A ABSOLUTE PRIVILEGE executive basis of privilege 159-160 nature of communication 161-162 officials protected 160-161 judicial	prepared for filing with court 186-188 gratuitous comments 185 initiation of proceedings 192-193 investigations 193-195 outside court 186 pretrial proceedings 186
basis of privilege 165-166 judicial attributes 167-171 motive and intent, relevancy of 166-167 occasion of privilege 166 persons protected counsel 175-178 judges 171-173 jurors 183 parties 173-175	ACTIO PERSONALIS MORITUR CUM PERSONA rule of 123 ACTION defending 28 parties to 127-138 requirements of 27 ACTUAL MALICE. See MALICE
witnesses 178-182 legislative and parliamentary basis of privilege 162 Bill of Rights 162 committee hearings 163 exceeding privilege 164 personal affairs 164 reports of proceedings 164 scope of privilege 163-164 quasi judicial bodies 170-171 recipient, interest of 196-197 relevancy, requirement of 195-196 scope of privilege actions in contemplation of litigation 190-192 communications outside of privilege 195-197 conference and interviews 188-190 court proceedings 184 discovery 186 documents and material filed with court 186-188 issued by, court 188 prepared but not filed with court	absolute privilege in judicial proceeding 174, 176, 181, 187 reports, protected as 252 AGENTS corporations, liability for acts of 133-134 executor of estate 113 malice of 411 publication by 101 to 92 AGGRAVATED DAMAGES. See DAMAGES AMENDS offer of 362 ANIMALS defamation by association with 41 ANIMUS INJURIANDI liability, basis for 28 APOLOGY and RETRACTION aggravation of damages, absence of as

mitigation of damages 346-348 punitive damages, effect on 365, 369 request for in statutory protected report 255 statutory limitations on damages 362 suitability of 338-340, 347

ARBITRATION

defamation, exclusive remedy for 138 judicial proceeding, as 170-171

ARREST

report of as slander per se 20

ARTISTIC ENDEAVORS

public interest and concern constitutional privilege (United States) 451 fair comment 286

ASSOCIATIONS

defendants, as 134-135 plaintiffs, as 127-129 professional, qualified privilege for 219-220 reports of as privileged 261, 262

ATTORNEYS. See LAWYERS

AUTHORS

constitutional protection as media defendants 442 fair comment, subjects of 286 fictional names, use of 75 liability, criteria for 78-79 privileged sources, reliance upon 421-422

В

BANE and ANTIDOTE

rule of construction 55

BARRISTER. See LAWYERS

BELIEF

association with, defamation by 41 damages, effect on aggravation of 333 mitigation of 357 fair comment, effect on 150 justification, as 147-149 malice, effect on 299-300 meaning of words, as affecting 64-65

publication 97 religious, immunity for 135

BENCHERS. See LAWYERS

BIAS

fair comment, effect on fairness 278

BILL OF RIGHTS

parliamentary privilege 162

BLASPHEMY

privileged reports, effect on 254, 258, 261

BOOKS

defamatory meaning 77-79 constitutional protection of author and publisher 442

BRIEFS and FACTUMS

judicial immpunity of 176, 186 report privilege 252

BROADCASTERS. See MEDIA

BROADCASTS

libel or slander, treatment as 14

BURDEN OF PROOF

actual malice (constitutional) 430-431 truth common law 154 constitutional defamation 154

BUSINESS

defendant, as 134 plaintiff, as 124-126 qualified privilege for 213, 215, 218-219 reputation defamtion of 33 slander of 17-19

\mathbf{C}

CANDIDATES

public figure, as 398 public official, as 391

CARICATURE

libel, as 13

CARTOONS

defamatory imputation by way of 72-73 meaning 73

identification of plaintiff 88 libel, as 13 opinion, as 72, 271, 471

CAUSATION special damages 25

CAUSE OF ACTION. See ACTION

CHARACTER

defined 6

reputation distinguished 6-7

CHARTER OF RIGHTS

defamation, effect on 226, 231

CHASTITY

imputation of unchastity 23-24

CHURCHES and TEMPLES

defendants, as 135

privileged communications within 135, 220

CITRUS FRUITS

defamation by association with 40

CLASS

defamation of 89-94

CLIENTS

privileged communications with lawyer 190

COLLECTIVE BARGAINING

defamation action, effect on 138-139 privileged communications 222

COLLEGES. See SCHOOLS

COLLOQUIALISMS

imputations by way of 40

COLOUR

imputation by association with 40

COMIC STRIP

defamatory meaning of 71-72

COMMENT and OPINION. See also FAIR COMMENT

constitutional protection for 453-480 facts and opinions distinguished 459-461, 464-480 reform proposal 493-494 scope of protection 457-459

tests for protection of 461-463

COMMUNICATIONS MEDIA. See MEDIA

COMPANIES

actual malice, vicarious liability for 431-432

corporate activities as public controversy 406

defendant, as 133-134 plaintiff, as 123-127 publication within 113-115 qualified privilege for 218-219

