Canadian Broadcasting, Canadian Nationhood: Two Concepts, Two Solitudes, and Great Expectations

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As social institutions subject to the tensions and pressures that characterize a given society at any point in time, mass communication systems provide a good indication of how a society sees itself and where it perceives that it is headed. This has been particularly true in the case of Canadian broadcasting, whose evolution over the past 60 years has closely paralleled the continuing debate over Canadian nationhood.¹

Various combinations of political and economic factors have come into play in the federal government’s attempts to develop a policy on broadcasting since the late 1920s, but the national question has never been far from the heart of the matter. In this respect, the following characteristics are important to bear in mind:

1) despite often vigorous claims from the provinces, especially Québec, broadcasting has been staked out and maintained as an area of exclusive federal jurisdiction

2) despite the centralist, unitary nature of the system’s governing policy framework, broadcasting services have developed along parallel lines in English and in French

3) despite the system’s formal autonomy, Ottawa has tended to view broadcasting as an extension of the state—particularly in ascribing to the Canadian Broadcasting Corporation a role in the promotion of national unity.

As this combination of contradictions might lead one to believe, broadcasting in Canada has been seen not only as a means of communication, but as an object of struggle, a contested terrain.

Looking at the evolution of Canadian broadcasting from its inception in the 1920s up to the recent Meech Lake debates thus can tell us a good deal about the nature of our constitutional and national dilemma.
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1928–1945: CREATING A SYSTEM ... AND ITS PROBLEMS

Although broadcasting in Canada actually began in 1919, the basic framework of the Canadian broadcasting system was laid out by the Royal Commission on Radio Broadcasting (chaired by Sir John Aird) that reported in 1929. Remarkably, the central issues in Canadian broadcasting today are essentially the same as they were at that time.

The Aird Commission recommended wholesale nationalization of the then largely commercial radio system, and creation of a national publicly owned monopoly to operate all broadcasting in Canada on a basis of public service for the information, enlightenment, and entertainment of the Canadian people. Even before its report was tabled, however, the Québec government of Louis-Alexandre Taschereau passed legislation authorizing Québec to erect and operate its own radio station, as well as produce programmes for broadcast by existing commercial stations.

Before acting on the recommendations, Ottawa asked the Supreme Court to determine whether jurisdiction over broadcasting lay with the Dominion or the provinces, and in 1931 the court ruled in Ottawa's favour. An appeal to the Judicial Committee of the Privy Council in London took another year to resolve, and so it was only in 1932 that Ottawa had a clear signal to legislate.

The Canadian Radio Broadcasting Act of 1932 created a national public broadcaster, the Canadian Radio Broadcasting Commission, which had the additional responsibilities of regulating the activities of the private broadcasters. (This double mandate would be transferred to the CRBC's successor, the Canadian Broadcasting Corporation, by the legislative reform of 1936.)

Aird had proposed broadcasting content be overseen by assistant commissioners in each of the provinces, but this interesting recommendation was not retained by the legislator. The CRBC, meanwhile, set out to create a national radio service in English and in French: a single service, using both languages alternately in such a way that both English and French audiences heard the same programme. Or, to put it another way, the CRBC took the approach that there was only one radio audience in Canada, made up of members of two different language groups.

In its submission to the Royal Commission on Bilingualism and Biculturalism some 30 years later, the CBC reflected on this aspect of its prehistory:

[This] alternative was tried in the mid-thirties as being the simpler in practice and more feasible in view of the limited human, technical and financial resources then available. Obviously, such an alternative was only workable as long as the program needs of both groups could be met by a single network. With the passage of time and the development of broadcasting techniques and resources, the demands of each group for a more complete service continued to grow, presenting the Corporation with a situation which could only be met adequately by duplicate networks, English and French. These the Corporation proceeded to establish and the pattern then adopted has prevailed to the present.

Needless to say, the transition was not as simple and orderly as the foregoing would suggest. 3

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Indeed, it was not. The most important factor in compelling the CRBC to move away from a single service using two languages to “parallel services” in each language as early as 1934 was the absolute, militant refusal of anglophone communities in the Maritimes, Ontario, and western Canada to accept the presence of French on the air. This has been documented in the memoirs of Canadian radio pioneers such as E.A. Corbett, Hector Charlesworth, and Austin Weir, according to whom French programming on national radio sparked “a queer mixture of prejudice, bigotry and fear.”

