

INTERNATIONAL NEWS CONTRAFLOW IN THE UNITED STATES AND CANADA:  
STRUGGLES OVER NORTH AMERICAN MEDIA MARKETS AND REGULATION OF AL  
JAZEERA AND CHINA CENTRAL TELEVISION

BY

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DISSERTATION

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## ABSTRACT

In this dissertation, I examine news media contraflow, flows of news and information from historically underrepresented parts of the globe into advanced media systems. I assess North American governance of news media flows in light of increased availability of nonwestern news organizations. The research in the following chapters examines the cases of the Al Jazeera Network (AJ) and China Central Television (CCTV) to more fully account for transformations in the gatekeeper roles of regulatory bodies, media distribution industries and communication norms that govern North America's engagement with these emergent news providers. The proliferation of foreign news broadcasters makes examining institutions of reception – state regulators, public activist groups and distribution industries – increasingly important. Through case studies, I look, first, to recent changes in the production of international news in the neoliberal landscape of global communication. I examine significant new news content creators and identify what I call a hybrid media production model. State media enterprises are becoming savvy users of communication networks transformed by neoliberalism. In the second part of the dissertation, I outline the inchoate “foreign media policies” of the United States and Canada by analyzing the complex of law, norms and market conditions that influenced the reception of AJ and CCTV.

*To Finn, a teacher in his own right*

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In the process of my graduate studies, I was lucky to have a son. The hours we spent together huddled around apartment heat vents enabled me to dive back into research with renewed vigor. Because of that time together, I emerge from graduate student life a better person.

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## Introduction

### News Contraflow in North America<sup>1</sup>

As a result of the globalization of economic activity, national governments can no longer design domestic cultural policy generally, and broadcasting policy in particular, without some reference to what is happening in other countries.

--Armstrong, 2010, p. 223

#### *The “Uprising” of 2003*

I lived in North Chicago in 2003 working as a server and bartender at the Heartland Café, a self-styled community center and restaurant. The Heartland’s progressive demeanor was earnest; its owners were longtime Chicago residents connected with the late 1960s antiwar protests coordinated by Students for a Democratic Society. Most of the staff was made up of poor urban types with only vague commitments to liberal politics. The looming U.S. invasion of Iraq was a not so much a galvanizing injustice as a matter of resigned eye-rolling.

It was with the onset of U.S. bombing raids in Iraq that Chicago caught political fire. Downtown streets were flooded with pedestrians waving signs against the invasion “countdown” started by the Bush Administration. Word spread that Lake Shore Drive, a major highway pinched between downtown and Lake Michigan, was shut down due to the war protesters clogging the lanes. I looked to CNN to see how the network covered protests in a major city. The silence was jarring. A CNN anchor interviewed retired U.S. military officials speaking on the capacity for resistance Saddam Hussein’s army could offer U.S. ground forces. Nothing about

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<sup>1</sup> I use the term North America to describe the Anglophone geo-linguistic market and thus exclude Mexico from my analysis.

the major public demonstrations. Nothing about the ring of Chicago police containing antiwar crowds, an image reminiscent of the anti-war riots in 1968.

A month later I had joined a small activist group called Chicago Media Action. We took up the cause of localism in the wake of a change in media ownership laws. We made plans to attend the Federal Communication Commission's localism hearings to voice concerns over the 2003 "multiple-ownership" decision. The change in regulation would relax restrictions intended to preserve diversity in media ownership within major markets like Chicago. Little did we know that we were playing a minuscule part in what Robert McChesney (2004) would call the "Uprising of 2003" the following year.

Few Chicagoans attended the hearing about localism in Chicago. The hearing was held in Rapid City, SD, making it a "heavy lift" for activist volunteer participation. The irony was not lost on Chicago activists who drove over 900 miles to have a say about localism. We would have two minutes to speak to a panel consisting of two sitting Democratic commissioners and two or three South Dakotan broadcasting executives. A series of lights and a timer pointed at speakers as questions ranged from bad reception on the outskirts of Sioux Falls to the growing use of prepackaged public relations in local news. Each time, a red light flashed to tell the citizen to step away from the microphone and sit down. Matters of signal interference were quickly fielded by the industry representatives on the panel. Larger systemic questions, those related to structural concerns regarding the provision of local media for Midwestern communities, went unanswered. Any question or proposition that took the full two minutes was entered into the record while the empanelled regulators and station owners looked over paperwork.

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The localism hearings in 2003 were performances. The Commission was performing its duty as public-interest advocate by enduring two-minute bursts of broad-ranging criticism from members of the public. Only two of the five commissioners attended: those who were critical of concentration in news-related industries. Members of the public were performing as well. Individual arguments would have little sway over the positions the commissioners had already taken. The best we could hope for, some activists argued in meetings throughout the day, was for the crowd to appear large enough to “perform” public opinion and hint that, if the ownership rule changes were to go through, there would be potential electoral consequences for those who appointed members of the Commission. As a new activist, I did not understand what leverage we had over the commissioners to make our voices heard. Another activist at the meeting quietly noted to me that only the commissioners of the party *not* in power had attended the meeting.

This sort of public involvement in major decisions about communication policy in North America is at the center of this dissertation. The sense of dissatisfaction I had as I walked away from the podium arose from an exaggerated sense of agency in the policy process. It was naive to expect a system carefully attuned to activist voices. The question of citizen engagement has increasingly taken on international dimensions as a new breed of foreign broadcasters try to establish a presence in North American media systems. As a result, North American media policy is becoming more and more engaged with questions about foreign content. Stakeholders in Canadian and U.S. media policies, for instance, now include a greater range of foreign broadcasters bidding for inclusion. This analysis of non-Western broadcasting, therefore, touches on regulatory conditions, broadcasting funding models, the industrial conditions in which these broadcasters operate and public responses to their growth. The case studies I detail emphasize



the social conflicts surrounding battles over foreign news and the policy environments in which they took place.

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The global communication landscape is growing more diverse. Flows of media in the 21<sup>st</sup> century have become more multidirectional. This is a departure from conditions during the 1970s that led communication scholars to criticize the disparity of media imports and exports among more and less developed national settings. Asymmetrical power relations among nations gave rise to critical interpretations of global media flows. Critics of imbalances in global media distribution from developed national contexts (the Global North) to less developed countries (the Global South) raised concerns about the role of power in international communication and national sovereignty. Trade imbalances and one-way flows of media imports/exports prompted theories of “media dependence” and “media imperialism.” Increased flows of media from the Global South have changed the dynamics of the late 20<sup>th</sup> century.

The purpose of this dissertation is to assess these shifting dynamics in international news by focusing on “contraflow,” a term that describes the movement of media from developing national settings into those of the wealthier media systems of the world. Contraflow has entailed the establishment of new producers of news media originating in the Global South and responses to this increased diversity in North America. I assess this reversal by focusing on the production and international distribution of news from China and Qatar. I also focus on how these media organizations gain traction in distribution markets of Canada and the United States through an analysis of regulatory debates and media industry conditions. I use these four sites, two news programmers from emerging media powers and two contexts of reception, to study news contraflow between the Global South and Global North.

Contraflow is often valorized in critical communication scholarship as a means for greater media diversity. Many studies of contraflow document the growth of regional media powers that upset historic patterns of colonial power.<sup>2</sup> As a term, contraflow suggests “the south” is gaining a voice, disrupting the hegemony of Anglo-American news dominance. The south can now “talk back” with gains in economic and industrial prowess. This may be the case among these regions where a preference for familiar cultural products displaces imports from Britain or the United States. Growth of regional media powers entails less dependence on media imports. It also suggests the potential “balkanization” of the global public sphere in which roughly distinct geolinguistic regions exchange media with one or two dominant exporters. But talking back implies the fuller value of contraflow is its ability to enter saturated media markets of developed media systems like Canada and the United States, places where voices from the Global South have historically been marginalized. Gaining a voice in these saturated media markets would, in theory, create a more genuine international and intercultural dialog.

Both the Al Jazeera Network (AJ) and China Central Television (CCTV) promote their networks as providing a fuller picture of global events for Western news users. In the case of Al Jazeera, the criticism of Western news organizations is more explicit. While CCTV’s publicity material is less critical of established global news organizations like CNN International and the BBC World Service, the network’s corporate profile brands itself as “the premier source of information on China, Asia, and the world” and a gateway to one of the fastest growing economies in the world for Western business. Such branding strategies set these networks apart from the standard fare, tapping into popularly held political values in North America where there

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<sup>2</sup> Brazil, for instance, exports telenovelas to Portugal, upending the former colonial relationship with that country.

is a perception, though not unchallenged, that foreign news organizations can fulfill American and Canadian public-interest values such as the right to receive and impart information, news perspective pluralism and multicultural representation in the public sphere. This study tends to support these visions of non-Western news networks but takes a more skeptical view of new, multidirectional patterns of news. In documenting the expansion of foreign news into North America, I qualify the appearance of a more egalitarian global news environment by examining the political and economic processes that have given rise to these new producers of news and facilitated their distribution. Indeed, it is significant that the most successful news organizations offering non-Western perspectives grew out of government-supported media operations that work closely with private Western firms.

Government financing of global news organizations has been problematic for non-Western news, as much of the regulatory and often heated public debate in North America shows. Though government funding does not immediately disqualify a broadcaster as a potentially enriching and informative news source, the emergence of these new players is rooted in diplomatic purposes. They carry with them the interests of elites to define global events while, at once, seeking private partnerships and commercial revenues to support nationalist goals.

Though political critics decry the rise of “propaganda” and malign state news producers, the appearance of several state-supported televisual news organizations in North America can tell us more about North American media markets than the sponsor nations’ desire for public influence. The prominence of government-funded operations allowing the Global South to gain audiences stems from the capital-intensive investments needed to enter saturated commercial markets. These industry conditions, massive incumbent companies and high barriers to participating in North American news culture, result from policies of media governance in North

America. This analysis of contraflow thus undermines a simplistic understanding of the “free flow” doctrine, a laissez-faire philosophy of media governance common in North America that purports to welcome all information.

This analysis of contraflow approaches these shifts in global media as a relationship between these new producers and the contexts of reception. The contradiction of policy rhetoric supporting free information flows and the industrial-legal reality that undermines equality of flows can only be seen by viewing contraflow as a dynamic between new producers of media and the North American markets they seek to enter. This relational perspective is a departure from more common studies of individual news organizations and, on the other hand, studies of national regulatory-industrial conditions. I consider both the empowerment of new producers from developing national settings as well as the contexts of reception in developed media systems. Splitting attention between production and reception allows us to see that the new dynamism is not an unalloyed good for more robust discourse on matters of global importance. Greater multidirectionality in media flows also points to media globalization as a matter of cultural struggle, national-industrial power and, as later chapters outline, a battle over who controls how social groups define themselves socially.

Because contraflow is about international distribution as much as production, I structure the dissertation in two parts. The first part (chapters two and three) outlines the political economy of news contraflow production. The second part explores methods of media governance related to foreign news and documents the responses within Canada and the United States to the growth of a more multipolar communication order.

*Part one: the technique of hybrid funding models in a multipolar global economy*

In part one, I document the growth of international news production from emerging media powers. I treat the Qatari Al Jazeera Media Network (AJMN) and China Central Television (CCTV) as representatives of what some scholars have called “contraflow,” the increased flow of media from historically underrepresented parts of the world into Western national media settings. These news organizations represent two of the most prominent non-Western news producers gaining distribution in North America news markets. Documenting their growth and the means by which these networks expand into North America leads me to identify government-commercial hybridity in three important areas touched on throughout the dissertation: how these news organizations restructure assets in light of expansion ambitions; the relationships agents of contraflow develop with Western private distributors; the role of commercial advertising in fueling growth.

Though state-funded, these news organizations depart from some common understandings of state news in international broadcasting. They make strategic use of commercial revenue and appeal to private, profit-minded media firms in what I call a hybrid funding model. This technique of network growth mixes governmental and commercial motivations in ways that defy common perceptions of international broadcasters. For example, James Wood’s *History of International Broadcasting, Vol. II* (1999, pp. 22–23), focuses on state-funded broadcasters with the implication that “international broadcasting” is the domain of state actors. Wood, ignoring private companies like CNN International, devotes a chapter to the question of state influence on content and the propaganda question. He states,

Though the major Western broadcasters do have a high degree of editorial independence in the type of programmes broadcast, listeners need to remind themselves that by the terms of their charter or license the broadcasters are usually required to operate in the interests of the state. For this and other reasons internationally broadcast news is

seldom neutral. As with most news, its balance and objectivity depends [sic] on its source, its editing and presentation, and factors such as emotion, logic, carefully sifted rhetoric and elaboration.

Wood's overview of international broadcasters focuses on state-funded activities, but a more detailed look at funding systems makes strict categories difficult to maintain.

Non-Western news providers are in a state of flux, managing their growth through innovations in organizational structure and forging private partnerships. It is, therefore, difficult to fit AJ and CCTV into static categories that inform studies of international broadcasters. Often, international news broadcasters (or, in more contemporary language, "programmers") are funneled to three general categories: state media (e.g. Voice of America, Radio Moscow), private media (e.g. CNN International) and public broadcasters (e.g. BBC).<sup>3</sup> Categorization is useful for making broad distinctions and, as Wood suggests, enabling news users to recognize the motivating forces behind information, but strict divisions between state and private media can overlook systemic hybridity in media globalization. Cordoning off state media from the larger media ecosystem in which they operate can ignore, first, the relationships state-run media organizations develop with commercial service providers and advertisers. Second, insisting too heavily on outdated typologies obscures the processes of change that become clear in a detailed study of the emergence of new English news programmers like Al Jazeera and CCTV.

Ying Zhu's study of CCTV draws similar conclusions as she maps CCTV's emergence onto the broader economic transformation of China:

As China reforms itself and emerges as a nouveau superpower, it is defining a new approach to politics, power, and national development, a hybrid model that

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<sup>3</sup> Domestic BBC broadcasting services resemble this "public" funding model. The media organization distributes much of the BBC's content commercially in international markets. There are no clear robust models for public media at the international level, though Alba TV and other community media initiatives most resemble a publicly driven international media effort.

combines an authoritarian state with a market economy . . . . China has cherry-picked among market mechanisms, Confucian ideals, and socialist principles to pursue a hybrid course of development that has so far kept the one-party state entrenched and the masses mostly pleased with their improving living conditions and the invigorating spectacle of China's rise in the world (2012, p. 5).

CCTV's network strategies specifically reflect this larger national economic pattern, but this blending of state-commercial resources is characteristic of contraflow as an adaptive technique generally. Al Jazeera, though distinct in noteworthy ways, also reflects hybridization through reconciling contradiction: Qatari domestic speech rights versus, for instance, the liberalized media ethos promoted by Al Jazeera. Other antagonistic elements in Al Jazeera's growth are economic. Al Jazeera's struggle to privatize and adopt a legal structure that accommodates its public service remit and news editorial independence shows this tension. Yet, the network walks these lines and thus requires more nuanced international broadcaster typologies. The blend of motivations among state, commercial and public rationales represents a range of tools employed for network expansion into foreign national media systems. The state adapts to and accommodates the processes of commercial media, taking on commercial enterprises where advantageous to get content in front of strategically valuable audiences.

The blending of state and private capital is not unprecedented in the history of mass media. The inception of Radio Corporation of America, for instance, involved the strenuous efforts of the Woodrow Wilson administration to cajole private U.S. companies with financial stakes in radio to create a new company for the sake of national security interests (see Winkler, 2008, p. 258). I view the hybrid funding models of these emerging news programmers as a *technique* that sheds light on the expansion of contraflow rather than a static category. It describes the behavior of these state-inspired international media organizations in light of the modern global media landscape. Table 1 catalogs some of the major global news providers to

emphasize hybridity in contraflow as an adaptive technique to facilitate expansion. Expressions of this hybridized funding fall along a spectrum that loosely maps onto motivations, ranging from the more diplomatic purposes of nationalist interests to the more commercial objectives of private news producers. Those falling on the extremes of this scale, though, are not “pure” expressions of diplomatic or commercial intentions. Nor are these unchanging definitions of the news organizations profiled; they are, in fact, protean. Likewise, though the spectrum could be interpreted to suggest state and commercial influence are mutually exclusive, this is not the case. State and commercial interests intersect and can support one another as explored in later chapters.



| Table 1:<br>Hybridity             | CCTV<br>News  | RT America  | Al Jazeera<br>America   | BBC World<br>News <sup>4</sup>   | CNN<br>International                                  |
|-----------------------------------|---|---|---|--|---|
| Tagline                           | “Your<br>Link To<br>Asia”   | “Question<br>More”                                      | “There’s<br>More To It”   | “Nation shall<br>speak peace<br>unto nation”                                       | “The Most<br>Trusted Name<br>in News”                 |
| Ownership/<br>Copyright<br>Holder | CCTV/<br>CITVC  | TV-Novosti  | Al Jazeera<br>Media<br>Network/Al<br>Jazeera<br>America LLC         | BBC Global<br>News Ltd <sup>5</sup>  | Turner<br>Broadcasting<br>System; Time<br>Warner Inc. |
| Legal Status <sup>6</sup>         | State-<br>Owned<br>Enterprise   | Quasi-state:<br>Autonomous<br>Nonprofit<br>Organization | Quasi-public:<br>Private<br>Institution of<br>Public Utility        | Commercial<br>Subsidiary of<br>Independent<br>National<br>Broadcaster <sup>7</sup> | Subsidiary of<br>Private<br>Conglomerate              |
| Ad Support<br>Sought?             | Yes; -<br>Published<br>rates; non-<br>responsive<br>staff                         | Yes;<br>Active ad<br>sales staff;<br>ad packages        | Yes;<br>Active ad<br>sales staff;<br>advanced ad<br>packages        | Yes;<br>Advertising<br>dependent   | Yes<br>Advertising<br>dependent                       |
| Launch                            | 2000 (CCTV<br>International<br>)<br>2010 (CCTV<br>News)<br>2012 (CCTV<br>America) | 2005 (Russia<br>Today)<br>2010 (RT<br>America)          | 1996 (AJ<br>Arabic)<br>2006 (AJ<br>English)<br>2013 (AJ<br>America) | 1927 (BBC)<br>1991 (BBC<br>World Service<br>TV)<br>1998 (BBC<br>America)           | 1980 (CNN)<br>1985 (CNN<br>International)             |
| Purpose                           | Influence-driven ←-----→ Profit-driven  |   |   |  |   |
| Motivation                        | Diplomatic ←-----→ Commercial   |   |   |  |   |

<sup>4</sup> Like RT and Al Jazeera, BBC also has “BBC America.” BBC America, however, is focused on entertainment content rather than news as is the case with the American variants of RT and AJ.

<sup>5</sup> Commercial subsidiaries within the BBC’s structure include BBC Worldwide and BBC Global News. These commercial properties earn revenues that are fed back into the BBC’s central offices.

<sup>6</sup> Legal statuses vary according to the country in which they are incorporated.

<sup>7</sup> BBC America, one of the BBC’s network of channels, is reliant on commercial revenue such as advertiser sponsorship. The British royal charter that allows BBC’s domestic broadcasts to remain commercial-free also stipulates that BBC content created for non-British audiences cannot make use of the license fees that fund domestic broadcasts. See <http://www.bbcamerica.com/faq/> (last accessed March 5, 2015). U.S. Media company AMC Networks is co-owner BBC America with the BBC’s commercial-arm distributor, BBC Worldwide.

The story of contraflow is not limited to economic factors, but the macroeconomic picture is an important backdrop to the changes in global media. The growth of CCTV and AJ is related to the larger global economic picture, paralleling reinvigorated investment in Qatari and Chinese global communication strategies as these former minor national economies integrate more fully into the global capitalist economy.<sup>8</sup> The first decade of the 21<sup>st</sup> century reflects this change in international media with this shifting economic picture. Qatar and China's paths to economic growth stem from different factors,<sup>9</sup> but a broad picture serves to illustrate an important factor animating contraflow.

Table 2: The World Bank: Data, GDP growth (annual %), 2003 – 2011 (World Bank, 2013)

|                               | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|-------------------------------|------|------|------|------|------|------|------|------|------|
| <a href="#">United States</a> | 2.6  | 3.5  | 3.1  | 2.7  | 1.9  | -0.4 | -3.5 | 3.0  | 1.7  |
| <a href="#">Canada</a>        | 1.9  | 3.1  | 3.0  | 2.8  | 2.2  | 0.7  | -2.8 | 3.2  | 2.5  |
| <a href="#">Qatar</a>         | 3.5  | 20.8 | 7.6  | 18.6 | 18.0 | 17.7 | 12.0 | 16.6 | 18.8 |
| <a href="#">China</a>         | 10.0 | 10.1 | 11.3 | 12.7 | 14.2 | 9.6  | 9.2  | 10.4 | 9.3  |

The gross domestic product (GDP) figures show the growth rates of the four national settings considered in this dissertation (Table 2). What is clear in these numbers is the damage done to North American economies after the collapse of U.S. housing and financial markets in

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<sup>8</sup> According to World Bank categories, Qatar is high income non-OECD, China is upper middle income, Canada and the United States are high-income OECD countries (World Bank, 2013).

<sup>9</sup> It is worth noting one significant distinction between these national economies. Qatar's initial wealth came from natural gas reserves within Qatar's national territory. China's growth is more dynamic, stemming from a manufacturing base with low production (labor) costs and a massive consumer base to sustain manufacturing production.

2007. While the highly interdependent national economies of Canada and the United States saw general economic retraction, the national economies of Qatar and China remain relatively unaffected by what was labeled the global economic downturn.

Data from the World Bank provides some indication of the economic empowerment of Qatar and China relative to the United States and Canada. At the height of the great recession, GDP growth rates in the United States and Canada contracted: -3.5 percent and -2.8 percent, respectively. The same year, Qatar's economy grew at 12 percent while China expanded at a rate of 9.2 percent. Such patterns in the global economy led analysts at the World Bank to forecast a "multipolar economic world" (The World Bank, 2011). This multipolarity has important consequences for patterns in foreign direct investment and, more importantly, the investment strategies of transnational media companies. These numbers suggest a correlation between economic ascendance of developing national economies and the growth of media contraflow. It stands to reason that greater ties to the global economy create incentive to project a national image and create the means to influence global news discourses (see chapters one, two and three).

Data from advertising industry research firms offer a more precise analysis of how shifts in the global economy may influence the global communication landscape with the rising fortunes of developing national economies like Brazil, Russia, India, China and South Africa (so-called BRICS). Advertising industry analysis in 2013 predicted growth in advertising expenditure in Brazil, Russia and China would average 10.7 percent a year while developed markets appear significantly less attractive at 2.8 percent (Warc, 2013). By contrast, national agenda-setting papers in the United States that have defined global journalism agendas for decades are no longer sustained by their commercial journalism model. *The Washington Post*,

before its sale to Amazon founder, Jeff Bezos, sustained heavy quarterly losses: print advertising sank 12 percent while online advertising rose but only enough to make up for half the print ad decline (Mufson, 2013). Media companies in developing economies are increasingly attractive as media markets. Forecasting global ad spending, advertising industry analyses place developing economies at the forefront of the sector's growth. China's media industry has most clearly benefited from shifting patterns of consumption at the global level. The relationship between advertising as a funding source for Chinese media and China's expanding middle class plays a part in redefining global communication flows (see chapter three).

The redirection of advertising revenues play only one part in changing patterns of global media flows. National policies related to investments in public diplomacy efforts are also significant. In 2010, *The Economist*, in a discussion of international broadcasting initiatives, pointed to the renewed multipolarity in the global media. Referring to Anglo-American news organizations as if they were the old guard giving way to new blood, *The Economist* noted how the "old international broadcasters" were adept at working around Cold War-styled censorship to get into national media systems. However,

A bigger problem for them is competition. Since 2006 China, France, Iran, Japan and Qatar have launched English-language TV news channels. China has committed \$7 billion to international news. That is more than 15 times the annual budget of the BBC World Service. . . . The new arrivals are conquering territory (and sometimes hiring staff) shed by established Western organizations. ("Waves in the web; International broadcasters," 2010, para. 7–8)

The removal of U.S. government funds for international news services runs parallel to the decay of commercial journalism's financial foundations. Since 2000, the United States' signature international broadcaster, Voice of America, cut the number of shortwave frequencies used by 24 percent. The BBC World Service, too, ceased short-wave services to the Americas and most of

Europe. At the same time, China Radio International, the Chinese government's short-wave programmer, doubled its services ("Waves in the web; International broadcasters," 2010).

All of these trends, taken together, illustrate fundamental shifts in the global news system. As new international broadcasters grow by embracing commercial mechanisms *and* government support, how are U.S. and Canadian media governance policies responding to the new international communication landscape in which the flow of news media is no longer primarily from the west to the rest?

*Part two: contraflow's reception in North America*

The hybrid funding model technique both *enables* contraflow by subsidizing non-Western news entry into North America and *undermines* the integration of these news organizations due to the negative perception of government-sponsored media. Government backing of AJ and CCTV has allowed these foreign perspectives to overcome steep financial barriers to entry in North American media markets only to meet resistance from Canadian and U.S. publics. The second part focuses on how this resistance is expressed in and administratively considered by regulators in each national setting. Part two also proposes a broader notion of regulation by considering the range of legal and economic conditions shaping how news media travels around the globe.

In part two (chapters four and five) I document the processes of foreign news reception: how forms of North American media governance influencing distribution of Qatari and Chinese media in Canada and the United States.<sup>10</sup> I use historical and legal analysis methods to assess how power functions in governance of foreign media entry. As non-Western media proliferate,

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<sup>10</sup> The research in part two examines North America as what Sinclair (1999) has called a geolinguistic block, one targeted by foreign news services.

the national media systems of Canada and the United States are increasingly confronted with the issue of excluding or including foreign news content with implications for domestic citizens and subnational ethnic groups.

In short, part two is an examination of the means of foreign media governance and how power functions in making decisions about inclusion and exclusion of foreign voices. Comparing these differing national contexts requires more flexible definitions of what constitutes regulation than offered by study of individual, national regulatory regimes. I refer to this as institutional reception,<sup>11</sup> the study of major institutions involved in regulating foreign media. With the institutional approach, I outline the regulatory system in North America related to foreign media as it functions rather than restricting the research scope to more common legal venues.

Institutions in my usage include familiar governmental bodies like the Federal Communication Commission (FCC) and the Canadian Radio-television Telecommunications Commission (CRTC), but also include industry players and governmental influences not commonly associated with media governance that, nonetheless, exert influence over international communication flows.

A broadened definition of regulation is important for the study of foreign media regulation. While it may be difficult to trace the ways foreign perspectives are policed in the United States due to policies of non-intervention in the marketplace, its elusiveness should not be taken as proof that it does not exist. Though free from government censorship, strictly speaking,

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<sup>11</sup> I use the term “institutional reception” to distinguish my study of foreign news in North America from forms of audience studies in which media users and their interpretations of media texts are the focus of research. Media use and textual interpretation can potentially provide valuable insights about North America’s engagement with news contraflow, but research on audience reception cannot go forward before audiences encounter foreign media. Thus, in part two, I examine the role publics play in petitioning commercial and governmental institutions to shape international flows of international news.

the decisions made by commercial cable operators, for instance, function as de facto regulators of media content. The crucial difference between official commissions and market regulation is the form of public agency in the decision-making processes about what is shown on Canadian and U.S. television. While official regulatory bodies are subject to varying degrees of public oversight and influence as right-bearing citizens, private commercial entities answer to the public as consumers, registering public sentiment in terms of rating figures and considering consumer needs in as much as they meet the needs of advertisers. Governmental bodies like the U.S. Congress and State Department, too, are more involved with regulation of foreign media than traditional media policy analysis recognizes. Bringing these influential institutions into my account, I outline a fuller (though still incomplete) view of evolving forms of governance related to the integration of foreign media.

Since media governance extends beyond officially recognized regulators, I draw attention to the actually existing policies toward foreign media to question this nebulous regulatory terrain. Are national values like free expression, free flow of information and perspective pluralism expressed in the influence exerted by these less visible forms of regulation? How do existing national policies of media governance cope with the growth of foreign news organizations trying to establish a presence in North America? What social conflicts appear in response to contraflow, and how are national policy values used to adjudicate these conflicts? Studies of Canadian and U.S. institutional reception highlight how interpretations of pluralism, an official priority in both contexts, remain limited by a nationalist interpretation. Pluralism is national while the scope of media governance grows more global. Stated another way, pluralism, as a public policy principle in media regulation, remains defined as if nations are autonomous and “sovereign” despite conditions of interdependence. Globalization of manufacturing industries and financial capital -

and related questions of ecology, human rights and foreign affairs- illustrate a need for a redefinition of media pluralism. One of the key questions in this research is whether or not nationalist interpretations of pluralism are sufficient for a global system increasingly defined by these forms of interdependence.

*Canada and United States: welfare interventionism and market non-interventionism*

The United States represents a reliance on market regulation with minimal government intervention, guided by interpretations of the First Amendment. The United States' reception of foreign media is what I describe as a "market liberal" approach. By contrast, Canadian media governance represents a "welfare liberal" approach to regulating foreign content. Avenues of public participation, though flawed, make the Canadian system responsive to the Canadian public as citizens.

One of the key aspects returned to often in this work is the concept of national identity in media policy battles. Canadian and U.S. policies of multiculturalism differ. Where the United States has long held to the idea of a "melting pot" as a nod to the multi-ethnic background of many Americans, Canadian policy expects less assimilation than is suggested by the melting pot metaphor. Canada's metaphor is the "cultural mosaic," suggesting that difference can be maintained without threatening national identity. These differing notions of multiculturalism and pluralism are apparent in Canadian media policy that governs foreign media (chapters five and six).

The question of national identity has defined the relationship between Canada and the United States. U.S. media companies have long viewed Canadian communities as an extension of the U.S. market. This early international relationship through media trade, dating back to the 1920s, shaped the Canadian regulatory posture and led, in part, to the sharp contrast in regulatory



structures both countries currently have in place. Canadian policy resembles the welfare state model identified with a European tradition of regulation. This policy bears the imprint of fears that Canadian culture would be lost if national broadcasting industries were overrun by U.S. companies. Canadian broadcasting laws prescribing Canadian content quotas and financial supports for the production of Canadian media stem from this impulse to preserve Canadian cultural autonomy.

The U.S. tradition, by contrast, reflects a combination of a laissez-faire economic model and a free speech tradition that denies centralized governmental controls on speech. In this context, business interests have increased significance in decisions about private speech. The view of speech protections through the lens of private property defines the role of the FCC in the United States, and an accumulating body of law demonstrates the protections U.S. law accords speech as private property.

A recent U.S. circuit court judgment for a major cable distributor illustrates this property bias in applied First Amendment law and points to the prerogative afforded business interests in determining what is distributed in the United States. Supported by the FCC, independent programmer Tennis Channel claimed cable distributor Comcast discriminated against the sports network by carrying the channel in a sports tier while carrying Comcast co-owned sports channels (non-independent) on a more widely distributed basic tier of channels (“Court to Slam Tennis Channel,” 2013). Siding with Comcast, Appellate Judge Estrada said that Comcast has a constitutional right to favor its own speech (barring anticompetitive reasons for doing so). According to court documents cited in *Broadcasting & Cable*, Estrada suggested that the FCC had “arrogated for itself the role of a government censorship board and that the FCC's decision was the most outrageous content call since the Sedition Acts,” going on to analogize the FCC’s

support of the Tennis Channel as amounting to “telling a newspaper it has to put a freelancer on the front page” (Eggerton, 2013, para. 13). For the D.C. court, FCC rules to support independent programmers and, by extension, the public interest in media diversity amounted to an attempt by the executive branch to silence political dissent. The language of the ruling is indicative of the role of the FCC in content regulation and the conflation of commercial self-interest and the right to the expression of oppositional politics in the early American republic. Beyond cases of obscenity, the FCC remains a weak regulator of content.

#### *National media policy, foreign media and pluralism*

National media regulation is justified by recognizing media as a core site of social reproduction and thus is intertwined with the maintenance of cultural traditions. Pluralism as a policy value has grown in importance during the latter half of the 20<sup>th</sup> century and continues to garner interest in light of the increased interconnectivity related to media globalization. This increased connectivity has triggered the need to critically reevaluate the principles that underlie media regulation, a field that is tied to national contexts and therefore a national conception of speech norms. Studying the reception of foreign media entails recognizing the expanded set of stakeholders in decisions about media as a social force, media as a form of political power, and media as a business.

While the nation continues to be the most effective level of media policy, pluralist regulatory principles are now being tested by contraflow. Marc Raboy (2002, p. 5) has emphasized the importance of considering transnational media in the context of the nation-centric policy arena. He asks “. . . how to transpose the media policy issues that have occupied national agendas at least since the invention of the telegraph to the transnational level where, to all intents and purposes, the most important issues are henceforth being played out.” Pluralist

principles important to civil society are beginning to inform supranational governance of information and communication at the global scale. Pluralism was a strong feature of the World Summit on the Information Society (WSIS) thanks to the inclusion of civil society statement (Raboy, 2004). Despite the statement lacking regulatory force and impediments to civil society influence outside of national contexts (Raboy, 2006, p. 255), the advocacy of "human interest" in information policy design shows how pluralism has pushed its way into normative questions about transnational media. Both pluralism and an attention to disparities of power in decisions about information policy bear the imprint of political pluralism most often linked to national settings. The WSIS civil society plenary outlined "A Visionary society":

Building such societies implies involving individuals in their capacity as citizens, as well as their organisations and communities, as participants and decision-makers in shaping frameworks, policies and governing mechanisms. This means creating an enabling environment for the engagement and commitment of all generations, both women and men, and ensuring the involvement of diverse social and linguistic groups, cultures and peoples, rural and urban populations without exclusion. In addition, governments should maintain and promote public services where required by citizens and establish accountability to citizens as a pillar of public policy, in order to ensure that models of information and communication societies are open to continuing correction and improvement. (WSIS Civil Society Plenary, 2003, p. 3)

Though the inclusion of a civil society vision for the future of global information and communication is promising for greater democracy in transnational communication flows, the influence of democratic public interest values is in its infancy.

A resurgence of scholarly interest in media policy and pluralism as a policy value has taken hold in response to technological convergence and industry concentration. There is a renewed debate around legal multiculturalism (c.f. Shabani, 2007) and plurality in political and normative theory (c.f. Christians, Glasser, McQuail, Nordenstreng, & White, 2009; Fraser & Honneth, 2003; Young, 2002). Media policy has a special relationship to these debates over

pluralism given its role in national identity formation, subnational/ethnic identities and diversity of political thought for democratic debate. This concern for pluralism has stimulated attempts to create assessment models for minority representation across national settings (Ciaglia, 2013; Jakubowicz & Sükösd, 2008; Schejter, Kittler, Lim, Douai, & Balaji, 2007). Representation in these discussions can provide subnational groups access to national communication resources.

Pluralism can also refer to representation within media governance itself, as WSIS statement outlines. The two are related. Early formulations of the “public sphere” conceptualized the form of representation in public opinion as a means to provide critical feedback to government, often referred to as the regulative role of public will in democratic governance (see Nerone, 2011). But in the administrative state of the 21<sup>st</sup> century, voicing individual or group concerns in media policy requires a more explicit intervention. Representation in this sense is more closely related to pluralism as inclusiveness in democratic decision-making. This dissertation touches on both these forms of representation but focuses on inclusiveness of media policy processes.

The dissertation chapters follow this chain of reasoning:

1. The first chapter reviews recent theories of international communication focusing on theories of contraflow to set up part 1 and part 2 of the dissertation. The growth of global economic multipolarity has led to a parallel diversification of communication power in global news communication with important developments in both contraflow production/distribution and the contexts of institutional reception. I describe the overall dynamic of the changes in production and distribution represented by Al Jazeera and CCTV as *Neoliberal Contraflow* to challenge the celebratory veneer that advocates of pluralism lay over organizations like Al Jazeera. The term Neoliberal Contraflow points

to the enduring role of the state in processes of media globalization (in both production and reception), how state media make use of the commercialized international communication ecology and how the state, under neoliberalism, functions to support corporate capital (Harvey 2005). New producers of journalism contraflow emerge from the economic growth of specific national economies that have successfully integrated with the global commercial system. Regional powers like China and Qatar have revamped and retooled their communication industries to mix governmental and commercial resources for news organizations to function as vehicles for diplomacy. To grow and gain distribution they employ hybridized techniques, mixing governmental funding and an appeal to commercial revenues to sustain the diplomatic effort. The chapter concludes with a discussion of pluralism as a policy value to set up the analysis of contraflow reception in chapters four and five. The global media multipolarity represented by news contraflow has forced policy responses from Canada and the United States. Though media globalization in the “age of media abundance” is often portrayed as liberated from control and border-eroding, examination of the process of reception reveals the social tensions and forms of power as well as the enduring role of the state. Thus, the chapter argues that contraflow as the “reversal” of the one-way street in television traffic needs to be assessed by examining national media policy principles and national markets as these factors shape the circulation of global news television and moderate the power of stakeholders in global media flows.

#### Part 1: Agents of contraflow in the United States

2. Al Jazeera exemplifies the mix of governmental and commercial funding sources animating contraflow. This *hybrid funding model* enables contraflow by allowing new

entrants in the global news arena to withstand the economic pressures of concentrated industry conditions that characterize developed commercial media systems in the United States and Canada. The combination of commercial and governmental funding strategies is analogous to the motivations of news production: profit motives mix with national ambitions; journalistic purposes mix with diplomatic functions. Al Jazeera's success is due in part to domestic national resources: the wealth generated by Qatari natural resources industry and the diplomatic needs of Qatar's ruling elite. The extension of the network into foreign markets has prompted the network to adopt commercial strategies to gain distribution and reach target publics.

3. China Central Television exemplifies the hybridity technique as well but differs in how the Chinese state achieves economic parity with Western commercial news organizations and other transnational media companies. CCTV's growth into international markets has been based on the channel's courtship of Western transnational media corporations (TNCs). The Chinese government's maintenance of CCTV as a monopolistic state-owned enterprise (SOE) positioned the news channel as the gatekeeper to burgeoning Chinese consumer markets. Domestic and foreign advertisers, intent on positioning their brands in China, provided the SOE with ample funding for operational expansion of CCTV news as a diplomatic vehicle. CCTV's funding base stems from China's domestic resource: the value of its population to transnational commercial media firms.

## Part 2: Media governance of foreign media in North America

4. The United States' reception of Al Jazeera and CCTV typifies the *Market Liberal* approach to foreign media policy. U.S. policy toward foreign media is largely incoherent, relying on market forces and corporate media management to determine what foreign

content gains distribution. Though less coherent than the regulatory regimes in the welfare models in Europe and Canada, significant regulatory forces continue to exert influence, influence that is often ignored due to the “free flow” policy value that shrouds U.S. media regulation. Though free flow and viewpoint diversity are cornerstones of stated U.S. media policy, regulation of foreign media proceeds unsystematically and beyond public scrutiny. Public opposition to foreign media plays a marginal role unless framed as a foreign policy concern which trumps the extension of American free expression and pluralism principles to global media flows. Regulation of foreign news under Market Liberalism, despite pluralistic policy values, ignores asymmetries that result from concentrated economic power.

5. The Canadian reception of CCTV and Al Jazeera exemplifies what I label the *Welfare Liberal* approach to foreign media policy. Canadian policy is more coherent, relying on rules governing the Canadian Radio-television and Telecommunication Commission. The process is public-intensive though heavily structured by the commercial needs of major Canadian media companies. This deliberative model opens space to hear public concerns, giving voice to those opposing foreign media. Domestic public-interest groups supporting and opposing foreign media publicly argue their cases by using Canadian broadcasting law which values Canadian multiculturalism and pluralism in national media. The CRTC is therefore in a position to weigh arguments about the entry of foreign media organizations. The decisions analyzed, however, show how national media policy principles insufficiently account for power asymmetries among stakeholders. The inconsistent use of rules about abusive speech -based in the Canadian Broadcasting Act’s multicultural mandate- point to the need to rethink pluralism in light of increased

contraflow. Despite a more active regulatory context, Canadian procedures adhere to what I call political agnosticism in reviewing foreign broadcasters and, thus, tend to ignore uneven power relations in global media flows.

6. In 2004, Al Jazeera failed to enter the Canadian public sphere while China's state broadcaster succeeded, despite highly parallel arguments and evidence. This chapter examines the CRTC's contrasting. Changes at the CRTC related to its judgments regarding CCTV, Al Jazeera and the Italian broadcaster RAI illustrate how Canada's regulatory system adapted to global media multipolarity. A series of applications to broadcast in Canada between 2004 and 2008 forced the regulator to reevaluate existing policies that limited foreign media entry. The decisions by the CRTC during this time caused public outcry, leading the commission to revise its foreign media policy. These decisions call attention to the strain placed on national regulatory principles in responding to global media integration. The CRTC's regulatory model illustrates the *paradox of multiculturalism* in the age of global media. Contraflow represents the chance to diversify domestic content and internationalize news content for Canadians. Various advocates for CCTV and AJ portrayed them as a means to fulfill the policy goal of providing subnational ethnic communities with home-language programming. Yet these news organizations also threatened multiculturalism due controversial coverage that appeared to violate North American news norms. The Canadian regulator's response to foreign media points to the challenges of applying national media policy to emerging issues of global media circulation.

Processes of media policy-making have not received enough scholarly attention. As media policy scholar Des Freedman (2005, p. 4) writes of the United Kingdom and United



States, “[m]edia policy formation has rarely been exposed to either academic or wider public scrutiny.” The absence of public scrutiny is “partly because the ‘shape’ of the media (as opposed to media content) has failed to register as a key part of public policy-making . . . .” Freedman points to the urgency of media policy research in light of “[n]ew actors, technologies and paradigms [that] are emerging in the global media environment . . . creating new or accelerating existing conflicts concerning the transparency, accountability and inclusiveness of this key area of public policy.”

This research bears out Freedman’s view that “media systems are . . . purposefully created, their characters shaped by competing political interests that seek to inscribe their own values and objectives . . . .” (2008, p. 1). Media policy that emerges from these competing interests cultivates certain media structures and discards alternatives and this is a political process that can be subject to change. But who guides this change? How are regulatory settings designed to account for the new range of stakeholders in national and transnational media flows?

The fact of choice is often obscured in policy documents, policy papers and in the assumptions that underwrite the legitimacy of various forms of media regulation. This obscurity is found in the Canadian model of government oversight as well as U.S.-styled governance via market mechanisms. The procedural admission of public concerns that is a feature of strong public-interest systems, like that of Canada, is meaningful, but the execution of such public interest must be scrutinized for the forms of power that surround and, at times, eclipse public venues. The idea of a media system as a series of choices that provide advantage or disadvantage for various stakeholders is blotted from view by the assumption that a “natural” market-based process of selection produces the best possible outcome for democracy.

Media systems are designed in this complex play of stakeholders with various levels of agency and power. The localism hearing in 2003 was an illustration of this power and how it plays out in making decisions about power in mass democracy. Systems invite certain players and push back against others. In contrast to the perception of media systems being natural outgrowths of market and technological conditions, media systems are systems of selection. The process of selection is all the more important when we recognize that media globalization is cultural struggle. Media policy is also a site of cultural struggle. Whether global media serves democratic deliberation and public interests within and among nations is a matter of choice. This dissertation redirects attention to the forms of power expressed in policies related to media globalization as a small contribution to the effort to create a more equitable communication landscape and more inclusive world.

## Chapter 1

### Global television, pluralism and news contraflow: toward a renewed account of domestic regulation as “foreign media policy”

As the popular faith in the structural and professional superiority of Western media practice faces crisis, what might be the ramifications of an entry into the global media system of a state-controlled commercial enterprise such as CCTV?  
--Zhu, 2012, p. 5

For some, pluralism is the most effective form of politics in its recognition of difference and its combination of competitive behaviour and consensual outcomes; for others, pluralism refers to the means by which inequalities are embedded into a political system that claims to celebrate the existence of different social groups and then finds a mechanism for prioritizing the interests of some over others. How is this debate expressed normatively inside media policy?  
--Freedman, 2008, p. 30

In this chapter, I outline theories of international television flows to frame my case studies of global news contraflow into North America.<sup>12</sup> This chapter’s structure mirrors the dissertation at large. I begin with a focus on new producers of international journalism before turning to consider national reception of contraflow. This structure reflects my argument that both production and distribution make up the fuller story of the North American experience of news contraflow: how non-Western news organizations move into North America. The chapter introduces the idea of “neoliberal contraflow” as a way to emphasize the adaptations of non-

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<sup>12</sup> My use of the term “North America” is in the sense of a linguistic market for foreign broadcasters and thus excludes Mexico.

Western news producers to the commercial context of target markets in North America. The first part considers production of contraflow and competing visions of the positive social value of media abundance. The second discusses competing theories of contraflow and global television to highlight the salience of critical scholarship on communication policy governance and the role of power in global media flows. The final third of the chapter turns fully to institutional reception where I develop a critical policy studies lens for the analysis of pluralism as a North American regulatory principle in light of the proliferation of non-Western news producers. New forms of power created by new patterns of flow into North America call into question the ability for 20<sup>th</sup> century regulatory models to adequately serve public interest in an age of growing interconnectivity.

Media globalization is a form of cultural struggle. Beyond debates over media sovereignty, foreign media can fulfill democratic ends by acting on multicultural mandates and expanding viewpoint diversity within a media system. It is therefore important to recognize the role of power in processes of integration. Critical theories of global communication provide a basis for assessing forms of power in these new flows. Reflecting the case studies that follow, this chapter discusses theories that highlight how struggles for self-definition take place at subnational, local, national and transnational levels. Furthermore, North American stakeholders at these various levels compete to shape transborder media possess varying degrees of influence. This chapter explores theories of power in global communication, focusing on media industries, government policy and public agency that constitute a more holistic portrait of power in foreign media regulation within North America.

### *Global media and growing “multipolarity”*

Intensifying flow of media products from the United States to the rest of the world in

decades following the World War Two caused Wilson Dizard (1966) to worry over the image of the United States created by commercial televisual exports during the 1960s. By the late 1990s, similar flows from the United States inspired Ingrid Volkmer (1999) to theorize the formation of a global public sphere around the internationalization of CNN during the Gulf War. As these examples suggest, a great deal of writing has been devoted to flows from “west to the rest” (see Nordenstreng & Varis, 1974; Nordenstreng & Schiller, 1979; Tunstall, 1977). But, as Jean Chalaby (2005) has argued, media globalization now features transnational firms and institutions that are not part of the familiar bloc of Western companies. Evidence suggests international communication dynamics have changed significantly in the new millennium, an effect of what the World Bank and U.S. State Department have called a new “multipolarity” in the global economy and international communication (Committee on Foreign Relations United States Senate, 2010; The World Bank, 2011). The multipolar international landscape has led to the proliferation of international news broadcasters beyond mainstream players of the 20<sup>th</sup> century. This variety has created opportunities for increased diversity of news sources, many of which target North American markets with foreign and English-language media services.

Non-Western entrants to the world of global news production have been called “contraflow” (Oliver Boyd-Barrett & Thussu, 1992). Contraflow, as a concept, is often described as a trend in international communication. Developing nations like Brazil, China, India, Russia and Qatar have gained prominence in global flows of news media with the growth of their domestic economies. Thussu (2007, p. 5) defines contraflow as “the phenomenon of the rise of the non-Western media, increasingly visible in the global symbolic space.” Though this is a demonstrable trend, theory of contraflow and certain aspects of its implications for global communication remain underdeveloped. Several authors have documented these new flows and

offered typologies, but a focus on producers has created a gap in analyses. A deeper analysis of distribution and national policy governing foreign media integration is mostly absent.

Accounts of the rise of non-Western producers have celebrated greater abundance of media globally and the potential for new exchanges of news and “civilizational dialog” (c.f. el-Nawawy & Powers, 2010; Lynch, 2007). New dynamics of international communication are often considered in light of correcting for Western dominance of flows. Thus (2007, p. 20) has noted how “[t]heoretical debates have largely been confined to how the rest of the world relates to, adopts or appropriates Western media genres. There is relatively little work being done on how the ‘subaltern flows’ create new transnational configurations and how they connect with gradually localising [sic] global ‘dominant flows.’” A holistic approach to contraflow recognizes both production and distribution as essential components of the new dynamism. The multiplication of voices on the world stage has been fostered by technological, economic and social change and has strong potential for promoting media diversity, pluralism of global political visions and intercultural dialog. But overly optimistic assessments of these developments may overlook important features of this proliferation.

#### *Abundance as liberating*

Greater interconnectivity has given rise to competing theories of an emerging news culture in a globalized media landscape. The expansion of both producers and means of distribution of journalism has led some to offer more hopeful views of journalism in the 21<sup>st</sup> century and its relationship to perspective plurality and decentralization (c.f. Van Der Haak, Parks, & Castells, 2012). Much of the exuberance stems from the sense that a new communication era has liberated journalism from the grip of national elites that undermined news independence even in democratic media systems. Advances in information technology have

rescued journalism discourses from the bottlenecks that defined broadcasting media,<sup>13</sup> allowing the expansion of those that can produce and disseminate media. The broadening of access to media entails, theoretically, less elite control of public discourse.

The sense of new abundance in the globalized media environment for journalism has led Brian McNair (2006) to develop what he calls the “chaos paradigm” to understand the new “non-linear” nature of contemporary communication processes. McNair downplays the explanatory power of the older “control paradigm.” A chaos paradigm, he outlines,

. . . makes more transparent the idea that social processes *are* chaotic: contingent and unpredictable in their evolution, despite intense efforts to manage them by social actors; that power in a globalised, mediated world has become more fluid and fragile, no longer monopolized by ruling classes whose dominance is pre-determined by structural advantage.

In the context of globalised news culture, to talk about chaos is to argue that the journalistic environment, far from being an instrument or apparatus of social control by a dominant elite, has become more like the weather . . . . Like storm fronts, journalistic information flows around the world in globally connected streams of real-time data, forming stories which become news and then descend through the networked nodes of the world wide web to impact on national public spheres. (2006, p. xviii)

Theorists of global media like McNair and Castells (2009) see positive potential for resistance through network models of communication power, and there is clear evidence that elite control of the sort McNair envisions would fail in a modern media environment.

These optimistic points have merit, but require important qualifications. McNair places high hopes in the democratizing potential of media abundance and international flows of information. He says, “it is neither naïve nor utopian to speculate that the recent expansion of

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<sup>13</sup> For example, the cozy relationship between establishment journalism and elite political figures typified U.S. journalism’s “high modern” period after World War Two (Hallin, 1994).

global news culture . . . can facilitate democratic progress at the global level” (2006, p. 4). But McNair’s broad view of a journalism liberated from elite influence in the global age too quickly dismisses enduring forms of control. His emphasis on rebuking the idea that the elites can dictate through a new media environment risks losing sight of the continuing forms of inequality engendered by systemic preference for profit and exclusive norms in media policy. Changes in the global media landscape have potential for disrupting concentrations of power, but governmental and industrial regulation still play a heavy role in determining the nature of what can appear in North America. It is hardly “chaos” that guides executive decisions at Time-Warner and Disney.

One aspect missing in McNair’s overarching formulation of a liberated journalism environment is the multifaceted role of capital in managing that chaos. His broad claim that “journalistic organisations and the professionals who staff them [are] more independent and disruptive of power in their communicative activity than their allotted role in critical media sociology . . . has allowed” fails to account for more nuanced understandings of “informational biases” in producing journalism (Bennett, 2011), journalism produced under conditions of systemic hypercommercialism (Robert Waterman McChesney, 2004), and the role of industrial/business interests in guiding policy decisions about the use of technologies and infrastructure (D. Schiller, 1982, 2007). As Marc Raboy (2002, p. 9) has argued regarding policy in the new millennium, “the only actor successful at pursuing an agenda with anything approaching consistency is the transnational private sector . . . concrete media policy developments at every level are clearly being driven by economic concerns.” Indeed, critical media theorists like Dan Schiller (in Valdivia, 2003, p. 140) have consistently pointed to the larger political economy of global culture industries that structure the appearance of abundance:



Genuine cultural diversity would be predicated on a rough measure of equality: comparable opportunities for training, program production and distribution would be equitably available to would-be creators worldwide. Widespread audience access to program offerings hailing from across the globe, and representing diverse idioms and points of view, would be routine.

