

Dissemination of Legal Information

Structure and Topics of Online Available Court Decisions

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Abstract. The concept of information dissemination describes the process of broadcasting messages to the public. Dissemination describes the preliminary stage of agenda-building in which information get subsidizes to the public but not further processed (Weaver and Choi, 2014). By focusing on legal information disseminated by courts, this papers asks the following research question: Which kind of information do courts disseminate?

This paper will structure and decompose decision information disseminated by the German Federal Constitutional Court (GFCC). The general aim is to present a novel data set which covers all decisions made available on the official court website, decomposed into various decision characteristics (e.g. proceeding type, oral hearing, unanimous decisions) and decision content (e.g. unsuccessful claims, topic of the decision). The data set covers 6911 decisions decided between 1951 and June 2018.

Introduction

There are two paradigms in research about political communication: agenda-setting and agenda-building. Agenda-setting is concerned with the description of how issues and attributes are communicated and transferred from the media to the public, it is focused on “the relationship between mass media content and mass media audience” (Berkowitz and Adams, 1990, 723). However, since it has become common knowledge that mass media content influences the opinion of the mass media audience (McCombs, 2004), agenda-building research concentrates on the question by who or what the media content is influenced and how this influence takes place. On the meta level agenda-building describes “the overall process of creating mass media agendas” (Berkowitz and Adams, 1990, 723), while on the meso level it is characterized by efforts of actors who try to shape the media agenda by disseminating information and interpretations about events and issues and delivering them to the media (Lieber and Golan, 2011; Park, Bier and Palenchar, 2016). In political communication, actors actively engaged in agenda-building are in most cases political organizations. This umbrella term includes various organization types like for example political parties, ministries and government offices, constitutional organs, interest groups, think tanks, and non-governmental organizations. By referring to previous studies, Kiouisis and Strömbäck (2014, 251) list at least 17 different stakeholder groups identified as political organizations.

Nearly every government and constitutional branch is engaged in dissemination of information (Strömbäck and Kiouisis, 2011; Shoemaker and Reese, 2014), even judicial organs deliver information to the public by promoting decisions (Staton, 2006; Staton, 2010). However, “when it comes to judicial politics, scholars largely ignore the interest high court judges take in shaping public information” (Staton, 2006, 98). This is striking, because courts heavily depend on a transparent environment in which the public is able to be informed about court decisions. Only an informed public can develop a certain degree of societal belief in a court’s legitimacy to act, which in turn is a necessary condition for the court to be assertive (Vanberg, 2005).

Thus, political public relation efforts to disseminate information about decisions are a crucial element for courts. However, except for the work of Hale (1978) and Staton (2010) there is little research concerned with judicial public relation activities. There is no knowledge about the nature of information courts disseminate, which decisions courts promote, and about which topics they

want to inform the public. By describing a novel data set, this paper sheds light on the black box of the judicial information dissemination.

The next section provides a short literature review about court-media relations and sketches a theoretical argument concerning agenda-building efforts of political organizations in general and of courts in particular. The third section introduces a novel data set which covers all decision-related information disseminated by the German Federal Constitutional Court on its official website. This data set contains 6911 decisions between 1958 and June 2018 and is composed of several variables, ranging from decision dates, to decisions characteristics and the complete decisions texts. Subsequently, the last section provides first empirical insights into the information the GFCC has disseminated over time. Furthermore, the remainder of the last section presents a discussion of how it is possible to derive policy topics out of a large number of decision documents.

Courts and the Media

Traditionally, courts in democracies have “neither FORCE nor WILL, but merely judgment” (Hamilton, 2016), while Montesquieu (1989, 163) states that courts are “only the mouth that pronounces the words of the law, inanimate beings who can moderate neither its force nor its rigor.” In general, courts are not able to enforce compliance with their decisions. Their ability to influence policy rests on the one hand, on the public willingness to exert pressure on political actors to comply with court decisions (Slotnick and Segal, 1998) and on the other hand on a certain degree of diffuse public support (Gibson, Caldeira and Baird, 1998). Diffuse support entails that politicians fear the costs of a potential public backlash if they evade court decisions (Vanberg, 2005). In his theoretical model Carruba (2009) argues that courts are able to gain support by strategically shaping the public perception about their decisions. However, since judges normally do not explain their decisions, courts rely on the media to disseminate decision-information, while the public relies on the media to gather information these decisions (Davis, 1994; Haider-Markel, Allan and Johansen, 2006).

U.S. Supreme Court scholars have established a long research tradition on court-media relations. While Davis (1994) describes general trends in media coverage about courts, Vining et al. (2010) provide empirical examinations of patterns of media coverage on courts. Another line of research is focused on explanations for different levels of media coverage. Yanus (2009), Sill, Metzgar and

Rouse (2013) and Vining, Wilhelm and Collens (2015) show that decisions are more likely covered if they contain newsworthy aspects (e.g. evidence of conflict or sensationalism). By focusing on the outcome of court decisions, Ura (2009) argues that decisions which change the policy status quo are more likely to be covered covered by the media. Research which focuses on the work of journalists found that coverage about court decisions varies in quality (Davis, 1994; Slotnick and Segal, 1998), scope (Hoekstra, 2003) and between newspaper and television (Spill and Oxley, 2003).

This short literature review illustrates that the research is concerned with the quantity of media coverage on court decisions and the factors shaping the quality and quantity of this coverage. Hale (1978) as well as Staton (2010) have shown that the mass media uses court press releases when reporting about decision and that courts strategically use press releases to strengthen their own position when their decisions strike down the status quo. However, there is no detailed and comprehensive research on which information courts disseminate exactly. To understand why courts disseminate information at all, a theoretical argument concerning agenda-building motivations of political organizations will help.

Agenda-building through Information Dissemination

The dissemination of information by political organizations constitutes the first step of agenda-building, since organizations “aim to shape the agenda of “objects” covered in news media messages” (Kiousis and Strömbäck, 2014, 254). Theoretically, agenda-building can be positioned within the concepts of news management and political public relations. Political organizations engage in political public relations, since they want to create, enhance and sustain relationships with the media and the public. Furthermore, they want to communicate their own political priorities and issue interpretations (Kiousis et al., 2015). Thus, political public relations function as a “boundary-spanner representing the organization to the public” and vice versa (Kiousis and Strömbäck, 2014, 250).

In general, two types of public relations exist: action and communication. Public relations via action has many facets, such as hosting a conference on a specific issue. In contrast, public relations via communication is mostly carried out by “one-way dissemination of information” (Berkowitz and Adams, 1990, 730) via press releases, news bulletins, or the organization’s website (Kiousis and Strömbäck, 2014). One-way information dissemination is largely realized through

information subsidies, which are conceptualized as public relation efforts of organizations to “reduce the prices faced by other for certain information in order to increase its consumption” (Gandy, 1982, 12). Accordingly, Zoch and Molleda (2006, 284) describe information subsidies as “prepackaged information” created and provided to the public and the media by organizations, to present and communicate their own viewpoints on specific issues. To create and sustain a relationship with the media and the public “information subsidies become the weapon of choice for political communicators” (Lieber and Golan, 2011, 60). In summary, information subsidies are prepacked information about an issue, while they equip a organization with the opportunity to present and deliver its issue interpretations to the media and the public: “In essence, information subsidies are framed products [and if] public relation practitioners readily provide journalists with information subsidies, the organization is more likely to have its voice present in media coverage” (Park, Bier and Palenchar, 2016, 656).

Political actors are generally interested in communicating with the public, since they want to ensure a positive result at the ballot box. However, constitutional courts are created to control the actions of political actors which is why “high court judges do not depend directly on votes [and] judicial legitimacy is thought to derive from a healthy separation of judges from the public, a separation that allows judicial deliberation to be perceived as principled, neutral, and guided by procedure” (Staton, 2010, 6). Subsequently, political public relations and judicial actors appear unrelated. Anyway, as written above, courts communicate with the public apart from their decisions.

Courts disseminate information to inform the public about decisions and to enhance the chance that the public supports the court’s actions. It is assumed that decisions of courts with a high degree of public support are more likely to be implemented by policy-makers (Vanberg, 2005): Reelection-oriented politicians fear a costly public backlash if they evade decisions from a publicly valued court (Vanberg, 2005). Subsequently, non-compliance with court decisions is less likely in cases where the political environment is transparent. The public must be able to monitor political behavior in the context of court decisions, since the “threat for public censure will only deter noncompliance if legislative majorities are sufficiently likely to be “caught” if they choose not to comply with a decision”(Vanberg, 2005, 21). In this sense, the public is a “baseline source of power” for courts Staton (2010, 13).

