



CANADIAN TELEVISION TODAY
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CHAPTER ONE: R

REGULATION

In June 2004, in the midst of a federal election campaign, the Conservative party and its leader, Stephen Harper, came under fire for their stance on broadcasting issues. Although the party's official party platform had no mention of broadcasting, briefing notes provided to Conservative candidates called for opening Canadian airwaves to competition from American satellite companies, reducing the power of the CRTC, and relaxing foreign ownership regulations for media ("Tories would" 2004). These revelations followed comments made by Harper in May in which he speculated about placing the CBC on a "more commercial" footing (Friesen 2004). Now in power with a minority government, the Conservatives immediately stepped up these moves, causing consternation on Parliament Hill for Canadian cultural and communications sovereignty (Curry 2006, B6). While these policy moves are well in keeping with the Tory economic platform that has long promoted privatization and fiscal responsibility, they are totally at odds with the traditional culturally based arguments for a protectionist, quasi-public broadcasting system. The federal government has played a central role in the history of Canadian television, not simply because of the funding that it provides to the CBC, and which the Tories implicitly threatened to reduce even more drastically after years of similar Liberal budget-slashing, but through the protections offered to private broadcasters by the CRTC. In questioning these protections, the Conservatives are being accused by NDP critics and others of threatening the entire broadcasting model, and with it the idea of Canadian cultural sovereignty

altogether. To counter criticisms that they are in effect killing national broadcasting, party spokesperson Andrew Skaling framed the issue as a matter of choice. He said, "The reality is it's a 500-channel universe. It's a question of Canadians having choice as to what they want to watch." (Jack 2004). This invocation of the audience as the locus of their concerns failed to sway many commentators who observed that the proposals could "eliminate Canadian programming and make the broadcasters subsidiaries of American media giants" (Reguly 2004).

During the 2005 federal election that gave Harper's Tories a minority government, cultural issues received even less debate than they had the year previous. The Tory platform for culture and media highlights several ideological conflicts that have plagued Canadian television since the earliest days of broadcasting. The first is the opposition between Canadian and foreign (really, American) media interests. The second is the invocation of "choice," and its implied opposite, regulation, as marking a democratic, pluralistic broadcasting system. The third is the longstanding dilemma between public and private broadcasting in this country in which one network, the CBC, is effectively run on a hybrid model where it must simultaneously serve national interests as determined by the state and prove itself competitive with the private networks CTV and Global without relying (as its competitors do) on imported U.S. programs to inflate its ratings. And finally, there is the desire to somehow create a paternalistic policy for television that will reflect, if not outright enact, the principles of multiculturalism as they were enshrined in a parliamentary act since 1985. All these concerns have been invoked time and time again, particularly around moments of intense political upheaval like an election. The important thing about the Canadian experience, however, is the extent to which broadcasting is taken seriously as a national – and nationalist – concern. It is impossible to sever the development of television in this country from the expansion of the nation-state over the course of the twentieth century. The two are deeply enmeshed, as television has been an effective tool in cultural politics to justify the state through nationalist rhetoric and a claim to sovereign cultural identity.

A standard trope for analyzing Canadian broadcasting has been to look through the eyes of the government and regulatory agencies,

rather than at the screen or to the audience. While we would prefer to avoid that route, it is nonetheless necessary to provide some background to the current state of the broadcasting debate in this country in order to move the discussion forward. In general, the path of Canadian television can be marked by six major federal reports, all known colloquially by the names of their chairs: Aird (1929), Massey-Levesque (1949–51), Fowler (1956–7), Applebaum-Hébert (1981–2), Caplan-Sauvageau (1986), and Lincoln (2003). The Aird Commission, formally known as the Royal Commission on Radio Broadcasting, is perhaps best known for establishing the framework that led to the founding of the Canadian Radio-Broadcasting Corporation, which later dropped the term *radio* in order to encompass all forms of broadcasting, and is commonly known as the CBC. The vision laid out by Aird was to place broadcasting in the service of the state in order to promote a nationalist spirit and spread the word of federalism at a time when this country was barely out of its colonial crib (Gasher 1997, 16).

The Aird vision was carried forward by the Royal Commission on National Development in the Arts, Letters and Sciences, or the Massey Commission, in establishing other federalist cultural organizations like the National Film Board, and strengthening the CBC. A goal of the Massey Commission was to create a strongly public, not private, infrastructure for culture and communication that would be directly monitored by Parliament. In general, the consensus is that Massey shored up the nationalist barricades in order to “protect the nation from excessive commercialization and Americanization” (in Gasher 1997, 19). While there is certainly some truth to that statement, recent revisionist history by scholars like Zoë Druick have highlighted the internationalist sentiment embedded in the final report. Druick notes that underlying the more obvious nationalist rhetoric was a concern to bring Canada onto an international stage and to support efforts by the newly formed United Nations to make culture a wide-sweeping political concern that would both strengthen sovereign countries and provide conduits toward greater cooperation on a global stage (Druick 2006). In many ways, then, what the Massey Commission did was to lay the foundations for both a publicly driven cultural sector based on the federalist ideal of the establishment of a uniquely Canadian

national character, and also for later developments in multiculturalism from a deliberately liberal perspective, that is one based on individualism, open markets, and freedom of choice.

Together, these two royal commissions laid a solid foundation for an idea of broadcasting as a federal initiative committed to the creation and maintenance of a shared sense of national identity and unity. This belief was only strengthened by the avidly nationalistic Royal Commission on Broadcasting, or the Fowler Commission, in 1956 (Gasher 1997, 23). Following it, the 1960s and 1970s were marked by heady patriotism spearheaded by the long-serving prime minister, Pierre Elliott Trudeau. In 1968, the Broadcasting Act came into law. Importantly, its drafting was framed around distinctly nationalistic ideals about how broadcasting should serve the cultural, social, and economic infrastructure of the country. To that end, it not only enshrined the CBC as the national broadcaster and implemented protectionist measures for an indigenous production industry, it also created a regulatory system that would maintain Canadian sovereignty over the airwaves. The Canadian Radio-television Commission, renamed in 1976 as the Canadian Radio-television and Telecommunications Commission, was launched as part of the mandate of the Broadcasting Act. Interestingly enough, despite the name change, the CRTC seems not to have incorporated telecommunications into its nationalist agenda. On its website it states clearly that the purpose of Canadian broadcasting is to serve as “a tool for protecting and promoting Canadian culture and achieving key social objectives. Legislators and regulatory bodies in Canada have acknowledged that Canadian broadcasting is essential to preserving our national sovereignty” (CRTC). However, there are no such lofty ambitions for telecommunications. Thus, a divide between cultural and economic drivers appears to have been embedded in the CRTC from its outset.

In 1982 the Cultural Policy Review Committee, chaired by Louis Applebaum and Jacques Hébert, detoured slightly from the cultural nationalist path forged by the royal commissions that preceded it, first by its refusal to invoke the spectre of American encroachment, and second by accepting some degree of privatization as inevitable, especially now that television was the ascendant medium. In the 1980s, the

cold water of economic realities began to drown out the voices of hard-core federalism. Furthermore, regional divisions in the country began to show themselves more visibly, most noticeably in Quebec, which held its first sovereignty referendum in 1980. However, even in English Canada, the regions became increasingly critical of a highly centrist – or, to be more exact, Torontocentric – perspective that seemed to dominate the CBC. As Serra Tinic argues, as national broadcasting policy evolved, it mimicked longstanding economic relationships between centres and peripheries on both national and global scales. The interesting outcome is that those regions marginalized on a national scale have found new and better markets by entering into a global television economy, undermining nationalist rhetoric about the power of television to forge a distinct Canadian identity (2005, 4). Confronted with economic and political resistance to federalism's isolationist and paternalistic tendencies, the Applebaum-Hébert report embraced what would soon become the official federal policy of multiculturalism. It also softened the federal role in all forms of culture, encouraging the government to act as a facilitator for private enterprise (Gasher 1997, 25). That is not to say that the culturalists lost out completely to the economists, but that the arguments for national culture were softened in order to promote a more liberal economic agenda of choice, profit, and audience maximization.

