

Influencing The News

The Ability Of The German Federal Constitutional Court To Influence The Media Agenda

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ECPR General Conference

Panel 222: Media Representation and Salience of Courts
Oslo • September 9, 2017

Research Question & Central Argument

What factors shape the ability of a Constitutional Court to influence the interpretation of its decisions by the media?

- ▶ A Constitutional Court is able to influence the media agenda, but the degree of influence varies
 - Variation depends on case and media characteristics
- ▶ A Constitutional Court is influential when the media borrows the wording and interpretation sent by the court

Courts and the Public

- ▶ Courts are not able to sanction evasion by political actors
→ "no influence over either the sword or the purse"
Montesquieu 1748; Federalist No. 78
- ▶ Evasion undermines the legitimacy of the court. However, Courts need a transparent political environment to be assertive and to detect evasion.
Vanberg 2001
- ▶ Courts are able to enhance transparency by promoting decisions with press releases
Staton 2010
- ▶ Journalists tend to misinterpret decisions
→ Decision promotion increases the chances of quality media coverage
Davis 1994; Staton 2010

Court Influence on the Media

- ▶ By publishing a decision related press release a court presents information and interpretations about its decisions to the media. Thus, he acts like a news source

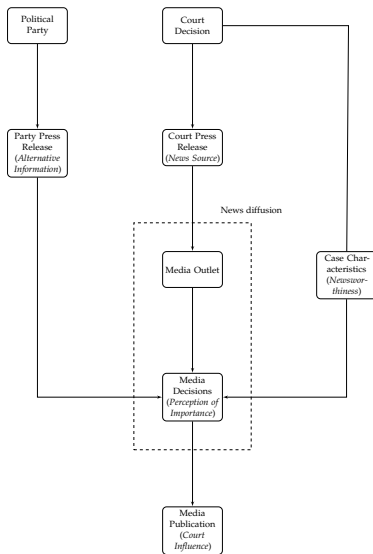
→ *the court is influential if the media uses its formulation and wording*

Tiffen et al. 2013; Boumans et al. 2016

- ▶ The degree of influence depends on the existence of party press releases and upon case characteristics and media decisions.
 - *Party Press Releases*: alternative information send by political parties reduces the chance for one actor to influence the media with its own information
 - *Case Characteristics*: indicate the newsworthiness of a decision ("qualities of a decision")
 - *Media Decisions*: degree of public importance with which a media outlet perceives a decision

Yanus 2009; Hopman et al. 2012; Cohen 2017

Theoretical Model



Four Research Hypotheses

- ▶ **H 1:** If a political party publishes a decision-related press release, the court is less able to influence the media agenda with its own press release.
- ▶ **H 2:** When the case characteristics of the decision at stake contain a high degree of newsworthiness, the court is less able to influence the media agenda with its own press release.
- ▶ **H 3.1:** When the time difference between the court decision and media publication increases, the court is less able to influence the media agenda with its own press release.
- ▶ **H 3.2:** When the article at stake is a opinion article, the court is less able to influence the media agenda with its own press release.

Data

- ▶ Time frame: December 2013 - May 2017
- ▶ Decision related press releases of the German Federal Constitutional Court (GFCC)
- ▶ Newspaper articles from two major German newspaper (Die Welt, Süddeutsche Zeitung); published max. seven days after a GFCC press release; thematically related
- ▶ $N = 220$ decision related press releases (by 586 (with complaints 23.944) decisions between 2013-2016)
- ▶ However, only $N = 122$ press releases are followed by a newspaper article
- ▶ $N = 421$ newspaper articles thematically connected with the 122 press releases
- ▶ Point of Departure: 122 press releases and 421 newspaper articles

Measurement

Dependent Variable: Text Similarity

- ▶ Text analysis method leads to a dyadic data set → 421 document pairs (press release - newspaper article), each assigned with a cosine similarity score

