THE CANADIAN EXPERIENCE - BROADCASTING IN CANADA AND ITS INFLUENCE ON THE CANADIAN IDENTITY

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ABSTRACT

This thesis examines the role of broadcasting in Canada with regard to developing and maintaining a national identity in the face of United States influence via the media. The subject is examined within the theoretical framework provided by the science of cybernetics and the Laws of Thermodynamics. A historical overview of Canadian broadcasting policy and institutions is provided. The work of the various royal commissions and other investigatory bodies is analyzed. The most important contemporary institutions, the CRTC, the CBC and the federal Department of Communications, are situated within the context. The effects of the most recent technologies, cable television, satellites, Pay-TV and VCRs are examined. Canadian broadcasting is also viewed in the context of the 1989 Canada-United States Free Trade Agreement and the New World Information and Communication Order. Our conclusion suggests that the future of Canada's identity depends primarily on the quality of domestic broadcasting. Finally, we suggest that Canadians and Europeans, who are facing some comparable problems in a united Europe, can learn from eachothers's experiences.

RESUME

Cette thèse examine le rôle de la radiodiffusion et de la télévision au Canada et le développement et le maintien d'une identité nationale face a l'influence des Etats-Unis au travers des supports de communication audiovisuelle. Le sujet est examinée dans le cadre théoretique fourni par la science cybernétique et les lois de la thermodynamique. Un aperçu historique de la politique et des institutions canadiennes dans la domaine de la communication audiovisuelle est brossé. Le travail des diverses commissions royales et autres instituts de recherche est analysé. Les plus importants institutions actuelles, la CRTC, la CBC et le Département Fédéral des Communications sont replacés dans ce contexte. Les effets des plus récentes technologies, la télévision par câble, les satellites, la télévision payante et les magnétoscopes sont étudiés. La télévision canadienne est également mise en perspective dans le cadre de l'Accord de Libre-Echange de 1989 entre le Canada et les Etats-Unis et du Nouvel Ordre Mondial de l'Information et de la Communication. Notre conclusion suggère que l'avenir de l'identité canadienne dépend principalment de la qualité de sa programmation naticnale. Finalement, nous suggérons que les Canadiens et les Européens, qui font face à des problèmes comparables dans une Europe unie, peuvent tirer les leçons de leurs expériences respectives.

Table of Contents

THE CANADIAN EXPERIENCE - BROADCASTING IN CANADA AND ITS INFLUENCE ON THE CANADIAN IDENTITY

Introduction

To a non-Canadian the most striking challenge of the nation's communications scene is ensuring that the country maintains its distinct identity. It is most manifest in the cultural domain, most obvious in the field of mass communications. John Meisel, the former chairman of the Canadian Radio Television and Telecommunications Commission, puts it this way

> No form of cultural activity so clearly displays Canada's cultural dilemmas, and their implications for Canadian-American relations, as the field of communications [1]

Or as the British scholar Anthony Wilden states

> Canada is "Notland", a country whose limits of action, identity and geography are defined by others - nowhere more so than in communications [2]

Although the field of communications is immensely complex and embraces everything from book publishing, newspapers and theatre to the film and record industries, this thesis is restricted to the field of broadcasting. All of broadcasting, but television in particular, is said to have the most far reaching effect on the minds of individuals. Canadian television content, particularly

1 *Meisel, John*, Escaping Extinction, Cultural Defense of an Undefended Border, Canadian Journal of Political and Social Theory Vol X, No 1 - 2, 1986, p 249

2 *Wilden, Anthony*, The Imaginary Canadian, Vancouver, Pulp Press, 1980, p 2.

entertainment and drama, has a large American component. Consequently, there is a legitimate concern that television viewing may undermine Canadian identity and even threaten the survival of the country and its culture.

With a population of over 25 millions, living mostly within one hundred fifty kilometres of the United States and sharing a 5000 kilometer border with that leading English speaking world power, Canada is vulnerable to foreign influence at the best of times. This situation is aggravated by geography in the sense that North/South communications are more natural than East/West communications. In practical terms this means that it is often easier for Canadians in a particular region to communicate with the contiguous part of the United States than with other regions of their own country.

The historical importance of communications infrastructure in the formation of Canadian policy and the attention given to communications in Canadian political and academic discourse have maintained in Canada a sense of national concern with communications policy and Canadian communications as an instrument of Canadian sovereignty. Since the advent of radio, every Canadian government has sought to deal with this problem by seeking ways of ensuring that the nation's identity is not compromised by the effects of American broadcasting. Whether or not these concerns are exaggerated, there can be no doubt of the importance of Canadian communications policy in maintaining the Canadian state and protecting its sovereignty. Over the years, broadcasting has indeed been used for nation-building purposes, and to meet the fears of cultural domination via the broadcasting media of the United States.

This thesis examines the importance of communications and more specifically broadcasting as defined in the Broadcasting Act of February 1991: "'Broadcasting' means any transmission of programs, whether or not encrypted, by radio waves or other means of telecommunications for reception by the public by means

of broadcasting receiving apparatus, but does not include any such transmission of programs that is made solely for performance or display in a public place."[3] It aims to describe the distinctive character of the Canadian broadcasting system and also to outline the various government approaches for dealing with the challenge to a particular country from cross-border communications This is a relevant subject for certain other countries as well and may contain some lessons for them

To understand the current Canadian broadcasting system in the historical development of the country, it is necessary to specify the significance of communications in that regard For this reason, the thesis will be in part historical, tracing the broadcasting system from the 1920's to to-day.

With regard to the theoretical framework, the basic concept, as in all communications studies, must be cybernetics, defined by Norbert Wiener as "the entire field of control and communication theory, whether in the machine or animal" [4] For our purposes, cybernetics deals with the concept of self-regulation or the adjustment and adaptation of organisms to outside influences In our case, we can see the Canadian state adjusting to external communications in an attempt to maintain its viability Essentially, the thesis deals with these efforts at self-regulation to maintain the country's integrity

Another theoretical component underlying this thesis is that of the Laws of Thermodynamics One law of thermodynamics states that an organism must receive messages from outside in order to survive. Another law states that heat (communications) flows from the warmer body to the cooler body. These two laws pose the Canadian dilemma. Canada must remain open to outside

3 Section 2 (1) Broadcasting Act (February 1991)

4 *Wiener, Norbert*, Cybernetics Or Control and Communication in the Animal and the Machine, 2 edition, Cambridge, 1962, p 19

communications, which come mostly from the United States. At the same time, if the flow is unimpeded, it will be overwhelmingly from the warmer body, i.e. the more developed country, to the cooler body, i.e. the less developed country. In other words, from the United States to Canada.

Chapter 1 of this thesis provides a historical outline of how communications have shaped Canada and how the very beginning of broadcasting has been a subject of concern about excessive American influence The first royal commission on broadcasting in 1929, and the debate it triggered, will set the stage for the historical analysis Of particular interest is always the question of how these political institutions have dealt with the problem of U.S. media influence on Canadians. Governments from the very beginning - when broadcasting meant radio - have been determined to control the mass media communications and take a distinct Canadian approach

Chapter 2 outlines the Canadian broadcasting institutions from the beginning until the present television and satellite age. They comprise mainly the Canadian Broadcasting Corporation (CBC) established in 1936, the Board of Broadcast Governors (BBG) and its successor, the Canadian Radio Television and Telecommunications Commission (CRTC), and the Department of Communication (DOC)

Chapter 3 focuses on the new technologies of the satellite or space age as distinct from the radio and television age dealt with in the previous chapters. We pose the question: if broadcasting media in general sustain a nation's culture and identity, how is this fact acknowledged in Canadian politics in the field of telecommunications mainly with regard to cable and satellite transmission?

Chapter 4 examines the ways in which Canadian governments have recently attempted to make the mass media serve national goals -

of which one of the most prominent is national identity. Recent materials and articles are examined for this purpose. The thesis takes into account the Free Trade Agreement between the United States and Canada put into practice in 1989 and some aspects of the New World Information and Communication Order (NWICO). In addition, UNESCO has been seized of this global problem and established its own commission, the MacBride Commission, which published its report in 1980 under the title "Many Voices, One World". The primary purpose was to resolve the conflicting trends of worldwide free information flows on the one hand, and, on the other hand, the needs of individual countries to exercise some control over communications across their borders in order to maintain their integrity.

In our conclusion, we will attempt to place the Canadian experience in the larger global context of world information flows. Authors like Herbert Schiller[5], Jeremy Tunstall[6] and Anthony Smith[7] have written on US domination, and Anthony Smith has evoked the Canadian case in that context:

> No country in the world probably is more committed than Canada to the practice of free flow in its culture and no country is more completely its victim.[8]

The development and current state of the Canadian broadcasting system has useful lessons for Europe at the beginning of a new media era. As 1992 and a new phase of European integration looms on the horizon, European broadcasting systems are well advised to examine the unique Canadian experience. In fact, according to

5 *Schiller, Herbert*, Mass Communications and American Empire, New York, A M. Kelley, 1969

6 *Tunstall Jeremy*, The Media are American, New York, Columbia University Press, 1977.

7 *Smith, Anthony*, The Geopolitics of Information How Western Culture Dominates The World, London, Oxford University Press, 1980

8 Cited in: *Audley, Paul*, Canada's Cultural Industries Broadcasting, Publishing Records and Film, Toronto, James Lorimer, 1983

German scholar Rainer Schultze, "we have too much to learn from each other."[9]

In sum, the challenge to Canada is to be open to receive American communications, and to use them to build a viable and distinct country rather than becoming more and more like the United States. This concern for Canadian identity is more acute for English- speaking than French-speaking Canadians, since the latter have a linguistic screen through which they can filter or even block American messages. Since the particular situation of French- speaking Canadians cannot be developed within the ambit of this thesis, we will be referring particularly to that of English-speaking Canadians.

9 *Schultze, Rainer Olaf,* O Kanada, in: Saturday Night, No. 3693, 1987, p. 13.

Chapter 1: Origins and Development of the Canadian Broadcasting System

1.1 A Historical Retrospective

A historical review of the development of the Canadian broadcasting system is necessary to understand the contemporary situation and the ongoing debate. Or as Eugene Hallmann, a former Vice President of the CBC, puts it:

> The future of broadcasting can never be completely separated from its past, even though that past in all countries is a recent one: there may be sharp breaks but there are also continuities.[10]

Radio broadcasting in Canada began in 1920, when the Canadian Marconi Company began service from its Montreal station XWA (later CFCF). By 1923, some 34 radio stations were transmitting in Canada, and 556 in the United States. As the Director of the Radio Services of the Canadian Government observed at that time: "the aether disregards all boundaries".[11] Thus we see that from the inception of broadcasting in Canada to the present day, the Canadian experience has been decisively influenced by developments south of the border.

To answer the question of how the Canadian broadcasting system can help to foster or even create a national identity in such a big country with its sociological mosaic[12], we begin with Paul

10 *Hallmann, Eugene S.*, Broadcasting in Canada, London, Routledge and Keegan Paul, 1977, p. VII.

11 Quoted in: *Peers, Frank* , The Politics of Canadian Broadcasting 1920 -1951, Toronto, University of Toronto Press, 1969, p 6.

12 *Porter, John*, The Vertical Mosaic - An Analysis of Social Class and Power in Canada, Toronto, University of Toronto Press,1970, p. 471.

Rutherford's observation: "The Canadian experience, the particular social reality, is the result of a complex set of factors."[13] An important element for the Canadian communications experience was the building of the first trans-canadian railway (completed in 1885) for the purpose of binding together the young state. Not only did it ensure the existence of the young nation but it opened the gate to a promising future. Given the geographical facts, Canada is forced to use the most modern and advanced communications technologies, including those in the field of mass media communications. To ensure comprehensive national radio and television coverage is a major and ongoing challenge. In fact, only with the introduction of satellite techniques was it possible to make the mass media available to the whole country.

1.2 Genesis and Development of National Radio

Sir Henry Thornton, President of the publicly-owned Canadian National Railway (CNR) is credited with the creation of public broadcasting in Canada. Through his initiative, the first albeit limited network operated by the "Radio Department" of the CNR began broadcasting on June 1st, 1923[14]. Some of the trains' parlour cars were equipped with radio receiving sets. Thornton saw radio as a significant unifying force. According to his biographer, "as a direct result of Sir Henry's ability to see the possibilities inherent in a new medium of expression, the railway did for Canada what she was too apathetic to do for herself."[15] In 1929, 210,000 guests on board CNR trains were provided with 77,600 hours of news, regional and local information and entertainment. Thus the CNR continued the pioneering role of Canadian railways of establishing communication links across the

13 *Rutherford, Paul*, The Making of the Canadian Media, Toronto, New York, McGraw Hill, 1978, p.124.

14 *Prang, Margaret*, The Origins of Public Broadcasting in Canada, in: The Canadian Historical Review Vol. XLVI, No.1, March 1965, pp.1-31.

15 *Marsh, David*, The Tragedy of Henry Thornton, Toronto, Macmillan, 1935, p. 115.

country.[16] The privately owned Canadian Pacific Railway (CPR) did not offer a comparable broadcasting service.[17] However, as early as 1898 the CPR sponsored a filmmaker named James Freer to produce short films to show the beauties of Canada to prospective immigrants in the United States and Great Britain.[18] At the time, there were only three regular sponsors of live national broadcasts, the Canadian National Railways, the Canadian Pacific Railway, and the Imperial Oil Company.[19]

Notwithstanding these early steps, radio broadcasting in Canada in the late '20s and early '30s was still largely American. By 1930, the whole settled area of Canada was within regular range of American radio stations, while only 60 per cent of the population was able to hear Canadian programmes on a regular basis. Of some seventy Canadian stations, only three (in Montreal, Toronto, and Winnipeg) had 5,000 watt transmitters. The total broadcasting power of all stations in Canada amounted to less than 35,000 watts, compared to the 675,000 watt power of American stations heard in Canada.[20]

The historian Margaret Prang comments:

> The advent of radio broadcasting as a potential medium of communication with every home on the continent added a new and alarming dimension to Canada's relations with the United States. Never before had the "undefended boundary" presented such an open door to

16 *Weir, E. Austin*, The Struggle for National Broadcasting in Canada, Toronto, McClelland and Stewart, 1965, pp 7, 10

17 *Weir, E. Austin*, op. cit , pp 93 ff

18 *Vipont, Mary*, The Mass Media in Canada, Toronto, James Lorimer, 1989, p IX, 34

19 *Prang, Margaret*, op cit , pp 1-31.

