

## **From Spectatorship to Citizenship: Televised Supreme Court Presidential Election Petitions and Public Perceptions of Judicial Legitimacy in Nairobi, Kenya**

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## Abstract

Judicial transparency assumes that making court proceedings publicly visible will generate civic returns: informed citizens, stronger institutional trust, and greater acceptance of judicial outcomes. Yet whether televised proceedings actually produce these democratic effects remains empirically contested. This article examines how watching Kenya's Supreme Court presidential election petitions (2013–2022) shaped public perceptions of judicial legitimacy. Drawing on survey data from 250 survey respondents across two Nairobi sub-counties, eight focus group discussions, and content analysis of 43 broadcast and online segments, the study finds that civic effects were conditional and uneven. Perceived impartiality, competence, and integrity each followed non-linear trajectories across petition cycles, peaking in 2017 following the unprecedented electoral nullification and declining in 2022 amid intensified digital polarisation. Public trust showed similar episodic fluctuation. Hierarchical multiple regression revealed that live viewing frequency and educational attainment positively predicted legitimacy perceptions, while political alignment with the losing candidate was consistently the strongest moderating variable. A composite acceptance index declined between 2017 and 2022 as hostile media framing eroded the stabilising effect of direct exposure. The study introduces the concept of the Democratic Screen to describe the mediated space through which constitutional authority is publicly staged, interpreted, and contested. The findings suggest that judicial transparency activates public perceptions of legitimacy conditionally, through the intersecting filters of interpretive capacity, political identity, and digital media ecology. While the study draws on data from Nairobi, the patterns identified carry implications for broader conversations on judicial broadcasting and democratic governance in Africa.

**Keywords:** Judicial legitimacy; Televised proceedings; Public perceptions; Mediatization; Procedural justice; Kenya

## Resumen

La transparencia judicial supone que hacer públicos los procesos judiciales generará beneficios cívicos: ciudadanos informados, mayor confianza institucional y una mayor aceptación de las resoluciones judiciales. No obstante, si las transmisiones televisivas de los juicios producen realmente estos efectos democráticos sigue siendo una cuestión empírica no resuelta. Este artículo examina cómo el seguimiento de las peticiones electorales presidenciales del Tribunal Supremo de Kenia (2013–2022) modeló las percepciones públicas sobre la legitimidad judicial. A partir de datos de encuesta de 250 residentes adultos en dos subcondados de Nairobi, ocho grupos de discusión y el análisis de contenido de 43 segmentos de emisión y publicaciones en línea, el estudio concluye que los efectos cívicos fueron

condicionales y desiguales. Las percepciones de imparcialidad, competencia e integridad siguieron trayectorias no lineales, alcanzando su máximo en 2017 tras la histórica anulación electoral y disminuyendo en 2022 ante la intensificada polarización digital. La confianza pública mostró una fluctuación episódica similar. La regresión múltiple jerárquica reveló que la frecuencia de seguimiento en directo y el nivel educativo predijeron positivamente las percepciones de legitimidad, mientras que la alineación política con el candidato perdedor fue la variable moderadora más determinante. El estudio introduce el concepto de Pantalla Democrática para describir el espacio mediado en el que la autoridad constitucional se escenifica, interpreta y disputa públicamente. Los hallazgos sugieren que la transparencia judicial activa el compromiso democrático de forma condicional, a través de los filtros entrecruzados de la capacidad interpretativa, la identidad política y la ecología de los medios digitales.

**Palabras clave:** Legitimidad judicial; Actuaciones televisadas; Percepciones públicas; Mediatización; Justicia procesal; Kenia

## **1. Introduction**

Transparency reforms rest on a layered normative claim: that making institutions publicly visible will not only signal accountability but will convert passive observers into engaged democratic citizens (Grimmelikhuijsen & Welch, 2012). Courts have increasingly been drawn into this logic. Broadcasting judicial proceedings is presented, institutionally and in policy discourse, as a mechanism for building public understanding of legal processes, reinforcing perceptions of judicial impartiality, and ultimately deepening public confidence in the rule of law. These are significant democratic stakes, and they rest on empirical assumptions that have rarely been subjected to systematic scrutiny.

Kenya's Supreme Court presidential election petitions provide an unusually rich empirical setting in which to examine these assumptions. Following the constitutional transformations of 2010, the Court broadcast its presidential election petition proceedings live in 2013, 2017, and 2022, creating sustained mass encounters with constitutional adjudication across three successive electoral cycles. Each petition was a high-stakes institutional moment in which the Court's independence, procedural fairness, and moral credibility were publicly on display. For scholars of media, law, and democratic governance, these cycles represent a decade-long natural experiment in the civic effects of judicial transparency.

The 2013 petition introduced the public to the new constitutional court as a live broadcast event for the first time. The 2017 petition produced the first presidential election nullification in African history, a ruling widely interpreted as evidence of genuine institutional independence. The 2022 petition unfolded in a dramatically transformed digital media environment, saturated with partisan commentary, viral clip circulation, and algorithmically amplified emotional framing. Across these three cycles, the questions of whether citizens perceived the Court as impartial, whether they trusted its reasoning, and whether they accepted its rulings were answered differently, suggesting that judicial transparency does not produce uniform or cumulative democratic effects.

