




Post-Truth Politics and Legal Epistemology: The Erosion of Legal Facts in Polarized Democracies

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1. Round 1

1.1. Reviewer 1

Reviewer:

The phrase “strategic deployment of ‘alternative facts’” should be expanded by referencing a concrete legal or political case where such deployment has demonstrably affected legal processes, to avoid abstract generalization.

The phrase “legal epistemology asks foundational questions...” would benefit from specific citation to seminal works in legal epistemology (e.g., Haack, Leiter, or Dworkin), to ground the definition in established jurisprudence.

The sentence “These include witness testimony, forensic results, documentary records...” lists evidence types but could be improved by acknowledging the legal criteria (e.g., Federal Rules of Evidence) under which these are admitted.

The authors write “legal proceedings become spectacles...” This compelling idea would benefit from engagement with scholarship on “legal spectacle” or “judicial drama” (e.g., Sarat and Kearns), which is currently missing from the literature base.

The line “lawyers routinely invoked conspiracy theories...” regarding Trump-era litigation is a powerful example. However, for balance, consider acknowledging any judicial responses or sanctions that attempted to uphold evidentiary standards.

The phrase “algorithmic epistemologies in shaping legal discourse” is conceptually rich but underdefined. Please offer a clearer operational definition and cite foundational work on algorithmic governance or digital epistemology (e.g., Zuboff, O’Neil).

In the sentence “Algorithms privilege repetition, virality, and emotional resonance...”, it would be beneficial to cite communication or information theory literature to support the characterization of algorithmic bias.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The statement “courts and judges may be portrayed as partisan actors...” would benefit from a supporting reference or real-world example (e.g., Poland or Brazil) to anchor this important claim in empirical reality.

The sentence “The use of fake news, information distortion, and media manipulation has become a normalized tool...” could be more precise. Specify what constitutes “normalized” and provide empirical data or trends from judicial contexts.

In the line “truth becomes a secondary concern; political actors prioritize persuasive narrative...”, consider engaging more deeply with post-structuralist or constructivist legal theorists (e.g., Foucault, Luhmann) to enrich this theoretical claim.

The claim “the judiciary is often framed as an elitist obstacle...” is strong and warrants further citation beyond Ünal. Consider referencing case law or public opinion data from Hungary, Poland, or Brazil to substantiate the point.

The phrase “collapse of common epistemic norms...” is critical but lacks precision. Specify what these norms are—e.g., standards of admissibility, procedural neutrality—and how they are institutionally upheld or eroded.

In discussing cognitive bias in jury trials, referencing psychological theories (e.g., motivated reasoning, confirmation bias, or dual-process theory) would greatly strengthen the argument’s interdisciplinarity.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.