

Working Paper 2

Methods

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- citizens-law.eu/en
- December 2022



WORKING PAPER 2: METHODS

The aim of this paper is to introduce the methodology that will be used in the CITIZENS-LAW project. We will first discuss the selection of the three case studies: The Netherlands, Denmark, and Hungary. Next, we will describe the outline of the literature review. This will be followed by a discussion of the focus groups, photo-elicitation interviews and a social media analysis. In addition, we will present the outline of the national surveys. Each case-study will use a uniform research design (with identical focus group topic lists, interview questions, survey questions, social media queries etc.), with some additional room for variation depending on the local context. Finally, we will discuss the outlines of two types of meetings: workshops with rule of law experts and roundtables with stakeholders. It should be stressed that this methodology is still a work in progress and will be developed further as the project develops. The research design of the CITIZENS-LAW is founded on the analytical framework of the project. The analytical framework is discussed in a separate paper (Working Paper 1: Analytical Framework).

1. Research Questions

CITIZENS-LAW will investigate the following main research question:

How do citizens' everyday experience of law in the Netherlands, Denmark and Hungary shape the level of public support for the legal foundations of the rule of law; and how can we incorporate these findings into a new governance toolkit to strengthen the rule of law in Europe?

This research question will be divided into four sub-questions:

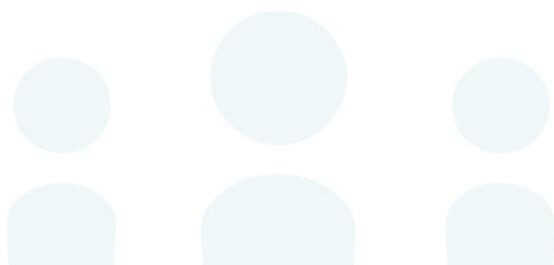
1. How do people in the Netherlands, Denmark and Hungary experience the law in their everyday life?
2. What are the underlying mechanisms that explain positive and negative perceptions of law?
3. How do the social foundations support or undermine the legal foundations of the rule of law?
4. How can we incorporate these findings into a new governance toolkit to strengthen the rule of law in Europe?

2. Mixed-Methods Approach

CITIZENS-LAW will use a mixed-methods approach to analyse the social foundations of the rule of law in the Netherlands, Denmark and Hungary. (Section 3) The purpose of this ‘triangulation design’ (Creswell, 2014) is to obtain different but complementary data on the same topic and to bring together the strengths and weaknesses of quantitative and qualitative methods (see Grodeland & Miller 2015). Also, CITIZENS-LAW combines fundamental research into EU citizens’ perceptions of law with applied research aimed at developing a more effective governance toolkit. (Table 1) To understand how people perceive the law in their everyday lives, a comprehensive literature review (Section 4) will be completed by rich qualitative data. This part of the research is divided into three cumulative components: focus group discussions (Section 5); followed by one-to-one in depth photo-elicitation interviews (Section 6); and a social media analysis (Section 7). To understand the underlying mechanisms that explain positive and negative perceptions of law, the qualitative component of the project will be complemented by a quantitative component: national surveys (Section 8). Each case-study will use a uniform research design (with identical focus group topic lists, interview questions, survey questions, social media queries etc), with some additional room for variation depending on the local context. Finally, to assess the legal and policy implications of the project findings, the qualitative and quantitative results will be discussed with legal experts (Section 9) and with relevant stakeholders (Section 10).

Table 1. Combination sub-questions and research methods

Sub-Question	Literature Review	Focus Groups	Photo-Elicitation Interviews	Social Media	National Surveys	Workshops Rule of Law Experts	Roundtables Stakeholders
1.	*	*	*	*	*		
2.	*				*		
3.	*					*	
4.	*						*



3. Selection of Case Studies:

The Netherlands, Denmark, Hungary

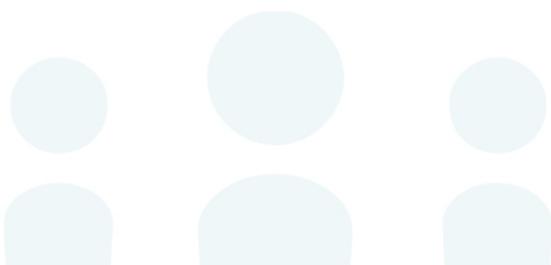
CITIZENS-LAW will use a comparative empirical approach using case studies in three carefully selected EU Member States to study how people experience law and the legal system.

