



ISSN: 2582-9807

NATIONAL LAW UNIVERSITY, JODHPUR



COMPARATIVE CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW JOURNAL

CALJ (2023) VOLUME VIII ISSUE I
DECEMBER 2023

CENTRE FOR COMPARATIVE CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
NATIONAL LAW UNIVERSITY, JODHPUR (Rajasthan, India)

CONSTITUTIONAL JURISDICTIONS IN THE ICT REVOLUTION: LOOKING FOR LEGITIMACY THROUGH COMMUNICATION

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The article discusses the growing importance of the communication of constitutional and supreme courts with public opinion and how new technologies are transforming this relationship. It highlights the need for an empirical analysis of court communication, due to the scarcity of norms regulating these activities. The author examines the generators. The object, the tools, and the recipients of the communication of 27 constitutional jurisdictions worldwide.

The research was conducted using three types of tools. First, an examination of the courts' websites and social media platforms. Secondly, a dedicated questionnaire was submitted from scholars of the respective jurisdictions. Finally, the publications on the subject were considered, although they are rather limited and sporadic.

The main findings of the research are that in the last fifteen years, almost all the analysed courts have changed their communication strategies. In many cases, these changes have been promoted by some prominent chief justices, and they covered both the communication tools (there was a shift from communication through websites and press releases to social networks), its content (which extended from judicial to extrajudicial activities, and

* Cite it as: Groppi, *Constitutional Jurisdictions in the ICT Revolution: Looking for legitimacy through communication*, 8(1) COMP. CONST. & ADMIN. L. J. 1 (2023).

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** I thank Giacomo Giorgini Pignatiello and Fernando Gustavo Ruiz Dueñas, PhD students at the University of Siena, for their precious help in the research, as well as all the colleagues who replied to the questionnaire (see attachments). A special thanks to Anna-Maria Lecis Cocco Ortu, for the continuous discussion on this issue. I also thank the participants of the seminar organised in November 2023 by Micaela Alterio at the ITAM, Mexico City, to discuss this paper, and especially Vanessa MacDonnell. The article is inspired by the paper I presented at the seminar organised by the Italian law journal "Quaderni Costituzionali" in December 2022 and published in number 1/2023 of the same journal. All the links have been checked in January 2023. When no sources are quoted, the information comes from the answers to the questionnaire.

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especially to the promotion of constitutional literacy), and the recipients of the communication (which are more and more the general public).

It concludes by discussing the reasons for this change, the risks, and the potentialities it involves, especially in the context of the democratic backsliding that many democracies are experiencing. The tendency of the courts to resort to extrajudicial activities to promote the constitution is a symptomatic element of a gap in constitutional democracy, i.e., the need to strengthen the instruments to promote the constitution, including through educational and institutional innovations, a gap that should be taken seriously and addressed by scholars.

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INTRODUCTION

The question of the relationship between constitutional jurisdictions (whether they are specialised constitutional courts or supreme courts with constitutional review functions) and public opinion is, by its very nature, interdisciplinary.

However, while studies concerning the communication *on the courts* are usually the prerogative of other social sciences, the communication *of the courts* is assuming growing importance among legal scholars.² This issue, in turn, is placed at the crossroads of multiple issues, and it is especially

² Especially in the United States: See R. DAVIS, JUSTICES AND JOURNALISTS: THE US SUPREME COURT AND THE MEDIA (Cambridge, 1st ed., 2011); earlier, DL Grey, *The Supreme Court as Communicator*, HOUS. L. REV. 405 (1968). Even the communicative attitude of the Supreme Court of Canada has been a subject of study for some time: F. SAUVAGEAU, THE LAST WORD: THE MEDIA COVERAGE OF THE SUPREME COURT OF CANADA (University of British Columbia Press, 1st ed., 2006).

correlated to the relationship between courts and politics. There are countless references in scholarship to the link between the judiciary's search for visibility and their effort to strengthen their legitimacy,³ accompanied by the inevitable citations of the *Federalist Papers*⁴ and Alexander Bickel's influential book⁵. The underlying principle is the one expressed by Stephen Breyer, albeit in the context of the United States, that if citizens do not understand how the courts work, "*the judiciary cannot independently enforce our Constitution's liberty-protecting limits*".⁶ Indeed, maintaining legitimacy through a strong reputation with the public is considered essential for the functioning of any judiciary and, above all, for compliance with its decisions.⁷

Since the creation of their websites at the end of the 1990s and early 2000s, several legal studies on the impact of new technologies on the communication of the courts have been developed.⁸ Scholars have begun to reflect on the repercussions of court relations with public opinion, academia, the media, political decision-makers, the ordinary courts, supranational and international jurisdictions, and also the constitutional courts of other countries. A rich field of studies touched on the supposed

³ P. Passaglia, *Institutional Communications as a Means to Strengthen the Legitimacy of Constitutional Courts*, in P. Pinto de Albuquerque & K. Wojtyczek (eds), *JUDICIAL POWER IN A GLOBALIZED WORLD: LIBER AMICORUM VINCENT DE GAETANO*, 359 (Springer International Publishing, 1st ed., 2019).

⁴ THE FEDERALIST NO. 78 (Alexander Hamilton); "The judiciary (...) cannot influence either the sword or the purse, it cannot direct either the strength or the wealth of society and it cannot reach any truly decisive decision. It can rightly be said that it has neither strength nor will, but only judgement and will have to resort to the help of the government even to enforce its own judgments".

⁵ On the fact that the courts can only benefit from society's willingness to accept its own decisions: A.M. BICKEL, *THE LEAST DANGEROUS BRANCH. THE SUPREME COURT AT THE BAR OF POLITICS* 204 (Yale University Press, 2nd ed., 1986).

⁶ BREYER, STEPHEN G., *MAKING OUR DEMOCRACY WORK: A JUDGE'S VIEW* (Alfred A. Knopf, 1st ed., 2010).

⁷ N. GAROUPA & T. GINSBURG, *JUDICIAL REPUTATION: A COMPARATIVE THEORY* 19-22 (University of Chicago Press, 1st ed., 2015).

⁸ Mathieu Disant, *Les cours constitutionnelles face aux enjeux de la communication*, 4 ACCF 59 (2003).

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“*dialogue between the courts*”⁹ and scholars pointed out the existence of a real “*judicial diplomacy*”¹⁰.

The studies on the use of new communication tools, such as social media by the courts, are much more contemporary, however limited.¹¹ These studies date back to the last few years (the COVID-19 pandemic seems to have had a certain influence, although it is not easy to identify a precise date). The same can be said for broader studies, examining the incidence of the “*Fourth Industrial Revolution*”¹² (or ICT revolution) on other aspects of the activity of the courts, such as “*online constitutional justice*”¹³ or the role of the constitutional jurisdictions in the promotion of “*constitutional literacy*”¹⁴. At the same time, references to issues previously less engaged with regard to constitutional justice, such as those of “*transparency*”, “*open*

⁹ T. GROPPi & M. C. PONTHEAU, *THE USE OF FOREIGN PRECEDENTS BY CONSTITUTIONAL JUDGES*, (Oxford, Hart Publishing, 1st ed., 2013).

¹⁰ David S. Law, *Judicial Comparativism and Judicial Diplomacy*, 163 U. PA. L. REV. 927 (2015); Gregory Davies, *The rise of judicial diplomacy in the UK: aims and challenges*, LEG. STUD. 40, 77–94 (2020). Soojin Kong, *The Two Modes of Foreign Engagement by the Constitutional Court of Korea*, 16 ASJCL 338 (2021); Philipp Meyer, *Judicial diplomacy of the German Federal Constitutional Court: bilateral court meetings as a novel data source to assess transnational communication of constitutional courts*, Z Vgl Polit Wiss, 15, 295–323 (2021).

¹¹ A. Sperti, *The Impact of Information and Communication Revolution on Constitutional Courts in THE IT REVOLUTION AND ITS IMPACT ON STATE, CONSTITUTIONALISM AND PUBLIC LAW* 183 (Oxford, Hart Publishing, 1st ed., 2021); J. Bonnet, *La communication juridictionnelle, nouvel objet du droit*, 33 ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE 13 (2018); The essays contained in R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE*, (Cambridge University Press 2017); limited to the Australian context, with regard to state courts, J. Johnston, *Courts' Use of Social Media: A Community of Practice Model*, 11 INT.L.J. COMMUNICATION 669 (2017). When this article is about to be published, a new book is announced: A. SPERTI, *CONSTITUTIONAL COURTS, MEDIA AND PUBLIC OPINION* (Oxford, Hart Publishing, 2023).

¹² K. SCHWAB, *THE FOURTH INDUSTRIAL REVOLUTION* (New York, Crown Business, 2017).

¹³ Venice Commission, *Observatory of situations of emergency in Venice Commission member States*, CDL-PI(2020)003, 2020, <https://www.venice.coe.int/files/EmergencyPowersObservatory/T14-E.htm>.

; E. Sammaciccio, *The Court and the telematic process: Evaluations and perspectives after the pandemic*, CONSULTA ONLINE (Jun. 18, 2022),

¹⁴ M. De Visser, *Promoting Constitutional Literacy: What Role for Courts?*, 23 GLJ 1121 (2022).

justice”, “*civic engagement*”, are becoming more and more frequent, especially in the context of the Global South.¹⁵

Against this assorted, but still limited, set of studies, this article aims to present an empirical analysis of the communication of the constitutional jurisdictions, focused on the use of new technologies. It is an unavoidably vague topic, given the complexity of what is meant by “*communication*”.¹⁶ If the word expresses the action of putting something “*in common*”, as shown by its etymology (from the Latin *cum* + *munis*), many possibilities remain open, as we will see, regarding the subject, the object, the tools and the recipients of this *communio*. The empirical analysis is made necessary by the scarcity of rules that regulate this activity, not without much difficulty for legal scholars. This does not come without a few exceptions, which will be dealt with in the article.

In the following paragraphs, the results of the research are presented. After a brief methodological introduction, several aspects of the communication of the courts are examined. *First*, the subjects of the communication are considered, dealing with the relationship between the Chief Justice of the court, the Court itself, the individual justices and the administrative apparatus. Then, the object of the communication is analysed, focusing especially on the two main categories of activities of the courts which are communicated, judicial and extrajudicial. *Third*, the communication tools are examined, with special attention paid to social media. The target of the communication of the courts is then considered, including both the general public and specific audiences (such as journalists, lawyers or students). The rules on courts’ communication were then examined in the few countries where they exist or are accessible to scholars. Some considerations on the influence of the normative and factual context in which the courts operate follow to conclude discussing the impact of these transformations on the role of constitutional jurisdictions.

¹⁵ See E. Bodnár, *The Concept of Open Justice in the 21st Century - Publicity and Transparency of Courts from a Comparative Constitutional Law Perspective* (2018) (Habilitation Thesis, ELTE Eötvös Loránd University)(on file with the author).

¹⁶ A. Sperti, *Corte costituzionale e opinione pubblica*, 4 DIRITTO E SOCIETÀ 735 (2019).

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EMPIRICAL RESEARCH ON THE COMMUNICATION OF CONSTITUTIONAL JURISDICTIONS

Any comparative empirical research on constitutional jurisdictions has to face a dilemma: case selection. This dilemma arises from the incredible success of constitutional justice in the second half of the 20th century. Constitutional justice has had an almost global diffusion, extending beyond liberal democracies.¹⁷

The incredible success of constitutional justice explains the difficulties comparative law scholars are experiencing. Any research aimed at exploring all, or at least a relevant number, of courts requires a big international research team. A study of the communication strategies of the constitutional jurisdictions would have needed many more resources than those mobilised for any such occasion.

In this study, it was therefore necessary to carry out a selection of cases that took into account two main elements. On the one hand, it was deemed essential to go beyond the “*usual suspects*” (European or, in any case, Western legal systems) to include many experiences from the Global South because of the universality of constitutional justice. It is in these contexts, and above all in Latin America, that the most *creative* courts can be found, also in terms of communication. On the other hand, an attempt has been made to consider courts which operate only in sufficiently stabilised democracies¹⁸. On this basis, the following constitutional or supreme courts were examined:

Albania (Constitutional Court); Austria (Constitutional Court); Australia (High Court); Belgium (Constitutional Court); Brazil (Supreme Court); Canada (Supreme Court); Chile (Constitutional Court); Colombia (Constitutional Court); Costa Rica (Sala constitutional of the Supreme Court); Ecuador (Constitutional Court); France

¹⁷ World Conference on Constitutional Justice, created under the Venice Commission, has 118 courts as members, https://www.venice.coe.int/WebForms/pages/?p=02_WCCJ&lang=EN.

¹⁸ It is quite difficult to define what a “stabilized democracy is”. See S. LEVITSKY & A. L. WAY, *COMPETITIVE AUTHORITARIANISM: HYBRID REGIMES AFTER THE COLD WAR* (Cambridge University Press, 2010), for an attempt to give a definition.

(Constitutional Council); Germany (Constitutional Court); Greece (Council of State and Supreme Court); Hungary (Constitutional Court); India (Supreme Court); Israel (Supreme Court); Italy (Constitutional Court); Korea, Republic of (Constitutional Court); Mexico (Supreme Court); Portugal (Constitutional Court); Romania (Constitutional Court); South Africa (Constitutional Court); Spain (Constitutional Court); Switzerland (Federal Supreme Court); Taiwan (Constitutional Court); United Kingdom (Supreme Court); United States (Supreme Court).

The research was conducted using three types of tools. *First*, an examination of the courts' websites and social media platforms. For the latter aspect, mapping was carried out, as provided in Annexure 1. *Second*, a dedicated questionnaire (Annexure 2) was submitted to scholars of the respective jurisdictions (Annexure 3), also taking advantage of a pre-existing research group¹⁹. Finally, the publications on the subject were considered, although they are rather limited and sporadic. With the exception of some issues of the *Bulletin* edited by the Association of French-speaking constitutional courts (which has dealt with the subject three times since 2004),²⁰ a monographic issue of the 2018 “*Annuaire Internationale de Justice Constitutionnelle*”²¹ and a collective volume edited by Davis and Taras in 2017²², to which mainly communication experts contributed, there are no attempts to cover a significant number of

¹⁹ Cross-Judicial Fertilization: The Use of Precedents by Constitutional Judges, IACL-AIDC Research Group (Feb. 3, 2022), <https://www.academiaidh.org.mx/crossjudicialfertilization>.

²⁰ Constitutional Courts facing communication challenges, ACCF, Bulletin No. 4 (2004), <https://accf-francophonie.org/publication/bulletin-n4/#la-communication-une-demarche-necessaire-pour-les-cours-constitutionnelles>; Constitutional Courts and the media, ACCF, Bulletin No. 11 (2014), <https://accf-francophonie.org/publication/bulletin-n11/> and Writing Decisions, ACCF, Bulletin No. 13 (2017), <https://accf-francophonie.org/publication/bulletin-n-13/>.

²¹ Xavier Magnon, *Juge constitutionnel et interpretation des norms- Le juge constitutionnel face aux transformations de la democratie*, 33 ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE (2017), https://www.persee.fr/issue/aijc_0995-3817_2018_num_33_2017 e.

²² R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE* (Cambridge University Press, 1st ed., 2017).

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countries and, above all, to make a comparison that leads to at least some form of classification, if not to propose typologies and models.²³

A summarisation of the main result of the research is that in the last fifteen years, almost all the analysed courts have changed their communication strategies.²⁴ These changes have concerned both the communication tools (there was a shift from communication through websites and press releases to social networks) and its content (which extended from judicial to extrajudicial activities). These are *de facto* developments, which in most courts occurred outside of any regulatory provision and which generally have not attracted the attention of the scholars.²⁵ As written in the response to the questionnaire of the Colombian experts (among whom is the communication manager of the Colombian Constitutional Court), “*El salto de cualidad de la estrategia de comunicación de la Corte es muy sobresaliente*” [The leap in quality of the communication strategy of the Court is very outstanding].