These considerations imply that legal information is directly related to the influence of public support in strengthening the enforcement mechanism for judicial power (Staton, 2010). In other words, courts need to disseminate information about their decisions to create a transparent environment, which in turn enables them to be assertive (Vanberg, 2005). As this paper defines political public relations as efforts of organizations to communicate their viewpoints and deliver issue interpretations, public relations of judicial actors “can be understood, in part, as an effort to construct the transparency of the work courts conduct” (Staton, 2010, 14-15). Therefore, since it is unrealistic to assume that the public is aware of every court decision, the motivation of courts to disseminate information is to have a measure of control over the degree of transparency in the context of their decisions.

The next section will present a novel data set which covers all decision-related information the German Federal Constitutional Court (GFCC) has disseminated on his official website. Prior to the data set presentation, the section will show why the GFCC is a suitable case and in which public relation efforts the court is engaged.

The German Federal Constitutional Court

To illustrate which information judicial actors disseminate, this paper relies on all decisions of the GFCC which are available on the official website of the court¹ between 1951 and June 2018. Until now, the court has made 6911 decisions available online.

The GFCC is a “highly visible institution in [the German] political system” (Vanberg, 2005, 39). It exerts an influential role in German politics, by resolving highly controversial political and legal conflicts which affect the national and occasionally also the European level as well (Vanberg, 2005; Dyevre, 2011; Schaal, 2015). In general, the GFCC is a specialized court exercising the power of constitutional review within the “European Model”.² It is one of the most powerful and active courts in Europe and a role model for the institutional structure of courts around the world, which is why the GFCC as a case offers a high generalizability (Epstein, Knight and Shvetsova, 2001;

¹ Details of each decision as well as the corresponding decision texts can be reached via http://www.bundesverfassungsgericht.de/SiteGlobals/Forms/Suche/Entscheidungensuche_Formular.html?language_de (accessed April 13, 2018).

² For a systematic distinction between the European and the American model see (Epstein, Knight and Shvetsova, 2001).

Ginsburg, 2003). Furthermore, the court enjoys a steadily high popularity, public support and trust among the German population (Sieberer, 2006; Lepsius, 2013, Chapter 1).

Institutionally, the court is divided into two senates, each staffed with eight judges, while each senate forms several chambers (basically three to four) with three judges. Basically, the first senate is concerned with fundamental rights issues and the second senate with organizational constitutional law respectively procedural rights (Hailbronner and Martini, 2017). Both, chambers and senates are authorized to decide on cases, whereas only the senates are able to declare a statute unconstitutional (Vanberg, 2005). Jurisdictional competences are broad-ranging, with in total twenty-four different proceeding types listed by the GFCC (BVerfG, 2017b).³ Furthermore, the regularities of the GFCC contain the opportunity to hold an oral hearing, albeit, they occur only occasionally in the context of concrete review cases and constitutional complaints, whereas they are granted in the context of abstract review cases. Although oral hearings are the exception rather than the rule, they are an important vehicle for the GFCC to enhance transparency and, more importantly, an indirect tool to control the behavior of governments and legislators (Krehbiel, 2016). Additionally, judges at the GFCC have the possibility to write separate opinions when they do not agree with the majority of the court. Separate opinions were introduced in 1971 in order to express the plurality of constitutional interpretations and they force the dissenting judge to justify his action for good reason (Hönnige, 2009). Both oral hearings and separate opinions, are important instruments used by judicial actors around the world (Epstein, Segal and Spaeth, 2001; Krehbiel, 2016).

Judicial Public Relations of the GFCC: Four Levels of Information Dissemination

Besides his status as an institutional role model the GFCC is a typical case of a court, who maintains his own public relation department. It was established in 1996 in the wake of two controversial decisions which resulted in negative media coverage as well as a loss in public support (Rath, 2015; Schaal, 2015). Several constitutional courts as well as supreme courts on the national and the supra-national level engage in public relations.⁴ Thus, in the context of

³ A brief overview of the structure, composition, jurisdiction, case load, argument structure and key issues can be found in Hailbronner and Martini (2017).

⁴ Constitutional courts like for example the French, Spanish, Austrian, Polish, and the Italian Court, supreme courts like the Supreme Courts of Canada and Mexico and the High Courts of Australia, as well as supra-national courts like the Court of Justice of the European Union (CJEU) and the European Court of Justice (ECJ) publish decision-related press releases.

public relation structures the GFCC seems to be a suitable case, since the purposed argument of agenda-building by information dissemination has a great applicability to cases within different country contexts as well as on cases within supra-national settings. Information dissemination efforts by the GFCC can be divided into four levels. Table 1 summarizes the different levels. The levels are consecutive, with upper levels indicating easier access to information than the lower levels:

1) The official collection of court rulings (*die amtliche Sammlung der Entscheidungen des Bundesverfassungsgerichts (BVerfGE)*) edited by the judges of the court. The edition is a additional work of the judges, who organize their work on the edition within an own society (*Verein der Richter des Bundesverfassungsgerichts*). The BVerfGE (N.d.) are periodically printed volumes of all rulings made by the two GFCC senates.

2) The online database “juris”, a company with limited liability, is the legal information system for the Federal Republic of Germany (*Juristische Informationssystem für die Bundesrepublik Deutschland*). Juris publishes all decisions which appear in the BVerfGE and additionally rulings which are approved for publication by the GFCC as well as decisions which are published in alternative printed volumes. Both chamber and senate decisions can be found in juris. The access is fee-based.⁵

3) Even easier access to information is provided by the court himself. Since the late 1990s, the court publishes all “essential decisions” (BVerfG, 2017a) on his website.⁶ This includes all senate as well as selected chamber decisions. The court publishes the docket number, the decision type, a short text which covers the theme of the decision, a notice if a decision is accompanied with a press release, and the complete decision text. The court claims that he publishes decisions online beginning in 1998. Actually, from 1998 on the court regularly provides decisions online, while before 1998 we can find 228 decisions online which appear irregularly between 1951 and 1997. Until now (June 14, 2018), the court provides online access to 6911 decisions.

4) Official press releases of the GFCC. They can be found online on the court’s website and are transmitted by the court via E-Mail and Twitter. Like for the online available decisions, the court publishes press releases on a regular basis since 1998. However, occasional press releases are available for four decisions decided in 1952, 1993, 1994, and 1995. Besides decision-related press

⁵ Information can be found on <https://www.juris.de>.

⁶ See http://www.bundesverfassungsgericht.de/SiteGlobals/Forms/Suche/Entscheidungensuche_Formular.html?language_=de.

Table 1: Information dissemination levels of the GFCC public relations

	Type of publication	Publisher	Content	Audience
Level 1: BVerfGE	Book	Judges of the GFCC (personal engagement)	All senate decisions	Professional public (e.g. Lawyers, courts, academics)
Level 2: Juris	Online (fee-based)	Juris	All Senate and chamber decisions	Professional public (e.g. Lawyers, courts, academics)
Level 3: Official Website	Online (open access)	GFCC	'Essential' senate and chamber decisions	Interested public (e.g. Journalists, citizens)
Level 4: Press Releases	Online (open access), Mailinglist, Twitter	GFCC	Decision-related press releases (senate and chamber) and releases about miscellaneous	Interested public (e.g. Journalists, citizens)

releases, the court also publishes press releases with the purpose of announcing oral hearings, visits by politicians and foreign judges as well as visitations from GFCC judges to foreign courts, the death of former judges, the resignation of judges and the accession of new judges. Decision-related press releases explain and summarize decisions. They occur by default in the context of senate decisions, while for chamber decisions the leading rapporteur, the chairperson of the respective decision and the public relation office decide if a press release will be published. Until now, the court has published 2329 press releases in total, 1472 of which have dealt with court decisions.

All four levels vary in their accessibility, which in turn results in different audiences. The BVerfGE and juris are a legal volume respectively a legal database and accessible online via payment or library licenses. Both specialized on serving the interests of lawyers and scholars. In turn, decisions published online and press releases of the GFCC are openly accessible, which is why they rather seem to be directed to journalists and the interested public. Moreover, within the last two levels the court is autonomously acting with the full measure of control over the information dissemination, whereas levels one and two are dominated by exogenous publishers.

In order to show which information the court disseminate by himself, the following section will focus on the third level of information dissemination and will present a novel data set, containing detailed information of each decision available online and all decision texts. Since press releases related to a specific decision are reported on the afore mentioned decision website, this data set automatically covers information on all 1472 decision-related press releases as well.

