Promoting Justices: Media Coverage of Judicial Nominations in Israel

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Abstract

This paper compares the framing of the coverage of judicial appointments in Israel in 2008 in two newspapers with nomination news from preceding years and to the patterns of press coverage in the U.S. A content analysis of 101 Supreme Court nomination articles indicated that unlike the political frame of American coverage, the press in Israel preserves its ostensible commitment to the professionalism of judges while linking the Supreme Court to political maneuvering in the selection of candidates. These findings are discussed within the context of the media's role in constructing judicial nominations as a debate about the role of the Supreme Court in Israeli society.

Key words

Judicial nominations; media and law; framing; judicial activism; Supreme Court; Israel

Resumen

Este artículo compara el marco de la cobertura de los nombramientos judiciales en Israel en 2008 en dos periódicos, con noticias de nombramientos de años anteriores y en los Estados Unidos, con los patrones de cobertura de prensa en los

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EE.UU. Un análisis de contenido de 101 artículos de nombramientos de la Corte Suprema indicó que, a diferencia del marco político de la cobertura de América, la prensa en Israel consierva su aparente compromiso con la profesionalidad de los jueces, a pesar de que relaciona la Corte Suprema con maniobras políticas en la selección de candidatos. Estos resultados se discuten en el contexto del papel de los medios de comunicación en la construcción de los nombramientos judiciales como un debate sobre el papel de la Corte Suprema en la sociedad israelí.

Palabras clave

Judicial nominations, media and law, framing, judicial activism, Supreme Court, Israel, Nombramientos judiciales, medios de comunicación y derecho, framing, activismo judicial, Tribunal Supremo, Corte Suprema, Israel

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1. Introduction

Unlike judicial nominations in the United States, the selection and promotion of judges in Israel were traditionally considered professional, legal matters, with little public debate or input (Salzberger 2005). Although there had been some criticism of the selection process in the past, with subsequent changes to certain aspects of the process (Zamir 2001), judicial nominations continued to be discussed mainly within the legal community. The topic became the focus of general media attention in 2008, when Prof. Daniel Friedman, the then Minister of Justice, sought to implement a number of changes in the selection process, which were strongly opposed by the Chief Justice Dorit Beinisch and most of the legal establishment. This paper analyzes the press coverage of judicial nominations in Israel in 2008 in two national newspapers and compares it to nomination news from preceding years, and to the patterns of the press coverage of nominations in the U.S. Our research demonstrates how the depiction of judicial nominations in Israel differs from the U.S., and how the changes in the nomination process and the ensuing conflict between the Chief Justice and the Minister of Justice in 2008 have altered the framing of nomination news and the nature of what is reported. This study stems from the understanding that the media coverage of legal issues is the basis for most public perception, knowledge, and support of the judicial system (Haltom 1998, Slotnick and Segal 1998, Spill and Oxley 2003, Baird and Gangl 2006, Sauvageau *et al.* 2006, Bybee 2007, Bogoch and Holzman-Gazit 2008, Vining and Wilhelm 2010). We discuss the findings about nomination news within the wider context of the media's role in constructing the debate about judicial activism and the role of the Supreme Court in Israeli society, and the potential impact of this coverage on public support of the judicial system.

2. Media coverage of judicial nominations

The current upsurge of interest in the media coverage of the legal system has focused mainly on judicial decisions, especially of the U.S. and Canadian Supreme Courts and of some American State Courts (Slotnick and Segal 1998, Maltzman and Wahlbeck 2003, Sauvageau *et al.* 2006, Vining and Wilhelm 2010). Recent studies, however, have noted that most of the media coverage of the U.S. Supreme Court focuses on the judicial appointment process and on judicial candidates, rather than on the Court's decisions (Davis 2005, Farnsworth and Lichter 2006, Graber 2006, Evans and Pearson-Merkowitz 2012). Supreme Court and even some lower court selections are widely covered, as nominations and confirmations have become progressively more like presidential elections, involving partisan groups as well as political and legal actors who use the media to garner support for their position and discredit those they oppose (Davis 2005, Epstein *et al.* 2005, Tamanaha 2006, Gann-Hall 2010, Ringhand and Collins 2010, Steigerwalt 2010). The expanded role of the U.S. Supreme Court in policy making has often been cited as an important factor in the politicization and public nature of the appointment process, with the media displaying growing interest in the contentious process it has become (Davis 2005, Gegh 2006, Stras 2008, Wittes 2008, Bybee 2010).

While the media are accorded increasing importance in research on judicial nominations and elections in the American context, systematic studies of the news coverage of judicial nominations are numbered. Aside from analyses of the coverage of individual nominees, such as the confirmation of Ruth Bader Ginsburg (Chorbajian and Beeferman 1997), and Robert Bork and Clarence Thomas (Howard 2008), only three studies to our knowledge have focused specifically on the nature of the media coverage of judicial nominations. Farnsworth and Lichter (2006) analyzed the amount and tone of television news stories about seven nominees to the U.S. Supreme Court, and found that in line with media imperatives, there was a personalization of nomination news, and an emphasis on drama and the human interest aspects of the nominees, rather than about their judicial work (see also Davis 2011). Using computer-based textual analysis of five newspapers, Evans and

Pearson-Merkowitz (2012) found that reports of nominations and confirmations focused mainly on ideological "culture war" issues such as abortion and gay rights, rather than providing information on the nominees' qualifications or the function of the Court. Recently, Brenner and Knake (2012) published the results of a systematic study about the frequency and nature of the first week of coverage of women nominees.[1]

Unlike these studies, Gibson and Caldeira (2009) examined the effects of advertisements during the Alito confirmation process on public support for the American Supreme Court (see also Gibson and Caldeira 2011, Gibson 2012). They suggest that two competing frames dominate media messages during confirmation periods in the U.S.: the frame of legality which emphasizes legalistic criteria and judicial qualifications, and the frame of partisanship that associates the nominee with ideology and partisan groups. Gibson and Caldeira found that describing judges as deciding in part on the basis of their ideological position and normative vision does not affect the public's perception of the legitimacy of the Court. However, the depiction of the Court as just another political institution in which the justices are guided by self-interest and power politics *does* have detrimental effects on public support (Baird and Gangl 2006, Ramirez 2008, Gibson and Caldeira 2009, 2011)[2].

Our study marks a first attempt to expand the empirical study of the media coverage of judicial nominations beyond the American context. Focusing on nomination news in Israeli newspapers in 2008 and in earlier years, this study examines whether the frames of legality and/or partisanship also characterized the Israeli media, and whether the trend to personalization noted in the U.S was evident in Israel as well.

