One conflict, two public spheres, three national debates: comparing the value conflict over judicial independence in Europe across print and social media

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ABSTRACT

Conflicts over the independence of judiciary as one of the European Union's core democratic values is one indicator of democratic backsliding among its member states. Based on the Europeanization framework, we compare this conflict in German, Polish and Spanish print media and Twitter from 2019 to 2021. In the countries that are strongly affected by the value conflict, Poland and Spain, Europeanization is less evident. In contrast, the German discourse shows a high degree of Europeanization. We demonstrate that the print media is strongly elite-centric, while Twitter shows a higher actor visibility and inclusivity. However, we also identify important country differences.

Introduction

According to Article 2 of the Treaty of the European Union (TEU), rule of law is a fundamental value of the EU, along with other values such as democracy or equality. Yet, the EU is facing "by far the greatest risk – arguably the only truly existential risk – to the Union" (Kelemen, 2019, p. 247) due to a slow erosion of democratic institutions, processes and norms in some EU member states, also known as democratic backsliding (Bermeo, 2016; Jakab, 2022). A robust justice system, marked by impartiality and an unquestioned separation of powers, is central for the state of democracy in each EU member state. As the EU seeks closer integration, member states must treat each other as equals and recognize key institutions such as the Court of Justice of the European Union (CJEU). Scholars demonstrated that the rule of conflict impacted the intra-party working of the conservative European People's party and that the European Commission avoided enforcing sanctions against governments flouting this value (Emmons & Pavone, 2021; Kelemen, 2020).

Yet, despite its importance for national and EU politics – given its influence on the state of democracy in domestic politics, the functioning of the EU legal system and in maintaining supremacy of the EU law – scholars have largely overlooked how this value conflict is represented in the mass and digital media within EU member states. The manner in which conflicts are discussed, debated and understood within domestic public spheres matters for shaping public opinion over critical democratic values and has direct implications on policy decisions and democratic governance within the EU (Eriksen, 2005). Greater visibility of this conflict in the national media would signify a higher relevance of the EU agendas in domestic politics and more influence on the citizens' perception of EU matters. Consequently, we ask *to what extent the public debate about this value conflict is Europeanized in EU member states and who are the key actors shaping the media discourse over the conflict?*

Our study delves deep into the public debate on the value conflict of the independence of the judiciary (IoJ) in daily quality newspapers as well as on the social media platform Twitter (now rebranded as X) in Germany, Poland and Spain from 2019 to 2021. These countries have varying experiences of the value conflict over IoJ, with severe rule of law crises currently taking place in Spain and Poland but hardly any contestation over the value in Germany. Thus, the case selection provides a rich variation to test the resonance of the conflict across

different national contexts and media environments.

We apply the Europeanization of public debates framework (Koopmans & Statham, 2010; Stier, Froio, & Schünemann, 2021), which investigates to what extent national public debates cover European policies and to what extent EU actors or other EU member states are present in national debates. A high Europeanization would indicate a high national relevance of EU norms and values and that EU actors significantly shape the national discourse over critical public debates. In contrast, low Europeanization points to a lack of EU influence in shaping national debates over such democratic debates and suggests a lack of EU legitimacy in these debates. Thus, the IoJ conflict, due to its transnational nature and direct implications for the EU integration project, serves as an ideal case to study within the Europeanization framework.

By doing a comparative analysis of the IoJ conflict, we advance the Europeanization approach in two ways: On the one hand, we compare the actor visibility across the online as well as offline media arena because social media platforms play an increasing role in public communication while traditional media remains an important actor shaping the political agenda-setting process (Chadwick, 2013; Grossman, 2022). Social media, especially Twitter, is an important channel to communicate, exchange information and mobilize around political issues (Stier, Froio, & Schünemann, 2021; Wallaschek et al., 2022). On the other hand, we compare three different countries and examine the key actors who are potentially driving the conflict and affecting the Europeanization of the debate.

Literature Review

Value conflicts and europeanization of media debates

The independence of the judiciary is a key democratic principle and one of the core values of the EU. The EU monitors and evaluates the IoJ in its member states and intervenes into their domestic politics when this core value is violated (Closa, 2019; Kelemen, 2020). Recent attempts to violate the value of IoJ have manifested through new legislations or constitutional amendments that

overrule court decisions, changes to the retirement age of judges, and appointment of judges who reflect the preferences of political actors (for a general overview Kelemen, 2019). For instance, the Polish government annulled the appointment of judges for the country's Constitutional Tribunal in 2015 and shortened the term of office for the new judges, which was sharply criticized by the European Parliament and European Commission but without any consequences for Poland (Closa, 2019; Emmons & Pavone, 2021). This was the first step in a long, ongoing dispute between Poland and the EU that culminated (for the time being) in a ruling by the ECJ in 2021 in which it ruled these legislations violate the judicial independence and that the so-called "judicial reforms" in Poland undermine the legal integrity of EU law (Priebus, 2022).

In Spain, conflicts over the independence of Catalonia and Basque Country have led to crises of judicial independence since 2017 (Hernández & Closa, 2022). Another significant conflict surrounds the election of the General Council of the Judiciary (CGPJ), the highest self-governing body of the Spanish judiciary, which, among other functions, guarantees the independence of judges. The current conflict of judicial independence stems from the disagreement between the ruling left-wing Spanish Socialist Workers' Party (PSOE) and the opposition right-wing People's Party (PP) over the renewal of judges of CGPJ, which has been pending since 2018 and has prompted the EU to issue warnings to Spain (Urías, 2020).

