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Silence is no Longer Golden: Media, Public Relations and the Judiciary in Israel[1]

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Abstract

The media policy of judiciaries is inherently fraught with potential conflicts. On the one hand, judiciaries have strong incentives to foster their relations with the media, and recognize the fact that public confidence is in many ways dependent on quality reporting of the courts. On the other hand, according to classical judicial ethos, silence in the public sphere outside the courtroom still appears to be a central tenet of judicial ideology.

Our study, based on interviews with 40 Israeli judges conducted between 2005-2012, points to the contradiction between the formal restraints on judicial media conduct and the judges' acknowledgement of the need for a pro-media approach in an age of transparency and growing public distrust of governing institutions. Our findings regarding the PR practices of the Israeli Judiciary and its responses to the challenges of the media age are analyzed in light of current theories in public relations.

Key words

Public relations; Judicial public relations; media logic; judicial logic; judges and judging; media court relations

[1] Journalists' views of the changing nature of court coverage and the use of public relations by the courts can be found in Peleg and Bogoch (2012).
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Resumen

La política de medios del poder judicial está llena de conflictos potenciales. Por un lado, el sistema judicial tiene grandes incentivos para fomentar sus relaciones con los medios de comunicación, y reconocen el hecho de que la confianza del público depende en muchos casos de la calidad con la que se informa de los juicios. Por otro lado, y siguiendo los valores judiciales clásicos, todavía es un principio básico de la ideología judicial que se mantenga el silencio en la esfera pública, fuera de las salas de los juzgados.

Este estudio, basado en entrevistas con 40 jueces israelíes llevadas a cabo entre 2005 y 2012, pone de relieve la contradicción entre las restricciones formales en la conducta de los medios de comunicación judiciales, y el reconocimiento de los jueces de la necesidad de acercar los medios de comunicación, en una época de transparencia y mayor desconfianza pública hacia las instituciones gobernantes. Se analizan los hallazgos sobre las prácticas de relaciones públicas del sistema judicial israelí y sus respuestas ante los retos de la era de los medios de comunicación, a la luz de las teorías actuales sobre relaciones públicas.

Palabras clave

Relaciones públicas; relaciones públicas judiciales; lógica de los medios de comunicación; lógica judicial; jueces y juicios; relaciones de los medios de comunicación y los tribunales

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1. Introduction

The legal reporters covering judicial appointments to the Israeli Supreme Court in the winter of 2011 were surprised when a communications consultant offered to help them prepare profiles of a Be'er Sheva District Court judge who was one of the candidates for a Supreme Court position. "Not only from the South, but also religious, moderate and Moroccan…who has won much praise from the people" was the description of the candidate in an email sent out by a public relations firm. This was the first time a PR firm openly promoted a candidate for a seat on the Supreme Court of Israel, where judges are selected by a nomination committee and not elected by its citizens. The PR officer explained that the judge was unaware of the campaign, and that he was approached by the judge's brother-in-law. The Court's spokesperson maintained that "the judicial system knows nothing about such activity, and of course does not organize public support for one candidate or another. We hope that the report is incorrect." (Zarchin 2011a).

The involvement of PR firms in judicial selection procedures, whether initiated by the judge or by his close circles, is a precedent in the limited scope of media strategies available to Israeli judges. The Israeli Judicial Code of Ethics (The Judicial Authority 2007) allows judges to use the media only through institutional officials, and forbids direct contact between the judge and the press. Just as in other democratic countries, the media policy of the judiciary in Israel is inherently fraught with potential conflicts. On the one hand, judiciaries recognize the fact that public confidence is in many ways dependent on quality reporting of the courts and thus have strong incentives to foster their relations with the media. On the other hand, the classical judicial ethos of silence in the public sphere outside the courtroom still appears to be a central tenet of judicial ideology. The image of distance, independence and impartiality expected of the courts (Davis 1994, 2011) is ostensibly at odds with judicial discussions of individual cases or points of law in the media. Therefore, judicial relations with the media are limited and exceptional compared to the current media behavior of other social institutions.

This paper analyses the contradiction between the formal restraints on judicial media conduct and the judges' views of the media strategies that are used in light of the theoretical literature on public-relations. It uses criteria of efficient public relations developed in this literature to analyze the judges' attitudes to the needs and strategies of the Israeli Judicial Authority.

