

## Political and Economic Regulation of North American Public Spheres: Institutional Reception of Al Jazeera in Canada and the United States

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In 2006, the Al Jazeera network expanded operations into global, English-language broadcasting, but Al Jazeera English (AJE) has faltered in its move into North American markets. Why? This article tracks the institutional reception of AJE in North America from 2006 to 2011 using regulatory documents and industry publications to examine its organizational globalization as well as the institutional responses to this growth in the United States and Canada. Al Jazeera's expansion provides a case study of the ability of developed media markets in liberal democracies to incorporate new voices. The research suggests public policy measures to supplement public access to international news resources.

There is a growing uneasiness with the informational isolation of the United States from the rest of the world. Despite a commitment to a free press and the historical role the United States has played advocating for the free flow of information in United Nations forums (Preston, Schiller, & Herman, 1989; Schiller, 1977), U.S. publics demonstrate a profound knowledge gap in international affairs. Studies of the performance of various U.S. news media in the months preceding the U.S. invasion of Iraq reinforce this view. From the mea culpa issued by *The New York Times* ("The Times and Iraq," 2004) to quantitative analysis of the press's presentation of debate over the case for war (Rendall & Broughel, 2003), many characterize U.S. mainstream media's role in informing the public on international matters as seriously flawed. Survey research conducted by the Program on International Policy Attitudes pinpointed precise misperceptions held by the U.S. public regarding evidence for initiating conflict (Kull, Ramsay, & Lewis, 2003). The apparent insularity of the U.S. public that allows such misperceptions has led scholars to describe the U.S. public sphere as the "great American bubble" (Iskandar, 2005; Pieterse, 2008).

The fact that the U.S. public is demonstrably misinformed underscores a seeming contradiction. How can the citizens of a leading military and economic power suffer from such isolation? Particularly with the proliferation of new global news broadcasters (Cushion, 2010) and expanding circuits of communication flows through satellite transmission (Pelton, Oslund, Marshall, & Marshall, 2004), the

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possibility of insulating a public from a multiplicity of perspectives would appear remote. Limiting foreign media is often assumed the province of authoritarian regimes, with familiar examples in Iran's jamming of BBC satellite signals and China's "great firewall." This article examines the question of regional media insularity by focusing on Al Jazeera's bid to enter the United States and Canada to develop an understanding of what structural obstructions and conduits exist for bringing new sources of information on foreign affairs into North America.

Tracking the expansion of Al Jazeera English (AJE) in these two national contexts reveals both political tensions and economic hurdles to bringing independent foreign perspectives through media boundaries that remain both culturally and politically nationalistic (Hafez, 2007; Mihelj, 2011; Mody, 2010, 2012; Straubhaar, 2002). This study highlights the role of commercial and political factors in gaining U.S. and Canadian cable and satellite distribution, supplementing studies that identify national filters in news production and retransmission (Boyd-Barrett & Rantanen, 1998). In the United States, commercial forces play a principal role in regulating the U.S. public sphere with little public-interest oversight. I argue that where distribution is limited by market concentration, noncommercial mechanisms take on increased significance. In Canada, a proactive regulatory body and a coherently articulated policy on foreign media reveal the political stakeholders in the makeup of Canada's public sphere, demonstrating the role public-interest policies can play in both aiding and limiting diversity within a national setting. This analysis takes up the cable carriage of Al Jazeera Arabic (AJA) and Al Jazeera English in North America and focuses on the role of public-interest and noncommercial mechanisms in the distinct policy contexts of the United States and Canada as a means for diversifying national media in the public interest. I detail the means by which the North American geolinguistic media market integrates Al Jazeera (cf. Sinclair, 1999), and I focus on the institutional responses to Al Jazeera as an example of what scholars have labeled "contraflow" (Boyd-Barrett, 2007; Boyd-Barrett & Thussu, 1992).

A great deal has been written on the social and political effects of Al Jazeera's Arabic news services. There is a growing body of work on AJE and the channel's reception among U.S. audiences, journalistic communities, and local cable systems (Meltzer, 2012; Samuel-Azran, 2010; Youmans & Brown, 2011). With such a variety of scholarship on the network's Arabic-language broadcasts and the broad interest in greater intercultural communication, the network's expansion into North American cable markets is noteworthy and merits further examination. Research on Al Jazeera's presence in the United States often uses bridging and connecting metaphors. El-Nawawy and Powers (2010), for instance, consider the channel "conciliatory media," finding that AJE's audiences exhibit a greater willingness to consider competing information claims. Examining retransmission of Arab satellite media, Wessler and Adolphsen challenge the bridge metaphor, deflating Arab media's impact to "showing that a different (Arab) perspective on the [Iraq] war exists—rather than actually infusing Western coverage with this different perspective" (2008, p. 458). Similarly, Samuel-Azran (2010) has highlighted how mainstream U.S. journalism conceded to governmental pressure to "reformat" Al Jazeera's news and frame the channel as "deviant" for U.S. audiences. Scholars have also challenged the unique restrictions applied to Al Jazeera by Canadian regulators (Dakroury, 2005). The approach in this article focuses on the network's efforts to broadcast directly to U.S. and Canadian audiences and noncommercial aspects of entry for both Al Jazeera Arabic and, later, Al Jazeera English. Theories of international communication offer some ways to frame the analysis.