Existing scholarship on judicial legitimacy in Kenya is rich on constitutional and legal dimensions but comparatively underdeveloped on questions of public reception (Kanyinga & Odote, 2019). Much of the normative literature assumes that visibility generates trust, but empirical work measuring how different audiences actually process and evaluate broadcast

proceedings across varying social, educational, and political conditions remains sparse. This gap is particularly significant given that Kenya's presidential election petitions are not ordinary litigation events: they are communicative moments in which judicial authority is simultaneously enacted, observed, and contested before a national audience.

This article addresses that gap. It examines how watching Kenya's televised Supreme Court proceedings shaped public perceptions of judicial legitimacy across the 2013, 2017, and 2022 petition cycles. It asks: How did citizens evaluate judicial impartiality, competence, and ethical integrity through broadcast proceedings? How did public trust in the judiciary evolve across cycles, and what factors predicted it? Under what conditions did citizens accept petition rulings, and how did media framing and political identity modulate those conditions? And through what mechanisms did televisual visibility influence, fail to influence, or actively undermine democratic engagement with judicial institutions?

The central argument is that judicial transparency activates democratic engagement conditionally rather than universally. Perceptions of legitimacy were shaped by the intersection of exposure depth, interpretive capacity, political identity, and media ecology (Hjarvard, 2008; Tyler, 2006; Tichenor et al., 1970). Live viewing consistently strengthened legitimacy perceptions relative to social media consumption, but even comprehensive exposure could not override partisan interpretive filters in politically charged conditions. The 2017 experience demonstrated that judicial performance can generate genuine legitimacy gains when proceedings are perceived as constitutionally principled; the 2022 experience demonstrated how digital amplification of antagonistic framing can dilute those gains.

The study draws on survey data from 250 adult Nairobi residents, eight focus group discussions conducted across Kibra and Roysambu sub-counties, and content analysis of 43 broadcast and online segments. The theoretical framework integrates Mediatization Theory, Performance Theory, Procedural Justice Theory, Agenda Setting Theory, and Knowledge Gap Theory. The analysis introduces the concept of the Democratic Screen to describe the mediated space through which constitutional authority is publicly staged, interpreted, and contested, a concept that advances the theoretical vocabulary for studying judicial legitimacy in digitally saturated democratic contexts.

The article proceeds as follows. Section 2 develops the theoretical framework. Section 3 describes the methodology. Section 4 presents findings on perceived impartiality, competence,

and integrity across petition cycles. Section 5 examines trust trajectories and public acceptance of rulings. Section 6 discusses the Democratic Screen concept and its implications for democratic theory and judicial communication. The conclusion reflects on what conditional civic engagement means for transparency reform and democratic governance in Africa.

## **2. Theoretical Framework**

### **2.1 Mediatization and the Transformation of Judicial Authority**

Mediatization theory provides the structural foundation for this study. The theory argues that media logics become progressively embedded in the operations of non-media institutions, reshaping how those institutions communicate, perform, and are evaluated (Hjarvard, 2008; Couldry & Hepp, 2013). Institutions operating within mediatized environments must negotiate not only what they decide but how they appear, because appearance has become inseparable from authority. Courts, historically insulated from public scrutiny through spatial enclosure, procedural formality, and restricted access, have not been immune to this transformation (Thompson, 2005).

When judicial proceedings are broadcast live, the courtroom becomes a mediated arena. Judicial reasoning, once confined to written judgments and courtroom participants, enters a communicative space shaped by editorial priorities, broadcast conventions, and audience interpretation. Tone, demeanour, rhetorical style, and even silence acquire interpretive weight in ways that formal legal procedure does not account for (Couldry & Hepp, 2013). Kenya's Supreme Court, through its decision to televise presidential election petitions, has not merely opened its doors to public view. It has entered a national broadcast circuit in which its authority is continuously produced, contested, and renegotiated.

Kenya's case adds a non-Western dimension to mediatization theory, showing how courts in transitional democracies navigate the tension between legal autonomy and the demands of a live broadcast environment where moments are clipped, shared, and reframed in real time.

### **2.2 Performance Theory and Symbolic Enactment**

Performance Theory, drawing on Goffman's (1959) dramaturgical framework and its extension into institutional analysis by Alexander (2004, 2006), conceptualises authority as enacted through ritualised symbolic behaviour. Institutional legitimacy depends not merely on formal mandate but on the successful performance of authority before audiences capable of

recognising and validating it. When judicial proceedings are broadcast, performative dimensions that previously operated within a specialised professional audience become visible to mass publics who lack legal training but do possess interpretive frameworks shaped by political identity, media exposure, and lived experience.

In Kenya, viewers used visible cues such as how judges questioned both sides, how calm they appeared under pressure, and how evenly they managed the courtroom to decide whether the Court was fair. These cues became the raw material through which ordinary citizens formed legitimacy judgments. The Democratic Screen concept, developed in this study, draws on this insight: what the public sees and how it is framed shapes whether judicial authority is accepted or questioned.

### **2.3 Procedural Justice and the Communicative Foundations of Legitimacy**

Procedural justice theory provides the most directly applicable framework for understanding how citizens evaluate judicial legitimacy. Tyler (2006) argues that citizens are more likely to accept institutional authority and comply with legal decisions when they perceive that procedures were fair, respectful, and conducted by neutral authorities who attended seriously to their concerns. Critically, procedural justice theory holds that outcome satisfaction is less important than process evaluation: citizens who perceive fair procedures are more likely to accept adverse outcomes than those who perceive procedural unfairness regardless of their preferred result.

