 2020).

Analytically, the struggle was not only over what happened, but over which interpretive frame would become authoritative: democratic resistance or criminal disorder, legitimate protest or subversion. Gwangju thus became a formative site of memory politics: competing narratives were institutionalised, contested and transmitted, shaping later conflicts over truth, legitimacy and democratic threat perception.

In sum, the brutal repression of 1980 created the conditions for an extended struggle over memory: how information would circulate under censorship, which organisations and networks would carry the narrative forward and how locally contained trauma could be translated into nationwide mobilisation capacity.

III. From Suppressed Memory to Democratic Mobilisation (1980–1987)

The political significance of Gwangju did not end with the suppression of the uprising. Its longer-run consequence was the formation of a politically mobilising collective memory that shaped how citizens, activists, and organisational intermediaries interpreted authoritarian rule and evaluated the legitimacy of coercive state power. Gwangju's aftermath illustrates how an episode of state violence can become a 'carrier' of durable political meaning when mnemonic work is embedded in organisations, repertoires, and public claims rather than remaining confined to private trauma (Bernhard & Kubik 2014). This translation from individual experience to collective memory is not automatic. It requires actors who preserve, narrate and circulate meaning under conditions of repression, and it requires audiences who come to recognise those narratives as morally binding and politically actionable (Kim 2000; Olick 2007).

Conceptually, this draws on the 'memory regime' approach in the comparative politics of memory, which treats public memory as the outcome of political struggle among 'mnemonic actors' who promote, contest or suppress narratives through institutions, commemoration, and symbolic politics (Bernhard & Kubik 2014: 4–6). Bernhard and Kubik (2014) theorise memory regimes as patterned configurations that emerge from these struggles and that shape whether narratives become authoritative, pluralised, or persistently contested. Building on this perspective, we use the term 'democratic memory regime' to denote a configuration in which an episode of state violence is publicly stabilised as illegitimate and democratically consequential, because organisational carriers – civil society networks, religious institutions, journalists, victims' associations and, later, state institutions – sustain the narrative and keep it politically available even as counter-narratives persist (Olick 2007; Assmann 2011).

The crackdown produced a 'moral shock' – an event perceived as so outrageous that it can propel individuals towards political action even in the absence of prior activist ties – thereby strengthening durable oppositional commitments (Goodwin & Jasper 2006: 621). Movement accounts have emphasised a second, more reflexive mechanism: the retrospective interpretation of 5·18 as a moment of isolation and a failure of nationwide solidarity, especially among students and activists outside of Gwangju who had also planned to mobilise against the government but changed their plans, leaving Gwangju to face the violence of the regime on their own. This experience of retrospective guilt or moral debt served as a lesson that strengthened subsequent efforts to build cross-section networks and helped to transform a fragmented opposition into a broader democratic coalition over the course of the 1980s (Kim & Cho 2025). Civil society actors – students, labour, and religious networks – increasingly treated Gwangju as a moral boundary-marker separating legitimate democratic citizenship from illegitimate coercive rule. This mnemonic legacy mattered politically because it confronted a second struggle: a contestation over interpretation under conditions of censorship. Following the crackdown, the Chun regime sought to restrict information and to frame the uprising as illegitimate disorder rather than democratic resistance (Mosler 2020: 57–58). In response, civil society actors treated documentation itself as political work. Preserving testimony, circulating evidence, and insisting on public recognition became central to sustaining the democratic meaning of Gwangju against official delegitimisation (Kim & Larson 1988: 89). In this sense, the Gwangju experience demonstrates that coercion and narrative control are mutually reinforcing instruments of authoritarian power, and that democratisation depends not only on resisting repression but also on resisting epistemic domination, that is, the attempt to monopolise what counts as 'truth' about instances of political violence (Harsin 2015; Mosler 2020).

The institutionalisation of memory therefore depended on organisational carriers capable of linking localised trauma to nationwide contention. Here, religious organisations were especially important because they combined moral authority with nationwide infrastructure that was more difficult to dismantle than ad hoc protest networks. For instance, during the 1970s, segments of the Catholic Church had already provided shelters and organised resources under authoritarian pressure and repression (Yoon 2002: 219). After 1980, the Archdiocese of Gwangju played a prominent role in efforts to document events, support victims' families, and build solidarity with actors in other regions (Kim 2005). Over time, these efforts contributed to broader networks connecting clergy, civic organisations, and intellectuals, enabling continuous mobilisation and helping convert Gwangju from a regionally bounded episode into a nationally consequential moral reference point. These continuous movements strengthened the network and evolved into a national activism which helped to mobilise massive movement in 1987.

Student movements helped to develop parallel infrastructure that helped convert memory into mobilisation capacity. Existing research on the South Korean student movement in the 1980s emphasised that Gwangju served as a watershed in student activist consciousness, broadening recruitment and intensifying commitments to democratisation (Park 2005). Importantly, student activists also attempted to broaden their base by creating ties to workers and the urban poor, including the yahak (night schools), which provided contact zones linking university networks to non-student constituencies (Park 2005). These efforts also scaled up into nationwide student coordination by the mid-1980s, including campaigns demanding official recognition of the truth of Gwangju and accountability for those responsible (Cho 2024: 113).

The memory regime that emerged from these processes also reshaped foreign-policy perceptions, particularly toward the United States. Kim and Cho (2025) argue that the Gwangju uprising altered how segments of Korean society interpreted the relationship between US democracy rhetoric and alliance politics. Prior to 1980, pro-US views were widespread, grounded in the liberation from Japanese colonial rule, the Korean War, and subsequent security and economic assistance. After Gwangju, however, activists and victims increasingly debated whether US command arrangements and alliance practices implied tolerance of – or insufficient constraint on – the Korean government's coercive response (Cho 2024).

While the extent of US knowledge of, or involvement in, the extension of martial law and the military operation in Gwangju remains disputed (Gleysteen 2000), the perception nevertheless gained traction that the Chun regime could not have acted without at least some degree of acquiescence from the alliance command (Cho 2024: 72–79, n. 16; Gleysteen 2000). As accounts of atrocities circulated, anger thus extended beyond the Korean military leadership to the US, which some victims and demonstrators came to depict as a 'silent accomplice' more concerned with strategic interests than democratic justice (Kim & Cho 2025: 191). This interpretive shift reinforced a broader claim about democratic agency: that external security guarantees do not necessarily align with democratic protection, and that genuine democratisation would have to be secured primarily through domestic collective action.

By the late 1980s, these organisational networks and interpretive frames had altered the strategic environment for authoritarian rule. When Chun's government rejected the constitutional revision, mobilisation escalated into the June Democratic Struggle in 1987 (Heo & Roehrig 2010; Park 2021). The episode differed from 1980 not only in scale but in organisational reach: protest became nationwide and cross-sectoral, involving students, workers, and religious communities (Kim 2000; Park 2005). In this context, Gwangju's memory functioned simultaneously as a moral reference point and as an organising lesson, strengthening commitment to nationwide solidarity and raising the expected costs of large-scale repression (Tarrow 2011; Cho 2024: 10–11). While democratisation was multicausal and cannot be reduced to a single episode, the institutionalisation of Gwangju memory plausibly contributed to the breadth and resilience of the coalition that raised the perceived cost of repression for the regime.

As a result, the 29.06. Declaration announced by Roh Tae-woo, Chun's designated successor, institutionalised decisive concessions, most notably direct presidential elections and expanded civil liberties. The transition that followed was elite-negotiated and imperfect in representational terms (for example, excluding representation for marginalised groups such as women or labourers), but it nonetheless marked a pivotal step toward formal democratic transition. Therefore, Gwangju's memory became politically effective not simply because the past was remembered, but because it was carried through institutions, stabilised through networks and activated at a moment when authoritarian elites faced a nationwide coalition capable of sustaining contention at scale.

IV. Change Inside Military Authorities

The June 1987 coalition raised the political costs of repression for the regime, but that shift also depended on the coercive apparatus itself – whether the armed forces remained a deployable instrument of domestic escalation under conditions of nationwide contention. Civil-military relations scholarship emphasises that repression is conditional on the organisational characteristics of coercive institutions – especially cohesion, internal monitoring and the corporate interests that shape compliance incentives – rather than being a simple function of protest size or regime preference (Feaver 1999; Croissant et al. 2013). Where domestic deployment threatens organisational cohesion or future autonomy, commanders have stronger incentives to resist, delay or limit coercive escalation, particularly under conditions of political uncertainty (Feaver 1999). Read through this lens, Gwangju mattered not only because it generated societal backlash but because it altered the incentive structure surrounding the use of the armed forces as an internal security instrument, increasing the anticipated organisational and political costs of renewed large-scale coercion (Croissant et al. 2013).

Before 1980, domestic coercion under earlier military-led authoritarianism was embedded in a justificatory repertoire centred on anti-communism and national security. In the Cold War context, framing internal opposition as a security threat supported a model of 'guardian' role conception in which the military could claim exceptional authority to intervene in politics and restrict pluralism (Park 2021). In addition, the government stressed the importance of social stability and order, which further hindered political pluralism. Under Park Chung-hee's regime, this security narrative was reinforced by developmental performance, which influenced public evaluations of authoritarian rule even as political freedoms were constrained (Cho 2024: 2–4). Therefore, anti-communist legitimation and developmentalism did not just shape public attitudes but also stabilised a political justification that made deployment of coercive institutions appear compatible with national protection.

Gwangju disrupted this equilibrium by tying domestic deployment to high-visibility civilian victimisation and to a prolonged struggle over truth and accountability. The use of troops against civilians, combined with censorship and delegitimisation, decreased the plausibility of order and security justifications for domestic repression. Authoritarian regimes facing mass contention do not simply ask whether coercion can restore control; they also confront the risk that coercion will expand opposition, deepen elite splits, and intensify external pressure, thereby reducing the expected returns to violent escalation (Croissant et al. 2013). In strategic terms, it increased the expected political costs of violence for the regime by raising expectations of potential backlash and increasing the likelihood that repression would trigger broader domestic or international contention rather than restore stability (Cho 2024). In institutional terms, it increased the risk that repeated domestic deployment would further erode the military's public standing and deepen its entanglement in regime survival strategies, thereby exposing the organisation to long-run legitimacy losses under any future political settlement (Croissant et al. 2013).

These constraints were reinforced by intra-military politics during the Chun period, where the consolidation of authority by the *Hanahoe* network politicised promotions and influence in ways that civil-military scholarship treats as consequential for cohesion and reliable compliance (Croissant et al. 2013; Ringgi 2013: 28). Ringgi (2013: 28) emphasises that the officer corps became increasingly segmented between those tied to *Hanahoe* and those excluded from the factional pipeline, with advancement perceived to depend less on professional criteria than on proximity to the political inner circle. This pattern generated internal friction and 'fatigue' among officers who regarded repeated domestic deployment as institutionally damaging – not because all officers embraced democratic norms, but because politicisation risked tarnishing the military's corporate reputation and redefining the institution as a tool for personal power rather than national defence (Ringgi 2013: 28). In that strategic environment, the June Democratic Struggle raised the expected costs of repression for the regime while simultaneously increasing the organisational hazards of escalatory coercion for a military already marked by factionalised promotion structures and contested institutional role conceptions (Croissant et al. 2013).