However,

To an unprecedented extent, indeed, the walls of the corporate imagination enclose the immensity of global cultural production. Transnational purveyors of the corporate-commercial model have been largely freed to pursue accumulation strategies with local partners as a matter of mutually self-interested private negotiation.

Finally, theorizing a new paradigm in which attempts at control are weakened due to the condition of communication abundance sidesteps changes in media technologies. Markus Prior (2007), for instance, convincingly argues that abundance in media environment and the consequent variety of choice leads to political inequality. Even if journalism is freer from elite dictation than a previous era, increased media choice for media users, Prior points out, “also causes increasing segmentation between news and entertainment fans” (2007, p. 274). The downside of abundance may be a growing division between those with the political know-how journalism offers and those who no longer encounter news as they once had in the “low-choice” broadcast-era. A high-choice media environment may have negative consequences for broad-based democracy since many may cut out news from media diets entirely.

The hope in communication abundance is in its ability to decentralize power. News in a globalized world, in this vision, leads to a *positive* plurality of interactive publics. The proliferation of channels of communication, increased reach of media and greater “choice” in a market for media can, however, coexist with power asymmetries (Karppinen, 2013, p. 52). There remains an urgent need to examine the new lines of power that guide this proliferation and the major forces that take part in sorting the abundance. Theoretical glorification of the diminished

ability of elite and corporate policing of information flows risks ignoring significant anti-democratic forces shaping media environments.

*The national level in media globalization*

Perhaps one of the most important features of news contraflow into North America is the national interest supporting new producers and subsidizing media network reach into foreign media markets. The pronounced role of national interests in making South-North news contraflow viable highlights the role of the nation-state in processes of media globalization.

As mentioned in the introduction, the mix of private economic and government purposes has produced categories of news that defy overly simplistic typologies. Oliver Boyd-Barrett (in Ingrid Volkmer, 2012) has noted how theory development of news agencies has lagged behind mapping this broader terrain of news production. He describes one striking absence in the study of global news:

State-owned or controlled agencies have attracted less attention than independent agencies because there is a loose but uniformed belief that simply because an agency may be subject to state control it is somehow unworthy of serious attention (perhaps because it does not subscribe to how Western journalists and scholars feel the world ought to be run), whereas even momentary reflection would suggest that a state agency is at least as interesting as any other. (2012, p. 340)

China Central Television (CCTV) and Al Jazeera (AJ) are examples of contraflow yet also illustrate the confluence in funding sources for global news production. They provide compelling case studies for analysis of how the mixing of market and governmental imperatives in international news shapes transnational public spheres. The mixed funding technique that has gained prominence in increased news contraflow highlights the enduring importance of the nation for transnational news dynamics.

With Thussu, I feature the prominence of state-sponsorship and emphasize that this takes

place within an encompassing market-orientation of the global media system. Contraflow has grown out of the broader shift to market mechanisms and the “[g]radual commercialisation of media systems around the world,” creating “new private networks that are primarily interested in markets and advertising revenues” (2009, p. 222). Commenting on China’s state broadcaster’s recent expansion into the increasingly commercialized global media environment, he notes how China’s effort “reflects the recognition by the Beijing authorities of the importance of the English language as the key to success for global commerce and communication and their strategy to bring Chinese public diplomacy to a global audience” (2009, p. 223). Though “nationality scarcely matters” for private media networks according to Thussu, I argue that we need to recognize news, as a form of public diplomacy, maintains a nationalist agenda in global flows of information.

The news organizations examined in this dissertation are examples of translocal media, media producers that use regional satellite platforms to reach foreign national audiences and subnational cultures within national settings (J. D. Straubhaar, 2007, pp. 74–75). Though media is translocal, flows remain shaped by nations in important ways, despite speculation on the disappearance of the nation (Morris & Waisbord, 2001). Platforms for media globalization carry with them the nation as formative element in both production (i.e. news as diplomacy) and reception (i.e. national regulatory policy and roughly national media markets).<sup>14</sup> Nation-states support transnational flows while national policy limits and conditions their reception. The nation, despite the weakening of the welfare state model, remains central as a unit of analysis despite criticism of methodological over-emphasis on the national level (Aksoy & Robins, 2003;

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<sup>14</sup>I detail the state’s role in production in chapters 2 and 3 and examine U.S. and Canadian reception in chapters 4, 5 and 6.

Kavoori, 2009).

Scholarly assessments of contraflow have criticized assumptions that underlie the term “contraflow” itself. From the perspective of transnational cultural studies, Anandam P. Kavoori (in D. K. Thussu, 2007, p. 49) suggests studies of contraflow have assumed stable spatial locations as units of analysis (i.e. East-West; North-South; national origins). Spatial flow does not account for the “deterritorialization of cultural products.” He defines contraflow in a way that deepens theoretical considerations and unpacks static categories used to assess the phenomenon. He writes,

Media contra-flows are the semantic and imaginative referents for the institutional, cultural and political matrix of a world framed by processes of global cultural power and local negotiation: a world experienced through the identity politics of nations, individuals and cultures and negotiated through contestations of locality, nationality and global citizenship.

Kavoori’s definition moves away from focuses on “institutional and political arrangements” premised on “unreflexive Western dominance” to consider the “cultural and symbolic world of lived experience” (2007, pp. 51–52).

Though this study departs from Kavoori’s emphasis on the lived experience of contraflow to focus on the institutional aspects of news organizations and regulatory policy, a postcolonial critique of common analytic categories is relevant for institutional approaches as well. It points to the need to disengage from assumptions about the cultural autonomy of developed national settings and opens the study of contraflow to consider the contests over identity and belonging within developed nations. It highlights how contraflow is fundamentally about symbolic power and how expressions of cultural identity take place beyond as well as within institutional settings like regulatory bodies and industry boardrooms.

Deterritorialization, however, cannot be a premise to ignore efforts to reassert boundaries

and territorial sovereignty. Contests over new flows from “east to west” illustrate how static forms of social belonging (i.e. nationally bound identity or notions of cultural purity) exert considerable force to maintain these borders. Opposition to foreign media in North America seeks to exclude symbolic discourses according to national priorities voiced by media activists. In sum, the path to symbolic power remains bound up with national institutional arrangements, industrial conditions and policies that influence production and reception of flows.

The diversification of media production for North American audiences (Cushion, 2010) has changed media policy venues. Increased foreign investment in North American markets entails an expansion of stakeholder interest in global media flows. Power, however, is uneven, and nation-states continue to wield significant resources in the creation and distribution of images. This view of power points to the *material* base for the control of symbolic environments. For example, ethnic Chinese communities in Canada may resist mediated representations of their community in Chinese exports to North America. They do so with small-circulation, independent publications, but the limited resources of a volunteerist, local media operation have little hope in rivaling the scale and institutional power of the Chinese state.

Uneven relationships in media globalization like this bring up another characteristic of contraflow that leads me to reassert a focus on the national level. The division between state and private media has blurred, making it necessary to evaluate flows of media into North America by considering obscured geopolitical interests that animate the production and dissemination of news.<sup>15</sup> Funding models that blend the purposes of state media and the resources of commercial media reflect what I call hybrid funding technique. The blending of state and commercial

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<sup>15</sup> This obscurity of national sponsorship in contraflows is especially pronounced in the case of Al Jazeera. National ambition is more obvious in China’s state media.

resources is the result of state media's engagement with the larger commercial and privatized context of *national* communication policy. This term intends to call attention to the pattern of foreign state investments in gaining representation in target markets (public diplomacy) and, consequently, the necessity of state media organizations to engage with media markets *on commercial terms* to reach geopolitically valuable publics in North America.

*Contraflow and neoliberalism: states of commerce*

I refer to this mix of state and commercial motivations exerting influence in international media flows as *neoliberal contraflow*: the increased flow of media from the developing world as conducted by the international communication environment shaped by neoliberalism. To be clear, I do not use the term to emphasize how agents of contraflow are mere commercial entities resulting from a broad trend toward privatization. This use of neoliberalism would ignore the role of government in the expansion of foreign networks. Nor does this term indicate a purely commercial global media environment which state-backed media companies like Al Jazeera and CCTV must navigate. This would ignore the role of the state in structuring, through policy and other means, a communication landscape favorable to corporate capital and industrial empowerment. Rather, I follow David Harvey's (2007) interpretation of the "neoliberal condition" in which the role of the state has transformed, incrementally shedding public-minded programs and shifting asset resources into the private realm. The term helpfully highlights state intervention in global flows by strategic use of the commercial interests in media and journalism industries. The industries specific to this study include commercially-oriented distributors, transnational marketing/advertising firms and transnational media firms. As the case studies in the following chapters document, the entry of non-Western news producers has proceeded through accords between major commercial and state stakeholders in global communication.

What is the role of the state in these developing patterns of international news flows? At the onset of the 21<sup>st</sup> century, Dan Schiller (2001) noted that, historically, the role of capital in electronic communications has been limited by the state. The most significant influence in the reorganization of world communications, he observed, was capital:

. . . the current reorganization of world communications is historically significant, because and insofar as it is placing the field of electronic communications on a unified and ubiquitous capital basis. In our era, in turn, capital's demands predominate in redefining the social purposes and institutional functions of world communications (2001, p. 51).

International news broadcasters make up a fraction of the broader communication landscape Schiller describes. Still, at first glance, the mixed funding models pursued by Al Jazeera and CCTV in the decade following Schiller's observation seem like a reassertion of the political state in defining the social purpose of international communication. The state funding and national interests that animate international news production, however, should be understood as the reassertion of the state within a larger pattern of governance defined by neoliberalism. The role of the state in Al Jazeera and CCTV's development underscores accords between the interests of powerful state and capital configurations.

Following Schiller's reasoning, the theoretical frame for the models of contraflow in this dissertation emphasizes the role of what might be called the "capitalist state." As a term, the capitalist state suggests an ongoing erosion of the distinction between governments and private capital that defined 20<sup>th</sup> century models of media governance. Earlier eras were defined by public governance of media, strong regulatory authority through public-service licensing and the production of media through government-sanctioned monopolies (i.e. the British Broadcasting Corporation). Government played a strong institutional role in shaping national media, particularly in the European experience. In line with Schiller's observation, state-backed news

organizations have developed along patterns that suggest this commercial basis in which regulatory power has shifted away from government institutional frameworks in many parts of the Western world (see also Chakravartty & Sarikakis, 2006). While national interests provide funding for the production of geopolitically motivated news media, CCTV and Al Jazeera compete with commercial rivals and within a larger commercial distribution system. This distribution system, in turn, is shaped by North American policy environment.

Harvey (2007) points out that neoliberalization is not simply the erosion of the welfare state and the dismantling of 20<sup>th</sup> century programs of embedded liberalism. In Harvey's usage, the term captures the explicit marshaling of state power to favor corporate interests and, by extension, the reassertion of class power, what Harvey calls "accumulation by dispossession" as the state take a proactive role in moving more and more assets out of state administration and into the marketplace. The state, rather than functioning as a public welfare-minded check on commercial interests, adapts to and accommodates corporate-commercial needs. Harvey:

Behind these major shifts in social policy lie important structural changes in the nature of governance. Given the neoliberal suspicion of democracy, a way has to be found to integrate state decision-making into the dynamics of capital accumulation and the networks of capital accumulation and the networks of class power that are in the process of restoration, or, as in China and Russia, in formation. (2007, p. 76)

This is the larger political economic context in which non-Western news has risen to the global stage. The phenomenon of 21<sup>st</sup> century contraflow and the creation of a more "even" international communication environment is marred by the larger context of neoliberalism's policy influence. This influence can be seen in both the production and global distribution of contraflow.



The first process, production, is rather clear. The rise of new news producers has relied on considerable investment on the part of national sponsors in creating news organizations and funding the move into international distribution. Neither CCTV nor Al Jazeera would exist without the initiative of state actors. These new news organizations, however, show characteristics that depart from classic forms of state-run media. This is mainly because of the adaptations these organizations undertake as a means to function within the larger commercial environment.

Second, the systems of media governance through which agents of contraflow like CCTV and Al Jazeera must negotiate to gain distribution in North America are also inflected by aspects of the larger neoliberal environment of media flows. Inking deals with private U.S. corporations like Comcast, Verizon and Time-Warner Cable forces these agents of contraflow to participate in the commercial media environment. The desire for broad distribution to North American audiences requires these state-created news producers interact with the larger corporate commercial environment and adopt the standards commonly applied to commercial content providers to demonstrate market viability, ratings figures and demonstrable advertiser interest foremost among them.

A theory of the capitalist state could provide an explanation of these trends as states become more than handmaidens to capital interests. As the examples of Al Jazeera and CCTV show, they increasingly participate as market players to fulfill state policy goals through communication. Overarching features of the collusion (rather than collision) of state and capitalist motivations related to contraflow include:

- the appropriation of commercial mechanisms to carry nationalist programming into foreign media systems;
- the restructuring of diplomatic tools to function within the larger commercial field: state

media organizations remodel operations to resemble transnational commercial enterprises;

- corporate leadership in processes that bring foreign news before national regulatory bodies;
- state-owned enterprises (SOEs) engage in mergers and acquisitions to mirror patterns of industry concentration of major commercial media operations and match buying power of transnational, private media firms;
- the use of government-sanctioned monopoly power to attract advertising revenues.

This mix of political and commercial motivations provides more evidence for the state support of corporate capital, illustrating the ability of state power, as in the case of state-owned news networks, to adopt the logic of capital and, on the other hand, the willingness of capital to accommodate the needs of emerging state power. Advertisers and the larger commercial complex in which they function have served to buttress state communication power. State media respond by reorganizing to function more like corporate institutions, taking on formal structures of corporate media enterprises. Contraflow, though often “valorized” as a challenge to Western hegemony, illustrates the strategic adaptation of state power within the context of a broad shift to market determinants over and against public-interest government intervention in communication industries. As Thussu (2009) has suggested, contraflow may represent a reconfiguration of hegemonic power rather than resistance.

Neoliberal contraflow, as a descriptive concept, highlights the relationship between government-supported foreign news organizations and the encompassing global communication policy environment. As I argue further in chapters two and three, state news media organizations have adapted their funding structures, news media exports, and organization of assets to gain market access in North America. This helps explain why several new international news organizations seem to act as advertising-hungry TNCs at one moment and diplomatic organs in the next. This explanatory perspective challenges celebrations of an age of media abundance by

reasserting questions of power and agency in light of the larger structures that create the appearance of plurality.

Rather than celebrating abundance as a means of liberating publics from elite control, a more nuanced approach considers agency within these larger structures. Joseph Straubhaar's (2007, p. 8) model for world television reconciles the competing views that either favor structure as determinant or agency of media users: "[t]he main structuring elements for world television are: economic frameworks, technological bases, institutional forms of organization and operation, genres and forms of television content, and enduring cultural definitions and values." Straubhaar proposes an analytic structure for the study of global television culture industries in which flow and reception are "bounded but not determined by political, economic, and institutional structures" while "structures offer resources and constraints on cultural agents." Finally, "rules and patterns" within these structural boundaries are created by institutions and those laboring within them.

To analyze power in the reversed flows of news, we must attend both agency and the governing structures that enable and limit the power of stakeholders in flows of media. Criticism of a national focus in studying contraflow serves to emphasize that the nation is only one level that informs processes of media globalization. The interaction between stakeholders at multiple levels constitutes a more holistic model for assessing functions of power related to contraflow. These stakeholders include subnational communities, nations and firms existing at the multiple levels of media globalization. Power is expressed in the interaction between these levels.

*Levels of interaction and stakeholders: democratic governance and media globalization*

Global governance of media flows is not robust as a broad-based and participatory political process. Relevant economic organizations like the World Trade Organization (WTO)

and similar multinational economic partnerships like the North Atlantic Free Trade Agreement (NAFTA) have remained beyond meaningful public scrutiny and, in fact, often work against national public-interest policies (in Ingrid Volkmer, 2012, p. 339). Organizations such as the World Summit on the Information Society (WSIS) have created some political space for autonomous civil society groups (M. Raboy, 2004), but the state and its relationship to transnational economic actors remain crucial. This means global flows are governed in a piecemeal fashion, each national setting providing the legal and cultural-normative parameters that shape the role of foreign news within a national media system.

While the nation has reemerged in research approaches to global communication, uneven relationships in the international community are also enduring features of critical studies of international communication. Dependence theory of the 1970s detailed relative power among nations, using models of center and periphery (Galtung, 1971) and core-periphery-semiperiphery (Wallerstein, 1979) to outline dependent development that constrains the production and circulation of world media. More recent models of world television have proposed gradations of regional power that recognize the emergence of more and less powerful media hubs in which media flows take shape around emerging media powers (J. D. Straubhaar, 2007, p. 109). A gradation framework recognizes the rise of regional media powers in which media producers become dominant exporters to surrounding national markets (see also Thussu, 2007). This new configuration has led Joseph Straubhaar (2007, p. 22) to reinterpret “asymmetrical interdependence” as “the variety of possible relationships in which countries find themselves unequal but possessing variable degrees of power and initiative in politics, economics, technological capability, and culture.”

Asymmetrical Interdependence is a useful theory for the analysis of contraflow into the

industrialized media systems of North America. First, “interdependence” corrects views that position industrialized media systems as the impenetrable core and emanating source of globalization. Where “notions of an unreflexive Western dominance,” in Kavoori’s phrasing, would overlook Canadian and U.S. responses to these flows, an interdependence frame makes them more visible. Second, the model highlights the economic empowerment of new nations and the growth of transnational news production stemming from increased global economic parity.<sup>16</sup> The emergence of greater South-North flows provides an opportunity to examine how former “centers” as regulators of imported media. Analysis of contraflow from this perspective means “viewing global, regional, national, and local actors as part of an interdependency that is dynamic but asymmetrical, with growth and change in uneven and changing degrees” (J. D. Straubhaar, 2007, p. 22). Such an approach provides insights on how transnational public spheres take shape and how contested boundaries that facilitate or interrupt transnational news flows are reconfigured through cultural struggle.

The study of news contraflow into Canada and the United States sheds light on inequality of communication power among nations while pointing to these additional levels of interaction within and beyond the nation-state. The process of institutional reception involves interactions among local, subnational, national, and transnational stakeholders. Scholars of transnational media and related social phenomenon have noted the need for clarity of terms in globalization

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<sup>16</sup> Straubhaar, Chalaby, Thussu and other analysts of world television focus on the rise of non-U.S. programming in transnational contexts. The focus of these scholars is on developments beyond the Western world. While this focus is clearly valuable, there is less attention to how the growth of independent news networks gain distribution. Frameworks recognize new transnational media companies and South-South flows but rarely take the next step in their analysis of a new “cosmopolitan” media culture: is this new world of television gaining ground within industrialized media systems? If so, how? If not, why?

research (see Boli and Petrova in Ritzer, 2007). Again, Straubhaar is instructive:

One important theoretical and analytical point is to disentangle what is national, what is global and what is perhaps most clearly seen as transnational. . . . Several of the emerging media and cultural exporters . . . are even stronger in markets or cultural spaces that are regional (geographically contiguous spaces or markets like South or East Asia) or cultural-linguistic, that is, geographically dispersed but culturally and linguistically linked markets or spaces like the widely dispersed Anglophone or Lusophone cultural markets. (2010a, p. 258)

He goes on to describe how emerging media powers might progress through these various levels of engagement with cultural-linguistic markets like North America:

It might be theoretically interesting, therefore, to think of emerging media and cultural powers as those who work first from a strong home base, either large or affluent or both. Secondly, it seems that emerging powers build next on an important regional or cultural-linguistic market base in which they are to some degree also dominant. Then, thirdly, we may see them emerging as truly global media or cultural export powers, reaching first to diasporas, then to more truly global audiences in the case of China and India, or moving directly to export as in the case of Brazilian television. (2010, p. 258)

Other scholars have wrestled with these levels of globalization in considering emerging media powers as well. In her study of Chinese news, Xin Xin (2012, p. 6) calls attention to both the national level of analysis and the need to focus on the interaction between these levels of media globalization. “. . . the ‘national,’ although literally invisible in the global/local nexus, remains important to the globalization debate. . . . the global/national/local triad, with a focus on the interactions between global, national, and local actors, provides a better analytic framework . . .” I make similar distinctions in studying the interactions between national regulatory stakeholders and their relationship to transnational media producers like CCTV and Al Jazeera. The national space remains important in the definition of global media circulation as the

institutional space governing the interaction of these stakeholders in policy processes.<sup>17</sup>

Discussions of globalization as “cosmopolitanism” likewise frame it as in opposition to nationalism. Globalization’s gain, in this view, is nationalism’s loss. However, both nationalism and forms of cosmopolitanism play roles in modern information and communication technologies that do not map onto this zero-sum framework. In her study of media and nationalism, Mihelj (2011) rejects the dichotomy. She argues that the process of globalization *requires* the “grammar of nationhood” . . . which “constitutes one of its fundamental premises” (29).

While globalization theory may be helpful in charting the intensification, proliferation and speeding-up of transnational networks and flows across a range of political, economic as well as cultural spheres, it often exaggerates the novelty and extent of these processes, and downplays the persistence of various forms of segregation and exclusion. (2011, pp. 29–30)

Globalization, in this perspective, is seen as another stage of the nation-state system: its global rise.<sup>18</sup>

With the reassertion of the nation as an important part of global media analysis, there is a growing consensus that formerly discreet levels of media globalization are now less distinct. Jean Chalaby (2005, p. 32) has used the term cosmopolitanization to describe a new “era” in

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<sup>17</sup> It is important to note, however, that news contraflow into Canadian and U.S. media systems makes these debates a matter of geopolitical concern. Thus, media policy regimes in North America are increasingly questions that relate to foreign policy and subnational communities’ relationship to foreign states seeking a voice within developed commercial media systems.

<sup>18</sup> The continuing role of national influence on the nature of a global public sphere helps explain the cases of Canadian and U.S. media spaces. Institutional analysis of foreign media reception suggests the media systems of the United States and Canada, despite the rhetoric of free flow and multiculturalism respectively, limit the viability of foreign media integration. These limits, examples of what might be called media or informational borders, stem from the interaction of structural and cultural factors. I emphasize structural constraints of economic conditions and government policy as primary influences in this process, but it is important to recognize how media norms take both socio-cultural and legal-regulatory forms. For example, broadly held expectations of news impartiality are cultural norms but take clear legal form in regulation prohibiting abusive language that targets ethnic groups.

international communication:

The distinctive feature of the current era is cosmopolitanization. Once, international communication reinforced nation-states, then it linked them together, and today it is transforming their very fabric. International communication is restructuring media flows at up to four levels (local, national, regional and global), involving a complex network of companies, products and audiences. . . . This period is not so much characterized by the creation of a new layer of communication flow but by the enmeshing of these four levels.

New dynamism in flows of news have the effect of expanding the stakeholders in North American media policy (Braman, 2004), eliciting support and rejection of non-Western media at multiple levels (see Figure 1).

With such an expansion of stakeholders and new power relationships stemming from such expansion, the question of democratic governance of these flows becomes more pressing. The analysis of institutional reception taken up in this dissertation documents the constellation of interests that influence foreign media entry into national public spheres and the strain placed on national policy principles related to foreign news integration. The processes of institutional reception array these political coalitions against one another, opening up the discussion of contraflow to a more focused study of the regulatory principles (i.e. pluralism, multiculturalism, free markets, free expression and viewpoint diversity) that govern the interaction between these levels in advanced democracies and shape how participants can effect change.

Though a good model includes this multilevel variety of policy stakeholders, commercial interests and foreign political interests possess disproportionate influence in foreign televisual flows, shaping the diversity of foreign media in North America (Hackett & Zhao, 2005). Various subnational publics have relatively limited ability to influence these decisions. As Zhao and Hackett (2005, p. xi) observe, active civil society must engage these decisions to turn media abundance to democratically meaningful purposes. “Porous international borders” they note “. . .



have allowed ‘foreign’ media to penetrate the domestic domain and question state hegemonic projects,” but the potential for pluralism and inclusion of alternative views is contingent on a “democratic social consciousness.”

Working against this hopeful vision of democratized power of “the public” is social and political division within national settings. This subnational dimension is a place of contest rather than the often imagined unified national public under the protection of national policy. Where citizen voices gain traction in public discourse and policy arenas, there is no unified public voice. Rather, subnational publics can fight among themselves for the interests of their specific identity enclave, opposing foreign perspectives that may bring increased visibility to one group while threatening the political standing of another. Detailing relationships between these subnational stakeholders within the context of national policy is important to assess North America’s engagement with foreign media. National media policy principles, in turn, govern decisions about who benefits from the availability of foreign news flows.

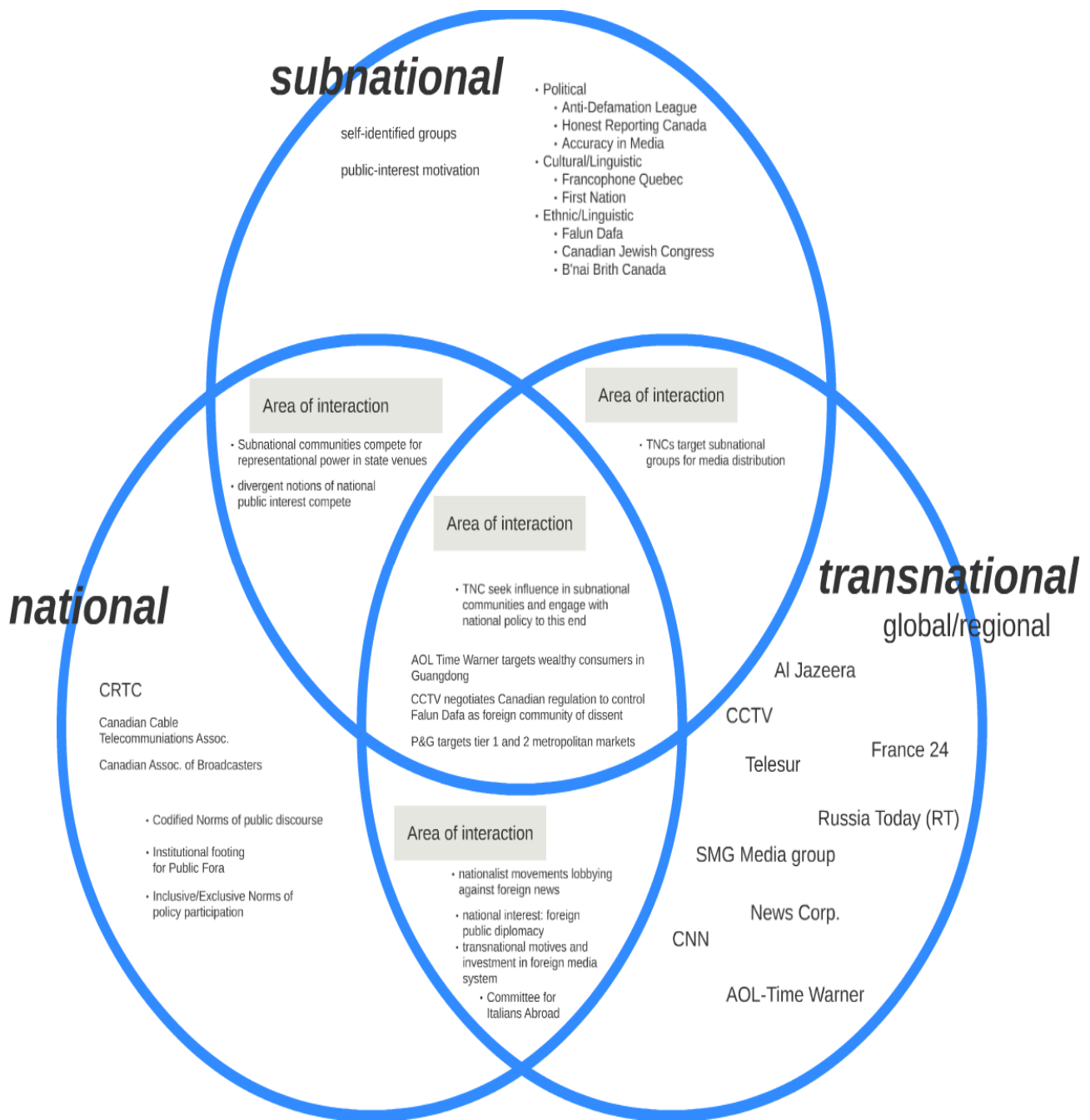


Figure 1: Media policy stakeholders are a “complex network” of stakeholders at multiple levels that seek to influence national policy in response to the introduction of foreign news to the public spheres of the United States and Canada.

*The political economy of contraflow and the “market for loyalties”*

In his discussion of the “growing reverse traffic” in media flows, Thussu (2007, p. 4) brings up the question of contraflow’s potential to pluralize media systems and to represent the unrepresented. “Will contra-flow of media lead to greater empowerment of cultures and mediated symbols often in the margins of globalisation discourse and will this be achieved at the loss of influence and authority among the cultures that have dominated media flows?” Taking Thussu’s question further, we can ask if empowerment of “the margins” is not a question of distribution as much as production. Indeed, the reversal of flows implies not only the growth of non-Western media production but the flow “back” to dominant centers. A critical theory of contraflow into North America must address the legal, normative and economic factors that condition the entry of foreign news into North America and evaluate forms of power expressed in decisions about the integration of voices that might empower the marginalized.

The study of contraflow into the commercial markets of North America shifts the focus of older models of critical political economy. Rather than framing asymmetry as the flow *from* major industrialized commercial conglomerates to “the rest,” it is important to call attention to the role of industrialized media systems in maintaining global communication asymmetry in which the Global South remains underreported and foreign public opinion remains obscure and distorted (see Iskandar, Adel, 2005; Mody, 2010; Pieterse, 2008).<sup>19</sup> It is important to examine North American responses to the proliferation of foreign news, particularly in light of the shifting economic fortunes in late capitalism. Not surprisingly, changes in communication production map onto this multipolar economic world in terms of both the scope of producers of

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<sup>19</sup> This approach is a departure from studies of resistance to US media exports, both the historic forms like those associated with the New World Information and Communication Order (NWICO) and more contemporary analysis of the “limits” of liberalization as offered by Goff (2006) and others.

communication services and reconfigurations in the borders created by structures of reception at the national level (J. M. Chan & McIntyre, 2002; Monroe E. Price, 2009). Refocusing political economic analysis to more fully account for limits to flows *into* heavily commercial media systems is crucial to more fully account for the functional dynamics of global media integration and the anti-hegemonic potential of contraflow.

An advantage of political economic analysis of media is its recognition that markets are constructed through political work and are, therefore, subject to change (Mosco, 1996). Conglomeration, concentration, and oligopolistic market conditions in both production and distribution are created and maintained by political decisions. Regulatory environments create favorable conditions for some and disadvantage others. The role of public and private institutions in reception is most effectively discussed in light of the integration of these models, accounting for economic and political institutions that maintain an unequal international communication landscape and, at once, produce resistance to such inequality in the process of global encounters among stakeholders with sharply different degrees of power (Chakravartty & Zhao, 2008).

Critical political economy of media flows sensitized to the exclusive/inclusive function of regulatory normativity is essential for a complete picture of the degree to which the proliferation of televisual news from the Global South truly provides a means to new forms of plurality within the regulatory structures of developed democratic media systems. The United States and, increasingly, Canada, are high-water marks for the program of economic liberalization of communication industries.<sup>20</sup> But, as I have argued, the larger context of media policy, defined by

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<sup>20</sup> This led Hallin and Mancini (2005) to categorize the Canadian system as exemplary of the “liberal” media system model. Hallin and Mancini add Canada to the list of liberal media systems though with the caveat that substantial distinctions between the two existed. Many aspects of the Canadian system are uncharacteristic of the liberal model. My analysis in later chapters distinguishes between the Canadian and U.S. models of foreign media regulation as

the transformation of the state to facilitate liberalization and privatization, is a global trend that constrains and shapes contemporary contraflow.

*Neoliberalism as “governing context” of contraflow into North America*

Much critical work has focused on the neoliberalization of media policy regimes in specific national settings. Chakravartty and Zhao (2008, p. 4) define neoliberalism as “a political philosophy rooted in the claim that the market is more rational than the state in the redistribution of public resources and is based on a ‘return’ to individualism animated by the modern notion of consumer sovereignty.” Critical scholars of global communication have pointed to macroeconomic developments reshaping global media patterns (Robert W. McChesney & Schiller, 2003). Neoliberal economic policy, though not supranational governance strictly speaking, has transformed national and regional media systems. Some effects have been the growth of commercial models of production, the defunding of public-service media and the eclipse of public-interest values in a march toward a so-called deregulated model. This transformation coincides with the period during which the political momentum of NWICO and its focus on free *and even* flow of information stalled (Frau-Meigs, Nicey, Palmer, Pohle, & Tupper, 2012).<sup>21</sup> As economic liberalism experienced rebirth in Britain and the United States (D.

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Welfare Liberalism and Market Liberalism respectively. The research conducted for this dissertation tends to highlight the difference between Canadian and US regulatory practices to the degree that a systematic comparison of policy regimes can be made. US and Canada appear closer in geography than in philosophies of media governance, neoliberalization notwithstanding.

<sup>21</sup> Kaarle Nordenstreng described the NWICO movement for greater parity in global communication among developed and developing media systems as meaningful in terms of the debates inspired rather than tangible change to policies governing media flows. The emergence of news organizations from the Global South and their reach into the former “center” of the center-periphery model should be framed in this longer history. Though recent patterns of contraflow can be viewed as the answer to some of the concerns NWICO activists underlined, the government resources that make them viable and the larger neoliberal structures in which they operate undermine an interpretation that portrays subaltern news as an answer to inequality in global communication.

Baker, 2007; Harvey, 2007), the political momentum for the creation of mechanisms that would promote an even flow diminished (Preston, Schiller, & Herman, 1989). Exported models of neoliberal governance of communication industries have shifted the functions of the state toward partnership models with non-governmental bodies and transnational private capital.

Critical studies of neoliberalism's influence on the "global" communication system often focus on the weakening of the welfare state model and the commercialization of previously nationalized industries in a process of "deregulation." The role of the media-regulating nation-state as public-interest gatekeeper has, under neoliberalism, come to be viewed as inhibiting free trade in information. Chakravarty and Sarikakis (2006, p. 36), however, argue that "the profound changes that take place in the field of communication and media policy should be seen as a kind of 'reregulation' of neoliberal governance." Reregulation calls attention to the myth of an idealized free market in which economic decisions are neutral once shed of government involvement. It also underlines how the reliance on markets as the preferred form of communication governance creates its own form of protectionism, one guided by the needs of massive capital enterprises rather than the public-interest needs of a democratic citizenry. As critical scholars have underlined for decades, market regulation shapes communication spaces (O. Boyd-Barrett, 1998). But popular discussions of national regulation of media, especially in the United States, still tend to dismiss the market as a constraining or diversity-limiting form of regulation.<sup>22</sup> The push of commercial transnational corporate media into authoritarian regimes, News Corps' early dealings with China, for example, entrenches a false dichotomy between government and the market as regulatory forces.

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<sup>22</sup> This is especially the case when traditional forms of censorship, notably used by the governments of China and Qatar domestically, are contrasted with private media seeking to open foreign communication markets.

My discussion of contraflow as conditioned by neoliberalism disrupts this dichotomy by considering the supportive relationship between commercial and state power in global televisual media flows. First, I draw attention to the regulatory power of dominant economic players in national media distribution. Major firms (Canadian Rogers Communication and U.S.-based Comcast, for examples) wield disproportionate power through economies of scale, deciding which media will gain access to a national public through complex commercial negotiations in which state media organizations seek to satisfy commercial gatekeepers. Second, the relationship also points to the use of commercial media firms in executing the diplomatic (or propagandistic) will of authoritarian countries attempting to establish representation in foreign media systems.

*The blindspot in contraflow studies: distribution*

Cold war-styled diplomacy and state-funded international broadcasting operations (i.e. Voice of America) have received generous scholarly attention (Baylouny, 2005; Dabbous & Nasser, 2009; Krugler, 1997; Nelson, 1997). Where questions of foreign media reception do come up, these histories point to the means of resistance employed by the Soviet Union: massive jammers intended to prevent the public reception of signals from broadcast operations like Radio Liberty and Radio Free Europe. For all the merit in advocating for the right of public “to seek, receive and impart information and ideas through any media and regardless of frontiers,” as the UN Declaration of Human Rights lists, analysis of signal jamming<sup>23</sup> can over-invest in narratives about authoritarian governments' struggle to resist “modernizing” and “liberating” forces. The

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<sup>23</sup> The Cold War frame that emphasizes production and the resistance of the oppressive state is still in circulation. Twenty-first century journalistic and academic discussions of Iran’s relationship with the “outside world” and China’s censorship of the Internet are highly redolent of the Cold War frame: authoritarianism cannot resist the twin forces of technology and innate democratic aspirations of their publics.

production-focus of contraflow has overshadowed the equally important conditions of reception, the regulative function of the market as it relates to the representation of global media pluralism.

Analysts of contraflow have tended to detail non-Western producers and the emergence of regional media powers like Japan (Iwabuchi, 2002) and India (Juluri, 2003; Kavoori & Punathambekar, 2008), as I have suggested in the preceding analysis. A focus on contraflow as a set of newly empowered producers can ignore the question of distribution in advanced media markets. Indeed, the steep barriers to entry that characterize developed national economies may make entry difficult for independent media producers except for those backed by transnational corporate capital or the resources of wealthy states. The assessment of global news contraflow is incomplete without careful study of the modes of power and agency in distribution decisions.

Distribution deals make or break commercial upstarts that seek a target number of eyeballs as incentive for advertisers. Distribution deals are also the bread and butter of news operations with diplomatic purposes (Seib, 2012). Global news production-distribution in the first decade of the 21<sup>st</sup> century is a struggle for mediated representation among regional settings within the emergent global public sphere. This struggle takes place in the larger context of an audiovisual system yoked to the “overarching logic of capital accumulation,” but with important qualifications where state power makes use of the commercial calculus to buttress its own political and economic interests. The expansion of the Al Jazeera Network and China Central Television illustrate these struggles over the nature of public spheres in media globalization. With the growing presence of foreign news sources for North American audiences, new conflicts are introduced with multipolar dynamism in communication flows. These struggles are about who will control the changes brought on by media globalization through national media policy and market contexts.



*National media policy in a global context: a foreign media policy?*

To shed more light on this aspect of global communication flows, I follow Monroe Price's turn to "negotiation" as a key part of understanding the role of capital as well as policy in regulating media contraflow. Price's (2004) "market for loyalties" is also a productive lens to discuss questions of contraflow distribution in North America. Price (2004, pp. 31–32) describes the market for loyalties as a media space in which "large-scale competitors for power use the regulation of communications to organize a cartel of imagery and identity among themselves. . . . Management of the market yields the collection of ideas and narratives employed by a dominant group or coalition to maintain power." The market Price identifies produces community identity, and nations are naturally protective of this identity with an interest in maintaining political stability. Globalization of this "market" increases the range of participants in national media regulation, changes the boundaries over which cartels seek managerial control, and forces regulatory bodies to employ rules of "participation and exclusion." This kind of analytic framework puts national responses to pressures exerted by media globalization in a larger context. Government both creates the condition for Price's cartels and participates in the market. Changes in domestic media law will follow when legal frameworks fail to protect the system of relations maintained by existing cartels or when new identities requiring incorporation come onto the stage. As Price explains, "[t]hose in charge of the cartel of loyalties would want to find devices to place the power of destabilizing images in what are deemed safe hands" (2004, p. 41).

As outlined, national and subnational stakeholders like ethnic associations, media activists and other public-interest groups are engaging with emergent transnational voices. The news-production model of diplomacy represented by Al Jazeera and CCTV has led subnational stakeholders to petition national regulators and commercial firms in an attempt to regulate the

flow of these news players according to the needs of the specific publics they represent. These conflicts over media imports into North America effectively position the state as mediator in geopolitical conflicts. Tensions resulting from media contraflow highlight the need to reevaluate national cultural policies in light of novel forms of power introduced by foreign news organizations.

Conflicts over media imports are not new, but the Global South's request for entry into North America with a blended form of news-diplomacy, an aspect of what Joseph Nye called soft power, complicates older models of the regulated national public sphere. Classic models of governmental regulation continue to play a gatekeeper role, and, ideally, protect democratic public interest against the excesses of the market.<sup>24</sup> But the pattern of liberalization noted by communication scholars has had the effect of removing power from view in these processes. Accordingly, Price outlines the need to examine a "hidden 'foreign policy' of the media" as an unexplored site of global media governance. Decision-making in more liberalized media systems have submerged into a less visible realm as major decisions about media imports have receded from arenas of public oversight. To elucidate the reorganization,

. . . we must look at the domestic structures in the receiving countries, structures upon which dependence often still exists. We must see how shifts in those pillars are used to temper the entry of the global players. Indeed, 'law,' in the sense of officially developed norms that control behavior, may be less often the result of unilaterally declared statute or regulation than of negotiation. (2009, p. 202)

What are the means of regulation, political and otherwise, that structure the flow of media

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<sup>24</sup> In Price's theory of television "national" and "public" interest can easily be conflated in *dirigisme* models of media governance. The public is not unified in the way this conflation suggests. Recognizing the heterogeneity of the public is essential in the analysis of distribution and public policy principles governing distribution decisions.

across contemporary borders? Suggesting an “end of television and foreign policy,” Price questions whether a specific kind of foreign policy associated with the era of broadcast television has come to an end. The implication is that the nature of classic broadcasting permitted the closed media borders within an international system but that technological and policy changes have undermined the gatekeeper model of national governance of communication systems. Price’s most important point in speculating on this transition is his emphasis on foreign countries’ investment in the media policy of target nations. He asks “[i]s there what might be called a foreign policy of media structures, namely, an interest by one state (or the international community) in the mode by which media are developed through an interdependent set of nations?” (2009, p. 197).

In line with Price, I argue that North American policies toward foreign media exist, but that the outline of this area of investigation is not yet clear. Price’s question implies a need to shift focus to reception when considering contraflow, the mechanisms that filter and select non-local perspectives for national audiences. Price argues that the “End of TV,” at least as used during the broadcast era, follows from the decline in the state’s ability to control information space. Price defines the nebulous terrain that remains after the loss of older forms of governmental regulation:

. . . voluntary negotiations between states (or between states and media conglomerates) concerning the flow of certain categories of information (for example, hate speech, pornography, and information related to national security) increase – as do the means for states to reinstate their authority. (2009, p. 201)

Price speaks to the means of entry in what might be termed a post-governmental regulatory era. While the classic regulatory role of the state, the gatekeeper model, may be diminishing (or transforming to near unrecognizability), the power of corporate gatekeeping is alive and well,

shaped by the macroeconomic changes of neoliberalism.

Elsewhere, Price (2008) has discussed the regulation of satellite communication as a state intervention. The 20<sup>th</sup> century model rationalized the authority of the state in minding the informational gate to create a distinct public sphere organized around national boundaries.<sup>25</sup> The principle of prior consent multilaterally established a sort of Westphalian agreement to respect the national boundaries despite the diffusion of technology that unavoidably overflowed boundaries. He marks out earlier periods of formal regulation in supranational regimes like the United Nations in contrast to a contemporary period defined by less formal, pragmatic regulation as nations adapted to the new technologies of communication. These informal negotiations are adaptive moves in a sort of protoregulatory soup, a pastiche of efforts to control and direct information flows in the absence of established public policy goals or formal regulatory guidelines at the international level.<sup>26</sup> The resulting responses are piecemeal and often come down to moments when national pressure can be exerted on points of transmission: restrictions on the use of earthbound satellite transponders, threats to leave ownership consortia, the withdrawal of investments when satellite companies broadcast politically sensitive material, etc. The shifts in media governance to what Price calls negotiation gets at the obscure terrain of contemporary global media policy understood as an evolving set of regulatory tools that define the flow of media content.<sup>27</sup>

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<sup>25</sup> “Less formal” also means that these agreements are less centralized and involve less public oversight, making a researcher’s task of systematically treating the subject more difficult but also more necessary.

<sup>26</sup> Price notes how “[t]he effort to launch Al Jazeera English in the United States is a study in informal decision-making and informal government influence that lurks somewhere beneath the radar” (2008, p. 12).

<sup>27</sup> Price (2008, p. 18) observes how some rationales of exclusion have more success this pastiche model of governance: “[t]errorism is the trope that succeeded [as a rationale for prior restraint] where cultural exception, fear of pornography, sweeping cultural imperialism and national identity failed.”

These trends require a redefinition of policy and an expanded notion of regulation.<sup>28</sup>

Where these hidden processes of negotiated regulation can be brought into the light, they need to be subjected to a principled examination for the forms of exclusion they engender. The remainder of the chapter discusses models for assessing the forms of regulation being brought to bear on contraflow. If the rise of new production centers offers an opportunity to embrace global media abundance and fulfill liberal policy goals of diversity and pluralism, it is necessary to examine the actually existing means of selecting and filtering flows.

### *The national public sphere and global pluralism*

I adopt the normative lens of public sphere theory in assessing new patterns of international media regulation. This normative tradition has encountered serious criticism in the wake of a renewed emphasis on theoretical pluralism in media studies. The profound sense of cultural multiplicity instilled by what Anthony Giddens called “the intensification of worldwide social relations” in globalization (1991, p. 64) appears to show the geographic limits of normative theories of media and journalism where they are not blatantly ethnocentric and jingoistic (J. C. Nerone, 1995).<sup>29</sup> Normative communication theory that aspired to be universally applicable to all social and cultural contexts has come to be seen as a vain enterprise. But normative theorizing remains essential. One reason for this is the invisible function of norms within regulatory and cultural settings. For example, the broad liberal consensus that state-

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<sup>28</sup> A broader and more realistic notion of regulatory forces include corporate partnerships, public-interest groups, foreign network availability, market conditions that incentivize independent content producers, the ideological purchase of free expression, its legal execution and which sectors of society can fruitfully make use of free expression arguments in the legal system adjudicating programming and distribution disputes, etc.

<sup>29</sup> See the fuller critique in *Last Rights: Revisiting Four Theories of the Press*.

produced news is necessarily less independent than news generated in a commercial system functions as a normative baseline for public-interest group arguments opposing foreign news entry. In scholarly debates, the sense of multiplicity has led to the rejection of grand theory, leading many to abandon prescriptive analysis for mere description. But, as Christians and his co-authors (2009, p. 16) note,

a normative level of theorizing still occupies a central place in communication studies, with many issues of law, policy and governance being highlighted by current changes in media technology and structure, as well as by the pressures on media freedom stemming from the so-called war on terror.

Public sphere theory has undergone a torturous and somewhat inconclusive process of critique and revision since its initial theorization with founding figures like Walter Lippmann, Hannah Arendt, John Dewey and Jürgen Habermas (Boeder & Dahlgren, 2005; Calhoun, 2002; Crossley & Roberts, 2004; Robbins & Social Text Collective, 1993). Crucial reconsiderations, deconstruction and reconstruction of the theory have questioned very basic elements in light of changes for inclusive civil society and the expanding capacity for global communication: the gendered and sexed nature of the public; the divisions between what have been matters of public debate versus those matters confined to the privacy of “the household;” divisions between high and low culture; the appreciation of what Arendt called the realm of “Action” over the feminine realm of gossip and entertainment media.

These earlier models of the public’s relationship to media and the state have felt the tectonic shifts of civil rights (Squires, 2002), global multiculturalism (S. A. Gunaratne, 2006), gender empowerment (Nancy Fraser, 1990) and queer theory (Warner, 2002). The ideal public sphere was a place for independent voices engaged in reasonable dialog, but these critiques demonstrated how the public sphere was a place of enforced silences as well. In line with these

critiques and reformulations, the globalization of media industries and news has forced public sphere theorists to recognize the limits of a Habermas's ([1962] 1991) original conception. Given the advent of globalization as a social reality for publics in the late 20<sup>th</sup> century, I emphasize important reassessments related to media and the challenges to any culturally specific normative framework for assessing media performance (c.f. Garnham, 2000). I then turn to more recent work on the concept of the public sphere to develop a critical approach to actually existing media governance as it relates for foreign media flows into North America.

Substantial revision of public sphere theory has thrown into question whether the theory can still provide insight. All that is left, some argue, is an outdated and historically/geographically specific set of idealized prescriptions about the relationship among publics, the state and the media (for criticism, see Crossley & Roberts, 2004). Public sphere theory is tested by the intensification of international communication flows. As Nancy Fraser (2007) has convincingly argued in her critique of Habermas's idealized model of 18<sup>th</sup> century print culture, the public sphere is bound by the nation-state, fundamentally disabling it as a functional theory for global media. The theory cannot be effectively applied to satellite broadcasting or publics that exist in transnational space. The idea of a "non-national public sphere" is oxymoronic since basic features of the public as classically theorized depend on the nation (as national parliament) to provide for the actualization of public will formed through and identified with independent news media.

Though transnational publics and diasporic publics appear to lack the basic features required to apply public sphere theory, those elements of the theory that warn of government and commercial forces undercutting the independence of media remain valuable. On the whole, even critiques of Habermas's idealized public sphere tend to see the initial value in media functioning

as a space for autonomous public discussion as a means for self-government. One of the central tasks of public sphere theorists in the 21<sup>st</sup> century is to reinvigorate the democratic spirit of the public sphere, reconstructing its models to account for new patterns of communication flows. To move public sphere theory forward, we need to look at the contemporary conditions that have challenged its relevance. Theories of international communication flows and institutional analysis of production capacities and reception structures are necessary components of a fuller assessment of these new dynamic flows and the roles of power and agency bound up with new forms of regulation of foreign media flows.

#### *Radical-pluralist critique of national regulation*

The rise of news media from the Global South has clear consequences for principles of pluralism common to democratic theories of media like the public sphere, both as a subject of theory and practical policy decision-making. Critical attention to conceptualizations of pluralism in democratic media systems is essential, and naïve celebrations of diversity can fail to identify the role of power in media and decisions about media flows. Analyses of institutions and stakeholders in the process of regulating media flows can become blind to asymmetries of power under the market liberalism of the U.S. system and the deliberative approaches employed by Canadian media regulators. The approach outlined by Karppinen (2013), the radical-pluralist model, creates a third space to recognize the failures of pluralism as conceived by these two dominant modes of media regulation by emphasizing such asymmetries. Radical pluralism corrects for the agnostic view of power seen in both U.S. and Canadian media governance and serves to illuminate how power functions in processes of negotiation that include stakeholders, from transnational corporations to small ethnic communities.

Global flows of programming transcend ethno-cultural boundaries and provide for greater



representation of subnational communities. Overly optimistic views of technology-enabled abundance highlight the benefit of cross-border flows. First-generation Chinese immigrants in Canada, for instance, can be well served by media in a familiar language, connecting immigrants to home culture and nurturing such hybrid identities. But such attempts to establish representational pluralism within national media systems should be critically assessed, a point Mihelj (2011, p. 178) stresses in her analysis of media and nationality. A normative benchmark that crosses cultural context, she argues, is inclusive participation.

To be able to asses[s] [sic] cross-cultural communication from a normative standpoint, we have to first ask what kinds of inclusion and exclusion it engenders, and keep in mind that the mere transcendence of ethno-cultural divisions within a state does not necessarily bring about connections that are open to everyone, but can easily end up replacing one form of exclusion with another.

Mihelj's concern for inclusion is part of a trend in scholarly reappraisals of pluralism as a principle in democratic governance and media policy. Some of the key points of this emerging literature on transnational inclusiveness are the discursive aspects of inclusion/exclusion, the means of group expression and the norms that surround policy debates. These reappraisals have direct bearing on the transformations taking place in the means of governance of international media flows and provide a starting point for modeling the implications of the procedures.