In some cases, this change of strategy was explicitly underlined by utterances of the president of the respective court. Perhaps the best-known example is that of the Supreme Court of Canada, where Chief Justice Beverly McLachlin used an expression that has become famous to indicate the relationship between courts and media, saying that they need each other, linked in a “*mutual, if sometimes uncomfortable embrace*”²⁶ Serving as the

²³ It is significant that the encyclopaedic volume by G. Tusseau, *Contentieux Constitutionnel Comparé*, LGDJ 1138 (2021), does not go beyond the issue of the publication of decisions, and renounces addressing the question of the communication of the courts.

²⁴ See the first question in the questionnaire, Annex 2. Negative response was given only about Greece, Romania and the United States, among the countries analysed. Among other things, a similar trend is taking place in regional human rights courts: See the interesting empirical research by S. Steininger, *Creating loyalty: Communication practices in the European and Inter-American human rights regimes*, 11 GLOBAL CONSTITUTIONALISM 161 (2022).

²⁵ Among the few exceptions, in addition to Italy, where these studies have developed enormously in the last few years, there is also German experience. See C. Fuchs, *Das Verfassungsgericht und die (Medien) Öffentlichkeit*, in C. GRABENWARTER et al., *VERFASSUNGSGERICHTSBARKEIT IN DER ZUKUNFT – ZUKUNFT DER VERFASSUNGSGERICHTSBARKEIT* 101 (2021).

²⁶ The Relationship Between the Courts and the Media: Remarks of the Right Honourable Beverley McLachlin, PC Chief Justice of Canada, Carleton University, Ottawa, Ontario,

Chief Justice from 2000 to 2017, she began her tenure with a press conference and invited a group of reporters to the judges' private dining room two months before her official swearing-in. In this unprecedented event, she made it clear that better communication would be one of her key priorities for the Court²⁷. This communication strategy has also been adopted by her successor and seems to have the support of all the judges of the Supreme Court of Canada.²⁸

During a reception of the French *Conseil constitutionnel* at the Elysée on January 5th, 2017, President Laurent Fabius presented in a very open way his communication strategy, considering the “*traditional activities*” (such as the publication of the decisions) together with completely new tools, such as competitions for students or performances and shows. It is worth reporting his exact words:

“The heart of our mission is and will remain, of course, to provide justice. But it is also up to us to make the activity of the Conseil and the fundamental principles of our Republic better known. Hence our decision to publish an annual activity report every 4 October, the anniversary of the 1958 Constitution. Hence also the publication on our website - redesigned in the second half of 2017 - of all the acts of our deliberations. Starting this year, we will also be organizing a competition with the Ministry of National Education, ‘Let’s discover our Constitution’, in order to make school pupils aware of the main constitutional principles throughout the territory. The Conseil must be a privileged place for meetings and exchanges: in this context, we will organize a ‘Night of Law’ at the Palais-Royal in the last

Supreme Court of Canada, (Jan. 31, 2012) <https://www.scc-csc.ca/judges-juges/spe-dis/bm-2012-01-31-eng.aspx>.

²⁷ S. Harada, *The “Uncomfortable Embrace”: The Supreme Court and the Media in Canada*, in R. DAVIS & D. TARAS, JUSTICES AND JOURNALISTS. THE GLOBAL PERSPECTIVE 85 (2017); E. MACFARLANE, GOVERNING FROM THE BENCH. THE SUPREME COURT OF CANADA AND THE JUDICIAL ROLE 177, Vancouver-Toronto: UBC Press (2013); L. David, *The Face of an Institution: Beverley McLachlin’s Reinvention of the Role of the Chief Justice of Canada*, Int’l J. Const. L. Blog (Dec. 07, 2017), <http://www.iconnectblog.com/2017/12/david-on-chief-justice-mclachlin/>.

²⁸ Cristin Schmitz, Chief Justice Wagner improves public communication, brings new ideas, change to top court, CJC and NJI, Law360 Canada (Feb. 7, 2019), <https://www.law360.ca/ca/articles/1747524/chief-justice-wagner-improves-public-communication-brings-new-ideas-change-to-top-court-cjc-and-nji>.

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*quarter of 2017 during which discussions will take place in the presence of a large audience on the major issues of the debate public*²⁹.

Already in 2013, the then-President of the Constitutional Court of the Republic of Korea, Han-Chul Park, had underlined the need to strengthen the communication strategies of the court, pointing out the importance of directly communicating with the general public. Here as well, it is worth quoting his own words. In an interview with a specialised newspaper, he said, *“I think that communicating with all walks of life on various issues is necessary for constitutional jurisdictions. Communication with people outside the Court is just as important as communication within the Court”*. As an example, he cited a short text titled *‘Easy-to-Understand Constitution’*, published by the Constitutional Research Institute of the Court, written in simple language to help the layman. He said, *“This booklet has been well received by the public in general and by members of the National Assembly. There are even requests for additional publications”*³⁰.

Even in the controversial Hungarian context of democratic erosion, the President of the Constitutional Court has highlighted the need to communicate in a new way. In an interview in 2019, President Tamás Sulyok pointed out the necessity of directly communicating with the people, linking to this goal the use of new communication tools. She said that:

“...at the moment we are gradually opening up to the public, making the language of our communication more accessible and the texts of public announcements more concise and understandable. We want to bring our messages closer to the people. We welcome high school and university students to the Constitutional Court. Our Facebook page is becoming more and more popular, with short and attractive content, in Hungarian and English. We post about all important events and decisions, in a format which is also accessible to a wider audience. At the same

²⁹ Ceremony of greetings from the President of the Republic to the Constitutional Council (Jan. 05, 2017), <https://www.conseil-constitutionnel.fr/actualites/ceremonie-de-voeux-du-president-de-la-republique-au-conseil-constitutionnel-3>.

³⁰ Interview of Chief Justice Park Han-cheol, 2013, <https://www.lawtimes.co.kr/Legal-News/Legal-News-View?serial=74448> (content of the interview excerpted and translated by Soojin Kong).

time, we also communicate with the specialist public through a newsletter, which we plan to publish soon in English".³¹

One of the courts most reluctant to open up to new communication techniques, the Constitutional Court of Portugal, which uses almost exclusively press releases relating to judgements and yearbooks published on its website, has recently changed its communication strategy. Following the election in February 2021, of President João Pedro Barrosa Caupers, as he himself underlined by launching an innovative and captivating e-book presenting the Court, "*the Court has placed the objective of improving its communication, giving an account of its activity, and bringing different types of audiences together*".³²

Starting from these premises, this article will present the main aspects of the Courts' communication. It will try to keep them distinct, for illustration purposes, despite the inevitable interweaving and overlapping. On each theme, some of the most significant examples will be examined, without any claim to exhaustiveness.

A. THE GENERATORS OF THE COMMUNICATION: TOWARDS GROWING PROFESSIONALISATION

In a study that intends to examine the communication *of the* constitutional jurisdictions and has expressly excluded the communication *on the* courts themselves, it would seem superfluous to ask questions about the generators of the communication. On the contrary, this is probably the key question. In fact, what distinguishes the communication *of the* courts from the communication *from the* courts is a very complex issue. Where the first (communication *of the* courts) indicates the communication attributable to the institution as a whole, while the second (communication *from the* courts) the communication coming from the individual components. For both,

³¹ K. Cseh, P. Hancz, *Ha valaki önmagából sokat ad másoknak, még többet fog visszacapni* – interjú Dr. Sulyok Tamással, ["If you give a lot of yourself to others, you will get even more back" - interview with Dr. Tamás Sulyok], (Feb. 05, 2018), <https://arsboni.hu/ha-valaki-onmagabol-sokat-ad-masoknak-akkor-meg-tobbet-fog-visszakapni-interju-dr-sulyok-tamással-az-alkotmanybirosag-elnokevel/>.

³² Relatório de, *Tribunal Constitucional Relatório de Atividades 2021*, TRIBUNALCONSTITUCIONAL.PT (2021), https://www.tribunalconstitucional.pt/tc/content/files/tc_ebook_relativ_2021/2/

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different, further questions are raised and addressed in a varied way in the courts presented in this article.

For the communication *of the* courts, the central question is that of the relationship between the president and the collegial body. In most cases, the former is responsible for the communication activity, usually in application of the rules which entrust the president with the representation of the institution.³³ Only rarely have disagreements been reported between the president and some members of the college regarding communication choices. This is the case of Portugal, where the president's innovative initiatives appear not to be shared by all members of the court.³⁴ When it comes to communicating individual decisions, the judge-rapporteur may be involved. In Germany, the procedure to adopt press releases is regulated by the rules of the court, according to which press releases are submitted for approval by the president of the relevant Senate (one of the two chambers of the Court) and the rapporteur.³⁵ In some countries, even in the absence of specific regulation, it is the college that takes the decision to adopt the press release, as in Belgium, where the draft press release is then drawn up by the head of press relations, who sends it to the legal advisors of the rapporteurs of the case, to then be sent to the college at least half a day before the decision.³⁶

Furthermore, another aspect that receives different solutions is that of the technical bodies carrying out the communication activity. The communication offices, which have different names, as well as their managers (chief press officer, communication manager, spokesperson,

³³ Tusseau, *supra* note 23, at 663.

³⁴ See the response by Teresa Violante to the questionnaire.

³⁵ Rules of Procedure of the Federal Constitutional Court of 19 November, 2014 (Federal Law Gazette, 2015 I p. 286), Art. 32 “§ 32 (1) Official information on decisions that have been issued must be approved by both the reporting Justice of the Senate and the presiding Justice and cannot be published until it can be assumed that the decision has been received by the parties to the proceedings.”

³⁶ On the Court's relations with the press, J. Spreutels *et al.*, *Cour constitutionnelle de Belgique. Les enjeux des relations entre les cours constitutionnelles et les médias*, in ACCF, *Les Cours constitutionnelles et les médias*, Bulletin, 11, (2014), <https://accf-francophonie.org/publication/bulletin-n11/.s>

etc.),³⁷ have been multiplying, in parallel with the expansion of the communication activities of the courts.³⁸ This in turn implies various aspects, starting from the selection of personnel, the characteristics, the type of contract, and the relationship with the judicial body (or with its president). It is not always easy to reconstruct such data on the basis of the information present on the websites, nor do the questionnaires contain detailed answers.

For example, who manages social media is rarely specified, although some courts take care to do so. An instance of the same is the Twitter account of the Austrian Constitutional Court, where it is expressly indicated that “*it is the spokesperson of the Court who tweets*”, and it is her photo that appears in the profile. Nor is it easy to verify whether the position is covered, as usually happens, by journalists, or, more rarely, by lawyers. Nor if they are linked to the court by fixed-term contracts or are part of its permanent administrative structure³⁹. A unique case seems to be that of the Belgian Constitutional Court, one of the most prudent in communication, whose Media Unit is constituted of legal advisors (*référéndaires*), i.e., lawyers employed by the court.⁴⁰ Also in Korea, the director general of the Public Information Office, in charge of communication, is chosen among the ‘rapporteur judges’ (who are constitutionalists employed by the Court, a role similar to study assistants) for two years and works under the

³⁷ On the contrary, in a court which, like that of Romania, does not communicate with ICT, communication with the media is entrusted to the Department of external relations, relations with the press and protocol, made up of a single person who deals with relations with the press.

³⁸ The growing professionalisation of court communication is underlined, albeit with reference mainly to international jurisdictions, by Steininger, *supra* note 24, at 175.

³⁹ For example, see the Taiwan Constitutional Court's Rules on the Department of Information and Promotion of the Rule of Law, <https://www.judicial.gov.tw/en/cp-1668-84500-f8dba-2.html>. Its main functions include: 1. Liaison with the press and dissemination of important decisions, events and official activities of the President of the Court, 2. Compile and analyse public opinion reports on judicial matters, coordinate the treatment of said reports and give an immediate response to public opinion, 3. Plan, coordinate, and supervise the dissemination of information by the Court to all agencies in the country, 4. the planning and promotion of the political incidence of the Court, 5. promoting education on the rule of law, 6. planning, promotion and coordination of dialogue programs between the judiciary and society, 7. Other matters related to press communication and dissemination.

⁴⁰ Spreutels, *supra* note 36.

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supervision of the President of the Court, with a staff of ten⁴¹. The recent decision (2021) of one of the least communicative courts, the Portuguese Constitutional Court, to make use of a private communications company, which is in charge also of the communication of a football team and of some politicians, has been highly criticised.⁴²

Relations between courts, in particular the president, or the college, and the technical bodies responsible for communication usually develop through little or no formalised practice. Even where some written rules are established (for example relating to the identification of the decisions to be considered most important and to which to dedicate a press release, or to the relationship between the communication manager, the president and the judges in drafting the same), as in Switzerland, a lot of leeway is left to informal interpersonal relationships.⁴³

The case of the Supreme Court of the United Kingdom (“**SCUK**”) is unique, as it is the only one among the “*great*” constitutional jurisdictions to have been established when the new media already existed (in 2009). Since the inception of ICTs, the SCUK has found itself navigating its turbulent sea and has taken full advantage of them⁴⁴. In particular, the SCUK collectively adopted a clear communication strategy as part of the annual business plan, which is carried out by the administrative apparatus.⁴⁵ Policy decisions are adopted by a Strategic Advisory Board created in 2016, which includes the President and Vice-President of the SCUK, another judge appointed by the President, the Chief Executive, the Director of Corporate Services, the Registrar and the two Non-Executive Directors of the SCUK. In particular, in the latest Strategic Plan available, the third point

⁴¹ Organization Chart, Constitutional Court of Korea, <https://english.court.go.kr/site/eng/01/10102070000002020081304.jsp>.

⁴² Communication and Public Affairs, <https://www.wlppartners.pt/>, is one such private company.

⁴³ P. Josi, *Medienarbeit des Bundesgerichts*, 2 JUSTICE – JUSTIZ – GIUSTIZIA 6 (2018).

⁴⁴ L.J. MORAN, *Judicial Institutional Change and Court Communication Innovations: The Case of the UK Supreme Court*, in R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE* 255 (Cambridge University Press, 1st ed., 2017).

⁴⁵ R. Cornes, *A Constitutional Disaster in the Making? The Communications Challenge Facing the United Kingdom's Supreme Court*, PUBLIC LAW 266 (2013).

is that of “*Promoting the visibility and helping to maintain the reputation of the Supreme Court and the JCPC*”.⁴⁶ The 2022-2023 business plan envisages the various activities to be carried out in order to ensure that “*our work is visible and accessible and that our role in applying the law is understood as an essential part of a healthy democracy*”.⁴⁷

An interesting solution in the direction of collegial management of communication strategies is that of the Supreme Court of Canada,⁴⁸ which since 1981 has had a committee of two or three judges, in rotation, who meet with the Registrar (the head of the administration of the Court, also displaying quasi-judicial functions, who reports directly to the Chief Justice) and the Executive Legal Officer (a jurist, lawyer or academic, hired from outside the Court, in charge of communication) to verify the measures adopted, including the adequacy of press releases and website content. The committee meets annually with media representatives to discuss possible needs together.⁴⁹

As for the communication *from the courts*, the question essentially arises about the space that is left to individual judges, a topic that would lead to the very complex issue of the status of constitutional judges and their impartiality, also affecting the freedom of expression and academic freedom, a tension rarely addressed by the regulatory framework.

