LOS ANGELES & SAN FRANCISCO

Daily Journal

www.dailyjournal.com

TUESDAY, AUGUST 5, 2025

Tiny truths and giant lies: Where satire ends and defamation begins

Satire gets a pass. Lies don't. When South Park put Trump in bed with Satan, no one sued. But Candace Owens' "investigation" into Brigitte Macron's identity sparked a defamation case in Delaware. Here's why.

By Arash Homampour

In July 2025, South Park's season premiere, "Sermon on the 'Mount,'" presented what may be the most provocative political satire in recent television history. The episode depicted President Donald Trump engaged in graphic sexual acts with Satan, joked about Trump appearing on the "Epstein list," and culminated in a fictional storyline where Trump sues the show's creators for $5 billion.

Despite its deliberately provocative content, no defamation lawsuit followed. That silence speaks volumes about the First Amendment's sweeping protection for political satire.

In contrast, French President Emmanuel Macron and his wife, Brigitte (France's First Lady) filed a defamation suit against conservative American commentator Candace Owens because her statements were not jokes. They were framed as factual revelations: that Brigitte Macron was born a man, assumed her brother's identity, and married a blood relative. Presented to millions as the product of investigative journalism, those claims crossed the legal line from parody into potentially actionable defamation. The couple contends that these defamatory allegations caused reputational harm and emotional distress on a global scale.

This stark divergence exposes a core distinction in defamation law: parody, no matter how outrageous, is constitutionally protected, but calculated lies packaged as journalism are not.

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The strong shield of satirical speech protection

Satire enjoys exceptional safeguards under the First Amendment, as courts recognize its value in critiquing public figures and society without fear of reprisal. The logic is simple: when content is clearly exaggerated, absurd, or humorous in a way that no reasonable person would take as factual, defamation claims usually fall apart quickly.

This principle was famously articulated in *Hustler Magazine v. Falwell* (485 U.S. 46 (1988)), where the Supreme Court protected a satirical ad portraying a public figure in an outlandish, fictional scenario. The court held that such expression serves democratic purposes, like sparking debate, and cannot be stifled unless it masquerades as fact.

A modern application appears in *Roy Moore v. Sacha Baron Cohen* (2022). Former Alabama Chief Justice Roy Moore sued comedian Sacha Baron Cohen over a "Who Is America?" segment featuring a fake "pedophile detector" that beeped near Moore, referencing prior allegations. The 2nd Circuit affirmed dismissal, deeming the content "clearly comedy" and "obviously farcical." The device's absurdity ensured no reasonable person would view it as a factual assertion, reinforcing that satire – even when tasteless – falls in the "heartland" of protected speech.

These protections extend to digital and AI-generated content. In response to 2024-2025 challenges to California's deepfake laws (AB 2839 and AB 2655), consolidated as *Kohls v. Bonta* (2:24-cv-02527 JAMCKD, 10/02/24), a federal court issued injunctions blocking enforcement. The laws targeted AI-altered political media but were ruled unconstitutional for overbroadly restricting expression, including satire. Judge John A. Mendez criticized them as a "hammer instead of a scalpel," violating strict scrutiny by not being narrowly tailored.

Plaintiffs, including "The Babylon Bee," argued that disclaimer mandates would "defeat the point of satire" and make government the "humor police." The court agreed, favoring "counter speech" over censorship and affirming that even deliberately false satirical statements about officials are protected if not reasonably taken as fact.

South Park: A case study in constitutionally protected satire

The South Park episode functions as a masterclass in how to craft content immune from defamation claims. First, South Park's identity as a long-running satirical series is critical. Over its nearly three-decade run, the show has established a reputation as a purveyor of equal-op-

portunity offense, deploying absurdist humor, exaggerated animation, and crass jokes as its trademarks.

Courts have emphasized that context matters profoundly in defamation analysis. As the 2nd Circuit noted in *Levin v. McPhee* (119 F.3d 189, 195 (2d Cir. 1997)), "[t]he court's threshold inquiry is guided not only by the meaning of the words as they would be commonly understood but by the words considered in the context of their publication,...as well as 'from the expressions used as from the whole scope and apparent object of the writer.'"

Second, the content's visual and narrative absurdity reinforces its satirical character. No reasonable person could interpret animated scenes of Trump in bed with Satan as a literal accusation. Even more tellingly, the episode includes a fictional defamation lawsuit plot – mocking the futility of legal retaliation and underscoring the show's self-awareness.

Macron v. Owens: When falsehoods masquerade as journalism

The *Macron v. Owens* litigation presents the mirror opposite of the South Park case. Filed in Delaware Superior Court (Case No. N25C-07-194), the Macrons allege that Candace Owens conducted a calculated defamation campaign. Through her podcast series "Becoming Brigitte," Owens alleged that Brigitte Macron was born a man named Jean-Michel Trogneux and was engaged in an incestuous relationship with Emmanuel Macron.

Unlike South Park's satire, Owens presented her claims as fact. She said she had reviewed documents, including birth certificates, and positioned her content as a serious journalistic investigation. Her allegations were highly specific in that she named Brigitte Macron's supposed birth identity and made verifiable claims about her family history that were demonstrably false. Owens also capitalized on the attention, selling merchandise tied to the allegations and ignoring repeated retraction demands, even after being shown clear proof her claims were baseless

These elements bring Owens squarely into the realm of actionable defamation under the standard established in *New York Times v. Sullivan* (376 U.S. 254 (1964)). For public figures like the Macrons, a plaintiff must prove actual malice or that the speaker knew the statement was false or acted with reckless disregard for the truth. Owens' persistence despite contrary evidence may well meet this burden.

Jurisdictional maneuvers and the SPEECH Act

By suing in the United States, the Macrons sidestep enforcement barriers that plague foreign libel judgments in American courts. Under the 2010 SPEECH Act, U.S. courts will not recognize foreign defamation judgments unless the foreign standard matches U.S. constitutional protections. This law rebuffs so-called "libel tourism" and underscores the wisdom of the Macrons' forum choice.

Compare this with *Electronic Frontier Foundation v. GEMSA* (2017), where a U.S. court refused to enforce an Australian defamation judgment against a blog that called a patent "stupid," deeming the term protected opinion. Macron's attorneys have learned that to win a defamation case with teeth, you file in the jurisdiction where the damage was done – and where enforcement is viable.

Conclusion: *Satire vs. Smear* in a global media landscape

U.S. law offers strong protection for satire, even when it stretches (or shrinks) the truth and makes someone look even more ridiculous, especially when the satire draws from real events

South Park remains untouchable because its content is so clearly, comically exaggerated. By contrast, Owens' fact-framed attacks on the Macrons carry no satirical gloss and are presented as truth. The legal system recognizes and defends this line: parody that no reasonable person would believe as true is safe; knowingly false assertions presented as fact are not.

In an era of AI-generated media, hyper-partisan content, and weaponized disinformation, this distinction matters more than ever. Content creators must remain vigilant: humor shields, but lies do not. And for public figures facing reckless falsehoods, *Macron v. Owens* suggests a new path – file in the U.S., meet the high bar of Sullivan, and call a smear what it is: defamation.

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