20 *Ellis, David*, Evolution of the Canadian Broadcasting System Objectives and Realities 1928-1968, Hull, Quebec, Minister of Supply and Services, 1979, p. 2, Footnote 1, see also *Spry, Graham*, A Case for Nationalized Radio Broadcasting, Queen's Quarterly, Kingston, Vol. XXXVIII, Winter 1930-1931, p.155.

> cultural annexation ... . The revolution in communications, possibly as far reaching in its consequences as the change from wood and wind to iron and steam which had done so much to bring about Confederation itself, was threatening the clearer delineation of a Canadian identity.[21]

Elton Johnson mentions the popularity of US stations with Canadian listeners:

> Nine tenths of the radio fans in this Dominion hear three or four times as many United States stations as Canadian. Few fans, no matter in what part of Canada they live, can regularly pick up more than three or four different Canadian stations; any fan with a good set can "log" a score of American stations.[22]

Not only were Canadian stations weak in power, but as a result of an agreement between Canada and the United States, which was negotiated primarily on the basis of population rather than area served, they had access to only six clear channels and shared eleven others with American stations. They were frequently drowned out by their more powerful neighbours.

Graham Spry, one of the founders of the Canadian Radio League, also noted:

> There are undoubtedly some programmes of the highest quality ... but most programmes of Canadian origin are miserable stew ... and Canadians turn with relief in

21 *Prang, Margaret*, op cit., p.3.

22 *Johnson, Elton*, quoted in: Peers, The Politics of Canadian Broadcasting 1920-1951, op cit., p 20

some cases to the American stations that cover the whole Dominion.[23]

In both countries, Canada and the United States, it was still assumed that the government had only a peripheral interest in what was broadcast, and that its essential responsibility was to prevent interference between broadcasting stations or between one type of radio transmission and another. Until 1928, public authorities in Canada paid little attention to existing developments, "as if" in Peer's words, "broadcasting could be divorced from politics, or as if no new policies were needed."[24]

In the circumstances, the Liberal government of William Lyon Mackenzie King was faced in the late 1920s with mounting discontent over the content and reception of radio programmes in Canada. The then Minister of Marine and Fisheries*, P. J A Cardin, complained that "the moment the minister in charge exercises his discretion the matter becomes a political football .. all over Canada."[25] Cardin indicated that the government was therefore favourably inclined toward the establishment of a Crown company, similar to the British Broadcasting Corporation (BBC), to place the control of broadcasting above political influence. Since the government did not possess the information needed to establish a new policy, it proposed to appoint a royal commission "to advise parliament on the future control, organization and financing of broadcasting."[26] Prime Minister Mackenzie King was convinced of

* In Canada, the regulatory authority for radio transmission (broadcasting) was the federal Department of Marine and Fisheries because of radio's early use as a marine navigational aid.

23 *Spry, Graham*, A Case for Nationalized Radio Broadcasting, Queen's Quarterly, XXXVIII (winter 1931), pp 151-169

24 *Peers, Frank W*, op cit, p 12

25 Canada, House of Commons, Debates, June 1, 1928, p 3662

26 Canada, House of Commons, Debates, June 1, 1928, p 3662

the "outstanding importance" of this first Royal Commission on Broadcasting, the Aird Commission as it became known.[27]

1.3 The Aird Commission

The first Royal Commission on Radio Broadcasting was established on December 6, 1928 to determine how radio broadcasting could most effectively operate in the national interest. It was named after its chairman Sir John Aird, president of the Canadian Bank of Commerce. With him were Charles Bowman, editor of the Ottawa Citizen, and Dr. August Frigon, Director of Technical Education for the Province of Quebec and one of Canada's leading technical experts on radio. After studying broadcasting in Canada and the United States, Great Britain, and several European countries, the Commission submitted its report to the government on September 11, 1929. It stated:

> In our survey of conditions in Canada, we have heard the present radio situation discussed from many angles with considerable diversity of opinion. There has, however, been unanimity on one fundamental question - Canadian radio listeners want Canadian broadcasting.[28]

The Commission had been impressed with the organization of broadcasting in Great Britain and Germany, in both of which it was operating under a form of public ownership and control:

> Everywhere in Europe we found inquiries being conducted under government auspices for the purpose of organizing broadcasting on a nation-wide basis in the public interest.[29]

27 Canada, Public Archives of Canada, J.W Dafoe Papers, King to Dafoe, Dec. 1, 1928.

28 Canada, Royal Commission on Radio Broadcasting (Aird Commission), Report, Ottawa, King's Printer, 1929, p. 6.

29 Ibid, p. 5.

The system it recommended for Canada was a modification of the British Broadcasting Corporation model, the most important departures being "the recognition of Canada's federal structure and the provision for indirect advertising; sponsorship of programmes was to be permitted but no direct promotion of specific products would be allowed".[30]

Most important for the purpose of this thesis is that the Aird Commission was very much concerned about the influence of "foreign" broadcasting sources. That was a basic concern that was going to be voiced by each royal commission that followed. The Aird Commission declared:

> At the present the majority of programs heard are from sources outside of Canada. It has been emphasized to us that the continued reception of these has a tendency to mould the minds of the young people in the home to ideals and opinions that are not Canadian In a country of the vast geographical dimensions of Canada, broadcasting will undoubtedly become a great force in fostering a national spirit and interpreting national citizenship ... . Many persons appearing before us have expressed the view that they would like to have an exchange of programs with the different parts of the country.[31]

Clearly, the Commissioners assumed that broadcasting could cultivate a spirit of national identity and that therefore a publicly owned and operated system would best serve Canadian interests They concluded that any broadcasting organization should be operated on a basis of public service to meet the requirements of Canada and her people and specifically "to give Canadians Canadian

30 Ibid, p 12
31 Ibid, p 6

programmes through Canadian stations". "We think", they continued, "that every avenue should be vigorously explored to give Canadian listeners the best programs available from sources at home and abroad."[32] By their recommendations, the Commissioners sought to counteract the dangers resulting from Canada being largely served by American network stations. Following this, they recommended the creation of the first public broadcasting company, the Canadian Radio Broadcasting Company (CRBC)[33].

Although Parliament did not fully implement all the recommendations, its response to the Aird Commission continues to influence Canada's broadcasting system until today. And it is no exaggeration to say that all the succeeding commissions and debates on the subject of broadcasting have reflected one or another of the Aird Commission's recommendations. When the Commission was studying the different models of broadcasting in other countries, it was Franklin D. Roosevelt, then Governor of the State of New York, who expressed the hope that broadcasting in Canada would not emulate the United States where confusion predominated. "In the United States", he declared, "broadcasting has been allowed to grow like Topsy."[34] And indeed, the model for radio broadcasting proposed by the Aird Commission differed sharply from the one developed in the United States. At the time when one might have expected the Canadians to adopt the American model, they chose a different one. In that way, they forestalled what many thought a natural development and Canadian broadcasting was given a distinctive pattern closer to that of Britain and Western Europe.[35]

32 Ibid, p 10
33 Ibid, p. 7.
34 Quoted in *Peers, Frank W.*, op. cit., p. 39.
35 Ibid, p 12

1.4 The Canadian Radio League (CRL)

Initially, public response to the Aird Report was generally favourable, but, within weeks of publication of the report, the great market crash of the autumn of 1929 introduced other concerns. Consideration of broadcasting policy was pushed aside in the face of more urgent matters of public policy. In the autumn of 1930, a group of young Canadians determined that the exigencies of the depression must not be allowed to impede the implementation of the Aird Report. As the instrument of their campaign to rally the diverse organizations and individuals who feared that any delay would "enable interested commercial groups with strong American affiliations to gain control of the Canadian air"[36], Graham Spry, National Secretary of the Association of Canadian Clubs 1926-1932, and Alan Plaunt, later member of the Board of Governors of the CBC from 1936-1941, formed the Canadian Radio League. The spirit of the League was well illustrated by a slogan that Graham Spry placed at the top of a letter written to Brooke Claxton (1898-1960, member of the Canadian Radio League and Liberal cabinet minister in the federal government,1944-54): "Britannia rules the waves - shall Columbia rule the wavelengths?"[37]

One of the League's goals identified by Spry in a presentation to the Parliamentary Special Committee on Radio Broadcasting was to develop radio broadcasting not only as a means of entertainment but also as an effective instrument to integrate the Canadian nation, fostering unity and identity. The League, he stated, favoured "the public ownership of radio stations because radio is by nature a monopoly and not a competitive business."[38] If

36 Plaunt, Alan B., Plaunt Papers, University of British Columbia Library, Vancouver, Boxes 1-10, Plaunt to F. N. Southam, Oct. 30, 1930

37 Plaunt, Alan B., Plaunt Papers, University of British Columbia Library, Vancouver, Boxes 1-10, Spry to Claxton, Oct. 6, 1930

38 Canada, Parliament, House of Commons, Proceedings and Report of the Special Committee on Radio Broadcasting, 1932, p. 562

allowed to remain in private hands, those hands would ultimately be American. The issue then was clear: "The question is the State or the United States?"[39] Canadians faced "a great and happy opportunity for expressing, for achieving, that which is Canada. It is here and now, it may never come again."[40] During the debate on the broadcasting bill in 1932, too, public ownership was declared to be the only means of assuring "complete Canadian control of broadcasting from Canadian sources ... so that ... national consciousness may be fostered and sustained and national unity and identity ... strengthened."[41] During that period, the Radio League did not actually create a national consciousness , but it was highly effective in focusing it on the broadcasting issue. The lobbying of this "promotional group"[42], as Margaret Prang has described it, influenced the thinking and actions of those involved in developing broadcasting policy.

1.5 Implementation of the Recommendations of the Aird Report

Following on the special committee hearings on the Aird Report and a period of intense discussions, lobbying and political maneuvering, the Broadcasting Act of 1932 was enacted. Under its terms the first public body concerned with broadcasting in Canada, the Canadian Radio Broadcasting Commission, was established, and thus succeeded the CNR in its function as the first national radio broadcasting department.

The Honourable R. B. Bennett, who had succeeded Mackenzie King as Prime Minister in 1930, outlined the government's policy in introducing the legislation in the House of Commons:

39 Ibid p 565
40 Ibid p 571
41 Canada, Parliament, House of Commons, Debates, May 18, 1932, p. 3035.
42 *Prang, Margaret*, op cit , p 31.

> First of all this country must be assured of complete control of broadcasting from Canadian sources, free from foreign interference or influence Without such control radio broadcasting can never become a great agency for communication of matters of national concern and for the diffusion of national thought and ideals, and without such control it can never be the agency by which national consciousness may be fostered and sustained and national unity still further strengthened ... . Then there is the use of the air ... that lies over the soil or land of Canada (which is) a natural resource over which we have complete jurisdiction under the recent decision of the Privy Council (and) I cannot think that any government would be warranted in leaving the air to private exploitation and not reserving it for development for the use of the people.[43]

1.6 After Aird

By 1935, the CRBC, despite its problems with government, press and private operators, as well as in putting in place its own organizational structure, had become a programme producer of some distinction and popularity. Both the quantity and quality of broadcasts were improving and made a good impression on the listening public. The Commission offered ambitious and largely Canadian programming in two languages. But right from the start, the Commission was severely handicapped by lack of money, lack of independence, and the weakness of the three-man commission model.*

* The Commissioners were Hector Charlesworth (Chairman), Editor of Saturday Night, Thomas Maher, a forestry engineer from Quebec, and Lieutenant-Colonel W Arthur Steel

43 Canada, Parliament, House of Commons, Debates, 1932, pp 3035-36

In 1935 the Minister of Marine and Fisheries, C.D. Howe, in the new Mackenzie King government initiated a parliamentary committee on (radio) broadcasting to examine the functioning of the CRBC, and the efficacy of the Broadcasting Act of 1932. A year later, on November 2, 1936, a new Broadcasting Act was put in place. It replaced the CRBC by the Canadian Broadcasting Corporation (CBC).

The principal mandate of the CBC was, and still is, to make it possible for every Canadian to hear the CBC's programmes and to use the CBC and the relatively young radio broadcasting as a catalyst for national identity.[44] In the words of the Broadcasting Act of 1936: "The Corporation shall carry on a national broadcasting service within the Dominion of Canada."[45] Finally, the Act carefully defined broadcasting to include "the wireless transmission of writing, signs, signals, pictures and sounds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations." The definition was vitally important for the future. Television was already a known technology. Although still experimental, it had been the subject of discussion before the Special Committee on Radio Broadcasting. However, after considering both the high costs of talent, equipment, and production, and the technological intricacies of the new medium, the government decided that television was not economically feasible in the Canadian market at that time. It was not until 1948 that it began to develop a television policy.

44 See also *van Loon, Richard J / Whittigton, Michael S*, The Canadian Political System Environment, Structure and Process, Toronto, New York, McGraw Hill, 3rd ed., 1981, p. 50

45 Canada, Canadian Broadcasting Act, Ottawa, 1936, Section 2

1.7 The Age of Television

> It is coming, gentlemen, and we should be prepared in dealing with this question of radio broadcasting to keep the question of television well before us.[46]

Those had been the words of Sir John Aird in 1932, when Canada was formulating radio broadcasting policy for the first time Television was developed south of the forty-ninth parallel in the 1940s. According to Frank Peers, "the year 1948 is commonly accepted as the turning point when TV emerged as a mass medium and the U.S. networks changed their emphasis from radio to television."[47]

As the federal government began to develop a policy for television, it realized, as the federal government under Prime Minister Mackenzie King had done twenty years earlier with regard to radio, that a full airing of the question was necessary. In 1949 a commission under the chairmanship of Vincent Massey was established by the St.Laurent government to inquire into the state of the arts and culture, including broadcasting, in Canada. As part of its mandate, this Royal Commission on National Development in the Arts, Letters and Sciences had the task of determining how best to develop television in the national interest. The Commissioners began, in their own words, with the twin assumptions that "there are important things in the life of a nation which cannot be weighed or measured" and that national traditions and national unity and identity exist not only in the material sphere but in the "realm of ideas".[48]

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46 *Ellis, David*, op cit , p. 39.

47 *Peers, Frank W* , Canada and the United States, Cultures in Collision, N Y , Praeger, 1984, p. 20

48 Canada, Royal Commission on National Development in the Arts, Letters and Sciences (Massey Commission), Ottawa, King's Printer, 1951, op cit , pp 4-5

1.7.1 The Massey Commission Report 1951

The report was tabled on June 1, 1951. The Commission took a basically favorable view of the CBC's programming record in the field of radio broadcasting.

