

## DRY OR PICTURESQUE? THE USE OF FIGURATIVE LANGUAGE IN ISRAELI SUPREME COURT VERDICTS

ORLY KAYAM AND YAIR GALILY

**Abstract:** The legal language of lawyers and judges is generally dry and factual but an examination of the rulings of Israeli Supreme Court justices shows that at least some of them use very picturesque speech to support their positions. This paper describes the use of figurative language as employed by Israeli Supreme Court justices in their writing of verdicts. Examples of the use of metaphors, metonymy, word play, imagery, oxymorons, parables and allegory are cited and discussed.

**Keywords:** figurative language; Israeli supreme court; verdicts.

### Theoretical background

The ancient Greeks developed the theory of rhetoric and Aristotle, Cicero, and others devoted well-known and famous compositions to it (see Aristotle, 1932, 1954; Cicero, 1986). In a survey of the modern research literature, we found different approaches to the term rhetoric. Brooks and Warren (1970) refer to rhetoric as an effective way of using language. Perelman (1984) defines rhetoric as a way of convincing people of one's position. Landau (1988) divides the linguistic study of rhetoric into two areas:

1. Stylistic Rhetoric, which addresses the emotions and includes means of persuasion from the dictionary, semantics, and syntax.
2. Rhetorical Argument, which addresses reason and includes logic and pseudo-logic, most of which are from the area of discourse analysis.

Researchers in the field of rhetoric differentiate between two types of persuasion: *convincing*, which appeals to one's sense of logic, and *persuading*, which appeals to one's emotions. Landau points out that the difference between convincing and persuading is expressed, *inter alia*, in that with convincing, the speaker is interested in convincing the listener of the truth of his or her arguments as they are determined by the intellect, while with persuading, the speaker is interested in getting the audience to agree with their position. Audience of listeners is a key concept in rhetoric (Gitay, 1991, 1996; Speigel, 1973).

Recently, Kayam and Livnat (2004), Kayam (2011), Kayam & Galily (2012), and Kayam & Galily (2012a) studied the rhetoric devices employed by Israeli Supreme Court justices in their writing of verdicts. The aim in this present paper is to describe the use of figurative language as employed by Israeli Supreme Court justices in their writing of verdicts.

## Method

A layman might think that the legal language of lawyers and judges is dry and boring but an examination of the rulings of Israeli Supreme Court justices shows that at least some of them use very picturesque speech to support their positions (Kayam & Galily, 2012; 2012a).

The verdicts of six famous Israeli cases, the “Voice of the People” (Supreme Court ruling 73, 87/53), the “Shalit” affair (Supreme Court ruling 58/68), the El-Abid affair (Supreme Court ruling 76/93), the Kidum affair (Supreme Court ruling 606/93), the Amitzur affair (Supreme Court ruling 416/76) and the Azariah affair (Supreme Court ruling 477/81) were examined for examples of figurative language.

## Use of figurative language

Many different rhetorical devices employed by the Israeli Supreme Court Justices in their writing of the majority and minority opinions (Kayam & Galily, 2012). As stated, the aim in this present paper is to examine the use of figurative language as employed by Israeli Supreme Court justices in their writing of verdicts.

Figurative language is language that transmits its ideas in a pictorial fashion, metaphorical. Landau (1988, p. 32) states that the main purpose of figurative language is to express the desired message in a perceptible pictorial manner, that will be processed by the listeners in a more emotional rather than rational way. The influence of figurative speech is powerful such that the message is absorbed in a clear, tangible and direct manner. The use of figurative language allows complex ideas to be transmitted in a concise manner.

Perelman (1984, pp. 1-7) divides classic rhetoric into rhetorical images and stylistic images. According to him an image shall be deemed argumentative when it results in the listener agreeing with the speaker and creates in his mind a change in his perception. If it does not result in the listener’s agreement then it shall be deemed a stylistic image, an ornament. It may arouse enthusiasm, but only at the level of aesthetics or as evidence of the speaker’s originality (*ibid.*, p. 6, comment/note 12) In contrast to Perelman, Landau (*ibid.*, p. 24) thinks that stylistic features devoid of rhetorical value can fulfill an important function in persuasion, precisely because of the emotive, aesthetic pleasure that they arouse in the listener. In fact, psychologists think that this is one of the most effective means of persuasion (Schwarzwald, 1978). The most prominent mode of expressing figurative speech is by use of the metaphor.