After 1987, democratisation further institutionalised constraints on political-military intervention through legal-constitutional standards and organisational reforms. The 1987 constitutional revision strengthened the principle of political neutrality for the armed forces (Constitution of the Republic of Korea, Article 5(2)), and subsequent depoliticisation efforts aimed to reduce the permissive conditions for factional domination and strengthen professional criteria in military career structures (Kim 2014: 128; Ringgi 2013: 27). Later prosecutions of Chun Doo-hwan and Roh Tae-woo functioned as a further signal that political-military intervention and coercive abuses could be treated as punishable wrongdoing rather than protected acts of 'patriotism', increasing expected costs for future domestic coercion by raising the credibility of ex post accountability (West 1997;

Cho 2024). Taken together, these changes align with the comparative civil-military argument that civilian control is consolidated when the rules and incentives governing coercive institutions raise the costs of partisan domestic deployment and lower the benefits of politicised compliance (Feaver 1999; Croissant et al. 2013).

Together, this shows how the same memory regime traced in the preceding section – sustained by networks, documentation practices and contested narratives – becomes politically consequential not only by mobilising citizens but also by reshaping the credibility and feasibility of coercive escalation within the state. Put differently, when Gwangju is stabilised as a publicly available analogy for what martial law can enable, it raises the political costs of repression for incumbents and simultaneously strengthens the institutional basis for reluctance or restraint within coercive organisations whose future autonomy depends on avoiding renewed entanglement in partisan survival strategies (Croissant et al. 2013; Kim 2014: 128). This dual mechanism is one reason the 2024 martial law episode can be interpreted as more than a test of constitutional rules: it was also a contest over meaning and legitimacy conducted under conditions in which both citizens and elites possessed a historically grounded repertoire for interpreting 'martial law' as a democratic threat rather than routine emergency governance, thereby accelerating resistance and narrowing the space for escalatory compliance (Ro et al. 2025: 6).

V. Enduring Influence of Gwangju 5·18 and Memory Struggle

The repression of 1980 did not end the political life of Gwangju. After democratisation, 5·18 continued to function as a salient reference point in public discourse and as an axis of interpretive conflict over authoritarian violence, civic resistance and the legitimacy of coercive state power (Mosler 2020; Baker 2003). This persistence is one observable signature of a democratic memory regime: the event remains politically consequential not only because it is remembered, but because its meaning continues to structure disagreement, identity boundaries and crisis interpretation in contemporary politics. To assess whether these interpretive divisions persist beyond elite discourse, we draw on original survey evidence that measures how ordinary citizens understand 5·18 and how those understandings relate to attitudes toward democratic crisis politics.

To assess whether these interpretive divisions extended beyond elite discourse, we draw on a voter survey conducted shortly after the 2025 presidential election by the Sogang Institute of Political Studies (SIPS). The survey was conducted on 04.–05.06.2025, as a web survey administered via an online panel operated by Embrain Public. It sampled N = 2.000 Korean adults aged 18 and older, nationwide excluding Jeju, using proportional quota sampling on region, gender and age (benchmarked to the Resident Registration Population Statistics as of end-April 2025). Because our goal is to capture public understandings of 5·18 as interpretive objects, the analysis focuses on the core recognition item that asks which characterisation of 5·18 is closest to the respondent's view and then examines how those understandings align with attitudes toward the 2024 martial law episode and subsequent impeachment contestation.

Table 1 reports the distribution of responses to the 'memory struggle' item. Overall, 78 percent of respondents describe 5·18 as a democratic uprising against Chun Doo-hwan's dictatorship, while 10 percent endorse a framing that treats it as an incident caused by 'malcontents' inciting regionalism, and 5 percent endorse the claim that it was a riot instigated by North Korean spies; an additional 8 percent report that they do not know. Read descriptively, this pattern indicates that the democratic interpretation is dominant, but it also shows that a non-trivial minority continues to adopt frames historically associated with authoritarian delegitimisation strategies (regionalist stigma and subversion narratives). The key point is not whether the minority view is large in absolute terms, but that the same historical episode remains available as competing interpretive packages that can be activated in contemporary political conflict.

Table 1. Gwangju 5·18 Memory Struggle: Which View Is Close to Yours?

	Democratic Uprisings against Chun Doo-hwan Dictatorship	Incident caused by Malcontents Inciting Regionalism	Riot Instigated by North Korean Spies	Don't Know
Average	78%	10%	5%	8%
Generations				
Young Gen. (39 and under)	76%	8%	5%	11%
Middle-aged Gen. (40–59)	85%	7%	3%	5%
Old Gen. (60 and above)	71%	14%	7%	9%
Regions				
Jeolla	89%	0%	5%	7%
Gyeongsang	75%	6%	9%	9%
Rest	77%	5%	10%	8%
Ideology				
Progressive	95%	2%	0%	2%
Neutral	77%	7%	3%	13%
Conservative	63%	20%	9%	10%

Source: 2025 Voter Survey of the Sogang Institute of Political Studies (SIPS).

Furthermore, disaggregating the responses by generation, region and ideology suggests that the memory struggle over 5·18 is not randomly distributed but organised along familiar lines of political division in South Korea. Generationally, the democratic-uprising interpretation is most prevalent among the middle-aged cohort (40–59: 85 percent) and least prevalent among older respondents (60+: 71

percent). This pattern is consistent with a cohort-socialisation logic: respondents whose formative political experiences were shaped by the late-authoritarian period and the transition years appear more likely to anchor 5·18 within a democratisation narrative, whereas respondents socialised under stronger anti-communist state framing show relatively higher receptivity to delegitimating packages (Cho 2024: 151; Shin 2017). This is visible in the older cohort's higher endorsement of the 'malcontents/regionalism' (14 percent) and 'North Korean instigation' (7 percent) frames.

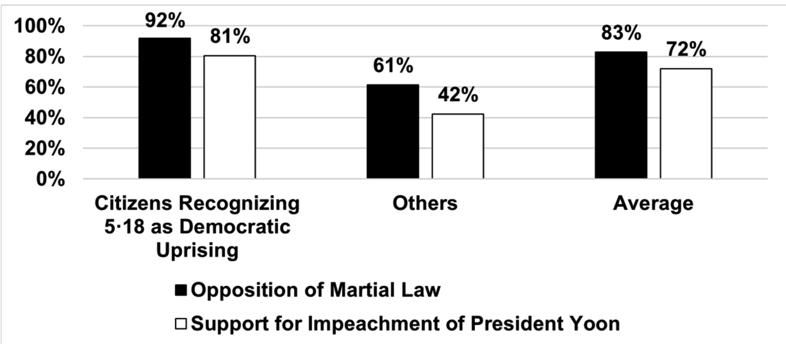
Regionally, the distribution aligns with the long-standing salience of the Jeolla–Gyeongsang divide, with Gwangju being located in the Jeolla region. Democratic recognition is strongest in Jeolla (89 percent), while the 'malcontents/regionalism' option is near-zero there but remains non-trivial in Gyeongsang and other regions. Substantively, this matters because it implies that competing accounts of 5·18 are not merely disagreements about historical detail; they also map onto regionally structured political identities and grievances that have historically shaped partisan competition and interpretive trust. In other words, 'regionalism' here functions less as a neutral descriptor than as a politically loaded frame that resonates differently depending on where respondents are located within South Korea's regional cleavage (Sonn 2003).

The sharpest divide, however, is ideological. Progressives overwhelmingly endorse the democratic-uprising interpretation (95 percent), whereas conservatives are substantially more heterogeneous (63%) and select delegitimating frames at a higher rate (20 percent 'malcontents/regionalism'; 9 percent 'North Korean instigation'). Descriptively, the results indicate that understandings of 5·18 are patterned by ideological attachment: while the democratic-uprising account dominates overall, endorsement of delegitimisation frames is more common among conservatives. This aligns with scholarship showing that Gwangju remains a site of contested memory and security-framed counternarratives in South Korean politics (Mosler 2020; Baker 2003; Kim & Cho 2025). Therefore, Table 1 indicates that 5·18 remains a live interpretive tool, less because most citizens reject the democratic account, and more because a non-trivial minority continues to find alternative frames plausible and that plausibility is concentrated in predictable segments of the electorate.

The second empirical step examines whether these memory frames align with crisis-relevant attitudes in the wake of the 2024 martial law episode. Ro et al. (2025) document that President Yoon Suk-yeol declared martial law on 03.12.2024, that 190 lawmakers voted to repeal it, and that Yoon rescinded the order roughly six hours after the initial declaration; they further note that the National Assembly voted to impeach Yoon on 14.12.2024, and that the Constitutional Court unanimously upheld impeachment on 04.04.2025 (Ro et al. 2025). In the public arena, the crisis was debated not only as a legal controversy but as a struggle over meaning; that is, whether 'martial law' represented a legitimate emergency instrument or a paradigmatic authoritarian threat.

Figure 1, therefore, links respondents' interpretations of 5·18 to crisis attitudes during the 2024 martial law episode. The pattern is substantively large. Among respondents who recognise 5·18 as a democratic uprising, 92 percent report opposition to martial law and 81 percent support impeachment. Among all other respondents (those endorsing delegitimating frames or expressing uncertainty), the corresponding shares are markedly lower (61 percent and 42 percent, respectively). Even when benchmarked against the overall sample averages (83 percent opposition to martial law; 72 percent support for impeachment), the 'democratic-uprising' group remains more aligned with pro-democratic crisis responses.

Figure 1. Gwangju 5·18 Memory Struggle and Attitudes toward the Martial Law and Impeachment of President Yoon Suk-yeol.



Source: 2025 Voter Survey of the Sogang Institute of Political Studies (SIPS).

Analytically, Figure 1 is consistent with the idea that collective memory operates as an interpretive filter in moments of constitutional stress. Respondents who anchor 5·18 in a narrative of authoritarian violence and democratic resistance appear to more often classify a contemporary emergency decree as an authoritarian danger rather than as routine partisan conflict and to endorse countermeasures associated with democratic defence. In this sense, the association is less informative as a test of 'knowledge' about the past than as evidence about which narrative schemas remain politically consequential for crisis judgment. This is consistent with evidence that repression can produce durable, heterogeneous legacies in later political engagement and orientations (Son 2025).

Taken together, Table 1 and Figure 1 suggest that 5·18 functions as an interpretive cleavage rather than as a uniformly shared historical reference point. Although the democratic-uprising account is dominant overall, endorsement of delegitimating frames and uncertainty is concentrated in predictable segments of the electorate – especially conservatives and respondents outside Jeolla – indicating that the struggle over interpretive authority remains embedded in South Korea's broader cleavage structure. This is a key observable feature of a 'democratic memory regime': the event is politically consequential not simply because it is commemorated, but because its meaning continues to sort social and political boundaries that are themselves mobilisable in contemporary conflict.

Figure 1 further indicates that these interpretive packages are not politically inert. Respondents who recognise 5·18 as democratic resistance also seem to more often oppose martial law and to support impeachment than respondents who endorse delegitimating narratives or report uncertainty. Read cautiously, this association is consistent with the mechanism developed in the preceding sections: historically anchored threat schemas can shape how citizens classify executive escalation, lowering the threshold for treating exceptional measures as an authoritarian danger rather than as routine partisan manoeuvring. At the same time, the evidence here remains descriptive. Because ideology, region and cohort also structure both 5·18 interpretations and crisis attitudes, the patterns should not be interpreted as identifying causal direction. What they do show is that competing narratives about 5·18 remain differentially credible across groups – and that this credibility correlates strongly with contemporary judgments about the legitimacy of coercive emergency politics.

VI. Conclusion

This chapter has argued that the enduring political significance of 5·18 lies not only in commemoration, but in its role as a democratic memory regime – a publicly available frame through which Koreans continue to contest the meaning of coercive state power, martial law and the boundary between legitimate order and illegitimate repression. Gwangju remains consequential because it was not merely experienced; it was documented, transmitted and repeatedly fought over, making 'what happened' inseparable from 'what it means' in contemporary democratic politics.

