

PARTICIPATORY DEMOCRACY, NEW TECHNOLOGIES AND WEBPOLITICS: POLITICAL PARTIES AND CULTURE AS TOOLS TO CIRCUMVENT DEMOCRATIC DECAY

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Titolo: Democrazia partecipativa, nuove tecnologie e webpolitica: partiti politici e cultura come strumenti per aggirare il declino della democrazia

Abstract [It.]: La proliferazione del web e dei social media, in concomitanza con lo sviluppo di movimenti populistici, sta creando nuove forme di democrazia partecipativa non necessariamente aderenti ai propri valori. È fondamentale indagare le ragioni politiche e sociologiche che stanno determinando queste circostanze; occorre ricercare soluzioni giuridiche e culturali per preservare l'ordine democratico e, quindi, arginare il processo di declino.

Abstract [En.]: *The proliferation of the web and social media, in conjunction with the development of populist movements, is creating new forms of participatory democracy which does not necessarily adhere to its own values. It is essential to investigate the political and sociological reasons which are causing this state of affairs; legal and cultural solutions should be sought out to preserve the democratic order and, therefore, stem any decay process.*

Parole chiave: Populismo, Democrazia partecipativa, Webpolitica, Azioni di nudging e boosting, Partecipazione all'educazione

Keywords: *Populism, Participatory Democracy, Webpolitics, Nudging and Boosting Actions, Participation in Education*

SOMMARIO: 1. Webpolitics and Its New Controversial Forms of Participation: Juridical and Social Problems. - 2. Populism, Participatory Democracy and Constitutional Change: Towards the End of Democracy. - 3. A First Conclusion: Democratic Schemes within the Party System as Juridical Tools to Preserve the Democratic Order. - 4. Political Communication and Disinformation in the Social Media Era: A Social Reason of Democratic Erosion. - 5. Culture as a Very Revolutionary Tool: Behavioural Research and Some Correctives to Ignorance. - 6. Participation in Education: The Core of a New Political System.

1. Webpolitics and Its New Controversial Forms of Participation: Juridical and Social Problems

Participatory governance constitutes a normatively attractive ideal. The great challenge of modern politics is to avoid the deviant forms which in recent decades have ended up corroding the democratic system of representation even in consolidated democracies¹.

Deliberative democracy implies - according to a republican reading - the centrality of contestability and, therefore, collective rationality as significant elements for resorting to procedures of direct democracy, when possible, or, otherwise, for appealing to the representative system². This means that, even though the representative system does coexist with the participatory method, following this vision, the first needs to act in place of the second only if strictly necessary³.

The main problem is that the spread of the web⁴ and social media, in conjunction with the development of populist movements, is creating new kinds of participatory democracy, whose adherence to its own values is controversial. On the basis of this assumption, it is fundamental to investigate the profound political and sociological reasons which are causing these negative changes to constitutional systems.

Populistic webpolitics substitutes the dynamics of constructive confrontation with a "formulated and generalized will", as a person interested in certain topics is identified beforehand and is offered messages, which he or she is probably highly susceptible to, thereby avoiding the transmission of complete and comprehensive information⁵:

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R. SCHMALZ-BRUNS, *The Normativity of Participatory Governance*, in H. HEINELT (ed.), *Handbook on Participatory Governance*, Edward Elgar, Cheltenham, 2018, pp. 17-32.

2 There is an internal connection between democratic legitimacy and public deliberation: this legitimizing function ought to derive from a decision-making process, which is the result of a participatory discussion, that ends in a public deliberation. Cf. C. LAFONT, *Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-publics Shape Public Policy?*, in *Journal of Political Philosophy*, vol. 23, n. 1, 2015, pp. 40-63, <https://onlinelibrary.wiley.com/doi/abs/10.1111/jopp.12031>. About participatory governance and deliberative democracy, see G. BRENNAN, *Collective Coherence?*, in *International Review of Law and Economics*, vol. 21, n. 2, 2001, pp. 197-211, <https://www.sciencedirect.com/science/article/abs/pii/S0144818801000564>; B.G. PETERS, *Governance as Political Theory*, in *Critical Policy Studies* vol. 5, n. 1, 2011, pp. 63-72, at 71, <https://www.tandfonline.com/doi/abs/10.1080/19460171.2011.555683>; P. PETTIT, *Deliberative Democracy, the Discursive Dilemma, and Republican Theory*, in J.S. FISHKIN and P. LASLETT (eds.), *Debating Deliberative Democracy*, Blackwell Publishing, MA (USA)-Oxford (UK)-Victoria (Australia), 2003, pp. 138-162, at 159; R. SCHMALZ-BRUNS, *The Normativity of Participatory Governance*, *op. cit.*, pp. 17-32; C.R. SUNSTEIN, *The Law of Group Polarization*, in J.S. FISHKIN and P. LASLETT (eds.), *Debating Deliberative Democracy*, Blackwell Publishing, MA (USA)-Oxford (UK)-Victoria (Australia), 2003, pp. 80-101.

3 R. SCHMALZ-BRUNS, *The Normativity of Participatory Governance*, *op. cit.*, pp. 17-32.

4 A clarification: the words "internet" and "web" are often used in common language as synonyms, but, in reality, "internet" is the technological infrastructure through which data is transferred, while "web" is one of the services that internet offers. Internet and, in particular, the innovations introduced by web 2.0 constitute the technical prerequisite that allows the use of social media, that is, those digital environments useful for the creation and dissemination of participatory communication flows.

5 On the lack of awareness of the electorate, cf. L.M. BARTELS, *The Irrational Electorate*, in *The Wilson Quarterly*, vol. 32, n. 4, 2008, pp. 44-50, http://archive.wilsonquarterly.com/sites/default/files/articles/WQ_VOL32_A_2008_Article_05_1.pdf; B. CAPLAN, *The Myth of the Rational Voter: Why Democracies Choose Bad Policies*, Princeton University Press, Princeton, 2008; M.X. DELLI CARPINI and S. KEETER, *What Americans Know About Politics and Why it Matters*, Yale University Press, New Haven, 1996; I. SOMIN, *Democracy and Political Ignorance: Why Smaller*

consequently, citizens are not stimulated in investing time in understanding the multiple facets of different points of view and, therefore, a sort of rational ignorance develops⁶.

Populism, authoritarian governments, coups, combined with the use of technology, are some of the reasons that are causing the death of democracy: democracy must be taken care of, otherwise its time will pass. Juridico-political systems are being subjected to a slow and constant process of erosion, deriving from the gradual emptying of their democratic elements⁷.

In a generalized climate of distrust towards an order of politics in which traditional political parties are frequently involved in investigations about, for example, political corruption, isolated and narcissistic leaders prevail⁸; they are elected following processes of identification instead of legitimation of rational-legal character⁹. A vote destined for a currently charismatic party prevails over a vote based on a valid principle of justification¹⁰.

The transition from representation to identification is the result of rampant anti-parliamentarism¹¹, as well as the direct consequence of the scarce attention paid to the constitutional function of parties and to the close relationship that binds the party system and the form of government¹².

In this context, political parties are reduced to “personal” parties, recognized only through the figure of their leaders¹³. Populistic leaders put themselves on the periphery of mainstream parties and, when these are in crisis, they induce a failure in the system of institutional representation¹⁴.

Government Is Smarter, Stanford University Press, Redwood City, 2013.

6 A. DOWNS, *An Economic Theory of Democracy*, Harper and Row, New York, 1957; S. LINARES LEJARRAGA, *Democracy, Epistemic Value, and Political Equality: A New Model of Epistemic Participatory Democracy*, in *Etica & Politica / Ethics & Politics*, vol. 19, n. 2, 2017, pp. 247-283, https://www.openstarts.units.it/bitstream/10077/14815/1/EP_14_LEJARRAGA.pdf.

7 D. RUCIMAN, *How Democracy Ends*, Basic Books, New York, 2018.

8 D. CAMPUS, *Lo stile del leader: decidere e comunicare nelle democrazie contemporanee*, Il Mulino, Bologna, 2016.

9 The representatives of political change and the language they use is also altered: the words aim to strike at the voter's instinct, provoking emotions. The written speeches of politicians are full of emoticons (word composed by emotion and icon) and emojis (from a Japanese word composed of three ideograms which respectively mean image, writing and character). In the language of politics, storytelling is another element used prolifically, in order to communicate and persuade. Memories that are inherent in the personal and cultural background of citizens are recalled, arousing latent emotions. See G. ANTONELLI, *Volgare eloquenza: come le parole hanno paralizzato la politica*, Laterza, Bari, 2017, pp. 5-7; C. MORONI, *Le storie della politica: perché lo storytelling politico può funzionare*, FrancoAngeli, Milano, 2017, pp. 9-11.

10 L. VIOLANTE, *Società civile e istituzioni: il ruolo della classe dirigente*, in *Nomos: Le Attualità del Diritto*, n. 1, 2018, pp. 1-10, at 2-3, <https://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2018/05/Violante-1.pdf>.

11 T.E. FROSINI, *Anatomia e anomalia di un governo tecnico*, in *Ianus: Diritto e Finanza*, n. 7, 2012, pp. 267-278, at 277-278, https://www.rivistaianus.it/numero_07/Ianus_7-2012.pdf.

12 On these topics, see N. LAURENTI COLLINO, *La webpolitica: la democraticità delle nuove forme di democrazia partecipativa*, in *Nomos: Le Attualità del Diritto*, n. 1, 2020, pp. 1-32, <http://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2020/06/Collino-1-2020-D-rev..pdf>.

13 S. BUDELLI, *Populismo nell'e-democracy*, in R. CHIARELLI (a cura di), *Il populismo tra storia, politica e diritto*, Rubbettino, Soveria Mannelli, 2015, pp. 367-386, at 378.

14 See K.A. HAWKINS, M. READ and T. PAUWELS, *Populism and Its Causes*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 267-286, at 271-272. Reflections on this point are also

In current deviant forms of participatory democracy¹⁵, the electoral debate - far from being free - turns out to be nothing more than a show, controlled by experts in persuasion techniques, and this spectacle deals only with a small number of questions selected by these groups of experts. Unilateral ideas find place in the virtual platforms and, consequently, there is no space for an open debate.

Populistic movements create leaders and generate plebiscitary channels, which allude to giving voice to the plurality of interests of modern society¹⁶.

These actions of the populists must be fought by making the effort, on the one hand, to protect democratic procedures inside party systems and by turning the web, on the other, into a great engine of equality, trying to overcome disparities, which divide people between those who are able to understand and those who, due to economic and cultural factors, are subjected to being easily deceived. The idea is to fight the many faces of populism, which are infesting democracies, both by corroding the traditional representative mechanisms and by abusing the new forms of participation¹⁷.

