

Defamation of character is a legal term for making a false, unprivileged statement of fact that harms someone's reputation. It is a civil wrong (a tort) that encompasses two primary forms: slander (spoken defamation) and libel (written or broadcast defamation).

Key Elements of Defamation

To successfully prove defamation of character, the following five elements must generally be established:

- **False Statement of Fact:** The statement must be presented as a fact rather than an opinion, and it must be demonstrably false. Truth is an absolute defense to defamation.
- **Publication:** The false statement must be communicated to at least one third party (someone other than the person being defamed).
- **Identification:** The statement must clearly be about or understood to refer to the plaintiff.
- **Fault:** The person making the statement must be at fault, usually amounting to at least negligence. If the plaintiff is a public figure, they must prove "actual malice"—meaning the statement was made with knowledge of its falsity or with reckless disregard for the truth.
- **Damages:** The statement must cause actual harm to the victim's reputation, such as financial loss, loss of employment, or severe emotional distress in their community.

Slander vs. Libel

- **Slander:** Refers to fleeting, verbal or spoken defamation. This can include face-to-face conversations, speeches, or comments made on a broadcast.
- **Libel:** Refers to more permanent forms of defamation, such as in writing, printing, or online. This includes social media posts, blogs, emails, or newspaper articles.

Proving Damages

In many jurisdictions, some statements are considered defamation per se. These are inherently damaging falsehoods so egregious that courts presume damages without needing the victim to prove specific financial loss. Examples usually include falsely accusing someone of committing a serious crime, having a contagious loathsome disease, or being professionally incompetent.

To explore the nuances of defamation law or understand your rights in your specific location, you can consult resources like the Cornell Legal Information Institute or seek counsel from a qualified civil litigation attorney.