*Metaphor (metapherein)* is a shift in meaning which transfers the meaning from one semantic field to another semantic field (see Nir, Hebrew Semantics [in Hebrew] (5), p. 79). In a study of the literature a metaphor is defined as a word or group of words that acquire an additional wider meaning beyond that in the dictionary (Ochman, 1976). Tzarfati (1978, p. 127) adds that the metaphor contributes to the picturesqueness of speech, as well as

sharpness and intensity and is therefore of primary importance in the writing of literature. The metaphor has the power to revive, to renew and strengthen its influence. A fine metaphor can make a great impression on the listener. Much has been written in the literature of the metaphor, from the days of Aristotle till the present. Aristotle wrote of the metaphor as a rhetorical device that gives the object figurativeness and picturesqueness (see for example Richards, 1936; D. Landau, 1979). Metaphors can be categorized according to different criteria (Tzarfati, 1978, p. 130): the distancing between the content and the instrument; background quality; the field from which the instrument was taken.

When we come to examine the rhetoric of a text, we must distinguish between dead, worn out metaphors and full metaphorical images which have true rhetorical effect as well as the aesthetic pleasure and emotion that they arouse. Nir (*ibid.*, pp. 80-81) notes that the more complex the metaphor, the more impressive its picturesqueness/colorful effect, and when a metaphor is in repeated use its figurativeness is eroded until the rhetorical-stylistic shift evolves into a permanent lexicon shift (e.g., bottleneck) The degree of figurativeness of a metaphoric phrase can range from one-time use with a high degree of figurativeness to routine use such that the figurativeness is no longer felt and the term becomes a dead metaphor (as the above example illustrates).

In the verdicts of the Supreme Court justices the use of metaphor is the most prominent figurative device. Other figurative devices are also found like: oxymoron, imagery, parables and so on although they appear infrequently.

The following examples, taken from the examined verdicts, illustrate the diverse use of figurative speech by the justices. Next to each example is the paragraph number from the verdict where it appeared.

In the Kidum verdict (see Kayam & Galily, 2012) Justice Cheshin tends to use full metaphoric pictures. He himself has said that he likes this technique, that it lends rhetorical strength: "Frequently a good picture is worth a thousand words, therefore I illustrate with words, the heart is drawn in and the man follows his heart" (Cheshin, Interview at the Supreme Court, May 3, 1998). Here are several examples from the Kidum verdict:

Section 4 in the verdict:

My colleague Justice Dorner thinks otherwise. In her opinion our issue is one of free speech and to buttress her position she **enlists support from all corners**: teaching the Broadcasting authority the meaning of free speech and requiring them to air the commercial "Go Excel" (in the Hebrew original this sounds very similar to, and in fact is only one letter away from a popular obscenity). Since it appears that my colleague finds it fitting to **launch an entire naval fleet headed by the flagship** in order to protect "Go Excel", I am left no other choice, regrettably, than to **station a fleet opposite a fleet and to wave my flag**. Therefore I will allow my pen to run its own way, and I will follow it punctiliously.

Justice Cheshin does not agree with Justice Dorner's opinion that commercial expression is an issue of free speech. To illustrate their difference of opinion on this issue he draws us a picture of "enlisting forces and going to war". Justice Dorner "enlists support from all corners", in other words, she made an all out effort to round up support for the fight, the fight to support the commercial "Go Excel". She saw fit to use the heaviest artillery, "saw fit to launch an entire fleet, headed up by the flagship", referring to freedom of speech, which

according to Justice Dorner “is first among the freedoms upon which our democratic regime rests” The metaphoric picture is of the massive naval fleet that goes out to war transmits in a concrete and successful manner the lack of proportionality between Justice Dorner’s arguments and the issue under discussion. This leaves Justice Cheshin no choice, according to him, but to arm himself and go to war, to confront Justice Dorner’s views, “to battle fleet against fleet and to raise my own flag”, even though there is no justification for a “war” of this magnitude. It is interesting to note that even as Justice Cheshin completes the war metaphor his very next comment is another metaphor: “Therefore I will **allow my pen to run its own way, and I will follow it punctiliously.**”

An additional example of the full metaphoric image appears further on in the verdict.