First, we present a survey of the theoretical literature regarding the media environment of judicial systems, and a review of the changes in Israeli media-law relationships. Next, we present information about recent developments in the institution of the judicial spokesperson, and qualitative analyzes of interviews conducted with Israeli judges about the media strategies of the courts. Finally we discuss the implications of the media policy of the Israeli judiciary in light of public relations theories.

2. Literature survey

2.1. Legal coverage in the press

The growing media interest in the courts derives from parallel changes in the judiciary and in the commercial media. The activism of Supreme Courts in many modern democracies has led to the judicialization of all aspects of social life (Malleson 1999, Galnoor 2004). This trend has enhanced the centrality and power of the legal sphere (Hirschl 2004) and has often resulted in controversial Supreme Court decisions, all of which increased its attractiveness to the media. Amid greater demands for transparency and media access to governing institutions on the one hand (Malleson 1999, Gies 2008), and the expansion of the cable and broadcast media, with increasing competition from the internet on the other, journalists have come under intense pressure to deliver dramatic, personalized stories. The law, and

particularly criminal trials, serve these needs of the media, which expose, try, judge and sentence defendants in the "court of public opinion" (Greer and McLaughlin 2012). The nature of these "media trials" range from the shaming and hounding of celebrities on trial to pre-judging the outcomes of legal proceedings against "unknowns". Litigation public relations firms have become increasingly important actors during trials, providing communication support services and "carefully constructed messages aimed at various target audiences - the media, the courtroom decision makers - to affect the views of people across the country and, in certain situations, the outcome of the trial" (Gibson and Padilla 1999, p. 216). These characteristics and processes have been identified in the Israeli media and legal spheres as well.

2.2. Institutional and individual judicial media strategies

As Davis (2011, p. 16) has noted, justices all over the world have various motives for developing and implementing public relations strategies (see Markel 1999). In addition to encouraging what they view as more accurate depictions of legal events and enhancing public confidence in the judiciary, justices seek to retain institutional and individual power, to influence policy debates, and to further their own professional careers (Davis 2011). Thus, both formal and informal mechanisms have developed today to further the relationship between judiciaries and the media. For example, nearly every constitutional court maintains a website through which visitors can search full text copies of resolved cases and obtain information about pending actions (Staton 2004). In addition these sites typically feature judicial biographies, administrative reports and historical reviews of the judiciary's constitutional jurisdiction. Staton (2004) has found that 71% of the constitutional courts in Europe and the Americas produce press releases announcing key jurisprudential resolutions. Media summaries of judicial decisions that translate legal jargon into common language are also available (Gies 2005). In some jurisdictions, retired judges are employed as press judges[2] who provide explanations and answer questions about current rulings in high-profile cases (Gies 2005, Schulz 2010, Jeuland and Sotiropoulou 2012).

Although most judicial codes of conduct prohibit judges from providing ex-parte commentary about ongoing cases, and despite the preference for allowing decisions to speak for themselves (Rotunda 2001), American judges have sometimes provided explanations of their decisions to the public through the media after cases are resolved (McLaughlin 2004). Moreover, there are other ways in which individual judges make themselves available to the media. For example, in the U.S., judges have provided interviews to the press, promoted their books on television, allowed the press to cover their public and professional lectures, participated in academic conferences together with media professionals, and conducted informational briefings and off-the- record meetings with reporters (Dreschel 1987, Robben 2004, McLaughlin 2004, Davis 2011). Press conferences are generally limited to confirmation or retirement occasions, and these are usually organized and managed by the Information Services department of the courts.

2.3. Public relations theories

Four models of public relations have been identified in the literature (Grunig and Hunt 1984, Seletzky and Lehman-Wilzig 2010), based on the intersection of two dimensions: the extent to which the flow of information is in one direction (from the institution to the receiver) or in both directions, and whether various manipulations are used in transmitting the positive image of the organization. The intersection of these dimensions results in four models: the press agentry model; the public information model; the two-way assymetrical model; and the two-way symmetrical

[2] In France the judge responsible for communications is called MDC ("magistrat délégué a la communication").

model. Courts are generally classified as organizations using the public information model, which emphasizes maintaining and enhancing the image of an organization simply by circulating relevant and meaningful information among the target audience/public.