The events of 03.12.2024 underscore why this matters. When martial law was declared and then rescinded within hours amid rapid parliamentary resistance and mass citizen mobilisation, the crisis unfolded in a society where 'martial law' is historically charged rather than politically neutral. In that sense, the chapter's point is not that the past automatically prevents democratic rupture, but that the past can structure how rupture is recognised and how quickly collective actors coordinate in response.

At the same time, 5·18 has never been a settled reference point. Its memory continues to be invoked, defended and denied, and this ongoing struggle over interpretive authority remains embedded in South Korea's broader cleavage structure. That fact is central to the chapter's contribution to a volume on post-truth politics: the contest is not only over institutions and events, but over the legitimacy of narratives and the authority to define political reality.

Han Kang asked whether the dead can save the living. The answer suggested here is conditional. The dead save the living only insofar as their history is carried forward as a shared moral reference point – one that can be activated when democracy is threatened, yet remains vulnerable to revision, denial and strategic reframing.

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The Racialized Sexism

Pseudo-Feminism and Post-Truth of the French Far-Right Party

Jihyun Kim

I. The Rise of the Far Right and Anti-Islamism in France

Since the 1990s, there has been a notable increase in support for far-right parties across Europe, accompanied by a parallel expansion of populist political culture throughout European society. In the 2022 Italian general election, the right-wing coalition led by *Fratelli d'Italia* – a party with roots in the post-fascist tradition – secured first place, and party leader Giorgia Meloni became Italy's first far-right prime minister. In the March 2023 Portuguese general election, the far-right party *Chega* came in third, quadrupling its parliamentary representation. In Germany, the far-right *Alternative für Deutschland* (AfD) has continued to expand its political presence. A comparable dynamic is evident in Austria, where the *Freedom Party* (FPÖ) secured a historic first-place victory in the general election of September 2024, propelled by anti-immigration policies, Euroscepticism, and calls for the suspension of aid to Ukraine.

Éric Zemmour, a far-right politician and former journalist who ran in the 2022 presidential election, published Le Suicide français in 2014. In this work, Zemmour contended that France was on a path to self-destruction as a result of immigration and homosexuality and identified the 1968 cultural revolution as the starting point of this process. Despite the controversial nature of these assertions, the book sold 400.000 copies within three months of publication, becoming a bestseller across both fiction and non-fiction categories. The author identifies the rise of immigration, feminism, egalitarianism, and the erosion of traditional values as the principal causes of the gradual decline of the French nation-state since the 1970s. In particular, the failure of immigration control and the refusal of Muslim communities to assimilate are singled out as factors undermining French national identity and threatening social cohesion. Zemmour further contends that the combination of mass immigration and judicial leniency poses a serious threat to the safety of French citizens and argues that the strengthening of immigration control at the level of the European Union is a matter of urgency. These claims have, however, drawn substantial criticism from historians and sociologists, who challenge the accuracy of the statistical data cited, point to the absence of adequate sourcing, and argue that Zemmour fails to establish sufficient causal relationships between the various issues he addresses – criticisms that amount to charges of factual distortion and demagoguery.

The rise of the *Rassemblement National (*RN) constitutes one of the most significant manifestations of this extreme rightward shift in French society. In the June 2024 European Parliamentary elections, the RN, led by Jordan Bardella, received 31.1 percent of the vote, prompting President Macron to dissolve the National Assembly and call for early legislative elections. In response, left-wing parties formed a coalition – the *Nouveau Front Populaire* (NFP), a designation evoking the antifascist Front Populaire of the 1930s – with the explicit goal of preventing the RN from winning the legislative elections. The conflict between the Macron government and the left has persisted ever since, and the prospect of the RN winning the 2027 presidential election has become an increasingly prominent concern in political discourse. This concern was further reinforced by the divisions within French society that followed the death of Jean-Marie Le Pen, founder of the *Front National* and a leading figure of the French far right, in January 2025. The results of the March 2026 municipal elections demonstrate a further significant surge for the RN: the party secured mayoral positions in Nice and Perpignan, and elected mayors in 57 communes with populations of 3.500 or more – a striking increase from 9 communes in 2020, representing a gain of 48 additional municipalities. The number of municipal councillors affiliated with the party also rose substantially, from 827 in 2020 to 3.121. Looking ahead to the presidential election scheduled for 2027, Jordan Bardella is increasingly cited as the frontrunner.

A salient feature of far-right political rhetoric in France is its anti-Islamic dimension, a point that is central to the present analysis. In this regard, Michel

Houellebecq's controversial novel warrants particular attention. In his 2015 novel Soumission (Submission), Houellebecq presents an account of an unprecedented regime change in France, in which the country's political landscape is reshaped by a coalition between the left and right – united by their determination to prevent a far-right party from assuming power – that ultimately results in the backing of an Islamist candidate in the presidential runoff. Politicians in France have drawn on Houellebecq's fictional scenario to frame their political agendas, particularly with respect to the perceived 'Islamization' or 'Africanization' of Europe.

Notably, Soumission was published on 7 January 2015, the very day of the Charlie Hebdo attacks in Paris, a coincidence that dramatically amplified the novel's reception and political resonance. The simultaneity of the novel's release and the terrorist attack blurred the boundary between fictional provocation and social reality, propelling the book to the centre of national debates on Islam, secularism, and French identity. In the novel, the protagonist François, a literature professor specializing in the decadent writer J.-K. Huysmans, witnesses the gradual transformation of French academic and public life under an Islamist presidency. Houellebecq portrays this transition not through violence but through the quiet capitulation of French republican values – a narrative device that proved particularly provocative, insofar as it suggested that the erosion of French identity might come not from external imposition but from internal submission and moral exhaustion.

Houellebecq's fictional scenario has been explicitly mobilized by far-right politicians, most notably Éric Zemmour, whose essay Le Suicide français shares with Soumission the same foundational premise: that France is experiencing a civilizational decline driven by mass immigration and the perceived incompatibility of Islam with republican values. Both works have thus functioned as cultural and ideological resources for the far right, lending a veneer of intellectual legitimacy to nativist political discourse. As this analysis will demonstrate, 'anti-immigration' and 'anti-Islam' constitute the twin pillars of far-right populist discourse in contemporary France (Mudde, 2007; Wodak, 2020).

Within this broader context of intensifying far-right tendencies in French society, it is noteworthy that far-right parties have adopted a political strategy of mobilizing feminist discourse in order to foreground the issue of women's oppression within Islam, thereby reinforcing anti-Islamic sentiment. Among the issues most readily exploited in this context, the question of women's subjugation within Islam occupies a central place. One of the most striking features of contemporary European nationalist parties – in France, the Netherlands, and Italy alike – is their invocation of gender equality (and occasionally LGBT rights) within an otherwise xenophobic rhetoric. In other words, while advancing anti-Islamic agendas, these parties simultaneously claim to champion women's rights – a strategy that, as this article argues, constitutes a form of political instrumentalisation rather than a genuine commitment to gender equality.

II. The Islamic Veil Controversy and Far-Right Discourse

The Islamic veil controversy in France, which became a defining public debate from 2004 onwards, unquestionably reproduced and entrenched longstanding stereotypes about immigrant men and women. In March 2004, legislation was passed applying a ban on ostentatious religious symbols to all state schools. In September 2010, a further law was enacted prohibiting the use of face-covering garments in public spaces. The legislative process and surrounding social debate constructed non-Western women as victims and non-Western men as misogynists, thereby dichotomizing the public image of Muslim communities. Such representations simultaneously reinforced Western imagery by constituting Muslim men as the racialized other. The debate has also produced a binary representation of Muslim women: on the one hand, the veiled woman who submits to traditional values; on the other, the 'beurette émancipée'.

The term 'beurette émancipée' has been in use since 1987. It is a compound expression formed from 'beurette' – the verlan form of 'rebeu', meaning 'Maghrebi immigrant' – and the feminine suffix '-ette'. It designates a woman of North African origin who has assimilated into French culture, broken free from the conventions of her family background, and pursues education freely. The beurette thus emerged as a symbolic representation of French politicians' efforts to promote the integration of women of North African origin into French society. Former French minister Rachida Dati (2007–2009) was frequently cited as an exemplary beurette. In more recent discourse, however, the term has undergone a significant pejorative shift in connotation, increasingly applied to describe media personalities such as Nabilla Benattia and Zahia Dehar. What these varied discursive deployments share is a 'populist us vs. them' framing that produces and sustains a racialized other.

Marine Le Pen, who has led the Front National (now Rassemblement National) since 2011, has sought to attract support from female voters by emphasizing the model of the 'beurette émancipée'. This strategy has served the dual function of distancing the party from its founder's generation and facilitating the detribalization of the FN, while simultaneously sustaining the far-right's agenda of politicizing immigration. Along with Giorgia Meloni in Italy, Le Pen's moderation strategy has contributed to a steady rise in her party's popularity. The proportion of female voters supporting the RN has risen steadily: from a mere 11 percent of women who voted for Jean-Marie Le Pen in the 1988 presidential election, to 20 percent in the 2019 European Parliament elections, and further to 30 percent in those of 2024. According to Rachel Silvera, the party's successful detribalization is partly attributable to its strategic positioning on women's issues – a tendency that has become increasingly pronounced since Le Pen assumed party leadership in 2011, with gender-related concerns being given ever greater prominence in the party's official discourse (Silvera, 2025).

An examination of the party's actual legislative conduct, however, reveals a markedly different picture. Of the 194 bills and amendments relating to women's rights put to a vote in the National Assembly between June 2022 and the end of 2025, RN deputies voted in favour in only 37.63 percent of cases, compared to an approval rate of approximately 90 percent among left-wing parliamentary groups. Moreover, the party's support for women's rights legislation has declined over time: from 32.52 percent during the period from June 2022 to July 2024, it fell to 21.13 percent between July 2024 and the end of 2025 (Silvera, 2025). This pronounced discrepancy between rhetorical commitment and legislative practice lays bare the fundamental ambivalence that characterizes the RN's approach to women's policy.

During the 2019 municipal election campaign, Marine Le Pen declared that 'the veil is not a mere piece of cloth – it is a marker of Islamic radicalism (marqueur de radicalité)' and warned that 'women's freedoms are not a given and may suffer serious regression. She further called for an extension of the veil ban to parents accompanying school outings. The following statement, drawn from a television interview, further illustrates how the far right selectively instrumentalizes the issue of sexism:

> 'Honestly, there are places where sexism exists, I agree. The girls in the banlieues [suburbs] cannot wear short skirts. There. The girls in the banlieues are treated like objects. Therefore, yes, the best way to solve our problem is first to detect them, to be able to apply a diagnostic on the problem …'

In this statement, Le Pen frames sexism as a problem specific to non-French, Muslim communities in the banlieues, leaving unexamined the structural dimensions of gender-based violence within French society at large. While the stigmatization of racialized men remains a prominent theme in RN political communication, racialized women have, under Le Pen's leadership, acquired a new discursive visibility: they are deployed – by a female party leader – as symbols of feminine oppression in debates over the burqa, the Muslim headscarf, and sexual violence. Such statements function as a populist strategy designed to elicit the emotional response that Muslim immigrant men are the primary perpetrators of violence against women.