⁴⁶ Strategic Priorities for the Administration of the UKSC / JCPC: April 2016 to March 2020, <https://www.supremecourt.uk/docs/strategic-priorities-2016-20.pdf>, provides under “Promoting the visibility and helping to maintain the reputation of the Supreme Court and the JCPC”, the following; 1. Continuing to develop our openness and accessibility by using special events such as “open days” and temporary exhibitions to encourage the public to visit the court. 2. Continuing to develop our educational outreach activities with special in-depth programs for sixth formers and students in further education. 3. Increasing the number of educational visits from Scotland, Wales and Northern Ireland. 4. Encouraging use of, and monitoring any possible improvements or extensions to, the Court's on-line and streaming facilities”.

⁴⁷ The Supreme Court of the United Kingdom and the Judicial Committee of the Privy Council Business Plan, 2022-23, <https://www.supremecourt.uk/docs/uksc-and-jcpc-business-plan-2022-2023.pdf>.

⁴⁸ E. Bodnár, *The McLachlin Court and the Concept of Open Justice*, in V. GRUBEN ET AL., *CONTROVERSIES IN THE COMMON LAW: TRACING THE CONTRIBUTIONS OF CHIEF JUSTICE BEVERLEY McLACHLIN* 287 (University of Toronto Press, 2022).

⁴⁹ Harada, *supra* note 27, at 86.

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As the rules are scarce, it is necessary to refer to practices or customs.⁵⁰ In most countries, the use of social media by individual judges for communications relating to their judicial activity is rare. Interviews in the media are also infrequent. In addition, it is difficult to know whether they were previously agreed upon with the president or with the college. More common is participation in educational activities, even outside those undertaken by the court, such as conferences, lessons, etc., as well as publications, especially for judges with an academic background.

In a few cases, such as in Germany, the communication of individual judges has been regulated. The 2017 code of conduct⁵¹ provides, among other things, that the judges must avoid behaviours that could give rise to doubts about their independence and impartiality, but that, within these limits, they can participate in the public debate.⁵²

In only some countries, such as Brazil or Mexico, where the communication *of the courts* is particularly developed, the communication of individual judges also appears to encounter no limits, a fact which can give rise to controversies or difficulties.⁵³ For example, the former

⁵⁰ In France, for example, according to Article 7 of the 1958 ordonnance and Article 2 of the 1959 décret, the obligation of confidentiality prohibits members of the Conseil «de prendre aucune position publique sur les questions ayant fait ou susceptibles de faire l'objet de décisions de la part du Conseil».

⁵¹ On the role of the opinions of individual judges in the public debate in Germany, see Thomas Hochmann, *La communication de la Cour constitutionnelle allemande*, A.I.J.C. 17 (2018).

⁵² Code of Conduct for the Justices of the Federal Constitutional Court, Translation provided by the Federal Constitutional Court. The Code establishes: “4. Without prejudice to the secrecy of the deliberations, the judges respect confidentiality in relation to the proceedings in the Federal Constitutional Court.” “6. Federal Constitutional Court judges exercise appropriate restraint with respect to criticism of other legal opinions or positions. This applies, in particular, to the decisions of this Court, but also in relation to other national, foreign or international courts”. In interacting with the media, then, “the judges of the Federal Constitutional Court ensure that the type of statements made, and the format are compatible with their duties, the reputation of the Court and the dignity of their office”. See the Code here: https://www.bundesverfassungsgericht.de/EN/Richter/Verhaltensleitlinie/Verhaltensleitlinien_node.html.

⁵³ Pedro Salazar, *Deben o pueden nuestros jueces ser influencers?* <https://www.elfinanciero.com.mx/opinion/pedro-salazar/2022/10/12/deben-o-pueden-nuestros-jueces-ser-influencers/>

President of the Supreme Court of Mexico, Arturo Zaldívar, in addition to making extensive use of his social networks, including TikTok, holds a monthly press conference, which can be followed live through Justicia TV and Court social media, where he answers questions posed by the press after his statements.⁵⁴

Against this backdrop, the experience of the Supreme Court of the United States stands out. A powerful court, considered the very prototype of constitutional justice, has been the object of intense communication *on the court* for centuries. But, as far as the communication *of the court* is concerned, it is one of the least communicative courts.⁵⁵ A very unattractive website, a total absence from social media and scarce use of press releases, which are addressed to the press and not to the general public, limiting themselves with an official tone to giving news on upcoming hearings and on the rare changes in the composition of the Court. The introduction of *syllabuses* to allow easier knowledge of decisions is relatively recent, and they remain long and complex summaries of a technical nature. The administrative apparatus of the Public Information Office, made up of only six people, is essentially aimed at making the materials of the trials available to the media and at organising the participation of the press at the hearings. The hearings are not broadcasted live and only a transcript is available which is published on the website the same day⁵⁶ along with the audio recordings for some time.⁵⁷

The individual judges are allowed to communicate. Some of the Court's Justices have social media accounts, such as Chief Justice Arturo Zaldívar (Facebook, Twitter, Instagram, TikTok), Justice Yasmín Esquivel Mossa (Twitter), and Justice Ana Margarita Ríos Farjat (Twitter).

⁵⁴ Supreme Court of Justice of the Nation (@SCJN), at 17:00, following #EnVivo the 10th Press Conference, 2022. Minister President @ArturoZaldivarL [published on Twitter, Oct. 19, 2022], <https://bit.ly/3TBpbs0>. Recordings of the press conferences are available on Justicia TV's official website: <https://bit.ly/3Sqr0XP>.

⁵⁵ F. Malhière, C. Richaud, *La communication de la Cour suprême américaine*, ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE 45 (2018); B. Sullivan & R. Feldbrin, *The Supreme Court and the People: Communicating Decisions to the Public*, 24 U. PA. J. CONST. L. 1 (2022).

⁵⁶ Argument Transcripts, Supreme Court of the United States, https://www.supremecourt.gov/oral_arguments/argument_transcript/2022.

⁵⁷ Argument Audio, Supreme Court of the United States, https://www.supremecourt.gov/oral_arguments/argument_audio/2022.

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In the United States, communication *from the court* prevails, i.e., that of individual judges,⁵⁸ to the point that one of the tasks of the Public Information Officer is to maintain contact between the press and individual judges. As written in the information note produced by this office, “*The Justices generally do not grant interviews. However, each Justice has his/ her own policy on this matter*”.⁵⁹

It is through the many publications and interviews of the members that the contact of the Court with general public opinion develops, an activity in which the illustration and promotion of the Court are inextricably intertwined with the presentation of the point of view of the individual judges, who seem to mainly use these utterances to talk to each other (“*lobbying each other through the press*”, as has been said).⁶⁰ They have increased their visibility, to the point of becoming real media stars, especially in recent years (an illustration of the same is that of “*Notorious RBC*”, which became a pop culture icon).⁶¹

B. THE OBJECT OF THE COMMUNICATION: FROM JUDICIAL TO EXTRAJUDICIAL ACTIVITIES

The primary object of the communication *of the courts* is obviously constituted by judicial activity. Therefore, the calendar of the proceedings, the summary of the decisions and the complete text of these, the parties’, and the *amici curiae*’s briefs, etc.

⁵⁸ R. Davis, *Symbiosis: The US Supreme Court and the Journalists Who Cover it*, in R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE* 288 (Cambridge University Press, 1st ed., 2017).

⁵⁹ The Public Information Office, <https://www.supremecourt.gov/publicinfo/PIOServices.pdf>.

⁶⁰ Davis, *supra* note 58, at 292.

⁶¹ See S. Aridi, *How Ruth Bader Ginsburg Lives on In Pop Culture*, N.Y. TIMES (Sep. 26th, 2020), <https://www.nytimes.com/2020/09/26/at-home/ruth-bader-ginsburg-pop-culture-rbg.html>.

Some courts, such as those in Belgium, India, and Israel, focus almost exclusively on the communication of this activity.⁶² It follows preference for tools such as press releases, newsletters, and websites.

Furthermore, there is no shortage of information on the organisation and functioning of the courts, which are often the subject of downloadable books and brochures as well as specific sections of websites, which have gradually become more attractive, even in the most reticent courts, such as the Portuguese one.⁶³

Remaining in the field of judicial activity, there are an increasing number of courts that allow the transmission of hearings through their website, a YouTube channel, or special television channels. This is the case of the German Constitutional Court (BverfG), on the basis of an explicit provision introduced in the law on the Court⁶⁴. The reading of the decision in public can further contribute to its diffusion.

It is foreseen in various jurisdictions, either by the president (as in Germany)⁶⁵ or by individual judges (as in the USA). This category can also include public deliberation, often further emphasised by live television broadcasting as it happens in Latin American courts (Brazil, Mexico).⁶⁶

⁶² The communication of the Supreme Court of India remains focused on these activities; e-Committee, Supreme Court of India, <https://ecommitteesci.gov.in/> and the same applies for the Supreme Court of Israel. For Belgium, see J. Spreutels *et al.*, *Cour constitutionnelle de Belgique. Les enjeux des relations entre les cours constitutionnelles et les médias*.

⁶³ See the brochure of the Portuguese Constitutional Court, https://www.tribunalconstitucional.pt/tc/content/files/tc_ebook_guardiaodaconstituicao/.

⁶⁴ Art. 17a: (1) Hearings before the Federal Constitutional Court, including pronouncements of decisions, shall be public. Audio and television or radio recordings as well as audio and film recordings intended for public presentation or for publication of their content shall only be permissible 1. during oral hearings, until the Court has established that the parties are present, 2. during public pronouncements of decisions. By order of the presiding Justice, audio transmissions to a workspace for persons reporting for the press, radio, television or other media may be authorised.

⁶⁵ Art. 30 “1 If an oral hearing was held, the decision and the main reasons for the decision shall then be publicly pronounced”.

⁶⁶ See F. Pou, *Changing the Channel: Broadcasting Deliberations in the Mexican Supreme Court*, in R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE* 209 (Cambridge University Press, 1st ed., 2017), at 209; On the

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However, the most striking finding is that communication tends to be dedicated with increasing frequency, in almost all courts, to extrajudicial activities,⁶⁷ in particular to those of study and research, as well as to those relating to networking and international relations and even to communication activities (for which we must also deal with communication about communication, introducing a further element of fluidity in the classifications used here).

The point has been grasped by scholars, especially French, who have begun to distinguish two components in the communication of the courts, “*institutional communication*” and “*decision-making communication*”. The first is oriented towards disseminating the functioning and role of the institution. The second is dedicated more directly to judicial functions; “*to a certain extent, it is the communicative extension of the principle of the authority of res judicata*”.⁶⁸

Many courts do not hesitate to explain the aims pursued in their communication, in statements by the presidents, in the introductory pages of websites, and if present, in the guidelines on communication policy. Among those aims, it is frequent to find, in the words of the Supreme Court of Brazil, those of, “*promoting respect for the Constitution and the laws; contribute to the strengthening of the institutional image; increase the Court's credibility*

extraordinary visibility of the Supreme Court of Brazil, see MC Ingram, *Uncommon Transparency: The Supreme Court, Media relations, and Public Opinion in Brazil*, in R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE*, Cambridge University Press 58 (Cambridge University Press, 1st ed., 2017); On the advantages and disadvantages of deliberation in public, see R. DAVIS, D. TARAS, *THE GLOBAL PERSPECTIVE JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE* 71 (Cambridge University Press, 1st ed., 2017).

⁶⁷ This dual soul of communication is also underlined in the Italian context, see D. Stasio, *The Court's sense of communication*, QUESTION JUSTICE (Sep. 9th, 2022), <https://www.questionegiustizia.it/articolo/il-senso-della-corte-per-la-comunicazione>. In this sense the reports by the presidents Grossi, Lattanzi, Cartabia, Amato, Sciarra: <https://www.cortecostituzionale.it/jsp/consulta/link/conferenze.do>.

⁶⁸ D. Mathieu, *La communication du Conseil constitutionnel : Évolution, organisation, méthodes*, 33 ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE 59, 62 (2018).

with society, with the dissemination of information that contributes to a better understanding of its judicial and administrative activities”.⁶⁹

In short, as pointed out by a former President of the Italian Constitutional Court in 2019, “*the Court has gained the awareness that it must leave the Palace, where it must make itself known and known, it must make itself understood and must also understand why it must make itself known and making oneself understood means making the Constitution known and understood*”.⁷⁰

A particularly delicate aspect, not only in terms of classifications, concerns the development of non-judicial activities aimed at ‘*communicating*’ the constitutional principles and values which go beyond the communication of the jurisprudence which has applied these principles and values. These activities can be qualified as ‘*educational*’ or ‘*pedagogical*’. Recently, they have been categorised as aimed at improving ‘*constitutional literacy*’.⁷¹

In some countries, the courts have specific structures dedicated to these activities. For example, the Constitutional Court of Ecuador makes use of a “*Centro de Estudios para la Difusión del Derecho Constitucional*”, which regularly organises training activities for lawyers, students, and ordinary judges.⁷²

⁶⁹ Resolucao N370, Diario Da Justica Eletronico, Supremo Tribunal Federal, Republica Federativa Do Brasil (Apr. 08, 2021), <https://www.stf.jus.br/ARQUIVO/NORMA/RESOLUCAO730-2021.PDF>.

⁷⁰ CORTE COSTITUZIONALE, LA COMUNICAZIONE DELLA CORTE COSTITUZIONALE (The communication of the Constitutional Court, report carried out in the meeting held in Karlsruhe from 26 to 28 June 2019), available at https://www.cortecostituzionale.it/documenti/news/Germania_Lattanzi.pdf. On the new communicative attitude of the Italian Constitutional Court since 2017, see G. Amato. D. Stasio, *Storie di diritti e democrazia. La Corte costituzionale nella società*, Milano, Feltrinelli (2023).

⁷¹ Visser, *supra* note 14. On the communication activities for pedagogical purposes of the Constitutional Courts, see A.M. Lecis Cocco Ortu, *La Cour constitutionnelle italienne et le public : à la recherche d'une confiance renouvelée entre oeuvre pédagogique et légitimation*, 35 ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE 37, 37 (2020).

⁷² Centro de Estudios y Difusión del Derecho Constitucional | Quito, FACEBOOK.COM (2023), <https://www.facebook.com/CedecEcuador/>.

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The Supreme Court of Mexico is one of the most active in this field and offers free courses through its *Centro de estudios constitucionales*⁷³ and the General Directorate of Human Rights.⁷⁴ Issues explored through human rights training include gender perspective, children's rights, migrants, torture, disability, sexual orientation and gender identity, among others.⁷⁵ In this regard, efforts to establish links between the Supreme Court and academia are also noteworthy. The *Centro de estudios constitucionales* (The Centre for Constitutional Studies), “*seeks to become a cutting-edge academic institution capable of improving the administration of justice in Mexico*”, “*trigger original academic discussions*” and “*contribute to the most innovative debates in the field, to nationally and globally*”.⁷⁶ Through this body, the Supreme Court of Mexico organises research stays and publishes a journal every six months with the participation of experts in constitutional law and related topics.⁷⁷ To ensure free access to legal knowledge, the Supreme Court of Mexico has made available to the public virtually and free of charge the publications of the Center for Constitutional Studies along with the Jurisprudence Papers, and the various products of the research programs on the Court's jurisprudential lines on the matters of equality, family, scientific evidence, judicial precedents, and the environment.⁷⁸

In addition, legal experts and civil society can access the documentary archives, and participate in jurisprudence research and consultation workshops, participate in analysis roundtables, conferences, and discussion

⁷³ Centro de Estudios Constitucionales, *Cursos*,
<https://www.sitios.scjn.gob.mx/cec/cursos>.

⁷⁴ Supreme Court of Justice of the Nation, *Formation*,
<https://www.scjn.gob.mx/gw/#/derechos-humanos/formación>.

⁷⁵ Supreme Court of Justice of the Nation, *Capacity*,
<https://www.scjn.gob.mx/derechos-humanos/capacitaciones-inicio>.

