

DEFAMATION CASES

DEFAMATION: The Defamation Act 1963		Defamation Act (1963)
AREA	CASE	FACTS
Defamation	Sim v Stretch	Def ± A statement which tends to: I. Lower P in the estimation of right thinking members of society II. Expose P to hatred, contempt, or ridicule III. Cause other person to shun or avoid P IV. Damage P's financial credit
Ordinary/right thinking man	Byrne v Dean	A private golf-club with an illegal slot-machine in its bar was raided by the police; shortly afterwards, an anonymous poem appeared on a notice board, alleging that P had tipped off the police. P sued the club's proprietors (who had left the poem in place) for libel, but the Court of Appeal said there was nothing capable of being defamatory. <u>Right-thinking people</u> , said the Court, would applaud rather than condemn a man who informed the police that a crime was being committed. Lord Atkin's "the ordinary citizen is neither unusually suspicious nor usually naïve, and he does not always interpret the meaning of words as would a lawyer."
	Lewis v Daily Telegraph	A newspaper reported that the Fraud Squad were investigating the affairs of a company, and the company chairman sued for libel by the implication that he was guilty of fraud. HELD: By majority decisions in both the Court of Appeal and the House of Lords, it was held that the words in the report were not capable of bearing the meaning alleged: <u>to say that someone is suspected of being fraudulent is not the same as saying that they are fraudulent, and the jury are not entitled to infer the second as a meaning of the first.</u>

Select Cases On Defamation To 1600 Volume 101 1985

Marjorie Keniston McIntosh



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Reputation and Defamation Lawrence McNamara, 2007-12-13 The proposition that the tort of defamation protects reputation has long been axiomatic in the law The axiom's endurance is surprising it has long been observed that the law is riddled with inconsistencies and moreover the courts and the scholarly literature have rarely discussed exactly what reputation is and how judgments about reputation are made Reputation and Defamation develops a theory of reputation and uses it to analyse evaluate and propose a revision of the law It is the first book to present a comprehensive study of what reputation is how it functions and how it is and should be protected under the law Reputation it argues is best understood in terms of the moral judgments a community makes about its members Viewed in this way it becomes apparent contrary to the legal orthodoxy that defamation law did not really aim and function to protect reputation until the early nineteenth century Unfortunately the modern common law has not paid sufficient attention to either the nature of reputation or the historical relationship between reputation and defamation Consequently the tests for what is defamatory do not always protect reputation adequately or appropriately The shun and avoid and ridicule tests have developed so that a publication may be actionable even where it does not tend to prompt a negative moral judgment of the plaintiff These tests should be discarded The principal lowering the estimation test however is for the most part appropriately geared to the protection of reputation Importantly the scope of legal protection has been limited Words will only be actionable if they tend to make right thinking people think the less of the plaintiff The values of Christian tradition and Victorian moralism which became embedded in the concept of the right thinking person are problematic in the current era of moral diversity A revised legal framework is proposed It retains the principal test but re-thinks how and why different criteria for moral judgment should or should not be recognised when courts determine whether an attack on reputation will be actionable as defamation It is argued that the right thinking person should be associated with an inclusive liberal premise of equal moral worth and a shared commitment to moral diversity The proposed framework demands that when courts recognise values at odds with that premise then such recognition must be justified on sound and expressly stated ethical grounds That demand serves to protect reputation appropriately and effectively in an age of moral diversity

Controlling Misbehavior in England, 1370-1600 Marjorie Keniston McIntosh, 2002-06-20 In this important study Professor McIntosh argues against the suggestion that social regulation was a distinctive feature of the decades around 1600 resulting from Puritanism Instead through an examination of 255 village and small town communities distributed throughout England Professor McIntosh demonstrates that concern with wrongdoing mounted gradually between 1370 and 1600 In an attempt to maintain good order and enforce ethical conduct local leaders prosecuted people who slandered or quarrelled with their neighbours engaged in sexual misdeeds operated unruly alehouses or refused to work Professor McIntosh also explores who the offenders were as well as the factors that led to misbehaviour and shaped responses to it More generally Professor McIntosh sheds light on the transition from medieval to

early modern patterns and succeeds here in opening up little known sources and new research methods