By 1941, separation of the two services was complete—although the original CBC news service, created to meet the demands of covering the Second World War, operated bilingually. Paradoxically, yet to be expected, the institution of separate services was welcomed by French-Canadian nationalists, who had feared becoming the marginalized minority within a single, nominally bilingual service. The French network achieved a degree of administrative autonomy because of “the need for national unity raised by the war,” but no sooner was it in place than it became the focus of a national crisis.

In January 1942 the government announced it would hold a plebiscite on conscription. In the ensuing campaign, the Québec-based Ligue pour la défense du Canada, a broad front of political and social leaders opposed to conscription, sought to use the public airwaves in order to urge their fellow citizens to vote “No.” The CBC, by order of the government, denied the “No” voice access to its stations. The opponents of conscription were able to promote their cause by purchasing paid advertising on commercial stations, however, resulting in another paradox: the identification of “public” broadcasting as an oppressive agent of centralized federalism, and of French-Canadian entrepreneurial capital as a progressive force.

1945–1963: CONSOLIDATING THE SYSTEM ... AND THE SYNDROME

Citing the educational nature of broadcasting, as “a powerful medium of publicity and intellectual and moral training,” the government of Québec under Maurice Duplessis claimed that Québec had the constitutional authority to create a provincial broadcasting service, and passed legislation setting up Radio-Québec in 1945. Duplessis’s legislation was never put into effect, after C.D. Howe announced in the House of Commons that, “since broadcasting is the sole responsibility of the Dominion government, broadcasting licences shall not be issued to other governments or corporations owned by other governments.”

Meanwhile, outside Québec the “parallel services” of public broadcasting were developing unequally. While the CBC’s English-language radio service extended from coast to coast by 1938, the same could not be said for French-language service in the 1950s. The Royal Commission on National Development in the Arts, Letters, and Sciences (the Massey Commission) reported in 1951 that French-speaking communities outside Québec were still poorly served by the CBC: “It has been pointed out to us repeatedly in different parts of Canada that the French-speaking
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Canadian listener does not receive a broadcasting service equal to that intended for his English-speaking neighbor." Six years later, the Royal Commission on Broadcasting (the Fowler Commission) found that many parts of Canada were still lacking French service, and suggested that this was more than a question of available resources: "It remains a moot question, however, whether Canada has yet reached the stage of complete national maturity where the introduction of French on the airwaves of Ontario ... would not be regarded by a substantial majority as an intolerable intrusion rather than the cultural complement that in truth it would be."  

The Conservative government elected in 1957 sought to build up the commercial side of Canadian broadcasting, and paid little attention to its role in the complexities of the evolving national dilemma. This was most apparent in its response to the historic Radio-Canada producers' strike of 1958-59, which saw, among other things, the rise to political prominence of René Lévesque. Gérard Pelletier has pointed out that much of the problem was attributable to the fact that the French network executives in Montréal lacked the authority to negotiate on behalf of the corporation, while the head office in Ottawa did not bother to take it seriously. The strike paralysed French-language television for 68 days (there was only one available Canadian channel in each language at the time), and became a symbol of the historic inequality of French and English Canada.

1963-1980: NATIONAL UNITY AND STRUGGLES FOR POWER

By the time the Liberals returned to power in 1963, the situation had changed. In fact, early in its mandate the Pearson government publicly identified cultural policy in general and broadcasting in particular as strategic weapons in its struggle against the rising and increasingly radical nationalist movement in Québec. In the House of Commons on 13 November 1964, Secretary of State Maurice Lamontagne announced the government's intention to rationalize and centralize the activities of all federal cultural agencies under the jurisdiction of his office, and to create a cabinet committee on cultural affairs. Under the new policy, the national broadcasting service, the CBC, would play a central role:

The CBC is one of Canada's most vital and essential institutions at this crucial moment of our history. The CBC must become a living and daily testimony of the Canadian identity, a faithful reflection of our two main cultures and a powerful element of understanding, moderation and unity in our country. If it performs these national tasks with efficiency, its occasional mistakes will be easily forgotten; if it fails in that mission, its other achievements will not compensate for that failure.  

This was the clearest enunciation of the CBC's mission, in the government's view, since the war. It became clearer still during the next few years. At parliamentary committee hearings in 1966, Liberal backbenchers from Québec and Radio-Canada middle-management executives sparred over their respective views of the CBC's role vis-à-vis the emerging question of "separatism." When a new broadcasting
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act was introduced in October 1967, it contained a clause that read as follows: “The national broadcasting service [CBC] should ... contribute to the development of national unity and provide for a continuing expression of Canadian identity.”

