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Book Notes: Essentials of Canadian Law. Media Law, Second Edition, by Robert Martin

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ESSENTIALS OF CANADIAN LAW: MEDIA LAW, SECOND EDITION
BY ROBERT MARTIN (TORONTO: IRWIN LAW, 2003). Pp xiv + 244.
Index, table of cases. \$44.95 paper.

BY NAOMI SLAVINSKI

The importance of this book for law and journalism students, as well as for practising lawyers and journalists, lies in the way in which it reveals the inherent connection between the roles and rights that the state, the courts, and private individuals possess within the context of media law. By examining the intertwined histories of these institutions in a study of contemporary media law, the author reveals the extensive impact that each has made on the development of media law and vice versa.

The book is filled with interesting analogies between concepts of media law, which are generally less intuitively understood because “media law” is not a singular area of law, and more commonly recognized principles from more traditional and well-defined areas of law, such as criminal law, contract law, and tort law. Furthermore, examples from case law, legislation, and regulatory policy are used to explain the relevance of media law as a study and practice. These examples also reveal that such study and practice extends far beyond the media infrastructure itself, into the legal system and society.

The central issue in the book is freedom of expression, which is explored through a descriptive, but also often opinionated and analytical, study of the relevant case law and legislation. The author’s express decision to omit the law of intellectual property and specific issues of hate propaganda and obscenity from this discussion ensures that the cohesiveness and readability of the book are not compromised in an attempt to be over-inclusive.

Although the book is largely descriptive in tone and nature, the author’s opinions about the system and its players are expressed often, creating a somewhat biased and one-sided analysis of the evolution of media law. Also, some of the “difficulties” that the author finds with certain legislative and judicial decisions seem slightly overstated and strained, as he constantly finds “matters of concern” to fuel the discussion and avoid a strictly academic overview. Still, Martin’s opinions are so clearly expressed as such that they do not detract from the informative nature of the book. Moreover, these opinions and analyses provide thought-provoking twists to the material, such that the book does not adopt a dry textbook-style tone.