COMPELLED

SELF-PUBLICATION. See **PUBLICATION**

COMPENSATORY DAMAGES. See DAMAGES

COMPLAINTS

legal proceedings, absolute privilege for initiating 192-193

COMPUTERS and INTERNET

communications Decency Act 119-120 defamatory meaning 79-80 hyperlinks 120 innocent dissemination rule 120 libel or slander, treatment as 13, 14-15 publication

place of 110

way of, by 100, 119-120

CONCILIATION

judicial proceedings, as 170

CONFIDENTIAL INFORMATION

sources of, inquiries into 432-434

CONSENT

defence, as 155
exceeding terms of 157
exculpatory clauses 156
express and implied 155-157
nature of 155-157
polygraph test 157
privileged statement, challenge to 156

CONSTITUTIONAL DEFAMATION (UNITED STATES)

actual malice

burden of proof 430-431	assessments and evaluations
common law malice distinguished 411	472-473
defined 410-415	audience, nature of 474-475
factors in determining	cautionary language, effect of
denials by plaintiff 424	476-477
electronic delay systems 425-426	character of publisher 473
informants and sources, reliability of 420-423	meaning, precision of 480-481 publication
investigation and verification	medium of 466-468
417-420	nature of 297
language of publication 428-430	rhetorical hyperbole 475-476
objectivity 423-424	tests 461-463
retractions and corrections 428	verifiability 478-479
subjective state of mind 426-427	mixed and pure 462-463
fiction 415	scope of constitutional protection
negligence, relevance of 414-415	453-456, 457-458
quotes, alteration of 430	private parties
recklessness 413	actual malice 447, 450
test for 411	negligence 449-450
vicarious liability 431-432	strict Iliability 448
appellate review 481-482	public figure
common law, impact on	categories
damages 485	all purpose
defamation by implication and	achievements 397
inference 484-485	defined 399-400
liability 28, 484	examples of 398
malice 435-486	fame 396-397
qualified privilege 485	local figures 297
truth, burden of proof 485	persons identified with 398
confidential sources, protection of	status, loss of 397
432-434	limited purpose
editorial processes, inquiry into 432	defined 399-400
historical development 386-388	media access 401
media defendants	plaintiff's role in controversy
damages 445-447	400-401
liability, nature of	public controversy
generally 435-438	business affairs 406
actual malice 439	corporate activity 406
gross irresponsibility 441	criminal offences 406-407
negligence 439-440	defined 399, 403-405
professional standard of care	education 408
440-441	foreign activities 408
neutral reports 443-445	governmental affairs 408-409
publisher defined 441-442	interest of public 406
opinions, expressions of	judicial proceedings 405-406
basis and justification of rule 456-457	nature of 403-405
fact and opinion distinguished	newsworthiness 404
generally 459-461, 464-466	non-participating public,
	relevance of 404-405

