



Spirit of Radio: The Future of Canadian Content Regulation

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*All this machinery
Making modern music
Can still be open-hearted
Not so coldly charted
It's really just a question
Of your honesty, yeah, your honesty*
- excerpt from **The Spirit of Radio** by Canadian suergroup **Rush**

Introduction

Canadian cultural policy has almost always sought to incubate Canadian musical talent through protectionist policies. From the inception of the CBC to the creation of Canadian content quotas, Canadian legislators have heavily regulated radio content to ensure that Canadians are exposed to home-grown talent. The goal behind these heavy-handed, top-down cultural policies is to create a Canadian identity that, as some would argue, is not authentic.

In this essay, I will examine how this type of policy has worked to create a sizeable export industry; however, changes in the listening audience due to a migration away from traditional radio, and national obligations to remove protectionist cultural policies challenged by neo-liberal, multi-national trade agreements threaten Canadian content regulations. To counter these challenges, I will present new ways of utilizing existing mechanisms as a plausible way for Canadian cultural policy to continue the tradition of fostering Canadian musical talent as we move further into the digital era. As a part of this process, Canadian cultural policy

must review the metrics used to measure the success of both policy and of the artists themselves. Once this review occurs, a change must occur in the philosophy behind cultural policy, with a focus on providing safe environments where musical artists can create without fear of failure. This focus on environment rather than on outcomes is in line with the development of creative cities and strengthens the bond between musical artist and audience. This in turn will foster organic growth of an authentic Canadian identity and will also encourage greater civic participation in cultural activities.

To conclude, I provide a recent example of dynamic cultural policy in action enacted through an initiative to support local (on a provincial level) musical artists in response to the COVID-19 pandemic.

PART 1 - The Origins of Canadian Content Regulation: Protectionism and Cultural Export

The band Rush has been a staple of Canadian radio for over four decades. One could argue that this has happened as a result of Canadian content regulations,

but the band's success has not been limited to domestic audiences in Canada. Rush has toured the world, filling stadiums around and playing to millions of fans. Their worldwide record sales can attest to the fact that they have a massive fan base across the globe:

First formed in 1968, Rush has enjoyed a prolific career that spans four decades and has, in those years, borne some pretty substantial fruit: 24 gold records; 14 platinum (three multi-platinum) records; 79th place in U.S. album sales with 25 million units; total worldwide album sales estimated at over 40 million units; and, according to the Recording Industry Association of America (RIAA), sales statistics that place them fourth behind The Beatles, The Rolling Stones, and Aerosmith for the most consecutive gold or platinum albums by a rock band. (Canadian Songwriters Hall of Fame)

And yet, it was not Canadian content regulations that first propelled them into the limelight. Very early on, the band formed their own label when they were not satisfied with what music industry representatives were offering. And, ironically, it was more a case of geography rather than content regulations that helped them first break into the U.S. radio market:

They released their self-titled debut album on their label in 1974. Donna Halper, a DJ and musical director working at radio station WMMS in Cleveland, Ohio, picked up the single Working Man for regular rotation. The popularity of the single prompted Mercury Records to re-release the entire album in the U.S. that same year. (Canadian Songwriters Hall of Fame)

Of course, it doesn't hurt that each of the trio's members happen to be very good (and talented) musicians. Rush was formed in the same era as our current Canadian content radio regulations. Pierre Juneau was one of the architects of the current system, as explained in a news item from 2012. In that piece, the National Post posed a question to Canadians asking if they believed Rush would have had the success they've enjoyed if Canadian content regulations hadn't been put in place. The article posits:

Pierre Juneau died this week. As a friend of Pierre Trudeau he was a key proponent of "Canadian content" regulations that required broadcast stations to give air-time to Canadian artists, and was widely criticized for it. But 40 years later it's impossible to deny Canadian talent has flourished at many levels. Were critics wrong to complain so much about Ottawa trying to feed local artists to the masses? (National Post)

Reponses were varied, arguing on either side of the debate. So even as late as 2012, not all of the Canadian

public was fully convinced that Canadian radio content regulations, determined by Canadian cultural policy, were an effective way of ensuring the most talented Canadian artists are heard on Canadian radio.

But there is no denying that being in a market where they had access to American airwaves helped the band increase it's exposure to U.S. audiences, and although this may not have been their initial foray onto U.S. radio, it most likely helped them in the stages of their career that followed. The Canadian government, in its policy documents has traditionally held the belief that radio was the primary way to introduce new audiences to Canadian music, as stated in a 2002 document: Radio plays an important role in introducing listeners to new music and artists. CRTC policies and regulations ensure that Canadian works are played on Canadian radio stations. The CRTC licenses seven general types of radio stations (CRTC 2002)

Some scholars point out that there is a misplaced belief regarding the nature of cultural policy. They argue that policy should be changeable. Contrary to this, there are some in Canada who believe that content regulation is the only thing that can ensure the commercial success of Canadian musical artists, and now that content policy has been in place for so long, it has become difficult for some to think that any other policies could be created to help Canadian musical artists gain the exposure they need to succeed. But as Goff & Jenkins explain, it is important for cultural policies to evolve:

The term "traditional" cultural policy is a slight misnomer because it implies a longstanding, unchanging approach to supporting culture. Canadian cultural policy is constantly evolving, and even those policies that might be recognized as "traditional" approaches today may not have been so recognized thirty years ago. (Goff & Jenkins, pg. 182)

So how did Canadian cultural policy get to a place where content regulation on radio became accepted (for some) as the only possible way to guarantee that Canada has a robust musical infrastructure. To answer this question, one must look at how Canadian cultural policy has evolved since its beginnings.

Shortly after confederation, Canadian governments were concerned with ensuring that Canada developed a unique culture, and their cultural policies reflected this ambition:

Although Canada's early federal governments were not concerned with arts and culture policy as such, the first federal cultural institution was established in 1872, when the Public Archives of Canada (now part

of Library and Archives Canada) was created. The first federal museum, the National Gallery of Canada, was established in 1880. The first Copyright Act was enacted by Parliament in 1921 and came into force in 1924. (Dewing 2010, pg. 1)

It was only decades after this that the Canadian government became involved in what was then the new medium of radio. It did not take long for Canadian regulators to realize that something had to be done or Canadian culture would be overwhelmed by content coming from south of the border:

The origins of Canadian broadcasting policy go back to the 1920s, when commercial radio broadcasting was in its infancy. Faced with an influx of American radio signals, the federal government set up the Royal Commission on Radio Broadcasting. (Dewing 2011, pg.1) Shortly after this, in the 1930s, the Aird Commission further cemented this way of thinking regarding Canadian cultural policy and radio content regulation. The creation of a national radio network was the acceptable solution at that time:

The Aird Commission recommended some form of public ownership in Canadian broadcasting, and the government opted for a mixed system of local, private radio and national, public radio. The public component came into existence in 1932, when the Canadian Radio Broadcasting Corporation was created. Four years later, it became the Canadian Broadcasting Corporation (CBC). (Dewing 2010, pg. 1)

Canadian cultural policy makers had the idea that Canadian programmes could not stand on their own, that they would be sub-standard when compared to U.S. programming. Filion states that “in 1932 a powerful Canadian nationalist lobby, the Canadian Radio League, denounced the private stations’ programmes in order to lay claim to state broadcasting: ‘The Question is the State or the United States?’ declared Graham Spry,” (Filion, pg. 450)

Yet Aird himself was a staunch supporter of private radio, endorsing the playing of programmes imported from the United States. However, his experiences during the commission changed his mind:

The report produced by the Aird Commission was notable for its brevity - at less than 40 pages, it is the shortest Royal Commission report on record. Sir John Aird, the no-nonsense businessman and president of the Bank of Commerce, embarked on his task a firm believer in a private radio system built on syndicated American programming. But he was convinced otherwise - converted on the road, you might say, by the

likes of Graham Spry and Alan Plaunt, who led public support for a public system through a grass roots movement called the Radio League. (Crean)

As a result of the Aird commission, Canadian radio began the process of crafting a distinct national identity, using radio as the primary means of teaching Canadians what it meant to be Canadian. Once again, Filion explains that “The Broadcasting Act of 1932 initiated an era of government involvement which ultimately aimed at the Canadianization of mass media.” (Filion, pg. 453)

With the CBC firmly in control, and undertaking the task of making Canadians more Canadian, things remained relatively unchanged throughout the next decade. However, after the second world war, policy began to evolve once again. The next major evolution came in the form of the Massey commission:

After the war, the government established the Royal Commission on National Development in the Arts, Letters and Sciences, headed by the Right Honourable Vincent Massey, to examine national arts and culture institutions. (Dewing 2010, pg. 2)

The Massey Commission furthered the cause of Canadianization of the population by forcing Canadian broadcasters to play Canadian music:

In 1958, The Broadcasting Act created the Board of Broadcast Governors (BBG) as a regulatory body and instituted restrictions on foreign ownership in broadcasting. In 1959, the BBG introduced quotas for Canadian content. (Dewing 2010, pg. 2)