In the House, Secretary of State Judy LaMarsh said the national unity clause was “perhaps the most important feature of the CBC’s mandate in the new bill.” This was the first time that Parliament had tried to spell out the goals and purposes of the CBC, she told the parliamentary committee: “[The CBC] is the instrument which Parliament has chosen with respect to broadcasting. Parliament is now, in this bill, saying to the instrument that this is one of its purposes, and as long as that purpose is there, to help weld the country together, Parliament is prepared to raise taxes from the people to keep it going ... I do not think there is very much more time for public broadcasting to prove itself, to prove to Canadians it is worth while spending the money on.”

After some vigorous debate, the broadcasting act passed, with the controversial clause intact. The NDP’s R.W. Prittie expressed the fear of a witch-hunt. Gérard Pelletier admitted he had doubts about it “lead[ing] some people to believe that it is not a matter of promotion but of propaganda.” And an important observation on the implications of the clause came from Conservative MP David MacDonald:

When we begin to move into areas such as ... national unity, we are in effect moving away from the concept of public broadcasting toward the idea of state broadcasting whereby the broadcasting system of the country becomes an extension of the state.

Radio-Canada’s interpretation of its mandate to promote national unity led to bizarre incidents such as keeping its cameras trained on the parade at the 1968 Saint-Jean-Baptiste Day celebrations in Montréal, while police and demonstrators fought a bloody battle on the sidelines. During the October Crisis of 1970, the federal cabinet closely oversaw what was and was not broadcast by Radio-Canada, and a few months later a string of management “supervisors” appeared in the corporation’s newsrooms, with no apparent function other than political surveillance. The former head of Radio-Canada news and public affairs, Marc Thibault, remembers one official whose job was to monitor all news programmes and count the number of times the word québécois was used.

The situation culminated with Prime Minister Trudeau’s instruction to the federal regulatory agency, the Canadian Radio-Television and Telecommunications Commission, to inquire into CBC news coverage in the wake of the election of the Parti Québécois in Québec in November 1976:

Doubts have been expressed as to whether the English and French television networks of [the CBC] generally, and in particular their public affairs, information and news programming, are fulfilling the mandate of the Corporation.

The CRTC dutifully investigated and reported, in July 1977, that the CBC had indeed failed “to contribute to the development of national unity”—but not

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in the sense anticipated by the prime minister. The problem was not a bias in favour of separatist politics, it said, but deficient representation of Canada's "two solitudes" to one another. In English and in French, the CBC did not pay adequate attention to the regions of Canada; it was too centralized and aloof, too influenced by commercial pressures, too bureaucratic. "In the modern world," reported the CRTC, "political and economic developments tend to centralize; cultural developments, on the other hand, tend to be regional, arising in much more sharply delimited areas." 21

The 1977 CRTC inquiry appears to have been a turning point in the Liberal government's view of the role of media in Canada's constitutional struggle. By year's end it had created a new agency, the Canadian Unity Information Office, and a strategy for containment of the pressures of national fragmentation thereafter flowed through there. Political expectations of the CBC diminished, and in the important run-up to the Québec referendum of 1980, the corporation was left to establish and carry out an internal policy of news coverage according to rigorous journalistic standards and the principle of "the public's right to be informed." 22 Ultimately, the referendum campaign was covered by CBC as a straight news event, while the government sought to mobilize its constituency directly, particularly through advertising. 23

The role of the CBC aside, political struggles surrounding the national question continued to mark the evolution of Canadian broadcasting in the 1960s and 1970s.

From 1968 on, renewed demands from Québec for constitutional powers in broadcasting highlighted the constitutional debates of the day and marked the evolution of communications in Canada. In its brief to the constitutional conference convened by Lester Pearson in February 1968, Québec claimed the right to play the role of a national state in matters pertaining to language and culture, including broadcasting. As instruments of education and culture, radio and television rightfully belong under provincial jurisdiction, the Québec brief argued. The court ruling of 1932 was "unacceptable"; federal agencies like the CBC should be made to reflect the "bicultural reality" of Canada; jurisdiction over broadcasting should not be the exclusive domain of the federal government. 24

In the coming months, debate focused on the question of "educational broadcasting." The new broadcasting act stated that "facilities should be provided within the Canadian broadcasting system for educational broadcasting." 25 As we saw earlier, federal policy explicitly excluded provincial governments or their agencies from holding broadcasting licences. Yet, education was clearly under provincial jurisdiction. Who then would have control over educational broadcasting? Returning to Québec from the constitutional conference, Johnson declared that his government had decided to apply Duplessis's 1945 law establishing Radio-Québec. 26 The move was enough to upset Ottawa's design. By the end of 1969, Ottawa and the provinces had settled on a definition of educational broadcasting under which, in the 1970s, provincial public broadcasting agencies would begin operating in four provinces.

