

VICTORIES AND FAREWELLS

THE RECENT TRIAL in Vancouver, in which a Canadian Broadcasting Corporation official brought a libel suit (expenses paid by the CBC) against a *Vancouver Sun* columnist, Lisa Hobbs, has implications that go beyond the world of newspapers and broadcasting and affect the literary world as well. For the issue was in fact the freedom of criticism; we were faced by the astonishing spectacle of a public corporation, part of whose duty is to foster and promote free criticism, not only condoning but actually paying for an attempt to prevent that very activity.

The trial itself was, in detail, less impressive than the principle involved, though it revealed more defects in the internal functioning of the Canadian Broadcasting Corporation than its bureaucratic heads had perhaps expected when they rashly decided to start on the path of litigation (a procedure which incidentally was condemned by every CBC producer with whom we discussed it). But the verdict was of crucial importance, since it showed that the jury of ordinary citizens, presumably not critics themselves, respected the right of the critic to make scathingly condemnatory statements where they appeared to be necessary. More than that, the verdict showed strong misgivings among these jurymen and jurywomen, not themselves involved in the worlds of newspapers or broadcasting or literature, about the libel law as it stands in Canada. For they found that Lisa Hobbs was in fact technically culpable, but assessed damages at \$1. The implication is that what she said was justified and only the malformation of the law made her statements actionable.

One hopes that the heads of the CBC will take note, and henceforward regard criticism as a reason for keeping their own operations in trim rather than as an excuse for trying to muzzle the critics; in this way they may save from embarrass-

ment not only themselves but also those of us who, as friends of the CBC and advocates of its revitalization as a cultural service unhampered by commercial considerations, found our loyalty roughly shaken by this case and its revelations. One hopes that the politicians will also take note and radically revise the law of libel so that criticism, as distinct from false accusation, shall henceforward be fully and specifically protected. One hopes finally that people involved with literature—and especially such professional organizations as the Writers' Union—will become active in seeking changes in the law to protect writers from unjustified litigation. In recent years the generally permissive atmosphere of our society has meant that the libel laws have been less ferociously invoked than in past generations; the decision of Robert McGall to bring his case against Lisa Hobbs and that of the CBC to support it were quite out of character with the temper of the times—these early 1970's. But the law remains such that in a more restrictive era—such as the signs tell us we shall probably be facing even before 1984—it can be interpreted so as narrowly to restrict criticism without any strengthening of the wording of the statutes being necessary.

So far as we are concerned, it is the action of writers that is important. They should not only work for the radical amendment of the laws of libel to give specific protection to critics; they should also, while the law remains unliberalized, show their concern for the freedom of writing by declining to sue, and by boycotting lawyers who conduct libel actions. This is why the present writer protested in *Quill & Quire* when there was talk of a libel action in connection with an admittedly despicable piece referring to Margaret Atwood that appeared in *Northern Journey*, and found it disturbing that an organization set up to protect the interests of writers, the Writers' Union of Canada, appeared to condone such a suit when it should obviously have been using its energy in demanding a reconsideration and revision of the libel law to protect its members and others in the literary community. If we use a bad law, we strengthen it; the case is as simple as that. The potential dangers to writers, editors and publishers involved in the libel law as it now stands seem so important that one can only regret the narrow scope of the newly founded Book and Periodical Development Council, the one organization that unites all the bodies representing the various factors in the literary world. For our common interests go beyond matters of marketing and financing; they include also guarantees of the freedom and security of the writer, the editor and the publisher in a legal way as well, and this means a review of all the laws affecting them, with libel and copyright taking first and most urgent place.

ONE DOES NOT HAVE to be a fanatical mouth-frothing nationalist to bid a joyful farewell to the special privileges granted under Canadian tax laws to those inveterately American magazines, *Time* and *Reader's Digest*, and a farewell also, apparently, to the Canadian edition of *Time* at least. The circumstances under which those privileges were granted have always offered a distasteful and humiliating witness to the subservience of successive Canadian governments to American pressures, and one hopes that their revocation will be a sign that such subservience is drawing to an end.

So far as *Time* is concerned — I cannot speak of *Reader's Digest* since I have found it too dull to have followed its progress — one is also relieved by the ending of an insulting and patronizing pretence. *Time* has offered what it claimed was a Canadian edition; it has had an editorial staff consisting partly of tame Canadians, and offices in Canada; it has had Canadian printers working for it. But what gave a fragile appearance of being Canadian to the actual journal, as it came into one's hands, was an insert of 4 or 5 pages of items on Canada at the beginning of the journal, out of a total length of between 64 and 80 pages. Thus what passed itself off as a magazine slanted towards Canadians in fact contained between 5% and 7% of material devoted to Canada, selected in such a way as to be unrepresentative of current Canadian preoccupations and written with a pronouncedly American slant, so that the true Canadian viewpoint was more often than not ridiculed by implication. *Time Canada*, as it described itself, has been an imposition on our patience and credulity one is glad to see coming to an end. As an American magazine and nothing more, informing us from its own point of view of happenings and attitudes south of the border, *Time* will always be welcome in Canada, entering without privileges and taking its equal place beside other American journals which present a different view of the Union, such as the *Nation* and the *New Republic*.

Indeed, one of the advantages of putting *Time* in its place is that rival American journals may benefit and we may have readier access to a more varied spectrum of American opinion. The other advantage, of course, apart from the boost to our self-esteem of Canadians, is that some if not all of the advertisement revenue diverted from *Time* and *Reader's Digest* will certainly flow to Canadian publications. *Maclean's* appears set on a course to become the first Canadian news magazine, a resolution of inner contradictions that may be all to the good, since recently it has been floating in a Sargasso of indecision, having virtually given up pretensions to being a journal of opinion, having cut connections (to all appearances) with the team of "real" writers which it announced so proudly

when Peter Newman took over the editorship, and having marked time for months as a neither-fish-nor-fowl-nor-good-red-herring features magazines. Much more encouraging is the reappearance of *Saturday Night*, the only large circulation journal in Canada that has consistently sustained itself both as a forum of opinion and as a vehicle for discussing the arts. So, bidding farewell to the old *Time*, let us welcome the new *Saturday Night*.

GEORGE WOODCOCK

DESMOND PACEY

While this issue of *Canadian Literature* has been going through the press, we have received with great sadness the news of Desmond Pacey's death, after a long though intermittent illness. For thirty years Desmond Pacey has been intimately associated with the movement for the serious study of Canadian writers and writing, and his contribution over that period, as literary historian and critic and editor, was invaluable. In our next issue we shall devote more adequate space to his achievements; now we record our regret, personally and on behalf of all who have known Desmond Pacey and his work.