Filion explains that direct content regulation appeared shortly after this. He states that “direct Canadian content regulation did not appear until 1959.” (Filion, pg. 455)

But as Milz points out, it was during this era that policy makers realized there existed a two-way nature to the relationship between Canada and the U.S. regarding cultural products. Namely, Canadian cultural policy makers became aware of the fact that policy could influence Canada’s ability to export cultural products for profit. She explains that “Notwithstanding the claim of artistic/national autonomy, “high” Canadian culture was also and simultaneously seen as a means to effect competitive cultural exchange that gets Canada internationally recognized as strong and mature.” (Milz, pg. 89). She goes on to explain that this approach was dualistic. Protectionist policy also gave Canadian artists an advantage in Canada, which was believed to be necessary. Once again, Milz explains: the building of an independent, competitive domestic

cultural industry that can stem the threat of American cultural imperialism while, at the same time, reaping the benefits of Canadian-American exchange. Never far from this dual ambition loomed the fear of a fully market-oriented approach that would destroy the uniqueness and autonomy of Canadian culture. (Milz, pg. 90)

With this dual approach never far from the ambitions or the creators of cultural policy, the establishment of the CRTC meant that Canadian radio airtime was guaranteed for Canadian artists.

the CRTC has established requirements regarding Canadian content. These include a range of policies and regulations dealing with, among other things, the minimum numbers of Canadian programs and amount of Canadian music on radio and television, (Dewing 2011, pg.5)

In the 1960s, there was also an apparent widening gap between the CBC and the private radio stations. At this time, it was determined that even greater Canadian content regulation was required:

As early as 1965, the report of the Advisory Committee on Broadcasting, chaired by Robert Fowler, lamented the inefficiency of the Canadian content regulation and the private stations' apparent indifference towards the national objectives assigned to broadcasting. (Filion, pg. 460)

In the era around the Centennial year, celebration of Canadian culture was booming. The National Film Board was producing ground-breaking experimental films, Montreal celebrated Expo '67, and Canadian musicians had broken into American radio markets. This is the era of Pierre Juneau, and a 2018 story from the CBC perfectly puts the attitude toward Canadian content regulation into context:

In 1970, a song called American Woman by Winnipeg band, The Guess Who was climbing high in the charts. As lead singer Burton Cummings belted out "American Woman ...stay away from me," it was a time when Canadians were worrying about being swamped by American culture.

Then Prime Minister Pierre Trudeau described in a Washington speech that living next to America was like sleeping with an elephant. The Guess Who may not have intended the song to be interpreted politically, but it wasand that was a sign of the times.

One year later, Canada's broadcast regulator the CRTC brought in tough new rules forcing radio stations to play 30 percent Canadian music. CanCon was born, and some say it was the foundation of the Canadian

music industry today.

Did it work? You be the judge. This is the week of the 2018 JUNO Awards where the best of Canadian music is celebrated and showcase. And it's no accident that those awards took their name from Pierre Juneau, the man who presided over the CRTC and brought in the CanCon regulations in 1971. Did they succeed in giving Canadian music enough room to breathe? (CBC, March 23, 2018)

Although there seems to be some discrepancy between this story and Jeff Miller's assertion that the CRTC was formed after these regulations came into effect, the net result is the same. By the early 1980s, the CRTC was THE regulating mechanism for enforcement of cultural policy when it came to the airwaves. As Miller explains:

Established in 1976, the Canadian Radio-television and Telecommunications Commission (CRTC) was conceived as an administrative body concerned with the maintenance of a distinctive Canadian culture and the fostering of a competitive environment for the development of a strong domestic telecommunications industry. Moreover, it was to serve as a regulatory tool to ensure the dissemination of telecommunications and broadcasting services and technologies to all Canadians in a manner that was affordable and reliable.¹ While its initial regulatory purview consisted principally of telephone and broadcasting media, technological advances in the years since its creation have led to new technologies that use these two basic services as a technical foundation, but are distinct in their operations and the content that they provide. Among these, the internet can probably be said to have had the most profound impact on the landscape of mass communication in Canada. (Miller, p. 47)

And the CRTC's goal was to ensure Canadians heard Canadian music. As Dewing writes, "To ensure that Canadian programs and music receive sufficient airtime, the CRTC has established content requirements for television, radio and distributors." (Dewing 2011, pg.5)

The CRTC's own policy documents show evidence of the dualistic aim of producing cultural products for an export market. CRTC policy documents state that: To support the Broadcasting Act's policy of providing world class content made by Canadians, the CRTC helps ensure that Canadian artists can create content for both Canadian and global audiences, as well as have access to avenues of financial support and opportunities to promote their creations. (CRTC 2016)

As mentioned at the opening of this essay, many are not convinced that Canadian content regulation has been effective in achieving these aims. Some argue that Canadian content regulation is too convoluted and allows for too many loopholes which are then used to circumvent the system. To illustrate this, Acheson, in a brief description, highlights how difficult it can be to simply provide an acceptable definition of what Canadian content actually is. He explains:

To qualify as Canadian content for the purpose of radio broadcasting regulation a musical selection must satisfy two criteria from among the following: music composed by a Canadian, lyrics written by a Canadian, lyrics sung or music performed by a Canadian, and recorded in Canada or performed in Canada and broadcast live. (Acheson, pg. 4)

Further to this, it is not even a level playing field across the board for broadcasters. Radio stations qualify under different categories and as have different quotas of Canadian content. CRTC document outline this: Each licensed station is required to devote a percentage of its weekly music broadcasting to Canadian content. The required amount of Canadian content depends both on the type of radio station and the type of music it broadcasts: Popular Music (Category 2) or Special Interest Music (Category 3). (CRTC 2002)

To make things even more difficult (or to ensure Canadian artist receive their share of the best airtime, Commercial stations also have limitation on when they can play Canadian content:

Commercial, community, campus and native radio English-language and French-language stations must ensure that at least 35% of the Popular Music they broadcast each week is Canadian content.

Commercial radio stations also have to ensure that at least 35% of the Popular Music broadcast between 6:00 a.m. and 6:00 p.m. Monday to Friday is Canadian content. (CRTC 2002)

But it important to note that CRTC regulations still do not cover content played on digital/online formats. CRTC regulations strictly regulate broadcast radio signals:

The Canadian Radio-television and Telecommunications Commission (CRTC) has introduced policies and regulations to ensure that Canadian works are played on Canadian radio stations.⁹ Licensed stations must devote a percentage of their weekly music broadcasting to Canadian content. It is worth noting, however, that the CRTC does not regulate online music streaming services. (Parliament 2014, pg.4)

So, it is clear from these passages that Canadian cultural policy has stagnated and has not been evolving rapidly enough. As Goff & Jenkins alluded to, the development of cultural policy must be an evolution. Cultural policies can not be idle and become “traditional”. The question then must be asked: Why, in Canada, has Canadian content regulation on radio been assumed by some to be a natural right for Canadian artists? This question becomes so much more relevant when we see that policy is falling behind advances in technology, as Dewing points out:

When Parliament adopted the Broadcasting Act in 1991, many of the technologies that are in widespread use today did not exist. The changes brought about by the adoption of digital technologies have created challenges for implementing the objectives of the Act. (Dewing 2011, pg.8)

PART 2 - Challenges to Canadian Cultural Policy: Neoliberalism and the Digital Realm

In the current global environment, national protectionist economic policies have generally given way to larger multi-national global trade agreements. The development of digital technologies has also increased the rate at which information travels around the planet. More than ever before, the concept of the global village is a reality. What role does Canada play in this environment, and how does current Canadian cultural policy stand up when faced with these challenges? Some scholars, such as Goff & Jenkins, point out that current cultural policy may be out-of-date:

Among those who support the goals of traditional cultural policy, there is a sense that contemporary developments may threaten their effectiveness. In particular, analysts point to technological advancements and global trade agreements. Indeed, even older technologies can be circumvented. Given the concentration of Canadians along the U.S.–Canada border, U.S. television signals can be captured using a common roof antenna, thus sidestepping cable providers. But in the current multichannel world of satellite, digital, and hand-held technologies, and with the prospect of Internet delivery of cultural products, there is a sense that regulators may lose their ability to regulate (Feigenbaum 2001). (Goff & Jenkins, pg. 184)

Armstrong echoes this and points out that cultural hegemony is a real threat to smaller cultural groups around the globe. However, protectionist cultural

policy may no longer be an effective way to stem this trend. He explains that, “developments associated with economic globalization have heightened the challenge of using domestic policy instruments to foster and protect culture.” (Armstrong, pg. 370)

But inherent in these observations is the dualistic aim of cultural products. As identified earlier, these cultural policies are meant to help a group form an identity of self, as in the case of the CBC producing content of a Canadian nature for Canadians: On the other hand, cultural products can be used as an export product and can therefore be used as an economic generator, as Armstrong points out:

Consequently, the role of the state in protecting and promoting culture is at issue, not only for Canada, but for other countries as well. At stake are two competing models for cultural policy-making: the local culture model, which defines culture as a way of life and deserving of state support and the global market model, which defines culture as a commodity to be treated like other commodities. (Armstrong, pg. 370)