Section 15 in the verdict:

And so it is: Freedom of speech and expression is a fundamental right of a citizen and resident, and since the landmark case of “Voice of the people” [Supreme Court ruling 7387/53] **Put down deep roots, creating a landscape of a massive treetop wide and thick that no one today would even think of chopping down or trimming.**

Here Justice Cheshin illustrates the expanding, spreading and strengthening of freedom of expression since that important verdict by means of “the image of the ancient giant tree”. Roots, landscape and treetop are concepts taken from the same semantic field, and they describe concisely and effectively the growth of the tree. The description of so massive and powerful an expanding, spreading and strengthening makes it clear to us that no one could possibly consider chopping down or trimming the tree.

Justice Dorner’s image is much less picturesque and she says herself that she is “someone who prefers to write clean, smooth, lean and dry language” (Dorner, February 21, 1999 interview at the Supreme Court). She fears that using many rhetorical emotive devices can blur the clear structure of the verdict, to which she attributes great importance. In cases where she feels a need for it, she integrates emotive devices (Examples from other verdicts: the Alice Miller verdict; the Dinitz verdict; the Wexelbaum verdict; the Denolovitch verdict). In the Kidum case for example, Justice Dorner uses only one metaphor, and a worn-out one at that, in her entire verdict. The much over used metaphor was taken from the semantic field of family relations:

Section 8 in the verdict:

Commercial speech is not the **step-child** of freedom of speech, but an integral part of the **family.**

Even when Justice Dorner integrates whole picture metaphors in her writing they are lacking in colorfulness, taken from dry, logical semantic fields like the sciences or construction. The following three examples (the first, “the image of a collapsing structure” in section 31 of the El-Abid verdict and the other two, “images of scientific experiments” in section 20 of the El-Abid verdict and section 11 in the Kidum verdict) will illustrate my point.

## The El-Abid verdict

### Section 31 of the verdict:

Under the circumstances one must draw the conclusion that the petitioner's confession lacks weight. The petitioner's mental retardation and the circumstances under which the confession was obtained allow for reasonable doubt to its credibility. And most importantly, the **main foundation** of the petitioner's confession, the burying of the deceased's body in the Dudaim garbage dump, was refuted by the discovery of the deceased's body and the clothes that she wore in a different place. That same discovery also **collapses** the **supporting pillar** of the additional evidence with which the prosecution wished to **support** the confession—the petitioner's visit to the Dudaim site around the time of the deceased's disappearance. The confession thus **collapses** as a **foundation** for convicting the petitioner.

### Section 20 of the verdict:

To summarize, the weight of the three elements that influenced the internal weight of the evidence, that is, the personality structure of the confessor, the circumstances under which it was taken and the signs of truth from the context of the evidence leads to the conclusion that the actual weight of the evidence is missing.

## The Kidum verdict

### Section 11 of the verdict:

Section 6 of the regulations does not therefore in itself invalidate. However, its activation depends on the existence of a causal relationship between the use of the expression and a sufficiently strong offence to good taste. The required causation is near certainty. This test applies if the expected damage is tangible, for example, disturbing the peace, damaging state security or damaging property rights. In these cases it is not clear if in fact damage will be caused. It's different if we are talking about injured feelings. Such injury is not a future event whose probability of occurring is to be tested.

Sometimes there is an incomplete metaphorical image with the metaphor interwoven within non-figurative speech and only later in the text is the image completed. Landau (1988, p. 33) contends that this technique enables the writer to achieve two things: he arouses the listener's emotions by means of the metaphoric image that is part of the main claim of the passage and he continues to explain and develop the idea in non-figurative language that truncates the metaphorical image. Returning to the metaphoric image at the end of the passage leaves a more powerful impression on the listener than if the two parts of the image had been contiguous. An example of this can be seen in Justice Cheshin's verdict in the El-Abid affair where the queen/princess metaphor starts in section 10 and concludes in section 12.

