The Political Economy of Communication
4(1), 85–105

http://www.polecom.org

International News and the Distribution Question: China, Falun Dafa and Pluralism in Canadian Media Policy

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Keywords: media regulation, ethnic media, Canadian Radio-television Telecommunications Commission, China Central Television, multiculturalism, pluralism, media globalization, China, Falun Dafa, Canada

Abstract

This article examines and critiques Canadian regulation of foreign media by focusing on a series of conflicts over the purpose and role of the Chinese press in Canadian society. While globalization entails increased connection across borders, introducing foreign media can also import social conflicts. In this way, national media regulators can find themselves caught up in complex and unfamiliar geopolitical contests. To illustrate how media globalization is a site of cultural struggle, I point to three cases in which Canadian authorities weighed in on the controversial Chinese-language news. Distribution decisions from these authorities tended to refuse consideration of political and economic inequalities among media stakeholders. Calling attention to these inequalities, the article asks if guiding regulatory principles of pluralism and multiculturalism are sufficient to recognize new forms of power in a more multipolar media world.

Globalization is often invoked at moments when connections between a distant people are forged. This is especially true in media studies. Public debates regarding foreign media reveal how the increasing interconnectedness of national media systems is a site of struggle over cultural and political identities. In this way, media globalization presents challenges for regulatory authorities. This article raises questions about power in international news by drawing on the conflict surrounding Chinese media in the Canadian public sphere. Who has power in international media flows? How do regulators consider power when adjudicating public conflicts about foreign media? To pursue these broader questions, I closely examine the administrative logics used to govern foreign media in Canada. To this end, I examine three case studies of the regulatory reception of Chinese

journalism in Canada. The case studies involve political tensions between the Chinese government and Falun Dafa, a substantial but little known religious movement popular among Canada's Chinese immigrants. Based on conflict over news representations of Falun Dafa in imported news content, this analysis suggests the need to re-evaluate national media policies that seek to support ethnic communities in Canada. The central task of this article is to outline the responses of Canadian regulators to increased flows of foreign media into Canada and assess whether or not these regulatory decisions fulfilled the well-intentioned social goals of perspective pluralism, multiculturalism and power-sharing in media governance.

Highlighting case studies of Canadian regulatory decisions between 2001 and 2006, I argue that the appreciation of a multiplicity of perspectives in media, often an unassailable principle of liberal democracy, can ignore asymmetries of power in practice. Before discussing these cases, I outline the political economy of China Central Television (CCTV) to address power imbalances in the struggle over representations of Chinese-Canadian communities. I then briefly review normative theories of ethnic media in relation to Canadian media policy. How has Canada structured its relationship to foreign media and, by extension, Canadian ethnic minorities? After reviewing three regulatory judgments regarding representations of Falun Dafa within Canada's ethnic press, I conclude by suggesting that struggles for symbolic agency increasingly define the new dynamics of international media. These case studies underline how foreign media regulation needs greater awareness of the lines of conflict and power which are emerging through transnational flows of news.

Media power, regulatory norms, and ethnic media

Often, the dryness of regulatory decisions can mask the high stakes involved in decisions about foreign media. The role of ethnic media institutions and foreign press outlets touches on themes of global citizenship, transnational public spheres, human rights, free expression and, as the following cases will show, the self-determination of community identity. Such issues merit a reconsideration of the underlying logics that have brought legitimacy to those modes of public discourse in North America which have justified media regulation for the social good. On what terms should the circulation of foreign perspectives be cultivated for the good of the Canadian state and Canadian identity? Under what circumstances can media regulators prohibit forms of speech that cause harm?

Media globalization is raising new questions about the normative foundations of regulatory decisions. Normative theory is increasingly valuable in the age of global media flows. It allows us to question how assumed norms "[legitimate] a particular model of public discourse in a specific historical period by rooting it in an acceptable foundation of moral givens" (Christians, Glasser, McQuail, Nordenstreng and White, 2009:73). Norms governing judgments about media integration underscore the need to recognize media globalization as a site of cultural struggle and power conflict.

The question of power is particularly acute when considering how regulatory mechanisms rely on imported media content to meet the needs of minority communities. As Li (2015) observes in her critical examination of Chinese media in Canada, a long history of Chinese immigration to Canada has contoured the Canadian media landscape and, more recently, incentivized media corporations based in Hong Kong and Taiwan to seek these overseas audiences. Canadian broadcasting law frames ethnic media as, in Li's phrase, "valuable social capital and a key pillar of a multicultural communication infrastructure" (2015:100). At its root, the appreciation of an active ethnic press is linked to media's "facilitative role" for public life (Christians, Glasser, McQuail, Nordenstreng and White, 2009: 173). This view posits that ethnic media can aid the social integration of immigrants,

and promotes pluralism in democratic deliberation by giving minority groups a sense of community within dominant culture and by bringing marginalized communities into dialogue with an encompassing mainstream political culture. Journalism has a special obligation in this regard since democratic theories of media hinge on the principle of informed self-governance for participation and inclusion (Crossley and Roberts, 2004; Fraser, 1990; Gunaratne, 2006; Habermas, 1991; Robbins and Social Text Collective, 1993).

From both normative and regulatory points of view, ethnic media can unify group identity, offer information services neglected by mainstream media, and facilitate the entry of subcultures into broader public deliberation. However, ethnic media can also fail to fulfill such goals. In her study of the Chinese press in Canada, Li (2015) notes how these normative ideals give way under the financial pressures of a tight media marketplace. Economic considerations may lead ethnic media organizations to focus entirely on the ethnic subgroup thereby impeding the broader civil participation of immigrant citizens who primarily consume Chinese-language media. Similarly, Husband (2005) has observed how journalists within the ethnic press experience tension between identifying with their ethnic community and the normative ideals of neutrality and objectivity common to the professional norms of Western journalism. Both Li and Husband show how these pressures push editors within the ethnic press to focus exclusively on the immigrant community rather than broader themes linking minority groups to mainstream Canadian life. Ethnic media, then, threatens to promote ethnic enclaving rather than civic participation in the larger political culture.