A Novel Data Set: Disseminated Information by the GFCC

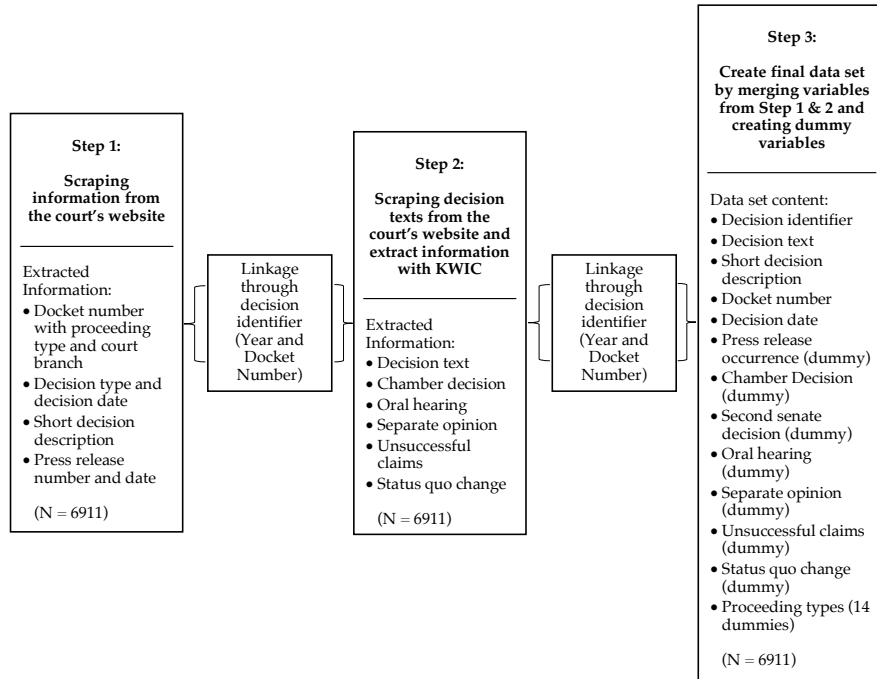
The data set will cover 6911 court decisions and include a broad range of variables, representing different decision characteristics. These variables originate from two sources: 1) the information available online on the court's website; 2) the decision texts. The sources are consecutive, which means that the decision texts are compiled in the course of the collection of the data from the court's website. Figure 1 illustrates the steps towards the creation of the data set. This consecutive nature determines the proceeding within this section, with a description of the data collection from the website in a first step and the creation of the variables which derive from the decision texts in a second step. In the remainder of this section, the creation of the final GFCC online decision data set is described.

The GFCC Website as a Data Source

The GFCC decision website is structured as a list, sorted chronologically. Each entry contains information about one particular court decision, further sub-divided into at least three and maximum four - if a decision is accompanied with a press release - informational elements. The different informational levels are listed in the following:

1. Docket Number (e.g. 1 BvL 12/14)
 - a) Deciding senate (1)
 - b) Proceeding type (BvL)
 - c) Number of the incoming referral (12) in a given year (14)
2. Decision Type and Decision Date (e.g. Urteil vom 10. April 2018)
 - a) Type of the decision; which can be a decision (Urteil) or a order (Beschluss)
 - b) Date of the decision (10. April 2018)
3. Short description text - one to two sentences - covering the general theme of the decision
4. Press Release Information (e.g. Pressemitteilung Nr. 21/2018 vom 10. April 2018)
 - a) Number of the press release (21) in a given year (2018)
 - b) Date of the press release (10. April 2018)

Figure 1: Steps to create the court decision data set



By writing and using a script written within the programming environment *R*, the four general informational elements and the sub-divisional informational elements are scraped from the GFCC decision website for each decision and compiled into a data frame. The decisions are handled as the observations (rows) and the informational elements as variables (columns). Since press releases do not occur regularly, NAs are created for decisions without a press release. Additionally, a decision identification variable, containing the date and the docket number of a decision (e.g. for the example in the list: 20180410_1bvl001114), is constructed in order to accurately identify each decision.

The GFCC Decisions as a Data Source

In a second step, another *R* script is used to scrape the decision texts for each decision from the court's website and to store each as a plain text file. The script automatically opens every entry listed on the website, opens the linked decisions and extracts the texts. In order to be able to link the texts with the entries in the data frame, each text file is named in the same way as the above

mentioned decision identification variable. Following this, the decision texts are merged into the date frame.

Subsequently, the texts are used to create several variables which represent more in-depth characteristics of the decisions. Based on the reviewed literature, these characteristics should indicate political and legal importance and inter-institutional conflict. Following the arguments made by (among others) Vanberg (2005), Yanus (2009), Sill, Metzgar and Rouse (2013) and Krehbiel (2016), variables for the existence of decisions made by a chamber, oral hearings, separate opinions, status quo change and concerning the success of claims are indicators for importance and conflict. These characteristics are indicators for political actors and the media, that the decision at stake is worth to be attentive. Thus, if a court wants to build its agenda, it should disseminate information which cause attention.

To derive the mentioned characteristics, the texts are examined with the help of the KWIC analysis (key word in context). KWIC depicts text concordance by using specific sentence fragments to identify the mentioned characteristics. The benefit of KWIC is that the method is a simple way of deriving information out of a large amount of text. Furthermore, because the GFCC has established a uniform way of formulating and arranging its decisions (Hailbronner and Martini, 2017, Section B), the combination of chosen text fragments and KWIC seems to yield valid and reliable outcomes.

After reviewing several decision texts from different years, the following text fragments are chosen to derive the desired characteristics: 1) the indication if a decision is made by one of the chambers is listed at the beginning of a decision text after the listing of the claimants. The standard formulation which informs about the deciding branch is “hat die [Nummer] Kammer des Ersten/Zweiten Senats des Bundesverfassungsgerichts” (“according to the [number] chamber of the first/second senate of the German Federal Constitutional Court”); 2) an oral hearing is listed in the preamble of a decision, located between the listing of the involved judges and the opinion of the court and visually stressed by paragraphs above and below. By default, oral hearings are introduced as “aufgrund der mündlichen Verhandlung vom [Datum] durch” (“based on the oral hearing held at [decision date] through”); 3) separate opinions are located at the bottom of a decision and clearly identifiable as a paragraph outside of the proper decision text. The formulation indicating a separate opinion depends on whether a single judge or a group of judges

express their disagreement with the court majority. Exemplary for the first case the formulation would be “Abweichende Meinung der Richterin/des Richters ... zum Beschluss/Urteil” (“Separate opinion of the judge ... regarding the order/decision”); 4) the identification whether the court changes the status quo or not is rather straightforward as the court uses very clear statements, like for example “mit dem Grundgesetz unvereinbar” (“incompatible with the Basic Law”) or “...nicht verfassungsgemäß...” (“... not constitutional ...”).

Additionally, a unstructured interview with the former head of the GFCC’s public relations department has revealed that the court regularly publishes unsuccessful claims. The court tries to tell potential claimants that there is no chance to successfully file a suite within this particular field. Thus, the court actively disseminates information in order to discourage (or educate) future claimants. To identify unsuccessful claims, randomly chosen texts were manually reviewed and a list of 149 contemplable text fragments was created for the KWIC analysis. Notwithstanding that the numbers of detected unsuccessful claims seem to be realistic (see table 2), the vast number of text fragments already question the validity of this variable. Based on the identifier variable, it is possible to assign all existing KWIC entries to their respective decisions and to merge these entries into the data frame.

The GFCC Decision Data Set

In a third step, some of the collected variables are fragmented into their different pieces and transformed into dummy variables. This transformations are required to differ between the two senates, the two decision types, press releases and the occurrence of chamber decisions, oral hearings, separate opinions and unsuccessful claims.

The two senates of the court have a basic division of labor. To differentiate between the two senates, a dichotomous variable is created - derived from the docket number - which identifies the decisions of the second senate. A press release dummy indicates if a decision is accompanied with a press release. In the context of the KWIC analysis regarding chamber decisions, oral hearings, separate opinions and unsuccessful claims, dummy variables were created if an entry lists a KWIC text fragment for the respective characteristic. Finally, as written above, the GFCC lists twenty-four different proceeding types, each with a individual acronym (e.g. BvL). Thus, in order to discriminate between these different types, dummy variables are created for each type.

Supplementary, the identifier variable, the decision date, the decision docket number and - if existing - the press release date and press release number variable are also components of the final data set.

Table 2 lists the frequency of the dummy characteristics. Several aspects are noticeable here. First, the distribution between decisions of the first (3610) and the second (3301) senate is nearly even. Second, status quo change with 301 appearances, oral hearings with 187 appearances and separate opinions with 75 appearances are rather rare events, which corresponds to the literature on both characteristics (Vanberg, 2005; Krehbiel, 2016). However, the official statistics of the GFCC concerning decisions with separate opinion reveal that at least 165 decisions were accompanied by a separate opinion. Since this official statistic refers to the BVerfG, two possible explanations for the discrepancy are possible (BVerfG, 2017b). Either the court's website and the BVerfGE cover different decisions, or the BVerfG counts each separate opinion individually (Wittig, 2016), which results in multiple entries for decisions opinions from more than one judge. The data presented here counts solely decisions which entail separate opinions, indifferent of the number of opinions within an individual decision. Third, constitutional complaints dominate the docket of the court, followed by concrete reviews and preliminary injunctions, while abstract reviews occur only occasionally. This findings are in line with the literature (Vanberg, 2005). Fourth, unsuccessful claims are the rule rather than the exception, which fits with official statistics provided by the GFCC. Fifth, only fourteen out of the officially listed twenty-four proceeding types occur in the data set.