Applied to broadcast proceedings, procedural justice theory suggests that televisual visibility creates opportunities for large-scale procedural evaluation that were previously available only to courtroom participants. Citizens who observe questioning symmetry, composed judicial demeanour, and transparent deliberative reasoning are likely to develop stronger legitimacy perceptions. However, Kenya's petitions also reveal boundary conditions for procedural justice theory: in intensely polarised political contexts, where electoral stakes are existential and partisan identity is deeply engaged, procedural fairness may enhance legitimacy among moderates but struggle to persuade deeply committed partisan audiences who interpret the same proceedings through selective filters.

## **2.4 Agenda Setting and Knowledge Gap as Interpretive Mechanisms**

Two additional theoretical frameworks operate as interpretive mechanisms within the mediatization context. Agenda Setting Theory (McCombs & Shaw, 1972) identifies how media editorial choices structure what audiences attend to and how they understand it. Broadcasters who emphasise confrontational exchanges, dramatic moments, or politically charged utterances steer public interpretation toward contestation rather than constitutional reasoning. In Kenya, media framing choices across and within petition cycles shaped the interpretive environment within which legitimacy judgments formed, sometimes amplifying procedural legitimacy and sometimes intensifying institutional capture narratives.

Knowledge Gap Theory (Tichenor et al., 1970) offers the second mechanism. When complex information enters a social system, better-educated citizens absorb it faster and convert it more readily into informed attitudes. For broadcast proceedings, this means that a university-educated viewer and a secondary-school viewer may watch the same hearing but come away with very different levels of comprehension. Without legal background knowledge, it is easy to mistake a ruling against one's preferred candidate for bias, rather than recognising it as a constitutional outcome. This dynamic concentrates the democratic gains of transparency among those already positioned to benefit.

## **2.5 The Democratic Screen: A Conceptual Contribution**

This study introduces the concept of the Democratic Screen to describe the mediated space through which constitutional authority is publicly staged, interpreted, and contested. The concept draws on but extends several foundational ideas in communication theory. Habermas's (1989) public sphere provided a normative model for reasoned democratic deliberation, but the Democratic Screen departs from it by recognising that the space in which courts are encountered is not a forum of rational argument but an emotionally charged, editorially curated, and algorithmically amplified media environment. Thompson's (1995) concept of mediated publicness captures the asymmetric visibility that broadcasting creates: the Court becomes visible to millions who cannot respond in kind. The Democratic Screen adds a specifically judicial dimension: once cameras enter the courtroom, proceedings become visible not merely to gallery observers but to dispersed audiences whose interpretive frameworks are shaped by media logic, partisan affiliation, and digital circulation rather than procedural proximity.



The Democratic Screen works through three key features. First, it is selective: broadcasters choose which moments to show, so not everything that happens in court reaches the public equally. Second, it is plural: the same broadcast means different things to different people depending on their education, social background, and political outlook. Third, it reaches beyond the broadcast moment itself: a phrase or ruling does not disappear when the cameras switch off but continues to circulate on social media and shape how institutions are remembered. These features explain why watching the Kenyan Supreme Court did not produce one shared public response, but many different ones shaped by who was watching, where they watched, and how they made sense of what they saw. Through the Democratic Screen, judicial authority becomes something citizens see and feel, not just something they read about in a judgment.

### **3. Methodology**

#### **3.1 Research Design**

This study employed a concurrent mixed-methods design, integrating a survey instrument, focus group discussions, and content analysis of broadcast and online media. The design reflects the multi-dimensional nature of public legitimacy perceptions, which require both measurable indicators accessible through survey instruments and the interpretive depth available through qualitative methods. Triangulation across all three data sources strengthened analytical credibility and reduced reliance on single-method inference.

The philosophical orientation is constructivist. Judicial legitimacy is treated not as an objective institutional property but as a socially constructed belief shaped by mediated interaction, interpretive frameworks, and political context (Tyler, 2006; Norris, 2011). This positioning aligns the study with communication scholarship that conceptualises institutional trust as perception-driven and relational rather than structurally determined.

#### **3.2 Study Location and Sample**

The study was conducted in Nairobi City County, Kenya's capital and the site of the Supreme Court, national broadcast infrastructure, and the densest concentration of civil society and media organisations (KNBS, 2019). Within Nairobi, two sub-counties were purposively selected for their contrasting socio-economic profiles: Kibra, characterised by informal housing, lower income levels, youth-driven political expression, and historically oppositional

civic discourse; and Roysambu, marked by greater socio-economic diversity, higher media penetration, and a more mixed political orientation. This intra-urban contrast enabled reflection on how class, education, political identity, and media access mediate the reception of televised justice.

The target population consisted of adult residents aged eighteen and above who had some exposure to at least one of the three televised petition cycles between 2013 and 2022. A multi-stage sampling procedure was employed: sub-counties were selected purposively, and within them, respondents were stratified by age and gender and approached through systematic household visits and community intercept points. Sample size was determined using Cochran's (1977) formula for large populations, yielding a minimum recommended sample of 384 at a 95 per cent confidence level ( $Z = 1.96$ ), with  $p = 0.5$  to maximise variance and margin of error  $e = 0.05$ . A target of 400 was set to accommodate non-response. After data cleaning, 250 valid responses remained, representing a 62.5 per cent effective response rate. A post-hoc power analysis using G\*Power 3.1 confirmed that the retained sample was adequate for detecting moderate effects across the planned analyses.