Despite such concerns, Canadian law rightly embraces the positive role of ethnic media, guided by these normative assumptions about integrative and facilitative functions (see Government of Canada, 2004). Pluralism policies, therefore, frame foreign media distribution in Canada in terms of how well media organizations can offer service in languages other than French and English and provide for the informational needs of Canada's minority groups. However, blanket pluralism policies, and the government agencies guided by them, can ignore the fact that minority ethnic media is, itself, plural rather than monolithic. Relying on imported media to fulfill the goals of pluralistic representation in multicultural society thus risks unwitting participation in cultural struggles invisible to Canadian media authorities. As a result, Canadian adjudication of conflicts over ethnic media can have unanticipated empowering and disempowering effects.

Recent scholarship has brought attention to questions of media power and the role of media governance in pluralistic democracies (Couldry and Curran, 2003; Karppinen, 2013; Napoli, 2009; Schejter, Kittler, Lim, Douai and Balaji, 2007). Des Freedman (Freedman, 2005; 2008; 2014) has pursued the question of media power with the aim of clarifying the term: "[w]e need a definition of media power that is both sufficiently clear to capture the dangers it can pose for democracy and sufficiently complex in order [to fully] evaluate its channels, networks, participants and implications". Freedman argues for a definition of power that

> refers not simply to the authority of specific actors or institutional structures but to their interactions; just as power itself is not a tangible property visible only in its exercise, media power is best conceived as a relationship between different interests engaged in struggles for a range of objectives that include legitimation, influence, control, status and, increasingly, profit (2014: 3).

This relational understanding of media power is valuable for critical policy research focused on international media flows. An encompassing view of media acknowledges the operation of what Monroe Price (2004) has called cartels that maintain the "loyalty" of national and foreign publics. Policy

analysis also benefits from the political-economic perspective which refines and strengthens Price's insights about the national and transnational cartels governing global communication. As Mosco has observed, the political economy of communication emphasizes the significance of institutions, "especially those businesses and governments responsible for the production, distribution, and exchange of communication commodities and for regulation of the communication marketplace" (2009: 21). Whereas the market for loyalty thesis sheds light on the geopolitical motivations of international news producers, theories of institutional structure and political economy focus research on how media power functions at the nexus of commercial industry and governmental subsidies. China's interest in shaping the social relations of Chinese communities outside of China exemplifies this competition for "loyalty". Such battles play out through the regulatory systems and commercial logics that have gained ascendance. China's communication industry remains heavily linked to the Chinese state, but CCTV's reorganization for international distribution entailed using the power of high volume capital investment and control of the TV value chain (see Chalaby, 2016).

International flows of news play a significant part in shaping identities in the ongoing market competition for loyalties. This reflects China's renewed interest in shaping foreign public opinion through soft power initiatives (Branigan, 2011; Nye, 2013). The question of distribution facing national regulators is fundamentally relational, involving:

- imported media and ethnic minorities within a given nation
- social power held by these minority communities and
- material resources available to competing stakeholders in distribution decisions.

Conflicts over China's growing media presence in Canada test the limits of national regulation in evaluating starkly different (and culturally specific) communication norms. For example, filings with national regulators forced commissions to consider unfamiliar social tension related to Chinese politics and to evaluate foreign journalistic norms. The challenge of regulating news flows becomes more apparent when Western regulatory institutions, such as the Canadian Radio-television Telecommunications Commission (CRTC), have to consider the contrasting purposes of the different foreign media that seek Canadian audiences. Though the tools available remain national, the object of regulation is transnational. As Marc Raboy has observed, national media policy is shaping the contours of a vaguely transnational system with important consequences. "National governments and groups of states are trying to influence the activities of this transnational system in their own countries . . . [while] [o]nly the most powerful can even begin to do this, and only then to the extent that they are havens to important global media players" (2002: 5).

Ethnic media is an important aspect of this emerging transnational system, and related media policies governing flows of imported media are clearly significant. National regulatory actions related to disputes over foreign media serve to illustrate how institutions more accustomed to arbitrating internal disputes over media content and structure are hobbled by the national-transnational disconnect (Bohman, 2007; see also Karim, 1998). Evaluating ethnic media imports requires the recognition of complex questions about mass media's role in a multicultural society. Husband calls attention to an important aspect of this complexity:

> . . . the world of minority ethnic media may often be shaped by forces that are specific to the demographic formation of minority ethnic communities and their location within

> the socio-political fabric of the larger society. These same forces directly (and indirectly) impact upon the generation of the identity politics that mediate the collective sensibilities of potential media audiences. Thus, the emergence and operation of minority ethnic media are very frequently determined by an intersection of variables that are distinctive artefacts of the power relations between majority and minority interests in a specific society (2005: 463).

Media globalization further compounds these intersecting variables by introducing power relations beyond that of the interaction between the dominant and subcultural media within one national setting. Indeed, importing media entails examining the power relations between ethnic groups and the dominant/subordinate dynamics within foreign media.

The national-transnational problem and the importance of ethnic media become clearer in more detailed studies of legal and regulatory debates over Chinese media in Canada. Canadian policymakers tend to rely on media imports to satisfy the nation's multicultural needs. In the cases of Chinese media, however, the minority community that these policies were intended to serve objected, thereby complicating a simplistic give-them-their-media solution.

Before turning to Canada's legal responses to these conflicts, I review the growth of China as a media power. If Freedman's relational understanding of media power is instructive, a profile of China's principle broadcaster offers a more complete picture of the forms of power at play in these media policy decisions and underscores blindspots in Canadian regulation. These forms include the *political* power of the Chinese state, the relative *material* power of Canadian minority populations, the *symbolic* power gained through news distribution and the *economic* prowess of China's media institutions. These factors are not independent expressions of power, rather, they function interdependently. The economic foundation of Chinese media enables China to control symbolic power in the definition of dissenting voices in Canada. The economic success of China contributes to the projection of its voice into foreign settings against opposition from foreign publics.

