Soupcoff, Marni. “The trouble with CanCon regulations”. *The National Post*, February 27, 2012 7:00 AM ET

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Former CBC and CRTC president Pierre Juneau died last week at the age of 89, and the requisite obituaries followed. Almost all of them congratulated Mr. Juneau on his most well-known achievement: having mandated minimum standards for Canadian content on radio and television. It is an unfortunate legacy.

The troubles with CanCon requirements are both moral and practical: It is not simply wrong to try to forcibly engineer a population’s taste in music in television. It is also impossible. People like what they like, and if what they like is Canadian, they will watch and listen to it even absent rules dictating that they must. If what they like isn’t Canadian, rules saturating the airwaves with all the Loverboy ditties in the world won’t make them tune in.

So even if you aren’t bothered by CanCon rules’ violation of freedom of expression, you should at least ask yourself how effective the regulations can possibly be — especially today. More and more people are selecting their music and television shows on their own, now, picking an episode from iTunes here, a free song download from a band’s webpage there. The idea that the nation’s culture can be shaped by mandating the nationality of prime-time content on TV networks and radio stations is as antiquated as it was flawed to start with. And we’re wasting money and time by continuing to force media outlets to comply.

The fact is that Canadian artists are strong enough to hold their own without government “protection.” While it would be going too far to say that the Neil Youngs, Rushs and Bryan Adamses of the world have achieved their international success*despite* CanCon rules, they certainly don’t owe the CRTC any debts. Some people are simply so talented (and a little lucky, because “making it” is always partly reliant on luck too) that their eventual breakthrough is a matter of time and perseverance. It’s insulting and silly to suggest that such acts would never receive a domestic, let alone world, audience absent rules mandating their work be aired in Canada.

But those are *big* acts, CanCon boosters argue. Maybe they’re OK on their own, but we need CanCon rules to help the little guys — emerging bands and writers and actors who aren’t established yet. The argument has a certain visceral appeal since the conventional wisdom is that we’re too bombarded with fully-formed American culture (and cheap American content) to be able to notice a fledgling Canuck trying to find his artistic wings (and an audience).

The trouble is that CanCon rules do nothing for such small fry anyway. For all their convoluted details about what makes a piece of art properly CANADIAN (Let’s see now, did the individual who composed the lyrics to this tune have an ordinary place of residence in Canada for the six months immediately preceding his contribution to the musical composition?), the CanCon requirements couldn’t care less about whether the content they are promoting is already popular and well known. So a radio station can meet its quotas by playing Neil Young over and over again, and the CBC does so by airing The Tudors, even though Jonathan Rhys Meyers is hardly a struggling Canadian thespian in need of a break.

But think of all the extras and cameramen! I’ve had people tell me that I should be thankful for CanCon requirements because of all the jobs they create for Canadians in the music and television industries. I’m not impressed by that line of argument.

It’s great to have employed Canadians, certainly. But the government’s purported justification for intruding into the private TV rooms and car stereos of the nation is the vaunted goal of preserving Canadian culture. If what we’re really after is a simple job-creation program, then we could achieve that goal with a great deal less red tape and rights-trampling. The question is whether Canadians would put up with the intervention and subsidies if they were described honestly — and stripped of all the flowery language about national identity and cultural survival and sovereignty. I rather think not.

Part of the problem with trying to reform our approach to CanCon is that the complicated morass of telecommunications law and policy has resulted in a reality that dilutes the consumer’s strength. Rather than being able to express their genuine preferences for strong Canadian television shows by paying more for them, and aversions to lousy Canuck shows by avoiding them entirely, Canadians are stuck with blanket TV cable packages that are engineered to lump weak Canadian offerings together with more popular shows and networks. Viewers can’t efficiently pick and choose, making it difficult to reward the meritorious stuff and punish the junk that causes frightening flashbacks to *The Trouble With Tracy*. It would be too much to hope for, but wouldn’t it be incredible if the CRTC attempted a massive regulatory overhaul that would encourage the creation of a program-by-program cable payment system?

Or, more realistically, we can all just take refuge in iTunes, which, as I mentioned at the beginning of the piece, is probably where the future lies anyhow — a slow death by irrelevancy for CanCon rules. Sad, though, that the level of insecurity and paranoia in this country is such that we’d rather passively let our burdensome national content requirements fade into uselessness than openly speak the heresy: CanCon has been a mistake. Unfortunately, the confidence it takes to let our “culture” go it on its own, without clumsy steering from the government, is nowhere to be seen. Only entrepreneurship and technology can save us now.

National Post