First Empirical Insights

Constitutional courts interpret the constitution of their respective country, by deciding legal disputes of varying nature. The interpretation of a constitution in the wake of a specific legal dispute can be circumscribed as construing the fundamentals of a political system in the light of existing political circumstances (Vorländer, 2015). Obviously, this leads to the attribution of a constitutional court as a political actor and of a court decision as a genuine political action (Kelsen, 2008). Accordingly, it is essential that the public and the political sphere is informed about the actions of a constitutional court.

As written above, by promoting decision through information dissemination a court tries to

Table 2: Frequency of variable characteristics

	Yes	No
<i>Decision Characteristics</i>		
Chamber Decision	5705	1206
Second Senate Decision	3301	3610
Unsuccessful Claims	5534	1387
Decision Press Release	1502	5409
Oral Hearing	187	6724
Separate Opinion	75	6836
Status Quo Chance	301	6610
<i>Proceeding Types</i>		
Constitutional complaint (BvR)	5911	1000
Concrete review (BvL)	318	6593
Preliminary injunction (BvQ)	304	6607
Election complaint (BvC)	156	6755
Constitutional dispute between federal organs (BvE)	94	6817
Abstract review (BvF)	63	6848
Ruling on the unconstitutionality of political parties (BvB)	22	6889
Constitutional dispute within a Land (BvK)	15	6896
Dispute between Federation and Länder (BvG)	10	6900
Public-law dispute (BvH)	8	6903
Status of an international law provision as part of federal law (BvM)	4	6907
Legal opinion issued by the Plenary (PBvU)	2	6909
Other Cases assigned by the Federal Law (BvP)	2	6909
Review of the Basic Law assigned by a Land Constitutional Court (BvN)	1	6910

6911 decisions, decided between September 1951 and June 2018.

enhance the transparency. Thus, by disseminating information, the court builds an own agenda by providing descriptions of decisions for the public and the media. However, there is no research or in-depth analysis about the specific nature and characteristics of information a court disseminates. In the following, this section will provide first insights about the information the GFCC has disseminated through its website. Afterwards, a semi-supervised topic model will yield in-depth illustrations of the policy topics the court has discussed over time.

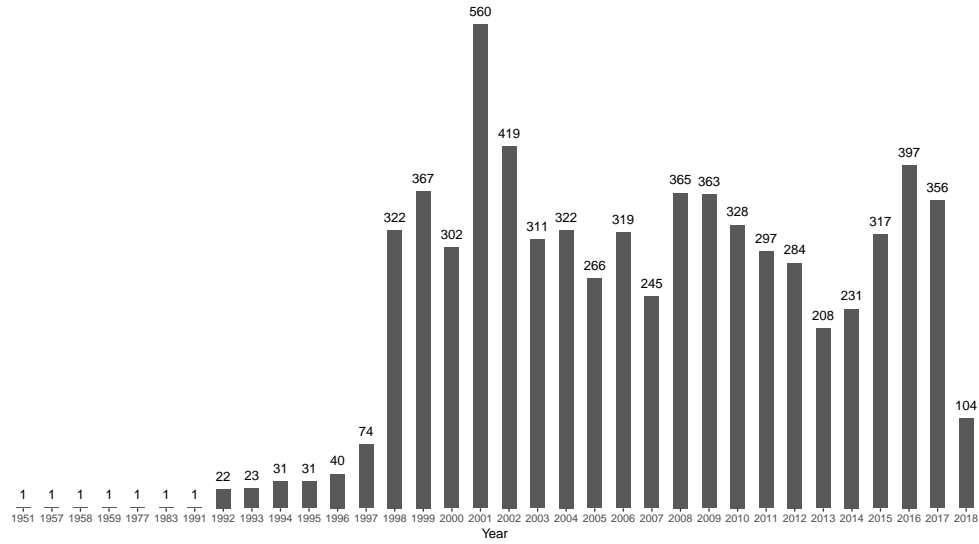
Patterns of Disseminated Legal Information

To show which kind of information the GFCC has disseminated over time, this section will focus on some descriptive data. This illustrates the relevance and diversity of the presented data set. However, systematic analysis cannot be realized at the moment and they would go beyond the aim of this paper - to present a novel data set. It is important to note that the data presented here are far from being representative. As mentioned above, according to the court's website, the decisions which are published online are labeled as "essential" (wesentliche) decisions (BVerfG, 2017a), but, either way, the official court statistics lists for the years 1951 until December 2017 in total 228.581 settled decisions (BVerfG, 2017b). That implies that the 6911 decisions covered in the data set are only a glimpse of the claims handled and discussed by the GFCC. Nevertheless, as the court has published these decisions, because it acknowledge them as essential and since existing decision collections are focused on senate decisions (BVerfGE) or are fee-based (juris), this data set is the first approach to systematically collect available GFCC decisions on a large scale, regardless of whether they are senate or chamber decisions.

Figure 2 illustrates the quantity of decisions published online per year. While the decision-count for the years 1951-1997 is influenced by the fact that the court has started to publish its decisions online on a regular basis in 1998, the variation between the years 1998 and 2018 is strong. The highest number of court decisions show up in the years 2001 and 2002, while - apart from the years 1951-1997 and 2018 - the lowest number of decisions is recorded for years 2013 and 2014. A possible explanation for the numerous decisions in 2001 and 2002 could be found in the political circumstances in Germany. Between 1998 and 2005 Germany was governed by a coalition of the socialist party (SPD) and the Greens, lead by Gerhard Schröder. This was the first government without involvement of the Christian Democrats (CDU) since 1983. Thus, in the first years of the Schröder government the CDU tried to use the GFCC to undermine the policy of the leading coalition (Kneip, 2007). Since the SPD has formed several coalitions with the CDU after the Schröder government, no similar patterns are observable. As the decision numbers for the years before 1992 are marginal, the following figures are created by excluding these years.

In-depth details about the characteristics of the decisions can be seen in figure 3. The four bar plots illustrate the percentage of chamber and senate decisions, successful and unsuccessful claims and the existence of oral hearings and separate opinions, all of which differentiated between the

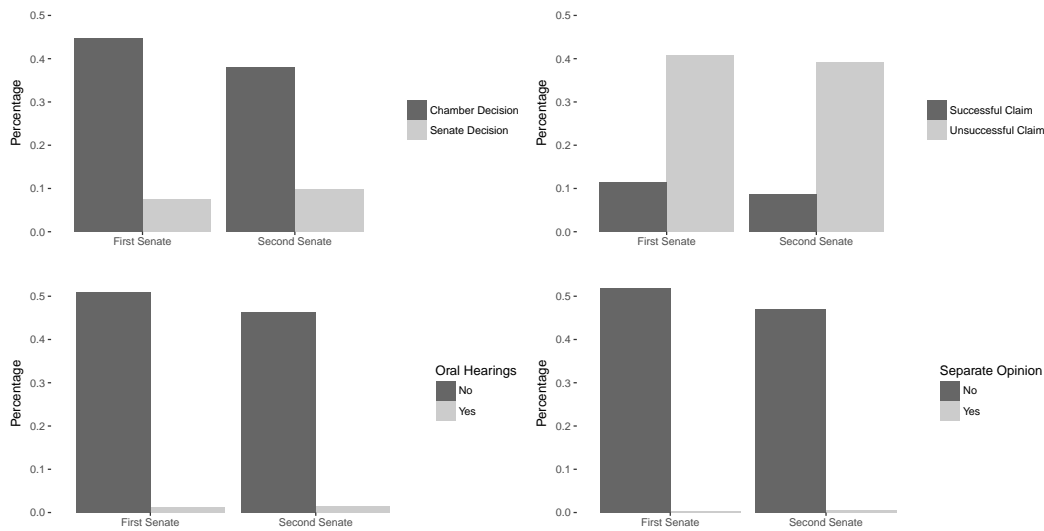
Figure 2: Quantity of online published decisions of the GFCC per year (1951- June 2018)



two senates. Not surprisingly, as table 2 has already shown, the occurrence of oral hearings and separate opinions is negligible. The same can be said about the share of chamber and senate decisions. However, as the figure displays, both senates have roughly the same workload as well as the same successful/unsuccessful rate. Interestingly, a great deal of decisions which are disseminated online by the court is concerned with unsuccessful claims. This strengthens the assumption made above, that the court uses its website to signal potential claimants that certain issues are not worth being put on trial.