Section 10 in the verdict "**Queen** of the Evidence"—that is how an accused's confession in a police interrogation is frequently termed. And even if not the **Queen** of all evidence then she is the "**princess**", one of the primary pieces of evidence in the **kingdom**. Who more than we who sit in judgment every day know this. We already knew however, that experience and retrospective wisdom are what guides us on our way. As we have already been taught by one of the wisest in our community—the community of jurists—Oliver Wendell Holmes, that the

life of law does not move on the track of logic but on the road of experience...normally no man pretends to be evil...wisdom of the heart has taught us, there isn't a man who presents himself as a criminal when he's a saint...

Section 11 of the verdict:

And though we have said to tread very cautiously, teachers of Jewish law and wise men have already said that a confession by itself is not sufficient evidence, but we must have "something in addition" alongside.

That "something in addition" is meant to show that the things stated in the confession are true.... (the late Justice S. Z. Cheshin (This Justice Cheshin writing in 1949 is the father of the Justice Cheshin cited throughout this article) in Supreme Court verdict 3/49) the weight and the strength of that "something in addition" stands in inverse proportion to the weight and strength of the confession ... (Justice Barak, in Supreme Court verdict 744/78).

Section 12 in the verdict:

My colleague Justice Dorner wants to forge her own path in evidence law. **The queen is no longer the queen. She isn't even a princess. The queen's crown has been torn off her head and replaced with a crown of thorns.** An accused's confession, in her opinion, will no longer be regarded as it used to be.

In section 10 the judge describes the accused's confession as a queen. At this stage it is an over used worn out metaphoric image, and it appears to serve only as an ornament to the writing. In section 11 he continues his argument in language almost totally free of figurative speech, replete with quotes and references. Only in section 12 does the judge return, in an entirely surprising manner, to the metaphorical image he began earlier: Justice Cheshin reputes Justice Dorner's approach on laws of evidence. He reasons that her approach is revolutionary, and he does not agree with it. Instead of saying this in a direct manner without picturesqueness (as several other judges who participated in the discussion did, e.g. Justice Or and Justice Strasberg-Cohen), he continues the metaphoric image that he started earlier and describes a queen who has been banished from her kingdom and dethroned. The picture that Cheshin paints causes us great shock due to the "serious" deed committed by Justice Dorner: Look at what Justice Dorner has done cries Justice Cheshin, the queen has been banished, her crown torn off, and a wreath of thorns was placed on her head (reference to Jesus). The reference to Jesus implies that they are going to crucify her! There is no doubt that Justice Cheshin succeeded in creating the impression he wanted. Closing the metaphoric circle, after a section almost entirely devoid of figurative speech, makes the metaphor special, makes it finer, and leaves a strong impression on the reader.

Sometimes the metaphoric image is constructed in a gradually increasing manner. Section 7 in the verdict:

**El-Abid builds in front of our eyes slowly-slowly, stone by stone, a wall of evidence that closes upon him. Indeed, there is evidence that does not match the story of El-Abid but this evidence is not sufficient to destroy the wall he built around himself.**

The gradually developed metaphoric picture illustrates the strong opinion held by the judge concerning the incriminating evidence against the accused. The systematic progression

is intensified by the “image of a wall” that closes upon the accused which is established by means of verbal repetition, effectively illustrating the idea of the strength of the evidence. Also the deliberate use of the Hebrew term “lekarkar” which means to destroy, to demolish (generally walls, it appears in Isaiah 22:5) adds additional strength to the rhetorical image and strengthens it (in this section there are of course additional rhetorical devices like alternative argument and use of the compound sentence, that increase the power of the rhetorical image).

### The Shalit verdict

In the Shalit verdict Justice Zilberg uses a similar technique. Section 2 in the verdict:

This is the language of the Talmud in the original Aramaic — the shoe is larger than the foot, than the foot of all of us, even than the collective foot of all the inhabitants of the land...