It said:

> Canadians ... like what they get, on the whole, but they want more of it, and of even better quality. The statement that the CBC often underestimates public taste appears more than once, and the demand ... that national radio be used as an instrument of education and culture came from every section of the country.[49]

Thus, the Massey report reiterated and emphasized what the Aird report had already concluded: Canadians were interested in Canadian programmes as long as they were of a good quality and comparable to foreign - meaning mainly U.S. - programming. And national radio, in fact, broadcasting in general, should serve as a nation building instrument. Only in this way could it "ensure that the electronic media serve the best individual and collective interests of Canadians"[50].

As for television, the Commission stated:

> This remarkable new form of broadcasting has evoked great interest and enthusiasm among the general public, the advertising industry, and in all groups whose interest or duty it may be to inform, entertain or influence the public. This interest and enthusiasm is one important fact about television not open to dispute.Another equally important but perhaps not

49 Ibid, pp. 35-36

50 *Meisel, John*, Escaping Extinction, op. cit., p. 250.

> recognized fact is its unpredictability. Its history indicates that we can be certain only of its uncertain future.[51]

The Commission stated further that the American model of television, "essentially a commercial enterprise, an advertising industry", would not serve Canada's "national needs".[52] Again, this statement was already made by the Aird commission, but ironically the history of radio in Canada was in danger of being replicated by the history of television. Canada would adopt the same technical specifications for television that the U.S had established and this would mean that U.S. and Canadian television sets would be compatible, making it easy to pick up signals from the United States in the border areas where most of the Canadian population lived. Once again American signals were imported over the air from powerful transmitters in US border settlements like Buffalo, Burlington and Bellingham, built to deliver Canadian audiences to US advertisers, and by cable to Canadians in towns unable to receive a satisfactory signal with a home aerial. A different pattern of "lines and frames" would have technically protected the Canadian market for Canadian signals right from the start. Dallas Smythe has argued that if Canada had been serious in resisting cultural domination, drastic measures would have been taken at this point. The Massey Commission, according to Smythe, "totally misread the lessons of broadcasting history", and "stuck to platitudes while the public service aspects of the Canadian broadcasting system were steadily deteriorating".[53] On the other hand, it can be argued that the Canadian public would not have tolerated such a barrier to American broadcasting. Thomas J. Allard, former president of the Canadian Association of Broadcasters (CAB), and in this position an opponent of the state-owned organization (CBC), referred to Massey in his review about

51 Massey Report, op. cit., p 42.

52 Ibid, p 46.

53 *Smythe, Dallas W* Dependency Road Communications, Capitalism, Consciousness, and Canada, Ablex, Norwood (N.J.), 1981, p 178

the development of private broadcasting in Canada as a determined nationalist. "He was totally out of tune with the existing state of affairs in North America ... . Although he never himself realized it, Massey's idea of the ideal Canadian culture was basically aristocratic in nature, reflecting the best of 19th century England."[54]

The Massey Commission pointed out in its report that the actual problems with the Canadian broadcasting system go back to the very early years of radio when the United States began to send signals which could be easily received by Canadians living along the border. The southern neighbor has taken an active role in developing a certain system and Canada was left in the position of reacting to it.[55] In Walter Romanow's words, Canadian broadcasting politics is accordingly defensive, designed specifically as a consequence of Canada's proximity to the United States.[56]

1.7.2 Television and the Need for a Coherent Policy

At the time when the Massey Commission was appointed by Prime Minister Louis St.Laurent, 30,000 television sets were registered in Canada, mostly in the southern parts of Ontario where reception of U.S. transmissions was easy. No Canadian television broadcasting station had yet been established. A year later, in 1951, there were already 60.000 television sets, and by 1957 the number had risen to two million.[57] Canadian audiences were an attractive target for commercial U.S. broadcasting stations. After

54 *Allard, Thomas J.*, Straight Up. Private Broadcasting in Canada 1918-1958, Ottawa, Canadian Association of Broadcasters, 1979, p. 211.

55 Massey Report, op. cit., pp. 280, 302.

56 *Romanow, Walter I.*, Developing Canadian Identity: A Consequence of a Defensive Regulatory Posture for Broadcasting, in: "Montreal Gazette", 22nd ,976, pp. 26-37, p.28.

57 Canada, Royal Commission on Broadcasting (Fowler Commission), Ottawa, Queen's Printer, 1957, p. 313.

the so-called American "radio-invasion"[58] of the inter-war years, Canada was being flooded with U.S. TV-programmes. As a consequence, a pattern of viewing was established and Canadian TV programmes were often expected to meet American norms and patterns.[59] Both the CBC and the private broadcasters soon realized that they could only win and hold viewers, so many of whom received signals from abroad, if they themselves offered many of the most popular American programmes. In support of that strategy, free marketeers argued that, in commercial broadcasting, it is the viewers' taste which determines programming. In John Meisel's view, in fact, the reverse also occurs. The available shows shape taste, and, in the Canadian case, it was essentially American television which formed the preferences of Canadian audiences.[60]

The Massey Commission's report concluded that broadcasting was developing as it should, and described it as "one of the great forces in our country in promoting Canadian unity and Canadian cultural life."[61] Broadcasting, it said, was "a social influence too potent and too perilous to be ignored by the state which, in modern times, has assumed increasing responsibility for the welfare of its citizens"[62]. The commissioners recommended that the role of the CBC be strengthened but also recognized that private broadcasters had played and should continue to play a part within the single national system.[63] Chapter Two of the Massey report focused on the nature and scope of the single system and the arguments of the Canadian Association of Broadcasters (CAB), the

58 *Gerlach, Peter*, Rundfunkstrukturen und Rezipientengratifikationen in Kanada, European Universities Studies, Reihe 40, Bd 23, Frankfurt, 1990, p. 4.

59 *Attalah, Paul*, Canada's American Television Report - given at the Canadian Communication Association Conference, Winnipeg, Manitoba,1986, p 8

60 *Meisel, John*, Escaping Extinction, op cit , pp 251-252

61 Massey Report, op cit., p. 295

62 Ibid, p. 276.

63 See *Raboy, Marc*, Missed Opportunities, The Story of Canada's Broadcasting Policy, Montreal & Kingston, McGill-Queen's University Press, 1990, pp 311-12, about private stations and the references to the Aird Commission

private broadcasters, against it[64]. The report dismissed the CAB argument for more scope for the private sector; it was scornful of the cultural level of commercial radio, and it supported the introduction of television under the firm control of the CBC.

With particular reference to the subject of this thesis, the Commissioners stated:

> In the early days of broadcasting, Canada was in real danger of cultural annexation to the United States. Action taken on radio broadcasting by governments representing all parties made it possible for her to maintain her identity. Through Canadian radio, however, much more than this has been done. Radio has opened the way to mutual knowledge and understanding ... . Canadians as a people have listened to news of their own country ..., have heard public topics discussed by national authorities, have listened to and participated in discussion of Canadian problems ...[65]

Furthermore,

> ... through the energetic efforts of the CBC in providing special programs, Canadians have been given a new consciousness of their unity, identity and of their diversity.[66]

The Commissioners went on to say that:

> In Canada, although not wishing to dispense with plenty of light entertainment, including American entertainment which we import freely, we have been

64 See *Allard, Thomas J.*, The C A.B. Story 1926-1976, Ottawa, CAB, 1976.
65 Massey Report, *op cit.*, p. 15.
66 Ibid, p 16

> forced by geography and by social and economic conditions to exploit deliberately the more serious possibilities of radio broadcasting in the interest of Canadian listeners and of the Canadian nation. For this purpose we have developed our own national system, which is different from that of the United States.[67]

In response to the CAB, the Massey Commission stated:

> The principal grievance of the private broadcasters is based, it seems to us, on a false assumption that broadcasting in Canada is an industry just as in the United States. But broadcasting in Canada, in our view, is a public service directed and controlled in the public interest by a body responsible to parliament.[68]

The Massey Commission left no doubt that broadcasting in Canada was seen as one of the greatest single factors in creating and in fostering a sense of national unity and identity. One of the central recommendations was, therefore, that production of programmes should always be in the national interest and the means by which radio can best carry out its national mandate.[69] In this regard, radio has had, and continues to have, an important role. It has produced information, education and entertainment to a diverse and scattered population. In so doing, it has sought to foster a sense of understanding and commonality between the two main historical groups in Canada, and among other ethnic groups, and also to counter the attractions of the engaging and influential southern neighbour.

After a slow start Canadian television developed rapidly in the 1950s. At the inception of CBC's services in September 1952 - in

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67 Ibid, p. 18.
68 Ibid, p. 30.
69 Ibid, p. 34.

Toronto and Montreal - there were 146,000 television receivers in Canada tuned to American stations and the first cable network was already established in London (Ontario) to distribute US signals to subscribers. Thus, television in Canada began before Canadian television. In the circumstances, many thoughtful Canadians agreed with the promise underlying the Aird and Massey Reports that national sovereignty required that television in Canada be essentially Canadian. But the television stations and Canadian content were much more expensive per capita than in the United States for reasons of geography, population, and language.

To resolve such problems and to provide guidance for future TV policy the Liberal government of Louis St.Laurent appointed a Royal Commission on Broadcasting in December 1955. The chairman of this third commission in thirty years was Robert Fowler, a Montreal lawyer and businessman. Its report was submitted on March 15, 1957, and recommended the establishment of a regulatory board independent from the CBC, to be appointed by the government. The commission restated the central proposition advanced by the Aird Commission that

> ... as a nation, we cannot accept, in these powerful and persuasive media, the natural and complete flow of another nation's culture without danger to our national identity ... . Assuming, as we must, that the broadcasting system is satisfactory and suitable for Americans, this is no basis for thinking it is desirable for Canadians.[70]

At the same time, Graham Spry, who had played such an active role within the Canadian Radio League and whose concern was, in his words, "to protect Canada from a system like that in the U.S.", said that Canadians should not be excluded from non-Canadian

70 Canada, Royal Commission on Broadcasting (Fowler Commission), Report, Ottawa, Queen's Printer, 1957, Vol 1, page 8.

programmes and that the principle of free choice should always be fully asserted. "It would be folly", Spry continued, "to cut ourselves off from the thought, business, art and entertainment, this 'instant world' has to offer".[71] Spry endorsed the importation of American and other foreign programmes, but pointed out that Canada had to strengthen its own broadcasting facilities, particularly the CBC, to make Canadian programmes more effective in maintaining the country's integrity. Speaking in cybernetic terms he warned that, "if Canada neglects to do so, and does not change its strategy towards the continuous reception of entertainment, education and information, the trend seems to be irresistibly towards running down, disorganization, randomness, that is toward entropy."[72]

71 Quoted in: *O'Brien, John*, A History of the Canadian Radio League 1930-36, Ph.D. Diss., University of Southern California, Los Angeles, 1964, p. 75

72 *Spry, Graham*, Culture and Entropy: A Lay View of Broadcasting, in: Canadian Journal of Communications, Mc Gill University, Vol X (1965), p. 98.

Chapter 2: The Principal Canadian Broadcasting Institutions and their Functioning

While we have referred in Chapter One to the development of two of the most important broadcasting institutions, the CRTC and the CBC, it is useful to place them alongside the Department of Communications in the current constellation of public bodies.

2.1 The Board of Broadcast Governors

The Board of Broadcast Governors (BBG), created by the Broadcasting Act of 1958, was granted regulatory power over the CBC and the private stations but was not made responsible for the management of the public sector. That task remained with the CBC Board of Governors. Section 10 of the Act describes its objectives and purposes:

> The Board shall, for the purpose of ensuring the continued existence and efficient operation of a national broadcasting system and the provision of a varied and comprehensive broadcasting service of a high standard that is basically Canadian in content and character, regulate the establishment and operation of networks and broadcasting stations, the activities of the public and private broadcasting stations in Canada and the relationship between them and provide for the final determination of all matters and questions in relation thereto.[73].

This section was the most controversial and most amended section of the Bill placed before Parliament, and became a bone of

73 Broadcasting Act, 6. September 1958, Section 10.

contention between the BBG and the CBC Boards of Governors. The move to separate the regulatory and broadcasting roles was a fundamental change in Canadian broadcasting policy, and the two bodies sought to interpret the legislation to suit their own interests. The BBG argued that it had regulatory control over the CBC just as it had over private stations. The CBC argued that it was autonomous when it came to determining its own operations and content[74].

2.1.1 First Canadian Content Regulations

As a major element in the fulfillment of its mandate to ensure the Canadian character of broadcasting, the BBG announced in 1959 that it would require that all television broadcasters show a minimum of 45% Canadian content, with the level rising to 55% in 1962. Thus was begun the long record of negotiations between a regulator charged with maintaining a Canadian component in Canadian broadcasting and a commercial television industry with strong incentives to minimize the presentation to its audiences of Canadian programming. The process the BBG had initiated with the licensing of second stations and a new private network, CTV, was later extended to encompass cable distribution of broadcast television, a development that greatly facilitated the American penetration of the Canadian market.

The most common view of the BBG among broadcast analysts is that it is a classic example of a regulatory agency "captured" by the interests it was supposed to police. This view flows from the axiom that the Canadian national interest and identity are dependent on an effective policy of Canadian content and control in communications. On the other hand, it can and has been argued that the Canadian national interest and identity are not vitally dependent on communication policy, that Canada and Canadian identity have survived notwithstanding the substantial foreign

74 *Audley, Paul*, op. cit., p. 254.

component in Canadian broadcasting since its beginnings in 1919. Canadian communication policy may also be seen as having consistently received the endorsement of Canadians for a broadcasting system based at least partially on the profit motive and the importation of programming at substantially less than the actual costs of production. In other words, the policy has enabled consumers and distributors to enjoy an abundant supply of information at a minimal price. William Hull has attempted to reconcile those national and commercial perspectives. In his view, the deficiencies in the BBG's stewardship stemmed from inadequacies in the Broadcasting Act of 1958 and the lack of ministerial concern with communications issues, rather than from the BBG itself[75].

2.1.2 Commercial Norms Enter the Canadian Broadcasting System

The fact remains that a shift was taking place from a national system dominated by the CBC to one where commercial interests, at first the commercial broadcasters and later the cable industry, assumed more importance. Canadian broadcasting facilities became increasingly a set of distribution channels for American programming. The BBG was often criticized for its lack of forcefulness and the right staff and personalities to deal with the issues. Frank W. Peers, for one, expresses doubts about the shortcomings of the members of the BBG[76]. Another scholar, David Ellis, comments that "the new CBC board of directors had a much more distinguished membership than did the BBG."[77] E. Austin Weir attributes the problems of the BBG to its limited authority: "Nowhere in the proceedings of either Committee (Board) was

75 *Hull, William*, Captive or Victim? The Board of Broadcasting Governors and Bernstein's Law 1958-68, Paper Presented to the Annual Meeting of the Canadian Political Science Association, June 1983.

