

<<媒体与名誉侵权>>

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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。

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