

NEW CHALLENGES TO POLITICAL REPRESENTATION AND DEMOCRACY*

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Abstract

The essay is devoted to the new challenges to democracy in spite of its current worldwide expansion. According to the Author, these challenges require a fresh approach to democratic institutions and devices, departing from political representation, namely the main system through which democracy has historically developed. After giving a brief account of the European experience, that gives the most significant array of practices and traditions concerning political representation and further democratic mechanisms, attention is driven to phenomena such as the rise of populism in certain countries, the influence of media diffused at the global scale in shaping public opinion, their impact on political representation, and the erosion of political accountability. The essay poses the question of whether these phenomena are likely to be considered within a broader approach to the concept of democracy.

TABLE OF CONTENTS

1. The expansion of democracy worldwide: new challenges and problems.....	235
2. The historical prevalence of the representative model of democracy.....	237
3. Democratic devices intended to complement the representative system.....	241
4. The 'crisis of democratic politics': a multifaceted issue.....	243
5. Democracy in a media-driven scenario.....	245
6. In search of new democratic dimensions.....	248

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1. The expansion of democracy worldwide: new challenges and problems

It is commonly held that the last two decades have seen the greatest experiment in democracy in human history. So much so, that the twenty-first century looks set to be the era when democracy – in name at least – becomes the global political norm¹. But does the spread of democracy worldwide imply that we are moving towards a system of ‘world constitutionalism’ based on shared principles? Such inference, it has been suggested, does not take account of the fact that “globalisation has within it tendencies which are both conducive and non-conducive to the promotion of constitutional government”².

The “third wave of democratization”, to use Huntington’s phrase³, certainly led to a huge increase in the number of democratic countries: in 2006 the latter constituted 123 of the world’s 192 nations. This number included any and every kind of ‘electoral democracy’, however, whereas those classified as “free” totalled ninety⁴.

The distinction between electoral and free democracies reflects political science’s current debate between those who adopt a minimalist definition of democracy, tied solely to the holding of free elections, and those who insist that a greater degree of political protection of political and civil liberties is also required. More specifically, the latter version of democracy includes four key attributes: (1) regular elections that are competitive, free and fair; (2) full adult suffrage; (3) broad protection of civil liberties, including freedom of speech, the press and association, and (4) the absence of non-elected ‘tutelary’ authorities that limit elected officials’ effective power to govern (e.g. the military, monarchies or religious bodies)⁵.

¹ I. McAllister, *Public support for democracy: Results from the Comparative Study of Electoral Systems project*, in *Electoral St.* 27 (2008), 1-4.

² A. Harding and P. Leyland, *Comparative Law in Constitutional Contexts*, in E. Orucu and D. Nelken (eds.), *Comparative Law Handbook* (2007) 333.

³ S.H. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (1991).

⁴ Freedom House, 2007. *Freedom in the World 2006: the Annual Survey of Political Rights and Civil Liberties*, Freedom House, Washington DC.

⁵ See, recently, S. Levitsky and L.A. Way, *Competitive Authoritarianism: The Origins and Dynamics of Hybrid Regimes in the Post-Cold War Era*, in *J. of Democracy* (2002) 63.

Even this stricter version of democracy, however, makes no reference to the institutional framework capable of ensuring the effectiveness of free elections and civil liberties, despite the fact that we have not yet experienced either free elections without political representation or civil liberties that are not guaranteed through the separation of powers. These last two elements need to be included in the list of democracy's key attributes, rather than merely presupposed. This is certainly the approach adopted by comparative constitutionalism, to the extent that it deals with how law shapes and limits the conduct of politics.

Furthermore, threats to constitutional democracy are likely to lurk outside the perimeter of what has traditionally been labelled the 'violation of civil liberties'. Unlike such acts as closing down a newspaper, phenomena such as governing parties virtually monopolizing access to the media through patronage deals or proxy arrangements, or state/party/business ties creating vast resource disparities between incumbents and opposition, may not be viewed as civil liberties violations. Yet we should be aware that "the use of political power to gain access to other goods is a tyrannical use. Thus, an old description of tyranny is generalized: princes become tyrants, according to medieval writers, when they seize the property or invade the family of their subjects"⁶. Nowadays, the use of political power to gain access to other goods constitutes an infringement of citizens' political rights. Since the exercise of these rights is necessary for free elections, protective devices preventing such infringements need to be included among the attributes of democracy⁷.