Canadian cultural policy has always sought certain protections for Canadian cultural content in the global marketplace; however, evidence shows that the ability of policy to withhold the onslaught of foreign influences seeking to remove cultural protections is failing. Goff & Jenkins discuss this issue in the context of the differing opinions of U.S. and Canadian policy makers: Canadian cultural industry policies have long been a sticking point in Canada–U.S. relations. U.S. officials have labeled Canadian measures protectionist, arguing that they leave U.S. competitors at a disadvantage in the Canadian market. In talks leading to NAFTA, the Canadian government was able to negotiate special protections for cultural policies by arguing that their domestic cultural importance outweighed the degree to which they might be construed by others as unfair trading practices. However, NAFTA protections proved unreliable in 1996 when the United States launched a complaint against Canadian periodicals policy in an alternative forum. This experience confirmed the degree to which cultural policy is crosscut with trade policy and foreign policy considerations. (Goff & Jenkins, pg. 189)

The opposition to including cultural protections in multi-national trade agreements seem to be gaining support from key participants. As Maltais points out, neoliberal trade agreements further erode current protectionist cultural policies. In the negotiations for the Trans-Pacific Partnership, Canadian cultural policy

was unable maintain its level of protection for its cultural industries:

In the TPP, Canada fell far short of attaining the moderately effective cultural exception that has been sought by previous Canadian governments in all free trade agreements. Instead, the outcomes far more closely reflect the views and interests of the U.S. government and entertainment industry. This is a setback for Canadian advocates of cultural diversity and their international allies. (Maltais, pg. 17)

But some argue that these arguments may not be without merit. As Milz points out, Canadian cultural policy has increasingly had at its heart the sole ambition to produce cultural products for export:

With the modernist-nationalist separation of “culture” and “cultural industries” undone under the aegis of neoliberalism, the primary function of government-aligned cultural agencies has shifted from that of instituting a relatively autonomous public cultural sphere in which and with the help of which an autonomous national culture can develop to that of advancing the market potential of Canadian culture. (Milz, pg. 101)

And Milz points to cultural policy documents that further state explicitly this ambition:

The rhetoric of “national culture” as export staple and key vehicle of Canadian economic growth (and thus national security) can now be found on the websites of the Department of Canadian Heritage, the Canada Council for the Arts, Industry Canada, and Foreign Affairs and International Trade. (Milz, pg. 101)

The second challenge facing Canadian musicians in the future is, and will continue to be, the migration of audiences away from traditional entertainment media and into the digital environment. For musicians, this makes current Canadian content regulations based on enforcing quotas for commercial radio seem even more out-of-date since the CRTC only controls the medium of traditional radio. The net result is that policies don’t really help Canadian musicians all that much anymore.

The digital realm differs greatly from traditional media. As highlighted by Dewing, “The traditional approach to supporting the development of Canadian content and its availability to Canadians has been based on the scarcity of spectrum – the limited availability of radio frequencies.” (Dewing 2011, pg.8)

But in the digital realm, these restrictions don’t exist. Again, Dewing explains that “On the Internet, however, scarcity of spectrum is not an issue and there is

a vast amount of content from all kinds of sources.” (Dewing 2011, pg.8)

Increasingly, digital technologies and the production of content for digital formats, are the focus of creators of cultural products, and these formats have been on the horizon for some time, so it is surprising that Canadian policy makers have been so slow to react. Bakhshi & Throsby discuss:

The link between new communications technologies and cultural policy has been acknowledged for some time. It formed the basis for the cultural policy put forward by the Australian Government in its manifesto Creative Nation in 1994, for example, and underpinned the definition of the creative industries that was adopted by the UK in 1997. Since then, cultural policies all over the world have moved increasingly to recognise the potential of digital technologies in the creative economy. (Bakhshi & Throsby, pg. 219)

For Canadian musicians, and for the Canadian music industry, the erosion of the broadcasting system may then pose the biggest threat to their livelihood, especially because this is the focus of current Canadian cultural policy. The Cultural Human Resources Council, in a 2011 report titled Culture 3.0: Impact of emerging digital technologies on human resources in the cultural sector outlines this issue:

However, change poses challenges as well. While many of these digital impacts create opportunities to further expand the cultural sector’s role as a key driver of Canada’s economy, they also pose a number of disruptive challenges to cultural practitioners. Digital impacts pose threats to individual artists, and to the business models underpinning entire sub-sectors. As well, the spread of digital technologies creates a challenge for important elements of the public support system for the cultural sector, for example the threat posed by broadband internet to the traditional structure of the broadcasting system. Left unaddressed, these issues will undermine the cultural sector’s viability and will put the sector at risk of losing jobs and its share of the increasingly global cultural content market. Clearly, leadership, entrepreneurship, good HR practices, and skills development are all important assets in the continued development of the cultural sector at home and abroad. (Cultural Human Resources Council pg. ii)

And the ability to regulate the digital landscape is only going to become more difficult from a policy point of view as technologies advance. Miller makes this point by saying digital formats are “unlike traditional telephony and broadcasting media that rely on fixed, cen-

tral production and transmission infrastructure that is easily subjected to regulation.” (Miller, p. 47)

The digital sphere is also changing the nature of the audience. Although the data below refers to television viewing habits, it would not be hard to imagine the numbers and habits for music audiences would be making similar migrations away from traditional broadcasting towards music streaming services like Spotify and Stingray. In an article from 2015, Michael Geist explains:

The internet forever changed the rules of the game, creating a world of abundance that ushered in new competitors and unlimited consumer choice. Recent CRTC data confirms what is increasingly obvious to anyone familiar with the viewing habits of teenagers and younger adults: 58 per cent of anglophone Canadians between the ages of 18 and 34 now subscribe to Netflix, which helps explain why conventional television viewership is declining among younger Canadians. (Geist)

With the focus of this essay being the Canadian music industry, it is important to single out the major changes the industry has made. Some of these have benefited artist and the industry as a whole, but the erosion of the radio audience has been one of the biggest challenges for both, as highlighted once again the 2014 report to parliament:

Like other cultural content industries, the Canadian music industry has been profoundly affected by the digital revolution. While music is more accessible than ever before, sales of compact discs (CDs) have dropped sharply. The revenues generated from digital downloads or online streaming services have not made up for the decline in revenues from CD sales. The many players in the music industry – composers, performers, producers, distributors, publishers, record companies, live music venues and festival and concert promoters – face diverse challenges in adapting to the new digital environment. (Parliament 2014, pg.1)

The report goes on to state:

Despite the many successes of the music industry, the digital revolution has changed the way music is produced, distributed and consumed. The revenue streams in the industry have been fundamentally altered. As explained by composer Jim Vallance, the business model for the music industry remained unchanged for 100 years, but in 1999, there was a perfect storm with the confluence of the Internet and MP3 technology. (Parliament 2014, pg.3)

But it is not just the digitization of the medium of

transmission that has changed the industry. Changes have occurred in the studio as well, making the production of music easier and more accessible to artists. This of course has many benefits for young musicians: The influence of new technologies in advancing an artform is particularly marked in the field of music and audio production; innovation in both composition and practice has been significant across all genres in recent years as a result of the arrival of new means for musical expression. Composers in classical, jazz, film and rock/pop music genres use digital devices such as synthesisers, samplers, virtual recorders and computer software such as MaxMSP to create complex and multilayered textures and to manipulate sounds from a variety of sources in their compositions. The availability of these technologies has extended musical boundaries, leading to the emergence of new genres and sub-genres, cross-cultural musical forms and new modes of performance. (Bakhshi & Throsby, pg. 210) Mark Leyshon echoes the advantages of these digital advancements:

The rise of more affordable digital recording rigs and easier programming protocols represents a democratisation of technology, making available a process that was once accessible only through the facilities and skills provided by a recording studio. Software and code have ushered in a regime of distributed musical creativity, which is having significant impacts on the organisation of the musical economy. (Leyshon, pg. 1309)

He follows with an explanation of how digitally recorded material becomes digitally downloaded material. A whole industry has emerged from the digital music market:

The download platform has also been successful for Apple in other ways too; it is supported by its highly successful range of MP3 players – iPods – which may have even have promoted legal downloads as the files downloaded from iTunes are playable only on machines with Apple software.⁽¹⁾ Moreover, Apple is not the only company offering downloads that ensure that revenue flows from consumers to record companies, publishing companies, and artists; there are now over 300 legal online sources of music available on the Internet. (Leyshon, pg. 1311)

These developments mean there must be an examination of the intent behind the creation of individual cultural products and thus, in turn, the purpose of cultural policy. Increasingly, cultural products are not created to reinforce cultural identity but are rather

intended to lead to the economic benefits offered by access to larger consumer markets. As Brault points out, this has not only changed the cultural industries, but the broader economy as a whole:

We must bear in mind that in the space of a few decades, we went from a situation where artistic and cultural creation, production and distribution almost completely eluded the realm of economics to one where they are at the very heart of new development strategies fostered or dictated by the globalization and primacy of technology and knowledge in the reconfiguration of our economies. (Brault, pg. 3)