The growing complexity of communications in the late 1960s prompted Ottawa
to create a Department of Communications (DOC) in April 1969. Determined to match Ottawa move for move, Québec created its own Ministère des communications six months later. In the early 1970s, negotiating a strong role for Québec in communications policy became one of the hallmarks of Robert Bourassa's programme for achieving "cultural sovereignty." In a series of policy statements authored by Communications Minister Jean-Paul L'Allier, Québec proposed "to promote and maintain a québécois system of communications," and to become "master craftsman of communications policy on its territory." 

The cornerstone of Québec's policy was to be the Régie des services publics, the regulatory authority for utilities falling under the province's jurisdiction. L'Allier saw the Régie becoming a Québec equivalent to the CRTC, extending its activities to areas such as cable television—which, Québec argued, were not covered by the Privy Council decision of 1932. In 1973, the Régie began to subject the 160 cable companies then operating in Québec to its own regulation as well as that of the CRTC, and within a year the inevitable occurred: in applications to serve a community near Rimouski, the Régie and the CRTC awarded licences to two different applicants. It took until November 1977 for the Supreme Court to decide the Dionne-d'Auteuil case in favour of the CRTC, ruling that Ottawa had exclusive jurisdiction over cable.Oddly enough, the court split neatly along national lines, the three judges from Québec dissenting from the majority opinion. As constitutional scholar Gil Rémillard put it: "On the strictly legal level, both options were defensible. The decision was based on the judges' different conceptions of Canadian federalism."

Under the Parti Québécois government, Québec did not directly engage with Ottawa over communications policy. The PQ carried over the policy thrust of the Bourassa government but basically abdicated due to its lack of power over communications under the existing system. In the view of Communications Minister Louis O'Neill, political sovereignty was the only solution to Québec's communications problems. Paradoxically, the PQ was thus a lot less aggressive than its predecessors in seeking concrete gains from Ottawa in this area. It concentrated instead on developing the programmes and policies begun by Union Nationale and Liberal governments: Radio-Québec, now a full-fledged broadcaster, and the particular Québec form of participatory communication known as "community" media.


Both in Ottawa and Québec, communication policy took on a new—yet strangely similar—shape after the referendum of 1980.

In Ottawa, as we saw earlier, the view of the CBC as the centrepiece of Canadian cultural policy had begun to shift as of the late 1970s. With the referendum out of the way, the entire cultural sphere took on a distinctly economic vocation. In July 1980, the arts and culture branch of the Department of the Secretary of
State and ministerial responsibility for culture were transferred to the industry-oriented DOC. Communications Minister Francis Fox told the parliamentary committee that the diffusion of culture would henceforth depend increasingly on its industrial base and the DOC would be concentrating on the growth of "cultural industries."\textsuperscript{32}

The new orientation was underwritten by the Federal Cultural Policy Review Committee (Applebaum-Hébert) that reported in 1982, and spelled out in detail in a series of policy statements signed by Fox in 1983–84.\textsuperscript{33} Since then, federal policy has been marked notably by a gradual withdrawal of fiscal responsibility for public service broadcasting (CBC budget cuts), privatization of television production (through the Telefilm fund), and the introduction of a wide range of new commercial cable-delivered television signals (pay-TV and nondiscretionary subscriber-funded specialty services). In generic terms, the 1980s marked a shift from the political to the economic, and the eclipse of the traditional sociocultural objectives of broadcasting in Canada.

The new approach in Québec was strangely similar, as in the postreferendum context, Québec appeared to lose interest in the sociocultural possibilities of communications altogether, and placed its emphasis on industrial development during its second mandate. Québec Communications Minister Jean-François Bertrand signalled the new situation in June 1981: PQ communications policy would be based on economic development, and not on making jurisdictional demands from Ottawa.\textsuperscript{34} Indeed, Québec under the PQ seemed determined to outpace Ottawa in shifting the accent in communications from the cultural and political to the industrial and economic spheres.\textsuperscript{35}

So the Québec referendum not only changed the underlying basis for both Ottawa's and Québec's strategy in communications, and shifted the emphasis from the political and sociocultural to the economic and the industrial; it also changed the nature of jurisdictional conflict between Québec and Ottawa—competition over control of cultural development could change to collaboration in the name of economic development.\textsuperscript{36} But such collaboration was not possible while the Liberals were in office in Ottawa, given the rigidity of their historic claim to exclusive jurisdiction over communications. It had to await the election of the Consèratives in 1984.