Public relations theories have generally attempted to conceptualize the organizational pre-conditions needed for successful relations between organizations and the media, and the different tools needed in the PR practitioners' skill set in order to advance substantial and positive media coverage (Reber and Cameron 2003). In what has been termed "excellence theory", Grunig *et al*. (2002) suggest that the extent to which senior officials in the organization recognize the importance of the public relations function can affect the allocation of resources and the ultimate effectiveness of the communication strategies. Zoch and Molleda (2006) have created a theoretical framework for successful media relations, based on paradigms well-known to media scholars: the concept of information subsidies, framing theory, and the agenda building paradigm. These theories that have been used to explain the production of news from the media perspective, are now being used by these public-relations scholars to explain the process of intervening in the management of news from the media-relations practitioner's perspective. According to this model, there are three elements to public relations practices geared to the media: (1) the process of framing (Entman 1993), that is to say, highlighting or withholding specific information about a subject or issue so that the organizational frame will be adopted by the media; (2) generating prepackaged information ("information subsidies") to promote the organizations' view points on issues; (3) distributing the information to media channels, so that public- relations practitioners participate in the process of building the media agenda. These elements are part of a proactive approach to relations with the media, taking into account a wide range of relational, organizational and contextual factors. This paper will analyze Israeli judges' views of the relations between the media and the Israeli Judiciary, in light of these components.

2.4. Media and the Law in Israel

Within a period of about forty years, the Israeli media scene has changed from a traditional, monopolistic structure to a modern fiercely competitive system, that includes a combination of old and new media, public and commercial services, and cable, satellite, Internet, digital and cellular services (Caspi and Limor 1999, Lehman-Wilzig 2007, Gilboa 2012). In Israel as elsewhere, the internet has introduced changes in the functioning of the print media and has led to debates among journalists and between legal and media professionals about the limits of press freedom and the role of journalistic ethics. The Supreme Court has played a crucial role in defending freedom of the press, and has consistently endorsed policies that expand media sources and limit formal restrictions on journalistic practices. For example, *sub judice* laws in Israel, which prohibit the publication of anything about a matter under adjudication that seeks to influence the outcome or the proceedings, have become dead letter laws, which are not enforced by either the Attorney General or the Courts. Thus journalists no longer restrict their coverage of legal affairs to reports of the proceedings but include commentary, criticism and evaluations as well. Today, the press is said to be extremely cynical and critical of all public institutions, except perhaps the army (Peri 2004), although Bogoch and Holzman-Gazit (2008) have suggested that the Supreme Court is also still treated more deferentially than other political bodies.

Unlike the coverage of the Supreme Courts in the United States, the Israeli Supreme Court is covered on a daily basis, with an average of 3-4 articles per day in the elite newspaper (Bogoch and Holzman-Gazit 2008). Recent data indicate even more intensive media attention. A survey initiated by the Information Services department of the Judicial Authority revealed that the media coverage of the courts

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has tripled from 2007 to 2012, from 4000 items per month in 2007 to 12,000 in 2012.[3]

Undoubtedly, one of the main reasons for this increased coverage was the large number of high profile celebrity cases that were dealt with by the courts during this period: the Minster of Justice was convicted of indecent conduct in 2007; President Katzav was convicted of rape in 2011; former prime-minister Olmert was convicted of corruption in 2012. In addition, the ideological and personal rivalry between Chief Justice Dorit Beinisch (2006-2012), a protégée of activist former Chief Justice Aharon Barak, and Justice Minister Prof. Daniel Friedmann (2007-2009) who supports a formalistic Supreme Court, led to newsworthy battles between them about reforms to the nomination process and the limits of the Court's jurisdiction[4].

3. Method

This paper is based on two sources of data: interviews with 40 judges; and information provided by the office of the spokesperson of the Judicial Authority. The Judicial Authority supplied us with documents as well as information about the changes that had taken place over time, the goals of the office, and future plans in furthering media access to the Courts.

Forty interviews with judges were conducted at three points of time between 2005 and 2012. The interviews focused on the judges' views of the media policy of the Courts and media coverage of the law, their own interactions with the media, and the changes that had taken place over time in the media-court relationship. The 40 judges included 4 justices from the Supreme Court, 26 from the District Courts (the midlevel courts in Israel) and 10 from the Magistrates courts (the first level courts).[5] In order to tap the element of change over time, half of the judges interviewed were retired judges and half were currently serving in judicial positions. Most of the judges were specialists in criminal law and had rendered decisions that were widely covered by the media. The currently presiding judges asked to be quoted anonymously but full transcripts of the interviews were kept by the authors. The discussion of these interviews will be based on the theoretical literature from the field of media and the law, and public-relations.

