

Legal Regulation & Education: Doing the Right Thing?

David Mangan

University of Leicester

david.mangan@le.ac.uk

'Regulating for Responsibility'

People are well-versed in their rights and dismissive of their responsibilities. The imperative to recalibrate the balance between these points is most recognizable in the regulation of new technology, specifically social media platforms. These media allow an unprecedented type of self-actualisation (recalling some courts' comments on the role of work in an individual's life). The benefits to the individual, however, appear to have been over-determined.

This paper considers the responsibilities of social media users. Defamation decisions where the courts deliberate on reputation interests are examined; as these offer a beneficial approximation to the issue under consideration. These cases have instructive implications regarding responsible publication. Although an exercise in regulating social conduct, the dominance of social media as a form of interaction compels consideration of the parameters of its usage.

A challenge at present is the absence of symmetry between mainstream media speech and that on social media. The drafters of the Defamation Act 2013 failed to take the opportunity, thereby leaving the jurisdiction again in a lamentable state. Furthermore, the tenor of the reform debate exposed a distrust of the common law suggesting lingering discord in the process moving forward. Condominium to the government's role is the lingering point of a hierarchy of speech which views mainstream media as a higher quality of speech. While there are differences between the two forms, speech via social media is an integral part of the marketplace of ideas which has informed recent reforms.