The economic foundation of Chinese news media expansion

The question of power in international news flows is increasingly important in light of changing global economic and media flow patterns. Scholars have begun to map these new dynamics in media production and distribution. Daya Thussu (2007: 11) has called attention to "contra-flows" of media through which "erstwhile peripheries" of global media have gained a stronger place in world-wide distribution. Scholars have also linked emerging powers in global media to economic conditions, for example, the more pronounced role of Brazil, Russia, India, China and South America, the so-called BRICS national economies (Nordenstreng and Thussu, 2015). Other observers of international media have similarly pointed out how the proliferation of new media production centres challenges the Anglo-American dominance critiqued by a previous generation of political economists, Herbert Schiller foremost among them (Castells, 2009; Figenschou, 2014; Tunstall, 2008). As an expression of contraflow, China's recent investment in news media exports parallels the nation's emergence as a major economic power. This has entailed a turn to soft power. This has been called a "going abroad" project that intends to "bridge the gap between China's strong economy and its still weak media influence abroad" (Xin, 2012: 2). The strategy, as outlined by Chinese leaders in 2003, aimed to create strategic partnerships with private capital and make use of "marketing mechanisms" to expand China's media presence overseas (Xinhua, 2003).

The link between economic conditions and invigorated media production on the global stage is captured by the growth of China Central Television. Advertising revenues during CCTV's reforms in the 1990s became an important facet of China's reinvestment in expanding the broadcaster's role in creating news for foreign audiences. Between 1995 and 2012, CCTV began to develop business relationships with private, multinational media firms that had a growing interest in China's consumer population. Between 1986 and 2004, channel offerings grew from two to sixteen (Hong et al., 2009: 46). Among the channels developed in this period of growth were two international channels designed with two linguistic publics in mind, CCTV-4 in Mandarin and the English-language CCTV-9 (Zhu, 2012: 169–170).

These features of China's media system are representative of the broader transformations rooted in the opening of China's economy to the global market [1]. For many Western media firms looking in, China continues to be seen as the means of global growth. As consumption habits took shape in Chinese cities, CCTV functioned as a gateway to Chinese consumers for both domestic and multinational advertisers (Table 1). Jing Wang has observed that CCTV's state-sponsorship within China has allowed the network to beat out other media ventures in advertising revenue "precisely because it is both the government's mouthpiece and a powerful conglomerate" (2008: 247). The opening of CCTV to commercial revenue sources has been so successful the network has returned the surplus to government capital reserves. In less than a decade since commercial reorganization under China's market reforms, CCTV was financially self-sustaining. It covered its own operational expenses and paid the state RMB 1.2 billion (US $150 million) in taxes by the mid-2000s (Hong, Lu and Zou, 2009: 44–45).

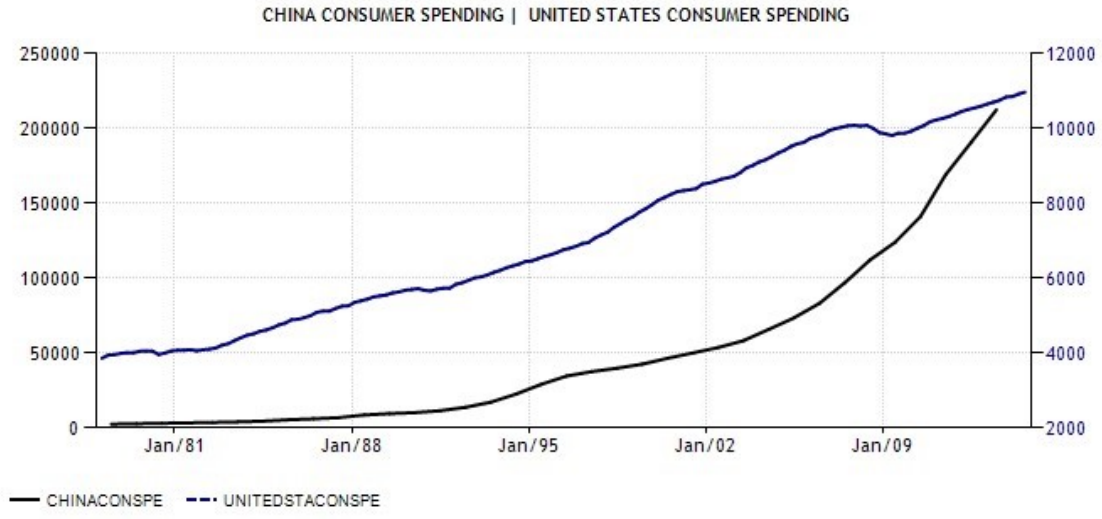

Table 1: Chinese and US comparative consumer spending growth, 1978-2012 [3]

The profitability of CCTV stemmed from innovations in the tapping of advertising revenues, aided by the perception of CCTV as the best means to reach nationwide audiences. By 2006, the network had developed relationships with China's wholesalers who viewed CCTV's "golden" time slots with an almost irrational belief in the channel's potency as a marketing tool (Japan Broadcasting Corporation, 2007). Through annual auctions of advertising time, CCTV grew revenue. In 2004, ad revenue for CCTV amounted to US $655 million. In November 2005, the auction took in US $725 million (Madden, 2006a). The bidding value for a prime time slot on CCTV's domestic broadcasts

rose from US $252,500 to US $669,300 between 2000 and 2005. Established foreign firms such as Proctor and Gamble (P&G) turned to CCTV in order to gain a share of the growth in domestic consumption while creating markets for established product lines (Backaler, 2010; Madden, 2006b) [3]. In 2010, the prime time auction raised US $2 billion in revenues, a 15.6 percent increase from the year before (Winslow, 2010). Within a decade, television advertising increased to seven times the amounts recorded in 2001. With almost unbroken growth, CCTV sold an unprecedented US $2.5 billion by 2012 ("Record take CCTV auction", 2012).

