adjudication.[8] More specifically, in cautioning against too firm a distinction between "individualism" and "community" in comparative legal analysis, he writes:

> "Liberal theory is rich enough to recognize the centrality of communities for human life; thus, genuine disagreements between thoughtful liberals and communitarians are much more subtle than any simple-minded account would propose. When thoughtful versions of competing points of view are applied to constitutional issues, differences are less stark than some rigid division of communitarian and individualist theories might suggest."[9]

With this in mind, our use of these concepts in attempting to compare developments in media law and standards of journalistic practice in Canada and the United States will be relative in terms of the extent to which variations in the law and the media in each country tend toward favoring the rights of the press and individual journalists or toward serving community or broader societal interests. While Greenawalt looked at developments in the law related to issues of free speech, our analysis compares developments in press law in the two countries and looks, as well, at how journalistic practices both reflect and affect broader social values and traditions.

Community and Individualism in the Law

While the legal systems in Canada and the United States share a similar tradition in English Common Law, their judicial and political traditions are different in important ways. For example, while their founding documents have some similarities, they reflect important differences in values and priorities. The American Declaration of Independence and its commitment to "Life, Liberty and the pursuit of Happiness" is contrasted to the British North America Act with its emphasis on the "Peace, Order and Good Government" of Canada. The former reflects an individualistic, anti-government theme while the latter reflects a trust in government and ambivalence toward personal freedom.[10] Lipset and Pool explain that 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."[11]

Also, the constitutional statements guaranteeing individual rights and freedoms are similar in many ways, but different in others. In particular, the American Bill of Rights provides no role for government in limiting basic freedoms while the Canadian Charter, particularly through Sections 1 and 33(1), reflects a tradition of parliamentary supremacy by specifying how federal and provincial parliaments can limit basic rights specified elsewhere in the document. And while the enumeration of rights and freedoms, including press freedom, are similar in the two documents, the firm American proscription against government from interfering with the rights to free speech by the press and public is quite different from the more positive provision in the Canadian Charter of Rights and Freedoms which, in Section 2(b), provides that everyone "has the fundamental freedoms of thought, belief, opinion and expression, including freedom of the press and other media of communication."

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[8] Id. at 149.

[9] Id. at 9.

[10] David Pritchard, "The Political Culture of Facts: Limits on Truthtelling in Canada and the United States," in Florian Sauvageau, ed., *Liberté de la presse et vie privée: Regards de l'étranger/Freedom of the Press versus Privacy: Views from Abroad* (Québec: Institut québecois de recherche sur la culture, 1996) at 11.

[11] Seymour Martin Lipset and Amy Bunger Pool., "Balancing the Individual and the Community: Canada versus the United States," *The Responsive Community*, Summer 1996, Vol. 6, Issue 3, at 37.