Five years later the Caplan-Savageau Committee, officially the Task Force on Broadcasting Policy, tried to reinstate a protectionist model for national culture overseen by a benevolent but powerful state. By that time the Trudeau era had given way to a Conservative government headed by Brian Mulroney that famously sought closer ties to the United States and its own privatization agenda according to the principles of Reaganomics. Culture remained a passionately debated issue, especially during the protracted discussion that led to the Free Trade Agreement with the United States, and later the North American Free Trade Agreement with the United States and Mexico. However, there was more howling in the wilderness than actual exchange of ideas. Ironically, it can be argued that it was the values of multiculturalism that allowed culture to become a secondary concern and established the rhetoric of choice for justifying economic encroachment on

cultural issues. Multiculturalism within a liberal framework claimed that Canadian citizens chose the particular configuration of their national identity, but not in a way that would directly impact on the state's fundamental identity. They were to do so through an invocation of their culture, divorced from a sense of politics or economics in such a way that turned history into the far less imposing idea of heritage. It is, therefore, not really a surprise that the federal Department of Communication was split in two by the mid-1990s so that communications networks fell under the jurisdiction of industry while a newly formed Department of Canadian Heritage took on the problems of culture as a separate concern. Form and content were effectively divorced from each other, but more importantly, culture was unmoored from the material conditions of its production and turned into little more than a nationalist form of piety. Heritage implies tradition and nostalgia, as if culture is something Canadians remember fondly from a time before more urgent concerns were pressed upon them.

In 2003, the first report on Canadian television in nearly twenty years was tabled by the House of Commons Standing Committee on Heritage, chaired by Clifford Lincoln. The interesting thing about this report is how much it was shaped by new technological and economic realities facing television, even though these telecommunication concerns are no longer a part of the jurisdiction of the Heritage Committee. At the turn of the century, the effects of cable, satellite, and digital technologies are beginning to be forcefully felt. However, what has also changed is the make-up of Canada, which is expanding through immigration, particularly from countries beyond Europe, including Africa, the Middle East, and South-East Asia. Interestingly, though, the final report did not directly address the changing ethnoscape of Canada beyond the usual platitudes regarding multiculturalism. Instead, it remained fixed on the technological and economic concerns for the Canadian television industry and the need to protect the industry from encroaching globalization. Two visions of television culture were presented as co-equivalents in the report. The first was a paternalistic claim to Canadian cultural sovereignty and the fostering of a distinct national identity that would best be realized through a strong, independent, mostly private media sector that is nonetheless

sheltered from foreign competition and bolstered by national subsidy programs, with the CBC providing a kind of moral counterweight. The second was the call for diversity and plurality on the airwaves in the form of consumer choice through expanded communications systems, in particular digital cable and satellite convergence. What both of these value statements share at the core, and what makes them mutually supportive, is the fact that both are geared toward a very narrow idea of Canadian television within a North American market. Thus, they are based upon assumptions of dominant anglocentrism that sees globalization as a process of cultural and economic homogenization (i.e., Americanization) rather than as a set of multicultural disjunctions.

Unfortunately for the authors of the Lincoln report, no sooner had it been tabled than the 2004 election was called. While culture barely registered on the political charts, it did occasionally surface as when Stephen Harper publicly mused about undoing the federalist-public structure of broadcasting altogether. His party offered a very different vision of broadcasting than the dominant cultural rhetoric that was evident in the Lincoln report, stressing consumer choice and the elimination of the government's role in culture, highlighting competition and greater integration with the American marketplace. The platforms offered by the Liberals, New Democratic Party, and the Bloc Québécois were far more in line with the standard federalist position, each calling for a healthy cultural sector reliant on government intervention and subsidy. The fact that the cultural platforms of the Bloc, NDP, and Liberals are only marginally differentiated demonstrates the high degree of consensus that has been achieved around cultural issues in Canada. In effect, it seems to be agreed by everyone but the Conservative party that Canadian culture is a fragile thing to be nurtured by nationalist-driven policies that want to achieve a balance between popularity and profitability while reflecting a sense of common Canadianness defined in distinction to the dominant modes of culture produced by American broadcasting.

In this sense, it can be said that the health of Canadian culture is measured according to two very different criteria. The first, the economic yardstick, favours competitiveness, an open marketplace, and

technological innovation. The profitability of the broadcasting sector is the key metric here. The second, the cultural yardstick, clings to a belief that culture can be somehow contained and artificially propped up under the guise of authentic national experience. The “quality,” however defined, of the Canadian cultural experience is the gauge in this instance. The central issue is that both of these yardsticks take as their point of comparison the American cultural experience. In that sense, then, Canada is automatically set up for failure in the eyes of its own cultural mavens.

Television, as the most ubiquitous cultural medium, is emblematic of an anti-triumphalist discourse. Its cultural, economic, and technological form makes the kind of gatekeeping that cultural elites prefer difficult. Television is a democratic mass medium, open and easily available to everyone in a variety of forms. In the private model of broadcasting, this results in a rhetoric of consumer choice based on ratings-driven programming. Public models are more concerned with providing access across the spectrum of populations, serving disparate communities, and providing an array of images and narratives that everyone can cleave to as a nation. The Canadian system, however, is almost an exact balance of these two very distinct models and is therefore caught in a schizophrenic position of serving opposing goals. Stakeholders in broadcasting have very different ideas about how to solve this dual dilemma of economic and cultural marginalization in their own country. Their battleground is the CRTC. It is before this commission that signal providers (cable and satellite companies), cultural producers, and networks battle to secure their own particular visions of Canadian television. The Canadian public plays a tangential, but frequently invoked, role in these debates, framed as both consumers – most often defined around individual choice – and as citizens – defined through notions of common nationalist identity.

Of these stakeholder groups, the cable industry is the most closely aligned with the Conservative party’s interest in consumer choice, although it would balk at increased competition from American signal providers. Its version of open markets extends only so far as its own ability to broadcast American channels on its systems to Canadians, but not so far as to allow Canadians direct access to American cable or

satellite systems. Artists and television producers are quicker to embrace increased funding and tighter regulations on Canadian content, as these mean more jobs for Canadian cultural producers and more likelihood that their shows will be bought by Canadian networks. For their part, the broadcast networks range between the two poles, depending on the individual issue and their own particular financial stake in it. At the most basic level, of course, all three groups demand the same thing: more of what benefits their shareholders. While each frames their discussion in terms of what is best for Canadian viewers, self-interest is clearly the primary driver in any debate on the future of television. That, in and of itself, is not particularly revelatory. What is important is the way that individual stakeholder groups mobilize arguments in order to present their interests as equivalent to the interests of Canadians as citizens, and, further, how this self-presentation in turn frames the regulatory context for television in this country. By examining the way that the television industry, working in tandem with governmental agencies like the CRTC, has justified their economic interests we can see how television has come to be understood as a unique manifestation of the Canadian public sphere in need of protection. Furthermore, in deconstructing these arguments, an alternative path for television can be shown that critically re-evaluates the need for a single national rhetoric and opens up discussion for a more fluid and politically grounded sense of multiculturalism in lived practice.

THE PRODUCERS

In the midst of the 2004 federal election the Canadian actor Paul Gross spoke at a press conference announcing a campaign to bring culture to the forefront of political debate. It is somewhat fitting that Gross assumed this role since he is well known as both a stage and screen veteran – about as close to a celebrity as English Canada has. He was also the

star of a failed Canadian television experiment in the mid-1990s when the short-lived program *Due South*, about a Canadian mountie working in Chicago, was picked up by CBS. This was the first Canadian dramatic series to land on the primetime schedule of a Big 3 American network, where it ran for a very shaky two seasons. At the beginning of June 2004, Gross addressed a gathering of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) in Toronto, telling them that Canada will never have a robust national culture on a purely volunteer basis and that candidates in the election campaign should be challenged as to where they stand (“Government must” 2004). Speaking specifically about the decision of Canadian mega-media company Alliance-Atlantis to withdraw from domestic cultural production, Gross argued that Alliance and Atlantis had become rich as a result of generous Canadian cultural policies, and that now they owed a debt to the Canadian people who had long subsidized them. While Gross was pleased with the CRTC’s offer of increased advertising opportunities for broadcasters who air additional Canadian drama, he argued that the carrot needed to be accompanied by a stick in order to deal with “the unholy mess we have found ourselves in.” (“Canadian TV” 2004). Later in the month, Gross and other ACTRA members hosted a news conference at CBC’s Barbara Frum Atrium in Toronto to draw attention to cuts in government funding to Canadian film and television, the increasing amount of American television on Canadian airwaves, and the avoidance of cultural issues in the campaign for the June 28 election (Quill 2004). Despite these efforts, cultural issues never became an important part of the election itself. What Gross and his colleagues did accomplish was a reassertion of nationalist sympathies without any change in the business of television. In fact, according to a CRTC study released in March 2006, broadcasters spend approximately four times as much on imported programs as they do on indigenous productions, even while profits continue to climb higher every year (CRTC 2006).