Interpretations of pluralism as a policy value remains confined within nationalist legal interpretations.<sup>30</sup> Yet, important questions stem from newly available perspectives in contraflow. If a national polity must make decisions about war and peace, should policy values like media diversity and pluralism be reinterpreted to include a broader notion of global plurality? Should

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<sup>30</sup> For an example of academic discussion of evolving national frameworks for media diversity, see Horowitz overview of U.S. media policy since the civil rights era (2005).

national regulatory principles shaping media globalization catch up to a world of economic and cultural interdependence? Put another way, to what degree do national regulatory priorities need to recognize global implications of decisions to live up to liberal conceptions of democratic deliberation and viewpoint diversity?

With the challenges to national media governance presented by the growth of non-Western news, North American policymakers have an opportunity to reconsider longstanding principles. Contraflow presents starkly different models of news and journalistic conventions, generating stresses on institutions conducting media flows.<sup>31</sup> Principles of free flow ignore the structural and practical limits on the number of perspectives that can be given a place in modern mass media systems. Democratic models of regulation, while recognizing these limits and using public procedures to make such decisions, often remain insufficiently aware of the power that operates within the selection process. To scrutinize these approaches, I use Kari Karppinen's radical-pluralist perspective as a way to approach questions of power in both the market liberal and welfare liberal models of media governance and discuss radical pluralism's relevance for aspects of North American global media integration.

Karppinen (2013, p.1) has begun to rethink media pluralism in light of challenges to public sphere theory and argues "for a more critical conception where media pluralism is understood not only in terms of variety or choice, but more broadly as a normative value that refers to the distribution of communicative power in the public sphere." With other policy scholars (Freedman, 2008), he notes how pluralism is often robbed of its political utility in two

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<sup>31</sup> In Canada, these stresses can be seen in the public response to the Canadian Radio-television Telecommunications Commission decisions. In the US, the intertwined free information-flow and free-market paradigms have come under greater scrutiny as it becomes clear that limitations must be imposed in a world of "communicative abundance" (Pelton 2004).

ways. First, “pluralism” appears as an unassailable good, preventing a critical engagement with the term at the conceptual level.<sup>32</sup> It can become mere rhetorical homage as a “god-term” in policy statements. Second, media pluralism can be marshaled by proponents of a market-based approach to media governance and therefore lacks any capacity to critically assess the poverty of representation induced by the reliance on commercial mechanisms in production and distribution decisions. In both cases, the role of power is obscured in negotiations over international media. Pluralism, Karppinen argues, must be re-galvanized to have critical force. In deconstructing the term, Karppinen (2013, p. 7) puts important questions to advocates of pluralism and the limits of the term in policy discussions.

Is there not a point at which healthy diversity turns into unhealthy dissonance? . . . In the context of an increasingly complex and at least in some sense diversified media landscape, the crucial question remains as to how pluralism should be conceptualized as a political value without falling into the trap of flatness, relativism, indifference, and an unquestioning acceptance of market-driven difference and consumer culture.

Pluralism, critics note, has been used to justify free-market populism and a celebration of consumer choice. As I argue in my analysis of Canada’s attempt to formulate policies for foreign media (chapter six), ambiguity leads to the appearance of paradox in policymaking. In Canadian national media policy, an appeal to social pluralism justifies silencing voices that threaten Canadian multiculturalism. This runs to the heart of free expression conundrums. The paradoxes

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<sup>32</sup> Early media policy through the creation of various national/public broadcasting organizations in large national settings were guided by the need to unify a national public. This impulse to cultivate common culture was an exclusive endeavor and met with challenges from the margins: voices were left out of the monolithic conception of public broadcasting. The monolithic vision gave way as philosophies of multiculturalism took root in legal and judicial settings during the latter half of the 20<sup>th</sup> century. This dissertation characterizes the United States and Canada as two paths toward managing multiculturalism: laissez-faire vs. policy-directed pluralism.

of pluralism become clear when media imports meet ambiguous multicultural policies in which intolerant voices are disallowed for the sake of a tolerant society. For pluralism to have any real problem-solving power for democratic regulation of media structures, it must be theorized as a value in itself. Policy outcomes of pluralism can, thus, recognize elements of self-contradiction and forms of power that undermine the larger policy goal of inclusive democracy (Young, 2002).

Karppinen offers a tripartite scheme for sorting out vagaries of pluralism policies and establishing a more meaningful understanding of pluralism. Table 3 is my distillation of the key distinguishing features of three models of procedural democratic based on Karppinen’s framework for discussing pluralism. The deliberative model, theoretically rooted in Habermas’s early public sphere theory, functions as a critique of the liberal conception of public discourse which suffers from a dependence on market logic. Where market liberalism and commercialization of communication space led Habermas to theorize the decline of the ideal public sphere of rational discourse (the “refeudalization thesis”), others have criticized the deliberative approach for its insistence on consensus.

| Table 3: Contrasting Conceptions of Democratic Pluralism in Media Policy  |  |  |
|---|--|--|
| Liberal Pluralism   | Deliberative Pluralism   | Agonistic/Radical Pluralism  |
| <ul style="list-style-type: none"> <li>• Marketplace of ideas metaphor</li> <li>• Relies on markets to address social issues</li> <li>• Blind to asymmetries of power re: private property</li> <li>• Ratings equated with socially purposeful</li> <li>• Individual freedom and plurality</li> </ul> | <ul style="list-style-type: none"> <li>• Rational-critical discourse</li> <li>• Consensus is aim of deliberation</li> <li>• Power-free objective ignores power in different stakeholders</li> <li>• Envisions consensus without exclusion</li> </ul> | <ul style="list-style-type: none"> <li>• Hegemonic political projects can be contested</li> <li>• Agreement not goal of public discourse</li> <li>• Asymmetries of power highlighted</li> <li>• Exclusion assumed</li> <li>• Consensus framed as “temporary hegemonic construction”</li> </ul> |

| Table 3 (cont.)   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• Negative freedom of media focused on political power</li> <li>• Predisposed to defend speech acts as private property (vs. state assertions of public interest)</li> </ul> | <ul style="list-style-type: none"> <li>• Premised on overcoming difference through reasoned debate</li> <li>• Group identities envisioned as pregiven and merely entering public realm discussion</li> </ul> | <ul style="list-style-type: none"> <li>• Identities are fluid; anti-essentialist</li> <li>• View public as place of identity formation rather than pregiven identities in competition</li> </ul> |

The problem of exclusion in democratic law-making has prompted contemporary theorists to frame struggles for recognition “as a pervasive aspect of struggles over norms of social coordination and governance generally [that are] linked to struggles over the distribution of power and resources” (Shabani, 2007, p. 42). Rather than universal norms that have historically proven to repress or subjugate difference for the sake of deliberative consensus, political philosophers like Thomas McCarthy and James Tully conceive of deliberation that makes room for strong difference. As McCarthy summarizes:

Because the irreducible diversity of interpretative and evaluative standpoints associated with cultural pluralism regularly gives rise to intractable disagreements on normative questions . . . the idea of ‘reasonable agreement’ has to be differentiated beyond rational consensus on the one hand, and strategic compromise on the other, to include such forms as the *indirect justification* attaching to procedurally correct decisions issuing from a legal-political system that is itself perceived to be basically just, and the *mutual accommodation* afforded by community-minded members who want to live in harmony even when they disagree about the common good. (in Shabani, 2007, p. 47)

Karppinen’s radical-pluralism model for media pluralism similarly seeks to improve on the deliberative model by emphasizing forms of power the deliberative model ignores. He outlines the radical pluralist critique of current notions of liberal pluralism guiding media policy decisions:

. . . a critical notion of media pluralism must be able to account for the difference between the sheer number of voices, the number of different voices, and above all their relationship with existing power structures in society. As a consequence, media pluralism can be understood to be more about power relations and less about defining or defending difference as such. (2013, p. 10)

Radical pluralism attempts to establish theoretical ground beyond both the uncritical embrace of pluralism and the deliberative model's emphasis on consensus by drawing attention to the role of power.

Radical pluralism is an improvement on the deliberative model associated with Habermas, but it does not simply abandon the key function of consensus in the deliberative approach. The radical pluralist approach improves on the way that consensus is portrayed by viewing consensus as *necessarily exclusionary*. As a result, the political reconciliation required to move forward in the practical politics of regulatory decisions and democratic law-making in general is not itself abandoned for an endless play of difference in which no binding decisions can be made. Instead, any consensus is acknowledged as certain stakeholders holding sway over others. Power asymmetries are always recognized in an agonistic model of the democratic process. This foregrounding of power differences among stakeholders contrasts with the deliberative model's zeal for the formation of unified public will which sacrifices difference and plurality for rational consensus. The radical-pluralist model always makes space to contest existing hegemonic formations (Karppinen 2013, p. 43). If consensus is the golden term for deliberative models, resistance is so for the radical-pluralists.<sup>33</sup>

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<sup>33</sup> The main difference in these two later models of democracy is the view of power in the public sphere and media policy. A radical pluralist model improves on deliberative democratic models by stripping away idealistic assumptions about power within the public sphere. Abandoning the Habermasian principle of agreement created from a realm of free debate, the new critical approach to pluralism proposes that deliberation is always a defeat for certain interests rather than a celebration of public unity. The appearance of unified will is always hegemonic, always marked by asymmetrical power relations. Where deliberative theory is premised on a terrain of debate free

A critical policy studies standpoint reflects these power concerns in the analysis of how the media structures resulting from policy and procedures within policy formation itself account for the relationship between dominant and subordinate groups. To what extent do institutional arrangements foster meaningful public participation in as much as they weigh the needs of each stakeholder according to the unevenness of power within the policy arena? This is not merely a question of creating bureaucratic avenues for publics to voice their concern (i.e. consumer surveys and hearings) but the evaluation of how existing avenues account for power in more subtle ways (i.e. forms of evidence allowed, what views are admissible in judicial settings, financial and organizational capacity of stakeholders, etc.). These less visible forms of inclusion and exclusion privilege some participants over others. For example, it is often a matter of norms and, in publicly accessible regulatory settings, codified standards of deliberation.

Examining the normative dimensions of media governance takes a step beyond basic institutional analysis that defines much of the approach to policy studies. As Young (2002) and Karppinen (2013) emphasize, scrutiny of the underlying assumptions within institutions of governance reveal how norms can work against inclusiveness. Normative assumptions allow institutions to ignore asymmetries of power in policy processes. Procedural norms of Habermasian deliberation like the need to defer self-interest for the common good and the refusal to recognize unofficial identities (Calhoun, 2002) undermine the idealized context of inclusive decision-making.<sup>34</sup>

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from these asymmetries of power, radical pluralism assumes no such power vacuums exist.

<sup>34</sup> These points address the problem of deliberation in general and the means to foster pluralism in making policy decisions in a democratic, inclusive way. For those concerned with the processes of media policy, plurality of decisive voices is of double importance. Arguably, these theories of deliberation take on an even more pressing importance when the subject of deliberation is, itself, national media policy governing plurality of the system.

Many of the perpetually unresolved questions come down to how policy analysts decide which groups deserve what means of representation given their social place within a society. The decisions amount to the distribution of communicative power to some groups over others within a national communicative polity. Making communication policy choices relies on the assumption that social groups – ethnic, religious, political– can be effectively demarcated for such policy decisions (Benhabib, 2002). To do so in policy documents risks not only embracing a flawed essentialism in conceptualizing diversity but writing such essentialism into law, denying the fluidity of identity, hybridity and a flexibility that defines social life in an age of global migrations, diaspora and transnational communication.

This is part of the challenge for those crafting and executing policy in the age of global media. The well-meaning impulse to provide adequate representation within national media systems is further complicated by increased connectivity and the influx of competition to define local communities by non-local media organizations. In the context of representation in media institutions, policy decisions about foreign media have direct bearing on how social groups can self-identify as imagined communities, connecting anonymous members of the same community through commonalities of language, cultural interests and political orientation. Still, regulatory apparatuses can regard the proliferation of contraflow as vehicles for more “authentic” representation. A media policy system sensitive to the needs of communities and cognizant of subnational ethnic communities, for instance, can view foreign language programming offered by a foreign government as a fair fulfillment of the media needs of recent immigrants and the underrepresented linguistic groups. However, this thinking can be viewed as a facile

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multiculturalism that ignores the relationship immigrant or diasporic communities have with their cultures of origin and broadcaster seeking entry. The relationship may range from receptive to ambivalent to antagonistic. If antagonistic, efforts to foster greater communicative agency by offering foreign-language programming may have the unintended consequence of reinforcing asymmetries of power and reintroduce hegemonic power under the banner of diversity.

### *Conclusion*

What administrative logics guide negotiations with foreign broadcasters and negotiations among stakeholders in these processes? In the absence of formal content regulation governing the acceptance or rejection of foreign media, what forms of regulation replace it? How are these choices made in the absence of formal administrative bodies with guiding principles based on legislative or judicial reasoning? When formal bodies are in place, as is the case with Canada, are principles of pluralism prepared for the growth of foreign broadcasters? In her critique of cosmopolitanism, Mihelj (2011, p. 186) notes how a “cosmopolitan consciousness” does not necessarily reflect or, for that matter, embrace international communication representative of the heterogeneous reality of the globe. Rather than admire this cosmopolitan consciousness over and against nationalism, the solutions we propose should “harness the potential of existing national frameworks, and help open them up to transnational loyalties and mediated bonds.” She notes how the dynamic of contemporary global flows “indicates that the route to cosmopolitan communication does not lead *past* the nation-state and national spaces of communication, but *through* them” (187).

The chapters that follow examine the nature of producers of contraflow and the processes of North American integration that elucidate the changing terrain of a media landscape with cosmopolitan potential and how media policy regimes in North America respond to a more

multipolar media landscape. A radical reinterpretation of media policy principles would recognize the forms of power expressed in these new flows. Concepts of pluralism in North American regulation have sought to serve public policy goals of reflecting *national* diversity with varying degrees of success, but the reversal of news flows has offered a chance for national policies in the West to reflect global as well as national conceptions of diversity. The question remains whether national media and communication policy can transform to meet the challenge of global heterogeneity with consciously articulated domestic media policy that recognizes the failure of nationalist interpretations of 20<sup>th</sup> century public policies.

## Chapter 2

### **Neoliberal Contraflow: Al Jazeera's hybrid funding techniques**

Chapter abstract: The mixed funding model undergirding Al Jazeera's growth between 1996 and 2013 has drawn out different scholarly approaches. What does the internationalization of the Al Jazeera network tell us about the larger context of global communication it navigates as an example of contraflow? For many scholars, the rise of the Arab news organizations provides for diversification of news discourse. AJ's move into North America invites speculation on this point, but the means of the network's expansion, its financial bases, also need to be scrutinized. The international growth of the Al Jazeera Network (AJN) illustrates how contemporary contraflow contributes to positive pluralism in regional news perspectives sought by critical policy analysts of global news flows, particularly the political programs proposed during 1970s debates within UNESCO's New World Information and Communication Order (NWICO). However, analysis of contemporary contraflow shows how Al Jazeera is not the result of a fundamentally restructured international communication order aiming to foster greater parity in flows of news. The network's potential contribution to global news pluralism notwithstanding, the expansion of the Al Jazeera Network's reach represents the continuation of structural asymmetry in global communication and the adaptation of state communication power to the neoliberalism as the encompassing model of governance for international communication industries.

*Introduction: Al Jazeera as contraflow and hybridity in news funding*

Al Jazeera (AJ) has become one of the most visible examples of contraflow in global news media. The network's news division, with its non-Western identity and the challenges it presented to the George W. Bush administration's framing of U.S. military intervention in Afghanistan and Iraq, made a spectacle of Al Jazeera's maverick role in global news flows. As a news organization, Al Jazeera's growth into Western news markets and especially the developments in English-language programming in 2006 mark a minor but significant departure from Anglo-American hegemony in global news flows. This chapter describes Al Jazeera's network growth and focuses on the range of revenue sources that supports the movement of the first Arab network to enter the high-rent media systems of developed economies in North America.

Profiling the Al Jazeera Network's funding model is important since the channel has become emblematic of contraflow and, for many, represents the hope for new dynamism in flows of information from historically underrepresented social groups and geographic regions (Lynch, 2007; Miles, 2006; W. Youmans & Brown, 2011). In these narratives, AJ is an agent of greater equality. There is a widespread sense that the Arab media network can deliver on North American media policy values of diversity and pluralism. Among critical scholars of global communication, Al Jazeera also stands out as a potential fulfillment of goals formulated during UNESCO's New World Information and Communication Order (NWICO) of the 1970s: a more equitable participation in international news discourse (Frau-Meigs et al., 2012; Shelton A. Gunaratne, 1978; Preston et al., 1989). What is Al Jazeera's relationship to the legacy of the Non-Aligned Press Movement which sought to correct imbalances in South-North flows of news? Linking Al Jazeera's rise to this history is as tempting as it is problematic. Al Jazeera's

model of production and its pattern of growth are departures from the vision promulgated by many NWICO advocates who explicitly linked the communication order to a larger critique of unevenness in the international economic order (Carlsson, 2003, p. 39). While Al Jazeera does offer a chance for a more global pluralism in U.S. and Canadian media, I argue it is an example of neoliberal contraflow. The transformations of the network in the process of reaching into North America highlight how contraflow is limited and conditioned by the larger commercial orientation of global communication flows.

In the case studies of AJ's North American distribution in the chapters that follow (four and five) I detail the Canadian and U.S. contexts of reception, focusing on debates in public discourse and the debates among invested stakeholders: major media companies, public-interest groups and state institutions of media governance. The funding model that blends governmental policy objectives with a journalistic mission, what I have called funding hybridity, was a central source of tension in these debates. Many stakeholders in decisions about the network's distribution in North America questioned the professionalism of journalism produced by a state-funded organization. But facile references to AJ's state benefactor, Qatar, as evidence of "propaganda" ignores how the network synthesizes a non-commercial public mission with appeals for support through more commercial endeavors.

Evaluating AJ requires examining the network's strategic use of commercial models of revenue generation and commercial distribution firms. Here, I profile the larger Al Jazeera Media Network (AJMN) as a media enterprise in search of broader publics to highlight the mix of noncommercial and commercial strategies as the regional broadcaster moved to become the first "global" news network originating from the Middle East. Al Jazeera's growth reflects the advancement of hybrid funding models that stem from the adaptation of state media operations to

the increasingly neoliberal context of production and distribution. Outlining the process of the network's globalization, I argue the organizational changes of Al Jazeera reflect neoliberal contraflow defined in chapter one. The network's accommodation of commercial demands in global expansion, a hallmark of what I call "neoliberal contraflow," is most visible in Al Jazeera's struggle to enter the United States. Al Jazeera's strategy targeted American cable distribution despite the economic impediments and low prospects for near-term commercial returns. Like CCTV (see chapter three), Al Jazeera appears to function for diplomatic ends while engaging with an encompassing privatized and commercialized media environment.

The chapter is arranged chronologically, documenting the early "regional" stage of Al Jazeera's globalization and significant changes in the organization's structure as it sought new markets. Since regulatory debate and oppositional activism discussed in the following chapters tended to focus on the AJ's political bias, I devote space to criticisms of the network as a form of public diplomacy rather than traditional news as defined by North American norms. After discussing expansion strategies, I outline how Al Jazeera changed throughout the course of its entry into global news markets to compete with established commercial multinational media companies.

### *Al Jazeera Arabic*

Launched in 1996 by Qatar's ruling Al-Thani family following a bloodless coup put in motion by Sheikh Hamad bin Khalifa Al Thani, the deposed leader's son. The coup changed the direction of the wealthy microstate toward greater market liberalization and international ambitions (Seib, 2012, p. 8). Al Jazeera began as regional news programmer in Arabic with a US \$137 million grant from the new Qatari government with forecasted annual grants of \$100 million. The creation of Al Jazeera Arabic (AJA) followed the dissolution of Qatar's ministry of

information as part of a broad liberalization plan in both Qatar's economic policy, opening newly accessible natural gas reserves to global markets, and Qatar's attempt to represent the country as embracing domestic liberal reforms in terms of tolerance of critical journalistic voices.<sup>35</sup> AJA broadcast from a nation of 1.7 million inhabitants, though foreigners with temporary status make up over three-fourths of the population (U.S. Department Of State, 2012). Despite this relatively small home market, the satellite reach of the network allowed the channel to quickly amass 50 million viewers in the larger Arab world.

AJA's rapid rise was contingent on cultural and economic elements as well as changes in satellite media. As Shawn Powers (in Seib, 2012, p. 8) observes, AJA's initial burst of growth stemmed from three factors: its journalistic mission and financial subsidies from Qatar, its hiring of professional journalists, and the access to C-band satellite transponder on the Saudi-owned Arabsat to reach satellite dish owners within the larger Middle-East. Historically, a sizable home market was essential for national media companies to create a base from which to grow into foreign markets (Flew, 2007; Tunstall, 2008b). Qatar's small home market prevented this pattern of expansion. The combination of satellite distribution across national boundaries in the Middle-East, the roughly unified linguistic market for news across these countries and Qatar's willingness to fund production were essential elements that gave life to the broadcaster and provided the initial foundation for global expansion.

Despite its financial reliance on an Arab state, the channel quickly gained a reputation for independence from state information ministries that had dominated Arab news production historically (Fandy, 2007). Qatar's Sheikh Hamad himself endorsed the independence of Al

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<sup>35</sup> It should be noted that AJA was granted greater editorial freedom as a "liberal" journalistic organization while domestic media policy remained more tightly controlled. As a result, Qatari politics were not subject to the aggressive investigation and reporting that would plague neighboring authoritarian regimes in the Middle East.

Jazeera a year after funneling money into the start-up, saying “[s]ome discomfort for government officials is a small price to pay for this new freedom” (Martin, 2002). The broadcaster spoke to a pan-Arab audience and, in the process, “rattled” authoritarian governments in the Middle East with western-liberal news practices (El-Nawawy & Iskandar, 2003; Miles, 2006), though Qatar’s domestic politics remained missing from the network’s otherwise critical coverage. Arab regimes, Morocco, Egypt and Saudi Arabia among them, banned the channel’s reporters, closed its bureaus and jammed its satellite signal (“Al Jazeera banned in Morocco,” 2008; Jager, 2008). The channel’s willingness to interview Israeli officials bolstered perceptions of AJA’s independence, but questions of political bias remained, causing Israel’s official press office to cut ties with the organization in 2008 as well (Toameh, 2008).

Grants from Qatar provided a funding base for AJA’s early operations, but the broadcaster was “eager for ads,” according to the channel’s advertising manager, Foad Tawil. In 2001, Al Jazeera had established business relationships with multinational companies such as General Motors Corp., Nissan Motor Co., Mitsubishi and Proctor & Gamble Co. Al Jazeera brought in \$15 million in ad revenue in 2000, up from \$3 million in 1998. Politically inspired boycotts by Arab advertisers cost the network an estimated \$30 million and prevented the company from becoming financially autonomous from Qatar, a goal set for 2001 but postponed indefinitely as the network incurred new expenses with the launch of additional media services (Koranteng, 2001).

#### *AJA: Journalism as “weapon”*

AJA’s influence on regional politics exemplifies the media power Qatar possessed in subsidizing news for the Middle-East North African region (MENA). Al Jazeera is part of a more global trend toward the exercise of political power through media ownership as a means of



advancement in global politics and economics (Zayani, 2005, p. 14). Zayani observes how Arab “governments are ideologically inclined to more commercialization and privatization” and at once “they still conceive of media as a state-controlled public service” (2005, p. 15). Ibrahim Helal, former editor-in-chief, outlined how the Arabic channel functioned as political tool. “Al Jazeera is like the nuclear option. Its track record of causing trouble for Arab governments, and its record of mobilizing the Arab masses gives Qatar a weapon in its foreign relations. The implicit threat the channel represents gives Qatar an upper hand in political negotiations” (in Seib, 2012, p. 11).

Throughout the Arabic broadcaster’s growth between 2001 and 2008, many commentators continued to link the station to regional politics, challenging AJA’s journalistic sincerity. As Olivier Da Lage (“The Politics of Al Jazeera or the Diplomacy of Doha,” 2005) has noted of the Arabic broadcaster, Al Jazeera performs a political service for its national sponsors, raising Qatar’s profile among neighboring powers like Saudi Arabia. “In the eyes of Sheikh Hamad who wants his small emirate to be promoted to the major leagues,” Da Lage notes, “Al Jazeera instantly found its place in the panoply of instruments designed to achieve such an objective” (“The Politics of Al Jazeera or the Diplomacy of Doha,” 2005, p. 55). Mamoun Fandy (2007) similarly emphasizes the network’s political role, pointing to the competition between Al Jazeera and rival Arab network Al-Arabiya<sup>36</sup> as inextricably linked to the Qatari-Saudi rivalry. Leaked U.S. State Department Diplomatic cables also lend evidence to the channel’s usefulness to Qatar in regional politics. In 2010, Prime Minister Hamad bin Jassim Al Thani described his government’s attempt to pressure former Egyptian president Hosni Mubarak to join

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<sup>36</sup> Al Arabiya is a Saudi-based, 24/7 free-to-air news and current affairs satellite channel. The network was launched with private investors, many of which were associated with Saudi royalty. Al Arabiya is often described as the alternative to Al Jazeera and a response on the part of the Saudi government to Al Jazeera’s popularity.

multinational talks on the Israeli-Palestinian conflict. If Mubarak would join Qatar in the negotiations, Al Thani said, “[w]e would stop Al Jazeera for a year,” (State Department Transcripts, 2010). Al Thani’s description portrays Al Jazeera as under the direct control of Qatar, using the network to put pressure on regional governments as a means to achieve foreign policy objectives.

These comments position Al Jazeera as “weapon,” but different analysis suggests the relationship between AJA and Qatar’s regional power is more complicated. Sakr (“Challenger or lackey? The politics of news on Al-Jazeera,” 2007, p. 128) has questioned the view of Al Jazeera as mere instrument of Qatar’s political agenda, noting that Qatar would be expected to “play it safe” given its relative smallness compared to regional powers. Wessler and Adolphsen have claimed that “despite this ambiguous relationship to the Qatari government, the channel has “enjoyed an amount of editorial independence that is unusual for the region” even if this independence emerges more clearly in contexts outside Qatari borders (Wessler & Adolphsen, 2008, p. 442).

Differences of analysis are due to the fact that Al Jazeera’s political influence can be indirect. A *Jerusalem Post* interview with Dr. Mordechai Kedar, Israeli military intelligence official-turned-academic touches on this point. Commenting in 2008, Kedar said AJA’s “subtle” political leaning made the broadcaster an “Islamist mouthpiece channeling the message and philosophy of the Muslim Brotherhood.” He noted that the channel “grants Sheikh Yusuf al-Qaradawi untold hours of airtime and his message is that of radical Islam” (Jager, 2008, para. 6). The goal of the Arabic broadcaster, he said, was to support “all organizations and movements that are anti-establishment” with the aim of getting . . .

. . . the Arab masses to focus their frustrations on their own dictators and rulers – Mubarak and Abbas for instance – and not on the Gulf sheikhs who are laughing all the way to the bank. So the station’s message is aimed at the man in the gutter. And the combination of radical Islam and championing the frustrated downtrodden and oppressed brings Al-Jazeera immense ratings. (Jager, 2008, para. 15)

Kedar’s assessment is a fairly common complaint leveled against the network during early expansion that questions AJA’s journalistic integrity. Western journalistic ethics adopted by AJA contrasts with the view of the news organization as a political front for Qatari state interests, but these two faces of AJA are not mutually exclusive. The watchdog journalistic form adopted by Al Jazeera inserted a critical discursive space between the region’s governments and the governed and threatened official information control. The inherent threat of a pan-Arab independent news organization was at once a journalistic enterprise as well as an asset to Qatari state power. The formation of what Marc Lynch (2007) has called a “new Arab public” stemming from AJA’s ability to focus political attention on issues of importance to the region. Combined with the transnational reach of the network across boundaries of officially controlled media systems, Western-styled journalism was, in effect, marshaled as tool in Qatari international relations.

*Al Jazeera’s English News Ventures, News as Diplomacy:*

These questions of motivation carried over into Al Jazeera’s English-language ventures as the broadcaster gained prominence beyond the Middle East and began to develop news exchange relationships with Western organizations. Following the American-led invasion of Afghanistan in 2001, Al Jazeera was the only source for news in Kabul. The institutional expertise on the region and an established personnel infrastructure allowed the young network, then only four years in operation, to become a wellspring of on-location reporting. Where U.S.

news operations rushed correspondents to the region, Al Jazeera had maintained operations in Kabul and roots in the region to provide broad context, history and a deeper knowledge of political dynamics.

Rebroadcasts of Al Jazeera's coverage among U.S. news networks became commonplace as Al Jazeera sold repackaged news segments to organizations in Germany, India, Indonesia, Japan, the United Kingdom and the United States. Such demand pushed network executives at Al Jazeera to speculate on a "market failure" for news in the West, planting the seeds for strategies of expansion into English-language news production (Seib, 2012, p. 11). By 2002, Al Jazeera was developing plans for the production of an English-language web portal, AlJazeera.net, to begin filling the apparent unmet demand. Signaling the early intention to expand into new markets, the network also entered into content buying contracts, purchasing 1,000 hours of documentary productions from BBC Worldwide, the commercial arm of the BBC (Malkani, 2003).

Retransmission and an online presence as early forms of expansion into English-language markets had mixed success due to political responses within the U.S. Departing from U.S. news reporting that relied on official statements released by administration and military officials, Al Jazeera offered a view of the invasion from the perspective of civilians caught in warzones, creating disagreement over AJ's framing of American policy in the region. The broadcast of Osama bin Laden's taped announcements had eroded relations, leading high-level officials to accuse the network of airing propaganda and portraying the Arab broadcasts as an enemy communication containing coded messages (McGreal, 2009). As early as September 2001, the Pentagon had enlisted public affairs contractor Rendon Group to monitor Arab media and provide a "detailed content analysis of the station's daily broadcast . . . [and] identify the biases

of specific journalists and potentially obtain an understanding of their allegiances, including the possibility of specific relationships and sponsorships” (Pew Research Center, 2006, para. 5).

U.S. administration officials began pressuring the Qatari Emir to rein in the negative tone of the coverage. Then Defense Secretary Donald Rumsfeld publicly accused the network of airing Taliban propaganda and challenged the “professionalism” of the network. Rumsfeld proclaimed in press briefings that Al Jazeera showed “a pattern of not making judgments about the accuracy of propaganda” (Pew Research Center, 2006). In 2004, Rumsfeld suggested Al Jazeera was worked with “terrorists,” saying “[s]ometimes journalists just happen to be there [at the scene of civilian casualties]. But we know for a fact that other times the terrorists have told journalists - and I use the word inadvisedly [sic], quote unquote journalists - they've told journalists where they are going to be and what they're going to do. And the journalists have been there” (“Aljazeera slams Rumsfeld ‘terror’ slur,” 2004, para. 4). Hostility toward the channel became less rhetorical when, in November, US military forces fired missiles into AJ’s office in Kabul, Afghanistan, leading to speculation on the Bush Administration’s potential motives (Sullivan & Pincus, 2005). With Iraq in 2003, the network again became a focal point. Cabinet officials reiterated their attacks on the network. The 2004 State of the Union Address also maligned the network as a source of “hateful propaganda.” By the time the invasion was fait accompli, US forces had twice bombed broadcast facilities and held AJA cameraman Sami Al Hajj as an untried enemy combatant in Guantanamo Bay (Pew Research Center, 2006).

Such consistent characterization of the network as enemy news source had tangible effects on its ability to gain ground in the United States. Newsgathering access and ad revenue dried up as a consequence of the tumultuous political atmosphere. Advertisers AOL and Yahoo quickly retracted advertising campaigns on the network. AJ reporters complained of difficulties

in finding willing interviewees. In response to coverage during the run-up to the invasion of Iraq, the New York Stock Exchange banned several Arab broadcasters from reporting on the trading floor. After the fall of Baghdad, the Iraqi interim government, under American leadership, suspended Al Jazeera reporters, further limiting the network's newsgathering capabilities (Pew Research Center, 2006). Operational impediments followed. DataPipe and Akamai Technologies, media companies which had signed contracts to provide technical support and broadcast services, pulled out of agreements with the company. Day-to-day business was set back when insurance companies refused to offer policies to broadcasting staff. Al Jazeera's Washington bureau lost office space when an American television production company nullified its agreement with the broadcaster. Al Jazeera's online English portal also came under attack from hackers, redirecting traffic to porn sites or overwriting the channel's homepage with messages like "Let Freedom Ring" to disrupt page viewing (Miles, 2006). These impediments forced a postponement of AlJazeera.net until later in 2003, but the network's directors and its Qatari benefactors pushed forward with plans to develop a dedicated English-language channel with the hope that "the network could provide a bridge between the Arab world and the West," in the words of Qatari emir (Sands, 2003).

*Al Jazeera English: competing for space in international news*

Scholarly and journalistic work taking shape during Al Jazeera's move into English programming often uses bridging and connecting metaphors. El-Nawawy and Powers (2010), for instance, consider the channel "conciliatory media," finding that AJE's audiences exhibit a greater willingness to consider competing information claims in news. Examining retransmission of Arab satellite media, Wessler and Adolphsen challenge the bridge metaphor, deflating Arab media's impact to "showing that a different (Arab) perspective on the [Iraq] war exists – rather

than actually infusing Western coverage with this different perspective” (2008, p. 458). Samuel-Azran (2010) has similarly highlighted how mainstream US journalism conceded to governmental pressure to “reformat” Al Jazeera’s news and frame the channel as “deviant” for US audiences. Canadian scholars have also challenged the unique restrictions applied to AJA in the channel’s bid for carriage on Canadian satellite and cable systems in 2004 (Dakroury, 2005a).

Varying scholarly approaches to the network tend emphasize different aspects of Al Jazeera English and its funding structure. The divergence is instructive, pointing to the novelty of Al Jazeera and the news network’s tendency to defy easy categorization. A recent example from journalism studies (Kasmani, 2012), for example, examines AJE by asking to what degree global news markets are “competitive” for advertising revenue. After reviewing evidence from journalists and editors working for Al Jazeera English and the BBC World Service, the author concludes that international media competition for advertising revenue does not, as some argue, lead to homogenization of global news content. “The findings of this study further support the argument that the global news landscape . . . creates the environment for a multiplicity of ideas and plurality of news reporting” (Kasmani, 2012, p. 15). International relations analyses, by contrast, approach news organizations as political entities rather than with the assumptions of Western-styled commercial news “competition.” Accordingly, a political lens tends to dismiss the pursuit of profit. At best, commercial revenues are tangential to the political objectives of sponsor governments. In this vein, Philip Seib points out how the network is “the latest in a line of media ventures that have sought to use mass media to help establish a pan-Arab identity . . . .” (2008, p. 20). The “Al Jazeera Phenomenon” was more than competition for ad revenue, figuring more clearly into the history of media in the Middle-East.

Where questions about the competitive nature of global news arena can ignore news organizations as political investments, the analysis of AJ as a political animal can give too little weight to the market conditions in which they operate. Seib (2012, p. 191) has argued that commercial aspects of the Al Jazeera phenomenon should not preoccupy scholarship.

The commercial possibilities of expanding into English are obvious: more audience means more advertising revenue. But given Al Jazeera's emir-ensured financial security, the commercial aspects of expansion should not be overrated. Despite 'Al Jazeera' being one of the world's most recognized brands, the organization's expansion agenda was not primarily driven by expectations of profits . . . . Rather, a principal ambition of the Al Jazeera leadership is to change journalism, and by so doing change international politics.

While Seib highlights the contribution Al Jazeera makes in "giving voice to the voiceless," it remains essential to understand *how* such voices gain global circulation. Such examples of contraflow require examining the complicated relationship between transnational commercial media industries and state diplomatic machineries. A mix of motivations defines the global news media landscape, and ignoring the commercial aspects of entering the global marketplace in media risks overlooking important factors shaping the news organization. Analysis must consider these simultaneous functions of news production, its governmental objectives and commercial obligations, at the global scale. Al Jazeera's development does point to the supportive role of state subsidy in news globalization, yet it is precisely the pronounced role of the state in enabling contraflow that underlines the necessity of engaging the commercial industries structuring expansion into global markets and the commercial logics that provide *de facto* governance of communication flows. Though the channel's spokespersons often say "advertising revenues" are less important to the channel, commercial concerns are foisted on the channel in its search for English news markets.



At its 2006 launch, AJE could rely on a guaranteed two-year commitment from Qatar while it attracted viewers and advertisers to transition to a less dependent revenue model and eventual privatization (Johnson, 2006). A country with the landmass of Connecticut, Qatar has the third largest gas reserves in the world and rapidly growing foreign assets estimated the same year AJE launched to be near \$30 billion. The Qatari government increased its financial prowess with strategic investments in additional energy sectors with Qatar Holding, the nation's sovereign wealth fund (Scott, 2012). While specific amounts are not disclosed, industry observers estimate that Al Jazeera's start-up capital had reached upward of \$1 billion by 2009. The bulk of Al Jazeera's non-state revenue during initial expansion derived from two sports channels launched in 2004 with 1.7 million subscribers paying \$40 a year, bringing in \$70 million in addition to licensing fees for exclusive footage (Helman, 2009).

AJE, originally dubbed Al Jazeera International, was part of broader network goals to enhance the channel's position among international news providers. The network had set its sights on North American entry with a devoted 24-hour news channel in English. But entering the North American market meant competing with incumbent U.S. news providers for limited space in cable distribution. Matching major players in global news is daunting. During AJ's initial push into English-language news markets, CNN had the largest infrastructure, employing close to 4000 worldwide. The network also boasted 46 bureaus, 33 situated abroad. Total operational expenses for CNN amounted to over \$721 million in 2008, up from \$654 million in 2006 (Pew Research Center, 2009). *BusinessWeek* puts CNN's annual budget for 2007 even higher at \$856 million (Carlin, 2006). BBC World had a presence in markets of over 200 countries, reaching 280 million homes (Gray, 2007). In 2009, the company outlined plans to achieve international visibility and position the network as to compete with major western news

organizations by 2012. Part of this vision was the growth of external bureaus to root reporting in local contexts (BBC Worldwide Monitoring, 2010a). By 2010, the network had developed the largest foreign bureau system with further plans to create channels in multiple languages beyond Arabic and English (BBC Worldwide Monitoring, 2010b).

Competing with these incumbents in commercial markets necessitated organizational change outlined in the company's vision for 2012, but it also meant engaging with profit-minded distributors, content providers and advertisers. Establishing a revenue base through the sale of airtime to advertisers requires a massive infusion of start-up capital, a sum capable of withstanding the early skepticism of the small number of global advertisers. "It sounds obvious," a global marketing specialist commented regarding the surge of new entrants in 2007, "but advertisers will be wary of using the new channels until there is solid audience data to allow comparison with established channels" (Gray, 2007). Exacerbating these economic barriers, global news services must compete for a relatively select set of pan-regional and global advertising campaigns. Tim Riordan, television director at the largest pan-Arab broadcaster, MBC Group, complained that transnational networks have not been receiving the level of advertising they deserve, saying the advertising market "has to catch up with reality" (Akerman, 2007).

Entry into international news markets is difficult regardless of the particularities in regional origin. French-run France 24 began services the same year as AJE with a budget one-eighth the size of CNN and faced similar uphill battles in establishing an advertising support model. As with AJE, France 24 is a mixed revenue model, drawing funding lines from both advertising and the French government. Even with former advertising CEO Alain de Pouzilhac at the helm, France 24 was projected to run at a loss of \$100 million for years after launching

(Carlin, 2006). New entrants can expect a protracted period of ad revenue shortfall during the initial introduction of programming.

The dissatisfaction fostered by the lack of regional representation in dominant Anglo-American news provision offered AJ marketers a way to appeal to distributors outside the United States, creating markets from the disaffected. Network developers for Al Jazeera pitched the channel to nonwestern distributors with a tone of global populism. Asian bureau chief, Derl McCrudden, for instance, described how AJ brings a “Southern” perspective. Where Western media “generally covers Asia through disasters, economic crises or stories with little substance, like technology, Al-Jazeera’s remit is to cover stories on the ground, week in and week out” (Choong, 2008, para. 17). Playing on the disparity in global representation, news directors advertised AJE’s editorial mission as rooted in the “philosophical south” (Gooch, 2008). Al Jazeera was to “cover the people – not just the powerful” (Anstey, 2007). Al Jazeera news staffers argued that completing the picture of world events can eventually compel other networks to give more time to developing regions by filling the silence on Africa, Asia and the Middle East (Malek, 2006). The English news service established two teams in Beijing with bureaus in Manila, Jakarta and Sydney (Gooch, 2008). Plans also included setting up bureaus in Zimbabwe, Egypt, Kenya, Ivory Coast, and South Africa (Bowman, 2006). Former managing director Nigel Parsons summed up AJE’s dedication to regionalism, saying “[w]e want Africans to file African stories and Latin Americans to cover stories in Latin America” (Johnson, 2006).

Billing AJE’s transnational pedigree as a means to ferry the issues of the developing world onto a world stage brought AJE some initial marketing success. The network made inroads to Asia, reaching 110 million households a little over a year after launch. In 2008, the channel was granted distribution rights on Hong Kong cable systems and gained access to more than one

million viewers, bolstering its credibility with regional viewers by establishing an editorial branch based in Kuala Lumpur rather than filing reports through Doha, Washington or London (Choong, 2008).

AJE's journalistic mission was global in scope and sought to avoid mere replication of the Western journalistic form, according to journalists and directors working for the channel. Network planners suggested the channel was a substantially different model of news that explicitly challenged Anglo-American news frames. As then director of Al Jazeera Network described the channel the day it was launched in 2006:

Al Jazeera today is an international media organization. Al Jazeera English will build on the pioneering spirit of Al Jazeera and will carry our media model to the entire world. This new channel will provide the same ground-breaking news and impartial and balanced journalism to the English-speaking world. (in Seib, 2012, p. 23)

Though branding efforts and public statements of journalists differentiated Al Jazeera's news from British and American outlets, the BBC and CNN served as models for the Al Jazeera Network as a whole. AJE was conceived as an international project designed to position Qatar as a regional media center engaged with both commercial and public-interest appeal (Khalaf, 2005).

To achieve this international agenda, the U.S. was always a target market as was eventual privatization, initially considered in 2003. As AJE's launch date drew closer in 2005, Qatar pushed plans to privatize the network, moving away from the governmental model of the BBC and toward the advertising model of CNN (Vedantam, 2005). Plans to transform the network into a shareholding company, initiated by the Qatari emir, were put forward in advance of AJE's 2006 launch as an answer to continuing pressure on the network from high-ranking U.S. officials. According to a senior Qatari official, new members of AJ's editorial board were added to explore the best way to sell the media company. "We really have a headache," the official

explained to the *New York Times*, “not just from the United States but from advertisers and from other countries as well” (Weisman, 2005, para. 3–4). Though privatization was sidelined until 2011, Al Jazeera executives devised the privatization plan as a means to answer criticisms from political detractors in the United States and, at once, to attract more advertising revenue from “[t]he merchant families in control in the Persian Gulf [who] feel they cannot sustain their position if they are not part of the status quo” (Weisman, 2005, para. 21–23). Share sales in the Qatari stock exchange were to be available to Qatari citizens and members of the Gulf Cooperative Council with only minority shares available to those outside the GCC, but the prospect of “sale to the highest bidder” generated unease among the journalism staff (“Privatization of al-Jazeera,” 2005).

Though this initial privatization scheme was scuttled, the channel made other moves to soften entry into North American markets with strategic hires to give the channel familiar western professional veneer. Senior British journalist David Frost joined the network in 2005. Josh Rushing, former U.S. marine in charge of communications at U.S. Central Command in Qatar, was also added to the list of correspondents to counter the impression that Al Jazeera represented narrow political interests in the Middle East. Network directors positioned AJE as answering a market failure to provide in-depth international news in the United States, but entering the competitive markets meant altering perceptions of the channel by transforming the regional broadcaster to address global audiences and U.S. audiences in particular. This involved adopting a new look more competitive with commercial news in the West with vivid color schemes, shorter talk shows and programs tailored to U.S. commercial markets (Khalaf, 2005). The cultural bridge Al Jazeera was to build would need to be constructed out of more than a

public-interest appeal. It would require transformations of the network to suit the needs of commercial interests of North America.

### *AJE and new media distribution*

Failure to obtain traditional forms of distribution in the United States led the company to rely on digital distribution through Youtube and other new media video distribution platforms. The network's mixed model allowed it to move in and out of media formats fluidly and engage new media distribution. In 2007, one year after the channel's launch, AJE continued to have little success in entering the most coveted English markets in the United States but was supplying 70,000 video clips per week to YouTube. Over 20,000 viewers in the United States paid \$6 per month for online streaming of the full channel (Edgecliffe-Johnson, 2007). Al Jazeera's new media strategist reflected at the time how "[p]art of our mission, our mandate is to get our news out. We don't have the direct commercial pressures that others have. If we can make some money, that is great" (N. Cohen, 2009).

Between 2009 and 2011, new media figured heavily into AJE's early business plan for English markets that sought to establish an "interactive spirit" and reaching audiences. The use of new media gave AJE a stronger international presence even as it found cable distribution blocked. The channel offered video news feed services to leading British newspapers and mobile phone podcasts (BBC Worldwide Monitoring, 2009). Mobile application market development made both the Arabic and English programming available to Symbian and Windows phones worldwide (PR Newswire, 2009). Al Jazeera struck deals with IP software specialist, Global Digital Broadcast (GDBTV) as part of an online television package (M2 Presswire, 2009).

Digital technology also allowed network planners to get a sense for interest in the channel. Three years after launch, sixty percent of AJE's Internet traffic was from North

America, giving Al Jazeera administrators some means to persuade distributors concerned with market demand (Helman, 2009). During three weeks of the intensified Palestinian-Israeli combat in 2009, Al Jazeera parlayed its broadcasting operations into YouTube and Twitter feeds to meet the demand for information on the conflict in U.S. cable markets that had not carried the channel. Broadcasting via the online distribution platform Livestation, AJ's online audience for Gaza coverage increased 500%. These statistics are more impressive during the 2011 Arab Spring during which traffic to the English site increased 2500% (Stelter, 2011). The news organization's coverage of the Arab Spring spurred its social media campaigns, pushing the network's Facebook following to over 400,000 and 240,000 on Twitter (Edgecliffe-Johnson, 2011, para. 9).

Digital distribution strategies did not lead to early successes in more traditional forms of distribution in the United States. Upon AJE's launch, the network hoped to have 40 million homes lined up. Exceeding their benchmark, AJE launched with a base of 80 million viewers, none in the United States. After spending tens of millions to build high-definition broadcast facilities in the United States, Britain, Qatar and Malaysia, AJE found cable and satellite providers in the most lucrative global markets reluctant to bring the channel into their packages. The apparent aversion to new international news providers prompted one industry observer to blame the "xenophobic giant media companies that control what this seemingly parochial nation watches or, in this case, does not watch on television" (Paskowski, 2006). Commenting on the barriers to new networks gaining U.S. distribution, Cathy Rasenberger, a cable consultant that assists new networks, described the attitude of distributors during Al Jazeera's expansion. "In general, operators have never been less interested in launching new networks, as they have neither the bandwidth nor the margins to absorb them." "Moreover," Rasenberger observed, "operators argue that there are no remaining underserved audiences on TV, and that new video

product will not help them move the dial versus the competition” (Poggi, 2013, para. 3). The lack of commercial incentives to bring Al Jazeera programming to U.S. television consumers became a source of debate as political unrest in Egypt forced U.S. networks to seek out Al Jazeera footage and expertise on the region.

### *Al Jazeera’s Arab Spring “moment”*

Al Jazeera’s news efforts in North America moved into the public spotlight once again in early 2011 as Egyptian protests began to attract the attention of Western news outlets. As unrest in President Mubarak’s Egypt garnered attention in U.S. media, the limited resources of news organizations in the global north became apparent once again with a heavy reliance on the network’s footage of protests. Mainstream U.S. journalists began to publicly recognize the network’s indispensable role in documenting Egyptian public resistance. ABC’s Sam Donaldson underlined the reliance on AJ for ground-level coverage within Egypt:

Talk about propaganda for Al-Jazeera. Thank you for what you’re doing. People say Al Jazeera fanned the flames here by bringing the fact that democracy is in existence and that people are being suppressed. That’s what we need. We need more communication in the world. It’s not Al Jazeera’s fault that Mubarak is under siege now. (Amanpour, 2011)

The channel’s image in the United States was changing in substantial ways. Beyond the relay of images from Tahrir square, popular press accounts credited AJ with being a force for political liberalization in Arab national politics and an essential information source for Americans.

AJE’s “blackout” in the U.S. became more glaring with the Egyptian revolution. Report after report showed the Al Jazeera logo emblazoned in the corner of images streaming out of Egypt’s Tahrir Square into U.S. homes. Frank Rich, writing in the *New York Times*, compared AJE’s absence to the information jamming efforts of the Soviet bloc in the postwar period. “You’d almost think these news-starved Americans were Iron Curtain citizens clandestinely



trying to pull in the jammed Voice of America signal in the 1950s . . .” (Rich, 2011, para. 12). As an indication of Al Jazeera’s changing image in United States public discourse, then Secretary of State Hilary Clinton criticized U.S. news companies by way of appreciating Al Jazeera.

"Viewership of Al Jazeera is going up in the United States because it's real news." Clinton went on, adding "[y]ou may not agree with it, but you feel like you're getting real news around the clock instead of a million commercials and, you know, arguments between talking heads and the kind of stuff that we do on our news which, you know, is not particularly informative to us, let alone foreigners" (Maher & Corcoran, 2011, para. 3).

Commentators began to speculate on “Al Jazeera’s moment,” anticipating a change in the popular regard for the channel that might allow the network access to the lucrative U.S. market and increase the channel’s appeal to commercial gatekeepers in the United States. Researchers Youmans and Brown (2011, p. 6) sought to test the potential for AJE to overcome public prejudices in the United States. Their survey findings showed that U.S. news consumers tended to judge the message by the messenger:

The perception of AJE as biased is robust among American viewers in general, and especially among those politically conservative and suspicious of Arabs. We found that the same news segment that boosted evaluations of CNNI when attributed to that network had no impact on the generally negative evaluations of AJE, even though it originally aired on AJE. Since these perceptions correlate highly with the more deeply held constructs of political ideology and prejudice, this “moment” is, at best, limited to a willingly receptive portion of the country.

This kind of work on audience attitudes provides valuable insights on perceptions of the network, but the importance of public perception can be exaggerated as a main barrier preventing the network from establishing itself in media markets. Market access that might be granted to Al Jazeera had less to do with individual prejudices or negative public perceptions. Indeed, U.S. cable companies have long been criticized for ignoring consumer interest in purchasing programs

individually, the “a la carte programming” option. Instead, cable and satellite firms have insisted on maintaining the tiered multichannel bundles that necessitate buying programming in which media consumers have little or no interest while also providing the sole source of high-speed internet access in de facto monopoly market conditions (Crawford, 2013). AJ’s vaunted non-commercialism, often cited as a means to distinguish the channel from commercial competition, is limited by the need to engage with mainstream distributors whose commercial interests restrict AJ’s ability to remain autonomous from influences of market power.<sup>37</sup>

Al Jazeera’s “moment” in 2011 did not immediately translate into distribution deals with major U.S. distributors despite indications of consumer interest and the good press. But new media vehicles for programming served a long-term strategy. Absent on U.S. television, the English-language website received over 66 million visits in April of 2011, 42% from the United States (Hampp, 2011). This and similar surges in traffic to AJ’s online news indicated a successful campaign to build audiences before courting advertisers and distributors. Adrian Smith, international account director for the ad-buying company Mediacom U.K., noted how AJE appeared less interested in acquiring advertising contracts. “They don’t go out very hard—they’re not sending fliers out or coming around knocking on the door saying you should be advertising on Al-Jazeera.” AJE Managing Director, Al Anstey, outlined how this soft push for advertising contracts dovetailed with the organization’s mission: “[i]t’s not about revenue for us; it’s about getting our journalism to as many people as possible. Yes, we do advertise on the channel, we do look for revenue opportunities. But that is not the driving force” (Hampp, 2011, para. 2–3). While AJE maintained a tepid relationship with advertisers in English, the Arabic

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<sup>37</sup> For example, conditions attached to Al Jazeera distribution with cable companies required limiting online content availability to push news users toward viewing patterns though more profitable.

channel had begun to develop a more robust advertising revenue stream. By 2010, ad buys across the network’s Arabic channels reached near \$650 million, only \$29 million of those revenues coming from the English news channel (Hampp, 2011, para. 8).