By differentiating the decisions between the two senates and the proceeding types, it becomes clear that the court still operates within its traditional division of a civil rights senate (the first senate) and procedural senate (the second senate) (Hailbronner and Martini, 2017). Table 3 compares all decisions differentiated by the two senates, successful and unsuccessful claims and the proceeding types. The label "others" summarizes all proceedings with less than 30 appearances. The table indicates that the second senate is concerned with election complains (BvC) and disputes between federal organs (BvE), whereas for concrete reviews (BvL) and injunctions (BvQ) the workload is even. On the opposite, the first senate mainly deals with constitutional complaints (BvR). However, it becomes clear that the docket of second senate is also dominated by constitutional complaints. The differentiation by successful/unsuccessful claims reveals that abstract reviews (BvF) are more likely to be decided in the sense of the applicant than other

Figure 3: Decision characteristics differentiated by senates



Note: 6904 decisions, decided between 1992 and June 2018.

proceeding types. However, as this data at the moment did not cover information about the plaintiffs and the type of justification of the decisions, reliable valuations cannot be made.

To show the share of proceeding types across years, figure 4 displays the percentage of proceeding types over time. As constitutional complaints dominate the docket of the court, decisions concerned with these types are discarded from the figure to enable a meaningful differentiation between the other proceeding types. Concrete reviews (BvL) and preliminary injunctions (BvQ) dominate the docket apart from constitutional complaints. However, the frequency of concrete reviews decline substantially in the years between 2000 and 2004 and between 2015 and 2018. In both mentioned periods preliminary injunctions get more important - which fits with the explanation for the quantity of decisions in the early 2000s. The frequency of election complaints (BvC) raises especially in 2016, which fits well with the official data of the federal returning officer, who lists for the last two federal elections the highest quantity of complaints lodged with the GFCC.⁷

So far, the previous discussion has shown inter-branch processes of the GFCC. The decision information disseminated by the court show variation in both, institutional as well as decisional characteristics. Additionally, by connecting this data to data about political processes - like the

⁷ Federal election 2009: 23 complaints; Federal election 2013: 58 complaints. See <https://www.bundeswahlleiter.de/en/service/glossar/w/wahlpruefung.html> - date accessed: 21.04.2018.

Table 3: Decisions differentiated by
senates, successful/unsuccessful claims and proceeding types (1992-2018)

	BvC	BvE	BvF	BvL	BvQ	BvR	Other	Total
First Senate	0	0	18	187	176	3223	1	3605
Second Senate	156	93	45	131	126	2684	64	3299
Successful Claim	25	18	49	132	77	1047	36	1384
Unsuccessful Claim	131	75	14	186	225	4860	29	5520

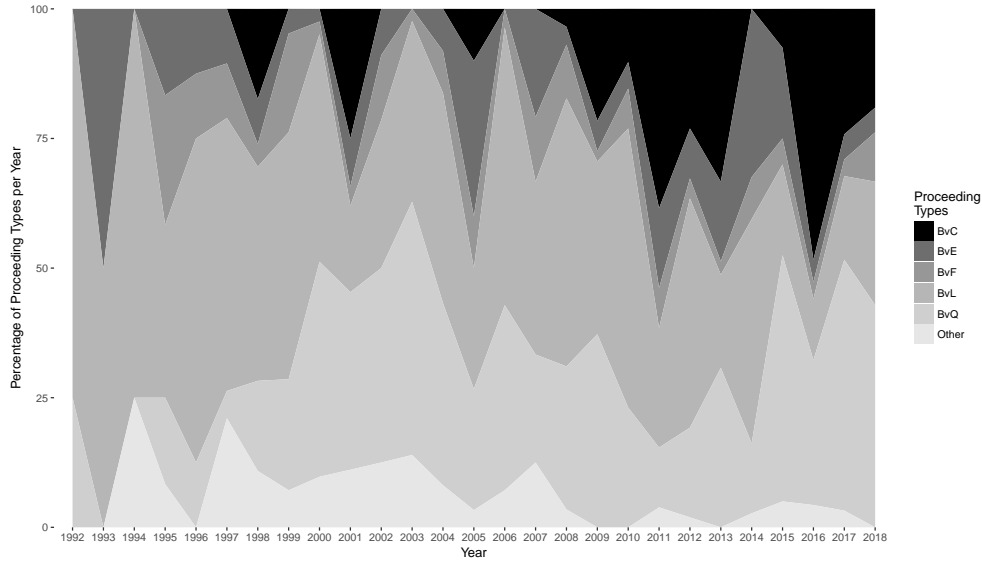
6904 decisions, decided between 1992 and June 2018.

GESTA data which is concerned with legislation in Germany (Burkhardt and Manow, 2006) - a better understanding of how dynamics on the political area affect judicial actors and vice versa could be achieved. Further, as this data set covers a great amount of the chamber decisions made by the GFCC, it could be seen as complementary to the existing CCDB data set, which focused on the analysis of senate decisions exclusively (Hönnige et al., 2015).

Finally, as written above, the dissemination of information by the GFCC can be divided into the publication of “essential” decisions and the active promotion of decisions by press releases. While Table 2 displays that the court has promoted 1502 decisions by a press release, figure 5 illustrates the percentage of decisions accompanied by a press release per year. There are no press releases published until 1995. In the mean for the years 1992 until 2018, 18.6 % (in total numbers: 55.6) of the decisions per year are promoted by a press release. Since the *raison d’être* of a press release is to be retold by the media (at best verbatim) (Lassen, 2006) and to transport information into the political system (Grimmer, 2010), these numbers reveal that the GFCC is quite active in promoting its messages in public and the media. Thus, the data set offers a great opportunity to investigate the dynamics of legal press release publications. This seems even more noticeable, as there is scant research on judicial press releases (Hale, 1978; Davis, 1994; Staton (2010)).

By further distinguishing press release occurrence into proceeding type and successful/unsuccessful claims, table 4 provides four insights into the decision promotion strategy of the GFCC. First, the quantity of unsuccessful claims which were followed by a press release is considerably higher than for successful claims. Second, compared with table 3 it becomes obvious that abstract review cases (BvR) are rather underrepresented in decision-related press releases, while press releases concerned with disputes between federal organs (BvE) are frequent. Since the court’s ability to be assertive depends to some degree on the public perceiving it as a neutral and non-political actor (Gibson,

Figure 4: Percentage of proceeding types over time (without BvR)



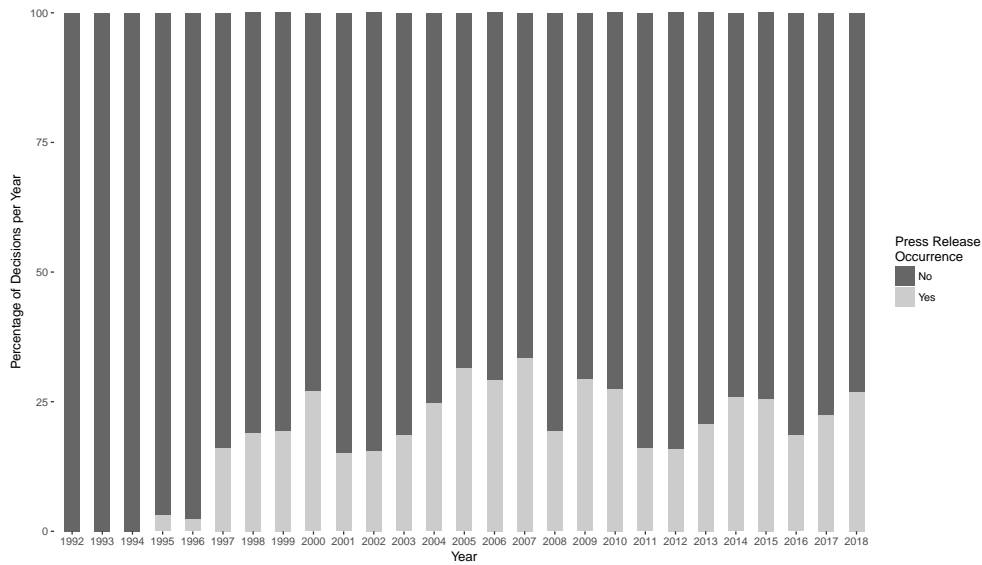
Note: 6904 decisions, decided between 1992 and June 2018.

Caldeira and Baird, 1998; Hönnige, 2011), the promotion of settled disputes between federal organs could be a tool for the GFCC to strengthen this public notion. Third, decisions concerned with election complaints (BvC) were barely considered with press releases, which could lead to the assumption that the GFCC did not want to encourage further election complaints and try to keep those decisions under the radar. Fourth, 95 decisions in which the court strikes down the status quo are not accompanied with a press release. This is rather counter-intuitive, as especially Staton (2010) has shown that courts strategically use press releases to enhance transparency especially in those cases where they oppose the legislative majority.