**Theories of International Communication:  
Contraflow, Networks, Cartels, and Loyalties**

For Thussu, contraflow emphasizes the movement of cultural products from peripheries to centers. Thussu's model recognizes the countervailing flows of information and culture while remaining aware of the preponderance of power in transnational corporate production and distribution (2007, p. 4). Contraflow as a model allows research to move away from an overreliance on emphasizing Western media' into media systems of "the rest" by focusing on subaltern flows and their interaction with dominant flows (cf. Valdivia & Curry, 1996). The term *contraflow* is commonly applied to Al Jazeera, lauded as a form of resistance to the disparity of power that defines the relationship between the global North and South. Studies of contraflow tend to emphasize new producers rather than detailing battles for distribution that are a necessary component of struggle in media globalization.

Contraflow follows a network sensibility, particularly in its emphasis on emerging minicenters of regional or nodal power in the larger system of international flows. Manuel Castells' sociological view of networks offers one of the most robust pictures of networks as a model for understanding how power functions in these flows. Castells is optimistic about the resources of vocal plurality afforded by new technologies and offers a language for interpreting institutional reception of foreign media. Although power relationships "are no longer primarily located at the national level," according to Castells (2009, p. 18), national political and economic barriers endure. Limiting the expansive applicability of this theory of networks, we can use it to view the response of national regulators and market players as part of a larger struggle for representation within and among media systems. In this context, his conception of "reprogramming" is helpful in framing the analysis of points of power within a national media network. Reprogramming according to alternative values and gaining a degree of control over "switches" can allow new voices to enter despite the resistance of the political and economic status quo (Castells, 2009, pp. 52–53). Reprogramming networks to better express alternative values is the key to such resistance against the narrowing and exclusionary mechanisms of power holders. Locating points at which power is exercised in media distribution to shape media in-flows as well as the values that define these paths for international news aids our understanding of contraflow case studies.

In addition to contraflow within the network society, Monroe Price's (2004) "market for loyalties" is also a productive lens to situate AJ's reception in North America. Price describes the market for loyalties as fostering a global media space in which

large-scale competitors for power, in a shuffle for allegiances, use the regulation of communications to organize a cartel of imagery and identity among themselves. . . . Management of the market yields the collection of ideas and narratives employed by a dominant group or coalition to maintain power. (pp. 31–32)

Price's market produces community identity, and nations are naturally protective of this identity with an interest in maintaining political stability. Globalization of this market increases the range of participants, changes the boundaries over which cartels seek managerial control, and forces regulatory bodies to adopt rules of "participation and exclusion" (Price, 2004, p. 32). Price's analytic framework puts national

responses to pressures exerted by media globalization in a larger context. Government both creates the condition for Price's cartels and participates in the market. Changes in domestic media law will follow when legal frameworks fail to protect the system of relations maintained by existing cartels or when new identities requiring incorporation come onto the stage. As Price explains, "[t]hose in charge of the cartel of loyalties would want to find devices to place the power of destabilizing images in what are deemed safe hands" (2004, p. 41). Commercial distribution should be evaluated as such a device.

An advantage of political economic analysis of media is its recognition that markets are constructed through political work and are, therefore, to borrow Castells' phrase, reprogrammable. Conglomeration, concentration, and oligopolistic market conditions in both production and distribution are created and maintained by political decisions. Such conditions do not arise as natural characteristics of a free market, as McChesney makes clear (2008, p. 416). Regulatory environments create favorable conditions for some and disadvantage others. The role of public and private institutions in reception is most effectively discussed in light of the integration of these models, accounting for economic and political institutions that maintain an unequal international communication landscape and, at once, produce resistance to such inequality in the process of "uneven global encounters" (Chakravartty & Zhao, 2008). Such encounters, exemplified by Al Jazeera's move into North America, take place among competing public and private forces that seek to invite and repel foreign media.

