Should we have a double standard for ordinary citizens and public figures with regards to privacy issues?

Edith Rivera

POLS 328:

Politics and the Media

Western Illinois University

Final Draft

**Public figures vs. Personal Public figures**

According to a legal dictionary the definition of a public figure in the context of the laws on defamation (libel and slander) is a personage of great public interest or familiarity like a government official, politician, celebrity, business leader, movie star, or sports hero (Encyclopedia of American Law). That being said a public figure can range in a large scale. An ordinary citizen is a person that is normal and not special or different in any way (Encyclopedia of American law). For example I’m considered an ordinary citizen.

There is a phrase we have all said at least once or twice in our lives “I want to be famous when I grow up.” Well that is a phrase many ordinary citizens have taken into their own hands and have made something of it. Whether it was from a silly video on YouTube or a funny stunt they did. Those ordinary citizens have gotten recognized from a source of media; causing their name to be out there. A great example is Justin Bieber, the famous songwriter and singer, who got rich and famous off YouTube videos. Justin Bieber is a great example of an ordinary citizen getting famous from his talent.

One can agree that there is a general public figure and a personal public figure, which depends on each person’s personal perceptive of a public figure. There are many reasons way their is a difference between public figures and ideal public figures. Many public figures are considered public figures by definition only. Those public figures are the ones that have gotten famous from nothing really important, but just the way they live their life. For example the cast of teen mom are all considered celebrities by definition because they gave birth to kids at a young age and managed to get on the cast of “16 and Pregnant.” Another example of an ordinary citizen that became famous from no actual significance, but just from the fact that she likes to party is Nichole Polizzi, also known as Snookie. Snookie was recognized on the show Jersey Shore for her crazy ways. She took advantage of her name recognition and now has her own show, makeup line, and I believe clothing line not to mention making hundreds of thousands of dollars.

There is not much of a difference between an ordinary citizen and public figures, except for their name recognition. Considering the different forms of media there are nowadays, it’s a lot easier to get name recognition than older generations.

**Public vs. Ordinary citizen on privacy issues**

We (the ordinary citizens) make ordinary citizens famous to the point that they are celebrities. If we (the ordinary citizens) made those individuals famous then why is there a double standard when it comes to privacy issues? Whether we are public figures or ordinary citizens we should all have the same rights. Anything that has to do with the government should not have any double standard considering that in the constitution states that “everyone has equal rights.” A privacy issue is an issue one would like to keep in private. Many individuals would want to keep personal information private such as health certificates, bills, etc. That’s a common ideal for both public figures and ordinary citizens.

There is a connection between privacy issues and civil rights stating equal rights for every citizen. For example under the Under the First Amendment of the United States Constitution, saying that the statement was made with "actual malice.” In translation, that means that the person making the statement knew the statement to be false, or issued the statement with reckless disregard as to its truth (Larson). Whether one is a public figure or ordinary citizens, all civil rights should remain equal.

Many public figures, however, try to fight that since they are celebrities, they should have more privacy. That is understandable when it comes to paparazzi. However many celebrities want more than paparazzi limitations, they believe that they should be held in a higher standard than other individuals. For example there is a double standard when it comes to incorrect harmful statements published about a public figure cannot be the basis of a lawsuit for defamation unless there is proof that the writer or publisher intentionally defamed the person with malice (hate) (Encyclopedia of American Law.)

For an ordinary citizen proving that someone is intentionally trying to defame your image tends to be very difficult. Considering that the judge would have to understand why ones trying to ruin your image as an ordinary citizen. In many of these cases for ordinary citizens this case would be considered just a form of harassment. This type of case for an ordinary citizen would hardly ever be considered as proof intentionally to defame a person.

There are many times that celebrities have been given more chances, due to the name recognition. (With name recognition comes money, money can get you a great lawyer.) Sometimes the judges are even fans or know someone that likes and enjoys that celebrity being trialed and although they cannot state a bias opinion, they can still however give the celebrity a benefit. A benefit can range between lowering a sentencing’s to just giving a celebrity community service hours. However unfortunately when it comes to ordinary citizens having done the same issue, the outcome is different.

