

Mann handled



By [Justin McCarthy](#)

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Peter Mann's recent [article](#) highlighted an increasingly important topic in today's dynamic media landscape - the juxtaposition of freedom of expression and the infringement of the rights of others.

In an age of self-publishing, the risk transfers to the author directly - and as everyone should know, ignorance of the law is not a defence. For this I applaud him, but he also deserves censure for falling foul of the very warning he issues.

Mann takes issue (quite correctly in my opinion) with the stream of assumptions and judgments propounded across social media forums over the alleged murder of Reeve Steenkamp by Oscar Pistorius. The basis of his argument is a cornerstone of our law - that a party is innocent until proven guilty - and expounds it further with the principle of *audi altarem partem*, or "hear the other party too". So far so good.

Clanger #1

Then came the clangers, the first of which was "It is noteworthy that today News24 closed its comment section ... they are acting to protect themselves from the comments made by their readers". This was refuted by News 24 Editor Jannie Momberg, who publicly stated it was purely because of high volume traffic. I'm not saying that Jannie was right or that Peter was wrong, but Jannie is the editor. More significantly, the magnitude of the trolls' invective on just about any News24 comments thread exposes the publisher constantly, so why should this story be any different? Most importantly, it appears that Mann failed to confirm these reasons with News24 and published an assumption. Not a libellous one by any stretch, but one that nibbles on the edges of his credibility in relation to his article.

Clanger #2

The second offence was of a more serious nature. He accused a Pistorius sponsor of removing their advertising as an act of conviction of Pistorius of the crime he stands accused of, calling it "shameful". Now there's an assumption of sizeable proportions. Unless Mann is privy to the sponsorship agreement between the parties, it is impossible to know if there are indeed valid legal grounds for them to do that. Such clauses are commonplace in these agreements, particularly with high-profile endorsers. Contractual matters aside the sponsor is well within its rights to remove its own advertising, for whatever purposes it deems fit. Whether they chose to out of respect to the family of the victim, respect for the perpetrator, fear of consumer backlash, contractual obligations or because they just felt like it, it is as improper to condemn them as it is for the contributors to Mann's Twitter feed to condemn Oscar Pistorius.

What happened to the very argument Mann went to the trouble of compiling? What happened to "It is reprehensible to

gossip and convict without knowledge and facts"? He firebombed it with hypocrisy, that's what. Now that's what I call a PR fail.

ABOUT JUSTIN MCCARTHY

Justin is a media, marketing, technology and telecoms specialist and a creativity and innovation crusader. Persuasion comes in many forms - subtlety is not his favourite and as a libertarian free speech advocate he defends the right to offend. He writes an opinionista column for Daily Maverick. Contact details: Twitter @justininza | Google+ | <https://za.linkedin.com/in/justinmccarthyza> | <http://whoswho.co.za/justin-mccarthy-1855195>

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