It seems that the presented data set covers a great deal of institutional variation and intra-institutional processes, which further can be used for analysis of processes and dynamics within the GFCC and between the GFCC and the political and the public sphere: How did the media uses the information disseminated by the court and how did these information shape the media coverage? Did the promotion of unsuccessful claims really affect the behavior of possible claimants? Which considerations and motivations lead the court to publish a decision-related press release? To what degree are judicial public relations shaped by the respective political environment?

The next section will dig deeper into the decisions texts and will present policy topics which can

Figure 5: Percentage of decisions with a press release per year



Note: 6904 decisions, decided between 1992 and June 2018.

be discovered in the court decisions. Due to data comparability, the presented topics are derived from court decisions made between 1992 and 2018.

The policy agenda of the court

When speaking about policy agendas of political actors and their analysis, the natural starting point seems to be the Comparative Agendas Project (CAP), their coding scheme and the previous works of affiliated scholars.⁸ Throughout the last years CAP “have generated a rich set of easily accessible data, which, because it employs a consistent method of coding and a standardised set of policy codes, can be used to measure the evolution of the policy agenda across time and between countries” (Dowding, Hindmoor and Martin, 2016, 4). Generally speaking, CAP measures the attention of policy actors and defines the agenda of those actors as “as the set of issues to which political actors are, at any given time, paying serious attention” (Dowding, Hindmoor and Martin, 2016, 5). Policy attention is defined and operationalized as “the relative amount of time devoted to issue areas by topic code” (Dowding, Hindmoor and Martin, 2016, 6). Thus, CAP is not concerned with the actual behavior of political actors nor with the substance or content of a political discussion or legislation.

⁸ See <https://www.comparativeagendas.net/>

Table 4: Press release occurrence by proceeding types, successful/unsuccessful claims and status quo change (1995-2018)

	BvC	BvE	BvF	BvL	BvQ	BvR	Other	Total	Unsuc. Claim	Suc. Claim	Stat. Q. Change	No Stat. Q. Change
No Press Release	135	41	27	158	247	4684	34	5327	4320	1006	95	5231
Press Release	21	51	36	150	54	1161	29	1502	1149	353	195	1307

6828 decisions (1995 - June 2018)

The topic codes and the measurement of policy topics can be seen as the core of CAP, especially since the project tries to harmonize the measurement by promoting a major codebook which has proven its applicability for countries, institutions and actors around the world.⁹ At the moment, the major codebook lists 23 major topics, each sub-divided into roughly 250 subtopics, which cover important aspect of modern politics like macroeconomics, labor, education, social welfare, international affairs and many more.¹⁰ Due to the focus on policy attention and the intended elaborate comparability, the CAP policy topic codes are used in the following to identify the policy agenda of the GFCC.

At this point, the crucial question is how it is possible to extract policy topics out of more than 6000 decisions texts, written and disseminated over 26 years? Actually only one way seems suitable in both effort and benefit: text classification. Grimmer and Stewart (2013) distinguish basically between two types of classification: 1) based on known categories or supervised classification; 2) based on unknown categories or unsupervised classification. The following discussion will present and discuss both classification strategies and their ability to classify the GFCC documents.

Unsupervised classification

Unsupervised topic models - such as Latent Dirichlet Allocation (LDA), K-means clustering, or Principal Components Analysis (PCA) - “compare the similarity of documents based on co-occurring features” (Wilkerson and Casas, 2017, 533). The following discussion will focus on LDA, which is the most widely used unsupervised topic model (Grimmer and Stewart, 2013). The topics in LDA are basically distributions over words, which is why LDA assumes that each document contains a variation of topics, and the used words are generated from those topics. The distribution of these words generates observations, determined by the proportion of the topics in

⁹ According to Dowding, Hindmoor and Martin (2016, 3) “the coding scheme [...] has subsequently been adopted in numerous European countries, Canada, Israel, New Zealand and Australia, as well as the state of Pennsylvania”.

¹⁰ See <https://www.comparativeagendas.net/pages/master-codebook>

each document. However, the number of topics is not predetermined, in fact LDA assumes that this number is known and fixed (Blei, 2012). Thus, “[d]etermining the number of clusters is one of the most difficult questions in unsupervised learning” (Grimmer and Stewart, 2013, 285). Grimmer and Stewart (2013) discuss various ways how to chose the quantity of topics. However, there is no established way and thus no "right" answer. “Therefore, the choice will be dependent both on the nature of the documents under study and the goals of the analysis” (Roberts et al., 2014, 1069).

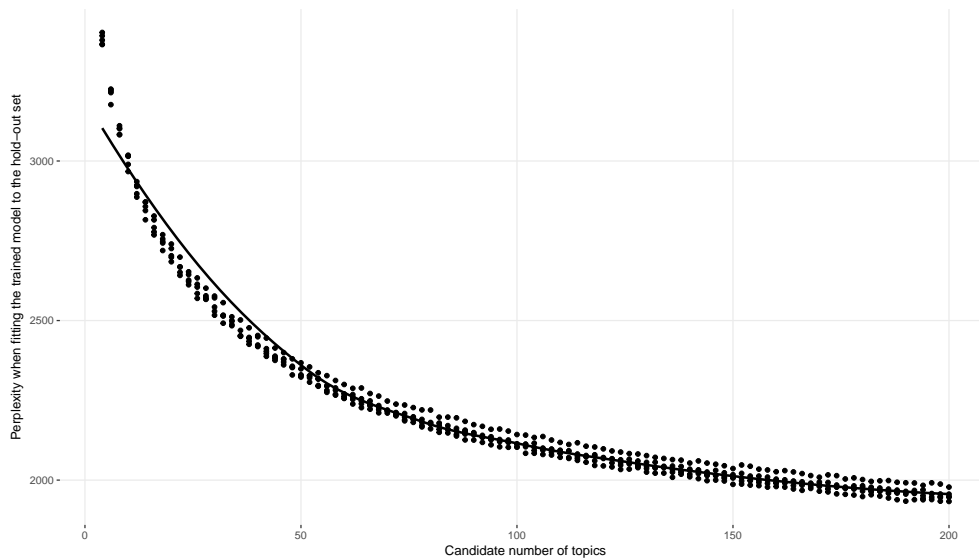
The classification of court documents with unsupervised methods does not seem to be a suitable way because of two reasons: First, due to the ability of constitutional court decisions to deal with nearly every aspect of the political and social reality, it is nearly impossible to predetermine the number of topics. A possible solution could be the classification of legal fields used by juris. However, this solution would only be valid for the case of Germany and therefore not applicable to other countries and furthermore, juris did not offer a coding scheme for their legal fields. Second, the argumentation and justification of the GFCC decisions tend to be long and of technical nature while simultaneously trying to guide “legislative action beyond the particular case at hand” (Hailbronner and Martini, 2017, 367). As a consequence, GFCC decisions offer a great deal of textual complexity. Efforts to circumvent this problem by calculating the number of topics for all decision texts using perplexity and a 5-fold cross validation for each possible topic number, illustrates the issue of textual complexity.¹¹ It can be seen from figure 6 that the perplexity decreases with an increasing candidate number of topics. There is no indication of any stabilization of the perplexity score. Even with more than 100 or 150 numbers of topics, the perplexity score still decreases further. This implies that - until a reasonable number of topics is found - LDA does not seem to provide a valid and reliable way to extract policy topics from the GFCC decision texts.

Supervised classification

Unlike unsupervised classification methods, supervised topic models use predetermined categories to classify documents. Basically, supervised topic models rely on known categories which are assigned manually to a set of documents (the training set), while the remaining documents stay

¹¹ “The perplexity, used by convention in language modeling, is monotonically decreasing in the likelihood of the test data, and is algebraically equivalent to the inverse of the geometric mean per-word likelihood. A lower perplexity score indicates better generalization performance” (Blei, Ng and Jordan, 3, 1008). In other words: perplexity measures the goodness-of-fit of a probability model in predicting a sample.

Figure 6: Perplexity of topic numbers based on a five-fold cross-validated LDA topic model of all decision texts



Note: Five different models fit for each candidate number of topics for 6911 decisions, decided September 1951 and June 2018.

uncoded (the test set). Subsequently, the used classification algorithm - such as naïve bayes, random forests, maximum entropy, or support vector machines (Hopkins and King, 2010; Grimmer and Stewart, 2013) - get trained with these hand-coded documents in order to learn “how to sort the documents into categories using the training set and words: the algorithm uses characteristics of the documents to place the documents into the categories” (Grimmer and Stewart, 2013, 275). According to Grimmer and Stewart (2013), these kinds of classification methods have the advantage that, since the algorithm is trained by hand-coded documents, the application is necessarily focused on the area of interest. Thus, a clear coding scheme is required, which is why scholars are forced “to develop coherent definitions of concepts for particular applications, which leads to clarity in what researchers are measuring and studying” (Grimmer and Stewart, 2013, 275). Another advantage of supervised methods is the fact that the process of result validation is comparatively easy, since the used models can be statistically tested according to their overall performance (Grimmer and Stewart, 2013).