⁷⁶ Centro de Estudios Constitucionales, *El Centro*,
<https://www.sitios.scjn.gob.mx/cec/el-centro>.

⁷⁷ Centro de Estudios Constitucionales, *Revista Digital*,
<https://www.sitios.scjn.gob.mx/cec/revista-digital>.

⁷⁸ The *Jurisprudence Notebooks* seek to publicise the Supreme Court's precedents, particularly about human rights, in a clear, simple, and complete manner. This collection is organised into three series Human Rights, Family and Law, and Selected Topics of Law. For more information, see Centro de Estudios Constitucionales, *Cuadernos de Jurisprudencia*, <https://www.sitios.scjn.gob.mx/cec/cuadernos-jurisprudencia>.

forums in the Houses of Legal Culture (i) created in the 1990s.⁷⁹ Other actions carried out in these centres include the organisation of events in coordination with other bodies and areas of the Supreme Court of Mexico, such as the presentation of the Jurisprudence Notebooks, organised by the Constitutional Studies Centre along with the organisation of the International Congress of Constitutional Law and the organisation, together with the Directorate General of Human Rights, of a seminar on rulings on the subject called “*The Reasons of the Court*” and of the diploma course “*The Supreme Court and Human Rights*”.⁸⁰

Also in Latin America, the Constitutional Court of Colombia is directly involved in constitutional pedagogic activities. Starting in 2017, it has launched a “*modernization*” project, aimed at getting closer to citizens, “*to make the Constitution within the reach of children and adolescents, to make the Constitution within the reach of ethnic communities, to information in simple language through social networks*”.⁸¹

In Korea, the Constitutional Research Institute of the Constitutional Court, created in 2010 with an amendment to the law on the Court, provides numerous training and research activities.⁸² The institute is managed by the court. The President of the Court appoints the president of the Institute, following a resolution of the college. The rules of the Court also govern the functioning and activities of the Institute. It is an institution with a large staff of up to forty people, which develops a rich activity both in support of the jurisdictional competences of the court (this is the case

⁷⁹ Between 1995 and 1996, the Supreme Court of Justice decided to install the General Archives of the Federal Judiciary in each state to rescue and organise the collection of documents generated by jurisdictional bodies. In 1998, once this organisation was solved and taking advantage of the facilities of the General Archives, it was decided to create an information centre in each state which would be called the House of Legal Culture (Casa de la Cultura Jurídica). See Supreme Court of Justice of the Nation, Historia, *Casas de la Cultura Jurídica*, <https://www.sitios.scjn.gob.mx/casacultura/historia>.

⁸⁰ The activities organised in these centres can be consulted on its YouTube Channel, <https://bit.ly/3n2ISuc>.

⁸¹ Inform De Rendicion De Cuentas, Corte Constitucional, Republica De Colombia (2021), <https://www.corteconstitucional.gov.co/Transparencia/publicaciones/INFORME%20DE%20RENDICION%20DE%20CUENTAS%202021.pdf>.

⁸² The Constitutional Research Institute, Constitutional Court of Korea, <https://ri.court.go.kr/site/engcri/main.do>.

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of studies and research, also of comparative law, aimed at individual decisions), and training (for legal professions, civil servants, and schoolteachers, but also for court personnel themselves).

The Institute organises seminars and conferences in collaboration with Korean universities and a moot court. Furthermore, it develops promotional activities aimed at the general public, especially through popular publications. The title of the presentation booklet is significant, “*The cradle of the constitutional spirit affecting the lives of Koreans*”.⁸³ The Court also organises a program of lessons for students from rural areas. The president, judges, rapporteurs, and court employees visit schools in remote areas to lecture on the Constitution and the constitutional judging system.⁸⁴

There are many “*pedagogical initiatives*” (as defined on the website) of the French *Conseil constitutionnel*.⁸⁵ Among them, the “*Découvrons la Constitution*” (Discovering the constitution) project since 2016 has led the *Conseil* to meet school groups and students from elementary to high school. The *Conseil* started in 2011 with the Georges Vedel competition, a sort of Moot Court on QPC (concrete review) dispute. Other initiatives may be mentioned, such as the prize for the best doctoral thesis in constitutional justice (since 1997) and more recently the “*Nuit du droit*” open-door initiative, to which we will return later.

The educational activities carried out by the Supreme Court of the United Kingdom are very rich. They are collected in a special “*Education*” section of the website and include not only the possibility of inviting a Judge by

⁸³ THE CRADLE OF THE CONSTITUTIONAL SPIRIT AFFECTING THE LIVES OF KOREANS, CONSTITUTIONAL RESEARCH INSTITUTE, CONSTITUTIONAL COURT OF KOREA, <https://ri.court.go.kr/site/engcri/01/1010300000002022092702.jsp>.

⁸⁴ For more information, see THIRTY YEARS OF THE CONSTITUTIONAL COURT OF KOREA, CONSTITUTIONAL COURT OF KOREA 134 (2018).

⁸⁵ Studying the Constitution: new resources made available to teachers, Conseil Constitutionnel (May 12th, 2021), <https://www.conseil-constitutionnel.fr/actualites/etudier-la-constitution-de-nouvelles-ressources-mises-a-la-disposition-des-enseignants>).

schools,⁸⁶ but also a two-week online course⁸⁷ and a series of “*Legal Landmark films*” produced by the Royal Holloway University of London, hosted on the Court’s website.⁸⁸ The “Journey to Italy” of the Italian Constitutional Court, carried out in agreement with the Ministry of Education, consists of judges giving lectures in schools. This activity is carefully documented on the webpage of the Court.⁸⁹

The Australian High Court was once defined as “*a real ivory tower*”.⁹⁰ Instead, today it carries out not only an extensive communication of its judicial activity but also of an educational nature. Recently, one of the judges, in a speech with the significant title of “*Court Education Is Not Just For Lawyers*”, considered that “court education” is an essential part of civic education and necessary to preserve the rule of law through active citizenship.⁹¹

In the annual report on the Court’s activity, a specific chapter is dedicated to “*Public Information and Education*”. The 2020-2021 report, the latest available, points out very well the strategy of the Court and its goals:

“The Court’s public education and visitor programs seek to enhance awareness of its constitutional role and the rule of law. The Court provides extensive information on its website, publishes judgment summaries and offers specialized educational programs and activities in the High Court building in Canberra. It also hosts the Australian Constitution Center Exhibition which traces the history and evolution of the Australian Constitution, illuminates some of its fundamental principles, and explores the role and history of the Court. It also

⁸⁶ The Supreme Court, *Ask a Justice at the Supreme Court and JCPC - The Supreme Court*, SUPREMECOURT.UK (2023), <https://www.supremecourt.uk/ask-a-justice.html>.

⁸⁷ Online Course, The UK Supreme Court, <https://www.supremecourt.uk/online-course.html>.

⁸⁸ Legal Landmarks, History Hub, https://www.youtube.com/playlist?list=PLSegY_gUYIeCjbuO1dii9Oc4eCX2sx6D.

⁸⁹ CORTECOSTITUZIONALE.IT (2018), <https://www.cortecostituzionale.it/viaggionellescuole2023/>.

⁹⁰ R. SPENCER, COMMUNICATION BEYOND THE JUDGMENTS: THE AUSTRALIAN HIGH COURT, SPEAKING FOR ITSELF, BUT NOT TWEETING 39, (Cambridge University Press, 1st ed., 2017).

⁹¹ J. Gleeson, *Court Education Is Not Just For Lawyers* (Oct. 22, 2022), <https://www.hcourt.gov.au/assets/publications/speeches/current-justices/gleesonj/Court%20Education%20Is%20Not%20Just%20For%20Lawyers.pdf>.

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welcomes visitors to appreciate the unique architectural, design and artistic aspects of the Court building".⁹²

Only rarely are these activities expressly provided for by the norms (heteronomous or autonomous) on constitutional justice. In Germany, a reference can be found in the code of conduct of constitutional judges:

"Due to the status of the Federal Constitutional Court as a constitutional organ and the social and political significance of its decisions, members of the Court primarily fulfill the duties and obligations that arise from their judicial function, yet also participate in presenting and imparting knowledge of the Court's status and functioning as well as its case-law, both in national and international contexts".⁹³

Activities of this type are also conducted by courts considered more reserved (ones which may not admit dissenting opinions) such as the Austrian Constitutional Court, which in 2020 launched an educational program in collaboration with schools.⁹⁴ However, they cannot be found in some courts, such as the Belgian one, where a report (dating back to ten years ago) drawn up by the presidents of the time specified that:

"The Belgian Constitutional Court does not organise promotion or enhancement activities such as the anniversary ceremony of the Constitution or of the institution, the distribution of booklets, a "legal book fair" or the awarding of research prizes. Following a long tradition among judicial bodies, the Court has never felt the need to become prominently visible".

C. THE COMMUNICATION TOOLS: THE RISE OF SOCIAL MEDIA

The communication tools represent a turning point for almost all the courts examined. If for several decades communication was carried out through "*in presence*" activities, such as public hearings or press conferences,

⁹² ANNUAL REPORT 2020-21, HIGH COURT OF AUSTRALIA (2021), https://www.hcourt.gov.au/assets/corporate/annual-reports/HCA_Annual_Report_2020-21.pdf.

⁹³ Code of Conduct for the Justices of the Federal Constitutional Court of Germany, art. 2.

⁹⁴ Anna Gamper, response to the questionnaire.

or through the dissemination of press releases via fax, to then move on to some timid contacts with the television networks, the ICT revolution has made a variety of tools available. Many courts have decided to take full advantage of them, while some are more reluctant.

The Supreme Court of Canada can be taken as a symbol of this new course. It is a court which for a long time has given specific attention to transparency and communication⁹⁵ but, in recent years, has decisively modified its communication strategy in two directions. The Court decided to fully enter the world of new technologies and to introduce an innovative form of presence on the territory, with hearings held outside the capital (in Winnipeg and Quebec City, respectively, in 2019 and 2022). Chief Justice Wagner highlights the importance of communication activity right from the Court's presentation page on the website. He links the strategy of the Court to the necessity of making people aware of the role of the Court in their lives. It is worth quoting his precise words:

*“The decisions we make here affect the lives of all Canadians, and that of your family and community. It's important to us that you understand the work that we do, and why it matters. The Supreme Court's essential task — to make independent and impartial decisions about issues that matter to Canadians — hasn't changed since the Court was created in 1875. But much else has. The Court, its judges, and staff are dedicated to finding ways to better serve you. We're leveraging technology and new media to better communicate with you, wherever you live, in both of Canada's official languages. This website is part of that effort. Feel free to browse the site, but here are some quick links you may find useful: Case Information — search engine for information about a specific case (or you can view information about recently-filed cases directly); Cases in Brief — summaries explaining our decisions in plain language, so everyone can understand them; Role of the Court — an explanation of what the Court does; Year in Review — an overview of the Court's work in the last calendar year; The Judges of the Court — learn more about the nine judges. And don't forget to follow us on Twitter, Instagram, LinkedIn and Facebook! Enjoy your virtual visit, and remember that you can visit us in person for a tour or to watch a hearing at any time”.*⁹⁶

⁹⁵ Harada, *supra* note 27, at 81.

⁹⁶ Message from the Chief Justice, Richard Wagner, Supreme Court of Canada, <https://www.scc-csc.ca/court-cour/welcome-bienvenue-eng.aspx#video>.

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Some of the tools used by the courts to communicate will be presented in this paragraph, even if the fluidity of the categories used (primarily that of tools or means of communication) has to always be kept in mind.

First of all, there is the Court's website, which deserves a specific analysis, not only in terms of content, but also in terms of graphics. Furthermore, the choice of subjects entrusted with the drafting and implementation of the site seems significant and worthy of further study, as we pointed out in the previous sections.

Almost all courts use social media, but there are a few exceptions. For example, the Constitutional Chamber of Costa Rica, although it has highly developed communication in terms of press releases and a website, does not use social networks, apparently to avoid controversy and attacks, especially by the government, in a context in which political actors even use trolls against the judiciary. The Portuguese Constitutional Court, until recently a court reluctant to communicate, also does not use social media.

Most of the courts started using social media from 2015 (even earlier for some particularly communicative courts, such as the French Constitutional Council which has been on Twitter since 2011, or the Supreme Court of Canada, on Facebook since 2011, the Supreme Court of Brazil, on Twitter since 2009 or the Constitutional Court of Ecuador, on Twitter since 2010), or from a more recent date. Twitter (now X) seems to be the most popular social network, but Facebook, Instagram, and LinkedIn are also popular. Only the Supreme Court of Brazil uses Tik Tok (in Mexico the former president Zaldivar makes extensive use of his Tik Tok account). The German Federal Constitutional Court's short appearance on Instagram was highly controversial and it ended in a silent exit from the social media platform.⁹⁷

⁹⁷ See S. Steininger, *Swipe up for the German Federal Constitutional Court on Instagram: Judicial Storytelling in the Era of Social Media*, VERFBLOG (Aug. 19th, 2021), <https://verfassungsblog.de/the-gfcc-on-instagram/>; See also Dr. Markus Schl, *BVerfG schaltet Instagram-Account ab: Schon wieder Schluss*, LEGAL TRIBUNE ONLINE (Jan. 5th, 2022), <https://www.lto.de/recht/justiz/j/bverfg-instagram-account-abgeschaltet-justiz-twitter-oeffentlichkeitsarbeit-social-media-tv/print.html> .

On social networks, the courts generally communicate the adoption of decisions, usually through references to press releases, but some courts also communicate extrajudicial activity, such as educational activities, conferences, exhibitions, travel and study visits, extracts from the president's speeches, or communications related to national celebrations, and so on. The quantity of communications and followers is very varied. To give some examples, the BVerfG, which has been on Twitter since 2015, has 76.9K followers and 977 Tweets; the Supreme Court of Canada on Twitter since 2015, has 2636 Tweets and 42.9 K followers; the Constitutional Court of Ecuador, since 2010, 20.4 K Tweets and 123K followers; the Austrian Constitutional Court, since 2014, 885 Tweets and 11.9K followers; the Supreme Court of Brazil, on Twitter since 2009, 24.4 K Tweets and 2.6 million followers; the French CC, since 2011, 4102 Tweets and 175.9 K followers; Mexico Supreme Court, as of 2009, 29.2K Tweets and 814.4K followers; the Spanish Constitutional Court, since 2017, 1433 Tweets and 29.6 K followers.

It is generally possible for the public to leave comments (but not, for example, on the BVerfG account) and in some cases, this leads to genuine debates but also to aggressive and hateful comments.⁹⁸ Some courts (such as the Supreme Court of Brazil) have a specific policy in this regard, which can lead to the blocking and deletion of comments.⁹⁹ In Ecuador, it has been reported that comments on social media are considered an important tool for dialogue by the public and the court.¹⁰⁰ The same happens in Taiwan, where the court engages directly with the public through Q&A sessions on Instagram.

⁹⁸ This happened on the Twitter account of the Italian Constitutional Court in the case of the anticipatory press release of the sentence on compulsory vaccination, which received 3156 comments, almost all, very negative, <https://twitter.com/CorteCost/status/1598389331634565131>. The decision of the French *Conseil Constitutionnel* on the reform of retirement, in 2023, got also very angry and hateful comments on Twitter, https://twitter.com/Conseil_constit/status/1646908374217285632.

⁹⁹ Social Media Use Policy, Supremo Tribunal Federal of Brazil, <https://portal.stf.jus.br/textos/verTexto.asp?servico=politicausoredessociais>.

¹⁰⁰ Daniela Salazar, response to the questionnaire.

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For non-English-speaking courts, the language used is usually the local one (for example, German, Spanish, French, etc.), but some courts also have an English translation of all or some messages.