The judge is relating here to the importance of the problem that is to be discussed. He wishes to clarify that said problem is complex, widely encompassing, and he is not sure that its place is in the courtroom. In order to emphasize the complexity of the problem he uses the metaphoric image of “the big shoe”. Two elements are combined in this image: the elements of systematic progression and exaggeration. The systematic progression is from a shoe bigger than one foot to a bigger foot to an imaginary foot the length of millions of feet. The systematic progression of the element of length to greater and greater length accompanied by the exaggerated illustration clarifies for us just how great the problem is. In the background reverberates the folk idiom “to fill big shoes”, whose meaning is to try and deal with a great challenge, without any guarantee of success.

Often the metaphorical image will be composed of several inter-related images that run like a leitmotif throughout the passage. In the Shalit verdict presented below, we see an example of this in Justice Zilberg’s verdict.

Section 12 in the verdict:

Something happened in June 1967—something happened in Israel! In the midst of the beating wings of history, and in the storm of a cruel war, a sudden meeting took place between the people and the land. This important event could not come to pass without leaving a deep scar in the heart of the fighting youth. With the liberation of Jerusalem they felt for the first time “Not the Israeliness but the Jewishness of the nation (Siah Locharim, 163), and it is not their fault that their officers and their educators did not bother **to fan “the ember that was smoldering deep in their hearts”** (Siah Locharim, 69) ...but the ember was not extinguished. It still gives off heat and its flame still flickers. The heat is fed not only from the shock of the group experience, **but also from the destruction of the idols of foreign gods.** **One of the greatest idols that was broken** was the sad one-sided romance conducted with the ideology of the leaders of the eastern block. **With the destroying and destruction of this greatest idol, other illusions were also swept away.** The result was: If you reside alone—you will fight alone. When they set out alone to the battle against a hostile world—for the most part apathetic and uncaring—our young fighters saw clearly that Israel’s only friend is Israel, and friendship needs caring, and one needs to know him. To come close and to love. For here comes the yearning to return to ourselves that whispers in the hearts of our “free” youth for

over two years. Because he suffers, in part, from **sudden emptiness in his heart**. He must **fill the vacuum that opened up inside him after the great destruction of the idols**.

Justice Zilberg borrowed “The Ember” from “Siach Lochamim”: He uses the ember in order to create a whole metaphoric picture which includes different details from the semantic field: extinguish, heat, etc. He connects the “heat of the ember” to an additional image: an image of “shattered idols” (the term idols has a negative connotation brought upon by the Jewish biblical injunction against idol worship). This image is cut off midway (a technique we saw earlier), which is completed at the end of the section, by use of its connection to the image of space, the vacuum, which was created as a result of shattering the idols, thus completing the general image.

Judges do not always create unique and diverse metaphors as we have seen above. They wish to prettify the text, to spice up their words with metaphors. And although these metaphors might often be simple, over-used and worn out, thus not always containing rhetorical effect, and certainly lack the beauty and grace of the living metaphor. Therefore reading them does not arouse an aesthetic and real pleasure. In the Amitzur verdict (Supreme Court ruling 416/76), according to Justice Branzen, for example, there are several such metaphors:

### **The Amitzur verdict**

In section 3 of the verdict:

Only in 1975 in response to the tenants’ complaints, the license was not renewed, and then the demand **surfaced** that the chicken coop be destroyed both because the area was no longer agricultural and because there is no allowing a commercial chicken coop in a residential neighborhood.

In section 5 of the verdict Mr. Olshanski argues that this issue becomes a vicious cycle from which there is no exit.

In section 9 of the same verdict:

**The cure** suggested by the responders, that whoever has been hurt by the new plan should request a permit for exceptional use, **does not remove the sting** of the situation that was created **and nor does it heal it**.

Among the abundance of metaphors appear several additional figurative devices: metonymy, word play, imagery, oxymorons and parables, fables and allegories. In the Azariah (Supreme Court ruling 477/81) verdict, Justice Sheinbaum utilizes metonymy, exchanging one name for another, not because they represent similar concepts, but because they represent concepts that come close to each other in reality and in our thoughts (Tzarfati, 1983, p.134): “ruffians” instead of: bullies; “he longingly awaits” instead of: he wishes; “from the mouth of the Court” instead of: Court rulings.