*Multinational channel expansion and privatization*

Al Jazeera is often discussed on a channel-by-channel basis with little consideration of the company’s expansion into multiple regional and language markets with a broad range of programming (see Table 4). These forms of expansion involve strategic investments beyond news and public affairs. The company has developed channel bundles with production in children’s programming (Al Jazeera Children’s Channel), sports broadcasting rights (Al Jazeera Sports/beIn Sports) and documentaries (Al Jazeera Documentary).

| Table 4: Global Expansion of the Al Jazeera Media Network (AJMN), 1996-2014 |                              |   |  |
|---|------------------------------|---|--|
| AJMN Channel  | Launch Year                  | Content/Scope   | Ownership/Funding                                    |
| Al Jazeera Arabic (AJA)   | 1996                         | News: Regional-geolinguistic; Arabic Language               | Qatari Government Grants                             |
| Al Jazeera Sports (renamed beIn Sports Arabia in 2013)                      | 2004<br>2008<br>2009<br>2012 | Entertainment: Regional; Arabic, French, English Languages  | Qatar Sports Investments, Turner Broadcasting System |
| Al Jazeera Mubasher   | 2005                         | Public Affairs Programming: Regional/Egypt; Arabic Language | Qatari Government; Public Entity                     |
| Al Jazeera English (AJE)  | 2006                         | News: Geolinguistic; English Language                       | Qatari Government Grants                             |
| Al Jazeera Documentary  | 2007                         | Information: Regional-geolinguistic; Arabic                 | Qatari Government Grants                             |
| Al Jazeera Balkans  | 2011                         | News: Regional; Bosnian, Croatian, Serbian Languages        | Qatari Government Grants                             |
| Al Jazeera America (AJAM)   | 2013                         | News: Regional; English Language                            | Qatari Government Grants/Advertising                 |

Al Jazeera Sports (renamed beIN Sports to remain consistent in multinational branding) is the most clearly commercial arm of the network and represents an aggressive courtship of foreign markets. The diversification of the company's content portfolio (in partnerships with established transnational media firms like Turner Broadcasting Systems, co-investors in Al Jazeera Sports) illustrates investment patterns that position the network to make gains in both advertising contracts and foreign distribution. In 2011, Al Jazeera Sports made a bid to acquire the Orange Sport channel from France Telecom after agreeing to pay US \$126.5 million a year for the right to broadcast matches over four seasons (Cherian, 2011). In 2013, Al Jazeera Sports bought exclusive MENA broadcasting rights to the Union of European Football Associations championships for years 2015-2018. The network used the content as a base for three additional sport channel launches ("Al Jazeera in exclusive deal for UEFA rights," 2013). In a move that positions the network as the sole means for U.S. distributors to air high-demand games, the network acquired U.S. broadcasting rights for several tournaments that had been owned by three different North American distributors, GoTV, Univision and Fox Soccer (Reynolds, 2012). In addition to acquiring rights to Europe's top soccer, the network purchased rights to the U.S. national soccer team's 2014 World Cup qualifying matches. Al Jazeera Sports reportedly spent double the amount GoTV had paid for comparable programming and paid Comcast for carriage to the cable operator's 22 million subscribers (Belson, 2012). Such lavish spending created a range of content holdings, 1300 live soccer matches annually, and created base for launching two U.S. soccer channels in both English and Spanish languages.

These sports acquisitions coincided with Al Jazeera's legal restructuring in 2011 following Emir Sheikh Hamad Bin Khalifa Al Thani's ratification of Law 10/2011 in May. The law renamed the company the "Al Jazeera Media Network" and shifted the broadcaster's formal

definition from a “public entity” to a “private organization devoted to public interest” (Toumi, 2011). AJMN’s directors stated that the move was made to give administrative and editorial flexibility needed for continued global expansion plans, including entry into new linguistic markets with Al Jazeera Balkans, Al Jazeera Turkey and Al Jazeera Swahili. The legal redefinition also restructured the company to be better suited for private shareholders.

Despite the official statements in the wake of the company’s change in legal identity, the reasons for the move remained opaque, raising questions for media reporters and editors in the region. Khalid Al Sayed, editor at *The Peninsula*, questioned the desire for “flexibility” since it was clear that Al Jazeera already had the freedom to report on controversial issues outside of Qatar. The terms of the transformation, he observed, lacked clarity: “. . . how can a media outlet become a ‘public utility’?” Al Sayed asked about the change, “[a]nd how will Qatar as a nation benefit from this public utility?” (Toumi, 2011, para. 15).

What is clear is that some of the “flexibility” afforded by the move was part of a strategic initiative put in place by the network’s board of directors to position the company in markets beyond satellite television services. Reports in the Saudi newspaper, *Al Sharq*, indicated that the redefinition was “necessary for Al-Jazeera to keep pace with the tremendous development of information services worldwide” (Forrester, 2011, para. 5). As a “media network,” AJ sought to expand into new technological ventures focused on new media platforms and mobile phone services. The transformation into AJMN was designed to broaden Al Jazeera’s financial base through opening to investors and thus create a network of support among wealthier constituents in the Middle East. This would, first, dampen objections to the network that had inspired advertising boycotts ten years earlier. Broadening the investor base would also provide a counterpoint to those who claimed AJ was only a cloaked mouthpiece for Qatari foreign policy.

In 2013, having struggled for nearly a decade to entry the U.S. market, AJMN purchased the commercially unsuccessful Current TV for \$500 million. Current TV was valuable to the network because of the carriage deals Current had previously established with major U.S. distributors (L. B. Baker & Lauria, 2013). Rather than placing AJE in this spot as many industry observers had expected, AJMN chose to develop an entirely new channel, Al Jazeera America (AJAM), recruiting U.S. news anchors from established commercial operators (Thielman, 2013b).

But the transition from AJE to AJAM also showed signs of Al Jazeera's capitulation to the needs of U.S. commercial distributors. As part of the noncommercial virtue AJ often featured as a distinction from commercial news networks, network directors had promised to treat online and cable news users equally. This public-interest philosophy of unfettered access and wide dissemination of its news product was put aside as a concession to U.S. commercial distributors that sought to avoid duplicating programming online and undermining the draw to exclusive cable content. The network's online streaming of AJE went dark in an apparent change of the network's public-access policy (Stelter, 2013). One journalist for AJE commented that "[i]t's a form of corporate censorship that would make the Chinese Politburo jealous. And an incredible show of disrespect to all the reporters operating in the U.S. who have helped build Al Jazeera's brand name in this country." Al Jazeera's new distribution deals meant recognizing the financial needs of American companies who had an interest in redirecting traffic to the more potentially profitable cable channel. Though new media platforms had been a means to get AJ news to North American audiences, full integration of the channel in U.S. market entailed limiting online access in line with the commercial needs of distributors.

*Conclusions: Neoliberal contraflow as global pluralism?*

Despite many disputes about the validity of such criticisms it seems irrefutable that 'free flow' between the strong and the weak, the haves and the havenots, has had undesirable consequences for the latter, and hence at the international level for the developing countries.

-the International Commission for the Study of Communication Problems (Problems, 1980 [2003], p. 141)

I introduced this chapter by suggesting contemporary contraflow could be understood in the context of NWICO's 1970 activism for equality in flows of information. AJ clearly represents greater equality but deviates from NWICO's vision of supranational regulatory power to achieve greater parity in global communication. Rather, AJMN illustrates how greater communication power is achieved *through* rather than *in spite of* an increasingly commercialized and "deregulated" global communication environment. The reversal of global flows represented by AJMN should be viewed in the context of how this form of contraflow takes place by embracing rather than resisting the larger neoliberal structures of communication governance (see chapter 1). Al Jazeera's expansion into foreign markets and the company's development of multinational channel bundles suggests that AJMN does not challenge the fundamental commercial configuration of global flows. Instead, the network's globalization entailed organizational change from the regional "Al Jazeera Arabic" in 1996 to the global "Al Jazeera Media Network" in 2011 that significant investment in the dominant commercial environment of global media production and circulation. These changes facilitated the development of multinational commercial channels and the accommodation of structures governing global media that produce power asymmetries which undermine structural parity in global flows. While Al Jazeera presents an opportunity for greater diversity in global flows, the funding model that undergirds its success illustrates how international flows of news remain defined by a pay-to-play dynamic.

Straubhaar and Duarte (2005) propose a theory of how global media firms go about localizing commercial products for foreign audiences. According to the theory, foreign firms increase their levels of commitment to markets by ramping up expenditures to adapt media products to local markets. The four stages they identify are:

1. Changes in the original media product to appear local
2. The use of local languages
3. Employment of local talent in management and production
4. The diversification of geographically broad satellite feeds to reflect subregional markets

It is interesting to note how well theory developed observing commercial multinational media firms fits the most visible example of contraflow four decades after the International Commission for the Study of Communication Problems issued the UNESCO report. Though these examples were derived from examples like Star TV in Asia and Sky Latin America, the evolution of Al Jazeera from insurgent Arabic news programmer into the Al Jazeera Media Network suggests certain forms of contraflow stem from accommodation of commercial mechanisms. This form of localization and the public relations branding blitz portraying Al Jazeera as “oppositional” raise concerns about the potential loss of the independence trumpeted by advocates for diversified flows of news. The prevailing model of media economics imposes limits to pluralism and the multidirectionality of flows in global news, and these limits should not be obscured by the appearance of pluralism allowed under neoliberal forms of media governance.

Researchers have described the hybridity of the funding model as one of AJMN’s strengths. Shawn Powers, for instance, describes Al Jazeera English as having the best of both worlds in being open to commercial revenues while making use of Qatari sponsors. Speaking of Al Jazeera English, he writes,



. . . AJE's ability to generate support, both from its host government and from its journalists and audiences around the world, allows the channel to never be beholden to any single constituent, like the BBC is to the British Parliament and CNN is to its stockholders . . . the hybrid model of public and private, quasi-governmental international broadcaster, and quasi-voice of the voiceless that enables AJE to operate successfully in today's complex environment. Its ability to draw interest and support from a range of constituents, from educated American elite to Arab autocrats, provides the channel with the capacity to operate between, rather than depend on, market forces and geopolitical interests. (Seib, 2012, p. 25)

An alternative view of Al Jazeera's expansion frames the pressures in Al Jazeera hybrid funding model as a reflection of the communication policy environment that governs flows of news.

Putting aside the common questions of Al Jazeera's reliance on either political and commercial influences, AJMN's reliance on a wealthy state as an agent of contraflow points to the enduring asymmetry of global communication in news. Al Jazeera's eventual entry into the United States and its growth as a multinational media organization underlines the absence of structural means to achieve more genuine perspective pluralism at the global scale. While royal benefactors may facilitate a reversal in global communication flows, detailing the hybrid techniques for expansion serves to point out the depth of inequality in neoliberal governance of global communication. Not all examples of contraflow will have equal opportunity. Due to this larger context of media governance, significant examples of contraflow like Al Jazeera remain subject to both geopolitical inclinations of wealthy states and market forces.

Indeed, examples like Al Jazeera and CCTV illustrate how the commercial aspects of global communication flows and national policies that foster concentrated commercial power in, for instance, distribution industries, require such massive expenses that "contraflow" in the United States will likely be limited to those with the means to pay for access and maintain operations without regard for economic sustainability. Given this relationship between emerging voices in global news and the political economy of international communication flows in the

United States, what is the true prospect for broad-based and public-spirited international journalism? With this question in mind, I turn to my parallel account of CCTV as a foreign broadcaster seeking distribution in North America.

## Chapter 3

### Neoliberal Contraflow: China Central Television's hybrid funding techniques

Chapter abstract: I argue that China is an example of a hybrid funding model common to emerging players in global news seeking North American news audiences. CCTV exemplifies neoliberal contraflow, defined as media originating in the Global South that engage in public-private partnerships as state-supported media function in concert with major commercial firms involved in transnational media markets. To discuss China's move into global media markets, I document CCTV's relationship to national and transnational advertisers. As a domestic media producer, CCTV functioned as a gatekeeper to the growing Chinese consumer economy. I then discuss the growth of CCTV's foreign output stemming from the transformation of the domestic media company to a more transnational and commercial footing by partnering with foreign media firms. Ultimately, I argue that the blending of state and commercial sources of revenue is a defining feature of news contraflow production and distribution in North America.

. . . just as it is no longer, if it ever was, constructive to discuss whether the Chinese economy is moving toward the American model at a time when the two economies are so closely intertwined and when the 'actually existing American model' has encountered such a profound crisis, it will be illuminating not only to compare national media systems within the confines of national political economies and cultures but also to study the dynamics of hybridization and contestation between different media systems and political cultures.  
-Y. Zhao, 2012, p. 173

[China] will grow its own Time Warner. We at Turner want to, and will continue to be, part of that transformation.

-Steve Marcopoto, president Turner Broadcasting System Asia Pacific

Multinational marketers ironically owe a debt of gratitude to one of the most famous Communists in history, Mao Tse-tung.  
-*Advertising Age*

## *Introduction*

The *Advertising Age* sentiment that marketers in China owe Mao Tse-tung “a debt of gratitude” captures the ironies stemming from recent changes in global news media (Madden, 2006a). Why would advertisers, the circulatory engine of capitalist consumer culture, praise Mao? In the context of *Advertising Age*, such praise has a clearly ironic ring. Mao’s anti-capitalist mission relied on the power of media as a tool of mass political persuasion. Party policies led to national subsidies for the diffusion of media into even poverty-stricken and rural parts of China. The modern network, grown with a similar nation-building mandate, now proves a boon to marketers seeking to reach what was in 2010 395 million television households, 95% of the population (Landreth, 2010). Such comments from the advertising industry serve to emphasize the confluence of state policy and commercial industry in contemporary China. The interpenetration of capital and state resources is a defining feature of China’s ascension to the World Trade Organization in 2001 and the simultaneous internationalizing news network CCTV.

Government initiatives were the source of the earliest international broadcasting systems, from technology engineering standards to regulatory conditions necessary for signal non-interference (Bumpus & Skelt, 1984; Wood, 1994). CCTV is not a unique example of government funding in the proliferation of foreign news (Cushion, 2010; D. K. Thusssu, 2007). Many emerging global news networks mix these funding resources to rely on seek commercial revenue sources and maintain substantial government/public funds for growth and expansion. As an example of contraflow in global media circulation, China has transformed its state broadcaster into a revenue-generating media company with strong links to national and transnational advertising companies. While government funding has been withdrawn, structural regulation

keeps CCTV in a central position domestically and enables its expansion overseas in important ways.

This chapter documents the funding techniques that support the extension of CCTV into foreign markets. Based on the relationships CCTV develops with private transnational media firms between 1995 and 2012, I attribute China's ability to implement its "going abroad" policy shift toward soft power to the commercial value of the Chinese domestic population. Strategic partnerships with private capital are examples of the "marketing mechanisms" emphasized by Chinese leaders in 2003 as a component of expanding China's media presence overseas (Xinhua, 2003). The relationship between government media and global ad spending plays an expanding role in international news contraflow, and CCTV's relationship to Western-styled private media companies has helped define the global media landscape.

CCTV's evolution as a news organization animated by both political and commercial incentives exemplifies what I call neoliberal contraflow. I outline the public-private relationships bringing life to China's foreign media industry to provide background for the discussion of the network's move into North America in the chapters that follow (chapters 4 and 5). Opponents of Chinese media protest the funding sources and challenge independence in regulatory debates over foreign broadcasters entering North America. In both the United States and Canada, media activists have rejected CCTV as propaganda. CCTV, opposition argued before regulators, did not comply with North American standards of objectivity, balance, and impartiality. Funding sources served to impugn CCTV.

The methods of production and, more importantly, the perception of the geopolitical motivations for production becomes important to public-interest organizations involved in regulating media flows into North American contexts. As such, detailing the hybrid funding

model sets up my examination of the public activism that erupted in response to the Canadian government's policies regarding foreign media entry. Despite significant mobilization and media activism by media activists in Canadian politics, China's extension of soft power into the Canadian regulated system was largely successful in terms of gaining distribution as discussed in chapter five.

The aim of this chapter is to discuss the model of media production and international distribution with a focus on how it is financed. China's integration with global market capitalism is a cornerstone of this process. Chinese media is viewed as a profit vehicle in Western industry and business literature analyzing China's markets. After outlining views of Chinese media markets, I briefly summarize the recent history of CCTV's integration with international commercial media firms. I then highlight some of CCTV's characteristics that present challenges for North American media activists and regulators. Finally, I review the turn to soft power, what has been called the "Going abroad" project, a policy meant to "bridge the gap between China's strong economy and its still weak media influence abroad" (Xin, 2012, p. 2). The policy has pushed CCTV, among other state media producers, to expand with overseas audiences in mind.

#### *CCTV's Reorganization for Ad Revenue and Social Control*

Even when trying to look beyond superficial contradictions, the ironies of China's mixed economic model are hard to ignore. Take, for instance, the pay-to-play media culture riding the coattails of China's long economic boom. In 2012, flattering coverage of a company in the Chinese Communist Party's (CCP) official newspaper costs \$1 per Chinese character. International

#### CCTV Organizational Profile (self-reported 2012)

- 42 Channels inside China
- 7 Channels outside China; 6 languages
- 13,000+ employees
- 140 countries
- 150 million subscribers
- 50 foreign bureaus

executives hoping to generate buzz about their company’s plans to partner with Chinese firms or introduce products to Chinese markets can secure an interview on CCTV at a rate of \$4,000 a minute. These are publicized rates, cited by global public relations firms and Chinese media outlets despite the practice being considered a form of bribery by the Chinese authorities (Barboza, 2012).<sup>38</sup>

Table 5: Global Expansion of China Central Television, 1996-2014

| CCTV Channel  | Launch Year                        | Content/Footprint/Language  | Ownership/Funding           |
|---|------------------------------------|---|-----------------------------|
| <a href="#">CCTV-1 (General)</a><br>Originally “Peking Television”    | 1958<br>Renamed<br>CCTV in<br>1978 | News, Drama<br>Regional: China, Hong Kong,<br>Macau, Taiwan<br>Chinese Language | China Central<br>Television |
| <a href="#">CCTV-2 (Finance)</a>                                      | 1963                               | Financial and consumer news<br>and entertainment                                | China Central<br>Television |
| <a href="#">CCTV-3 (Arts and Entertainment)</a>                       | 1969                               | Arts programming<br>National: China   | China Central<br>Television |
| CCTV-4 (International Chinese)  | 1992                               | News<br>International: Asia, Europe,<br>America subdivisions<br>Mandarin        | China Central<br>Television |
| <a href="#">CCTV-5 (Sports)</a>                                       | 1995                               | Sports programming and<br>news<br>National: China                               | China Central<br>Television |
| <a href="#">CCTV-5+ (Sport Plus)</a>                                  | 2008                               |   | China Central<br>Television |
| <a href="#">CCTV-6 (Movie)</a>  | 1996                               |   | China Central<br>Television |
| <a href="#">CCTV-7 (Military and Agriculture)</a>                     | 1995                               | Military and Agricultural<br>National: China<br>Chinese                         | China Central<br>Television |
| <a href="#">CCTV-8 (TV series)</a>                                    | 1994                               | Television Drama<br>National: China<br>Chinese                                  | China Central<br>Television |
| <a href="#">CCTV-9 (Documentary)</a><br>National and<br>International | 2011                               | Documentaries<br>National and International<br>Mandarin, English                | China Central<br>Television |

<sup>38</sup> Though the legalities remain undefined due to lax enforcement, paying for coverage in this way can be considered bribing a government official since most journalists work for organizations controlled by the state, making it subject to Chinese anti-corruption law as well as the U.S. Foreign Corrupt Practices Act.

Table 5 (cont.)

|  |      |  |                          |
|--|------|--|--------------------------|
| <a href="#">CCTV-10 (Science and Education)</a>      | 2001 | Science and Education<br>National: China<br>Imported and local productions | China Central Television |
| <a href="#">CCTV-11 (Chinese Opera)</a>              | 1998 | Opera<br>National: China   | China Central Television |
| <a href="#">CCTV-12 (Society and Law)</a>            | 2004 |  | China Central Television |
| <a href="#">CCTV-13 (News)</a>                       | 1998 | News<br>Mandarin<br>National and International                             | China Central Television |
| <a href="#">CCTV-14 (Children)</a>                   | 2003 | Children's programming<br>National: China<br>Chinese                       | China Central Television |
| <a href="#">CCTV-15 (Music)</a>                      | 2004 | Music programming  | China Central Television |
| <a href="#">CCTV-News (International English)</a>    | 2000 | News for foreign audiences<br>English<br>International ("worldwide")       | China Central Television |
| <a href="#">CCTV-Español (International Spanish)</a> | 2007 | News for foreign audiences<br>International<br>Spanish                     | China Central Television |
| <a href="#">CCTV-Français (International French)</a> | 2007 | News for foreign audiences<br>International<br>French                      | China Central Television |
| <a href="#">CCTV-العربية (International Arabic)</a>  | 2009 | News for foreign audiences<br>International<br>Arabic                      | China Central Television |
| <a href="#">CCTV-Русский (International Russian)</a> | 2009 | News for foreign audiences<br>International<br>Russian                     | China Central Television |
| <a href="#">CCTV America</a>                         | 2012 | News for foreign audiences<br>National: US<br>English                      | China Central Television |
| <a href="#">CCTV Africa</a>                          | 2012 | News for foreign audiences<br>International<br>English                     | China Central Television |



These features of China's media system are representative of the broader transformations rooted in the opening of China's economy to the global market.<sup>39</sup> China's rise, particularly changes in the late 1990s and early 2000s, should be situated in this larger context. Dan Schiller (2005, p. 88), for instance, casts these transformations as one component of the "structural reconfiguration of transnational capitalism" in general. Investors and policymakers alike view China and its information sectors as "poles of growth" for the global political economy while Chinese policymakers "attempt to secure advantages for domestic capital as [China's] representatives broker (often venally) transnational corporate access to the country's great reserves of cheap labor power and to its expanding domestic market."

I emphasize two consequences of this reconfiguration to frame the development of CCTV as an international, state-owned media company. The first is CCTV's usefulness as a point of control for Chinese media officials who manage transnational corporate access to the domestic population. The second is the renewed importance of gaining a foothold in national media markets of major trading partners through news and cultural broadcasting. CCTV's expansion overseas is an investment in maintaining public opinion in strategic national settings from which massive foreign direct investment flows. For many transnational media firms looking in, China continues to be seen as the means of global growth. China can absorb production surplus in a variety of economic sectors. CCTV has the dual function of gatekeeper to this consuming public and means of conditioning public opinion domestically as well as in foreign settings.

China's strategic embrace of market mechanisms has had noteworthy consequences for the role of media within China. Yuezhi Zhao (2012, p. 157) has observed how party organ

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<sup>39</sup> The "opening" of the Chinese economy beginning in 1978 also saw the restructuring and renaming of China's national television network. Established as Beijing Television in 1958, the renaming as CCTV accompanied the more general shift toward market measurements and an emphasis on financial self-sustainability.

publications became a means for the CCP to communicate among upper-level leadership, making the post-Mao era papers function like the elite press in the West. The relationship between elite economic power and news production in China (see Zhao, 2012, p. 163) draws attention to the broader economic transformations since reforms began in 1978. Xinhua, despite early failed attempts at autonomy from government subsidy, has raised the status of its business division, suggesting “that the Chinese news agency has taken the notion of the market very seriously, and commercial activities are now seen as just as important as Party journalism, if not more so” (Xin, 2012, p. 136). Advertising and marketing in China have become a means of growth and a sustaining economic source for media at large.

A brief review of changes in the Chinese media landscape since the introduction of market reforms outlines some of the characteristics of the hybrid funding model and its expression in China. The hybrid funding model represented by CCTV has had its national and now international growth sustained by the selective engagement with market forces and the national “natural resource” of a massive population of attractive consumers.

The rise of China as an economic, political, and military power has coincided with the China’s growing initiative in global telecommunication infrastructure, hardware, and content. This initiative involves forging transnational economic relationships around, among other things, advertising practices (D. Schiller, 2005). China’s incorporation of market strategies across communication sectors is a clear trend but remains selective. The reform era in China led to liberalization of media and telecommunications while maintaining a “fortified regime of political control and state capacity building in the management of these systems and increased commodification of services” (Zhao, 2008, p. 29). Economic reform of Chinese culture industries has prompted the state to view the systematic development of the sector as a tool in the

pursuit of economic and cultural power in global settings as well as the management of domestic political conditions. The projection of Chinese influence through the global marketplace in media goods and services is based on the funding structure that mixes state control with the market power of monopoly control over Chinese domestic markets.

The sort of selective liberalization seen in China produces incentives for foreign investment, making potential yields too lucrative to pass up despite the potential impediments private companies anticipate when operating in a managed economy. The value of China as an investment is reflected in UN surveys of multinational executives who consistently place China ahead of the United States as prospective host country (UNCTAD, 2012). General foreign direct investments from the United States show returns of 13.5% in China, 3.8% higher than global average (“China’s economy and the WTO,” 2011).

Investment in China’s mass media in particular is attractive as a long term strategy of market positioning. Transnational firms related to media, goods manufacturers, advertisers and programming distributors among them, covet the urban middle class as a source for continued prosperity in the face of anemic growth opportunities in developed countries. Time Warner executive, Steve Marcopoto, made this clear in a speech at the 2009 World Media Summit Beijing, promoting greater investment opportunities that, at once, would not trouble China’s censorship regime. “China’s global development will benefit from ties that would create a dynamic international media industry, and fully adhering to the country’s broadcasting code” (“Time Warner eyes bigger market,” 2009). The twin factors of an expanding middle class with disposable income and a maturing retail distribution system have had a bevy of consequences for CCTV and China’s international communication ambitions.

*CCTV’s domestic audience market*

The growth of consumerism and the availability of expendable income in China have sparked widespread interest in Chinese media among multinational firms and marketers. China's growth has been prodigious. Beginning in the late 1970s, progressive phases of market reforms in China's economic have coincided with a policy-directed growth of CCTV. China's domestic population and strong GDP climb, averaging growth of 9.2%, between 2009 and 2012 (International Monetary Fund, 2011), have created a base for the spread of China's media presence around the world. Coupled with an increased official awareness of the need for a Chinese voice on the international stage, China's economic boom has facilitated the multiplication of channels offered by CCTV domestically and internationally. Between 1986 and 2004, channel offerings grew from two to sixteen (Hong, Lu, & Zou, 2009, p. 46). Among the channels developed in this period of growth were two international channels designed with two linguistic publics in mind, CCTV-4 in Mandarin and the English-language CCTV-9.

The transformations of CCTV involved weaving its political mission with the financial interests of transnational corporate media firms. This weaving is reflection of how China has redesigned relationship between private capital and state investments in state capitalism. State capitalism has shown remarkable resilience throughout the global downturn. As *The Economist* noted in 2012, "[f]or emerging countries wanting to make their mark on the world, state capitalism has an obvious appeal. It gives them the clout that private-sector companies would take years to build" ("Emerging-market multinationals," 2012, para. 14). For China's broadcasting industry, denationalization was not an option. While China's climate of political control explains keeping these industries within the party bureaucracy, government support was also a means to achieve parity in the global marketplace as CCTV was revamped for a global television distribution markets defined by multinational conglomerates.

China's domestic audience size was a central component in the growth of CCTV. While Chinese authorities retain editorial control over newsrooms, the network generates considerable revenues as a state-managed business. CCTV's fortunes mirror the value accorded the purchasing power of the emerging middle class by global manufacturers. As Jing Wang has observed, CCTV's state-sponsorship within China has allowed the network to beat out other media ventures in advertising revenue "precisely because it is both the government's mouthpiece and a powerful conglomerate" (Wang, 2008, p. 247). CCTV's opening to commercial revenue sources has been so successful the network has returned the surplus to government capital reserves. In less than a decade since commercial reorganization under China's market reforms, CCTV was financially self-sustaining, covering its own operational expenses and paying the state RMB 1.2 billion (US \$150 million) in taxes by the mid-2000s (Hong et al., 2009, pp. 44–45).

*CCTV in the 1990s: State-Owned Enterprises as exceptions to liberalization?*

CCTV's global growth and its reception in North America need to be understood in light of these encompassing political and economic changes to the media system in China. In 2012, China and Russia State-Owned Enterprise (SOEs) amounted to only one-third of total domestic production. Such low figures are surprising for national settings in which state-owned sectors once constituted the bulk of GDP. But overall shrinkage of state involvement is more an indication of retrenchment rather than mere retreat in developing economies. Twenty-eight of the 100 largest companies among emerging economic powers remain SOEs, and they are the prime benefactors of market capitalization in the Chinese stock market ("State capitalism's global reach," 2012). In China, the top state companies have benefited from the rapid national economic growth and internationalization: total assets expanded from \$360 billion to \$2.9 trillion between

2002 and 2010 (Ibid, 2012). The endurance of state ownership has an obvious rationale. China's interest in maintaining control over domestic media is an extension of the "social harmony" policies that have been reemphasized in response to the threat of social conflict. But CCTV is part of a more general repositioning of state assets rather than the progressive and ineluctable privatization that is often the premise of "neoliberalism." Liberalization, in the Chinese context, is a means to strengthen the core state assets and state control.

CCTV's internal reorganization was a response to the 1990s drive toward private ownership within Chinese media markets. It prompted a proliferation of genres through a change in the system of content production. The first advertisements in both state television and print appeared in 1979, the same year market reforms were setting in for the country at large (Xiaoping, 2001). Economic reforms for Chinese television and CCTV, however, began in earnest in the mid-1990s with the introduction of what scholars of Chinese media labeled the "producer system." Reforms during this phase of CCTV's organizational restructuring replaced a system of party appointments that had populated the ranks of the Chinese television industry with a less direct system of control that offered producers greater autonomy in terms of creative and managerial labor such as program design, staffing and budget management (Hong et al., 2009). The use of a producer system, a model familiar to commercial media systems in the West, also made advertising the principal financial support as the state began to withdraw subsidies. By 2001, only .05% of CCTV's financial resources came from government sources (Xiaoping, 2001). Observers of Chinese media point out, for instance, how the broad transformations in content offerings in the 1990s departed from the mouthpiece model (see Hong et al., 2009). The heavy hand of the party loosened, and innovations in CCTV programming like *Focus* and *Oriental Horizon* gained viewership because of journalistic freedom to pursue stories on

provincial and municipal corruption in China. Investigative journalism and documentary production became successful new genres as well.

Still, creative freedom, increased diversity of programming genres and the greater emphasis on investigative reporting continued to operate within state-circumscribed parameters of legitimate debate. While the reform period has seen CCTV's functions diversify beyond party mouthpiece, the network retained this political role alongside new commercial purposes. The CCP's uses of CCTV, the network's national scope, and its function as a content feeder to smaller regional television mark the limits of serious competition, though provincial media organizations offer some challenge collectively.<sup>40</sup> Berry (2009), for instance, frames the introduction of producer-driven models "as symbolic of a shift in Chinese television away from being a pedagogical tool of the party-state apparatus to interacting more complexly with the market economy and ideas of public participation" but qualifies that the participation cannot be judged by idealized civil society templates of free inquiry (2009, p. 71). CCTV maintained its place as the state-corporate gatekeeper to the eyeballs of a growing consumer class and reaps the financial windfall from that advantage.

China's 2001 entry into the World Trade Organization (WTO) accelerated integration with global capital, but the perception of the nation's economic prowess allowed it to avoid a more wholesale surrender of domestic communication industries to global markets. Early in the 2000s, publications like *The Economist* were still skeptically eyeing China's commercialization of its media system, lamenting the lack of privately owned satellite channels, the prohibition on airing foreign content and the relative weakness of the population's buying power: "[c]ertainly,

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<sup>40</sup> CCTV's status in China is not monopoly in a strict sense. Competition from external, private media and regional networks spurred CCTV's restructuring during the 1990s.

there is potential;” the publication stated, “although China’s average viewer is still poor, its advertising market is already the second largest in Asia after Japan and it is the fastest-growing in the world” (“Face value,” 2001, para. 7). Two years later, advertising markets remained small by global standards at US \$2.7 billion, but China was in a strong bargaining position with a projected 10 percent annual growth in the advertising sector (“Business: Some Iraq, not much SARS; Chinese television,” 2003). This position was advantageous for China’s relationship to global capital investment, stemming from what Zhao (2003b) identified as a “power bloc” that had come to structure Chinese media system priorities: bureaucratic capitalists within the Party, transnational corporate capital, and the urban middle class.

CCTV’s profitability stemmed from innovations in tapping advertising revenues, aided by the perception of CCTV as the principle means to reach nationwide audiences. CCTV’s central position for domestic and international advertisers coincided with an increased emphasis on marketing to reach Chinese viewers and be among the first companies to establish brand consciousness. By 2006, the network had developed relationships with China’s wholesalers who viewed CCTV’s “golden” time slots with a nearly irrational sense of the channel’s potency as a tool for sales (Japan Broadcasting Corporation, 2007). With GDP growth averaging around just below 10% for several years approaching the turn of the century, China’s manufacturers were attempting to meet expanding consumer demand. Corporate branding at the national level quickly became a necessity for ambitious manufacturers looking to establish broad distribution.

CCTV’s monopolistic relationship with advertisers is significantly different from parallel relationships in western contexts. In the United States, for instance, several networks with roughly equal market power drive down the cost of advertising. If several networks can offer similar, nationwide audiences to potential advertisers, advertisers in turn can take their business



to rival networks. China has positioned CCTV as central in the Chinese media system, preventing advertisers from pitting networks selling advertising slots against one another. The CCTV system pits advertisers against one another, pushing costs for those slots higher. China's media policy requires CCTV's evening news broadcast be retransmitted through all provincial networks. Accordingly, the potential reach of the program is unrivaled. Thirty-second slots are valuable as a sole means for product exposure and exact a premium that reflects monopolistic distribution.

In addition to the producer system, the mid-1990s also saw CCTV retool its relationship with the global marketing/advertising complex by use of a bidding system. The bidding system further pit advertisers against one another and drove up the value of CCTV's commercial slots. The auction, CCTV executives reasoned, could maximize yield through price inflation, relying on what Jiang Wang calls the "myth" that CCTV was a must-have for any brand's success (Wang, 2008, p. 263). The auction had the eventual effect of further introducing non-Chinese goods manufacturers to the ad market which had been largely made up of Chinese sponsors. Through these early auctions, CCTV grew revenue throughout the late 1990s. In 2004, ad revenue for CCTV amounted to US \$655 million; the auction took in US \$725 million in November of 2005 (Madden, 2006a). As an indication of the value accorded CCTV, the bidding value for a prime time slot on CCTV's domestic broadcasts rose from US \$252,500 to US \$669,300 between 2000 and 2005.

CCTV's supremacy in attracting ad-revenue weakened by mid-decade with increased commercialization of the national media environment, giving advertisers more options for buying (Wang, 2008, p. 278). But, throughout the early 2000s, CCTV saw an influx of foreign companies challenging the ad market which had been dominated by Chinese brands (Madden,

2006a, para. 10). Established foreign firms such as Proctor and Gamble (P&G) turned to CCTV as a means to gain a share of the growth in domestic consumption as well as create markets for established product lines (Backaler, 2010). P&G's investment in CCTV as a vehicle to enter China's consumer markets was typical of the kind of company Chinese officials found compatible with the public's moral and political wellbeing as defined by the CCP's version of a Marxist/Leninist press. P&G, on the other hand, viewed China as a recreation of unfulfilled American mass markets in the early 20<sup>th</sup> century. The company has invested considerable sums in market research to establish the viability of moving their fleet of superbrands into what the company identified as "first" and "second" tier Chinese metropolitan markets. Investment in Chinese media has appeared to pay off. P&G's toiletry brand, Rejoice, for instance, has rooted itself on retailer shelves with between 25-30 percent of the market and the company's skin products tripled in sales between 2000 and 2005 ("The rise of the superbrands - Consumer goods," 2005).

P&G was at the leading edge of foreign media firms' move into China in the first decade of the 21<sup>st</sup> century. In late 2004, P&G became the biggest overall spender through these auctions: 385 million yuan (US \$46.5 million) and profits from the company's in-country sales rose 140 percent yearly on average ("The rise of the superbrands - Consumer goods," 2005). The multi-brand company purchased 30% to 40% of the prime time slots in 2005 (Madden, 2006a) and committed \$53.4 million for the following year. Among both Chinese and non-Chinese companies, P&G was the biggest spender for time on the Chinese broadcaster three consecutive years (Madden, 2006b). With the influx of foreign capital from marketing campaigns initiated by groups like P&G, CCTV's revenue increases were sustained despite growing competition for ad dollars. CCTV's national time slots in 2006 yielded \$724 million in advertising buys, \$88

million more than the previous year (Japan Broadcasting Corporation, 2007). In 2010, the prime time auction raised \$2 billion in revenues, a 15.6% increase from the year before (Winslow, 2010b). P&G is not alone in participating in CCTV's success. L'Oréal CEO Jean-Paul Agon's view of China in 2013 was typical among transnational media companies: "Chinese consumers are at the heart of L'Oréal's focus and energies. A potential 250 million new Chinese consumers will be using L'Oréal's products within the next 10 to 15 years, making China the number one contributor to . . . our strategy of universalization" (Davitt, 2013, para. 3).

Throughout China's ascendance in the WTO, CCTV was adapting to advertiser needs, reflecting its split devotion to political and commercial benefactors. Advertising interactivity, consumer interest channels, branded content and product placement helped CCTV maintain its attractiveness to marketing firms. As a means to preserve its supremacy in ad sales among the burgeoning provincial cable networks, *Advertising Age* noted how the broadcaster initiated an expansion of drama, sports and variety shows, content that is unobjectionable to censors and agreeable to both potential consumer and advertisers (Madden, 2006a).

By the end of 2010, CCTV's advertising sales division had booked enough sponsorship to project 12.7 billion Yuan (US \$1.9 billion) in time sales. These sales were up 16 percent from the previous year. Within a decade, television advertising increased to seven times amounts recorded in 2001. *The Economist* estimated Chinese television commanded 63 percent of all advertising done in China across media in 2010 ("Television," 2010). Advertising serves not only the rising urban consumer but increasingly the rural consumer to fuel growth making it likely that investment in the ad sector will outstrip GDP growth for years (Winslow, 2010a). CCTV is a well performing nationalized industry with an expanding viewer base of increasingly

affluent consumers. With almost unbroken growth, CCTV sold an unprecedented \$2.5 billion by 2012 (“Record take CCTV auction,” 2012).

The value of the Chinese middle class as a source of continued growth for transnational companies of European and North American origin has provided the means for China to selectively integrate with commercial juggernauts. The relationship between commercial and government enterprise in the case of CCTV has empowered both the advertising industries’ biggest global firms and created a sustainable model for the production of media and the China’s party-guided journalism. China’s integration with global markets has been a success by most commercial standards, but the enduring lack of transparency in political decision-making and the inability to tolerate freer journalistic discourse are discouraging to others. The expected emergence of journalistic independence with the separation of news budgets from government accounts did not take place, despite significant changes such as the move to a producer-system and new investigative genres that exposed government corruption. Rather, the forms of integration with global capital represented by CCTV illustrate the collusion of consumer culture and regimes of controlled public discourse.

The relationship between CCTV as an ad-time selling network and the government-orchestrated structures that sustain its market centrality is the larger political context that frames CCTV’s growth as an agent of contraflow into North America. Despite relaxed press controls introduced by the adoption of a “producer system,” Chinese government authorities continued to view the function of the Chinese press as a means to support the party’s ideological vision and sustain CCTV’s centrality in the Chinese public sphere. CCTV’s evolution shows a hybridization of state and private cooperation as global advertisers subsidize the production of, among other media fare, state news for mainland China. This financial basis also affords leverage to access

foreign publics. The distinction between government and private media, a foundational distinction in liberal conceptions of the public sphere, is better understood as a spectrum with new financial models emerging with varying degrees of subsidies from governmental and private sources. What does the hybridized form of media production and distribution in emerging economies that has come to figure so prominently in global news mean for a global public sphere?

### *CCTV Moves into international broadcasting*

The embrace of transnational advertising has also enabled its program of ‘soft power’ as CCTV has made strategic use of transnational commercial media firms. China’s market transformations in media sectors have allowed for the use of domestic media consumers, coveted by advertisers globally, to fuel the projection of Chinese media products in multiple languages into the media systems of politically valuable target nations like Canada and the United States. Domestic audiences were a resource in the strategic integration with global advertising markets, but domestic audiences also provide other means of entry into foreign markets.

Market reforms within China’s state broadcaster have allowed the corporation to expand and grow into an international media company, proliferating into an array of channels for foreign audiences. In her account of Xinhua’s marketization, Xin Xin characterized the “Going abroad” policy change as “the reinforcement of state intervention as an unanticipated outcome of the parallel processes of marketization and globalization” (2012, p. 2). China’s broader interest in developing a more robust diplomacy apparatus has dovetailed with the economic transformations I have discussed. While CCTV transformed from a more staid and familiar party mouthpiece into a profitable publicity organ, the CCP has embraced the market as a means to international political messaging in print as well. CCP officials began to call for “innovations” at the

organization that should, according to official decree, “explore new ideas about using market mechanisms to inject vigor into China’s publicity abroad” (“China overseas media group,” 2009).

CCTV’s success at home has created the foundation from which to spring into foreign markets and foster a global presence in several languages, combining the network’s experience dealing with transnational commercial firms with additional government supports for international expansion. In 2010, the government set aside (US) \$7 billion for international news alone, more than 15 times the annual budget of Britain’s investment in the BBC’s parallel broadcasting operations (“Waves in the web; International broadcasters,” 2010). The sheer scale of these outlays allowed China to introduce a second English-language news channel that year, CNC World.<sup>41</sup>

China’s interest in obtaining a media presence in North America stems from the need to represent China in foreign venues of opinion. As part of the embrace of the concept of soft power by Chinese leadership, CCTV is an investment in the engagement of both foreign publics and the Chinese diaspora in foreign countries. Ingrid D’Hooghe (2011) describes China’s interest in Chinese living abroad as multifaceted. The Chinese communities in North America are targeted “. . . because Beijing wants to keep the Chinese diaspora on its side and encourage them to invest in China. . . . they [also] play a role in promoting Chinese culture and lobbying for Chinese political interests” (2011, p. 23). CCTV also has competition to define the diasporic Chinese population around the world. CCTV’s foreign service in Mandarin competes for audiences with

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<sup>41</sup> The boldness of China’s entry into international journalism as a form of foreign relations, *Businessweek* described journalists as China’s most recent “export” (Dwoskin, 2012).

other satellite broadcasters such as Hong Kong-based Phoenix TV and TVB as well as dissident media NTDTV (Hing-Yuk Wong, 2009).

International media is at the forefront of efforts to position national economic ascendance as China's "peaceful rise." Seeking to emulate other international broadcasters and Al Jazeera specifically, the Chinese government began more serious bids for foreign markets in 2007. A presidential report to the Chinese Congress emphasized the need to "enhance culture as part of the soft power of our country to better guarantee the people's basic cultural rights and interests" (Cushion, 2010, p. 290). In April of 2010, the English-language CCTV News launched for a North American audience and made it onto US commercial cable and satellite distribution in addition to the 80 million viewers the network claims to have in 100 countries. With a base of operations in Washington, CCTV America launched in February 2012 as an additional service stemming from China's increased focus on establishing region-specific presences around the world. CCTV America focuses on business news with around 100 employees recruited from Fox News and Bloomberg News with a mandate to cover North and South America.

Executive consultant for the network, Jim Laurie, confronted the question of editorial independence by claiming CCTV's variants in the US had as much freedom as other state-funded broadcasters in the same class. "Ultimately, of course the government has control in any state-operated system, whether it be Al Jazeera, whether it be Russia Today . . . I would dare say even France 24 which is another entry into the 24/7 news world." Editorial control varies between Chinese-language and English-language broadcasts ("China Central Television Foreign News Bureau," 2012).

The rationale for expanding CCTV into English markets, Laurie explains, is representation in US public discourse and concern for misperceptions instilled by the one-sided

representation of the growing Chinese role in US economic and political affairs. More specific than policy movement toward a soft power agenda, CCTV spokespersons point to the one-sided nature of major debates regarding China-US relations on US networks in 2012:

There has been a lot of debate over the last several years about the RMB and the proper place it should be relative to the dollar . . . . If you were to watch Fox News or CNN or some of the other American media outlets you would feel there is really only one side of the story: that the Chinese were out to artificially keep this RMB at a particular level in order to bolster the exports of China and in some way doom the US to its increasing poverty. The Chinese will accept that position but they want to have their say (“China Central Television Foreign News Bureau,” 2012).

CCTV frames its expansion as a plea for representation, but it remains careful to do so by appealing to representational parity broadly rather than in a strictly nationalistic sense. Much like Al Jazeera brands itself as the voice of the global south, CCTV has actively bolstered bureau presence in South America and Africa, regions that are increasingly missing from the news agendas produced by CNN and BBC.

Speaking to CCTV’s growth, network representatives point to differences in funding. The weakening of Anglo-American journalistic organizations has created opportunities for new entrants. Laurie views the growth of CCTV as enabled by the failures in the economic models that have supported the “traditional” major players like CNN and the BBC. Losses in advertising revenue in the United States and retractions of government funding in Britain have led to newsroom layoffs, the destaffing of foreign bureaus and diminished reporting capabilities. But the one region’s loss is another’s gain. As these networks downsize, journalistic talent is picked up by growing organizations like CCTV.

To facilitate entry into global markets under the “going abroad” project, CCTV created a commercial arm, China International Television Corporation (CITVC). CITVC is a profit-



seeking, corporate arm of the Chinese government and is owned by and represents CCTV in negotiations with foreign regulatory agencies and cable/satellite distribution companies. China International Television Corporation. CITVC was established in 1984 as a state-owned company created as a subsidiary of CCTV. In 1997, CITVC reorganized assets and restructured its business to become a group corporation. The group combined many facets of the media business, business services that are often provided by distinct sub-industries in Western contexts. The company deals in program production and distribution while offering technical services, ratings analysis and advertising services and is embedded within China's regulator, State Administration of Radio, Film, and Television (SARFT).

According to the company, CITVC "has established a development model with traditional media business at its basis, emerging media as the point for growth and capital investment as the main method to achieve rapid development and positive return on investment" ("China International Television Corporation - Trade in Services," n.d.). As an extension of the state media regulatory system, CITVC performs a dual role in China's dealings with international media. First, it manages capital investments in China's major media enterprises, buying and selling CCTV programs in the international media marketplace ("China International TV Corporation Huan Ya Satellite Transmission Co., Ltd.," n.d.). Second, CITVC is the corporate gateway into China, acting as the sole authorized agent managing foreign satellite programming distribution within mainland China according to the PRC's political needs and objectives regarding media within and outside of China (Miller, 2007). CITVC's mandate to place CCTV content properties in foreign commercially oriented media systems has a strong start since the company has established relationships with Western distributors working with SARFT in China. CITVC's efforts are also helped by a base of familiar advertisers like Proctor

& Gamble, Colgate and L'Oreal, all of which advertise on CCTV properties. Ad revenue makes up seventy percent of China's twenty-two state channels (Thielman, 2013a).

In 2007, the company advertised its annual revenue of 3.65 billion Yuan, up 19 percent from the previous reporting period. This amounted to a net profit of 470 million Yuan (74,626,252 USD), itself an increase of 21 percent over the same period (China International Television Corporation, 2007). As a corporate enterprise, CITVC has engaged in vertical integration to support Chinese media abroad. The company diversified its offerings to include several media business services including production, distribution, technical provisions, ratings assessments and the work advertising agencies. It also plays a more general role as a major investor in the industry and capital markets as one of China's largest media companies. As China's domestic media industry expands, CIVTC represents China Central Television (CCTV) in the marketing and distributions of CCTV's copyrighted programming, mirroring the large conglomerates with which Chinese media must compete in the global arena.

*CCTV hybrid funding strategies conclusion:*

By 2012, China Central Television had functioned as a quasi-monopolistic, nation-wide media network in China for decades. With CCTV, government officials can communicate with the public through channels that are subsidized by a rapidly growing advertising industry. Upending the narrative so common to histories of U.S. journalism in which commercial support "frees" media from the influence of party and state patronage, CCTV illustrates how advertising can play a supportive role in authoritarian media environments. Advertising minimizes operational costs of media through which authoritarian political power manages its public presence domestically and internationally. It is this perception of CCTV that defines the negative public reception of CCTV in Canada's regulatory process and in U.S. public discourse.

The conventional wisdom that capital liberates is undermined by a cursory examination of media in China, pointing to the opposite outcome. Rather than the editorial independence some historians retrospectively identified as the logical consequence of commercialization of news markets in a process of differentiation, the public space produced by CCTV is conditioned by the marriage of reactive state censorship and market demands of advertisers. The addressee for CCTV's domestic service is, at once, the Chinese *public* under the moral tutelage of the CCP and the Chinese *consumer* sought by national and transnational advertisers.

The development of a domestic advertising industry has, however, been a boon to the internationalization of Chinese media at large, highlighting how domestic population sizes are significant in certain forms of media globalization (J. Straubhaar, 2010b). Not only does population size serve as a strong predictor of reliance on foreign media imports as Tunstall (2007, pp. 4–6) has emphasized but China's large domestic markets also serve to buttress expansion of China's state network abroad.<sup>42</sup>

As it moves into English media markets, CCTV's self-promotes the network as counterhegemonic. The organization portrays its news voice as speaking for the underrepresented in global news. While Al Jazeera's branding firmly positions its news division as a sort of global subaltern finally given the venue to bring important but neglected global issues into the global public sphere, CCTV has attempted a similar transformation of its image. CCTV spokespeople like Laurie take up this rhetoric in describing the value a Chinese perspective in

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<sup>42</sup> The result of CCTV's trajectory make it one of the few enduring (SOE) remaining in state hands after a period of global privatization during the 1990s that led Robert McChesney to raise concerns about the "rapid rise of a global commercial television system dominated almost exclusively by the world's fifty largest media firms" (1998, p. 13). CCTV's mix of state-backing with the functions of a private-sector multinational complicates a picture of commercialism's total victory. Indeed, the big players in the transnational media marketplace have been repeatedly frustrated by China's use of the market system, News Corporation most notably (Kahn, 2007).

media can offer North American audiences. CCTV, according to the network's public relations, fulfills the political tradition of media pluralism, allowing for diverse social interests to have a voice in governance. But the argument that CCTV fulfills principles of democratic diversity in the U.S. suggests a departure from the nationalist vision of the relationship between democracy and media pluralism. Implicitly, the branding of CCTV as a means to diversify news in North America entails recognizing foreign powers as a stakeholder in U.S. democratic deliberation. By this logic, CCTV fulfills a public need for news in a globalized world. The implied shift from a national interpretation of public interest in pluralism to a more global vision of pluralistic representation would justify the inclusion of foreign news networks in North American public sphere. But it is not clear that this shift has taken place, nor is the public interest value of state-driven media like CCTV established. The case made by CCTV's representatives in North America implies an erasure of differences between a nationally limited public interest in *domestic* speech pluralism<sup>43</sup> and a more global sense of public interest.<sup>44</sup> The normative foundations of North American media policy do not provide clear answers. Pluralism, as a media policy value, has been challenged by media globalization.

Advocates for the channel's expansion in North America conflate the efforts of CCTV to move into foreign media systems with similar efforts of other national broadcasters seeking to grow foreign viewership. However, this ignores the specific political purposes of CCTV. As I discuss in chapter five, public controversies surrounding CCTV's entry into Canada alleged the network functioned as a way to extend policies of social control and minority persecution, attacking and marginalizing Chinese-Canadians associated with Falun Gong spiritualists, a group

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<sup>43</sup> For example, the public interest in protecting the speech rights of civil rights advocates in Montgomery, Alabama.