The dependency from a straightforward and coherent coding scheme is one reason why supervised classification models have proven to be very useful in applying the CAP coding scheme for large scale text classification (Wilkerson and Casas, 2017). Therefore, supervised classification will be applied to the court documents to derive the policy agenda of the court for years 1992 to 2018

and to show how the attention to the different policy fields vary over time. The used algorithm will be the support vector machine algorithm (SVM), which represents the state of the art in document classification since it has proven to be the best performing model (Hillard, Purpura and Wilkerson, 2008). SVM treats each document individually and rests “on binary pairwise classifiers between each pair of categories, and chooses the one that is selected most often as the final category” (Hillard, Purpura and Wilkerson, 2008, 37). Thus, SVM maximizes the imbalance of the used categories, observes patterns across the documents and finally calculates a document classification. Like for every supervised method, the SVM algorithm depends on the training set which is based on a set of hand-coded documents.

Applying SVM on the GFCC decision documents

Three steps are required to derive topics out of the court decision texts. First, a reasonable quantity of decisions needs to be hand-coded according to the CAP coding scheme. Second, the training set based on the hand-coded documents needs to be constructed and applied to “the supervised learning method — learning the relationship between features and categories in the training set” (Grimmer and Stewart, 2013, 275). Subsequently, this will be used to infer the topic labels in the test set, which consists of all unlabeled documents. Third, the results need to be validated and the remaining documents need to be labeled accordingly (Grimmer and Stewart, 2013).

The hand-coded decisions are received from the CCDB research project, in which two independent coders have manually coded all senate decisions from 1972 to 2010 according to the CAP coding scheme (Hönnige et al., 2015). As the CCDB coders have coded the decisions according to a coding scheme of the German Policy Agendas Project (version from Oktober 2009), the codes presented here may slightly deviate from the codes of the most recent CAP master codebook. Based on the docket numbers of the decisions, it was possible to merge 609 hand-coded decisions from the CCDB data to the data presented here. That’s because the decision documents are regularly available only from 1992 while the CCDB data is available only until 2010. Subsequently, the 609 hand-coded documents - according to Hopkins and King (2010) a suitable quantity for large-scale supervised document classification - are used to train the SVM to learn about the test set. To achieve reasonable outcomes, the decisions texts are pooled in a corpus and pre-processed in several steps - prominently summerized by Grimmer and Stewart (2013) - to construct

a *document-term matrix* (dtm). Additionally, the dtm is weighted with the *term frequency-inverse document frequency* (tf-idf), which corrects the problem that not all terms are equally important for the meaning of a text and that a basic frequency of words would cause a flawed comparison for different texts. Rarely-used words are considered more meaningful and the tf-idf multiplies the frequency of the word in one document by the relative rarity of the word in the corpus. This in turn discriminates the meaning of those words frequently occurring within all documents of the corpus. Finally, by using the R package *RTextTools* (Collingwood et al., 2013) the SVM was trained with the 609 hand-coded decision texts and applied to the remaining decisions. The validation of the results is proceeded by a five-fold cross-validation, in which the training set gets partitioned into five groups and the “model’s performance is assessed on each of the groups, ensuring all predictions are made on data out of sample” (Grimmer and Stewart, 2013, 279).

The classification model has an accuracy¹² of 67%, which is comparable to other results of supervised text classification (Hopkins and King, 2010; Grimmer and Stewart, 2013). However, the five-fold cross validation shows that only 20% of the model is predicted accurately, which implicates that the classification models needs further refurbishments and improvements. Nevertheless, first results about the classified court agenda are presented in table 5, figure 7 and figure 8.

Table 5 lists 23 different policy topics, ordered by frequency and differentiated by proceeding types. Altogether, the table illustrates that the supervised text classification has done a good job. For example the topic “Law and Crime”, in which the CAP codebook lists the sub-issue of court administration: The daily routine of the court is determined by deciding upon procedural issues, which are most of the time subsumed within constitutional complaints (BvR). Thus, the 1957 decisions which are classified under the law and crime topic seem reasonable. Another realistic classification can be observed for the “Government Operations” topic, which encompasses decisions which have dealt with competences of the Federal President (e.g. docket number 2 BvE 1/83) or with instructions to government of the Länder (e.g. docket number 2 BvK 1/01). Accordingly, the classification of disputes between federal organs (BvE), abstract and concrete reviews (BvF, BvL), and disputes within the Länder (BvK, subsumed in “others”) or disputes between the Federation and Länder (BvG, subsumed in “others”) into the government operations topic seems correct. However, the table also reveals major flaws of the classification. For example,

¹² “[T]he proportion of correctly classified documents” (Grimmer and Stewart, 2013, 280).

Table 5: Policy fields differentiated between proceeding types

	BvC	BvE	BvF	BvL	BvQ	BvR	Other	Total
Law and Crime	8	0	10	30	31	1891	4	1974
Civil Rights, Minority Issues and Civil Liberties	0	1	5	32	84	981	1	1104
International Affairs and Foreign Aid	134	50	9	32	64	573	19	881
Labor	0	1	3	81	12	697	0	794
Immigration	0	0	0	10	69	409	1	489
Public Lands and Water Management	1	0	2	4	13	284	0	304
Macroeconomy	0	0	2	49	0	211	0	262
Healthcare	0	0	5	13	7	204	0	229
Foreign Trade	7	7	0	3	3	165	3	188
Education	0	1	4	21	7	120	3	156
Government Operations	5	24	10	19	6	28	29	121
Social Welfare	1	0	0	5	1	106	0	113
Energy	0	0	2	2	0	61	0	65
Banking, Finance, and Domestic Commerce	0	2	2	5	2	49	1	61
Agriculture	0	0	4	2	0	46	1	53
Culture	0	0	2	0	2	36	0	40
Environment	0	0	1	2	0	16	1	20
Community Development and Housing Issues	0	0	0	2	0	17	0	19
Defense	0	7	0	4	1	5	1	18
Transportation	0	0	2	2	0	2	1	7
Church and Religion	0	0	0	0	0	4	0	4
Space, Science, Technology, Communications	0	0	0	0	0	1	0	1
State and Local Government Administration	0	0	0	0	0	1	0	1

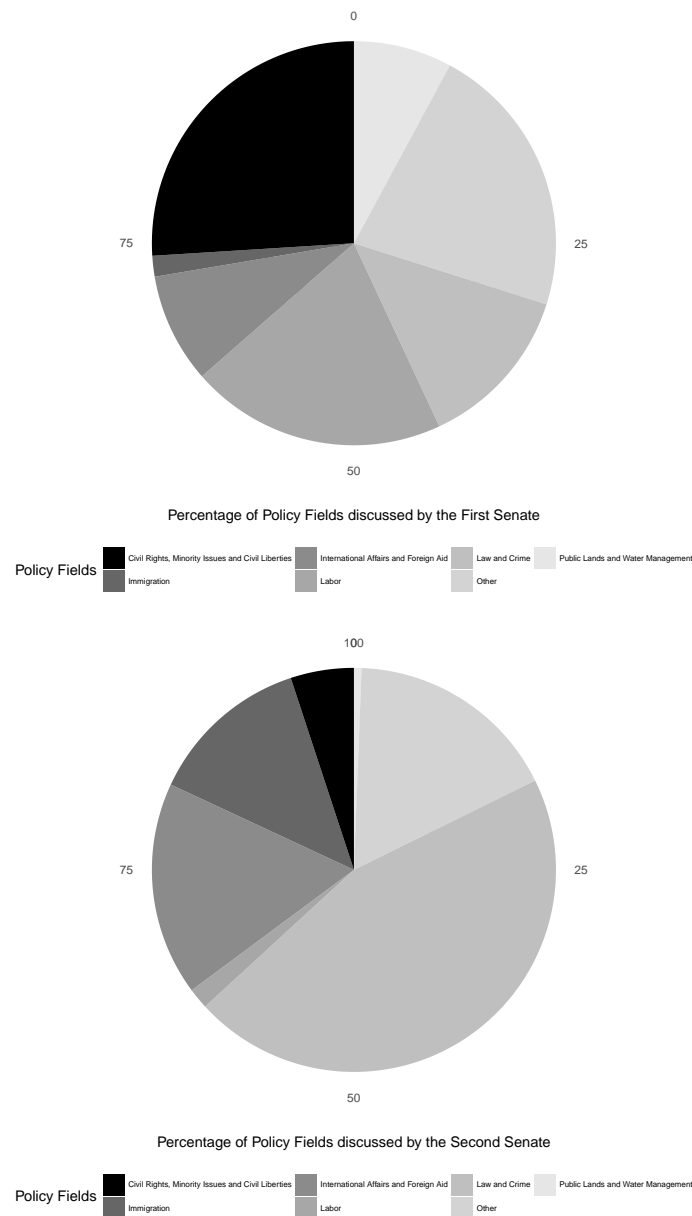
6904 decisions, decided between 1992 and June 2018.