The growing concern for U.S. news is merited. In the United States, the industry reliance on advertising revenue dwarfs that of comparable industrialized countries. Recession pressures reduced U.S. papers' revenue by 30% in 2009 alone ("How Newspapers," 2011).<sup>2</sup> Transformations in cable news over a decade also show the bottom line trumping public service in a turn toward the cost-cutting "Fox News model," in which investment priorities support a scant 6 foreign bureaus compared to CNN's 28 (Pew Research Center, 2004). Pronouncements of the death of the U.S. newspaper are commonplace as the industry scrambles to maintain former profit levels through depleting newsrooms and mergers, leading observers to call for rekindled public support for journalism (McChesney & Nichols, 2010).

Such dismal industry figures have prompted recommendations for improvement through foreign media as a resource. First Amendment scholar Lee C. Bollinger (2010) has argued for government support of U.S. journalism. He expresses concern about the "the nation's attitude" regarding foreign media and points to the potential "global forum provided by National Public Radio, France 24, CCTV (China Central TV), Russia Today, the British Broadcasting Corp. and, most notably for the moment, Al Jazeera" (Bollinger, 2011). The United States, he suggests, is being left out of this global forum. Part of the remedy, he explains, is for the FCC to initiate support for foreign broadcasters in the United States. Along similar lines, Shawn Powers (2011) has argued for a policy change that would lift the current ban on domestic dissemination of news produced by the U.S. government for foreign publics. These remedies seek to redress a foundering news culture by infusing the U.S. media system with international content. With similar purpose, this study of North American distribution addresses three elements in order.

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<sup>2</sup> Compare these budget losses to France's loss of only 4% and Germany's of 10% during the same period.

1. The noncommercial orientation of Al Jazeera's production and branding
2. The noncommercial spaces within the United States that provide inroads for foreign news
3. The explicit public policy mechanisms in place within the Canadian media regulatory system

### ***Al Jazeera: Funding and Branding***

In saturated media markets, independent channels have a hard time convincing cable and satellite providers to make room on channel space already crowded with networks and established content providers. Entering the North American market means competing with established U.S. news providers, and matching major players in global news is daunting. During Al Jazeera's initial expansion, CNN had the largest infrastructure, employing close to 4,000 worldwide. The network also boasted 46 bureaus, 33 of which were situated abroad. Total operational expenses for CNN amounted to more than \$721 million in 2008, up from \$654 million in 2006 (Pew Research Center, 2009). *BusinessWeek* puts CNN's annual budget for 2007 even higher, at \$856 million (Carlin, 2006). BBC World had a presence in markets of more than 200 countries, reaching 280 million homes (Gray, 2007).

Establishing a revenue base through the sale of airtime to advertisers requires a massive infusion of start-up capital, a sum capable of withstanding the early skepticism of the small number of global advertisers. "It sounds obvious," a global marketing specialist commented regarding the surge of new entrants in 2007, "but advertisers will be wary of using the new channels until there is solid audience data to allow comparison with established channels" (Gray, 2007, para. 9). Exacerbating these economic barriers, global news services must compete for a relatively select set of pan-regional and global advertising campaigns. The paucity of advertisers available to transnational broadcasters has led some in the industry to criticize advertisers for lagging behind multinational media. Tim Riordan, former director at pan-Arab broadcaster MBC Group, has complained that the advertising market "has to catch up with reality" (Akerman, 2007, para. 7). But entry into international news markets is difficult regardless of the particularities in regional origin. French-run France 24 began services in the same year as AJE with a budget one-eighth the size of CNN<sup>3</sup> and faced similar uphill battles in establishing a market presence. As with AJE, France 24 uses a mixed-revenue model, drawing funding from both advertising and the coffers of the French government. Even with former advertising CEO Alain de Pouzilhac at the helm, France 24 was projected to run at a loss of \$100 million for years after launching (Carlin, 2006). New entrants can expect a protracted period of ad revenue shortfall during the initial introduction of programming, forcing new competitors to depend on pay TV models as well as subsidies.

These economic conditions explain, in part, the recent surge of government subsidy in global news production. Historically, news circulation within a media system has served as a means of representing social interests (cf. Nerone, 2011). Al Jazeera is part of a cadre of state-financed international broadcasters that together indicate a renewed push on the part of governments to obtain representation before key publics considered important both for the economic and political value of the

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<sup>3</sup> France's funds for its satellite upstart reached \$114 million, blanching in comparison to CNN's budget.

target audience.<sup>4</sup> One feature of this push is the use of a mixed funding model that combines an appeal to advertisers, subscription revenues, and state support.

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

The potential political uses for Qatar are evident in leaked talks between Hamad bin Jassim Al-Thani and U.S. Senator John Kerry in 2010 that discuss Al Jazeera Arabic's influence in the Middle East. Discussing Palestine and Israel, Al-Thani noted how he had offered then-president Mubarak a reprieve from Al Jazeera's coverage of unrest in Egypt as a bargaining piece in negotiating solutions for Palestine: "[W]e would stop Al Jazeera for a year," he told the embattled Egyptian president (State Department Transcripts, 2010). Such candid comments undermine the network's claim of editorial independence and highlight political uses of regional media production. As Da Lage has noted, Al Jazeera performs a diplomatic service for its sponsors, raising Qatar's international profile (2005, p. 55). Fandy (2007) similarly emphasizes state involvement but also cautions against applying Western normative assumptions about the division between public and private media. It is useful to situate Al Jazeera and the move into English-language news programming as part of a global trend toward political power seeking media ownership and news as a means of advancement in global politics and economics.

