

Libel? Think before you sue

Who steals my purse steals trash, said Iago, "But he that filches from me my good name, / Robs me of that which not enriches him, / And makes me poor indeed."

Iago was, however, a most unreliable witness. Those who try to protect their reputations by way of the libel laws often end up poor indeed and with their good names well and truly

trashed. Oscar Wilde and Jonathan Aitken would have kept out of prison if they hadn't been foolish enough to issue libel writs. Neil Hamilton might still have a political career and Jeffrey Archer, had he not had the ill luck to start and win a libel action, might not have been booted out of the Conservative Party.

Libel was born in the 13th century in a statute of *Scandalum Magnatum*, or the rubbishing of important people. It grew up as a means of

controlling the press and, as adopted by the Star Chamber, a sure way of protecting the interests of the State. Libellers could have their right hands cut off, and slanderers were in danger of losing their ears. Then as now the libel laws were used to frighten off criticism and protect iniquity, purposes for which Robert Maxwell, who would issue a writ if anyone inquired into the way he conducted his business affairs, found extremely useful. In Singapore, where I have defended in libel actions, the Government regularly sues Opposition politicians on the basis of their election addresses, and finds such laws a useful way of bankrupting and silencing anyone foolish enough to join the Opposition.

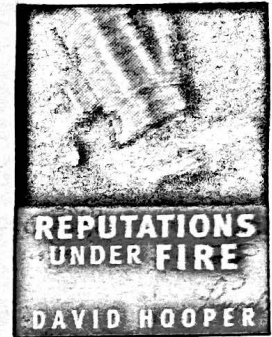
In his useful and entertaining book David Hooper, an experienced solicitor, traces the disasters caused by this arcane and hideously expensive branch of the law. One of his chapters is headed "Let Sleeping Dogs Lie", which is invaluable advice. An insult or aspersion appears in a newspaper and is quickly forgotten. If you issue a writ the whole story is resurrected in the full glare of publicity, at vast expense, and more than likely you'll be cross-examined by George Carman, QC, who will treat you with all the tenderness of a terrier in pursuit of an unwisely litigious rat.

There is little to be said for a system which can obliterate *L.M.*, the brightest and most liberal of left-wing magazines, because of one mistake. What should we do about the libel laws? There is no reason why you shouldn't get legal aid to defend a libel action, and damages should be limited to the actual loss of earnings, or income. People who call for privacy laws

REPUTATIONS UNDER FIRE Winners and Losers in the Libel Business By David Hooper

Little, Brown, £17.50
ISBN 0 316 64833 7

■ £20 (free p&p) 0870 160 80 80



John Mortimer

should take warning. As in libel, privacy cases don't get legal aid, they will be used, as they are in France, to shore up dubious politicians and protect corruption. That's for the future. In the meantime, read this book, have a good laugh and if anyone insults you forget about it as quickly as possible.



www.mcspotlight.org/case/ Details of the libel case between McDonald's and Helen Steel and David Morris — verdict delivered in 1997
www.fpp.co.uk David Irving's website. Includes details and transcripts of the libel trial between Irving and Penguin Publishers