



Chasing Reputation - Osgoode Hall Law Journal Article

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My article "Chasing Reputation: The Argument for Differential Treatment of 'Public Figures' in Canadian Defamation Law" has been published in the Osgoode Hall Law Journal (citation: 48 OHLJ 595) and is [now available online](#). Canadian defamation law has over the last few years been one of the more active areas of law of interest to entertainment lawyers, and it continues to pose challenges for journalists, media outlets, documentary filmmakers and writers (and those who advise them). The article crafts an argument that Canadian defamation law should be modified to take account of the unique reputation-creating powers of "public figures" (a category which includes "celebrities"). From the abstract:

“When comparing the seminal Supreme Court of Canada defamation decisions of the 1990s and 2000s, it is apparent that the Court’s view on the importance of protecting reputation has changed. Recent decisions hail the importance of using freedom of expression as a countervailing interest against the oft-criticized strictures of the common law of defamation. Fundamental alterations in the nature of mass and interactive media and in the nature of reputation are two phenomena informing this change. Increased attention to the theorizing of “reputation,” the interest whose protection animates the entire tort of defamation, reveals that reputation is itself a highly constructed, contextual, and malleable artifact. This article proposes recasting the tort of defamation into two different tracks: one for public figures, who pose the highest risk of abusing the tort, and one for private plaintiffs, whose reputational interest is akin to traditional notions of reputation.”

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