



Oñati Socio-legal Series, v. 4, n. 4 (2014) – Law in the Age of Media Logic
ISSN: 2079-5971

Law in the Age of Media Logic: an Introduction

BRYNA BOGOCH*
KEITH J. BYBEE*
YIFAT HOLZMAN-GAZIT*
ANAT PELEG*

Bogoch, B., Bybee, K.J., Holzman-Gazit, Y., Peleg, A., 2014. Law in the Age of Media Logic: an Introduction. *Oñati Socio-legal Series* [online], 4 (4), 593-596. Available from: <http://ssrn.com/abstract=2516197>



Abstract

The eleven papers in this volume address a range of theoretical and empirical issues examined at the Oñati workshop, "Law in the Age of Media Logic." Several papers explore the politicization of the media's reporting of the Courts and of judicial nominations, and consider how this reporting affects public support of the judiciary in different countries, including Israel, the United States, and Canada. Several other papers assess the "trials by media" that play out in the coverage of the criminal justice system. These papers consider a number of topics, including the criminalization of firearms litigation, the tension between a free press and fair trials, and the social media depictions of criminal justice. Finally, several papers analyze the judiciary's public relations strategies, and examine the various institutional changes that shape the public image of legal systems today.

Introduction to the special issue publishing articles resulting from the papers presented at the workshop *Law in the Age of Media Logic*, held in the International Institute for the Sociology of Law, Oñati, Spain, 27-28 June 2013, and coordinated by Bryna Bogoch (Bar Ilan University), Keith J. Bybee (Syracuse University), Yifat Holzman-Gazit (College of Management, Rishon LeZion) and Anat Peleg (Bar Ilan University).

* Associate Professor at the School of Communication and the Dept. of Interdisciplinary Social Science Studies at Bar Ilan University, and co-chair of the Center for Media and Law. She has conducted research and written extensively in the fields of media and the law, and gender, language and the law, including a large-scale project on gender bias in the Israeli Courts. Her work has appeared in communications, discourse and socio-legal journals. School of Communication. Bar Ilan University. Ramat Gan. Israel, 52900. Bryna.Bogoch@biu.ac.il

* Director, Institute for the Study of the Judiciary, Politics, and the Media at Syracuse University; Paul E. and the Hon. Joanne F. Alper '72 Judiciary Studies Professor, Syracuse University College of Law; and Professor of Political Science, Maxwell School of Citizenship and Public Affairs, Syracuse University. His most recent book is *All judges Are political--Except when they are not: Acceptable hypocrisies and the rule of law*. Stanford: Stanford University Press. Syracuse University. 321 Eggers Hall. Syracuse, NY 13244 kjbybee@maxwell.syr.edu

* Associate Professor at the Haim Striks School of Law at the College of Management. She has conducted research and written extensively in the fields of media and the law, public opinion about inquiry commissions and the history of the land regime in Israel. Her work has appeared in legal and socio-legal journals. Haim Striks School of Law. The College of Management Academic Studies (COMAS) 7 Yitzhak Rabin Blvd. Rishon LeZion, Israel 7502501. h1yifat@colman.ac.il

* Director, Center for Media and Law, and lecturer at the School of Law, Bar Ilan University. Dr. Peleg was the senior legal reporter of the National Israel Radio for seventeen years. Her main research interest is studying the effects of media coverage on the legal community and the judicial process. She has published in media and socio-legal journals. Her most recent book is *Open doors: The influence of the media on Israeli law* (Tel Aviv: Matar). Dr. Anat Peleg, 14, Rahavat-Ilan. St. Givaat-Shmuel, Israel. Apeleg@netvision.net.il



Key words

Law and media; justice and media; judicial nominations; trial by media; new media; politicization; Courts and legitimacy; Courts and images; judicial press officers; judicial public relations; media criminalization

Resumen

Los once artículos de este número abordan diversas cuestiones teóricas y empíricas tratadas en el workshop de Oñati, "Law in the Age of Media Logic". Algunos artículos analizan la politización de los medios de comunicación cuando hablan de los tribunales y los nombramientos judiciales, y consideran cómo esta cobertura afecta al apoyo público del sistema judicial en diferentes países, como Israel, Estados Unidos o Canadá. Otros artículos evalúan los "juicios mediáticos" que se llevan a cabo en la cobertura del sistema judicial penal. Estos artículos tienen en cuenta temas como la criminalización de los litigios por armas de fuego, la tensión entre la libertad de prensa y los juicios justos, y la representación de la justicia penal que realizan los medios de comunicación social, y analizan los diferentes cambios institucionales que dan forma a la imagen pública de los sistemas legales hoy en día.