## The Azariah verdict

Section 14 of the verdict:

.... Or one who uses the services of **ruffians** ... (the landlord) who rents out the apartment then later decides to live there herself. Which is not of course sufficient to alter the status of the petitioner, who awaits the assistance of the police to gain entrance to his apartment, **and he longingly awaits** (literally: **his eyes long for**) **the utterance of this Court** in his current petition.

## Imagery

Imagery is found in different verdicts, for example in the Shalit verdict Justice Zilberg writes in section 15 of his verdict:

And behold if the Court rules, that even a Christian, or a Muslim or a Buddhist can, under certain conditions, be registered as a person of Jewish nationality, an opening is opened like the entrance to a grand hall...

The imagery makes tangible the great danger to which the Jewish community in the Diaspora will be exposed if the Court rules in favor of the petitioners. Such a ruling will open a very great opening (hall=vast space) for registering non-Jews as members of the Jewish nation. The image makes the idea of “breaking the dams” tangible.

Another image can be seen in Justice Chesin’s writing in section 14 of the Kidum verdict:

The citizen and the resident alike are as captives at the hands of the radio...and if this is so in general, then how much more so in such a news crazy nation as we are, and here we are bound in handcuffs and chains to the radio...

The judge compares the listeners to captives of the radio. The word “captive” has a very negative connotation, and one interpretation is: freedom of choice has been stolen from the listener, when in fact the listeners have chosen to listen to the radio, and nobody has forced it on them. The image is intensified and strengthened by linking it to the collective “news crazy nation” (a linkage of “low” stylistic value) and the metaphoric image that accompanies it later in the verdict.

## Oxymoron

Oxymoron is also a pictorial image, a type of metaphor, which combines contradictory concepts or expressions in order to intensify the surprise impression as in: thundering silence; glowing darkness and so on. Justice Zilberg uses several oxymorons in his writing in the Shalit verdict. In section 10 he writes:

Even “the silent Judaism” necrosis of the eastern block countries, has recently begun “**to be silent in a powerful and awe-inspiring voice**”...

Justice Zilberg emphasizes in this passage the great influence of the establishment of the State on forming the nationalism of the people. In this context he recalls Russia where

Jewish nationalism started to well up despite the difficult circumstances of the Jews there. The oxymoron creates a sharp contrast between the silence (zero sound) and the level of vociferousness that is between the Russian Jews who were forced “to silence” their Jewishness because of the authorities, and the powerful voice that broke that silence, that included among other things, the airplane high jacking in Leningrad by “the young man from Riga”. The silence, therefore, was a thundering silence.

Additional examples of oxymorons appear in section 11: “rising distress”; section 12: “God-fearing heresy”; section 19: “masochistic pleasure”; and in section 22: “small, weak, gray, mute democracy” and “uncircumcised Jews”.

## Parables

Parables are short, fictitious, allegorical stories that contain a moral. They are related to figurative speech in that they transfer a message by means of short pictorial images (On figurative speech using the parable as a rhetorical device, aimed at influencing an audience of listeners see Gitay, 1991 (analysis of the vineyard parable in Isaiah)). Use of parables in verdicts of Supreme Court Justices is very rare. In the verdicts that were examined one parable was found in Justice Cheshin’s writing in the Kidum verdict. In section 25 of the verdict he writes:

In what way is the parable similar—or not —to people who live in our country and are used to washing their bodies. A person can bathe every month or two, but they are the minority. A person will feel filthy...not necessarily because of his body odor but because his friends distance themselves from him...profanity is like bad breath, that both come out of the mouth and their impact is bad.

The parable describes accepted normative behavior: preserving body hygiene. The parable is based on full agreement with the claim that preserving body hygiene is an accepted life habit.

In a rhetorical sense the listener is lead to link the parable to the referent (in this example, hygiene = verbal expression), and by analogy bad breath = profanity, and therefore it is incumbent upon us to act accordingly.