76 *Peers, Frank W.*, op. cit., p. 112.

77 *Ellis, David*, op cit., p 49.

there any real indication of awareness of the great over-all purposes and issues of broadcasting."[78]

The ambiguous relationship between the CBC and the BBG was to prove fatal to the BBG within five years The first major confrontation occurred over coverage of the Grey Cup football game. The private CTV network, licensed by the BBG in 1961, owned the rights to broadcast the game in the West and the private Toronto station, CFTO, owned the rights in the East But the private network lacked the facilities (land lines, microwave towers) to transmit the game to an audience large enough to satisfy the sponsors. The BBG told the CBC to carry the games on behalf of CTV and the CBC refused. The incident highlighted the difficulties in reconciling the mandates of the two organizations.[79]

2.1.3 Critique of Broadcasting Institutions in the Early 1960s

On 21 January 1963, the Royal Commission on Government Organization, chaired by J. Grant Glassco, revealed a set of administrative and policy inconsistencies that added to the confusion over how the CBC and the BBG were to share responsibility for the national broadcasting system The Commission's report emphasized the illogical nature of a "single system" in a country where private broadcasters collectively outweighed the CBC in numbers and wattage[80] Confronted with the Glassco Commission's analysis of the CBC's structure, management, and relations with the government, the latter asked for more guidance. A special consultative committee on broadcasting policy, dubbed the "Troika", named after the

78 *Weir, E. Austin*, op. cit., p 352.

79 *Bird, Roger,* Documents of Canadian Broadcasting, Ottawa, Carleton University Press, 1988, p 307.

80 Canada, Royal Commission on Government Organization (Glassco Commission), Ottawa, Queen's Printer, 1963.

tripartite sharing of power in the Soviet Union at that time, was established. It was composed of Andrew Stewart, Chairman of the BBG, Alphonse Ouimet, the President of the CBC, and Don Jamieson, President of the CAB. This report, consisting of a mere 12 pages, was presented to the House of Commons on May 25, 1964. The government still had difficulties in deciding how responsibility should be apportioned and asked for yet more advice. Robert Fowler, who had chaired the Royal Commission of 1955-57, was appointed to head an Advisory Committee on Broadcasting.

The Fowler Committee began with the aphorism: "The only thing that really matters in broadcasting is programme content; all the rest is housekeeping."[81] It urged that the government define clearly its intentions for broadcasting and create effective instruments for the implementation of its policies:

> In the past, Parliament has not stated the goals and purposes of the Canadian broadcasting system with sufficient clarity and precision, and this has been more responsible than anything else for the confusion of the system and the continuing dissatisfaction which has led to an endless series of investigations of it."[82]

The Committee's principal recommendation was

> that Parliament should delegate authority over all Canadian broadcasting to a single board or agency. We suggest that it be named the Canadian Broadcasting Authority.[83]

81 Canada, Committee on Broadcasting (Fowler Committee), Report, Ottawa, Queen's Printer, 1965, p. 3.

82 Ibid, p. 91

83 Ibid, p. 98.

This and other recommendations were incorporated into a government White Paper on Broadcasting in 1966[84] and consequently into a new Broadcasting Act in 1968. The 1968 Act was clearly based on the assumption that Canada's identity and nationhood are dependent on the Canadian character of its communication systems. The Minister's statement in introducing the Bill in Parliament included the following passage:

> The most important of these principles is surely that which established that the air waves, which must be shared between public and private broadcasters, are public property and they constitute a single broadcasting system. It is impossible to exaggerate the importance of broadcasting as a means of preserving and strengthening the cultural, social, political and economic fabric of Canada.[85]

Through that statement the government reiterated the importance of broadcasting for Canada.

2.2 The Canadian Radio Television and Telecommunications Commission

The 1968 Act also established a new regulatory agency, the Canadian Radio Television Commission (CRTC) to replace the BBG and to enforce the goals identified by it. In setting out a broadcasting policy for Canada and by creating the CRTC, the 1968 Act thus carried out the recommendations of the Fowler commission, but broadcasting in Canada and in particular relations between the new regulator and its clients have been no less troubled than previously. Various difficulties still lay with the concept of a single broadcasting system, based on the view that

84 Canada, Secretary of State, White Paper on Broadcasting, Ottawa, Queen's Printer, 1966

85 Canada, Parliament, House of Commons, Debates, October 17, 1967, quoted in *Ellis, David*, op cit, p 69

Canadian national integrity necessitates a cohesive Canadian communication system and that regulation and legislation can and must prescribe and control the contours of Canadian communication development. In fact, communications have been extremely hard for government to control because of Canada's proximity to the United States and the consequent ease in importing communication goods. The rapid development of new communications technologies has rendered its task even more difficult. The 1968 Act, for instance, does not mention a technology, cable television, that had been in place in Canada for sixteen years or satellite broadcasting, both of which were soon to become significant technologies. Graham Spry explains:

> In 1957-58 the CBC proposed making a study of cable; in 1965 a public enquiry proposed to include it. Both were advised to leave cable alone. Two other official bodies were later advised of the problem but did not take it up. The problem of broadcasting in relation to cable is, then essentially the consequence of 15 or 20 years of unresponsiveness by government. By 1967 the cable audience in Canada viewed programmes over cable systems of which 77 per cent were owned or controlled in the United States. These systems have or are being sold to Canadian companies.[86]

Another analyst, Hugh H. Edmunds, has raised doubts about the authority of the CRTC. "The new Act basically appears to severely limit CRTC decision-making powers and has the potential to act counter-productively to the traditional communications policy of protecting national Canadian culture."[87] On the other hand, John Meisel, who served as chairman of the CRTC for three years in the early '80s, sees the CRTC as a strong regulatory body and has

86 *Spry, Graham*, quoted in: Instant World: A Report on Telecommunications in Canada, Department of Communications, Information Canada, 1971, p. 74.

87 *Edmunds, Hugh H.*, The Constraints of the Canadian Broadcasting System to Meet National Cultural Objectives, Ontario, Windsor, 1977, p. 75.

described it as "the centerpiece of Canada's broadcast policy"[88]. He recalls that the Broadcasting Act of 1968 gave it a mandate to "safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada, pay attention to the CBC's national broadcasting system" with its predominantly Canadian content and character, and "contribute to the development of national unity and provide for a continuing expression of Canadian identity."[89]

Underlying these and other provisions is the clear implication that broadcasting should not merely respond to the dictates of the market but that it should serve certain national interests. This priority of social concern over the profit motive, which still distinguishes the Canadian from the American model, is also reflected in the provision of the Act which specifies that when a conflict emerges between the private and the public sectors "paramount consideration shall be given to the objectives of the national broadcasting service".[90]

The regulatory environment is clearly changing and the regulatory agencies must adapt to the new circumstances. New equipment and services and the tremendous changes in telecommunications (which we shall discuss in Chapter 3) disrupt the broadcasting patterns and lead to fresh demands for regulations. Some of these demands are designed to protect private investments, others to pursue the never- ending struggle for national unity and identity. The dichotomy of priorities persists.

The CRTC's role in Canadian broadcasting has been criticized by governments, scholars, observers and the public. The Commission's continuance was not always a foregone conclusion. A review of the CRTC's role was part of the mandate of the Task Force on Broadcasting Policy which was established on May 8, 1985 on the

88 *Meisel, John*, Escaping Extinction, op. cit., p. 252-53.

89 Canada, Broadcasting Act 1968, Section 3 paragraphs b, f, g (iv)

90 Canada, Broadcasting Act 1968, Section 3 paragraph h

initiative of Marcel Masse, the then Minister of Communications. It was co-chaired by Gerald L. Caplan and Florian Sauvageau. The Task Force delivered its report in 1986[91]. Among other issues, it reviewed the question whether a different regulatory regime, and a different regulator, might not serve the country better. The federal government considered that possibility in devising new policies in 1988[92]. That the CRTC was, in the end, given a vote of confidence and enhanced powers is perhaps less an unqualified expression of approval than a recognition that the task of administering the Broadcasting Act of 1968 and of regulating the airwaves in Canada is an extraordinarily difficult task, defying a perfect solution. Since 1976, when the CRTC was given responsibility for regulating telecommunications as well as broadcasting, it has had far too much to do with insufficient resources. Critics such as one mentioned in the Caplan/Sauvageau Task Force Report have suggested that in a period when broadcasting has been meeting impressive new challenges due to the proliferation of distribution technologies, the CRTC has acted more as a passive referee than an active shaper of the system.[93]

One area where the CRTC's decisions have been very significant is that of determining Canadian content on television. As we have seen, content rules for Canadian television stations were first introduced by the BBG in 1960. According to these rules, 55 per cent of all programs broadcast, averaged over a four-week period, were to be Canadian in origin by 1962. The definition of "Canadian" was flexible; it included programmes from the Commonwealth or French-speaking countries and broadcasts featuring special events outside Canada but of general interest to Canadians. Current regulations require 60 per cent Canadian content, averaged on a yearly basis, from all stations of one network. The CBC is required

91 Canada, Task Force on Broadcasting Policy, Report (Caplan/Sauvageau Task Force Report), Ottawa, Minister of Supply and Services, 1986.

92 *Vipond, Mary*, The Mass Media in Canada, Toronto, James Lorimer, 1989, p.177

93 Caplan/Sauvageau Task Force Report, op. cit., pp. 176-177.

to broadcast 60 per cent Canadian content in prime time (defined as 6 p.m. to midnight) while private broadcasters have a 50 per cent minimum requirement for prime time. The Caplan/Sauvageau Task Force recommended that the CRTC require private broadcasters to air 45 per cent Canadian content between 7 and 11 p.m.[94], but no action has been taken on that recommendation.[95] Neither the definition of prime time nor the Canadian programme content definition is very constraining, and at any rate, as Harry Boyle remarked when he was chairman of the CRTC in 1977: "There is no regulation that has ever been passed that someone cannot get around if he wants to."[96] Walter I. Romanow states aptly: "To meet Canadian content quotas is one thing, but to produce and schedule content which will attract audiences and fulfil the requirements is quite another."[97]

As in other respects, opinions on this aspect of Canadian broadcasting are divided. Colin Hoskins and Stuart McFayden state flatly: "Canadian content regulations have failed to result in the programming performance envisaged in the Broadcasting Act."[98] Brenda McPhail argues, on the other hand, that they might violate the Canadian Charter of Rights and Freedom; but, she adds, "the real issue here is not freedom of expression, but rather freedom which allows Canadians to create and preserve a distinctive broadcasting system through which they encourage and maintain the expression of their own national identity".[99] John Meisel has also addressed the question of content regulation: "Regulation has generally been imposed where competition is either absent - in

94 Ibid, p. 471.

95 *Vipond, Mary*, op. cit., p. 170.

96 Quoted in. *Hoskins, Colin / Mc Fayden, Stuart*, The Economic Factors Relating to Canadian Television Broadcasting Policy: A Non-technical synthesis of the Research Literature, Canadian Journal of Communications, (12) 1986, p 30.

97 *Romanow, Walter I.*, op. cit., p. 269.

98 *Hoskins, Colin / Mc Fayden, Stuart*, op cit., p. 27

99 *McPhail, Brenda*, Canadian Content Regulations and the Canadian Charter of Rights and Freedoms, in: Canadian Journal of Communication (12) 1986, Vol.1, pp. 41-53, p. 50.

monopoly situations," he remarks, "or where public interest must override private economic or other gain - in matters of health or the preservation of the environment, for instance." And about the "Canadian content" regulations Meisel states: "The regulatory process must be judged in two contexts. Its manifest, ostensible role is to ensure fairness and justice in monopoly situations and to compensate for the inevitable imperfections of the market. It is also widely accepted that in areas where economic criteria alone are deemed inapplicable, regulatory boards may be the most appropriate vehicles for reaching informed decisions in the public interest."[100]

In the view of Frank W. Peers, the most acute of the unsolved problems relates to cable broadcasting. Because of a continuing appetite for American entertainment, cable systems have grown very rapidly in Canada, where an estimated 67 per cent of households with television sets have been served by cable as of October 1989. The attempts to bring in remote U.S. stations led to a CRTC intervention in order to maintain the Canadian character of television services. It has required cable systems to carry Canadian television programs as a matter of priority and to provide one channel for community use, even if the number of channels is insufficient to bring in all available stations from the United States.[101] Further regulations affecting the cable operators are going to be necessary in the future. This specific problem of cable and telecommunications will be referred to later.

100 *Meisel, John*, Some Rash and Random Remarks on Regulation. Preliminary Notes for an Address to the Atlantic Provinces, Political Studies Association, Halifax, Nova Scotia, 1983, pp. 2, 4.

101 *Peers, Frank W.*, Canadian Media Regulation, in: Studies in Canadian Communications, Joch-Robinson, G.J. & Theall, Donald F (ed.), Montreal, Mc Gill University, 1975, p. 73.

2.3 The Department of Communications

Among the policy-making and administrative institutions in the field of broadcasting, the youngest, the federal Department of Communications (DOC) is assuming ever greater importance. The DOC also acts as Canada's ministry of culture and deals with other matters but, as its name suggests, its mandate includes a wide range of communications matters. It was created by the Trudeau government in 1969 to meet "the urgency of comprehensive regulatory legislation on telecommunications" as pointed out in a White Paper presented by the Minister of Industry, C. M. Drury. That document, entitled "A Domestic Satellite Communication System for Canada", concluded that "a domestic satellite communication system is of vital importance for the growth, prosperity and unity of Canada, and should be established as a matter of priority."[102]

In Canada, the development and control of new communications tools and techniques has taken place against a background of perceived national goals. For our purposes, this means finding answers to the question: how can the telecommunications network be used to foster Canadian social and cultural values and, of course, to create a network that will further integrate the country? More specifically, a whole range of issues related to the possible uses of new technologies demanded attention. These became the domain of the DOC.

Much of the Department's research program is devoted to satellite technology, at least partly because satellites appear to be the only economic way of extending communications services to the Far North and other isolated areas. On February 28, 1969, the then minister designate Eric Kierans told the House of Commons that the new department would have "profound implications, social,

102 Canada, Minister of Industry / Privy Council Office, A Domestic Satellite Communication System for Canada, p. 8.

cultural and political"[103]. It would, he explained, be concerned with carriage, not content:

> Our responsibility will be with the medium, not with the message, but ... these two functions are inter-related and inter-dependent, and we intend to be fully aware of the interaction between the two.