In *Creativity and place in the evolution of a cultural industry: The case of the Cirque du Soleil* Leslie & Rantisi point echo this sentiment by stating that “In the practice of cultural production, culture and economy are symbiotic.” (Leslie & Rantisi, pg. 312)

Canadian cultural products continue to make impacts in the American market. Since the digital music and visual media industries have similar outputs (both primarily being a product created for recording intended to be played back to the audience through a set schedule or through on an on-demand basis) it is not difficult to understand the close relationship of the two. And the ability to side-step traditional media has served these industries well. Although not an example from the music industry, the success of *Degrassi: The Next Generation* is a perfect case of a Canadian cultural product that has reaped the benefit of being able to reach into the U.S. market. The Cultural Human Resources Council explains that “film and television production companies like Epitome Picture have expanded their brands (in this case *Degrassi: The Next Generation*) to numerous digital platforms among other product lines.” (Cultural Human Resources Council pg. ii)

In the case of *Degrassi*, the show was popular in the U.S., so much so that Canadian musical artist Drake was able to parlay his success as an actor on the program into a successful musical career. His popularity in the U.S. can, in part, be attributed to his role on the show earlier in his career, but his success as a musician has far surpassed his previous acting achievements. The Atlantic confirms this, discussing his prominence in the U.S. market in this review:

After dripping out songs at a steady pace since late last year, the prolific 33-year-old Toronto rapper surprise-dropped the 14-song *Dark Lane Demo Tapes* last Friday. As Drake’s sonic bundles have long been wont to do, the new tracks immediately subsumed the top

slots of global streaming charts, confirming his sound as apt not only for nightclubs but also for sitting quietly at home. (The Atlantic)

The Cultural Human Resources Council acknowledges that digital platforms are not necessarily hampering Canadian cultural production. In fact, it may even help as many Canadian producers are embracing digital platforms to increase distribution of their products: As well, many recording companies offer consumers access to content through their websites, for example Maplecore has long offered consumers easy access to over 800 Canadian artists and their works through the company's website. (Cultural Human Resources Council pg. ii) from Unit 11

Perhaps the best source to learn about the benefits of Canadian cultural policies is someone who has gained the most from Canadian cultural policy. Singer/songwriter Sam Roberts has been releasing studio albums since the 1990s. In a 2018 interview with CBC Radio, he discusses how he benefitted from and absolutely needed CanCon regulations:

Sam Roberts says he wouldn't have been able to survive if CanCon regulations hadn't been put in place.

"I don't think I'd be sitting here talking to you in the capacity of somebody who's been making a living as a professional musician for about 20 years now if it weren't for CanCon rules," Roberts told Checkup host Duncan McCue. "My life has depended on it, essentially." (CBC, March 26, 2018)

However, even Roberts can see that the current lifespan of Canadian content regulations are coming to their useable end:

But with streaming services like Spotify coming into the forefront of the music industry, Roberts is hesitant to say whether there should be CanCon regulations put into place. He says musicians are still learning what kind of role it plays, and how to best take advantage of it.

"Going in and heavily regulating that, I think would be a very difficult proposition before we fully understand how it works," he said.

However, he admits that government intervention would be useful if musicians are finding streaming services are not helping them enough. (CBC, March 26, 2018)

On a larger scale, some critics identify that current Canadian cultural policy may not be ready to face the changes Roberts identifies. Columnist Kate Taylor is one such critic and she goes so far as to call out the CBC in its direction in the new digital environment:

For example, the CBC doesn't just need a stronger board, it needs a mandate review that will better define what role is expected of a national public broadcaster in a multimedia, global environment. And it's not just the public broadcaster that needs clearer direction: Canada's commercial broadcasters operate under a series of protections and requirements – including Canadian-content rules and the stipulation they be Canadian-owned – that are a mismatch with an environment in which television and the Internet are merging. (Taylor, 2015)

However, Canadian cultural policy makers are working to address some these issues. In a 2014 parliamentary report, the authors identified some of the issues the music industry would be facing in the upcoming decades, and further feedback from industry representatives is included:

Musician Paul Hoffert said the music content business is thriving, but noted that Internet companies and Internet service providers (ISPs) are monetizing music, as opposed to the old music business – record companies, publishers, artists and composers.¹⁴ Graham Henderson, the President of Music Canada, which represents the three major record companies, made the same point, saying: "There has been an enormous shift in wealth away from creators into technologically driven intermediaries who are amassing fortunes on a scale that at times beggars the imagination."¹⁵ A number of witnesses, including Stéphanie Moffatt, President of Mo'fat Management, called for these intermediaries to share some of the money they are making.¹⁶ (Parliament 2014, pg. 5)

One way that Canadian artists can still control the use of their material is through the Copyright act. In a digital world, this important piece of policy ensures that artists are compensated for their work:

The Copyright Act is an important legislative tool that recognizes and protects the rights of Canadian creators in the sound recording industry. The Copyright Board of Canada is a regulatory body empowered to establish "the royalties to be paid for the use of copyrighted works, when the administration of such copyright is entrusted to a collective administration society."¹⁰ (Parliament 2014, pg.4)

This same report addresses the changes in musical content delivery, but once again highlights the inability of Canadian cultural policy to adapt to new challenges: Vanessa Thomas, Managing Director for Canada for Songza, one of the unregulated online streaming services, said that the growth of streaming music content

in Canada lags behind that of the United States. Last year, streaming revenues were 7% of the Canadian market, whereas in the U.S., they were 21% of the market.²⁵ She said that one of the reasons for this is that the “regulatory framework in Canada doesn’t foster innovation. The rate-setting process through the Copyright Board of Canada takes far too long,”²⁶ sometimes up to four to five years, for an industry where business models are changing rapidly.²⁷ Indeed, a dozen witnesses said that the reason why the Copyright Board of Canada takes so long to issue decisions is because it does not have sufficient resources. (Parliament 2014, pg. 7)

In a digital environment, speed is of the essence. The ability for policy to adapt and evolve is of the utmost importance. The parliamentary report addressed this by stating that “Regarding the launching of new services, the most common suggestion made by witnesses was to provide the Copyright Board of Canada with the resources it needs to speed up its decision-making process.” (Parliament 2014, pg. 17)

It is interesting to note that of the 10 recommendations made by this report, regulating content was not included.

The Canadian government now seems to be responding to these demands from industry. In a news release, the government explains:

Rapidly changing technological advances are affecting how Canadians produce and consume cultural content; as a result, the cultural sector is facing new challenges and opportunities. These consultations will help the Government of Canada determine the best ways to assist the cultural sector in navigating these changes and seizing opportunities to contribute to the country’s economic growth and innovation. (Canada: News Release)

However, one thing is evident: policy makers from both sides of the political spectrum want nothing to do with interfering with the free nature of internet content. As such, the idea of directly regulating Canadian content in a digital universe seems an insurmountable task. As Geist points out:

the Supreme Court of Canada ruled in 2012 that internet providers were not subject to the Broadcasting Act and last year the Conservatives led the charge against a “Netflix tax” that would have required the popular online video service to make Canadian content contributions.

While the “Netflix tax” issue is supposedly dead -- all political parties indicated early during the election

campaign that they did not support such a tax -- many are still hoping to find new sources of private sector funding and the telecom and Internet industries offer the juiciest target. (Geist)

To support this, Canadian policy seems to be leaning even further to a digital universe free from content regulation:

The internet forever changed the rules of the game, creating a world of abundance that ushered in new competitors and unlimited consumer choice. Recent CRTC data confirms what is increasingly obvious to anyone familiar with the viewing habits of teenagers and younger adults: 58 per cent of anglophone Canadians between the ages of 18 and 34 now subscribe to Netflix, which helps explain why conventional television viewership is declining among younger Canadians.

Recognizing that its relevance was at risk, the CRTC took steps last year to shift toward this new world, focusing on maximizing consumer choice, preserving net neutrality, and giving Canadian creators the tools to succeed in a global market.

The change in government has opened the door to new speculation that a renewed focus on cultural support might also mean a re-examination of CRTC policy and government telecom regulation. (Geist)

Yet in early 2020, Canadian policy makers began to push back against the lack of Canadian representation on digital platforms. In January of 2020, The Canadian Press reported that the CRTC was finally addressing the lack of support for Canadian cultural industries in the digital arena. CP reports that “Canada’s broadcast and telecom regulator says it’s inevitable that foreign media companies streaming content into Canada, including Netflix and Amazon, will have to make an “equitable” contribution to the production of Canadian content.” (The Canadian Press, 2020)

The same report highlights that:

European countries have enacted legislation to force streaming services to pay for original domestic content. In France, Netflix pays a set tax on its revenue from French subscriptions.