4. Findings

4.1. The Information Services Department of the Israeli Judiciary

The Judicial Authority in Israel established an Information Services department in 1996. Like similar institutions in other Western countries (e.g., Schulz 2010, Staton 2004), the Information Services department of the Judicial Authority provides copies of court rulings on a daily basis and alerts journalists to important decisions and cases. Most of press officers of the Israeli Judiciary were trained as lawyers and had worked in private P.R firms before joining the Judicial Authority. There are now eight staff members working at the Information Services department of the Judicial Authority. These officers work for the judicial system at large, and do not serve particular judges.

[3] Information given by Ayelet Philo, head of the Information Services Department of the Judicial Authority, July 17, 2012.
[4] For example, Yoaz (2008).
[5] In the Israeli system, professional judges act as judges at all levels of the system. There are no juries in Israel. The Magistrates Courts handle all civil cases in which sums involve up to 2.5 million shekel (about $800,000), and criminal cases in which the maximum punishment is up to 7 years. The District Courts handle all other civil and criminal cases at the first instance level, and also act as an appellate court for Magistrate Court cases. The Supreme Court acts as an appellate court for civil and criminal matters as well as a first and last instance court when it sits as the High Court of Justice, which deals with petitions in which the rights of individuals or groups are alleged to have been violated by public authorities.

Aside from the Chief Justice, currently serving judges are not officially permitted to address the press, and must go through the spokesperson's office (The Judicial Authority 2007). Judges who try to circumvent these rules are called to order. For example, the judge who presided over the trial of a former justice minister who was convicted of sexual harassment gave an anonymous interview to the press. She was publicly reprimanded by the Chief Justice (Yoaz 2007). However, there is little the Chief Justice can do about retired judges who choose to appear in the media. In fact, retired judges have become non-official analysts of rulings in high-profile cases. The Ombudsman of the Israeli Judiciary indicated his disapproval of these actions by publishing an article in the press urging retired judges to continue their compliance with the code of judicial conduct and to refrain from entering the public arena. The justification for this position was that the public does not distinguish between a retired judge and one who is in office (Goldberg 2007).

While the Judicial Authority has continued to attempt to contain the relationship between individual judges and the media, and has refused to implement recommendations that would permit limited televised broadcasts of some Court hearings, nevertheless, there are plans for innovative use of the new media for public information. For example, the Judicial Authority has begun debating the utility of using Facebook as part of its public relations policy, and has convened a committee headed by a senior judge to discuss the legal and ethical implications of the use of social networks by judges (Baum 2013). In anticipation of the potential future use of these media, the Judicial Authority has also begun collecting talkbacks on judicial matters from various social networks.[6]

4.2. Judges' views of institutional media strategies

From 2005 to 2012, we found an increase in the importance accorded the media policy of the courts, and growing criticism of the specific strategies used. We describe these changes using some of the criteria described by the literature on effective public relations (Grunig *et al*. 2002, Zoch and Molleda 2006). The judges' criticism of the functioning of the Office of the Spokesperson can be divided into three areas: (1) ineffectual information dissemination; (2) failure in setting the media agenda; and (3) judicial politics. It should be noted that the judges' criticism of the Information Services was not targeted at individual members of the Office, but rather at the media policy of the Court.

4.3. The importance of public relations for the courts

In 2005 some of the retired judges still wondered whether media strategies were beneficial for the judiciary. The retired vice president of the Tel-Aviv district court explained that the role of a spokesperson contradicts formal professional judicial ethos: "In my days nobody commented about what was published in the press. It was much better. A famous Supreme Court judge once said: 'A judge is like a woman--the less you talk about her the better'" (Interview, Judge Israel Giladi, April 7, 2005).

By 2008 both retired and presiding judges agreed that media relations were important for the judiciary. In 2012 the media policy was regarded as an essential safeguard of the legitimacy of the courts in a mediatized society:

> The system needs the spokesperson because every social institution needs justification for its existence. Other than that, it is not a competitive institution and doesn't need public relations to demonstrate its power. However, a good spokesperson should persuade the public that [the judicial system] is a fair and impartial system that provides quality solutions for the resolution of conflicts (Anonymous Interview, August 7, 2012).

[6] Personal communication, Ayelet Philo, spokesperson, the Judicial Authority, April 15, 2012.

