

When is the Supreme Constitutional Court stepping in? Investigating patterns of judicial response in Germany.

Working paper by Aleksandra Butneva

University of Mannheim



Who am I

Aleksandra Butneva

Senior undergraduate student in Political Science
at the University of Mannheim, Germany

Research Assistant at the Chair for Quantitative
Methods in Social Sciences



Links:

<https://aleksandra-butneva.netlify.app> (aleksandra-butneva.netlify.app)

[Research Assistants | Universität Mannheim \(uni-mannheim.de\)](https://www.uni-mannheim.de)

Outline



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Limitations

I wanna convince you that ...



Salient international events change the substance
of issues that are dealt with in constitutional
courts → German example

Puzzle

When and how does the German Federal Constitutional Court emphasise crisis-related issues?

One possible answer → by transferring relevant constitutional complaints to the Senate and thus bringing them to public notice, showing responsiveness

What issues can be emphasised?



H1-H3: We are more likely to observe security/economic/migration issues processed in the Senate in the outbreak of a major crisis rather than during relatively stable periods.

Theory: public concerns rise → citizens submit more complaints

Research design: from keywords to mean posterior topic probabilities (1)

1. Defining time frame:

- 2000-2007 (before the economic crisis) → transition 1
- 2008-2009 (global economic crisis) → transition 2
- 2010-2014 (in-between time) → transition 3
- 2015-2017 (European refugee crisis)
no transition, considered ongoing

2. Defining keywords

- Security: danger, person
- Economy of the European Union: euro, union
- Economy of firms: firm, protection
- Population mobility: placement, extradition

3. Setting up a dynamic keyword-assisted topic model

- two prior distributions: one with positive probabilities only for keywords and the other with positive probabilities for all words.
- thirteen overall topics (builds on the Court's jurisdiction areas)
- a dynamic time component → the Hidden Markov Model

Research design: from keywords to mean posterior topic probabilities (2)

$$\alpha \stackrel{i.i.d.}{\sim} \Gamma(\eta_1, \eta_2)$$

$$\mathbf{E}(\theta_{dk}|\mathbf{w}) = \mathbf{E} \left[\frac{\alpha_{h_t[d],k} + \eta_{dk}}{\sum_{k=1}^K \alpha_{h_t[d],k} + \eta_{dk}} \middle| \mathbf{w} \right]$$

$$\frac{1}{N_t} \sum_{D \in d_t} \mathbf{E}(\theta_{dk}|\mathbf{w})$$

Causal identification:

- - mean posterior probabilities (theta) of topics
- - some issues (H1-H3) are more likely to arise around crisis time than other.
- - submission time \rightarrow external shocks \rightarrow the content of submitted constitutional complaints.

Sample:

all (254) Senate
decisions upon
constitutional complaints from
2000-2017

H1 supported under
a different definition
of security

H2 supported on
macro- and micro-
levels

H3 not supported

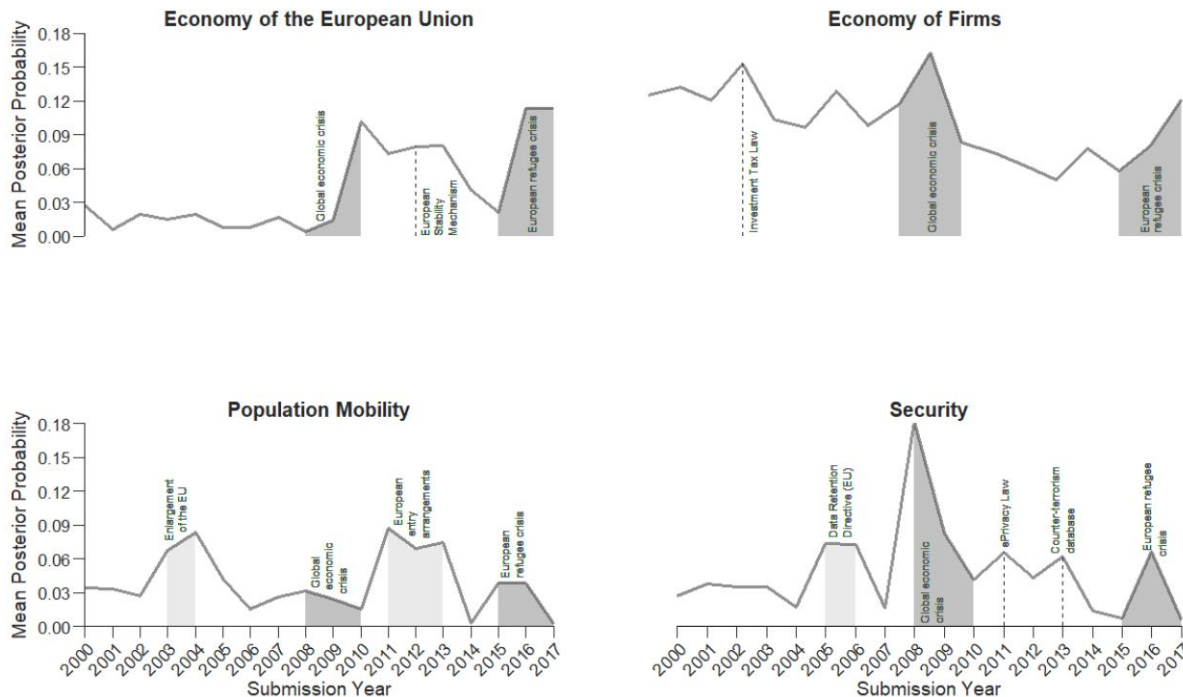


Figure 2: Mean posterior probabilities per year for the keyword topics

- Small N \rightarrow external validity
- Restrictive keywords' definitions \rightarrow internal validity of topics
- Methodological appropriateness \rightarrow NLP as an alternative way to process judicial language
- Data availability \rightarrow relative proportions of complaints per topic are unknown
- Robustness checks