### **3.3 Quantitative Instrument**

The survey questionnaire included Likert scale items measuring perceived impartiality, competence, and ethical integrity; public trust in the judiciary; and acceptance of Supreme Court rulings. Items were adapted from Tyler and Huo's (2002) procedural justice scales and established political trust instruments. Three composite scales were constructed. The legitimacy composite yielded Cronbach's  $\alpha = 0.88$ ; perceived impartiality  $\alpha = 0.84$ ; perceived competence  $\alpha = 0.81$ . All values exceeded the accepted threshold of 0.70 ( DeVellis, 2017). Construct validity was examined through exploratory factor analysis with varimax rotation, which revealed clear item loadings onto anticipated constructs with factor loadings above 0.60 and minimal cross-loading.

Political affiliation was captured through a survey item in which respondents indicated which presidential candidate they had supported in each petition year; this allowed classification by whether the ruling went in the direction they preferred. Quantitative analysis was conducted using SPSS version 28. Descriptive statistics summarised demographic patterns and central tendencies. One-way ANOVA models tested differences in perceived legitimacy across education levels, with Levene's test assessing homogeneity of variance and post-hoc

Tukey comparisons identifying pairwise differences. Hierarchical multiple regression was employed to examine predictors of legitimacy perceptions, entering demographic controls in Model 1 and media exposure variables and political affiliation in Model 2 to assess incremental explanatory power. Mediation analysis employed Hayes's (2018) PROCESS macro Model 4 to test whether comprehension mediated the relationship between broadcast exposure and perceived fairness, using bootstrapped confidence intervals to address minor deviations from normality. The analysis confirmed partial mediation: live broadcast exposure significantly predicted comprehension, which in turn predicted perceived fairness, with the indirect effect statistically significant (bootstrapped 95% CI excluding zero), while the direct effect of exposure on fairness perceptions also remained significant after accounting for the mediating pathway.

### **3.4 Focus Group Discussions**

Eight focus group discussions were conducted, four in each sub-county, with six to eight participants per group (total  $n = 56$ ). Participants were sampled from survey respondents to ensure inclusion of extensive viewers, light viewers, and non-viewers, and were stratified by gender and educational level to ensure diversity of perspective. Discussions were audio-recorded, transcribed verbatim, and analysed using NVivo software. Participants were encouraged to recall specific moments from the 2013, 2017, and 2022 proceedings rather than speak in abstract terms, grounding discussion in the actual communicative cues present in each petition. Thematic analysis followed Braun and Clarke's (2006) six-phase process, with coding beginning from theoretical sensitising concepts drawn from mediatization and procedural justice frameworks before proceeding inductively to capture emergent themes. Reflexive memos were written throughout analysis to bracket researcher interpretation.

### **3.5 Content Analysis**

Televised proceedings and associated media coverage across the three petition cycles were sampled purposively, yielding 43 broadcast and online segments. Coding categories included judicial tone, referencing of constitutional principles, management of courtroom tension, media emphasis on symbolic exchanges, and framing of ruling outcomes. A detailed codebook was developed prior to analysis. Two independent coders analysed 20 per cent of the sample; Cohen's kappa coefficient was 0.86, indicating strong inter-rater agreement and

exceeding the widely applied threshold of 0.70 for substantial reliability (Landis & Koch, 1977). The content analysis enabled contextualisation of survey and focus group responses within the actual communicative content that audiences encountered during each petition cycle.

### 3.6 Ethical Considerations

The study was conducted under ethical approval from the National Commission for Science, Technology and Innovation (NACOSTI), Kenya, Permit Number NACOSTI/P/25/416673. All participants provided informed written consent. Given the political sensitivity of presidential election petitions, focus group discussions were moderated carefully. Emotional discomfort occasionally surfaced when participants recalled the 2022 proceedings, and debriefing opportunities were provided. Identifying information was removed from all quoted material before analysis.

## 4. Findings I: Perceived Judicial Legitimacy

### 4.1 Sample Profile

**Table 1**

*Demographic Characteristics of Respondents (N = 250)*

| Variable             | Category             | Frequency | Percentage (%) |
|----------------------|----------------------|-----------|----------------|
| Gender               | Male                 | 132       | 52.8           |
|                      | Female               | 118       | 47.2           |
| Age                  | 18–30                | 94        | 37.6           |
|                      | 31–45                | 102       | 40.8           |
|                      | 46 and above         | 54        | 21.6           |
| Education level      | Secondary            | 68        | 27.2           |
|                      | Diploma              | 71        | 28.4           |
|                      | Undergraduate degree | 74        | 29.6           |
|                      | Postgraduate         | 37        | 14.8           |
| Primary media source | Live television      | 109       | 43.6           |

| Variable | Category              | Frequency | Percentage (%) |
|----------|-----------------------|-----------|----------------|
|          | Television highlights | 58        | 23.2           |
|          | Radio                 | 32        | 12.8           |
|          | Social media clips    | 51        | 20.4           |

*Note.* Source: Field Data, 2025.

Table 1 presents the demographic profile of the 250 respondents. The sample was predominantly male (52.8 per cent), with the largest age cohort aged 31 to 45 (40.8 per cent). Educational attainment was broadly distributed across secondary, diploma, and undergraduate degree levels. Live television was the primary source of petition coverage for 43.6 per cent of respondents, followed by television highlights (23.2 per cent) and social media clips (20.4 per cent). The dominance of television as the primary encounter with judicial proceedings is consistent with the broader media landscape for major national events in Kenya.