This means that there are two types of political problems, one has a juridical profile and the other one has a social character. The juridical problems are related to populistic issues, namely leaderism and the diffusion of new types of political parties, which provoke imbalances in a constitutional system and consequently in democracy. The social problems are linked primarily to a state of dissatisfaction of the people and subsequently to the possibility to express this sentiment with new media, taking part in populistic anti-establishment movements, which try to set aside representational corps, substituting them with a disintermediated democracy, subject to frequent abuses. Legal and cultural solutions should be sought out, in order to preserve the democratic system and therefore stem any process of decadence.

expressed by S. Curreri, cf. S. CURRERI, *Editoriale*, in *Diritto Costituzionale*, vol. 2, n. 3, 2019, pp. 5-14, <https://www.francoangeli.it/rivista/getArticoloFree/64901/It>.

15 Participatory democracy could have a great number of positive sides, if it was not exercised in a distorted way. On the subject of constitutional instruments of participatory democracy and new developments in democratic quality, cf. U. ALLEGRETTI, *Democrazia partecipativa: un contributo alla democratizzazione della democrazia*, in U. ALLEGRETTI (a cura di), *Democrazia partecipativa: esperienze e prospettive in Italia e in Europa*, Firenze University Press, Firenze, 2010, pp. 5-45; T. BUSTAMANTE and B. GONÇALVES FERNANDES (eds.), *Democratizing Constitutional Law: Perspectives on Legal Theory and the Legitimacy of Constitutionalism*, Springer, Berlin, 2016; A. FEBBRAJO, *Constitutionalism and Legal Pluralism*, in A. FEBBRAJO and G. CORSI (eds.), *Sociology of Constitutions: A Paradoxical Perspective*, Routledge, London-New York, 2016, pp. 68-69; G. MORO, *Cittadinanza attiva e qualità della democrazia*, Carocci Editore, Roma, 2015; O. POLLICINO, entry *Potere digitale*, in *Enciclopedia del Diritto*, vol. V: *Potere e Costituzione*, Giuffrè, Milano, 2023, pp. 410-446; A. VALASTRO, *La democrazia partecipativa alla prova dei territori: il ruolo delle amministrazioni locali nell'epoca delle fragilità*, in A. VALASTRO (a cura di), *Le regole locali della democrazia partecipativa*, Jovene, Napoli, 2016, pp. 3-66.

16 K.M. ROBERTS, *Populism and Political Parties*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 287-304, at 287-288 and 300.

17 In this way, the relationship between citizens and politics has loosened, being replaced by a generalized anger and a growing distrust; the so-called "moral question" has therefore become the main political question. Cf. C. SECCI, *A Modern Political Education: Nonviolent Perspectives*, in *Polis*, vol. 4, n. 3 (13), 2016, pp. 77-91, at 78, [http://revistapolis.ro/documente/revista/2016/Numarul_3\(13\)2016/editorial/06_Claudia_SECCI.pdf](http://revistapolis.ro/documente/revista/2016/Numarul_3(13)2016/editorial/06_Claudia_SECCI.pdf).

In particular, the main purposes of this article are: to propose a system in which the guarantees provided by intermediate bodies (understood both as political parties with a democratic structure and as means of diffusion of impartial news) are ensured and in which people are aware and capable of judging the reality that surrounds them. As far as this last point is concerned, perhaps the first concrete action could be to set up a sort of “school of democracy” for new generations: the average citizen must develop a critical conscience, that allows him or her to circumvent any populist mental manipulation, to which they might be subjected to by the political-media system on a daily basis.

Social and political institutions in contemporary democratic societies should take on the task of adopting participatory government processes, implementing civic education programs and investing in public culture¹⁸. This would enable more participation in education, providing each individual with cultural armor against the pitfalls of populism.

2. Populism, Participatory Democracy and Constitutional Change: Towards the End of Democracy

There is an evident connection among populism, participatory democracy and constitutional change. Populism causes constitutional disorders, fragmenting the old institutional framework and creating political programs based on demolitions of the traditional party system and on the development of questionable forms of participatory democracy. Hiding its real intent (that is the consolidation of power), populism describes itself as the expression of a new participatory-democratic constitutional order. “Appealing to the people, identifying with the people and purporting to speak in their name” is the “master frame” that underpins and constitutes populist discourse¹⁹.

Populism involves an opposition between “the people” and “the elite”, and replaces the clashes between socialism and capitalism and between proletariat and bourgeoisie²⁰;

18 See, in particular, C.F. ZURN, *Deliberative Democracy and the Institutions of Judicial Review*, Cambridge University Press, Cambridge, 2007. More in general, on these themes, cf. B.J. BARBER, *Strong Democracy: Participatory Politics for a New Age*, University of California Press, Berkeley, 1984; J. BOHMAN, *Public Deliberation: Pluralism, Complexity, and Democracy*, MIT Press, Cambridge, 1996; J. COHEN, *An Epistemic Conception of Democracy*, in *Ethics*, vol. 97, n. 1, 1986, pp. 26-38, <https://www.journals.uchicago.edu/doi/epdf/10.1086/292815>; J. COHEN, *Procedure and Substance in Deliberative Democracy*, in S. BENHABIB (ed.), *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton University Press, Princeton, 1996, pp. 95-119; J.S. DRYZEK, *Discursive Democracy: Politics, Policy and Political Science*, Cambridge University Press, Cambridge, 1990; J.S. FISHKIN, *Democracy and Deliberation: New Directions for Democratic Reform*, Yale University Press, New Haven, 1992; A. GUTMANN and D.F. THOMPSON, *Democracy and Disagreement*, Harvard University Press, Cambridge, 1996; J.J. MANSBRIDGE, *Beyond Adversary Democracy*, University of Chicago Press, Chicago, 1983; S. MCKAY and M.E. WARREN, *Democratizing Participatory Governance Through Countervailing Power*, in H. HEINELT (ed.), *Handbook on Participatory Governance*, Edward Elgar, Cheltenham, 2018, pp. 77-93.

19 D. LANDAU, *Populist Constitutions*, in *The University of Chicago Law Review*, vol. 85, n. 2, 2018, pp. 521-543, <https://chicagounbound.uchicago.edu/uclrev/vol85/iss2/3/>.

20 Moreover, Left/Right dynamics are no longer representing the political divisions of the new globalized order, which divides the world into binary poles, namely the global axis and the local one. The traditional class divisions, which used to be represented by defined Left/Right politics, have been substituted by economies that oppose a tiny globalized elite to a large and locally bound precariat. These two categories have different political interests, values and horizons, that are taking the place of those which divided the positions of traditional parties: cosmopolitans and nationalists, globalists and localists are both present within the mainstream parties of Left and

populistic politics claims to be the voice of “the people”, that is of the general will or - as it is better known - the *volonté générale*²¹.

Purity and authenticity are characteristics of “the people” and they are directly related to morality²²: any person who does what is right for “the people” is a person who acts “well”; this point of view is a consequence of considering “the people” as a homogeneous category with a general will, based on common sense and interpreted as the result of the honest and logical priorities of “the common people”, in opposition to “the special interests” of the elite²³.

The problem is that “the people” is an entity that actually does not exist and this leads to the so-called “empty heart” of populism²⁴. The populist perception of “the people” is usually related to the self-perception of “the people”: for example, no Western European would describe “the people” as Islamic. This assumption entails that to create an identity of “the people” it is necessary to mix the moral issues of populism with one or more ideologies, giving life to a social populism²⁵, if the concentration is directed to reasons of class, as well as to a national populism²⁶, if the focus is on the concept of “Nation”. The idea of populism

Right. In this new framework the majority belongs to the closed category, that wants to save the Nation from the prevarication of foreign economic interests and from the “danger” of immigrants: the results of this kind of populist vision are autocracy and sovereignism. Cf. K.L. SCHEPPELE, *The Party’s Over*, in M.A. GRABER, S. LEVINSON and M. TUSHNET (eds.), *Constitutional Democracy in Crisis?*, OCW, Oxford, 2018, pp. 495-514.

21 P. OSTIGUY, *Populism: A Socio-Cultural Approach*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 73-97, at 73-74.

22 The choice of a moral issue implies that millionaires can also be esteemed as authentic representatives of “the people”. This highlights one of the smart moves of populists: it should not be a surprise that they are often impeached for their opportunistic behaviour. Populism means ambivalence: Paul Taggart and Michael James Lee compare populism to a chameleon, that changes colours with the political wind. Cf. M.J. LEE, *The Populist Chameleon: The People’s Party, Huey Long, George Wallace, and the Populist Argumentative Frame*, in *Quarterly Journal of Speech*, vol. 92, n. 4, 2006, pp. 335-378, <https://www.tandfonline.com/doi/full/10.1080/00335630601080385?scroll=top&needAccess=true&role=tab&aria-labelledby=full-article>;

P.A. TAGGART, *Populism*, Open University Press, Buckingham, 2000. On the same theme, see C. MUDDE, *Populism: An Ideational Approach*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 27-47; K. WEYLAND, *Populism: A Political-Strategic Approach*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 48-72, at 48.

23 C. MUDDE, *Populism: An Ideational Approach*, *op. cit.*, pp. 27-47; M. RIDGE, *The Populist as a Social Critic*, in *Minnesota History*, vol. 43, n. 8, 1973, pp. 297-302, https://storage.googleapis.com/mnhs-org-support/mn_history_articles/43/v43i08p297-302.pdf.

24 P.A. TAGGART, *Populism and Representative Politics in Contemporary Europe*, in *Journal of Political Ideologies*, vol. 9, n. 3, 2004, pp. 269-288, <https://www.tandfonline.com/doi/full/10.1080/1356931042000263528?scroll=top&needAccess=true>.

25 L. MARCH, *Radical Left Parties in Europe*, Routledge, London, 2011. For the concept of “socialism”, cf. K. MARX and F. ENGELS, *Manifest der Kommunistischen Partei*, Bildungs-Gesellschaft für Arbeiter, London, 1848.

26 P.-A. TAGUIEFF, *Political Science Confronts Populism: From a Conceptual Mirage to a Real Problem*, in *Telos*, n. 103, 1995, pp. 9-43, <http://journal.telospress.com/content/1995/103/9.full.pdf+html>. For the concept of “nationalism”, cf., among others, E.J. HOBBSAWM, *Nation and Nationalism since 1780*, Cambridge University Press, Cambridge, 1990. The reasons of populism and those of nationalism combine with themselves, especially

appears to be vague, but, in line with Giovanni Sartori's thought²⁷, the most effective definition is expressed in terms of "either-or", using the opposition populism-elitism: what is populism cannot be elitism and vice versa.