For artists, actors, writers, directors, and other cultural producers involved in the creation of television, the government is an incredibly powerful force. Among the key issues for cultural producers are funding, access, and autonomy – each of which is variously guaranteed or

threatened by the government on a regular basis. It is widely assumed by cultural producers, Gross among them, that without government subsidies for the cultural arena, Canada's television culture would simply evaporate. The assumption, created over the course of a half-century of experience, is that private broadcasters in Canada, despite their rapid proliferation in the digital age, will always opt for low-cost imported programming over original Canadian content unless they are required to air made-in-Canada material. This assumption seems accurate in light of broadcasters' expenditures, and it becomes more obvious at a glance at the primetime program listings on CTV, Global or CHUM-owned channels, which are replete with imported programming. For cultural producers, it is incumbent on the government to provide access by requiring private broadcasters to carry Canadian shows, and to finance the shows that they require those networks to deliver.

In an effort to bridge the divide between public and private broadcasting, or between artistic and industrial imperatives, the Canadian Television Fund was created in 1996. This is a joint enterprise between the Department of Canadian Heritage, Telefilm Canada, a crown corporation providing grants for film production, and the Cable Production Fund, operated by the cable industry. As it attests on its website, the goal of the CTF is to "encourage the financing and broadcasting of high-quality Canadian television productions" as well as to "reflect Canada to Canadians." While the CTF should be seen as an example of successful partnering between the public and private sector, it has been under the constant cloud of cutbacks since 2003, sometimes forcing the abrupt cancellation of Canadian shows that are otherwise perceived to be doing well. The leading private networks have become so reliant on the CTF that cuts to its budget are taken as an excuse to move away from their commitment to air Canadian content. In the words of CTV senior vice-president Bill Mustos, "We are facing a year where our federal funding is sharply reduced. In that context, we have to really be prudent about which shows we put forward for that funding" ("Canadian dramas axed" 2004). After a great deal of lobbying, and facing a general concern that Canadian television would surely die without a fully funded CTF, the Liberal government did not follow

through on its threats to reduce the CTF budget to \$62.5 million but instead returned it to its pre-cut level of \$100 million. This change of heart came with stipulations, however, some of which did not sit well with some cultural producers. After using the nationalist argument to win back their funding, they seemed shocked that the Canadian government would tighten legislation around what counts as “Canadian stories.”

In February 2005, *The Globe and Mail* reported that many Canadian documentary filmmakers were complaining that the CTF’s focus on Canadian-themed programming made it “Orwellian.” Comparing the subsidy system to political pressures that existed in the Soviet Union, Simcha Jacobovici argued that the lack of guaranteed funding for documentary filmmakers meant, “You’re editing with the knowledge that they can pull the rug out from under you at any time. That’s a terrible threat. It can bankrupt you” (Posner 2005). While Jacobovici’s comparison of Canadian subsidies to filmmakers and television producers to the Soviet system may seem absurd, it highlights a difficult tension between culture as national heritage and culture as aesthetic production. It also raises questions about the very idea of a distinct national identity, even as artists themselves raise it to secure their own funding base. Less than a year after ACTRA intervened in the federal election to insist upon a strong, nationalist program that would create a distinct and identifiable Canadian culture, members of its association complained about the fact that the program was designed specifically to ensure Canadian distinctiveness.

Following ACTRA’s logic, it seems that the position of television producers is that the government should finance Canada’s television producers and also provide a broadcast platform in order to ensure the continuation of high-quality Canadian alternatives to international programming. At the same time, however, the government should stay out of the decision-making process and simply allow cultural producers the freedom to produce works that they, and their broadcast partners, deem best. The assumption that enriching private broadcasters and individual private production companies is what is best for the nation should, it follows, be borne out by the high degree of satisfaction that Canadian viewers have with Canadian programming. Yet, given

the absence of that satisfaction, the conclusion among cultural producers is frequently to bemoan the poor viewing habits of Canadians while seeking out new funding opportunities. Cultural producers, the argument goes, serve the national good, even if the nation doesn't always realize it, and they should be funded and left to do their own thing.

The problem with this "have our cake and eat it too" approach isn't readily solved as long as Canadian television remains stuck in a nationalist sensibility that is rooted in protection from the monster to the south. However, the criticisms of the CTF's policy of monitoring funded productions for their inclusion of distinct Canadian content is an important one both in terms of the federal government's insistence on economic viability and in considering a more nuanced, political view of multiculturalism. Documentary filmmakers were especially vocal on this issue because of the restraints placed on the idea of what constitutes a matter of interest to Canadians. The other side of the argument is that they rightly criticized an outdated model of "hockey and doughnuts" in producing Canadian culture and challenged the essentialist argument about national identity in favour of a more compensatory model in which the definition of Canadianness in any cultural product isn't based on content as much as on quality, edification, and openness toward other cultures. It is that latter notion that helps to reawaken the multiculturalism debate and place it within new political and economic realities.

The demographics of Canada are changing to such a degree that it is only a matter of a few years before "visible minorities" will become the majority in cities like Toronto, Montreal, and Vancouver. Following from the principles of multiculturalism, how can such accelerated hybridity be reduced to a series of essentialist ideals for Canada that are based on Anglophone, northern, and Euro-western values? Second, as cultural producers are expected to prove their fiscal responsibility by selling their shows outside the Canadian market, the need for greater latitude in expressing alternative perspectives becomes more urgent. What is at stake for producers, then, is the degree to which the old models of Canadian protectionism are beginning to fail culturally, politically, and economically. Small-scale production companies

cannot, and for the most part do not, try to compete directly in the American system. Instead, and echoing the economic policies of the former Liberal prime minister, Jean Chrétien, they feel they are better off seeking alliances with countries with similar political economies in which joint partnerships through co-productions, distribution deals, and the like expand the market for Canadian cultural goods. This process is about implicating Canadian cultural production within a global mediascape of shared cultural sectors, frameworks, networks, and finance schemes in order to create a greater sense of multiplicity and diversity on the airwaves. It is not clear that the artists who complained see this potential themselves, and certainly the position of ACTRA during the 2004 election suggests that they are still clinging tightly to the federal lifeline of essentialist Canadian culture. However, in taking their criticisms seriously and not just as the petulant whining of a pampered elite, there is the possibility of discovering promising new directions for re-thinking what Canadian culture can accomplish.

THE BROADCASTERS

Canada's national broadcasters make similar claims as cultural producers about their own centrality to the project of building a nation-state, but clearly their arguments are more economically than artistically oriented. As such, they seem to always be working to expand their scope beyond the borders that they themselves have erected. Even more than artists, therefore, the broadcasting sector has tied its success and failures to a near exclusive relationship to the United States, both as a market of unlimited and cheap product and as an imminent competitor. As an advertising-based medium, television depends on gaining the largest possible share of audience to sell back to potential advertisers. However, as the broadcast spectrum expands and reorganizes itself into niche markets based on specialty or

subscription-based channels, the audience fragments and can no longer be as neatly packaged in large, homogenous groups. This is not to suggest that television viewing is necessarily declining to dangerously low levels, dragging profits down with them as some broadcasters may argue as they clamber to reduce restrictions on Canadian content requirements. Rather, revenue is increasing but it's increasingly spread between individual stations, and viewership for specific programs is less stable.