The most generous thing one can say about the new Conservative government's broadcasting policy is that it had none. In general, the government's early initiatives with respect to broadcasting coincided with its general thrust toward reduced public spending and expanding the role of the private sector in the Canadian economy.\textsuperscript{37} But broadcasting and communications generally quickly emerged as one of the sectors on the cutting edge of the government's plan for "national reconciliation" after the institutionalized antagonism of the Trudeau years.

Brian Mulroney's choice of Marcel Masse to be his minister of communications was an astute one in this regard. Masse was not only a loyal Tory, but a reputed Québec nationalist who had been involved with the Union Nationale government of the late 1960s in its battle for more provincial power through agencies such
as Radio-Québec. He was the ideal minister for thawing relations with Québec while applying broad government policy to communications.

Tendering the olive branch to Québec, was not only an effective manoeuvre in terms of the government's thrust toward national reconciliation, it was also an early move to deflect criticism from its attitude toward national public broadcasting. In an interview with *Le Devoir* in December 1984, Masse said:

The Conservative Party applies its theories in every sector, in communications as elsewhere ... the state is an important tool in economic affairs as in cultural affairs, but we are not about to have a culture of the state ... we are going to have a culture of Canadians. We have insisted, to the exclusion of everything else, that the defence of Canadian culture was the CBC's responsibility. We have insisted on this until everyone else wound up believing they had no responsibility. Perhaps it is time to redress the balance. Canadian culture belongs to the Canadian people, and it is up to them, through all their institutions, to see that it flourishes.38

In the same interview, Masse added that he saw provincial broadcasters as positive instruments for regional cultural development, not as usurpers of federal authority (the standard Liberal view).

Elsewhere, while his government administered crippling surgery to the CBC budget, Masse was fond of reminding audiences of the previous government's attitude toward public broadcasting: "We're not the ones who threatened to put the key in the door of the CBC because we didn't like its news coverage," he told a meeting of Québec journalists in Montréal.39

On 1 February 1985, Masse and Québec Communications Minister Jean-François Bertrand signed an agreement on communications enterprises development under which they jointly provided $40 million in seed-money to stimulate research and job creation by Québec-based communications firms. The industrial thrust of the accord was self-evident, aiming at technical innovation and support for the production, development, and marketing of communications goods and services, especially in export markets.40

It was the first-ever communications agreement between Ottawa and Québec since they created their respective communications ministries a few months apart in 1969. Masse and Bertrand also announced the setting up of a permanent joint committee, chaired by their two deputy ministers, to pursue further areas of collaboration. This committee has functioned successfully ever since, making communications one field where Ottawa and Québec actually function d'égal à égal.41

The committee's first effort produced an important report, "The Future of French-Language Television," made public in May 1985.42 The report's central recommendation was crucial to the developing federal policy with respect to broadcasting, as well as strangely premonitory. It proposed "that the special nature of the French-language television system be recognized within the Canadian broadcasting system, and that government policies and regulations be adapted
Accordingly,"43 Such a proposal would recognize, for the first time, the historic reality of parallel development of Canadian broadcasting since the 1930s. It also would mark a major shift in Ottawa's official attitude that there is but one policy for Canadian broadcasting, not two.

Specifically, the report proposed the following areas as requiring distinct policy approaches:
—Radio-Canada should be allowed to evolve separately (pouvoir connaître une évolution distincte) from the CBC;
—the roles to be played by public and private networks in the evolution of the French-language system should not be assumed to be the same as in the English;
—a policy on French-language cable TV should be developed to protect emerging French-language specialty services against the massive influx of services in English and to foster their introduction by ensuring more favourable financing arrangements;
—private television stations should increase their investment in French programming;
—public television networks should make greater use of independent production houses and government funding agencies should increase their support for programme creation outside the system;
—public and private television networks should work together to maximize audience penetration and combat audience erosion by English-language stations;
—the status of Québec community television organizations should be clarified, funding sources increased, and experience used to promote development outside Québec;
—delivery of French signals to underserved areas should be promoted.