#### 4.2 Perceived Impartiality

Respondents were asked to rate agreement with the statement: 'The Supreme Court judges appeared impartial during the televised presidential election petition hearings.' Across the full sample ( $N = 250$ ), 58 per cent agreed or strongly agreed, 21 per cent were neutral, and 21 per cent disagreed or strongly disagreed. When disaggregated across petition cycles, impartiality perceptions followed a non-linear trajectory.

The 2017 petition recorded the highest mean impartiality score ( $M = 3.91$  on a five-point scale). Focus group participants frequently characterised that moment as proof of judicial independence. As one Roysambu participant stated: 'When they cancelled the election, it showed they are not controlled.' The 2013 petition produced moderate impartiality ratings ( $M = 3.38$ ), with several participants noting procedural unfamiliarity. The 2022 petition showed the sharpest polarisation, recording the lowest mean ( $M = 3.29$ ), with respondents aligned with the losing candidate substantially more likely to report perceptions of bias.

Hierarchical multiple regression revealed that live viewing frequency ( $\beta = .28, p < .001$ ) and education level ( $\beta = .19, p < .01$ ) positively predicted impartiality perception. Political alignment with the losing candidate was the strongest single predictor ( $\beta = -.34, p < .001$ ), demonstrating that partisan interpretive filters substantially moderated the civic effects of

transparency. Focus group discussions elaborated three evaluative patterns: perceived questioning symmetry, in which respondents closely monitored whether judges interrogated both parties with comparable intensity; judicial demeanour, where calmness and measured speech were associated with neutrality; and control of proceedings, where even-handed management of interruptions was interpreted as procedural fairness.

#### **4.3 Perceived Judicial Competence**

Across the full sample, 64 per cent of respondents agreed or strongly agreed that the Supreme Court judges demonstrated strong legal competence; 18 per cent were neutral and 18 per cent disagreed. Competence perceptions were consistently higher than impartiality perceptions across all petition cycles, suggesting that citizens distinguish between technical capacity and political neutrality as separate dimensions of judicial legitimacy.

Perceived competence peaked in 2017 ( $M = 4.02$ ), remained relatively high in 2022 ( $M = 3.74$ ), and was moderate in 2013 ( $M = 3.61$ ). The 2017 proceedings were widely regarded as legally rigorous: focus group participants referenced the Court's detailed interrogation of electoral technology and procedural irregularities as evidence of intellectual seriousness. The 2013 petition was described by some participants as appearing 'rushed' due to constitutional time constraints, while in 2022 some respondents questioned the Court's evidentiary threshold without substantially withdrawing their assessments of competence.

Regression analysis confirmed that live viewing frequency ( $\beta = .35$ ,  $p < .001$ ) and education level ( $\beta = .27$ ,  $p < .001$ ) were the strongest predictors of competence perception. Unlike impartiality, political alignment exerted only a weak moderating effect ( $\beta = -.18$ ,  $p < .05$ ), and income was not statistically significant. This pattern is theoretically significant: competence, unlike impartiality, appears to operate as a more cognitively than politically evaluated dimension of legitimacy. Frequent viewers who observed sustained legal reasoning were significantly more likely to rate the judges as technically capable, irrespective of partisan identity.

#### **4.4 Perceived Ethical Integrity**

Integrity perceptions were the most politically volatile of the three legitimacy dimensions. Across the sample, 55 per cent agreed or strongly agreed that the judges acted with ethical integrity, 23 per cent were neutral, and 22 per cent disagreed. The trajectory across

cycles was strikingly discontinuous: the 2017 petition recorded the highest mean integrity score ( $M = 3.96$ ), reflecting widespread interpretation of the nullification decision as evidence of judicial courage and independence from executive influence. The 2022 petition saw integrity ratings return to their lowest level ( $M = 3.31$ ), with the 2013 petition occupying an intermediate position ( $M = 3.28$ ).

**Table 2**

*Mean Perceptions of Judicial Impartiality, Competence, and Integrity by Petition Year ( $N = 250$ )*

| Petition Year | Perceived Impartiality (M) | Perceived Competence (M) | Perceived Integrity (M) |
|---------------|----------------------------|--------------------------|-------------------------|
| 2013          | 3.38                       | 3.61                     | 3.28                    |
| 2017          | 3.91                       | 4.02                     | 3.96                    |
| 2022          | 3.29                       | 3.74                     | 3.31                    |

*Note.* Scale: 1 = Strongly Disagree to 5 = Strongly Agree. Source: Field Data, 2025.

Regression analysis identified political alignment with the losing candidate as the strongest predictor of integrity perception ( $\beta = -.41$ ,  $p < .001$ ), reinforcing the finding that moral credibility evaluations are the most politically sensitive of the three legitimacy dimensions. Perceived competence was a significant positive predictor of integrity ( $\beta = .38$ ,  $p < .001$ ), suggesting a relational dynamic: technical mastery reinforces moral credibility, as citizens appear to infer independence and principled conduct partly from observed intellectual capacity. Live viewing had a modest positive effect ( $\beta = .17$ ,  $p < .05$ ), indicating that transparency supports integrity perceptions but cannot override deeply partisan interpretive filters.

