

Judicial Storytelling in the Era of Social Media



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Swipe up for the German Federal Constitutional Court on Instagram

Shortly before noon on 18 August, on an ordinary Wednesday, the German Federal Constitutional Court (GFCC) quietly but firmly took the plunge into the unknown: it published a [press release](#) announcing its opening of an official account on Instagram on the occasion of its 70th anniversary. This decision has attracted significant public attention, not only because it promises “[exciting insights into the work of Germany’s highest court](#)” but also because the new visual turn of the GFCC is in line with a wider development in the use of social media by courts and judicial storytelling.

What’s in an Instagram Account?

Over the last decade, many high [domestic](#) and [international courts](#)

[Instagram](#) is a social media platform which focuses on sharing photo and video content that can be accompanied by short texts, liked, as well as opened up to comments by other users. Since 2012 owned by Facebook, it is one of the [most popular social media platforms](#) with roughly one billion monthly active users. In 2021, almost forty percent of total Instagram audiences were aged 24 and younger, which implies a significantly younger audience than on the microblogging platform [Twitter](#), where only 23 percent of its users range from this age bracket.

Only 24 hours after the announcement of its new account, the Instagram account of the GFCC has surpassed 16,000 subscribers and got officially verified with the coveted blue tick, a symbol Instagram is applying for “brand awareness”. In contrast to its respective Twitter account, which the GFCC opened in June 2014 and currently amasses 55,000 followers, the first three posts of the GFCC adopt a distinctive visual language. The GFCC portrays itself in a clean, modern, and architecture-oriented aesthetic, starting with its [well-lit building](#), [official symbol](#), and [courtroom](#). While the GFCC’s [Twitter](#) account remains rather blank, primarily reposting press releases, the posted photos accompanied by short texts and hashtags used in Instagram speak a different, more personal language to its young audience. This might also explain the more than 4,500 likes of its first post on Instagram compared to the mere handful of likes usually garnered on Twitter.

The opening of an Instagram account depicts not only the expansion of the Court’s audience to a younger population but also its adoption of a visual language. Building on its first posts, we can expect

that this account will not simply repost photos of decisions with a sepia filter but highlight a different dimension of the Court's activities. This could include insights into the professional life of judges and interns (such as the [UK Supreme Court](#)) or short video snippets to explain specific decisions or give an overview of the Court's activities (such as the [Inter-American Court of Human Rights](#)).

Naturally, the core question is: what is the aim of the new public outreach and communication strategy of the Court? It clearly improves the visibility of the Court among the public, which could result in a larger number of applications. However, for the Court's Instagram, which primarily targets a younger audience, an increase in caseload might not be the primary concern. Instead, I argue that this episode is part and parcel of a broader development in the professionalization of court communication.

The Professionalization of Court Communication

The expansion of social media activity to Instagram depicts a shift in the public communication of the Court. Studying the communication practices of courts has revealed that press offices, which were previously dominated by lawyers who were focused on safeguarding the accuracy of the legal text, are now increasingly staffed with communication professionals. Those professionals, trained in journalism, social sciences, communication, or public diplomacy consider themselves as “mediators” between the Court and its respective audiences. Their mission is to translate the highly technical language of the Courts into an accessible format for a variety of audiences, ranging from the general public to specific epistemic communities, and, if applicable, the alleged victim.

This increasing professionalization of communication capacities can be partly explained by the ongoing criticism of courts. While the GFCC does not encounter the same level of backlash as human rights courts or the ICC, the increasing need for sociological legitimacy by the general public is also felt by high domestic courts (see also for the US Supreme Court [Gibson and Caldeira 2009](#), [Bassok 2020](#)). In recent years, several high-profile decisions such as the PSPP judgment have triggered significant criticism of the GFCC, not only in Germany but also among the European public. Comparative research of international organizations has demonstrated how the professionalization of institutional communication is in direct response to its politicization (see [Ecker-Ehrhardt 2018](#)). Communication, in particular in new and accessible formats to the general public, thus becomes an instrument of self-legitimization (see [Ecker-Ehrhardt 2020](#)).

Interestingly, in contrast to the public and media activity of judges, court communication is usually neither regulated nor scrutinized. This can be explained by the traditional perception of court communication as a mere instrument of accessibility to the public. For most scholars and legal practitioners, this understanding is embedded in the idea of transparency and the open court principle (see also [Koprivica Harvey 2019](#)). The empowerment of press departments and communication professionals to speak for the Court thus further entrenches the shift in courts from passive accessibility of information to active engagement in public affairs and “brand management”. Instagram, which changes the medium of language from legal text to visual imagery, is thus exemplary for this new strategy of court communication.

A Picture Worth More Than A Thousand Words? Challenges for Judicial Storytelling

Instagram's focus on visual communication is particularly suited to storytelling techniques that focus on individual stories and "human faces" in public communication. Those stories are selected, edited, and carefully curated to create institutional narratives. International criminal courts have long embraced audio-visual formats to engage in outreach programs (see also [Golčevski 2018](#), [Ristovska 2017](#).) Often emphasizing the story of victims, international criminal courts have created and reproduced different types of victimhood in their audiovisual material (see [Stolk and Werner 2020](#)). Most recently, [Christine Schwöbel-Patel](#) has critically analyzed such strategies as a form of "marketing" of international criminal law to a global neoliberal audience, thus eliminating spaces of contestation and stripping the idea of global justice from its redistributive potential.

While it is not very likely that the GFCC's Instagram will embrace a victim-oriented perspective, the challenges of audio-visual imagery and judicial storytelling remain. The [infamous visit](#) of ECtHR President Robert Spano to Turkey in September 2020 has gained [particular traction](#) as [photos](#) of him with local AKP party officials and relatives of Turkish ECtHR Judge Saadat Yüksel in her hometown of Mardin emerged. Which pictures will the GFCC post to portray its ongoing struggle with the CJEU over the primacy of EU law or meetings with its colleagues from neighboring Poland? Will the GFCC highlight the activities of individual judges or create an institutional brand focusing on well-lit architectural designs and "behind the scenes"? Which message will the GFCC send to the Germans, the European citizens, and the international audience through its pictures?

Moreover, it remains to be seen whether this new form of active engagement by the GFCC creates more than an institutional brand and actually develops into a two-way form of communication. So far, the GFCC's Instagram account does not allow other users to post comments. This is a smart move as the GFCC as a constitutional organ would have to observe limits to content moderation and the blocking of accounts applicable to other government institutions (see also [Reinhardt 2019](#)). This limits its Instagram presence to an advertising function and does not contribute to the democratization of constitutional PR, let alone allowing questions or voicing critique.

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