<sup>44</sup> For example, the public interest in facilitating the entry of foreign broadcasters to influence public perceptions of foreign governments.

the Chinese Communist Party declared illegal due to Party fears that the group could generate dissent and undermine the authority of the Chinese political system. Yet, as I discuss later, neither Canadian nor U.S. regulatory institutions appear prepared to cope with these questions about news contraflow. The political instrumentality of CCTV raises serious questions about whether or not the news organization promotes or undermines democratic pluralism in media systems.

Global advertisers and transnational corporate entities with interests in Chinese media markets will support CCTV as companies seek profitable ventures in China. Through CITVC, CCTV's ability to leverage access to Chinese consumers leads to important questions about the ability of national media policy to distinguish between these various ventures in foreign news programming. In the United States, a reliance on the market and an absolutist interpretation of free expression bar the evaluating foreign content to discern the public-service value a foreign broadcaster. The U.S. policy context also fails to provide an effective means to determine if a foreign broadcaster is, for instance, systematically misrepresenting global events or use news products to marginalize political dissent within the United States (chapter four). Canadian regulators more clearly struggled with this question when CITVC petitioned Canadian media regulators to allow CCTV news programming into Canada (chapter five). The following chapters look more closely at the processes of reception of Al Jazeera and CCTV in Canada and the United States to analyze how domestic media policies influence the movement of contraflow into North America.

## **Chapter 4**

### **A Reinterpretation of foreign news regulation in the United States: Al Jazeera and China Central Television**

Chapter Abstract: This chapter examines how the United States media system responded to the rise of foreign news channels seeking distribution in U.S. cable and satellite systems. I examine U.S. media policy conditions in the United States with an eye for how the regulatory principles of free flow, diversity and pluralism have or have not fostered global engagement. I consider a variety of regulatory forces that converge on the question of foreign news in the United States paying closer attention to the examples of Al Jazeera and China Central Television. Though the U.S. maintains policy commitments to free flow and media pluralism, these responses to contraflow illustrate forces that shape news flows according to U.S. national security interests, exclusive journalistic norms and the demands of national industries. The U.S. commitment to neoliberal media governance, roughly defined by market-based regulation and a preference for commercially viable global media, disadvantages independent media producers. This includes foreign news organizations. Consequently, this condition fosters industrially enforced parochialism. In terms of foreign news entry, U.S. regulatory conditions make state news organizations more likely to succeed in the market despite a broad normative aversion to government involvement in media.

*Introduction: U.S. Media policy values in globalization*

Foreign news coverage in the United States has been in decline. Reporting on foreign affairs from U.S. publications has weakened rapidly in the past decade. A study in *American Journalism Review*, for example, shows a 53 percent decline in foreign news in print between 1985 and 2010 (Kumar, 2011). In terms of broadcast news, network coverage is inconsistent in covering global events, even those directly related to U.S. foreign policy. Between the 2003 and 2008, coverage of wars in Iraq and Afghanistan dropped by 78 percent (Waldman, 2011, p. 239). CNN, once a championed example of news globalization, has taken to shuttering expensive foreign bureaus, including the last remaining Western news organization with full Baghdad bureau operations in 2013 (Hayden, 2013). The fading vision of the world in U.S. news undermines traditional notions of public-interest standards. Many of the news sources associated with accessible yet thorough reporting on foreign affairs are under financial strain as advertising revenue dries up in the shift to new media marketing vehicles.

The potential value of foreign news organizations to maintain a sufficiently detailed picture of global affairs seems clear. Foreign news expansion offers a means to supplement the withdrawal of major commercial operations from serious investments in, for instance, investigative foreign affairs journalism. Foreign journalistic organizations provide a more direct look into issues around the globe with greater regional familiarity and local contacts. Foreign journalism also has the potential to satisfy central values in liberal democratic media systems: pluralism, free flow and viewpoint diversity. Viewpoint diversity is frequently overlooked in policy debates over foreign news in the United States, but the relationship between American media policy values and the growth of foreign news networks needs to be reexamined. This chapter takes up two questions. Given the liberal media policy context of the United States, what

forces influence the integration of foreign news media? What role do policies of diversity and pluralism play in shaping contraflow into the United States?

In this chapter, I argue that coincident with the advent of a broader range of foreign media available for U.S. distribution, liberal principles have come to foster industrial concentration in a way that limits the ability for independent producers to gain distribution. Foreign news sources are some of the most independent with greater distance from the political and economic pressures that shape U.S. commercial journalism. In terms of pluralistic representation of international politics, the surge in foreign news represents an opportunity to expand diversity. Defining diversity, however, remains problematic in U.S. media policy history. Given the absence of coherent policies to address the question of contraflow, foreign news seeking space in the United States enters a highly competitive market governed by a regulatory structure shaped around the needs of vertically and horizontally integrated programming and distribution companies. This market-based approach defines the entry of both Al Jazeera and CCTV. As case studies, these expanding news organizations point to the opportunity to the need for redefinition of regulatory principles.

*The United States policy context: a parochial free flow*

In comparisons of national systems, U.S. media often exemplifies the “liberal,” or free-market media system (Freedman, 2008; Hallin & Mancini, 2005; Karppinen, 2013; Robert Waterman McChesney, 2004). The U.S. media system defines extreme liberalism on the spectrum of national media policy. Liberty of the press, as a constitutional guarantee, is founded on a fundamental skepticism of government. The press is to be free from government influence to maintain independence and check the threat of governmental corruption, malfeasance, incompetence and power generally. U.S. liberalism rose out of the European Enlightenment



tradition that rejected princely authority and, in more modern versions, the authority of centralized federal governance. The suspicion of government power has been coupled with a faith in markets to positively shape public discourse values to achieve diversity and pluralism. A more radical shift toward the market over the past four decades has challenged the idea of government intervention for diversity's sake, leading to a reaffirmation of markets as the best possible means of allocating communicative social resources. The consequences of these shifts in policy have significance across the media system including dynamics of international journalism.

The neoliberal turn in the U.S. anticipated a more global turn in policy processes that has been well documented. Most assessments pointing to a "global neoliberalism" in multiple economic sectors under the guidance of transnational corporate firms and multinational organizations that, in turn, are driven by the market philosophy associated with the U.S. (Chakravartty & Sarikakis, 2006; Herman & McChesney, 1997). A free flow doctrine has been the keyword for many of the basic policies of the U.S., both nationally and internationally. As Monroe Price has noted, international norms like free flow are increasingly "used swordlike by those external to the state, often NGOs and media corporations with existing global power, to encourage a more favorable legal regime within a state" (2004, p. 34).

The outward reach of U.S. media has been debated for decades and continues to incite the ire of those seeking to protect local or national culture from U.S. commercial exports. But recent decades have seen some flagging in the centrality of U.S. media in other regions of the globe. Media imperialism arguments have accordingly adjusted focus from a strict national model of global influence. Herman and McChesney (1997), for instance, emphasize a corporate and commercial complex as the guiding development at supranational level rather than American imperialism. A more detailed view of shifts in media production at the national level points to a

more multifaceted set of changes even if corporate commercialism defines the macroeconomic picture. As Tunstall (2008b, p. 449) notes, the 11 most populous nations with 60 percent of the world's population have become media independent, breaking away from dependency noted by a previous generation of scholarship on global flows of media. The result is a more multipolar media world in which flows are no longer predictably from developed nations in a periphery-center model.

Some researchers have begun to examine features of this multipolarity in global media power and its influence on information flows (Seib, 2008, 2012; Sparks, 2003; J. Straubhaar, 2010b; D. K. Thussu, 2007), but less attention has been paid to the flow of media into the United States and how national policy environments invite or repel foreign cultural perspectives (c.f. A. Valdivia & Curry, 1996). One observation in the study of media globalization is increasingly common: "the state matters" (Morris & Waisbord, 2001). Kristina Riegert (2011, p. 1570) also points out that, beyond explicit state media policies, "linguistic, political, and cultural barriers are important reasons why global news is not as global as it purports to be." Riegert's point remains true of "global news" in United States. Journalism, heavily protected from overt government influence in the United States, remains subject to significant normative guidelines based largely in more cultural rather than legal expectations. The values embedded in formal and informal regulation of news media remain regionally rooted and variously codified in national law. U.S. assumptions about journalism, what it looks like and what purpose it serves, remain the hegemonic model on the global stage even if it is in its "twilight" (J. Nerone, 2012).

Differing communication traditions lead to cultural and legal conflict in media globalization. Though free flow policies continue to define U.S. free speech jurisprudence and the Federal Communication Commission rule-making, the promise of newly diverse news

sources from the international arena is undermined by the industrial conditions rooted in the U.S. policy context. In addition to industry conditions, international news is regulated by a variety of factors beyond the FCC. A full analysis of media regulation related to foreign media must consider an expanded set of influences, including acts of Congress, U.S. foreign affairs agencies, activist opposition in the United States and the distribution industry as has evolved under the principles of U.S. media regulation.

### *Free Flow*

Among the concepts defining U.S. policy, free flow endures as a touchstone policy value bound up with notions of pluralism in U.S. media politics. Pluralism, diversity and free flow are unsettled terms given new developments in international news.<sup>45</sup> References to free flow and diversity litter policy statements, but there are limits to this flow. Kimberly Zarkin has noted a central point of policy confusion for the FCC. The Communications Act of 1934 denies the commission censorship powers in the name of free speech while later sections of the Act criminalize “any obscene, indecent, or profane language by means of radio communication” (2003, p. 3). Because liberal democratic governments are reluctant to legislate matters of content permissions or requirements, content regulations are often vaguely defined (discussed below). Structural regulation has, however, provided a more legally palatable alternative, influencing media behavior through anti-trust provisions. But ownership restrictions, if they are assumed to be effective, influence content and, thus, come dangerously close to violating free expression

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<sup>45</sup> Herbert I. Schiller and the activist policy scholars associated with UNESCO spearheaded the media imperialism argument throughout the 1970s with a focus on “American” hegemony through media exports and an American led corporate order that used free flow as a ruse for ideological support for commercial expansion. This chapter departs from the outward look from the US to examine how new multipolarity in global media has influenced the “free flow” arguments in the US and how the assertion of commercial prerogative has created its own regulatory system and the consequences of the regulatory values as they influence the reception of foreign perspectives in news.

principles. Non-intervention defines U.S. policy, resonating with a larger suspicion of government in U.S. political culture. The tension between safeguarding democratic media conditions with government and threatening them with government characterizes shifts in electronic mass communication policies in the latter half of the 20<sup>th</sup> century.

Free expression rights appear frequently in the FCC policy documents as rationale for the limited role of the agency. The FCC often describes its mission as a passive promoter of market competition.<sup>46</sup> This restriction on power gets its most rhetorical emphasis in content regulation.

The Commission describes these limits as a dedication to Constitutional limits:

The First Amendment's guarantee of freedom of speech . . . protects programming that stereotypes or may otherwise offend people with regard to their religion, race, national background, gender, or other characteristics. It also protects broadcasts that criticize or ridicule established customs and institutions, including the government and its officials. The Commission recognizes that, under our Constitution, people must be free to say things that the majority may abhor, not only what most people may find tolerable or congenial (FCC Media Bureau, 2008, para. 20).

The FCC limits its authority to cases in which programming is obscene or promotes “imminent lawless action.” Broadcast journalism is a similarly protected species. The Commission explains that “. . . in light of the fundamental importance of the free flow of information to our democracy” the Commission restricts content regulations to hoaxes that cause public harm and “news distortion.” Both violations require compelling evidence to merit FCC intervention (FCC Media Bureau, 2008, para. 22–25).

FCC policy mirrors classic formulations of free expression in foundational liberal thought

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<sup>46</sup> The FCC’s role in promoting democratic communication is nearly lost in its website’s self-description. Among the bullet points listing its purpose: “promoting competition,” “investment,” [s]upporting the nation’s economy” by supporting competition, revising media regulations to support new technologies as well as diversity and localism. See archived FCC website (“What We Do | FCC.gov,” 2013).

on communication rights (c.f. Mill, 1989 [1859]). Media organizations and related businesses are protected from government censorship. This follows from an interpretation based on shielding minority views held to be repugnant by a social majority. This ethos is at the root of liberal pluralism, though the policy values associated with it have changed over time. The broad change has been defined by increased reliance on markets resulting in a regulatory structure favoring large-scale corporate entities and the privatization of public interest.<sup>47</sup>

Critics of absolutist interpretations of free speech rights have raised concerns that the material conditions of modern communication no longer justify absolutism. This has to do with the structure of electronic mass communication and evolving case law that has positioned the First Amendment AS a defense of unequal access to communication resources in the service of commercial interests. As McChesney (2008, p. 255) succinctly points out, [o]ver time the media system became vastly less competitive . . . . barriers to entry made new competitive challenges almost impossible.” The increased difficulty in entering the public sphere as a speaker made the rationale for conceiving of the First Amendment as a universal right untenable. Freedman (2008) echoes this point about corporate appropriation of free speech regulation and court judgments. The First Amendment has not only come to disproportionately serve corporate power, but the “ambiguities and inconsistencies” of speech rights in the U.S. have been exploited in ways that “reflect neo-liberal certainties about the efficacy of the market” and has lost its social purpose in as much as it sheds public values in favor of ensuring fair market conditions (2008, p. 63).

Neoliberal conditions in the U.S. media system are expressed in multiple policy decisions

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<sup>47</sup> It is worth noting instances of positive government support for “good” information. While censorship is antithetical, the promotion of certain forms of content are more acceptable. C. Edwin Baker notes postal subsidies to news, public libraries, subsidies for research and press releases from government offices (2002, p. 99).

over the 20<sup>th</sup> and 21<sup>st</sup> centuries that, taken together, point to the effects of privatization on public-interest regulation within the United States. These moves also illustrate an early separation from the global community.<sup>48</sup> The 1980s was a time of intense deregulatory fervor coinciding with a broader economic policy shift that showed hostility toward regulation of markets (D. Baker, 2007). In 1981, public interest mandates were defanged by removal of advertising “conduct codes” by the National Association of Broadcasters, the elimination of public interest radio logs by the FCC and the watering down of the license renewal application process (Freedman, 2008, p. 69). The 1980s also saw the deregulation of cable and broadcasting industries (see M. Zarkin, 2012), and the abolition of the Fairness Doctrine. Much of this transformation relates to ownership regulation and questions about the relationship between media ownership and viewpoint diversity as a means to establish a pluralistic representation for democratic governance.

*Ownership and the reinterpretations of diversity regulation*

Principles of diversity are protected from overbearing government power to monitor and shape content, but there was an early concern about centralized and concentrated ownership patterns in media industries. The FCC developed rules to maintain structural diversity with an anti-trust mindset, famously forcing the breakup of NBC in 1941 for alleged anti-competitive practices. Recognizing the structural conditions of communication, there have been significant regulatory attempts to militate against concentrations of such power as a violation of the democratic value of diversity.

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<sup>48</sup> Though at the time the US and Britain’s turn away from welfare state-styled governance was a departure from the norm, the liberalization of telecommunications industries and broadcasting would take root in the larger global setting. Where it was a departure, it became the norm within decades.

Vertical integration regulation such as Financial and Syndication<sup>49</sup> and Prime Time Access<sup>50</sup> rules grew out of a concern that ownership is fundamentally related to viewpoint diversity. Such rules intended to structure the system in such a way as to prevent independent voices from being marginalized within the proverbial marketplace of ideas.<sup>51</sup> The diversity of viewpoints was and remains the ultimate aim of FCC and related anti-trust policies. Along with the courts, the FCC seeks to influence the structure of media markets to achieve the desirable end of fair representation of ideas in the public sphere, a regulatory philosophy captured by Justice Brennan’s iconic opinion citing the “national commitment” to “uninhibited and robust” debate (Brennan, 1964).<sup>52</sup> These rules, among others, meant to check disparities in power that grow out of electronic mass media as a limited resource and prevent the profit motive from over-determining a value within a commercial media system. Profit is fine, U.S. courts have repeatedly affirmed, but it cannot become a central value to the detriment of more political or social purposes linked to media’s informational purpose in self-governance.

U.S. policy has consistently sought diversity but done so at the risk of violating non-interventionism.<sup>53</sup> Diversity-supportive policies that intervene in the “private” realm

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<sup>49</sup> Also known as the Fin-Syn, these rules were intended to prevent the limitation of viewpoint diversity by barring large broadcast networks from owning the content production companies that supplied programming. In theory, the large network could have garnered undue market power if production and distribution were not separated.

<sup>50</sup> A rule setting aside one “prime” hour for local stations to offer local programming and preserve localism.

<sup>51</sup> The “marketplace of ideas” metaphor has been discredited as misleading in recent decades. I use it here to represent the thinking of the court but remain skeptical of the ideological underpinnings of the term. (See Horwitz, 2005; Nerone, 1995; Peters, 2004).

<sup>52</sup> In this case, the Supreme Court was reaffirming the principle of a legal commitment to public debate. The *Sullivan* decision was mainly concerned with questions of protection for statements that were made through advertising and factually incorrect. The Court determined that First Amendment protection should be extended to such statements, throwing out the libel claim that placed the case.

<sup>53</sup> See Bollinger (2010a) for a considered discussion of free speech protections and their potential reinterpretation for “global dialog.”

have an uneasy relationship with First Amendment prohibitions. If industry conditions and market power tend to limit the range of voices available, competing values of governmental restraint and diversity are at odds. Various interpretations of how to foster diversity have pushed the courts to vacillate on the subject. In 1945, the *Associated Press v. United States* made clear the court's concern over commercial power's potential to damage public discourse. The First Amendment, the court noted,

rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not. Freedom of the press from governmental interference under the First Amendment does not sanction repression by private interests. (in Horwitz, 2005, p. 181)

This sort of concern for private power in the United States has been in eclipse. Despite the routine invocation of diversity as policy goal, the U.S. system has offered limited support to traditional mechanisms that ensure media diversity: strong public broadcasting, content quotas, subsidies, and direct support for independent production and distribution. Since the elimination of proactive measures like the Fairness Doctrine and rules preventing anti-competitive concentration, viewpoint diversity advocates have relied on media ownership restrictions. Viewpoint diversity in electronic media has been the common sense goal of the courts and FCC policy for most of the past century. How to achieve that diversity has been elusive.

Horwitz's (2005) review of the legal challenges to anti-concentration FCC rules for



diversity in media underlines how the fate of diversity is bound up with its definition. Early court opinions provided only vague formulations. It was not until the civil rights era that diversity was tied to minority rights. With the political empowerment of the civil rights era, ownership regulation was strengthened by tying viewpoint diversity to measurable minority ownership. Media diversity advocates could rely on concrete figures as a civil rights issue of representation and participation in public discourse. By the 1980s, the courts under Reagan adopted a conservative formalism in equal protection for First Amendment interpretations. Successful formal challenges to FCC minority preferences had the effect of challenging the legitimacy of ownership restrictions. As Horwitz observes, “[c]orporations have successfully used the new formalism to challenge media ownership policies as not meeting heightened First Amendment scrutiny. So even as media corporations are becoming larger and presumably more powerful, ownership regulation are being rescinded or struck down” (2005, p. 184). Civil rights era justifications for ownership regulation fell out of favor, the FCC embraced market principles, invalidating ownership rules as either capricious or obviated by new spectrum abundance through technological advances.<sup>54</sup> Critics of proactive diversity policy and structural restrictions, often industry lobbyists, challenged the evidence of concentration’s harm to the public good.

In the post-civil rights era, diversity as a policy value relied on market competition and empirical proofs to show viewpoint diversity. The public statements of FCC officials outlined a position favoring non-intervention in matters of ownership concentration as a First Amendment principle. Still, the concern for viewpoint diversity remained. The Commission’s non-interventionist spirit stemmed from the renewed focus on quantitative evidence of concentration

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<sup>54</sup> The technological utopianism and deregulatory fervor inherent led to the minimization of a spectrum scarcity argument that had justified government intervention. The challenge to scarcity rationales informed the 1996 Telecommunications Act which favored competition across previously separated regions. (See Aufderheide, 1999)

and negative externalities resulting from vertical and horizontal integration [trends]. The reliance on econometrics designed by industry rendered many public interest goals invisible to policymakers (see also C. E. Baker, 2002; Karppinen, 2013). The FCC's method for gauging viewpoint diversity within markets, the Diversity Index, relied on a quantitative assessment of municipal markets but left critics of concentration dissatisfied. The shortcomings of the measurement led U.S. courts to discredit the methodology's reliance on anti-trust analysis at the cost of media's unique features as an industry (Freedman, 2008, p. 109).<sup>55</sup> Policy specific to preventing concentration in industries like cable also suffered under the new demand for evidence of public harm in the language of market economics. U.S. courts struck down commission rules safeguarding the U.S. cable television industry from anti-competitive market concentrations citing the commission's aim to limit the number of subscribers a distributor could serve nationwide to 30 percent as capricious and arbitrary.<sup>56</sup>

*The United States and the early emergence of global news; two sides of state intervention*

There is growing attention to the international dimensions of news media in U.S. policy arenas. A 2011 report for the FCC summarized the deteriorating state of international reporting in U.S. news and the potential role of foreign news.

The decline of overseas bureaus also has made Americans more dependent on foreign-owned news outlets. This has advantages and disadvantages. Foreign media may have deeper understanding of an area, more sources, and perhaps more clout with local citizens. During the unrest in Egypt, American journalists and

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<sup>55</sup> New permissiveness in vertical integration is exemplified by the merger of Comcast and NBC/Universal in 2010 with public interest conditions the distribution company consistently resists implementing (Gardner, 2013). This sort of industrial concentration remains beyond critique in mainstream policy discussions due to the lack of concrete metrics to justify regulation.

<sup>56</sup> See *Time Warner Entm't Co. v. FCC*, 240 F.3d 1126, 1130 (D.C. Cir. 2001) and *Comcast Corp. v. FCC*, 579 F.3d 1, 10 (D.C. Cir. 2009).

citizens often found that some of the best coverage came from Al Jazeera. . . . Meanwhile, the BBC's U.S. website draws more traffic than all but a few U.S. newspapers. On the other hand, some foreign-run news services are actually state owned and are more likely to offer a perspective that serves that country's interests (Waldman, 2011).

While there is growing awareness of the potential use of foreign journalism to supplement waning capacity and credibility of U.S. commercial news industries, the engagement with the broader world of journalism entails clashing news cultures and competition to define global norms. The FCC's report nods to this when it touches on the question of independence of foreign news, implicitly recognizing deviation from normative expectations about the relationship between government and media in the proliferation of global news producers. U.S. domestic non-intervention sits uneasily with the growth of nationalist news channels, and the hybrid mix of state and private capital that make nationalist news difficult to categorize for questions of free speech.

This kind of disjuncture in communication system values leads some to view the ongoing process of news globalization as a means to foster U.S.-styled media reform. For advocates of extending U.S. news values into the globe, it is common sense that the communication laws and customs so useful to American democracy are suited to lifting up the global public sphere as a whole. First Amendment scholar Lee Bollinger is one of the most prominent academic advocates of an enlightened foreign media policy that does so. Putting U.S. communication policy in a global context, he writes,

Globalization intensifies our need for the press to remain free and independent so that it can report accurately on the world, from the world, to the world. But at the same time, the Internet and other global technologies are undermining the business model that has hitherto kept the press operating, causing a contraction of journalistic engagement with the world, in a world not entirely well situated to foster objective reporting of the news. (2010a, p. 5)

Bollinger reveres U.S. journalism and aims to maintain the functional ideals of the U.S. national setting as we enter an era in which journalism transcends national boundaries. He argues that “we need to do on a global stage what was done on the U.S. national stage over the twentieth century” by breaking down the informational isolationism produced by economic conditions of national broadcasting (2010a, p. 6).<sup>57</sup> Despite calls for a more proactive U.S. policy to support news production proposed by scholars like Bollinger (2011; 2010b) and others (C. E. Baker, 2002; Robert Waterman McChesney & Nichols, 2010)(C. E. Baker, 2002; McChesney & Nichols, 2010), the case for government assistance for U.S. journalism swims against the tide.

*Managing global flows: foreign or domestic policy jurisdiction?*

The kind of non-interventionism that has defined the FCC is, however, notably lacking in other U.S. agencies that have policy interest in foreign news. Contraflow entails a larger set of regulatory influences. An expanded sense of regulation includes Congress, the State Department and public-interest lobbies. American media policy in this sense has two separate legal regimes for domestic media and foreign media. As with many national responses to contraflow, these engagements blur the line between domestic and international policy as the U.S. communication system negotiates the emerging global public sphere.

*Limiting foreign speech as foreign policy*

The overwhelming focus on First Amendment restraints on Congress and the

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<sup>57</sup> Bollinger’s appreciation for US media policy and law is more nuanced than the State Department’s strategic foreign policy aims. Bollinger, for instance, advises structural reform of US media that would allow greater “global dialog.” One proposal was to attach a requirement for distributors to make space for foreign news providers as a condition of increased market concentration and the relaxation of restrictions on vertical integration. Bollinger takes a position that space should be made for foreign voices in the US, but he also expresses a common strain of evangelical internationalism that tends to favor US journalistic norms as a universal good regardless of culture, political circumstance and regional history. This evangelism is not new, fitting with the longer history of attempts to export the First Amendment (See Blanchard, 1986).

constitutional binding of the FCC can obscure other avenues of speech restriction within the powers of U.S. legislation. Congressional acts do not have international authority but exert effective pressure on the regulatory regimes of foreign governments and private distribution companies with transnational footprints. Efforts to quiet objectionable speech from abroad have varying power to shape patterns of international communication in the U.S. context. Some groups having more impact than others due to how advocacy is framed. The following examples illustrate how more effective strategies for limiting international flows are framed as foreign policy and national security matters.

The blurring of domestic and foreign policy is especially pronounced in the U.S. Department of State's assessment of Al Jazeera as the network gained global notoriety between 1997 and 2003.<sup>58</sup> The State Department is invested in foreign public opinion, making new news players an area of interest for the agency, yet its role as media regulator is rarely considered. The rise of regional tensions and the department's investment in managing the perception of regional publics pushed the agency to formulate policy in response to what Al Jazeera scholar Marc Lynch (2007) called the "restructuring of the Arabic public sphere." The State Department's response, outlined in an internal policy paper (Sharp, 2003) illustrates the media interventionist mandate of the U.S. government in contrast to the FCC's self-restricted role. The white paper summarizes the most relevant characteristics of Al Jazeera for American foreign policy in 2003 and touched on its finances, its editorial independence from Qatar and policy options to manage AJ's potential negative effects regarding perceptions of U.S. foreign policy abroad. The paper noted the network's growing influence and described Al Jazeera's coverage as sympathetic to

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<sup>58</sup> The rise of AJ's profile led scholar Marc Lynch to dub this period the "Al Jazeera Era." (See Lynch, 2007).

Saddam Hussein and Al Qaeda. Policy options formulated in the paper considered how to answer the image problems created by an Arab network that “claimed editorial independence” from the region’s authoritarian governments, suggesting “direct” and “indirect” means of influence. Direct measures included the creation of additional U.S. Arabic-language media in the region,<sup>59</sup> tying foreign aid to favorable “media reform” and buying commercial time on Arab networks to shape content. Indirect policy measures suggested increased official engagement with the network, favoring more friendly Arab satellite channels by encouraging advertisers to spend money on rival news organizations and, more broadly, “[e]ncourage more privatization of media” through the State Department’s Middle East Partnership Initiative (Sharp, 2003). The State Department, too, appeared to be cognizant of the transborder flows of information, noting that U.S. commercial news agencies relied on Al Jazeera for information on the ground when military operations forced most Western reporters out of newsworthy conflict zones (see Samuel-Azran, 2010).<sup>60</sup>

In conjunction with the State Department, Acts of the House and Senate related to media the Congress deems anti-American participate in a sort of preemptive strike to tame public opinion abroad and quell contraflow in the name of national security. A prime rationale for limiting global flows of news is national security. H.B. 2278 in the 111<sup>th</sup> U.S. Congress proposed limiting the expression of anti-American sentiments in global media by placing restrictions on

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<sup>59</sup> In 2004, the State Department followed through by creating *Al Hurra*. The channel has suffered from a credibility gap and assessments of its success have largely been negative (see Baylouny, 2005; Dabbous & Nasser, 2009). Funding was also given to the METV project, directed by the BBG.

<sup>60</sup> AJ was one of the few news agencies with a deep cultural/political knowledge of region to inform its stories and the social connections to news sources. Despite this reliance, mainstream US news often prefaced stories taken from AJ as “deviant” and a departure from US journalistic conventions. See Samuel-Azran (2010).

those broadcasting dissent (Rep Gus Bilirakis, 2009). While the bill begins with common homage to the U.S. model of freedom expression, it outlines the limits of expression rights in the threat presented by foreign media's transnational mobility in satellite carriage:

Television channels that broadcast incitement to violence against Americans, the United States, and others have demonstrated the ability to shift their operations to different countries and their transmissions to different satellite providers in order to continue broadcasting and to evade accountability (2009, sec. (a)(3)).

The bill sought to designate satellite providers transmitting media associated with terrorist groups as themselves "Specially Designated Global Terrorists."<sup>61</sup> The bill went further to suggest offending satellite operators should suffer punitive measures and "urge[s] all government and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions" of violent anti-Americanism in these media.

Though H.B. 2278 languished in committee during the 2009 legislative session, restrictions like those proposed by Congress have precedent. In 2004, Congress found that satellite news channel Al Manar was too closely associated with anti-Americanism and took action to sever its access to private satellite broadcasting services. Congress found that the channel's programming, "in accordance with Hizballah's policy, openly promotes hatred of and graphically glorifies and incites violence, including suicide bombings, against Americans, Israelis, and Jews" (U.S. House of Representatives, 2005, p. 16454). Hizballah is both a militant resistance organization in Lebanon and an active part of the political establishment with parliamentary seats in the Jordanian political process. The State Department's placement of the

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<sup>61</sup> The bill specifically cites al-Azsa TV, al-Manar TV, al-Rafidayn TV while including any channel that may fall within the definition of "global terrorist" organization as defined by the US government. It is unclear if the bill's sponsors were unaware of the U.S. State Department's previous action against Al Manar (see overview following) or if the Congressional authors were seeking to extend U.S. authority over transnational satellite media content.

group on a “Terrorist Exclusion List” prompted removal of the channel by the sole satellite company broadcasting in North America. Section 411 of the USA Patriot Act of 2001 (8 U.S.C. § 1182) gave authority to the Secretary of State and Attorney General to jointly designate terrorist organizations for immigration purposes. The “Terrorist Exclusion List” designation “bolsters homeland security efforts by facilitating the [United States government’s] ability to exclude aliens associated with entities on the TEL from entering the United States” (Department of State, 2004). These forms of control in the realm of international communication are increasingly common as a means to control media space (Hassanpour, 1998; Monroe E. Price, Haas, & Margolin, 2008). Emerging pathways for foreign media and the U.S. response to forms of transnational communication strain the commitment to the free flow and free expression principles. We can see in bills like H.B. 2278 Congressional attempts to endorse free expression as a universal value transcending national borders while carving out exceptions in cases of foreign policy matters.

Cases like these illustrate how foreign policy provides a legitimizing discourse for placing limits on media, but foreign policy considerations lead supranational bodies like the European Union to place similar limits on foreign media. Moving to further isolate Iran in diplomatic battles over its nuclear program in 2012, the European Union expanded an economic blockage to include telecommunication service firms hosting Press TV, Iran’s English-language news service (Erdbrink, 2012). Press TV’s subsequent turn to its official Youtube channel as an alternative means of distribution also met resistance when the Anti-Defamation League called attention to the channel’s use of new media, claiming online distribution violated sanctions and allowed Iran a “propaganda tool to promote a wide range of pernicious anti-Semitic conspiracy theories in English to a worldwide audience” (Mackey, 2013, para. 4). Press TV was duly



removed by the video-sharing site managers.

Following the decision within the European Union, the U.S.-based United Against Nuclear Iran (UANI), led by a George W. Bush-era diplomat, Mark D. Wallace, continued the isolation of Iran by silencing Press TV. In 2012, UANI pressured Asia Satellite Telecommunications Co. Ltd. (AsiaSat) to “end all business activities in Iran and specifically cease the broadcast of all Iranian regime transmissions” citing Iran’s violation of international nuclear norms and the country’s role as a state sponsor of terrorism (Sandberg, 2012). UANI and allied opponents of the Iranian regime claimed U.S. law as a legal basis for removing the channel from satellite distribution networks.<sup>62</sup>

*Limiting foreign speech as domestic policy: anti-foreign media activism in the United States*

Public-interest groups like UANI with leadership already connected to the political elites gain traction by positioning their advocacy as a foreign policy concern.<sup>63</sup> Advocates seeking to limit foreign news without the legitimacy of terrorism or isolating “rogue nations” are more likely to be subject U.S. Supreme Court jurisprudence. The FCC’s non-interventionism places limits on public-interest lobbies that take a protectionist stance as foreign media attempt to enter North American markets. As a result, anti-propaganda campaigns gain little traction and develop decentralized tactics for limiting the circulation of foreign media.

Al Jazeera’s growing public profile drew strong criticism from right-leaning political factions within U.S. politics at the prospect of the channel’s North American distribution (see, for

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<sup>62</sup> *The Comprehensive Iran Sanctions Accountability and Divestment Act of 2010 (CISADA)* and the *Iran Threat Reduction and Syria Human Rights Act of 2012* are two key U.S. statutes that provide the basis for this indirect form of censorship that ostensibly aims at limiting economic relations with Iran.

<sup>63</sup> Zarkin (2003, p. 7) notes two different strategies used in the regulation of indecent speech in the U.S. Insider strategies, most often government relations firms, have contacts within the agency and strong familiarity with protocols of formal channels to address the commission. Outsider strategies, by contrast, seek influence in less direct ways such as grass roots mobilizing and public campaigns.

example, Kincaid, 2011). Many commentators characterized the channel as enemy media, drawing parallels with World War II propaganda. These groups describe their work as investigative journalism in the public interest (Accuracy In Media Staff, 2010) and combine journalistic techniques with political advocacy on a broad range of issues. This is the case with media critics like Accuracy In Media (AIM). AIM is a conservative media watchdog<sup>64</sup> that has spearheaded protectionist media activism in U.S. politics, raising awareness through publicity campaigns promoting the exclusion of Al Jazeera from carriage deals in Canada and the United States and describing the network as “Terror TV.” The group has taken strong positions against foreign influence as part of the organization’s larger purpose to combat the U.S. political left. AIM works in concert with a set of right-leaning groups, creating coalitions through themed conferences to generate action on a range of conservative issues.

Cliff Kincaid has become the public face of such opposition to Al Jazeera, creating a splinter group, America’s Survival, Inc. (ASI). Kincaid’s central concern is with the propagandistic potential of foreign broadcasters in the United States. For Kincaid, Al Jazeera is little more than a covert form of propaganda promoting the agendas of U.S. enemies:

It is a voice of the Muslim Brotherhood and associated terrorist groups. Al Jazeera has fooled many into thinking it is somehow independent of the regime and dedicated to objective news reporting. Hence, the autocratic Emir of Qatar is perceived as someone committed to freedom of the press, even though freedom of the press does not exist in Qatar itself. (“Personal Interview,” 2012)

In contrast to advocates of global dialog like Bollinger (see also Powers & el-Nawawy, 2009)

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<sup>64</sup> The organizational mission statement states that AIM “exposes politically motivated media bias; teaches consumers to think critically about their news sources; and holds the mainstream press accountable for its misreporting” (Accuracy In Media Staff, 2013). Many may dismiss AIM and its associated activists as fringe, but this would be a mistake. AIM funds rightist investigative journalism training programs, provides internships in conjunction with the Washington, D.C. news museum and engages with academic conferences like the Popular Culture Association (Aronoff, 2013).

and the realpolitik analysis of global media scholars like Philip Seib (2008) Kincaid's activism portrays media linked to foreign governments as indistinguishable from historical examples like the World War II-era Tokyo Rose. Anti-propaganda zeal has prompted Kincaid to publicly object even to the multinational ownership of News Corporation, pointing to members of the Saudi royal family who own stock in the company.<sup>65</sup>

These positions clearly mark the limits of viewpoint diversity. Groups like those led by Kincaid have greater tolerance for foreign media that conform to Western notions of financial independence,<sup>66</sup> but the laissez-faire model of media governance in the U.S. limits the legal tools available to U.S. opposition to foreign media. Restrictions on government involvement have led such media isolationists to rely on decentralized forms of resistance as an adaptation to the lack of content regulation within the U.S. AIM and a set of splinter groups that share conservative activist figures have sought a way to police expression of nationalist news media within the context of the market-liberal system.

These efforts include filing complaints with the Federal Election Commission and the Department of Justice. AIM has also sought to generate negative publicity through documentary production and pressuring commercial distributors by circulating petitions to "stop Al Jazeera" (Kincaid, 2011). In addition to general publicity work through AIM and routine appearances at

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<sup>65</sup> As a result, Kincaid views policies in support of foreign perspectives as a violating of the public trust. Referring to the non-profit carriage of Russia Today (RT), Kincaid outlines the general principles of the broader conservative isolationist response to foreign broadcasters. "RT is broadcast by MHz networks, a division of Commonwealth Public Broadcasting, and available through 30 public TV stations and Comcast cable in the Washington, D.C. and other big city metro areas. Commonwealth Public Broadcasting receives over \$2 million a year in federal and state subsidies. We do not believe American taxpayers should be forced to underwrite foreign propaganda broadcasts into the U.S." ("Personal Interview," 2012)

<sup>66</sup> Though AIM and Kincaid's America's Survival, Inc. have not explicitly outlined ethnicity as the cause of their opposition, close institutional connections with figures like Pamela Geller is cause for speculation about the racial dimension of anti-foreign media advocates. Geller, for instance, actively publishes books on how to resist the "Islamization of America."

the National Press Club (*Cliff Kincaid & Charles Ortel on “Al-Jazeera, Global Jihad, and the Suicide of the West,”* 2011), groups like ASI couple media outreach with pressure on members of Congress to launch official investigations of Al Jazeera as a “terrorist entity,” and allow Congress to treat the channel as they had Al Manar in 2004. These anxieties regarding foreign media also reflect common concerns that American audiences, steeped in Western press norms, are particularly prone to being fooled by pretenses of news neutrality. As a result, conservative isolationists stake out their own limits to free expression. Kincaid outlines this perspective on anti-propaganda limits to the First Amendment:

Our First Amendment recognizes the rights of private sector media organizations to be free from federal interference and control. State-controlled or funded media organizations do not necessarily qualify for that protection because of their very nature . . . when foreign-funded media enter the U.S. media market, the American people have a right to know, under the law, who is behind them, and whether they constitute a threat to their safety and well-being and their democratic form of government. (“Personal Interview,” 2012)

It is easy to dismiss the conservative isolationist response to foreign media. Efforts to limit foreign media in the United States exist at the margins of U.S. political culture. Kincaid’s attempts to cajole congressional figures have had no success in terms of initiating official investigations. The movement’s failure is due, in part, to the political dissonance in the advocacy AIM and ASI endorse: a conservative platform promoting limitations on media circulation. While criticism of foreign media may appeal to cultural purists and nationalist American worldviews, it runs up against the dominant strain of liberalism of mainstream conservative republicans, chief targets of AIM and ASI advocacy in Congress. Still, the agenda he and fellow activists pursue has strong resonance with the Congressional proposals like H.B. 2278 and the limits to free expression negotiated by such legal restrictions on distribution.

Though the anti-propaganda furor of activists like Cliff Kincaid resonates with the larger

anti-government ideology in U.S. politics, it has failed to take hold. By 2012, Al Jazeera's incremental entry into U.S. satellite and cable packages forced the channel's most ardent critics to moderate their position. An anti-propaganda platform had failed to galvanize the political mainstream against Al Jazeera, though groups continued to take small actions against the news organization.<sup>67</sup> Kincaid-led opposition has come to demand labels for any news that receives funding from a foreign government, citing the Foreign Agent Registration Act (FARA).<sup>68</sup>

*Industry as principal regulator of flow*

U.S. public-interest group advocacy on foreign media's entry has marginal influence. Instead, industry is the principal regulator of international flows into the U.S. media system. As discussed above, competition among corporate players has been the preferred instrument in American policy circles for ensuring that contrasting voices and competing social/political interests can be evaluated in democratic deliberation. The entry of CCTV and Al Jazeera into U.S. markets illustrates important aspects of how this policy environment integrates foreign news. While both have struggled to gain broad distribution, both have used the advantages of state support to establish distribution.

Foreign networks face the same struggle as any independent channel seeking carriage. Barriers to entry for cable channels are high due to the entrenched relationship between massive incumbent players in distribution (Time Warner, Comcast) and those in programming (Disney,

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<sup>67</sup> The enduring animosity toward Al Jazeera is expressed small protests like that seen in the Knox Museum in 2011 when the American history museum invited an Al Jazeera producer to speak on the network's coverage of democracy movements in the Middle East. The museum was caught in a political firestorm as opposition to Al Jazeera called attention to the event and rallied protesters ("Knox Lodge Opens Fire on Knox Museum Over Al-Jazeera," n.d.). See also the hostile reception of Al Jazeera reporting staff in Golden, CO in 2008 (Milbank, 2008).

<sup>68</sup> As an example of the decentralized legal strategies to police foreign media, ASI cited the Foreign Agents Registration Act in a complaint to the Federal Election Commission. The group requested an investigation of Russia Today Television (RT) for fundraising and electioneering in support of Ron Paul during the 2012 U.S. presidential primaries (America's Survival, Inc., 2012).

Viacom, etc.). This condition reinforces the status quo by favoring preexisting large-scale programmers. The system in place for programming selection in the United States disadvantages small distributors as well as small, independent producers. The market conditions produced by mergers and concentration in both distribution and program providers have created dysfunction in which little competition exists to keep costs within the range of smaller media companies.

To highlight the gatekeeper function of commercial distribution, it is worth reviewing some of the consolidating trends in cable since 2000.<sup>69</sup> Over 5000 distinct cable systems serve U.S. communities, but matters of efficiency have rationalized consolidation of management and ownership. This has led to 1157 cable companies providing multichannel service or “MVPDs”<sup>70</sup> (Federal Communication Commission, 2012, para. 28). Throughout the period Al Jazeera’s network executives were initially seeking deals for carriage of English-language programming in North America (2005-2007), Comcast was amassing substantial market share, taking ownership of smaller cable systems and expanding its own subscriber base. As Comcast’s acquisition of NBC concluded in 2011, the company had captured nearly 22 percent of the U.S. pay TV market (“Comcast Market Share,” 2011). In 2007, Comcast’s principal commercial rival, Time Warner Cable, followed suit, reaching 13.4 percent market share (“Time Warner Cable’s Stabilizing Pay-TV Market Share Is Key To Outlook -,” 2013). The combined holdings of the top two distributors amounted to nearly one-third of U.S. cable households. The top five MVPDs in 2006

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<sup>69</sup> The era of communicative abundance, highlighted by Brian McNair (2006) for instance, is not merely the multiplication of voices. The vertical and horizontal integration that structured the cable industry in the first decade of the 20<sup>th</sup> century took place even as the proliferation of foreign broadcasters created more voices seeking space in U.S. cable line-ups. These two processes, one centripetal and one centrifugal, create an abundance of voices while limiting competition that might give different voices expression through variation in content. Regardless, the bottleneck represented by massive and entrenched industry players is an overlooked form of public sphere regulation in contemporary U.S. regulation.

<sup>70</sup> Multichannel Video Programming Distributor

served 79 percent of all cable MVPD subscribers. By 2010, the top five had 80 percent (Federal Communication Commission, 2012, para. 30).

These market conditions have created a disparity in market power during negotiations for channel carriage. MVPDs have greater bargaining power according to subscriber numbers while programmers offer content in the form of channels or a suite of channels. Programmer bargaining power depends on the popularity, real or potential, of the content and determines what distributors are willing to do for that programming. The largest programmers own several cable channels and enjoy strong bargaining power as a result. Describing the process of gaining carriage on national cable, public-interest researcher Adam Lynn (2012) outlines a tiered system that captures the basic dynamics of carriage negotiations. Top-tier programmers, like Disney, are paid fees and retain the ad revenue they generate. Second-tier programmers are paid smaller fees and also retain ad revenue they generate. Third-tier programmers receive no money from distributors and keep the ad revenue. Independent programmers often fall into the fourth tier (Lynn, 2010). These upstarts may receive no money from large distributors and give up some amount of ad revenue determined through the process of negotiation. Sometimes these new channels allege having given up ownership stake in their company to gain distribution.<sup>71</sup>

Critics of concentration argue for regulatory reform addressing the problem since independent and new content is more likely to be shut out and innovative programming silenced. Large cable companies that would be subject to such public-interest regulation counter that non-affiliation is not the issue and that distribution decisions undermining independent production are likely related to distributors' sense that independents "add little value or diversity" (Federal

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<sup>71</sup> FCC rules prohibit negotiation practices that require ownership stake or exclusive rights to programming as a condition of carriage (see 47 C.F.R. subsection 76.1301(a)-(b)).

Communication Commission, 2012, para. 55). But “value” can reflect complex international investment strategies.

*CCTV in the United States: “borrowing the ship to go to sea”*

The economics of distribution did not prevent CCTV from gaining market entry due to the value distributors saw in the channel’s home market. Though China’s soft power efforts in the United States have attracted some attention from scholars of international affairs (c.f. Nye, 2013), CCTV’s expansion into the United States stirred little public controversy by comparison to its expansion in Canada (see chapter 5) and in Africa (see Xin, 2009). China’s state broadcaster has gained distribution quietly in the United States. Since the debut of news programming in English in 2000, China has invested heavily in broadening the distribution of its media products by targeting private industry as a vehicle for public diplomacy.<sup>72</sup> The effort has involved intensive rebranding and programming revamps between 2000 and 2010.

China’s home market had provided sound financial footing for the broadcaster (see chapter three). Economic reforms allowed non-Chinese manufacturers and retailers to compete for a piece of the expanding consumer class in China’s first and second tier urban centers. Both foreign and domestic advertising dollars flocked to China’s state broadcaster (Fowler, 2008).<sup>73</sup> As a state-owned enterprise, CCTV had strong success through strategic integration with foreign commercial media firms.

A similar situation defined the relationship between U.S. distributors and China’s state

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<sup>72</sup> A strategy Chinese officials called “borrowing the ship to go to sea.”

<sup>73</sup> The coveted “30 seconds of gold,” a time slot during which CCTV broadcast throughout China’s provincial networks, became the benchmark for a company’s success. This created what some identified as a bubble in the market. At the high point of CCTV’s yearly auction for ad space, some analysts were speculating that the prices had outstripped realistic appraisals of returns on the media investment. Indeed, overinvestment in advertising expenses was credited with the financial collapse of at least one Chinese firm. See chapter 3 for a more detailed analysis of CCTV as a hybridized funding model for transnational communication.



broadcaster. Western media companies have had little hope of launching channels in mainland China (“Television,” 2010).<sup>74</sup> Where barriers to market entry in the United States made the distribution of Chinese state programming unlikely, the Chinese state stood between foreign firms and the Chinese public. Chinese officials saw potential in leveraging their domestic viewers as a means to export programming. Thus, one high-ranking official outlined strategies for the new China’s new English-language news: “[w]e will allow them to land in China only if they help us to distribute our programmes in their home markets” (C. Chan & Yuk-min, 2002, para. 30). As a strategy, distribution reciprocity allowed China to gain a foothold in U.S. markets.

In 2001, Time Warner (then AOL Time-Warner) negotiated with CCTV to swap Chinese markets for U.S. publics. Time Warner would carry CCTV International (then CCTV-9) in New York, Houston, and Los Angeles in exchange for distribution rights in China’s wealthiest province<sup>75</sup> (Smith, 2001).<sup>76</sup> Time Warner’s programming, China Entertainment Television (CETV), was considered a long-term investment rather than a profit vehicle by Stephen J.

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<sup>74</sup> Rupert Murdoch has been a famous example of commercial industry being bent to Chinese state power in pursuit of Chinese media markets. Murdoch’s public statements about satellite television’s being a threat to authoritarian regimes nearly lost him ownership stake a company that had been seeking to enter Chinese telecommunication markets. An example of the company’s overcorrection for this gaffe came from Rupert Murdoch’s son, James Murdoch, who curried favor by labeling China’s Falun Gong dissidents a “dangerous” and “destabilizing” force (Iritani, 2001). China’s strict foreign ownership laws had limited News Corp’s investment strategies which one market analyst called “[l]iberalization through the backdoor” (Iritani, 2001, para. 5).

<sup>75</sup> Guangdong Cable TV Networks, Ltd.

<sup>76</sup> Though CCTV’s propaganda purpose had little significant political backlash, the same cannot be said for Chinese telecommunications equipment manufacturers. The ideological aversion to government involvement in media has justified a range of restrictions on telecommunications equipment and next generation content delivery systems. Congress, for instance, has issued warnings to avoid telecommunications manufacturers too closely tied to Chinese state power for fear of covert surveillance (U.S. House of Representatives; Permanent Select Committee on Intelligence, 2012). Recommendation two in the Intelligence Committee report on Chinese telecommunications equipment providers states, “[p]rivate-sector entities in the United States are strongly encouraged to consider the long-term security risks associated with doing business with either ZTE or Huawei for equipment or services. U.S. network providers and systems developers are strongly encouraged to seek other vendors for their projects. Based on available classified and unclassified information, Huawei and ZTE cannot be trusted to be free of foreign state influence and thus pose a security threat to the United States and to our systems (U.S. House of Representatives; Permanent Select Committee on Intelligence, 2012, p. 47).

Marcopoto, the company's Hong Kong-based executive. The deal also allowed Chinese authorities to bring the channel under the authority of national censors. CETV had been available to the area illegally through black and gray market sales. Cooperative agreements with U.S. firms created trust that would place Time Warner in the good graces of party leaders, though the company would sustain losses in the short term. CETV offered "no sex, no violence, no news." A similar deal was struck with Adelphia Communications in 2002, adding 2.3 million households in Southern California to CCTV's potential viewership ("Adelphia Inks Deal with CCTV," 2002).

China's engagement with U.S. companies led to the formation of China Radio, Film and Television Group. The conglomerate was formed as a vehicle for overseas expansion and industry consolidation to generate greater market power to match global media firms with plans to expand overseas bureaus from thirty to seventy within the decade (Chan & Yuk-min, 2002, para. 4).<sup>77</sup> The chief Chinese official guiding the transformation, Zhu Hong, characterized China's renewed interest in media power in economic terms: "[w]e have to follow the global trend of mergers and acquisitions to gain market share in the marketplace, in order to shore up our business and ensure we won't lose out in the stiff competition" (Chan & Yuk-min, 2002, para. 20).<sup>78</sup> By 2008, the conglomeration strategy had given Chinese negotiators some degree of parity with other global media companies. CCTV easily secured contracts with mainstream commercial satellite service providers in 2006 and 2008 to reach Direct-to-Home customer base

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<sup>77</sup> The Group became China's largest media company after acquiring content assets from China's regulator, State Administration of Radio, Film and Television (Chan & Yuk-min, 2002). By 2010, CCTV alone would have 50 bureau around the world.

<sup>78</sup> In 2004, CCTV announced four additional channels for foreign audiences as a "brand-building exercise" more than revenue generating move. Still, as a multichannel, international media company, CCTV had earned 70 billion Yuan in 2002 and 80 billion Yuan in 2003 in advertising revenue (BBC Monitoring Asia Pacific, 2004).

(“Intelsat Renews CCTV,” 2008). A deal with Cisneros Group, a global privately held media firm, facilitated CCTV’s entry into Ibero-american markets in a deal *Telecommunications Business* called a “breakthrough agreement in international communications” between “great cultures.”