public health 409	D
publicity attending publication	DAMAGES
405	aggravating circumstances
religion 409	generally 331
social agitation 407-408	
sporting events 409-410	apology and retraction, absence of 337-340
union affairs 409	
scope of criticism 410	audience, size of 343-344 conduct of defendant 322-335
test for 401	
voluntariness 402-403	defamatory imputation, nature of 342-343
public interest and concern, matters of 450-453	influence and standing of defendant 340-341
public official	investigate, failure to 335
criticism, nature and character of 393	malice 334
defined 390-391	motive 332-335
factors in determining 390-391	publication, manner and timing of 345
justification of rule 388-393	repetition and republication 335-337
officials falling within rule 391-393	reputation of plaintiff 341-342
status, effect of loss of 390-391	trial condct 332-334
summary judgment 482-484	appellate review
CONSTRUCTION and	compensatory 371-374
INTERPRETATION	punitive 374-375
context and circumstances, relevance of	constitutional restrictions (U.S.)
54-59	generally 385
intent, understanding and belief 63-64	libel proof doctrine 407
rules of 47-52	media defendants 435
CONTEXTUAL TRUTH. See	presumed 435, 485-486
TRUTH	punitive 435, 485-486
IKUIII	heads of
CONTROVERSY	aggravated
public, constitutional significance of	basis for 329
405-410	compensatory character of 329
CORPORATIONS. See COMPANIES	critcism of 330
CORPORATIONS, See COMPANIES	defined 328
CORRECTION	punitive damages distinguished 329
constitutional actual malice, absence of	quantification of 328-330
428	compensatory
COURTS	general
common law 11	defined 324-325
ecclesiastical and spiritual 11	mental pain and suffering
quasi-judicial 167-171	209-210
royal 11	presumption 324-325
star chamber 12	reputation, loss of 325
star chamber 12	punitive
CRIMES	aggravated damages
report of,	distinguished 329, 363
absolute privilege 194-195	appellate review 374-375
qualified privilege 212, 224-225	basis for 365-369
slander per se, imputation as 19-22	

compensatory damages distinguished 363 intent and motive, importance of 366-368 multiple defendants 370 purpose of 236 quantification of 369 special defined 325 election, loss of 327-328 physical health, injury to 328 pleading of 209 proof of 211 slander 24-25 types of 210 libel proof doctrine 229-230 measure of 319-321 mitigating circumstances amends, offer of 362 apology and retraction 346-348 contemporary publications by others 358-361 defendant, character and condition of 361 incremental harm doctrine 355 insanity 361 intent and motive, innocence of 357-358 intoxication 346 isolation, principle of 360-361 libel proof doctrine 354-355 limitation of 346 provocation 348-350 publication of proceedings 361-362 reputation of plaintiff 350-355 statutory provisions 360, 362 truth, partial 355-356 understanding and belief of recipients 362 physical health and injury, award for 328 presumptive 321 purpose of 319-320	implications defamation by 51 restrictions on 50, 484-485 imputation manner and form of 35-45 nature of 31-34 meaning audience, nature of 61-63 bane and antidote rule 55 belief, effect of 64 books 77-79 community values 52-54 construction, rules of 47-52 context and circumstances 54-59 innocent construction 52 innuendo 65-67 intent, effect of 63-64 internet 79-89 legal analysis 59-60 newspapers and magazines 68-73 reasonable person test 59-63 right thinking persons 30 television, radio and motion pictures 73-77 understanding, effect of 64-65 DEFENCES generally 28, 143-144 absolute privilege executive 159-162 judicial 164-197 parliamentary 162-164 consent 155-157 fair comment 265-291 justification 145-154 qualified privilege 199-233 reports 235-263 DEFENDANTS. See PARTIES DEFINITIONS character 6-7 libel 12-17
presumptive 321	character 6-7 libel 12-17
	malice
DEFAMATION association, by 40-41	common law express 293-294
defined 29-30	legal 293-284
libel and slander distinguished 12-17	constitutional actual 294-295, 410-415
reform proposals 489-494	reputation 6-7
DEFAMATORY	slander 12-17
DELIMINE ORI	

DISCOVERY

examination for, absolute privileg of 186 report privilege 252

DISEASE

imputation of as slander per se 22-23

DISTRIBUTORS

constitutional protection for 442 innocent disseminastion rule 117-118

DOCUMENTS

consent, exculpatory 156 construction of 58 judicial immunity 186-188 report privilege 252-254, 258-259, 262

DRAMATIC PANTOMIME

publication by way of 44, 99

 \mathbf{E}

ECCLESIASTICAL AND SPIRITUAL COURTS. See COURTS

EDITOR

constitutional protection for 442 publisher, liability as 117-118

EDITORIAL

fair comment, as 271 process, inquiries into 432

EDUCATION

public interest, as matter of 285

EFFIGIES

libel, as 13

ELECTION

loss of as special damages 327-328

EMPLOYEE

communication within company as publication 114-115
compelled self publication, doctrine of 106-107
government, as public official 390, 391
imputation against as defamation of company 125
loss of as special damages 327
publication to 97
qualified privilege 218

EMPLOYER

absolute privilege 195 character references 217 qualified privilege 213, 217, 218-219 vicarious liability 101, 431-432

EMPLOYMENT

discharge
compelled self publication 106-107
qualified privilege 219
imputations against as slander per se
17-19
proof of loss of 327