**Table 3**

*Hierarchical Regression Predictors of Legitimacy Perceptions ( $N = 250$ )*

| Predictor              | Impartiality $\beta$ | Competence $\beta$ | Integrity $\beta$ |
|------------------------|----------------------|--------------------|-------------------|
| Live viewing frequency | .28***               | .35***             | .17*              |
| Education level        | .19**                | .27***             | n.s.              |
| Political alignment    | -.34***              | -.18*              | -.41***           |

| Predictor            | Impartiality $\beta$ | Competence $\beta$ | Integrity $\beta$ |
|----------------------|----------------------|--------------------|-------------------|
| (losing)             |                      |                    |                   |
| Perceived competence | —                    | —                  | .38***            |

*Note.* Standardised beta coefficients reported. \* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ; n.s. = not significant. Source: Field Data, 2025.

Focus group discussions revealed three dominant integrity evaluation patterns. Resistance to political pressure was assessed through judicial composure when addressing politically powerful actors; as one participant noted, 'If they look intimidated, people will think they have already been spoken to.' Consistency of reasoning across hearings was associated with independence from external influence. And historical memory played a persistent role: integrity judgements were not formed in isolation from participants' prior assessments of the judiciary's institutional record, confirming constructivist accounts of legitimacy accumulation over time (Norris, 2011).

In 2022, integrity perceptions were also substantially shaped by social media reframing. Respondents acknowledged that viral commentary and hashtags questioning judicial independence reached them before they had engaged fully with the proceedings, sometimes creating impressions of bias that were not evident in context. Television created initial visibility; social media produced moral framing. This layered mediation process, proceeding from judicial performance through broadcast exposure to digital reframing and then partisan interpretation, represents the Democratic Screen mechanism at its most consequential.

## 5. Findings II: Trust, Acceptance, and the Media Ecology

### 5.1 Public Trust Across Petition Cycles

Public trust in the judiciary was assessed retrospectively across all three petition cycles. The data reveal episodic recalibration rather than cumulative consolidation. Trust peaked following the 2017 nullification and declined in 2022, though not to its 2013 baseline.

**Table 4**

*Public Trust in the Judiciary Across Petition Cycles (N = 250)*

| Petition Year | High Trust (%) | Moderate Trust (%) | Low Trust (%) |
|---------------|----------------|--------------------|---------------|
| 2013          | 38.4           | 35.2               | 26.4          |



| Petition Year | High Trust (%) | Moderate Trust (%) | Low Trust (%) |
|---------------|----------------|--------------------|---------------|
|               |                |                    |               |
| 2017          | 48.8           | 29.6               | 21.6          |
| 2022          | 41.6           | 28.0               | 30.4          |

*Note.* Source: Field Data, 2025.

In 2013, 73.6 per cent of respondents reported high or moderate trust. Focus group participants in Kibra described the broadcast as reassuring even when they disagreed with the final ruling, with one participant stating: 'Even if you were not happy with the outcome, at least you saw the process. It felt organised and serious.' The novelty of transparency generated procedural legitimacy effects that partially insulated trust from outcome dissatisfaction.

The 2017 petition produced the highest recorded trust levels, with 48.8 per cent reporting high trust, representing an increase of over ten percentage points from 2013. The nullification decision accumulated what Easton's (1965) framework would describe as diffuse institutional support: the Court demonstrated independence from executive power in a publicly visible manner, and media coverage amplified this narrative. Even among respondents aligned with the annulled result, many acknowledged the Court had exercised constitutional authority decisively, with one focus group participant noting: 'I did not like the outcome, but I respected the courage.'

The 2022 petition reversed this trajectory. High trust declined to 41.6 per cent while low trust increased to 30.4 per cent, its highest level across all three cycles. Political identity played a stronger role in shaping interpretation than in previous cycles: respondents watched the same proceedings but evaluated them through sharply divergent partisan frameworks, consistent with research demonstrating that media exposure does not eliminate partisan filtering (Iyengar & Hahn, 2009). Critically, however, procedural fairness continued to predict trust more strongly than outcome agreement in regression analysis ( $\beta = .58$ ,  $p < .001$ ): even among dissatisfied respondents, those who perceived the process as orderly and respectful were more likely to maintain moderate trust levels.

## 5.2 Public Acceptance of Rulings

Public acceptance was measured through a composite index constructed from survey items assessing both emotional and structural dimensions of ruling acceptance. The index

captured both immediate outcome acceptance and endorsement of judicial resolution as the legitimate mechanism for electoral dispute.

**Table 5**

*Public Acceptance Index by Petition Year (N = 250)*

| Petition Year | Mean Acceptance Score | High Acceptance (%) | Low Acceptance (%) |
|---------------|-----------------------|---------------------|--------------------|
| 2013          | 58.2                  | 29                  | 26                 |
| 2017          | 72.6                  | 51                  | 11                 |
| 2022          | 60.4                  | 34                  | 22                 |

*Note.* Mean acceptance score on a 0–100 scale. Source: Field Data, 2025.

Acceptance peaked in 2017 (mean = 72.6), consistent with trust findings. In 2013, acceptance was moderate but structurally compliant: content analysis of broadcast and print headlines showed procedural legitimacy framing accounted for 41 per cent of coverage, with institutional capture narratives notably absent. The 2022 petition produced moderate mean acceptance (60.4) with sharper partisan divergence. Content analysis of the first 72 hours following the 2022 ruling documented that frames emphasising political betrayal or institutional capture together accounted for 45 per cent of coverage, whilst technically framed explanations accounted for only 17 per cent. Emotional framing substantially outpaced legal explanation.

