

suspicion, as a potential threat to the liberty of the individual."¹⁴³ Or as Lipset and Pool explain, while both nations seek to protect the rights of the individual while promoting and protecting the general welfare of the community, they "strike different balances, with Canada tipping toward the interests of the community, and the United States toward the individual."¹⁴⁴

Similarly, journalists in Canada are more inclined toward a "social responsibility" view of the role of the media in society. While this particular perspective was proposed by the prestigious Hutchins Commission on Freedom of the Press in the United States, American journalists have tended not to accept its basic premise, which calls for government intervention when and if the media fail to act responsibly. For the most part, they continue to subscribe to the more libertarian view and its imperative that the media be free from government influence and control. Canadian journalists, however, whether sharing British traditions that allow for more government secrecy and control of information or French traditions that are more accepting of government intervention in media affairs, tend to be more tolerant of government intervention in ways that directly affect the media while serving the broader needs and interests of society.

Our review of the development of media law in the two countries shows that the courts on both sides of the border have expressed a strong commitment to the principle of a free press. In the United States, government restraints on the media are difficult if not impossible, with the Supreme Court ruling that such restraints "are the most serious and the least tolerable infringements on First Amendment rights."¹⁴⁵ The Supreme Court of Canada, while less absolutist in its approach, early on expressed strong support for a free press and "an untrammelled publication of the news and political opinions of political parties contending for ascendancy."¹⁴⁶ Unlike the American Bill of Rights, however, the Canadian Charter of Rights and Freedoms allows for governments to limit basic rights under Section 1, but "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Canadian courts have been less likely than those in the United States to provide strict protections for the media to publish without government restraint or interference. This is most obvious in matters related to coverage of the courts, where judicial restraints are more allowable in Canada. Also, Canadian courts have permitted government bans on the publication of truthful information, lawfully obtained, while American courts have held that such bans constitute and unconstitutional prior restraint. Also, media in the United States are allowed greater latitude to criticize public officials than are media in Canada, where the courts have been reluctant to adopt the American approach to public libel and false light privacy. In other areas, however, involving newsgathering, the duty to testify, and access to information, the courts in both countries have attempted to balance the rights of the news media against the broader interests of society.

Our review of the literature on journalists and journalism in the two countries showed, as well, that Canadian journalists tend to be more tolerant of government intervention and control, even when it affects media activities, and more inclined toward a "social responsibility" view of the role of media in a democratic society. Journalists in the United States, however, still tend to subscribe more to the libertarian view and its imperative that the press be free from government control, although the most recent national survey of American journalists suggests that there may be some shift toward some of the original goals of the Hutchins Commission,¹⁴⁷ which originally proposed the social responsibility model.

¹⁴³ Anthony Westell, "Our Fading Political Culture," in Ronald G. Landes, ed., *Canadian Politics: A Comparative Reader* (Scarborough: Prentice-Hall, 1985), at 246.

¹⁴⁴ Lipset Pool., *supra* note 11, at 37.

¹⁴⁵ *Nebraska Press Assn. v. Stuart*, *supra* note 46.

¹⁴⁶ *Reference re Alberta Statutes*, *supra* note 47.

¹⁴⁷ Weaver and Wilhoit, *supra* note 113.