- **The first case study will be conducted in The Netherlands, because this is where the project is based and where most of the key concepts and ideas of the project were first developed (see WP1: Analytical Framework).**

These findings will be compared to two 'extreme cases'. This sampling strategy (based on a 'most different' design) is particularly useful for highlighting the most unusual variation in the phenomena under investigation and for achieving a more in-depth understanding of the nature of the phenomenon under study (Jahnukainen, 2010). CITIZENS-LAW will focus on one country with a strong rule of law (with a high level of public support for the law and the legal system); and on another country with a weak rule of law.

- **The second case study will be conducted in Denmark. This country has the highest (European) score in the WJP Rule of Law Index 2021 (WJP 2021, 24).**
- **The third case study will be conducted in Hungary. This country has the lowest (European) score in the WJP Rule of Law Index (WJP 2021, 24).**

This comparative approach will not only give detailed insight into social perceptions of law in these three countries, but it will also provide a solid basis for theoretical generalisation of these findings to the rest of the EU.

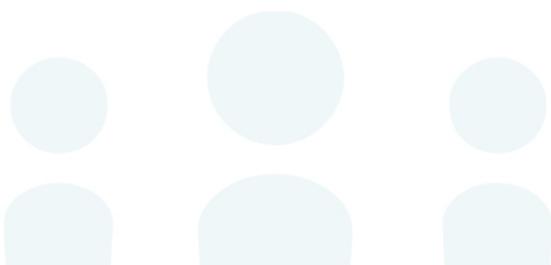


4. Literature Review

We will systematically review the literature in the disciplines of Law, Legal Theory, Sociology of Law, Social Psychology, Criminology and Public Administration for insights on:

- The legal and social foundations of the rule of law;
- Positive and negative perceptions of law;
- The mechanisms that explain these perceptions, with a special focus on substantive justice, procedural justice, punitiveness and responsiveness.

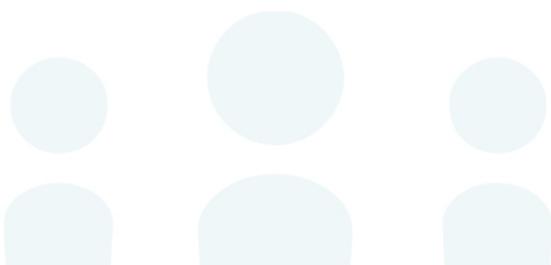
The literature review will focus both on the theoretical and conceptual elements of the project (see WP1: Analytical Framework) and on previous empirical studies on the social significance of law in The Netherlands, Denmark, Hungary and elsewhere.



5. Focus Groups

Focus groups ‘use guided group discussions to generate a rich understanding of participants’ experiences and beliefs.’ (Morgan, 1998: 4) For example, in previous research focus group discussions were used to study citizens’ experiences with postcommunist officials in Ukraine and the Czech Republic (Miller, Koschechkina and Grodeland 1997) and people’s everyday understandings of law and justice in the UK, Poland and Bulgaria (Hertogh & Kurkchian 2016). In CITIZENS-LAW focus groups will be used to study people’s perceptions of law.

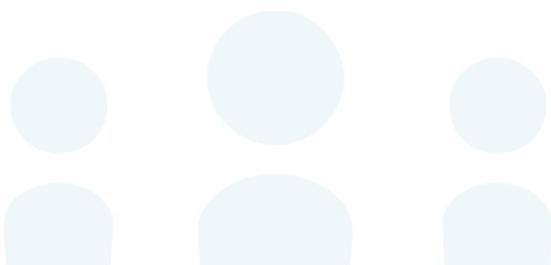
- In each country, five focus group discussions will be held.
- All focus groups will discuss: experiences of law in everyday life; positive and negative perceptions of law; and the perceived levels of procedural justice, punitiveness, and responsiveness of the legal system.
- Each focus group will have 6 –8 participants, who will be purposely selected to include regional differences and different levels of education.
- Each focus group will include participants with a similar background.
- The focus groups will be led by a professional moderator.
- The focus group discussions will be digitally recorded (audio and video).
- Transcripts will be produced in both the original language and English.
- The transcripts will be analysed using discourse analysis techniques.