An interaction analysis tested whether televised exposure moderated the negative effect of partisan framing on acceptance. Results indicated that high exposure to live proceedings reduced the impact of hostile media framing by approximately 12 per cent: viewers who watched substantial portions of proceedings were less susceptible to extreme rejection narratives. Regression interaction models for the 2022 cycle showed that among respondents with low reliance on partisan digital media, televised exposure increased acceptance by 23 per cent; among those with high partisan digital media reliance, the increase dropped to 9 per cent. One Roysambu focus group participant captured this dynamic precisely: 'I watched most of the hearings. So, when people said it was scripted, I knew that was exaggerated. I still disagreed with parts, but I could see how the judges reasoned.'

A longitudinal dimension of acceptance also emerged. When respondents were asked retrospectively whether presidential disputes should be resolved through the judiciary rather than street protest, endorsement was 62 per cent for the 2013 cycle, 79 per cent for 2017, 74 per cent for 2022, and 81 per cent at the point of data collection in 2025. Even respondents critical of specific rulings expressed sustained endorsement of judicial resolution as a legitimate mechanism. Outcome-specific acceptance fluctuates with political alignment and media framing; structural institutional pathway acceptance appears to have gradually accumulated across cycles.

### 5.3 Media Framing, Studio Commentary, and Acceptance Shifts

Content analysis of studio commentary across major broadcasters after each ruling revealed systematic patterns in how media organisations framed judicial outcomes.

**Table 6**

*Studio Commentary Tone by Petition Year*

| Year | Affirming (%) | Neutral<br>Analytical (%) | Questioning (%) | Segments<br>Coded (n) |    |
|------|---------------|---------------------------|-----------------|-----------------------|----|
| 2013 | 44            | 36                        | 20              | 12                    | 17 |
| 2017 | 58            | 30                        | 12              |                       |    |
| 2022 | 29            | 33                        | 38              | 14                    |    |

*Note.* Source: Broadcast Content Analysis, 2025.

The 2017 petition was distinguished by the highest proportion of institutionally affirming commentary (58 per cent), consistent with widespread public narrative about judicial courage. The 2022 petition reversed this pattern dramatically: questioning commentary rose to 38 per cent of coded segments, and affirming commentary fell to 29 per cent. This shift in studio tone correlated closely with the increase in low trust and acceptance fragmentation documented in the survey data.

Sentiment mapping of 600 social media posts sampled within 48 hours of the 2022 ruling documented that negative sentiment accounted for 46 per cent of posts, positive sentiment for 32 per cent, and neutral or analytical commentary for 22 per cent. The velocity of digital framing meant that for many respondents, social media had constructed an interpretive frame

for the proceedings before their own viewing was complete. One youth participant in Kibra put it plainly: 'By the time I finished watching, Twitter had already judged the judges.' This observation encapsulates the temporal asymmetry through which the Democratic Screen operates in digitally saturated political environments: the broadcast is still unfolding when partisan reinterpretation has already begun.

## **6. Discussion**

### **6.1 The Democratic Screen and Conditional Legitimacy**

The concept of the Democratic Screen, as developed in this study, captures a fundamental tension in the relationship between judicial transparency and democratic legitimacy. Broadcasting proceedings creates conditions of visibility that are, in principle, conducive to civic engagement: citizens can observe judicial reasoning, evaluate procedural fairness, and form legitimacy judgments grounded in direct exposure rather than institutional reputation alone. The data confirm that these potential gains are real. Live viewing consistently predicted stronger perceptions of impartiality, competence, and integrity relative to social media consumption. Procedural fairness predicted trust and acceptance more strongly than outcome satisfaction across all three cycles. The 2017 experience demonstrated that performative boldness under conditions of high visibility can generate substantial legitimacy gains.

Yet the Democratic Screen is not a neutral relay. It is structurally selective, interpretively pluralised, and temporally extended. The same broadcast produces differentiated responses across educational, socio-economic, and political lines. Phrases, gestures, and rulings persist in digital archives where they are continuously reframed and recirculated. In 2022, the judicial phrase 'hot air' became a mediatized flashpoint whose interpretive trajectory through social media diverged substantially from its procedural context in the courtroom. These dynamics confirm that judicial transparency activates civic engagement conditionally: the Democratic Screen provides possibilities for legitimacy construction that are realised or foreclosed depending on interpretive capacity, political identity, and the media ecology within which viewing occurs.

### **6.2 Knowledge Gaps and Differential Engagement**

The knowledge gap findings are particularly significant for transparency policy. Education predicted comprehension and legitimacy perceptions across all analyses, with

university-educated respondents demonstrating substantially higher mean understanding scores ( $M = 3.87$ ) relative to those with secondary education only ( $M = 2.89$ ). Within the group of frequent live viewers, postgraduate respondents consistently outperformed their less-educated counterparts on legitimacy perception gains. This pattern confirms Tichenor et al.'s (1970) foundational prediction: when complex information enters a social system through broadcast media, those with greater interpretive resources acquire it more rapidly and convert it more effectively into institutional evaluations.

For courts, this finding carries uncomfortable implications. Broadcasting proceedings makes them technically accessible to all citizens with television access, but the interpretive distribution of that access is unequal. Without complementary investments in civic education and accessible legal explanation, judicial transparency risks concentrating democratic engagement gains among those already best equipped to benefit from them. In a country where educational inequality intersects significantly with socio-economic and geographic stratification, the democratic promise of open justice can inadvertently reproduce the hierarchies it was intended to challenge.

