

INTERNET FORUMS AS DELIBERATION SPACES: HOW SOCIAL NETWORKS CAN IMPROVE CONSTITUTIONAL ADJUDICATION AND PROVIDE DEMOCRATIC LEGITIMATION TO JUDICIAL REVIEW

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Much of constitutional theory has been attempting to find limits to constitutional adjudication, as constitutional interpretation is inherently an open ended process. The search for these limits is frequently focused on how to understand the relationship between judicial review and democracy. Since constitutional adjudication plays an important role in social integration, the best way to reconcile them is to ensure greater participation of individuals in the decision-making process. Constitutional adjudication must be open to the community of interpreters and based on a Dworkinian 'community of principles'.

The central question that proposed for debate is: How to provide democratic legitimation through more individualistic participation? Participating in the process of reasoning about the meaning of the Constitution is a fundamental feature of the democratic Rule of Law. Yet, one of the difficulties of democratic legitimacy is the lack of direct argumentative participation in constitutional reasoning.

However, the main point of argumentative participation is that those arguments circulate between formal and informal spaces, especially informal spaces nowadays. The rapid growth of the Internet and its advantages over traditional communication formats, in terms of flexibility and speed, make it a route for direct individual participation. This *online* exchange of arguments can actually influence how decisions are taken, especially in constitutional adjudication.

In this sense, the way internet can be used and understood through the prism of theories of deliberative democracy becomes an important philosophical theme about judicial review. The present paper, therefore, is a theoretical account on the reasons why constitutional adjudication should be open to social networks participation.