nearly all election complaints (BvC) are classified into the “International Affairs and Foreign Aid” topic. Although the GFCC has dealt with complaints concerning the elections of the European Parliament (e.g. docket number 2 *BvC* 9/10), in most of the cases these decisions are concerned with federal and Länder elections, which is why we should assume that these decisions were categorized into “Government Operations”. In the following, the policy fields with less or equal than 296 appearances will be lumped together under the label ‘Others’.¹³

When looking at policy topics by the two senates, the repeatedly mentioned division between the first senate as the fundamental rights court and the second senate as the procedural rights court is perfectly illustrated in 7. The docket of the first senate is largely occupied by civil rights, minority rights and civil liberties (26%) and labor issues (20 %), while issues concerning immigration (1.6 %), international affairs (8.7 %) and law and crime (13 %) are barely discussed. However, since the GFCC regulation defines the first senate as the prime court branch for constitutional complaints, it is unsurprising that the most of the policy issues which are concentrated together in “Other” are litigated and discussed by the first senate (22 %). On the opposite, the docket of the second senate

¹³ The mean of decisions within the various policy field is 300.1. Thus, every policy field with equal or less 300 appearances are lumped together within the new category “Others”.

Figure 7: Proportion of policy fields by senates



Note: 6904 decisions, decided between 1992 and June 2018.

is dominated by law and crime issues (45.4 %), followed by international affairs (17 %), others (17 %), immigration (13 %), civil rights (5 %) and labor (1.6 %). The main occupation with law and crime issues by the second senate seems realistic, since, as mentioned above, the respective CAP policy code contains issues of court administration and legal procedures. Overall, the separation between the court senates seems reasonable and reveals the basic separation of the two court branches also in the content of the decisions.

Finally, as attention is defined as “is the relative amount of time devoted to issue areas by topic”

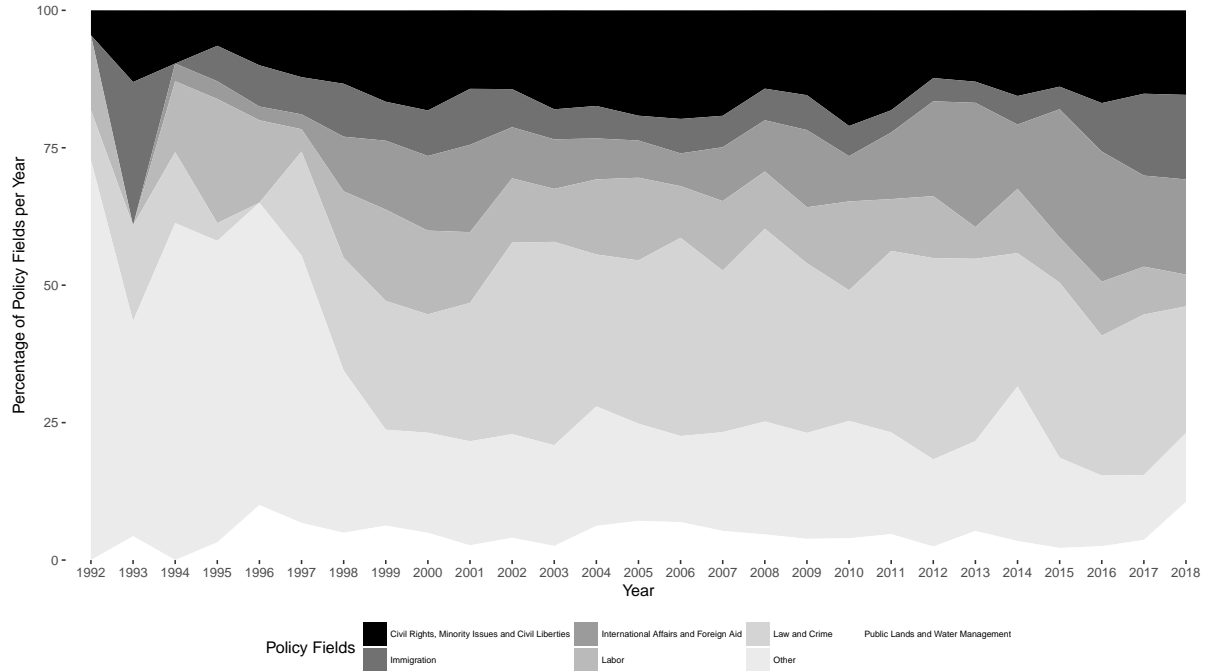
(Dowding, Hindmoor and Martin, 2016, 6) a further discussion about the overall policy attention within the court's disseminated information seems reasonable. Figure 8 illustrates the percentage of all policy fields between the years 1992 and 2018. The GFCC agenda is marked by the lack of dominance of a single or a few issues. Naturally, the two dominant issues, law and crime and civil rights, are also dominant when investigated over time. Nevertheless, the agenda of the court seems quite fluid, as no issue or policy area seems to completely disappear from the agenda and the patterns of change - expect for the rather steady civil rights issue - is rapid. Thus, it seems that the agenda of the court, derived from the disseminated information seems to cover a great deal of the thematic complexity for which the GFCC is known for (Ooyen and Möllers, 2015). This implicates that - in the context of the court agenda - the disseminated information are a fertile data source when it comes to analyzing the policy dynamics of the GFCC. However, it is important to note that all results which are concerned with the court agenda have to be treated with caution, since there seem to be some serious classification issues.

Conclusion

This paper has asked which information a constitutional court disseminates. A theoretical argument was presented, which states that courts disseminate information to create a measure over their decision-related transparency control. Accordingly, information dissemination was conceptualized within the broader context of political public relations, which is understood as efforts of political organizations to communicate their viewpoints on and deliver interpretation about policy issues. Finally, it was argued that judicial actors engage in public relations because of their dependency on a transparent political environment and an informed public, which is perceived as the "baseline source of power" for courts (Staton, 2010, 13).

To answer the research question, a novel data set was created and presented, which covers all decision-related information disseminated online by the German Federal Constitutional Court (GFCC). Compared to other information sources about the GFCC (most notably BVerfGE and juris), these information available online have the advantage of being accessible without requiring institutional access (e.g. university licenses (juris)) or financial charges (e.g. to buy the book (BVerfGE)). After presenting the GFCC as a suitable case and discussing the four levels of judicial public relation by the GFCC, the subsequent section has shown the collection and refurbishment

Figure 8: Policy fields across years (1992-2018)



Note: 6904 decisions, decided between 1992 and June 2018.

of the online disseminated information. The data collection has covered both, the scraping of structural information as well as the scraping of the full decision texts and further text analysis-based gathering of information of decision characteristics. The last section has dealt with first empirical insights about the information the GFCC has disseminated on its website.

The presented empirical insights reveal three notable elements. First, the information disseminated online depicts the institutional variation present in reality. The dockets of the two senates are nearly equal in terms of quantity, separate opinions, oral hearings and successful claims. However more importantly, the descriptive statistics have illustrated the institutional division of the two senates, with the first senate dealing with fundamental rights and the second senate dealing with procedural rights. Second, the decision-related press releases of the court cover all proceeding types, while the majority of these press releases are dealing with unsuccessful claims. This could be interpreted as an attempt of the court to educate future claimants, an assumption which is backed by a statement of the former head of public relations department of the court. Third, it has become clear that the policy agenda of the court is multi-layered and complex. It seems that both senates are concentrated on specific policy issues. However, the cross validation of the supervised

text classification method has shown that validity does not fit scientific standards, which is why further enhancements of the algorithm are necessary in order to create valid and reliable data on the policy agenda of the court.

Albeit the existing data issues, the data set offers interesting opportunities for future research. Two possible research venues will be briefly discussed. First, research on judicial politics has dealt with the influence of court press releases on media coverage (Hale, 1978; Davis, 1994) and on the ability of press releases to enhance the assertiveness of a court within the political process (Staton, 2010). However, research on the occurrence of court press release and characteristics which shape this occurrence did not exist. In combination with a formal model on judicial public relations and the motivations of courts to publish press releases, the data set seems to be a good starting point in investigating when, why and how constitutional courts publish decision-related press releases. Second, the data set is the first which covers chamber and senate decisions and which tries to tease out policy topics from decisions. Thus, by combining this data with data on the legislative process in Germany, future research could be able to investigate dynamics between the judicial and the legislative agenda: How are the policy agendas connected? Do legislative processes affect the process within the judiciary? How do different types of docket control affect such agenda processes?¹⁴

¹⁴ Generally, only in the context of abstract reviews, the GFCC is able to fully control its docket.

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