


BOOK REVIEW

## *Constitutional Courts, Media and Public Opinion*

By Angioletta Sperti, Oxford: Hart, 2023. 320p. €121.41 hardback.

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The recent evolution of the communication strategies of Constitutional and Supreme courts represents a critical shift in the landscape of the relationship between courts and the media. Historically hidden behind closed doors, the apex courts and their judges have gradually adopted a new approach to institutional communication, thus redefining their relationship with the media and with public opinion. From professional websites to teams of communication specialists, from the increasing use of press releases to social media, the communication of the courts has entered a new era.

The book *Constitutional Courts, Media and Public Opinion* by Angioletta Sperti examines these dynamics and highlights the wider implications of these changes for transparency, trust, and legitimacy. Divided into seven chapters, the book offers a comparative analysis of six apex courts: the US Supreme Court, the Supreme Court of Canada and, in Europe, the German Federal Constitutional Court, the French *Conseil Constitutionnel*, the Italian Constitutional Court, and the UK Supreme Court. This approach marks an improvement in recent research on courts and communication, which has tended to focus on experiences in a handful of prominent cases, usually using a case study approach.

The book begins by presenting the analysis of apex courts' transformative communication strategies as a plural and inherently interdisciplinary field of research, informing our understanding of the processes at play, the actors involved, and the consequences for the legitimacy of courts from a broad perspective (Chapters 1 and 2). As A. Hamilton famously argued on the Supreme Court of the USA, it "may truly be said to have neither force nor will, but merely judgement", but the concrete power of judicial review depends on the acceptance of political actors and diffuse support (p. 53).

Acknowledging the complex landscape of the courts' communication, the book then examines the conditions for "establishing better communication", discussing the shift from indirect to direct communication and the transition from "monologue to dialogue" between the courts and the public. The latter is facilitated by the adoption of a range of proactive, dynamic, and potentially conversational tools that invited a degree of interaction from citizen-users (Chapter 3). In this vein, the book explores new ways of promoting themselves and their activities through digital platforms (i.e. Facebook, X, YouTube, Instagram), looking at how Constitutional and Supreme courts have become increasingly aware of the importance of accurate reporting. The author stresses how digital platforms have allowed the courts to manage their communication autonomously, bypassing traditional media and journalists that often filter and (mis)interpret judicial decisions. Moreover, it considers the wide range of solutions courts have adopted to "speak their voice" and enhance the knowledge and dissemination of their decisions (p. 50). As rightly noted in Chapter 4, the courts have broadened their communication arsenal also through cultural and educational initiatives that have taken them "out of the Palace". These initiatives also aim to bridge the gap between judicial processes and public understanding of constitutional justice by involving the public in discussions about the work of the courts. In Italy, for example, the *Corte costituzionale* has promoted an environment of open

justice in a very innovative way through a series of public initiatives, such as the visits of the court to schools and prisons (“Viaggio nelle scuole”, “Viaggio nelle carceri”), where the public interacted directly with constitutional judges.

The final sections of the book briefly suggest that a better relationship between courts, media, and public opinion can be seen as one of the first antidotes to populist impulses. It examines strategies and measures to counter the politicization of the judiciary and to strengthen the image of the courts as impartial and fair institutions at times of populist governments (p. 179). The final chapter examines the increasingly activist role played by presidents and individual judges considering their new responsibilities. The author investigates, for example, the advisability of regulating the use of certain means of communication and raises a number of open questions that courts should address in an era of increasing direct relations with citizens. At the same time, the book addresses these challenges from a normative point of view and gives some advice on how to avoid some risks of institutional communication.

To sum up, the book is a stimulus for further reflection on Constitutional and Supreme courts in the broader political context. First, it would be desirable for further research on this topic to better identify empirically how the courts’ communication could be linked to the process of judicialization of politics, which has reshaped political systems according to a logic that is radically different to that of the recent past. Indeed, successful courts are first and foremost central actors of their own empowerment. Second, further analysis should better address the challenges Constitutional and Supreme courts face in maintaining impartiality and legitimacy in an era when the judicial power is under stress. In highly polarized political environments, rulings can become flashpoints for broader political conflicts, leading to attacks by leaders those who disagree with their decisions. Third, the book provides a good starting point for extending the analysis to other European countries and measuring public understanding of ongoing processes. For example, it would be stimulating to look at how the public responds in terms of engagement, which would help to assess the effectiveness of the communication strategies adopted by the courts.

Finally, the book *Constitutional Courts, Media and Public Opinion* opens new avenues of research and calls for further attention from political scientists to promote a better understanding of the role of the Constitutional and Supreme courts in the democratic process. As an unelected institution, they derive the legitimacy necessary to enforce their decisions from positive and large public recognition. In this sense, the study of courts’ communication and strategic behavior will be an inspiring perspective for scholars interested in the evolving role of courts in the contemporary real-world politics and the challenges of their new responsibilities.