ENTERTAINERS

public figures, as 398

EVIDENCE

absolute privilege 119, 121, 123
constitutional actual malice 416-430
damages
aggravated 329-330
compensatory
aggravation of 331-345
mitigation of 346-363
punitive 365-369
special 327-328
emotional distress 325-326
express malice
extrinsic 311-315
intrinsic 307-310

EXCULPATORY CLAUSE

consent, as 156

EXEMPLARY DAMAGES. See **DAMAGES**

 \mathbf{F}

FACTS

fair comment, identification for 272-277 opinion distinguished 269-271, 450-461

FAIR COMMENT

basis of 265-268
comment
basis for 274-275
cartoons 271
cautionary terms 271
constitutional protection 453-481
defined 270
factors in determining 270-272

FORECASTS AND ASSESSMENTS opinions, as 473 FOREIGN judicial proceedings, report of 249 jurisdiction, publication in 110-111 language, defamation by way of 96 FREEDOM OF SPEECH AND PRESS accommodating and balancing 7-8 constitutional protection for 386-387 reputation, relationship to 8 G GEOGRAPHIC LOCATION defamation by association with 41	GROUP DEFAMATION identification of individuals 89-94 H HEADLINES defamatory meaning of 70-71 report of, as privileged 246 HONESTY OF BELIEF constitutionally expressed opinions, as affecting 458 damages aggravation of, as affecting 333 mitigation of, as affecting 148-149 fair comment, as affecting 267, 282-283 justification, as affecting 148-149 meaning of words, as affecting 64
FILM. See MOTION PICTURES	GRIEVANCE absolute privilege for 186-187
existence of, necessity for 272-278 identification of 272-277 literary or artistic words 273 privileged information, comment on 277 truth of 276 fairness criticism, severity of 277-282 facts, truth of 276 honesty 282-283 objectiveness 283 personal attacks 283-284 malice 288-290 private affairs 288 public interest, matters of 284-288 requirements of 268 scope of 266-269 FAX publication by way of 112 FICTION books 78-79 identification of plaintiff 75, 87-88 liability for 75 opinion, as 472	proceedings 126 damages aggravation 333 mitigation 362 fair comment 282-283 liability, effect on 64 malice 299 qualified privilege 200 report privilege accuracy, effect on 243 statutory provisions 262 GOVERNMENT officials absolute privilege for 159-162 constitutional restrictions on defamation 388-393 qualified privilege for 223-225 parties, as defendant 135-136 plaintiff 129-130 public interest, as matter of 285 report of 259-260 unconstitutional actions, punitive damages for 364
facts distinguished 269-271 relevance of 287-288 evaluation of 290-291 facts comment, distinguished from 269-271	GESTURES defamatory meaning 56, 74 slander, treatment as 15 GOOD FAITH absolute privilege for contemplated

qualified privilege, as affecting 202, 204

HOSPITALS

privileged communications within 219

HOT NEWS

constitutional actual malice 419-420

HUMOUR

defamatory, as 43

HUSBAND and WIFE. See SPOUSES

HYPERLINKS

liability for 129

I

IDENTIFICATION

class, persons within 89-94 factors in determining 83 fiction 87-89 intent, relevance of 85-87 necessity for 81 test of 82-85, 92-93

ILL WILL

malice

common law express malice, as 296 constitutional actual malice, as 412

INCREMENTAL HARM DOCTRINE

described 355

INJUNCTIONS

common law tort injunctions, relationship to 377-378 issuance of, test for 378-381 justification, proof of 380 privileges, existence of 380-381

INNOCENT DISSEMINATION RULE. See also PUBLICATION

publishers, liability for 117-118

INNUENDO

generally 65 types of false 67 true 66

INSINUATION

defamation by way of constitutional restrictions on 484

liability for 35 justification of 150

INSULT

defamatory imputations by way of 34

INTENSITY OF SUSPICION

identification of persons within class 92-93

INTENT

defamatory meaning, relevance to 63-64 identification, relevance of 85-87

INTERNET. See COMPUTERS and INTERNET

INTERROGATORIES. See DISCOVERY

INVESTIGATION

common law malice, relevance to 313-314 constitutional actual malice, relevance 417-420 mitigation of damages 358 qualified privilege 215, 219, 225