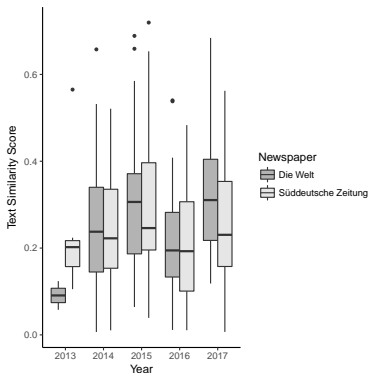
Independent Variables: Party press releases, case characteristics, media decisions

- ▶ *Party Press Releases*: existence of a party press release (yes = 1)
- ▶ *Case Characteristics*: separate opinion, unanimous decision, senate decision, decision, constitutional complaint, abstract review, concrete review, oral hearing (yes = 1), and the length of a court press release (word count, logarithmized)
- ▶ *Media Decisions*: time difference between press release and newspaper article (counted in days), and whether the article is a opinion article ($y = 1$)

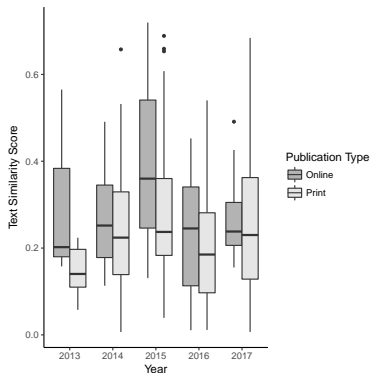
Methods

- ▶ Text similarity score is a continuous dependent variable (cosine similarity ranges from 1 to 0)
 - Linear models are suitable (Katz 2001):
 1. Linear models to show general patterns
 2. Linear models with year and newspaper fixed effects

Distribution of Text Similarity Score



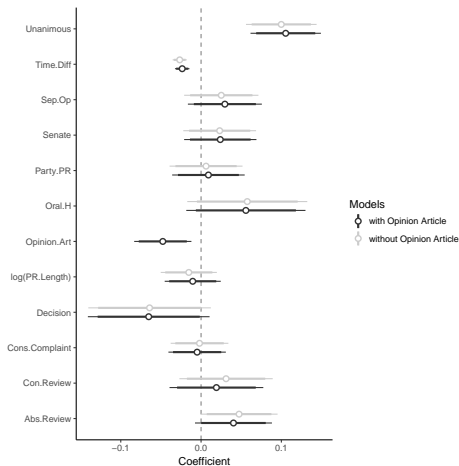
(a) Years and Newspapers



(b) Years and Publication Type

- ▶ Degree of text similarity is in a small to medium level
- ▶ Variance between the newspapers and the publication types
- ▶ Similarity ranges from 0.01 up to 0.72. Why?

General patterns: simple pooled linear models



Thick bar: 90% confidence interval

Thin bar: 95% confidence interval

- ▶ **Chase Characteristics:** Unanimous Decision and Abstract Review with a significant positive influence; Existence of a Decision with a significant negative influence
- ▶ **Media Decisions:** Time Difference and Opinion Article with a significant negative influence
- ▶ Political relevance as a explanation?

Linear models with year and newspaper fixed-effects

	<i>Dependent variable:</i>			
	Text Similarity Score			
	(1)	(2)	(3)	(4)
Party Press Release (y = 1)	0.032** (0.015)			0.001 (0.024)
Separate Opinion (y = 1)		0.007 (0.024)		0.027 (0.024)
Unanimous (y = 1)		0.060** (0.028)		0.070** (0.028)
Senate (y=1)		0.009 (0.023)		0.020 (0.023)
Decision (y = 1)		-0.031 (0.041)		-0.041 (0.039)
Cons. Complaint (y = 1)		0.012 (0.021)		0.005 (0.020)
Abs. Review (y = 1)		0.017 (0.028)		0.020 (0.028)
Con. Review (y = 1)		0.050 (0.032)		0.042 (0.031)
Oral Hearing (y = 1)		0.078* (0.040)		0.077** (0.039)
Length of Court PR (log)		-0.052 (0.043)		-0.040 (0.042)
Time Difference (Court PR vs News Article)			-0.021*** (0.005)	-0.024*** (0.005)
Opinion Article (y = 1)			-0.042** (0.018)	-0.051*** (0.018)
<i>Fixed effects for all models</i>				
	Year and Newspaper			
Observations	421	421	421	421
R ²	0.064	0.120	0.124	0.209

Significance levels:

Year 2013 is the reference category for years and *Die Welt* is the reference category for newspapers.