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We also noted that there were different expectations about the potential effects of media strategies in 2012 compared to 2005. For example, retired judges blamed the lack of public confidence in the courts on media-fostered misconceptions concerning the nature and actions of the judiciary. They regarded the role of the spokesperson as one of educating the public: "The spokesperson should offer systematic explanations, encourage the media to publish articles and books about judicial nominations and other issues being debated in the public sphere" (Interview, Itzhak Zamir, May 5, 2005). In later interviews in 2007 and 2012, the judges appear to have changed some of their expectations of the commercialized media. While they accepted the need for dramatization and sensationalism in media stories, and realized that the modern media would not publish long, profound legal articles, they still thought it would be possible to educate the public by more subtle ways of framing the courts messages.

> The court system is under unceasing attacks. I understand that they intensify their style because the media needs sensations in order to sell. No one is interested in long legal articles, everything is short and nervous. That's why in the current state of affairs, public relations are necessary. In my opinion the goals of information services should be to change the way the public relates to us. For example the media has to explain to the public that the reason for the long, drawn out procedures in the courts is because of the caseload that is caused by the disproportionate number of cases to the number of judges in the State (Anonymous Interview, August 9, 2012).

4.4. The process of information dissemination

One of the frequently heard critiques of the activity of the spokesperson was its inability to adapt to the immediacy requirements of the media. The judges complained that responses to the media were too slow, and that the spokesperson seemed to be spending more time getting authorization than actually doing his job. A judge who presided over a celebrity trial that received high-profile coverage complained that the slow pace affected his public image : "They are too slow. On several occasions after I sent them my reactions to the media attacks against me, they waited for hours till they approached the media" (Anonymous Interview, April 27, 2007). A few presiding judges admitted that they did not rely on the spokesperson to disseminate their court rulings in time for press coverage and did the job themselves through personal channels (Anonymous Interview, April 4, 2007).

4.5. Agenda setting

Not only were judges critical of the timing of spokesperson responses, but they felt that the office was not proactive enough in its media strategies, and did not initiate media coverage that would improve the image of the Court.

> The information services department operates in a very technical manner, they send us e-mails only when they are approached by reporters with questions regarding our rulings, but they never initiate positive coverage. The spokesperson doesn't know how to market our decisions and to accommodate to the news agenda. Let me give you an example. I sent my ruling about illegal gathering [to the spokesperson], it was extremely relevant to the public debate about the renewal of social protest demonstrations this summer. The information services department didn't market this decision despite its importance, they are not professional (Anonymous Interview, July 26, 2012).

The judges also pointed to the defensive approach and ineffectual formal rhetoric of the material sent by the spokesperson's office: "The spokesperson is too defensive, there's a need for more aggressive approach" (Anonymous Interview, August 1, 2012). Another judge linked the bland rhetoric to the weakness of the Court in the mass media. "The formal and banal responses offered by the spokesperson to the media place the court in an inferior position in current public discourse about the

law" (Anonymous Interview, August 2, 2102). Even judges who tried to adopt a more media-friendly style in their messages to the media, were thwarted by the information office. "I wrote a very sharp statement after a reporter called the spokesperson and asked for my comment. To my disappointment the information officer took the sting out and re-wrote the comment in a formal and boring manner" (Anonymous Interview, April 27, 2007).

A senior judge referred to the management of the conflict between the Chief Justice and the Minister of Justice as an example of the failure of the spokesperson to safeguard the image of the judiciary in the media:

> The court is not accustomed to the spins that politicians manufacture. When politicians attack the judiciary it reacts like a helpless giant, heavy and clumsy, unable to move its hands. There are so many restrictions on the judges, and they can't pass on the right message (Anonymous Interview, October 9, 2007).

The disappointment of judges with the effectiveness of the Court Information Services may be the reason for judges' turn to private public relations firms. According to a press report, Chief Justice Beinisch secretly consulted with the owner of a private firm, who volunteered to help plan a campaign against reforms that threatened to constrain the jurisdiction of the Supreme Court (Zimuki 2007).

4.6. Judicial politics: unintended consequences of public relations

One of the surprising results of this study, and one that has not been dealt with in previous research about the media policy of the courts (Staton 2004, Gies 2005, Schulz 2010) was the conflict between the various echelons in the Court hierarchy about the media moves of the spokesperson. Since 2005, presiding judges have suggested that there are political motivations for the media manipulations approved by the heads of the judiciary. This assessment has led to a crisis of confidence between judges from the lower courts and the justices of the Supreme Court, especially the Chief Justice.