6. Photo-Elicitation Interviews

Photo-elicitation (PEI) is a qualitative interview technique where researchers solicit responses, reactions, and insights from participants by using photographs as stimuli (Collier 1967; Harper 2002). This approach facilitates conversations and offers greater insight than can be achieved through verbal-only methods. This technique has been used in, for example, anthropology, sociology and criminology (for an overview, see Harper 2002). In CITIZENS-LAW photo-elicitation interviews will be used to study people's perceptions of law. In our project, all participants will be asked to take photographs that portray the positive or negative role of the law in their everyday lives. These photographs do not necessarily represent empirical truths or 'reality', but they have a dual purpose. 'Researchers can use photographs as a tool to expand on questions and simultaneously, [and] participants can use photographs to provide a unique way to communicate dimensions of their lives.' (Clark-Ibanez 2004, 1512) This method provides an insider perspective, allowing participants to express the nature and meanings of their life worlds in more depth (Warner et. al, 2016).

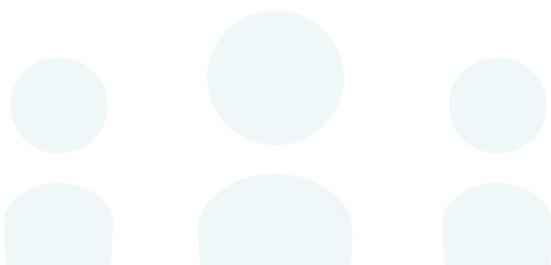
- In each country, 50 persons (from different backgrounds) will be recruited to participate in this study.
- All participants will be recruited from the focus groups (see Section 5).
- All participants will take part in a preliminary camera training session. Instructions will be kept to a minimum to ensure participants focus on their own lived experiences.
- Over a four-week period, participants will be asked to take at least 10 photographs (with their mobile phones or with disposable cameras that will be provided) that they feel portray the positive or negative role of law in their everyday lives. These photos may include objects, people, artifacts, events, institutional experiences and elements of their social life (Harper 2002).
- All photographic diaries will be digitally uploaded to a secure server and printed in preparation for the follow-up interview.
- Semi-structured interviews will be undertaken with all participants. In these interviews, participants will be presented with each photograph and asked to explain what each image represents.
- Interviews will be digitally recorded and transcribed verbatim (both in the original language and in English), and later used in thematic analysis.



7. Social Media Analysis

The use of social media is a good (additional) opinion-mining tool to analyse positive and negative public sentiments on a particular subject or event. In previous research, social scientists have used Twitter to analyse a large variety of subjects (see Weller 2014), including social protest and elements of legal alienation in response to a controversial court ruling (Hertogh 2014). In CITIZENS-LAW, a social media analysis will be used to study people's perceptions of law.

- A data base will be constructed with online expressions on Twitter (and Facebook?) in response to pre- selected law-related events in each country (e.g., controversial court decisions, appointment of judges, new legislation).
- The selection of law-related events will be informed by the focus groups and the photo-elicitation interviews.
- This data base will cover all online expressions (e.g., text, links, mentions, replies and hashtags) over a six- month period.
- These online expressions will be registered both in the original language and in English.
- A mixed-methods approach, based on the methodology of grounded theory, will be used for an in-depth and contextualised analysis of these data. This approach uses an iterative process of open coding and analysing data. In previous research, Murthy (2016) and others have successfully tested and applied this approach in a study of Twitter.