Besides these two conflicts that also justify our case selection, there have been reports on the erosion of the rule of law in several EU member states such as Hungary, Italy and Romania in the last years, a tendency which brings the EU itself to the brink of a constitutional crisis (Kelemen, 2020) and is publicly debated as democratic backsliding (Bermeo, 2016).

The conflict over IoJ in several EU member states and the involvement of EU actors provides an ideal case to test the Europeanization framework. Scholars argued that the increase in competences and expanded policy areas for the EU has contributed to a higher salience of the EU in national politics which in turn has spurred political contestation and politicization of EU issues (Risse,

2010; Statham & Trenz, 2013). In particular, right-wing political parties use the EU as a blueprint to articulate their Euroscepticism and mobilize against further integration steps (Dutceac Segesten & Bossetta, 2019; Hutter, Grande, & Kriesi, 2016; Wallaschek, 2020).

Europeanization can be understood as the impact of EU decision-making and rules on domestic politics and policies of member states, as well as how the EU and European integration affects political cultures, ideas and attitudes at the national level (Auel & Tiemann, 2020, p. 7). In our study, we use the latter understanding and focus specifically on how different actors' visibility in the media shape public debates and to what extent the conflict over the IoJ is Europeanized.

Koopmans and Statham (2010) state in their ground-breaking study on the Europeanization of public debates that three dimensions are of importance: First, the *visibility* of actors and issues in the national debates of European countries. For European affairs and institutions to resonate among the policy agendas and citizens, Europe-related issues and actors have to be seen in public discourses in the media. Visibility of actors has a wider impact on the role and relevance of the EU within domestic politics. Second dimension is the *inclusivity* of actors, which implies a variety of actors appear and are involved in the public debate. This is a fundamental aspect of a liberal and plural democracy in which not only parties and politicians but also various interest groups, civil society organizations or other relevant actors are given space in the public sphere. This also includes European actors such as the European Commission, members of the European Parliament or EU lobby organizations. Finally, *contestation* is the third dimension and is viewed as the consequence of the aforementioned two dimensions. It is assumed that a higher visibility of (European) issues as well as a higher plurality of actor appearances leads to the public presentation of different ideas and interests, which may create more conflict among the featured actors. If actors disagree, they have to spell out their different visions on Europe which indicates to the public that Europe matters.

In our study, we use the first two dimensions (visibility and inclusivity) to measure the Europeanization of the public debate on the conflict of judicial independence. We understand contestation as the structural outcome of our results on visibility and inclusivity (see also section 3). Furthermore, we follow accounts that differentiate Europeanization into a vertical and horizontal dimension (Koopmans & Erbe, 2004). The *horizontal* dimension refers to linkages between member states, namely in cases in which actors of one EU member state refer to actors and/or issues in other EU member states. In contrast, *vertical* Europeanization occurs when discursive references are made from the national level to the EU, its institutions and actors, as well as European politics more generally. Koopmans and Erbe (2004) argue that identifying Europeanization is a relative matter and thereby, different degrees of horizontal or vertical Europeanization are possible. It is an empirical question to what extent and under which circumstances these processes occur or change.

Hence, we expect the EU's presence in the national media debates as an indicator of the Union's response to the rule of law challenges in member states, with the aim to prevent the erosion of democratic values and prevent the decline of democracy in these nations. Subsequently, in our study, we expect higher vertical Europeanization in Poland and Spain which are experiencing significant rule of law crises and challenges to the independence of their judiciaries. However, in Germany, which faces less severe challenges to IoJ and thus less direct intervention of EU actors in German domestic affairs, we expect low vertical Europeanization. Furthermore, this stability in the domestic matters might lead to more debates and comparative analysis on how other EU nations are handling challenges to IoJ, leading to our expectation that there will be higher horizontal Europeanization in Germany than in Poland and Spain.

Scholars have noted that such conflicts are predominantly based on mediatized structures. How people understand and perceive conflicts is a matter of mediatization in the online and offline media arenas (Hjarvard, Mortensen, & Eskjær, 2015). Conflicts are not neutrally channeled through media outlets; instead, media are influential intermediaries that shape how conflicts are

framed and understood in the public. This holds true for legacy media as well as for social media platforms. These intermediaries create opportunities for different actors to present and share information, and provide opinion-based knowledge. This mediatization perspective is even more relevant for value conflicts. Values are unobservable, present ideals that are valid beyond concrete situations (Hitlin & Piliavin, 2004) and "refer to deep-rooted and enduring priorities and goals for individuals, organizations, and society" (Norris & Inglehart, 2019, p. 35). Thus, in order to study value conflicts, we have to pay attention to how these values are framed in the public debates, who is framing these in the public and to what extent these mediatized value conflicts change between different media arenas (Eigmüller & Trenz, 2020).

Based on recent work, we assume that the establishment of social media platforms has a positive effect on the promotion of the Europeanized public debate. It has been argued that social media create a cross-national public and reach citizens that are less concerned with EU-related issues (Bossetta, Dutceac Segesten, & Trenz, 2017; Ruiz-Soler, 2020). Moreover, with the costs to participate and get information low and the options to follow and receive news multifold, digital media help in the formation and democratization of the EU public sphere (Hänska & Bauchowitz, 2019). Hence, we expect higher horizontal Europeanization than vertical Europeanization on social media in all three countries.