Market reforms within China's state broadcaster have allowed the corporation to expand and grow into an international media company, with an array of channels for foreign audiences. In her account of Xinhua's marketization, Xin Xin characterized the "Going Abroad" policy change as "the reinforcement of state intervention as an unanticipated outcome of the parallel processes of marketization and globalization" (2012: 2). While CCTV transformed from a more staid and familiar party mouthpiece into a profitable publicity organ, the Chinese Community Party (CCP) has embraced the market as a means to international political messaging. Party officials began to call for "innovations" at the organization that should, according to official decree, "explore new ideas about using market mechanisms to inject vigor into China's publicity abroad" ("China overseas media group," 2009). In 2010, the People's Republic of China (PRC) set aside US $7 billion for international news alone, more than 15 times the annual budget of Britain's investment in the BBC's parallel broadcasting operations ("Waves in the web; International broadcasters", 2010). The sheer scale of these outlays allowed China to introduce a second English-language news channel that year, CNC World [4]. A presidential report to the Chinese Congress emphasized the need to "enhance culture as part of the soft power of our country to better guarantee the people's basic cultural rights and interests" (in Cushion, 2010: 290).

Executive consultant for the network, Jim Laurie, saw the expansion of CCTV into English markets as a matter of representation in North American public discourse. He expressed concern over the misperceptions instilled by the one-sided representation of the growing Chinese role in US economic and political affairs. Aside from the general policy movement toward a soft power agenda, CCTV spokespersons point to the one-sided nature of major debates regarding China relations:

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

In this statement, CCTV frames its expansion as a plea for representation. Much like Al Jazeera, CCTV brands itself as the voice of the global south (see Figenschou, 2014). It has actively bolstered bureau presence in South America and Africa, regions that are increasingly missing from the news agenda produced by CNN and BBC.

Chinese media in Canada

As part of the concept of soft power embraced by CCP leadership, CCTV is an investment in the engagement of foreign publics and the Chinese diaspora in foreign countries [5]. Ingrid D'Hooghe describes China's interest in Chinese living abroad as multifaceted. Chinese communities in North

America are targeted ". . . because Beijing wants to keep the Chinese diaspora on its side and encourage them to invest in China. . . . they [also] play a role in promoting Chinese culture and lobbying for Chinese political interests" (2011: 23). International media is at the forefront of soft power efforts to position national economic ascendancy as China's "peaceful rise" (Nye, 2013).

The CCTV network promotes itself as a counter-hegemonic news voice which speaks for the underrepresented in global news. Their spokespersons take up this rhetoric when they advance the value for North American audiences of a Chinese media perspective. According to the network's public relations, CCTV fulfills the political tradition of pluralism. By this logic, CCTV fulfills a public-interest need for diverse news voices in a globalized world. However, battles over the circulation and distribution of Chinese media in Canada between 2001 and 2006 raise questions about this characterization of China's media expansion into overseas markets.

In the remainder of the article, I examine three battles over Canada's reception of foreign news in which the distribution of Chinese media became the subject of legal disputes. This occurred in three regulatory settings: the Canadian Broadcasting Standards Council (CBSC), Canadian courts and the Canadian Radio-Television Telecommunications Commission (CRTC). I analyze the norms that govern regulatory decisions and discuss how North American norms of impartiality in making decisions about foreign media entailed ignoring asymmetries of power.

Defending Canadian identity from dissipation has been a central mandate of Canadian broadcasting authorities' stated mission (Armstrong, 2010: 26; Raboy, 1990: 49). As a result, Canadian media governance has a deliberative system of public approval for channel additions. The CRTC, for instance, provides institutional space for citizens to challenge channel approvals (Raboy, McIver and Shtern, 2010). Opponents and supporters of new initiatives enter arguments and the Commission weighs these petitions according to the regulatory statutes established by relevant law such as the Broadcasting Act.

The 1991 Broadcasting Act codified the multicultural obligations of the Canadian broadcast system. Relevant portions of the Act capture impulses to protect national identity while legally inscribing a "Canadian interest" in linguistic and cultural plurality. Policies emphasize the need for Canadian media to be inclusive and represent the existing diversity of social interests. As Goff has put it, "[r]ather than attempting to create a national identity that transcends the linguistic, regional and ethnic divisions within the Canadian community, the federal government has co-opted these differences and made them synonymous with 'Canadian'" (2006: 42). The law makes room for non-Canadian contributions to Canadian television, including "third-language" programming:

> (*f*) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, *unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources*; (Government of Canada, 2012; emphasis mine).

Carriage approval debates and legal challenges to Chinese media illustrate fundamental tensions in reconciling policies of multiculturalism with free expression principles in the context of Canada's commercial media industries. The three cases I highlight here involve battles for representation in Canadian media. The religious community, Falun Dafa, is pitted against the Chinese state media apparatus.

Chinese media, Falun Dafa and Canadian regulatory decisions

As China reconfigured CCTV and realigned state media for international distribution, Chinese officials began to express concern over what they saw as an emerging domestic threat to stability. The rapid rise of Falun Dafa, a quasi-religious variation of Buddhist meditative traditions, triggered a strong response from the Chinese Communist Party (CCP). After the practice gained popularity among the Chinese public in the early 1990s, the official rejection of Falun Dafa was swift (Lemish, 2008). In 1996, the Party banned *Zhuan Falun,* the central text for the movement. The ban was part of a larger orchestration of government power to quash a perceived threat arising from the popularity of the esoteric teachings. This included the use of state media to define the group as a social threat (Chen, 2005). By 1999, the Chinese government officially condemned the practice of Falun Dafa's meditative exercises and categorized the group as a terrorist organization, creating the "6-10 Office," a secretive police organization tasked with monitoring and stifling the growth of Falun Dafa spiritual practice.

Falun Dafa's spread through Chinese diaspora communities in Canada elicited a robust response from Chinese leaders. Initiating a more concerted effort to control dissent abroad, the CCP created a global media strategy. Then CCP General Secretary, Jiang Zemin, offered interviews to foreign media outlets, describing Falun Dafa as a "feudal superstition" on par with religious cults more familiar to Western audiences. Falun Dafa was to China what Branch Davidians, the Aum Shinrikyo and the Order of the Solar Temple were to the United States, Japan and Europe; namely, threats to social stability (Embassy of the People's Republic of China in the United States of America, 1999). China's director of State Council Information Office, Zhao Qizheng, summarized the CCP's battle for international public opinion.

