



Roy Baker

DEFAMATION LAW AND SOCIAL ATTITUDES

ORDINARY **Un**REASONABLE PEOPLE



Defamation Law And Social Attitudes Defamation Law And Social Attitudes

Jacqueline Long



Defamation Law And Social Attitudes Defamation Law And Social Attitudes:

Defamation Law and Social Attitudes Roy Baker, 2011-01-01 Because the law of defamation is about reputation and thus necessarily about community and social attitudes Baker's serious empirical analysis of just those community and social attitudes about defamation and about reputation is a novel and important contribution to the literature on libel and slander It will be a useful corrective to the various empirically unsupported assertions that dominate the court cases and the academic literature on the topic Frederick Schauer University of Virginia US This book shines a welcome light on a neglected area of defamation law how juries and judges determine what it means to say a statement is defamatory The author employs well designed empirical research to provide concrete answers and the reform he proposes is sensible and workable The book should be must reading for anyone who seeks to understand how the law does or does not protect reputation especially lawyers and judges who try libel cases David A Anderson University of Texas Law School US When defamation jurors decide whether a statement about someone is defamatory the question for them to answer is whether it would generate disapproval among ordinary reasonable people It has generally been assumed that they answer this question correctly What Roy Baker discovered through empirical research is that this assumption may often be wrong This fascinating and important book sets out his findings alongside a broad ranging and perceptive analysis of the law's approach to defining defamatory Michael Chesterman The University of New South Wales Australia This refreshingly original work is an essential addition to the libraries of all defamation aficionados Through empirical evidence including interviews with judges and practitioners and surveys of the general public Dr Baker convincingly demonstrates the human propensity to overestimate the negative effect that defamatory imputations may have on other people the third person effect The conventional ordinary reasonable person test becomes in practice an ordinary unreasonable person test regrettably lowering the defamation threshold and further curtailing freedom of communication Michael Gillooly The University of Western Australia The common law determines whether a publication is defamatory by considering how ordinary reasonable people would respond to it But how does the law work in practice Who are these ordinary reasonable people and what do they think This book examines the psychology behind how judges juries and lawyers decide what is defamatory Drawing on a thorough examination of case law as well as extensive empirical research including surveys involving over 4 000 members of the general public interviews with judges and legal practitioners and focus groups representing various sections of the community this book concludes that the law reflects fundamental misperceptions about what people think and how they are influenced by the media The result is that the law tends to operate so as to unfairly disadvantage publishers thus contributing to defamation law's infamous chilling effect on free speech This unique and controversial book will appeal to judges defamation law practitioners and scholars in various common law jurisdictions media outlets academics engaged in researching and teaching torts and media law as well as those working within the disciplines of media or communications studies and psychology Anyone concerned with the law's

interaction with public opinion as well as how people interpret the media will find much to interest them in this fascinating study *Reputation, Celebrity and Defamation Law* David Rolph, 2016-04-08 Taking Robert Post's seminal article *The Social Foundations of Reputation and the Constitution* as a starting point this volume examines how the concept of reputation changes to reflect social political economic cultural and technological developments It suggests that the value of a good reputation is not immutable and analyzes the history and doctrines of defamation law in the US and the UK A selection of Australian case studies illustrates different concepts of defamation law and offers insights into their specific nature Drawing on approaches to celebrity in media and cultural studies the author conceptualizes reputation as a media construct and explains how reputation as celebrity is of great contemporary relevance at this point in the history of defamation law

Diverse Voices in Tort Law Kirsty Horsey, 2024-03-26 This captivating book explores uncharted territory in tort law shedding light on underexplored viewpoints in the field The collection brings issues of social class race gender marginalisation vulnerability and harm into conversation with core tort law topics to encourage a more critical examination of the law and its impact on different groups of people Written by experts in the main areas of tort law from negligence to defamation and personal torts chapters will deepen students understanding of the central concepts and practices of tort law uncover the power imbalances and privileges that underpin tort law decisions and their impact on lived experiences amplify under represented voices by signposting to the work and ideas of scholars that are less visible in the field Integrating marginalised perspectives into the curriculum and discourse this indispensable textbook paves the way for a more inclusive and comprehensive understanding of tort law Chapter 9 available open access digitally under CC BY licence *Landmark Cases in Defamation Law* David Rolph, 2019-08-22 *Landmark Cases in Defamation Law* is a diverse and engaging edited collection that brings together eminent scholars from the United Kingdom the United States Australia Canada and New Zealand to analyse cases of enduring significance to defamation law The cases selected have all had a significant impact on defamation law not only in the jurisdiction in which they were decided but internationally Given the formative influence of English defamation law in the United States Australia Canada and New Zealand the focus is predominantly on English cases although decisions of the United States and Australia are also included in the collection The authors all naturally share a common interest in defamation law but bring different expertise and emphasis to their respective chapters Among the authors are specialists in tort law legal history and internet law The cases selected cover all aspects of defamation law including defamatory capacity and meaning practice and procedure defences and remedies *Researching Hate as an Activist* Rachel Keighley, 2024-05-31 This book examines research as activism through a case study of online hate targeting LGBTQ young people It focuses on key issues concerning defining online hate LGBTQ young people's experiences of and the harms of online hate The book introduces the reader to research as activism exploring how academic research has an obligation to be accountable to the communities we serve It presents a reconsideration of researching hate that prioritizes