Political agenda-setting in a hybrid media system

Building on the Europeanization of media debates and the IoJ conflict, it is important to understand how the Europeanization process takes place in a hybrid media environment as well as how different actors (including the EU, national governments, political parties, civil society organizations, and journalists) contribute to such publicly debated value conflicts, thereby influencing the agenda-setting.

According to Kingdon's (1995) classic account of policy-making, the policy process is significantly shaped by different ideas and interests as well as by the configuration of actors involved. While previous studies (such as Walgrave, Soroka, & Nuytemans, 2007) have investigated the agenda-setting relationship of the political and traditional media arenas, recent research highlights the influential role of digital and social media for agenda-setting processes (Grossman, 2022). In the contemporary political communication environment, termed "hybrid media system" by Andrew Chadwick (2013), agenda-setting is not only shaped by what politicians, interest groups or journalists say in public statements on TV or in parliament but also by what they tweet, post on Facebook or present on Instagram. This implies that these two media environments are interconnected and influence each other.

In the traditional media, powerful institutional actors such as government representatives and political parties and politicians are significantly more represented in Europeanized public debates than in debates on domestic topics. In turn, less-institutionalized actors such as NGOs, social movements or trade unions become marginalized from the discourse. Thus, Koopmans (2007) noted the former as the "winners of Europeanized public debates". Since the latter are better organized in the national context, have access to information and have a greater potential to mobilize around national issues, topics that refer to the European context add another layer of complexity for less-institutionalized actors with limited resources.

Journalists, however, have significant influence in Europeanization by providing public coverage of European issues in national media outlets (Pfetsch, 2008). Furthermore, civil society actors have a chance to intervene in Europeanized public debate during key events and increase their public visibility (Statham & Trenz, 2013). Moreover, specific non-institutionalized actor groups can shape the public debate and publicly mobilize if they highlight the directed impact of policies on people's lives (Chironi & Portos, 2021), strategically link domestic issues with European aspects to appeal to EU actors (Ayoub, 2013) or raise moral concerns that presents the protesters "'as guardians of the constitution'" as Matthes (2022, p. 14) highlights in her study of Polish judges criticizing the "judicial reform" in Poland. Yet, political parties and in particular right-wing political parties continue to strongly shape the debate on

EU issues (Hutter, Grande, & Kriesi, 2016). Interestingly, de Wilde (2023) recently showed that during the last crisis-ridden decade in the EU, EU actors also increased their visibility in national debates that cover European policies which might be explained by the growth in political authority in these policy areas. However, the increased visibility of EU institutions such as the European Parliament comes at the expense of national pro-European actors who are crowded out of the public debate. De Wilde argues that this may create more conflicts, because Eurosceptic and populist actors could better mobilize against the EU as a political force that intervenes in the domestic context. Against this backdrop, we expect that legacy media will be dominated by traditional actors such as political parties, politicians or EU institutions, rather than non-traditional actors such as civil organizations and associations, citizens or political groups.

In the networked, de-centralized and low-cost digital media environment, non-institutional actors and non-salient issues that were earlier marginalized from the traditional mass media gain the opportunity to shape the public discourse and the processes of Europeanization or transnationalization (Coleman & Blumler, 2009). Yet, the existing empirical evidence on the impact of social media networks such as Twitter and Facebook on facilitating Europeanization and transforming the traditional media environment into a hybrid one (Jungherr, 2014) is mixed. On the one hand, studies have shown that digital media dynamics remain embedded within the national public spheres and established powerful actors are as much central to the political debates online as they are in the offline world (Koopmans & Zimmermann, 2010; Wallaschek et al., 2022). On the other hand, online media have provided alternative stories, narratives and collective identities, eyewitness accounts, political watchdogs or citizen journalists to diffuse information in a large number of means and formats (such as videos, images or text) without time and location barriers (Nguyen, 2017; Rettberg, 2014). Thus, we expect to find both non-traditional and traditional media actors with similar public visibility in the social media debate over IoJ.

A cross-national and cross-media research design

Case selection

Comparing public debates by collecting data in different media systems with different language and cultural contexts and analyzing them across two levels of comparison – national and media contexts – is a challenging task (Von-Nordheim et al., 2021). The current study is designed to address these challenges in several ways. First, we compare the value conflict debate in three EU member states, Germany, Poland and Spain, which are experiencing varying degrees of the value conflict over IoJ between 2019 and 2021. In Poland and Spain, IoJ has been heavily contested internally and at the EU-level in the last half a decade as described in section 2.1. Comparing these two cases with Germany allows us to analyze and contrast the process of Europeanization over a core democratic value when it is not under attack, because Germany is the least affected from the conflict out of the three countries.

Second, we conduct a cross-media analysis between traditional print newspapers and the social media platform Twitter. Specifically, we select two quality daily newspapers belonging to the liberal and conservative ideological leanings and tweets from each of the three countries over the 3-year time period to a) systematically identify the actors who appear in the offline public to advance a claim on the value (visibility dimension) and b) study whether social media broaden the debate to non-mainstream actors (inclusivity dimension). By doing so, we aim to measure Europeanization of the value conflict across different national contexts and media arenas.