## Conclusion

According to Goodrich (1984), what has been consistently excluded from the ambit of legal studies has been the possibility of analyzing law as a specific stratification or “register” of an actually existent language system. Despite the glaringly obvious fact that both legal theory and legal practice are, and have always been, heavily dependent upon the tools of rhetorical and linguistic analysis, no coherent or systematic account of the relationship of law to language has ever been achieved. Even worse, the occasional exercises that modern jurisprudence has conducted in the direction of normative linguistics, in studying the “grammar” of law, or the philosophy of ordinary language, in outlining the semantics of rule application, have been exercises aimed at asserting or defending the positivistic view that law is an internally defined “system” of notional meanings or legal values, that it is a technical

language and is by and large, unproblematically, univocal in its application. Despite the linguistically dubious nature of the assumptions regularly made by formalistic theories of adjudication, lawyers and legal theorists have successfully maintained a superb oblivion to the historical and social features of legal language and, rather than studying the actual development of legal linguistic practice, have asserted deductive models of law application in which language is the neutral instrument of purposes peculiar to the internal development of legal regulation and legal discipline. (Goodrich, 1984). As claimed here, many different rhetorical devices are employed by the Israeli Supreme Court Justices in their writing of the majority and minority opinions (Kayam & Galily, 2012). In this paper we tried to examine the use of figurative language in a number of Israeli Supreme Court verdicts. Examples of the use of metaphors, metonymy, word play, imagery, oxymorons, parables and allegory were cited and discussed. The use of these many varied rhetorical devices was a refreshingly unexpected but to our mind, deleted “a” welcome occurrence.

## References

Aristotle (1932). *The rhetoric*. Englewood Cliffs, N. J.: Prentice-Hall.

Aristotle (1954). *Rhetoric and poetics* (Vol. XI). Oxford: Clarendon Press.

Brooks, C., & Warren, R. (1970). Modern rhetoric. New York: Harcourt, Brace & World.

Cicero (1986). *Selected writings*. In M. Barash (Ed.). Jerusalem: Massad Bialik Press.

Clark, H.H., & Gerrig, R. (1984). On the pretense theory of irony. *Journal of Experimental Psychology: General* 113, 121-126.

Copi, I. M. (1982). *Introduction to logic* (6<sup>th</sup> edition). New York: Macmillan.

Even-Shoshan, A. (1988). *The new dictionary* [Hebrew]. Jerusalem: Kiryat Sefer.

Gitay, Y. (1991). *Isaiah and his audience*. Assen/Maastricht: van Gorcum.

Gitay, Y. (1996). *Rhetoric and its importance in the media*. Lecture at the 23<sup>rd</sup> annual conference of the Israeli Association for Applied Linguistics, Technion, Haifa.

Goodrich, P. (1984). Law and language: An historical and critical introduction. *Journal of Law and society* II, 173.

Gray, B. (1977). *The grammatical foundations of rhetoric*. The Hague: Mouton.

Greenbaum, S. (1970). Verb-intensifier collocations in English. The Hague: Mouton.

Grice, H. P. (1975). Logic and conversation. In P. Cole & J.L. Morgan (Eds.), *Syntax & Semantics* (Vol. 3, pp.41-58). New York: Academic Press.

Hudson, K. (1978). *The language of modern politics*. London: The Macmillan Press.

Hughes, R. E., & Duhamel, P. A. (1962). *Rhetoric*. Englewood Cliffs, N. J.: Prentice-Hall.

Kayam, O., & and Galily, Y. (2012). Rhetoric reflected in Semitic languages in written sport commentary: A Comparative Study. *Qualitative Sociology Review*, 4(2).

Kayam, O. & Galily, Y. (2012a). Freedom of speech? – Israeli Supreme Court ruling 606/93 – Kidum Initiative Inc. versus the Israel Broadcasting Authority – a rhetorical language analysis. *Psychology of Language and Communication*, 16(1), 67-78.

Kayam, O. (2011). *Rhetoric on the scales of justice*. [In Hebrew]. Tel Aviv: Assif.

Kayam, O., & Livnat, Z. (2004). *Quotation as a rhetorical device in Israeli court judgment*. [In Hebrew]. *Hebrew Linguistics*, 54, 37-53.

Landau, D. (1979). *From metaphor to symbol*. [In Hebrew]. Ramat Gan: Bar-Ilan University.