3. Trends in Israeli judicial policy

Israel has no written constitution and thus Israeli public law is almost entirely created and shaped by decisions of the Supreme Court, sitting as a High Court of Justice (HCJ). In this function the Court serves as both first and last instance for petitions against the State and its organs.[3] During the 1980s Israel's constitutional system gradually began to follow American trends, emphasizing substantive protection to individual and minority rights, greater transparency in the political realm, and a powerful role for the Court in the national polity (Mandel 1999, Mizrahi and Meydani 2003, Hirschl 2004, Hofnung 2011, Mautner 2011).[4] In 1992, in what has been hailed a "constitutional revolution", two Basic Laws on human rights were enacted by the parliament (Knesset).[5] These laws were interpreted broadly by the Court to allow for judicial review over primary legislation and to intervene in government actions and policies that allegedly violated provisions of the Basic Laws regarding human dignity, equality, freedom of movement and trade, and the protection of private property (Hofnung 2011). This increased judicial involvement in public life has generated ideological disputes about the role of the Supreme Court in policy making, and greater interest by the press in the rulings of the Court (Bogoch and Holzman-Gazit 2008). Unlike the situation in the U.S., decisions by the

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[1] There are also studies which used media coverage to create and test various measures related to judicial nominations: Epstein *et al.* (2005) and Epstein *et al.* (2008) used the appearance on the front page of the New York Times to determine whether judicial ideology and judicial qualifications are factors in the nomination process. Davis' (2011) study of the coverage of individual justices in the press also includes articles that deal with nominations and confirmations.

[2] See Bybee (2010) for a more complex and nuanced account of the factors associated with public views of the legitimacy of the Court.

[3] The Israeli Supreme Court serves as both the High Court of Justice (HCJ) and as the highest court of appeals in civil and criminal cases.

[4] During the 1980s and 1990s, the HCJ opened its gates to individuals claiming to represent public interest, and entertained petitions on issues that had long been considered political in nature and therefore unsuitable for judicial intervention (e.g., Mautner 2011).

[5] Basic Law: Human Dignity and Liberty, and Basic Law: Freedom of Occupation, 1992.

Israeli Supreme Court, especially in its function as the HCJ are widely and intensely covered by the media in Israel (Bogoch and Holzman-Gazit 2009). Hence, since the mid 1990s readers in Israel were exposed to news, editorials and opinion pieces that referred to judicial activism versus restraint in reports of Supreme Court rulings, and that took sides in supporting or negating the legitimacy of its judicial policy (Bogoch and Holzman-Gazit 2009).

4. Judicial appointments in Israel

In Israel, judges of all levels of the judiciary are nominated by a committee of nine members, representing the three branches of government and the legal profession, any of whom may propose a candidate for judicial office. Members of the Judicial Appointments Committee include the Minister of Justice (chair), an additional Minister selected by the government, the Chief Justice of the Supreme Court and two other Justices, two practicing lawyers elected by the Israeli Bar, and two Knesset Members (one of whom is from the parliamentary opposition).[6] This particular composition of the Committee was supposed to achieve two goals: to ensure that all judges and particularly Supreme Court's justices are nominated on the basis of their professional skills, and to enhance the legitimacy of the process because of the involvement of both political and professional representatives. De facto, however, the two Justices on the Appointments Committee have traditionally followed the Chief Justice in voting, usually with the consent of the two members of the Bar Association. By this tradition of bloc voting, the Supreme Court basically determined new appointments in general and appointments to the Supreme Court in particular (Klein and Kopel 2003, Hofnung 2011).[7]

Criticism of the power of the Chief Justice to control nominations, as well as demands for increased transparency and for greater representation of various sectors of the population in the Supreme Court led to the formation of a Committee in 2000 to evaluate the appointment system (Blum 2006, Hofnung 2011).[8] Headed by former Justice Itzhak Zamir and composed of a law professor and a representative of the Bar Association, the Committee strongly endorsed the Israeli system of appointments, including the practice of temporary appointments to the Supreme Court, which allows candidates to be evaluated during a probationary period before being permanently promoted.[9] The changes recommended by the Zamir Committee focused on increasing the transparency of the selection process and adding mechanisms for assessing the professional and personal qualities of candidates (Zamir 2001). Thus, while justifying the practice of closed door deliberations by the Judicial Appointments Committee, the Zamir Committee recommended that the names of judicial candidates be published twenty-one days before deliberations, in order to allow the public to pass on relevant information to the Committee.[10] The Zamir Committee also recommended inviting all candidates for a first judicial position to a one-week assessment course, and the formation of a sub-committee of three members of the Appointments Committee to interview the candidates. The Committee rejected calls from the political arena to make the judiciary more representative, although it recommended that the composition of the Supreme Court should include justices from different ethnic and religious groups to reflect the divisions in Israeli society.

Despite the high praise and strong support of the Zamir Committee for the traditional appointing system, some politicians and legal academics continued to

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[6] Although there is no formal requirement for this practice, it has become the norm since 1990.
[7] Once appointed, judges hold office until mandatory retirement at the age of 70.
[8] The Zamir Committee was formally appointed by the Judicial Appointments Committee. In practice it was the government who initiated this move.
[9] The method of temporary appointments has been rejected in the revised international standards for judicial independence (Shetreet 2011).
[10] This added to an existing rule, which enabled the general public to submit ex-post objections to nominations.

attempt to decrease judicial influence on the process, and to change the composition of the Appointments Committee (Mautner 2003). Supreme Court justices have consistently warned that amending the Appointments Committee composition would politicize the selection process by unduly focusing attention on the political views of the candidates rather than on their legal expertise and merits.

While proposals to substantially amend the process of judicial appointments failed to mature, the tension between the Supreme Court and the political sphere escalated with the appointment of Daniel Friedman, a former dean of the Tel Aviv Law School, as Minister of Justice in 2007. During his tenure from 2007 to 2009,[11] Friedman attempted to increase the power of the political branches on the Appointments Committee, to eliminate the requirement of temporary appointments for judges before confirmation to the Supreme Court and to include lower court judges in decisions about promotions to the presidency of district courts. These reforms were strongly opposed and eventually blocked by Chief Justice Dorit Beinisch. However, in 2008 the legislature passed an amendment to the Courts Law which requires a seven out of nine majority in the Appointments Committee for a Supreme Court nomination. This new rule led to a temporary freeze on appointments to the Supreme Court until members of the Committee could agree on the three Justices who were finally appointed in August, 2009.

The inability to agree on nominees to the Supreme Court and Friedman's proposals to change the nomination process intensified public and academic debate about the legitimacy of an activist Supreme Court in Israeli society (e.g., Hofnung 2011, Klein and Kopel 2003, Salzberger 2005). The contribution of the press in framing the coverage of judicial nominations and situating it within the debate about the social and political functions of the Israeli Supreme Court is the topic of our research. Thus, in this study we will argue that Israeli judicial politics around the issue of judicial nominations underwent a marked change in 2008 that has had implications for the linkage of nomination news to the normative debate about the power of the judiciary vis-à-vis the legislature and the government, the framing of the Supreme Court by the press, and the media strategies used by key political and judicial actors.

5. Method

This study is based on both qualitative and quantitative content analysis of two Israeli newspapers, *Yedioth Aharonot* (commonly called *Yedioth*), at the time the most popular newspaper in the country, and *Ha'aretz*, Israel's elite daily newspaper.[12] The research analyses every article mentioning the Supreme Court and judicial nominations during the months of January, March, June, and November in 2008, and contrasts this coverage with the coverage in preceding years (1972, 1981, 1994, 2000 and 2002).[13] Contrary to other studies of the press coverage of judicial nominations, we did not isolate periods when specific candidates were being considered. Rather, we chose to analyze the coverage of nominations in the context of the routine coverage of Supreme Court news. A total of 101 articles dealing with nominations were found, 49 in the elite newspaper *Ha'aretz* and 52 in the popular *Yedioth*. More than half the articles in both newspapers were from 2008 (28 in *Ha'aretz* and 38 in *Yedioth*).