J

JOINT LIABILITY

malice, imputing 316

JUDGES

absolute privilege for 171-173 reports of as privileged 236-237, 250, 262

JUDICIAL PROCEEDINGS

absolute privilege for 164-197 attributes 167-171 public controversy, matter of 405-406

JURY

absolute privilege for 183

JUSTICE

administration of as matter of public interest 285

JUSTIFICATION. See TRUTH

K

KNOWLEDGE

constitutional actual malice, as affecting 413 express malice, as affecting 300-302 innuendo, as affecting 66 L	LITIGATION absolute privilege for contemplation of 190-192 initiating 183, 185, 192-193 damages for conduct of 329, 332-335 summary disposal of 482-484
LAW ENFORCEMENT absolute privilege, information given to 193-195 qualified privilege, information given to 213, 224-225 public concern, matter of 452 public officials, as 392 LAWYERS absolute privilege for 175-178, 183, 186,	M MAGAZINES defamatory meaning 68-73 liability, constitutional restrictions on 435-437 publication, place of 110 single publication rule 116-117 MAIL
188-190 conduct of as public controversy 405-406 LEGISLATIVE and	publication by way of 111-112 MALICE belief, lack of 299-302 common law 292-316
PARLIAMENTARY PROCEEDINGS absolute privilege for statements within 162-164	constitutional actual malice (U.S.) 294-295, 303-304, 410-434 damages, as affecting 334-335 evidence extrinsic
reports of as privileged 255-258 LETTERS publication by way of 111-112 LIABILITY	anger 312 apology, absence of 315 ill will, previous 311-312 investigation, lack of 313-314 justification, plea and proof of
animus injurandi 28 constitutional restrictions on 385-486 internet 119-120 libel proof doctrine 354-355, 407 publication 27, 102 reform proposal 489-491 strict 27	314-315 other defamatory statements 313 relationship of plaintiff and defendant 311-312 republication and repetition 312-313 intrinsic
LIBEL communications as 13-14 history 11-12 slander, distinguished 12-17	information, unnecessary or irrelevant 311-312 language, exaggeration of 307-309 factual 293 fair comment 288-290
LIBEL PER QUOD 17 LIBEL PROOF DOCTRINE 354-355, 407	honest belief, as affecting 299-300 joint liability 316 knowing falsity 300-302 legal 293
LITERARY CRITICISM fair comment 273 opinion, as 467-468	motive improper 295-297 predominant 297-299

negligence 304-306 presumptive 293-294 privileged occasions, as affecting 293-294 recklessness 302-304 report privilege 238-240 state of mind 295 wilful or wanton misconduct 303

MAYOR

absolute privilege for 161 public official, as 391

MEANING OF WORDS. See DEFAMATORY

MEDIA

book publishers and authors 77-79 constitutional protection 435-447 magazines 68-73 motion pictures 76-76 newspapers 68-73 radio 76-77 single publication rule 116-117 television 73-75 vicarious liability 137-138

MERCANTILE CREDIT AGENCY

qualified privilege for 222-223

MILITARY

officials, absolute privilege for 161

MIME

defamation by way of 36

MITIGATION OF DAMAGES. See DAMAGES

MITIORI SENSU 52

MOTION PICTURES

defamatory sense, understanding in 75-76 libel, treatment as 14

MOTIONS

interlocutory, absolute privilege 187 summary judgment, encouragement of 482-483

MOTIVE

absolute privilege, relevance of 159

constitutional actual malice, effect on 411-412 damages aggravation of 332-335 mitigation of 357-358 punitive, effect on 366-367 fair comment, effect on 283, 289 justification, as affected by 148-149 malice defined 295-299 qualified privilege, effect on 209

MOVIES. See **MOTION PICTURES**

MUNICIPALITIES

absolute legislative privilege of officials 163 qualified privilege 224 reports of 262

N

NEGLIGENCE

constitutional defamation (U.S.)
actual malice, effect on 414-415
media defendants, test of liability
437-441
private parties, test of liability
449-450
defamatory charge of 33
imputation of single act of 19
innocent dissemination rule, as affecting
118
malice 304-306
publication, liability for 27

NEUTRAL REPORTING. See also REPORTAGE RULE

privilege of 443-445

NEWSPAPERS

cartoons 72-73
comic strips 71-72
constitutional protection for 435-447
damages, mitigation of 362-363
defamatory meaning 68-73
editorial process, inquiries into 432
fair report privilege, statutory 254-255, 258
headlines 70-71
single publication rule 116-117
vicarious liability for actual malice 431-432

