

Elements of Defamation

Definition: A false allegation of fact that is disseminated about a person and that tends to injure that person's reputation.

A defamation plaintiff usually must prove all six of the following elements in order to win a case against a mass medium or individual communicator:

- 1) Defamatory content: statements that call into question an individual's honesty, integrity, professional competence, sanity, solvency, morality, or social refinement;
- 2) Falsity: statement must be substantially false. Truth is a defense;
- 3) Publication: statement must be disseminated to a third party who understands the message;
- 4) Identification: statement "of and concerning" the plaintiff;
- 5) Fault: Is plaintiff a public person or official? Then **actual malice** (higher) fault standard. If plaintiff is a private person, then **negligence** (lower) fault standard; and
- 6) Harm: plaintiff must provide evidence that he or she actually suffered an injured reputation. Plaintiff seeks a monetary award.