Time Warner’s entry in 2002 with China Entertainment Television (CETV) was heralded as a significant moment of economic liberalization for China, celebrated in the atmosphere of China’s ascendancy to the World Trade Organization. The company was the first to convince Chinese regulators to grant concessions to foreign media owners. By 2009, Xinhua’s president Li Congjun hosted World Media Summit<sup>79</sup> in Beijing. In a speech, Time Warner’s Marcopoto, co-chairperson at the summit, said “China’s global development will benefit from ties that would create a dynamic international media industry, and fully adhering to the country’s broadcasting code . . . . [China] will grow its own Time Warner. We at Turner want to, and will continue to be, part of that transformation” (“Time Warner eyes bigger market,” 2009, para. 13). To this end, China had spent a reported \$6.4 billion on the global expansion of state media operations by 2011 (Branigan, 2011).

*Al Jazeera in the United States: politics of distribution*

Digital distribution strategies and subsidized non-commercialism characterized Al Jazeera’s early push into the United States, but these strategies did not earn the channel major distribution deals. For Al Jazeera, successes in places like Asia were a sharp contrast to expansion in U.S. markets. At Al Jazeera’s launch of its English channel (AJE) in late 2006, the network hoped to have 40 million homes lined up. Exceeding its benchmark, AJE launched with

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<sup>79</sup> AP, Reuters, Xinhua, Kyodo, ITAR TASS, News Corporation, BBC, CNN and Google

a base of 80 million viewers, none in the United States. The apparent aversion to new international news providers prompted one industry observer to blame the “xenophobic giant media companies that control what this seemingly parochial nation watches or, in this case, does not watch on television” (Paskowski, 2006). After spending tens of millions to build high-definition broadcast facilities in the United States, Britain, Qatar, and Malaysia, AJE found cable and satellite providers reluctant to bring the channel into their packages due to its parent company’s perceived association with terrorism.

Al Jazeera’s image problem in the United States stemmed, in part, from the war of information waged shortly after 9/11. Disagreement over Al Jazeera’s framing of U.S. policy in the region engendered an atmosphere of suspicion. Administration officials began pressuring the Qatari emir to rein in the negative tone of the coverage. The broadcast of Osama bin Laden’s taped announcements that followed in October continued to erode relations, leading high-level officials to accuse the network of airing propaganda and portraying the Arab broadcasts as an enemy communication weapon for coded messages. Such hostility toward the media outlet became less rhetorical when, in November 2001, U.S. military forces fired missiles into Al Jazeera’s office in Kabul, Afghanistan. With Iraq in 2003, the network again became a centerpiece. Cabinet officials reiterated their attacks on the network. The 2004 State of the Union address also maligned the network as a source of “hateful propaganda.” By the time the invasion was a fait accompli, U.S. forces had twice bombed broadcast facilities and held AJA cameraman Sami Al Hajj as an untried enemy combatant in Guantanamo Bay (Pew Research Center, 2006).

Such consistent characterization of the network as an enemy news source had tangible effects on the network’s ability to function. Newsgathering access and ad revenue dried up as a consequence of the tumultuous political atmosphere. Advertisers AOL and Yahoo! quickly

retracted ad campaigns on the network. Al Jazeera reporters complained of difficulties in finding willing interviewees, and, in response to coverage during the run-up to the invasion of Iraq, the New York Stock Exchange banned several Arab broadcasters from reporting on the trading floor. After the fall of Iraq, the Iraqi interim government, under U.S. leadership, suspended Al Jazeera reporters, further limiting the network's newsgathering capabilities (Pew Research Center, 2006). Operational impediments followed from the prejudice instilled by the war of news frames. DataPipe and Akamai Technologies, media companies that had signed contracts to provide technical support and broadcast equipment, pulled out of supply and service agreements. Day-to-day business was set back when insurance companies refused to offer policies to broadcasting staff, and Al Jazeera's Washington bureau lost its office space when a U.S. television production company nullified its lease. Al Jazeera's virtual space also came under attack from hackers, redirecting traffic to porn sites or overwriting the channel's home page with messages like "Let Freedom Ring" to disrupt page viewing (Miles, 2006). While many of these setbacks in day-to-day operations have clear links to the political atmosphere, much of Al Jazeera's struggle for major distribution deals is the result of industry concentration.

Industry analysts point to the loose relationship between the politics surrounding Al Jazeera and the private decisions of distributors. Industry analyst Paul Maxwell summed up the position of U.S. cable distributors the year Al Jazeera launched AJE: "With the climate in the U.S. and the way the [Bush administration] government behaves toward the network, who needs the bother?" (Halloran, 2006, p. 38). The early experience of distributors confirms this suspicion. Three years after its 2006 launch, Al Jazeera's English news channel had found only two U.S. distributors. The first, Buckeye Cablesystem, is a private cable operator with an audience of 147,000 homes in northern Ohio. Buckeye accepted the channel shortly after AJE's launch,

causing Buckeye owner Allan Block to receive threats from an angered public. Municipally owned Burlington Telecom of Vermont added 1,000 viewers (Luce, 2007), though Youmans (2011) has documented the public objections raised around distribution in Vermont.

Outside of these early limited successes and the Arabic language channel's availability through Dish TV's specialty packages, cable distributors passed over Al Jazeera channels. An examination of U.S. deals the network inked between 2006 and 2011 shows that success came through two avenues. The first is public interest/nonprofit. It was Burlington Telecom's public mission and the retransmission services of the nonprofits MHZ Networks, LinkTV, and Free Speech TV that facilitated AJE's early expansion over and against the failures to gain traction through mainstream private avenues. The second avenue, while private, was through smaller cable distributors such as Buckeye. Despite comments from industry figures about the reluctance to carry the brand due to political circumstances, the explanation for Al Jazeera's shortfall in the United States is not primarily political. More subtle influence through the administration's public battle with the network may have influenced what Washington insiders referred to as "optics," but there is thin evidence that pressure from political officials was decisive. The economics of distribution in the United States created the conditions for distributors to pass over AJE even before considering political appearances.

On the surface, this reasoning on the part of distributors appears inapplicable to the decisions to deny AJE mainstream distribution. The channel offered unique international programming and arguably from a substantially different political and cultural orientation than peer networks. There were loud calls for the channel from consumers and the press for its independent perspective. While the hostile political environment in the United States was substantial during its initial network growth, AJE's halted entry from 2006 to 2011 was mainly

the result of structural issues related to industry concentration. With little evidence of financial benefit for distributors and no set of committed advertisers, AJE had little bargaining power. As a result, AJE content managed to appear on U.S. television through public-interest and nonprofit sectors of U.S. broadcasting as well as small distributors that were less competitive with larger companies. Many outlets aired only portions of the programming, placing the news hour among a buffet of international news content.

As of 2012, Al Jazeera's availability in the US remained limited with one notable exception. Segment retransmission continued through Direct TV's "public interest" package and the full Arabic channel in Dish Network's Arabic package. Similarly, piecemeal network growth has progressed through programming deals with public service broadcasters like KCET<sup>80</sup> (Jensen, 2011) and smaller cable companies that serve small networks of cities. In terms of major distributors, two million subscribers were added in a deal with New York City's Time Warner Cable and Verizon FiOS. The story of AJE's early network expansion into North America highlights the role of public and noncommercial mechanisms in North America as a means to diversify the public's informational resources.

*Buying a back door: Al Jazeera's acquisition of Current TV*

The scattered distribution AJ executives cobbled together in this way was dissatisfactory. New York City distribution through Time Warner was only a portion of the cable company's national scope. A more robust distribution profile was considered vital for the channel's long term success. This is because advertising revenues have a couple of different functions in the success of the programmer. Advertising, first, has obvious implications for programmer

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<sup>80</sup> Notably, AJ's addition to the former PBS affiliate gave KCET a ratings boost of 135 percent in 2011.

revenues. Normal commercial programming relies on such revenue for operational expenses. Al Jazeera's ability to rely on state funding makes it somewhat immune to advertiser demands. However, securing advertiser contracts has a secondary value in securing distribution. The common practice of offering a portion of advertising revenues as a cost of carriage on cable networks means distribution is contingent on showing the promise of profitability in this area. On the other hand, advertisers are wary until a channel has reasonable distribution deals. AJE had stalled in expanding household availability through its piecemeal method, and major distributors continued to appear reluctant to make space.

A shift in Al Jazeera's fortunes came in early 2013 with the acquisition of Current TV for a reported \$500 million. Current TV, a struggling news channel created by former Vice President Al Gore and Joel Hyatt years earlier, had poor ratings performance: 22,000 households compared to the 1.9 million tuned into Fox News during the same period (Addley, 2013). Current TV's value was in the distribution deals the channel had established under Gore and Hyatt's leadership. Current reached 60 million U.S. homes compared with Al Jazeera English's 4.7 million (Edgecliffe-Johnson, 2013).

With Current TV's distribution contracts, Al Jazeera launched Al Jazeera America (AJAM) in August of 2013 and reinvested in news production, staffing the enterprise with 900 journalists in 12 cities. Two months after the acquisition, AJAM received 18,000 applications for 170 openings (Powell, 2013). Al Jazeera executives identified the network's profit potential in the American viewer's appetite for "unbiased coverage" that was "missing from the marketplace." "There will be less opinion, less yelling and fewer celebrity sightings," said Ehab Al Shihab, AJAM's interim chief executive. "We are not infotainment. We are in-depth and informative" (Steel, 2013a, p. 14).



As the deal went through, however, Time Warner nullified its contract with Current TV and, by extension, the channel's new owners, reducing AJAM's launch distribution to 41 million. AT&T would also drop the channel from its U-Verse line-up the night before AJAM was to debut, removing an additional 5 million households in Texas and California. Al Jazeera immediately filed suit claiming a breach of contract (Steel, 2013b). AJAM eventually regained Time Warner homes in non-public negotiations by offering the cable company marketing and advertising sales support (Stelter, 2013).

Negotiating U.S. television economics raised concerns about the network's ability to maintain its trumpeted independence. The network's attempt to appeal to American audiences involved hiring a number of staff from existing news media in the United States. The new president of AJAM, for instance, would be ABC News veteran, Kate O'Brian. Contrasting itself with Al Jazeera English, AJAM promised American news for the American audience. Executives originally planned to use AJE programming but, fearing the brand carried too much anti-American baggage, opted for original all-American content. More damaging, AJE's staff chaffed publicly when editors removed an op-ed by Columbia journalism professor, Joseph Massad, from the network's online portal after the article had been attacked by pro-Israel media figures. Staff began anonymously commenting on the influence of "risk-adverse" consulting firms like DLA Piper and Qorvis Communications that many saw as neutering the channel's critical force (Greenwald, 2013). A prominent journalist for Al Jazeera, Marwan Bishara, wrote network executives to criticize what he saw as accommodating the demands for U.S. distribution at the cost of journalistic integrity by minimizing the network's adversarial stance:

Have we signed a deal where AJAM program/content must be substantially different from AJE? Really!!!! . . . Does the fear of contractual obligations with carriers etc. mean it's necessary for some to do whatever they want with

Aljazeera, including banning AJE altogether from America and web livestream, just when they themselves try to make the case for a 21<sup>st</sup> century type of television news!!! . . . . And now have we moved from the main idea that the strength of AJN lies in the diversity, plurality and even accents of its journalists to a channel where only Americans work . . . . (Greenwald, 2013, para. 8–9)

Organizational change at the network was also taking place in the months preceding the acquisition of Current TV. In contrast to early expansion strategies, much of the global public-mindedness based in non-commercialism appeared to be waning as Qatar invested in the new channel BeIN Sports (Belson, 2012). Coincidentally, the network cut staff at the Kuala Lumpur center by 80% as network development funds diverted to soccer broadcasting rights (Nicholson, Campbell, Panja, & Richenberg, 2012). At once, a member of the Qatari royal family and natural gas executive, Sheikh Ahmed bin Jassim al Thani, took over the network directorship, undermining the channel's claim of independence (Stebbins, 2011). Tony Burman, himself instrumental in Al Jazeera's entry into Canada in 2009, questioned changes in the network in the run up to the creation of AJAM: "In order to win over America's media and political elites, Al Jazeera's senior management in Doha is placing its 'brand' of fearless, provocative international journalism at considerable risk" (Burman, 2013, para. 10).

*Conclusion: U.S. regulation in the era of global media*

Horwitz (2005) has pointed out that there is limited evidence that ownership regulation results in the desired viewpoint diversity, at least according to the forms of proof policymakers and legislators rely on. These cases, though, point to the role of concentration in disadvantaging independent production. Both AJ and CCTV gained entry by leveraging resources unavailable to homegrown independent voices. The combination of the U.S. policy context, weakening foreign news resources in the U.S. commercial news industry and the growth of foreign networks points to questions about the role of foreign news in the United States and interpretations of public-

interest principles. Can we rely on market mechanisms to provide a pluralistic media? Can a free market of concentrated industries adapt to new notions of pluralism in the age of global interconnectivity?

U.S. policies of non-intervention have allowed a redefinition of the public interest in commercial terms. The erosion of public-interest regulation and anti-concentration rules redefine media as a commodity and private property. Economic efficiency stands in for public-spirited pluralism. This places limits on the kind of media pluralism that can take shape with important consequences for the foreign mediascape represented in the U.S. public sphere. U.S. liberalism has been widely interpreted as a negative value in U.S. media policy. An anti-government political philosophy animates restrictions on government power. The anti-tyranny spirit is woven into American DNA, protected as the first ten amendments to the U.S. Constitution. But speech rights and the media policy values that followed from the American interpretation of liberalism are rooted in a national perspective and contingent on regional media norms. As news cultures become more accessible to one another, these norms are challenged and their universality tested.

The examples in CCTV and Al Jazeera suggest continued relaxation of media ownership has limited foreign media to those who provide value to major distributors. Plurality through the market tends toward parochialism in as much as distributors prefer more profitable domestic media. The result is a market-shaped intellectual isolation from international debates. The market does, however, respond to forms of financial power, making the U.S. media system receptive to contraflow backed by massive government investment. In both cases market power dictated what kind of contraflow could enter.

Al Jazeera's funding from Qatar and long-term investments in their online presence, a strong branding campaign, and sustained excellence in news reporting that earned international

acclaim all contributed to the network's eventual entry. But the conditions of Al Jazeera America's entry highlight the pay-to-play culture of American media business. Where growing consumer demand and a popular profile could not convince large cable managers to include the foreign network beyond niche retransmission, Al Jazeera relied on deep pockets of its national benefactor to buy its way through the backdoor. CCTV gained entry by leveraging its home market, tapping into its power as a state-owned enterprise. The Chinese government's monopolistic control of its domestic media system meant the burgeoning Chinese middle class could be used to entice AOL-TW to swap U.S. distribution for access to China.

Free flow justifies imbalances in the process of reception, obscuring the role of power. It functions as what scholars of democratic deliberation call an "exclusive norm" (Young, 2002) in media governance despite the aura of non-intervention it carries. In conjunction with other features of neoliberal media policy, the reliance on market dynamics as the prime regulator prevents paternalistic governmental authority from playing an overbearing and anti-democratic role in shaping media systems. But this policy formation also prevents public policy from playing a more positive role to mitigate the harmful externalities in relying on the market to provide for pluralism and diversity. The role of "negative policy," or a policy of non-intervention, has an unappreciated influence on the U.S.'s relationship with foreign news. This has become apparent with the proliferation of global voices.

Media regulation principles need rethinking in light of increased international flows. Viewpoint diversity and representational pluralism (political visibility and participation) may be redefined once again. As they had been with the rise of civil rights and the increased expanding political agency of domestic minorities, a new conception of those deserving of representation may begin with the recognition of foreign news as a resource for competent decision-making

about the U.S.'s relationship with the globe. This kind of change risks opening the gates to a flood of state-based media, but there is strong evidence this form of diversity could enrich public sphere diversity and breathe intelligence into public deliberation on U.S. foreign affairs.

The goal of a policy structure that invites global diversity is a revamped civic knowledge for the 21<sup>st</sup> century. It can no longer remain mired in a parochialism that reduces public discourse to elite views of foreign affairs. Through positive content regulation and support for global diversity beyond that which is commercially viable for large firms, U.S. citizens may develop deeper knowledge of world affairs and gain agency over one of the largest portions of the national budget and make more informed decisions about cases for war. This would mean embracing free expression's most important tenet by inviting criticism of the U.S.'s role in the world and giving it a place in American public discourse.

Inconsistency in application of liberal pluralism and the free flow doctrine reveal how these policies obscure matters of choice and mask asymmetries of power in determining the nature of the media system. Choices that determine the nature of the U.S. relationship to foreign news sources are political but remain beyond the capacity of public scrutiny due to the assumption that choices of the marketplace are governed by neutral mechanisms, safeguarded by the First Amendment and the philosophy of non-intervention. Power is hidden by the FCC's emphasis on constitutional restraint and the turn to the market as the means to allocate communicative power among a shifting set of stakeholders in communication policy. Challenges to pluralist values have become clearer with the proliferation of news broadcasters from outside the United States, undermining claims of governmental policy agnosticism based in liberal notions of non-intervention.

## Chapter 5

### **Chinese Media in Canada: social conflicts, media activism and the geopolitics of international media flows**

Chapter Abstract: This chapter outlines major events in legal conflicts over Chinese and Arabic media in Canada between 2000 and 2009. I discuss a number of decisions related to the regulation of foreign media in Canada, focusing on the battles over the distribution of China Central Television (CCTV) and Al Jazeera (AJ) with a focus on CCTV. The judgments of Canadian media regulators illustrate how principles of pluralism that have provided the normative basis for policy decisions are challenged by media globalization. The analysis suggests pluralism needs to be rethought in light of the mainstreaming of news-diplomacy and the multipolarity of news flows in the 21<sup>st</sup> century. The regulatory decisions involve weighing the possibility of foreign news violating abusive speech prohibitions. In this chapter, I question the normative dimensions of these debates, proposing that questions of power are ignored by the current system, particularly when debate is restricted to a choice of free expression versus social responsibility. The chapter briefly discusses features of Canadian multicultural/media policy and the contours of the conflicts imported with foreign news media. I then offer an analysis of the decisions from a radical pluralist perspective to reveal how the distribution of communicative power remains agnostic to disparities of material and political power of stakeholders in the Canadian public sphere.

*Introduction*

Chapters two and three point to the hybrid techniques of media production and distribution in global media flows. The marriage of government and commercial forms of finance is in resurgence in this context, coinciding with the rise of a more multipolar economic world. This funding model also coincides with increased penetration of developed and saturated North American markets, new news producers often explicitly branding themselves as completing a picture of the world with the explicit suggestion that Anglo-American media offer an incomplete picture of the world. Russia Today, rebranded as RT after its 2005 launch, asks potential viewers to “Question More.” France24 launched with the provocative motto “Everything you are not supposed to know” (“Live from Paris,” 2006). These suggestive branding campaigns build on popular distrust of mainstream commercial media and purport to provide diverse and robust news in a time when many North American news organizations endure contracting news budgets, shifting technological platforms, thinning ad spending and a withering foreign bureau system (Hayden, 2013; Pew Research Center, 2009, 2013).

While economic shifts in advertising revenue have forced 20<sup>th</sup> century business models of commercial journalism to pare back and re-strategize, government sponsorship has allowed foreign news programmers like China Central Television (CCTV) and Al Jazeera (AJ) to expand bureau networks and programming distribution in the wake of traditionally dominant players’ retreat. In the case of CCTV, I argue in chapter three that the broadcaster’s integration with transnational capital as a media sector State-Owned Enterprise (SOE) provided the basis for China’s state broadcaster to expand its horizon and move into new national arenas as a global broadcaster. Not only did CCTV’s embrace of advertising revenues as a domestic network in the early 1990s allow the station to become profitable but the relationships fostered provided the

organizational experience and cultural capital to navigate foreign media systems. This provided the basis for the revitalization of Chinese soft power in the global arena by strategically harmonizing its political objectives with those of transnational advertisers. As a commercially viable media company, it could make political use of commercial revenues. Al Jazeera, despite a reputation for fierce independence from authoritarian regimes (El-Nawawy & Iskandar, 2003), remains a quasi-government venture and serves diplomatic functions while also pursuing lucrative assets as a network (Belson, 2012; “The Politics of Al Jazeera or the Diplomacy of Doha,” 2005). Both are examples of commercially competitive diplomatic vehicles that misfit Western analytic categories. As a result, it is no surprise that regulatory debates in Canada came to center on how to view CCTV. The political work these news organizations did for their patrons was a problem in North America.

This chapter outlines the public and regulatory battles over the importation of Chinese and Arabic media in Canada between 2001 and 2006. These battles serve as a means to evaluate the capacity for national media regulation to effectively and democratically respond to the growth of foreign media networks into North America. I examine four battles over Canada’s reception of foreign news, one in which the Canadian Radio-Television Telecommunications Commission (CRTC) evaluated competing claims about Al Jazeera Arabic’s (AJA) fitness for distribution in Canada and three in which the distribution of Chinese media became the subject of legal disputes in three forums: the Canadian Broadcasting Standards Council, the Canadian courts and, finally, the CRTC. Based on a critical assessment of the quasi-judicial decisions, I argue that the liberal and pluralist principles of Canadian regulation prevent a full consideration of how power functions in an age of global media contraflow (D. K. Thussu, 2007).

The chapter is organized into three sections. The first discusses the Canadian regulatory



context and offers a brief history Canadian multiculturalism and media pluralism. The second outlines the main features of the social conflicts surrounding CCTV's move into Canada. Finally, I take up these four decisions that defined the contest over foreign media in Canada to analyze the norms that govern regulatory decisions and how three venues of Canadian media regulation employed North American norms of impartiality in making decisions about foreign media in Canada and, as a result, ignored asymmetries of power. Taking a position on the normative dimensions of global media integration, I argue that, despite legal protections for pluralism and multiculturalism, Canadian media governance shows signs of naïve pluralism and ignores power, guided by a construction of policy as an impartial and apolitical space.

*Liberal and deliberative pluralisms: the radical pluralist critique of Canadian media governance*

Normative theory is, as Christians, et al, describe, “best understood as a repertoire of explanatory resources, a continuing conversation that can be called into play when a given context lacks clarity about democratic procedures of public discourse” (2009, p. 67). To evaluate Canada's handling of conflicts over Arabic and Chinese media, I use radical pluralism as a lens to shed light on the relationship between Canadian regulatory norms and their relationship to economic and political power in making decisions about the distribution of another form of power: communicative power (Karppinen, 2013). As discussed in chapter 1, the radical pluralist model stands outside of two dominant models of democratic governance related to media pluralism: the liberal and deliberative models. Media governance in the United States demonstrates heavy reliance on market forces to govern media content and, by extension, foreign

news entry.<sup>81</sup> By contrast, Canadian media governance has a more elaborate regulatory system for channel additions which includes public comment. The liberal and deliberative models of media governance are reflected in the US and in Canada.<sup>82</sup> The key difference between the two in terms of media policy is the institutional space for citizens to challenge major decisions in distribution through the deliberative space provided by the CRTC.

In keeping with radical pluralism, my analysis is a critical assessment of how Canadian media governance copes with challenges to pluralism presented by international news flows. Radical pluralism does not posit new universal principles to guide media regulation, i.e. absolutist notions of free speech found in the liberal tradition and idealistic models of consensus that define the deliberative tradition. Rather, the value of a radical pluralist critique “lies above all in generating a series of challenging dilemmas or in problematizing monistic orthodoxies of all types” (Karpinnen 2013, p. 59). As a theoretical position, radical pluralism stands outside of both the liberal and deliberative models. Radical pluralism more acutely focuses on questions of power that are obscured by deliberative policy processes governing the distribution of communication resources and thus provides ground for criticism of Canadian media policy.

*The Canadian legal-regulatory context: a brief history of multiculturalism*

Canada is an interesting case study of media pluralism policies due to its specific history as a politically liberal democracy in close proximity to the US and the social struggles over the bilingual makeup of the Canadian population. The evolution of its media system reflects both protectionism and openness, a schizophrenic condition driven by a fear of being culturally

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<sup>81</sup> As discussed in chapter 4, national security and terrorism-related concerns are the exception to U.S. policies of non-intervention in media markets.

<sup>82</sup> The terms Liberal and deliberative, in my usage here, are more focused on forms of media governance rather than system-wide descriptors as found in Hallin and Mancini’s *Comparing Media Systems* (2004).

overwhelmed-- losing the center of Canadian identity --and undermining domestic multiculturalism by insisting on an essentialist conception of what it means to be Canadian. A brief history of these policies provides the background for my discussion of recent conflicts over foreign media that present new challenges for national pluralism policies in the age of media globalization.

Canadian media regulatory policy has been fundamentally shaped by its relationship to the United States (Marc Raboy, 1990a). Foreign ownership, for instance, has been a prime concern for the CRTC. To maintain sufficient Canadian character in industry, the CRTC prohibits the licensing of non-Canadian applicants. The Broadcasting Act, for example, gives significant regulatory power to the CRTC in a "control in fact" test. This test allows the CRTC to deny a broadcasting license to any company the commission determines violates the spirit of the law. Even if the share of votes among investors with controlling stake in a media firm appear to make the company "Canadian-owned," the CRTC can prevent acquisitions and mergers that risk ceding control of Canadian media to non-Canadians (Armstrong, 2010, pp. 205–206). These restrictions regarding foreign media and foreign ownership underline a policy-driven concern for maintaining an authentically "Canadian" media industry.<sup>83</sup>

Contemporary policy efforts to maintain Canadian national identity grew from early efforts to establish national unity through the new technology of radio in the 1920s. For many national policymakers creating legislation to govern the new medium, nationalization of broadcasting was a logical means to this end. The majority of nations developing radio policy felt the new medium too important to be left to market forces (Emery, 1969; Wood, 1994).

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<sup>83</sup> Maintaining Canadian ownership and content is additionally supported through the national public broadcaster (CBC) and subsidies for local news and arts.

Likewise, concerns over national identity frequently led to the designation of a national language and similar official and unofficial endorsements of certain cultural practices around family, customs, culture and political thought. Identity preservation was similarly hardwired into the Canadian government's relationship with broadcasting. Since the 1929 Aird Commission's decision to establish public broadcasting and privilege a public system over a more fully commercial model developing in the United States, defending Canadian identity from dissipation has been a central mandate of Canadian broadcasting authorities' stated mission (Armstrong, 2010, p. 26; Marc Raboy, 1990a, p. 49). The Aird Commission described Canadian broadcasting as a "force in fostering a national spirit and interpreting national citizenship," but made some room for diversity of national identity along provincial lines (Royal Commission on Radio Broadcasting, 1929).

The changing nature of Canadian identity as well as the changing regard for cultural diversity in liberal democracies during the latter half of the 20<sup>th</sup> century influenced media policy. Canada's media policy and official multiculturalism became sensitive to the needs of subnational cultural and linguistic communities within the larger national community. While Canada's earliest cultural policy took on this more monolithic approach to domestic culture, it was challenged by the separatist movements in French-speaking Quebec in 1968. The response was an embrace of a bilingual Canadian identity. The accommodation of two linguistic cultures in the late 1960s set a precedent for multiculturalist media policies in later decades, followed by the broader multiculturalism policy of 1971 and the passage of Bill C-93, the Canadian Multiculturalism Act of 1988 (Thomas, 1992).

The 1991 Broadcasting Act codified the multicultural obligations of the Canadian broadcasting system. Relevant portions of the Act capture both impulses to protect national

identity while legally inscribing a “Canadian interest” in linguistic and cultural plurality. The legislation<sup>84</sup> provided official recognition of linguistic and cultural diversity within the Canadian population, prioritizing both an authentic Canadian identity while avoiding the monolithic interpretation of that identity. These policies foregrounded the need for Canadian media to be inclusive and represent actually existing diversity of social interests. As Goff has put it, “[r]ather than attempting to create a national identity that transcends the linguistic, regional and ethnic divisions within the Canadian community, the federal government has co-opted these differences and made them synonymous with ‘Canadian’” (2006, p. 42).

The Broadcasting Act offers additional institutional support for multiculturalism by outlining the obligations of Canadian broadcasters and programming distributors. Canadian media law compels companies to both preserve Canadian identity and facilitate diversity of content to reflect a “mosaic” model of that identity. This tension becomes most clear in regulations governing multi-language programming. Broadcasting law makes room for non-Canadian contributions to Canadian television, allowing for multicultural inclusiveness in media through “third-language” programming:

(f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, *unless the nature of the service provided by the*

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<sup>84</sup> (d) the Canadian broadcasting system should

- (i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
- (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,
- (iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, *the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society* . . . (Government of Canada, 2012, my emphasis).

*undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;* (Government of Canada, 1991 emphasis mine).

Critical media scholars have framed the Canadian-ownership exemption for third-language programs as a matter of civic participation. Raboy, McIver and Shtern (2010, p. 113) note how “[t]he success or failure of Canadian media in fulfilling [its multicultural mandate] can be considered either an enabling or disabling mechanism that stimulates inclusion and participation in civil life.” Canadian regulators attempt to resolve the potential exclusive effects of insisting on Canadian content by including multiculturalism as a core evaluative criterion in approving content for distribution.

Still, the commercial context of Canadian broadcasting continued to exert influence and structure the operational logic among in conversations among media system stakeholders. Critical assessments following the 1991 Act remained skeptical that such public policy would be effective given the weakening of the public-interest at large through increased commercialization of the Canadian media system (Marc Raboy, 1990a; for history, see Smythe, 1981). According to Eric Thomas (1992), Canadian broadcasting policy structured industrial and public interests in such a way that an “economic imperative in broadcasting pose[d] a specific threat to ethnic and racial minorities.” Maximizing audience market shares “has tended to exclude ethnic and racial minorities from television programming on the basis that their numbers were negligible.”

Thomas goes on:

Paradoxically, the same market approach that favoured the exclusion of ethnic and racial minorities from broadcasting is now [1990s] being used by various pressure groups to convince advertisers and broadcasters that minority groups represent a significant untapped market. Given the locus of broadcasting, i.e., profit, such economic arguments may well prove to have greater success than those based on notions of public service, culture or nationhood. If the cultural policy goals . . . are

to be translated in broadcasting, it would seem that such goals would have to pass by the commodification of culture, with the obvious dangers of stereotyping and fetishism of folklore (1992, para. 58).

Though media pluralism became a value with legal force in Canadian policy, the broadly commercial basis, what Thomas calls the “economic imperative,” remained the overarching condition following the 1991 act, favoring arguments that illustrated economic potential rather than public policy principles.

Examining the years following, however, it is clear that Canadian policymakers were not willing to pin the hopes of maintaining media multiculturalism to the economic self-interests of commercial industries alone. The CRTC’s has continued to shape market forces to meet the social needs of an empirically multicultural nation. Peter Foster, director of the CRTC’s television division, rationalized the need for public regulatory oversight as fulfilling an ethical obligation that commercial motivations ignore:

The CRTC’s cultural mandate would not exist if the market would provide the . . . programming . . . The joke [among CRTC staff] is that the floors become the ceilings. If you require a broadcaster to do 60%, that’s what they’ll do. Not a half percentage more. I think that is proof right there. In the absence of those requirements . . . the bottom line is ultimately more lucrative . . . .” (personal interview Foster, 2012)

Foster’s experience in media governance underlines the limits of the Canadian commercial media system. Canadian media policymakers cannot rely on market forces to enable robust participation in Canadian civic life across cultural and linguistic divisions in Canadian society.

In addition to multicultural legal frameworks, Canadian media regulation features strong public participation in decisions about third-language programming. The CRTC process of deliberation provides a venue for significant public involvement in media policy decisions (Raboy et al., 2010). Still, the carriage approval debates surrounding Al Jazeera Arabic in 2004

and the legal challenges to Chinese media illustrate fundamental tensions in reconciling policies of pluralism with free expression principles in the context of Canada's commercial media industries. As the following case studies detail, the expansion of foreign news into Canada between 2001 and 2006 tested the careful balance between policy sought to strike in protecting Canadian identity while inclusivity.

**Al Jazeera Arabic and prior restraint: “putting the Genie back into its bottle”**

Al Jazeera sought Canadian distribution for its Arabic news programming in 2004. The CRTC's call for public input and the objections to its entry put the Arabic broadcaster on trial as questions of the news channel's independence from Qatar, the portrayal of Israel and its representation of Jewish people became central to the CRTC's decision. The CRTC allowed the channel distribution but attached monitoring conditions that forced distributors to record and monitor the channel, making carriage expensive for commercial cable and satellite distributors. The judgment suggests how the public-inclusive regulation of abusive speech has the consequence of limiting political speech and news contraflow. It also highlights the difficulty in applying national standards to journalism originating in different political and cultural context. The cultural tensions that came to light with AJA's request for distribution were on display in the deliberative model of the CRTC. Looking at the public-interest group debates over bring AJA to Canadians illustrates how divisions between “permissible” political debate and that which exceeds the political and becomes “abuse” hampered contraflow and media pluralism.

Commercial distributors seeking to carry AJA's news to Arabic-speaking Canadians rationalized the addition with both self-interested and high-minded arguments. Al Jazeera's non-availability in Canada, distributors argued, had exacerbated piracy of U.S. satellite programmers that had AJA as part of a niche programming package (see Taylor, 2006). Advocates for the



channel made a strong case for AJA's service to Canada's Arab communities as well. Canadian sponsors of the channel<sup>85</sup> described it as "a strong promoter of freedom of expression" providing "unbiased and accurate coverage" while offering Arabic-speaking Canadians "increased viewing choice." Al Jazeera would "help keep Arab Canadians informed in their mother tongue" (Government of Canada, 2004a, para. 4). As a condition of entry, Al Jazeera attempted to preempt economic objections to entry by agreeing to not compete for advertising with Canadian media companies or claim exclusive rights to its programming (Government of Canada, 2004b, para. 4). While these appear to be extraordinary concessions, AJA's funding model enabled the news organization to expand programming into foreign markets without too great a concern for revenue sources in Canada.<sup>86</sup>

Economic issues were not the main sources of tension in the public responses to the request. Cultural issues animated the majority of public filings with the CRTC. Supportive submissions to the Commission numbered near 1200 and opposing submissions amounted to near 500 filings. Proponents included groups like the National Council on Canada-Arab Relations (NCCAR), Canadian Arab Federation (CAF) and several civil liberties organizations as well as local and national Arab community organizations. The channel's advocates anticipated the channel's controversial nature and submitted that

although not all Al Jazeera reporting is agreeable, Canadians have the right to be exposed to different voices in order to have balanced perspectives . . . . opposing the presence of Al Jazeera in Canada undermines Canadian core values of freedom of thought and speech, ultimately serving extremists, alienating moderates and dealing a blow to Canadians' collective freedoms. (Government of Canada, 2004b, para. 22)

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<sup>85</sup> Videotron Itee, the Canadian Cable Television Association and Reach Media Inc. sponsored the request to add Al Jazeera to the list of eligible satellite channels.

<sup>86</sup> These revenue losses incurred by these concessions for "landing rights" in Canada were also offset by limited commercial returns for programming in the Middle East and North Africa. The bulk of funding, however, remained in Qatari largesse.

Advocates made the case that both Canadian liberalism and multiculturalism were on Al Jazeera's side.

Two versions of Canadian multiculturalism competed at the CRTC. The proponents of AJA's integration into the Canadian public sphere trumpeted multiculturalism as a positive right for communities to have access to cultural and political information. The argument was for greater pluralism in expanding the range of perspectives available within Canada. But the legal language protecting multicultural society also worked against Canadian media pluralism. AJA's opponents argued that "freedom of expression is not absolute and must be viewed in light of other important values that safeguard the dignity and equality of all persons and groups in Canadian society." Approval of AJA's distribution "would fly in the face of the [Broadcasting] Act's cultural diversity objective and would undermine the safety and dignity of Jewish people in Canada . . . ." (Government of Canada, 2004b, para. 29). The coalition opposing distribution demanded a guarantee against hate speech toward Canadian citizens.

Despite the multicultural arguments for the Arabic channel's inclusion, the conditions attached to AJA's approval amounted to a conscious refusal on the part of the regulator. The CRTC's decision did not bar AJA from distribution in Canada. Rather, the decision made market integrating of AJA financially unfeasible for commercial distributors. The monitoring conditions the CRTC attached to the approval were the responsibility of the commercial distributors. Canadian interest groups prompted the restriction by claiming that AJA did not comply with Canada's broadcasting standards. The evidence of "hateful language aired on Al-Jazeera" presented by the Canadian Jewish Congress, the B'nai Brith Canada, and Honest Reporting

Canada<sup>87</sup> justified governmental restriction on contraflow.

The surveillance condition resulted from a compromise brokered in the regulatory process that took into account the limits of Canada's national regulatory powers over foreign broadcasters. Outright denial of the channel was the only way forward, according to opposition groups like the Canadian Jewish Congress (CJC). They pointed out that, unlike licensed Canadian broadcasters, the CRTC had no regulatory authority over channels added to cable and satellite packages once the Commission granted distribution rights. While domestic media firms in violation of Canadian broadcasting standards could be denied license renewal, the Commission had little leverage over foreign media companies committing similar infractions. Jewish community advocate, B'Nai Brith, argued that once AJA was allowed in, the "genie would be out of the bottle" (Government of Canada, 2004b, para. 33).

In AJA's favor, the CRTC reasoned that the offending comments put before the Commission by community organizations were several years old and infrequent relative to the entirety of AJA's content and appeared reluctant to prohibit distribution. Indeed, some of the evidence against Al Jazeera included reporting on the racially charged statements of Osama bin Laden. A denial on this basis would invite criticism of the CRTC for shielding Canadian citizens from newsworthy information rather than from "abuse." Similarly, supporting groups promoting Canadian-Arab relations acknowledged the anti-Semitic nature of comments but pointed out that references to Jews as "apes and pigs" and other offensive statements came from viewer emails and argued recognizing "the existence of anti-Semitism" was not the same as promoting hatred. AJA could provide a "forum in which [anti-Semitism] can be challenged" (Government of

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<sup>87</sup> Honest Reporting Canada describes itself as "an organization dedicated to defending Israel against prejudice in the Media" and lists its successes in "prompt[ing] hundreds of apologies, retractions, and revisions from news outlets. These efforts are changing the face of the media and reporting of Israel throughout the world" (<http://www.honestreporting.com/a/page.asp?page=12>).

Canada, 2004b, para. 66). Furthermore, representatives of the Al Jazeera Network addressed these concerns by guaranteeing AJA would not air content violating Canadian standards.

Others supporting approval pointed out that there were already mechanisms in place protecting Canadian citizens such as the Canadian Broadcasting Standards Council, the CRTC's power to delist channels, as well as criminal hate speech law and defamation laws. But these regulatory tools were useful only after infraction. At issue was whether prior restraint was a legitimate course of action given the unique characteristics of regulating a transnational broadcaster.

The CJC, which had taken a lead in assembling evidence against AJA, aided in formulating the ultimate solution. Since AJA programming would be beyond Canadian law, the CJC suggested that Canadian distributors should be held responsible for the channel's content.

The CRTC (Government of Canada, 2004b, para. 62) responded favorably, concluding that

. . . the objective of its abusive comment regulation justifies limiting the right to freedom of expression. The harms flowing from abusive comment threaten the values of equality and multiculturalism, values enshrined in Canadian broadcasting policy objectives.

The Commission's staff remained uncomfortable with an outright denial while also skeptical that existing tools could suffice. All means of controlling abusive speech that had teeth necessitated broadcasters be Canadian. The limits of Canada's national regulation led the commission to require surveillance as a condition of market entry, but the brokered solution remained a problem, giving private distributors the unprecedented and unwanted role of censor. According to the approval's compromise, distributors would be liable for the content they carried. As a means to "keep the genie in the bottle," a broadcast distribution undertaking (BDU) such as Rogers Cable would, first, be required to keep an audio-visual recording of each program for four weeks

to allow review by the commission and oppositional stakeholders should accusations of abusive speech arise (Government of Canada, 2004b, para. 76). Second, a BDU choosing to carry AJA must “alter or delete” any comment that might violate broadcasting standards in advance of the content reaching Canadian televisions (Government of Canada, 2004b, para. 78).

The commission placed the burden of safeguarding multiculturalism on licensed Canadian distributors as the only means of leverage over Al Jazeera. The surveillance solution, the Commission asserted, was not too onerous for BDU since distributors already maintained an archive of recordings, but hidden costs remained. For a BDU to edit or delete programming in advance of distributing live news, it would need to maintain translation staff versed in Canadian content regulations capable of making immediate decisions about content.

The attempt to adjust regulation to suit transnational news broadcasting fundamentally challenged the Canadian traditional media policy governing cable networks. In contravention of neutrality principles that did not hold carriers responsible for content they did not originate, the brokered deal forced commercial distributors to take on a new role that was both disruptive of established regulatory principles and costly. Though AJA offered substantial concessions to bring Arabic news programming to Arabic speakers in Canada, the complexities of national regulation in the era of transnational broadcasting limited the media pluralism and multicultural content AJA could provide. The unprecedented nature of the monitoring solution points to the need to examine the forms of power considered by the Commission in rendering its decision.

#### *Questioning power in the AJA decision*

Legal language safeguarding multicultural society limited Canadian media pluralism. The CRTC monitors media flows for the benefit of national citizens but has little capacity to consider the relative power of the competing stakeholders in contest. Most often, this objection

comes up when public interest appears to be subverted by more powerful industrial interests. But AJA triggered a struggle among Canadian public-interest groups, both sides arguing that multiculturalism was on their side as Canadian minorities. Power, then, is less easy to discern in debates, leading analysts to restrict the decision to a question of free expression versus censorship in the name of greater social harmony. Odartey-Wellington (2013), for instance, describes the decision as a struggle to strike a balance between the competing interests in the regulatory process, justifying regulatory power over expression as a means to protect the voices of the less powerful in Canadian society. The CRTC's restriction on AJA is, he argues, a defensible act of regulation in the public interest:

While the AJA decision prompted strong accusations of CRTC censorship, this could be countered by the argument that since the airwaves are a scarce public resource, broadcasting is a power resource. Without an effective regulator, it is argued, anarchy could result, and, potentially, the weak and marginalized would be further dominated and marginalized by the powerful (2013, p. 153).

Odartey-Wellington frames the decision as a choice between empowering regulators versus allowing the marginalized to suffer but examining the decision as abstract competing principles ignores a broader geopolitical context of global media distribution decisions.

Rather than viewing the decision as another Canadian affirmation of social responsibility over free expression, we can see this regulatory process as pointing to new and emerging challenges to official views of national multiculturalism brought on by contraflow. Yet there is little consideration of the decision in terms of how it reflects a larger geopolitical configuration, foreign policy or the status of Arab representation in Canada since 2001 (Bouchard & Taylor, 2008).<sup>88</sup> Framed as a question of whether or not Arab political realities can be “heard” in Canada

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<sup>88</sup> See Bouchard and Taylor for a critical assessment of how the Canadian press discussed “accommodation” policies for ethnic minorities after September 11, 2001.

due to the rhetorical form that political reality takes in journalistic discourse, the CRTC's mandate to protect the weak from marginalization is more complicated than such binaries allow.

A brief review of the evidence in the AJA decision of 2004 raises questions about the use of abusive speech regulation its relationship to the preservation of political power. AJA was treated by opponents as a mouthpiece for Arab aggression toward Israel and anti-Semitism.<sup>89</sup> The evidence against Al Jazeera offered by public-interest groups appeared, at times, to conflate aspects of Al Jazeera's coverage that helped portray Al Jazeera as a high risk for abusive speech. Some confluences are reflected in the following arguments opposing AJA:

- Assertions that members of the public calling in to voice opinion represented the political view of the news network
- Assertions that reporting on significant events such as tapes from Osama bin Laden was an endorsement of the political statements of those covered
- Refusals to distinguish between political statements challenging Israeli foreign policy and racial prejudice aimed at ethnic Jewish identity and religious Judaism

With the AJA decision, the CRTC was in a bind, caught between these competing definitions of liberal multiculturalism. Prohibiting the offensive language of the Arab public sphere, some argued, amounted to denying the political reality of a relevant global community. Given the evidence marshaled, the CRTC's process can be criticized as a platform which allows public-interest groups to silence anti-Semitism, regardless of the news-worthiness of *covering* the political beliefs that define Arab public spheres. In sum, coverage of certain political beliefs, however erroneous and misguided the politics may be, is prohibited in the name of Canadian multiculturalism but the effect is to bury representation of Arab public concerns and important aspects of international politics until a more sanitized form can emerge. The question of Al

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<sup>89</sup> Many of the offensive comments from callers to the show are clearly anti-Semitic by North America standards and, therefore, it was within the CRTC's purview to prohibit its circulation according to Canadian broadcasting law. This is especially true since the potential audiences may also interpret political polemic as ethnic abuse.

Jazeera's abusive speech unavoidably butts against broader geopolitics and the relationship between power and specific, internal Canadian political affinities related to international politics.<sup>90</sup>

### **Chinese media, Falun Gong and Canadian media regulation**

In 1996, only four years after the establishment of Falun Gong as a unique brand of Buddhist meditative exercises, *Zhuan Falun*, the central text for the quasi-religious community, was banned by the Chinese Communist Party (CCP). The ban was part of a larger orchestration of government power to stifle the rapid social growth of Falun Gong in China. The Falun Gong community itself fell out of favor with the Chinese Communist Party (CCP) in 1999.<sup>91</sup> Ten days later, the Party enacted the legal ban on practicing the teachings of Li Hongzhi, Falun Gong's spiritual leader. In the decade that followed the banning of *Zhuan Falun*, similar battles took shape around media outside of China as the CCP extended its state network, CCTV, into Canada.

How did middle management in a Canadian regulator come to be a site of adjudication between China and a group Chinese officials would refer to as both a cult and domestic terrorists? To get at the context of Canada's media system requires outline the origins of the tension. This chapter cannot offer an exhaustive account of the conflict between the CCP and Falun Gong communities, but a brief overview serves to illustrate the motivations that energized activists in the context of Canadian media policy. I will briefly outline the history of the conflict, highlighting what would become a competition do define Chinese identity at home and abroad. I

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<sup>90</sup> The radical pluralist perspective is useful in making this move from normative debates that refrain from questions of power or dismiss forms of exclusion legitimated by the language of multiculturalism and consensus through public participation. If pluralism policies have always been concerned with providing the less powerful with a means to participate in mass media, is there an obligation to carry this concern for disparities in power to the international level?

<sup>91</sup> The police force created to manage what official decree deemed a "domestic threat" posed by Falun Gong, the 6-10 Office, takes its name from the date it was formed.



then briefly outline the nature of China's renewed interest in using media as a form of public diplomacy. This push to repackage Chinese state media for North America coincided with rising tensions with the Falun Gong movement. By 2006, the movement in Canada had organized into politically viable networks of resistance in efforts to combat the CCP's persecution. These networks of resistance were central to the media activism that sought to stop Chinese media at Canada's shores.

*Origins of the conflict; global mediation of the conflict*

Falun Gong, according to then CCP President Jiang Zemin, was a threat to Chinese society and the project of socialist progress. In interviews with foreign media, Jiang described the philosophy of Falun Gong as "feudal superstition." Shortly after the official restrictions on Li Hongzhi's teachings, Jiang explained China's aggressive policy to the international community in official pronouncements and the international press by linking Falun Gong to suicidal and homicidal cults that have threatened social stability in democratic national settings. Falun Gong was to China what the Branch Davidians in the United States, the Aum Shinrikyo in Japan and the Order of the Solar Temple in Europe were to their respective home countries (Embassy of the People's Republic of China in the United States of America, 1999, para. 1).

Zhao (2012) has observed how the conflict between Falun Gong and the CCP amounted to "regimes of truth" competing to define Chinese culture. The conflict, for Zhao, exemplified how teleological modernization theses of development fail to account for media systems beyond Western contexts as "the Chinese media system was caught in an intensive battle with . . . another regime of truth – that of the quasi-religious, nativist, and postmaterialist Falun Gong movement" (Zhao, 2012, p. 149). Zhao calls attention to the conservative impulse of Falun Gong and its contrast with the culture of consumption that has accompanied the growing middle class

in China to make sense of the banning and media offensive. China's economic reforms and labor displacements point to rationales for why Chinese officials paid the Li Hongzhi's popular meditation-philosophy any mind at all. But the contest expanded to more global proportions shortly after

A statement from Zhao Qizheng, the director of the Foreign Propaganda Office of the CCP Central Committee, effectively summarizes the CCP's emphasis on the battle for international public opinion, reinvigorated in the contest with Falun Gong.

During this struggle, [we] need to make best use of the favorable opportunities, actively launch the campaign, favorably control the warfare, try to take preemptive measures, and try to dominate the overseas media. Our goal is to have the overseas media follow our steps. ... make a full play of our strengths, focus on important aspects, make unremitting efforts, so as to make breakthroughs in those important countries, targets, and media, etc. (World Organization to Investigate the Persecution of Falun Gong, 2008)

The media campaign initiated to contain the perceived threat of Falun Gong coincided with a dramatic shift in the CCP's vision of the international media landscape and how to use CCTV to promote China's interests abroad. Chinese officials formulated new strategies in the use of their burgeoning media production capacity through CCTV by looking to strategic integration of foreign media systems. This meant using market mechanisms and navigating the regulatory apparatus of foreign media systems. The conflict with Falun Gong functioned as a sort of de facto testing ground for CCTV's viability as a political mouthpiece in North America.

The importance of media permeates the conflict. In a technological feat, a Falun Gong member interrupted a Chinese satellite feed that reached across the country in 2002 and replacing it with commentary on the benefits of Falun Gong as a means to correct the misrepresentation of the group in Chinese media ("Falun Gong Hijacks Chinese TV," 2002). The importance placed on media is also spelled out in official responses offered to Western media outlets. Washington,

D.C. embassy staff member Xie Feng's first news conference with Western news agencies in 2002 began with an appeal for international coordination against Falun Gong, by then officially labeled a "quasi-terrorist" organization. As part of a general campaign to link Falun Gong to global terrorism, Xie stated that "[b]y openly and deliberately attacking the Sinosat in contempt of international laws and the regulations, the Falun Gong cult was unscrupulously breaking the order of wireless communications and launching a challenge against civilization." Xie went on, "The international community should unite in condemning and punishing this cult," (Demaria, 2002).<sup>92</sup>

CCTV's Chinese-language exports were part of the broader media offensive to control dissent and change opinion outside China in line with the CCP's nationalism, but it should be noted that this use of media met some resistance within China's English journalism, known in 2000 as CCTV-9. The initiation of an English news broadcaster was intended to offer a Chinese perspective to combat the negative coverage that Beijing felt dominated Associated Press TV, Reuters Video News and CNN. It represents the early efforts to have greater voice in global English news circulation (Jirik, 2004). As Jirik has documented, the Party-directed vilification of Falun Gong in 1999 caused pangs of conscience among the English division: "management at one point faced stirrings of newsroom revolt, fuelled by sheer boredom at the relentless coverage, and the lack of professional pride reporters could take in this kind of work" (2004, p. 135).

One of the initial tasks of China's renewed media diplomacy offensive was explaining its policies toward Falun Gong. The domestic persecution of Falun Gong prompted negative

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<sup>92</sup> CNN's title for the story seemed to ignore the counterpoints offered by the reporter. "China: Falun Gong a global threat."

international reactions, fueling the preexisting narrative about China's willingness to tolerate human rights abuses for political stability. China has been an ongoing case study for groups like Amnesty International (Amnesty International, 2013) and activist networks emerged to challenge China's domestic policies. At the forefront of these networks, the World Organization to Investigate the Persecution of Falun Gong (WOIPFG) began documenting the Chinese government's actions, compiling testimony and other evidence of human rights abuses. WOIPFG's mission was to bring the struggle to an international audience as a means of defense and peaceful resistance.

The group's four hundred and forty-four page founding publication, *Investigation Reports on the Persecution of Falun Gong* (World Organization to Investigate the Persecution of Falun Gong, 2003), is a carefully referenced narrative of China's moves against Falun Gong communities in China and abroad. It is the first compilation of what had been less formally understood as the group's systematic oppression in China and self-consciously functioned as an introduction to Falun Gong as a persecuted minority. The language in the introduction is crafted to characterize China's policy as genocidal. The argument for genocide is by analogy, opening with Elie Wiesel's reflection on the Holocaust and the moral obligation to prevent it. The preface goes on to situate China's policies as "history repeating itself." "Today," the preface continued, ". . . *genocide* is happening in the People's Republic of China. The government is targeting for elimination people who believe in Falun Gong (WOIPFG, 2003, p. iv). The spiritual movement, they argue, "is today to China's masters what the Jews were to pre-war Nazi Germany: a convenient scapegoat used to explain away the failings and insecurities of the state and its leadership" (WOIPFG, 2003, pp. iv-v).

