Transparency or Newsworthiness?
The Probability of Constitutional Court Press Release Occurrence

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Question:
When do decision-related court press releases occur?

- Judicial politics
  - $\rightarrow$ Courts promote decisions to enhance transparency

- Communication research
  - $\rightarrow$ Political actors aim to attract media attention which is why courts promote decisions

$\rightarrow$ Little research about the occurrence of court press releases

$\rightarrow$ Based on a novel data set, this study tries to fill this research gap

Condition I: Transparency

- Dilemma: Courts face an implementation problem
- To be assertive courts need: 1) transparency; 2) an informed public
- Only if the public is able to monitor political behavior in the context of court decisions, non-compliance of politicians can be detected (Vanberg 2005)
  - $\rightarrow$ A informed public is a "baseline source of power" for courts (Staton 2010, 13)

Condition I: Transparency

- Transparency is needed where political evasion is painful: decisions that strike down the status quo (Vanberg 2005)

- Court press releases enhance transparency (Staton 2010)
  - → *Hypothesis 1:* Court press releases are most likely to occur if decisions change the status quo

- Transparency is harder to achieve for complex policy issues (Vanberg 2005, Krehbiel 2016)
  - → *Hypothesis 2:* Court press releases are most likely to occur if decisions deal with complex issues

Condition II: Newsworthiness

- Effectiveness of policy is influenced by the media, which is why political actors adopt the media's logic to attract media attention (Esser 2013)

- This is done by presenting policy in a media-friendly way
  - → Internalization of news factors & professionalization of communication style (Strömbäck / Van Aelst 2013)
  - → Presenting newsworthy and easy consumable information

Condition II: Newsworthiness

- Press releases are used to present information and are defined as information subsidies which reduce journalists costs of gathering information (Gandy 1982)

  → *Hypothesis 3:* Court press releases are most likely to occur if decisions contain newsworthy aspects

Data

- Time frame: January 1997 - May 2018

- Decisions by the Germany Federal Constitutional Court, available on the court's website
  $\rightarrow N = 6755$ decisions

- Decision characteristics and the decision texts are scraped and processed to create the data set

Methods

- Research aim: predict press release occurrence & identify factors which influence the occurrence
  $\rightarrow$ Binary logic: whether a press release occurs or not
  $\rightarrow$ Logistic regressions are suitable

Measurement

- **Dependent variable**
  - *Press release occurrence:* existence of a court press release accompanying a decision

- **Independent variables**
  - *Status quo change:* existence of a status quo change **enhance** the probability
  - *Case complexity:* existence of a complex policy issue **enhance** the probability
  - *Newsworthiness:* existence of ...
    - ▷ ... an oral hearing **enhance** the probability
    - ▷ ... a separate opinion **enhance** the probability
    - ▷ ... a abstract review proceeding **enhance** the probability
    - ▷ ... a constitutional complaint **enhance** the probability
   - ▷ ... a concrete review proceeding **decrease** the probability

Results

Table 1: Logit regression

| | Dependent variable: | | | |
| | Occurence of press releases | | | |
	Model 1	Model 2	Model 3	Model 4	Hypothesis
Status quo change	2.221***			1.563***	
	(0.134)			(0.157)	+
Case complexity		0.596***		0.414***	
		(0.059)		(0.064)	+
Separate opinion			2.294***	2.125***	
			(0.372)	(0.383)	+
Oral hearing			2.923***	2.684***	
			(0.232)	(0.237)	+
Constitutional complaint			−0.164	−0.070	
			(0.106)	(0.108)	-
Concrete review			1.138***	0.765***	
			(0.157)	(0.166)	-
Abstract review			0.960***	−0.052	
			(0.329)	(0.356)	+ / -
Constant	−1.379***	−1.532***	−1.305***	−1.610***	
	(0.031)	(0.042)	(0.101)	(0.110)	
Observations	6,755	6,755	6,755	6,755	
Log Likelihood	−3,422.074	−3,523.076	−3,322.522	−3,246.090	
Akaike Inf. Crit.	6,848.149	7,050.152	6,657.043	6,508.180	
Percent Correctly Predicted	67 %	66 %	68 %	69 %	

Note: *p<0.1; **p<0.05; ***p<0.01

Figure 1: Predicted probability and first differences
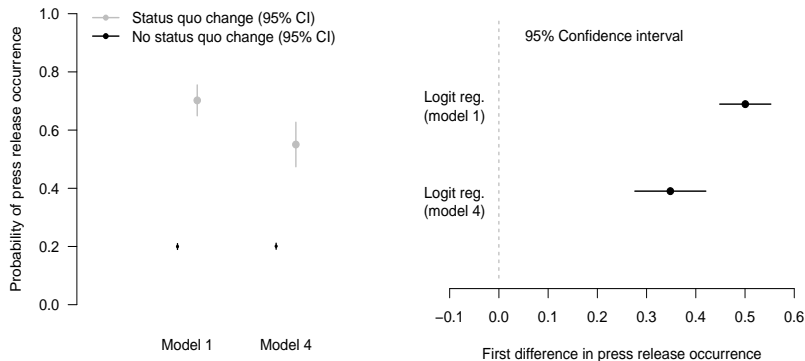
$N = 6755$ court decisions by the GFCC; 1000 simulations from the logit Models 1 & 4 in table 1. The status quo change is varied, while the other variables are held constant at their means.

- Average predicted probability shows that press releases are most likely to occur when the court changes the status quo

Conclusion & Outlook

- Court press releases are an institutional tool which are most likely to occur when the court strikes down the status quo
- $\rightarrow$ Strengthens the assumption and findings of Staton

$\rightarrow$ Next steps:

- Build stronger theory on mediaziation & newsworthiness

- Expand the data set

- Enhance the complexity measurement

Thank you for your attention!

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