0	POLITICAL PARTY
OPINIONS. See COMMENT and	actions by 138
OPINIONS	POLYGRAPH TEST consent, defence of 157
OPITICAL ILLUSION	
defamation by way of 36	PRESUMPTIONS
P	animus injuriandi 28 constitutional restrictions 435, 445
PARLIAMENTARY COMMUNICATIONS. See	damages 321, 324-325, 326-327, 341-342
ABSOLUTE PRIVILEGE	fair comment, honest expression 282
absolute judicial privilege for 173-175 deceased persons 122-123 defendants associations, unincorporated 134-135 corporations 133-134 governmental bodies 135-136 partnerships 135 religious bodies 135 trade unions 134-135 plaintiffs associations, unincorporated generally 127 governmental bodies 129-130 partnerships 128-129 political bodies 128 religious bodies 128 religious bodies 128, 131-133 corporations non-trading 126-127 trading 123-126 individuals 121-123	falsity 154 foreign law country, similarity of law 110-111 language, understaning of 96 malice 293 publication by way of postcard and envelope 111 reputation 341-342 PRETRIAL PROCEEDINGS. See ABSOLUTE PRIVILEGE PROBATE absolute privilege of 113 defamation by way of 113 PROFESSIONALS organization, qualified privilege for 219-220 slander of 17-18 PROVOCATION defence, as 348 mitigation of damages 348-350
vicarious liability 136-137	PUBLIC CONCERN
PARTNERS AND PARTNERSHIPS	matters of defined 450-453
defendants, as 135	
plaintiffs, as 128-129	PUBLIC FIGURES constitutional restrictions on
PETITIONS absolute privilege for 186	all purpose public figure 396-398, 410 generally 393-395
PHOTOGRAPHS	limited purpose public figure 399-410
defamation meaning of 71	fair comment on 286287
PHYSICIANS AND SURGEONS college of as party plaintiff 127 qualified privilege for 219-220 PLEADINGS	PUBLIC HEALTH AND SAFETY matter of public interest, as 285-452 qualified privilege for communications on 224
absolute privilege for 174, 176, 186 report of 252-254	PUBLIC INTEREST constitutional significance 450-453

fair comment, matters of 284-288 justification restriction on 146-147 qualified privilege for matters of	character references 136-137 classification of privileges 211 duty to communication information
223-225	legal 207 moral or social 208
responsible communications on 231-233 PUBLIC OFFICIALS fair comment 287 qualified privilege for 224	effect of privilege 202 family relationships 216-217, 220 interests protected common 217-223
PUBLICATION	personal and private 212-215
bylateral nature of 96	public 223-225
compelled self-publication 106-107	third person 215-217
computer and internet 100, 110, 119-120 corporations and companies, publication within 113-115	intra-corporate communications 218-219 labour disputes 222 law enforcement officials,
defined 95-97	communications to 213, 224-225
family communications 98	loss of 209
fax 112	mercantile credit agencies 222-223
foreign language 96	municipal councils 224
innocent dissemination rule 117-118	occasion, importance of 203-205
manner of 99-100	public interest and concern, specifial
media	privileges for
responsible parties of 117-118	Australia 226-228
single publication rule 117-118	Canada 231-233
place of 110-111	England 229-230
plaintiff, by 105-107	New Zealand 228
postal delivery, by 111-112	South Africa 230-231
recipient	United States 385-486
belief of 97	public officials
understanding of 96, 99	communications
requirement of 95	by 221-224 to 224-225
repetition, responsibility for 107-109	officious intermeddlers 216
reportage rule 109	recipients of informtion 210
republication, liability for 102-105 silence as 101	relevancy of information 210
vicarious liability 101	religious disputes 221
wills 113	self defence 214-215
	volunteered information 216
PUBLISHER	
constitutional restrictions 435-447	QUESTIONS
damages asgainst, restrictions on 362-363, 445-447	defamation by way of 38 QUOTES BY FAMOUS AUTHORS
PUNITIVE DAMAGES. See	Houseman, A.E. 56
DAMAGES	Pope, Alexander 36-37
Q	Shakespeare, William Cymbeline 4
QUALIFIED PRIVILEGE	Othello 6
basis of privilege 200-201	Richard II 6 Swift, Jonathan 91