In the case of YouTube, which provides content produced by its users, a tax is applied to its ad revenue. The Liberals revealed during the election campaign a plan to impose a three per cent tax on multinational tech giants operating in Canada, worth an estimated \$2.5 billion over four years. The tax, they said, would be applied to the sales of online advertising or any profits generated through Canadian user data. (The

Canadian Press, 2020)

Historically, the CRTC has held a very different attitude. Yet even with the success of artist like Drake, there is currently some evidence to show that Canada is under-represented in the digital universe, especial when it comes to Canadian history. Victoria Dickenson in the Canadian Journal of Communication states: a recently funded Social Sciences and Humanities Research Council (SSHRC) study found only 200 Canadian sites that meet basic scholarly standards. On the other hand, the Canadian Radio-television and Telecommunications Commission (CRTC), accepted grudgingly by most Canadians as the federal government's regulatory agency to ensure a Canadian presence in broadcasting and publishing, feels that just as government has no place in the bedrooms of the nation, it equally has no reason to peer into its Web sites: "In the Commission's view, there is no apparent shortage of Canadian content on the Internet today. Rather, market forces are providing a Canadian Internet presence that is also supported by a strong demand for Canadian product . . .

The Commission concurs with the majority of participants that there is no reason for it to impose regulatory measures to stimulate the production and development of Canadian new media content" (CRTC, May 17, 1999). (Dickenson, pg. 1)

But Dickenson also believes that the government's role is to foster the creators of content rather than regulating the industry:

Government must be willing to support the efforts of the content-holding institutions to make this content available on-line, through subsidization of digitization, translation, and research into user needs. Government must be willing to see the development and maintenance of on-line authoritative content as a priority for Canadians, ensuring that the next Net generation will have access to their own history and culture in the form that they can use. (Dickenson, pg. 1)

The creation of cultural products, and fostering their success, can be a tricky business. The public can be fickle; throwing money at the issue doesn't always equate to a favourable reception. Industry representatives are quick to identify that in the digital environment, the quality of the content is more important than the country of origin. Because of this, cultural policy should focus on supporting the artist rather than regulating content:

On the other hand, Mr. Kee of Google Canada expressed reservations about regulating new digital ser-

vices. He questioned whether regulatory intervention would be justified to meet the policy objectives regarding the creation of Canadian content and expressed concerns about the impact that regulating digital services would have on the introduction of new services.⁹⁶ When asked about the contributions that services such as his could make to Canadian artists, Mr. Kee said that, instead of a mandatory monetary contribution, "we as a company would be more inclined to look at what can we do creatively to actually promote Canadian content."⁹⁷ He mentioned, for example, that the Google Play music service has a number of playlists that promote Canadian artists.⁹⁸ Mr. Albert of Stingray Digital suggested offering fiscal incentives to companies for the creation of Canadian content.⁹⁹ He also supported the idea of bundling music services with mobile telephone subscriptions.¹⁰⁰ Mr. Erdman of Deezer made a similar suggestion.¹⁰¹ (Parliament 2014, pg. 18)

In a digital landscape, it is almost impossible for governments to regulate content without instituting an outright ban on specific sites, as is the case in some less-than-liberal nations. But because traditional means of delivery are not in play, it is more difficult for regulators to directly use policy to control content. Miller discusses this issue at length, first by identifying the unique nature of digital media:

The internet is distinct from prior electronic means of communication for three reasons. First, it is a decentralized medium of mass communication, both in its technical form and in its ownership structure. Unlike broadcasting, the internet does not disseminate its content from a restricted number of hubs. There are no significant points in its architecture from where it can be centrally organized and ownership of the internet and its content is highly dispersed. Second, it is user-centric. In contrast to the monodirectional nature of traditional broadcasting and the single-use function of telephones, the internet is interactive and malleable in its form. Third, the content of the internet is beyond the capacity of any one jurisdiction to effectively regulate.² The networks which form the substructure of the internet are transnational in scope. (Miller, p. 47)

In fact, in Canada, the courts have decided that the CRTC cannot directly regulate internet content because of the way the medium is utilized by its audience: The third case is more recent, having been decided in 2010 by the Federal Court of Appeal. It is entitled *Re Broadcasting Act*⁶⁰ and was a reference case submitted to the Court by the CRTC on the issue of whether the

commission could classify network operators and ISPs as broadcasters for the purposes of the CRTC's other constating statute, the Broadcasting Act.⁶¹ The CRTC's ground for this proposal was that, since the operators support the transmission of television programs through their networks, they are serving a function analogous to broadcasters as defined by the Act. The case is significant because it deals with a scenario similar to that at issue in the net-neutrality issue; namely, the attempt to use existing statutory parameters to classify emergent communications technologies such as the internet.

In this case, the Court ruled that the CRTC cannot subsume the internet under the regulatory parameters of the Broadcasting Act because the Act deals with fundamentally dissimilar subject matter. Here, the Court recognizes that the principal distinguishing trait of the internet is the interactive user-experience that it facilitates.⁶² This stands in stark contrast to the mono-directional nature of broadcasting, whereby the user passively receives information transmitted from a central source. (Miller, p. 58)

And Miller points out that the CRTC would have the authority to force net-neutrality on service providers, once again emphasizing the fact that direct content regulation would be difficult. He states that "the CRTC likely does retain the authority to implement regulations enforcing net-neutrality. On conducting a substantive review of the competency of the CRTC to regulate in this manner under section 36 of the Telecommunications Act, the courts would likely determine that it is within Parliament's intention, as expressed through the Act, for the CRTC to do so." (Miller, p. 61)

And so, it is with all of these factors in mind that the current Liberal government has set out to prepare a revised set of Canadian cultural policies. This process began with public consultations, as highlighted in a 2016 story from the Canadian Press. It explains: Canada's heritage minister says that bringing a "digital approach" to the country's decades-old cultural policies will be one of the cornerstones of her mandate. Melanie Joly announced Saturday she will lead a series of public consultations over the next several months that will examine the government's role in supporting Canadian content creation.

In an interview Sunday, she said the raft of government tools to support the cultural sector predate the Internet and need to be updated.

"All the acts, all the different funds, from legislation to

regulation to incentives and direct contributions, we want to make sure that these are all relevant," she said. "If there are new ways of dealing with supporting Canadian content in a digital area, we'll look at it and we will create it." (The Canadian Press, 2016)

In the face of these challenges there may be some small victories. Younger Canadian musical artists appear to have embraced the new realities of producing music in the neoliberal and digital universe. They may have an easier time accepting the changes that have occurred in the industry. Perhaps this is because for younger artists, they have grown up in a digital world and don't know the 'old ways' of the industry. They are not familiar with or even expect the benefits of Canadian content regulations. In a recent CBC interview, one such artist explains:

The internet has certainly helped bring Weaves' quirky and playful music to newer audiences. But for front-woman Jasmyn Burke, it's also a way to spread her message of inclusivity.

"I never really think about record sales necessarily, but I think it gets people to go and see our show and also just [brings] visibility for young girls that want to make rock music," she said.

"We play a lot of shows and girls will come up to me and say, 'You look like me,' or like, 'I'm a strange awkward kid.' I think that there's room for more women in rock music."

While downloads and record sales are important to any musician making a living, Burke, whose band is nominated for Alternative Album of the Year at the Junos (they lost to the group Alvvays), says she appreciates how the internet makes her accessible to her fans. Burke, who has spoken many times about being a black woman fronting a rock band, says being a musician in the digital era has allowed her to break barriers in the industry. (CBC, March 26, 2018)

SECTION 3 - New Directions for developing Canadian Culture: Fluid Policies and a Regional Approach

Since the days of Juneau, Canadian cultural policy has relied heavily on control of Canadian radio content to try to ensure Canadian musicians receive exposure at home and abroad. To some, however, this policy may seem heavy-handed. And, as Goff & Jenkins explain, the rules for determining Canadian content can be

considered complex and convoluted.

Content regulations are another key pillar of Canadian cultural policy. The Canadian recording industry, for example, benefits from the CRTC content requirements for radio, which are a condition of license issuance and renewal. To be designated as Canadian, a recording must meet at least two of the four criteria outlined in the MAPL system: (a) M (music)—the music is composed entirely by a Canadian, (b) A (artist)—the instrumentation or lyrics are principally performed by a Canadian, (c) P (production)—the musical selection consists of a live performance wholly recorded in Canada or performed wholly in Canada and broadcast live in Canada, and (d) L (lyrics)—the lyrics are written entirely by a Canadian. (Goff & Jenkins, pg. 183) Goff & Jenkins also agree that the implementation of Canadian content policy is not universally accepted as valid. There are already some who point out the shortcomings of this policy. One of the primary issues some have is determining what Canadian culture actually is. Of course, so-called traditional Canadian cultural policy has not been without its detractors. Critics can be usefully divided into two categories. On the one hand, some support the democratic, nationalist, and pluralist goals associated with these policies, yet question the effectiveness of specific measures and approaches. On the other hand, some reject the strategy altogether, largely because their liberal sensibilities disincite them toward most forms of government regulation. In the first category of critiques are those who support Canadian content in Canadian theaters, on Canadian radio, and so on, but who see the great difficulty of reliably identifying a Canadian product. Although a points system keeps the government at arm's length from content, it cannot prevent works that exhibit nothing palpably or distinguishably Canadian in their content from qualifying as Canadian—for example, David Cronenberg's films or Alanis Morissette's music. Therefore, "traditional" Canadian cultural policies can promote vibrant local industries. However, they are imperfect instruments for ensuring that a certain notion of Canada or certain values/issues/ideas will actually show up in designated Canadian products. A similar argument can be made about national ownership requirements, which offer no guarantee of content. (Goff & Jenkins, pg. 184)