This is why the *Oxford Advanced American Dictionary* defines *Populism* as «a type of politics that claims to represent the opinions and wishes of ordinary people»²⁸. "Ordinary people" are immediately opposed to the established political elite. Individuals are more and more attracted by populism because of the necessity of attention to their daily needs, that seems to be realized in the dynamics of this phenomenon²⁹: "the people" is an expression that represents a unified entity, often recognized as "the sovereign people" with their common interests to protect; every possible minority is not included³⁰.

Populist democracy is based on a direct relationship between one leader and the category of "the people", as well as on the superlative authority of the audience; traditional media, political institutions and intermediary opinion-making bodies (like the parties) are the "enemies". The leader - exploiting direct representation, which is manifested as the only one being able to fully guarantee basic rights such as freedom of opinion, expression and speech - embodies the demands of dissatisfied groups, described as "the people", to the point that populist movements ends up being recognized in the leaders' name³¹.

Populist leaders try to modify constitutional values, writing new constitutions and amending existing ones³², as well as engaging in informal forms of constitutional change by partisan interpretations of the fundamental text, centralizing power in the executive arm and

in the radical Right populist parties and in most of Latin American populisms: this happens, because populism tends to use the borders as walls, built to protect people from foreigners and outsiders. The world is interpreted as a composition of different, divided Nations and people are split between the categories of citizen and non-citizen of the single Nation, which has to be composed only by its own community, by people who all share a common identity. In order to serve the country, every Nation is sovereign and must be independent: in this sense, nationalism takes its force from the spread of a populist idea of diversity. For these reflections, cf. B. DE CLEEN, *Populism and Nationalism*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 342-362, at 342-344.

27 G. SARTORI, *Concept Misformation in Comparative Politics*, in *American Political Science Review*, vol. 64, n. 4, 1970, published online 2014, pp. 1033-1053, at 1039, <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/concept-misformation-in-comparative-politics/D8BF3109460C6005B9C12FBC1B217489>.

28 OXFORD, entry *Populism*, in *Oxford Advanced American Dictionary*, Oxford University Press, Oxford, 2023, https://www.oxfordlearnersdictionaries.com/definition/american_english/populism.

29 N. URBINATI, *Me the People: How Populism Transforms Democracy*, Harvard University Press, Cambridge, 2019, pp. 1-10.

30 C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY, *Populism: An Overview of the Concept and the State of the Art*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 1-24, at 2.

31 N. URBINATI, *Me the People*, *cit.*, pp. 1-10.

32 Kim Lane Scheppele uses the word "Frankenstate" to describe the instauration of a diverse institutional design structured by legal and reasonable constitutional components, which, stitched together, form a monster. Hungary represents a concrete case of constitutional changes that lead to a new constitution, itself frequently amended; starting from this, a diverse system was built, aimed at emphasizing Orbán's power. Cf. K.L. SCHEPPELE, *The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work*, in *Governance*, vol. 26, n. 4, 2013, pp. 559-562, at 561, <https://onlinelibrary.wiley.com/doi/epdf/10.1111/gove.12049>.

rebuilding mechanisms of jurisdictions in order to control the courts³³. This latter method, in which the legal framework changes without modifying the written texts, is an underhanded technique that leads to slippery paths by remaining within constitutions³⁴.

One must consider that it is innate in the concept of “democracy” that there will be political changes. Change is necessary for democratic regeneration but now it is actually contributing to a subversion of democracy that follows after a political parties’ collapse³⁵. Accordingly, the party system needs to be taken care of. Indeed, it is necessary to reflect on the constitutional function exercised by political parties, which are an intermediary body that should protect the system from any sort of populist degeneration of participatory democracy.

The vote for new anti-system parties is rooted in the distrust of the traditional parties, which is often related to the numerous cases of scandals in which they had been involved in and in a dissatisfaction with politics in general. Therefore, the vote of the electors is revealing itself as a choice without an actual effective range of choices³⁶.

33 About these alterations, cf. D. LANDAU, *Populist Constitutions*, cit., pp. 521-543. One can consider Trump’s decision to revolutionize the constitutional balances, by acting on the composition of the members of the Supreme Court.

34 Moreover, there are numerous small actions that are able to invert the result of elections and consequently of the establishment of new governments: for example, by restricting voting times, the system creates long queues in the cities and, in this way, it is possible that someone desists from voting in the big metropolitan centers; this simple fact could change the outcome because the countryside is often not aligned with the cities.

35 A further reflection: populism is normally opposed to technocracy, that is another frequent phenomenon of the contemporary age, but there are also some analogies and complementarities between them. They share their considerable distance from both political mediation and procedural legitimacy, factors that are personified by the traditional political parties as part of the institutional system. Populism and technocracy are both the result of a political crisis that leads in one case to a widespread critique of party democracy and in the other case to a growing technocratization of politics: these two arrival points are placed at the opposite poles, but at the same time they counterbalance each other. Populism reflects a sort of “hypertrophy” of popular sovereignty, whereas technocracy puts limits and monitors populism: in this question of balances, the focus of attention must be shifted onto the real problem, which is the crisis of party democracy. Cf. C. BICKERTON and C. INVERNIZZI ACCETTI, *Populism and Technocracy*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2019, pp. 326-341, at 327 and 336-337.

36 Moreover, another profile: the choice of a specific electoral system has serious implications on the democratic order. With regard to the constitutional limits that must be respected in the Italian electoral laws to remain within the framework of the rules and principles of the legal system, cf. F. BESOSTRI, *La verifica di legittimità costituzionale delle leggi elettorali parlamentari*, in *Giustizia Insieme*, 2021, <https://www.giustiziainsieme.it/en/news/74-main/92-costituzione-e-carte-dei-diritti-fondamentali/1537-la-verifica-di-legittimita-costituzionale-delle-leggi-elettorali-parlamentari?hitcount=0>; R. BORRELLO, *Sistemi elettorali e revisione costituzionale*, in *Nomos: Le Attualità del Diritto*, n. 1, 2016, pp. 1-10, https://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2016/05/Borrello_Nomos1-2016.pdf; G. DELLEDONNE, *Legge elettorale e principi costituzionali in materia di partiti politici: un’interazione problematica*, in *Quaderni Costituzionali*, n. 4, 2017, pp. 801-824, <https://www.rivisteweb.it/doi/10.1439/88138>; G. DELLEDONNE, *Costituzione e legge elettorale: un percorso comparatistico nello Stato costituzionale europeo*, Editoriale Scientifica, Napoli, 2019, as well as see the commentary on the book written by M. TROISI, *La legge elettorale e le sue implicazioni: riflessioni a partire dal volume “Costituzione e legge elettorale” di Giacomo Delledonne*, in *Osservatorio costituzionale: AIC*, n. 4, 2020, pp. 322-341, https://www.osservatorioaic.it/images/rivista/pdf/2020_4_15_Troisi.pdf; A. GIGLIOTTI, *Sui principi costituzionali in materia elettorale*, in *Rivista AIC*, n. 4, 2014, pp. 1-25, https://www.rivistaaic.it/images/rivista/pdf/4_2014_Gigliotti.pdf.

Day by day, populist movements are provoking the transformation of the three pillars of constitutional democracy, which are “the people”, “the principle of majority” and “representation”: one has to recover constitutional democracy’s values and protect basic rights by ensuring citizens are actively taking part in pluralistic politics, by limiting the power of majorities and by offering opportunities for changing governments following the institutionalized mechanisms³⁷.

3. A First Conclusion: Democratic Schemes within the Party System as Juridical Tools to Preserve the Democratic Order

Today’s populisms express a legitimate unease but they also go further, as they no longer believe in the existing political-institutional and mediatic framework³⁸.

However, it is precisely this distance from the system that generates the malaise of constitutional democracy. The lack of absorption of conflicts by the intermediate bodies leads to a distortion of the representative dynamic and subsequently to a degenerative participatory democracy³⁹. Political parties represent the intermediaries between the electoral body and the State and, in consideration of their decisive role, their functioning should be regulated (for example, in Italy with the implementation of Article 49 of the Constitution)⁴⁰, otherwise the “democracy of parties” degenerates into a “partitocracy” that establishes parties in open contrast to constitutional democracy⁴¹. Social complexity must not mark the

37 N. URBINATI, *Me the People*, cit., pp. 1-10.

38 G. AZZARITI, *Intervento* as President of the first session of the Congress in *Annual Congress of GenIUS. Populismi, identità personali, diritti fondamentali*. Zoom (University of Rome “La Sapienza” - Faculty of Law, 30th of September 2022).

39 C.A. CIARALLI, *Alla ricerca dell’identità perduta: populismo, rappresentazione del sociale e diritti fondamentali*, in *Annual Congress of GenIUS. Populismi, identità personali, diritti fondamentali*. Zoom (University of Rome “La Sapienza” - Faculty of Law, 30th of September 2022).

40 On the subject of constitutional implementation relating to the regulation of parties, cf. A. BARBERA, *La democrazia “dei” e “nei” partiti tra rappresentanza e governabilità*, in S. MERLINI (a cura di), *La democrazia dei partiti e la democrazia nei partiti*. Proceedings of the Conference organized by Cesifin “Alberto Predieri” and by Centro di studi politici e costituzionali Piero Calamandrei - Paolo Barile (Rectorate, University of Florence, 19th of October 2007), Passigli Editori, Firenze, 2009, pp. 231-252; I. VAN BIEZEN, *Constitutionalizing Party Democracy: The Constitutive Codification of Political Parties in Post-War Europe*, in *British Journal of Political Science*, vol. 42, n. 1, 2012, pp. 187-212, <https://www.cambridge.org/core/journals/british-journal-of-political-science/article/abs/constitutionalizing-party-democracy-the-constitutive-codification-of-political-parties-in-postwar-europe/B372AD97EFE174B02BF00108412C730B>;

S. BONFIGLIO, *Forme di governo e partiti politici: riflessioni sull’evoluzione della dottrina costituzionalistica italiana*, Giuffrè, Milano, 1993; P. BRACALINI, *Partiti S.p.A.*, Ponte alle Grazie, Milano, 2012; G. BRUNELLI, *Struttura e limiti del diritto di associazione politica*, Giuffrè, Milano, 1991; T.E. FROSINI, *È giunta l’ora di una legge sui partiti politici?*, in *Diritto@Storia: Rivista Internazionale di Scienze Giuridiche e Tradizione Romana*, n. 2, 2003, <https://www.dirittoestoria.it/lavori2/Contributi/Frosini-Una-legge-sui-partiti%20politici.htm>; L. KARVONEN, *Legislation on Political Parties: A Global Comparison*, in *Party Politics*, vol. 13, n. 4, 2007, pp. 437-455, <https://journals.sagepub.com/doi/10.1177/1354068807077955>; R.S. KATZ and P. MAIR (eds.), *How Parties Organize: Change and Adaptation in Party Organizations in Western Democracies*, Sage, London, 1994; M. THIEL (ed.), *The “Militant Democracy” Principle in Modern Democracies*, Routledge, London, 2016.