Kierans also stated that the government intended to "evolve a national communications plan and a national communications policy to integrate and rationalize all systems of communications."[104] The focal point of Canadian communications was to be the new satellite corporation. "Confederation was built upon the mile upon mile of steel rails laid across this country", he declared; "Confederation will be renewed ... by a communications system that meets the needs of all Canadians ..."[105]

In September 1969, Kierans announced the intention of his department to undertake a comprehensive series of research projects to be known as the Telecommunications Studies. Its purpose was to provide the government with advice about the main issues and problems in the entire field of telecommunication, ranging from technical to social aspects. In fact, more than forty individual studies were undertaken and a major research publication, "Instant World", was produced.[106] It was recognized as a landmark study, all the more since Canada was one of the few industrialized nations to undertake such an enterprise.

The DOC had a dual role in the communications sector. In addition to its industrial vocation, it was to act as a think-tank charged with drawing out the theoretical potential of a new

103 Canada, Parliament, House of Commons Debates, 1968-69, p. 6076.
104 Ibid, p. 6078.
105 Ibid, p 6079
106 Canada, Department of Communications, Instant World: A Report on Telecommunications in Canada Ottawa, Information Canada, 1971.

communications technology. "Instant World" suggested that the government consider reconstituting the three existing federal regulatory agencies: the Canadian Transport Commission, responsible for the common carriers; the DOC, in charge of the technical aspects of all radio communication, including broadcasting; and the CRTC, responsible for all other aspects of broadcasting. Within the whole system broadcasting was increasingly identified as the preferred vehicle for national expression, and once again, for fostering national unity and identity.

Various position papers followed the Telecommission Studies. A Green Paper on communications entitled "Proposals for a Communication Policy for Canada" appeared in March 1973[107]. It began with a statement emphasizing both the importance of the public interest in telecommunications and the nation's considerable reliance on it to integrate along the East/West axis As we have noted earlier, East/West links are essential in Canada to counteract the strong North/South flow of information. That point was made once again in the Green Paper on Communications

> The existence of Canada, as a political and social entity, has always been heavily dependent upon effective systems of East/West communications. This is the historical reason for the successive development of the routes of the voyageurs, coast-to-coast railways, telegraph and telephone systems, broadcasting services, airlines, the Trans-Canada Highway and, most recently, a domestic satellite-communications system. These systems, counterbalancing the strong North/South pull of continentalism, have been essential for industrial and resource development, for the transmission and

107 Canada, Department of Communications, Proposals for a Communication Policy: A Position Paper of the Government of Canada (Green Paper on Communications), Ottawa, Information Canada, 1973

dissemination of information, and the expression and sharing of social and cultural values.[108]

The Green Paper made several proposals, of which two are important for our purposes:

(1) a commitment to the principles of broadcasting policy as enunciated in the Broadcasting Act (1968);

(2) the development of means to ensure that technological advances such as coaxial cable and satellites are used to contribute to the capability of the Canadian broadcasting system to fulfil its responsibility to the people of Canada.[109]

In its conceptual approach and specific policy proposals, the Green Paper reflected the thinking of the founder of modern cybernetics, Norbert Wiener. "To the extent that society lacks information or control of information," he wrote soon after World War Two, "coherence of that society is restricted, and, without information, there is no society. There is entropy."[110] The lessons seems to have been well learned by the Canadian policy makers; it is a vitally important one for the country.

Following on the Green Paper, there followed in 1975 a "Grey Paper" entitled "Communications: Some Federal Proposals"[111]. The tone of the paper was marked by the current federal-provincial conflict around the jurisdiction over communication matters. The Grey Paper set out a series of telecommunications objectives very similar to those embodied in the Broadcasting Act 1968, including

108 Ibid, p. 3.
109 Ibid, p. 35.
110 *Wiener, Norbert,* Cybernetics, op. cit., pp. 157-158.
111 Canada, Department of Communications, Communications - Some federal Proposals (Grey Paper on Communications), Ottawa, Information Canada, 1975.

the development of the telecommunications sector in order to strengthen the economic, cultural, and political fabric of Canada as a modern state. Other significant issues such as the role of computers and satellites were not dealt with in depth.[112]

In 1978, Kierans' successor as Minister of Communications, Jeanne Sauvé, asked a committee chaired by J. V. Clyne to prepare yet another report on the implications of telecommunications for Canadian sovereignty. This Consultative Committee reported in November 1978 and was critical of the direction that telecommunications was taking in Canada vis-a-vis national sovereignty and the domestic industry.[113] The major conclusions of the Clyne Report were that:

> Unless positive action is initiated now, the sovereignty of Canada will be jeopardized in two main fields. First, Canadians are already being swamped with foreign broadcast programming and a new approach to the problem is urgently required; at the same time, there is a danger that foreign interests may achieve a predominant share of the market for data processing services and far too much of the information stored in data banks will be of foreign origin. Second, Canada is heavily dependent on imports in telecommunication technology. In certain sectors, such as communication satellites and information exchange, Canada is in the forefront of competitive technological developments ... . The timing is important. It may not be possible to do tomorrow what we fail to do today.[114]

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112 Ibid, p. 4, p. 17.

113 Telecommunications and Canada, Consultative Committee on the Implications of Telecommunications for Canadian Sovereignty, Hull, Quebec, Minister of Supply and Services, 1979

114 Ibid, p. 5.

Despite the sense of urgency evident in the Consultative Committee's report, neither legislative nor regulatory action followed immediately; rather the government sought still further advice in the form of the Task Force Report on Broadcasting Policy, the Caplan/Sauvageau Task Force Report. We shall discuss the Task Force's recommendations and the actions taken by government in Chapter 3. Only in 1988 did the government introduce a proposal for a new Broadcasting Act (Bill C-136) which was eventually promulgated as Bill C-40 with some modifications in June 1991.

2.4 The Canadian Broadcasting Corporation

It is probably no exaggeration to say that the most important consideration in the CRTC's policy making has been the need to protect the Canadian component of Canada's broadcasting system. And likewise it is no exaggeration to say that the CBC constitutes a unique instrument of Canadian nationhood. In the legislation passed in 1968, Parliament intended the CBC, in hockey parlance, to be the principal player in the broadcasting league, and, after 1968, the CRTC was to be the principal referee.

The latest report on broadcasting, the Caplan-Sauvageau Task Force report, begins by expressing high regard for the CBC and the "conviction that it continues to be indispensable"[115]. From its inception in 1936 the Corporation established a fine record in providing a national broadcasting service across the whole country and an alternative to American radio. In the early 1950's, it was given the responsibility of setting up the first Canadian television services as well. Today the CBC operates French and English television and AM and FM radio networks, and also a national parliamentary network, a special radio and television service in the North, and an international shortwave and transcription service in seven languages. (Prior to budgetary cuts in March 1991,

115 Caplan/Sauvageau Task Force Report, op. cit., p. 269

it broadcast in eleven languages.) An all-news cable television network, "Newsworld", was added in September 1989. As of 1986, the CBC owned and operated thirty-one television stations, sixty three radio stations, hundreds of rebroadcast transmitters and thirty-eight production centres. Its programmes are also heard on over forty affiliated private or community-owned TV and radio stations. In short, the CBC is Canada's major broadcaster and also the greatest factor distinguishing the Canadian broadcasting system from the American one.

The CBC currently operates under the authority of the Broadcasting Act 1991 (Bill C-40) which was promulgated on June 4, 1991. This Act specifies that "the CBC, as the national public broadcaster, should provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains and that the programming provided by the Corporation should be predominantly and distinctively Canadian and contribute to shared national consciousness and identity."[116] Given the great and complex responsibilities with which the CBC is charged and the very nature of public broadcasting, it is not surprising that it has been subject to numerous criticisms over the years, which have tended to make successive governments cautious and sensitive about its role. Television ratings produced in recent years have indicated that, when it comes to entertainment, Canadians as a whole prefer American shows, particularly live shows over CBC productions.[117] On the other hand, the CBC is subject to more stringent regulations and smaller budgets. Nonetheless, high quality news, public affairs, and sports programming are widely available on its stations. Despite criticisms of CBC productions, it is obvious that when good quality shows or mini-series are available, they attract very significant audiences. At any rate, as the Task Force Report pointed out, the success or failure of the CBC cannot be measured

116 Canada, Broadcasting Act 1991, Section 3 (d)

117 Caplan/Sauvageau Task Force Report, op cit., pp 296-297

strictly in audience numbers. It must also be judged on the basis of what the Task Force termed specifically, "Canadian programme challenges".[118]

Budget cuts in recent years have further handicapped the CBC in its efforts to provide high-quality Canadian productions and programming. For the current fiscal year of the Corporation, which began on April 1, 1991, the financial shortfall is $ 108 million. The CBC responded to these financial constraints by expenditure reductions and restructuring of programmes. Three local television stations were closed, eight others downsized, and hundreds of hours per year of programmes were cancelled, particularly in local and regional television. The Corporation's work force is being reduced by approximately 1100 positions.[119] CBC's president Gerard Veilleux has said that "these changes will have a profound and permanent impact on the CBC." He continued: "As a result of this restructuring, the CBC of the future will be smaller than the CBC of the past. I hope it will also be the best possible CBC under the circumstances: a national public broadcasting service Canadians need, want and can afford."[120] Others are more pessimistic. Already four years ago Peter Herrndorf, former vice-president of the CBC's English language service, stated that, "instead of a national voice, it has become a national whisper."[121] Still, despite the regime of austerity imposed upon it by his government, the latest Minister of Communications, Perrin Beatty has been encouraging. Echoing many such statements in the past, he has stated that the CBC is one perfect instrument to foster a sense of unity and identity in the country and that he favours changes to make it still more "uniquely Canadian" and different from private broadcasters.

118 Ibid, p 297
119 CBC, News Release, Ottawa, April 1, 1991 p. 2.
120 Ibid, p.6
121 Quoted in Montreal Gazette, Nov 10,1987, p. B-7.

Beatty added that he wants to ensure that "Canadians have a chance to be heard in their own country."[122]

On the whole the CBC has constituted a valuable, if not fully effective, counterweight to commercial broadcasting stemming principally from the South. It and the other Canadian broadcasting institutions have demonstrated their commitment to the preservation and promotion of Canadian identity by promoting, creating and broadcasting Canadian programmes. But the prime ingredient "in the escape from extinction" as a country, states John Meisel, is still "to recognize the problem realistically and then to have the will to act upon it"[123].

122 Quoted in: Montreal Gazette, April 25,1991.

123 *Meisel, John*, Escaping Extinction, op. cit., p. 265.

Chapter 3: Cable and Satellite Television

As in so many fields of human endeavour, technology has driven communications policy, and is doing so to-day at a steadily increasing pace. One of the earliest and most influential thinkers in this area was a Canadian, Harold A. Innis, whose influence has spread far beyond Canada's borders.[124] For our purposes, we shall focus on a small segment of his thinking relating to Canada's dependency on the United States. Innis noted that, by the middle of the twentieth century, Canada had become dependent on the prime centres of technological expertise south of the border. His thesis has provided the theoretical basis for analyzing one of the conundrums of Canadian history, formulated in the Task Force Report on Broadcasting in the following terms:

> For Canadian broadcasting, technology has been a two-edged sword. On the one hand, it has allowed instant communication across this astonishing landmass. On the other, it has allowed the broadcasting system of another nation almost unlimited access to Canadians.[125]

In the past two decades, new communications technologies like coaxial cables and broadcasting satellites have come into widespread use, and more innovations are anticipated in the near future. Innis would probably argue that we need to understand clearly the historical and economic context in which these new technologies have developed in order to understand fully the cir-

124 One of his most important works is: *Innis, Harold*, Empire and Communications, Toronto, University of Toronto Press, 1977.

125 Caplan/Sauvageau Task Force Report, op. cit., p. 76.

cumstances they impose, and our room for maneuver in dealing with them.

Frank Peers has written:

> The newer technologies in communication tend to bewilder us through the accelerated pace of their development: satellite and cable, fibre optics, videodisc and videotape. Aided and abetted by computer technology, they may indeed give rise to a new industrial society: what the Clyne Committee sees as 'an event equal in importance to the Industrial Revolution of the 19th century'[126]

The question therefore is: To what extent can Canada control these new technologies for the maximum benefit of all Canadians, and, in the oft-repeated phrase, to foster national unity and identity?

Mass media are greatly affected by the so-called "information revolution" and the development of new technologies in the telecommunications sector. In order to discuss these changes, we will focus on the developments that affect them most directly. coaxial and fibre optical cables, satellites, VCRs, pay TV and high definition TV (HDTV). Because the evaluation of technology involves not only the tools themselves but their utilization, we must also consider the growing competition to provide cultural and informational services among telecommunications companies, cable companies, traditional broadcasters and others. The focus will be on the electronic media, especially television, because that is where the major impact lies.

126 *Peers, Frank W*, The Place of Pay-TV in the Canadian Broadcasting System, in: Woodrow Brian R / Woodside Kenneth B (ed.), Introduction of Pay-TV in Canada. Issues and Implications, Montreal, Institute for Research on Public Policy, 1982, p. 1

3.1 Cable Television

Among the significant steps in the integration of television into Canadian life was the arrival of coaxial cables. They were first introduced in Canada in the early 1950s to provide television service to communities at some distance from broadcasting stations. Cable systems were a means of improving the over-the-air transmission of local broadcast signals, since cable could provide a more clearly defined picture without static or interference. The Caplan-Sauvageau Report describes this "community antenna television" (CATV), or cable as "a unique component of the broadcasting system."[127]

During the 1960s, CATV systems were used increasingly to import the broadcast signals from American border stations. Today over nine hundred systems deliver a wide range of broadcast signals, both domestic and foreign, to over five million Canadian homes. About 80 per cent of Canada is cabled and Canada, after Belgium, is the second most cabled country in the world, with about 67 per cent of homes subscribing. Graham Spry sounded a warning about the consequences of this situation in 1961:

> Because of cable we are moving from an age of relative scarcity of channels and choices to an age of expanding plenty. We almost messed up the great chance we had in radio and still more so in television. Technology offers us a second chance. The money is there. The method is acceptable. If we do not take advantage of the opportunity it may not ever return and as long as we remain Canadians we will regret having failed to create our own distinctive broadcasting industry and

127 Caplan/Sauvageau Task Force Report, op. cit., p. 551.

> left it to be shaped by the purposes of the huckster and the blind forces of the market place.[128]

Spry's statement was made at a time when technological developments made it necessary to extend the discussion of broadcasting to include the broader facets of communications. While the debate leading up to the Broadcasting Act of 1968 centered on the role of television content, the focus shifted afterward to the new distribution technology of cable. During the first ten years in the development of the cable industry, the Department of Transport was the authority for granting licenses to operate CATV systems. The 1958 Broadcasting Act did not transfer this authority to the BBG. This was not a matter of great concern, since few thought the industry would enjoy any substantial growth, either in low penetration areas or in larger metropolitan markets. During the period 1961-1968, however, the cable industry grew faster than expected; the popularity of US signals far surpassed predictions. Cable systems spread rapidly. Already in 1961 there were 260 systems and over 200,000 subscribers A new phenomenon explained this growth, the urbanization of cable. This development was in sharp contrast to the situation in the United States where cable was still largely limited to rural areas, and was to remain so long after the saturation had been reached in large Canadian cities. An important policy question now emerged since the BBG required regular off-air broadcasting operations to have a certain percentage of Canadian content, should not cable operators have to abide by the same regulations? Market fragmentation was also beginning to be an important issue in the broadcasting industry. It also became evident during this period that this technological innovation was generating a new area of federal/provincial jurisdictional disputes. In 1968, cable companies as "broadcast receiving undertakings" were brought fully under the newly

128 *Spry, Graham*, A Plan to Make Our TV Canadian, Toronto Daily Star, February 13, 1970, p. 7.

established Canadian Radio and Television Commission by the 1968 Broadcasting Act.