Another example in which privacy issues should be the same for all citizens, including public figures, is when it comes to stalkers. If you are a public figure or an ordinary citizen being stalked or having a stalker is a serious matter, serious in the way that their life is in danger. Yet you don’t hear on the news about any ordinary citizen being stalked. When a celebrity is being stalked there are news articles, interviews etc, bring light to the situation. And usually that person stalking that celebrity faces a harsher penalty, than any other stalker would face. When in reality that issue comes down to the same aspect, the aspect of stalking. That is just not fair, not saying stalking of any kind is acceptable. But taking into consideration that celebrities are able to afford bodyguards that automatically gives a celebrity extra protection.

Which comes to the question why is there a double standard when it comes to celebrities when they already have benefits of being able to afford special needs? Taking a bodyguard into consideration wouldn’t it be that the ordinary citizen would be in more danger than the celebrity that can afford protection? If so then why in a stalker situation is it that the stalker of a celebrity faces more charges than a stalker of an ordinary citizen. It honestly just comes down to the quality of lawyer one can afford.

**Rich vs. Poor Quality of Lawyer**

Everyone is aware and understands of the phrase “It would be different, if I had more money.” That statement goes into play when considering the quality of a lawyer. With a good lawyer one has a higher chance of proving their point or possibility getting a better sentence. When it comes to sentencing an ordinary citizen usually has it worse than a public figure. Taking into consideration that they do not have any name recognition and that the quality of lawyer they will have is of less quality. Also ordinary people don’t always have enough money to hire a good lawyer causing the aftermath is different.

A perfect example of having a rich quality of a lawyer coming into play would be when a couple becomes aggressive toward each other and psychical harm is done, usually the outcome of the sentencing tends to be the same for all case of domestic battery biased on the degree. Yet as many of us are familiar with the accident that happened between Chris Brown and his girlfriend Rihanna. The singer Chris Brown psychically harmed his girlfriend’s life. Chris Brown didn’t face any jail time for brutally injuring his girlfriend like any other ordinary citizen would have received. All he received was community service and a restraining order. How did that happen? Chris Brown’s lawyer knew what he was doing. His lawyer saved him money that could of been lost if he was sent to jail.

Issues like these don’t just happen to celebrities it also happens to people that are able to affordable that higher paid lawyer, the one that has more experience and tend to be better. Just like in a small town if in a wealthy family, if their daughter goes missing more attention will be brought upon it. Rather if the situation was flipped. In which there is a family in poverty that their child goes missing. Not as much effort will be made to help search for the child.

 It is understandable that with money or media comes attention. But does it really make sense to have a different standard for ordinary citizens and public figures if they have a higher chance of achieving their needs. Take into consideration your most likely to find a missing child in a low poverty area then in a high poverty area, just like you are more likely to finding a missing person when its all over the news than finding a missing person that only the close family knows has gone missing. So celebrities are much better

off than any ordinary citizen and their lives tend to be easier. Yet, if public figures have it easier why are they always unpleasant with the pictures taken of them by the paparazzi. I understand no one likes an ugly picture of himself or herself. But if someone toke a picture of an ordinary citizen they don’t need permission, yet we need permission to take a picture of any public figure.

**Public vs. Private Pictures**

 Considering that I am an ordinary citizen no one has to ask me for permission to take any picture of me. Actually on Facebook I can change my setting to that people would have to ask before I’m tagged in a photo. But that’s beside the point; it comes back to the double standard between public figures and ordinary citizens.

There is actually limitation to what reporters have the right to publish pictures that are taken in public setting with no permission needed. No permission is needed because the picture is taken in a public setting. Permission will be needed if the reporter would be trying to get money from selling the picture if it said false intentions. Just like stated before with ordinary citizens trying to intentionally defame an ordinary citizen, this permission picture falls under the same category. Trying to prove to someone that an ordinary citizen is trying to take pictures of you with false intentions is difficult.

**Works Cited**

English dictionary for learners:

Ordinary. "Collins Cobuild English Dictionary for Advanced Learners 4th edition published in (2003). Retrieved Feb 5 2013 from <http://dictionary.reverso.net/english-cobuild/ordinary%20citizen>

Encyclopedia of American Law:

Public Figure. (n.d.) *West's Encyclopedia of American Law, edition 2*. (2008). Retrieved Feb 2 2013 from [http://legal-dictionary.thefreedictionary.com/Public+Figure](http://legal-dictionary.thefreedictionary.com/Public%2BFigure)

Larson, Aaron. "Defamation, Libel and Slander Law." <http://www.expertlaw.com/library/personal\_injury/defamation.html