Canadian content may even be impossible to determine. Although content regulations have the best intention, there arises the possibility that such a complex matter as national identity may not be achievable by

such a simplistic solution as Canadian content regulation. The question remains; what, or who, determines what comprises Canadian content? This issue is highlighted by Acheson and Maule in Globerman when he states:

Canadian content is defined in terms of the citizenship of those performing key functions in program production and the percentage of expenditures on services provided by Canadians. Variations of the content system apply to other categories of programming such as animation, musical video shows, and sports events. As Acheson and Maule point out, Canadian content regulations as currently constituted create anomalies such as a documentary about Emily Carr made by Australians not being considered Canadian content (Acheson and Maule, 1990). (Globerman, pg. 12-13)

Ultimately, Canadian content policy only alters the actions of the broadcasting industry. It would be naïve to think that it has the ability to force a change in the minds of individual citizens. And since it is individual citizens who control private broadcasting operations, there naturally arises some resistance, as Filion states when he says "The reports of the numerous public enquiries on broadcasting suggest that the regulation on Canadian content, contrary to all expectations, does not have a decisive impact because of the private sector's reluctance to respect its spirit if not its letter." (Filion, pg. 461)

Again, Goff & Jenkins discuss those who oppose government intervention in favor of a free-market approach. The idea of creating a top-down, heavy-handed policy that forces the Canadian public to listen to music it may not want to listen to, but should because someone has decided that it is good for them naturally creates resistance:

In the second category of so-called disadvantages of cultural policy are those who oppose most forms of government intervention in favor of market-driven sectoral regulation. From this perspective, the "traditional" approach to cultural policy has the apparent disadvantage of impinging on consumer sovereignty, ignoring demand signals, and imposing elite tastes. (Goff & Jenkins, pg. 185)

Encapsulated in the statement above is the very idea of "who". Who decides what comprises the Canadian identity, and what it is that defines Canadian culture? There is obviously some ambiguity to the very definition of "Canadian identity". Therefore, some argue that because there is no clearly defined Canadian culture, the institutional approach of having a national broad-

caster is inherently flawed. Kate Taylor provides an example of this:

The notion that Canadian culture could somehow craft a national identity strong enough to counter a Quebec identity or an American identity hovered behind this approach, but in truth, there are many Canadian identities, and individual cultural creations are never the best servants of political policies. To this day, critics of the CBC express squeamishness about what they clearly view as an attempt at social engineering. If you determine that culture is supposed to be moulding or shaping citizens, or even just reflecting some particular theme or place, you tend to limit its scope and its imagination. (Taylor, 2016)

Despite this argument, the CBC still holds on to pre-conceived ideas about being an architect of a uniform Canadian identity. A 2015 policy document states that “Over the next five years, we will continue to produce programming that plays a part in shaping a shared national identity.” (CBC, 2015, pg. 4)

It is clear in the language and spirit of its policy documents that the CBC feels it plays an important part in determining what it means to be Canadian. Yet at times, the organization contradicts itself, as they talk about what it means to be “overwhelmingly Canadian” and highlight “diversity” in the same sentence:

Our prime times on all services will be overwhelmingly Canadian. We will bring a greater diversity of voices to our airwaves and reflect more of the country’s diversity in the stories we tell.

And, we will produce and air at least ten signature events per year on both our English and French networks — events that bring Canadians together in large numbers — programs, events and initiatives of cultural consequence that leave their mark. (CBC, 2015, pg. 4)

At the heart of this issue is the fact that through cultural policy (in this case being the policy literature of the CBC), the Canadian government emphasizes the importance of Canadians have a proper representation in day-to-day media (be it traditional or in the digital universe). Yet this policy does not address the key issue, which remains creating or determining what Canadian culture really is. Kate Taylor discusses the need for clarification on this issue:

For the first time in more than a decade, the public is being encouraged to consider such issues as the federal government launches a review of cultural policy, hoping to update regulations to fit digital realities.

One thing that is also going to need updating is our preconceptions about what’s Canadian. (Taylor, 2016)

Taylor’s statement emphasizes why Canadian content policy falls short of its objectives. Policies concern themselves with outcomes. Current Canadian content policy in context of radio content is concerned with outcomes that may be at odds with the wants and needs of the average listener. As such, while focussing on a desired outcome (content quotas), it handcuffs broadcasters and forces unwanted content on audiences:

The study comes to two main conclusions. One is that specific and plausible economic arguments can be made in support of government policies to encourage increased production and consumption of Canadian entertainment programming; however, the empirical evidence in support of those arguments is scarce and limits the applicability of the arguments to a relatively circumscribed set of entertainment products. A second is that prominent government policies such as Canadian-content regulations in broadcasting and restrictions on foreign ownership in a variety of cultural sectors are costly and inefficient instruments to promote increased production and consumption of Canadian entertainment programming. (Globerman, pg. iii)

It is important that policy reflects the will of the people it is meant to serve. Jeanotte points out that a healthy society is created through the participation of its members in cultural exchanges, and this in turn leads to a stronger shared culture. Without this feedback loop of cultural buy-in, a society is weakened:

We do not yet understand why people who participate in cultural activity also seem to have higher rates of participation in their communities, but if this connection proves to have a robust link to social capital and the quality of community life, it may signal a role for cultural capital that goes far beyond “opera tickets for the elite”. The evidence so far seems to suggest that cultural participation helps to connect individuals to the social spaces occupied by others and encourages “buy in” to institutional rules and shared norms of behavior. Without this “buy in”, individuals are unlikely to enter into willing collaboration with others and without that cooperation, civic engagement and social capital—key components of social cohesion—may be weakened. (Jeanotte, pg. 47)

Brault also discusses the importance for a society to have a sincere acceptance of its own unique cultural identity. This authentic acceptance of shared identity leads to stronger cultural participation by the members of the group as thus, in turn, creates a stronger society: However, authentic cultural development must neces-

sarily engage citizens who no longer wish to be regarded as passive consumers of culture or as secondary players but who instead want to be considered active participants in the cultural life of their city and their country. New cultural policies can no longer position citizens as being mere beneficiaries of proposed measures. They must take into account their needs, their potential and their capacity to become more creative and to contribute to the development of, without instrumentalizing, art and culture. (Brault, pg. 6)

The mechanism probably best equipped to provide support for Canadian artists, including musical artists, is the Canada Council for the arts. In the organizations most recent set of policy documents it identifies the need for the connection between artist and audience. In fact, the language of the policy mirrors many of the points already covered in this essay: The economic benefits of the new economy; recognition of the audience as part of the artistic process; audience diversity; and new platforms for connecting with audiences. The Council's current strategy plan states:

Economic resilience for the arts sector isn't just a question of public funding. It's also about new strategies to generate revenue. This means recognizing that audiences are a critical part of the picture, and that, like today's artists, today's audiences are exponentially more diverse. They have different expectations from audiences of barely a decade ago. To succeed in the future, artists need to strengthen ties with their audiences and reach out to new ones. They need to engage with their communities in new ways and look beyond for other opportunities. (Canada Council for the Arts, pg.11)

The question for cultural policy makers becomes this; how do we get buy-in from the audience while guaranteeing a thriving cultural products sector? The most authentic cultural connections, despite the proliferation of digital media, remain personal connections. The audience should feel personally connected to the artist. Goff & Jenkins, among others, may have an answer to the question above:

In addition to attracting tourists, the Creative City approach seeks to attract highly skilled and educated workers to their urban communities. In an argument that has drawn widespread attention, Richard Florida maintains that a vibrant cultural scene is key to attracting the workers necessary to run the 'creative industries' that characterize post-Fordist production (2002). For Florida, cultural amenities and dynamic street scenes in music, art, or theater are part of the ur-

ban fabric necessary to attract "creative class" workers. (Goff & Jenkins, pg. 186)

With the new freedom afforded the artist by digital technologies, easier access to larger markets through neoliberal trade policies, and a change in focus away from constructing one distinct Canadian culture, cultural policy makers now have a mechanism to enact effective cultural policy in the Creative Cities approach (or some adaptation of it). The best way to engage citizens in cultural production is on a personal level, and local connections will remain the strongest ones in the development of cultural products.