Judges from the lower courts accused the spokesperson of neglecting his obligation to safeguard the image of lower court judges while catering only the needs of Supreme Court justices. A lower-court judge used a military metaphor to demonstrate the loyalty of the spokesperson to the Chief Justice and said: "The spokesperson is so committed to the Chief Justice, they seem to eat from the same mess tin " (Anonymous Interview , May 12, 2005). Other judges claimed that the justices use the media politically only for their own public needs: "They act like politicians, they have no sentiments or empathy for the lower judges who are attacked and need support in the media. They use the media only for their own good" (Anonymous Interview, June 6, 2005). Some of the judges called for the appointment of a separate spokesperson for each court that would promote more coverage for the lower courts.

In fact, between the years 2005-2008 the responsibilities of the spokesperson department were revised and each of the seven districts now has a separate spokesperson. However, presiding judges still felt that they were at a disadvantage in their relations with the media. A presiding judge who sat in a high profile political trial complained that there was no media guidance offered the individual judge who faced media criticism:

> "I would have expected the Chief Justice and the Director General of the courts to say something, to offer me some helping hand and good advice about how to cope with media attacks, but that didn't happen" (Anonymous Interview, April 4 2007).

Reflecting back, retired Chief Justice, Prof. Aharon Barak acknowledged that the judiciary lacked an effective media policy, which he attributed to judicial ethical restrictions. Moreover, Prof. Barak believed that the Chief Justice should not defend judges who are attacked by the media, and claimed that the judicial role demands

readiness to cope with media pressures. He contended that the Chief Justice should remain silent and maintain the traditional judicial image of distance:

> I've asked myself, when shall I comment? Only when I think that the criticism against the court is wrong and unfair? What if the criticism is justified? My approach was clear: the less I interfere with media discourse about the courts the better it is for the system. In any case, the journalist has the last word (Interview, Chief Justice Barak, January 11 2008).

Some judges in 2012 even suggested that the spokesperson's concentration on the Supreme Court and the very limited media representations of other judicial activities was the reason for the decline in public confidence in the courts: "It is a mistake to promote only the Supreme Court. We're responsible for the crisis of confidence in the judiciary, the public should be informed about everything including the rulings of the small claims courts" (Anonymous Interview, August 6, 2012).

Other judges suggested that the inability of the spokesperson to defend the individual judge was related to his/her low status in the judicial system:

> The spokesperson doesn't have a strong standing in the system. That's why they always surrender to the senior coalition in the judiciary. Let me give you an example, a colleague of mine had a reputation of being the "bad boy" of the judicial system and has been known to send critical e-mails about the heads of the system and to encourage rebellion in the ranks of his fellow judges. He got bad publicity in the press (Zarchin 2011b) but was denied the right to defend himself in the public arena. If the spokesperson was strong enough she would have convinced her bosses to let the judge present his side of the story too (Anonymous Interview, August 8, 2012).

Despite the virtual consensus among judges about the inefficacy of the media policy of the Information Office, judges were divided in their views about direct contact between individual judges and journalists.

4.7. Individual contact between judges and the media

The Israeli Code of Judicial Ethics (The Judicial Authority 2007) prohibits judicial comments on current or pending trials, and allows judges to answer journalists' questions on personal matters only if the spokesperson could not be reached and the comment was immediately required by the press. Our study reveals that over the years a number of changes have occurred in the judges' views regarding these formal restrictions.

In 2005 retired Supreme Court Justice Dalia Dorner, the president of the Israeli Press Council, reinforced the traditional judicial ethos.

> Judges needs to keep their distance from the public, to get to know the people but to refrain from social ties with journalists. I support the saying 'familiarity breeds contempt'. A judge must not turn into a politician because it would ruin public confidence in the courts. Judges are not allowed to grant anonymous interviews" (Justice Dalia Dorner, April 12, 2005).

This approach was fully supported by all the judges interviewed in 2005. However in the interviews in 2008 some of the presiding judges called for changes. A judge from a District Court wondered why the heads of the judiciary did not trust judges' ability to confront the media:

> The judicial role is based on knowledge, responsibility and integrity. How can it be that although I am entitled to send people to jail I need to get special permission to deal with the media?" (Anonymous Interview, April 12, 2007).

In 2007-2008, for the first time, judges referred to leaks from the judiciary. Currently serving judges described and criticized how judges initiated contact with certain reporters and told them about personal and professional conflicts within the judiciary: "The family of judges has grown, and the leaks by judges to the media

have also increased. Today there is a trade-off: the judge gives information to the journalist and in exchange receives positive coverage" (Anonymous Interview, August 12, 2007).