Furthermore, news is also communicated through newsletters, which are received by subscribing to a mailing list, a relevant form of communication, especially for courts less inclined to use social media.¹⁰¹

Some courts have developed their own apps. This is the case of the French *Conseil constitutionnel* or the Supreme Court of India (the latter limited to jurisprudence). The Constitutional Court of Korea also maintains a blog.¹⁰²

Spotify is used for podcasts by the Constitutional Court of Colombia (from September 2021: there are currently 91 podcasts) and by the Constitutional Chamber of the Supreme Court of Justice of Costa Rica (from May 2022: to date, there are 7 podcasts, classified as “*constitutional justice for everyday life*”).¹⁰³ The Italian Constitutional Court uses “*Spreaker*” for its podcasts. Podcasts are used by various courts: for example, at the UK Supreme Court, judges present the Court.¹⁰⁴ In Colombia, the most important decisions are illustrated with brief audios of about four minutes.¹⁰⁵ In Taiwan, the Constitutional Court produces its own podcast show called “*Law Room*” and broadcasts it on various podcast streaming platforms such as Apple Podcast. The show mainly consists of interviews with judges.

Most courts have their own YouTube channels. The videos present are dedicated both to illustrating jurisprudence and to the educational activities of the courts. Conferences or reports held by the judges are also reproduced. Some courts (Israel, South Africa, and Korea) also use YouTube for the recordings of hearings. So also the Constitutional Court

¹⁰¹ Use of the newsletter has been reported in the cases of India and Hungary, according to the answers to the questionnaire.

¹⁰² Blog Naver, Constitutional Court of Korea, blog.naver.com/ccourtukorea.

¹⁰³ All those data, as the others presented in this article, are a result of our empirical research from the social media and webpages of the courts.

¹⁰⁴ Learning resources, The Supreme Court of UK, <https://www.supremecourt.uk/learning-resources.html>.

¹⁰⁵ Podcast Constitucional, Corte Constitucional, Spotify, <https://open.spotify.com/show/4WGGxfK0ykP3Csczggc4Wv>.

of Romania, which does not use social media but has posted some videos of the hearings on the YouTube channel.

The French *Conseil constitutionnel* uses its own dedicated Dailymotion channel for videos (of hearings, of specific events related to extra-jurisdictional activities, or of an informative nature).¹⁰⁶

Some courts (Brazil, Mexico) have been using, for many years now, special television channels managed directly: it is the case of the Supreme Court of Brazil since 2002, and of the Supreme Court of Mexico since 2006.¹⁰⁷ Those channels not only broadcast the hearings, but also carry out pedagogical activities. For example, the programming of Justicia TV in Mexico includes programs aimed at examining in detail the decisions issued by the Supreme Court and making known their effects on people's daily lives ("*Ya lo Dijo la Corte*"-: the Court said), at analysing human rights issues from different perspectives, to disseminate knowledge among the population in a clear and accessible way ("*Tus Derechos*": your rights), at encouraging the expression of opinions, including critical ones, by young scholars on Supreme Court decisions ("*Derecho a Disentir*": right to dissent), as well as at promoting discussion on issues relating to equality and non-discrimination ("*Espacio Diverso*": diverse space); at reflecting on the rights of refugees and asylum seekers ("*Con los Refugiados*": with refugees) and analysing the different political and social issues on the country's public agenda ("*En el Círculo*": in the club).¹⁰⁸

¹⁰⁶ Conseil Constitutionnel, DAILYMOTION <https://www.dailymotion.com/conseil-constitutionnel>.

¹⁰⁷ In 2005, the first live transmission of the Plenary of the Mexican Supreme Court took place on 16th June through a restricted television channel of the Secretariat of Public Education. In December of that same year, the Supreme Court obtained authorization to access the satellite capacity assigned to the Mexican government and to have a restricted television channel. The Judicial Channel (Canal Judicial) officially began its transmissions a few months later in May 2006. In 2019, the Judicial Channel became Justicia TV. Justicia TV, *Sobre Nosotros*, <https://bit.ly/3aKZGQA>.

¹⁰⁸ See Justice TV, *Programas*, <https://bit.ly/3vq5Fny>. These programs have addressed, among other issues, the rights of persons with disabilities, indigenous persons and peoples, afro descendant persons and communities, LGBTI+ persons, children and adolescents, migrants, refugees and asylum seekers, and domestic workers. Likewise, some of the topics that have been analysed include access to justice, gender equality, gender violence, freedom of expression, sexual and reproductive rights, abortion, recreational

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Videos presenting courts or judgements, as well as educational video materials, are present on almost all sites. The Italian Constitutional Court presents 100-second videos on the “*Decisions that have changed the lives of Italians*”, where the constitutional judges each illustrate a decision.¹⁰⁹ In addition, as part of the “*The words of the Constitution*” project, the judges created short videos broadcast by RAI, in which each one illustrates a constitutional concept based on a chosen word.¹¹⁰ The Constitutional Chamber of the Supreme Court of Costa Rica made videos on some sentences under the title “*The Chamber changed my life*”, where the appellants themselves are the ones who present the decisions that guaranteed their rights.¹¹¹

Recently, the Portuguese Constitutional Court launched a series of documentaries published on its website, “*Série documental Guardiã da Constituição*”, aimed at illustrating the activity and history of the Court for the general public.¹¹² In some cases, documentaries are co-produced by the courts and television broadcasters. In 2021, the *Conseil constitutionnel* was the subject of the documentary entitled “*Le Conseil constitutionnel au temps de la présidentielle*”. In the words of the *Conseil*:

marijuana use, transparency, social and economic rights, environment, poverty, the right to truth, and non-discrimination, among many others. Recordings of these and other programs are also available on Justicia TV's YouTube channel: <https://bit.ly/3gzObs8>.

¹⁰⁹ *Sentenze Che Hanno Cambiato La Vita Degli Italiani: La scelta dei Giudici in 100 secondi* (Sentences that have changed the lives of Italians: The choice of judges in 100 seconds), CORTE COSTITUZIONALE, https://www.cortecostituzionale.it/jsp/consulta/rapporti_cittadini/vita2.do.

¹¹⁰ The videos have been broadcast on Rai Scuola and Rai Tre since February 12 and are available online: <https://www.raisplay.it/programmi/lespokedellacostituzione>. Private channels have also dedicated programs to the Constitutional Court: see in particular *Alla scoperta della Corte costituzionale*, LA7 (Feb. 26th, 2020) <https://www.la7.it/dimartedi/video/alla-scoperta-della-corte-costituzionale-26-02-2020-309620>.

¹¹¹ *La sala cambió mi vida*, SALA CONSTITUCIONAL <https://salaconstitucional.poder-judicial.go.cr/index.php/la-sala-cambio-mi-vida>.

¹¹² See the response by Teresa Violante to the questionnaire. The series has been also presented by the public television channel RTP: see Rogério Gomes, *Tribunal Constitucional: 40 anos a Cumprir o Futuro*, RTP EXTRA (May 22nd, 2023) <https://media.rtp.pt/extra/estreas/tribunal-constitucional-40-anos-a-cumprir-o-futuro/>.

*“Broadcasted by the television channels LCP-AN and TV5 Monde, this documentary can be viewed on the website of the Constitutional Council. Through interviews with President Fabius, President Badinter, Mrs Schnapper and Mrs Levade, through archive images and through an immersion in the contemporary functioning of the Constitutional Council, this documentary shows, in an unprecedented and lively way, the diversity of the missions of the institution”.*¹¹³

Another example of television collaboration is that of the Supreme Court of the United Kingdom, which has contributed to the making of two documentaries which are primarily based on interviews with judges and have a large viewing figure. One presents the work of the Court from the perspective of the parties raising the issues, and it is available free on a digital channel. Another, produced by the BBC as part of a series of broadcasts on justice, focuses on the work of the Court.¹¹⁴

“Decisions in Cartoon” is an initiative of the Constitutional Court of Korea, where 26 judgements of the Court are presented using comics.¹¹⁵

Several courts have organised exhibitions, both on site and on the road, on the history and activities of the court. This was the case of the Austrian Constitutional Court in 2020 and 2022, which first organised an exhibition to celebrate the centenary, travelling throughout the country, and then an onsite exhibition, on site, on Hans Kelsen and the Austrian constitution.¹¹⁶ In 2022, the Supreme Court of Brazil dedicated an exhibition to the accession to the Inter-American Convention.¹¹⁷ Some, such as the High

¹¹³ *Diffuser la culture constitutionnelle*, CONSEIL CONSTITUTIONNEL, <https://www.conseil-constitutionnel.fr/rapport-activite-2022-numerique/annee-conseil-diffuser-culture-constitutionnelle.html>.

¹¹⁴ IJ MORAN, *supra* note 44.

¹¹⁵ *Decisions in Cartoon*, CONSTITUTIONAL COURT OF KOREA, <https://english.court.go.kr/site/eng/ex/bbs/List.do?cbIdx=1089>.

¹¹⁶ See *Der VfGH stellt sich und die Verfassung vor – Ausstellung auf der Freyung in Wien*, VfGH, (Sept. 16th, 2021) https://www.vfgh.gv.at/medien/Eroeffnung_Info_Point_Wien.php; See also *Eine Ausstellung über Hans Kelsen im VfGH*, VfGH (May 4th, 2023) https://www.vfgh.gv.at/medien/Eroeffnung_Kelsen_Ausstellung.php.

¹¹⁷ O PORTAL DO STF, <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=497600&ori=1>.

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Court of Australia, the Constitutional Court of South Africa, and the Supreme Court of Brazil,¹¹⁸ have museums on a permanent basis.

In 2021, the German Federal Constitutional Court celebrated its 70th anniversary with new initiatives, such as the videos that “*offer insight into the activity and history of the Court*”, the art installation on the market square of Karlsruhe (a glass cube showing the red robes inside), the names of the judges projected on the facade of the Court, and the collaboration with the Federal Agency for Civic Education for the activities of judges in schools.¹¹⁹ By doing so, the Court pointed out its aim to celebrate the anniversary “*by engaging with as many people as possible*”.¹²⁰

The Twitter profile, the online transmission of the hearings, and the participation of the president and the judges in television programs are now part of the daily life of a court that, since the 1990s, has fully assumed the leadership of communication on constitutional justice.¹²¹

Among the educational activities, several Anglo-Saxon courts organise Moot Courts for university students (Australia, UK, but also Korea). In Hungary, the Court organises a competition for law students, based on cases decided by the Court.¹²²

The venue is used for guided tours by school groups or the general public, in person or virtually, with the latter experiencing a sharp increase because of the pandemic. Some courts (e.g., the Australian High Court, the French *Conseil constitutionnel*, the Italian Constitutional Court) also organise concerts and shows. The *Conseil constitutionnel* carries out a special initiative (“The

¹¹⁸ O PORTAL DO STF, <https://portal.stf.jus.br/textos/verTexto.asp?servico=sobreStfAcervoMuseu>.

¹¹⁹ For a full picture of the communication techniques of the BVeGe, see C. RATH, *Pressearbeit und Diskursmacht des Bundesverfassungsgerichts*, in HANDBUCH BUNDESVERFASSUNGSGERICHT IM POLITISCHEN SYSTEM 403-412 (Springer VS 2nd ed., 2015).

¹²⁰ 70th Anniversary of the Federal Constitutional Court, BUNDESVERFASSUNGSGERICHT, https://www.bundesverfassungsgericht.de/EN/70-Jahre/70-Jahre_node.html.

¹²¹ RATH, *supra* note 119.

¹²² Országos Alkotmánybírósági Szimulációs Verseny, ABSZI(M) MATHIAS CORVINUS COLLEGIUM, <https://abszim.mcc.hu/>.

night of Law’),¹²³ on 4th October, on the anniversary of the promulgation of the 1958 Constitution, in which it invites prominent speakers to debate an emerging issue in the international or domestic debate, accompanied by musicians and broadcast live on the website. In 2022, the chosen theme was “*The war in Ukraine*”. Taiwan’s Constitutional Court hosts the annual “*Judicial Humanities Salon Series*”, which is open to the public and mainly covers the legal aspects of social issues. For example, the second 2023 conference, “*The Aging Multiverse: How Society and Justice Should Respond to Aging*,” combines hospital physicians and lower court presidents to discuss judicial consensus and imagination on care obligations in an ageing society.

Scholars have long underlined the importance, in symbolic and communicative terms, of the architecture of the court’s buildings (especially in reference to ad hoc buildings, as in the cases of Israel, South Africa, Germany). The Constitutional Court of South Africa, in the part of the website on the visit to the building, presents it as follows:

“The Court has extended an invitation to the public to explore the history of South Africa’s political transition. Everyone is invited to view the artwork, watch the judges at work in Court or simply soak up the atmosphere of one of the world’s most progressive constitutions. This Visitors’ Brochure provides additional information about the work of the Constitutional Court, as well as about its building and art collection. If you can’t get to the Court in person, then take a virtual tour of the building”.¹²⁴

Furthermore, some courts have started the practice of decentralised hearings, in which they leave the court’s building to travel throughout the territories, meeting the general public directly.

Chief Justice Wagner said at the Supreme Court’s first outing, from Ottawa to Winnipeg, Manitoba, in 2019, “*I am very glad to see so many people here to watch the proceedings and learn more about our justice system. I often say that the Supreme Court isn’t an ivory tower. Every Canadian is welcome to walk through our doors and sit in our courtroom. Part of the reason we’re here today is to make that a*

¹²³ La Nuit du Droit, CONSEIL CONSTITUTIONNEL, <https://www.conseil-constitutionnel.fr/la-nuit-du-droit>.

¹²⁴ The Building, CONSTITUTIONAL COURT OF SOUTH AFRICA, <https://www.concourt.org.za/index.php/about-us/the-building>.

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little easier for people who can't easily travel to Ottawa to see Canada's highest court in person".¹²⁵ The *Conseil constitutionnel* has started this practice since 2019 (Metz, Nantes, Pau et Lyon, Bourges),¹²⁶ with the aim to “*raise awareness of its missions of monitoring the conformity of laws with the Constitution and, in particular, the procedure for constitutional questions (QPC)*”. The Constitutional Court of Colombia travelled in 2022 to the remote region of La Guajira, to meet with indigenous peoples and hold a hearing there on the implementation of its previous decisions relating to children of the Wayuu community.

As for the “*old tools*”, they too have received a new life as a result of the web and social media.

Thus, the reporting of the most important issues that will be examined,¹²⁷ the summaries of the decisions,¹²⁸ as well as the press releases, have today a diffusion unthinkable in the past, when they were mainly aimed at journalists.¹²⁹ Their publication on the website, dissemination through social media, translation into English, archiving and the possibility of doing a search on the website itself have profoundly changed their nature.¹³⁰

¹²⁵ Words of Welcome on the occasion of the Court's first sitting outside of Ottawa: Remarks by the Right Honourable Richard Wagner, P.C. Chief Justice of Canada, SUPREME COURT OF CANADA (Sept. 25, 2019) <https://www.scc-csc.ca/judges-juges/spe-dis/rw-2019-09-25-1-eng.aspx>.

¹²⁶ *Supra* note 113.

¹²⁷ Thus, for example, the “media alerts” used by the Supreme Court of the United Kingdom for matters of “wide public interest”: *see*, MORAN, *supra* note 44.

¹²⁸ The Constitutional Court of Colombia has recently extended the obligation to accompany sentences with a summary to all decisions, even the shortest ones (providencias), with an internal circular from the president (Sept. 16, 2022), which states, among the other, that: “*One of the purposes of the Constitutional Court is to strengthen the dissemination of its jurisprudence to all citizens. The inclusion of a summary chapter in the provisions contributing to this purpose can facilitate knowledge of the main content of judicial decisions and the dissemination activities and juridical pedagogy that the Corporation carries out*”.