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

Chinese officials formulated new strategies in the use of print and broadcast news production capacity by looking to integration with foreign media systems through foreign print and broadcasting systems [6]. The following three cases illustrate the Canadian regulatory response.

Case One: Canadian Broadcasting Standards Council and the redistribution of CCTV content

In 2001, a news report produced by CCTV and rebroadcast by licensed Canadian broadcaster Talentvision came before the Canadian Broadcasting Standards Council (CBSC). The Council received complaints from Canadian Falun Dafa activists who claimed the report inaccurately asserted a relationship between the Falun Dafa and acts of violence. The segment, introduced by Talentvision's Canada-based anchor, broadcast graphic images of the crime scene and the confession of the alleged murderer, Fu Yi-bin. The implication was that he had killed family members as a result of cultivating Falun Dafa beliefs. A translated transcript provided to the Canadian broadcasting standards group illustrates the central concerns over representation laid out by Falun Dafa's defenders:

> *Talentvision Anchor*: On the 25th, in Beijing, a Falun Dafa follower brutally murdered his father and wife, and seriously injured his mother with his own hands. The means he used to kill his parents and wife was extremely cruel. He explained that this would send him and his family to the "World of Ultimate Bliss" where they could share eternal happiness. ("CBSC Decision Talentvision", 2002: para. 3).

The voiceover of the original CCTV anchor aired on Chinese networks emphasized the brutality of the crime. After describing how the Beijing "[p]olice officers who arrived at the scene" were "shocked" by the "extreme cruelty," the alleged killer provided an on-screen interview to explain his motives:

> *Fu Yi-bin*: After I killed the three of them, their spirit and their body would enter my lower abdomen directly. There, they will form a universal system similar to the one of the Sun, the Earth, and the Moon. This system will rotate in my Dantian [lower abdomen area], which is the central foundation of the rotating Falun ("CBSC Decision Talentvision", 2002: para. 5).

The original voiceover in the CCTV segment detailed the assailant's religious motivation: "In order to achieve individual 'perfection', Fu Yi-bin brutally chopped his father and wife to death, and seriously injured his mother." Firming up the murder's connection to Falun Dafa, the voiceover noted how the confessed killer "was a caring and loving son and husband. All that changed when he started practising Falun Dafa in 1998" during which time the man became "spiritually controlled by Li Hong-zhi and the Falun Dafa evil cult . . ." ("CBSC Decision Talentvision", 2002: para. 10).

For Falun Dafa practitioners who had lived through the Chinese ban on the group's religious texts and public gatherings in the late 1990s, the story was familiar. However, the retransmission was a first encounter for many Chinese-Canadians. Activists involved in the case described why it was important to combat CCTV's portrait of Falun Dafa. While negative depictions of the democracy movement might be easily dismissed by Canadian audiences, descriptions of Falun Dafa could be a first impression:

> In comparison to the student movement [of 1989] the Falun Dafa overseas? Nobody knows. What is Falun Dafa? . . . the word is unfamiliar. But what happened is they started hate propaganda. People who practice Falun Dafa know about it. So that hate propaganda was taking effect. So it is not like the democracy movement; everyone knows [the democracy movement] . . . . (personal communication, July 21, 2012).

Through the efforts of activist coalitions, the CRTC and the CBSC received complaints from individuals and a mass complaint organized by the Falun Dafa Association of Canada (FDAC). The complaints claimed Talentvision TV, in rebroadcasting the CCTV programming, had aided the Chinese state's persecution of a group protected under Canadian law. Many complaints described CCTV as a handmaiden for state oppression, hinting at the legal consequences of Talentvision's retransmission of the content and the incompatibility of CCTV's government mandate with Canadian communication customs. One complaint outlined how "the unlawful persecution of Falun Dafa in China is now being perpetuated in Canada via live, unscreened satellite feeds of CCTV hate inspiring programming". CCTV was described as "Chinese government propaganda being broadcast over Canadian airwaves. . . " ("CBSC Decision Talentvision", 2002: para. 27).

Individual complaints focused on the ethical question triggered by CCTV's role as a "state-controlled network" and the harm done to the Chinese community within Canada. One writer stated that "[i]t is unacceptable to me to see CCTV 4 news being freely broadcasted [*sic*] in Canada, spreading lies and deceiving innocent Canadians" ("CBSC Decision Talentvision", 2002: para. 31).

Another asked the CRTC to "request Talentvision to stop spreading lies and promoting hatred among Chinese Canadians" ("CBSC Decision Talentvision", 2002: para. 33). Many complaints regarding the Talentvision segment objected that the report aired in Canada as "[l]ive and unscreened satellite feeds" coming "directly from China onto Canadian cable television stations". The Canadian government was held to be responsible for prohibiting both hate-inspiring and propagandistic programming on Canadian airwaves ("CBSC Decision Talentvision", 2002: para. 19). One complainant cited CRTC broadcasting regulations, noting that the retransmitted segment violated Canadian law in airing obscene pictures, presenting misleading news and in broadcasting abusive content.

Talentvision's rejoinder to the complaints expressed "regrets," claiming the organization "uses the best news sources available." Talentvision's president countered by questioning the rejection of broadcast media on the basis of ownership. "Being state-owned does not disqualify CCTV from being a legitimate news source." The defense also stated that "Talentvision will not knowingly act as a propaganda agent, holding to human rights and freedom of the press under Canadian law" ("CBSC Decision Talentvision", 2002: para. 49-54).