On 13 May, 1969, the CRTC made its first public statement on cable undertakings.[129] It declared that cable services were to be complementary to, rather than competitive with, over-the-air broadcasting. It envisaged cable systems as adding a new dimension to broadcasting by assisting in the development of community identities through locally produced programs and by helping provincial and local authorities to develop educational services. In a decision published on December 3, 1969[130], the CRTC moved to block one of the major technological developments in Canadian cable: it decided not to license cable systems that would use microwave relays to bring in distant US signals.

> The problem facing the Commission (it explained) is not whether the technology of microwave should be used to help the development of cable television. It is to decide whether the use of additional techniques should be authorized to enlarge the coverage area of U.S. networks and U.S. stations and therefore their advertising markets in Canada. The rapid acceleration of such a process throughout Canada would represent the most serious threat to Canadian broadcasting since 1932 ... before Parliament decided to vote the first Broadcasting Act. In the opinion of the Commission, it could disrupt the Canadian broadcasting system within a few years. The fact that through force of circumstances many U.S. stations now cover parts of Canada, and that some of them seem to have been

129 CRTC, Community Antenna Television, CATV, Public Statement, May 13, 1969, in CRTC, Annual Report 1969-1970, Ottawa, Queen's Printer, p 336

130 CRTC, The Improvement and Development of Canadian Broadcasting and the Extension of U S Television Coverage in Canada by CATV, December 3, 1969, in CRTC, Annual Report 1969-1970, p. 342.

> established mainly to reach Canadian audiences does not justify a decision of the Commission which would further accelerate this process. In consequence the Commission will not license broadcasting receiving undertakings (CATVs) based on the use of microwave or other technical systems for the wholesale importation of programmes from distant U.S. stations and thereby the enlargement of the Canadian audience and market areas of U.S. network stations.[131]

The CRTC's chairman at the time, Pierre Juneau, called for a concerted effort by Parliament, government, the CBC, private broadcasters, cable operators, and broadcasting unions to further develop the Canadian system. The problem, Juneau said at a later parliamentary committee appearance, was that "the cable companies had been left for about fifteen years to develop outside the Broadcasting Act. Only now were they brought in "[132] According to Juneau, the only concrete hope of the cable companies at that time was that permission would be granted to deliver a certain amount of local programming. Guidelines published in April 1970 specified that cable systems must provide at least one channel for the distribution of educational television.[133]

New policies for the cable industry were introduced in July 1971[134] and subsequently in 1975[135] and 1979[136]. One of the major decisions was to require operators to carry Canadian television signals in keeping with the following priorities: local CBC; local educational; other local; regional CBC (unless it

131 Ibid, p 342

132 *Raboy, Marc*, Missed Opportunities, op cit , p 197

133 CRTC, Annual Report 1970-1971, pp 301-303

134 CRTC, Canadian Broadcasting - "A Single System" Policy Statement on Cable Television, note 5, cited in. CRTC, Annual Report 1971-1972, p 21

135 CRTC, Policies respecting Broadcasting Receiving Undertakings, Ottawa, Queen's Printer, December 16, 1975, note 6

136 CRTC, A Review of certain Cable Television Programming Issues, Ottawa, Queen's Printer, March 1979

duplicated programme carried by local stations); extra-regional CBC; extra-regional educational; community programming; any other extra-regional stations that do not duplicate higher priority stations.[137]

In its policy and regulations, the CRTC reflected clearly the concerns over cultural sovereignty and also the prevailing social philosophy. Thus the provision of community programming was stressed on the grounds that a community channel was a conduit for involving direct citizen participation in programme planning and production. Providing access to the community channel became the responsibility of the cable television licensee who was viewed by the CRTC as playing the role of social animator in Canadian society.

The priority signal regulations at first brought complaints from subscribers, but in general they were conceived by the regulator, the CRTC, as a means of helping to stabilize the Canadian broadcasting system as a whole. However, there remained the continuing problem of how to integrate cable into the overall system, and, in the CRTC's words, to provide "the wider choice of service that the public demands without destroying free over-the-air broadcasting service, which is the only service available for many Canadians and which must remain the primary element of the Canadian broadcasting system".[138]

The CRTC also recognized that Canada had to develop a programme production industry before Canadian broadcasting was reduced to "a technically sophisticated distribution system for imported programmes".[139] Even the Canadian Association of Broadcasters' brief

137 CRTC, Canadian Broadcasting - "A Single System": Policy Statement on Cable Television, op cit , note 5, p 14.

138 CRTC, Policies respecting Broadcasting Receiving Undertakings, op. cit., note 2

139 CRTC, Canadian Broadcasting - "A Single System". Policy Statement on Cable Television, op cit., p 38

to the parliamentary committee warned of the dramatic invasion of the cable system by American programs and stated that "massive importation of American programs contributes to destroy the Canadian broadcasting system."[140] Broadcasting, on the other hand, was "part of our national heritage ... (when) control is completely in the hands of Canadian citizens. Broadcasting could ensure the survival of the Canadian integrity." Veteran CAB spokesman Thomas J. Allard told the committee: "We can let the technology rule us or we can try to shape the technology to public policy objectives."[141] The CRTC recognized that "the most perfect electromagnetic signal into every Canadian home is without value unless it bears a message"[142] But there was then, and still is, no clear definition of cable's role in the Canadian broadcasting system. The Caplan/Sauvageau Task Force recognized this lacuna and suggested that cable systems should serve as "a carrier of Canadian radio and television broadcasting services, both public and private".[143] Its basic recommendation for cable carriers was designed to ensure that cable would promote Canada's broadcasting policy.[144]

3.2 Television Satellites

A second new technology, the communication satellite, has developed in the past two decades. In a short time, satellite telecommunication has become the pre-eminent instrument for the use of outer space. It creates the potential for immediate communication between all points on earth, and the ramifications of this innovation have spread to many fields.

140 Canada, Parliament, House of Commons, Standing Committee on Broadcasting Films and Assistance to the Arts, Minutes (1970-71), Appendix D, pp 13:49.

141 Canada, Parliament, House of Commons, Standing Committee on Broadcasting, Films and Assistance to the Arts, Minutes (1970-71), pp 13 22

142 CRTC, Canadian Broadcasting - "A Single System" Policy Statement on Cable Television, op. cit , p 47

143 Caplan/Sauvageau Task Force Report, op. cit , p 577

144 Ibid, p 577.

Mary Vipond has explained:

> The great advantage of satellites for telecommunication is their insensitivity for distance - that is, the cost of sending a message is not dependent on the distance it travels. Satellites are now routinely used for overseas telephone service, electronic mail, the transmission of computerized data and other business information, and for search and rescue operations.[145]

Canada launched Anik A-1 in 1972 and established the world's first domestic geostationary communications satellite system, thus bringing even more television programming into Canadian homes. Since then, Canada has developed the Anik B, C and D series, and series E and F are in the planning stage. The average lifetime of a satellite is eight to ten years.

For our purposes we shall concentrate on the great advantage of satellites for broadcasting point to multi-point - meaning that satellite transmissions may be simultaneously received over very wide areas. The coverage area of Anik D, for example, comprises all of Canada and a major part of the United States. The Canadian Government was motivated to get involved in satellite development very early because of the obvious advantages for a country subject, in the words of the DOC, to "the tyranny of distance and population dispersion."[146] In the early 1970s, the Government of Canada created Telesat Canada as its executive arm in this field. Owned by the Government and, through TELECOM, the principal telecommunications carriers of Canada, Telesat operates the domestic communication satellite system of Canada. This

145 *Vipond, Mary*, op cit., p 135

146 Canada, Department of Communications, Direct-to-Home Satellite Broadcasting, Ottawa, Minister of Supply and Services, 1983, p. 1.

system is used, inter alia, for the distribution of television signals across Canada by CBC for re-broadcasting by terrestrial transmitters. In 1981, the CRTC, by then renamed the Canadian Radio Television and Telecommunications Commission, licensed Canadian Satellite Communications Inc. (CANCOM) to provide a satellite to home television and radio distribution system. The licensing of CANCOM was influenced by three principal factors: the desire to stimulate the communications satellite industry for reasons of industrial policy and to exploit export markets; the existence of an estimated 800,000 homes that can only be adequately provided with television services by Direct Broadcasting Satellites (DBS) because they are located in small communities, isolated farms or remote areas; and the need for a Canadian service to compete with the unauthorized reception of U.S. satellite 'superstation' programmes. Signals from the more powerful new satellites (DBS) can be received by dishes as small as 1.2 metres in diameter and costing less than $ 1000. This reception of U.S. satellites was becoming common in Canada even though strictly illegal; bars, hotels and motels in urban areas attract clients by offering U.S. satellite signals via satellite receiver units. These Master Antenna Television (MATV) pick up satellite signals that are then transmitted to individual units.[147]

CANCOM was first licensed to deliver four Canadian television signals (three English and one French), and eight radio signals (two native language, two French and four English). In 1983, after CANCOM pleaded that it was having difficulty attracting subscribers, the CRTC added the so-called American 3+1 package to its services.[148] 3+1 are the United States CBS, NBC, ABC networks and PBS. The CRTC's rationale was based upon economic factors. Licensing CANCOM to deliver U.S. television signals would enable it to keep the cost of its Canadian services low. Yet, the

147 Entire towns have also established MATV systems in an effort to receive broadcast signals that would otherwise be unavailable.

148 Detroit stations were used for these purposes

net effect of the 1981 and 1983 CANCOM decisions seems to have been to deliver U.S. television to Canadians who had previously been unable to receive it and to expose Canadian broadcasters and programmes to tougher U.S. competition. Peter Lyman points out:

> The outcome of major technological evolution can be a negative one for Canada's cultural industries. Too much emphasis on technology and the implementation of new delivery infrastructures may direct investment away from programming - for example (from) investing in Canadian production[149]

An investigatory body established by the federal government, the Federal Cultural Policy Review Committee, co-chaired by Louis Applebaum and Jacques Hebert, reported similar conclusions in 1982:

> Cultural policy has not been entirely successful in encouraging the best use of the human creative resources Canada has in abundance. As a democratic and cosmopolitan country, we have thrown open our borders to foreign cultural products and not given ourselves sufficient opportunity to enjoy the fruits of our own cultural labour.[150]

The report continued in arguing that Canada has among the most sophisticated hardware in the world, satellites, interactive cable, teletext, yet "Canadian viewers spend 80% of their time watching foreign programmes". The committee concluded that the response to this "dilemma" should not be "protectionism" but rather to favour the development of artistic creativity and achievement." In

149 *Lyman, Peter*, Canada's Video Revolution Pay-TV, Home Video and Beyond, Toronto, James Lorimer, 1983, p. 95.

150 Canada, Federal Cultural Policy Review Committee, Report (Applebaum / Hebert Report), Ottawa, Minister of Supply and Services, 1982, p 6

short, the problems arising from the importation of American television programming via cable remain largely unresolved.

3.3 Pay-TV

This conclusion is equally valid for the other new communications technology introduced into the Canadian broadcasting system - Pay-TV. Graham Spry has characterized Pay-TV as the "fourth crisis" in Canadian broadcasting[151], while Frank W Peers treats the matter as an inherent part of the expansion of the existing broadcasting system. Peers reviews the historical evolution of Canadian broadcasting from radio to television to cable and then to Pay-TV and makes the case that Pay-TV in Canada should be integrated within the public broadcasting tradition and designed to serve important national objectives.[152]

Pay-TV is only available to cable subscribers and only delivers programmes to those who pay a separate subscription. The CRTC first examined the Pay-TV option in 1972 but delayed until 1982 before making the licensing decision. Behind the evident hesitation lay the fear that it would simply become the vehicle for more American programming. When the regulatory body finally did authorize the service, it required that successful applicants commit a certain portion of their profits to the development of Canadian programmes. Pay-TV was licensed: (a) to contribute to the realization of the objectives set out in the Broadcasting Act and to strengthen the Canadian broadcasting system; (b) to increase the diversity of programming available to Canadians ; and, (c) to make available high quality Canadian programming by providing new opportunities and revenue sources for Canadian

151 *Spry, Graham,* The Fourth Crisis in Canadian Broadcasting, Special Supplement on Pay-TV, Cinema Canada, August 1976, pp 10-11.

152 *Peers, Frank W.*, The Place of Pay-TV in the Canadian Broadcasting System, op. cit., pp. 1-24.

producers currently unable to gain access to the broadcasting system.[153]

The Commission also set Canadian content quotas for both programming time and revenues. In the beginning, all pay-services had to devote at least 30% of their total programme schedules to Canadian content; by 1984, the quota was to rise to 50%. These stipulations were a clear attempt to strengthen indigenous Canadian production. However, as it turned out, most of the pay-services that were licensed could not maintain their programming under those conditions and, at any rate, too many competing services were licensed. Only the movie channels First Choice, Super Channel and Super Ecran, and the speciality services The Sports Network (TSN) and Much Music survived. Speciality services are financed both by subscription fees and advertisements. The fundamental flaw in the CRTC's licensing policy as Peter Lyman describes it, "lies in the incomplete economic equation that seems to lie behind it ... . It (thus) appears that Pay-TV in Canada will continue the tradition of broadcasting as a conduit for American entertainment."[154] Eventually, the CRTC reduced the Canadian content requirements for Pay-TV operators. The resulting system was very far removed from the one originally decided upon.