The central argument mobilized by far-right parties in foregrounding anti-Islamic sentiment through the discourse on women's issues is that of 'universal republicanism.' As the foundational ideology of French citizenship, this concept simultaneously conceals racial prejudice while furnishing a seemingly principled basis for criticizing the gender-discriminatory practices of Islamic culture. Drawing on this framework, far-right parties variously invoke a nationalist perspective that figures the nation as home and woman as mother of the nation, or appeal to Catholic family values as grounds for rejecting Islamic culture. While the relationship between Catholicism and far-right identity in France is comparatively looser than in Italy, Le Pen has nonetheless drawn on her Catholic background to advance anti-abortion positions and homophobic rhetoric. Nevertheless, it is 'universal republicanism' that Le Pen most consistently deploys, and on this basis, she produces – in marked contrast to previous generations of far-right parties – a gendered discourse that foregrounds the principle of laïcité (secularism).

It is noteworthy that this laïcité-centred anti-Islamic discourse partially converges with the positions of mainstream right-wing parties and is deeply implicated in the intra-feminist debate over whether the Islamic veil is to be construed as a symbol of women's subjugation or as an expression of individual agency. Certain feminists have aligned themselves with positions shared by far-right parties. So-called 'republican feminists' such as Fadela Amara and Élisabeth Badinter have characterized the veil as a symbol of women's oppression and emphasized that republican schools should function as spaces of gender equality. Fadela Amara, activist, politician, and founding figure of the organization Ni Putes Ni Soumises (NPNS), established the association following a march she organized in 2002 to protest against misogynistic violence in the French banlieues – a march triggered by the murder of a 17-year-old girl of Algerian descent in Vitry-sur-Seine. Premised on the foundational values of laïcité (secularism), mixité (gender integration), and gender equality, the organization offers legal recourse and psychological support to women in the banlieues who have been subjected to domestic violence and gang rape. Grounding her position in the republican principle of laïcité, Amara lent her support to the 2004 legislation prohibiting the wearing of conspicuous religious symbols in state schools, as well as to the 2010 law banning the concealment of the face in public spaces.

Nevertheless, NPNS has been subjected to sustained criticism by feminist scholars such as Sylvie Tissot and Elsa Dorlin, who argue that the organization's activities have served to marginalize the achievements of other feminist NGOs while simultaneously reinforcing stereotypical representations of immigrant communities. Furthermore, such critics contend that this discursive framework has contributed to the instrumentalization of feminism by the French right as a vehicle for Islamophobic political agendas.

The remarks of the republican feminist Élisabeth Badinter, cited below, may likewise be situated within this same discursive context:

> 'I think we are dealing with very sick women [full-veiled Muslim women] and I do not think we have to be determined according to their pathology'.

> '(In 2003) Frankly, for a long time now in the native French society (société française de souche), whether it is in the case of Judaism or Catholicism, one can't say that there is an oppression of women'.

Badinter's remarks reveal not only a nativist perspective that dichotomizes 'indigenous French society' and 'immigrant society', but also a Western-centric conception of religion that attributes the oppression of women exclusively to Islam, while implicitly exempting Judaism and Christianity from such critique. This position stands in direct contradiction to the principle of laïcité she has herself championed and is equally inconsistent with her own previously stated critique of the essentialist tendency within feminist movements to categorically construct women as passive victims of oppression.

The mobilization of the veil debate has not been confined to right-wing and far-right actors; feminists within certain left-wing organizations have equally aligned themselves with anti-veil positions. Antiracist feminists, however, have condemned what they identify as the instrumental appropriation of gender-based violence by right-wing political forces. Whereas antiracist feminists contended that the legislation was underpinned by a neo-colonialist logic directed against Muslim girls, so-called 'republican feminists' endorsed it as an instrument for advancing secular liberal values and furthering gender equality. It is within this polarized discursive field that Christine Delphy, a central figure of French materialist feminism, articulated a critique of republican feminism, contending that the anti-veil stance risked subordinating antiracist imperatives to an antisexist agenda – thereby laying bare a structural tension that remains unresolved at the core of French feminist politics (Delphy, 2006).

III. Far-Right Political Discourse and the Production of Post-Truth

The primary vehicle through which far-right parties deploy feminist rhetoric to reinforce racial prejudice is political discourse. It is evident that far-right parties have systematically appropriated the language of feminism to advance anti-immigrant and anti-Muslim agendas – a strategy that Sara Farris has termed ‘femonationalism’ (Farris, 2017). This racialized sexism, or sexualized racism, reinforces the RN’s own internal contradictions and ambivalences regarding women’s issues.

Bardella, a young party leader from a working-class background who cultivates an anti-elite image, has proven effective in mobilizing young voters and supporters across diverse regions of France. On 17 June 2024, Bardella garnered significant public attention with a video published on social media, opening with the words ‘I want to address all the women of France’ (Je veux m’adresser à toutes les femmes de France). Framing this intervention as a rebuttal to left-wing accusations that the RN harbors anti-feminist positions, Bardella addressed a range of policy areas including the economy, immigration, refugees, and minority rights. His statements, however, are characterized by a fundamental internal contradiction:

> ‘We will wage a relentless battle against the insecurity that is undermining the freedom of every woman in France to move about in the streets’. (Nous mènerons une lutte implacable contre l’insécurité qui fait régresser la liberté de chaque femme de France de se déplacer dans les rues.)
>
> ‘We will regain control of migration policy by deporting foreign delinquents and criminals, introducing minimum sentences, and severely reinforcing sanctions against violence against women’. (Nous reprendrons le contrôle de la politique migratoire en expulsant les délinquants et criminels étrangers, instaurant des peines planchers, en renforçant sévèrement les sanctions contre les violences faites aux femmes.)

These claims constitute a misrepresentation of the facts. The empirical evidence demonstrates that most violence against women takes place within the domestic sphere, between individuals who are known to one another. The discursive linking of foreign nationals to violence against women is not only empirically unsubstantiated but serves to racialise the issue and thereby justify the RN’s anti-immigrant policies. As Myriam Revault d’Allonnes argues, the post-truth era is characterized by the elevation of opinion to the status of incontestable fact. In this context, the distinction between truth and falsity becomes increasingly blurred, serving to perpetuate a post-truth dynamic predicated on the figure of a leader who presents himself as the sole bearer of truth (Revault d'Allonnes, 2018). The populist sentiment that has become increasingly prominent within democratic systems operates on a similar logic: the critique directed at elites, at those who possess specialized knowledge, and at those who claim the authority to articulate truth, becomes a central feature of this phenomenon – transforming political leaders into agents who manipulate, adapt, and distort truth in service of their own agendas.

Notwithstanding the post-truth character of Bardella's statements, their political efficacy derives from the social anxieties generated by immigration – anxieties that function as a receptive ground in which factual misrepresentation may substitute for truth. An examination of the RN's legislative record further undermines Bardella's claims to champion women's rights: RN deputies voted against the Rixain law, which aims to eliminate gender-based discrimination in the workplace – a position consistent with the party's silence on women's wage discrimination during the 2022 presidential campaign.

Under the guise of promoting new rights, proposals for an 'income for stay-at-home mothers', a 'right for women to remain at home', or the 'free distribution of parental leave' effectively confine women to their maternal and domestic care roles. RN deputy Jocelyn Dessigny, who had previously been sanctioned for sexist remarks in the National Assembly in September 2023 during debates on the 'Plein-emploi law' – which conditions social aid on hours of activity – stated the following: 'We start from the principle that a stay-at-home mother is perhaps better off at home looking after the children'. When confronted with criticism, Dessigny further asserted:

> 'I am taken aback by your liberticidal ideas that women should not have the right to remain at home to care for their children and should instead rely on others to do so'.

Bardella's statements on the right to voluntary termination of pregnancy (IVG) constitute a further instance of factual misrepresentation. While claiming that Marine Le Pen supported the constitutional enshrinement of abortion rights, RN members of the European Parliament have consistently failed to support this position in practice: in November 2020, they voted against a resolution condemning Poland's ban on abortion; and in April 2024, most RN MEPs abstained or voted against the inclusion of abortion rights in the European Charter of Fundamental Rights.

IV.Conclusion

This article has examined the ways in which far-right parties in France, most notably the Rassemblement National, have strategically deployed feminist rhetoric as a vehicle for reinforcing anti-Islamic sentiment and racial prejudice. Through an analysis of political discourse, legislative conduct, and public statements by key figures such as Marine Le Pen and Jordan Bardella, it has been demonstrated that the invocation of women's rights by the far right constitutes not a genuine commitment to gender equality, but rather an instrumentalisation of feminist language in the service of nativist and exclusionary political agendas – a phenomenon that Sara Farris has aptly termed 'neonationalism' (Farris, 2017).

The case of the Islamic veil controversy has proven particularly illuminating in this regard. The legislative debates surrounding the 2004 and 2010 laws revealed a deeply polarized discursive field in which the figure of the Muslim woman was simultaneously constructed as a passive victim in need of republican rescue and as a symbol of civilizational threat. This dual construction served to reinforce racialized stereotypes while foreclosing more nuanced engagements with the complex realities of Muslim women's lives in France. The analysis of figures such as Fadela Amara and Élisabeth Badinter has further demonstrated that this instrumentalization of feminist discourse is not confined to the far right, but extends to certain strands of republican feminism, thereby complicating any straightforward alignment between feminism and progressive politics.

The examination of Bardella's 2024 electoral discourse has illustrated how post-truth mechanisms operate within far-right populism: empirically unsubstantiated claims linking immigration to violence against women are strategically circulated to elicit fear and consolidate an electoral base, while the party's actual legislative record on women's rights points to a starkly divergent reality. The pronounced discrepancy between the RN's feminist rhetoric and its voting behaviour in the

National Assembly – supporting only 37.63 percent of women's rights legislation between 2022 and 2025 – lays bare the fundamentally performative nature of its gender discourse.

Taken together, these findings suggest that the far right's appropriation of feminism functions as a form of racialized sexism: a discursive strategy that simultaneously exploits and distorts feminist concerns in order to legitimise anti-immigrant politics. As this article has argued, understanding this phenomenon requires sustained critical attention not only to what far-right discourse says in the name of women, but also to what it conceals – namely, the structural inequalities and unresolved tensions that continue to shape the lives of women across French society, regardless of their origin or faith. Future research might productively extend this analysis to a comparative European framework, examining the degree to which femonationalist discourse operates across different national contexts and political cultures.

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Populism and Post-truth in Korea's Gender Wars

SEIL OH, SJ

I. Introduction

Culture war (Kulturkampf) has long been serious in the contemporary secular or post-secular world (Habermas 2008). Social 'polarization' has become widely spread in politics, economic classes, generations, and gender. However, socio-economic polarisation and cultural conflicts are not static at all; rather, they have evolved into a grave stage with a series of severe and ongoing political issues. In particular, the contemporary culture war has been exacerbated by political populism and post-truth ideologies through the internet, SNS (social network services), and partisan or militant identity politics.

In South Korea, socio-political polarization has long been extant in the neoliberal regime with 'laissez-fair' (free market-oriented) implementation with post-IMF crisis, deregulated economic structures and labour markets, institutionalising disparities between regular and non-regular workers. This economic polarisation has been greatly impacting the vulnerable hearts of the younger generations, who are eagerly searching for stable, high-paying, and 'regular' jobs as the ultimate goal of their impending life (Jung 2023; Jung & Oh 2023).

Also, gender war is continuing along the antagonistic lines of feminism versus anti-feminism; after the 'Me too' movement in 2018, the gender war has been ever serious social problem influencing the results of national elections for a president or congress members. Between 2022 and 2025, Women in their 20s and 30s are more likely than men in the same cohort to support Democratic candidates in elections, with an approximate ratio of 6:4. Such a socio-political division has been continuously influencing the face of the pros and cons for the issues of impeachment of president, Yoon, Seok-ryol in January, 2025.