Data collection and operationalization in two media arenas

We collect data from both newspapers and Twitter using several keywords that combine the term "independence" with relevant domains of the judiciary, including terms such as "judicial," "justice," "judiciary," "courts," "judges" and name of the highest court in each country (for the complete keyword queries see Appendix).

We collected articles from a center-left and center-right leaning daily quality newspaper in each of the three countries using the FACTIVA database. In Germany, we used the center-left newspaper *Süddeutsche Zeitung* and center-right *Die Welt/Welt am Sonntag*; Polish newspapers were the center-left *Gazeta Wyborcza* and the center-right *Rzeczpospolita*; and *El Pais* (center-left) and *El Mundo* (center-right) were selected as the two Spanish newspapers. These media outlets have also been used in previous studies on the Europeanization of the public framework (i.e. Koopmans & Statham, 2010; Statham & Trenz, 2013). The highest number of articles in the three-year period were collected from Poland (5480 articles), while 714 and 901 articles were collected from Germany and Spain, respectively (total 7095 articles).

Based on the claim making analysis (de Wilde, 2023; Koopmans & Statham, 2010), we wrote a comprehensive codebook with detailed instructions (see Codebook in the Appendix). Before coding the sample of articles from each of the countries by the respective coders, a moderate Fleiss' Kappa (mean) score of 0.67 was reached among the four coders by coding English articles on IoJ from *The Financial Times*. However, the coding of the actor categories reached a substantial level of 0.76 (Fleiss' Kappa). While these results are not completely satisfactory, we have to take into account that we trained the coder with an extra-corpus and expect that based on country expertise and language skills of the native language speaking coders, the score would be higher for the respective coding of the country case. We then draw random samples of 20%, 5% and 15% articles per newspaper per year from Germany, Poland and Spain (see Appendix Table A1-A2 for sample overview). The varying sample sizes stem from the different total numbers of newspaper articles. To reach an appropriate level of comparability across countries and still account for higher or lower levels of publicity for this issue, we opted for these context-dependent sample sizes. Then, a four-member team manually coded the newspaper article according to the codebook (more details in the Codebook included in the Appendix).

We used the Twitter API for Academic Research to collect tweets from all three countries between 2019 and 2021, resulting in a corpus of 47,126 tweets from Germany 26,841 tweets from Poland and 4,875 tweets from Spain[1] (total 78,842 tweets) (see Appendix Figure A1-A3 for the timeline of tweets by country). The data includes original tweets as well as replies, mentions, retweets and quoted tweets. In this study, we focus on retweets to highlight which actors gained the most visibility and how many actors are included in the discourse, two of the three dimensions of the Europeanization framework. Retweets connect two users if one rebroadcasts another's content and thus are responsible for increasing the visibility of actors if they are retweeted by others (Boyd, Golder, & Lotan, 2010; Conover et al., 2021).

Next, we employ network analysis on both the coded traditional media data and the retweets data from Twitter to identify the structure of the public debate on independence of judiciary. Network analysis enables us to visualize the interactions between actors and how these patterns of interconnectedness shape the flow of information, ideas and opinions contributing to the process of Europeanization over IoJ. Our manual coding allows us to trace these communicative relationships between actors who express a position and take an action on the value of IoJ and those actors to whom this action is directed toward. Thus, we construct networks where an actor (node) is connected (edges) to another actor if they have directed the action or expression over the value toward that actor. The number of nodes in each network indicates the number of actors that get coverage in the traditional media debate or get retweeted on Twitter by others due to an action they take or an opinion they express over the value of independence of the judiciary. The number of edges between two nodes imply the number of times two actors engage with each other to exchange information, take action toward each other, communicate with each other (in the case of traditional media coverage) and retweet each other (in case of Twitter). These actors can include EU institutions, national government, politicians and political parties, judges and courts, legal experts, journalists, civil society associations and others. To take into account issue cycles and the changing saliency of issues, the traditional media networks and the retweet networks are constructed

in each country for each of the 3 years (total 18 networks). We then focus only on the main component – the largest set of connected nodes (actors) – in each of the traditional media and retweet networks. We calculate the eigenvector centrality for each node to measure the visibility of an actor within this largest set of interconnected actors (we consider here the top 10 most visible actors in the main network). Actors with high eigenvector centrality scores are those who are connected to other also highly connected actors (Bonacich, 1987). Since an actor can only have a high eigenvector score if they are mentioned in the media or retweeted by other actors who are also highly mentioned and retweeted, it allows us to identify their overall high influence and visibility in the debate on IoJ.

To measure vertical and horizontal Europeanization, the proportion of highly visible EU and member state actors other than Germany, Poland and Spain in the respective country cases is calculated. To measure inclusivity, we calculate the proportion of traditional (government, opposition and media) and non-traditional actors (alternative media, public figure, academic scholar, NGO/civil society, trade union, citizens, and others) in the networks. It is important to note here that while we rely on the extensive codebook for the print media, we manually classified only the actor's name, nationality and function in tweets.