Finally, the manipulation of democratic practices needs to be considered. Such manipulation includes the rise of populist leaders not only in countries affected by the 'third wave of democratization' but also in those characterized by longstanding democratic traditions. Once in charge, populist leaders rely solely on the "will of the people" to justify their claims to be upholding democracy, without observing (and, indeed, sometimes manipulating) the other principles and institutional devices deemed necessary for establishing or maintaining democracy. During the Cold War, the expectation was that democratic

⁶ M. Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (1993) 19.

⁷ S. Levitsky and L.A. Way, *Competitive Authoritarianism*, cit., 65.

countries would be threatened by authoritarian regimes, i.e. from the outside. Instead, with the worldwide spread of democracy following the fall of the Berlin wall, threats to democracy are now appearing from within democratic countries. These threats do not simply consist in the rise of populist leaders and the increasing concentration of media ownership. A greater cause for concern is the fact that both these phenomena tend to be justified with arguments relying on constitutional principles themselves. Concentration of media power is justified on grounds of economic freedom, regardless of whether it damages freedom of information. Populist leaders also tend to misrepresent parliamentary procedures or the independence of the judiciary, and to claim that they themselves are above other powers because they have been legitimised by the will of the people.

Against this background, the worldwide spread of democracy appears far more problematic. In addition to political representation, historically the main system through which democracy has developed, a fresh approach to democratic institutions and devices is required. In the light of such considerations, this paper will begin with a brief account of the European experience, as this provides the most significant array of practices and traditions relating to political representation and other democratic mechanisms. It will then concentrate on the problems democracy has recently encountered despite its worldwide diffusion. This with the aim of examining whether these problems are challenging the traditional representations of democracy that have developed in different national or cultural contexts. The question of the extent to which uniformity prevails over diversity is clearly of fundamental importance here.

2. The historical prevalence of the representative model of democracy.

Until the eighteenth century, democracy was generally associated with the gathering of citizens in assemblies and public meeting places. The presumption was that it was exclusively suited to small groups. Rousseau believed Geneva to be the ideal size for democratic government and even Montesquieu, although in favour of federal solutions, conceived republics only on a small scale.

The invention of representative democracy reversed such presumption. As one of its best-known advocates put it, “by ingrafting representation upon democracy” a system of government is created that is capable of embracing “all the various interests and every extent of territory and population”⁸. Representative democracy could then be appreciated as “the grand discovery of modern times”, in which “the solution of all difficulties, both speculative and practical, would be found”⁹.

Such optimism was due to the fact that the representative system was conceived against the background of the creation of the nation-state and was expected to solve the problem of the far greater dimensions that political communities were assuming. Nevertheless, the invention of political representation coincided also, and more problematically, with revolutions which were laying the foundations for the development of constitutional democracies.

During the era of the French revolution, the concepts of political representation, citizenship, the state and democracy marked a watershed in the development not only of the law and public life but also, and equally importantly, of institutional settings. All these concepts were artificial, in that they were constructs of reason deriving from the ideal of an individual’s self-determination, as opposed to his traditional links with communities and social classes, which corresponded to legal hierarchies. The principles of freedom and equality enshrined in the 1789 Declaration and the notion of citizenship irrespective of these traditional links were at the core of the Revolution’s promise. Accordingly, the ban on communities sanctioned by the 1791 *loi Chapelier* acquired the meaning of abolishing the legal stratification inherent in the *ancien régime*. The relationship between citizens and public power would therefore be conducted directly by their own representatives in the national legislative assembly, without other intermediaries. The assumption that citizens would relate to public power only through their own representatives implied that the sole source of legitimate power was the assembly, and that the sole legitimate model of democracy was the representative one. It is worth recalling that

⁸ T. Paine, *The Thomas Paine Reader* (1987) 281.

⁹ James Mill, quoted in G.H. Sabine, *A History of Political Thought* (1963) 695.

the absolutist state had failed to eliminate the *pouvoirs intermédiaires*. For this reason, then, the basic institutional framework emerging from the Revolution continued, rather than reacted against, the centralization of public power. The structural ambivalence characterising the whole construction of the post-revolutionary state on the European continent stems from this. Principles and institutions opposing the social and political premises of absolutism were introduced, whilst the objective of concentrating power in the hands of a single institution was pursued simultaneously, thus engendering, as Tocqueville soon realized, an absolute form of power.