The conflict between Falun Gong and the Chinese administration was thus mediated as a

battle of competing metaphors before the international community as much as through media globalization. Zemin's preferred frame saw Falun Gong as a quasi-terrorist cult, violating laws established by the International Telecommunications Union under the direction of a corrupt leader. Falun Gong's defenders portray Zemin as a continuation of Nazi indifference to humanity in the cold march toward control through persecution. The conflict surrounding the campaign to halt China's attempt to internationalize the control of the spiritual community became the subject of Canadian media policy shortly after the 1999 banning of the group within China. The CCP's media offensive at home, in the age of global media, could not remain nationally contained for long and, as Falun Dafa moved into new national contexts, so did Chinese media.

*Canadian media governance and Chinese media: norms in the governance of the social conflicts emerging from contraflow in Canada*

The CCTV decision issued by the CRTC is one of multiple disputes around the role and legitimacy of Chinese media in Canada. The battle ranges across print and broadcast and hinge on the question of foreign state influence in Canada. Anti-communist media activists and groups against state media generally challenged the advance of China's influence through media on multiple fronts from 2000 through 2010. This decade corresponds with the struggle of Falun Gong to combat the "extension of persecution" beyond China's national territory through media (World Organization to Investigate the Persecution of Falun Gong, 2003, p. 359, World Organization to Investigate the Persecution of Falun Gong, 2008). The conflict took on legalistic form in Canada's Broadcasting Standard Council (CBSC), defamation suits within the Canadian judicial system and the CRTC review of non-Canadian programmers.

Three cases outlined here represent the struggles surrounding foreign media in Canada and how battles over foreign media entry entail encompassing themes such as immigration and

human rights. Staid administrative logics for cultural representation and diversity within Canada become a realm of contest for autonomy from state power, but analyzing of these cases from a position of normative theory allows a discussion of contradictions that result from contraflow. The following cases related to CCTV's entry exemplify some of the challenges in liberal media governance of a pluralistic media system. Within the following regulatory venues, Canadian authorities applied preexisting Canadian standards and law to the public arguments against the presence of CCP-supported media in Canada.

*Case 1: Canadian Broadcasting Standards Council (CBSC): redistribution of CCTV content*

In 2001, a news report produced by CCTV and rebroadcast by Canadian licensed broadcaster Talentvision came before the Canadian Broadcasting Standards Council (CBSC). The Council had received complaints from Falun Gong activists who claimed that the report inaccurately asserted a relationship between the Falun Gong and acts of violence. The segment, introduced by Talentvision's Canada-based anchor, broadcast graphic images of the crime scene and the confession of the alleged murderer which implicated Falun Gong cultivation as the motivation for killing members of his family.

A translated transcript provided by complainants to the Canadian broadcasting standards group illustrates the central concerns of Falun Dafa's defenders:

*Talentvision Anchor:* On the 25th, in Beijing, a Falun Gong follower brutally murdered his father and wife, and seriously injured his mother with his own hands. The means he used to kill his parents and wife was extremely cruel. He explained that this would send him and his family to the "World of Ultimate Bliss" where they could share eternal happiness. (R. Cohen et al., 2002, p. 1)

The CCTV report that followed went to great lengths, by North American journalistic standards, to connect the murders to Falun Gong. The voiceover of the original CCTV anchor aired on Chinese networks emphasized the brutality of the crime. After describing how the Beijing

“[p]olice officers who arrived at the scene” were “shocked” by the “extreme cruelty,” the alleged killer, Fu Yi-bin, provided an on-screen interview to explain his motives:

*Fu Yi-bin:* After I killed the three of them, their spirit and their body would enter my lower abdomen directly. There, they will form a universal system similar to the one of the Sun, the Earth, and the Moon. This system will rotate in my Dantian [lower abdomen area], which is the central foundation of the rotating Falun (2002, p. 2)

The voiceover in the CCTV segment goes on to offer more information about the assailant’s religious motivation, explaining that “[i]n order to achieve individual ‘perfection’, Fu Yi-bin brutally chopped his father and wife to death, and seriously injured his mother. Firming up the murder’s connection to Falun Gong, the voiceover noted how the confessed killer “was a caring and loving son and husband. All that changed when he started practising Falun Gong in 1998” during which time the man became “spiritually controlled by Li Hong-zhi and the Falun Gong evil cult . . .”

For Falun Gong practitioners who had lived through the banning of Falun Gong books and public gatherings in the late 1990s, the story was familiar. CCTV functioned as a mouthpiece for a state that had deemed Falun Gong a threat; such stories had been used to marginalize Falun Gong within Chinese society since 1999. The retransmission was the first encounter Chinese-Canadians had with this use of CCTV in Canada. An activist involved in the case described why it was important to combat CCTV’s portrait of Falun Gong. While negative depictions of the democracy movement might be easily dismissed, descriptions of Falun Gong could be a first impression.

In comparison to the student movement [1989] the Falun Gong overseas? Nobody knows. What is Falun Gong? It is like the world is unfamiliar. But what happened is they started hate propaganda. People who practice Falun Gong know about it. So that hate propaganda was taking effect. So it is not like the democracy movement; everyone knows it . . . . (Personal Interview 2012)

Through efforts of activist coalitions, the CRTC and the CBSC received complaints from individuals and a mass complaint organized by the Falun Dafa Association of Canada (FDAC) with over 1000 signatures. The complaints claimed Talentvision TV, in rebroadcasting the CCTV programming, had aided the Chinese state's persecution of a group protected under Canadian law. Many complaints described CCTV as handmaiden to state oppression, hinting at the legal consequences of Talentvision's retransmission of the content and the incompatibility of CCTV's government mandate with Canadian communication customs. One complaint outlined how "the unlawful persecution of Falun Gong in China is now being perpetuated in Canada via live, unscreened satellite feeds of CCTV hate inspiring programming," describing CCTV as "Chinese government propaganda being broadcast over Canadian airwaves. . . ." (R. Cohen et al, p. 2). Individual complaints focused on the ethical question triggered by CCTV's role as a "state-controlled network" and the harm done to the Chinese community within Canada. "It is unacceptable to me to see CCTV 4 news being freely broadcasted [*sic*] in Canada, spreading lies and deceiving innocent Canadians." Another letter writer asks the CRTC to "request Talentvision to stop spreading lies and promoting hatred among Chinese Canadians." The Talentvision segment having aired in Canada as "[l]ive and unscreened satellite feeds" coming "directly from China onto Canadian cable television stations" appeared in several complaints with common references to the Canadian government's responsibility to prohibit both hate-inspiring and propagandistic programming on Canadian airwaves. One complainant cited CRTC broadcasting regulations, noting that the retransmitted segment violated Canadian law in airing obscene pictures, in presenting misleading news and in broadcasting abusive content (R. Cohen et al. p. 2-3).



Talentvision's official response to the criticism and the regulator's discussion captures many of the tensions in imported news programming, touching on the acceptability of state news in liberal media systems and the divergence in media industry ethics between cultural contexts, all beneath the overarching contradiction of free speech privileges being afforded a media organization originating from a national context that does not recognize similar free speech principles. The company's rejoinder to the complaints expressed "regrets" and offered self-defense by claiming the organization "uses the best news sources available." Talentvision's president countered, "[b]eing state-owned does not disqualify CCTV from being a legitimate news source." The defense also stated that "Talentvision will not knowingly act as a propaganda agent," holding to human rights and freedom of the press under Canadian law (Cohen et al, p. 3). Through the bureaucratic language in the regulator's discussion, one can sense the difficulty presented by the case. Mediating between Falun Gong and Talentvision involved making judgments about unfamiliar, quasi-religious groups, foreign forms of journalism in contested translation and the motivations of various parties that brought the story into Canada. Much of the difficulty stemmed from a lack of definitional criteria for effective application of Canadian media policy. Citing ethical codes established by the Canadian Association of Broadcasters (CAB) and the Radio and Television News Directors Association of Canada, the CBSC's decision said a review panel "unhesitatingly subscribes" to Talentvision's view that state control did not disqualify a news source (7). Though "references to Falun Gong in the news report constituted unfair comment," the board's final assessment found no fault on the part of the broadcast license holder in having retransmitted the offending material. The board went further to indicate the limits of its ability to regulate of foreign content, stating that "[w]hether or not the view of the Chinese Government toward Falun Gong is or is not accurately described by the

[FDAC] (and the Panel expresses no view on that issue), the Panel’s decision must relate solely to Talentvision and what it has broadcast” (6).

The struggle against CCTV in the institutional setting provided by Canadian media governance is marked by limitations related to bureaucratic scope and definitions. The board’s dismissal of the “state propaganda” argument offered by the FDAC stemmed from a funding-source agnosticism that runs throughout Canadian regulatory code and effectively restricted the scope of what the panel needed to consider in their adjudication of the dispute. This refusal to consider “origins” of news is rooted in a lack of definitional criteria to distinguish between state-run media and public broadcasting common to Canadian and European broadcasting systems (c.f. Lincoln, Tassé, & Cianciotta, 2004).<sup>93</sup> Another blow to the FDAC’s case for a defense against CCTV’s negative portrait was also definitional. The panel found that, though relevant journalistic ethical codes prohibited the use of race, national or ethnic origin, or religion in news pieces unless directly relevant, Falun Gong did not qualify as any of these protected groups.

Regardless, the panel did express general skepticism about the story Talentvision rebroadcast. The CBSC noted how the news piece departed from “North American” standards of news and law, considering the story’s description of the suspect’s background “highly unusual and irregular.” “Since Fu Yi-bin was apparently not a public figure, there would certainly not have been any justification to identify him and his criminal act *so constantly* as Falun Gong-related” (Cohen et al., 2002, p. 8 [emphasis in original]). The piece was “not journalism”:

Whether or not such a report is acceptable, even if not commendable, in Mainland China, the *Canadian* broadcaster of this imported report must ensure that it meets the standards of broadcast journalism of *this* country. The Panel finds that the

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<sup>93</sup> See 3.1 “Defining Public Broadcaster” in the cited Integration and Diversity report by the Department of Canadian Heritage for a later discussion of the absence of this criteria and its concrete effect on policy decisions regarding foreign media.

report has not been done in a "fair manner", as prescribed by [Canadian ethical codes]. (2002, p. 8)

This lack of fairness in the piece as well as repetition of violent imagery led the Council to find Talentvision as a license holder in breach of the industry ethical guidelines but no punitive measures were levied and no threat to the license was at stake. Still, grassroots organizing had effectively challenged the uncritical importation and the hearing itself was important for Falun Gong's defenders.

*Case 2: The Epoch Times vs. La Presse Chinoise*

As tensions grew between the multinational Falun Gong community and the Chinese regime in 2001, the ethnic press in Canada provided a localized forum for debate over Falun Gong as a movement, its purpose, its place in Canadian cities. Two distinct positions on Falun Gong were represented in two publications. The general-interest Chinese-language<sup>94</sup> print publications, *La Presse Chinoise* and *The Epoch Times*, came to represent anti-Falun Gong and pro-Falun Gong positions in major cities like Montreal. Both publications were billed as general interest, third-language papers but both were also explicit in their positions regarding Falun Gong. *La Presse Chinoise* routinely inveighed against the group while *The Epoch Times* provided defensive articles, often focusing on the attacks themselves as an expression of China's growing overseas influence.

Between November 3, 2001 and February 9, 2002, *La Presse Chinoise* published a series of stories as a supplemental "special edition" with inflammatory language that characterized Falun Gong as the cause of "mental illness," promoting "bestiality and other perverted and

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<sup>94</sup> All quotes are taken from official legal transcripts provided to the Canadian Superior Court which were agreed upon by all parties to the suits that resulted from the special edition.

deviant sexual practices,” and requiring practitioners to participate in “homicide,” “suicide,” and “lose one’s human essence.” Many of the themes in the special edition echoed the PRC’s official descriptions of Falun Gong as antithetical to Chinese culture and the Chinese state: the practice of spiritual cultivation “cause[s] the break-up of families,” and compels “sabotage against the PRC” (*Zhang v. Chau*, 2005, para. 8). The initial publication from November 3, 2001 captures the spirit of the *Le Presse Chinoise*’s attempt to socially marginalize Falun Gong within Montreal’s Chinese communities. The author, purported to be a reformed Falun Gong practitioner, attacks the founder’s “hidden” motivations:

How could such a great law of the universe allow its disciples to commit suicide and immolate themselves but no one can even find their sarira [body]? This is enough to prove the extent to which these people are fooled. These kinds of malicious actions to produce murder are still continuing and spreading! It shocks all the kind-hearted people in the world! The black hand has already reached Canadians! (*Zhang v. Chau*, 2005, Schedule A, p. 16).

The response of the Canadian Falun Gong community was immediate. Local practitioners tried to obtain all copies in circulation. Others went to the newspaper’s offices to request a retraction. After a war of words in the rival publications, Falun Gong members filed suit in 2002, claiming that the owner of *La Presse Chinoise*, Crescent Chau, committed libel seeking the redress of damages from Mr. Chau’s libelous statements which were “false or grossly inaccurate distortions made for the purpose of inciting hatred against the practitioners of Falun Gong, causing derision from the Chinese community against Falun Gong in Canada and justifying the persecution of Falun Gong practitioners in the PRC” (*Zhang v. Chau*, 2005, para. 32). The court assessment criticized the form of journalism within the Canadian Chinese press departed from expectations that would be applied to journalism originating in Canada. The court noted that “Neither Mr. Chau nor the newspaper belong to any professional journalistic organization in

Canada” (*Zhang v. Chau*, 2005, para. 13). The judge in the case went further in her role as press critic, stating that “[a]s a publisher or newspaperperson, Mr. Chau is not impressive. The general impression the Court got from his testimony was that the newspaper was simply a pretext to sell advertisements: the content of the ‘articles’ was of little importance” (*Zhang v. Chau*, 2005, para. 14).

Chau’s self-defense emphasized the difference between Canadian and Chinese print cultures and appealed to both the culturally specific rhetorical traditions in the Chinese press in Canada and the freedom of expression afforded by Canada media law. Chau argued:

. . . Falun Gong is a controversial and contested movement; as to the inflammatory style of the impugned articles, [Chau’s legal team] submit it is in keeping with the customary rhetoric used in Chinese language community newspapers; they deny the damages allegedly suffered by the petitioners and plead fair comment and freedom of expression (*Zhang v. Chau*, 2005, para. 14).<sup>95</sup>

The Superior Court’s final decision dismissed the charges brought by the Falun Gong community, stating that the evidence did not sustain the claim that the articles were grossly inaccurate or published to incite hatred and derision. A Falun Gong practitioner described the legal battle as more important than the outcome would suggest:

It [was] a huge thing because we refused to be persecuted. . . . But because we are volunteers, we have no money. When we won the lawsuit, you know, we need money for petitioners. It was like they were really trying to really destroy us. But I think, uh, they got afraid [because of] our effort (personal interview, 2012).

The dismissal was a blow to Falun Gong’s attempt to escape what they saw as politically motivated misrepresentation, but the Canadian system had afforded a place to challenge what they claimed were baseless depictions intended to marginalize the Canadian community.

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<sup>95</sup> The court recognized the difficulty of dealing with translations, compounded by the differing print tradition within the Canadian ethnic press: “Moreover, the original language comes from a different cultural tradition, which adds a further degree of separation between the original words and the judge (*Zhang v. Chau*, 2005, para. 31).

*Case 3: CCTV and the Canadian Radio-television Telecommunication Commission*

The third example of Canadian media regulation involves human rights and anti-propaganda activists petitioning the CRTC to forbid the circulation of CCTV. CCTV, Falun Gong members claimed once again, was the expression of Beijing's intention to influence the perception of dissent within the immigrant Chinese communities. The Falun Gong community's experience of Fairchild's retransmission of CCTV content allowed the group's political arm, the Falun Dafa Association of Canada (FDAC), to mobilize a volunteer base against the channel's bid for a more significant presence in Canada through direct broadcasting. The previous ruling by the Canadian broadcasting standards board against Fairchild, the FDAC protesters hoped, would set a precedent for limiting the Party's media arm in Canada; they organized opposition and joined coalitions with other invested public-interest groups such as Canadians Against Propaganda and think tanks critical of Chinese diplomacy.

The CRTC received a request to add the "Great Wall Package"<sup>96</sup> to the list of approved satellite services for distribution in 2005. As is required by CRTC filing guidelines, the Canadian Cable Telecommunications Association (CCTA) acted as the Canadian sponsor for the set of Chinese-language media in the regulatory process. The package included nine non-Canadian, Chinese-language channels,<sup>97</sup> among them CCTV-4, China's government-run news channel. CCTV-4 and CCTV Entertainment, as well as the global marketing agent representing the channels in international distribution negotiations, China International Television Corporation

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<sup>96</sup> Channels in the package included CCTV-4, The Satellite Channel of Southern Television Guangdong, Southeast TV Station, Jiangsu International TV Channel, Beijing TV, CCTV Entertainment Channel, Dragon TV, China Yellow River Television Station, and Hunan Satellite TV.

<sup>97</sup> Canadian media and cultural policies have developed a socially conscious bilingual structure to accommodate French as well as English-speaking populations. As a result, media in other languages are considered "third-language."

(CITVC), were all described as “nationally owned” while the remaining channels were products originating from China’s provincial, less centralized networks. The nature of the channels ranged in genres: lifestyle, sports, entertainment, educational. The programming offered anything from lessons in Kung Fu or Chinese chess to programs that “capture the pulse and essence of city living in China” (Government of Canada, 2006).

As a measure of the controversy surrounding Chinese media in Canada, a flood of written statements inundated the Commission. The CRTC issued a standard call for comment on the addition of the channels for distribution and received two hundred individual comments, 2,000 letters, and 7,000 signatures (Government of Canada, 2005c). Relative to other calls, the public response to the request for Canadian distribution was not unheard of, but the ensuing debates illustrated cleavages and fault lines that were unfamiliar to the Commission staff. Supportive comments did make familiar arguments about the need to offer third-language programming. The CRTC summarized the comments received, dividing them into supportive and opposing petitions. Supporters:

submitted that it was extremely important to have full access in Canada to television channels from the mainland of China and Hong Kong in order to give Mandarin- and Cantonese-speaking Canadians the same cultural and social opportunities that Chinese communities have in other countries around the world. (Government of Canada, 2006, sec. 6)

Opposition fell along predictable lines for those who had followed the controversy. Activists against entry argued the stations being considered were not normal media the CRTC commonly considered but were instead “‘many channels but one voice’ of the Chinese Communist Party (CCP), consisting of propaganda that includes lies, fabricated stories, or pieces of misleading news.”

As with the standards board decision, the CRTC’s embraced a liberal agnosticism. The

Commission imposed limits on the scope of democratic deliberation, limits that gave advantage to state media and narrowed the appeals of the opposition. The CRTC confirmed that its “mandate and responsibility are to consider issues that relate directly to the sponsored services themselves, rather than the policies, alleged or not, of the government of the PRC” (s.82). Within these constraints, the debate became a question of CCTV’s right to communicate without governmental interference versus the government’s right to restrict speech freedoms in light of the potential for social harm. The test was whether or not CCTV-4 exhibited a pattern of airing abusive comment, engendering hostility toward an identifiable group within Canada. The CRTC’s staff weighed if CCTV’s reporting on Falun Gong merited either denial or something analogous to the censorship conditions placed on Al Jazeera a year earlier.

But this presented a difficulty for the Commission’s staff. Determining what statements constituted abuse and verifying that abuse would be more difficult than the case presented by Al Jazeera. Claims of false or misleading representations in CCTV news segments submitted by the opposition did not resemble typical examples of abusive speech such as those that justified the monitoring conditions placed on Al Jazeera’s approval. In contrast to Al Jazeera, the abusive speech on CCTV alleged by Falun Gong could only be verified by vetting the truth of the claims made by CCTV’s reporting. Those opposing Al Jazeera Arabic could point to translated copies of uncensored opinion shows and programs that aired comments from members of the public. The text alone could stand as evidence of easily recognizable abuse. Jews were “apes and pigs” according to one excerpted transcript. CCTV’s opposition claimed the “abuse” was fabricated reporting. The claim of abuse could only be verified by the Commission through an investigation into the truth or falsehood of the events in question. All of the misrepresentations cited by Falun Gong’s defenders took place in China as much as 10 years earlier. This was well beyond the



scope of the CRTC.

CITVC's representatives before the Commission seemed to recognize this problem of vetting the claims made against the network. In countering the claim that CCTV falsely linked Falun Gong to a public self-immolation incident within China, CITVC argued that "there is no reason why the Commission should be involving itself in the consideration of the veracity of an incident that occurred five years ago" (Government of Canada, 2006, sec. 67). Since systematic and long-term study of the domestic political conflict and CCTV's coverage was not within the mandate of the CRTC, CCTV could only be considered in the same light as Western-styled public broadcasters.

*Conclusion: questioning the CCTV decision*

As a quasi-judicial body, the Commission views its work as legally limited to the execution of policy objectives outlined by departments and cabinets and legislation. Rather than interpreting the law, a frame of "execution" allows the Commission to limit the terms of debate, admissibility of evidence and the scope of the Commission's social purpose generally. In the case of CCTV and its relationship to a significant subnational minority, what might be seen as the practical agnosticism of the Commission must also be recognized as blindness to a set of factors:

- disparities in the relative material conditions of the stakeholders
- the importance of media in symbolic power and the potential for symbolic annihilation
- state-directed media as an extension of state policies that violate the North American norms such as journalistic autonomy

The ironies and contradictions in these decisions about domestic media policy typify what Chakravartty and Zhao call "uneven global encounters" in international media power (2008, p. 15). Domestic regulatory structures remain ill-equipped to make broad judgments about

the geopolitical conflicts that color foreign media entry. CITVC's use of Canadian diversity principles as an argument to obtain distribution while holding no parallel pluralism principles in China was a central tension, but it was one that the CRTC's deliberative model was forced to ignore. The material differences between the stakeholders in this policy decision could not be considered due to the liberal ethos that shaped Canadian governance of foreign media.

### *Conclusion*

How did principles of media pluralism in the regulatory process weigh the competing claims and arguments? Will these arguments be effective if these trends in international journalism continue? Are the norms that police journalistic media in Canada structured in such a way as to be disabled from considering emerging aspects of power in a multipolar world? Media have been the focal point for battles over representation within Canada, but the emergence of a multipolar media world presents challenges to national regulators that go beyond free speech debates and "disappearing" national boundaries (Morris & Waisbord, 2001). Media integration fosters conflict, requiring a degree of reconciliation when forms of news and professionalism compete.

There are two aspects of this decision that normative theory can shed light on. First, CCTV's 2005 bid for entry was striking for how it put two liberal policy values in competition. Supporters claimed CCTV offered the Canada's immigrant population a connection to home and made Canadian television reflective of the multicultural population. A liberal conception of media pluralism, too, supported adding CCTV as another voice in the marketplace of ideas. But, according to the opposition, Canadian multiculturalism and social harmony were threatened by CCTV, both in the general sense that CCTV was not an independent source of news and the more specific sense that CCTV's political function actively sought to marginalize a religious-ethnic

group as a way to silence dissent. The principles of Canadian media policy were strained as a liberal conception of pluralism provided rationales for competing stakeholders.

The second aspect stems from the Commission's refusal to consider the "origin" of the broadcast and instead to rely on rules of debate that barred argumentation based on a media organization's political orientation. Despite the failure of this line of reasoning in previous Canadian judicial settings, anti-CCTV activists continued to emphasize CCTV's mouthpiece function in addition to the claim of abusive speech that was more in line with the Commission's mandate. CITVC's representatives in Canada counter-argued that those opposing the entry of CCTV were "attempting, through this latest round of material, to denounce the Chinese government for its policies and decisions and, in particular, for the banning of Falun Gong" (Government of Canada, 2006, para. 60). CITVC further claimed that it was inappropriate for the regulatory body to consider the program originator's political posture, despite the clear possibility that CCTV-4 could act as an extension of the CCP's goals to marginalize political opposition. The domestic policies of the Chinese politburo, they argued, were not the Commission's concern. By framing the evaluation of CCTV's representation of Falun Gong practitioners as a question of political orientation rather than a question of human rights, advocates for CCTV's entry in to Canada appealed to the commission's reluctance to act as illiberal censor.

The high stakes involved in these decisions involve public intelligence of global issues, human rights, free expression and the self-determination of community identity. These issues merit a reconsideration of the underlying administrative logics that have brought legitimacy to the modes of public discourse in North America and justified media regulation for the social good. Media globalization is prompting a new look at the normative foundations of decisions.

Normative theory is thus valuable in the age of global media flows to question how assumed norms “[legitimate] a particular model of public discourse in a specific historical period by rooting it in an acceptable foundation of moral givens” (Christians et al., 2009, p. 73). The norms governing judgments about media integration I’ve discussed point to the need to recognize media globalization as a site of cultural struggle and, thus, the role of power in interconnectivity through media. Apolitical judgments of very political processes may legitimate systems of inequality despite the best intentions of regulators.

The judges in the defamation case brought against Chau’s *Le Presse Chinoise* referenced North American standards of professionalism to condemn Chau while dismissing the charges. The standards council offered a symbolic demerit on Talentvision’s record as a Canadian broadcast licensee for having been a poor steward of foreign content’s entry into the nation while also laying out a clear limit to how much the council would police discourse. Again, political motivations would be outside of jurisdiction. The CRTC, too, outlined this limit and for good reason. Governmental selection of the political views may or may not circulate in public discourse is a moral hazard to robust public discourse. Yet, such a noble limitation of governmental authority, a cornerstone of the liberal tradition, also ignores the asymmetries of power in global news flows. Political agnosticism amounted to the inability to address issues of power directly affecting members of the Canadian public.

Liberal, deliberative and radical pluralist models offer different visions of inclusiveness in the creation and execution of policy. For instance, Christians, et al, argue that a “key condition for establishing a satisfactory normative formula that harmonizes the moral claims of all social actors is the quality of dialogue between the social actors” (2009, p. 78). The judicial tendency to discard the concerns held by certain social actors suggests a deliberative model that

arrives at consensus only by invalidating dissent, one that harmonizes by muffling discord notes. It may be argued that the liberal spirit of diversity triumphed since all voices were “allowed” circulation and the affected publics could consider more points of view. Those that praise the deliberative model of the CRTC can argue that these legal spaces are not equipped to debate the normative foundations of the debates they host. But the liberal conception of diversity can only be fully self-satisfied in as much as it suspends a realistic assessment of the uneven power. It is a sort of equality under the law that forbids both rich and poor from sleeping under bridges, as Anatole France once quipped. A radical pluralist analysis, on the other hand, allows for these alternative normative frameworks but questions these premises by avoiding a sense of resolution through consensus that implies power-free deliberation. There were and continue to be consequences for those that lacked material power within the normative structure of Canadian media governance.

## Chapter 6

### A paradox of pluralism:

#### Canada's regulatory response to global media growth

Chapter abstract: Between 2004 and 2008, Canadian policy developed a more open posture toward foreign news media. In this chapter, I detail the CRTC's decision-making process. The CRTC's publicly guided development of a policy toward foreign media provides a contrast to the Market Liberal model of foreign media governance in the United States. The cultural policy within the Canadian Broadcasting Act of 1991 shapes public debate on foreign media and the social functions it serves. Stakeholders in Canada's engagement with foreign news actively interpret the public policy through deliberation over the merit of bringing foreign news into the Canadian media system. The debates produced narratives of inclusion and exclusion. Foreign news serves several purposes in these narratives. It brings diversity to the Canadian media system. It can connect immigrant communities to their country of origin. Foreign services can also serve transnational political identities as Canadians exercise their voting rights in foreign political systems. After early setbacks, Al Jazeera successfully entered the Canadian public sphere with its English-language network. China Central Television was granted distribution rights despite generating intense controversy. In conjunction with these approvals at the CRTC, the denial of the Italian public broadcaster, RAI, initiated a broad review of the procedures to admit third-language services. RAI's supporters argued the Canadian regulator was obligated to approve RAI so Italian-Canadians could participate in Italian politics. The opening of the Canadian system to news from abroad through this public process represents one way a conscientious national policy toward foreign media can develop. But the process also illustrates how media policy values produce paradoxes. Reviewing the CRTC's decisions regarding Al Jazeera, CCTV and RAI, this chapter points to the paradoxes of national regulation as the Welfare Liberal regulatory model adapts to new patterns in global news flows.

*Introduction*

Canadian media policy is a prime example of a regulatory framework aimed at sustaining and supporting national culture. The Canadian system seeks to achieve social goals such as the production of uniquely Canadian content for Canadians and adequate multicultural representation of Canadian society. These policies ensure Canadian ownership of national media industries to prevent the eclipse of Canadian culture. It is a set of policies designed to stave off what critical political economists of the 1970s called “media imperialism,” or the capacity for one national communication system to saturate another, undermining domestic media production and cultural sovereignty (H. I. Schiller, 1992). In many ways, Canada’s political stance regarding foreign media is a policy implementation of cautionary advice from the imperialism school of thought, withstanding challenges from the free trade paradigm. Canada’s concern for preserving a Canadian cultural space through media regulation remains valid forty years after the initial formulation of the imperialism theses. U.S. media companies still seek Canadian consumers, and the flow from south to north continues to present problems for Canadian policy makers.

But other aspects of this media landscape are rapidly changing: the growth of international connectivity and the appearance of new players in 24/7 news media. The expansion of foreign networks into Canada has pushed policymakers at the Canadian Radio-television Telecommunications Commission (CRTC) to reevaluate the institutions that buttressed Canadian culture industries and limited non-Canadian media. Since 2000, this reevaluation has incrementally opened the Canadian regulated system to global voices from less represented regions of the globe. These “opening” revisions reflect an attempt to integrate Canadian television with the more multipolar media world that will define the 21<sup>st</sup> century without giving

up regulation altogether. The opening of the Canadian system also represents the recognition that foreign news is important for Canadian citizens whose political identities overflow national confines.

In previous chapters, I argue that Canadian media governance insufficiently recognizes new lines of power introduced by agents of contraflow like Al Jazeera (AJ) and China Central Television (CCTV). These criticisms notwithstanding, the CRTC's process is a positive contrast to the non-interventionist regulatory model in the United States. This chapter discusses these battles over foreign media to highlight both the public responsiveness of the Commission in shaping the nation's relationship with foreign news and the paradoxes that result as national regulation evolves to meet contraflow.

The chapter focuses on the controversies surrounding the Italian public broadcaster Radiotelevisione Italiana (RAI), the pan-Arab broadcaster Al Jazeera and China's state-run news channel CCTV. With RAI, Italian-Canadians advocated for fuller integration with global media. Opposition to Al Jazeera's entry cited the potential for abusive speech and argued against integration with the network's uninhibited journalism. Discontent over the initial denial of RAI and the censorship condition imposed on Al Jazeera forced the regulator to reevaluate its approach to foreign media. These revisions were tested two years later by the pleas of Chinese-Canadians to reject CCTV as propaganda. But, the battle to open up for RAI also facilitated the entry of China's state-run broadcaster despite evidence presented that CCTV's form of journalism had a mission to demonize minority communities in Canada. The gradual opening of Canada's system did allow for greater diversity but did so by consciously tolerating the risk of inviting voices hostile to elements of that diversity.



The process I describe is the most explicit political portion of cable and satellite distribution guided by national policy.<sup>98</sup> I focus on the process because this is a rare space for public intervention in the realm of international communication. The contours of the public debates over foreign media offer insights about the opportunities in foreign media as well as challenges for national policymakers in multicultural national settings.

*CRTC confronts new broadcasters: Structural adaptation to contraflow?*

The CRTC's decision to allow Al Jazeera Arabic (AJA) through the regulatory gate in 2004 caused a stir in Canada's media politics (see chapter five). Popular interest in the regulator's decision to approve the addition of the Arabic channel with "monitoring" conditions went beyond the usual telecommunications and media industry players who often populate the regulatory docket. The galvanizing popularity of the maverick news broadcaster caused the Arabic channel's application to draw numerous comments in regulatory hearings as well as Canadian and US public debate.<sup>99</sup> The public call for comment posted by the commission attracted activists' attention and garnered more than 1200 entries of support and 500 in opposition for the public record, a substantial expression of non-industry public involvement in commission business. Public-interest groups sprung up to meet AJA at the border, challenging the news organization's professionalism and adherence to Canadian broadcasting standards (Dakroury, 2005b; Davis, 2013; Odartey-Wellington, 2013; Marc Raboy et al., 2010). But Al

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<sup>98</sup> A note on the relative power of citizen groups: decisions about distribution are ultimately the prerogative of commercial powers. Canadian sponsors, most often major cable and satellite distributors or industry associations (Broadcast Distribution Undertakings or BDUs), initiate the political approval process and make the final decision about distribution after approval. Once approved, BDUs are under no obligation to insert the channel in their lineup.

<sup>99</sup> Al Jazeera Arabic's addition to the channels approved by the CRTC for distribution was so polarizing that it drew the attention of conservative media watchers from the United States. Entry into Canada, one media activist observed, was entry into a North American market and, thus, that much closer to "corrupting" US public discourse. See Cliff Kincaid's work for Accuracy in Media for an example of the sudden US interest in Canadian regulatory decisions.

Jazeera is only one of a series of important cases that illustrate how the Canadian regulator is responding to the pressures exerted by a changing global media environment. Considering them together, we can see the trajectory I identify as a regulatory opening.

Structures of institutional reception such as regulatory agencies and market factors remain in place despite celebrations of an emerging global public sphere and the demise of the nation. Various forms of regulation function as filters, allowing some voices into the nation and prohibiting others. They maintain what Monroe Price has called the “sovereignty” of information space (2004, p. 32). The power of satellite television, sometimes viewed as the means to overcome the ethnocentrism of journalism and bring disparate cultures in contact, only creates the technological possibility. The benefits of intercultural journalistic exchange as the cornerstone of global civic culture remain elusive.

At once, these filters are poorly defined due to rapidly changing and interrelated conditions of technology, industry and globalization. Kai Hafez, skeptic of overdrawn claims about media globalization, describes the potential for satellite journalism as unrealized. “Direct, authentic access to the cultural production of other states, unfiltered by the journalism of one’s own country,” he notes, “remains an enormous, unused resource of globalization” (2007, p. 56). The nation-state, far from withering, remains definitive in global media circulation, organized around less static linguistic, historical, and cultural borders. The analysis of regulatory decisions regarding foreign media’s “fitness” for entry reveals how national filters are affirmed or modified to maintain exclusions or become more inclusive of foreign content.

Canada’s response to new players is interesting given Canada’s history of policy support for Canadian cultural products as a means to ensure the vitality of Canadian culture at large. While the CRTC’s track record of civil society group inclusion has raised concern for some

(Armstrong, 2010), the CRTC acts as a platform for citizen participation by offering a venue for the Canadian public to ask private distributors and programmers to justify the decisions that shape the Canadian media system. Analysis of this activism, a national and subnational response to new patterns of global media flows, exemplifies how media globalization is experienced by localized communities as stakeholders in such regulatory decisions. This paper goes beyond individual cases to illustrate a potential model for regulatory change by looking at a set of CRTC decisions between 2004 and 2008. These decisions show a pattern of regulatory opening but one that cannot be understood as mere regulatory capture by global neoliberal trends. Canada's defensive regulatory posture toward foreign media gave voice to a diverse range of stakeholders.

Regulatory conflict surrounding these reconfiguring flows of news show how these venues can become sites of geopolitical battle as new economic and political forces enter the global arena. The new glut of international news broadcasters seek to define news agendas that, in turn, frame how the international community identifies and approaches matters of global significance. These regulatory decisions suggest how new national responses to flows of news shape imagined communities that imbricate to form an uneven and fragmented global public sphere in the 21<sup>st</sup> century.

*Canadian identity politics: prehistory to the Canada's opening to foreign news*

The relationship between the US and Canada has long been troubled by the trade in media products. Since the birth of US commercial networks, Canada has resisted being treated as an extension of the US market by US firms (Marc Raboy, 1990b). As early as 1929 with the Aird Commission recommendation of a public broadcaster model (Royal Commission on Radio Broadcasting, 1929), media policy in Canada has paid special attention to fostering Canadian content. The dominance of the US in terms of program sales, format sales, and channel exports

has colored Canadian national media policy. Through restricting content imports from its southern neighbor, providing incentives for co-production, and funding the Canadian Broadcasting Corporation, Canadian media policy has sought to strengthen the fabric of a distinctly Canadian society.

Media systems as sites of cultural production and reproduction have great social and political importance with respect to issues of identity, and this is a centerpiece of contemporary Canadian policy toward foreign media. Canadian policy is premised on the assumption that media function as a significant thread of the social fabric that coheres cultural understanding, providing a shared set of references and meanings that make up the abstract sense of having an identity in common with others. Government supports for media sectors such as subsidy and content quotas in the name of national culture appear in the policy frameworks of European countries and in European Union at large, both national and supranational levels (Goff, 2006).

Questions of subnational as well as national identity have been consistent themes in Canadian politics for decades, and efforts to accommodate cultural difference emerge periodically as central themes in Canadian governance. Monolithic or static definitions of national character lost much of their purchase in the complex social realities of the late 20<sup>th</sup> century, and new conceptions of citizenship have challenged national models of unity that often sought to assimilate indigenous cultures and immigrant populations (c.f. Aksoy & Robins, 2003; Calhoun, 2002). The media policies forged in the early 20<sup>th</sup> century pursuit of unified national character have undergone similar revision in Canada and inform the CRTC's approach to the new availability of foreign news broadcasters.

Canadian media politics are often cited as examples of national efforts to maintain sovereignty in the face of challenges from outside, but the changes in policy toward foreign

media have much to do with the similar contests for “internal” sovereignty within the state stemming from these questions of multicultural make-up of immigrant nations like Canada and the United States.<sup>100</sup> Ensuring the multicultural character of Canadian television falls to the CRTC.

The CRTC was created by the 1968 Broadcasting Act as the principle licensing agency and regulatory body, tasked with executing some of the main tenets of the Act. The commission’s priorities have shifted over time to keep up with technological, industrial, and social change, but one core function has been the maintenance of Canadian cultural production through a variety of mechanisms (Government of Canada, 2008b). The CRTC derives its regulatory mandate from the 1991 Broadcasting Act which maintains the Canadian government’s authority to license and otherwise regulate Canadian airwaves. Section Three of the updated Broadcasting Act outlines how the broadcasting system should “encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity.” Section Three also stipulates that the system should “serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society” (Government of Canada, 1991). This section constitutes the broad mandate of the CRTC which, in turn, functions as a quasi-judicial body that interprets the Act and renders decisions about licensing and content on a day-to-day basis (Armstrong, 2010).

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<sup>100</sup> The Canadian government has made efforts to maintain legitimacy through a politics of recognition and political incorporation, even defining Canadian multiculturalism over and against the assimilationist mentality of “melting pot” analogies that commonly define US approaches multiculturalism (see chapter two).

The evolution of Canadian broadcasting law reflects these larger changes in management of internal diversity, what Stephen McDowell (2001) has called the internal debate on sovereignty. Divisive language politics during the 1950s and 1960s highlighted the animosity between English and French population groups. Francophone complaints of Anglophone dominance raised political sensitivity to linguistic policy. These debates, stemming in part from Quebecois threats of secession led to official recognition and accommodation of both languages and cultural heritages. In addition to the official bilingualism introduced by the Trudeau administration in the 1970s, Canadian multiculturalism in broadcasting policy has promoted representational diversity in media. Official bilingualism, multiculturalism, and recognition of First Nations are internal adaptations to maintain cohesion threatened by social and cultural fragmentation. As McDowell notes, Canadian governance has sought to incorporate difference through recognition, coordinating with civil society groups and ethnic communities in national projects (2001, p. 125). Despite the “neomercantilist” turn to a market paradigm during the 1980s and the erosion of budgetary commitments to national culture, tenacious advocacy in the legislative process leading up to the 1991 Act won incorporation of language that uplifted multicultural and multiracial priorities in the policy mission of the CRTC (Marc Raboy et al., 2010). Moving into the 21st century, this legal language is the basis of the CRTC’s treatment of non-Canadian programming as a tool for representational parity in media. By conducting home-language programming through Canadian-owned channels, the Canadian media system allows immigrants to identify with countries of origin as well as Canada.

Both Al Jazeera and CCTV were highly parallel as applicants. They shared a reliance on foreign state funds, served a minority population, were both subject to claims of political agenda and both encountered minority group objections based on hate speech allegations. These

parallels should not obscure some significant differences between the two minority populations.

Arab communities make up a less substantial portion of the total Canadian population.

According to government data from the years immediately preceding the AJA decision, the Arab population in Canada amounted to 348,000 or 1.2% of the total Canadian population with heavy concentrations in Ontario and Quebec (Government of Canada, 2007a). Those reporting Chinese backgrounds during the same time amounted to 1,094,700 or 3.7% of the population. Moreover, the demographic data shows that, not only was the Chinese community the largest non-European ethnicity but also grew at a faster rate (19%) than the general population (4%) over the course of the 1990s. As with the Arab population, Chinese populations are concentrated in the two provinces (Ontario and British Columbia) and, more specifically, Vancouver and Toronto. Likewise, 72% were born outside of Canada compared with 58% of Arab-Canadians with foreign-born status (Government of Canada, 2007b). These numbers influence the perceived needs of communities and thus the decision to overcome the language barriers through facilitating in-language programming.

CRTC internal reforms represent movement toward greater recognition of linguistic and social diversity by allowing foreign content easier entry. Conditioned by its history managing U.S. media flows, Canada has a sophisticated set of policies and procedures in place to address questions of foreign media and their relationship to Canadian identity.<sup>101</sup> Policies derived from the 1991 Broadcasting Act supported Canadian media production by curtailing foreign content entry. But the same policies came to view foreign content as a means to reflect internal diversity

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<sup>101</sup> These policies were tested in political battles over multiculturalism, international politics, abusive speech, and regulation that punctuated the CRTC's judgments from 2003 to 2006. The result of these battles was structural reorientation to emergent conditions in global media. On the surface, these changes appeared to be an erosion of independence from outside communication flows. But Canadian multicultural policies were in tension with policies that supported Canadian media industries as protectors of Canada's unique place among global cultures.

through external sources. The policy precedent seemed to view foreign media as both threat and opportunity. This contradiction set the stage for the political battles that redefined Canada's relationship to foreign content.

*The CRTC's Conflicted Opening: 2004-2008*

## **RAI Denial**

Table 6: Stakeholders 2004-50 RAI Denial

| <i>Supporting RAI Entry (335)</i>                                | <i>Resisting RAI Entry (235)</i>                         |
|--|--|
| <b>Canadian Cable Telecommunications Association</b>             | Canadian Association of Broadcasters                     |
| <b>Rogers Cable Communications, Inc.</b>                         | Telelatino Network                                       |
| <b>Association of Italian Writers</b>                            | Salt and Light TV  |
| <b>National Congress of Italian Canadians – National Chapter</b> | National Congress of Italian Canadians – Toronto Chapter |
| <b>Committee for Italians Abroad</b>                             |  |

RAI's denial by the CRTC in 2004 was a spark that ignited calls for reform from critics of the Commission and staff within the regulatory body itself. The Commission based RAI's denial on regulatory rules prohibiting the entry of broadcasters that would compete directly or indirectly with Canadian companies for advertising revenues. In short, the CRTC preferred that foreign content, when admitted, funnel through Canadian-owned media companies. The rules therefore prohibited duplication of content refusing to grant entry to foreign broadcasters that might undermine a Canadian company's market share. RAI's bid for entry pitted Canadian media industry players against one another and divided Italian-Canadian community groups. The reasons for the uproar around the Italian public broadcaster stemmed from three interrelated conditions.

- interest in maintaining the public's authority over the Canadian media system through the CRTC while allowing foreign broadcasters into Canada



- conflict of economic interests between distributors and programmers within the regulated system
- political globalization of Italian electoral law that improved the ability of Canadian-Italians to be represented in Italian governing coalitions

In the following review of the RAI decisions, I will address each of these in roughly the same order.

Canadian distribution company, Rogers Cable Inc. (Rogers), sponsored RAI for distribution April of 2003, billing the channel as “a generalist broadcasting service that provides a broad range of programs, including dramas, feature films, sports, news and news commentary, cooking, human interest programs, entertainment programs, Italian music and dance as well as religious programs” (Government of Canada, 2004a, para. 7). Rogers’ interest in offering RAI its own channel space triggered the upheaval because the application was a direct threat to an existing Italian programmer Telelatino that had been in place for decades. Telelatino was the preferred conduit for Canadian access to RAI programming.

The CRTC’s ability to enforce content standards is limited when it comes to the direct broadcasts of foreign channels. In considering RAI, the CRTC had to account for the lack of punitive measures that could bring foreign broadcasters in line with Canadian codes. Canadian content providers were beholden to members of the Canadian public who could initiate a review of the fitness of license holders. Licensed media companies can suffer license revocation or probation for violating the CRTC’s standards (Krashinsky, 2010). It is in the interest of licensees to preempt regulatory meddling by responding to public criticism.

Rogers’s proposal, however, meant offering the RAI its own space on cable rather than rebroadcast through a Canadian licensee. Where a licensee might respond to the CRTC’s warnings in the event that content was found to violate Canadian codes, foreign content

providers have little motivation to be so responsive to public will or public policy objectives. An approval of RAI for distribution amounted to limiting the extent of the Commission's jurisdiction. Where the CRTC could compel Canadian companies through the license review process, the Commission had no jurisdiction or enforcement mechanisms for RAI if the direct broadcasts of RAI violated Canadian broadcasting standards. Rogers, by sponsoring RAI's application in 2004, would cut out a licensed Canadian broadcaster and limit the CRTC's own jurisdiction over the content broadcast on that channel. In effect, approving RAI for distribution allowed foreign programming to enter Canada through an unregulated circuit that would further blunt the CRTC's ability to exercise authority.

But economic interests of major distribution companies dovetailed with the public interest mandates guiding the CRTC, creating a strong case to dissolve the preference for Canadian owners. Rogers rationalized the addition of RAI with arguments taken from pages of the Broadcast Act. RAI would contribute to the diversity of Canada's broadcasting system, bring international perspectives to Canadians, and support a minority community. Cable and satellite distributors also noted that inclusion would decrease signal theft from US cable and satellite providers, a common complaint by Canadian distributors that felt regulatory restrictions on programming were pushing potential customers into the black and gray markets for US distributors (Taylor, 2006). Rogers cited the lack of specialty or pay television in Italian with a public broadcasting mandate.<sup>102</sup> A variety of Canadian groups advocating for media diversity joined Rogers in supporting the addition for similar reasons (see Table 6).

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<sup>102</sup> Telelatino had been using programming from a widely available noncommercial broadcaster and repurposed the content for commercial use by selling time to Canadian advertisers interested in the Spanish and Italian language markets.

The request to add RAI garnered 235 opposing comments. Opposition followed two lines of thought. First, public comments expressed general apprehension toward eroding the priority afforded Canadian media companies. Second, many feared the loss of preexisting Italian programming through the Canadian programmer. Chunks of RAI programming had been available to the Canadian public through Telelatino, the licensed Canadian channel that redistributed programming in Spanish and Italian. By petitioning the CRTC to allow RAI its own channel in cable line-ups, Rogers would make Telelatino's RAI segments redundant and undermine its market share of viewers. Not surprisingly, Telelatino opposed the addition and made the case that approving RAI was a direct violation of Canadian broadcasting law that prohibited foreign services to compete with Canadian media companies. Representing its interests before the Commission, Telelatino argued that its financial forecasts based on an approval of RAI showed revenue losses of \$CAN 3.8 million (Government of Canada, 2004a, para. 75).

But Telelatino's defense of its role as a Canadian cultural institution appeared to be an appeal to national economic protectionism and company self-preservation more than enlightened cultural policy. Among the three hundred and fifty-five comments filed in favor of RAI's direct broadcast, many bristled at what they perceived as the Commission's refusal to "give Italian Canadians the same cultural, social, and political opportunities that Italians have in all the other countries around the world, and other ethnic communities have within Canada" (Government of Canada, 2004a, para. 65–78).

But other interveners in support of Telelatino made a case that the system of obligations associated with Canadian media regulation were beneficial in that it assured Italian-language content providers would remain accountable to local communities. Privileging Canadian

broadcasters as conduits allowed the provider of Italian programming to remain connected with the Canadian community. The National Congress of Italian Canadians' Toronto chapter, for instance, opposed the addition of RAI as an independent channel despite the national chapter's support for RAI.<sup>103</sup> If RAI content were to circumvent the regulatory process by avoiding the obligations of a licensed broadcaster, the community services performed by Telelatino as a locally rooted media company invested in the Italian-Canadian community would also dissipate:

Telelatino makes a tangible contribution to our community on a grassroots level, something RAI International has yet to commit to and will most likely be unable to do given the sheer scope of its broadcast audience around the globe. While the arrival of RAI International will bring more Italian programming to our community, it will ultimately do so at the expense of local content and culture. (Government of Canada, 2004a, para. 78)

The question of RAI's transmission without a Canadian intermediary had pitted industry sectors against one another and divided Italian communities. Suspicions circulated publicly that the Italian public broadcaster was denying programming to Telelatino as part of Italian media mogul Silvio Berlusconi's plan to replace RAI programming with content from his own media empire. Telelatino's case for denying RAI, however, was unbeatable. Approval would violate the broad prohibition on direct or indirect competition for audiences already served by a licensed Canadian company.

Regardless of the CRTC's vested interest in maintaining its authority, there was broad dissatisfaction with the denial in the Italian-Canadian community. Members of the regulatory system, though believing the CRTC had followed Canadian law as written, were dissatisfied with the outcome too. While Telelatino's business model was certain to suffer competing with RAI,

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<sup>103</sup> These divisions in Canadian media activism reflected differing interpretations of Italian politics and the political motivations for RAI's move into Canada, further indication of the relationship between political globalization, migration and domestic media activism that must account for global dynamics.

proponents of opening to RAI pointed out that the Canadian broadcaster only devoted half its airtime to Italian-language programming.<sup>104</sup>

The battle between programmer and distributor had implication for the scope of the entire regulated system and the relevance of the commission in the expanding multichannel universe. Programming battles and challenges to the commission's limitations on commercial prerogative were fairly common in Canadian politics, but a third element, the need for the CRTC to consider foreign election law, was new.

The RAI decision had greater dimensions than the media industry in-fighting over market share and interest in multicultural programming. It sparked strong reaction from Canadian-Italians who had been recently been granted greater right to representation in Italian parliament. As the CRTC grappled with the pressing question of granting foreign channels a direct line to the Canadian public, the Italian government was taking steps to redefine the election processes by further facilitating the representation of Italians abroad.

Italy had wrestled with the question of extending democratic participation overseas since the years following the Second World War. Expatriates have had the "passive" right to vote for some time, but this required a return to the country. The way Italy has facilitated the expat community changed dramatically in the months preceding the CRTC's RAI decision, making greater allowances for representation of non-resident Italians. Italians would no longer need to return to Italy to take part in the democratic process. This broadening of representation in 2003

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<sup>104</sup> More broadly, there was also mounting dissatisfaction with what the Commission termed unlaunched Category 2 services. Under the rules favoring Canadian industry, companies could claim competitive disadvantage for programming that remained in the planning phase, effectively prohibiting the entry of channels by citing only the prospect of competition for target audiences in Canada.

offered greater agency to permanent residence of foreign countries, and non-resident Italians had a realistic chance to influence the nature of coalitions in upcoming elections.