Canadian policy makers now have the opportunity to break new ground by changing the focus away from anticipated outcomes of cultural policies. Development of artists at the grassroots level is more imperative than ever before. An increase in the ability of individuals to create new and exciting material will in turn foster the growth of healthy cultural industries. Bagwell explains: Creative industries, and thus creative clusters, are considered to have distinct characteristics that differentiate them from other types of businesses and business clusters. Creative industries have been defined by the UK's Department of Culture, Media and Sport (DCMS) as 'those activities which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property' (DCMS 1998). (Bagwell, 33-4)

These ideas are not new. As Leslie & Rantisi point out, theorists have identified cultural industries as a major part of the economy decades ago:

For Kong (2000), a shift in thinking comes about in the mid-1980s, when national, provincial, and local governments begin to recognize the role of cultural industries in economic development and urban renewal. For local governments in particular, cultural-industrial policies become a vehicle for generating revenues in the context of neoliberalism and the gradual withdrawal of the nation-state. (Leslie & Rantisi, pg. 313)

This may seem to suggest that governments, especially national governments, should step away from crafting cultural policies that look to develop culture on the macro level in favour of allowing individual jurisdictions to take the lead and create policies that develop micro cultures. This may be a difficult concept for some to grasp, but there is evidence that by supporting culture on the micro level, national governments can strengthen culture on the macro. Jeanotte discusses the importance of this kind of holistic approach and

also warns of the dangers when government back away from supporting cultural objectives:

Unlike simple economic models, based on supply and demand and on utility maximization, the social cohesion model is both holistic and reciprocal in that it illustrates how everything can affect everything else and how outcomes in one round can affect the outcomes of subsequent rounds. As Stanley has observed, “A trend which affects a social outcome or its distribution will affect overall social cohesion, and so eventually influence the other social outcomes.” (Stanley, 2002: 7). It follows, therefore, that policies which reduce the amount of cultural capital in a society may have a negative impact not only on individual opportunities to participate in a specific cultural activity, but also on civic engagement and social capital (Jeanotte, pg. 47-8) The current Liberal government in Canada, elected in 2017, seems to have embraced this approach and has vowed to work with other levels of government. This spirit of openness creates the perfect political climate for the collaboration of local, provincial and federal governments working to develop effective cultural policy:

I made a personal commitment to bring new leadership and a new tone to Ottawa. We made a commitment to Canadians to pursue our goals with a renewed sense of collaboration. Improved partnerships with provincial, territorial, and municipal governments are essential to deliver the real, positive change that we promised Canadians. (Prime Minister Mandate Letter) Since this type of collaborative approach is becoming more commonplace, new strategies must be sought for protecting and fostering the growth and development of cultural industries. Goff & Jenkins explain that:

The creative city approach developed, in part, as an antidote to widespread urban stagnation in both Europe and North America. As large cities based on declining mass-production industries faced economic crisis, they turned to culture as a way to revitalize their economies; abandoned factories were converted into artist studios, arts programs were used to turn alienated youth away from the lure of criminal activity, and arts festivals were used as a way to renew community pride and spirit. (Goff & Jenkins, pg. 186)

Even the CBC understands that the strength of the nation as a whole, and its strength as the national broadcaster, lies in the acceptance of the audience at the local level. For that reason, they have placed greater importance on being a cultural leader in each of the communities they serve:

Over the next five years, we will become — by way of multimedia services — a leader in all the markets we serve. We will expand service in select underserved markets to address gaps in coverage. We will adjust across markets with new delivery models. We will expand regional programming genres beyond news to reflect local communities. And, we will pursue new partnerships to enhance both our reach and our impact.

While execution will vary by market and between English and French services, the strategy commits us to launching new stations (primarily radio), expanding others and modifying services on still others. We’re not looking to exit any existing locations, but we may change the way we deliver our services in some. We will introduce new local and hyperlocal websites and services, new formats. (CBC, 2015, pg. 5)

This reinforces the concept of supporting cultural industries through development of the cluster economy, as explained by Bagwell:

Equally popular with policy makers is the concept of business clusters. This emphasizes the importance of location and inter-firm linkages or networks to productivity, seen as being particularly important in the context of cities. Clustering is thought to lead to a number of advantages for both firms and the regions in which they operate, including increased competitiveness, higher productivity, new firm formation, growth, profitability, job growth and innovation. As a result, policy makers around the globe have supported clusters as an economic development strategy. (Bagwell, pg. 32)

Brault identifies the need for change in cultural policy direction. He does, however, emphasize that in most cases, it is not a matter of rewriting policy altogether. Many of the mechanisms and concepts are already in place and therefore simply require a change in thinking and approach:

We are not talking here about starting from scratch, but rather about giving new impetus to cultural policies. Obviously, the federal, provincial and territorial governments, as well as their agencies and Crown corporations, are major players in the financing of artistic and cultural infrastructures and activities, and this situation is not going to change, even though the means and responsibilities of each of these entities will undoubtedly be modified. (Brault, pg. 6)

Leslie & Rantisi also identify the need for cultural production to occur at the local level, but they reinforce the position that the federal government cannot

absolve itself of responsibility:

This is not to suggest, as much of the recent literature on neoliberal governance attests, that the state abdicates its regulatory responsibilities. "Governance" here reflects a situation in which the state's mode of intervention is more open and reflexive, encouraging dialogue and collaboration between distinct actors within the state (including those operating at subnational levels), as well as those outside the formal state apparatus. (Leslie & Rantisi, pg. 315)

So how will this new direction work for musicians? In Canada, musicians are losing their audiences on commercial radio stations as a result of a change in audience habits. As a result, Canadian musicians are encouraged to foster a connection with audiences on a local level, but this does not create the opportunity to access a wider audience necessary to generate a liveable income. Meanwhile, current cultural policy continues to force radio stations to play Canadian content which the audience may not want. This appears to be a 'Catch-22' situation. A solution may come from Leyshon who suggests that a musician's environment plays an important role in their success. An infrastructure that supports artists is a key piece in their development.

Like other creative industries, the music industry is rooted in communities of workers anchored to particular places which, once established, become "magnets for talented individuals from other areas, who migrate to the centres in search of personal and professional fulfilment" (Scott, 2004a, page 7). (Leyshon, pg. 1313) Leyshon, much like the Creative Cities approach, believes that location is important to the development of cultural products. Once again, support for this kind of development is best dealt with on a local level. But funding is important, and it would be necessary for the federal government to contribute to this development in some way:

In their efforts to survive the downturn in the musical economy, studios might seek to turn the vertical disintegration of production to their advantage by utilising their recording assets to become management companies or even production - publishing companies. Studios would be able to use their specific assets and advantages - technology, labour, expertise, etc - to help develop new talent and look to keep some rights to the product they sell on to record companies. However, the obstacle to such a strategy is that studios would need money to fund the identification and development of talent and, as was pointed out earlier, few recordings

cover the costs of their production. That is why levels of capital concentration are so high among record companies, as they necessarily need to have deep pockets to cover the inherent riskiness of the business they are in. Alternatively, studios could seek to exploit their buildings as part of the musical heritage, in the manner that Gibson has suggested (2005). (Leyshon, pg. 1327) Many other industry professionals have also identified that 'place' plays an important role in the development of cultural products and industries. Even Canadian cultural policy documents identify the importance of local connections for musicians and emphasizes the importance of music on local economies:

Greg Klassen, President and Chief Executive Officer of the Canadian Tourism Commission (CTC), explained how his organization incorporates music, festivals and cultural events into its tourism marketing strategy. The CTC "focuses on the opportunity of leveraging existing Canadian festivals and events"⁴⁸ to encourage youth to travel within Canada. Internationally, the CTC works closely with Festivals and Major Events Canada to encourage foreign tourists to discover Canada's music festivals. David Goldstein, President and Chief Executive Officer of the Tourism Industry Association of Canada (TIAC), remarked that music and culture are "leading drivers for American visitation."⁴⁹ (Parliament 2014, pg. 10)

As stated earlier, developing cultural policy is a never-ending process and should never be considered complete. And in light of the information highlighted above, cultural production becomes important in the strengthening on the communities and therefore of the nation. Goff & Jenkins discuss this new direction considering in cultural policy development: alternative approaches have entered the cultural policy discourse, opening new spaces for cultural intervention. Terms such as the creative city, cultural participation, and public diplomacy are the buzzwords of official cultural policy documents. The Canadian case is instructive in this regard—in addition to traditional arts and cultural industry initiatives such as subsidies, content requirements, and foreign ownership restrictions, cultural policy now extends to areas such as tourism, community building, urban regeneration, and foreign policy. (Goff & Jenkins, pg. 181) from Unit 1 As a nod to this way of thinking, the Prime Minister has noted that his government is committed to funding cultural infrastructure. In his mandate letter to the Minister of Canadian Heritage, he instructs the minister to "Work with the Minister of Infrastructure

and Communities to make significant new investments in cultural infrastructure as part of our investment in social infrastructure.” (Prime Minister Mandate Letter) Beyond the development of cultural industries as an economic generator, cultural policy should also embrace the intrinsic qualities of cultural products. In terms of Canadian content regulation, there are clearly measurables (airtime time allotted to music, and the ‘amount’ of Canadian content contained in that music), but there seems to be something missing when measuring the quality of Canadian content. McCaughey et al. address this when they state:

Beyond measuring the economic and social value of culture, it is also worth taking note of recent discussions around the measurement of culture for its intrinsic value. This approach considers the esthetic, spiritual, symbolic or historical value people gain from engaging with cultural experiences and products, and seems to have emerged roughly within the last decade (Brown & Novak, 2007; O’Brien, 2010). (McCaughey et al, pg. 113)