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[11] The general elections and change of government in 2009 ended Friedman's tenure.

[12] In Israel, there are two other national newspapers that are geared to the general Hebrew speaking public. One (*Israel Ha'yom*) is a freely distributed newspaper that has since surpassed *Yedioth* in circulation, and is owned by a strong supporter of the current Prime Minister, Binyamin Netanyahu. The other, *Ma'ariv*, almost closed down recently due to financial problems and will probably continue to exist only in digital format.

[13] These years were chosen to provide a comparison with 2008, which is the focus of our study. We chose one year each decade until 2000, with the condition that a different Chief Justice presided and one other year in 2002 in which Chief Justice Barak presided. The specific months were chosen because the Court is not in recess during these times due to the summer break or major Jewish holidays.

All articles that dealt with judicial nominations were analyzed according to the structural features of the articles (i.e., the newspaper, size, photos, type of article), the context of the article (i.e., the nomination procedure, or specific candidates), and the frames that dominated the messages i.e. a legality frame which emphasizes the professional competence and merits of the candidates or a political/partisanship frame that focuses on the partisan or ideological position of the candidate or members of the nominating committee (Gibson and Calderia 2009). While Gibson and Caldeira described the way in which the competing legality and political frames were used by proponents and opponents of particular candidates, in this study we have extended their model to analyze the messages embedded in reports about proposed changes to the appointment process as well. We also examined the position taken by the newspapers, if any, on the candidates themselves, the appointment method and the activism of the Court. Thus, we examined whether the article endorsed or opposed a nominee or suggested changes to the nomination process, the frame and arguments used to support the position taken, whether there was reference to the expansion of power by the Court, and whether the article supported or challenged the position taken by the Court.[14] In addition, like Liebler *et al.*, (2009) we conducted a separate qualitative textual analysis of all editorials and signed opinion pieces, in order to add depth and context to the quantitative data. Three hypotheses guided our analysis:

(1) In both newspapers, the portion of reports on individual candidates and personal stories will be larger in 2008 than in previous years.

(2) In both newspapers, there will be a greater tendency in 2008 to frame nominations as a political/partisan rather than a legal/professional process.

(3) Political framing of judicial nominations will be related to challenges to the legitimacy of the Court and its policy of judicial activism.

6. Findings

Just from the composition of the sample of the articles, it was obvious that in 2008 nominations had become an increasingly important context for reporting on the Supreme Court. Until 2008, there were 35 articles in the sample that mentioned judicial nominations in both newspapers, which comprised about 2% of all the articles about the Supreme Court,[15] in 2008, nominations articles amounted to 26% of the articles in *Yedioth* and 9% in *Ha'aretz*. While in the U.S. most of the coverage of the Supreme Court involves nominations and confirmations, in Israel the routine judicial work of the Court is covered frequently, with judicial appointments composing a small but growing source of reports about the Court.

6.1. The candidates: the frame of legality

According to Gibson and Caldeira (2009), the legality frame of media coverage of nomination news is associated with references to the competency and qualifications of candidates while the political frame associates nominees with ideology and partisanship. We first analyzed the articles to determine whether the candidates in fact were the focus of the story, especially in 2008.

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[14] One coder coded all the articles. After a period of training and three trials, in which 20 of the articles were coded and recoded by the coder and each of the two principal investigators and differences resolved and discussed, a further 10 articles were coded by each, in which there was unanimity between the coders.

[15] The total number of articles about the Supreme Court in our sample of both newspapers was 1,810, including articles about judicial decisions, the court as an institution and nominations. These only include articles in which the Supreme Court activity was the main focus of the article, and not an indirect or marginal reference to it. The total number of articles about the Supreme Court in 2008 was 328 in *Ha'aretz* and 146 in *Yedioth*.

Table 1. Context of Nomination Articles over Time

| | *Ha'aretz* | | *Yedioth* | |
	Prior to 2008 (N=21)*	2008 (N=28)*	Prior to 2008 (N=14)	2008 (N=38)*
Context:				
Nominees	62%	36%	57%	13%
Nomination Process	38%	64%	43%	87%

*Differences over time for *Ha'aretz,* x^2=4.54., df=1,p=.033, for *Yedioth*, x^2=10.18, df=1, p=.003. Differences between newspapers, in 2008, x^2=4.32, df=1, p=.04

Contrary to expectations, the candidates were at the center of coverage in a larger proportion of the reports in the early years than in 2008 (Table 1). However, even in the early articles that focused on the candidates themselves, there was hardly any personal information about the judges, nor was there much reference to their professional lives. Five articles that mentioned aspects of the candidates' personal rather than professional lives described their age, four of which also included their places of birth, and two their early education. Two of these articles also included information about the candidates' army service, and one article in 1981 that described a number of candidates, mentioned the fact that one candidate was from a rabbinic family and another had a relative in an ultra-Orthodox political party. Nowhere in these or later articles was there any reference to the type of human interest personal stories described in the American research (Farnsworth and Lichter 2006, Davis 2005). In Israel, apparently, even the personalization that has increasingly characterized current media coverage (Caspi and Limor 1999, Rahat and Sheafer 2007) does not translate itself into the coverage of the personal lives of judges in the context of nominations.

Moreover, in the entire sample, only 11 articles mentioned the professional qualifications of judicial candidates, and only two were from 2008, both in *Ha'aretz*. While in previous years professional attributes were mentioned in about 25% of the articles covering nominations, by 2008 the topic was virtually absent from the news. In fact, the two occasions in which the topic of judicial qualifications emerged were reports about the appointment system, rather than the coverage of specific candidates.

One of these was an editorial that described the qualifications of Supreme Court justices in general, and claimed that "professional ability guides the selection of Supreme Court Justices who have to display knowledge of a wide range of legal areas and exceptional working ability due to the incredibly heavy burden of the Supreme Court." (Segal 2008c) The other report referred to the process of promoting a judge to the position of President of the Tel-Aviv District Court. The article focused on the qualifications of three leading candidates (all women) and praised their admirable traits, such as "Judge Berliner is an experienced, admired and thorough judge" and "Judge Alshech is highly appreciated for her professional knowledge" (Zarchin 2008c).

In just two reports in the entire sample were specific judges criticized as unsuitable candidates for promotion. One article reported that a potential candidate to the Supreme Court who had served previously as a temporary judge would not likely be nominated for a permanent appointment because of her "conviction tendencies" and her "predisposition to the prosecution" (Zarchin 2008a). In another case, a number of lawyers wrote a letter to the Chief Justice and to the Minister of Justice to prevent the promotion of a judge to the position of President of the Be'er Sheva District Court, in a break with the tradition that a vice-president take over when a president retires. They criticized the judge for his "behavior and judicial temperament", his impatience, his inflexibility towards lawyers who did not appear in his court on time, and for his harsh sentencing (Tal 2002). These exceptions demonstrate that it was not legal ability, expertise and experience that were

questioned on the rare occasions when the press critiqued candidates; rather the focus was on their harshness and lack of flexibility. Unlike the coverage of judicial nominations in the U.S., on no occasion were the judges' ideological or political views raised, no article referred to candidates as ideological or political actors, and no mention was made of their likelihood of supporting a particular position once on the bench. Thus, the political frame was not used in reports about particular candidates, and the legality frame was maintained even when the nominees were criticized.