Debates in the run up to the CRTC's decision took on new meaning, adding a sense of tangible disenfranchisement to RAI's potential denial. According to RAI's corporate sponsors, the new election laws had the effect of "heightening the need to bring RAI International to Canada" (Government of Canada, 2004a, para. 65). Indeed, elections two years later demonstrated the significance of this globalization of Italian democracy. Of eligible voters overseas electing 18 parliamentarians to govern from abroad, 40% participated. These elections swayed the balance, establishing a center-left coalition (Battiston & Mascitelli, 2008). This electoral empowerment of Italian-Canadians led to greater interest in connecting with the home country. The Canadian regulated system denied Italians programming essential to their internationalized democratic duties. With RAI, the Commission was forced to consider something rather novel. To what degree should Canadian media institutions and regulatory frameworks be required to provide for political participation in non-Canadian elections as part of their public mandate?

Compounding the sense of pressure on the CRTC's response to these requests, Italian-Canadians were watching the decision as an election issue within Canada. When the CRTC's decision was passed down after Canada's election of Paul Martin's government, the political reaction remained fierce: hundreds of Italian-Canadians protested on Parliament Hill during the ceremonies for Martin's new cabinet (Taber, 2004, pg. A1). These challenges to the regulated system with regard to RAI were part of a larger set of problems for the CRTC which was suddenly under fire and in the limelight of Canadian political theater. In addition to the apparent need for the CRTC to consider Italian elections in their decisions, the number of non-Canadian

services seeking space on Canadian dials during this time was as unprecedented. RAI revealed the need for a more comprehensive revision of the CRTC's procedures regarding non-Canadian programming. While the RAI decision exemplifies the complications of maintaining national regulatory standards in relation to forms of political globalization, the coincident decision to approve Al Jazeera Arabic involved more than adjudicating between competing economic interests, forcing the Commission to determine the threshold for Canada's definition of and tolerance for hate speech.

### **AJA Conditional Approval**

On the same day the CRTC denied Roger's request to add RAI, the Commission announced its conditional approval of Al Jazeera Arabic. The controversies that surrounded the Arabic broadcaster were well known, and Al Jazeera's infamy as a rebellious news organization hurt the public perception of the CRTC. One journalist's account of the set of decisions that denied RAI but "opened the way for the Arabic Al-Jazeera," flippantly criticized the decision by describing Al Jazeera as "well known for airing Osama Bin Laden messages and an occasional beheading" (Vlessing, 2004).

The sense that the CRTC was mishandling foreign content was mounting in public debates. For the Italian communities advocating greater access to Italian programming, this was further evidence of convoluted priorities. Al Jazeera's conditional approval was roundly criticized as well. Despite approval, the Arabic community was dissatisfied due to the treatment of Al Jazeera. The CRTC's conditional approval required distributors of the channel monitor the content they transmit if they choose to include Al Jazeera. The condition was a compromise to gain the consent of Jewish public-interest groups that had objected to alleged abusive speech on the network. The half measure proved to be a failure, satisfying none of the stakeholders: Jewish

groups found the approval a threat to Jewish culture; distributors that sponsored the channel for approval refused to bear the cost of 24-hour surveillance; Arab-Canadians were not only denied in-language programming by the conditional approval, the monitoring itself was the first of its kind and mingled with a social environment of distrust for the Arabic population in the post-September 11<sup>th</sup> political environment. The decisions coincided with a period Charles Taylor and Gerard Bouchard identified as a pivotal point in the public discussion of official minority accommodation policies differences in Canada. A growing discontent with cultural accommodation policy mounted from 2002 until 2006 during which media coverage and public figures criticizing Québec's government for accommodation excess (Bouchard & Taylor, 2008). Much of the controversies centered on questions of Islam's fit in Canadian society such as the application of Sharia law and the allowance of Sikh ceremonial knives in public schools.

Table 7: Stakeholders 2004-51 Al Jazeera Arabic Conditional Approval

| <b><i>Supporting AJA Entry (1,200)</i></b>           | <b><i>Resisting AJA Entry (500)</i></b>        |
|--|--|
| <b>Videotron Itee</b>                                | Asian Television Network International Limited |
| <b>Canadian Cable Telecommunications Association</b> | Global Television Network, Inc.                |
| <b>Reach Media (AJ Agent in North America)</b>       |  |
| <b>National Council on Canadian-Arab Relations</b>   | Jewish Women International of Canada           |
| <b>Canadian Muslim Forum</b>                         | B'Nai Brith Canada                             |
| <b>Canadian Arab Federation</b>                      | Canadian Jewish Congress                       |
| <b>Council on American Islamic Relations Canada</b>  | Christian Friends of Israel – Canada, Inc.     |
| <b>Alternative Perspective Media</b>                 |  |
| <b>Individual: Mr. David Lidov</b>                   | Individual: Mr. Robert Fattal                  |
| <b>Arab Canadian Civil Liberties Association</b>     |  |



| Table 7 (cont.)                                     |  |
|---|--|
| <b>Canadian Member of Parliament Beaumier</b>       |  |
| <b>Edmonton Council of Muslim Communities</b>       |  |
| <b>British Columbia Civil Liberties Association</b> |  |
| <b>Muslim Canadian Congress</b>                     |  |
| <b>Council of Muslim Communities of Canada</b>      |  |

The combination of RAI's denial and the approval of Al Jazeera had brought unwanted attention to the regulator just as Paul Martin's new government was making regulatory appointments. Liza Frulla, recent Martin appointee as Heritage Minister, was confronted with these decisions within the first day in her role as minister. The turn in public opinion for the regulator was an occasion for more routine critics to fan the flames. Michael Hennessy, president of the Canadian Cable Television Association, described the CRTC's decisions as an indication of how out-dated the organization was: "I think they are looking at the world through the perspective of their policy: how does the world fit their policy as opposed to how does their policy have to change to fit the world." Hennessy went on to express the distribution industry's primary concern over CRTC restrictions that, he argued, forced 700,000 to 1,000,000 Canadians to use the black market in satellite dish service. Italian Members of Parliament, too, weighed in to question whether the multichannel universe of the 21<sup>st</sup> century made an organization of the 1960s irrelevant (Taber, 2004, pg. A1).

The heat of the media politics and accommodation policies in 2004 caused the issue of ethnic diversity on the dial to break from the confines of obscure CRTC cable policy. The public involvement drew attention to the Commission as censor rather than supporter of Canadian culture. A national Canadian newspaper captured the public frustration with the regulator: "It's a

courageous agency that manages to anger the Italians, the Jews, the Arabs, the French and the Liberals all at the same time. Congratulations, CRTC” (Ibbitson, 2004, p. A4). The combination of industry dissatisfaction and the pressure of public protests made the CRTC appear to be a political liability for the new Martin administration. Frulla initiated a review of third-language programming policy in general.

The principle form of the Ministry’s initiative was a panel report that offered guidance on reinterpreting prohibitions on foreign media had the appearance of being shaped around RAI’s acceptance. The Minister’s report, *Integration and Cultural Diversity: Report of the Panel on Access to Third-Language Public Television Services*, recommended lowering barriers in such a way as to permit foreign public broadcasters like RAI (Lincoln et al., 2004). The panel’s report focused on the competitiveness test that halted RAI’s entry, noting that an overly broad reading of the test allowed for strained comparisons that unfairly rejected foreign applicants: “24 hours of commercial-free programming compared with an existing service that offers five hours with commercials” (2004, p. 10). Mere overlap in content qualified as competition for the same audience. The rules, they argued, granted what amounted to a perpetual monopoly to Canadian service providers without regard to consumers. To correct for this, the panel suggested a partnership model foreign services with Canadian firms but, otherwise, granting distribution rights to foreign news organizations.

The Department of Canadian Heritage’s report suggested embracing foreign public broadcasters, but the challenges of defining public broadcaster in global terms was problematic. Stemming from the RAI incident, there was broad support for the commission to give favorable treatment to foreign public broadcasters, but a definition of public broadcaster in an international context was wanting. The term public broadcasters carried with it a set of definitional

assumptions rooted in Canadian and Anglo-European media models. The new global scope of the CRTC's task forced the regulator to grapple with reconciling starkly different meanings of public broadcaster that carried with them basic assumptions about the role of government in a national media system. The rough equivalent in China, China Central Television, was wholly-owned by the Chinese government with little similarity to media in a democratic society. Such examples forced the Commission to recognize the lack of commonality in media institutions across nations. The final definition was "the principal, or a significant, broadcaster(s) in a foreign country that provides generalist programming culturally relevant to a particular language group in Canada" (2004, p. 7). It clarified to a degree but did little to resolve the fundamental tension in treating a state-run broadcaster as the equivalent of tax-funded broadcasters with clear firewalls to prevent government influence. Lost too was the distinction between public broadcasters as commonly conceived in Western contexts and commercial broadcasters that may be "principal and significant" in their home national markets.

Regardless, the CRTC's efforts were already underway within the year. The Commission introduced a notice soliciting public comment on improving the diversity of third-language television services. Through these government findings and the CRTC's own review, a new foreign media policy was emerging. The burden of proof was shifted from those advocating for foreign channel entry to those objecting. Likewise, the competitiveness test was gutted to make frail rationales for rejecting foreign media inadmissible. A year later, RAI's second attempt to enter Canada was approved by a new process that was tailored to foreign public broadcasters (Government of Canada, 2005a). But the fundamental tensions over the definition of public broadcaster as preferred foreign content would go unresolved and flare up again with the application of Chinese-language channels.

Table 8: Stakeholders 2005-51 RAI Approval

| <i>Supporting RAI Entry</i>                          | <i>Resisting RAI Entry</i>               |
|--|--|
| <b>Rogers Cable Communications Inc.</b>              | Canadian Association of Broadcasters     |
| <b>Canadian Cable Telecommunications Association</b> | CTV Inc.                                 |
| <b>Videotron Itee</b>                                | Community Media Education Society (CMES) |
| <b>Bell Express Vu</b>                               | Ontario Confederation of Sicily          |
| <b>Bell Canada</b>                                   | Italian Chamber of Commerce of Toronto   |
| <b>Foundation Communautaire Canadienne-Italienne</b> |  |
| <b>Committee for Italians Abroad</b>                 |  |

Table 9: Stakeholders 2004-96 CRTC Revision to Third Language Assessment

| <i>Supporting Relaxation of Rules Restricting Foreign Media Entry</i> | <i>Resisting Full Relaxation of Support for Canadian Producers</i>          |
|---|---|
| <b>Minister of Canadian Heritage Panel</b>                            | Canadian Association of Broadcasters  |
| <b>Radiotelevisao Portuguesa Internacional</b>                        | Festival Portuguese Television  |
| <b>RAI</b>  | Telelatino Network  |
| <b>Rogers Cable Communications, Inc.</b>                              | Fairchild   |
| <b>Canadian Cable Telecommunications Association</b>                  | Reach Media, Inc.   |
|   | Numerous broadcasters, producers, unions, and related industry associations |
|   | Alliance of Canadian Cinema   |
|   | Television and Radio Artists  |
|   | Writers Guild of Canada   |

*Chinese media: A test of the new rules and the Great Wall TV package*

With CCTV, the Canadian regulatory encountered public outrage for a second time in as many years. As with the decision to deny RAI in 2004, demonstrators rallied around the question of CCTV's bid for entry in 2006. Canada's Chinese communities showed signs of even greater ambivalence about the internationalization of the Canadian media system. Where denial of RAI incited public engagement, the chance that the CRTC might approve China's official news broadcaster inspired Chinese-Canadian citizen groups.

The Commission was, once again, forced to consider decisions about domestic media in the context of international social and political conflict the same year RAI was granted entry. The first challenge to the CRTC's redesigned procedures for foreign content came with the consideration of two Chinese programmers in 2005 (Government of Canada, 2005b). This decision approved six non-Canadian channels for carriage and was a first test of the new third-language policy. It was also a debut of the new procedures for public involvement in that standards of evidence for interveners had changed. Since the Commission now automatically favored entry, those objecting to additions had the burden of proof. Objections were filed with regard to two channels in particular. New Tang Dynasty TV (NTDTV), a New York-based channel associated with the religious group Falun Gong, and Phoenix North American Chinese Channel (Phoenix) galvanized Canada's Chinese communities due to perceived biases, causing controversy in Canada's Chinese communities that fell along the growing fault lines of Falun Gong and the Chinese Communist Party.

Perhaps most clearly with NTDTV and Phoenix, the CRTC's role as the guardian of Canadian public sphere functioned as a platform for political competition at the global level. These two channels became de facto extensions of the political struggle between the Falun Gong and democratization movement against the Chinese Communist Party. The CCP had outlawed organizations associated with Falun Gong six years. The approvals for both channels were swift despite objections from the Falun Gong community that feared PNACC would continue the pattern of misrepresentation and demonization members claimed the CCP had initiated after banning the spiritual practice in China. The Commission recognized the complaints but also noted that those alleging PNACC's potential to abuse members of the Falun Gong failed to provide documentation as evidence for the Commission's consideration.

In these channel applications, we see the opening gestures in a battle to define the diasporic Chinese population in Canada. The question of the representational function of the Canadian media system became more complex. These media came to represent groups that, in turn, sought to define China's relationship with Tibet, Falun Gong practitioners, and the Chinese democracy movement in Canada. The controversy, however, would erupt in a more formal and organized way the following year when CCTV sought approval with the Commission. The experience of PNACC's approval alerted oppositional Chinese-Canadian activists groups to the new standards of evidence that would be required to keep Chinese state media at bay.

Table 10: Stakeholders 2006-166 CCTV Approval

| <b><i>Supporting CCTV Entry (2200)</i></b>                     | <b><i>Resisting CCTV Entry (850)</i></b>                        |
|--|---|
| <b>Rogers Cable Communications, Inc.</b>                       | Fairchild Television  |
| <b>Canadian Cable Telecommunications Association</b>           | Multivan Broadcasting   |
| <b>Chinese Ambassador Mr. Lu Shumin</b>                        | NTDTV   |
| <b>Confederation of Toronto Chinese Canadian Organizations</b> | FDAC  |
| <b>Chinese Travel Services</b>                                 | Canadians Against Propaganda                                    |
| <b>Multiple Chinese business associations</b>                  | World Organization to Investigate the Persecution of Falun Gong |
|  | Federation of Asian Communities                                 |
|  | Tibet Centre for Peace  |
|  | Toronto Tibetan Youth Congress                                  |
|  | Chinese Insight Research Society                                |

CRTC reforms to third-language programming pleased Italians in the country. Allowing international broadcasters to have a direct channel presence meant there was no need to arrange programming deals with licensed Canadian media companies like Telelatino. There was a common perception that the revision to the third-language rules had been tailored to allow RAI into the Canadian public sphere and satisfy the media activism that had taken hold in Italian communities in 2004. But the decision lowered the barrier to all third-language programming

without a more comprehensive policy adjustment for the Commission to distinguish between the variety of foreign broadcasters. The Commission's basis of evaluating foreign media had not means of accounting for the political economy of news production. Furthermore, the CRTC did not recognize disagreement with political orientation of programming as justification for denying programming. As a result, the "Great Wall TV package" proposed by Rogers two years after the RAI decision had opened the Canadian media system to China's state broadcaster with little means of distinguishing state-sponsored national broadcasters from state-run broadcasters.

A coalition of Chinese-Canadian groups organized to oppose CCTV's entry. Groups like Canadian Against Propaganda (CAP) and the Tibet Center for Peace formally intervened, this time better organized and prepared with to meet the new standards of evidence required by the Commission. In formal filings, CCTV was confronted with charges of bias, propaganda, and systematic misrepresentation. Passions ran hot. Outside the headquarters of the cable company sponsoring CCTV's entry, demonstrators smashed a television set while protestors chanted "No communist propaganda." Opponents sought to capitalize on rules governing abusive speech and consistently characterized CCTV as a tool of state control. The spokeswoman for Canadians Against Propaganda, Elaine Xie, described the CRTC's decision to approve CCTV as "helping to facilitate this regime to spread its message of communism and hatred here in Canada . . . ." Opposition also networked with preexisting international non-governmental organizations such as the World Organization to Investigate the Persecution of Falun Gong (WOIPFG) as a means to provide the Commission with documentation of systematic and coordinated misrepresentation, documenting CCTV's portrayal of Falun Gong and claim protection from such media as a Canadian religious minority (World Organization to Investigate the Persecution of Falun Gong, 2004).

The Commission's consideration of CCTV focused on news stories put forward by those opposing entry to decide if the content could be officially recognized as abusive, i.e. whether news segments submitted were "likely to expose a an individual or a class to hatred or contempt in the context of the broadcast." The Commission concluded comments were

clearly abusive, in that they are expressions of extreme ill will against Falun Gong and its founder, Li Hongzhi. The derision, hostility and abuse encouraged by such comments could expose the targeted group or individual to hatred or contempt and . . . incite violence and threaten the physical security of Falun Gong practitioners (Government of Canada, 2006, para. 103).

Still, despite coordinated efforts, Canada's new policy toward foreign media set the bar for denying foreign media beyond the reach of Canadians opposing the state broadcaster. The Commission reasoned that the examples of abusive speech supplied as evidence dated back to 1999 and 2001 and were therefore too dated to be taken as representative samples of current CCTV news content. The potential for abusive speech was, in effect, tolerable according to the Commission. In contrast to Al Jazeera two years earlier, the Commission's approval of CCTV explicitly stated that it was "unnecessary to impose specific conditions on its distribution in addition to those usually applicable to such services on such a list" (Government of Canada, 2006, para. 111).

### **Canada's Open Entry for foreign news**

The opening of Canadian media to foreign news was incremental and steeped in social conflict. By 2008, however, the Commission reaffirmed its relaxation of regulatory filters for non-Canadian services with an unequivocal policy commitment to an "open-entry" approach. The onslaught of applications in the first decade of the 21<sup>st</sup> century had revealed the need for a holistic revision of the regulatory posture toward foreign media. Despite the objections of



Canadian broadcasters and cultural organizations, the CRTC effectively eliminated competitiveness with existing Canadian services as a rationale for denying the entry of news programming. This gradual lowering of regulatory boundaries

Indeed, the prohibition on “non-Canadian services” had been designed around US media’s clear potential and actual market domination in North America. Treating all non-Canadian content with equal prohibitions was unfeasible given the growth of English news media producers. A multicultural media policy designed to serve ethnic populations and diversify points of view would need to strike a balance between the preservation of Canadian culture and making space for new entrants. Protection by denying foreign companies that might compete for ad revenue with Canadian media companies, known as the competitiveness test, was a principal pillar of support. Modifying the competitiveness test, the commission reasoned, could enhance the nation’s internal diversity. The CRTC’s open-entry policy instituted in the 2008 revised framework sought to achieve this balance by further loosening the test for non-Canadian news providers. The Commission ruled:

. . . absent clear evidence, as determined by the Commission, that a non-Canadian news service will violate Canadian regulations, such as those regarding abusive comment, the Commission will be predisposed to authorize non-Canadian news services for distribution in Canada. This change will be effective as of the date of this public notice (Government of Canada, 2008a, para. 245).

The Canadian cable industry as well as telecommunications firms eyeing the media services sector have an obvious stake in streamlining the process of channel addition and eliminating public interest hurdles. A fully open-entry approach would eliminate all competitiveness tests. Companies like Bell Canada and Telus endorsed the maintenance of such tests in the enervated forms. Others hoped to shift the focus on the assurance that programming rights would be guaranteed to Canadian companies, forcing non-Canadian companies to give up exclusive rights

to programming for the privilege of entry. Still, some DBUs, such as Shaw Cable, endorsed the removal of all barriers.

In the process of this final 2008 opening, the Commission did not endorse the erasure of all barriers to entry, but it did remove key provisions that had restricted the flow of international programming. Significantly weakening the competitiveness test, the CRTC abandoned the consideration of unlaunched services in evaluating whether a new entrant would compete with existing services. No longer could a Canadian company “squat” on a proposed channel in perpetuity. The Commission recognized that protecting unlaunched channels effectively silenced entire genres of programming by preferring potential Canadian producers even when Canadian companies stalled in production.

*Conclusions: media regulation in a multipolar world*

A significant part of the multipolar economic world will continue to be the refinement and expansion of international communication capacities in regions with increasing wealth. As circuits of international communication expand, policymakers and regulatory organizations can expect to confront new sources of foreign news as networks expand from these formerly less visible regions of the globe. China and Qatar are primary examples of this trend as greater integration with global capital flows entails more sophisticated integration with communication flows.

Canada’s experience is not unique as communication becomes more dynamic and robust. The questions of policy the Canadian regulator confronted in realigning its regulatory posture toward a new international communication landscape are questions for national regulation at large. With a greater range of news content available, how do regulators justify approval and denial for carriage? What are the best measures for judging whether international content is

suitable for entry? While the example of Canada illustrates the bureaucratic procedures of a self-conscious regulator, other countries may choose to let the market decide what is appropriate for circulation. The decisions discussed here show the complexity of these choices and the difficulty in designing comprehensive foreign media policy for an age in which the perspectives available are proliferating and, as diplomacy, clamoring for attention.

These decisions resulted in policy changes that lowered barriers to entry for foreign content providers. But the rationale for lowering these trade barriers in media products was not mere concession to external commercial pressure as is sometimes the case with Canadian “continental” economic integration. The opening of the Canadian media system unfolded through a conflict-driven process with public input. This opening is noteworthy in that the conflict was not limited to economic players calling on the state to defend against encroaching global competition or fighting one another for a better position within the protected sphere of Canadian markets. The introduction of Al Jazeera, RAI and CCTV and the public debates that surrounded them triggered a reevaluation of the purpose of barriers to non-Canadian media and tested the limits of multicultural policies. The process produced a policy toward foreign media that erred on the side of openness to emerging flows and new perspectives, sacrificing some of the protectionist measures that had defined the Canadian media regulation for a generation. But the change was also gradual and driven by conflict that involved a greater slice of the Canadian public than dominant economic interests. While the CRTC public involvement can be faulted for privileging industry over public-interest, it provided a forum for open debate. This kind of forum is sorely missing in wholly commercial systems in which “citizen” involvement is limited to ratings figures and customer surveys.

Still, public involvement is not a formula for the fantasy of dialogic international communication flows. Canadian broadcasting policy is shaped around the maintenance of Canadian identity, and groups that seek to impose limits on foreign media entry have legitimate recourse to CRTC procedures. The limitation of foreign media can likewise have a variety of motivations, and Canada's transformation shows the political, economic, and cultural stakes. These domestic debates surrounding foreign media validate concerns that media activism in the age of globalization can become means to silence dissent that can now come from remote corners of the globe. In global media policy, strict definitions of national identity or community make calls for protecting media borders suspect since they can mask the maintenance of hegemonic power, even if these calls are from "the public." This is especially relevant when examining the North American response to voices from the Global South that mix a plea for global communication equality with the needs of foreign government publicity.

The democratic element of the CRTC's public participation in evaluating foreign media entry discussed in this chapter, while admirable in many ways, also points to potential drawbacks of public involvement. As Chakravarty and Sarikakis point out, xenophobic reinterpretations of the cultural preservation and diversity arguments common to the NWICO era can legitimate inequality at the global scale by strategically using protectionist policies (2006, pp. 43–44). Policymakers and those executing policy on global media flows have a significant challenge in designing one-size-fits-all statutes. Objections to the entry of a given journalistic organization may serve merely to protect regional political power from challenge and maintain the invisibility at the national level of political controversy in the global arena. An open-entry policy would make attempts to use policy to protect such regional hegemony less tenable. On the other hand, the open-entry policy also risks subjecting subnational groups to mediated forms of control and

subjugation as state power seeks to regulate foreign public opinion. This is particularly problematic in light of the lack of consensus on the definition of “public broadcaster” and the apparent reinvigoration of media ownership as a form of state power and other forms of media diplomacy.

The opening of the Canadian media system represented by these decisions points to some of the underlying dilemmas facing policymakers aiming to open media systems in such a way as to allow national publics to recognize and debate problems of global concern. The global public sphere, so often imagined in theoretical accounts of new technology, is premised on the social and political world falling in line the technological possibility of radical interconnection. This is not guaranteed. The technical possibility, as exemplified by the CRTC’s adjustment to new global media flows, may exacerbate tensions rather than offer a fruitful ground for dialog. It was a policy of multiculturalism that prompted the lowering of barriers to foreign news. But the openness to foreign perspectives also invited challenges to that multiculturalism. Embracing the open-entry approach meant tolerating greater risk of discrimination and intolerance.

While the paradox of multiculturalism in the age of interconnectivity played out in these decisions, it also shows a media system that responds to public will when public will is in line with commercial interests. The CRTC’s approval process suggests that the needs of the ethnic community were more readily heard when industry representatives were advocating for the same outcome. The expansion of foreign content could not have gone forward without the commercial self-interest of major industry players, particularly the concern that the regulatory limitations on content were driving Canadian consumers to U.S. distributors. It was a confluence of the legal safeguards for media multiculturalism, public-interest groups and commercial desire that made the opening possible.

Does the design of the Canadian regulatory system provide the flexibility to respond to changes in the emergent multipolar global media landscape and, thereby, provide greater “systemic interdependence” that would make media globalization a realistic prospect? Canada’s adaptations leave pressing questions unanswered about how media flows will be regulated according to the social needs of a given national context. Can an effective means of distinguishing between news and public diplomacy be developed and used in the context of a multipolar geopolitical world? What obligation does a government have to shield its citizens from mediated abuse of a foreign organization? How can regulatory bodies, often overtaxed and underfunded, recognize the communication customs of distinct news cultures and distinct journalism professionalisms to make competent decisions about permissible media?

### **Conclusions and further research**

In the first decade of the 21<sup>st</sup> century, there has been a proliferation of news producers for international markets, often tapping both state and commercial resources for production and distribution (Cushion, 2010; Tunstall, 2008a). This proliferation has had the consequence of both decentering dominant players in news media production and forcing once dominant players to grapple with appeals to make space for new news producers. Where they were already in operation, many foreign news broadcasters seeking North American markets have undergone organizational revamping in line with what I call neoliberal contraflow, offering English services to become more competitive with western news providers that have held center stage for decades. This proliferation prompted journalism and public diplomacy scholar Philip Seib (2005, 2008) to assert that western media were “hegemonic no more,” citing the diversification of voices in pan-regional discursive arenas.

Can new patterns of news flows foster greater parity in global communication? This dissertation offers a tentative yes, but seeks to qualify the vision of organizations like Al Jazeera and CCTV as an easy answer to breaking hegemony in global news flows. The neoliberal context of global news flows places limits on the challenge foreign news organizations can offer. The commercial reconfigurations of both news outlets were strategic sacrifices and adaptations for entry into North America. While the challenge to the dominance of western media should not be dismissed, it should certainly be qualified. Technology creates the capacity for increased international and intercultural dialog. Political and economic conditions of global information exchange place clear limits on free flow and access to foreign perspectives.

Borders are not disappearing but reshaping. After an initial enthusiasm regarding the degree to which new communication technologies would reduce boundaries and pave the way

for global public spheres, there has been a surge of scholarship seeking to reassert the relevance of the state in the analysis of global media flows from a variety of different methodological standpoints. Webster, for instance, has challenged the concept of the “information age” as a distinctly new social order. While “novel features” of globalization do exist, it is “essential,” he insists, “that we appreciate that these are consolidations and extensions of long-established principles.” Webster sees those principles expressed in a spreading “business civilization” (2002, p. 115). The adaptation to media business models as a necessity of expansion suggests that the challenge presented by the rise of new news organizations moves forward within the constraints of this commercial orientation.

*On comparing the processes of media distribution in the US and Canada*

The inclusion of diverse stakeholders in decision-making is essential for the legitimacy of a given system of governance. Media governance is no exception. The processes governing what appears as news on U.S. televisions do not have democratic legitimacy. The legitimacy claimed by the apologists for the U.S. commercial media system must use the tortured logic that consumer choice provides democratic legitimacy despite citizens being cut out of decisions within the corporate boardrooms of major U.S. media corporations. Media governance in the US continues to rely on the needs of commercially motivated actors to make democratic decisions about what appears on American television and what Americans know about the world.

There is democratic legitimacy in Canadian processes of media governance. Still, Canadian governance of Al Jazeera and CCTV also show patterns of exclusion. These exclusions have legitimacy because of the public consultation within the CRTC. I do not argue that these limits are inherently unjust or censorial. To dismiss all forms of selection in national processes of media globalization would suggest national communication norms are entirely without merit.



They have merit. As the Canadian example shows, media governance still functions as a way to preserve human rights and protect vulnerable minorities within national settings. However, media policy principles must be cognizant of the new forms of inclusion and exclusion in regulation of reversed flows of media documented in this research. As this dissertation demonstrates, Canada shows signs of shaping a “foreign media policy” through continued revisions and public consultations. These procedures of media governance give voice to members of the public, affording Canadian citizens a stronger role as stakeholders among Canadian media companies. The Canadian system allows the process of media globalization to unfold under public scrutiny and makes space for democratic governance to inform Canada’s engagement with an increasingly diverse global news landscape.

*On the question of public involvement as isolationist preservation of the status quo*

The question of pluralism in policy decisions is a common concern for critical policy studies (Braman, 2006; Freedman, 2005, 2008; Karppinen, 2013; Robert W. McChesney, 1995; D. Schiller, 1982). This dissertation illustrates how North American publics are included or left out of decisions about their media system. Pluralistic representation of a broad array of social interests is the ideal. Pluralism in the policymaking process facilitates pluralism in national media itself. Exclusion is a problem when there is a lack of mechanisms for broad participation in major decisions about the national media environment. Yet, when public mechanisms are available, exclusion can also take place through the inequality of stakeholder power in policymaking.

This research on media policy, I analyze cases of global media integration that incited public opposition, but I should note that I do not necessarily agree with or endorse the motivations of the groups involved in regulating foreign media. The two of the groups I follow in

this dissertation are not darlings of the liberal left, but they do represent activism around issues of media globalization and the flow of unfamiliar news perspectives into North America. They are conservative by definition since they represent the attempt to prevent change. For example, Accuracy in Media (AIM) and related right-leaning organizations reject Islam as antithetical to an “American way” as they see it. AIM made a name for itself in the 1970s by criticizing public broadcasting for alleged liberal political orientation. The group is associated with criticism of the academy and attacks leveled against “liberals in the classroom” among other projects. One of these projects, documented in this dissertation, is the campaign to keep Al Jazeera from establishing a broadcast presence in the United States.

The loudest voices in the rejection of foreign media, however, remain the zealot few. The conservative media activism against foreign news is fringe by most standards. But they express a broader cultural anxiety that accompanies the interconnection of the world through new information and communication technologies. AIM is impressive because of the determination with which its principle figures like Cliff Kincaid pursue activism by any means necessary. Where there was no U.S. governmental organization to curtail offensive foreign broadcasters, Al Jazeera’s critics launched a public campaign, organized networks of commentators, held press club briefings, petitioned members of Congress and filed grievances with a number of non-media governmental bodies. The lack of an effective means to take action against foreign media did not stop these activists in opposing new forms of journalism and new political perspectives. They see in Al Jazeera the threat of invasion and the transformation of their country into something foreign. These activists claim foreign news organizations represent the weakening of white, Christian culture and the loss of the liberal, capitalist value system. They attempt to reinforce the media borders around American culture that are increasingly porous. For these groups, new

international broadcasters are the leaks springing in a damn that has preserved the status quo. Though conservative media activism of this sort is a minority, it remains important to recognize the underlying rationales for such media isolationism.

Falun Gong is markedly different from AIM but shares a conservative impulse in a very different political setting, one that straddles China and Canada. Groups like the Falun Dafa Association of Canada are important stakeholders in decisions about Chinese media entry into Canada, and, like AIM, resists the flow of foreign media into the Canadian public sphere. But, as Zhao notes in her study of the group, Falun Gong is a “resistance identity” that rejects decadence of contemporary Chinese consumerism. She goes on to qualify her attention to Falun Gong and media politics within China:

. . . though Falun Gong is unquestionably symptomatic of the malaise of Chinese modernity, and though it won the hearts and minds of many followers, its ideological closure and single-mindedness are fundamentally incompatible with any notion of democratic discourse. The fact that Falun Gong is the target of a repressive Chinese state should not lead to knee-jerk reactions about the inherently progressive nature of the movement. (2003a, p. 221)

The cases of conservative isolationism from global flows of news reflect the complex nature of public involvement in media policy and the potential for intolerance to guide the ship of media policy as it adjusts to tides in global media. As media imperialism theses argue, nations have the right to preserve local culture. Sovereign nations have a right to refuse the flood of media products from Hollywood, news that broadcasts abusive speech, etc. This reasoning is easily appropriated by conservative forces, from those seeking to maintain ethnic purity to those benefiting from a hegemonic position within a national polity and seeking to maintain that position by silencing oppositional voices. On the other hand, the role of government motivations that, in part, define these news flows also complicates broad judgments about the entry of foreign

media organizations. The cases of Al Jazeera and CCTV reviewed in this research undermine blanket statements about needing to allow all voices into a public sphere. If nations use global news as a weapon in informational warfare, a free flow doctrine leaves the door open for misrepresentation. CCTV's reporting on Chinese minorities in Canada most clearly represents this use of the widening circuits of global information. Generally, however, the potential for wealthy governments to claim limited space in commercial media systems could undermine localism; that media space might otherwise go to, for instance, domestic nonprofits or localized community organizations. Giving this space to the highest bidder would mean the systematic exclusion of those without means.

Promoting the role of national citizenry in the oversight of media globalization can condition media globalization and create a bulwark against the abuse of media power. Despite public rejection of foreign media and the use of law and regulation to insulate the U.S. and Canadian public spheres from outside media influence, I have faith that increased public involvement is a good thing because increased public involvement, despite the tendency toward isolationism expressed in these case studies, can enlarge the pool of informed stakeholders in media policy and dilute the influence of the radical few that seem to define foreign media activism in North America. Public involvement can direct the capacity for intercultural exchange along more democratic lines of development. However, this raises a question about media policy and the public's role. If a forum for public deliberation was in place in United States policymaking, would it remain a domain of the marginalized zealot and wealthy business interests as it currently is? Can procedural reform in the methods of decision-making about distribution foster broader engagement? The comparison of Canadian and U.S. policy contexts

suggests that the means of public engagement offered by the CRTC would be beneficial in the United States.

Canadian policy, while flawed, possesses democratic legitimacy, but an irony exists in Canada's deliberative model governing Canadian television. While it possesses legitimacy through the provision of public debate, it is the U.S. media system that appears beyond reproach. This may be precisely because U.S. media is not subject to a high level of public scrutiny. This is due, in part, to the historical moment in which the intersecting legacies of the First Amendment, free flow of information and free trade create an umbrella of ideological protection for the failures of corporate media. The influence of commercial structures in distribution do not factor into an understanding of how contraflow must change to gain North American markets. This dissertation discusses modes of regulation in a broader sense to begin to critique forms of regulation that are less visible. Because they are less visible, it is more important to subject them to normative evaluation, to make the process of media globalization more apparent. By contrast, the Canadian regulatory role in supporting public interest through transparent procedures makes these processes visible. With the rise of a multipolar media world, it has become more urgent to create the procedural means to effectively and transparently evaluate foreign media. It is not enough for notions of plurality and diversity to act as aspirational truisms in policy documents. The case studies of Canada and the U.S. illustrate the consequences of media policy and the growing need to draft policy that articulates positions on foreign media entry beyond restrictions on foreign ownership and rejectionist censorship.

*A note on limitations of this research*

There were significant limits on research on global news circulation. Two limiting factors were most pronounced. First, studying government news production involves seeking

information about foreign diplomatic programs. These foreign networks are the product of foreign governments and are somewhat cloaked by the lack of transparency associated with the investigation of governmental foreign affairs machinery. Though Al Jazeera and CCTV have engaged in forms of commercialization and privatization, they do not file financial data with the Securities and Exchange Commission (as publicly traded companies are required). This makes establishing accurate figures for revenues and the allocation of resources difficult. Many aspects of Al Jazeera's 2011 privatization, for instance, remain opaque due to a lack of transparency and inconsistent legal frameworks that vary from nation to nation.<sup>105</sup>

Second, researching the reception of these organizations presents problems of access as well. Reporting requirements for Canadian companies with Industry Canada make some information available, but contacting Canadian and U.S. companies was not revealing. The "private" nature of commercial distribution made establishing valuable details difficult. For instance, distribution negotiations and concessions Al Jazeera and CCTV offered to North American companies for access to North American audiences are relevant but not available for public scrutiny. This lack of transparency again touches on the thorny problem of public oversight. Having access to this information would shed considerable light on the exclusive or inclusive nature of conducting foreign news into North America, but this information is only available through indirect sources and insider information gleaned from industry trade publications and the occasional leaked statement. A stronger policy of disclosure would promote informed decisions about foreign media in North America and democratic engagement.

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<sup>105</sup> The definition of "non-profit," for example, changes according to the national setting in which an organization registers.

*A preliminary sketch of further research on global flows of news online*

The research in this dissertation explores broadcasting and cable policy. A savvy reader might note that the World Wide Web will likely play a large role in shaping the future of flows. Though this dissertation only touched on the online efforts of Al Jazeera and CCTV, it is worth noting future research that can more fully address new media.

Both Al Jazeera and CCTV, like their more commercial news counterparts, have online initiatives with web portals and mobile services. Al Jazeera has taken the Internet's potential seriously. Al Jazeera English found an audience in North America through online content offerings when cable and satellite distribution were out of reach.

The considerable expenditures Al Jazeera has poured into gaining distribution in the United States (US \$500 million alone to acquire Current TV's U.S. distribution agreements in 2013) show the importance the network continues to place on legacy media distribution avenues like television. But the forward-looking network is also developing ambitious plans to capture online audiences as well. Al Jazeera's AJ+ is an example of the network's investment in online distribution and hints at the network's more advanced strategy to capture a new generation of news users. Started in 2013, AJ+ is an attempt to do something more than repurposing TV content for new media distribution.<sup>106</sup> The separate online portal will still make use of Al Jazeera's excess of 80 bureaus worldwide while reaching out to new audiences with different content and formats. AJ+ shows how agents of contraflow make use of the web as a means to reach new, cord-cutting demographics in advanced media systems that are moving away from cable subscription and network news. Interactivity and social media are at the center of this

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<sup>106</sup> "You don't want to inherit the legacy of the TV," Al Jazeera's new media manager said of AJ's new media strategies (Roettgers, 2013, para. 4). "At the end of the day, we want to be in people's social streams," said Bishr (Roettgers, 2013, para. 10).

experiment in news delivery for a new generation. AJ+ has embraced the rebel image of its parent brand, using artistically rendered images of international civil rights leaders from Nelson Mandela and to John Lennon, while Al Jazeera America has sought to minimize its anti-American image.

What do these renewed moves into web distribution mean for contraflow of news? Internet distribution, more than any medium, appears to confirm an era of “media abundance.” If network neutrality principles remain the order of the day for North American internet policy, many news voices from many regions with varying interpretations of what journalism can be will enter this online and global public sphere. Official regulation of this news space is less tenable. Indeed Canada’s active regulatory system shows no sign of guarding the online universe as it has television and radio. Further research is needed to understand the implications of the unfettering of news flows through new media channels.

Throughout this dissertation, I have pointed to forms of regulation that function beyond official regulatory institutions. Internet distribution, too, appears less subject to official modes of content governance, making the study of unofficial forces shaping global news discourse more important. The relative freedom of internet news circulation entails that a study of web circulation would best focus on the less formal, normative dimensions touched on throughout this research. Internet applications can offer a means to evaluate global media interconnectivity. One model for researching new media connectivity, network diagramming, offers a snapshot of the global news network as a whole and new forms of global media interdependence the Internet might allow.

Intercitational patterns are particularly revealing. Using search engine applications, network diagrams map how online news organizations refer to other news organizations’ content



in reporting and offer some sense of the degree to which global online news organs reference one another. Network diagrams can visually illustrate link patterns among global news providers using web-based metric tools like Web-o-metric software. Intercitational patterns can gauge the relationships among news organizations and discern systematic exclusion of regional news providers that continue into the digital age (Statistical Cybermetrics Research Group, 2011). Initial diagramming of online English news publications suggests that online news organizations tend to make reference to other journalistic organizations of the same cultural orientation, confirming the normative bias toward western news production and the marginalization of nonwestern news producers. This early research suggests that news, in the world of new media, may replicate forms of marginalization familiar in the age of legacy media.

A variety of methods will be necessary to create a fuller picture of global news flow in the 21<sup>st</sup> century. Mapping the formal and informal means of sorting media abundance for national audiences has implications for multiculturalism, democratic pluralism, human rights and the ability for citizens to make informed judgments about national foreign policy. Media policy research and analysis of existing processes for news exchange are important to ensure patterns of exchange made available by technology serve the public interest even as the nature of “the public” is in flux as we enter a more multipolar media world.

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## APPENDIX A: List of Approved Non-Canadian Programming, 2012

Following is the revised *List of non-Canadian programming services authorized for distribution* as of 23 January 2012 (Government of Canada, 2012).

| <b>Revised list of non-Canadian programming services authorized for distribution (as of 23 January 2012)</b> |  |     |
|--|--|-----|
| The notes located at the end of the list form an integral part of the authorization.                         |  |     |
|  | WCVB-TV Boston/WKBW-TV Buffalo/WVNY Burlington/<br>WXYZ-TV Detroit/WJET-TV Erie/KSTP-TV Minneapolis/<br>KXLY-TV Spokane/KOMO-TV Seattle              | ABC |
|  | WBZ-TV Boston/WIVB-TV Buffalo/WCAX-TV Burlington/<br>WSEE Erie/WTOL-TV Toledo/WCCO-TV Minneapolis/<br>KREM-TV Spokane/KIRO-TV Seattle/WWJ-TV Detroit | CBS |
|  | WHDH-TV Boston/WGRZ-TV Buffalo/WPTZ Burlington/<br>WDIV Detroit/WICU-TV Erie/KARE Minneapolis/<br>KHQ-TV Spokane/KING-TV Seattle                     | NBC |
|  | WUTV Buffalo/WFFF-TV Burlington/WFTC Minneapolis/<br>WUHF Rochester/KAYU-TV Spokane/KCPQ Tacoma/<br>WFXT Boston                                      | FOX |
|  | WGBH-TV Boston/WNED-TV Buffalo/WETK Burlington/<br>WTVS Detroit/WQLN Erie/KSPS-TV Spokane/KCTS-TV Seattle  | PBS |
|  | KSTW (IND) Tacoma/Seattle<br>KTLA Los Angeles<br>KWGN-TV Denver<br>WGN-TV Chicago<br>WPCH-TV Atlanta<br>WPIX New York City<br>WSBK-TV Boston         |     |
|  | WUAB-TV (IND) Cleveland  |     |
|  | WWOR-TV New York City  |     |
|  | Aaj Tak Channel  |     |
|  | AAJ TV   |     |
|  | Aapka Colors   |     |
|  | Aastha Bhajan  |     |

|  |  |
|--|--|
| Al Arabiya News Channel                  |  |
| Al Jazeera*                              |  |
| Al Jazeera English                       |  |
| American Movie Classics                  |  |
| Ariana Television                        |  |
| ART America                              |  |
| ART Movies                               |  |
| The Arts and Entertainment Network (A&E) |  |
| ARY Musik                                |  |
| ARY News                                 |  |
| ARY Qtv                                  |  |
| ARY Zauq                                 |  |
| Asianet Plus                             |  |
| ATV Home Channel (America)               |  |
| Azteca 13 International                  |  |
| Baby TV                                  |  |
| BabyFirstTV                              |  |
| BBC World                                |  |
| Beijing TV                               |  |
| Benfica TV                               |  |
| Benglavisision                           |  |

|  |   |  |
|--|---|--|
|  | Big Ten Network                                 |  |
|  | Black Entertainment Television (BET)            |  |
|  | Bloomberg Television                            |  |
|  | Bridges TV                                      |  |
|  | BVN-TV  |  |
|  | Cable News Network (CNN)                        |  |
|  | Cable Satellite Public Affairs Network (C-Span) |  |
|  | Canal 52 MX                                     |  |
|  | Canal de las Estrellas Latinoamérica            |  |
|  | Canal SUR                                       |  |
|  | Caracol Television International                |  |
|  | CaribVision                                     |  |
|  | CBS Sports Network                              |  |
|  | CCTV-4  |  |
|  | CCTV Entertainment Channel                      |  |
|  | Channel-i                                       |  |
|  | Channel One                                     |  |
|  | Channel One Russia Worldwide TV                 |  |
|  | Channel [V] Taiwan                              |  |
|  | China Yellow River Television Station           |  |
|  | Cine Bangla                                     |  |



|   |  |
|---|--|
| CineLatino                                |  |
| CNN Headline News (CNN-2)                 |  |
| CNN International                         |  |
| Comedy Central                            |  |
| Consumer News and Business Channel (CNBC) |  |
| Court TV                                  |  |
| Cubavision Internacional                  |  |
| Dandana TV                                |  |
| Dawn News                                 |  |
| Dawn News (Urdu)                          |  |
| De Pelicula Channel                       |  |
| Deutsche Welle                            |  |
| Dragon TV                                 |  |
| Ekushey TV (ETV)                          |  |
| El Gourmet.com                            |  |
| ET-Global Channel                         |  |
| Eternal Word Television Network           |  |
| ETV Bangla                                |  |
| Eurochannel                               |  |
| EuroNews                                  |  |
| Eurosportnews                             |  |

|  |                             |  |
|--|-----------------------------|--|
|  | Express News                |  |
|  | The Filipino Channel        |  |
|  | Fox Business Network        |  |
|  | Fox News                    |  |
|  | France 24 (English)         |  |
|  | France 24 (French)          |  |
|  | Future Television Channel   |  |
|  | Game Show Network           |  |
|  | GEO TV                      |  |
|  | German Kino Plus            |  |
|  | German TV                   |  |
|  | GMA Life TV                 |  |
|  | GMA News TV                 |  |
|  | GMA Pinoy TV                |  |
|  | The Golf Channel            |  |
|  | Gone Viral TV               |  |
|  | Grandes Documentales de TVE |  |
|  | HDNet                       |  |
|  | Headlines Today Channel     |  |
|  | Hope Channel TV             |  |
|  | Horizon Channel             |  |

|  |                                  |  |
|--|----------------------------------|--|
|  | HTV                              |  |
|  | Hunan Satellite TV               |  |
|  | Indus Music                      |  |
|  | Indus Vision                     |  |
|  | ITVN                             |  |
|  | Jewish Life Television           |  |
|  | Jiangsu International TV Channel |  |
|  | KTO                              |  |
|  | LBC America                      |  |
|  | The Learning Channel             |  |
|  | Lifetime Television              |  |
|  | LUXE.TV                          |  |
|  | Masala Television                |  |
|  | MBC Channel (America)            |  |
|  | Mezzo                            |  |
|  | Military Channel                 |  |
|  | MSNBC                            |  |
|  | Muslim Television Ahmadiyya      |  |
|  | MyZen.TV                         |  |
|  | NASA Television                  |  |
|  | NDTV GOOD TIMES                  |  |

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|  | NDTV India                                     |  |
|  | NDTV Profit                                    |  |
|  | Network TEN (Australia)                        |  |
|  | NEW SAT  |  |
|  | New Tang Dynasty Television (NTDTV)            |  |
|  | NFL Network                                    |  |
|  | NTV Bangla                                     |  |
|  | Oxygen Network                                 |  |
|  | Paris-Première                                 |  |
|  | Phoenix InfoNews Channel                       |  |
|  | Phoenix North American Chinese Channel (PNACC) |  |
|  | Planète  |  |
|  | Planète Thalassa                               |  |
|  | Playboy TV**                                   |  |
|  | Polsat 2 International                         |  |
|  | Premiere Futebole Clube (PFC)                  |  |
|  | ProSiebenSat.1 Welt                            |  |
|  | PTV-Prime USA                                  |  |
|  | Radio-France outre-mer (RFO1)                  |  |
|  | Radio Television Portugal International (RTPi) |  |
|  | RAI International 2                            |  |

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|--|---|--|
|  | RAINews   |  |
|  | Ritmoson Latino Channel                               |  |
|  | Romanian Television International (RTVI)              |  |
|  | RTR-Planeta TV  |  |
|  | RTV   |  |
|  | RTV Palma   |  |
|  | Russia Today  |  |
|  | Sahara One  |  |
|  | Sahara Samay  |  |
|  | The Satellite Channel of Southern Television Guandong |  |
|  | SIC Noticias  |  |
|  | The Silent Network (Kaleidoscope)                     |  |
|  | Sony Entertainment Television Asia (SET Asia)         |  |
|  | Sony Max  |  |
|  | Southeast TV Station                                  |  |
|  | Speed Channel   |  |
|  | Spike TV  |  |
|  | Star Chinese Channel                                  |  |
|  | Star Chinese Movies 2                                 |  |
|  | Star India Gold                                       |  |
|  | Star India News Channel                               |  |

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|  | Star India One Channel               |  |
|  | Star India Plus                      |  |
|  | Sun TV                               |  |
|  | Supercanal Caribe                    |  |
|  | Suvarna                              |  |
|  | TELEFE Internacional                 |  |
|  | TL Novelas Channel                   |  |
|  | TRACE TV                             |  |
|  | TV Asia                              |  |
|  | TV Chile                             |  |
|  | TVColumbia                           |  |
|  | TV Globo Internacional               |  |
|  | TV Japan                             |  |
|  | TV Land                              |  |
|  | TV Polonia                           |  |
|  | TVE Internacional                    |  |
|  | TV3 Republic of Ireland              |  |
|  | TV3 Television Network (New Zealand) |  |
|  | TV4 Television Network (New Zealand) |  |
|  | Turner Classic Movies                |  |
|  | Utilisima                            |  |

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|                                       | Vijay Channel  |  |
|                                       | The Weather Channel (TWC)  |  |
|                                       | WMNB-TV: Russian-American Broadcasting Company   |  |
| Notes specific to particular services |  |  |
| ***                                   | On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera   |  |
| ****                                  | Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service. Distributors are required to take measures to fully block the reception of both the audio and video portions of Playboy TV to subscribers that request it not be receivable in their home (in either unscrambled or scrambled analog form). |  |
|                                       | Authorization for the services on this list is subject to the following:   |  |
|                                       | <ul style="list-style-type: none"> <li>Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.</li> </ul>  |  |
|                                       | <ul style="list-style-type: none"> <li>Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.</li> </ul>   |  |

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|  | <ul style="list-style-type: none"><li>• Licensees are permitted to distribute to their subscribers no more than two sets of U.S. commercial and non-commercial stations, unless otherwise authorized by the Commission. Specifically,<ul style="list-style-type: none"><li>○ licensees not already authorized to distribute to their subscribers a set of U.S. commercial stations affiliated with ABC, CBS, NBC and/or Fox and a U.S. non-commercial station affiliated with PBS pursuant to section 20 or 48 of the <i>Broadcasting Distribution Regulations</i>, may distribute to their subscribers two sets of such stations taken from this list.</li><li>○ licensees distributing to their subscribers one set of U.S commercial stations affiliated with ABC, CBS, NBC and/or Fox and a U.S. non-commercial station affiliated with PBS pursuant to section 20 or 48 of the <i>Broadcasting Distribution Regulations</i> may distribute to their subscribers one additional set of such stations taken from this list. Licensees distributing to their subscribers two or more sets of U.S commercial stations affiliated with ABC, CBS, NBC and/or Fox and U.S. non-commercial stations affiliated with PBS pursuant to section 20 or 48 of the <i>Broadcasting Distribution Regulations</i> may not distribute an additional set of such signals taken from this list unless otherwise authorized by the Commission.</li></ul></li></ul> |  |
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## APPENDIX B: List of Acronyms

List of abbreviations:

AIM: Accuracy in Media

AJ: Al Jazeera

AJA: Al Jazeera Arabic

AJAM: Al Jazeera America

AJE: Al Jazeera English

AJI: Al Jazeera International

CAB: Canadian Association of Broadcasters

CBSC: Canadian Broadcasting Standards Council

CCTV: China Central Television

CRTC: Canadian Radio-Television Telecommunication Commission

FCC: Federal Communication Commission

HRC: Honest Reporting Canada

IMF: International Monetary Fund

RAI: Radiotelevisione Italiana

WOIPFG: World Organization to Investigate the Persecution of Falun Gong