41 Parties constitute the core of the functional analysis of the political system, both in the regimes - in which a process of identification between the State and the party is established - and in democracy itself. On the role of the party, cf. S. BONFIGLIO, *I partiti e la democrazia: per una rilettura dell’art. 49 della Costituzione*, Il Mulino, Bologna, 2013; S. BONFIGLIO, *L’art. 49 della Costituzione e la regolazione del partito politico:*

decline of constitutions⁴², on the contrary, this complexity makes the application of constitutional principles even more necessary.

The internal mechanisms of the party system may appear as external factors in regards to the form of government⁴³, but - as Leopoldo Elia affirmed - in practice the party system in democratic States has an immediate legal importance, as it enters the system "required" by the constitutional norms⁴⁴. When populists pontificate on the concept of "popular sovereignty", they tend not to consider the limits and ways in which it must be exercised, according to the principles of constitutionalism.

The limit of the democratic method must also be applied to the internal organization of political parties and to their decision-making processes⁴⁵.

If a State imposes a concrete and efficient law regulating the party system, the political forces would not be able to organize themselves outside some democratic schemes and therefore a general organizational terrain would be generated⁴⁶. A certain number of minimum governing bodies internal to the parties and standard-periodic procedures for

"rilettura" o "incompiuta" costituzionale?, in *Nomos: Le Attualità del Diritto*, n. 2, 2017, pp. 1-11, <https://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2019/01/Bonfiglio-1.pdf>; P. IGNAZI and C. FIORELLI, *Le risorse dei partiti: i partiti italiani alla prova della legge n. 13 del 21 febbraio 2014*, in *Nomos: Le Attualità del Diritto*, n. 1, 2019, pp. 1-16, http://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2019/02/Ignazi-e-Fiorelli_Zangara.pdf; M. LUCIANI, *Partiti e forma di governo*, in *Nomos: Le Attualità del Diritto*, n. 3, 2018, pp. 1-11, <https://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2019/01/Luciani-su-ZangaraVER.pdf>; P. MARSOCCHI, *Sulla funzione costituzionale dei partiti e delle altre formazioni politiche*, Editoriale Scientifica, Napoli, 2012; O. MASSARI, *Dal partito di massa alla partitocrazia senza partiti*, in *Nomos: Le Attualità del Diritto*, n. 3, 2018, pp. 1-24, <http://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2019/01/Massari-contributo-su-Zangara-3.2018.pdf>; E. ROSSI and L. GORI (a cura di), *Partiti politici e democrazia: riflessioni di giovani studiosi sul diritto dei e nei partiti*, Edizioni Plus, Pisa, 2011; F. SCUTO, *La democrazia interna dei partiti: profili costituzionali di una transizione*, Giappichelli, Torino, 2017; H. TRIEPEL, *Die Staatsverfassung und die politischen Parteien*, Preußische Druckerei, Berlin, 1927; V. ZANGARA, *Il Partito unico e il nuovo Stato rappresentativo in Italia e in Germania*, Zanichelli, Bologna, 1938.

42 P. RIDOLA, *Diritti fondamentali e questione identitaria*, in *Annual Congress of GenIUS. Populismi, identità personali, diritti fondamentali*. Zoom (University of Rome "La Sapienza" - Faculty of Law, 30th of September 2022).

43 K. VON BEYME, *Die politische Klasse im Parteienstaat*, Suhrkamp Verlag, Frankfurt am Main, 1993; A. MASTROPAOLO, *Il ceto politico: teoria e pratiche*, Nuova Italia Scientifica, Roma, 1993, pp. 69 ss.

44 L. ELIA, entry *Governo (forme di)*, in *Enciclopedia del Diritto*, vol. 19, Giuffrè, Milano, 1970, pp. 634-675, at 838. Less radical ideas are later expressed by the Author in the entry: L. ELIA, entry *Forme di stato e forme di governo*, in *Dizionario di Diritto Pubblico*, vol. 3, Giuffrè, Milano, 2006, pp. 2593-2605.

45 V. CRISAFULLI, *I partiti nella Costituzione*, in *Jus: Rivista di Scienze Giuridiche*, vol. 20, n. 1-2, 1969, pp. 3-37, https://www.vitaepensiero.it/scheda-articolo_digital/vezio-crisafulli/i-partiti-nella-costituzione-004084_1969_01-2_0003-348988.html.

46 In Italy the party system is not regulated by law. Despite this, some profiles have been legally disciplined: one can remember the abolition of direct public financing to parties (Decree-Law of the 28th of December 2013, no. 149, converted into Law of the 21st of February 2014, no. 13), as well as the Law on the Guarantee Commission on Political Parties (Law of the 27th of October 2015, no. 175). When Italian politicians tried to draw up a discipline for political parties aimed at promoting transparency and democratic participation, also preparing new rules for disbursements in favor of political parties or their articulations, the anti-system forces have managed to foil the achievement of this goal (see the text approved by the Italian Chamber of Deputies in June 2016; this text was not approved in the Senate of the Republic before the end of the legislature). See, CAMERA DEI DEPUTATI, https://temi.camera.it/leg17/temi/finanziamento_partiti.

selecting top level party politicians and political Secretariats could be made a requirement⁴⁷. Under such an arrangement, it would be necessary to renew the governing bodies in a democratic and transparent way, through Congresses and moments of common discussion⁴⁸.

This institutionalization of politics would block the corrosive anti-system actions of party's leaders; with democratic parties there would not be leaderism.

What is important is not to exclude anybody. Diverse forces and new parties have the right to take part in the democratic process; every politician must have the possibility to enjoy a sort of *par condicio*. New ways must be sought out, ways capable of opening up spaces for external forces that clash with the system. On a concrete level, it would be desirable to establish the right to express any autonomy within political parties thanks to the drafting of diverse party statutes.

To protect the multiple identities of a human community, one must recognize tendencies rather than deviations in the multitude of these identities⁴⁹. One should guarantee a democratic framework and then respond with an open and inclusive attitude, typical of contemporary constitutionalism: an open approach instead of a punitive approach could be the solution, which would avoid irreparable institutional breakdowns⁵⁰.

"Good politics" must take the field, in order to create a synergy between participation and representation, that guarantees the effectiveness of pluralism⁵¹. An important tool to achieve this aim is connected with forms and with technical-judicial procedures, as solid containers of democratic substance⁵². The forms filled with substance through the democratic method are able to protect the system, to guarantee political rights and freedoms, as well as democracy itself⁵³. Once some formal legal limits have been defined, the political-social

47 On analogous points, see K.L. SCHEPPELE, *The Party's Over*, cit., pp. 495-514.

48 There are those who thought that the State could impose a standard statute on political parties, but a critical view of this imposition seemed to prevail, see G.U. RESCIGNO, *Alcune considerazioni sul rapporto partito-Stato-cittadini*, in *Aspetti e tendenze del diritto costituzionale: scritti in onore di Costantino Mortati. Lo Stato-comunità: le autonomie dei singoli e delle formazioni sociali, le autonomie influenti sulla politica generale dello Stato*, vol. 3, Giuffrè, Milano, 1977, pp. 955-986, in these pages the Jurist is afraid of a possible crystallization of the dominant structures and parties, that creates a barrier towards other types of party. On the role of majority and opposition parties, cf. V. LIPPOLIS, *Partiti maggioranza opposizione*, Jovene, Napoli, 2007; O. MASSARI, A. MISSIROLI and G. PASQUINO, *Opposizione, governo-ombra, alternativa*, a cura di G. PASQUINO, Laterza, Roma-Bari, 1990; RADIO RADICALE, "Conoscere per deliberare", *Debate. Opposizione, governo-ombra, alternativa (Presentazione del Libro)*, broadcast recorded on the 20th of June 1990 in Rome, debate organized by the Centro di Studi e Iniziative per la Riforma dello Stato.

49 P. RIDOLA, *Diritti fondamentali e questione identitaria*. Annual Congress of GenIUS, cit.

50 C.A. CIARALLI, *Alla ricerca dell'identità*. Annual Congress of GenIUS, cit.

51 N. PETTINARI, *Gli strumenti di democrazia partecipativa nelle costituzioni e la partecipazione ai processi costituenti: verso un nuovo sviluppo della qualità democratica?*, in *Federalismi.it: Rivista di Diritto Pubblico Italiano, Comunitario, Europeo*, n. 14, 2019, pp. 1-40, <https://www.federalismi.it/AppOpenFilePDF.cfm?artid=40085&dpath=document&dfile=30072019211226.pdf&content=Gli%2Bstrumenti%2Bdi%2Bdemocrazia%2Bpartecipativa%2B%27nelle%27%2Bcostituzioni%2Be%2Bla%2Bpartecipazione%2Bai%2Bprocessi%2Bcostituenti%2B%2D%2Bstato%2B%2D%2Bdottrina%2B%2D%2B>

52 L. BASSO, *Il Principe senza scettro*, Feltrinelli, Milano, 1998, pp. 28-29.

53 Another example: it would be useful to enforce international legal cooperation and to use international law in order to guarantee democracy, but this aim has become more and more difficult, because of the rise of numerous authoritarian regimes. A further opportunity: the debate on the relationship between democracy and constitutionalism should be brought back to the fore, highlighting the latter's limits and anti-democratic potential, in order to give life to a democratic constitutional theory. It is necessary to promote a concept of

dimension of the conflict, which cannot be absorbed by the legal one, comes into play, but the two levels must coexist to guarantee a democratic order⁵⁴ that safeguards the complexity of plural identities⁵⁵.

4. Political Communication and Disinformation in the Social Media Era: A Social Reason of Democratic Erosion

Established institutions have lost control over information because of transformations of the communication system: after the analysis of the questions related to political parties as intermediary bodies, this is the second point that is indispensable to examine in this study. Communication has a constitutive role in the political field and nowadays this link has strengthened with the development of social media, which has allowed direct contacts to the audience without the “inconvenient” mediation of journalists. In this sense this second point is connected to the question of intermediations⁵⁶.