In addition, the report proposed general ongoing consultation between Ottawa and Québec. A "harmonization" agreement for the development of French-language television was signed soon thereafter.44 Since then, areas of federal-provincial collaboration have included working groups on cable television, children's advertising, and computer software45, and the idea of tailoring policy to meet the distinct needs of different markets has been reflected notably in CRTC decisions46 and the policies of the Telefilm fund.47

Québec public opinion welcomed the new distribution of resources in communications, which was seen as a move away from the traditional approach of massive, and exclusive, federal involvement in cultural affairs.48 This, it was recalled, had begun as a kind of benevolent state intervention in the 1950s in the wake of the Massey Report, only to be transformed into a strategic weapon for the promotion of national unity under the Pearson, and particularly the Trudeau governments.

The Mulroney government's first term in office was marked by a series of formal initiatives with respect to broadcasting policy: a comprehensive review by a Task Force on Broadcasting Policy49, lengthy hearings, and a report by the parliamentary Standing Committee on Communications and Culture50, a ministerial policy statement51, and, finally, a new broadcasting act.52
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The first stage of this process took the form of a ministerial task force headed by Gerald Caplan and Florian Sauvageau. Its terms of reference, announced in April 1985, were to propose "an industrial and cultural strategy to govern the future evolution of the Canadian broadcasting system through the remainder of this century," taking into account "the need for fiscal restraint, increased reliance on private sector initiatives and federal-provincial co-operation."

The Caplan-Sauvageau task force welcomed the proposals of the federal-provincial committee on French-language television, and reiterated many of its key proposals. It proposed "that the distinctive character of Québec broadcasting be recognized both in itself and as the nucleus of French-language broadcasting throughout Canada." French- and English-language services within the CBC should be recognized as serving "distinct societies," and be allowed to take "different approaches to meeting the objectives assigned to public broadcasting." The CBC's French network budgets should be reviewed "to establish hourly production costs that reflect the role assigned to the French network in the new television environment." As for the CBC's national unity mandate, the task force found it "inappropriate for any broadcaster, public or private ... It suggests constrained attachment to a political order rather than free expression in the pursuit of a national culture broadly defined." The task force proposed to replace it with "a more socially oriented provision, for example, that the service contribute to the development of national consciousness."

The parliamentary committee that studied the Caplan-Sauvageau recommendations in 1986–88 made two pertinent proposals of its own. One concerned making the law reflect the CRTC practice of "taking into consideration the distinctive characters of French and English broadcasting when implementing broadcasting policy." The other extended an important task force proposal, specifying that the budget for CBC production costs be established "so that the quality of the Canadian programs of the English and French networks would be comparable."

The government's position was formalized in the policy statement Canadian Voices Canadian Choices, signed by Flora MacDonald and made public a few days after the report of the parliamentary committee in June 1988. Here it was recognized that

the problems and challenges for English-language broadcasting and French-language broadcasting are not the same ... [and that] these differences between the English and French broadcasting environments necessarily require different policy approaches for each.

The legislation tabled at the same time (Bill C–136) featured a half-dozen clauses referring to the linguistic duality of the system. The key clause, article 3.1.b., specified that "English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements." The CBC's mandate was changed to read that "the programming provided by the Canadian Broadcasting Corporation should ... contribute to shared national
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consciousness and identity.”

An amendment introduced at third reading added that it should “strive to be of equivalent quality in English and in French” as well.

Bill C-136 died in the Senate on 30 September 1988, as Parliament was dissolved for the national elections. It was reintroduced virtually intact, however, as Bill C-40 in October 1989. This bill had an even more bizarre itinerary, especially insofar as the aspects that interest us here are concerned.

In retrospect, one of the interesting aspects of the policy evolution between 1985–88 was just how little controversy was provoked by issues with constitutional implications. In spite of an unprecedented outpouring of public discussion and production of official policy documents, there was almost no contradictory debate surrounding constitutional matters. The opposition political parties were especially silent—particularly in view of how vocal they had been on these questions in the past, and would soon be again.

The situation changed suddenly when Bill C-40 went to legislative committee in January 1990. The minister, once again, was Marcel Masse. He reiterated the general thrust of the legislation as it had been expressed in Flora MacDonald’s policy statement of June 1988:

The new proposed legislation recognizes the distinct character of francophone audiences. It is clear that English and French-language broadcasting differ in their operations and in their needs.

