



## **LIBEL AND CENSORSHIP**

The basic principle underlying the law of libel is reparation for a specific wrong done to the victim by telling lies which cause him harm. As such it does not fall within the rubric of censorship.

However, in practice the law has been extended in a way which tends to inhibit free expression. This is particularly so through the use of 'innuendo' i.e. giving a defamatory meaning to an apparently innocent statement (even if the writer did not intend such a hidden meaning) and by adopting a severe attitude to errors thereby turning into defamatory lies statements which are true in substance.

These, and other technicalities of this branch of the law, together with a tendency for juries to award high damages against newspapers, create a climate in which the press must tread very cautiously when reporting matter which is critical of identifiable persons or bodies. While the discipline this imposes on reporters and editors is desirable, it

can lead to timidity and a reluctance to criticise.

The CAC regards this inhibiting effect in general as analogous to censorship and the specific use of the libel laws by a scoundrel (particularly a corporate body) to suppress justified criticism or embarrassing information as falling within its remit. Censorship can be exercised by private persons as well as by public agencies and the courts. To that extent therefore the CAC is concerned with the state of the libel laws.

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