While legitimating the representative model as the sole model of democracy, the construction outlined above excluded the rival one, namely, direct democracy. This paved the way for another kind of criticism. In spite of its praised ability to express the popular will in small states or cities, the representative system began to be attacked on the ground that it gave only an indirect opportunity for popular intervention in public affairs and therefore could not ensure a genuine democracy. Such criticism shed light on the aristocratic side of the representative system and has featured in various theoretical approaches over the last two centuries. It has served various political purposes, including the recent assumption that representation is incompatible with liberty since it delegates the political will of the people, thereby prejudicing genuine self-government and autonomy¹⁰.

Such assumption is purely academic in its approach, however. The attempt to demonstrate the superiority of direct democracy over the representative model is made here exclusively as a point of principle, irrespective of the theory's feasibility.

On the basis of the actual state of contemporary democracies, the prevalence of the representative system over rival systems would appear hard to dispute, on the other hand. Not only has the former resisted enormous change since the 1790s (including the rise of political parties and universal suffrage in the countries where it had already been adopted) but it is also regularly established after the demise of any authoritarian regime and heralds the advent of, or return to, democracy.

¹⁰ B. Barber, *Strong Democracy: Participatory Politics for a New Age* (1984) 145.

This is not to say that all is well with representative democracy. Before considering the problems it currently faces, however, it is necessary to examine the reasons for its factual prevalence over rival models.

Political representation may be distinguished from legal representation on the basis that a Member of Parliament cannot have his/her mandate revoked before expiry of its term. A clear distinction may also be drawn between representative and direct democracy, in that electors are prevented from recalling the representative whom they have elected, and therefore from giving him orders or instructions that fetter his mandate. Constitutions tend to justify this rule by stating that Members of Parliament are entrusted with the task of representing the Nation. Even in the United Kingdom, where there is no explicit provision to that effect, “MPs are sent to Parliament to represent their constituents, but they are not delegates. They may win their seat on the basis of manifesto pledges made by a political party to the electorate. However, once elected, there is no formal mechanism available to individual electors to compel their MP to follow manifesto policies”¹¹.

The ban on fettered mandates has enjoyed an extraordinary longevity. It had its origins in the need to protect representatives from the pressures that local constituencies might bring to bear on them. At that time, the franchise was limited and election candidates were chosen from local oligarchies. The subsequent extension of the franchise (resulting either gradually or abruptly in universal suffrage) and the rise and organisation of political parties on a national scale, determined both a democratisation and a nationalisation of political competition. These changes were clearly at odds with the oligarchic system under which the rule prohibiting fettered mandates for MPs was originally established. Nonetheless and contrary to some predictions, such rule survived these crucial events, acquiring the function of preventing political parties (whose role in choosing election candidates had become decisive) from recalling MPs running counter to their own decisions or guidelines. The ban on fettered mandates for MPs,

¹¹ P. Leyland, *The Constitution of the United Kingdom. A Contextual Analysis* (2007) 87.

and the representative system more generally, thus proved sufficiently flexible to be able to adapt to the era of democracy.

3. Democratic devices intended to complement the representative system.

This is not to say, however, that the democracies of our time are exhausted in the classical representative system. Various mechanisms of direct or participative democracy are frequently provided for to balance the excesses of a purely representative democracy or correct its failures through popular intervention.

The referendum is usually considered the main instrument of direct democracy. It enjoys an important function in many European countries, although not necessarily that of counteracting a parliamentary majority. Such result is unlikely wherever the referendum is to be launched by the government or the parliamentary majority (a “controlled” or “passive” referendum), whereas the opposite may be true when a minority of voters or a parliamentary minority is entitled to initiate the procedure (an “uncontrolled” or “active” referendum). Further distinctions need to be drawn according to whether the consent of specific quorums (e.g. qualified majorities) is required for the acceptance of a referendum proposal¹².

The establishment of a federal or regional state structure is now common to almost all European countries and is considered an important tool for increasing and enhancing popular participation in public affairs. The assumption is that citizens are more likely to be aware of, and directly interested in, issues discussed at a local level than the country’s general policies treated in the national assemblies. “Lower-level politics”, it is argued, improves participation in that it reduces the distance between citizens and those who exercise public power and correspondingly enhances the accountability of the latter.

Finally, participative mechanisms are sometimes created with the aim of involving economic and social groups in national or local decision-making processes. I do not refer to the economic and social councils provided for by some Constitutions such as the

¹² A. Vatter, *Lijpart expanded: three dimensions of democracy in advanced OECD countries?*, in *Eur. Pol. Sc. Rev.* (2009) 127.

