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The criminal statutes protecting nobility from criticism in 16th- and 17th-century England eventually evolved into various categories of political libel (see slander and libel for the modern incarnation of this law).

Cases of political libel

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and eventually damages
actions were handled by
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end of that century,
many elements of the ...

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TEXT #1 : Introduction

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What Do You Need to
Know About Libel and
Libel Law?

Various abusive uses of
this law including
political libel (criticism of
the political actions or
views of others) have
ceased to exist in most
places, but persist in
some jurisdictions
(notably British

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Columbia and Ontario)
where political views can
be held as defamatory.

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in the United States, the

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jurisprudence of each

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area weighs political speech against reputation through a preferred balancing approach which gives more protection to political speech. While the different jurisdictions place greater interest in political speech than individual reputation in matters of public concern and governance, all used multiple rationales such

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as the marketplace of ideas, self-fulfillment, search for truth, and democratic self-government principles to justify protection of political speech.

Democratic jurisdictions give heightened protection for political speech by assimilating into their libel laws values embodied in multiple rationales for protecting

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The political libel is as old as politics itself. The politician, seeking redress in the courts for an allegedly libellous publication, uses the English law of libel to attempt to remove the stain from his character. Wielding the 'sword of truth' he does battle with the media, often with

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huge attendant publicity, and at great risk to his reputation should he fail in his quest. At the same time he stands to pocket a substantial sum in damages if he can show the libel to have been committed. In this, the first modern study of the phenomenon of political libels, the author delves behind the headlines and looks at the political and

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legal problems which surround this little understood but controversial area of English law. In this highly readable and engaging work the author surveys the ancient and modern history of the political libel laws, and argues that the English law of libel has in the main been too jealous of defending the reputations of politicians

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and insufficiently alert to the legitimate interest of the public. A strong case is made for reforming the law substantially, a case which rests both on the experience of other countries (notably the USA), and also on a re-examination of a handful of English cases dating from the mid-to-late nineteenth century whose significance has

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been downplayed by
lawyers in subsequent
years.

Public Figures

The United

States Europe

And Australia

This book undertakes a comparative study of the public interest and political speech defences in defamation law, particularly from the perspective of the misuse of democratic free

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expression justifications. Specifically, it argues that the law and legal approaches taken by leading courts and legislatures in the UK, Australia, New Zealand, Canada, and the United States – five common law comparators – are undertheorised, lack adequate criteria for determining the correct form of the defence, and

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would benefit from a more precise understanding of 'democracy', 'accountability', and 'representation'. The book will be of great interest to scholars of free speech, defamation and public law.

Protecting the Best Men:

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An Interpretive History
of the Law of Libel

One of the nation's
leading First Amendment
attorneys provides media
counsel with up-to-date
information on how to
avoid litigation, the
"public person,"
"settlement and
pretrial tactics, winning
trial tactics and cost
minimization techniques;

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with ample case analysis, including the landmark case *Moldea v. New York Times Co.* By Bruce W. Sanford. *Libel and Privacy* by Bruce W. Sanford explains how the U.S. Supreme Court is now approaching constitutional libel law and setting the boundaries for invasion of privacy suits. Comprehensive coverage

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of all key topics includes:
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techniques to avoid
litigation by following the
four-step review process
In-depth treatment of
andquot;public
personandquot;; Valuable
settlement and pretrial
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including those in the
emerging cyber-like area
Discussion of the
landmark case *Moldea v.
New York Times Co.* --
which the author argued
and won An illustration
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criteria governing the
measurement of damages
in libel actions And more

This book argues that
there exists no natural,

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evolutionary history of free speech. It also challenges interpretations that rest upon

discovering an 'original understanding' about the First Amendment. This interpretive history of the law of libel highlights the complexity and historically rooted nature of legal concepts and legal consciousness in the U. S.

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America prides itself on its freedom of expression, and it has a reputation for tightly restricted libel law.

Indeed, a study of more than 600 media-related suits in the 1980s found that ninety percent were won by the media or thrown out of court before even going to trial. Even a case ending in summary judgment can

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cost the victorious defendant \$25,000 or more, and the bill for a full trial can easily pass \$100,000. The volume of libel suits has not diminished and many defendants settle out of court simply to avoid crippling costs. Clearly, writes Donald Gillmor, we are suffering a major crisis in libel law. In *Power, Publicity, and the*

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Abuse of Libel Law, Gillmor takes a revealing look at the state of libel law and offers a compelling agenda for change. He begins with a disturbing review of the abuses of libel in our times, examining both famous and little known cases. Wayne Newton, for example, won an initial \$22.7 million jury award against NBC for

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an unflattering story--even though he went on to get a Nevada casino license, a \$19 million loan, the Presidential Medal of Freedom, and was made grand marshal of an Independence Day parade in Washington, DC. "It was not clear," Gillmor writes, "for what NBC was being punished; the network

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obviously hadn't damaged Newton's reputation." Even tiny papers suffer crippling lawsuits. One 1,300-circulation publication was sued for \$20 million; even though the case was dismissed, the defense cost \$20,000. Such actions, Gillmor writes, dampen the fire of a free press. Lively journalism has always

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been an American tradition--if anything, the press was far more reckless in the days of the framers of the constitution; they often suffered its barbs even as they sought to protect it. Today it is almost impossible for the state to prosecute for seditious libel or criticism of government. But civil libel law, Gillmor shows,

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has taken its place in punishing verbal attacks on government officials, in spite of decisions intended to protect free speech and press (notably *New York Times v. Sullivan*). He proposes radical structural changes in the law to make it impossible for policymakers and celebrities to sue for libel. At the same time, he

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appeals to editors to ensure that those they wrong will have opportunities to respond in the media. As Justice Louis Brandeis wrote long ago, the remedy to wrongs in the press "is more speech, not enforced silence." "Libel laws have become complicated almost beyond human comprehension,"

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Gillmor writes. "The result is a profusion of libel suits, in which the only clear winners generally are libel lawyers." This provocative and revealing book illuminates a path out of the confusion and toward a safer environment for our cherished birthright, freedom of speech and

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