¹²⁹ Some courts continue to contact the press agencies directly: this is the case of the Belgian Constitutional Court, which transmits to the “Belgian Agency” the agenda of future sittings and the rulings adopted.

¹³⁰ Even in those courts, such as the Belgian Constitutional Court, which have been slower in adopting this practice: Press releases concerning the judgements, CONSTITUTIONAL COURT <https://www.const-court.be/fr/media/press-releases-concerning-the-judgments?with-archive=true>.

Nonetheless, important differences remain in the press releases with regard to the style, the object, and the procedure with which they are adopted. In fact, if press releases usually concern decisions and accompany them at the time they are published, some courts resort to anticipatory press releases, aimed at announcing decisions taken but not yet released and published.¹³¹ This phenomenon is frequent, for example, in the case of the Constitutional Court of Colombia, one of the most authoritative courts in Latin America and one of the most active in the field of communication. Scholars have greatly discussed this practice, above all due to the delay, even of a few months, in the publication of the decisions. On the contrary, in Greece, in a very underdeveloped judicial communication scenario, there was discussion of the leak of news by the Council of State on the decisions adopted, before publication, and on the opportunity to anticipate the news through a press release. As for the style, we find courts that prefer to resort to long and detailed press releases, real summaries of the sentence, with merely descriptive titles (such as the BverfG or the Supreme Court of the United Kingdom), and courts that instead use shorter press releases, with more effective titles, addressed to public opinion rather than to the press, such as the *Conseil constitutionnel*¹³² or the Italian Constitutional Court. There are a great variety of solutions regarding the procedure for adopting press releases, as regards the role of the court in its collegiality, the president, the judges, the judges' assistants, and the communication offices.¹³³

As for the annual conferences of presidents, as well as the annual reports that accompany them, they appear to have limited impact, and in any case, are much smaller than they were before the advent of the internet and social media.¹³⁴ They deserve a more detailed study aimed at verifying their

¹³¹ *E.g.*, in Chile, where this use of press releases has aroused criticism of the doctrine, especially for the lack of legal foundation. The same problem arises in Colombia. *See* also the experience of Switzerland, where no particular problems regarding anticipatory communications are reported: Josi, *supra* note 43.

¹³² We note the criticism by the media of the communiqués, considered excessively complex, of the Supreme Court of the United Kingdom, and the invitation to follow the style of the EDH Court: *see*, MORAN, *supra* note 44.

¹³³ The theme has been studied in depth, especially in relation to the German experience, in several articles by Philipp Meyer. Among them, P. Meyer, *Judicial public relations: Determinants of press release publication by constitutional courts*, 40(4) *POLITICS* 477 (2020).

¹³⁴ Moreover, some courts do not organise annual press conferences. This is the case of the Belgian Constitutional Court: “*The Court does not hold press conferences or issue statements.*”

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style, the form through which they are disseminated (written text, registration) on web pages or on social networks, as well as the accompanying materials (statistical data, jurisprudence summaries, reports on communication etc.). More and more courts publish annual reports in a form that is easily accessible to citizens; they result in attractive yearbooks aimed at communicating all the activities, both judicial and extra-judicial, carried out by the court during the year. For example, the Supreme Court of Canada started the publication of the “*Year in review*” in 2018, with the creation of a special web page dedicated to the activities carried out during the year. It highlights that, since the decisions “*affect all Canadians, and so it’s important that the Court’s work is accessible to everyone. The Court’s judges and staff have worked hard to make that happen*”.¹³⁵

In some courts, press conferences are organised on the occasion of the filing of particularly important decisions. Although in great variety, they are usually led by the president. This is what happens in the United Kingdom, where some of these conferences, on the occasion of the most controversial cases (think of the decisions on Brexit), have acquired great resonance.¹³⁶

Periodical publications, such as legal journals, edited by some courts, such as the *Conseil constitutionnel* or the Constitutional Court of Colombia, also reach a wide audience nowadays, thanks to the web. Precisely from this perspective, since 2018, the *Conseil* has published a new magazine “*Titre VII*”, free of charge and solely online, which has taken the place of the classic “*Cahiers du Conseil constitutionnel*”. In addition to articles, it also contains videos, and expressly has the aim, as indicated by the president of the Conseil Fabius in the presentation of the first issue, to allow “*everyone to improve their information on these debates [of our time] and to participate fully to our constitutional life*”.¹³⁷ Some courts, then, as is the case of the Austrian and

On this point, the Court seems to stick to the strict guidelines it has applied since its creation. Only the presidents have the ability to conduct interviews”: J. Spreutels et al., *Cour constitutionnelle de Belgique*, Bulletin No. 11, ACCF 150 (2016).

¹³⁵ Year in Review: 2018, SUPREME COURT OF CANADA, <https://www.scc-csc.ca/review-revue/2018/court-cour-eng.aspx#wb-cont>.

¹³⁶ MORAN, *supra* note 44.

¹³⁷ Titre VII, CONSEIL CONSTITUTIONNEL (OCT., 2023), <https://www.conseil-constitutionnel.fr/publications/titre-vii>.

German Constitutional Court, have collaborated with the project of disseminating the constitution through a magazine, for sale in newsagents and bookshops. In the project, it is expressly stated that it is a presentation of the constitution “*in a completely new way: as a magazine, with a contemporary and easy-to-read design*”.¹³⁸ The same type of publishing operation had been carried out in Germany with the *Grundgesetz* in 2019, apparently without the direct involvement of the BverfG.¹³⁹

Finally, the merchandising of the courts can be traced to the communicative activities. Many courts equipped themselves with boutiques within the headquarters, dedicated not only to the sale of books and publications, but also souvenirs. In addition to the United States Supreme Court, which boasts a long tradition, the British Supreme Court also has its own gift shop, where mugs with the Court logo are said to be enjoying great success.¹⁴⁰

D. THE RECIPIENTS OF THE COMMUNICATION: FROM EXPERTS TO GENERAL PUBLIC

In the background, with respect to the communication of the courts, there is the question of the recipients. Communication implies the transmission, in the sense of “*sharing*” of something by a subject with a recipient. Among other things, very often it is a process that is not one-way but is bidirectional, also involving communicative feedback from the addressee to the subject.¹⁴¹

The communication *of the* courts, which has varied objects and is developed through multiple instruments, also has various recipients: journalists, jurists, politicians, other domestic, international, or foreign courts, and increasingly, public opinion. Indeed, we could say that most of the communication relating to extra-jurisdictional activities, of an educational or pedagogical nature, is addressed precisely to the general public. The courts try to make their jurisprudence more and more easily accessible to

¹³⁸ 11x11 Verfassungs – Texte Im Kunstdruck, UNSERE VERFASSUNG <https://www.verfassung-magazin.at/>.

¹³⁹ DAS GRUNDGESETZ ALS MAGAZIN, <https://www.dasgrundgesetz.de/>.

¹⁴⁰ MORAN, *supra* note 44.

¹⁴¹ SPERTI, *supra* note 16.

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all, accompanying it with summaries that are understandable even to non-experts or with video or audio presentations.

Journalists have been the main addressees of the courts' communication since the very beginning. Some courts are used to identify a group of accredited journalists, recipients of privileged and early forms of communication.

This was, until recently, the case of the BVerfG, which confidentially anticipated press releases to journalists of the private association “*Justizpressekonferenz Karlsruhe eV*”,¹⁴² while other media representatives who are not members of it received the information, as well as the parties, only when the decision was officially communicated.¹⁴³ This practice has changed since September 1, 2023, when, also as a result of requests from some media and two judicial appeals against it, proposed by the far-right party AfD, the Court has begun to publish on its website a “weekly outlook”. Each Friday at 9:30 a.m., the Court will announce the decisions, which will be published in a press release the following week. There will no longer be information in advance about the content of the decisions,¹⁴⁴ thus putting all stakeholders in a condition of parity. In future, press releases will be preceded by a one-page summary in generally understandable language. This should help to quickly understand the content, especially in the case of very long press releases (which can include up to twelve pages in the case of complex decisions).¹⁴⁵

¹⁴² In a critical sense, see Frederik Schindler, *Verfassungsgericht bevorzugt einige Journalisten – jetzt rügt das ein Bundestags-Gutachten*, WELT, (Nov. 14th, 2022) <https://www.welt.de/politik/deutschland/plus242125977/Verfassungsgericht-bevorzugt-einige-Journalisten-jetzt-ruegt-das-ein-Bundestags-Gutachten.html>.

¹⁴³ Rolf Lamprecht, *Kooperation und Konfrontation. Das Bundesverfassungsgericht und die Medien – Nähe und Distanz*, ZRP 152 (2012).

¹⁴⁴ The Court had put an end to this practice at the end of March 2023: *Presseinformationen*, BUNDESVERFASSUNGSGERICHT (Mar. 28, 2023) <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2023/bvg23-035.html>.

¹⁴⁵ Dr. Christian Rath, *Die neue Karlsruher Wochenvorschau*, LTO, (Sept. 1, 2023) <https://www.lto.de/recht/hintergruende/h/bverfg-pressearbeit-vorabinformation-neue-karlsruher-wochenvorschau/>.

Since 2006, the Supreme Court of Canada has also systematically resorted to the “*lockup*”, allowing accredited journalists (Press Gallery) who request it fifteen minutes to read the decisions before the official communication. A forty-five-minute meeting follows with the Executive Legal Officer for an exchange of questions and answers. Then, at 9.45 a.m. on the day of filing, the decision is officially communicated to the public. The Supreme Court of Canada has also developed the practice of meeting accredited journalists once a year in an informal dinner which has become a moment of mutual knowledge, characterised, according to the testimonies, by “*a genuine warmth*”.¹⁴⁶

Furthermore, within public opinion, it is possible to identify some categories of targeted recipients, usually children and young people, to whom specific communicative activities are addressed. Thus, even a very reticent Court such as the Supreme Court of the United States, in addition to providing, like almost all courts, visits for school groups, makes available on its uninviting web page a series of specific and attractive materials (colouring books, games, and puzzles) on the history and functions of the Court.¹⁴⁷

Among the courts examined, the only ones that seem to address the category of prisoners are the Italian Constitutional Court, which, as part of the “*Journey to Italy*” also organised a “*Journey to Prisons*”, and the Constitutional Court of South Africa, which, although it does not have specific jurisdiction in criminal matters, has been carrying out prison visits since 2010.¹⁴⁸

In Italy, the “*Journey to the prisons*”, decided on May 8, 2018, began in October 2018 with a meeting in the Rebibbia prison in Rome.¹⁴⁹ The

¹⁴⁶ Harada, *supra* note 27, at 81. A similar practice is used by the British Supreme Court: MORAN, *supra* note 44.

¹⁴⁷ Activities for Students & Families, THE SUPREME COURT OF THE UNITED STATES, <https://www.supremecourt.gov/visiting/activities.aspx> ; see also, *Learning Resources*, THE SUPREME COURT OF THE UNITED KINGDOM <https://www.supremecourt.uk/learning-resources.html>.

¹⁴⁸ Constitutional Court Judges’ Prison Visits, CONSTITUTIONAL COURT OF SOUTH AFRICA, <https://www.concourt.org.za/index.php/judges/prison-visits>.

¹⁴⁹ Donatella Stasio, Viaggio nelle carceri. Il viaggio del “Viaggio”, CORTE COSTITUZIONALE, https://www.cortecostituzionale.it/jsp/consulta/vic2/vic_home.do.

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meetings with the detainees were not only recorded for the YouTube channel but also for a true documentary film, presented at the Venice Film Festival.¹⁵⁰ The meetings and debates that accompany the screening of the film, both in Italy and abroad, are themselves documented.¹⁵¹

In South Africa, the Constitutional Court established a system of prison visits in 2009, which came into force in 2010. Each judge has a certain number of prisons available to visit during the year. The process involves the judge usually informing the prison of the visit, inspecting it and compiling a report. The enabling provisions are subsections 99(1) and (2) of the Correctional Services Act 111 of 1998. These provide that “*a judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and a magistrate in his area of jurisdiction may visit a prison at any time*”.¹⁵²

Another specific audience is the international or foreign one. External communication of the courts is undergoing rapid development in many jurisdictions, as evidenced by the English translations of websites, judgements, press releases and messages transmitted via social networks. The Constitutional Court of Korea is particularly noteworthy: an entire section of the website is dedicated to “*constitutional justice worldwide*” and refers to the fact that the Court tries to project (at the domestic level) the image of a court fully integrated into the networks of global and regional constitutional justice.¹⁵³

An exceptionally communicative court such as the Supreme Court of Mexico has undertaken various activities specifically addressed to civil society organisations operating in the field of human rights, as well as to other social groups deemed strategic (artists, academics, students, lawyers, and managers), to explain them the role of the judiciary and the impact of

¹⁵⁰ Directed by Fabio Cavalli, the film was presented at the 76th edition of the Venice Film Festival. Donatella Stasio, *In Italia e all'estero, per coinvolgere la cittadinanza.*, CORTE COSTITUZIONALE, <https://www.cortecostituzionale.it/jsp/consulta/vic2/vic-comunicato.do>.

¹⁵¹ A. M. Lecis Cocco- Ortu, 35 *La Cour constitutionnelle italienne et le public: à la recherche d'une confiance renouvelée entre oeuvre pédagogique et légitimation*, ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE, 37-52, (2020); *Id.*

¹⁵² *Supra* note 148.

¹⁵³ Law, *supra* note 10.

decisions in people's daily lives. Among them is the travelling forum *A Federal Judge in your Life (Una Jueza y un Juez Federal en tu Vida)*¹⁵⁴, launched in February 2022 by the then president Zaldívar. Culminating in October 2022, it reached more than 8,500 people across the country's 32 states.¹⁵⁵

E. THE (STILL SCARCE) LEGAL SOURCES ON COMMUNICATION

The search for the rules governing constitutional justice is always complex; there is a lack of collections and translations of the laws on the courts, and even more of their internal rules. In this context, it must be recognized that the communication *of the courts*, especially in accessible languages, is not very satisfactory, nor is it able to make up for the communication *on the courts* (not even that, in many ways, very developed, of the Venice Commission).¹⁵⁶

Therefore, it is difficult to go beyond the level of the legislation on constitutional courts. In addition, the questionnaires show that in most countries, there are no rules at all on communication activities. At most, in the internal rules of the courts some provisions on the administrative organisation can be traced.¹⁵⁷

In Germany, one of the few countries where the sources are fully available in English on the web page, the law of the Constitutional Court does not

¹⁵⁴ Suprema Corte de Justicia de la Nación, El programa “*Una Jueza y un Juez Federal en tu Vida*” nos permitirá avanzar hacia un país más justo: Ministro Arturo Zaldívar, Press Communication No. 038/2022, (Feb. 10, 2022), <https://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=6758>. See also, Suprema Corte de Justicia de la Nación, *Una Jueza Federal en tu Vida*, <https://www.scjn.gob.mx/un-juez-en-tu-vida/> for more information on the program.

¹⁵⁵ Supreme Court of Justice of the Nation (@SCJN), TWITTER (Oct. 10, 2022, 7:00 AM), <https://twitter.com/SCJN/status/1579645602241347585>.

¹⁵⁶ CODICES, THE INFOBASE ON CONSTITUTIONAL CASE-LAW OF THE VENICE COMMISSION, <http://www.codices.coe.int/NXT/gateway.dll?f=templates&fn=default.htm>.

¹⁵⁷ E.g., in Romania: Pursuant to Article 13 of the Regulation on the organisation and functioning of the Constitutional Court (part of the annex to the Decision of the Plenary Assembly of the Constitutional Court No. 6 of 7 March 2012), the Department of External Relations, relations with the press and the protocol is subordinate to the president and coordinated by the magistrate-deputy director of the Cabinet of the President of the Constitutional Court (article 14).