Palabras clave

Derecho y medios de comunicación; justicia y medios de comunicación; nombramientos judiciales; juicios mediáticos; nuevos medios de comunicación; politización; tribunales y legitimidad; tribunales e imágenes; responsables de prensa judicial; relaciones públicas judiciales; criminalización mediática

How are legal issues and the courts depicted in the media? How has the advent of new media altered legal coverage? And what impact does the structure and content of legal reporting have on public perceptions and the conduct of legal affairs? These questions were addressed over the course of two days at "Law in the Age of Media Logic," a workshop attended by 24 scholars from Australia, Brazil, Canada, China, Israel, Spain, the United Kingdom, and the United States. The international group of scholars in attendance represented a number of academic fields, including communications, the legal academy, political science, and sociology. This great diversity of workshop participants produced a wide-ranging assessment of the media and its effects. Participants analyzed judiciaries at all levels (from trial courts to supreme courts), and considered a variety of court-related actions from judicial nominations and high-profile judicial decisions to the increasing judicial efforts to manage public relations. Participants also discussed criminal and civil litigation as well as the broad differences between common law and civil law systems. Traditional newspaper and television reporting received substantial attention, as did web-based news coverage and social media. Workshop participants also repeatedly engaged the issue of public trust, debating the alternate ways in which the media have sustained and eroded public faith in legal authority. The workshop revealed that there is much to be gained from interdisciplinary analysis of law and media, and to continue the fruitful lines of inquiry advanced in the workshop we have established a collaborative research network on law and the media within the Law and Society Association.

This first volume of papers has been organized to reflect some of the theoretical and empirical issues that were examined at the workshop. The first two papers, by Keith Bybee and Ronnell Andersen Jones deal with the question of the politicization of media coverage and suggest different answers regarding the implication of this coverage on public support of the court. The next three papers by Bogoch and Holzman-Gazit, Richard Davis and David Schneiderman, also relate to the politicization of coverage, this time in reporting judicial nominations in Israel, the U.S. and Canada respectively. Miljan continues the Canadian connection with an analysis of changes in the media coverage of the Canadian Supreme Court over time, with a particular focus on a recent human rights-freedom of expression decision. Three papers deal with aspects of trials by the media in the coverage of the criminal justice system: Haltom and McCaan focus on the criminalization of firearms litigation, Spencer presents a special angle on the free press fair trial dilemma, and Rose and Fox (2014) ask what the social media are telling us about the criminal justice system. The last two papers, by Moran (2014) and Peleg and Bogoch (2014) analyze judicial public relations strategies, and the various institutional changes that heighten the importance of the media for the public image of the legal system.

We are grateful to the Onati Institute for giving us the opportunity to extend and deepen the socio-legal study of media logic, and hope that this will be one of many interdisciplinary publications on the topic.

References

- Bogoch, B. and Holzman-Gazit, Y., 2014. Promoting Justices: Media Coverage of Judicial Nominations in Israel. *Oñati Socio-legal Series* [online], 4 (4), 621-641. Available from: <http://ssrn.com/abstract=2478756> [Accessed 29 October 2014].
- Bybee, K.J., 2014. Muckraking: The Case of the United States Supreme Court. *Oñati Socio-legal Series* [online], 4 (4), 597-612. Available from: <http://ssrn.com/abstract=2480169> [Accessed 29 October 2014].
- Davis, R., 2014. Political and Media Factors in the Evolution of the Media's Role in U.S. Supreme Court Nominations. *Oñati Socio-legal Series* [online], 4 (4),

- 642-674. Available from: <http://ssrn.com/abstract=2512155> [Accessed 29 October 2014].
- Haltom, W. and McCann, M., 2014. Litigation, Mass Media, and the Campaign to Criminalize the Firearms Industry. *Oñati Socio-legal Series* [online], 4 (4), 715-739. Available from: <http://ssrn.com/abstract=2499208> [Accessed 29 October 2014].
- Jones, R.A., 2014. Media Politicization of the United States Supreme Court. *Oñati Socio-legal Series* [online], 4 (4), 613-630. Available from: <http://ssrn.com/abstract=2499231> [Accessed 29 October 2014].
- Miljan, L., 2014. Supreme Court Coverage in Canada: A Case Study of Media Coverage of the *Whatcott* Decision. *Oñati Socio-legal Series* [online], 4 (4), 699-714. Available from: <http://ssrn.com/abstract=2500102> [Accessed 29 October 2014].
- Moran, L.J., 2014. Managing the News Image of the Judiciary: the Role of Judicial Press Officers. *Oñati Socio-legal Series* [online], 4 (4), 789-808. Available from: <http://ssrn.com/abstract=2506601> [Accessed 29 October 2014].
- Peleg, A. and Bogoch, B., 2014. Silence is no longer golden: Media, public relations and the judiciary in Israel. *Oñati Socio-legal Series* [online], 4 (4), 809-825. Available from: <http://ssrn.com/abstract=2506604> [Accessed 29 October 2014].
- Rose, M. and Fox, R., 2014. Public Engagement with the Criminal Justice System in the Age of Social Media. *Oñati Socio-legal Series* [online], 4 (4), 761-788. Available from: <http://ssrn.com/abstract=2507135> [Accessed 29 October 2014].
- Schneiderman, D., 2014. Canadian Judicial Nomination Processes and the Press: 'Interesting, in a Sleepy Sort of Way'. *Oñati Socio-legal Series* [online], 4 (4), 675-698. Available from: <http://ssrn.com/abstract=2511239> [Accessed 29 October 2014].
- Spencer, R., 2014. Do Members of the Public Have a 'Right to Know' about Similar Fact Evidence? The Emily Perry Story and the 'Right to Know' in the Context of a Fair Re-Trial. *Oñati Socio-legal Series* [online], 4 (4), 740-760. Available from: <http://ssrn.com/abstract=2507139> [Accessed 29 October 2014].