They also discuss the need for such measurables on a large scale, and a lack of will to create such metrics. They explain that “There appear to be no studies on measuring the intrinsic value of culture on a Canada-wide scale, and the concept seems to have gained little traction vis-à-vis government-led initiatives.” (McCaughey et al, pg. 114). The problem is further exacerbated by the old methods of collecting data to determine the effectiveness of policy. Leslie & Rantisi state that “Due to old settled habits that govern current forms of intervention, most policies remain based on a narrow conception of what constitutes cultural-economic activities rather than capturing their hybrid form.” (Leslie & Rantisi, pg. 316)

If cultural policy makers truly want to embrace new policy direction, they will need for new metrics to measure success. To reinforce this need for a change in attitude, support seems to be coming the least likely of places. Statistics Canada is probably the last place one would expect to find new models for measuring the intrinsic value of cultural products. Yet just such an objective can be found within Statistics Canada policy documents:

The primary purpose of this framework is to support the measurement of economic activities related to supply and demand, given that they are the most amenable to statistical analysis. The framework considers all culture creation, whether by amateurs or professionals, to be in scope. Culture products are counted if they are

accessible to consumers at some stage in the creative chain through economic transactions or other means. The framework also promotes the measurement of culture from a social perspective through a discussion of issues related to the demand for culture. Our approach deals with the full scope of the creative chain, from both a social and economic perspective. (Statistics Canada, pg. 8)

Again, Statistics Canada further supports the need for these changes:

An understanding of culture requires more than a listing of industries, products, and occupations. The framework is a conceptual model intended to define the scope of culture in Canada by identifying a set of culture domains¹ that can be used to support the measurement of culture products from creation to use. It provides a hierarchical structure, as well as terminology and definitions, for the measurement of culture. Its purpose is to provide standard categories to facilitate comprehensive, consistent, and comparable statistics on culture to support evidence based decision-making. Researchers will have a tool to ensure that research and debate are based on a standard approach to measuring culture and its components.

The framework has a role in supporting the development and evaluation of public policy in the culture sector. Government departments and agencies have traditionally worked to promote Canadian content, foster culture participation, encourage active citizenship and participation in Canada’s civic life, and strengthen connections among Canadians. The CFCS provides the necessary structure for data collection and analysis that will allow policy makers to understand the status of culture in their jurisdiction and work to develop relevant policies and programs. (Statistics Canada, pg. 11)

Once a new framework can be put into place, policy makers will have the ability to create policy that accurately reflects the wants and needs of the audience. That is, after all, who cultural policies are meant to serve. But there is one final element to include when considering cultural policy. Already identified are the products, the social outcomes, and the metrics with which to measure policy effectiveness. Still missing is the measure of the product, and this has been the one element that has never been measured through content regulations from the start.

Content regulations only focus on airplay. They don’t take into consideration audience acceptance, music sales as a result of airplay, or even quality of product. All that is important is whether the music gets played.

In any new cultural policy, this must be addressed. As a part of this assessment, some have suggested there must be a mechanism built in to allow for failure. The artistic process is never a direct road, and artists must have some freedom to experiment. However, this doesn't mean that all experiments have to be a commercial success. Bakhshi & Thorsby explain: Although cultural institutions require a somewhat different understanding of innovation from that which has evolved in scientific discourse, the innovation dilemma facing policymakers in all fields is the same: they want to know which innovations are worthy of their support, but the only sure way they can do this is to establish which ones are most likely to be successful. However, by the time success is assured, the innovations by definition do not need policy support to come to fruition. Policymakers have historically responded to this dilemma by enabling, and in some cases making, direct investments in innovation, accepting that some of these investments will fail. (Bakhshi & Thorsby, pg. 219)

All of these factors will contribute to a stronger cultural environment, and the Prime Minister has made it clear that cultural products are, and will remain, and important contribution to the Canadian economy. In his mandate letter to the Minister of Canadian Heritage, he states "As Minister of Canadian Heritage, your overarching goal will be to implement our government's plan to strengthen our cultural and creative industries. Our cultural sector is an enormous source of strength to the Canadian economy." (Prime Minister Mandate Letter)

It is into this digital, economic melee that Canadian cultural policy makers are now wading. The new government is now forming a set of policies that will guide Canadian cultural development into the next decades based on public feedback. To begin this process, a series of public consultations have taken place to engage Canadians in the policy process:

In the context of the consultations on "Canadian Content in a Digital World", the Honourable Mélanie Joly, Minister of Canadian Heritage, today hosts the fourth of six in-person discussions organised across the country with representatives from a variety of sectors and members of the general public.

Today's discussion will take place during Iqaluit's "All Arts Summit", an event intended to set the course for the future of all the art sectors in Nunavut. Representatives of Nunavut's arts and culture sector, individual artists, creators and those working in the cultural

industries will attend this summit. (Canada, 2016) And with this, she has committed to making a significant change. Once again, however, the emphasis will be on the economic impacts; intrinsic value seems to be of little or no importance:

"I thought we have to look at the entire model because we can really seize the opportunity to develop a new policy that will have a great economic impact, that will foster innovation and that will be also including cultural exports." (The Canadian Press, 2016)

Conclusion

Here on the eve of the fiftieth anniversary of current CANCON regulations on Canadian radio, it is time to look to new models of policy to cultivate Canadian musical talent. The Canada Council for the Arts in their latest policy documents acknowledge that policy changes were needed to allow for more flexibility in funding non-traditional art forms and to better react to the immediate and changing needs of artists.

Existing Canadian radio content regulation seems to be contrary to these ambitions. Because of this, any new set of cultural policies should be dynamic and flexible. They must be adaptable in order to react to unanticipated changes in technology and the economy. As Belifore & Bennet point out, the policy making process is rarely logical and organized:

Policy theorists agree that a consequence of the long dominance of the "rational" model of policy-making has been the creation of the expectation that the policy process is going to be organized, systematic and easily directed towards its designed goals (Hill 1997, p. 9).

However, as we have seen, the policy-making process in reality is more complicated than the model presumes, and growing awareness of this has resulted in a strand of research inspired by the recognition that "policy processes are complex, influenced by a variety of external factors which are hard to control and in some respects haphazard" (Hill 1997, p. 2). (Belfiore & Bennett, pg. 135)

Belifore & Bennet's argument, reinforced by those of others, supports the idea that the policy-making process itself has to be flexible and dynamic in a digital universe.

But policy must also do more to help the musician. Canadian content regulations were always focussed on the quantifiable outcomes, but they never really addressed the needs of the musician. Canadian content

quotas helped artists who already had professionally recorded music to play on the radio, but how many other bands like Rush have been overlooked because they didn't have the means to record music to get on the radio?

An example of just such a dynamic, government-initiated cultural policy conceived to directly support musicians came as a result of the lockdown measures implemented due to the COVID-19 pandemic. The Government of Alberta implemented an interesting strategy for promoting young Alberta-based musical artists. This is a prime example of government cultural policy being adaptable in a quickly changing environment, but it also highlights the effectiveness of policy that supports artists at the local level. A press release from the Government of Alberta explains:

The province is proud to be working side by side with artists to support our talented musicians as we navigate through COVID-19.

Alberta Music, the National Music Centre, CKUA and Stagehand are partnering with support from the province to deliver Alberta Spotlight, a weekly online concert series featuring Alberta musicians. The funding will go directly to Alberta artists who will be performing. Many have lost income due to cancelled performances because of necessary public health measures to prevent the spread of COVID-19.

"Music can bring us together as a community and lift our spirits. Alberta Spotlight online concerts will certainly bring moments of joy as we relaunch. This is a prime opportunity for us to show our support for

rising music stars in our province."

Leela Sharon Aheer, Minister of Culture, Multiculturalism and Status of Women

Alberta musicians Nuela Charles, Reuben and the Dark, and Ariane Mahryke Lemire will launch the Alberta Spotlight series on June 11, at 4:30 p.m. (Alberta)

As for the band Rush, their record speaks for itself: Rush has been inducted into the Canadian Music Hall of Fame (1994), honoured with numerous Junos, is the first rock troupe to be made Officers of the Order of Canada as a "group" (May 9, 1996), and hailed by countless rock bands, from Metallica and Smashing Pumpkins to Dream Theatre and Primus, as their foremost musical influence. (Canadian Songwriters Hall of Fame)

Canadian musicians have an unprecedented opportunity to be treated as equals on the world stage, but Canadian cultural policy regulating content has past its best-before date. Cultural policy makers must acknowledge this and adapt cultural policy to best support Canadian musical talent in the twenty-first century.

Referring back to the song Spirit of Radio quoted at the beginning of this essay, perhaps now "It's really just a question" of using cultural policy to directly support emerging Canadian musicians while changing our focus so that Canadian musicians are "Not so coldly charted" by our cultural agencies. Once that happens, we will hopefully see a new era of quality Canadian music that upholds the deep and complex Canadian musical heritage developed by bands like Rush.

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