Those kinds of socio-political, generational, and cultural divisions along with gender conflicts have been shifting from 'cognitive polarization,' beyond economic and political divides, to 'emotional polarization,' being characterized by deep-seated hostility and hatred between opposing groups. This has particularly affected younger generations, turning social exclusion into a cultural war.

This paper seeks to explore how hate speech culture has developed in the context of populism and post-truth, analysing its causes and social implications with the following research questions;

First, how is populism connected to antagonistic dualism in the gender war?

Second, how does hatred anchor on post-truth biased epistemology?

Third, what are plausible solutions for these problems? In particular, from the ecclesiastical perspective of Catholic Church, particularly *Fratelli Tutti*?

Furthermore, it investigates the role of the Catholic Church in addressing this issue within a highly secularized and conflict-ridden society. By analysing hate speech and culture war from a perspective of Catholic Social Teachings, this study aims to propose practical solutions and plausible reconciliation in order to make a 'good society' (Bellah et al. 1992).

II. Hate Culture

1 Hate Speech Trends

The expressions of 'hatred' (嫌惡) have become prevalent and problematic in the contemporary world. The dictionary definition of hatred is 'to dislike and detest', but terms such as 'abhor,' 'extreme hatred' (極嫌) or 'resentment' (憎惡) are also widely used. Such expressions of hatred are fundamentally based on a 'metaphor of death' (Oh & Oh 2023), as they aim to reject coexistence with the hated target and seek to eliminate them from the boundaries of one's own life or the framework of the community (Oh 2023). Hatred is an emotion based on the intentional inclination to selectively exclude a specific target. It is a powerful feeling that triggers an extreme rejection of entities perceived as incompatible with oneself or one's group.

Hate speech has become commonplace in modern society. While the literal definition of hatred implies 'disliking and despising', terms such as 'extreme hatred' and 'contempt' have gained widespread usage. Hate speech seeks to exclude and remove perceived enemies from one's personal and communal space, often employing death-related metaphors.

A sociological analysis of hate speech reveals that it is a selective emotion aimed at excluding specific targets perceived as incompatible with one's group. Philosopher Martha Nussbaum (2015, 2016) differentiates hate from anger, suggesting that hate stems from the perception of impurity and contamination, whereas anger arises from perceived injustice.

Big data (e.g., news media) analysis of hate speech trends in South Korea reveals a significant surge during the period surrounding the 2022 – 2025 presidential elections, coinciding with intensive political and social conflicts. Periods (1) and (3) correspond to presidential election cycles, while period (2) reflects multiple attacks targeting a presidential candidate – now President Jae-myung Lee – as well as heightened public debates over hatred directed at minority groups (e.g., the disabled). In particular, youth-centered online platforms have become breeding grounds for expressions of hate, fostering an environment where exclusionary and derogatory language is normalized.

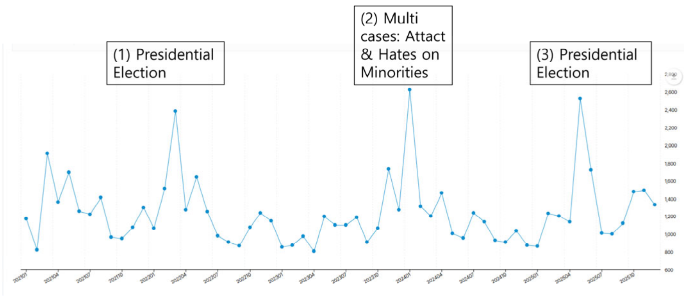

Figure 1: : Three-monthly volume of Korean news coverage using 'hate' (혐오)-related terms, January 2021 – December 2025. Source: author's own analysis based on news big-data from BigKinds, Korea Press Foundation (www.bigkinds.or.kr); search term '혐오/hate', collection period 1 Jan, 2021 – 31 Dec 2025.

2. Normalization of ‘Chung (Bug)’ Expressions in Daily Lives

One of most antagonistic features of contemporary gender wars arises from the expanding circulation of the derogatory suffix ‘-chung’ in youth discourse – etymologically derived from a term meaning bug, worm or vermin – as a discursive device that converts social antagonism into systematic denigration and dehumanization. Originally employed in extreme online communities, this expression has gradually permeated everyday language, particularly in militant digital spaces among youth. Terms such as ‘han-nam-chung’, a pejorative label targeting Korean men, and ‘mom-chung’, used to disparage so-called overbearing mothers, exemplify how this vocabulary operates to reduce fellow citizens to morally inferior or even subhuman categories.

Beyond isolated insults, the diffusion of ‘-chung’ reflects a broader symbolic war in which social conflict and resentment are translated into dehumanizing classifications. By invoking pejorative imagery associated with impurity, such language not only stigmatizes particular groups but also legitimizes moral exclusion and affective rejection. In this sense, the normalization of ‘-chung’ terminology signals a shift from critique of behaviour or structure toward ontological denial of personhood, raising serious concerns about the erosion of moral boundaries in everyday interaction and the deepening of antagonistic identity-politics among younger generations.

Such derogatory expressions stem from multiple pressures deeply rooted in increasingly competitive, hierarchical and unequal societal structures (Jung 2023). Young people facing economic uncertainty and social alienation often channel their frustrations into online hate speech, blaming perceived opponents for their failures or frustrations. The internet amplifies these expressions, fostering an echo chamber effect that reinforces harmful stereotypes.

Area	These	Anti-These
Gender	Korean male worm (한남충)	Korean Female worm (한녀충)

	Prostitution bug (성매매충)	Prostitute worm (창녀충)
	Anal bug (똥꼬충)	scissors bug (가위충)
Politics	Leftist zombie bug (좌좀충)	Far rightist bug (우꼴충)
	Political Correct worm (PC 충)	Anti-political Correct worm (반PC 충)
Marriage	married bug (결혼충)	Non-married bug (비혼충)
Habit	Smoker bug (흡연충)	Non-smoker bug (비흡연충)

Table 1: Worm Discourse: Antagonistic Binary Codes (Source: Oh & Oh 2023: 117)

3. Post-truth Amplification of Antagonistic Metaphors

'Reconciliation with feminists? Do you really think that's possible? How can you extend generosity and embrace those who, with the singular intent to destroy, have relentlessly trampled on men in their 20s and 30s with harsh words and institutional tools? That's not being a saint, that's being a fool. I believe "feminism = spies + fascists", and I see these bugs, who hold ideologies that can be called the absolute evil of society, as something that must be completely eradicated. There is no reason to show even an ounce of generosity toward them, and they should be thoroughly buried in society. […] Reconciliation? What exactly have men in their 20s and 30s gained from this? In a situation where feminists are still protected by institutions and the media, what have young men received except mockery like

> "LOLdae-nam" and insults like "turtle breasts group"? Why should we reconcile? […] Reconciliation, my foot. Feminists should be relentlessly chewed out and crushed whenever seen. I am convinced they are of no use to this country and must be absolutely exterminated. Don't try to convince me with ridiculous arguments. And many people probably think the same way I do'. (FM Korea, April 23, 2023)

This antagonistic remark comes from online community (Oh & Oh 2023: 120). It is confined within the negatively biased frames of gender wars, rejecting truthful complexity and instead construing women as 'fascists' from an exclusionary and combative perspective shaped by a post-truth logic. In particular, for men engaged in the gender war, radical feminists who employ militant tactics of 'mirroring' and justifying hate speech are often perceived as resembling fascists driven by a totalitarian ideology. For women, militant men are deeply rooted in premodern values and patriarchal ideology. Such intense and provocative forms of hate speech are further amplified through affective resonance and mutual reinforcement within online communities organized around gender-oriented identity politics.

During the 2022 presidential election, in particular, a conservative politician, Lee Jun-seok strategically mobilized gender conflict as a divisive electoral tactic. The Yoon Suk-yeol administration – later ending in impeachment – appointed and supported far-right YouTubers in roles linked to the presidential public relations, thereby exacerbating the culture war at the socio-political level.

In sum, the broader culture war intertwined with gender conflicts is rooted in unstable and unequal social structures; however, it has increasingly escalated into a war of hatred, anchored in fringe extremist online communities. Under authoritarian far-right regimes, this culture war dynamic is strategically exploited as political fuel, with hate culture being instrumentalized to consolidate and expand their support base.

III. The Frame of Culture War: Populism, Post-Truth, and Hate Culture

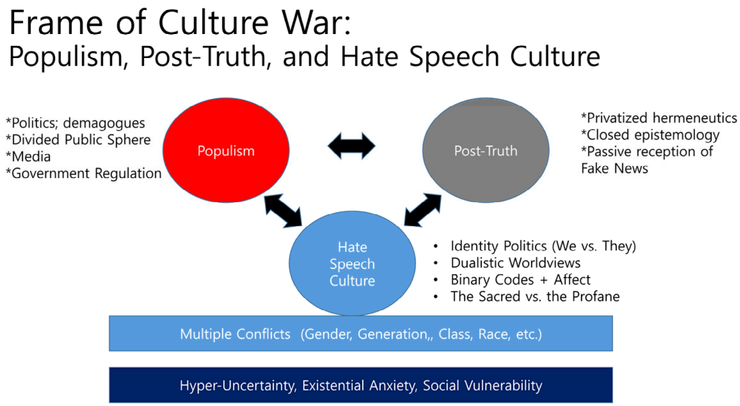

Figure 2: The frame of the culture war: the interplay of populism, post-truth, and hate speech culture, grounded in multiple social conflicts and in conditions of hyper-uncertainty, existential anxiety, and social vulnerability. Source; author's own conceptualization; figure created by the author.

Let us consider sociological factors influencing the proliferation of hate culture:

1 Hyper-Uncertainty, Existential Anxiety, and Social Vulnerability: Economic instability and job insecurity create a fertile ground for resentment, leading to culture war and the scapegoating of opponent or marginalized groups. In particular, young people facing hyper-uncertainty and experiencing existential anxiety may be more likely to align themselves to combat with socio-political opponents. The quality of life tends to be lowered for individuals in a society lacking of social stability. This is the material and existential foundation for social conflicts in a contemporary world.

2 Multiple Conflicts and Binary Codes in Culture War: Socio-political and culture war reflect multiple conflicts – such as those of gender, generation, class, race, etc – structured through antagonistic binary codes. In particular, identity politics consolidates a dualistic worldview that sharply distinguishes 'us' from 'them', legitimizing the perception of

one's own group as sacred and morally justified while rendering the opposing group as impure and therefore subject to contempt or hatred. These cultural divisions, conflicts, and battles are influenced by socioeconomic, existential, and material foundations of social vulnerability. Also, these cultural divisions have been fueled by hate speech discourses.

3 Populism fueled by Internet Architecture and Online Carnival: The anonymity and rapid dissemination of information online facilitate the spread of hate speech, making it easier for individuals to engage in discriminatory discourse without verifying facts and facing consequences. Internet architecture and administration (e.g., web platforms, comments, blogs, and online communities) further reinforce populism as content that is provocative or sensational tends to attract greater visibility and engagement in the digital public arena. As a result, highly sensitive and inflammatory materials, often rooted in fake news or fictitious narratives yet resonating with popular hostility, are more likely to achieve large-scale popularity.

4 Post-Truth and New Tribalism: In the absence of traditional community bonds, individuals increasingly seek belonging within online subcultures, which often foster exclusionary and militant ideologies. Nomad-like modern individuals in post-modern culture tend to cluster around shared identity-political lines. Enclosed within sectarian and insular mindsets, these groups prioritise the protection of collective interests by dismissing epistemic complexity and strategically mobilising partial truths to secure symbolic dominance in ongoing cultural and political conflicts. Such forms of new tribalism (Maffesoli 1996), which promote partial solidarity among like-minded in-group members, often justify their own selective truth claims – thereby exemplifying the core pathology of the post-truth context.