The CBSC was in a position of mediator between Falun Dafa and Talentvision, but several features complicated the panel's decision-making. First, Falun Dafa was not a familiar ethnic category and did not immediately qualify for legal protections under Canadian law. Likewise, the CBSC needed to evaluate foreign forms of journalism in contested translation. Finally, the motivations of various parties in the conflict were opaque as Canadian regulators were forced to evaluate competing claims in a social conflict that originated in China's mainland. Still, the panel pushed forward, relying on journalism and broadcast industry ethical codes. The review panel stated that it "unhesitatingly subscribes" to Talentvision's view that state control did not disqualify a news source (Ibid: para. 63). Though "references to Falun Dafa in the news report constituted unfair comment," the board's final assessment found no fault on the part of the Canadian broadcaster in having retransmitted the offending material. The board went further to indicate the limits of its ability to regulate foreign content, stating that "[w]hether or not the view of the Chinese Government toward Falun Dafa is or is not accurately described by the [FDAC] (and the Panel expresses no view on that issue), the Panel's decision must relate solely to Talentvision and what it has broadcast" ("CBSC Decision Talentvision", 2002: para. 65-70).

While the CBSC judgment cited the limits of the panel's jurisdiction as a rationale for dismissing evidence brought by the FDAC, the panel also expressed general skepticism about the story Talentvision rebroadcast. The CBSC noted how the news piece departed from "North American" standards of news and law; "[s]ince Fu Yi-bin was apparently not a public figure," the regulator reasoned, "there would certainly not have been any justification to identify him and his criminal act *so constantly* as Falun Dafa-related" [emphasis in original] (Ibid: para.78). The piece was "not journalism"; the regulator proceeded to make the following declaration:

> Whether or not such a report is acceptable, even if not commendable, in Mainland China, the *Canadian* broadcaster of this imported report must ensure that it meets the standards of broadcast journalism of *this* country. The Panel finds that the report has not been done in a "fair manner", as prescribed by [Canadian ethical codes]. (Ibid: para. 78).

This perceived lack of fairness in the piece, as well as repetition of violent imagery, led the Council to find Talentvision as a broadcast license holder in breach of the industry ethical guidelines but they attached no punitive measures.

Case Two: The Epoch Times vs. La Presse Chinoise

As tensions grew between the transnational Falun Dafa community and the Chinese regime in 2001, the ethnic press in Canada provided a forum for debate over Falun Dafa as a movement, its purpose, and its place in Canadian culture. Two distinct positions on Falun Dafa were represented in two publications. The general-interest Chinese-language[7] print publications, *La Presse Chinoise* and *The Epoch Times*, came to represent anti-Falun Dafa and pro-Falun Dafa factions respectively. Both publications were billed as general interest, third-language papers, but both were also explicit in their positions regarding Falun Dafa.

Between November 3, 2001 and February 9, 2002, *La Presse Chinoise* published a series of "special edition" stories with inflammatory language that characterized Falun Dafa as the cause of "mental illness", and the promoter of "bestiality and other perverted and deviant sexual practices". Purportedly, practitioners were required to participate in "homicide," "suicide," and the loss of "one's human essence". Many of the themes in the special edition echoed the PRC's official descriptions of Falun Dafa as antithetical to Chinese culture and the Chinese state. On this view, the practice of spiritual cultivation "cause[s] the break-up of families," and compels "sabotage against the PRC" (*Zhang v. Chau*, 2005: para. 8).

The initial publication from November 3, 2001 captures the spirit of *Le Presse Chinoise*'s attempt to marginalize Falun Dafa. The author claimed to be a reformed Falun Dafa practitioner, and attacked the founder's "hidden" motivations:

> How could such a great law of the universe allow its disciples to commit suicide and immolate themselves . . . ? This is enough to prove the extent to which these people are fooled. These kinds of malicious actions to produce murder are still continuing and spreading! It shocks all the kind-hearted people in the world! The black hand has already reached Canadians! (*Zhang v. Chau*, 2005, Schedule A: 16).

The response of the Canadian Falun Dafa community was immediate. Local practitioners tried to obtain all copies in circulation. Others went to the newspaper's offices to request a retraction. After a war of words in the rival publications, Falun Dafa members filed suit in 2002, claiming that the owner of *La Presse Chinoise*, Crescent Chau, committed libel, and sought redress of damages from Mr. Chau's statements. They were said to be "false or grossly inaccurate distortions made for the purpose of inciting hatred against the practitioners of Falun Dafa, causing derision from the Chinese community against Falun Dafa in Canada and justifying the persecution of Falun Dafa practitioners in the PRC" (*Zhang v. Chau*, 2005: para. 32).

The court assessment [8] criticized the form of journalism practiced within Canadian Chinese press. The court noted that "[n]either Mr. Chau nor the newspaper belong to any professional journalistic organization in Canada" (*Zhang v. Chau*, 2005: para. 13). The judge in the case went further in her role as press critic, stating that "[a]s a publisher or newspaperperson, Mr. Chau is not impressive. The general impression the Court got from his testimony was that the newspaper was simply a pretext to sell advertisements: the content of the 'articles' was of little importance" (*Zhang v. Chau*, 2005: para. 14).

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

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

The Superior Court's final decision dismissed the charges brought by the Falun Dafa community, stating that the evidence did not sustain the claim that the articles were grossly inaccurate or published to incite hatred and derision.

The dismissal was a blow to Falun Dafa's attempt to escape what they saw as politically motivated misrepresentation, but the Canadian system had afforded a place to challenge what activists claimed were baseless depictions intended to marginalize the Canadian community. A Falun Dafa practitioner described the legal battle as more important than the outcome would suggest:

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

Case Three: CCTV and the Canadian Radio-television Telecommunication Commission (CRTC)

The third example of Canadian media regulation involves human rights and anti-propaganda activists petitioning the CRTC to forbid the direct broadcast of CCTV in Canada. The CRTC received a request to add the "Great Wall Package" [9] to the list of approved satellite services for distribution in 2005, sponsored by the Canadian Cable Telecommunications Association [10]. The mounting controversy now surrounding CCTV triggered a flood of written statements that inundated the Commission. The CRTC issued a standard call for comment on the channel addition and received two hundred individual comments, 2,000 letters, and 7,000 signatures (Government of Canada, 2005). Relative to other calls, the public response to the request for Canadian distribution was not unheard of, but the ensuing debates again fell along social fault lines unfamiliar to the Commission staff. The Falun Dafa community's experience of Talentvision's 2001 retransmission of CCTV content allowed the Falun Dafa Association of Canada (FDAC) to quickly mobilize a volunteer base against the channel's bid for carriage. Their activists hoped the previous ruling by the CBSB would set a precedent for limiting CCTV's reach. Many activists considered the potential consequences more urgent since approval would mean CCTV's content would no longer funnel through a licensed broadcaster (i.e. Talentvision) over which Canadian regulators could exercise control.