6.2. The nomination process: the political frame

Much of the coverage in 2008 revolved around suggestions by the then Minister of Justice to repeal the practice of temporary appointments to the Supreme Court, to increase the representation of politicians on the Appointments Committee and to end the Chief Justice's ability to veto the promotion of acting judges to the presidency of lower courts. This is a reversal of the context of past stories that largely dealt with specific candidates (Table 1). Indeed, over three quarters of the articles in *Yedioth* made reference to suggestions for changes in the appointment process, as did about half the articles in *Ha'aretz* in 2008. However, even prior to 2008, coverage of suggestions to change the composition of the Appointments Committee and appointment procedures comprised slightly less than half the reports about judicial nominations in *Yedioth*, and over one quarter in *Ha'aretz*. Thus, although there was a greater emphasis on the nomination process rather than on the candidate in 2008 compared to the past, the method for judicial appointments has long been considered a newsworthy topic in Israel.

As early as 1981, before the "constitutional revolution" and the enactment of two basic laws that laid the basis for judicial review, opinion pieces in both newspapers decried the dangers of the politicization of the judiciary, and political pressures on judicial appointments. For example, an article in *Yedioth*, entitled "The Legal System: Two Claims" (January 20, 1981) was an editorial that responded to a speech by two retired justices who had claimed that a number of unsuitable judges had been appointed due to pressures on the Court. The editorial asked that the names of these [unsuitable] judges be made public and the process of choosing them more transparent. Notwithstanding these cases, in 2008, Friedman's actions were described as "unprecedented" by members of the legal establishment (Haaretz 2008), and the changes he suggested were regarded as an effort to politicize what was until then presented as a professional, and successful nomination system (e.g. "[the proposed law] is also a politicization of the process of appointing judges to the Supreme [Court]").[16]

Unlike these claims of politicization which focused on the inappropriate criteria used by the Appointments Committee, in 2008 the political framing of judicial appointments and promotions emphasized the influence of political negotiations, bargaining and self-interest power politics. In both newspapers, as we hypothesized, there were more than twice as many articles that framed nominations as political moves in 2008 than there were in earlier years (Table 2).

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[16] *Ha'aretz*, March 25, 2008.

Table 2: Political Framing of the Nomination Process by Newspaper and Year

	Ha'aretz		*Yedioth*	
	Prior to 2008 (N=21)	2008 (N=28)	Prior to 2008 (N=14)	2008 (N=38)
Reference to political moves*	14%	54%	29%	53%
Reference to politicization of legal system**	5%	29%	29%	32%

*Differences over time, *Ha'aretz*, x =7.97, df=1, p=.005, *Yedioth* not significant
**Differences over time, *Ha'aretz*, x =4.54, df=1, p=.035, *Yedioth* not significant

Thus, Chief Justice Beinisch was described as listing three candidates from the legal academia to be considered by the Appointments Committee, despite her preference for experienced judges, to counter Friedman's nomination of professors (*Yedioth*, March 11, 2008), while retired Justice Heshin was quoted in *Ha'aretz* as claiming "there is no rational reason for that [postponement of a meeting of the Appointments Committee] except for political reasons" (March 26, 2008).

In addition to the accusations of political maneuvers and motivations cited in editorials and in quotes by legal actors, a number of additional devices contributed to the political framing of judicial appointments in 2008. One was the growing involvement of political actors in the debate about changes to the nomination process. For example, one article in *Ha'aretz* was headlined: "Labor: We Removed Friedman's Proposal from the Minister's Committee" (*Ha'aretz,* March 16, 2008). Here, the political nature of the strategies against Friedman was emphasized by the mention of the Labor party in the headline, and the picture of Ehud Barak, the then leader of the Labor party, accompanying the article. In fact, the addition of photos of politicians to articles referring to the proposed reforms in the nomination process had become a frequent feature of the coverage in 2008. Of the 28 articles in both newspapers that were accompanied by photos, 19 included pictures of either Minister of Justice Friedman or other political figures. This is slightly more than the number of articles including photos of legal figures, including the Chief Justice (17). While photos of legal figures are to be expected in this context of judicial nominations, the addition of the photos of politicians to these reports sustains and reinforces the political framing of the topic.

A second distinctive feature of the coverage in 2008 was the framing of the initiatives for reform as a personal battle between Daniel Friedman, the Minister of Justice and Dorit Beinisch, the Chief Justice of the Supreme Court. In line with the general trend of competitive newspapers to focus on personalities and conflict (Blumler and Kavanagh 1999, Hamilton 2003, Peri 2004), and similar to the personalization found in the political sphere (e.g., Rahat and Sheafer 2007, Van Aelst *et al.* 2011), the ideological differences between the political establishment and judicial branch were framed as a personal clash between the two figures. Thus, the name of Friedman and/or Beinisch appeared in eleven headlines in *Yedioth* and ten in *Ha'aretz,* with the personal conflict between them clearly indicated in headlines such as "Another Disagreement between Beinisch and Friedman" (*Yedioth*, March 21, 2008) "The Conflict Continues: Beinisch to Friedman: Cancellation of the Meeting of the Committee to Nominate Judges will Impair the Work of the Supreme Court" (*Ha'aretz*, March 25, 2008). One article in *Yedioth* was headlined: "Minister Freidman: Beinisch Causes Damage to the Supreme", with a topline: "Conflict at the Top: A New Climax in the Battle between the Minister of Justice and the President of the Supreme Court" (March 26, 2008). This article described the relationship between the two as "a profound personal conflict fraught with personal accusations". Similarly, in *Ha'aretz* (March 12, 2008) Beinisch was

quoted as saying "I cannot deny that there is personal motivation [for Friedman's actions against the Court], I also cannot confirm that there is a personal motivation. It doesn't seem to be a figment of the imagination, after all that has happened" (Segal 2008b). Like *Yedioth*, *Ha'aretz* also used a battle metaphor to describe their relations: "Friedman Capitulated: Will Not Assemble the Committee for the Nomination of Judges on Thursday" (*Ha'aretz*, January 4, 2008).

Not only were Beinisch and Friedman pitted against each other, but this personalization extended to descriptions of candidates as well. Potential candidates were labeled by *Ha'aretz* as "Chief Justice Beinisch's candidates" or "Minister Friedman's candidates" (Zarchin 2008b) while *Yedioth* reported that "A Hearing was Held for Professors that Beinisch wants for the Supreme Court: The Candidates of the Chief Justice: Response to Friedman's List" (Zimuki 2008a). Although as noted above, the legalistic frame dominated the reports about candidates, their very identification as linked to either Friedman or Beinisch alludes to their association with opposing sides in the debate about judicial activism and the role of the Supreme Court in Israeli society.