the knowledge and expertise of community members above the academic researcher Drawing on empirical data the book is a call to action which argues for a moral and personal duty to address social injustices using our privilege as academics Research as activism requires you to go beyond the four walls of your university to actively respond to socio political injustices Thus the book discusses how researchers can use their academic tools for change It speaks to academics students and practitioners interested in LGBTQ identities hate studies online safety and research as activism *Free speech bibliography, including every discovered attitude toward the problem, covering every method of transmitting ideas and of abridging their promulgation upon every subject-matter* Theodore Albert Schroeder,1922 **Claudian's In Eutropium** Jacqueline Long,2000-11-09 From A D 395 to 404 Claudian was the court poet of the Western Roman Empire ruled by Honorius In 399 the eunuch Eutropius the grand chamberlain and power behind the Eastern Roman throne of Honorius s brother Arcadius became consul The poem In Eutropium is Claudian s brilliantly nasty response In it he vilifies Eutropius and calls on Honorius s general Stilicho to redeem this disgrace to Roman honor In this literary and historical study Jacqueline Long argues that the poem was in both intent and effect political propaganda Claudian exploited traditional prejudices against eunuchs to make Eutropius appear ludicrously alien to the ideals of Roman greatness Long sets In Eutropium within the context of Greek and Roman political vituperation and satire from the classical to the late antique period In addition she demonstrates that the poem is an invaluable if biased source of historical information about Eutropius s career Her analysis draws on modern propaganda theory and on reader response theory thereby bringing a fresh perspective to the political implications of Claudian s work Originally published in 1996 A UNC Press Enduring Edition UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print These editions are published unaltered from the original and are presented in affordable paperback formats bringing readers both historical and cultural value [The State of Asian Communication Research and Directions for the 21st Century](#) Ran Wei,2018-12-07 The 21st century has been called the Asian Century by Eastern and Western academics largely due to the economic and cultural rise of China and India This volume explores both what this means for communication research and the implications of Asia s rising global power for communication scholars in Asia and from around the world Hot topics and emerging trends are explored encapsulating the new opportunities as well as the challenges for Asian communication scholars Asia represents diverse cultural economic social and political systems that shape different media systems in various countries with fertile contexts for communication research The scope of the chapters in this book includes mass communications mobile technology intercultural and political communication news and entertainment health communication public relations and comparative analyses of mainstream mass communication theories The articles in this book were originally published in the Asian Journal of Communication **Emerging Trends in Learning Analytics** ,2019-05-07 The term learning analytics is defined as the measurement collection analysis and reporting of information about

learners and their contexts for the purposes of understanding and optimizing learning In recent years learning analytics has emerged as a promising area of research that trails the digital footprint of the learners and extracts useful knowledge from educational databases to understand students progress and success With the availability of an increased amount of data potential benefits of learning analytics can be far reaching to all stakeholders in education including students teachers leaders and policymakers Educators firmly believe that if properly harnessed learning analytics will be an indispensable tool to enhance the teaching learning process narrow the achievement gap and improve the quality of education Many investigations have been carried out and disseminated in the literature and studies related to learning analytics are growing exponentially This book documents recent attempts to conduct systematic prodigious and multidisciplinary research in learning analytics and present their findings and identify areas for further research and development The book also unveils the distinguished and exemplary works by educators and researchers in the field highlighting the current trends privacy and ethical issues creative and unique approaches innovative methods frameworks and theoretical and practical aspects of learning analytics Contributors are Arif Altun Alexander Amigud Dongwook An Mirella Atherton Robert Carpenter Martin Ebner John Fritz Yoshiko Goda Yasemin Gulbahar Junko Handa Dirk Ifenthaler Yumi Ishige Il Hyun Jo Kosuke Kaneko Selcan Kilis Daniel Klasen Mehmet Koko Shin ichi Konomi Philipp Leitner ChengLu Li Min Liu Karin Maier Misato Oi Fumiya Okubo Xin Pan Zilong Pan Clara Schumacher Yi Shi Atsushi Shimada Yuta Taniguchi Masanori Yamada and Wenting Zou

Indigenous Intellectual Property Matthew Rimmer, 2015-12-18 Taking an interdisciplinary approach unmatched by any other book on this topic this thoughtful Handbook considers the international struggle to provide for proper and just protection of Indigenous intellectual property IP In light of the United Nations Declaration on the Rights of Indigenous Peoples 2007 expert contributors assess the legal and policy controversies over Indigenous knowledge in the fields of international law copyright law trademark law patent law trade secrets law and cultural heritage The overarching discussion examines national developments in Indigenous IP in the United States Canada South Africa the European Union Australia New Zealand and Indonesia The Handbook provides a comprehensive overview of the historical origins of conflict over Indigenous knowledge and examines new challenges to Indigenous IP from emerging developments in information technology biotechnology and climate change Practitioners and scholars in the field of IP will learn a great deal from this Handbook about the issues and challenges that surround just protection of a variety of forms of IP for Indigenous communities

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