The CRTC summarized the comments received, dividing them into supportive and opposing petitions. Supportive comments made arguments for pluralism and the need to offer third-language programming. CCTV's advocates

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

Opposition fell along predictable lines. Activists against entry argued the stations being considered were not the media the CRTC commonly considered but were instead "'many channels but one voice'

of the Chinese Communist Party (CCP), consisting of propaganda that includes lies, fabricated stories, or pieces of misleading news" (Government of Canada, 2006: Sec. 7).

As with the earlier standards board decision, the CRTC embraced a liberal agnosticism as an administrative logic to maintain political neutrality. The Commission imposed limits on the scope of democratic deliberation and the forms of evidence it could consider in rendering a decision, limits that gave an advantage to CCTV and narrowed the range of appeals available to the opposition. The CRTC confirmed that its "mandate and responsibility are to consider issues that relate directly to the sponsored services themselves, rather than the policies, alleged or not, of the government of the PRC" (Ibid: Sec.82). Within these constraints, the debate became a question of CCTV's right to communicate without governmental interference versus the government's right to restrict speech freedoms in light of the potential for social harm. The test was whether or not CCTV-4 exhibited a pattern of airing abusive comment, thereby engendering hostility toward an identifiable group within Canada. The CRTC's staff considered if CCTV's reporting on Falun Dafa merited either denial or censorship conditions such as those placed on Al Jazeera a year earlier (Dakroury, 2005; Davis, 2013).

But these standards presented a challenge for the Commission's staff. Determining what statements constituted abuse and verifying that abuse would require deep investigative resources as well as staff familiar with the relationship between the CCP and the Chinese diaspora. Moreover, CCTV's opponents' claim concerning false representations in the channel's news segments did not resemble typical examples of abusive speech (such as those that justified monitoring provisions attached to Al Jazeera's limited approval) (Odartey-Wellington, 2013) [11]. Those opposed to CCTV claimed the "abuse" was fabricated reporting. The claim of abuse could only be verified by the Commission through an investigation into the truth or falsehood of the events in question. All of the alleged misrepresentations cited by Falun Dafa's defenders took place in China as much as ten years earlier.

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

Discussion: national regulators amid international flows of news

Media have been the focal point for battles over representation within Canada, but the emergence of a multipolar media world presents challenges to national regulators that go beyond free speech debates and "disappearing" national boundaries (Morris and Waisbord, 2001). These decisions have enduring consequences for Canadian regulation since media integration tends to import geopolitical conflict. Yet, as a quasi-judicial body, the Commission views its work as legally limited to the execution of policy objectives outlined by broadcasting legislation (Armstrong, 2010). Rather than interpreting the law, a frame of execution allows the Commission to limit the terms of debate, the admissibility of evidence and the scope of the Commission's social purpose generally. In the case of CCTV and its relationship

to a significant subnational minority, what might be seen as the practical limits of these three regulatory forums must also be seen as a refusal to recognize the following set of factors:

- Disparities in the relative material conditions of the stakeholders in decisions about media imports.
- Pluralism *within* minority communities; while Canadian media law embraces pluralism, decisions about pluralism treat minority communities as monolithic and, therefore, cannot account for intra-community tensions.
- State-directed media as an extension of state policies that violate North American norms such as journalistic autonomy and multicultural integrity.

The ironies and contradictions in these decisions about domestic media policy typify what Chakravartty and Zhao call "uneven global encounters" in international communication (2008: 15). These cases highlight how national regulatory structures remain ill-equipped to make broad judgments about the geopolitical conflicts that color foreign media entry. For Falun Dafa activists, CCTV's use of Canadian diversity principles as an argument to obtain distribution while adhering to no parallel pluralism principles in China was a glaring contradiction, but it was one that the CRTC's deliberative model was forced to ignore. The material differences between the stakeholders in these policy decisions could not be considered due to the liberal ethos that shaped Canadian media governance. As suggested by these early, formative decisions about foreign media, the regulatory norms that police media in Canada will be disabled from considering a more relational understanding of media power in a multipolar world. There remains considerable risk that the good intentions of liberal regulators in multicultural societies will remain insensitive to the complexities of power in these new flows of media.

There are two aspects of these decisions that normative theory can shed light on. First, CCTV's 2005 bid for entry was striking for how it put two liberal policy values in competition. Supporters claimed CCTV offered Canada's immigrant population a connection to home and made Canadian television reflective of the multicultural population. A liberal conception of media pluralism, too, supported adding CCTV as another voice in the so-called marketplace of ideas. Yet, at the same time, Canadian multiculturalism and social harmony were threatened by CCTV, both in the general sense that CCTV was not an independent source of news by North American standards and in the more specific sense that CCTV's political function actively sought to marginalize a religious-ethnic group. The principles of Canadian media policy were strained as the policy value of pluralism provided rationales for various stakeholders supporting and opposing foreign media integration.

The second aspect stems from the CBSC and CRTC's refusal to consider the "origin" of the broadcast and instead to rely on rules of debate that barred argumentation based on a media organization's political orientation. Despite the failure of this line of reasoning in previous Canadian judicial settings, anti-CCTV activists continued to emphasize CCTV's mouthpiece function in addition to the claim that they employed abusive speech. Within Canada, CCTV's representatives counter-argued that those opposing the entry of their network were "attempting, through this latest round of material, to denounce the Chinese government for its policies and decisions and, in particular, for the banning of Falun Dafa" (Government of Canada, 2006: para. 60). The advocates of CCTV further claimed that it was inappropriate for the regulatory body to consider political orientation, despite the clear possibility that the channel could act as an extension of the CCP's *stated* goals to marginalize political opposition. By framing the evaluation of CCTV's representation of Falun Dafa as a question

of political orientation rather than a question of human rights, advocates for CCTV's entry into Canada were able to appeal to the Commission's reluctance to act as illiberal censor.