While the changing economics of broadcasting from homogenous, mass media to a more fractured, disjunctured media could potentially open up new levels of opportunity and risk-taking, the attitude of broadcasters has been to shore up a defence against change rather than embrace new logics. This reliance on a survivor-victim mentality that is dependent almost exclusively on a perceived rivalry with the United States has led to strategies intended to secure market advantage at the lowest possible costs. The most important of these, adopted almost wholesale by the private broadcasters CTV and Global, is the process of purchasing Canadian broadcast rights for popular American network shows and then showing them in simultaneous substitution. That means that Canadian broadcasters grab the signal from the networks at the same time as it airs in the United States but insert their own advertising and station identifiers. This dependency model is predicated on a rather self-serving claim to preserve Canadian values by ensuring that the invisible ownership structure behind the airing of any show remains Canadian. By that we mean that Canadian networks exploit American commercialism and Canadian nationalism simultaneously by insisting that American broadcasters cannot invade our sovereign territory but can only borrow the airwaves. Meanwhile, Canadian broadcasters benefit from reduced start-up costs and risks associated with creating new programming while inserting their own advertisers' commercials to secure revenue. It highlights the way that culture and economics, content and form, have been neatly separated out from each other. Further, it gives some insight into how both economic arguments of free markets and cultural arguments for nationalist protectionism can share common ground within a liberal framework of choice.

This tactic has certainly not escaped the notice of cultural nationalists who eventually won a campaign to keep the CBC, the public broadcaster, from relying on this rather backhanded form of distinct Canadian broadcasting. Furthermore, the trade-off for simultaneous substitution is that Canadian content regulations require private broadcasters to offer some measure of indigenous programming during an overly generous definition of primetime hours. As a result, broadcasters have also looked for ways to again circumvent the risk involved in producing new programming while still conforming to protectionist policies that they themselves have benefited from. Rather than turn to dramatic or narrative series, which are probably the most costly and high-risk form of television, the trend has been for Canadian companies to feature news and informational programming to make up the bulk of their required Canadian content.

Another strategy of broadcasters to preserve a nationalist monopoly on the airwaves is to mimic whole channels in a revamped Canadian context. The CHUM-City group has been especially successful in preventing such American stalwarts as MTV and VH1 from being available in Canada and offering up their own stations MuchMusic, MusiquePlus and MuchMoreMusic instead. Now, as MTV Canada has finally entered into the market by recasting itself as a talk and lifestyle channel, rather than a music one, the Canadian channels are scrambling to fill huge holes in their programming schedule that were once filled with imported fare like *MTV Cribs*, *Pimp My Ride*, and others. Canada's special digital channel MenTV has lost a number of battles to have the American-based Spike TV, which went from a country and western channel to a men's programming channel in 2004, taken off basic extended cable service. Perhaps the most protected specialty niche channel in the Canadian system is CBC's Newsworld, the twenty-four-hour news channel that is required to be carried on basic cable. While other channels, including the American giant CNN, are available to cable and satellite subscribers, only Newsworld is guaranteed for all cable subscribers. It is not the most popular information station – that credit goes to the Weather Network – but it does serve a very important symbolic function by ensuring that Canadians can enjoy a full evening of American dramatic programming while their

information on world events will come directly from nationally protected sources. About the only original Canadian station that did not have an obvious and already successful American counterpart when it was launched was PrideTV, a station devoted to gay and lesbian issues that was subject to harsh restrictions by skittish cable systems, turned to scheduling pornography in an effort to boost audiences, and, in March 2005, splintered into two channels: the lifestyle-oriented OutTV and the adult entertainment channel, HARD on Pridevision.

Thus, with few exceptions, it appears that the business model adopted by Canadian broadcasters can only be defined through their apparent need to play it safe, avoid risk, and minimize costs. Leave programming decisions to the American networks and produce only low-cost, low-risk local programming for the Canadian market, while launching specialty channels that are carbon copies of successful American channels. What differentiates the Canadian system from the American system is the way that “culture” is deployed effectively to offset both criticisms of the profiteering model of private broadcasting as well as the threats of opening the sector to foreign competition. Canadian broadcasters largely rely on the ominous presence of American television from which it borrows with one hand while denouncing it as an enemy with the other. Efforts to move beyond this very narrow binary are limited by protectionist policies that prevent foreign ownership even though Canadian media conglomerates are investing heavily in joint ventures around the globe. For example, France recently altered its policies so that even English-language co-productions with Canada can be considered “European” for the purposes of subsidies (Collins 2002, 133). Thus, the Canadian industry benefits from a relaxation of regulations in other countries that they themselves balk at domestically.

In an ideal world for Canadian broadcasters, a one-way road to globalization in which Canadian culture could flow out in the form of products and ownership while foreign products would be stopped at the border would be the ideal situation, and in many ways that model is already in place. The justification for this practice is, as always, the perceived threat from the United States. Yet, despite the clamourings to protect Canadian airwaves from American incursion, the industry

relies heavily on American product. So in the name of Canadian national identity, the Canadian MTV is a talk channel rather than a music channel and MuchMusic enjoys a competition-free existence in the market for music videos, even with the loss of many of its popular imported programs. A similar situation has existed for MuchMusic's sister station MuchMoreMusic and its relationship with VH1. The nationalist argument from broadcasters is that this arrangement means that Canadians are not robbed of popular American programming but they see it on a channel that also promotes an indigenous Canadian music industry, which is held to be a net benefit to the nation. Choice and patriotism are served in equal measure. While on the surface that line of reasoning appears to make sense, at its core is a fundamental assumption that Canadians will not watch Canadian programming unless forced to. Thus, broadcasters first invoke the rhetoric of choice to have these programs available and then claim a nationalist argument of protection to limit any consumer choice that could potentially negatively affect them.

What is interesting is the extent to which the CRTC has agreed with broadcasters and established a regulatory framework in which Canadian viewers are offered primarily channels that the industry itself regards as uncompetitive and second-rate, such as the rather hapless SpikeTV. Canadian viewers are restricted in their choice, the argument goes, for the good of the nation, so that broadcasters can operate in a relatively competition-free market which, they argue, benefits Canadian viewers even when they themselves might not choose the options or care to support them. What is interesting is that, though they regularly invoke anti-American rhetoric to justify Canadian protectionist policy, the result is a highly Americanized broadcasting system, rather than a more globalized system that would be in keeping with Canadian notions of multiculturalism. It raises significant questions about Canadian culture and its homogenizing tendencies from within, which resist innovative, culturally diverse programming and model themselves after American networks in ways that preserve a dominant sense of anglocentric, white Canadianness.

THE CABLE INDUSTRY

For many cultural producers, the enemy that looms largest on the horizon is the cable industry. While television producers like ACTRA cannot complain too aggressively about the government that pays their bills or the broadcasters that provide their platform, the cable industry, which exists at a remove from these cultural concerns, is the player whose profit-driven motives are most naked in the field of Canadian television. Like the Conservative party, the cable industry claims to champion the rights of individual Canadian viewers through the provision of choice. This is a useful and popular rhetoric, although the consequences of unlimited consumer choice are always carefully concealed, and, in fact, genuine choice is never really presented as an option. Unlike television producers, who often wrap themselves in the Canadian flag when presenting their case, the cable industry is more loath to frame their interests as anything other than profit maximization and conceptualizes the audience less as citizens than as consumers. The primary, some would say exclusive, goal of the cable industry is the expansion of shareholder profits. Profits are generated by creating demand, finding new customers, offering new services, and reducing costs. This places the cable industry in the clearest alignment with Canadian viewers because in order to sell services to Canadians they must have offerings that we will find attractive. Yet, their business practices often work harder to curtail viewer expectations than to facilitate their needs.

If the cable industry recognizes that the road forward to profitability relies primarily on their ability to find new and improved services to offer consumers (such as internet-based phone services), it also recognizes that the CRTC and its defence of the existing regulatory framework often act as a roadblock. It is clear, for example, that if the CRTC licensed ESPN or HBO for broadcast in Canada, many television viewers would leap at the opportunity to subscribe. This has allowed the cable industry to position itself as the voice of Canadian consumer choice in its discursive war with the CRTC and private broadcasters. Nonetheless, the industry has actively opposed genuine viewer choice in the form of *à la carte* cable offerings. The possibility of allowing

viewers to pay for only those channels that they wish to watch, rather than purchasing channels in mandatory bundles, is feared for the possibility that it could erode cable industry profits. Studies in the United States by Nielsen Media Research indicate that the average television viewer watches only seventeen channels regularly (Lazarus 2004) but subscribers to the most inclusive cable and satellite packages pay for hundreds of channels, most of which remain unwatched. For the cable industry, *à la carte* selections would likely entail a reduction of services purchased by consumers, and, consequently, a decline in profitability. At the same time, the logic of supply and demand indicates that individual channels would have to reduce their cost to consumers in order to compete for viewers, and, consequently, advertisers, further eroding the profitability of the cable industry. In February 2006, the CRTC ruled that television consumers should have the ability to purchase channels in an *à la carte* system but opted to maintain the current system until at least 2010 (Robertson and McLean 2006a,b). Despite the cable industry's rhetoric about supporting consumer choice, it is clear that this is a mask for expanding the profitability of an industry that, at its heart, rejects the very thing that it claims to be championing.

