



Libel vs. Slander: Different Types of Defamation

Learn the differences between slander and libel defamatory statements.

Libel and slander are types of defamatory statements. Libel is a written defamatory statement, and slander is a spoken or oral defamatory statement. In this article, we'll look at where you might find a defamatory statement, provide some different examples of libel and slander, and more. (For an overview of this area of law, check out [Defamation Law Made Simple](#).)

Where Might You Find Potentially Defamatory Statements?

Before we look at a few examples of potentially defamatory statements, let's first think about places where you could see such statements. These days, the most common places for making possibly libelous (written) statements are:

- letters to the editor of local newspapers
- public comments on media (i.e., newspaper or magazine) web sites
- blog posts
- comments to blog posts, and
- internet chat rooms or listservers.

In reality, you won't see too many potentially libelous comments in published written letters to the editor because editors are generally very careful in screening out such letters. It is on the internet where people can get into trouble with libel. While some web sites screen posts for inflammatory or illegal content, the screening systems are not geared to examine every post for libelous content.

Remember that slander is an oral defamatory statement, so those statements can be made anywhere and to anyone -- as long as it's to a third party, meaning someone other than the person who is allegedly being defamed. If you tell your best friend something defamatory about person X, person X could sue you for defamation if he/she could prove that he/she was damaged as a result of your statement.

Examples of Libel and Slander

Let's look at some examples of what might be libel. Let's first say that you posted a comment on someone's blog saying that the blog's author had been given a dishonorable discharge from the Army. That certainly sounds like a defamatory statement if it is false. Remember that truth is an absolute defense to libel and slander.

But, what if the blog's author is a well known radical anti-war and anti-government activist who doesn't care if people think that he/she was dishonorably discharged from the Army even if it wasn't true? In that case, it is possible that his/her community simply wouldn't care, and the posting might not be considered defamatory.

Another example might be saying or writing that someone acted unethically or dishonestly, even if the person's conduct did not constitute a crime. Let's say that you write a comment to a magazine article on the magazine's website falsely accusing the article's author of paying his/her interview subjects for an interview. Most reputable journalists don't pay their subjects for interviews. It is not a crime to pay a subject for an interview, but it is generally considered unethical. Since the statement was false, it is very likely libelous.

Let's look at an example of how a statement that doesn't even involve unethical or dishonest behavior can be defamatory. Let's say that you told a bunch of co-workers that another co-worker got drunk at a professional baseball game and got thrown out of the stadium. If that didn't happen, that statement could very well be slanderous. If this statement gets back to the co-worker's boss, and the boss doesn't tolerate such conduct, your co-worker's job may be in jeopardy. He/she might not receive a raise or might even be fired.

Can a Qualified Statement of Fact Still Be Defamatory?

Let's say that you write or tell some people, "I think that Roger stole \$500 from me last week." This seems more like an opinion than a statement of fact -- remember that an opinion can't be defamatory. After all, you qualified it by saying "I think that" Roger stole the money, and defamatory statements must be statements of fact.

Unfortunately, just saying or writing "I think" doesn't automatically convert a statement of fact into a statement of opinion. If you are talking to people who trust and believe you, and who know that you don't joke around, they are very likely to believe you and thus believe that Roger stole money from you. Thus, if Roger did not steal any money from you, you have slandered Roger.

This is because a jury will be instructed to examine the allegedly defamatory statement in the totality of the circumstances in which it was said or written in order to determine whether an alleged statement of opinion is in fact defamatory. Under the law, a statement of fact in one context can be considered to be a statement of opinion in another context.