The politicization of nomination news was also evident in press accounts of the media moves made by each side. Both Beinisch and Friedman engaged in mutual accusations through the media, openly enlisting the media in their conflict, granting interviews (e.g., *Ha'aretz* March 12, 2008) and sending communiqués to the press. For example, when Beinisch accused Friedman of presenting misleading information to the press, Friedman retaliated by challenging her media involvement: "I don't remember in the past that the press publicized letters from the Chief Justice to the Minister, despite the sometimes sharp disagreements between them in the past" (Zimuki 2008b). In fact there *were* interviews with judges and members of the nominations committee in the past (e.g., Zimuki 2002), and judges had also criticized the media for "the extreme style and content of unbridled attacks on judges and the legal system" as early as 1994 (quoting Chief Justice Shamgar) (*Ha'aretz* 1994b). The main difference is that before 2008, there were no references to the Chief Justice's media strategies, or to the attempts by the either side to enlist the media for its own agenda.

An unexpected device that contributed to the political framing of judicial appointments in 2008 was the inclusion of reports about previous political maneuvering and bargaining in the past. These articles, that appeared mainly in *Yedioth*, extended the political frame to previous nominations, in what appears to be an effort to counter the claim that Friedman's moves were the reason for the politicization of judicial appointments. The following description published by *Yedioth* in 2008 highlights the political moves of the former Chief Justice Aharon Barak, the person most associated with judicial activism in Israel:

> Supreme Court Justice Edmond Levi was appointed to the Supreme Court in the framework of a "deal" that was made between the former Chief Justice Aharon Barak and the then Minister of Justice of the Likud Meir Shetreet. Minister Shetreet demanded that Barak appoint Edmond Levi, former vice mayor of Ramle of the Likud in exchange for his agreement to Barak's request to appoint Ayala Proccacia, but first and foremost on the basis of his legal qualifications (Zimuki 2008c).

This example underlines two aspects of the politicization of the coverage of judicial appointments in Israel. First, although the appointment is unmistakably presented as a political bargain, there is still a commitment to the notion of the professionalism of Israeli Supreme Court justices. Second, the fact that this article refers to past political deals is characteristic of the efforts of *Yedioth* to define the politicization of judicial nominations as a common feature of the nomination system. *Ha'aretz*, on the other hand, framed the politicization of judicial appointments as a unique and direct consequence of the attempts by Friedman to introduce changes to the process.

Indeed, the criticism directed specifically at the Minister of Justice and the Chief Justice in each newspaper in 2008 is both a reflection of the political lens used to cover judicial nominations, as well as the "taking sides" that is a direct outcome of this politicization. Table 3 presents the increase in press criticism directed at the Minister of Justice and the Chief Justice in 2008 compared to previous years.

Table 3: Criticism of the Chief Justice and of the Minister of Justice

	Ha'aretz		Yedioth	
	Prior to 2008 N=21	2008 N=28	Prior to 2008 N=14	2008 N=38
**Criticism of Chief Justice	0	25%	7%	53%
***Criticism of Minister of Justice	5%	54%	14%	13%

**Difference between newspapers, x =8.58, df=1, p=.004 (exact two sided significance), difference over time, x=16.52, df=1, p=.000
***Difference between newspapers, x=5.28, df=1, p=.032 , difference over time, x=16.53 df=1, p=.000

While there was very little criticism of anyone in the legal or political spheres in the context of judicial nominations in the early years in both newspapers, about half the articles in *Ha'aretz* were critical of the Minister of Justice in 2008, with little criticism of the Chief Justice, the reverse was true in *Yedioth*. The debate about the nomination system in 2008 clearly focused on the conflict between the two figures, with the elite *Ha'aretz* siding with the Chief Justice, and the popular *Yedioth* with the Minister of Justice.

Thus, unlike the politicization of nomination coverage in the U.S. which stressed the judges' ideology and referred to the support or objections of partisan groups, in Israel the political frame was mainly evident in the coverage of the debate about the nomination process. In this context, politicization derives from the association of the 'professional' appointments system with political actors, the presentation of ideological differences between the judicial establishment and the political branch as a conflict over personal interests, and from descriptions of the use of deals and political tactics by both the Court and the Ministry of Justice.

This political framing of judicial nominations appeared in 2008 in both the elite and popular press. We did not find that the two newspapers differed in their use of the political frame, despite their contrasting views vis-a-vis the proposals for changing the nomination process and, as will be seen, in their stance regarding the legitimacy of judicial activism.

7. Judicial nominations and judicial activism

In the United States, one of the reasons suggested for the greater controversy surrounding judicial nominations, and its subsequent increased newsworthiness, is the activism of the Supreme Court (Gegh 2006, Davis 2005, 2011, Steigerwalt 2010). In Israel, the controversy over the Supreme Court's activism and involvement in policy making did not immediately lead to a significant increase of criticism in the press (Bogoch and Holzman-Gazit 2008), nor did judicial nominations evoke press controversy until Friedman's attempts to change the nomination process. Thus, until 2008, *Ha'aretz* published an equal number of articles supporting and criticizing the Court in relation to its control over judicial appointments, while *Yedioth* published two articles that criticized the Court and one that supported it (Table 4).[17]

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[17] Articles were coded as criticizing the Supreme Court or supporting it only if a definite position was taken. Articles that included both critical and supportive statements were coded as neutral.

Table 4: Support and Challenge of the Supreme Court by Year and Newspaper

	Ha'aretz Prior to 2008 (N=21)	2008* (N=28)	*Yedioth*** Prior to 2008 (N=14)	2008* (N=38)
Neutral, no definite tendency	62%	57%	79%	21%
Support	19%	39%	7%	5%
Challenge	19%	4%	14%	74%

*Difference between newspapers, 2008, x =33.28, df=2, p=.000,
**Difference over time, in *Yedioth*, x =15.58, df=2, p=.000.

By 2008, only one of the twelve non-neutral articles in *Ha'aretz* challenged the Court, while in *Yedioth*, only two of the 30 articles with a distinct position supported it. What was surprising was that both newspapers used proposals to reform the nomination process in order to support their positions about the institutional legitimacy of the Court and its policy of judicial activism. Hence, *Ha'aretz* presented the changes in the appointment process as a danger to democracy and the rule of law. For example, an opinion piece in Ha'aretz accused Friedman of directing all his actions to "the destruction of the status of the Supreme [Court] as the head of the judicial system, …and seeks in all ways to change the system of nominating judges. …to demolish the independence of the legal system and …to dwarf the central component of Israeli democracy." (Shoken 2008) This article tied Friedman to the "camp" that was opposed to "the existence of the constitutional democracy as it has developed in Israel".

Yedioth on the other hand, maintained that changes in the nomination system were necessary to stop the transformation of the Court from "a neutral institution to a body that has a political character in favor of a specific agenda", to reduce the undue concentration of power by the Supreme Court and to enhance the democratization of Israeli society (Okon 2008).

In order to further examine the linkage that the newspapers made between judicial nominations and judicial activism, we used an independent samples t-test to determine what claims about the appointment process were associated with articles that were clearly critical of the Court, compared to those that clearly supported the Supreme Court (Table 5).