Results

The empirical analysis compares the actor constellation in the debates over judicial independence in the three countries. Section 4.1 presents the results from the print media network analysis in order to identify the Europeanization of the debate and Section 4.2 presents the results from the social media network analysis, with the results compared across the three cases. Finally, the findings from both media arenas are brought together to discuss their implications and challenges. Moreover, we split the time period into years taking into account that Europeanization may change in the course of a 3-year period. Thus, the following results for the legacy and social media not only contain a country comparison but a within-comparison regarding the time dimension as well. In order to facilitate the interpretation of several comparison layers, Figures 1 and 2 present an overview of the main findings (absolute numbers by country, media arena and year are documented in the Appendix Tables A3-A5 for legacy media and Tables A6-A8 for social media).[2]
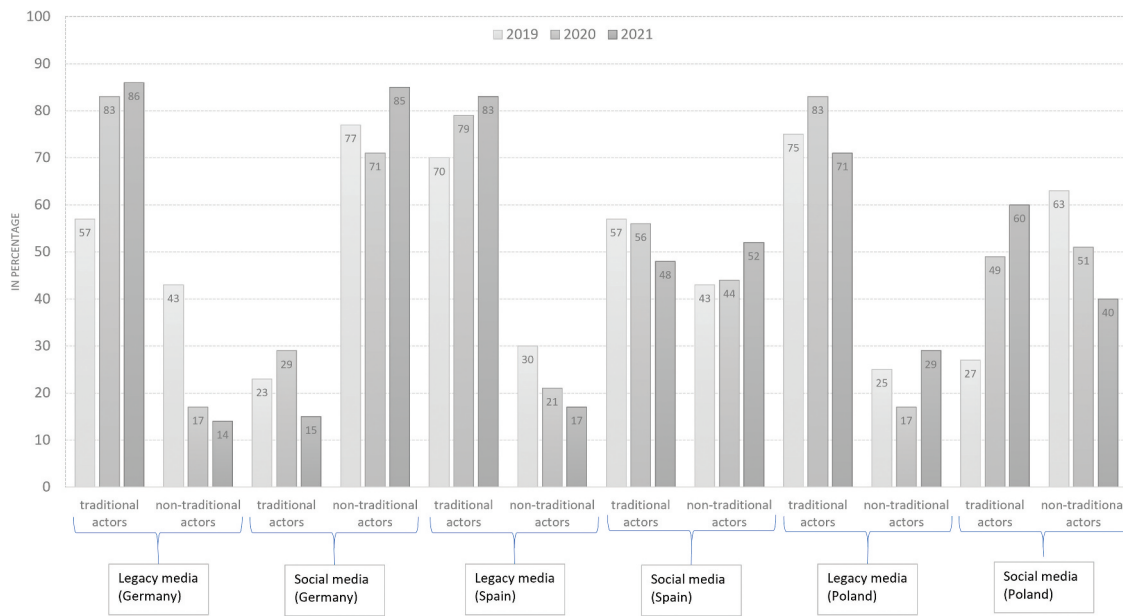
Traditional media

We begin with the results of traditional media networks in each country. In Germany, very few nodes (36) and edges (25) imply not many actors advance a position and interact with each other in the
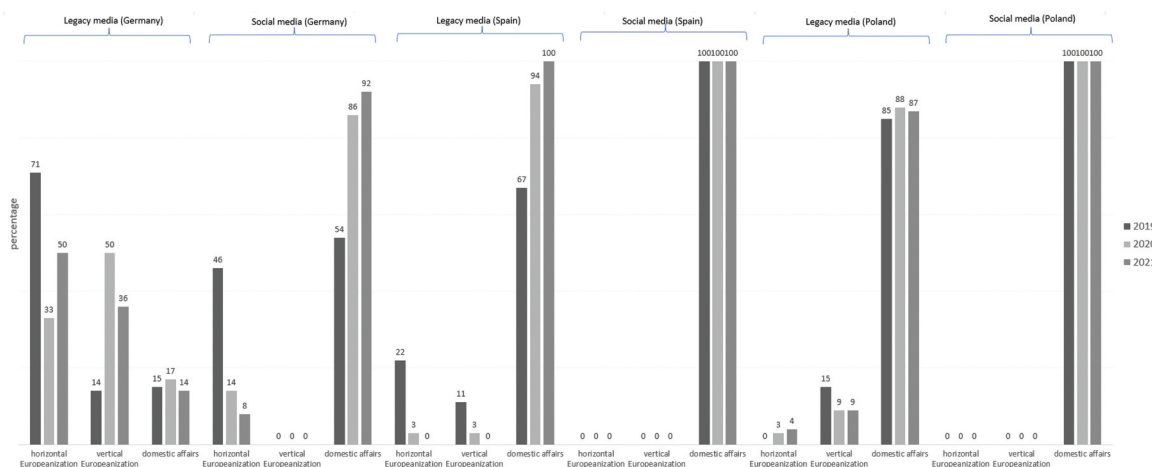
Figure 1. Levels of Europeanization in legacy and social media in Germany, Poland and Spain. Note: The percentages add up for the same colored bars per year and country's media arena. E.g., in the 2019 German traditional media debate network, 71% are actors from other member states (horizontal Europeanization), while 14% are EU actors (vertical Europeanization) and 15% are German actors (domestic affairs).