* p<0.1; ** p<0.05; *** p<0.01

Summary of Linear models with fixed effects

	Variables	Model 1	Model 2	Model 3	Model 4
<i>Party Press Releases (H 1)</i>	Party Press Release	(X)			X
<i>Case Characteristics (H 2)</i>	Separate Opinion (y = 1)		X		X
	Unanimous Decision (y = 1)		(X)		(X)
	Senate Decision (y = 1)		X		X
	Decision (y = 1)		X		X
	Constitutional Complaint (y = 1)		X		X
	Abstract Review (y = 1)		X		X
	Concrete Review (y = 1)		X		X
	Oral Hearing (y = 1)		(X)		(X)
	Length of Decision (log)		X		X
<i>Media Decisions (H 3.1 & 3.2)</i>	Time Difference (Court PR vs News Article)			✓	✓
	Opinion Article (y = 1)			✓	✓

(X) = Significant result, against the expected direction; ✓ = Significant result, with expected direction

- ▶ **H 1 rejected** → Party PRs increases the influence of the court. However, party PRs indicate political relevance of the issue at stake (see Hönnige 2011)
- ▶ **H 2 rejected** → A possible explanation for the findings for unanimously decided decisions and for those with oral hearings beforehand is the political relevance of the issue (see Farganis 2012; Krehbiel 2016)
- ▶ **H 3.1 & H 3.2 confirmed**

Conclusion & Outlook

Which factors shape the ability of a Constitutional Court to influence the interpretation of decisions by the media?

1. Influence of the court on the media exists
 2. The court is influential and able to enhance transparency in political relevant decisions
- ▶ Show structure and details of GFCC press releases (quantity of PRs in a year, policy fields etc.)
 - ▶ Extend to more media outlets and to a wider time frame
 - ▶ Extend to decisions without the accompaniment of a press release
 - ▶ Find a validity measurement for the text similarity score

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Thank you for your attention!

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Figure: Abstract Data Set Structure

Court PR 1	Date	Article 1.1	Date	Cosine Sim.
Court PR 1	Date	Article 1.2	Date	Cosine Sim.
Court PR 2	Date	Article 2	Date	Cosine Sim.

	<i>Dependent variable:</i>	
	Text Similarity Score	
	(1)	(2)
Party Press Release (y = 1)	0.015 (0.023)	0.012 (0.023)
Separate Opinion (y = 1)	0.038 (0.023)	0.033 (0.023)
Unanimous (y = 1)	0.107*** (0.022)	0.102*** (0.022)
Senate (y=1)	0.031 (0.022)	0.031 (0.023)
Decision (y = 1)	-0.018 (0.022)	-0.016 (0.022)
Cons. Complaint (y = 1)	-0.002 (0.018)	0.001 (0.018)
Abs. Review (y = 1)	0.040 (0.024)	0.047* (0.025)
Con. Review (y = 1)	0.015 (0.030)	0.027 (0.030)
Length of Court PR (log)	-0.033 (0.041)	-0.044 (0.041)
Time Difference (Court PR vs News Article)	-0.024*** (0.005)	-0.027*** (0.004)
Column (y = 1)	-0.048*** (0.018)	
Constant	0.345*** (0.111)	0.376*** (0.111)
Observations	421	421
R ²	0.171	0.157

Significance levels:

*p<0.1; **p<0.05; ***p<0.01