Subsequently, Pay-TV has experienced slow but steady growth, although some of the suppliers of services are still experiencing financial difficulties. In November 1987, the CRTC announced its decision to license nine new speciality services that the individual cable operators have the option to distribute on the converter service tier.[155] The then CRTC chairman, André Bureau,

153 CRTC, Decision 82-240, Pay Television, March 1982, Annual Report 1982-1983, p 22.

154 *Lyman, Peter*, op cit., p. 79

155 CRTC, News Release. More Canadian Programming Choices, Ottawa, November 30, 1987, Annual Report 1987-1988; the new English-language speciality channels are CBC Newsworld, Vision TV (a multi faith service), YTV (a youth and children's channel), and Metro Media Weather Now (a national weather service) The new francophone services are: Le Canal Famille (a youth and

justified the Commission's decision by explaining the positive effect such services would have on the Canadian broadcasting environment: "These new speciality services", he asserted, "will complement and diversify existing broadcasting services and will provide new outlets for Canadian creative expression ... and sources of funding for Canadian programme production."[156] It remains to be seen whether the growing number of new speciality services can live up to this positive prediction and achieve lasting economic viability.

3.4 VCR: The Consumer in Control

By the time Pay-TV was authorized in Canada, it already faced the competition of video cassette recorders. VCRs have penetrated the market faster than Pay-TV services, partly because of accessible cassette rentals and the ability to record television shows to be watched at a more convenient time. As a result, about half of Canadian homes are equipped with the new devices. At present, the VCR industry is virtually unregulated. One of the issues it raises for regulators and Canadian policy makers is how to control access. Since it is not possible to impose a quota to deter the VCR user from consuming too many foreign (mostly U.S.) videos, the only real alternative is to make available a greater number of high-quality, entertaining Canadian productions. Once again, policy makers and the Canadian production sector have failed to keep up with technology. Funds, facilities, and software are still inadequate to meet public demands and Canadian content is once again suffering as a result.

children's channel), Le Reseau des sports (RDS, a twenty-four hours sports channel), Musique Plus (music video programming) TV-5 (an international French service), and Meteo Media. Media Meteo Instant (a national weather service), see *McPhail, Thomas and Brenda*, Communication: The Canadian Experience, op. cit., p 204

156 Ibid

3.5 Looking Ahead

Experts believe that the next step in broadcasting will be the enhancement, not of the distribution systems, but of technical quality. High-Definition TV which conveys the picture by a system of 1,125 lines is likely to become standard in the foreseeable future. Stereo sound quality is already being introduced, and even more improvements based on digital technology may be expected. Satellite and cable services, with improved capability of transmitting quality signals, will have even more advantages over over-the-air broadcasters. In other words, each successive generation of broadcasting technology holds the promise of higher quality, greater choice, and more flexibility. This prospect can only aggravate the concerns of Canadian policy makers, particularly with regard to foreign domination of Canadian broadcasting. Meanwhile, Canadian television consumers continue to develop a taste for American programming on all the new services. The fact is that the new distribution technologies have opened Canada up to American programming in unprecedented quantities and in forms often beyond governmental control. As much as distribution capabilities have expanded in the past decade, programme production in Canada has not kept pace, and thus, implicitly, Canada encourages even more foreign content.

A previous Minister of Communications, David McDonald, remarked that the Canadian communications policy has been characterized by "Technopia Canadensis", a "condition of intense focus on hardware and new technologies causing an inability to see long range effects." He went on:

> The Canadian record in communications technology has been consistently one of world leadership in the research, development, and engineering of new delivery modes for television - and just as consistently, of failure to adequately consider and plan for what those systems would carry ... . Canadian initiatives -

> Canadian hardware - foreign content - it is a recurring saga, but we seem unwilling to act on the lessons of our own experience ... .[157]

The members of the Caplan/Sauvageau Task Force stated the dilemma this way:

> On the one hand, policy-makers in broadcasting may want to put the emphasis on programme content Especially they may not want to see money diverted from programming to equipment, since Canada is at a disadvantage in meeting costs of programme production by comparison with the United States. On the other hand, this country cannot afford to lag far behind the United States in adopting new technology, otherwise it would abandon to the United States the provision of services based on the new technology.[158]

These are two firm statements which underline our findings and lead us back to the Laws of Thermodynamics. Canada as a nation has to be open to the outside world, and thus the new communication channels funnel ever increasing quantities of messages into it, primarily from the United States. Canada cannot say "no" to such technology. Accordingly, the flow across the border cannot be prevented. The question, then, is whether Canada must allow the United States, to speak in the terminology of Thermodynamics, to continue to be the "hotter" body exercising dominating influence over the "colder" body, Canada. As we have seen, there are two ways to enable Canada to reduce the difference, at least in the field of broadcasting: by increasing its technical ability and capacity to produce competitive programmes, and actually producing those programmes. Canada is one of the

157 *MacDonald, David / Rumsey, Fred*, Pay-Television - Fulfilling a Canadian Promise, in Woodrow/Woodside (ed.), op. cit., pp. 161-162

158 Caplan/Sauvageau Task Force Report, op. cit., p. 75

best equipped countries in the world when it comes to broadcasting technologies. It has at least the potential technical capacity to withstand foreign domination (whether it has the financial, human and technical resources is another matter). Within its limits, Canada should use its capabilities to supply its broadcasting channels with much more quality Canadian-content production. Otherwise, the South-North directional flow of programming will continue.

Chapter 4: Recent Measures: The 1991 Broadcasting Act and the Canada-United States Free Trade Agreement

As we have seen, new technologies perforate the existing framework of regulation, and Canadian policy makers have to examine these gaps and find solutions. The first step in the current period to devise a new strategy for this purpose was the creation of the Task Force on Broadcasting Policy (Caplan/Sauvageau Task Force) in 1985. When it submitted its report to the Minister of Communications in September 1986, it presented the Government with the most extensive review of broadcasting policy since the Fowler Committee report in 1965. The year-long study noted that the broadcasting system is plagued by precisely the same problems that the Royal Commission on Radio Broadcasting (Aird Commission) had already identified in 1928: there was a lack of Canadian programming and, in particular, Canadian high-quality programming; there was insufficient drama programming by the private sector in English Canada, and there was a general reluctance to give priority to the social and cultural goals of the broadcasting system. According to the Caplan/Sauvageau Task Force Report, the reasons for the persistent problems are clear:

> The public sector, which must be the chief purveyor of quality Canadian programming, is inadequately scaled - in size and distribution of broadcasters across the country - and funded; the private sector, which should complement the public sector at least to the extent of contributing to the social objectives of the Broadcasting Act, is not contributing enough[159].

159 Caplan/Sauvageau Task Force Report, op cit., p 691

4.1 The 1991 Broadcasting Act

The course of the Canadian broadcasting system had been set by the Broadcasting Act since 1968, with only minor amendments and increasingly obsolete in the face of societal and technological changes. The Caplan/Sauvageau Task Force's mandate was to prepare the ground for new legislation. To that end, it recommended that a new law should contain a statement of fundamental principles, similar to Section 3 of the 1968 Broadcasting Act, upon which to base policy decisions. Its report was received in Parliament on January 29, 1987 and referred to the Standing Committee on Communications and Culture. The latter was instructed to review the report and respond by accepting, rejecting, amending, or adding recommendations as necessary. The Committee considered the historical development of broadcasting in Canada and concluded that a new broadcasting act should be drafted for Parliament's consideration as soon as possible. Although it did not accept all of the Task Force's recommendations, it did endorse the basic social and cultural objectives set out in the report. The Committee agreed that the time had come to effect positive changes in the system, in order to ensure that Canadian broadcasting could finally fulfil the goals set for it almost sixty years earlier, when the first Royal Commission evaluated the Canadian broadcasting system.

In this respect, Meisel stated:

> Since 1968, many metamorphoses in the Canadian environment pointed to the declining relevance of effectiveness of the legislation governing radio and television ... On the technological front, improved cable facilities, the increasing use of satellites and private receiving dishes - not to mention an explosive growth in the use of video-cassette players - were all elements crying out for re-examination of the

broadcasting infrastructure and of the legal definition of broadcasting[160].

On June 23, 1988, the then Minister of Communications, Flora McDonald, submitted the policy proposal "Canadian Voices: Canadian Choices. A New Broadcasting Policy for Canada"[161] to the House of Commons and together with it Bill C-136 to create a new Broadcasting Act[162].

This 1988 Broadcasting Bill focussed on four separate but related areas - programming, fairness and access, technology, and operations and administration. It also sought to meet several objectives of which the four following are of interest here:

- to give primacy to Canadian programming, so that Canadians may always be able to find Canadian images among the multiple choices available;

- to ensure that the broadcasting system reflects Canadian culture, tastes and realities, both in its programming and operations;

- to be technologically neutral so as to be able to accommodate any and all technological changes that may occur over time;

160 *Meisel, John*, Near Hit. The Parturition of a Broadcasting Policy, in Graham, Katherine A. (ed), How Ottawa spends 1989/90 The Buck Stops Where? Ottawa, Carleton University Press, 1989, pp. 131-163/p 133

161 Canada, Department of Communications, Canadian Voices Canadian Choices A New Broadcasting Policy for Canada, Ottawa, Minister of Supply and Services 1988.

162 Bill C-136. An Act respecting Broadcasting and to amend certain Acts in relation thereto and in relation to Radiocommunication

- to ensure that the key government key institutions, the CBC and the CRTC, are efficiently managed and responsive to the needs of Canadians.[163]

The proposed legislation met with mixed reviews. One critic, Maurice Moore, argued that the CBC had been assigned additional responsibilities without sufficient resources to accomplish those it already shouldered: "The CBC's function as a national catalyst is confirmed, so long as the corporation never demands enough money to fulfil it properly".[164] This statement reflected the dilemma underlying CBC operations. A variety of critical remarks were also voiced by other groups and individuals. The House of Commons passed Bill C-136 on September 28 1988, but when the government called general elections, it died on the Senate's order paper John Meisel has called the process a veritable "saga"[165] but concludes that some of the criteria necessary for a new broadcasting act were met. "Given the fate of the bill at the hands of the Senate in the dying moments of the thirty-third Parliament", he comments, "one might be tempted to call the exercise a near miss. But in the light of how the matter was handled, and the likely future, it is more accurate to describe what happened as a near hit".[166]

Following the general elections, a new Broadcasting Act, Bill C-40, which was largely similar to its predecessor, was passed and then promulgated on June 4, 1991. While it is still too early to comment on its effects on the Canadian broadcasting environment, we can outline its contents. The new Broadcasting Act 1991 secures the dominant role of the CBC in stating that the CBC "should provide radio and television services incorporating a wide

163 Canada, Department of Communications, Canadian Voices, Canadian Choices A New Broadcasting Policy for Canada, op cit , p. 61

164 *Moore Maur* , "t's not what the Broadcasting Act says but how it came to say it " Globe and Mail, Toronto, July 16, 1988, C 3

165 *Meisel, John*, Near Hit, op cit , p 152

166 Ibid, p 157

range of programming that informs, enlightens and entertains".[167] Its programmes should be "predominantly and distinctively Canadian" and should actively "contribute to the flow and exchange of cultural expression" as well as "to shared national consciousness and identity."[168] While the Broadcasting Act of 1968 described the contribution of the national broadcasting system "to the development of national unity" as one of its major goals, the new act states that the broadcasting policy should be essential, rather, to the maintenance and enhancement of national identity and cultural sovereignty.[169] Equally noteworthy: The Canadian broadcasting system was given the mandate to "encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view."[170] It states further: "The programming originated by broadcasting undertakings should be of high standard"[171] Finally, the Act reiterates that the Canadian broadcasting system must be owned and controlled by Canadians.[172]

Quality programming instead of quantity programming appears to be the mot d'ordre. As we have seen, Canadians, like American television, especially drama and entertainment, because they are used to it and because more of it is readily available. If more competitive Canadian material had been available during the formative stages of TV and was still available, audience tastes might be different. As John Meisel has pointed out, the appeal of television programmes varies considerably among Canadians,

167 Broadcasting Act 1991, Section 3 (l)

168 Broadcasting Act 1991, Section 3 (m), (iii), (vi)

169 Broadcasting Act 1991, Section 3, (b)

170 Broadcasting Act 1991, Section 3, (d), (ii)

171 Safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada (91 3 1 d i) was also mentioned in the 1968 Act

172 Broadcasting Act 1991, Section 3 (a).

depending on the type involved[173]. The most viewed kinds of programmes are drama, news, public affairs and documentaries, and variety and games. In the news and public affairs category, Canadian presentations outdraw American ones by more than four to one. The American predominance in the area of variety and games is slight. But when it comes to comedy and drama the situation is decidedly lopsided. The pull of American comedy programmes is sixteen times greater than that of those originating in Canada. In respect of drama, Canadians watch programmes from across the border six and a half times as often as they do those originating at home.[174] A certain number of high quality, very attractive and therefore widely watched domestic dramas and variety programmes could be an answer to these findings. On the other hand, it is quite difficult to define high quality and attractive programming, and it would be virtually impossible to administer such a scheme. Nevertheless, the new act advanced a step by encouraging the development of artistic Canadian creativity and displaying Canadian talent in entertainment programming.

With regard to regulations, John Meisel has remarked with regard to the new act that "the chief variables in these ongoing developments are the continuing rapid technological innovations on the one hand, and the deregulatory climate in the world on the other."[175] Ever since the nineteen-thirties, the importance of strengthening the Canadian character of programming has been a constant in broadcasting legislation. But the formulation of goals and policies, and the creation of organizations to pursue them, is only part of the prerequisites. Funds are also required to finance Canadian content, and that raises the question of who will provide

173 *Meisel, John*, Stroking the Airwaves The Regulation of Broadcasting by the CRTC, prep. for a new edition of Ben Singer(ed.), Communications in Canada, p. 7.

174 Statistics Canada, Television Viewing in Canada, 1988, Ottawa Minister of Supply and Services Canada, 1990, quoted in: *Meisel, John*, Stroking the Airwaves, op. cit., p. 7.

175 *Meisel, John*, Stroking the Airwaves, op. cit., p. 29.

them. It remains to be seen if the Broadcasting Act of 1991 and the implementing regulations will make it easier to meet those objectives.

4.2 The Canada-United States Free Trade Agreement

The attempts to preserve Canadian national broadcasting cannot be limited to domestic legislation. The growing internationalization of the economy, culture and communications industries in particular makes it necessary to address the question of cultural industries and national identity in the international context. This was acknowledged during the debate over the Free Trade Agreement between the United States and Canada (FTA). Rarely has any subject triggered such a vigorous debate over cultural policy as the negotiations over that enhanced trade agreement. The FTA was the subject of a fierce political debate in Canada. In the fall of 1988, the FTA became the major issue in a national election campaign and much of the discussion revolved around the question whether it would accelerate the demise of Canada's already fragile cultural industries. In the end, the Mulroney government, which had negotiated the FTA, emerged victorious, and on January 1, 1989, it and the United States government put in place North America's first free trade agreement.