Statistical data relating to the year of 2021: more than 57 per cent of the world population is comprised of social media users⁵⁷. The social media interactive nature allows users to communicate with other people, through likes and emoticons, as well as through comment sections⁵⁸. An inevitable consequence: the mediatisation of politics has led to the propagation

“constitutionalism” which implies an opening towards a constituent power capable of manifesting itself from time to time. In every constitutional order there is an entity that possesses an unlimited constitution-making faculty. The constituent power, although not being part of positive law, is able to modify the assessment of the legality of different political actions and to establish the types of institutions that should exist in a particular constitutional order, generated by a constituent people. On the possible implications of connecting democracy with international law, cf. T. GINSBURG, *Democracies and International Law*, Cambridge University Press, Cambridge, 2021. About the relationship between constituent power and democracy, see J.I. COLÓN-RÍOS, *Weak Constitutionalism: Democratic Legitimacy and the Question of Constituent Power*, Routledge, London, 2012; J.I. COLÓN-RÍOS, *Constituent Power and the Law*, Oxford University Press, Oxford, 2020.

54 It is difficult to agree with Augusto Aguilar Calahorra, when he affirms that judicial Courts must resolve the conflicts connected to constitutional values, absorbing these last under their jurisdictional powers. In line with the thought of Gaetano Azzariti, the jurisdictional plan has to be distinguished from the political-social one and therefore the first one cannot replace the latter; instead, the two must cooperate in the name of democratic principles. Cf. A. AGUILAR CALAHORRO, *Populismos y conflicto entre valores constitucionales en la Unión Europea*, in *Annual Congress of GenIUS. Populismi, identità personali, diritti fondamentali*. Zoom (University of Rome “La Sapienza” - Faculty of Law, 30th of September 2022); G. AZZARITI, *Intervento*. Annual Congress of *GenIUS*, *cit*.

55 “Liberté, Égalité, Fraternité” must not be replaced by “God, Father, Family”. Cf. G. AZZARITI, *Intervento*. Annual Congress of *GenIUS*, *op. cit*.

56 See, in general, R.C. HEINISCH, C. HOLTZ-BACHA and O. MAZZOLENI (eds.), *Political Populism: A Handbook*, Nomos Verlagsgesellschaft, Baden-Baden, 2017, pp. 19-37.

57 TEAM I.A. ITALIA, *Statistiche sull'utilizzo dei social media nel 2023*, in *Intelligenza Artificiale Italia*, <https://www.intelligenzaartificialeitalia.net/post/statistiche-sull-utilizzo-dei-social-media-nel-2022>.

58 For what concerns a public use of emoticons, cf. P. PORTEN-CHEÉ and C. EILDERS, *The Effects of Likes on Public Opinion Perception and Personal Opinion*, in *Communications: The European Journal of Communication Research*, vol. 45, n. 2, 2019, pp. 223-239, <https://www.degruyter.com/document/doi/10.1515/commun-2019-2030/html>. More in general, see P. LORENZ-SPREEN, S. LEWANDOWSKY, C.R. SUNSTEIN and R. HERTWIG, *How Behavioural Sciences Can Promote Truth, Autonomy and Democratic Discourse Online*, in *Nature Human Behaviour*, n. 4, 2020, pp. 1102-1109, <https://www.nature.com/articles/s41562-020-0889-7>.

of populist speeches, influencing the quality of democracy, but it is no longer possible to go back trying to ignore the fact that technologies have revolutionized the planet dynamics⁵⁹.

The “electronic *agorà*” has been transformed from a television *agorà*, in which the message takes on a vertical and unidirectional character, to an *agorà* of the web, that is an *agorà* in which a horizontal dimension is reestablished⁶⁰.

Webpolitics therefore represents a meeting point among the political system, new media and the citizenry. The contemporary era seems to create equity and direct relationships that concerns both the private and the public sphere, but people who are “without”, such as the unskilled, are considered the “losers of globalization”⁶¹. The inequalities between people who can experience the modern world and people who cannot has increased: there are multiple reasons that provoke exclusions, in particular money, age, culture and political-social environment⁶². Algorithms are too often exploited to manipulate people, especially

59 About the link among populist speeches, new media and political changes, see J.G. BLUMLER and D. KANAVAGH, *The Third Age of Political Communication: Influences and Features*, in *Political Communication*, vol. 16, n. 3, 1999, pp. 209-230, <https://www.tandfonline.com/doi/abs/10.1080/105846099198596>; A.A. ELLINAS, *The Media and the Far Right in Western Europe: Playing the Nationalist Card*, Cambridge University Press, New York, 2010; L. MANUCCI, *Populism and the Media*, in C. ROVIRA KALTWASSER, P. TAGGART, P. OCHOA ESPEJO and P. OSTIGUY (eds.), *The Oxford Handbook of Populism*, Oxford University Press, New York, 2017, pp. 467-488, at 467-469; G. MAZZOLENI, *Populism and the Media*, in D. ALBERTAZZI and D. MCDONNELL (eds.), *Twenty-First Century Populism: The Spectre of Western European Democracy*, Palgrave Macmillan, New York, 2008, pp. 49-64; G. MAZZOLENI, *Mediatization and Political Populism*, in F. ESSER and J. STRÖMBÄCK (eds.), *Mediatization of Politics: Understanding the Transformation of Western Democracies*, Palgrave Macmillan, Basingstoke, 2014, pp. 42-56; D.C. MUTZ and B. REEVES, *The New Videomalaise: Effects of Televised Incivility on Political Trust*, in *American Political Science Review*, vol. 99, n. 1, 2005, pp. 1-15, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/093762E57EF0CFA2E4A0328572DE0009/S0003055405051452a.pdf/the-new-videomalaise-effects-of-televised-incivility-on-political-trust.pdf>.

60 A. BARBERA, *Prefazione*, in G. Gardini, *La disciplina della campagna elettorale*, Cedam, Padova, 1996, pp. XIII-XVI.

61 K.A. HAWKINS, M. READ and T. PAUWELS, *Populism and its Causes*, cit., pp. 267-286, at 271.

62 A brief parenthesis on a delicate profile on the subject of communication: people don't always want to know things about reality, about the financial and political state of the art, and States don't always deem it appropriate to disseminate news. At times, information could have negative instrumental value: there are a lot of daily practical applications of this concept, such as the case in which the lawyer ignores the guilt of a client. The unconsciousness of things is strictly related to the affect: for example, if one knows that there is a predisposition for a serious danger, one tends to change one's own personal way of behaving or a general state of panic could be generated. It is evident that not just lack of knowledge provokes anxiety; sometimes the opposite mechanism is triggered and for this reason ignorance could be in certain circumstances a choice. In the same way, governments have to decide every day whether to seek information; their positions derive from a predictive ability, that is a skill to understand if a piece of information will negatively influence actions, affects and cognitions. Predictive potentiality is influenced by many factors, such as illusions of control and of knowledge, impact bias overestimating the duration and intensity of future affective states, unrealistic optimism and overconfidence. Moreover, predictions are very complicated because the cited risk factors concern not only the “predictor”, but also the audience, and in the political field there is a vast audience, characterized by different levels of susceptibility, according to each personality, mentality and cultural environment. This kind of research could be useful in the politics of government agencies, which are often charged with the task of calculating the welfare effects of mandatory disclosure, by facilitating the achievement of a balanced information system. Cf. R. HERTWIG and C. ENGEL, *Homo Ignorans: Deliberately Choosing Not to Know*, in *Perspectives on Psychological Science* vol. 11, n. 3, 2016, pp. 359-372, <https://journals.sagepub.com/doi/10.1177/1745691616635594>; D. KAHNEMAN and A. TVERSKY, *On the*

those who, despite having the economic and digital skills to access the web, are functional illiterates⁶³ and don't know how to read laterally; that is, how to evaluate the credibility of information sources. Inevitably, with an increase of the sources that the digital world offers compared to the analogue one, all that remains is to reiterate that the inequities grow in a directly proportional way⁶⁴.

At this point, it is useful to clarify what "iniquity" is: it is connected with the notion of "context", but this word also has a clouded meaning. "Context" deals with the concept of "environment", that is, for example, home, workplace, neighborhood, city and State. Nowadays, thinking about "iniquity", it would be perhaps better to juxtapose the term "network" instead of "context", in order to include every kind of relationship connected with the "social environment"⁶⁵. Breaking down the walls built between institutions and the people, one has the illusion of generating a direct and "true" relationship, but this "socialized communication" - as Manuel Castells states - ends up revealing itself a "mass self-communication"; that is, a form of "mass" communication, since the web allows the diffusion on a global scale, but characterized by being "self", since neither the content nor the source from which it derives is guaranteed⁶⁶. The problem is that most people don't use social media for building a democratic dialogue and for empowering a collective intelligence. Individuals tend to focus on their own personal ideas, because the system proposes them topics that are in line with their thoughts and with their interests⁶⁷. Indeed, the inversion of communication methods from top-down to bottom-up allows the recording of data on people and their interests, transforming the network into a "virtual market", in which "companies" try to pursue their mission and vision⁶⁸; the citizen becomes a mere consumer, to whom the parties try to submit the best offer through messages directed almost *ad*

Psychology of Prediction, in *Psychological Review*, vol. 80, n. 4, 1973, pp. 237-251, <https://psycnet.apa.org/doiLanding?doi=10.1037%2Fh0034747>; E.J. LANGER, *The Illusion of Control*, in *Journal of Personality and Social Psychology*, vol. 32, n. 2, 1975, pp. 311-328, <https://psycnet.apa.org/doiLanding?doi=10.1037%2F0022-3514.32.2.311>; G. PALLIER, R. WILKINSON, V. DANTHIIR, S. KLEITMAN, G. KNEZEVIC, L. STANKOV and R.D. ROBERTS, *The Role of Individual Differences in the Accuracy of Confidence Judgments*, in *The Journal of General Psychology*, vol. 129, n. 3, 2002, pp. 257-299, <https://www.tandfonline.com/doi/abs/10.1080/00221300209602099>; T. SHAROT and C.R. SUNSTEIN, *How People Decide What They Want to Know*, in *Nature Human Behaviour*, vol. 4, n. 1, 2020, pp. 14-19, <https://www.nature.com/articles/s41562-019-0793-1>; S. SLOMAN and P. FERNBACH, *The Knowledge Illusion: Why We Never Think Alone*, Riverhead Books, New York, 2017; N.D. WEINSTEIN, *Unrealistic Optimism about Future Life Events*, in *Journal of Personality and Social Psychology*, vol. 39, n. 5, 1980, pp. 806-820, <https://psycnet.apa.org/record/1981-28087-001>.

63 More and more frequently individuals, despite knowing how to read and write, are unable to understand the real meaning of a text: even if structural illiteracy has been overcome in a large part of the Western world, the phenomenon of functional illiteracy is increasing. One has to promote functional literacy and, in a broader sense, information literacy.

64 On the general problem, see J. KLEINBERG, J. LUDWIG, S. MULLAINATHAN and C.R. SUNSTEIN, *Discrimination in the Age of Algorithms*, in *Journal of Legal Analysis*, vol. 10, 2018, pp. 113-174, <https://doi.org/10.1093/jla/laz001>.