Nowadays, hate culture has evolved into a full-scale cultural war, where ideological divisions manifest in every aspect of social interaction. This phenomenon is exacerbated by media representation and political agendas that exploit existing divides for hegemonic war. The continuous exposure to hate speech can lead to severe psychological distress, reinforcing feelings of isolation, anxiety, and depression among individuals targeted by such discourse. Additionally, it fosters a climate of mistrust and fear within society, leading to increased social fragmentation.

Thus, the divided public sphere must be restored beyond the logic of counter-public sphere discourse. The public sphere, as theorized by Arendt (1959) and Habermas (1960), has been fractured and segmented by the proliferation of multiple 'counter-public spheres' (Fraser 1991). Those who were previously cast out – denied the same rights and authority as recognized members in official public contexts – pursue the official recognition of due rights and membership privileges within alternative public spheres beyond the prescribed institutional and cultural settings. However, as the traditional normative framework of the public sphere can no longer be sustained amid the fragmented and antagonistic struggles characteristic of contemporary culture wars, it becomes necessary to envision a more inclusive and integrative public sphere – one that move beyond the rigid binary of public versus vs. counter-public sphere.

IV. Fratelli Tutti (Papal Encyclical)

Pope Francis (2013–2025) ceaselessly encouraged a spirit of encounter and promotion of reconciliation and peace in the world. When he caused offense due to a minor mistake, Pope Francis apologized personally. He also insisted that the freedom of speech should have limits in the case of Paris attacks (BBC News 2015) while emphasising social and political charity in his encyclical, *Fratelli Tutti.*

1. 'Social and Political Charity' (Fratelli Tutti, Section 176)

Pope Francis, in his encyclical *Fratelli Tutti*, emphasises the importance of social and political charity in overcoming polarisation and fostering unity. He warns against populism and neoliberal ideologies that prioritize individual gain over the common good.

In *Fratelli Tutti*, Pope Francis advocates for a politics rooted in love and solidarity. Practical applications include fostering inclusive public discourse and prioritizing policies that address systemic inequalities. For example, Brazil's Bolsa Família program illustrates how inclusive policies can mitigate social tensions.

The concept of political charity extends beyond individual acts of kindness to encompass systemic changes that promote the common good. This approach emphasises the importance of creating institutions and policies that address the root causes of social inequalities, fostering a more inclusive and equitable society.

176. For many people today, politics is a distasteful word, often due to the mistakes, corruption and inefficiency of some politicians. There are also attempts to discredit politics, to replace it with economics or to twist it to one ideology or another. Yet can our world function without politics? Can there be an effective process of growth towards universal fraternity and social peace without a sound political life?

#177. Here I would once more observe that 'politics must not be subject to the economy, nor should the economy be subject to the dictates of an efficiency-driven paradigm of technocracy'. Although misuse of power, corruption, disregard for law and inefficiency must clearly be rejected, 'economics without politics cannot be justified, since this would make it impossible to favour other ways of handling the various aspects of the present crisis'. Instead, 'what is needed is a politics which is far-sighted and capable of a new, integral and interdisciplinary approach to handling the different aspects of the crisis'. In other words, a 'healthy politics … capable of reforming and coordinating institutions, promoting best practices and overcoming undue pressure and bureaucratic inertia'. We cannot expect economics to do this, nor can we allow economics to take over the real power of the state.

#182. (Social and Political Charity) This political charity is born of a social awareness that transcends every individualistic mindset:

> '"Social charity makes us love the common good", it makes us effectively seek the good of all people, considered not only as individuals or private persons, but also in the social dimension that unites them'.

Each of us is fully a person when we are part of a people; at the same time, there are no peoples without respect for the individuality of each person. 'People' and 'person' are correlative terms. Nonetheless, there are attempts nowadays to reduce persons to isolated individuals easily manipulated by powers pursuing spurious interests. Good politics will seek ways of building communities at every level of social life, in order to recalibrate and reorient globalization and thus avoid its disruptive effects.

#187. (Sacrifices born of Love: Prior Option & Love for the Poor) This charity, which is the spiritual heart of politics, is always a preferential love shown to those in greatest need; it undergirds everything we do on their behalf. Only a gaze transformed by charity can enable the dignity of others to be recognized and, as a consequence, the poor to be acknowledged and valued in their dignity, respected in their identity and culture, and thus truly integrated into society. That gaze is at the heart of the authentic spirit of politics. It sees paths open up that are different from those of a soulless pragmatism. It makes us realize that

> 'the scandal of poverty cannot be addressed by promoting strategies of containment that only tranquilize the poor and render them tame and inoffensive. How sad it is when we find, behind allegedly altruistic works, the other being reduced to passivity'.

What are needed are new pathways of self-expression and participation in society. Education serves these by making it possible for each human being to shape his or her own future. Here too we see the importance of the principle of subsidiarity, which is inseparable from the principle of solidarity.

#196. (Fruitfulness over Results: Good Politics for the Good Society) For this reason, it is truly noble to place our hope in the hidden power of the seeds of goodness we sow, and thus to initiate processes whose fruits will be reaped by others. Good politics combines love with hope and with confidence in the reserves of goodness present in human hearts. Indeed,

> 'authentic political life, built upon respect for law and frank dialogue between individuals, is constantly renewed whenever there is a realization

> that every woman and man, and every new generation, brings the promise of new relational, intellectual, cultural and spiritual energies'.

In response to the rampant hate culture in our society, Pope Francis, in his encyclical *Fratelli Tutti*, emphasizes the importance of 'social and political charity'. The encyclical calls for a shift beyond individualism to structural transformation through commitment to charity and truth. Pope Francis proposes 'good politics' rooted in gentle love and a preferential option for the most vulnerable, advocating for a 'journeying together' (synodality) to create a healthier society in God's vision. 'Social and political charity' invites all people to move beyond the 'law of retaliation' to the 'law of selflessness', encouraging a transition from a culture of 'death and hate' to a culture of 'life and reciprocity'.

2. The Good Society and Open Public Discourse

The good society cannot be sustained without a sound political life rooted in moral vision and social responsibility. As Pope Francis reminds us in *Fratelli Tutti*, politics is not merely a technical instrument of governance but a privileged arena for pursuing the common good through social and political charity. When politics is reduced to economic efficiency, technocratic management, or ideological confrontation, it loses its capacity to foster fraternity, the common good, and peace.

Contemporary public discourse, increasingly shaped by populism and post-truth dynamics, tends to fragment the public sphere into antagonistic camps. Both populist mobilisation and neoliberal individualism reduce persons to isolated actors or manipulatable masses, eroding the shared ethical foundations of public life. As a result, the public sphere is transformed from a space of deliberation into a terrain of cultural and moral conflict.

Social and political charity offers a normative alternative to this fragmentation. Extending beyond individual benevolence, political charity calls for institutional and structural commitments to the common good, recognising persons as members of a people bound by mutual dignity and responsibility. From this perspective, open public discourse must foster inclusion while resisting sectarian closure and epistemic reductionism.

Central to this vision is a preferential concern for the poor and the marginalized. A good society cannot be built through strategies that merely manage inequality or pacify dissent; it requires genuine participation, education, and institutional arrangements shaped by solidarity and subsidiarity. Ultimately, good politics privileges long-term fruitfulness over immediate results, sustaining hope in the generative power of dialogue. Open public discourse, renewed by political charity, thus becomes a vital condition for rebuilding a good and inclusive society.

In addition, the Catholic church has contributed to social justice and the common good in the spirit of the Second Vatican council in the contemporary history of Korea (Oh 2015a); thus, it has been understood most trustworthy religion (Oh 2015b). Catholic church along with others should promote socio-political charity in the spirit of *Frateli Tutti* and *Synodalitas* (Oh 2018, 2023).

V. Discussion for further Reconciliation

The prevalence of 'hate' culture today reflects a severe crisis in our society, where moral values and the common good fail to provide clear direction. Under the neoliberal system, the lifestyle of infinite competition and self-reliance has justified polarisation. As conflicts and confrontations among different social classes, genders, ideologies, and orientations escalate, a 'cultural war' emerges, revealing 'shameless aggression' and further reproducing the hate culture. In essence, hate culture erodes the foundation of democracy, destroys coexistence and fraternity, justifying exclusion and even death. However, the spirit of democracy, grounded in 'mutual toleration and institutional forbearance', fosters a good society (Levitsky & Ziblatt 2018: 8–9).

The interplay of populism, post-truth, and hate culture presents a significant challenge to social cohesion. South Korea's gender wars exemplify these dynamics, yet they are not unique to one nation. By drawing on Catholic social teachings, this article highlights pathways toward reconciliation and the common good. Building a society rooted in empathy, solidarity, and critical engagement is essential for transcending the divisive forces of our time.

The insights provided by this analysis underscore the need for a multifaceted approach to addressing cultural conflicts. By fostering a culture of dialogue, promoting inclusive policies, and emphasizing the importance of community, societies can move beyond the divisive rhetoric of populism and post-truth politics to build a more harmonious and equitable future. In particular, we need to consider these following tasks for further reconciliation and re-establishment of public arena.

Building the Common Ground

Encouraging empathy and dialogue is essential for overcoming divisions. Initiatives like Germany's post-WWII reconciliation efforts provide valuable lessons. Similarly, South Korea can draw on traditional Confucian values of harmony to bridge divides. Reconciliation requires acknowledging past grievances and working collaboratively to build a shared vision for the future.

Regulating Online Platforms

Governments and tech companies must collaborate to reduce the spread of hate speech. Policies such as the EU's Digital Services Act offer frameworks for accountability in digital spaces. These measures can help create a safer and more inclusive online environment, fostering constructive dialogue and reducing the prevalence of hate speech.

Education and Critical Thinking

Promoting media literacy and critical thinking can empower individuals to resist post-truth narratives. Programs like Finland's media education initiatives demonstrate effective strategies for fostering an informed citizenry. Education plays a crucial role in equipping individuals with the skills needed to navigate complex information landscapes and engage in meaningful discourse.

In addition, it is important to note that the discourse of 'chung' and the intensification of gender conflict are deepened by the biased logic of legitimacy embedded in meritocratic ideology, which propels the totalization of the neoliberal market (Habermas2006; Sandel 2020). What is often at work, in fact, is the projection of self-directed resentment and self-contempt onto others, thereby justifying hatred of the out-group (Oh & Oh 2023). Rather than condemning and despising others according to rigid standards of merit and maximal performance, it is socio-political love reflecting the divine love – capable of embracing one's own wounds and vulnerabilities while also holding the weaknesses and sufferings of others – that can most profoundly heal both individuals and society, guiding us toward reconciliation of the estranged and restoration of the good society.

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Gothic romance and post-truth in Ann Radcliffe's *The Mysteries of Udolpho*

CHIHUN KIM

I. Introduction

This chapter analyses Ann Radcliffe's *The Mysteries of Udolpho* with particular reference to post-truth. Although the term itself did not exist in eighteenth-century Britain, the novel engages with patterns that remain strikingly relevant today: uncertainty, fear, emotional response, manipulation and violence. In this sense, *The Mysteries of Udolpho* offers a literary framework through which broader dynamics associated with post-truth can be explored.

What phenomena of post-truth have in common is that they are often associated with uncertainty, fear, and violence. It is said that post-truth is more about emotional reactions and personal preferences than about truth or fact (Enroth 2023). Furthermore, it tends to have an impact on the public rather than on personal and individual areas, in the sense that it galvanises the people. In addition, there are social and cultural contexts the people have. In *The Mysteries of Udolpho*, Ann Radcliffe demonstrates a similar pattern or dynamic in relation with post-truth: uncertainty, emotional response, fear, and violence. And they are marked by naïvety, exploitation, manipulation, selfishness, and materialism.