Masse then explained the rewording of the CBC’s national unity mandate, in terms borrowed from Caplan-Sauvageau:

I have removed from the CBC its obligation to promote Canadian unity because it is, first, maintaining this political value artificially, and second, it was a constraint on freedom of expression. This obligation also opens the door to an intolerable interference. In removing it, we will rather place greater emphasis on the capacity of Canadians to recognize each other through their values.

The issue was picked up by the NDP’s Ian Waddell:

Waddell. ... you are now ‘Meeching’ [the CBC]; you are now applying the doctrine of the Meech Lake agreement to this.

Waddell asked Masse to explain what he meant by the CBC’s old mandate “maintaining this political value artificially.”

Masse. A public broadcaster must reflect society, its sociological aspects as well as its cultural aspects. It is not a propaganda instrument. To become the promoter of one aspect of our reality might easily produce consequences that would limit freedom of expression. You may be too young to remember the time when Liberal governments, before our time, asked the CBC to report on the number of separatists who worked at or did not work at promoting Canadian unity. We lived through those times. They certainly were not the most conducive to freedom of expression in our country.
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Waddell. The intolerable interference with the CBC was when the [Liberal] government of the day issued directions that it did not want separatists in the CBC. That is what you mean by intolerable. Is that why you are changing?

Masse. Do you support the government in issuing a directive to Radio-Canada in a sense like that?

Waddell. Yes, yes, yes.

Masse. Do you support that?

Waddell. I believe in Canada. I believe in national unity.

Masse. Do you believe in it to the degree that you want to muzzle la liberté d’expression in this country?

Waddell. Je ne suis pas séparatiste, monsieur le ministre. Etes-vous séparatiste?72

The reader will understand if I abandon the narrative at this point, although the discussion continued through several more exchanges of a similar nature.

At subsequent hearing meetings, Liberal and NDP committee members sought to draw out the views of prominent parties with respect to the national unity mandate—although not a single intervenor raised the question on his or her own steam.

Under questioning from Liberal member John Harvard on 15 February, broadcasting historian and former CBC producer Frank W. Peers, appearing for the Friends of Canadian Broadcasting, stated:

I tend to think the wording in the existing act, whereby the CBC is asked in effect to promote national unity, can be a source of difficulty for a public broadcaster which is expected to reflect opinions from all elements of the population.73

The head of the CRTC, Keith Spicer, responding to a question from Waddell, stated on 22 February:

I would agree with the government on this one. I think the words ‘national unity’ had a historic value at the time ... I think this new wording is probably more appropriate to the times we live in.74

The CBC’s designated chairman Patrick Watson, responding to Liberal member Sheila Finestone, stated on 12 March:

I felt at the time of the passage of the previous law in 1968 that the introduction of the requirement to promote national unity was inappropriate and verged on requiring of the CBC that it become an instrument of propaganda ... there is a widely held feeling [within the CBC] that the real obligation of this corporation, of this institution, is to reflect realities.75

So, as in 1968, there was no apparent sign of a public interest (or indeed, of public interest) in the CBC’s national unity mandate. It was strictly an affair of
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When Bill C-40 returned to the House for third reading, the government voted down two opposition amendments on the question, one by Sheila Finestone proposing a return to the status quo ante ("... contribute to the development of national unity and provide for a continuing expression of Canadian identity"), and a hybrid proposal by Ian Waddell ("... contribute to national unity, shared national consciousness and identity").

The new Broadcasting Act was finally adopted on 5 December 1990—just as the CBC president was announcing draconian cuts in staff and services that would eliminate public broadcasting at the local level. The combination of cynicism and irony evident in this coincidence stood as a reminder that its ministers' lofty pronouncements on the sociocultural importance of broadcasting notwithstanding, the Conservative government's lack of support for public broadcasting demonstrated its view of broadcasting as just another business.

CONCLUSION

The distant and recent history I have just outlined is of interest to communications and constitutional scholars alike. For communications scholars, it shows how media systems, institutions, services, and policies evolve according to the political and economic agendas of the surrounding society and its elites. For constitutional scholars it shows the strategic importance of the media system and pertaining policy issues to the evolving constitutional context.

Aside from what it tells us about media, this history is rich in illustration about governments' conception of media—and of the link between their constitutional agendas and their overall agendas.

Most of the time, Canadian politicians have tended to see broadcasting as an instrument of nation-building, and have thus been quick to blame broadcasting for failing to contribute to national unity. The blame is misplaced and the expectation unreasonable.