The fact that five companies own almost 90 per cent of the cable market is only one of the most striking features about the organization of this industry (Beaty and Sullivan 2003, 152). Even more problematic is the fact that they have effectively carved up the country into different territories in order to prevent any real competition amongst each other. Rogers is by far the largest cable company and encompasses most of central Canada. They were able to acquire so much of the market in part through a swap with Shaw Cable that allows that company to dominate the west. Cogeco takes up what part of Ontario Rogers doesn't control, while Vidéotron dominates Quebec. Finally, Eastlink, the smallest of the big five, owns most of the Maritime market. For consumers, this arrangement means there is no actual choice of cable providers, except for the small satellite service market. With a near-captive market, individual cable companies create their own carefully limited form of choice by bundling various channels and services and developing a series of packages instead of allowing viewers to pick-and-choose their own selection. Complaints about this business

practice, especially the rather suspect anti-competition agreement between cable companies, are generally justified as necessary to ensure a strong, independent, national industry. In other words, the very companies who argue in favour of a consumerist model of choice are just as quick as their counterparts to lay claim to a notion of sovereign nationalism if it means protective and preferential regulatory systems. However, as technologies dismantle territories, it is becoming harder for the cable industry in Canada to prevent foreign competition from ruining what is, for them, a near-perfect system.

The clearest rival to the Canadian cable industry comes not from within but from foreign broadcasting systems that better meet the needs of increasingly more powerful multicultural communities that are not as easily seduced by the homogenic rhetoric of Canadian national identity. There have been some small measures to respond to these audience desires. For example, recent debates about the addition of so-called third-language television channels (non-French and non-English channels, often from overseas) have been supported by the cable industry in order to attract a multilingual Canadian viewership, especially in dense urban areas, but the coverage of these channels is scattered across the country. While efforts to expand linguistic and cultural options are proceeding at a snail's pace, the cable industry has dedicated far more energy to import well-branded American channels, including Fox News, HBO, ESPN, and Nickelodeon, to Canadian airwaves, a strategy that preserves a sense of a homogeneous mass Canadian audience that is just like that in the United States. Their chief argument for this business strategy is, they say, to counteract the damaging effects of viewers going outside the country to purchase television services from foreign satellite operators. Broadcasters have used simultaneous substitution to avoid the competition of American-based networks. The cable industry responds by simply reversing their free market stance and lobbying to keep foreign-owned provider systems out of Canada while allowing their own companies to offer the same services in the name of national unity.

THE VIEWERS

At times the financial interests of television producers, networks, and cable companies radically diverge and battles are waged for regulators to decide, while at other moments the entire industry comes together in a common cause. One such cause revolves around the issue of so-called “satellite signal theft,” which pits viewers against industry in ways that challenge both economic and cultural arguments for protectionism. The issue of satellite signal theft has been a front-burner issue for several years now, particularly since the formation of the Coalition Against Satellite Signal Theft (CASST) to lobby government for stiffer penalties and to try to convince Canadians that signal theft is not a victimless crime. The Canadian Cable Television Association (CCTA) claims that approximately 700,000 illegal satellite dishes were operating in Canada in September 2002 (Yale 2002). Their definition of “illegal” does not mean stolen, however, but also includes Canadians who purchase satellite service from anyone other than a regulated Canadian-owned company. Thus, it has been dubbed a grey market economy. This distinction between grey and black markets was apparently lost on the Supreme Court of Canada when it ruled one year previously that the decoding of encrypted signals originating from a foreign distributor, even if you paid for the privilege, contravened the Radiocommunication Act. However, a Quebec court ruled in October 2004 that the ban on grey market satellite systems was unconstitutional on the grounds that it was a violation of the Charter of Rights and Freedoms. The ultimate dispensation of that case is still pending. Regardless, it is clear from the Radiocommunication Act that there is a belief among successive Canadian governments that television broadcasting is a unique medium deserving of cultural protections unheard of in other cases. No laws forbid the purchase by Canadians of foreign newspapers, magazines, books, compact discs, or DVDs. Further, no laws require Canadians to purchase these forms of media from Canadian companies, from Chapters.ca, for example, instead of Amazon.com. But television is tightly controlled so that the government may ensure that Canadians access only authorized national outlets.

While the argument against American broadcasters is based on the belief that it will lead to a homogenous, hegemonic industry controlling television and curtailing the proliferation of multicultural voices that distinguishes Canada, the reality seems to be the opposite. As Appadurai points out, this is not surprising. The invocation of a major external threat is a common tactic to secure the controlling interest of the hegemonic forces within (1990, 296). According to the CCTA, one of the prime motivators for grey market satellite use is consumer choice and cultural diversity – precisely the issue that the CCTA claims to be most interested in as an organization. In the simplest terms, American satellite providers offer a wider selection of channels than do Canadian providers. This discrepancy is particularly pronounced in the case of ethnic language television channels. For example, on regular analog signals, Canadian television offers only four alternative language services: Teletatino (TLN) for Italian and Spanish, Fairchild TV which broadcasts in Mandarin and Cantonese, SATV for South Asian audiences, and Odyssey, which serves the Greek community. In addition to this, there is limited penetration of the forty-four licensed Category 2 ethnic digital specialty services. Category 2 channels mean that the CRTC has approved them for broadcast but do not require any cable company to actually make them available for subscribers. For instance, while Rogers Cable in the Toronto area made available to its subscribers channels in Portuguese, Punjabi, Korean, and Urdu, ethnic television choices were severely restricted in other parts of the country, and nowhere is the full slate of forty-four channels available.

The significance of the grey market satellite industry to ongoing debates about television's role in reproducing national cultural identity is that it shifts the discussion away from the usual concerns about American incursion by bringing the issue of ethnic language channel selection to the forefront. For example, while in 2003, there was only half a channel broadcast in Spanish in Canada (with four and a half additional Spanish-language channels authorized to broadcast but not necessarily picked up by cable companies in 2004), the American satellite leader DirecTV offered a total of thirty-one such channels. For Canadians wanting television in Spanish, the choice was seemingly

clear-cut. This and other instances of multilinguistic and cultural communities not being properly served by Canadian television is a significant factor in the rise of grey market satellite. Canadian broadcasters and regulatory agencies want to present this issue as a necessary form of cultural protection from the American television behemoth. Yet, with the wide access to U.S. cable programming on Canadian channels, the idea that grey market is being used predominantly to get HBO does not hold up. This claim does, however, serve both corporate and governmental agendas to continue protectionist policies that have less to do with keeping American influence out than with securing a particular, homogenic brand of Canadian nationalism.

In this sense, then, the idea of Canada as a nation can be more readily seen as not much more than a discursive trope bolstering the legitimacy of state and capital interests. The relationship between nation/state/culture is at the crux of the organization of television. It is important, therefore, to reiterate that our focus remains exclusively on the English Canadian experience because it is there that the state is fully formed while national ideals remains problematic, with the potential to undermine the stability of the state. If, as Erin Manning argues, the rise of the sovereign state is the hallmark of modernity (2003, xix), while national identity is its fundamental form of subjectivity (Mackey 1999, 4), then culture can be understood as a mediating force that is used by each to legitimate the other. What this means is that television is controlled by the state in order to promote a unified sense of national identity that will in turn justify the state's continued authority. Similarly, and concurrently, cultural nationalists turn to the state to protect television from destabilizing forces using the claim of American hegemony. However, and perhaps more urgently, the less clear-cut, more diffuse enemy from within lurks in the shadows of this argument: those Canadian citizens who fail or even outright refuse to conform to an equally hegemonic notion of unified national identity where multicultural tolerance only goes so far. In other words, Canadian viewers who desire more than half a channel of television in Spanish are criminalized for failing to maintain their status as marginalized multicultural others.

