

Venus Orig

Grade 11

St. Thomas More C. S. S.

Libel is Liable

A wise man once stated, "Truth is generally the best vindication against slander." This insightful man was slandered numerous times during his presidency in the United States. Abraham Lincoln, the 16th president of the United States, was insulted due to his views on eliminating slavery at the time. The Southern states opposed his views and became known as the Confederacy, the group that sparked the civil war in America. He was the enemy of the nation but he strived for a better nation (National Parks Service, 2014). In Gavin's situation, he is an enemy to his classmate. Rachel Risotto wrote an untrue statement which is known as libel. By definition, in order for an untrue statement to be libel it must be published, about the plaintiff, and have caused harm to lower the plaintiff's reputation in the community (Gibson 368-372). In a case where "a person whose reputation has been harmed through defamation," they can sue for damages, and "the plaintiff must establish that the defendant's statements have seriously injured his or her reputation" (368-372). Rachel Risotto, in my humble opinion, would be found liable for defamation in a civil court case.

Firstly, Risotto published her opinion on the internet for public access. As stated in the case, she indicated that Gavin, "was formerly employed as a waiter at ABC Restaurant," and, "was disgracefully let-go for taking more than his share of tips," claiming that he is a thief. In fact, Gavin never worked for ABC Restaurant therefore he could not have been fired from a place he never worked for. Since this untrue statement was exposed to the public, it was meant to be read by others, including Gavin's family, friends, and employers. People should be free to share ideas without the fear of censorship or legal action, however they should not state unproven statements about others without being subject to defamation of character laws (368-372). Since Risotto shared an untrue statement against her peer, she is being subject to defamation of character laws. Secondly, Risotto wrote false facts about Gavin, the plaintiff of this civil case. She declared that her classmate was a thief and specifically claimed that it was Gavin Gourmet, and even stated his current education along with the libel. Before employers hire applicants, they are able to learn more about them through the internet. When a person searches for information about another, they type the applicant's name on a search engine and hope for the best. There is a high chance that the employers encountered this statement and were led to believe that this were true. Lastly, Risotto caused harm to Gavin, the plaintiff, that lowered his reputation in the community. She damaged his reputation which resulted in difficulty of Gavin's employment.

A case study that relates to Gavin's case is the Keegstra case. In the R. v. Keegstra case, Mr. Keegstra was a high school teacher who taught his students false information about the Holocaust being non-existent and that it was just stories from Jewish people for them to gain sympathy. He was charged under section 319(1) of the Criminal Code which states, "Everyone

who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of an indictable offence and is liable to imprisonment” (Government of Canada, 2004). He willfully promoted hatred against an identifiable group by sharing anti-semitic accounts to his students. He caused harm to the Jewish people’s reputation by educating young minds with false accounts and therefore acted on defamation.

She cannot claim any defenses of defamation since she cannot prove her statement is true, if the statement is an issue of public importance, or if she has an honest belief in the statement and is participating in the debate of the matter (368-372). If this statement was not published online for others to see, Gavin would be more likely to have been hired for a chef position and would have had an interview like his other colleagues.