Overall, the key question is how to deal with uncertainty in our lives. In *The Mysteries of Udolpho*, the protagonist Emily undergoes a process of her inner growth as she copes with various layers of uncertainty in her life. This paper will examine Emily's path to inner growth by first providing an overview of Gothic Romance; second, overviews of Ann Radcliffe and *The Mysteries of Udolpho*; thirdly, the levels of uncertainty in the story; fourthly, the characteristics of the Udolpho castle; fifthly, the dynamics of reason and emotion; sixthly, the causes for Emily's emotional responses to the uncertainties, and seventhly, the social and political contexts of fear and violence. Additionally, it will touch on Southport Stabbing, which took place in the UK in July 2024. The incident reveals a similar pattern of uncertainty in relation with *The Mysteries of Udolpho*. Finally, Emily's growth will be illustrated.

II. Overview of Gothic Romance

Gothic 'originally refers to the Germanic tribe of Goths', which is associated with anything barbaric or uncouth (Burwick 2015: 88). The term Gothic Romance comes from gothic architecture, the style of which was prominent in Europe between the twelfth and sixteenth centuries. Gothicism seems to be 'applied to a particular literary form first codified by Walpole in *The Castle of Otranto*' in 1764 (McGuire 1992: 239). As Tractarianism refers to the revival of Catholic tradition during the mid-18th century, an interest in medieval ideas was rekindled during that time. Walpole responded to this preoccupation by writing a story that dealt with the key elements of gothicism: the supernatural, villains, castles, horror, and romance. Gothic fiction is typically characterised by a dark and fearful atmosphere, a male villain who exerts control over others, and a remote castle or similarly medieval setting. While Walpole is regarded as the writer who opened the genre of gothicism, it is Radcliffe who shaped the form of the genre in an established sense. She used many of the same elements that Walpole had introduced, 'such as isolated settings with semi-supernatural phenomena; however, her novels featured female protagonists battling through terrifying ordeals while struggling to be with their true loves' (McGuire 1992: 241). Ultimately, *The Mysteries of Udolpho* helped to establish and systematise many of the conventions of the Gothic genre.

There are two different types of gothic fiction. The first deals with ancestry and inheritance, and the second with the supernatural and the darker side of humanity. Clara Reeve's *The Champion of Virtue* (1777) belongs to the first type, and Lewis's *The Monk* (1796) to the second. In particular, Burwick explores the main characteristics of gothic fiction in detail, including the setting, the plot, the supernatural, etc. For the setting, a castle or the Gothic ruins of an abandoned abbey in a gloomy forest is often used as a central device to reveal past civilisations and isolated communities. The plot often focuses on the life of a virtuous young girl under assault by a villain who is from an aristocratic family or a corrupt monk.

The causes of the violence are both sexual and financial. Interestingly, the villain is sometimes assisted by an older lady who seemingly helps the heroine but is jealous about her beauty and youth. In addition, there is a supernatural element coming from hell, from the tomb, or from the mind of one of the characters. Even if the ghost or demon is only imaginary, the supernatural, with its psychological charge of horror and dread, permeates the shadows and dark corners of the Gothic setting (Burwick 2015: 90). Although some critics may claim that the gothic tradition ended in 1820 with Maturin's *Melmoth the Wanderer*, gothic features have clearly continued to impact various works over the centuries: Charlotte Bronte's *Jane Eyre* (1847), Emily Bronte's *Wuthering Heights* (1847), Robert Louis Stevenson's *The Strange Case of Dr. Jekyll and Mr. Hyde* (1886), Daphne du Maurier's *My Cousin Rachel* (1951), just to name a few.

III. Overview of Ann Radcliffe and *The Mysteries of Udolpho*

Ann Radcliffe (July 1764 – February 1823) was born in Holborn, London, as the only child of William Ward and Ann Oates. Her mother was then 36 years old. Her father was a haberdasher in London and became a successful businessman. He later moved the family to Bath in order to take over the management of a China shop for his business partners. Her parents were well connected: her father had a famous uncle, William Cheselden, and her mother came from the De Witt family of Holland. At the age of 23, she married William Radcliffe in 1787, who had studied at Oxford and became a journalist. They married in Bath and moved to London shortly afterwards. Her husband worked as a journalist for the *Gazetteer* and *New Daily Advertiser*, and she wrote fiction. In 1789, at the age of 25, she anonymously published her first novel, *The Castles of Athlin and Dunbayne*. She began to use her real name from the second edition of her third novel, *The Romance of the Forest*.

In 1794, she published *The Mysteries of Udolpho*, which became an enormous success right after the publication. It is said that this story is perhaps her best-known work. The great popularity of the novel did not only bring her fame but also financial stability, allowing her husband to give up his job. The couple was now able to travel, and she wrote a number of travelogues. In her later years, she withdrew from public life and stopped publishing. That led to rumours that she had gone mad. However, this later proved to be untrue, and she died from a chest infection in 1823 at the age of 58. Shortly after her death, Henry Colburn published *Gaston de Blondeville*, but it took many years for a scholarly biography to appear.

The Mysteries of Udolpho is the quintessential example of a gothic fiction in terms of the setting, characters and plot. The story is set in 16th–century France and Italy, where Catholicism was very strong and gothic architecture was at its most popular. The castle of Udolpho in the novel is the typical example for the setting of a gothic romance. Similarly, the monastery Emily visits is also a classic model for the genre. The description of the castle, in particular, creates the atmosphere of a typical Gothic romance: it is remote, dark, gloomy, prison-like and marked by male-dominated violence. The characters also display gothic features. While the heroine Emily is naïve, good, young, beautiful, and an heiress, the villain Montoni is from an aristocratic family, owns an ancient castle and uses violence to take control of Emily and her fortune. Madame Cheron is seemingly Emily's guardian, but she helps Montoni control Emily.

The plot is typical of a gothic novel in terms of Emily's fate, the tension between the heroine and the villain, and the happy ending. Emily lives in La Vallée, a peaceful part of Gascony (France) with her mother Madame St. Aubert and her father St. Aubert. He strives to give his daughter a well-rounded education and, in particular, tries to familiarise her with nature. She is eager to learn and takes great pleasure in her lessons. During her travels, she often enjoys and appreciates the beauty and wonders of nature. Yet, this happy life does not last long due to the sudden death of her mother. At the same time, Emily and her father find themselves obliged to travel to Languedoc because of his poor health. On the way, they meet Valancourt, a dashing and generous young man who immediately takes care of Emily and whom she marries at the end of the story. Unfortunately, St. Aubert dies and asks her to find some papers and burn them without looking at them. She does as she is told. But she finds a small miniature and keeps it.

Madame Cheron is Emily's only surviving relative and becomes her guardian. When Valancourt visits Emily, she immediately dismisses him because he seems to be poor. She is a widow looking for a husband, and marries an Italian named

Montoni, who appears to be a wealthy gentleman. Although Emily longs for Valancourt, she must go to Venice with her aunt and Montoni. Montoni chooses a husband for Emily and forces her to sign a letter of consent. Due to financial debts and political complications, however, Montoni has to leave Venice for the castle of Udolpho. He has inherited the castle but has not used it for a long time. Emily and her aunt have no choice but go to the castle.

For Emily, the castle of Udolpho is a mysterious place that conveys terror, fear, uncertainty and violence. In the castle, she is often terrified by Montoni's threats, the potential violence from Count Morano, and mysterious and supernatural phenomena. Therefore, she mostly stays in her room for her own safety. She has a faithful servant, Annette, who becomes her closest companion. One of the most significant mysterious things she encounters is the veil, and after finding what is hidden beneath it, she faints. One night, Count Morano sneaks in the castle to abduct Emily, but Montoni fights against him and severely injures him. Her aunt refuses to sign a document transferring her fortune to Morano and leaves everything to Emily.

Annette and the servant Ludovico become lovers. Eventually, bandits from the surrounding areas begin to attack the castle. Amidst this turmoil, Emily, Annette, Ludovico, and some others manage to escape the castle. Emily settles on her aunt's estate which she now owns and meets the family of the Count De Villefort. She wants to see Valacourt again, but the Count tells her about his wild life in Paris. He has lost all his money gambling and has been put in prison. She decides to leave him. While she is unhappy with him, she learns the truth about the Marchioness De Villeroi. Sister Agnes reveals the story to Emily on her death bed. The Marquis De Villeroi and Signora Laurentini were secret lovers and wanted to get rid of the Marquis's wife so they could marry. In the end, she was murdered by them. Yet, the Marquis felt guilty and moved away alone for the rest of his life. Signora Laurentini changed her name to Agnes and joined a convent. At the same time, Emily discovered that the Marchioness was her late father's sister. Meanwhile, Emily finds that Valancourt's life in Paris was not that bad after all and that he seems to sincerely regret his past. Eventually, they reconcile, get married and live a happy life in La Vallee.

IV. Layers of uncertainty

The story communicates various types of uncertainty: Starting with Emily's future, having lost her parents as a maiden, her future depends on her last surviving relative, Madame Cheron, who is egoistical and materialistic and loses all her safety. While the author herself has never visited France nor Italy, the story is set in16th-century France and Italy. The beginning of the book, with its mysterious and supernatural situations, sets the tone for mystery and supernatural. At the beginning of the book (Radcliffe 2018: Vol. 1, Ch. 1), there is a contrast between the rationality of St. Aubert's chateau (books, plants, education, science, nature) and the mysteries of the fisherman's house, where there is an anonymous sonnet on the wall and the sound of lute. This illustrates that the unknown can be disturbing and beautiful at the same time. The disappearance of a bracelet once again disrupts the idyllic life of the St. Aubert family. Additionally, St. Aubert has hidden secrets (a secret lover?) (Radcliffe 2018: Vol. 1, Ch. 2).

The plot develops around the motif of a journey, during which Emily experiences various mysterious and supernatural situations. After the sudden death of her mother, Madame St. Aubert, St. Aubert's own poor health forces him to travel with Emily to Languedoc.

After the death of Emily's father, Emily moves to her only surviving relative and new guardian Madame Cheron. She remarries Montoni and Emily must go with Montoni and her aunt (now called Madame Montoni) to Venice. Montoni has to flee the city for a castle at Udolpho that he inherited but hasn't used for a long time. He takes Emily and Madame Montoni with him. Emily returns to her aunt's estate (which she now owns) and also spends time visiting the family of the Count De Villefort.