In response to industry complaints about the loss of customers to unauthorized foreign satellite providers, the government took a tough albeit hollow stance on satellite signal theft with new legislation that shows how easily the fear of the “other” is namelessly invoked. Introduced in February 2004, Bill C-2 would have amended the Radiocommunication Act to significantly increase the penalties for retransmitting or decoding an unauthorized signal. This bill, which died on the table and has not been revived, angered a large number of ethnic groups across the country, as it was seen as a direct attack on cultural diversity and an attempt to criminalize the cultural choices of a large number of Canadians whose interests are not being served by the existing regulatory framework. In July 2004, the CRTC attempted to assuage these concerns by authorizing nine new non-Canadian third-language services. These new channels, whose authorization was ostensibly intended to help fight signal theft (CRTC 2004a), included general interest channels in German and Romanian, four Spanish channels, a Spanish and Portuguese movie service, and two Arabic channels. While this move was intended to open the airwaves to more international competition from foreign-based media companies, three decisions by the CRTC suggest that far more scrutiny should be placed on the regulatory process. In 2004, two foreign-language channels were denied licences on the grounds of Canadian cultural protection. One channel, however, received permission to broadcast on the basis of an argument that it would alleviate grey market satellite purchases. That the two denied were foreign language, and the one successful application was the wealthy American channel Fox News Network calls into question how much the CRTC really believes its own rhetoric of fostering Canadian identity in a multicultural environment against an American homogenous tyrant.

THE CRTC: SERVANT TO WHICH MASTER?

When the CRTC announced the licensing of new foreign-language channels, it sought to downplay those channels whose applications were denied. Four Spanish, one Arabic, and one Italian channel lost their bids for authorization. Of these, the one that raised the most eyebrows was RAI International, the extremely popular broadcaster from Italy. Canada has one of the highest per capita populations of Italian immigrants in the world and yet it barely serves this community with one-half of a channel, Teletelino or TLN, which is owned by Corus Entertainment. The hearings at the CRTC pitted the economic interests of the cable industry (CCTA) who would benefit from increased channel subscriptions by including RAI, against those of the Canadian broadcasters (represented by the Canadian Association of Broadcasters, or CAB), whose members feared increased competition for viewers, and escalating prices for foreign programming. Ultimately, the CRTC rejected any foreign-language channels that were perceived to threaten the economic interests of established or proposed Canadian-owned channels, despite demands from within ethnic communities for greater viewing options. RAI certainly fit this description since it had a programming contract with TLN that it had cancelled in anticipation of launching its own signal, and indicated that it would not consider partnering with Canadian companies. What is most problematic in the reasoning of the CRTC is the fact that it included channels that only existed on paper in its assessment of how linguistic communities were being served, even if they had never broadcasted so much as a minute. Thus, Corus Entertainment argued that licensing RAI International, an Italian-based company, harmed its own ability to launch RAI Canada – which it had not done, and which it had no immediate plans to do. The argument may have worked in Ottawa, but it failed to sway a community frustrated over the lack of television about its home culture and language. A petition signed by more than 100,000 Italian Canadians requested access to the popular channel, and Italian-Canadian politicians publicly voiced their support, lobbying the CRTC to review its decision.

In the face of widespread anger, the CRTC amended the regulations regarding third-language general interest television channels, allowing them to be available to viewers who also subscribed to the Canadian channel against which they most directly compete. Thus, Canadians can now legally subscribe to RAI International as long as they also subscribe to Telelatino, assuming that the cable companies offer both services. Unfortunately, this new-found openness did not extend to foreign niche channels, which remain barred in Canada if they compete with a similar Canadian niche channel. Therefore, for example, it is possible for an Italian movie channel to receive a licence but only if no similar Canadian-owned channel has already been licensed. This decision strikes at the heart of Canada's claims to multiculturalism and tells us something about our own hegemonic control of the airwaves. Existing Canadian specialty channels featuring arts and culture rely almost exclusively on English-language programming. Similarly, sports television devotes only a small amount of time to international competitions, and often dub in English commentary for English-speaking audiences. Dozens of English-language general interest and niche channels are authorized for carriage in Canada, but the CRTC continues to maintain roadblocks to more comprehensive offerings for linguistic minorities, maintaining these groups in the television age of the 1960s with one or two channels, while the dominant linguistic group is provided hundreds of channels. The CRTC's policies minimize foreign-language intervention into Canadian airwaves, keeping linguistic minorities in secure cubbyholes that ensure Anglophone cultural dominance. Foreign culture is restricted to the marginalized space of multiculturalism, where values of folk, tradition, and heritage prevent them from influencing the aesthetic authority of English Canada.

In July 2004 no issue put the problems of the Canadian broadcasting system in perspective as much as the licensing of the Qatar-based Arabic-language news channel, Aljazeera. The authorization of Aljazeera was supported by Canada's Arab and Muslim population, but opposed by many members of the Jewish population on the grounds that its programming was anti-Semitic. More than 1,200 comments were filed in support of Aljazeera, and more than 500 were filed

in opposition with the CRTC. The significant issue revolved around accusations made by the Canadian Jewish Congress and others that “under the guise of a seemingly legitimate news agency, Aljazeera has provided hatemongers and terrorists with a platform for their views” (CRTC 2004b). The CRTC rejected this characterization of the channel for lack of proof but did rule that there was credible evidence that Aljazeera *could* include abusive commentary that might be contrary to Canadian law in the future. Based on this guilty-until-proven-innocent ruling, and because the CRTC’s licensing power does not extend to non-Canadian networks or channels, it ruled that cable and satellite companies distributing Aljazeera would be held responsible for its content. In a general climate of post-9/11 anti-Arab hysteria, such a ruling had a decidedly chilling effect. Michael Hennessy, president of the CCTA, indicated that this form of prior restraint “sets a frightening precedent and virtually ensures that no distributor will ever carry this service in Canada” (Mah 2004). The requirements that distributors delete anti-Semitic or other offensive programming meant, according to Shaw Communications president Peter Bissonnette, that each cable or satellite company would have to hire a twenty-four-hour monitor of the channel, fluent in Arabic and conversant in contemporary broadcasting standards (Mah 2004). The decision, therefore, paid lip service to traditional Canadian notions of openness and tolerance, while, in practice, it kept a critical, alternative news voice off the air. It is interesting that the same provision was not made for the licensing of Fox News Network in November 2004, despite the fact that the network has frequently been cited for its bigoted intolerance of racial, gender, and linguistic minorities and has often taken an explicit anti-Canadian stance in its commentaries.

The example of Fox provides the final piece in the puzzle of how the CRTC comes to make decisions that privilege American-based companies over other international broadcasters, while continuing to use the spectre of Americanized airwaves to further cultural protectionist measures that only seem to keep foreign language and multicultural programming off the air. On November 18, 2004, the CRTC ruled that Fox News was eligible to be added to the list of digital channels offered to Canadians by cable and satellite companies. The request to add the

channel had come from the CCTA, who argued that bringing Fox News to Canada would expand the channel choice offered to Canadians, increase the appeal of the digital cable tier as a whole, and help combat grey market satellite services. The request was opposed by CAB, who argued that licensing the channel would reward Fox News for withdrawing from a joint Canadian proposal (the CRTC had licensed Fox News Canada in December 2000 as a channel to be owned and operated by Fox News and Global, but the channel was never launched), and by a number of individuals who criticized the station's conservative political bias. The request was supported by conservative Canadian political groups, such as REAL Women and B'Nai Brith, on the grounds that the conservative political bias would be a welcome addition to the Canadian political media landscape. Even though the CRTC had precedent not only in the way it ruled against Aljazeera, but also in its denial to RAI International, who similarly withdrew from a joint partnership with Corus to produce RAI Canada, it steered clear of the politics this time. The debate rested solely on the economics of whether the channel would compete with established Canadian news channels, Newsworld and CTV Newsnet. While the CRTC had rejected the addition of Fox News in November 2003, a year later it ruled that Fox does not compete with those channels because it is largely editorially based rather than news based, and further that there was no conflict because "Fox News offers little or no Canadian coverage" (CRTC 2004b).