65 D.C. MUTZ, *Hearing the Other Side: Deliberative versus Participatory Democracy*, Cambridge University Press, Cambridge, 2006, p. 10.

66 M. CASTELLS, *Communication, Power and Counter-Power in the Network Society*, in *International Journal of Communication*, vol. 1, 2007, pp. 238-266, <https://ijoc.org/index.php/ijoc/article/view/46/35>.

67 P. LORENZ-SPREEN, S. LEWANDOWSKY, C.R. SUNSTEIN and R. HERTWIG, *How Behavioural Sciences Can Promote Truth*, *cit.*, pp. 1102-1109.

*personam*⁶⁹. This process generates an apparent mutual consent, neither coming into contact with different points of view, nor taking into account the great number of persons who scroll over the same posts without expressing their dissent.

The enormous online ecosystem captures user attention, without stimulating knowledge and autonomous choices. On the contrary, Cass Robert Sunstein points out - in *#republic* - that «people should be exposed to materials that they would not have chosen in advance. Unplanned, unanticipated encounters are central to democracy itself»⁷⁰.

Despite the high democratic potential of the new technologies⁷¹, they often produce disinformation and this is due to the lack of rules and guarantees in the use of the web⁷². Information overload drives to an inevitable spread of false information and it seems impossible to model regulation, because the speed and adaptability of technology and its users is not comparable with that of regulation. Also, by trying to set rules, governments incur in other potential risks, like the accusation of censorship⁷³.

The news, thanks also to the use of images alongside words, seem to express great truths, but images are often taken out of context⁷⁴, even without considering the case of deepfakes. The image creates *pathos*, that prevails over *logos* and *ratio*⁷⁵; the consensus of society thus leaves the schemes of parliamentary democracy in favor of the surreal and unregulated *arena*

68 On the subject of political marketing, cf. A. MELLONE and B.I. NEWMAN, *Introduzione*, in A. MELLONE and B.I. NEWMAN (a cura di), *L'apparenza e l'appartenenza: teorie del marketing politico*, Rubbettino, Soveria Mannelli, 2004, pp. 7-15.

69 S. RODOTÀ, *Tecnopolitica: la democrazia e le nuove tecnologie della comunicazione*, Laterza, Roma-Bari, 2004; C.R. SUNSTEIN, *Republic.com*, Princeton University Press, Princeton, 2001.

70 C.R. SUNSTEIN, *#republic: Divided Democracy in the Age of Social Media*, Princeton University Press, Princeton, 2017, p. 6.

71 On the centrality of the media in human experience, cf. B. BALDI and E. BORELLO, *Comunicazione, cultura e mass media*, Edizioni dell'Orso, Alessandria, 2016.

72 M. CUNIBERTI, *Le libertà politiche nell'era digitale*, in *Studi in onore di Maurizio Pedrazza Gorlero: la libertà di informazione e la democrazia costituzionale*, vol. 2, Edizioni Scientifiche Italiane, Napoli, 2014, pp. 153-171.

73 P. LORENZ-SPREEN, S. LEWANDOWSKY, C.R. SUNSTEIN and R. HERTWIG, *How Behavioural Sciences Can Promote Truth*, cit., pp. 1102-1109.

74 G. SARTORI, *Homo videns*, Laterza, Bari, 1999, pp. 69-85.

75 On the psychological reflection of public issues, cf. B. BARBER, *The Logic and Limits of Trust*, Rutgers University Press, Brunswick, 1983; M.M. BRADLEY, *Emotion and Motivation*, in J.T. CACIOPPO, L.G. TASSINARI and G.G. BERNTSON (eds.), *Handbook of Psychophysiology*, Cambridge University Press, Cambridge, 2000, pp. 602-642; J.N. DRUCKMAN and K.R. NELSON, *Framing and Deliberation: How Citizens' Conversations Limit Elite Influence*, in *American Journal of Political Science*, vol. 47, n. 4, 2003, pp. 729-745, <https://doi.org/10.1111/1540-5907.00051>; J. FALLOWS, *Breaking the News: How the Media Undermine American Democracy*, Pantheon, New York, 1996; S. KEETER, *The Illusion of Intimacy: Television and the Role of Candidate Personal Qualities in Voter Choice*, in *Public Opinion Quarterly*, vol. 51, n. 3, 1987, pp. 344-358, <https://academic.oup.com/poq/article-abstract/51/3/344/1805038?redirectedFrom=fulltext>; M. LOMBARD, *Direct Responses to People on the Screen: Television and Personal Space*, in *Communication Research*, vol. 22, n. 3, 1995, pp. 288-324, <https://journals.sagepub.com/doi/10.1177/009365095022003002>; M. LOMBARD, R.D. REICH, M.E. GRABE, C. CAMPANELLA BRACKEN and T. BOLMARCICH DITTON, *Presence and Television: The Role of Screen Size*, in *Human Communication Research*, vol. 26, n. 1, 2000, pp. 75-98, <https://academic.oup.com/hcr/article-abstract/26/1/75/4554750?redirectedFrom=fulltext>; G.E. MARCUS, W. RUSSELL NEUMAN and M. MACKUEN, *Affective Intelligence and Political Judgment*, University of Chicago Press, Chicago, 2000.

of the web. In this kind of democracy - the so-called “post-democracy”⁷⁶ - the way of expressing opinion has changed: offense prevails over rhetoric, because the only aim is to make people talk⁷⁷.

Disinformation is a powerful weapon of the populist media platforms, which has initially worked because of the widespread gullibility towards information read on the web and are now functioning because of a fine reworking of the facts structured in a more credible way. Beyond the legal questions connected to the problem of non-regulation of digital spaces, there is also a sociological problem, deriving from the ability of digital populism of appealing to millions of users through generalized propaganda without filters (the so-called “disintermediation”).

“Digital populism” has innervated its roots in this mediatic context, finding place in contemporary Western constitutional democracies, while “analog populism” used to impose itself only in authoritarian or semi-authoritarian frameworks⁷⁸, therefore highlighting its deep connection with the concept of “dictatorship”⁷⁹. Western constitutions tend to prevent totalitarian distortions, but new populisms have disguised their deep ideological orientation, which seems to connect them to the totalitarianisms of the twentieth century; for this reason,

76 The English neologism “post-democracy” was coined by the British sociologist and political scientist Colin Crouch in his monograph *Coping with Post-democracy*, cf. C. CROUCH, *Coping with Post-democracy*, Fabian Society, London, 2000, Italian translation *Postdemocrazia*, Laterza, Roma-Bari, 2003, p. 6. About this theme, cf. M.G. RODOMONTE, Il “populismo sovranista” e l’Europa: a proposito di crisi della democrazia e del processo di integrazione europea, in *Nomos: Le Attualità del Diritto*, n. 2, 2019, pp. 1-25, at 4, <https://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2019/09/Rodomonte-2.2019.pdf>.

77 S. BUDELLI, *Populismo nell’e-democracy*, cit., pp. 367-386, at 376-377.

78 For what concerns the relationship among communication, power and counter-power in the network society, cf. U. BECK, *Power in the Global Age*, Polity, Cambridge, 2006; W.L. BENNETT, *Toward a Theory of Press-State Relations in the United States*, in *Journal of Communication*, vol. 40, n. 2, 1990, pp. 103-127, <https://academic.oup.com/joc/article-abstract/40/2/103/4210575>; M. CASTELLS, *Global Governance and Global Politics*, in *PS: Political Science & Politics*, vol. 38, n. 1, 2005, pp. 9-16, <https://www.cambridge.org/core/journals/ps-political-science-and-politics/article/abs/global-governance-and-global-politics/4EC97F93EE0D39B62AF3FA32E38F8DE5#access-block>; M. CASTELLS, *The Rise of the Network Society*, Wiley-Blackwell, Hoboken, 2009; M. CASTELLS, M. FERNANDEZ-ARDEVOL, J. LINCHUAN QIU and A. SEY, *Mobile Communication and Society: A Global Perspective*, Massachusetts Institute of Technology Press, Cambridge, 2006; J. CURRAN, *Media and Power*, Routledge, London, 2002; R.J. DALTON, *Democratic Challenges, Democratic Choices: The Erosion of Political Support in Advanced Industrial Democracies*, Oxford University Press, Oxford, 2004; D.A. GRABER (ed.), *Media Power in Politics*, CQ Press, Washington D.C., 2007; D.C. HALLIN and P. MANCINI, *Comparing Media Systems: Three Models of Media and Politics*, Cambridge University Press, Cambridge, 2004.

79 M. MONTI, *Intervento*, in Conference for the Presentation of the Volume. G. DELLEDONNE, G. MARTINICO, M. MONTI and F. PACINI, *Populismo e Costituzione: una prospettiva giuridica* (2022). WebEx (School of Advanced Studies Sant’Anna of Pisa. Institute of Law, Politics and Development, 15th of September 2022).

it is complex for Constitutional Courts⁸⁰ to use constitutional instruments for protecting democracies from these distortions⁸¹.

5. Culture as a Very Revolutionary Tool: Behavioural Research and Some Correctives to Ignorance

There is a real risk of democratic erosion and no constitution is able to avoid this risk, because constitutions don't have the power to save democracy: the only ones who can take care of democracy are the democrats⁸². This is why it is important to work on a cultural level, making people aware of the present political and mediatic dynamics.

Nowadays people don't understand media news and known facts because they are cognitively impoverished: technology companies, such as Google and Facebook, use their algorithms to achieve the most desirable product, that is human attention, and politics is able to take advantage of these mechanisms⁸³.

These problems are strictly related to the opacity and the asymmetry of the relationship between an individual and the social media: platforms are informed about users behaviour, whereas users are oblivious about the way their data is processed and about any use of personal data for commercial or political purposes.