French, Spanish and Italian ones, since these councils have proved to be ineffective. I refer, rather, to less institutionalized but more successful mechanisms such as the advice or consent given by economic and social groups in relation to public policies. These are generally provided for by legislation as a necessary part of procedure but, in other cases, result from agreements between parties. Another characteristic of the present phase of democratic development “is that of economic and voluntary enterprises taking over public functions previously carried out by elected authorities”¹³. Irrespective of its informality, such participation in public policy-making derives from economic and social pluralism, which is itself frequently affirmed as a constitutional principle.

Despite their variety, the above-mentioned participative mechanisms have always been introduced with the ultimate aim of complementing a purely representative democracy. This has been demonstrated in countries where such version of democracy had revealed its fragility with the advent of totalitarian regimes. In post-totalitarian countries, the introduction of participative devices, alongside formal recognition of human dignity and catalogues of fundamental rights, acquired the meaning of reducing the distance between citizens and public power that the aristocratic side to political representation was likely to maintain. In countries such as France and the United Kingdom, where democracy resisted totalitarianism, the need to expand the concept and practice of democracy was far less urgent. It is not by chance that the quest for regionalization and other participative devices has only recently emerged in these countries, and for reasons which are more connected with the growing complexity of contemporary government.

The outline just sketched corresponds to the general framework of democratic principles provided for by the Lisbon Treaty.

After stating that “[t]he functioning of the Union shall be founded on representative democracy”, Article 10 specifies that “Citizens are represented in the European Council by their Heads of State or Government and in the Council by their governments,

¹³ D. Beetham, A. Blick, H. Margetts and S. Weir, *Power & Participation in Modern Britain*, by Democratic Audit for the Carnegie UK Trust Democracy and Civil Society programme.

themselves democratically accountable either to their national Parliaments, or to their citizens". Although deemed fundamental for the European Union's functioning, representative democracy is nevertheless complemented with participative mechanisms. These include the European Commission's "broad consultations" "with parties concerned in order to ensure that the Union's actions are coherent and transparent", provision for a referendum proposed by not less than one million European citizens on matters requiring a legal act of the Union and the participation of national Parliaments in a series of specifically enumerated EU procedures (Articles 11 and 12).

These statements are usually, and correctly, interpreted as attempting to respond to objections against the EU's democratic deficit. This paper does not intend to enter that debate, however. Suffice it to say that the Lisbon Treaty's strong reliance on representative democracy, and its view that participative mechanisms complement political representation, reflect a balance roughly corresponding to that experienced within Member States.

Nonetheless, the Lisbon Treaty's approval coincides with the fact that a crisis of democratic politics is increasingly being denounced at a national level. Ironically, official responses to the widely held anxiety about the European Union's democratic deficit have consisted in setting up the very democratic procedures and devices that appear most strained within individual Member States.

4. The 'crisis of democratic politics': a multifaceted issue.

The 'crisis of democratic politics' is itself a multi-faceted issue. The term can refer either to the relationship between parliament and government, or to political representation.

In the former case, the crisis of democratic politics depends on what we expect from parliament as the archetypal democratically legitimised institution. In this respect, it has been noted that "[d]uring the rise of constitutional government since the 18th century, much has been placed in the ability of democratically elected parliaments to deliver a form of government that meets the high hopes placed in them. Today, there is a wide consensus that these hopes have not been sufficiently fulfilled. There is a commonly held notion that

parliaments are too weak, that they lack constitutional authority or that the heyday of parliamentary control is behind us"¹⁴. In these authors' view, however, the hopes placed in parliaments vary according to different political cultures. Furthermore, they pose the question of whether "the traditional belief in parliamentarianism as a means of accountability is likely to lead to frustrated expectations so long as it does not accept that the essential purpose of a parliament is to support and legitimise the executive's actions (for which there is a democratic justification), not to restrain it from action"¹⁵.

So far, the decline of representative assemblies appears at least partly related to national political cultures and, it might be added, to varying constitutional assessments of the legislative/executive relationship.

In the context of political representation, on the other hand, the crisis of democratic politics is likely to result from far-reaching and commonly perceived change, such as that connected with multilevel governance and the rise of global media networks. But let us first examine the nature of such crisis.

According to a recent report on the state of democracy in the United Kingdom, the most mature European democracy, "The real issue is the prevalence, and inadvertent nurturing of, an anti-political culture. Contemporary political disaffection is not, we suggest, a story of the decline of civic virtue, nor it is a story of political apathy - it is one of disenchantment, even hatred, of politics and politicians. It is not that we have stopped caring - we remain impassioned and animated by politics - but our emotive and impassioned responses are increasingly negative in tone and character. This phenomenon, we feel, has not been adequately understood"¹⁶.

