



Horyzonty Polityki
2023, Vol. 14, N° 46



Editorial

The fourth estate – theoretical and practical aspect

The traditional separation of powers into executive, legislative, and judicial branches, which was developed as early as in ancient reflection on politics (Aristotle, Polybius), and next elaborated on in numerous commentaries and discussions in the Middle Ages (Aquinas, Marsilius of Padua) and in the modern period (J. Bodin, J. Locke), was re-evaluated in the thought of Montesquieu and the Federalists. In their discussions with absolute monarchy, political thinkers of the modern period deemed the separation of powers inadequate and proposed – which was their greatest achievement – interlocking separated powers by checks and balances that would prevent any of them from gaining dominance over the others. This forced politicians to talk to one another and thus laid the practical foundations for deliberative democracy.

At the beginning of the modern period, liberal thinkers attempted to identify new powers (B. Constant), but these attempts were unsatisfactory, posed new questions, and revealed new problems. Non-liberal political thinkers also searched for new arrangements of powers in a state, although it was liberal proposals that evoked the widest public resonance. One of them was the idea of a fourth estate formulated by Edmund Burke, the British Wig, which sparked a widespread debate on the fourth estate.

Constant's and Burke's proposals reflected the spirit of their times: they were formulated at the same political time, referred to the same political publications, and sought a solution that would safeguard against absolute power and at the same time protect the individual's political freedom. These two authors were politicians and thinkers,

which is relevant from the perspective of political pragmatism, as both were able to identify new threats and new political forces. Constant talked about municipal power (in contemporary literature treated as local power or the power of self-government), while Burke noticed the fourth estate in the 'Reporters' Gallery'. The political thought of both politicians is like a recurring wave that returns with the political crisis of modern democracy, and becomes – during subsequent populist waves – both the subject of vivisection and a suggestion. Constant is referred to by legal and political theorists who search for justification and inspiration in formulating the concept of neutral power and the concept of self-government, and Burke is referred to by political theorists and mass communication theorists who are interested in political institutions that would safeguard against *absolutum dominium* and in relationships between political power and mass media.

The concept of the fourth estate was initially used only in discussions about the place of the press in a state that was in the process of constructing its constitutional political order. In later discussions, as evidenced, among others, by the current debate held in Poland among lawyers, political theorists, and media scholars (M. Florczak-Wątor, G. Kuca, M. Nieć, and J. Adamowski), the notion of the fourth estate has taken on a broader meaning and now also refers to intermediate bodies and is sometimes termed *arbitration power/estate* or *neutral power/estate*.

A pertinent question – posed recently at several conferences – concerns an arbiter. Should this role be played by the institutions of neutral power enumerated in the constitution, (including the Ombudsman, the State Election Commission, the Supreme Audit Office, the Constitutional Tribunal, the National Council of Radio Broadcasting and Television, the Monetary Policy Council, and local self-governments), by the institutions not mentioned in the constitution (including public benefit institutions and protest movements, e.g., KOD), or by the institutions of the fourth estate, traditionally understood as an institutions of the press and mass media which guard freedom of expression (Article 14 and Articles 213–215 on the National Council of Radio Broadcasting and Television of the *Constitution of the Republic of Poland* of 1997)? The latter watch over the quality of public and political life by revealing faults in the activities

of political authorities, corruption, nepotism, and moral scandals. The first understanding of the fourth estate is analysed in political and legal reflection (B. Kotarba, M. Kowalska, T. Litwin, D. Sieklucki, B. Węglarz), whereas its second understanding is of interest to political theorists, media scholars, and mass media researchers (K. Łabędź, M. Nieć, D. Raś).

Let us embark on a debate on the fourth estate.

Mateusz Nieć
theme issue editor