

<<媒体与名誉侵权>>

图书基本信息

书名：<<媒体与名誉侵权>>

13位ISBN编号：9787562145028

10位ISBN编号：7562145024

出版时间：2009-5

出版时间：西南师范大学出版社

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页数：309

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### 内容概要

通过对媒介法律顾问、记者、编辑、媒体管理者的访谈以及近20来年的媒体名誉权案件的分析，《媒体与名誉侵权》发现：大部分媒体名誉权官司原告为普通公民，在案件讨论中侧重于损害的名誉的救济而不是言论自由的争论。

同时，商业化的媒体更多地注重自身经济利益诉求和成本核算而不是看重普遍的言论自由权利的拓展。

从自身经济利益和成本考虑，名誉权官司使得媒体更严谨对待报道和报道者的权益，反倒有利于促进媒体报道的真实和媒体伦理的发展，从一定程度上说，有利于言论而不是钳制言论。

并且，从整个名誉权法律的设计和具体司法实践中名誉权案件的处理来看，中国名誉权法律的设计本身没有对言论的钳制和惩罚设置，而具体司法实践对名誉权官司的处理中，主要目的也是用来保护名誉权和为名誉损害提供救济，无论是原告还是法院都较少利用名誉权官司本身来惩罚言论。

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### 作者简介

陈晓彦，媒体法博士，主要研究方向为媒体法律、媒体政策和媒体伦理。

2008年于南洋理工大学（新加坡）获得媒体法博士学位，2001年在国内通过律师资格考试并获司法部颁发的律师资格证书。

迄今已在媒体侵权、互联网管理等领域发表中、英文论文若干，并多次赴美国、德国、英国以及香港地区等参加国际学术会议、研讨会和进行学术交流。

书籍目录

FOREWORD  
PREFACE  
CHAPTER 1 INTRODUCTION The Nature of the Law of Defamation and Its Development  
The Law of Defamation in China Research Questions Source Materials and Method Organization  
CHAPTER 2 THE EVOLUTION OF DEFAMATION LAW IN CHINA Defamation law in imperial China Free speech in traditional China The approach to balance sedition punishment and free speech Defamation law in late Qing and the republican China Legal rejuvenation of protection of reputation Constitutional protection of freedom of expression Public opinion supervision and the law of defamation Conclusion  
CHAPTER 3 LEGAL FRAMEWORD OF DEFAMATION IN CHINA Elements of Defamation The reputation of the victim has been harmed Defamatory statements Publication Harm to reputation Causality exists between the illegal act and the harm to reputation Subjective fault Parties public figures The deceased Media and media-related defendants Jurisdiction Defenses truth privilege The right to criticize Remedies stoppage of infringement rehabilitation of reputation and elimination of adverse influence apology damage Conclusion  
CHAPTER 4 MEDIA ENVIRONMENT IN CHINA Changing Media Landscape earlier history emergence of non-party media media commercialization Legal and Political Pressures on the Media media ownership licensing screening forbidden content personal management system Party Journalism and Media Corruption Conclusion  
CHAPTER 5 DEFAMATION LITIGATION AGAINST THE MEDIA: AN OVERVIEW OF COURT-PUBLISHED CASES 115  
Source Materials and Method Overall Trend Plaintiffs ordinary persons allegation of criminal/illegal activity and official report privilege exposure of personal details and privacy protection allegation of moral failings and the use of insulting words allegation of unpopular behaviors or subjecting the plaintiff to ridicule professionals famous persons government officials and government entities relatives of the deceased corporate plaintiffs Defendants party newspapers and non-party newspapers defendants internet defamation Remedies non-monetary remedies damages &hellip;&hellip;  
CHAPTER 6 DEFAMATION LITIGATION IN A LEADING MEDIA CITY: THE CASE OF CHENGDU  
CHAPTER 7 DEFAMATION, THE MEDIA AND FREE SPEECH  
APPENDICES  
REFERENCES

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