Disenchantment with, if not hatred of, politics and politicians is common not only among European peoples, but also among other democratic countries in the world. And at least some of the reasons for this phenomenon would appear to be common

¹⁴ A.W. Bradley, K. Ziegler and D. Baranger, *Constitutionalism and the Role of Parliaments*, (2007) 1.

¹⁵ A.W. Bradley, K. Ziegler and D. Baranger, *Constitutionalism and the Role of Parliaments*, cit. at 14, 11.

¹⁶ C. Hay, G. Stoker and A. Williamson, *Revitalising politics: have we lost the plot?*, Hansard Society, 5-6 November 2008.

to these countries, too. Firstly, the asymmetry between nation-states' borders and the global markets and communication systems tending to create 'a borderless world' raises questions regarding the size of democratic communities and the feasibility of supranational and/or international forms of democracy. Comparative constitutionalism is likely to shed only limited light on such an issue, however, since the latter is really a question of global governance. The more interesting issue for our purposes regards which institutional devices and procedures are better suited to enhancing democratic accountability.

The question of whether contemporary networks, the media and communication devices operating on a global scale are likely to standardize democracies in spite of their different traditions and institutional features, and thereby lead to disenchantment with politics and politicians, is a separate one. Unlike the previous issue, this one concerns comparative constitutionalism directly. If these networks and communication devices do prove to standardize democracies, uniformity would prevail over variety, with the consequence, *inter alia*, that scholars would be spared the effort of constitutional comparison.

5. Democracy in a media-driven scenario

The issue is highly controversial even on sociological grounds. While some observe that communication systems are, *per se*, neutral instruments and that the diffusion of certain kinds of material through them is a question of human responsibility, others reply that "the medium is the message", in the sense that it shapes discourse and resultant perceptions. Be that as it may, unlike the press, our modern communication systems do anything but foster reflection about external events. They tend, rather, to de-structure previous perceptions of time. Those perceptions are themselves the product of history and culture, and are likely to change owing to the wonderful human ability to adapt to external events.

Our ancestors had a different perception of time from ours, and ours will differ from that of future generations. For the time being, our knowledge of this is limited. What we do know, or can reasonably reconstruct, however, is how the new communication

systems are affecting our perception of time as structured in the public sphere.

What has occurred in the field of representative democracy? This model of democracy encapsulates a specific notion of time. Citizen-voters choose their own representatives for a mandate usually lasting five years, without being entitled to recall them in the meantime, but having the chance of evaluating their conduct through the ballot box at the next election. Citizen-voters are thus, in principle, able to hold representatives, and decision-makers more generally, to account. The whole cycle of representative democracy and political life is intended to render concrete the principle of political accountability. The rule that electors are prevented from recalling their chosen representatives during the five-year mandate is therefore not to be seen simply as a limitation, but also as an opportunity for evaluating how representatives have converted their own interpretation of electors' interests into concrete policies.

The new communication systems challenge the assumption that policies need time to be chosen and then evaluated by electors. More radically, they also relieve representatives of the burden of being evaluated according to the policies they have chosen. To the extent that these systems structure the public debate in terms of individual events rather than principles, and tend to substitute the formerly held awareness of a common future with a series of fleeting media-driven perceptions¹⁷, representatives are likely to concentrate on constructing a successful image in the eyes of their electors, irrespective of what this means in political terms. Obsessed with daily opinion polls, they concentrate on mirroring electors' current preferences, rather than representing their interests over the life of a legislature. The eternal present prevails over any sense of the future or, indeed, of the past. Political accountability is thus annihilated, since it can only be put into practice over time.

Most citizens, it is argued, are now judging politicians from afar and through a distorted lens. In most mature democracies most people have little if any direct involvement in politics¹⁸. People experience politics as spectators and through the eyes and

¹⁷ See, for example, J.M. Guéhenno, *La fin de la démocratie* (1993).

¹⁸ G. Stoker, *Why Politics Matters* (2006).

ears of the media, with the result that they “combine a substantial level of cynicism about politics with occasional outbursts of moral indignation as to its failings and frustrations. Such public expressions of exasperation and powerlessness are often accompanied by a belief that they are inadequately informed despite the plethora of news reports discussing policy, many of which appear to the reader as just another attempt to persuade”¹⁹.