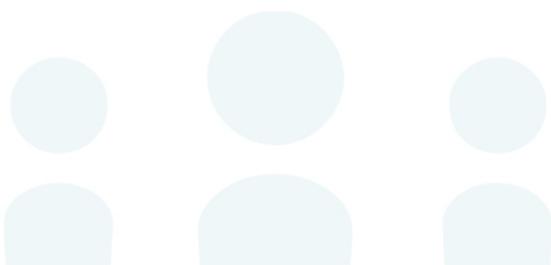


8. National Surveys

In addition to the focus group discussions, the photo-elicitation interviews and the social media analysis, large scale public opinion surveys are necessary both to provide representative findings for each country and to permit detailed analysis of patterns within countries. In earlier (comparative) studies, public opinion surveys have been used to study political attitudes (Almond & Verba 1963), political and cultural values (Inglehart 1997); legal culture (Gibson & Caldeira 1996; Grodeland & Miller 2015); and legal and civic consciousness (Hertogh & Kurkchian 2016; Szilágyi et al. 2021). Building on this previous work, CITIZENS-LAW will use public opinion surveys to analyse people's perceptions of law. In each country, a representative national survey will be undertaken (N = appr. 1,250). The survey questions (and the vignettes) will be based on the information from the focus group discussions, the photo-elicitation interviews and the social media analysis.

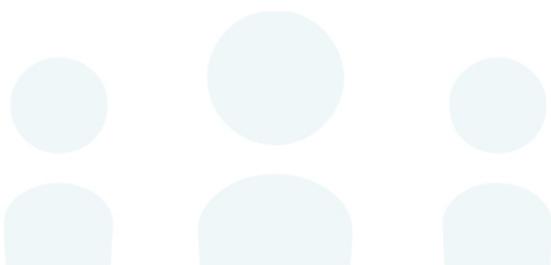
- The first part of the survey will register positive and negative perceptions of law. Respondents will be asked to answer general questions about the law and the legal system, and to respond to several 'vignettes' about law in everyday life. In this approach, aspects of a hypothetical case or event are systematically varied, enabling isolation of the factors of interest (Bijleveld, 2021).
- The second part of the survey will focus on potential mechanisms that may explain these positive and negative perceptions about law. The survey will focus on the perceived levels of substantive justice, procedural justice, punitiveness, and responsiveness of the justice system.

The surveys will be carried out by an external polling company. Logistic regression techniques will be used to identify the underlying mechanisms of people's positive or negative perceptions of law.



9. Workshops with Rule of Law Experts

To evaluate how EU citizens' perceptions of law may support or undermine the legal foundations of the rule of law, the project findings will be analysed in two interdisciplinary workshops with 10-15 rule of law experts, to be held in Copenhagen and Budapest in the final year of the project. Participants will include scholars from Law, Legal Theory, Sociology of Law, Social Psychology, Criminology and Public Administration. These workshops will critically reflect on the analytical framework of the project and on the results of our literature review, focus groups, photo-elicitation interviews, social media analysis and national surveys.



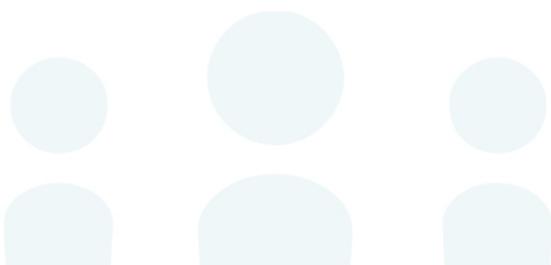
10. Roundtables with Stakeholders

Finally, the project findings will be translated into a new and more effective governance toolkit to strengthen the rule of law in Europe. The new governance toolkit will provide policymakers and other stakeholders with a dashboard that will help them to design innovative public policies that incorporate both the legal and social foundations of the rule of law. The dashboard will display data about people's positive and negative perceptions of law and will suggest concrete policy actions to influence the levels of procedural justice, punitiveness and responsiveness of the legal system. In this way, decision-makers will be able to integrate the two perspectives of 'seeing like a state' (Scott, 1998) and 'seeing like a citizen'.

The new governance toolkit will include:

- *Reflective questions* to assess positive and negative perceptions about law and identify ways to influence these;
- *Short recognisable narratives* of successful examples of initiatives to strengthen the rule of law in various countries;
- *Policy tools* that contribute to more public engagement with the rule of law (i.e. the organization of EU-wide citizen dialogues, the development of rule of law 'literacy' with accessible and user-friendly sources, and open platforms to share information).

To facilitate this process, two roundtables will be held with 10-15 relevant stakeholders (including decision-makers, NGO's and civil society organisations), to be held in The Hague and Brussels in the final year of the project.



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