Figure 2. Actor constellations in legacy and social media in Germany, Spain and Poland. Note: The percentages add up for the same colored bars per year and country's media arena. E.g., in the 2021 Polish social media debate network, 60% are traditional actors, while 40% are non-traditional actors.

debate over independence of judiciary, indicative of the low level of conflict over the value in the country. Yet, despite the low number of nodes and edges in the main component, the level of horizontal and vertical Europeanization in the traditional media debates is high, with a significant presence of non-German actors, particularly from Poland and the European Court of Justice. Except for the vertical Europeanization score in 2019, the relative share is always above one-third or even above 50% (Figure 1). German actors are hardly featured in the main component, except for the journalists commenting on the situation in Poland. This result is underlined by the eigenvector centrality analysis (Appendix Table A16-A18), where non-German actors such as the Polish government or EU actors (ECJ, European Parliament, European Commission) in each year rank higher and are thus more visible and influential in the media debate on IoJ in Germany. In terms of inclusivity, the German discourse in all 3 years mainly includes traditional actors such as governments, journalists or members of EU institutions (at least 50% share) and marginalizes non-traditional actors such as civil society organizations (see Figure 2 and Appendix Table A16-A18).

In contrast to the German discourse, the Spanish debate displays more discursive intensity with more actors (52) involved in the debate and higher number of interactions between them (43). However, despite the higher number of actors taking part in the conflict over the value and unlike the German traditional media debate, the Spanish traditional media is hardly Europeanized (Figure 1). The relative horizontal and vertical Europeanization is decreasing in the main component over time. While non-Spanish actors, namely actors from other EU member states or EU actors themselves, are hardly present in the overall discourse in 2019, the debate on judicial reforms and a biased judiciary in other countries such as Hungary or Poland forms a second large community within the Spanish network in 2020 and especially in 2021 (Appendix Table A22-A24). Regarding the inclusivity of the discourse, traditional actors such as government, opposition or media actors are dominant in each year (a share of at least 70% each year) as shown in Figure 2.

The Polish legacy media network is the largest of the three and the most intense, with the highest number of actors (90) and the most number of interactions between them (93). However, like Spain and in contrast to Germany, the level of vertical and horizontal Europeanization remains very low in Polish traditional media debate on IoJ (Figure 1). The only EU actor which is prominently

featured in every year is the European Court of Justice and hardly any actors from other EU member states appear in the Polish print media debate. Regarding the inclusivity, and as we show in Figure 2, the share of traditional actors is similar to the other two countries with a high presence of traditional actors such as government, judiciary and media actors (at least a share of 70%).

To conclude, based on our print media network findings, we reject the expectation that Poland and Spain will have a higher share of vertical Europeanization than Germany. Instead the German discourse displays higher levels of it, except in 2019 in which the main component of the Polish discourse includes slightly more EU actors (15%) than the German discourse (14%). However, the second expectation that German discourse will exhibit higher horizontal Europeanization is supported with the country's traditional media debate networks adding a higher share of non-domestic actors every year, more than the Spanish or Polish media. The expectation of higher visibility of traditional actors than non-traditional actors in the mass media is also supported, because in each country and year, these actors (government, opposition, media, EU actors) are dominant in the main component while non-traditional actors are featured much less. It should be nonetheless highlighted that two actor groups – legal actors as well as academic scholars – show a high visibility in all three countries which is remarkable, given that these actors are hardly present in other studies on Europeanization (see e.g. Koopmans & Statham, 2010; Statham & Trenz, 2013).

Social media

Social media debates on independence of judiciary are in sharp contrast to legacy media, with the German online public sphere containing much more intense debate on the value than Poland and Spain with higher number of actors and edges between them.

In Germany, the number of users, indicated by the nodes present in the networks, steadily increases from 2019 to 2021. Despite the large number of users and an intense online public debate, the lack of any of the EU actors in top 10 most visible actors as indicated by a high eigenvector centrality indicates that there is no vertical Europeanization in any of the years in the online media debates in Germany on IoJ (Appendix Table A9-A11 for full eigenvector measures). However, there is some horizontal Europeanization observed in 2019, with half of the most visible actors coming from countries other than Germany (including Spain, Italy, Austria and Poland). This trend completely disappears in 2020 with no horizontal Europeanization, and in 2021, only a few Austrian actors are present in the discourse that indicates very weak horizontal Europeanization (Figure 1 and Appendix Table A10-A11). In terms of inclusivity, the main components – largest community of interconnected actors within a network – of the 2019 and 2020 networks almost encompass the total nodes present in the network, indicating many different actors are connected to each other and take part in the debates in these years. The share of non-traditional actors is high, with 77.3% and 71.4% in 2019 and 2020, respectively (Figure 2). However, only 11 accounts in 2019 and 5 accounts in 2020 have the eigenvector centrality greater than zero. In contrast, the main component of 2021 is barely represented by 6% of the total nodes present. And again, even though non-traditional actors represent 85% of the main component, only nine of them have eigenvector centrality greater than zero.

The Polish Twitter discourse is less intense than the German discourse with low numbers of users and edges between them, despite being a highly affected country with an ongoing IoJ crisis (Appendix Table A7). Despite the value being intensely debated between the Polish government and EU institutions, and members of other EU states condemning actions that have resulted in weakening of the rule of law, the online discourse in Poland contains neither any vertical nor any horizontal Europeanization in terms of actor visibility of EU and non-Polish actors on the networks across all 3 years (Figure 1). The discourse remains highly nationalized as the top 10 actors with highest eigenvector centrality scores from 2019 to 2021 are all Polish actors. According to Figure 2, results of the inclusivity analysis show that in sharp contrast to Germany and similar to the traditional media Polish newspapers, the Polish online networks are dominated by traditional politicians, media and judicial actors (Appendix Table A11-

A13). The exception is the year 2019 since 51% of those in the main component comprise citizens and more than half of them have eigenvector centrality scores greater than zero. This implies that in 2019, the Polish Twitter discourse was more inclusive of non-traditional actors, even if no horizontal and vertical Europeanization is observed.