Contrary to our expectations, allegations of politicization, fears for judicial autonomy and claims that ideological, demographic or other non-professional considerations affect judicial appointments were not associated with either support for or challenges to the Court, but rather appeared on both sides of the debate. Thus, opinion pieces in *Yedioth* and in *Ha'aretz* claimed that Supreme Court Justices were "of a single skin" (Yedioth 2008) and articles in both *Ha'aretz* and *Yedioth* debated the potential danger of judges chosen not only for professional qualifications but other considerations as well (Ha'aretz 1981, Yedioth 1981). Similarly, the late legal correspondent of *Ha'aretz*, Ze'ev Segal, accused Justice Minister Friedman of seeking to appoint judges with a non-activist agenda, rather than according to their judging abilities (Segal 2008b). Another example of the same claim used by both supporters and critics of the Court referred to concerns for judicial autonomy as a result of Friedman's proposal to cease the practice of temporary appointments to the Supreme Court. Friedman's stand was justified by *Yedioth* on the grounds that judicial autonomy was threatened by temporary judges, who tended to stifle their dissent from majority opinions in order to guarantee their permanent appointment. *Ha'aretz*, on the other hand, claimed that Friedman's move threatened judicial autonomy because it "[gave] a message to

judges that if they don't behave as he wants, he will work to change the rules" (*Ha'aretz,* March 12, 2008 quoting retired Justice Dalia Dorner).

Only two claims were significantly associated with challenges to the Court: the system was not sufficiently transparent (t=3.19, p<.005), and it allowed for too much control by the Court (t=4.03, p<.001). The transparency claim was interesting in that in the past, people who were identified with the "pro-Court" position also had demanded greater transparency in the selection of judges. However, in 2008, the demand for greater transparency was advanced almost exclusively by those opposed to the activist policy of the Court, and by and large appeared in the coverage by the popular newspaper *Yedioth*.[18]

Table 5: Mean Number of Different Claims in Articles Supporting or Challenging the Supreme Court

	Mean Score For court N=18	Against court N=35	T test	Significance (2-tailed)
Autonomy	.28	.37	.672	.505
Politicization	.44	.31	-.926	.359
Too much court power	.17	.69	4.033	.000
Non-professional considerations	.67	.63	-.269	.789
More transparent	.00	.37	3.199	.002

Claims about the power of the Supreme Court lie at the heart of the debates about judicial activism, with those opposed to activist policies claiming that the Court has overstepped its powers and taken over areas of jurisdiction that belong to the executive and legislative branches (e.g., Klein and Kopel 2003, Gegh 2006). The claim that the current system of judicial nominations gives too much power to the Supreme Court appeared in about one third of the articles in *Yedioth*, compared to 14% of the articles in *Ha'aretz* (not shown). The significant association of this claim with the criticism of the Supreme Court underlines the fact that the dispute about the nomination process was a proxy for the wider issue of judicial activism and the balance of power between the judicial authority and the political system.

Thus, contrary to our third hypothesis, the use of a political frame in covering judicial nominations was not limited to those who challenged the activist policies of the Court. For both supporters and critics of the Court, it seems that the press currently presents judicial nominations in Israel as inherently political in nature: the difference between them lies in the interpretations accorded the attempts to change the process and the extent to which judicial activism is regarded as responsible for the politicization of the process.

8. Discussion

Judicial appointments are not the most important context for covering the Supreme Court in Israel, and unlike the U.S., even in 2008 which was a particularly controversial year, the daily judicial activity of the Court, rather than nominations, has been the main focus of news reports. Nevertheless, the nature of the coverage of judicial appointments has implications for the construction of the image of the Supreme Court, and the debate over its role in Israeli society.

Despite the commercialization and tabloidization of the Israeli press in recent years, so that even the elite newspaper has adopted some of the stylistic and visual

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[18] The one article in *Ha'aretz* in 2008 that called for greater transparency was a signed opinion piece that called on Beinisch to be more transparent in her explanation of her decision to eliminate a judge from consideration for the presidency of a District Court (Segal 2008a).

elements of the more popular papers (Caspi and Limor 1999, Gilboa 2012, Peleg and Bogoch 2012), the coverage of judicial appointments to date does not evidence the intense discussion of the candidates reported in the U.S. (e.g., Davis 2011). There is little reference to the professional qualifications of the candidates and almost no description of their personal lives. The very few cases where the candidates' characteristics were mentioned at all referred to their gender, place of birth or religious background.

Although our data did not evidence the increased focus on the candidates themselves, the coverage of judicial nominations in 2008 was marked by the personalization of the different judicial ideologies regarding judicial activism. The conflict between the Chief Justice of the Supreme Court and the Minister of Justice was characterized in terms of personal animosity as well as on the basis of ideological divisions. However even in reports of this conflict, the press did not focus on the personal lives of these or other judicial or political figures. What the accent on the persona of Friedman and Beinisch did was accentuate the political moves of each, in terms reminiscent of the coverage of elections, where each side tries to outwit or outmaneuver the other, and each enlists the media to bolster its claims. Thus the political frame that dominated the coverage of nominations in 2008 in both *Ha'aretz* and *Yedioth* differs from the politicization of nomination news in the U.S. Rather than the linkage between nominees, ideology and partisanship that governs coverage by the American press, in Israel a political frame emerged from the description of the bargaining and moves used to promote or counter the efforts to reduce judicial control of the nomination process.

Another difference between the reporting of judicial appointments in Israel and the U.S. is the lack of reference to specific "culture-war" issues (Evans and Pearson-Merkowitz 2012). In the U.S., abortion was not the most salient civil rights issue in the confirmation hearings themselves (Ringhand and Collins 2010), yet it was the most important topic discussed in press reports of the nomination process, along with other "culture war" issues (Evans and Pearson-Merkowitz 2012). Furthermore, in the American media, judicial candidates were described on the basis of their views or potential rulings on these culture war issues, with frequent reports from partisan groups and organizations (Davis 2011, Evans and Pearson-Merkowitz 2012). In Israel, however, in our sample the press in general did not refer to the candidates' judicial ideology on specific issues,[19] nor did the media mention the involvement by extra-legal partisan groups. It seems that in the Israeli setting, the Court itself is the "culture- war" issue that determines the coverage of judicial candidates and the nomination process.

Our analysis has shown that both newspapers adopted a political frame in the coverage of judicial nominations, despite their contrasting stand on the issues of judicial activism and support for the power of the court. Whereas *Yedioth* presented the Minister of Justice as seeking to contain the concentration of the power of the Chief Justice and the Supreme Court by democratizing the process and opening it to greater public scrutiny, *Ha'aretz* interpreted the same actions as undermining democracy and the rule of law because of their effect on disempowering the judiciary and its ability to constrain the political branch. Although this debate echoes similar conflicts in American society, within the coverage of judicial appointments in Israel, these claims were not linked to specific policies or decisions, rather, they focused on the extent of the Court's role in Israeli society.

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[19] There have been some cases when judicial ideology did appear in press reports of proposed candidates, but these did not occur in our sample. For example, in 2005, there was intense debate about the potential candidacy of Prof. Ruth Gavison to the Supreme Court, which was vetoed by Chief Justice Barak because of her anti-activist agenda. Similarly, *Ha'aretz* highlighted the criticism of a potential candidate for the Supreme Court in 2011 because he was a settler and was supported by the Israeli right.