Such arguments need to be complemented and partially corrected, however. It seems undeniable that the actions of politicians are constantly being portrayed by the media through a lens that emphasises their self-interested motivation. But this is only one side of the coin. The other is that the new communication systems tend to transform politics from a reasoned comparison of programs for the future of the country into a competition between personalities. This, in certain contexts at least, favours the rise of those leaders who succeed in exploiting the personalisation of politics i.e. in acquiring and maintaining electoral support by bombarding the public psyche with a series of carefully constructed immediate impressions, without caring whether those impressions reflect genuine political issues or whether they themselves honour their electoral promises.

Populist leaders are far from being a novelty of our age. But their fortunes are likely to rise in that, through its continuous exposure to the media, politics is becoming a competition between personalities. While pretending to be closer to the people through the media, these leaders are losing the aristocratic feature that, to a certain extent, characterises the representative system. Conversely, electors are losing the opportunity to weigh the political commitments of the leaders they have elected against the measures actually adopted and pursued during a legislature.

Similar considerations might apply to referenda. The referendum is frequently believed to restore democracy to the people by allowing them to tell political elites to be responsive. Thus it would restore ‘the people’s will’ to the storehouse of democratic instruments. This basic belief corresponds neither to the legal nor to the concrete reality of the referendum, however.

On the one hand, the traditional definition of the referendum as a form of direct democracy appears inaccurate.

¹⁹ C. Hay, G. Stoker and A. Williamson, *Revitalising politics*, cit. at 16.

According to whether it is proposed by government or by a minority of voters or MPs, a referendum is likely to acquire the features of, respectively, a plebiscite or a genuine participative mechanism. At any rate, in constitutional democracies, referenda are not expected to reflect spontaneous popular will, since they are conducted according to strictly regulated procedures.

On the other hand, these reservations now appear to be partially unfounded. The version of the referendum's question diffused by the media is usually easier to understand than the official wording, and it is this version that orients popular convictions, with the inherent risk of misleading the electorate about the referendum's legal effects.

Referenda are, arguably, profoundly unsuitable devices for addressing complex issues, since they offer the illusion of a simple solution to that which is complex. Modern politics is about weighing various options, in circumstances where issues only very seldom appear in stark, good-v.-bad form. Referenda have an implicit, parallel message that says the opposite: something along the lines of "vote no" or "vote 'yes', and all your problems will be solved". Furthermore, referenda reintroduce the tyranny of the majority, the very thing that modern democracies have sought to dilute by upgrading the role of civil society, for example. Although much of politics is about making matters easily intelligible, this can readily cross the line into oversimplification. This is frequently the case with referenda, as demonstrated by those held on European integration in France and the Netherlands in 2005, and in Ireland in 2008 and 2009. In many cases, therefore, the referendum functions as an instrument not of democracy, but of populism²⁰.

6. In search of new democratic dimensions

The erosion of political accountability and the rise of populism are mutually connected phenomena that we are currently witnessing in various democracies. Nonetheless, there is no evidence that they are directly and exclusively caused by the new forms of political communication. Nor are all democracies

²⁰ G. Schopflin, *The referendum: populism vs democracy*, in www.opendemocracy.net, 16-06-2008.

being affected by these phenomena to the same extent. The fact that, in some countries, politicians are still judged by their ability to pursue the policies they had proposed to their electorate is likely to depend on the strength of the country's democratic tradition.

It is worth adding that the new communication systems are heavily restricted, if not forbidden, under authoritarian regimes. In Iran, as well as in China, they symbolize a quest for freedom pursued by a growing proportion of the population, especially of the younger generation. Their impact there thus appears wholly different from that occurring in democratic countries where, as already mentioned, the media are frequently believed to provoke disenchantment with, if not hatred of, politics.

These differences demonstrate that the media's influence in shaping public opinion needs to be contextualized, according to the cultures, customs and traditions of each country or community. The more widely it is believed that dissent and diversity are not only inevitable, but also welcome indicators that people are leading radically different versions of the good life, the greater the reaction against conformism and paternalism will be. The power of the media is no less relational than that of politics and is therefore conditioned by the public's previous views and convictions.

Thus not only are these new phenomena inescapable elements of the democratic landscape, but it is also inappropriate for constitutional lawyers to turn them into scapegoats. Rather than being caught up in nostalgia for the old times, scholars should be considering how democracy may be enhanced in a media-driven scenario. A positive commitment is needed. One that concentrates on elucidating the positive features of a media system based on competition and pluralism, the separation of politics from the media and new devices for enhancing political accountability within public decision-making processes. A sharing of learning among scholars from different countries would be particularly welcome in this respect and would have the additional advantage of creating a crucial role for comparative constitutionalism in our time.