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**SOCIETY**


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hood of suicide varies inversely with an individual's degree of integration into state, church, or family. Individuals who have lost a loved one are especially prone. Freud, on the other hand, saw suicide as internalized revenge for perceived parental disfavor, "symbolic patricide."

Among the writers cited by Smith, novelist Scott Spencer (*Endless Love*, 1979) believes society has lost its commitment to children. Today's youth must compete with the "narcissistic lifestyles" of adults. Children sense they can no longer be "afforded" and, claims Spencer, in a final act of obedience, oblige their parents by killing themselves.

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**PRESS & TELEVISION**


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*Suing for Libel*

"Suing Media for Libel: A Litigation Study" by Marc A. Franklin, in *American Bar Foundation Research Journal* (Summer 1981), 1155 East 60th St., Chicago, Ill. 60637.

In March 1981, actress Carol Burnett won a highly publicized \$1.6 million libel suit against the weekly *National Enquirer*. Just five weeks earlier, a jury awarded a former Miss Wyoming, Kimerli Jayne Pring, \$26.5 million in her libel suit against *Penthouse* magazine. (Both awards were later reduced by appeals courts.) Such cases draw headlines, but the fact is that very few libel suits against the media are successful.

Franklin, a Stanford law professor, looked at 291 libel suits (101 trial cases and 190 appeals) lodged against the media during 1977-80. Plaintiffs, he found, not only lost 75 percent of the time at the trial stage; they also lost 75 percent of their appeals. The media fared much better, securing reversals in half of their appeals. Juries were more likely than judges to find for the plaintiff. But only eight jury decisions favoring plaintiffs survived the higher courts. And only one jury case resulted in a final settlement as high as \$75,000.

Who sues the media? Businessmen accounted for 19 percent of all suits, followed by professionals and government employees, both at 12 percent. Elected officials accounted for only eight percent of all cases, but they enjoyed an 18 percent success rate on appeals, the highest by far—perhaps, says Franklin, because they are more likely "to calculate the political and social implications of an unsuccessful suit." Allegations of crime, moral failing, or incompetence were at issue in 80 percent of all cases. Against professionals and corporations, incompetence was the most frequent media charge; against politicians, it was crime. (With an elected official, notes Franklin, "a charge of incompetence is likely to be considered a political opinion.")

Newspapers were sued far more often than any other branch of the

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media. They were defendants in 62 percent of the cases; magazines accounted for 14 percent; TV stations or networks only 12 percent. Television and radio did not lose a single case — possibly, suggests Franklin, because of their “less detailed reporting.”

Cases like Carol Burnett’s and Miss Wyoming’s may bring more big money settlements, Franklin concludes, but suing the media will probably remain an unrewarding exercise for most.

### *France’s Limited Free Press*

“The French Press: Between Watergate and the Gulag” by C. R. Eisendrath, in *Michigan Quarterly Review* (Fall 1981), 3032 Rackham Bldg., University of Michigan, Ann Arbor, Mich. 48109.

Had French laws concerning the press been applied in the United States, the Watergate story, the Pentagon Papers, critical accounts of the Vietnam War, and most reports about Senator Edward Kennedy’s Chappaquidick accident might never have appeared. So writes Eisendrath, communications professor at the University of Michigan.

There are 46 “exempted subjects” about which the French press is, by law, forbidden to report, on penalty of criminal prosecution, fines, prison terms, or seizure of the publication. These include any story that hurts military “effectiveness or morale,” “attacks the credit of the nation,” or “outrages public morals.” In 1980, the Palais de Justice slapped the editor of France’s leading newspaper, *Le Monde*, with a criminal summons. The reason? *Le Monde* had “cast discredit” on the courts by questioning the handling of charges that President Valéry Giscard d’Estaing had received diamonds from the Central African Republic’s former Emperor, Jean-Bedel Bokassa. “Offending” or “outraging” the President in type is illegal—and the truth, writes Eisendrath, “is no defense.” A story need only detract from “the respect due to the office and its incumbent.”

An “outraged” Charles de Gaulle sued journalists 350 times. Giscard never did so, but the law is still in effect. Similar statutes protect notables ranging from diplomats and mayors to university professors. When he took office in 1981, the current President, François Mitterand, pardoned all pending “misdemeanors of the press.” Obstacles to reporting on some topics are subtle, composed of “legal minefields” rather than blatant prohibitions. For example, unlike the United States, where “you can’t libel the dead,” France allows heirs of an injured party to sue. Damage to one’s “peace of mind” can be a sufficient claim. Such policies are perhaps considered justified by the \$500 million in government subsidies that help sustain French publications. Funds are distributed without regard to a paper’s ideology.

America’s founders fashioned the First Amendment after an earlier French model. Yet, unlike the Americans, who held to the absolute principle of a free press, the French, says Eisendrath, used to monarchical discretion, chose to measure the role of a free press, case by case.