

Defamation of character is a civil wrong (tort) where someone makes a false statement, presents it as fact, and communicates it to a third party, ultimately causing measurable harm to the victim's reputation or livelihood. It is broadly divided into two main categories: written defamation (libel) and spoken defamation (slander).

The Core Elements of Defamation

To successfully prove defamation in a court of law, a plaintiff is generally required to establish the following five elements:

1. A false statement: The claim made must be objectively false and stated as fact, rather than as an honest opinion or hyperbole.
2. Publication: The false statement must be communicated (spoken, written, or posted online) to at least one third party other than the person being defamed.
3. Fault/Negligence: The speaker or publisher must have been at least negligent in failing to realize the statement was untrue. If the victim is a "public figure," they must prove "actual malice"—meaning the publisher knew the statement was false or acted with reckless disregard for the truth.
4. Identification: The statement must clearly refer to the plaintiff, making it reasonably understood by others that the plaintiff is the target.
5. Damages: The statement must have caused actual, quantifiable harm. This can include loss of employment, lost business revenue, or severe emotional distress.

Types of Defamation

- Libel: Defamation made in a permanent or written format, including printed articles, emails, or posts on social media networks.
- Slander: Defamation in a transient or spoken format, such as verbal rumors or false statements made in a meeting.

Defenses to Defamation

If a lawsuit is filed, the defendant can use specific legal defenses to avoid liability:

- Truth: Because a defamatory statement must be false, proving that the statement is entirely true is a complete defense.
- Opinion: Purely subjective opinions cannot be legally defamed.
- Privilege: Certain communications, such as testimony in a courtroom or statements made during official legislative proceedings, are considered protected and immune from defamation lawsuits.

Pursuing Legal Action

Defamation cases are governed entirely by state laws (or local jurisdictions outside the U.S.) rather than a single federal statute. Because of this, the time limit to file a lawsuit (statute of limitations) and the specific standards for burden of proof vary significantly. In many places, this window is restricted to one to two years from the date the statement was published.

Due to the complex legal thresholds involving free speech, proving defamation can be difficult. Those considering legal action for reputational damage should seek advice from a licensed attorney in their specific state or jurisdiction to evaluate whether their case meets the required criteria. To find a qualified local attorney, you can utilize legal resource locators such as the American Bar Association or specific state bar association directories.