Sound plays a central role in the novel's production of uncertainty. Mysterious music in the distance recalls the ghostly lute player Emily had heard earlier in the fishing house (Radcliffe 2018: Vol. 1, Ch. 6). Music could refer to something potentially dangerous and supernatural. Later, groaning sounds and strange voices intensify the atmosphere of fear and suspense (Radcliffe 2018: Vol. 2, Ch. 5). She wonders if the sound is supernatural but figures that if it is indeed a human, she will probably hear it again. In addition, the repeated cry 'Repeat them!' not only deepens the mystery but also contributes to Montoni's growing paranoia. This strange voice may suggest that Montoni continues to be metaphorically haunted by his past actions, or perhaps even literally haunted. (Radcliffe 2018: Vol. 2, Ch. 7)

The motif of disappearance is another important source of uncertainty in the novel. Signora Laurentini's disappearance introduces an unresolved mystery (Radcliffe 2018: Vol. 2, Ch. 5), while Madame Montoni's fate later creates a similar uncertainty, since she too disappears and her death remains ambiguous for some time. In the case of Ludovico, he seems to have totally disappeared. Many, including Baron St. Foix, believe that Ludovico's disappearance must be evidence of an apparition. (Radcliffe 2018: Vol. 4, Ch. 7) The story within 'The Provençal Tale' seems to connect to Ludovico's current situation. At first, the supernatural elements of the book's story may seem to foreshadow that Ludovico himself will encounter the supernatural. But it's also possible to draw the opposite conclusion: that 'The Provençal Tale' represents that supernatural ghost tales are just stories that stimulate people's imaginations, not anything real. (Radcliffe 2018: Vol. 4, Ch. 6)

Rumor also shapes the reader's perception of several characters. Emily increasingly begins to doubt whether Montoni's claims about himself are true (Radcliffe 2018: Vol. 1, Ch. 13), and Count Morano likewise appears less trustworthy than he initially seems (Radcliffe 2018: Vol. 2, Ch. 3). On top of that, she hears that rumours about the Marchioness De Villeroi's old room have continued to grow. Dorothée says it seems like someone else has gotten into the room, even though Dorothée herself is the only one with a key. (Radcliffe 2018: Vol. 4, Ch. 5) While Emily remains frightened of what she saw in the Marchioness's old room, as news about the mysterious room spreads among the servants, Emily also sees how false rumours and legends can get started. (Radcliffe 2018: Vol. 4, Ch. 5); Valancourt: dynamics of human mind (advice, rumours, temptations, etc): Her thoughts about Valancourt soften a little as she remembers how he tried to warn her about Montoni. She tries to think of how a mind as capable as Valancourt's could fall into such low temptations. She thinks that being in Paris was part of what corrupted him. (Radcliffe 2018: Vol. 4, Ch. 10)

V. The castle of Udolpho

The story about the castle of Udolpho demonstrates the intensity of the dynamics of Gothic romance: uncertainty, fear and violence. Montoni announces that they have reached Udolpho. Emily gazes with melancholy awe upon the castle, which she understands to be Montoni's. Although it is lit by the setting sun, the gothic greatness of its features, and its mouldering walls of dark grey stone, give it an impressive but gloomy and sublime appearance. As she gazes, the light dies away, leaving a melancholy purple glow that spreads deeper and deeper as the thin mist creeps up the mountain, while the battlements above still shine in splendour (Radcliffe 2018: 264). The prison-like atmosphere of the castle (Radcliffe 2018: Vol. 2, Ch. 6); suspension of freedom and free will; deprived of her own free action; Madame Montoni is prisoned. Emily's trial to escape from the castle; separated from her country, home, friend, hope, happiness, love. As she looks at the massive walls of the edifice, it seems to her like a prison in her melancholy mood. She is startled, as if by a new revelation, when she thinks of how far she is from her country, from her peaceful little home, and from her only friend – how distant her hope for happiness, how faint the expectation of seeing him again! Yet, the thought of Valancourt and her trust in his faithful love, have been her only comfort so far, and she fights hard to preserve it. A few tears of agony come to her eyes, so she turns aside to hide them. (Radcliffe 2018: 291–2)

Mysterious and supernatural situations: from her chamber, Emily can hear strange music at night. One of the castle's biggest mysteries is a black veil. Her imagination is pleased with the view of ancient grandeur, and melancholy awe awakens all its powers. As she walks through dark and desolate rooms, where probably no footsteps have passed in many years, and remembers the strange history of the former owner of the castle. This reminds her of the veiled picture, which has aroused her curiosity the night before, and she decides to examine it. As she passes through the chambers on her way there, she finds herself somewhat agitated; its connection to the deceased lady of the castle and a conversation with Annette, as well as the circumstance of the veil, shroud the subject in a mystery that arouses a slight fear in her. But a fear of a nature that occupies and expands the mind and elevates it to high expectations. It is purely sublime and, through a kind of fascination, leads us to seek even the object, from which we shrink. (Radcliffe 2018: 289) The suspense and dread continue to grow as Emily sees a mysterious figure she cannot identify.

VI. Reason and emotion

Emily's way of experiencing uncertainty and violence is associated with both emotion and reason. There is a contrast between St. Aubert's chateau and Emily's emotional dynamics at the beginning of the story. St. Aubert represents the idea of reason in a sense that it is characterised by books, plants, education, and science. In this context, Emily is the student who will learn how to use the power of reason. Emily's first response to the surroundings of the castle of Udolpho represents the exact opposite: fear overwhelms her and makes rational judgement more difficult: 'The extent and darkness of these tall woods awakened terrific images in her mind, and she almost expected to see bandit start up from under the trees.' (Radcliffe 2018: 264)

The Udolpho sections of the narrative follow a characteristic rhythm in which night becomes a time of paranoia and drama, whereas the daytime often restores a degree of calm and rational clarity. Night falls, and Emily thinks again of the mysterious music she heard recently. Around midnight, she hears a faint moaning. From her window, she sees a human figure moving along the ramparts and believes it must be a supernatural being. She wonders whether Count Morano has perhaps snuck back into the castle or whether bandits are still trying to take it. She decides to stay up again the following night to keep watch. (Radcliffe 2018: Vol. 3, Ch. 2) Daylight dispels Emily's dark superstitions (Radcliffe 2018: 281). Freed from her nocturnal worries, Emily realises that her fears about the supernatural were unfounded and that the one who torments her is still Count Morano.

VII. Causes for Emily's emotional responses to uncertainty and violence

At the beginning of the novel, Emily is presented as naïve and as lacking a full understanding of moral complexity, especially in relation to the tension between obedience and rational judgement. Valancourt informs Emily of a rumour concerning Montoni, but she dismisses it because of her duty to her aunt. This moral dilemma raises the question of whether Emily's devotion to her duty is noble or whether it is driving her and her aunt into potential ruin. Emily needs to find out the real reason for Madame Cheron's disapproval of Valancourt.

Emily once again learns about how complicated morality can be in the relationships among St. Aubert, Madame Cheron, and herself. By obeying her aunt, she has neglected At. Aubert's other last request to take care of La Vallée. However, later, Emily's concern for her servant Theresa shows that she has compassion, unlike Quesnel, Montoni, or Madame Montoni, who hardly notice the presence of servants. (Radcliffe 2018: Vol. 2, Ch. 3)

De Villefort's information about Valancourt to Emily also represent her mature attitude towards the relationship between emotion and reason. Count De Villefort reveals that Valancourt has done a lot of gambling, and that his early wins led other people to entrust him with their money. But now he has lost a lot of money, both his own and that of others. Emily does not doubt the Count's words, but she hopes that Valancourt has only made a one-time mistake. However, the Count tells her even worse. Valancourt has been in prison twice in Paris, and the second time, he was only released due to the intervention of a well-known Parisian Countess. Valancourt's chapter in Paris suggests a dissolute life, but he is not gambling to the extent suggested by Count De Villefort. This means that either the earlier chapter withheld information (a trick this novel sometimes uses) or Count Villefort has received exaggerated information. Although Emily has seen proof of Valancourt's good side, she has also learned from her time in Udolpho that people are not always who they appear to be at first glance.

VIII. Social and political contexts of uncertainty, fear and violence

The Gothic genre emerged in the late 18th century, coinciding with the rise of England's middle-class. According to David's Punter's The Literature of Terror (1980: 23), changes in the people's socioeconomic situation and the escalation of capitalism contributed to a transformation of class and gender relations, the rise of urban centres in England, and the emergence of the working class (Punter 1980: 23). In addition, the former practice of producing literary works under patronage disappeared, and 'sales of individual works of fiction increased markedly' as literature spread among the middle class (Punter 1980: 23). This social reformation propelled the rise of the novel, and scholars have suggested that the popularity of the Gothic genre was due to its response to the prevailing cultural anxiety of the period.

The sociopolitical conditions of the late 18th century significantly influenced the early development of the genre. Not only the French and American Revolutions on the political level, but also the Industrial Revolution on the sociological level irrevocably shook the emphasis on the link between rationality and moral action conceived by Dryden, Johnson, Pope, and Fielding. The Gothic literature, indeed, illustrated how tenuous humanity's hold on rationality is by plunging the reader through trapdoors into subterranean passages analogous to the winding labyrinth of the mind. (McGuire 1992: 240)

For many women writers of the Romantic era, the Gothic settings were transparent. The portrayal of degenerate male villains, guilty of greed, lust, and cruelty, mirrored recurrent domestic conditions and were thus easily recognised by female readers and fully exploited by Mary Wollstonecraft in Mary: A Fiction (1788), by Charlotte Smith in Emmeline the Orphan of the Castle (1788), by Ann Radcliffe in Sicilian Romance (1790), by Eliza Parson in The Castle of Woffenbach (1793), and by Charlotte Dacre in Zofloya (1806). In novels of Gothic Feminism (Hoeveler 1998), the fantasy of haunted castles veiled the realistic description of the cruelty suffered by many women in their own homes without, however, impeding it. Joanna Baillie's Orra provides an excellent example of the female Gothic as melodrama. (Burwick 2015: 89)

IX. 2024 Southport Stabbing

On Monday, 29.07.2024, three young girls were killed and several others injured in a stabbing attack at a Taylor Swift-themed children's dance party in Southport, Merseyside, at the time of this writing. The tragedy, one of the most significant mass-casualty incidents in recent British history, is believed to have been committed by a local 17-year-old boy, whose motive remains unknown. Other than that, little information was released about the suspect, as it is a criminal offence under British Law to identify a minor suspect until legal proceedings begin. But due to the lack of information from the media and the Merseyside Police, misinformation about the attacker's identity quickly spread on social media. This unfounded speculation resulted in a flood of Islamophobic and anti-immigrant posts on social media.

The aftermath of the Southport attack illustrates how uncertainty can be transformed into violence through misinformation. Immediate online speculation was followed by more specific false claims, some of them apparently circulated for monetary or geopolitical reasons. At the same time, far-right networks organised on Telegram and other platforms, while more mainstream accounts encouraged the belief that the truth was being deliberately concealed. The result was a climate of fear, anger and unrest.

The post-truth culture is a state in which facts are less important than someone's preferences, or, in other words, emotions and feelings are more important than the truth. (Adjikusuma 1) As people nowadays place greater value on the impression a literary work makes on them emotionally than on the truth behind the work, the readers are not fully informed of the facts. (Adjikusuma 1)

X. Emily's growth

After passively submitting to the events unfolding around her out of a sense of duty, Emily finally confronts Montoni and threatens to disobey him. Although she has little power to enforce her demands, this scene nevertheless represents a crucial turning point in Emily's view of obedience and her sense of duty. (Radcliffe 2018: Vol. 3, Ch. 3) Emily learns that life is more complicated outside of La Vallée. (Radcliffe 2018: Vol. 2, Ch. 3) She also learns how complicated morality can be: by listening to St. Aubert and obeying her aunt, she has neglected his other last request to take care of La Vallée (Radcliffe 2018: Vol. 2, Ch. 3)

Emily begins to stand up to Montoni. This marks a significant turning point for her, given that she had previously signed documents blindly and had unwillingly submitted to plans for her marriage to Count Morano. Emily shows how much she has matured at Udolpho by taking charge and laying the foundation for an escape plan (Radcliffe 2018: Vol. 3, Ch. 6) Emily and Blanche's friendship also highlights how similar the two are. Emily's return to the brook she once walked along with her father emphasises how much she has changed since then. Her time at Udolpho has made her less naïve than she used to be, without, however, destroying her sense of wonder, particularly regarding nature. (Radcliffe Vol. 3, Ch. 12)

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