80 The Constitutional Court can be conceived as the guardian of the constitution, which checks the constitutional validity of ordinary legislative decisions: this conception of the judge could lead to consider him or her as *bouche de la loi* or, in this case, one could perhaps say *bouche de la constitution*, but this reading collides with the fact that every text needs to be interpreted and that the interpreter is a person. Despite the possible risks, the system is concretely guaranteed, because the Constitutional Court operates on the basis of a robust argumentative capacity as the chief public reasoner of democracy. This profile ensures that rights are exercised and protected within a "culture of justification". On the role of the constitutional judge and on his or her power, Mary L. Volcansek asserted: «The court becomes a veto-player if it can say what the constitution means and invalidate both executive and legislative actions», cf. M.L. VOLCANSEK, *Constitutional Courts as Veto-players: Divorce and Decrees in Italy*, in *European Journal of Political Research*, vol. 39, n. 3, 2001, pp. 347-372, at 352. See also G. TSEBELLIS, *Veto Players: How Political Institutions Work*, Princeton University Press, Princeton, 2002, p. 328. Other interpretations of the work of the Court are that of Ronald Dworkin, who considers the Court as the "forum of principle", and that of John Bordley Rawls, who describes it as the "exemplar of public reason"; on Dworkin's thought, see, in particular, R. DWORKIN, *The Forum of Principle*, Routledge, London, 2000, and about Rawls' ideas, cf. J. BORDLEY RAWLS, *A Theory of Justice*, Harvard University Press, Cambridge, 1971; J. BORDLEY RAWLS, *The Idea of Public Reason*, in J. BOHMAN and W. REHG (eds.), *Deliberative Democracy: Essays on Reason and Politics*, MIT Press, Cambridge, 1997, pp. 93-145; J. BORDLEY RAWLS, *The Idea of Public Reason Revisited*, in *The University of Chicago Law Review*, vol. 64, n. 3, 1997, pp. 765-807, <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=5633&context=uclrev>; J. BORDLEY RAWLS, *Political Liberalism*, Columbia University Press, New York, 2005. On the theme of the "culture of justification", Albie Sachs - thinking of South Africa - states that «we had moved from a culture of submission to the law, to one of justification and rights under the law»; for Sachs' quote, cf. A. SACHS, *The Strange Alchemy of Life and Law*, Oxford University Press, Oxford, 2009, p. 33. For an extensive reflection on the multiple interpretations of the role of the Constitutional Court, see C. HÜBNER MENDES, *Constitutional Courts and Deliberative Democracy*, Oxford University Press, Oxford, 2013.

81 K.L. SCHEPPELE, *The Party's Over*, cit., pp. 495-514.

82 T. GINSBURG and A.Z. HUQ, *How to Save a Constitutional Democracy*, University of Chicago Press, Chicago, 2018, pp. 238-240.

83 P. LORENZ-SPREEN, S. LEWANDOWSKY, C.R. SUNSTEIN and R. HERTWIG, *How Behavioural Sciences Can Promote Truth*, cit., pp. 1102-1109.

Individuals are not used to researching the level of credibility about information, because they prefer to adapt themselves to the common values expressed by their community. If a piece of information collided with their preconceptions, it might be possible for individuals to start to approach news in a critical way by analyzing the sources⁸⁴. A great number of active Twitter accounts are bots; the same happens on Facebook and it has had great consequences in the 2016 political U.S. campaign and in the 2017 French election⁸⁵.

Fake news is generated and this kind of news pushes towards the erosion of institutions. Manipulations are more and more common⁸⁶; one of the biggest risks is related to the repetition of false information that makes the audience familiar to this kind of information by ending up believing in it⁸⁷. It is necessary to react to these distorted uses of technologies, but it is not sufficient to just delete questionable posts.

There are two kinds of factors produced by the digital environment that could be useful to correctly judge the web sources: the first kind of cues are endogenous and the second ones are exogenous⁸⁸.

Endogenous factors are a result of the content itself, examined by modern search engines using language-processing tools, but these digital mechanisms cannot generate nuanced interpretations⁸⁹: they are not able to divide facts from opinions, to recognize irony, humor or

84 D.M.J. LAZER, M.A. BAUM, Y. BENKLER, A.J. BERINSKY, K.M. GREENHILL, F. MENCZER, M.J. METZGER, B. NYHAN, G. PENNYCOOK, D. ROTHSCHILD, M. SCHUDSON, S.A. SLOMAN, C.R. SUNSTEIN, E.A. THORSON, D.J. WATTS and J.L. ZITTRAIN, *The Science of Fake News: Addressing Fake News Requires a Multidisciplinary Effort*, in *Science*, vol. 359, n. 6380, 2018, pp. 1094-1096, <https://www.science.org/doi/10.1126/science.aao2998>.

85 For what concerns the use of bots in politics, cf. E. FERRARA, *Disinformation and Social Bot Operations in the Run Up to the 2017 French Presidential Election*, in *First Monday*, vol. 22, n. 8, 2017, <https://firstmonday.org/ojs/index.php/fm/article/view/8005/6516>. About online human-bot interactions, cf. Z. CHU, S. GIANVECCHIO, H. WANG and S. JAJODIA, *Detecting Automation of Twitter Accounts: Are You a Human, Bot, or Cyborg?*, in *IEEE Transactions on Dependable and Secure Computing*, vol. 9, n. 10, 2012, pp. 1-14, <https://www.eecis.udel.edu/~hnw/paper/tdsc12b.pdf>; S. HAUSTEIN, T.D. BOWMAN, K. HOLMBERG, A. TSOU, C.R. SUGIMOTO and V. LARIVIÈRE, *Tweets as Impact Indicators: Examining the Implications of Automated "Bot" Accounts on Twitter*, in *Journal of the Association for Information Science and Technology*, vol. 67, n. 1, 2016, pp. 232-238, <https://doi.org/10.1002/asi.23456>.

86 D.M.J. LAZER, M.A. BAUM, Y. BENKLER, A.J. BERINSKY, K.M. GREENHILL, F. MENCZER, M.J. METZGER, B. NYHAN, G. PENNYCOOK, D. ROTHSCHILD, M. SCHUDSON, S.A. SLOMAN, C.R. SUNSTEIN, E.A. THORSON, D.J. WATTS and J.L. ZITTRAIN, *The Science of Fake News*, *cit.*, pp. 1094-1096.

87 On this theme, see B. SWIRE, U.K.H. ECKER and S. LEWANDOWSKY, *The Role of Familiarity in Correcting Inaccurate Information*, in *Journal of Experimental Psychology: Learning, Memory, and Cognition*, vol. 43, n. 12, 2017, pp. 1948-1961, https://psycnet.apa.org/fulltext/2017-21380-001.pdf?auth_token=fa71f547f8bb929bf0ccda4e5fc2b64e77341529&returnUrl=https%3A%2F%2Fpsycnet.apa.org%2FdoiLanding%3Fdoi%3D10.1037%252Fxl0000422.

88 X.L. DONG, E. GABRILOVICH, K. MURPHY, V.D. WILKO HORN, C. LUGARESI, S. SUN and W. ZHANG, *Knowledge-Based Trust: Estimating the Trustworthiness of Web Sources*, in *Proceedings VLDB Endowment. 41st International Conference on Very Large Data Bases* (Kohala Coast, 31st of August-4th of September 2015), vol. 8, n. 9, 2015, pp. 938-949, <https://www.vldb.org/pvldb/vol8/p938-dong.pdf>.

89 About these mechanisms and the related problems, cf. J. HULL, *Google Hummingbird: Where No Search Has Gone Before*, in *Wired*, <https://www.wired.com/insights/2013/10/google-hummingbird-where-no-search-has-gone-before/>; H. LUO, Z. LIU, H. LUAN and M. SUN, *Online Learning of Interpretable Word Embeddings*, in *Proceedings of the 2015 Conference on Empirical Methods in Natural Language Processing* (Lisbon, 17th-21st of September 2015), Association for Computational Linguistics, New York, 2015, pp. 1687-1692.

sarcasm, nor to differentiate between extremist contents and counter-extremist messages, because both types of messages tend to be tagged with similar keywords⁹⁰.

For what concerns exogenous cues, they are easier to be interpreted because they come out of the context and don't require an analysis of the content. For example, Google's PageRank algorithm takes centrality as a key indicator of quality and well-connected websites are located higher up in search results, regardless of their content: in this sense, exogenous cues can highlight if a piece of information is part of the existing knowledge or of the public discourse.

Energy needs to be concentrated in redesigning digital environments and in empowering people to approach the web in a critical way⁹¹. Thereby, inequalities - suffered from groups of citizens who are involved in the problem of the digital divide or who are disadvantaged because of economic and cultural factors - could trend to zero.

There should be nudging interventions⁹², directed to shape behaviour primarily through the design of choice architectures of the media system⁹³. Subsequently, some concrete actions could be aimed at: communicating more information about the effective number of readers, including those who have decided not to express explicit reactions; clarifying the way a social media news feed sorts content (for instance, explaining to the reader the reasons why attention tends to be addressed to some particular posts); discouraging people from sharing low-quality information by inserting a further mouse click in a pop-up warning message concerning critical profiles of some news, in order to permit people to think some seconds more before sharing⁹⁴.

It is also important to take boosting actions⁹⁵, by offering users instruments that give them the opportunity to develop cognitive and motivational competences in the long term, which would allow them to critically browse the web: for example, by understanding the reliability

90 On these digital questions, see A. SCHMIDT and M. WIEGAND, *A Survey on Hate Speech Detection Using Natural Language Processing*, in *Proceedings of the Fifth International Workshop on Natural Language Processing for Social Media* (Valencia, 3rd of April 2017), Association for Computational Linguistics, Stroudsburg, 2017, pp. 1-10; J.B. SCHMITT, D. RIEGER, O. RUTKOWSKI and J. ERNST, *Counter-Messages as Prevention or Promotion of Extremism?! The Potential Role of YouTube: Recommendation Algorithms*, in *Journal of Communication*, vol. 68, n. 4, 2018, pp. 780-808, <https://doi.org/10.1093/joc/jqy029>.

91 P. LORENZ-SPREEN, S. LEWANDOWSKY, C.R. SUNSTEIN and R. HERTWIG, *How Behavioural Sciences Can Promote Truth*, *cit.*, pp. 1102-1109.

92 About nudging actions, cf. R.H. THALER and C.R. SUNSTEIN, *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Yale University Press, New Haven, 2008.

93 About the trustworthiness of new information sources, cf. A. BORODIN, G.O. ROBERTS, J.S. ROSENTHAL and P. TSAPARAS, *Link Analysis Ranking: Algorithms, Theory, and Experiments*, in *ACM Transactions on Internet Technology*, vol. 5, n. 1, 2005, pp. 231-297, <https://doi.org/10.1145/1052934.1052942>; Q. LI, Y. LI, J. GAO, B. ZHAO, W. FAN and J. HAN, *Resolving Conflicts in Heterogeneous Data by Truth Discovery and Source Reliability Estimation*, in *ACM Special Interest Group on Management of Data, SIGMOD' 14*, 2014, pp. 1187-1198, <https://doi.org/10.1145/2588555.2610509>.

94 About an illiberal use of media, deriving from the abuse of them actuated by authoritarian regimes, cf. J.A. TUCKER, Y. THEOCHARIS, M.E. ROBERTS and P. BARBERÁ, *From Liberation to Turmoil: Social Media and Democracy*, in *Journal of Democracy*, vol. 28, n. 4, 2017, pp. 46-59, <https://www.journalofdemocracy.org/articles/from-liberation-to-turmoil-social-media-and-democracy/>.