Finally, the Spanish online discourse on independence of judiciary is the least intensive one, with the lowest number of users and edges between them (Appendix Table A8). Like the German and Polish Twitter networks, the eigenvector centrality scores highlight the absence of vertical Europeanization on Spanish Twitter with complete lack of EU actors present in the top 10 most visible actors (Appendix Table A14-A16). Unlike Germany and similar to Poland, Spanish Twitter discourse is also devoid of any horizontal Europeanization and remains highly nationalized with no presence of any actors from other EU member states (Figure 1). Results of the inclusivity analysis reveal nearly 43% of actors in 2019 and 44% of the actors on the Spanish networks are non-traditional actors, with almost half of them with eigenvector centrality scores higher than 0. These results as visualized in Figure 2 indicate that non-traditional actors such as citizens, NGOs, scholars or alternative media received a fair share of say in the online discourse on independence of judiciary in 2019 and 2020. However, this trend is not observed in 2021 because despite 52% of the accounts that form the main component in the network are non-traditional actors, all of them have an eigenvector centrality of zero.

Overall, we can confirm that horizontal Europeanization will be more prevalent on social media discourses only in the case of German Twitter discourse, while in the case of Poland and Spain, this expectation is not met. Going against our final expectation, the findings demonstrate that non-traditional actors such as citizens, alternative media and NGOs do not have equal visibility as traditional actors. Though there is a high inclusivity and expansion of the debate to non-traditional actors on social media, these actors have eigenvector centrality scores of zero and thus do not influence the discourse. Therefore, it still remains dominated by traditional actors, who have high eigenvector centrality scores in the networks.

Discussion

Our study highlights several dimensions of the relationship between value conflicts, Europeanization and the hybrid media system. Research on Europeanization often assumes that a higher relevance of European issues and significant events, such as a value conflict, may spur a more Europeanized debate within national domains (Ruiz-Soler, 2020; Statham & Trenz, 2013). Instead, we identified that domestic actors engaging with other domestic actors gain prominence while EU actors play a peripheral role, despite the broader implications of value conflicts such as the IoJ conflict for democracy across the EU. These findings go against the conventional view that the EU suffers from democratic deficit itself, with its failure to include national publics in the EU-level decisions and its lack of a heterogenous and shared public sphere (Habermas, 2012). Recent literature highlights that EU's interventions in fact matter in order to defend democratic values in member states, and that comparative perspective can shed light on when the EU is able to intervene in national politics and how that affects democratic backsliding (Kelemen, 2017). Our study similarly found that when a core democratic value is under attack in a member state, there is less participation and diffusion of EU's politics at the national-level debates, pointing toward the EU's constrained role in resolving these conflicts and upholding democratic values.

We also identified strong differences across media arenas as well as countries. Countries affected by the conflict over judicial reforms or the independence of judges, i.e. Poland and Spain, did not see any horizontal Europeanization in the media debates – neither on Twitter nor in print newspapers. The debate on the IoJ value instead turns domestic and creates a national discourse steered by traditional actors such as government, opposition parties and politicians, and journalists. If at all, the print media included EU actors to some extent in the debates in Poland and Spain, indicating a weak vertical Europeanization.

Our contrasting case, Germany, offers interesting variation. Being relatively unaffected by the conflict over IoJ led to more Europeanized, both vertical and

horizontal, rather than domestic debates in the country, with heavy presence of the EU and other member states' actors in both print and social media discourses. However, this could also be due to Germany's leading role in EU affairs and signal to the national audience that this debate does not concern the German public and is only a matter of other EU member states.

Hence, we can explain the different degrees of Europeanization by the countries' affectedness of and involvement in the conflict over a democratic value. This also implies that conflicts about democratic values such as the IoJ lose their European foundation as the debates become more contentious and turn into domestic conflicts dominated by traditional national actors, as observed in Poland and Spain.

It is noteworthy that Twitter – often perceived as providing a public space for transnational debates (Hänska & Bauchowitz, 2019; Ruiz-Soler, 2020) – is strongly national oriented. This is evident in the similar tendencies of actor visibility and inclusivity in the Spanish and Polish discourses. Except for Germany in 2019, which stands out due to the inclusion of Austrian and Spanish actors, Twitter debates remain predominantly national. Nonetheless, the core of the German Twitter discourse consists of non-traditional actors who are absent from the print media, such as right-leaning journalists and media outlets, politicians from the right-wing populist party AfD and citizens who are more on the periphery of the main component, but are still connected to the debate. One explanation for this differing actor constellation in Germany could be that these right-wing actors leverage alternative media channels such as Twitter to communicate their ideologies and beliefs away from the mainstream debates. So, while the actor constellation in Spain and Poland is in both media arenas relatively similar, the two German media arenas present two different discourses on the same value conflict – a Europeanized legacy media debate and a mainly domestic but alternative social media debate.