R

judicial

R	abridgment and summaries 247-248
RACIAL MISIDENTIFICATION defamatory, as 41	accuracy 241-243 attribution of report, necessity for 240 basis for 236-237 documents and exhibits 252-253 extraneous matters 250-251
RADIO. See also MEDIA defamatory meaning, rules of 76-77	
RATINGS AND ASSESSMENTS opinions, as 472-473	fairness 241, 243-246 falsity, knowledge of 239, 243 headlines 246
REASONABLE PERSON 59-63	impartiality, necessity of 244
RECKLESSNESS constitutional restrictions actual malice defined 410-415 liability 355 punitive damages 365 fair comment 289 judicial report privilege 239 malice, as common law express 302-304 constitutional actual 410-415 punitive damages, basis for 367 REFORM PROPOSALS liability 489-491 malice 491-493 opinion, expressions of 493-494 RELIGIOUS BODIES actions against 131-133 by 128	malice, test for 238-240, 243 matters protected 250-251 nature of 238-239, 251-252 personal comments 250-251 pleadings 252-253 proceedings, nature of 239, 248-249, 251-252 reporters protected 238 scope of 240 statutory provisions 254-255 legislative abstracts 257 accuracy 256-257 committees of 257 fairness 256-257 foreign legislatures 257-258 reporters protected 256 governmental bodies 259-260 public documents 258-259, 262 public meetings 260-261 statutory restrictions
REMEDIES. See DAMAGES and INJUNCTIONS	contemporaneity 255 correction and explanation 255
REPETITION damages, aggravation of	REPUBLICATION liability for 102-105
compensatory 335-337 punitive 368 justification 147-148 malice, relevance to 313 publication, liability for 107-109 REPORTAGE RULE 109, 262-263	REPUTATION character distinguished 6-7 damages, mitigation of 227-230 defined 6 entitlement to 3 free speech and press, relationship to 7-9 importance of 5-6
REPORTER (MEDIA) confidential sources, protection of 432-434	RESPONSIBLE COMMUNICATION defence of 231-233
republication by 103-104	RHETORICAL HYPERBOLE
REPORTS (PRIVILEGED)	475-476

RIGHT THINKING PERSON 30

RUMOUR

defamation by way of 36 justification of 147 repetition of 107-108

S

SATIRE

defamation by way of 34

SCHOOLS

boards, reports of 262 qualified privilege for 220 teachers as public officials 392

SINGLE PUBLICATION RULE See PUBLICATION

SLANDER

actionable per se crime 19-22 disparagement in office or trade 17-19 loathsome disease 22-23 unchastity 23-24 communication as 14-15 gestures 15 libel distinguished 12-17 special damages 24-25

SOLICITOR. See LAWYERS

SPECIAL DAMAGES. See DAMAGES and SLANDER

SPIRITUAL COURTS. See **COURTS**

SPORTS

public concern and interest, matter of 285-286, 452

SPOUSES

communications between as publicatin 98

STAR CHAMBER 12

SUMMARY JUDGMENT

constitutional litigation 482-484

T

TEACHERS. See **SCHOOLS**

TELEPHONE

publication, place of 110

TELEVISION

damages, mitigation of 362 defamatory meaning, rules of 73-75 docudramas as opinion 472 legislative proceedings as privileged 164 libel, treatment as 14 media publishers, as 441 publication, place of 110

TRADE UNIONS

defendant, as 134-135
plaintiff, as 127
public controversy for activities within
409
public interest, matter of 286
qualified privilege for 219

TDIAT

absolute privilege for 184-185

TRIBAL OFFICIALS

absolute privilege for 161

TRUTH

absolute defence 145 general charge of 152 honest belief, relevance of 147-149 intention 147 meaning pleaded by defendant 153-154 motive, relevance of 149 partial 152-153 public benefit restriction 146-147 repetition rule 147 test for 149-152

\mathbf{U}

UNDERSTANDING

meaning of language, as affecting 63-64

UNINCORPORATED ASSOCIATIONS

parties, as 127, 134-135

UNIVERSITIES. See **SCHOOLS**

V

VICARIOUS LIABILITY

constitutional actual malice 275-276 media liability 137-138 publication, liability for 101, 136-137

VOLENTI NON FIT INJURIA 155

VOLUNTEERED INFORMATION

qualified privilege 216

 \mathbf{W}

WILLS

absolute privilege for 113 publication by way of 113

WITNESSES

privilege judicial 178-182 parliamentary 163-164