95 About nudging and boosting actions, cf. R. HERTWIG and T. GRÜNE-YANOFF, *Nudging and Boosting: Steering or Empowering Good Decisions*, in *Perspectives on Psychological Science*, vol. 12, n. 6, 2017, pp. 973-986, <https://journals.sagepub.com/doi/abs/10.1177/1745691617702496>.

of a piece of information, looking at the social context from which it originates⁹⁶, or by empowering their skills to read laterally, in order to decipher the level of truthfulness of news⁹⁷.

Individual evaluation of the quality of information sources has to be improved; information literacy needs to be implemented⁹⁸. “Schools of democracy”⁹⁹ should be created, in order not simply to teach the meaning of “democracy” but rather to teach how to be democrats, that is how to be aware¹⁰⁰. Dialogue between people and institutions must be resumed, by using as tools both the diffusion of a pluralist culture with the scientific support of behavioural research and the recentralization of intermediary forces, which operate in the political and in the social media systems.

Democracy needs to be constantly implemented and cannot be taken for granted¹⁰¹.

6. Participation in Education: The Core of a New Political System

Most of the people want democratic “experiences”, want to be part of the system and want to participate, but it is necessary to break down the cultural barriers that hinder the success of these democratic “experiences”. A first step, for example, would be to overcome some terminological problems that generate marginalization instead of cohesion and

96 On this point, see A. ALMAATOUQ, A. NORIEGA-CAMPERO, A. ALOTAIBI, P.M. KRAFFT, M. MOUSSAID and A. PENTLAND, *Adaptive Social Networks Promote the Wisdom of Crowds*, in *Proceedings of the National Academy of Sciences of the United States of America*, vol. 117, n. 21, 2020, pp. 11379-11386, <https://www.pnas.org/doi/pdf/10.1073/pnas.1917687117>.

97 On people’s ability to understand what they are reading, cf. P. LORENZ-SPREEN, S. LEWANDOWSKY, C.R. SUNSTEIN and R. HERTWIG, *How Behavioural Sciences Can Promote Truth*, *cit.*, pp. 1102-1109; S. WINEBURG and S. MCGREW, *Lateral Reading: Reading Less and Learning More When Evaluating Digital Information*, Stanford History Education Group, 2017-A1, 2017, pp. 1-55, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3048994.

98 Regarding the role of skill in correcting inaccurate information, cf. J. COOK, D. BEDFORD and S. MANDIA, *Raising Climate Literacy Through Addressing Misinformation: Case Studies in Agnotology-Based Learning*, in *Journal of Geoscience Education*, vol. 62, n. 3, 2014, pp. 296-306, <https://www.tandfonline.com/doi/full/10.5408/13-071.1>; U.K.H. ECKER, S. LEWANDOWSKY and D.T.W. TANG, *Explicit Warnings Reduce but Do Not Eliminate the Continued Influence of Misinformation*, in *Memory & Cognition*, vol. 38, n. 8, 2010, pp. 1087-1100, <https://link.springer.com/content/pdf/10.3758/MC.38.8.1087.pdf>; U.K.H. ECKER, S. LEWANDOWSKY, B. SWIRE and D. CHANG, *Correcting False Information in Memory: Manipulating the Strength of Misinformation Encoding and Its Retraction*, in *Psychonomic Bulletin & Review*, vol. 18, n. 3, 2011, pp. 570-578, <http://dx.doi.org/10.3758/s13423-011-0065-1>; J.E. HUNTER and F.L. SCHMIDT, *Methods of Meta-Analysis: Correcting Error and Bias in Research Findings*, Sage, Thousand Oaks, 2004; L.L. JACOBY, *A Process Dissociation Framework: Separating Automatic from Intentional Uses of Memory*, in *Journal of Memory and Language*, vol. 30, n. 5, 1991, pp. 513-541, [http://dx.doi.org/10.1016/0749-596X\(91\)90025-F](http://dx.doi.org/10.1016/0749-596X(91)90025-F); V.F. REYNA and F. LLOYD, *Theories of False Memory in Children and Adults*, in *Learning and Individual Differences*, vol. 9, n. 2, 1997, pp. 95-123, <https://reader.elsevier.com/reader/sd/pii/S1041608097900029?token=B8348FA37FE81402FB3EDE5CA8C5964617E42DDE93838AC3BA9A291861AD25A6F336A8916563DBD632E51453EFDCE7BD&originRegion=eu-west-1&originCreation=20221107142820>.

99 There are already high-level political training courses conceived as “schools of democracy”: however, it would be desirable to establish the foundation of these kind of schools that were not only directed to a small circle of educated young people, but also to a wider audience, that is, to citizenship in a broader sense.

100 L. VIOLANTE, *Società civile e istituzioni*, *cit.*, pp. 1-10; G. ZAGREBELSKY, *Imparare democrazia*, Einaudi, Torino, 2007, p. 69.

101 L. VIOLANTE, *Società civile e istituzioni*, *op. cit.*, pp. 1-10.

development: expressions such as “participation infrastructure” are not directly usable for the average citizen, who does not get the messages in the technical language of professionals and researchers. This is not merely an academic question, as the repercussions of the lack of linguistic clarity are reflected on the whole of society, generating divisions among people and keeping the possibility of creating truly participatory political systems away¹⁰².

Participation is most effective and efficient when it is part of an overall strategy; participation in education would be essential for forming new generations who have internalized the value of debate and democratic participation, but very few schools and communities have such a plan.

Participation in education happens sporadically and inefficiently, above all due to the disconnection between the educational institution and the family; these two entities, instead, should be in constant communication to guarantee an all-round formation of the individual. The current processes within the school system limit the chances of effective public participation in education. There is a constant reflection on new measures to be implemented: communities and scholastic institutions, having verified the existing resources, must prepare a plan of participatory activities to be promoted, in order to generate an educational system with a democratic character¹⁰³.

To think politically, it is necessary to learn to think critically, that is, to be able to judge news and facts independently of the environment in which one is involved¹⁰⁴. The issues of formal political education, such as civic training for adults and youth, in school or extra-

102 T. NABATCHI and M. LEIGHNINGER, *Public Participation for 21st Century Democracy*, Jossey-Bass, Hoboken, 2015, p. 323. On the issue of participation, see also S.C. AMES, *Stewarding the Future of Our Communities*, Orton Family Foundation, Shelburne, 2012; G.L. ANDERSON, *Toward Authentic Participation: Deconstructing the Discourses of Participatory Reforms in Education*, in *American Educational Research Journal*, vol. 35, n. 4, 1998, pp. 571-603, <https://journals.sagepub.com/doi/10.3102/00028312035004571>; M. CASPE and M.E. LOPEZ, *Lessons from Family-Strengthening Interventions: Learning from Evidence-Based Practice*, Harvard Family Research Project, Cambridge, 2006; W.W. CUTLER III, *Parents and Schools: The 150-Year Struggle for Control in American Education*, University of Chicago Press, Chicago, 2000; S.L. DAUBER and J.L. EPSTEIN, *Parent Attitudes and Practices of Parent Involvement in Inner-City Elementary and Middle Schools*, The Johns Hopkins University Center for Social Organization of Schools, Baltimore, 1989; J.L. EPSTEIN, *School, Family, and Community Partnerships: Preparing Educators and Improving Schools*, Westview Press, Boulder, 2011; A. FUNG, *Empowered Participation: Reinventing Urban Democracy*, Princeton University Press, Princeton, 2004; N.E. HILL and D.F. TYSON, *Parental Involvement in Middle School: A Meta-Analytic Assessment of the Strategies That Promote Achievement*, in *Developmental Psychology*, vol. 45, n. 3, 2009, pp. 730-763, 10.1037/a0015362; C. HOENE, C. KINGSLEY and M. LEIGHNINGER, *Bright Spots in Community Engagement: Case Studies of U.S. Communities Creating Greater Civic Participation from the Bottom Up*, National League of Cities, Washington, 2013; M. LEIGHNINGER, *The Next Form of Democracy: How Expert Rule Is Giving Way to Shared Governance... and Why Politics Will Never Be the Same, Foreword by U.S. Senator Bill Bradley*, Vanderbilt University Press, Nashville, 2006; M. LEIGHNINGER, *Creating Spaces for Change: Working Toward a “Story of Now” in Civic Engagement*, W.K. Kellogg Foundation, Battle Creek, 2010; M. LEIGHNINGER, *Infogagement: Citizenship and Democracy in the Age of Connection*, Philanthropy for Active Civic Engagement, Washington, 2014; H.B. WEISS, M.E. LOPEZ and H. ROSENBERG, *Beyond Random Acts: Family, School, and Community Engagement As an Integral Part of Education Reform*, Harvard Family Research Project, Cambridge, 2010; P.P. WILLEMS and A.R. GONZALEZ-DEHASS, *School-Community Partnerships: Using Authentic Contexts to Academically Motivate Students*, in *School Community Journal*, vol. 22, n. 2, 2012, pp. 9-30, <https://www.adi.org/journal/2012fw/WillemsDeHassFall2012.pdf>.

103 T. NABATCHI and M. LEIGHNINGER, *Public Participation for 21st Century Democracy*, *op. cit.*, pp. 78 and 109-110.

school contexts, are essential, but it is necessary to take one step further, in order to pass from the theoretical to the concrete side: an inescapable part of educational processes is the education of “political emotions”, which means to adopt an active and at the same time reflective attitude, as well as to gain a critical distance. Political education represents the consequence of exercise and experimentation, that is, the result of the conjunction of Dewey’s pedagogical principle of “learning by doing” with forms of “community participation”¹⁰⁵.

Participation constitutes the way to significantly reduce the gap between the masses and the political class¹⁰⁶. According to this vision, aware and conscious public participation is philosophically and practically the core of a new political system, in which people, capable of recognizing tendentious populist maneuvers, can actually be an active part of new participatory forms of democracy¹⁰⁷.

104 See C.A. HANSMAN and P.A. SISSEL (eds.), *Understanding and Negotiating the Political Landscape of Adult Education*, Jossey-Bass, San Francisco, 2001.

105 L. MORTARI, *Agire con le parole*, in L. MORTARI (a cura di), *Educare alla cittadinanza partecipata*, Mondadori, Milano, 2008, pp. 1-65, at 55-57.

106 C. SECCI, *A Modern Political Education*, *cit.*, pp. 77-91, at 88-89.

107 T. NABATCHI and M. LEIGHNINGER, *Public Participation for 21st Century Democracy*, *cit.*, p. 305. See also M. TOUCHTON and B. WAMPLER, *Improving Social Well-Being Through New Democratic Institutions*, in *Comparative Political Studies*, vol. 47, n. 10, 2014, pp. 1442-1469, <https://journals.sagepub.com/doi/abs/10.1177/0010414013512601>.