Notwithstanding the leaks, it was only in 2012 that judges began to explicitly challenge the restrictions on direct contact with the media, and to call for re-consideration of the silence imposed on presiding judges:

> PR for the judiciary means that it addresses the public at large while considering the needs of the particular judge as well. It means defending the particular judge from the lynch mob of the media. Judges should give interviews on cases but not on legal details but on its public implications (Anonymous Interview, August 2, 2012).

Another judge thought that the ethical imperative to refrain from ex-parte discourse about judicial decisions was not suitable to the current media environment :

> The ethical restrictions on judges are too conservative. It's not enough to explain your decision in the ruling. You have to explain to the public in the public arena. There is asymmetry in the public arena between the lawyers and judges. ..I was attacked by the press when I convicted a violent criminal for second degree murder rather than for murder in the first degree. I managed to convince people I met in my own social circles. I guess I could have done the same in the press if I was allowed (Anonymous Interview, August 7, 2012).

Other judges thought that the growing media interest in the judges should be channeled for the benefit of the system:

> I think the judiciary should be opened to the public..There is a need to get to know the judges as human beings. No one reads our rulings other than the parties involved. There's a need for a change in media policy in order to improve the image of the judiciary (Anonymous Interview, August 1, 2012).

A few judges acknowledged that individual judges needed public relations not only for the good of the system but for their own careers. They mentioned the importance of media coverage for promotion, as well as for respect from the public (Anonymous Interview, August 7, 2012).

There was a marked difference between senior judges who held administrative positions in the Courts and the other judges about the desirability of individual press interviews with judges. Senior judges feared that judges did not have the media skills necessary for individual contact with the press, and would be unable to maintain control of interviews conducted by experienced reporters. Some senior judges were anxious about the impact of the media on judicial decisions as a result of individual contacts with the press.

> There's a need for distance between the press and the judiciary. I think that the growing proximity is not good. For example judges are now using sensational idioms in their rulings in criminal cases because of the media. The contact with the press causes a banalization of the cruelty of criminal acts and in turn reduces the level of punishment (Anonymous Interview, August 6, 2012).

Other judges suggested a more controlled and regulated process of judges' interactions with the media:

> I think that judges should give interviews with the permission of the Chief Justice, it should not be left to the automatic refusal of the spokesperson. There should be written guidelines when a judge can be interviewed. Let me give you an example from this morning's paper. I read a sensational report in the popular paper that was unfair. It presented a common legal dispute between an experienced Supreme Court justice and a newly appointed justice as a lesson in criminal justice, as if the new justice was ignorant and unsuitable for her position (Zimuki 2012). The new justice must be allowed to meet the press and correct her public image (Anonymous Interview, August 6, 2012).

Although some members of the Court Information Services approved off-the record meetings between judges and the press, the judges who participated in our study consistently rejected this idea. The judges doubted the integrity of reporters not to reveal their sources. However, Chief Justice Beinisch met for off -the record conversations with legal reporters and editors- in- chief of leading media outlets.[7] Again, the Chief Justice was able to maintain the type of contacts with the media denied to other judges.

Moreover, individual judges who were interviewed were in favor of different types of encounters with the press, while the top echelons of the Court were generally less supportive. The only type of judicial-media relations supported by virtually all judges in our study was the institution of a "briefing judge," in which a judge is officially appointed to handle relations with the press. A senior judge said:

> I would be happy to send the briefing judge my rulings before the hearing, so that he [sic] can read it and explain its legal essence to the public. If there was a briefing judge during the hearing of the executive summary of the decision in the trial of former Prime Minister Ehud Olmert, the reports would have been more balanced and reflect not only the charges of which he was acquitted but also the fact that he was found guilty of breach of trust (Anonymous Interview, August 9, 2012).

However, other suggestions, such as joint conferences between the media and the press, were supported mainly by lower court judges. These judges were interested in learning about the operation of the media, and were not worried that contact with the press would be controlled by the media in the framework of professional conferences:

> I don't think we can persuade the press not to publish what they consider newsworthy or what we don't want them to report. However we can learn from these meetings what are the media interests in covering the court, and how to foster the relations between the judiciary and the media (Anonymous Interview, April 12, 2005).

5. Discussion and conclusions

Traditionally, the Israeli judiciary, like its counterparts elsewhere, has sought to play down the personal, and stress the institution rather than the individual judge. In addition, it has maintained a "silence is golden" policy as the appropriate response to media criticism, and restricted access to the media when public relations came to be regarded as necessary in order to inform the public and stem the decline in public trust in the courts. These tenets have been challenged in recent years, as Israeli judges seek to express their own personal voice and respond to community views and to what they view as media misrepresentation.

