

Sam 386 unit 6

Law



In general terms defamation is defined as communicating a false ment that causes negative harm to the reputation of an individual, business, product or organization (Eff). Under our current judicial system the defamation of a private individual and a public figure are judged differently and require a different burden of proof in order to prevail in court. A public figure is defined as any individual who holds a position of importance in the publics eye and have actively sought a position of influence in public matters such as a politician, government employee or a senator.

There is a special set rules that apply to the prosecution of defamation of public figures. In order for a private citizen such a neighbor or a friend to prove defamation against an individual, they only must prove that the individual acted negligently. The concept of negligence means that a “ reasonable person” would not have made or published the defamatory statement. For a public figure, it is much harder to prove defamation since the accused must show “ actual malice” in their statement.

The plaintiff must prove that the accused published the statements with knowledge that the statements are untrue or in restless disregard of the truth. This makes the prosecution of defamation of a public figures much harder to proof for the plaintiff in a court of law. For a public figure it is important to recognize these differences in the treatment of defamation cases. Although it may not seem fair for public individuals to be treated differently under the law, a public figure by definition has agreed to have their private lifes scrutinized under the public lens as part of their responsibilities as a public official.

References

Eff. org. Online Defamation Law. Retrieved July 15, 20 2014 <https://www.eff.org/issues/bloggers/legal/liability/defamation>