BOOK REVIEWS

*Documents of Canadian Broadcasting*
Roger Bird, ed.

Professor Bird is to be congratulated on bringing together such an extensive collection of documents concerning Canadian broadcasting and at the same time illuminating each with an annotation which gives the reader useful insights into the historic context of each.

It must be a difficult task for any editor to choose particular documents from the myriad available. Professor Bird constructed a sensible framework (The Pre-broadcasting Era, The Radio Age, Television Arrives and The CRTC Years) and then completed that framework with a total of 64 varied documents. Those chosen indicate the distinctive features of each period from the early days of Marconi's "system of telegraphic communication" to the more complex age of microwave and satellite communications. Numerous sources and viewpoints are canvassed ranging from official governmental and Royal Commission pronouncements through statements from regulatory agencies to viewpoints expressed by the industry, pressure groups and private citizens.

Several gems are included in the collection, not the least of which is one of the scripts from the famous (or infamous) Mr. Sage broadcasts aired by the Canadian Radio Broadcasting Commission during the 1935 election campaign. Historians often refer to those broadcasts which undoubtedly helped seal the fate of the beleaguered Commission. Seldom, however, do we have an opportunity to absorb the content of a specific broadcast.

Of equal interest is the discovery in the General Rules and Regulations of the CRBC, of reference to a limit (40% of air time) on "programs imported from foreign places" (Document 18, p. 130). Most commentators date Canadian content regulations from those issued by the Board of Broadcast Governors in 1959 (Document 30).

In his introduction to the excerpt from the Royal Commission on Broadcasting, 1957, the Editor turns a beautiful phrase which sums up much of what the whole book is all about. In talking of the major recommendation of the Report, he comments: "In this was visible the strong Canadian conviction that dissatisfaction with broadcasting can be cured by changing the regulatory machinery." (Document 28, p. 251)

If one were to quarrel in any way with Professor Bird's selection of documents or introductory comments it would be to regret the absence of certain materials for the 1958-68 period. the agonizing complexity of the period does not seem to be displayed as fully as it might. The vagueness of the 1958 Act, the attitude of the government of the day, the personalities of some of the prime actors involved and the general temper
(or distemper) of the times gave rise to circumstances which might be more fully documented. As case in point, the Board of Broadcast Governors found itself operating in a policy vacuum much of the time and had, against the better judgment of the then chairman, issued its own policy statements in areas where policy might better have come from government. (e.g. Board of Broadcast Governors, "The Extension of Alternative Services" 2 December 1962). Also, while one welcomes the inclusion of a portion of the "Troika" report in which the three authors agreed (Document 34), it would have been instructive to include portions of the individual statements of the three authors where their fundamental differences were laid bare. Finally, while "the Air of Death" material makes interesting reading (Document 49), one wonders why nothing was included on "the Seven Days" controversy, perhaps the most soul-searing experience the body politic of the CBC ever faced. Undoubtedly, the Editor was under pressure from the Publisher to limit an already healthy-sized volume!

One substantive issue which caught this reviewer's eyes in particular was the suggestion that the members of the CRTC did not enjoy "total independence of the government of the day" (Document 39, p. 406). One might ask why they should. Even Mr. Bureau, the CRTC's present Chairman, has not gone that far in challenging the Cabinet's powers in the 1968 Act. In a parliamentary system of government, surely the ultimate control of policy must rest with the Cabinet.

These minor comments aside, one looks forward to the second edition of this most valuable work where opportunity would be provided to add excerpts from parliamentary committee reports, ministerial statements, industry comments and pressure group reaction, all a part of the process leading to the introduction of the draft Broadcasting Act, 1988—an Act which, of course, when passed would also be included in a second edition. In the meantime, students of Canadian broadcasting can be most grateful for this concise historic record and contemporary research tool which Professor Bird has provided us.

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The Law of Defamation in Canada
Raymond E. Brown

Let me tell you a little story about law books. They used to be called treatises and their object, their only object, was to "state the law". The genre flourished in England, reaching its zenith in the late 19th and early 20th centuries. Canadian imitations were popular for a brief period prior to the First World War. The treatises, a manifestation of the dominance of formalism in legal circles, had their own rigorously observed