



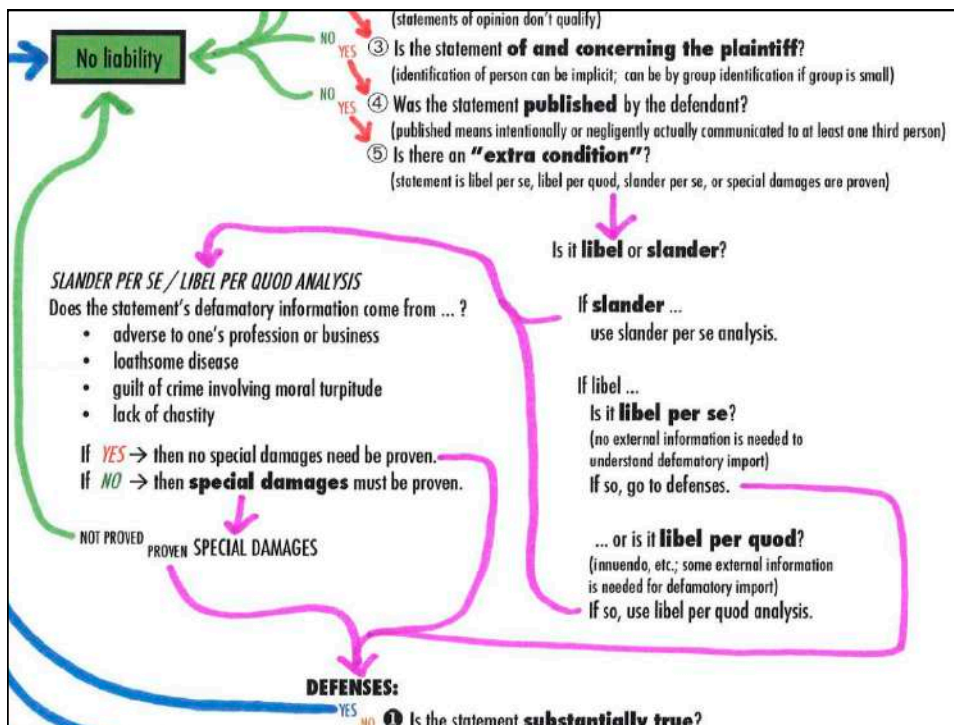
# Defamation 6: Slander Per Se, Libel Per Quod, Libel Per Se

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## Libel vs. Slander

- It's all "defamation."
- Why does it matter whether it is "libel" or "slander"?
  - It's the first step in the analysis to see if there is an extra element of special damages that is required as part of the prima facie case.

## Libel vs. Slander

- The distinction between libel and slander differs among jurisdictions.
- A generalization:
  - slander is an oral utterance
  - libel is a more permanent expression, such as a writing, illustration, or photo
- Another generalization:
  - sound → slander
  - sight → libel

## Libel vs. Slander

Here's a good question:

- A message written in sand on the beach - is that libel or slander?

## Libel vs. Slander

Here's a close question that actually matters:

- Radio or TV broadcasting - is that libel or slander?

*Jurisdictions vary.*



## Television and radio broadcasting

California → slander if by radio

New York → libel

Alabama → libel

Georgia → “defamacast”  
(per se, so essentially libel)

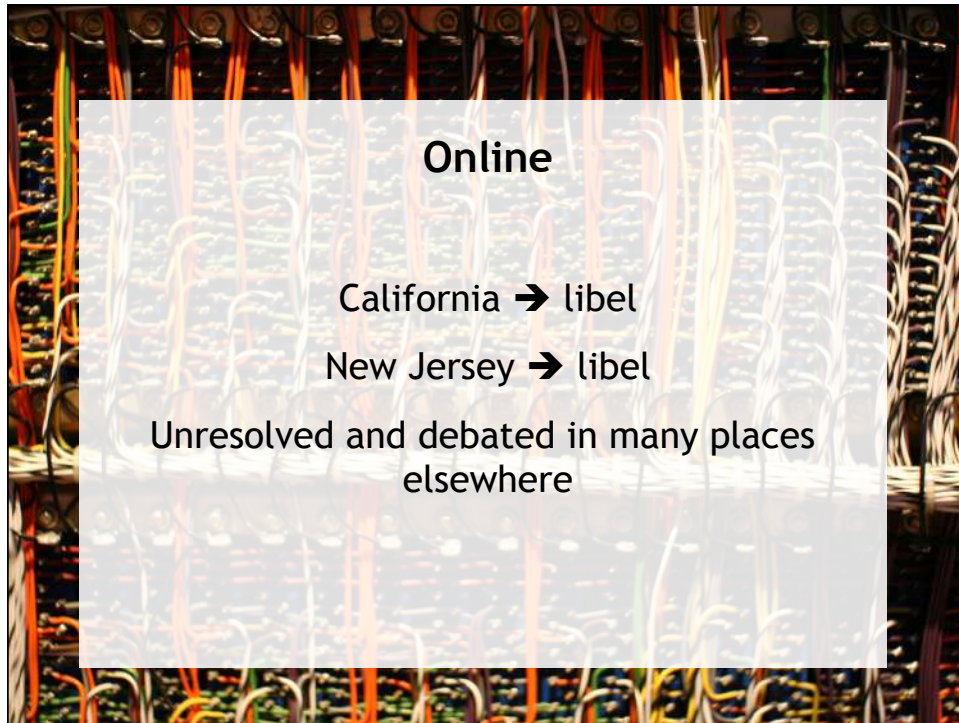
Texas → libel if from a script,  
slander if ad-libbed

## Libel vs. Slander

Here’s another close question that actually matters:

- Something posted on the internet - is that libel or slander?

*Largely unanswered.*



## Libel vs. Slander

No distinction between the two in some states:

- Illinois
- Louisiana
- Virginia

## **The Per Se Categories**

- Adverse to one's profession or business
- Loathsome disease (syphilis, leprosy)
- Guilt of crime involving moral turpitude
- Lack of chastity

### **Some examples of crimes that have been considered to be "of moral turpitude"**

- murder
- voluntary manslaughter
- theft offenses
- forgery
- kidnapping
- mayhem
- rape
- fraud
- spousal abuse
- child abuse
- driving under the influence

## **Lack of Chastity**

- By statute, includes male and female plaintiffs in Michigan