Landau, R. (1988). *The Rhetoric of Political Speech in Israel*. [In Hebrew]. Tel Aviv: Akad Press.

Maadia, M. (1985). *Modern political speech – personal style or register?* (Masters thesis). Ramat Gan: Bar-Ilan University. [Hebrew].

Nir, R. (1978). *The semantics of the new Hebrew*. [Hebrew]. Tel Aviv: Amichai Press.

Ochmani, A. (1976). *Lexicon of literary terms*. Tel Aviv: Sifriyat Hapoalim.

Ornan, U. (1971). Hebrew Grammar Syntax. *Encyclopedia Judaica*, 8, 140-175.

Perelman, H. (1984). *The kingdom of rhetoric*. Hebrew University Jerusalem: Magnus Press.

Quirk, R. (1976). *A comprehensive grammar of the English Language*. London: Longman.

Shilo, G. (1996). *Characteristics of Hebrew theoretical writing*. Ramat Gan: Bar-Ilan University.

Speigel, N. (1973). *Art of persuasion – The speaker and his audience*. Jerusalem: Magnes Press.

Spreber, D. & Wilson, D. (1981). Irony and the use-mention distinction. In P. Cole (Ed.), *Radical pragmatics* (pp. 295-318). New York: Academic Press.

Tzarfati, G. (1978). *Hebrew semantics*. Jerusalem: Rubenstein Press.

Weddle, P. (1978). *Argument - A guide to critical thinking*. California: McGraw-Hill.

Weizman, E. (2000). Irony in news discourse [in Hebrew]. In O. Rodrigue-Schwarzwald, S. Blum-Kulka, & E. Olshtain (Eds.), *Rafael Nir jubilee book: Studies in communication, linguistics and language teaching* (pp. 237-248). Jerusalem: Carmel Press.

The original Hebrew verdicts can be found at:

1. [http://www.nevo.co.il/Psika\\_word/elyon/5300073.pdf](http://www.nevo.co.il/Psika_word/elyon/5300073.pdf)
2. [www.nevo.co.il/Psika\\_word/elyon/PADI-NG-2-001-L.doc](http://www.nevo.co.il/Psika_word/elyon/PADI-NG-2-001-L.doc)
3. [http://kolker.co.il/?page\\_id=368](http://kolker.co.il/?page_id=368)
4. <http://info.oranim.ac.il/home/home.exe/646/1196>
5. <http://elyon1.court.gov.il/Files/06/280/067/p19/06067280.p19.HTM>
6. [http://www.lawguide.co.il/articles/2252/%D7%94%D7%90%D7%9D-%D7%94%D7%9E%D7%A9%D7%98%D7%A8%D7%94-%D7%97%D7%99%D7%99%D7%91%D7%AA-%D7%9C%D7%A1%D7%99%D7%99%D7%A2-%D7%9C%D7%9E%D7%97%D7%96%D7%99%D7%A7-%D7%9C%D7%A7%D7%91%D7%9C-%D7%90%D7%AA-%D7%94%D7%97%D7%96%D7%A7%D7%AA%D7%95-%D7%91%D7%93%D7%99%D7%A8%D7%94\\_9944/](http://www.lawguide.co.il/articles/2252/%D7%94%D7%90%D7%9D-%D7%94%D7%9E%D7%A9%D7%98%D7%A8%D7%94-%D7%97%D7%99%D7%99%D7%91%D7%AA-%D7%9C%D7%A1%D7%99%D7%99%D7%A2-%D7%9C%D7%9E%D7%97%D7%96%D7%99%D7%A7-%D7%9C%D7%A7%D7%91%D7%9C-%D7%90%D7%AA-%D7%94%D7%97%D7%96%D7%A7%D7%AA%D7%95-%D7%91%D7%93%D7%99%D7%A8%D7%94_9944/)

Zinman College at the Wingate Institute  
 7 Savion Street  
 Rechovot,  
 Israel 76568  
 Tel: [972] (54) 4 333-289  
 Fax: [972] (8) 9411-393  
 E-mail: galiliy@wincol.ac.il