The Beginning of Boxing in Britain, 1300-1700 Arly Allen, 2020-09-25 Many books have discussed boxing in the ancient world but this is the first to describe how boxing was reborn in the modern world Modern boxing began in the Middle Ages in England as a criminal activity It then became a sport supported by the kings and aristocracy Later it was again outlawed and only in the 20th century has it become a sport popular around the world This book describes how modern boxing began in England as an outgrowth of the native English sense of fair play It demonstrates that boxing was the common man's alternative to the sword duel of honor and argues that boxing and fair play helped Englishmen avoid the revolutions common to France Italy and Germany during the eighteenth nineteenth and twentieth centuries English enthusiasm for boxing largely drove out the pistol and sword duels from English society And although boxing remains a brutal sport it has made England one of the safest countries in the world It also examines how the rituals of boxing developed the meaning of the parade to the ring the meaning of the ring itself why only two men fight at one time why the fighters shake hands before each fight why a boxing match is called a prizefight and why a knock down does not end the bout Its sources include material from medieval manuscripts and its notes and bibliography are extensive

Law and Legal Consciousness in Medieval Scotland Hector L. MacQueen, 2023-10-20 This book explores the rise of a Scottish common law from the twelfth century on despite the absence until around 1500 of a secular legal profession Key stimuli were the activity of church courts and canon lawyers in Scotland coupled with the example provided by neighbouring England's common law The laity's legal consciousness arose from exposure to law by way of constant participation in legal processes in court and daily transactions This experience enabled some to become judges pleaders in court and transactional lawyers and lay the foundations for an emergent professional group by the end of the medieval period

Fama Thelma Fenster, Daniel Lord Smail, 2018-08-06 In medieval Europe the word fama denoted both talk what was commonly said about a person or event and an individual's ensuing reputation one's fama Although talk by others was no doubt often feared it was also valued and even cultivated as a vehicle for shaping one's status People had to think about how to manage their fama which played an essential role in the medieval culture of appearances At the same time however institutions such as law courts and the church alarmed by the power of talk sought increasingly to regulate it Christian moral discourse literary and visual representation juristic manuals and court records reflected concern about talk This book's authors consider how talk was created and entered into memory They address such topics as fama's relation to secular law and the preoccupations of the church its impact on women's lives and its capacity to shape the concept of literary authorship

Law in Common Tom Johnson, 2020 Law in Common draws on a large body of unpublished archival material from local archives and libraries across the country to show how ordinary people in the later Middle Ages such as peasants craftsmen and townspeople used law in their everyday lives developing our understanding of the operation of late medieval society and politics

Medieval Canon Law James A Brundage, 2014-06-11 It is impossible to

understand how the medieval church functioned and in turn influenced and controlled the lay world within its care without understanding the development character and impact of canon law its own distinctive law code However important this can seem a daunting subject to non specialists They have long needed an attractive but authoritative introduction avoiding arid technicalities and setting the subject in its widest context James Brundage s marvellously fluent and accessible book is the perfect answer it will be warmly welcomed by medievalists and students of ecclesiastical and legal history [The Penn Commentary on Piers Plowman, Volume 1](#) Andrew Galloway,2011-06-07 No detailed description available for The Penn Commentary on Piers Plowman Volume 1 *Carnal Knowledge* Martin Ingram,2017-03-23 How was the law used to control sex in Tudor England What were the differences between secular and religious practice This major study based on a wide range of church and secular court archives explores sexual regulation in London and provincial England before during and immediately after the Reformation *Law and Theology in the Middle Ages* G.R. Evans,2012-11-12 An unrivalled introduction to a fascinating subject Law and Theology in the Middle Ages explores the relationship between law and theology in medieval Europe Focusing on legal and theological responses to justice mercy fairness and sin this text examines the tension between ecclesiastical and secular authority in medieval Europe illustrating areas of dispute in a clear and accessible way

Whispering the Secrets of Language: An Emotional Quest through **Select Cases On Defamation To 1600 Volume 101 1985**

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