Their growing awareness of the importance of public relations, as well as their total dependence on the Information Services department whose effectiveness and motivations they doubt, have led Israeli judges to change their views about appropriate media management. Despite the ethical restrictions that limit judges' ability to respond to the media, judges have not only expressed their feelings of frustration with current media-court relations but have also developed a number of strategies that bypass official channels

Like other organizations based on a public information public relations model, ideological commitment and identification with the goals of the institution have been regarded as prerequisites for spokespeople working in the Court. From its beginning in 1996, the Israeli judiciary has recruited spokespeople who are lawyers with media-experience. However, in our study, judges regarded the spokespeople as lacking professional marketing initiatives and criticized her/his slow and formal comments to the media. As judges have become exposed to media discussions

[7] This information was provided by a journalist who participated in the meeting, July 2010.

about the courts, they have become more media-savvy both of the obstacles spokespeople face in an era of "contempt journalism" (Barnett 2002), and of the failures of the Information offices to adopt more pro-active media strategies. Judges expect the spokesperson to depart from their working conventions and participate in the process of building the media agenda (Zoch and Molleda 2006). They understand the pressures of the commercial media to make a profit and stay within current styles of story selection and reporting, but they expect the spokesperson to manipulate media routines and news values with faster and sharper rhetoric. Israeli judges suggested that a different phrasing of the court's messages would affect the framing of the legal issues in the public sphere. Thus, both current and retired judges view the media as a powerful institution capable of changing public attitudes and affecting the legitimacy of the Courts. While previously judges viewed the silent strategy as the appropriate one for maintaining the Court's image, and regarded the media as a tool for educating the public, today judges expect that a more personalized, proactive, and media-friendly approach will strengthen public trust of the courts. Because of their belief in the ability of public relations to control media messages, they view the decline in public trust as due to the inefficiency of the court Information Office. Thus, they want to disengage from their dependence on the spokesperson for their media liaisons and transmit their messages directly, in the belief that the correct message in the media will turn public opinion in their favor.

Part of their disappointment with the functioning of the spokesperson's office derives from the asymmetry between the media exposure of senior judges and that of judges from lower courts. Public relations theory has posited that for a spokesperson to be able to successfully manage the communication processes of an organization, s/he must belong to the "dominant coalition" of that organization. In Israel, the information office has a low rank in the hierarchy of the Courts. They are not privy to internal discussions by the Court, and are not dominant in media policy debates. The fact that many of the public relations officers are women may also contribute to their relatively low status in the court hierarchy (Grunig *et al*. 2013). These factors may be tied to their inability to further proactive public relations strategies.

Another facet of the hierarchy of the Israeli system is that the Chief Justice does not intervene in cases where lower courts judges are criticized by the media. Although this policy is justified by the need to safeguard the image of objectivity and distance of the courts, it contributes to tensions within the judiciary and to judges' use of personal, unofficial channels that may undermine the work of the Information Services department (Grunig *et al*. 2002).

In a number of ways, the Israeli judiciary is more conservative in its media policies than other judiciaries in the Western world. Academic conferences that are common forums for group interactions between judges and the press are forbidden despite the fact that they have been shown to serve as a release valve in other jurisdictions (Robben 2004). Off-the- record sessions between judges and journalists used in other judiciaries (Davis 1994, 2011) to assist reporters with translating judicial decisions into accurate, yet understandable news accounts are scarce in Israel and are mainly used by the senior justices. Moreover, despite the recommendations of a public judicial committee, cameras are banned from Israeli courts.

Thus, most practicing Israeli judges feel "pushed" to the corner. Their voices are silenced in that they are excluded both from discussions about media policy within the court system, and from the often stormy media discourse about the justice system outside the courts. The emergence of leaks within the judiciary, in which internal conflicts are revealed to reporters, and in which reporters "repay" their sources with favorable coverage, is one outcome of the current state of affairs, and may be seen as a call for reforms in media-court relations.

It may be that Israeli courts will have to modify traditions that have served them in the past, such as conventions of silence in the face of criticism, or the refusal to allow electronic media coverage of courtroom proceedings, and the prohibition against group meetings with the press. Moreover, the development of a media policy based on cooperation with the judges of the lower courts may help to rebuild the trust between the judges and the Information Services department. Further research that investigates media discourse about the courts, and the theoretical insights of public relations will contribute to our understanding of the potential for effectively improving media court relations in a mediatized society.

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