### **6.3 Legitimacy as Episodic and Contested**

The comparative analysis across three petition cycles confirms that judicial legitimacy in mediatized democratic contexts is episodic rather than cumulative. Each petition operated as a high-visibility constitutional moment in which public perceptions were recalibrated. The 2013 petition introduced citizens to the new constitutional court through an unfamiliar lens of broadcast transparency. The 2017 petition generated the highest legitimacy scores of the decade through a ruling that confounded expectations and demonstrated credible institutional independence. The 2022 petition revealed the limits of transparency under conditions of intensified digital polarisation.

This episodic character does not imply institutional fragility. Beneath the cycle-by-cycle fluctuations, structural endorsement of judicial resolution as the legitimate mechanism for electoral dispute has gradually deepened, reaching 81 per cent agreement at the time of data collection. Courts cannot control the interpretive environment through which their proceedings are received, but they can invest in communicative conditions that make procedural legitimacy more legible. The evidence that live comprehensive viewing consistently strengthened legitimacy perceptions relative to social media consumption suggests that the quality and

accessibility of broadcast proceedings matters substantively for the democratic returns that transparency generates.

#### **6.4 The Polarisation Problem**

The finding that political alignment with the losing candidate was the strongest predictor of negative legitimacy perceptions across all three dimensions, and that this effect was most pronounced in 2022, points to a structural tension within judicial broadcasting in polarised democracies. Courts cannot easily control the downstream interpretive uses to which their visible proceedings are directed. In Kenya's electoral context, where political identities are strongly held and electoral stakes carry significant resource implications, the same judicial behaviour can simultaneously generate legitimacy endorsement among one audience and legitimacy contestation among another.

This does not mean transparency is counter-productive. The interaction analyses demonstrate that live viewing buffered against extreme partisan rejection, reducing the acceptance deficit between low and high digital media reliance respondents. But it does mean that judicial broadcasting alone is insufficient as a legitimacy strategy. Complementary investments in civic legal education, accessible plain-language explanatory materials, and deliberative infrastructure around judicial proceedings are likely necessary to extend the civic benefits of transparency beyond those who already possess the interpretive capacity to engage with them substantively.

#### **6.5 Limitations**

Several limitations of this study warrant acknowledgement. The geographic scope is confined to two Nairobi sub-counties, and urban residents have higher than average educational levels, media access, and institutional familiarity. It should therefore be noted that while this article refers broadly to Kenyan public perceptions, the data reflect Nairobi-based experiences, and findings may not generalise to rural Kenya where television access, digital connectivity, and patterns of civic engagement differ substantially, nor to other African contexts with different media ecologies and judicial reputations. Future studies should deliberately extend sampling to peri-urban and rural settings to test whether the patterns observed here hold beyond the capital. The retrospective design introduces recall bias: respondents were asked to reconstruct perceptions of petitions as far back as 2013, and the salience of the most recent

cycle may have distorted earlier recollections. The study cannot determine whether the legitimacy effects identified here persist over time or represent responses to specific salient events. Future research should track perceptions longitudinally, test deliberative interventions designed to enhance comprehension, and examine whether effects replicate across varied judicial contexts and national settings.

## **7. Conclusion**

This article examined how watching Kenya's televised Supreme Court presidential election petitions shaped public perceptions of judicial legitimacy, and found that transparency creates conditional rather than automatic democratic effects. Perceived impartiality, competence, and integrity each showed non-linear trajectories across the 2013, 2017, and 2022 petition cycles, with the 2017 nullification decision generating a peak in legitimacy perceptions that the more digitally saturated and politically polarised 2022 environment could not sustain. Public trust and acceptance of rulings followed similar episodic patterns: high in 2017, fragmented in 2022, yet accompanied by gradually deepening structural endorsement of judicial resolution as a democratic mechanism.

The study makes three theoretical contributions. It advances mediatization theory by demonstrating how courts in transitional African democracies negotiate the tension between juridical autonomy and media logic, revealing that judicial authority under broadcast conditions is as much communicatively produced as legally mandated. It extends procedural justice theory by identifying the boundary conditions under which fair process perceptions can and cannot overcome partisan interpretive filters in highly polarised political environments. And it introduces the Democratic Screen as a conceptual tool for understanding the mediated space through which constitutional authority is publicly staged, interpreted, and contested, a concept with potential analytical utility beyond the Kenyan case.

For courts and transparency advocates, the conditional nature of civic legitimacy gains implies that broadcasting proceedings is necessary but insufficient. Complementary investments in civic legal education, accessible explanatory formats, and communicative strategies designed to make proceedings intelligible to non-specialist audiences are needed to broaden the democratic distribution of transparency's benefits. For media organisations, the evidence that studio tone and framing choices significantly moderated acceptance outcomes

suggests that how judicial proceedings are reported shapes democratic consequences at least as much as the proceedings themselves.

Kenya's experience with three decades of broadcast presidential election petitions offers a rare empirical window into what happens when a democratic court becomes a sustained national media event. The broader challenges that digitally saturated media environments pose to democratization across Africa make these lessons particularly timely (Kiilu, 2025). The country that produced the first African annulment of a presidential election, live and before a national audience, and then watched trust in that same institution fragment under the pressure of a digitally polarised 2022 cycle, has generated evidence whose lessons extend beyond its own borders. The Democratic Screen does not merely transmit judicial authority; it reconstitutes it in ways that democratic theory is only beginning to understand.



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