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

One can argue that a "key condition for establishing a satisfactory normative formula that harmonizes the moral claims of all social actors is the quality of dialogue between the social actors" (Christians, et al, 2009: 78). These regulatory decisions, however, tend to discard the concerns held by certain social actors and suggest a deliberative model that arrives at consensus only by invalidating dissent. Harmony is achieved by muffling discordant notes in the appeal process. This condition does not result from a government hostile to claims made by an ethnic minority but, rather, from the liberal principles that are at the foundation of the institution and the Western regulatory tradition.

What are the wider implications of these decisions for the role of foreign media in Canada? Should all foreign content be treated as a valuable social asset? In short, no. Canadian broadcasting law already makes distinctions among foreign broadcasters that, for example, allow different criteria for evaluating a Fox News channel compared to a smaller news station originating from the global south. Canadian broadcasting law protects Canadian industry from direct competition. Fox News is not a competitor since the channel covers little Canadian news. Indeed, Fox News gained entry the same year Al Jazeera was conditionally approved, though Al Jazeera was effectively prohibited by the conditions attached to entry. The element that makes CCTV's 2006 entry unique (and more comparable to Al Jazeera's bid for Canadian distribution in 2004) is the question of abusive speech and the potential damage to multicultural comity. Both the Qatari and Chinese channels incensed critics who claimed grounds for grievance as an ethnic minority (Jewish groups and Falun Dafa, respectively) [12]. Other foreign broadcasters, even state-run news organizations like Russia's RT, may violate North American news norms by functioning as an advocate for a foreign government, but RT's political battles have less bearing on the domestic cultural politics of Canada. Canadian regulation *does* make distinctions among foreign broadcasters using competition, third-language and abusive speech criteria, but considering political motivations and the differing material power of the stakeholders in decisions about foreign media remains problematic. Where does abusive, ethnically disparaging speech end and political motivations begin? These contests over Chinese media in Canada underline the need to reconceptualize lines of power in international media flows.

With the Chinese media decisions, it may be argued that the liberal spirit of diversity triumphed since all voices were allowed circulation and the affected publics could consider more points of view. Those that praise the deliberative model of the CRTC can argue that these legal spaces are not equipped to debate the normative foundations of the debates they host. But the liberal conception of diversity can only be fully self-satisfied in as much as it suspends a realistic assessment of the uneven power represented by these conflicts. It is a sort of equality under the law that forbids both rich and poor from sleeping under bridges, as Anatole France once quipped. Critical analysis of the way

pluralism functions, on the other hand, allows for these alternative normative frameworks while questioning these premises by avoiding a sense of resolution through consensus that implies power-free deliberation. There were, and continue to be, consequences for those that lack material power within the normative structure of Canadian media governance. As former peripheries in global media gain strength and assert themselves in the competition for loyalties, North American regulators will be forced to confront the ideological dimensions of imported media. They will also be compelled to acknowledge the soft power embedded in new flows of media into the global north. How we assess power in these flows has clear consequences for the future of media pluralism and the strength of multicultural societies in the age of media globalization.

Author Bio

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Endnotes

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

2. Source: Trading Economics historical data ("China Consumer Spending | 1952-2014 | Data | Chart | Calendar | Forecast," 2015.) Reproduced with permission from the editors.

3. Investment in Chinese media has appeared to pay off. P&G's toiletry brand, *Rejoice,* for instance, has rooted itself on retailer shelves with between 25-30 percent of the market and the company's skin products tripled in sales between 2000 and 2005 (The rise of the superbrands - Consumer goods, 2005).

4. The boldness of China's entry into international journalism as a form of foreign relations led Businessweek to describe journalists as China's most recent "export" (Dwoskin, 2012).

5. CCTV has competitors in the definition of the diasporic Chinese population around the world. CCTV's foreign service in Mandarin competes with other satellite broadcasters such as Hong Kong-based Phoenix TV and TVB as well as dissident media NTDTV for these audiences (Hing-Yuk Wong, 2009).

6. Compounding the question of competing representations of Falun Dafa, many of the negative reports offered by CCTV and other Chinese news sources could not be verified without extensive investigation of Falun Dafa members' alleged crimes dating back years earlier. This process extends well beyond the resources of a national media regulator.

7. Quotes are taken from official legal transcripts provided to the Canadian Superior Court which were agreed upon by all parties to the suits that resulted from the special edition.

8. The court recognized the difficulty of dealing with translations, compounded by the differing print tradition within the Canadian ethnic press, adding how "the original language comes from a different cultural tradition, which adds a further degree of separation between the original words and the judge" (Zhang v. Chau, 2005, para. 31).

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

10. The package included nine non-Canadian, Chinese-language channels, among them CCTV-4, China's government-run news channel. CCTV-4 and CCTV Entertainment, as well as the global marketing agent representing the channels in international distribution negotiations, China International Television Corporation (CITVC), were all described as "nationally owned," while the remaining channels were products originating from China's provincial, less centralized networks (Government of Canada, 2006).

11. In contrast to the CRTC's consideration of Al Jazeera, the abusive speech on CCTV alleged by Falun Dafa could only be verified by vetting the truth of the claims in CCTV's reporting. Those opposing Al Jazeera Arabic in 2004 could point to translated copies of uncensored opinion shows and programs that aired comments from members of the public. The text alone could stand as evidence of easily recognizable abuse.

12. Though Al Jazeera and CCTV were both approved for distribution, the monitoring conditions attached to approval made distribution financially unfeasible for Canadian distributors. No similar conditions were attached to CCTV's entry. The reason for different treatment of these highly similar cases remains unanswered and needs further research.

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