The political frame used in the coverage of the nomination process was accompanied by the avoidance of a discussion of the candidates' standings on ideologically divisive issues. This combination seems to construct the image of the professional judge as dependent on a sharp divide between legal reasoning and ideological influences. Indeed, as we noted, lip service to the legal qualifications of judges is maintained even in articles that criticize the Court and frame the nomination process as political. At the same time, associating aspects of the nomination process with criticism of the activism of the Court and referring to candidates in the context of the power struggle between the judicial establishment and the political sphere not only underlines the political nature of the appointment process, but also indirectly identifies the nominees within the ideological struggle about the role of the judiciary. A nominee described as favored by Beinisch would inevitably be associated in the minds of the readers as in favor of activism, while one favored by Friedman would be viewed as against the activist policies of the Supreme Court. Thus, through the coverage of judicial nominations the press preserves its ostensible commitment to the professionalism and legalism of the judiciary while implicating judges as players in the political power struggle.

Collins and Ringhand (2013) have suggested that in the United States, confirmation hearings serve to provide a democratic forum for the discussion and ratification of constitutional change. They claim that it is through the questioning of judicial candidates by senators, and the repeated debating of contested constitutional issues that the public defines and shapes the new constitutional consensus. In Israel, without institutional forums that would allow public engage with the Supreme Court, it is perhaps the media that fulfill this function. Although the media avoid associating the judges with ideological positions, the public debate in the press about judicial nominations provide the opportunity of presenting changing views about the institution of the Supreme Court and its relationship to the government.

Gibson and Caldiera (2011) have found that the fact that ideological factors influence decision making does not in itself reduce commitment and trust in the Supreme Court. However, exposure to advertisements by interest groups for and against judicial confirmation foster a belief that the Court is "just another political institution" (Gibson and Caldeira 2009). Although there are no advertisements in Israeli judicial nominations, our findings about the adoption of a political frame by the two main daily newspapers in Israel which portrayed the nomination process as politically motivated and the Chief Justice as engaging in political actions, may indeed contribute to the erosion of public support for the Court. On the other hand, it may be that the controversies that emerged in 2008 enabled the press to frame the Court in a way that reflects the inherent tension between the legal and political view of judging (Bybee 2010), and that the public is capable of, and does in fact, sustain these contradictory expectations of the Court.

References

Baird, V. and Gangl, A., 2006. Shattering the myth of legality: The impact of the media's framing of Supreme Court procedures on perceptions of fairness. *Political Psychology* [online], 27 (4), 597-614. Available from: http://sobek.colorado.edu/~bairdv/Baird_Gangl.pdf [Accessed 6 August 2014].

Blum, B., 2006. *To concur, or not to concur: That is the question. Theoretical and practical questions regarding the judicial independence of judges appointed temporarily to the Israeli Supreme Court* [online]. Dissertation (LL.M.). Stanford University. Available from: https://www.law.stanford.edu/publications/bibliographies/to-concur-or-not-to-concur-that-is-the-question-theoretical-and-practica [Accessed 6 August 2014].

Blumler, J. and Kavanagh, D., 1999. The third age of political communication: Influence and features. *Political Communication,* 16 (3), 209-230.

Bogoch, B. and Holzman-Gazit, Y., 2008. Mutual bonds: Media frames and the Israeli High Court of Justice. *Law and Social Inquiry,* 33 (1), 53–87.

Bogoch, B. and Holzman-Gazit, Y., 2009. Courting the curt: The press coverage of the Supreme Court of Israel, 1970-2000. *Megamot,* 36 (1-2), 62-85. (Hebrew).

Brenner, H. and Knake, R.N., 2012. Rethinking gender equality in the legal profession's pipeline to power: A study on media coverage of Supreme Court nominees (Phase I, The introduction week). *Temple Law Review* [online]*,* 84 (2), 325-384. Available from: http://ssrn.com/abstract=1711344 [Accessed 6 August 2014].

Bybee, K.J., 2007. Introduction: The two faces of judicial power. *In*: K.J. Bybee, ed. *Bench press: The collision of courts, politics and the media.* Stanford University Press.

Bybee, K.J., 2010. *All judges are political – except when they are not. Acceptable hypocrisies and the rule of law.* Stanford University Press.

Caspi, D. and Limor, Y., 1999. *The in/outsiders: The media in Israel.* Cresskill, NJ: Hampton Press.

Chorbajian, L. and Beeferman, L., 1997. Selling Supreme Court nominees: The case of Ruth Bader Ginsburg. *Critical Sociology,* 23 (3), 3-32.

Collins, P.M. Jr. and Ringhand, L.A., 2013. *Supreme Court confirmation hearings and constitutional change.* Cambridge University Press.

Davis, R., 2005. *Electing justice: Fixing the Supreme Court nomination process.* Oxford University Press.

Davis, R., 2011. *Justices and journalists: The U.S. Supreme Court and the media.* New York: Cambridge University Press.

Epstein, L. *et al.*, 2005. The role of qualifications in the confirmation of nominees to the U.S. Supreme Court. *Florida State University Law Review* [online], 32 (4), 1145-1174. Available from: http://www.law.fsu.edu/journals/lawreview/downloads/324/Epstein.pdf [Accessed 8 August 2014].

Epstein, L., Segal, J. and Westerland, C., 2008. The increasing importance of ideology in the nomination and confirmation of Supreme Court justices. *Drake Law Review,* 56 (3), 609-635.

Evans, M. and Pearson-Merkowitz, S., 2012. Perpetuating the myth of the culture war court? An assessment of issue attention in newspaper coverage of U.S. Supreme Court judicial nominations. *American Politics Research*, 40 (6), 1026-1066.

Farnsworth, S.J. and Lichter, S.R., 2006. The mediated Supreme Court nomination process: News coverage of confirmed and non-confirmed nominees. *In*: *Annual Meeting, American Political Science Association Meeting, Philadelphia, PA* [online]. Available from: http://citation.allacademic.com/meta/p151987_index.html [Accessed 8 August 2014].

Gann-Hall, M., 2010. Attacking judges: The new politics of State Supreme Court election campaigns. *In*: *Annual Meeting, Western Political Science Association, Sacramento, CA* [online]. Available from: http://ssrn.com/abstract=1580280 [Accessed 8 August 2014].

Gegh, C.G., 2006. *When courts and congress collide: The struggle for control of America's judicial system.* Ann Arbor: University of Michigan Press.

Gibson, J.L. and Caldeira, G.A., 2009. *Citizens, courts and confirmations.* Princeton University Press.

Gibson, J.L. and Caldeira, G.A., 2011. Has legal realism damaged the legitimacy of the U.S. Supreme Court? *Law and Society Review* [online]*,* 45 (1), 195-218. Available from: http://onlinelibrary.wiley.com/doi/10.1111/j.1540-5893.2011.00432.x/abstract [Accessed 8 August 2014].

Gibson, J.L., 2012. *Electing judges: The surprising effects of campaigning on judicial legitimacy.* The University of Chicago Press.

Gilboa, E., 2012. The Israeli media. *In*: B. Rubin, ed. *The Middle East: A guide to politics, economics, society, and culture*. Armonk, NY: M.E. Sharpe, 272-280.

Graber, D., 2006. *Mass m and American politics.* 7th ed. Washington: CQ Press.

Ha'aretz, 1981. The Key to the Supreme Court. *Ha'aretz*, 14 January

Ha'aretz, 1994a. Fair Participation. *Ha'aretz*, 25 Jaunary.