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contain any specific provisions on communication. The regulation of the Court introduced a specific provision, Art. 17a, however, relating only to the audio and video transmission of the hearing. And even for a very limited matter, such as the procedure for accrediting journalists, reference should be made to instructions published on the website close to the hearings. Communication by individual judges is governed by the Code of Conduct for Constitutional Judges.¹⁵⁸

The Swiss Federal Court offers an interesting example of self-regulation. The internal rules explicitly attribute the responsibility for communication activities to the president. They also define the role of the offices and establish some guiding principles, such as the identification of the decisions to be accompanied by press releases.¹⁵⁹

A more detailed regulation can be traced in some Latin American countries. In Brazil, communication through social networks has recently been regulated by a resolution of the president, which establishes guidelines,¹⁶⁰ that must be implemented by the administrative body in charge, the *Secretaria de comunicação social*. In Colombia, there are several regulatory acts, starting with the Court's regulation, which, in addition to regulating the organisation of the office, exclusively concerns press releases.¹⁶¹ In Mexico, the organisation of the communication sector is governed by internal regulation, while the President has the power to authorise the policies and guidelines for the elaboration of the social communication strategy and the annual program of the Court, as well as to approve the dissemination of extraordinary messages.¹⁶² The General Secretariat of the Presidency of the Supreme Court authorises, coordinates, supervises and evaluates the social

¹⁵⁸ Code of Conduct for the Justices of the Federal Constitutional Court, BUNDESVERFASSUNGSGERICHT, <https://www.bundesverfassungsgericht.de/EN/Richter/Verhaltensleitlinie/Verhaltensleitlinie.html>.

¹⁵⁹ Josi, *supra* note 43.

¹⁶⁰ Resolution No. 730, Federal Republic of Brazil (Apr. 08, 2021).

¹⁶¹ Agreement 02/2015, Oficina de Divulgación y Prensa, Colombia, which disposes of the obligations between others; . Circular 01/2017 for press releases.

¹⁶² *Reglamento Orgánico en materia de Administración de la Suprema Corte de Justicia de la Nación*, art. 4, fracc. XIV, in DIARIO OFICIAL DE LA FEDERACION (May 06, 2022), <https://bit.ly/3TfoXa8>.

communication strategy and the annual program proposed by the General Directorate of Social Communication.¹⁶³

In Greece, a country where constitutional justice is underdeveloped, a bill is under discussion which provides for the obligation of the three supreme courts with judicial review powers to organise communication offices and to each choose a judge responsible for such activity.¹⁶⁴ Once the bill is approved, press releases should be regulated by internal rules. Until now, this activity is based on practice.

In Belgium, discussions concerning the website, the appointment of press officers, and the publication of an annual report are expressly referred to in the minutes of the administrative meetings of the Court, they did not come to the approval of a dedicated regulation.¹⁶⁵

COMMUNICATION STRATEGIES “IN CONTEXT”

If empirical research has provided some general indications, in order to pass from a mere *description* of the communicative attitudes of the courts to their *understanding*, it would be necessary to introduce many additional elements related to the normative and factual context. It will not be possible to do so in this article, which only lists the aspects worthy of analysis, paving the way for further and more in-depth works.

First of all, some characteristics of the constitutional justice system must be considered, starting from the legal traditions (along the divide between common law and civil law) and including more specific aspects, such as the way to trigger the court and the possibility for third parties and *amici curiae* to participate in the process.

For example, it does not seem insignificant and should be further investigated, also for the purpose of understanding their “*educational*” attitudes and the role of “*guidance*” that the supreme courts of the Anglo-Saxon legal systems assume within the judicial power. The Latin American

¹⁶³ *Reglamento Orgánico en materia de Administración de la Suprema Corte de Justicia de la Nación*, art. 9, fracc. X, in DIARIO OFICIAL DE LA FEDERACIÓN (May 06, 2022).

¹⁶⁴ See, the answer by Stella Christoforidou to the questionnaire, Annexure 2.

¹⁶⁵ Spreutels, *supra* note 134, at 146.

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systems, then, would seem to indicate a close connection between the openness of the process and communicative attitudes, as well as the German one. This intuition seems to be denied by the case of the Spanish Constitutional Court, which, in the face of “*open*” access to the jurisdiction, is on the other hand, very reluctant to communicate or, at least, it is on a par with courts without direct access, such as the Belgian and Portuguese ones. On the contrary, the “*communicative turning point*” of the Italian Constitutional Court in recent years seems to be related precisely to the search for “*listening*” channels in the absence of direct individual recourse; hence, a vision of two-way communication (“*bidirectional*”), i.e., a relationship with public opinion which is not made up only of outputs but also of inputs.¹⁶⁶

Another thread to follow is that of the search for transparency. Again, this is a central objective for the Latin American courts. Even the communication of the *Conseil constitutionnel* seems to be framed in a more general desire for openness and transparency, strongly carried forward under the Fabius presidency. The Conseil experienced important changes in the organisation of judicial activity, in the name of a stronger jurisdictionalisation, which saw in 2022 the adoption for the first time of an “*internal regulation for the procedure followed for declarations of conformity*” (“*a priori*” control).¹⁶⁷

Other courts, however, offer different experiences. For example, the Constitutional Court of Belgium, for the first decades following its establishment (as *Cour d'Arbitrage*) exhibited a prudent (even reticent) attitude in relations with the media, but it tried to make its judicial activity

¹⁶⁶ Sperti, *supra* note 16. See the words of President Lattanzi on the trip of the Italian Constitutional Court to schools and prisons: “*At first we felt the need to leave the Palace, to make ourselves known and to know the citizens, to know the real country. Along the way, however, the Trip turned out to be more than just an instrument of knowledge, an important opportunity to listen to each other*”. And again, he adds: “*The Court must know the ideas, feelings, moods that agitate and possibly dominate the country and for this reason it must not remain locked up in the Palace*”: Girogio Lattanzi, La comunicazione della Corte costituzionale, CORTE COSTITUZIONALE.

¹⁶⁷ Décision No. 2022-152 ORGA (Mar 11, 2022), <https://www.conseil-constitutionnel.fr/decision/2022/2022152ORGA.htm>.

transparent.¹⁶⁸ In more recent years, while continuing to communicate solely through traditional tools (press releases, annual reports of activity, websites, and press conferences), it has made its entrance into social media, opening a Twitter account in 2019, which to date has 4961 followers and 551 tweets (all related to jurisprudence).¹⁶⁹

Furthermore, the style of legal reasoning should be considered. Most courts with developed communication also have a thorough and lengthy reasoning style, starting with the German Constitutional Court. However, there are several counterexamples. The Supreme Court of the United States, one of the least communicative courts in the world, is also one of the courts whose decisions are longer and more complex, making them difficult to understand not only for the general public but also for the press, as shown by the erroneous reporting by the media on the decision on health reform (the “Obamacare”), in 2012.¹⁷⁰ On the other hand, the French *Conseil constitutionnel*, which is open to various innovative communication practices, keeps using its traditional cryptic reasoning.¹⁷¹

A key issue is then that of collegiality and the possibility for the judges to express dissenting opinions. In courts where individual opinions are allowed and often expressed, such as in the US, the communication of individual judges seems more developed. Another element to be further analysed is the role of the president, also in light of the duration of the presidencies. It is in fact evident that many of the courts analysed the influence that single figures of presidents have had on the communicative breakthroughs of the courts. We could even talk of “*towering communicative judges*”.¹⁷² Perhaps the most emblematic example is that of Canadian Chief

¹⁶⁸ *Les Cours constitutionnelles et les médias*, Bulletin No. 11, ACCF (2014) <https://accf-francophonie.org/publication/bulletin-n11/#cour-constitutionnelle-de-belgique>.

¹⁶⁹ “*La Cour ne commentera pas ses propres arrêts via Twitter et ne participera à aucune discussion à leur sujet sur cette plateforme. Le compte Twitter a pour seul objectif de transmettre un maximum d’informations à propos de la Cour.*” See, Press Release, Cour constitutionnelle, Désormais, la Cour constitutionnelle communique aussi via Twitter (Oct. 15, 2019), <https://www.const-court.be/public/pbcp/f/pbcp-2019-001f.pdf>.

¹⁷⁰ Sullivan & Feldbrin, *supra* note 55.

¹⁷¹ Mathieu, *supra* note 68.

¹⁷² TOWERING JUDGES: A COMPARATIVE STUDY OF CONSTITUTIONAL JUDGES (Rehan Abeyratne & Iddo Porat eds., Cambridge University Press, 2021).

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Justice Beverly McLachlin, whose 17-year presidency has irreversibly affected the communication of the Supreme Court.¹⁷³

Other aspects to consider concern the consolidation of the constitutional justice system. For example, one may ask whether the age of the constitutional court at the time of the information revolution has any influence. The experience of the Supreme Court of the United Kingdom, which had to establish its position in the British system in 2009, would seem to go in this direction. The need for consolidation, in a difficult, if not hostile, political scenario guided the communication strategies of the Constitutional Court of Korea, which celebrated its 30th anniversary in 2018. The Court immediately sought direct contact with the public, to promote constitutional justice, as it itself highlights in the volume celebrating the thirtieth anniversary (in which a special section is dedicated to “*Promoting constitutional adjudication*”).¹⁷⁴ The search for legitimacy has also led it to expand its international cooperation activities (and related communication), to the point of making it a reference court for all of Asia.

Another theme, even more elusive, is that of the relationship between the activism of the courts and their communication strategies. One could ask whether more activist courts and courts deferential to the legislator communicate differently, or if there is a link between the activism of the courts and the creative use of communication techniques. The Canadian case seems to show a link, as the communication strategy of the Supreme Court changed completely in the 1980s, during the presidency of Chief Justice Dickson, when the Court found itself deciding new and controversial cases following the “*constitutional revolution*” of 1982 and the entry into force of the Canadian Charter of Rights and Freedoms.¹⁷⁵ However, leaving for a moment the jurisdictions analysed in this article, the Supreme Court of Norway seems to be heading in a different direction. It has put transparency and openness at the heart of its communication

¹⁷³ Harada, *supra* note 27, at 81.

¹⁷⁴ *Supra* note 84.

¹⁷⁵ Harada, *supra* note 27 at 81.

strategies while maintaining an attitude of deference to the legislator, in line with the Scandinavian tradition of judicial review.¹⁷⁶

An issue worthy of further research is courts' communication in contexts of institutional crisis, especially when courts are attacked by the government and its supporters. How the courts are reacting to the democratic backsliding is an extremely relevant topic.¹⁷⁷ When faced with governments' attempts to capture them, by a legal overhaul or by court-packing or other tools, do the courts resort to new communication strategies? Do they seek, in this way, allies in public opinion, academia, foreign courts, or other stakeholders? In this research, we do not have gathered special evidence of previously discrete courts becoming especially talkative in a new, challenging context: the Israeli Supreme Court kept its discrete attitude during the judicial overhaul of 2023, whereas the Supreme Court of Brazil kept its long-standing highly communicative attitude during Bolsonaro's supporters attack. However, a different case selection, including more courts under attack, could lead to different findings.

The institutional communication carried out by the other public authorities could also have some influence on the attitude of the courts. In Anglo-Saxon legal systems, which lack specialised constitutional courts, it is especially evident the continuum with the rest of the judiciary, to the point that the communication of the supreme courts is often confused with that of the judiciary's "*tout court*". In some contexts, even the communication of the regional supranational courts may have exercised an influence on the communication of the constitutional jurisdictions. This is the case of the Belgian Constitutional Court, which explicitly admitted having followed the communication practices of the European Court of Human Rights, but a circulation of the practices of the Inter-American Court of Human Rights does not seem to be excluded even in Latin America.

¹⁷⁶ GUNNAR GRENDSTAD ET AL., *Norway: Managed Openness and Transparency*, in JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE 235 (R. Davies & D. Taras eds., Cambridge, 2017).

¹⁷⁷ David Kosar & Katarina Sipulove, *How to Fight Court-Packing?*, 6 CONST. STUD. 133 (2020); Alexei Trochev & Rachel Ellett, *Judges and Their Allies Rethinking Judicial Autonomy Through The Prism Of Off-Bench Resistance*, JOURNAL OF LAW AND COURTS 67-91 (2014).

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And again, it would be necessary to consider the context of the recipients of the communication strategies, starting with the media. The crisis affecting the press, for example, means that the resources dedicated to covering the activities of the courts are increasingly scarce; the lack of resources, time, and skills increases the risk of disinformation.¹⁷⁸ In fact, in many cases, starting from the German one, perhaps the best known,¹⁷⁹ but also the Australian,¹⁸⁰ French,¹⁸¹ British,¹⁸² or Costa Rican¹⁸³ one, the change of communication strategy in the direction of a greater direct involvement of the courts is linked to a series of misunderstandings of some decisions by the media, which have had a negative impact on the reputation of the courts in public opinion. Hence, the choice to directly take control of the communication of judicial activity, moving from a passive attitude of mere accessibility and transparency to an active and communicative one.

Furthermore, the characteristics of public opinion should be considered. For example, the use of social media, podcasts, or videos could be aimed at reaching categories of citizens who are not inclined to read. The general environment is even more relevant when one observes the strategies of

¹⁷⁸ Sullivan & Feldbrin, *supra* note 55.

¹⁷⁹ After a series of judgements that had been misinterpreted and had given rise to negative reactions, among which the famous case of the crucifix in Bavaria: C. HOLTZ-BACHA, *The German Constitutional Court and the Media*, in JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE (R. Davies & D. Taras eds., Cambridge, 2017); A. Sperti, *Constitutional Courts Speak Their Voice. Their Fight Against Fake News and Disinformation on Constitutional Justice*, 1(2) THE ITALIAN REV. OF INT'L & COMP. L., 224 (2021); Judith Blohme, *Berufsvorstellung: Pressesprecherin des Bundesverfassungsgerichts*, BONNER RECHTSJOURNAL 02/2011, 198-201 (2011), https://bonner-rechtsjournal.de/fileadmin/pdf/Artikel/2011_02/BRJ_198_2011_Blohm.pdf.

¹⁸⁰ The change already took place in the 1990s, following two well-known cases concerning the rights of native peoples: SPENCER, *supra* note 90, at 44.

¹⁸¹ In France too, a first change in the Conseil's communication took place under the Badinter presidency from 1993, following the criticisms of the decision on la "loi immigration": *supra* note 68, at 59.

¹⁸² Where there was an initial difficulty in understanding the role of the new institution: MORAN, *supra* note 44.

¹⁸³ Where the ruling on equal marriage of the Constitutional Chamber found problems of understanding related to the lack of adequate communication, according to the answer to the questionnaire.

communication of constitutional principles and values, attributable to what has been defined as “*constitutional literacy*”¹⁸⁴.

In this context, the age of the constitution also seems to have an impact, especially when it is recent or needs to take root, as in many Latin American countries. But the same could be said of a constitution now distant from the constituent moment, for which there is a need for a “*passing of the baton between generations*”¹⁸⁵.

These, and many other aspects, would need to be investigated in a more in-depth way if one wanted to attempt the elaboration of some typology.

CONCLUSION

In conclusion, it seems that this rapid foray into cyberspace has shown us the presence of some common trends in the communication of the courts, according to what has already been noted by scholars, which have highlighted how “*the growing openness of the supreme courts, the recourse to communication professionals and press offices, as well as the adoption of new web-based technologies, can be seen as part of a trend that seems to be spreading everywhere*”¹⁸⁶. As has been said, the courts, albeit in contexts (media and not only) that are very different from each other, tend to adopt a proactive attitude, with notable similarities in the methods and strategies they use to communicate with journalists and the public.¹⁸⁷

The novelty of this attitude goes beyond the changes induced by the application of new technologies to the communication activities already started decades ago by the courts, aimed at facilitating knowledge of their decisions and their role in public opinion, with the primary purpose of strengthening their legitimacy as “*constitutional jurisdictions*”. Certainly, this

¹⁸⁴ Visser, *supra* note 14.