The CRTC's reversal of its 2003 position, coming in the wake of months of sustained criticism of the regulatory agency and on the heels of the Aljazeera and RAI decisions, appears bizarre. First, the regulator welcomed Fox News to Canada largely because it was a channel that pays no attention to Canadian news, a somewhat dubious criterion for allowing a channel into the country, and particularly troubling given that it could not be argued to provide an international perspective by any stretch of the imagination. Second, many opponents of Fox News had suggested that the news organization should be held to the same standards that the CRTC had imposed on Aljazeera, particularly given their history of supporting American isolationism and hateful commentaries on any group, community, or nation that they perceive to contest that supremacy. The CRTC rejected this

suggestion, citing a lack of sufficient cause for believing that Fox broadcasts hateful comments. Less than two weeks after announcing their ruling, however, conservative columnist Ann Coulter appeared on Fox News' *Hannity and Colmes* program arguing that Canada had become an enemy of the United States, that Canadians are a legitimate target of hate because they speak French, and that "they are lucky we allow them to exist on the same continent" ("Canada is lucky" 2004). Thus, in many ways, Fox News represents everything that the CRTC is supposed to ward against: American hegemonic incursion; racial, ethnic, and cultural intolerance; and the undermining of a distinct Canadian identity. However, it is worth stressing at this point that our argument isn't that Fox News should not have been allowed into Canada. Rather, we want to point out that its licensing against the backdrop of the rulings against RAI and Aljazeera exposes the hypocrisy of Canadian broadcasting policy that claims to be serving a nation but really seems to be only serving a state.

Given the fact that the CRTC explicitly licensed Fox News because of, rather than despite, its near total lack of Canadian content, it would appear likely that the primary motivation for the decision resides in an ongoing policy framework that cannot see beyond the Canada-U.S. border. The winning arguments in the end were economic ones against the imagined bogeyman of grey market satellite completely dismantling the Canadian broadcasting industry. Yet, those same arguments failed to sway regulators in favour of foreign language services that could effectively counter the crushing wave of homogenous programming that is claimed as the end result of allowing American television to spill over the border. In the end, Fox News was added in the hopes that the growth of the grey market might be slowed and the expansion of digital cable penetration would be enhanced through access to carefully selected networks. However, it cannot be overlooked that the first station to gain this new access was a powerful, vocal, and wealthy American station that is well known for ethnic, cultural, and linguistic intolerance. It appears that Canada continues to believe its own protectionist argument about American hegemony, only now it is aiding and abetting that hegemony. Foreign content that does not fall within the rubric of white, western values is much easier for regulators

to keep out of the country. But if the CRTC truly wants to expand the airwaves to non-Canadian perspectives, why license another English-language North American-based service? What really is the logic behind letting Fox in but keeping Aljazeera out? How might television alter the perspective of Canadians if the CRTC took its commitment to multiculturalism seriously? Two distinct but related alternatives shed light on these questions. First, the fact that European television policy has adopted an increasingly Canadian approach in its own dealings with the public/private split. Second, Canadian community television, as the third pillar in the broadcasting sector, helps to expose a decidedly liberal bias in the promotion of television as the electronic public sphere.

ALTERNATIVE AIRWAVES: COMMUNITY TELEVISION AND EUROPEAN BROADCASTING IN CONTEXT

In the Lincoln report, community television was praised as an important aspect of national cultural identity. The CRTC has been working with stakeholders to create more “access programming,” as it is called, but they are caught in a bind between two conceptions of what is most important: programming *for* communities or programming *by* communities. This conundrum also raises the thorny issue of what is meant by community. Cable companies insist that community must be limited to geographic fixity; therefore, access programming must be done by those living within a certain radius and only seen by people in that same area. Otherwise, community television might encroach on commercial ventures in multilinguistic or ethnic channels. The result is that if the Italian community in Montreal wants to create a program that could be seen and enjoyed by their counterparts in Toronto, Vancouver, or Halifax, it does not qualify as “community television.” One result is that community is defined very narrowly and subject to

issues of physical proximity rather than cultural affinity. Marginalized groups remain isolated from each other, reinforcing their minority status as secondary cultures.

The example of community television can sometimes be overstated, given how few people actually watch it. Yet advocates argue that its value is not in conventional broadcasting criteria of production, programming, and audience. Rather, its contribution can be found in the process of the coming together of individuals to make television (Higgins 1999, 626). The origins of community television in North America stem from the National Film Board of Canada's "Challenge for Change" program in which everyday citizens were given camera equipment and encouraged to make their own films. Despite the lack of audience for these projects, it sparked an idea that video had, if not revolutionary potential, at least civic potential in terms of expanding media literacy and opening up the airwaves to ad-hoc, grassroots programming from the people (Higgins 1999, 631). In this sense, community television could fulfill the promise of the medium as a full-fledged electronic public sphere where individual voices could proliferate and thrive (King and Mele 1999, 621). As the Canadian Media Education Society in Canada argues, "the community channel is the first place we find participation and public access." Raising the spectre of Americanization, they argue on behalf of a generation who needs community television in order to develop a greater sense of civic belonging so that "new people with new ideas can find easy access." Yet they balk at the idea of these stations creating alliances with universities and other educational institutions, hoping to exclude volunteers who are on a professional career path (CMES 2001). The fetishization of amateurism poses a significant problem for the value of community television in Canada insofar as it curtails participatory action across geographic regions. A nostalgic longing for the physically localized community can just as easily breed isolationism as openness and can prevent communities from forming out of linguistic, ethnic, or other affinity subject positions, seriously curtailing television's potential to transcend physical borders. In this sense, Canada's vision of community television remains grounded in liberal notions of the public sphere where the virtue of individualism is extolled while the power of real

community is kept in check through regulatory systems designed to put a homogeneous definition of national culture first.

It would be nice to look elsewhere in the world and see how other countries deal with the public/private/community divide more effectively. Yet, if anything, it seems as if the Canadian model is becoming the international standard. This is certainly the case in European countries, which are coming together in an effort to create a unified European market and a related culture. In the 1980s, the EU adopted Television Without Frontiers, a blueprint to break down national barriers to the airwaves. The goal was to find a better balance between local, regional, national, and transnational relationships, opening the market for more co-ventures, and investing the future of television in notions of consumer choice and market success (Iosifidis et al 2005, Collins 2002). The liberalization of broadcasting altered a largely public system by turning it into a hybrid of public and private, and forcing public broadcasters into more commercial models of audience share, fiscal prosperity, and international competition. The result is dismally familiar to Canadians. Hopes were pinned on the promise for new digital technologies to draw in bigger audiences, but these failed to appear. In fact, less than half of the EU's 140 million households had access to either cable or satellite television by 2000 (Iosifidis 2005, 63). Meanwhile, indigenous production declined as broadcasters began importing shows and whole channels from elsewhere, most notably the United States. Channels like CNN International, MTV Europe, and others filled the gaps created by this expansionary plan. The audiovisual deficit with the United States has climbed precipitously. The more that Europe liberalizes its markets under the umbrella of consumer choice, the more that both public television and private broadcasting are placed in crisis. The example of European "progress," coupled with community television's nostalgic sense of itself, demonstrates the need to retain some sense of nationalist discourse in television policy, albeit one that pays greater attention to communities of affinity, rather than geography. Without some measure of cultural protection and a regulatory system that ensures access for marginalized citizens, the worst-case scenario of globalization does really seem to come true.

CONCLUSION

While the television situation for some linguistic minorities in Canada has been showing signs of improvement, the partial measures taken by the CRTC cannot reasonably be seen as a significant effort to embrace a version of multiculturalism that moves beyond the liberal equivalence of it with depoliticized notions of heritage in a supporting role to one authentic national identity. The continued insistence on a narrow definition of community based on physical proximity furthers the erosion of any multiculturalism that might offer minorities a substantial public voice and concomitant political power. Thus, it appears that the CRTC still hopes to keep a tight lid on broadcasting while maintaining a façade of Canadian culture as open, accessible, and tolerant – up to a point. It is the job of the CRTC, apparently, to find a balance between, but keep as distinct categories, Canadian culture and multiculturalism, which it does primarily through supporting private industry with protectionist policies. However, given how difficult it has been to balance economics and culture, and the fact that regulators insist on seeing Canada in a very narrow continental context rather than a truly international one, it seems increasingly likely that in the future the CRTC will collapse under the weight of its own contradictions. The present system, with its emphasis on territorialism, sovereignty, and distinct national identity, will not stand up to the challenges faced by globalization. As long as it remains framed around negative connotations of commercialization, commodification, homogenization, and Americanization, Canadian broadcasting will maintain a defensive posture against globalization. Yet multiculturalism points to a different model in which the mediascape services new ideas, peoples, money, and technology as part of the flow of globalization. In fact, it may be better served by suggesting that these things do not flow as much as they flux. By that we mean that steady, controllable, and predictable airwaves – not to mention nation-states – will give way to increasingly more ad-hoc cross-currents of cultures, technologies, and ideologies. Furthermore, it means that the assumption that a distinct national culture is necessary for ensuring a sense of political allegiance is equally outmoded (Collins 1990, 8). Canada, with its longstanding emphasis

on mass media systems as a tool of nation-building, has always held an ambivalent tension between nation and state, polity and culture, since these systems really serve a far more expansive vision than could be contained by territorialism. That is what makes television far from an outmoded or residual medium forged out of the modernist aims of cohesion, and ripe for the possibilities laid out by postmodern realities of disjuncture and difference, a triangulation between global, local, and national, and a re-imagining of cultural politics in which unity and sovereignty are not the goals. Thus, in considering television as perhaps the most highly regulated, most anxiously debated medium that has ever been put in the service of state authority and national identity, some exciting new directions come to light.