As a forum of public discussion, a mirror of social life, a system in which problems of jurisdiction, allocation of resources, and other areas of conflict are played out, Canadian broadcasting has reflected the lack of consensus about the fundamental nature of Canadian nationhood.

In this sense, it is a microcosm of Canadian society, and of the quintessential Canadian dilemma of how to accommodate divergent sociocultural demands within a "national" framework when the question of "nationhood" remains unresolved.

NOTES

1. The reader desiring more historical detail is referred to Marc Raboy, Missed Opportunities: The Story of Canada's Broadcasting Policy (Montréal and Kingston: McGill-Queen's University Press, 1990) from which most of the material in this paper is drawn.
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7. Québec, Statutes, Loi autorisant la création d’un service de radio-diffusion provinciale, SQ 1945, c. 56.
18. See Raboy, Missed Opportunities, 204–208.
19. This was related by Marc Thibault in comments at the National Archives of Canada Conference, “Beyond the Printed Word,” Ottawa, October 1988.
25. Canada, Statutes, Broadcasting Act, SC 1967–68, c. 25, article s.2.i.
33. Canada, Federal Cultural Policy Review Committee, Report (Ottawa: Minister of Supply and Services Canada, 1982); Canada, Department of Communications, Towards a New National Broadcasting Policy (Ottawa: Minister of Supply and Services Canada, 1983); Building for the
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Future: Towards a Distinctive CBC (Ottawa: Minister of Supply and Services Canada, 1983); The National Film and Video Policy (Ottawa: Minister of Supply and Services Canada, 1984).

35. See, e.g., Québec, Ministère des communications du Québec, Bâtir l’avenir (Québec: Gouvernement du Québec, 1982); and Le Québec et les communications: Un futur simple? (Québec: Gouvernement du Québec, 1983).
39. Comments to a meeting of the Fédération professionnelle des journalistes du Québec, Montréal, 10 December 1984.
41. This view was expressed to the author in these words by a senior official of the MCQ in June 1990, a few days before the collapse of the Meech Lake Accord.
43. Ibid., 2. The French version read: “... que le système télévisuel francophone soit reconnu comme une entité spécifique du système canadien et qu’en conséquence des politiques distinctes lui soient appliquées;” 10. According to the MCQ official referred to in note 41, “C’était Meech avant la lettre”—it was a precursor to Meech.
47. However, the functioning of the Telefilm fund is now being contested by Québec. See, e.g., Paule des Rivières, “Les coproductions avec la France vont bien ... mais en anglais,” Le Devoir, 22 October 1990.
51. Canada, Communications Canada, Canadian Voices Canadian Choices: A New Broadcasting Policy for Canada (Ottawa: Minister of Supply and Services Canada, 1988).
54. Ibid., 223.
55. Ibid., 217.
56. Ibid., 253.
57. Ibid., 283–284.
58. Ibid., 285.
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60. A Broadcasting Policy for Canada, recommendation 34, 363.
61. Canadian Voices Canadian Choices, 6-7.
62. Bill C-136, article 3.1.b.
63. Ibid., article 3.1.n.iv.
64. Canada, Unpassed Bills, Broadcasting Act, Bill C-136, third reading, 28 September 1988, article 3.1.k.iv.
65. See Raboy, Missed Opportunities, 329-334.

A rare exception came from newspaper columnist William Johnson, for whom Bill C-136 stood for the “meeching” of Canada. By reflecting “the view that Québec is a distinct society,” he wrote, the bill would “break the national coherence of the CBC.” William Johnson, “‘Meeching’ of Canada takes another step forward,” The Gazette (Montréal), column, 21 September 1988.

69. According to a research project in progress at Laval University, no Liberal or NDP intervention before the task force, the parliamentary committee, or the legislative committee hearings on Bill C-136 addressed the question of the distinct society or the CBC’s national unity mandate (personal files).

70. Canada, Parliament, House of Commons, Legislative Committee on Bill C-40, Minutes (31 January 1990), 11.
71. Ibid.
72. Ibid., 17-18.
73. Ibid., 15 February 1990, 29.
74. Ibid., 22 February 1990, 17-18.
75. Ibid., 12 March 1990, 6.
76. See, e.g., the debate among members at the legislative committee’s final public session in Canada, Parliament, House of Commons, Legislative Committee on Bill C-40, Minutes (15 March 1990), 69-84.