During the free trade negotiations, cultural sovereignty once again became an important political issue for the government. Discussions about national sovereignty and identity and the concern about Canadian cultural industries were frequent throughout the period of negotiation. The government's reassurances that they would be excluded from the terms of the agreement did little to allay concerns. John Meisel has remarked that it was "paradoxically an American statement that may have been of help to Canadian nationalists (even) inside the government."[176] Clayton Yeutter, the U.S. trade representative, responded to expressions of

176 Ibid, p 74

concern about the vulnerability of Canadian culture by saying: "In a sense, both have their cultures at stake. I am prepared to take the risk of having American culture subject to greater Canadian influence under a free trade agreement. I hope Canada is prepared to run the same risk". Of course, in the present circumstances, the Americans have less to fear from Canadian culture than vice versa. Again, according to Meisel, the comment "dramatically advertised to all concerned the abysmal failure of even well-informed Americans to understand the problems of Canadian culture in North America"[177]. Nevertheless, Meisel estimates that, on the whole, the vigorous defense of cultural sovereignty mounted by some Canadians ended in "a substantial victory for the cultural community and its friends in the cabinet."[178]

The FTA provides for the protection of cultural industries in Article 2005 (1). It states: "Cultural industries are exempt from the provisions of this Agreement." However, Article 2005 (2) qualifies the exemption by permitting a Party to take "measures of equivalent commercial effect in response to actions that would have been inconsistent with this Agreement but for paragraph 1." And in Vincent Mosco's view this means: "rather than exempt culture, the FTA makes it a specific target of retaliation. More importantly, by including culture in a section that permits retaliation to equivalent commercial effect ...,"[179] as Duncan Cameron concludes, "Canada has accepted the American definition of culture: a commodity to be bought and sold for profit."[180] C. Bernstein has gone further and stated that, with the implementation of the FTA, Canada will have foregone the freedom

177 Ibid, p 75.

178 *Meisel, John*, Flora and Fauna on the Rideau The Making of Cultural Policy, in Graham, Katherine A. (ed), How Ottawa Spends 1988/89, Ottawa, Carleton University Press, 1988, p 74

179 *Mosco, Vincent*, Towards a Transnational World Information Order: The Canada-U S Free Trade Agreement, in: Joch-Robinson, Getrude (ed.), Canadian Journal of Communication Vol 15, No. 2, Calgary, University of Calgary Press, 1990, p. 49

180 *Cameron, Duncan*, The Free Trade Deal, Toronto, James Lorimer, 1988, p XVI

in the future to maintain and develop a separate Canadian broadcasting system, one that can grow and respond to Canadian needs in a period of rapid technological change In effect, the Canadian broadcasting system would become "North Americanized."[181] There is at least some evidence that the United States have not fully accepted the Canadian claim to cultural sovereignty. During the summer of 1991, the present trade representative, Carla Hills, reiterated Yeutter's earlier position that cultural matters should be considered as part of the free trade arrangements.

In 1991, Canada began negotiations with the United States and Mexico for the establishment of a still larger free trade zone encompassing three nations. Once again, the Canadian Minister of International Trade, Michael Wilson, has insisted that Canada's protection of its cultural industries will not be weakened [182] In the light of the American attitude as reflected by Yeutter, Hills, and others, and the pervasive presence of North American uniformity, a high level of scepticism remains.

4.3 The New World Information and Communication Order

The Canadian broadcasting system must be viewed not only in the context of the Canada-US Free Trade Agreement, but also in the global context of the New World Information and Communication Order. That term was coined more than a decade ago to describe the emerging situation of world-wide information flows and its consequences for national media systems. Concerns were growing that the United States and other Western powers, with their advanced technology and news gathering and distributing systems, would dominate not only the channels but also the content of the news.

181 *Bernstein, C.*, Broadcasting Future Threatened, Financial Post, November 10, 1988, p 16

182 The Globe and Ma.., Toronto, Saturday, August 17,1991, Free Trade Talks About to Get Through

In 1973 representatives the non-aligned nations met in Algiers and called for a New International Economic Order (NIEO) and also a New International Information Order. Out of that demand there developed the broader concept of a New World Information and Communication Order (NWICO). There is not one single definition of the term NWICO but Mustapha Masmoudi has offered the following definition of its objectives: "The new order must preserve cultural identity and the values of each culture, while promoting knowledge of other cultures and balanced exchanges in the sphere of culture.[183]

After several years of increasingly polarized debates on the subject between developed and developing countries within UNESCO, that UN body commissioned a sixteen-member international group, headed by Sean MacBride of Ireland, to examine the problems raised by global communications. The MacBride Commission's report was published in 1980 under the title "Many Voices One World". It focused, inter alia, on the issues surrounding the free flow of information from one country to another. Concerning the one that interests us, it states: "Where the flow is predominantly from the top downwards, the media are likely to promote the acceptance of approved ideas at the expense of independent thought and critical judgement. Operating in a one-way direction, the media sometime succeed in transmitting the values and norms fostered by the dominant group to a public which, in large measure, fails to find in them any reflection of its own vital concerns and aspirations."[184] The implicit attack by the MacBride commission on media imperialism was received in many western democracies, but especially in the United States, with

183 *Masmoudi, Mustapha*, A New World Information Order for Better Human Understanding, Presented at a meeting of the International Institute for Communications, Ottawa, September 10, 1980, pp 2-3.

184 UNESCO, International Commission for the Study of Communication Problems, Many Voices One World, Chairman: Sean MacBride London, Kogan Page, 1980, p 17

distrust. In fact, the issue was the principal cause of the United States' withdrawal, followed by Great Britain and some other countries, from UNESCO in 1984. Canada's position in this debate has been an ambivalent, or at least a mediatory, one. Sharing the concern for freedom of the press and other media of communication, Canadians generally accept the ideals of freedom to create, to consume and to sell information and entertainment. On the other hand, as we have seen, Canada is perhaps the most vulnerable country to the penetration of American cultural industries. British writer Anthony Smith put the situation clearly.

> The culturally and politically debiliating effects of media dependence are perhaps most eloquently illustrated by taking an example not from the non-aligned or developing countries but from within the developed world itself ... . Canada has conceded the right of free flow and has suffered the consequences ... . No country in the world probably is more completely committed to the practice of free flow in its culture and no country is more completely its victim . Canada's history indicates that dependence is far harder to escape from than colonialism; it grows with the sophistication of technology and administration and it demonstrates the way in which the liberal doctrines of a dominant society are not necessarily liberal in their impact ... It is extremely difficult for a society to practice free flow of media and enjoy a national culture at the same time - unless it happens to be the United States of America.[185]

On the other hand, Canadian public opinion does not appear to share fully Smith's concern or that of Canada's opinion leaders in that field. A national survey conducted by Decima Research for the Department of Communications in 1985 revealed that only 37 per

185 *Smith, Anthony*, op cit , pp 52-57.

cent of the population considered foreign content broadcasts it receives to pose a threat to the nation's culture. The polling organization concluded: "Many Canadians feel comfortable enough about their own identities to believe exposure to American culture will not undermine their own sense of Canadian identity."[186]

From the viewpoint of the Canadian dilemma, the MacBride Commission was, in John Meisel's words, a useful compendium of the diverse issues arising from international communications.[187] In fact, it was somewhat more: it can be said that it was useful in placing the situation in the broadest possible context. The reality is still, however, that the North American broadcasting relationship will have to be managed primarily by the two countries alone.

186 Montreal Gazette, October 21, 1986, p. A-2.

187 *Meisel, John*, Communications in the Space Age. Some Canadian and International Implications, in: International Political Science Review, Vol. 7 No. 3, July 1986, pp. 299-331, p. 327

Conclusion: The Canadian Experience and Possible Lessons for Europe

The history of Canadian communications and of much of the original Canadian theoretical contribution to the field is closely related to the geographic, demographic, and cultural proximity of the United States. This is true with regard to television and radio, it is also the case when it comes to film, magazines, and other types of printed and electronic materials. The effects of the American media on Canadians began in the first quarter of this century with the importation of U.S. radio broadcasts and took on vastly greater proportions with the advent of television The appeal of American radio and later of television was demonstrated by the number of Canadians who bought receiving sets before their own country began broadcasting and is reflected in present Canadian preferences. The Canadian authorities responded with regulations, including content regulations to require a maximum Canadian presence on television screens. This is an ongoing concern, and it forces Canadians to continually assess their media and cultural industries. It also makes them think long and deeply about the risks to their national identity as a result of the open communication border with the United States.

The issues that Canadian citizens, broadcasters, planners, regulators, and policy makers have dealt with for the last seventy years are now confronting other nations, particularly in Europe. The latter are not only on the verge of creating a single European market by 1992, they are moving in the direction of a European nation of about 350 million people. The political and economic unit which is envisaged will need to develop a common culture and identity to unify the community and distinguish it from others This logic has already forced scholars and analysts as well as politicians to recommend common European broadcasting standards across the continent. The development of cable and satellite television delivery systems will greatly facilitate the

harmonization of broadcasting and the appreciation of the present cultures. The development of the new media in Europe has given rise to questions about negative implications of broadcasting technology, including possible threats to economic, cultural and political sovereignty In this regard, some media executives have expressed fears about the possible "Canadianization" of Europe[188] Used in this way, the term has a pejorative connotation signifying one country overwhelming the culture of another The perception is that because of Canada's proximity to the United States, it is being overwhelmed by US television culture, and that a form of inadvertent cultural hegemony was occuring

Canadians have learned to live together in a continually mutating mediasphere, and this calls for evolving cultural policies and new moves to strengthen indigenous culture. There has never been any attempt to build an electronic wall around Canada nor would that be possible For many years the Canadian broadcasting system was not considered suitable for Europe. Among other things, it was felt that the large component of commercial television encouraged wider use of American programming Today, facing the prospect of a single media market, some Europeans recognize that the Canadian experience could be a model, or at least a valuable source of information, in preparing for what is sometimes called "television's third era" [189]

Since the early 1950s, the European Broadcasting Union (EBU) has been the co-ordinating body for public service television in Western Europe. In recent years, the European Community and the Council of Europe have spent considerable time debating the question of how American colonialization through television

188 *Brown, Les*, Can Europe be Canadianized? In: Channels, Vol. 8, No 9, October 1988, New York, p 26

189 *Roberts, John P L* , The Implications of the Globalization of Television and its Cultures, in Prof Dr Alphons Silbermann (ed), The European Journal of Communication, Vol. 15 (3),1990, Munchen, K G Sauer Verlag, pp. 213-223, p 215.

entertainment can be avoided, while giving European cultures a more prominent role. An EC-Directive of 1986 sees the broadcast media as a way of bringing about a closer union among the peoples of Europe, and of preserving and strengthening peace and liberty[190]. A publication of the Commission of the European Communities, Television without Frontiers, mentions ways of helping Europe "to protect its identity and its hopes of economic expansion in the face of American and Japanese expansion "[191] It is in this context that proposals for quotas and programmes for encouraging European productions must be understood At present, American material represents about 24 percent of all television programmes, compared to 65 percent of programming still of European origin To regulate the flow of American television programmes, which reached US $1 billion in 1989, the EC proposes to limit future imports to 50 per cent of all programming on European TV.[192]

In the meantime, the imbalance of trade concerning television industries between the United States and the European countries is increasing Figures from 1988 point out that while EC exports to the United States were just 1 percent of the total value of its broadcasting industries revenue (£10 billion), the United States exports to Europe 4 percent out of a total revenue of £ 22 billion[193]. Speaking in terms of thermodynamics, this means that more heat in the form of information, entertainment and drama is flowing from the United States to European countries. And this means in turn that Europe has to correct this imbalance in order to maintain its unity and identity. It is in that sense that many

190 Cited in: *Negrine, Ralph*, The Internationalization of Television, London, Pinter Publisher, 1990, p. 56.

191 Commission of the European Communities, Television Without Frontiers, Luxembourg, Office for Official Publication of the European Communities, 1984, p. 1.

192 *Greenhouse, Steven*, Workers want Protection from the Promises of 1992, The New York Times, 25th June 1989

193 *Negrine, Ralph*, op. cit , p. 90.

Europeans find the Canadian broadcasting policy attractive and favour quotas as an instrument to counteract American influence.

On the other hand, there is no guarantee, as Canadians can well understand, that EC controls and regulations will improve the quality of European television. One leading German television executive sees this as "a combat for our own culture", and there are doubts whether "the European rubbish will be any better than the American rubbish"[194]. The debates will undoubtedly go on far beyond 1992 One lesson from the Canadian experience is worth noting an improvement in the quality of European productions and programming would attract more viewers and the demand for more "Hollywood" material would decrease. An experimental project in 1982, in which five European broadcasting organizations produced eight hundred hours of broadcasting, revealed that many problems have yet to be resolved The difficulties of multilingualism and the question of what is attractive to all Europeans remain important issues. Another major challenge is to create news and information services with a European perspective, and which would supplement but not replace the domestic national services

The question remains only partially answered What has Europe to learn from the Canadian experience? And we can add another: What can Canada learn from the European experience so far? Clearly, both sides can benefit from one another. Canadians have found problems of communications to be of central importance and have produced important works in this area. It is a field where Canadians have made important contributions to the international intellectual community.

The Canadian experience has not always been positive but it bears useful lessons, particularly for those countries in comparable situations. For instance, the Canadian policy of allocating public funds to the Canadian Broadcasting Corporation to ensure a

194 *Greenhouse, Steven,* op cit

stronger Canadian content than is likely to be produced by private stations, merits close study by Europeans and others They would also do well to take note that the enormous cuts in CBC funding make it difficult to carry out its role as a vital instrument of Canadian culture. As Ian Morrison, a member of the Steering Committee of the Friends of Canadian Broadcasting, has recently stated: "Au Canada, la radiodiffusion est cependant plus qu'une affaire comme les autres"[195] In a more practical vein, recent debates in Canada, for instance, around the Free Trade Agreement, indicate that Canadians appreciate their public broadcasting system. After all, it has served them well for some sixty years To adapt a well-known expression in Canada's other language: Le jeu vaut bien la chandelle.

195 *Morrison, Ian*, Joe, dis-moi que je rêve!, in: Le Devoir, Montreal, September 17, 1991, p. B-8.

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