The fear of American co-optation of television is not completely unfounded, however, and would likely be realized through the adoption of the Conservative party platform. Rather than considering it from a position of Canadian national unity, however, the real concern stems from the risk to those small pockets of difference that currently exist on the dial. Supporters of the Tory deregulation plan argue that it would provide greatly enhanced consumer choice and channel availability, with cable and satellite companies acting quickly to bring popular American channels into Canada. This would likely be the case. Foreign language broadcasters may or may not follow, given the smaller and more diverse market share they would encounter. As the example of Europe has shown, rather than leading to a multi-lingual television landscape, Television Without Frontiers has hastened the rise of English-language programming across national spectra (Collins 2002, 35). In the current climate of market consolidation and the quest for expanding audience share, an economic logic of niche programming and small market ventures seems less viable even as they are the true heirs to an ideology of individualism, choice, and access. Instead, homogenization appears to continue to dominate. Third-language stations tend to be restricted to major urban centres like Toronto, Montreal, and Vancouver, or made available by foreign-owned satellite companies which do not have sufficient Canadian-based programming to satisfy regulatory agencies or reflect the specific localities of diasporic audiences. As the Conservatives seriously contemplate loosening

foreign-ownership regulations, the possibility that American media companies like ComCast and DirecTV would acquire Canadian companies becomes more likely. Ultimately, if trends continue, it is possible that Canada would be brought completely under the influence of the broadcast industry of the United States and there would be little, or perhaps nothing, to differentiate our television culture from that of our southern neighbour.

Which Canadian channels would survive deregulation? Likely, very few. Take, for example, a network like APTN, which services Canada's aboriginal community by broadcasting in multiple languages and producing an enormous amount of original programming for northern populations. The channel, which draws most of its audience from one of Canada's most diverse and geographically scattered populations, is carried nation-wide because it is required by the CRTC. This allows the station to continue to exist and serve its constituents. Without mandatory carriage requirements, it is likely that most cable companies would discontinue the station, or move it to a subscriber-only basis, which would spell certain doom. The station would likely be replaced on the dial by an American network, removing a vital source of cultural communication for a historically marginalized community. Other channels would surely share similar fates. Established niche channels with loyal audiences – TSN, YTV, and MuchMusic – might be able to offset the flood of similar American channels, although they would suffer from the fact that so much of their programming is carried by ESPN, Nickelodeon, or MTV.

Canada's major networks, Global and CTV, could not survive the loss of big-budget American dramas, sitcoms, and reality shows if American networks created local Canadian affiliates. These networks, which have never demonstrated a strong commitment to Canadian programming, would have tremendous difficulty rebranding themselves as distinctly Canadian. If funding were cut to the CBC, it too would likely fold and its popular programming, notably *Hockey Night in Canada* and curling, would wind up on a newly created ESPN Canada or Fox Sports Canada channel. What is clear is that while Canadians claim to support Canadian culture, in the absence of a regulatory framework that enables and requires investment into

indigenous culture, the audience would quickly disappear. This is not to suggest, therefore, that Canadians are merely pretending to care about diversity and accessibility on the airwaves. If anything, the idea here is to challenge a notion that cultural might makes right. To be sure, ratings for APTN may not be strong for non-native, or urban residents, but can arguments for its survival be based on economics alone? Even when arguments for cultural distinction are less clear-cut, as in the case of MuchMusic, for example, the fact remains that the channel has been crucial in the launching of successful Canadian acts such as Avril Lavigne or Barenaked Ladies, as well as more niche artists like Susan Aglukark.

The counter-suggestion – tighter regulation of the broadcasting industry with a greater emphasis on governmental participation – relies heavily upon a notion of Canada possessing a distinct and identifiable identity that must be preserved at all costs. Yet, contradictorily, if asked to define what that is, the stock answer tends to rely on the ubiquitous multicultural argument of openness, tolerance, and diversity. Even in a nationalist-oriented regulated market the widespread diversity of channels in Canada is unparalleled in the western world, including the United States. The argument could be made quite easily that this expansiveness defines Canadian broadcasting and is emblematic of our multicultural ethos. To suddenly shut down our borders isn't just economically and technologically unfeasible; it also undermines the spirit of Canadian culture as open and accepting of difference. Aside from the fact that restricting foreign television in Canada would be unpopular, there is ample evidence to suggest that the end result would amount to little more than an attack on Canada's core values, including multiculturalism.

In a previous era when many Canadians received only one television channel, the CBC, the network was widely held to promote a common good. With viewers across the country tuned to the same channel and watching the same entertainment, sports, and news sources, a common dialogue was encouraged that is often held to be synonymous with a healthy democracy. The myth of a common national dialogue was always false, however, particularly given the presence of French-language SRC in Quebec, a division that mitigated against the idea of a

common culture. As the country has grown and immigration expanded, subsequent additions to the range of broadcasters have served to fracture and fragment the viewing audience so that few televisual events manage to attract as much as 10 per cent of the nation at any given time. For many Canadian nationalists, this is discouraging. Yet it is evident that there never was a single audience in this country, except by compulsion. Further, the vision of CBC programmers in Toronto rarely successfully united this multicultural country. The longing for a single national broadcaster that can speak to all Canadians is a particular form of self-delusion, rooted in nostalgia for a vision of Canada that never really existed, and which was championed to the cultural exclusion of millions of citizens. The continuity of this myth is a troubling symptom of a lack of respect for diversity.

The rhetoric of choice mobilized by the cable industry stands in contrast to the nationalist rhetoric utilized by broadcasters. However, both are ultimately scarily similar in their insistence on depicting the issue in terms of Canada's historic relationship to the United States rather than our potential future as a global leader in a radically transformed mediascape. The CCTA maintains that its focus on competition is "consumer driven" and pushes for greater levels of technological convergence (telephone, cable, internet) that could then be managed by cable companies as consumers integrate entertainment and communications technologies over digital networks. The fear, according to the cable industry, is that, if the government fails to promote these forms of convergence, consumers will simply use new technologies to bypass Canadian systems entirely. CAB, on the other hand, observes that the cable industry has used its near-monopoly powers to bully broadcasters and limit consumer choice. Nonetheless, while both broadcasters and the cable industry suggest that their policy priorities are what would most benefit individual consumers, it is clear that they share a common antipathy to the broadcasting model that most Canadians strongly favour, true *à la carte* options with an eye on pluralism and diversity. That is, a globalized outlook that effectively ends the American obsession that has plagued the country since the first signal was broadcast. It is true that such a model would undermine the Canadian broadcasting industry as it currently exists, resulting

in a period of great economic uncertainty and even collapse for some companies. It would also create a much smaller economy of scale as Canadian television would be designed effectively to no longer serve a mass audience, but a plurality of fractured, multivocal communities coordinated in a state of flux or disjuncture that embraces difference as both a cultural and political value. Yet, the chances of the television industry and regulatory agency pushing this agenda are almost nil, proving that, rhetoric aside, the primary concern facing the television industry remains maximizing shareholder value through captured audiences. Platitudes of Canadian cultural sovereignty are merely fodder in this regime. It protects the industry by preventing television from becoming a truly public space in which to enact cultural citizenship and keeps it locked down in its traditional place as a debased form of consumer passivity.