Conclusion

This study investigated the ongoing value conflict over independence of judiciary in EU member states, assessing the Europeanization of the public debate and the actors driving the conflict. We argued for the need to study democratic value conflicts in the EU as rule of law forms a crucial part of the larger integration project and thus the Union's involvement in the conflict matters to ensure the democratic values are protected and advanced. This focus on Europeanization sheds light on the comparative contexts where the EU can or cannot intervene in addressing democratic backsliding. To this end, we examined the legacy media and Twitter in Poland, Spain and Germany between 2019 and 2021.

Our study makes two crucial contributions to the literature. First, contrary to our expectation, when a country is affected by a European value conflict, it does not translate into Europeanization itself – neither in the legacy media nor on a digital media platform such as Twitter. The value conflict is predominantly discussed among domestic, traditional actors in Spain and Poland. Although the print media shows a stronger Europeanization in Germany, the country remains largely unaffected by the conflict itself. So, even in the most-likely case scenario, the Europeanization of the public is weakly present and disappears as soon as the conflict becomes domestically heated.

Second, we identified similarities between the print media and Twitter in Poland and Spain, characterized by weak to non-existing Europeanization and a strong visibility of traditional actors. The latter supports our expectation on the presence of traditional actors in the print media but goes against our expectation regarding Twitter. The presence of oppositional parties in Spain and judicial actors in Poland can be explained by the country context, with the conflict in Spain mainly perceived as a political dispute between the social democratic government and the conservative opposition, while the conflict in Poland centered around judges, lawyers and courts publicly opposing the policy changes by the right-wing nationalist government (see also Matthes, 2022). In contrast, the legacy media and Twitter in Germany differ significantly, with the former being highly Europeanized but consisting of traditional powerful actors while the latter being more national yet leaning toward more alternative right-wing voices.

Language barriers across countries, different issue cycles and public attention waves play a big role on a social media platform whose main function is not to create a public for deliberation and inform citizens, but to connect users, share opinions with the followers and create attention for issues through shared use of hashtags. While it is often assumed that the two media arenas coexist and influence each other in a hybrid media system, the findings point to the persistent power of traditional actors in shaping the discourse even in the online networks in Poland and Spain, while any effect of the digital public sphere on the mass media is not observed. In contrast, the study shows the growing power of alternative voices, especially far-right actors, in the German Twitter discourse. This variation could be a result of historical background and the media landscape of the countries. Marginalized right-wing voices feel sidelined in Germany and hence are more likely to leverage social media to express their opinions and operate within algorithmic echo chambers that reinforce their views. However, it could also be likely that because German actors are not directly involved in any domestic conflict, they do not feel the need to maintain a strong presence in the online debates while the right-wing actors might seize the EU-wide saliency of topic to express Eurosceptic narratives. In Poland and Spain, the highly contentious level of the debate over the value makes it crucial for national traditional actors to shape the narratives in both mass and social media. Such insights into the sociopolitical conditions under which these online networks complement, or work in isolation from, the mainstream mass media, is crucial to shape communication strategies in the hybrid media system as it affects the quality of democratic deliberation and the evolving role of media in democratic societies.

Our study bears nonetheless limitations. First, the research focused on the actor dimensions of visibility and inclusivity in the Europeanization framework, leaving out the analysis of the content of the debates. Future studies should examine how different actors frame democratic value conflicts and how this contestation within a hybrid media system affects the European integration process and the democratic quality of the EU member states. Furthermore, the comparative perspective should be extended to other national contexts, social media platforms and democratic values to investigate how specific political cultures, diversity of digital platforms beyond Twitter and other values such as gender equality or freedom of expression could influence the degrees of Europeanization.

Our study has crucial implications for the analysis of mediatized value conflicts and the Europeanization of the public. While values such as the independent judiciary are inscribed in the EU treaty, they do not have an a priori European dimension, but are rather transferred to the national context. Thus, EU actors might not be in a favorable position to intervene in on-going national debates and instead pro-European domestic actors have much more capabilities in supporting such European values (see also de Wilde, 2023). Moreover, the optimistic view on social media platforms such as Twitter as drivers of Europeanization should be seen more critically. Our study suggests that the communicative environments of these platforms are embedded in and shaped by national contexts. Taken together, these patterns of Europeanization across diverse national contexts and media environments underscore the strategic opportunity right-wing Eurosceptic as well as alternative pro-European domestic voices have to influence internal national debates, particularly those of EU-wide importance, in a hybrid media environment. A deeper understanding of these dynamics of domestic national and media contexts is essential for EU policy-making and agenda-setting that lie at the heart of the integration project.

Notes

1. Location filter by country ensures tweets from other countries containing the same keywords are not captured during data collection. However, the total number of tweets collected in Germany and Spain is strongly affected when using the location filter. While it was necessary in the Spanish context to avoid capturing tweets from other Spanish-speaking countries, in Germany the location filter yielded a very low number of tweets. This could be because Twitter users can choose not to divulge their location information. Thus, all German-language tweets were collected without the location filter and then tweets from other German-speaking nations such as Austria and Switzerland were removed during the data cleaning process. The Polish case was not as affected and

a similar number of tweets were captured with or without the use of a location filter, and thus the location filter was used to ensure minimum noise in the data.

2. For detailed network characteristics such as number of nodes/actors and links/edges between them, average degree centrality and modularity scores, and descriptive statistics on vertical and horizontal Europeanization on traditional and social media networks, see Appendix Tables A3-A8.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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