¹⁸⁵ D. Stasio, Il senso della Corte per la comunicazione, QUESTIONE GIUSTIZIA (Sept. 07, 2020), <https://www.questionegiustizia.it/articolo/il-senso-della-corte-per-la-comunicazione>, cit. 165 refers to a quote of Marta Cartabia, former president of the Italian Constitutional Court: “*Civil progress requires that each generation reappropriate the values handed down by their fathers*”.

¹⁸⁶ DAVID TARAS, *Judges and Journalists and the Spaces in Between*, in JUSTICES AND JOURNALISTS: THE GLOBAL PERSPECTIVE (R. Davies & D. Taras eds., Cambridge, 2017).

¹⁸⁷ Sperti, *supra* note 16.

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aspect exists, and, as has been highlighted, it goes in the direction of a “*disintermediation*”, that is towards a strengthening of the direct communication of the courts to the detriment of the indirect one, mediated by the mass media, according to trends that are affecting all the fields of communication.¹⁸⁸ In this, the courts respond to a demand that comes from multiple sectors of society, as shown by the fact that, when they do not directly satisfy this demand, a space opens up that is filled by private subjects (this is what is happening in India¹⁸⁹ and that has always happened in the United States).¹⁹⁰

However, the variety of communication activities undertaken and the space taken up by those of a “*pedagogical*” nature show that, at least for many courts, there is something more.

In other words, it seems to me that we are faced with a “*qualitative*” change: the courts are increasingly interpreting their role as that of all-round guardians of the Constitution, in the sense of a real “*constitutional magisterium*”, to resume an expression of the Italian prominent scholar Alessandro Pizzorusso.¹⁹¹

This leads them to “trespassing” with respect to jurisdictional activity through the development of multiple “extrajudicial activities” that go well beyond the communication of their decisions and instead become “communication” (in the etymological meaning of the word) of the

¹⁸⁸ Sperti, *supra* note 11.

¹⁸⁹ See the answer to the questionnaire by Antonin Vergnes: “*Independent law websites are used by the Court and judges to communicate with Indian lawyers and the public. This communication is not regulated, this website also broadcasts court hearings live on Twitter. The most prominent website is <https://www.livelaw.in/>, its twitter account is @LiveLawIndia. These communications are not official and are never presented as direct communication from the Court or the judges.*”

¹⁹⁰ RICHARD DAVIS, *JUSTICES AND JOURNALISTS: THE U.S. SUPREME COURT IN THE MEDIA AGE* 289 (Cambridge University Press, 2017). Among others, see e.g., the Oyez Project (pronounced OH-yay) — a free law project from Cornell's Legal Information Institute (LII), Justia, and Chicago-Kent College of Law — is a multimedia archive devoted to making the Supreme Court of the United States accessible to everyone. It is the most complete and authoritative source for all of the Court's audio since the installation of a recording system in October 1955: <https://www.oyez.org>.

¹⁹¹ A. Pizzorusso, *La motivazione delle decisioni della Corte costituzionale: comandi o consigli?*, 13 RIVISTA TRIMESTRALE DI DIRITTO PUBBLICO 406 (1963).

principles and constitutional rules that they are called to apply.¹⁹² The position expressed years ago by the president of the Italian Constitutional Court, Paolo Grossi, is emblematic, according to which the communication activities “*relate directly to one of the institutional functions of the Court: that of interpreting its role as guarantor also directly feeding, by example and the testimony of dialogue, and with its dissemination, the culture of the Constitution, that is to say the awareness of our being together (cum-stare)*”.¹⁹³

If these extrajudicial activities, hitherto little investigated by scholars and usually carried out by the courts without any rules (not only constitutional, but often also legislative or self-regulatory) attributing this competence to them,¹⁹⁴ “*trespass*” the courts competences, or can be implicitly traced back to the functions assigned to them by law (and, if so, under what conditions and within what limits) remains an open question.¹⁹⁵

Personally, I believe that this change requires us to reflect on the continuing adequacy of the traditional dichotomy of a mid-political, mid-judicial nature of constitutional adjudication.¹⁹⁶ The development, alongside the

¹⁹² Referring to the classification of Nuno Garoupa & Tom Ginsburg, *Judicial Roles in Nonjudicial Functions*, COASE-SANDOR INSTITUTE FOR LAW & ECONOMICS WORKING PAPER NO. 676, 760 (2014), these are the functions attributable to those indicated in points (v) and (vi):

“(v) *Nonjudicial functions that promote law: teaching and writing, working in judicial associations;*
 (vi) *Social and community activities: involvement with nonprofit activities, participation in nonjudicial associations.*” To these I would add those of networking, not considered by the authors.

¹⁹³ P. Grossi, *Corte Costituzionale, Giurisprudenza Costituzionale dell'anno 2017* (2018).

¹⁹⁴ The research conducted by reading the text of the constitutions of the countries examined allows us to exclude the presence of constitutional provisions which attribute to the courts tasks of promoting constitutional principles. Maartje De Visser, Brian & Christopher Jones, *Unpacking constitutional literacy*, GLOBAL CONSTITUTIONALISM 1 (2023), consider the idea of ‘constitutional literacy’ somehow ‘constitutionalized’ by the constitutional provisions «asking citizens to respect or obey the constitution and its contents which presupposes at least a basic familiarity with this document.

¹⁹⁵ In the Italian doctrine an opinion contrary to the development of these activities (which are defined by the author as ‘non-functional institutional activities’) was expressed by Andrea Morrone, *Suprematismo giudiziario. Su sconfinamenti e legittimazione politica della Corte costituzionale*, QUADERNI COSTITUZIONALI 269 (2019). E. Cheli, *Corte costituzionale e potere politico*, QUADERNI COSTITUZIONALI 785 (2019) considers communication within the category of ‘non-judicial institutional activity’.

¹⁹⁶ On the origins of this ‘confused contrast’, which he defines as ‘a bottleneck’, in which Italian doctrine ‘inexplicably’ got stuck for decades, see the considerations of E.

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jurisdictional activity of *protecting* the constitution, of non-jurisdictional activities to *promote*¹⁹⁷ the constitution, in fact, does not bring the courts to the sphere of politics, but to that of *culture*. Participating, in a leading position, in the dissemination of “*constitutional literacy*”, the courts remain fully within the scope of their function as independent constitutional bodies of guarantee - judicial and non-judicial, protection and promotion - of the Constitution.¹⁹⁸ A function that corresponds to the institutional position of constitutional justice, which is neither placed in the policy-making process, guided in democratic systems by popular sovereignty, nor in that of guarantees, where it is a matter of applying the rules to cases independently and impartially. Rather, it is called upon to guard the boundaries between the two processes, defined by a completely *sui generis* normative source, such as the constitution.¹⁹⁹

The reasons for this change are manifold. While it is undeniable that new technologies open up previously unknown possibilities for promotional activities, it should also be considered that the last twenty years have been the era of the so-called “*democratic backsliding*”. In this context, we are witnessing, in many jurisdictions, the weakening of the integrative force of constitutions in the face of the emergence of populist movements that question the very principle placed at the foundation of constitutional democracy, in the name of a unity of the people (in sometimes defined using, specifically, the term “*nation*”) founded on material and non-juridical bases. It is therefore understandable that the courts feel much more strongly than in the past the need to promote the values of pluralist

Lamarque, *Corte costituzionale e giudici nell'Italia repubblicana. Nuova stagione, altri episodi*, EDITORIALE SCIENTIFICA 34 (2021). I spoke about it in T. GROPPI, *Paolo Barile e la giustizia costituzionale*, in PAOLO BARILE A VENT'ANNI DALLA SCOMPARSA 107 (Pisa, Pacini Editore, 2022).

¹⁹⁷ In the sense attributed to the expression by N. Bobbio, *Sulla funzione promozionale del diritto*, RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 1313 (1969).

¹⁹⁸ Visser, *supra* note 14.

¹⁹⁹ On the peculiar position of constitutional jurisdictions, *see*, in the Italian scholarships GUSTAVO ZAGREBELSKY, *PRINCIPI E VOTI* 35-40 (Einaudi Editores, 2005); *Id.*, *Corte in politica*, in *Id.*, *Intorno alla legge*, Turin, Einaudi, 2009, 303-309.

democracy among all subjects of the legal system, which they are called upon to protect in jurisdictional settings.²⁰⁰

The problem is that these are activities not generally envisaged by the regulatory framework, especially of constitutional and legislative rank, within which the courts operate. Therefore, some risks do exist, both internal and external to the courts, which are not mitigated by regulation. Internally, there is the question of the balance between the different components. In fact, these are activities that risk emphasising the role of the president with respect to the panel or individual judges, or that leave ample room for decisions taken by bureaucratic bodies or technical structures.²⁰¹ Externally, there is the question of the content of the communication. It includes the risk of partisan communication, a sort of “*abusive communication*”, which distorts the contents of the constitutional text. This risk becomes particularly high when the courts are captured by political majorities, even more so if they are not democratic. Or, conversely, in contexts of political tension and confrontation, it may happen that particularly communicative courts end up becoming more easily the target of attacks aimed at silencing their “*extrajudicial voice*”, even more than at eluding their jurisprudence.²⁰²

In conclusion, in the era of the Fourth Industrial Revolution, the challenges to constitutional jurisdictions go far beyond the question of their “*communication*”. Scholars, with very few exceptions,²⁰³ have so far not fully grasped the extent of these developments. The question of the causes of this deficiency remains open. However, we must “*take seriously*” the signals sent by the courts, taking advantage of them to get out of the bottlenecks

²⁰⁰ M.C. Ponthoreau, *La confiance du public dans la justice constitutionnelle à l'ère du populisme. Pistes de réflexion*, 35 ANNUAIRE INTERNATIONAL DE JUSTICE CONSTITUTIONNELLE 15 (2020).

²⁰¹ In this regard, the role of the Secretary General of the French *Conseil constitutionnel* in drafting the *commentaries*, providing a true motivation for the cryptic decisions, is proverbial: Bruno Genevois, *Secrétaire général du Conseil constitutionnel: un témoignage*, *Cahiers Du Conseil Constitutionnel* No. 25, CONSEIL CONSTITUTIONNEL (Aug., 2009), <https://www.conseil-constitutionnel.fr/nouveaux-cahiers-du-conseil-constitutionnel/secretaire-general-du-conseil-constitutionnel-un-temoignage>.

²⁰² In this vein, R. Dixon, *Strong Courts: Judicial Statecraft in Aid of Constitutional Change*, COLUM. J. TRANSNAT'L L. 361 (2021).

²⁰³ Visser, *supra* note 14.

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of a debate on the guarantee of the constitution that seems to have stalled for more than a century around the dispute between Kelsen and Schmitt. The tendency of the courts to resort to extrajudicial activities to promote the constitution is a symptomatic element of a gap in constitutional democracy, i.e., the need to strengthen the instruments to promote the constitution, including through educational and institutional innovations, a gap with respect to which the courts are carrying out a substitute function. Taking advantage of the signals that the constitutional jurisdictions are sending from the most diverse parts of the world to develop innovative ways of promoting the constitution is the duty of the scholars.

ANNEXURES

ANNEXURE 1: COURTS AND SOCIAL MEDIA

Name of the Court:	Yes or No	The official website directs to the official social networks Yes/No	When? (dd/mm/yyyy)	How many posts since the start?	How many followers?	Is it open to comments? Yes/No	Which contents are published? Only announcement of judgments? What else?	Additional comments (if any)
Twitter								
Facebook								

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Instagram								
Tik Tok								
LinkedIn								
YouTube								
Spotify								
Others								

**ANNEXURE 2: THE IMPACT OF THE ICT REVOLUTION ON
CONSTITUTIONAL (AND SUPREME) COURTS**

Name of the Institution: _____

Expert: _____

1) Did the Court change its communication strategy in the last 10-15 years?

Please answer YES or NOT.

Please describe the “traditional” communication techniques (press release, website, press conference etc.)

2) If the answer to the question n 1) is YES, please describe the new communication strategies.

Does the Court use social media? YES or NOT

Does the Court organise educational activities?

Please insert also the links to the webpage of the Court dedicated to communication (if any).

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3) Is there any regulation on the communication of the Court?

Please answer YES or NO

If YES, could you give the reference to the regulation and a summary of the rules?

4) In any case (also if there aren't rules), could you tell how the communication is developed?

Please, tell who is in charge of this activity. A journalist? How is he/she hired? A Court Department? Is this activity under the supervision of the President? Or under the supervision of the Court? Are the individual judges allowed to communicate?

5) How did the constitutional law scholars react to the new communication strategies of the Court?

Please tell about the criticism (if any). If there are academic works, could you give the references?

6) Are there relevant statements of the members of the Court in support of the new communication strategies?

Please, could you copy here some statements, if any.

If you have personal comments, please add them here. Thank you!

ANNEXURE 3: EXPERTS

- Albania (Constitutional Court): Aurela Anastasi (Tirana University)
- Austria (Constitutional Court): Anna Gamper (Innsbruck University)
- Australia (High Court): Margaret Jackson (Emerita, RMIT University, Melbourne)
- Belgium (Constitutional Court), Marc Verdussen (Université Catholique de Louvain)
- Brazil (Supreme Court): Manuellita Hermes Rosa Oliveira Filha (Instituto Brasileiro de Ensino, Desenvolvimento e Pesquisa-IDP)
- Canada (Supreme Court): Eszter Bodnár (University of Victoria)
- Chile (Constitutional Court): Jhoanna Froelich (Catolica University)
- Colombia (Constitutional Court): Magdalena Correa, Ivàn Otero, Jorge Roa (University Externado); Juan Rivadeneira (Chef communication office, Colombian Constitutional Court)
- Costa Rica (Constitutional Chamber of the Supreme Court): Haaider Miranda (University of Costa Rica); Alonso Mata Blanco (Chef of the communication, Constitutional Chamber of the Supreme Court)
- Ecuador (Constitutional Court): Daniela Salazar (San Francisco de Quito University and Constitutional Court, judge)
- France (Constitutional Council): Fanny Jacquelot (Jean Monnet University, St.Etienne); Anna Maria Lecis (Science Po Bordeaux)
- Germany (Constitutional Court): Stefan Martini (Christian-Albrechts-Universität, Kiel)
- Greece (Greek Council of State; Supreme Court; Court of Audit): Stella Christoforidou (Aristotle University of Thessaloniki)

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Hungary (Constitutional Court): Evelin Burján, (Eotvos Loránd University)

India (Supreme Court): Antonin Vergnes (University of Bordeaux)

Israel (Supreme Court): Suzie Navot (Israel Democracy Institute)

Italy (Constitutional Court): Anna Maria Lecis (Science Po Bordeaux)

Korea, Republic of (Constitutional Court): Soojin Kong (Rapporteur Judge, Constitutional Court)

Mexico (Supreme Court): Roberto Niembro (Universidad Iberoamericana and SCJN)

Portugal (Constitutional Court): Teresa Violante (Friedrich-Alexander-University of Erlangen-Nürnberg)

Romania (Constitutional Court): Simina Tanasescu (Bucharest University and Constitutional Court, judge)

South Africa (Constitutional Court): Christa Rautenbach (Northwest University)

Spain (Constitutional Court): Itziar Gomez (University Carlos III, Madrid and Constitutional Court, legal advisor)

Switzerland (Swiss Federal Court): Peter Josi (Swiss Federal Court, Head of Communications)

Taiwan (Constitutional Court): Yi-Li Lee (National Tsing Hua University)

United Kingdom (Supreme Court): Merris Amos (Queen Mary University, London)

United States (Supreme Court): Angioletta Sperti (Pisa University).