Ha'aretz, 1994b. Justice Shamgar at the Swearing-In Ceremony of New Justices. *Ha'aretz*, 15 March.

Ha'aretz, 2008. Precedent: The Minister's Committee Will Decide. *Ha'aretz*, 17 March.

Haltom, W., 1998. *Reporting on the courts.* Chicago: Nelson-Hall Publishers.

Hamilton, J.T., 2003. *All the news that's fit to sell: How the market transforms information into news.* Princeton University Press.

Hirschl, R., 2004. *Towards juristocracy: The origins and consequences of the new constitutionalism.* Boston: Harvard University Press.

Hofnug, M., 2011. The Politics of Judicial Nominations in a Polarized Society [online]. *In*: *ECPR 6th General Conference, Reykjavik, Iceland, August 24-27, 2011*. Available from: http://ecpr.eu/Filestore/PaperProposal/6a76e25f-5052-4016-a246-d1361d2509e2.pdf [Accessed 22 October 2014].

Howard, S., 2008. *The effect of media coverage on the level of presidential support given to Supreme Court nominees* [online]. Available from: http://www.thepresidency.org/storage/documents/Fellows2008/Howard.pdf [Accessed 8 August 2014].

Klein, I. and Kopel, M., 2003. *Toward a balance: The division of authority between the branches of government and the method of judicial appointment in Israel*. Jerusalem: The Israel Policy Center. (Hebrew).

Liebler, C., Schwartz, J. and Harper, T., 2009. Queer tales of morality: Press, same sex marriage and hegemonic framing. *Journal of Communication,* 59 (4), 653-675.

Maltzman, F. and Wahlbeck, P., 2003. Salience or politics: New York Times coverage of the Supreme Court. *In*: *Annual meeting of the Midwest Political Science Association* [online]. Chicago, II. Available from: http://mpsa.indiana.edu/conf2003papers/1031937859.pdf [Accessed August 2012].

Mandel, M., 1999. Democracy and the new constitutionalism in Israel. *Israel Law Review,* 33 (2), 259-321.

Mautner, M., 2003. The appointment of judges to the Supreme Court in a multi-cultural society. *Tel Aviv Law Review,* 19 (2), 423-460. (Hebrew).

Mautner, M., 2011. *Law and the culture of Israel.* Oxford University Press.

Mizrahi, S. and Meydani, A., 2003. The political-cultural perspective on judicial actvisim and democracy: The Israel Supreme Court as policymaker. *Israel Studies,* 8 (2), 38-118.

Okon, B., 2008. To Consider Changing the System. *Yedioth*, 3 January.

Peleg, A. and Bogoch, B., 2012 Removing Justitia's blindfold: The mediatization of law in Israel. *Media, Culture and Society,* 34 (8), 961-978.

Peri, Y., 2004. *Telepopulism: Media and politics in Israel*. Stanford University Press.

Rahat, G. and Sheafer, T., 2007. The personalization(s) of politics in Israel, 1949-2003. *Political Communication*, 24 (1), 65-80.

Ramirez, M., 2008. Procedural perceptions and support for the U.S. Supreme Court. *Political Psycholog*y [online], 29 (5), 675-698. Available from: http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9221.2008.00660.x/abstract [Accessed 11 August 2014].

Ringhand, L.A. and Collins, P.M. Jr., 2010. May it please the senate: An empirical analysis of the senate judiciary committee hearings of Supreme Court nominees, 1939-2009. *University of Georgia Law School Legal Studies Research Paper* [online], 10-12. Available from: http://ssrn.com/abstract=1630403 [Accessed 11 August 2014].

Salzberger, E.M., 2005. Judicial appointments and promotions in Israel – constitution, law and politics. *In*: K. Malleson and P. Russell, eds. *Appointing judges in the age of judicial power: Critical perspectives*. Toronto University Press, 241-259.

Sauvageau, F., Schneiderman, D. and Taras, D., 2006. *The last word: Media coverage of the Supreme Court of Canada*. Vancouver: UBC Press.

Segal, Z., 2008a. Beinisch Must Explain. *Ha'aretz*, 15 January.

Segal, Z., 2008b. Judges with an Agenda. *Ha'aretz*, 12 March.

Segal, Z., 2008c. Not for Me, Not for You Either. *Ha'aretz*, 16 March.

Shetreet, S., 2011. The Mt. Scopus international standards of judicial independence: The innovative concepts and the formulation of a consensus in a legal culture of diversity. *In*: S. Sheetreet and C. Forsyth, eds. *The culture of judicial independence: Conceptual foundations and practical challenges*. Boston: Martinus Nijhoff.

Shoken, A., 2008. Minister of Justice of Ehud Barak. *Ha'aretz,* 6 March.

Slotnick, E.E. and Segal, J.A., 1998. *Television news and the Supreme Court: All the news that's fit to air*. Cambridge University Press.

Spill, R.L. and Oxley, Z.M., 2003. Philosopher kings or political actors: How the media portray the Supreme Court. *Judicature,* 87 (1), 23–29.

Steigerwalt, A., 2010. *Battle over the bench: Senators, interest groups, and lower court confirmations*. Charlottesville: University of Virginia Press.

Stras, D.R., 2008. Understanding the new politics of judicial appointments. *Texas Law Review* [online]*,* 86, 1033-1078. Available from: http://ssrn.com/abstract=1077908 [Accessed 11 August 2014].

Tal, R., 2002. Not to Appoint Judge Pilpel to President of the District Court. *Yedioth,* 21 March.

Tamanaha, B., 2006. *Law as a means to an end: Threat to the rule of law*. Cambridge University Press.

Van Aelst, P., Sheafer, T., Stanyer, J., 2011. The personalization of mediated political communication: A Review of concepts, operationalizations and key findings. *Journalism,* 13 (2), 203-220.

Vining, R.L. and Wilhelm, T., 2010. Explaining high profile coverage of state supreme court decisions. *Social Science Quarterly,* 91 (3), 704-723.

Wittes, B., 2008. *Confirmation wars: Preserving independent courts in angry times.* Lanham: Rowman and Littlefield.

Yedioth, 1981. The Legal System: Two Claims*. Yedioth*, 20 January.

Yedioth, 2008. Commentary. *Yedioth*, 3 January.

Zamir, I., 2001. *The report of the committee for the examination of judicial selection.* Jerusalem: The Judicial Authority. (Hebrew).

Zarchin, T., 2008a. The Resigning President will Recommend Judge Michal Rubinstein. *Ha'aretz*, 14 January.

Zarchin, T., 2008b. At the Last Minute the Judges' Nominations were Cancelled. *Ha'aretz*, 21 March.

Zarchin, T., 2008c. The Resigning President is Slated to Recommend Judge Michal Rubinstein. *Ha'aretz*, 17 November.

Zimuki, T., 2002. I was a Rubber Stamp. *Yedioth*, 28 November.

Zimuki, T., 2008a. A Hearing was Held for the Professors that Beinisch wants for the Supreme Court. *Yedioth*, 11 March.

Zimuki, T., 2008b. Minister Friedman: Beinisch Causes Damage to the Supreme Court. *Yedioth,* 26 March.

Zimuki, T., 2008c. The Judges are Angry at Beinisch. *Yedioth*, 2 November.