Diplomatic functions notwithstanding, subsidy frees the Al Jazeera Network from the limitations of corporate peers. From newsgathering budgets to network expansion, commercial broadcasters must limit business operations according to the financial pressures produced by economic cycles. Expansion plans for commercial networks are premised on favorable demographic ad value and creative integration of advertising before considering a move into new territory. CNBC sales director Liz Jones, for example, considered increasing the company's use of branded content to squeeze out additional ad dollars as an expansion rationale (Gray, 2007). Qatari financial support underwrites AJE's move into new markets and cushions the landing by paying overhead while AJE develops audience and lures away news consumers from existing providers. Designed as a mix of both advertising/subscription and state funding models, major hurdles involved with starting a commercial media venture are less prohibitive. The hybrid funding model allowed Al Jazeera to brand its expansion as closing the North-South divide as a sort of public service for the underrepresented globally, touting the lack of commercial obligation.

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<sup>4</sup> English-language launch dates of government-supported news production efforts cluster at the turn of the century: RT (2005), Al Jazeera (2006), France 24 (2006), CCTV-9 (2000). CCTV's English news service revamped and expanded, becoming CCTV News in 2010 and initiating CCTV America in 2012.

Network developers pitched the channel to non-Western distributors with a tone of global populism. Asian bureau chief Derl McCrudden, for instance, described how Al Jazeera brings a "Southern" perspective. Whereas Western media "generally covers Asia through disasters, economic crises or stories with little substance, like technology," McCrudden noted, "Al-Jazeera's remit is to cover stories on the ground, week in and week out" (Choong, 2008, para. 16). Playing on the disparity in global representation, news directors advertised AJE's editorial mission as rooted in the "philosophical south" (Gooch, 2008). Al Jazeera was to "cover the people—not just the powerful" (Anstey, 2007, p. 108). News staffers argued that completing the picture of world events can eventually compel other networks to give more time to developing regions by filling the silence on Africa, Asia, and the Middle East (Malek, 2006). Despite hopes for financial viability through commercial revenues, the pitch for distribution was framed as a way to break a Western news monopoly.

The dissatisfaction fostered by the lack of regional representation in Anglo-American news provision offered AJE marketers a way to appeal to Asian distributors, creating markets from the disaffected. The English news service established two teams in Beijing with bureaus in Manila, Jakarta, and Sydney (Gooch, 2008). Plans also included setting up bureaus in Zimbabwe, Egypt, Kenya, Ivory Coast, and South Africa ("Al Jazeera International," 2006). Former managing director Nigel Parsons summed up AJE's dedication to regionalism, saying "[w]e want Africans to file African stories and Latin Americans to cover stories in Latin America" (Johnson, 2006, p. 31).

Billing AJE's transnational pedigree as a means to ferry the issues of the developing world onto a world stage brought AJE some initial marketing success. The network made inroads to Asia, reaching 110 million households a little over a year after launch. In 2008, the channel was granted distribution rights on Hong Kong cable systems and gained access to more than 1 million viewers, bolstering its credibility with regional viewers by establishing an editorial branch based in Kuala Lumpur rather than filing reports through Doha, Washington, or London (Choong, 2008).

Qatari underwriting also positions Al Jazeera to be more adaptable in exploring new means of distribution. Commercial broadcasters are beset with legal and financial concerns when embracing new communication media like Web-based social networking and streaming video feeds. Commercial operations are encumbered by the task of revising business structure, projecting a new medium's capacity for generating ad revenue and considering how migrating content online might undermine established ad revenue lines. Al Jazeera's mixed model allows it to move in and out of media formats much more fluidly. By 2007, AJE was supplying 70,000 video clips per week to YouTube. More than 20,000 viewers in the United States paid \$6 per month for online streaming of the full channel (Edgecliffe-Johnson, 2007). Al Jazeera's new media strategist reflected at the time: "[p]art of our mission, our mandate is to get our news out. We don't have the direct commercial pressures that others have. If we can make some money, that is great" (Cohen, 2009).

New media figured heavily into Al Jazeera's business plan by establishing an "interactive spirit" and reaching audiences. The use of new media gave Al Jazeera a stronger international presence even as

it found traditional pathways into cable blocked.<sup>5</sup> The channel offered video news feed services to leading British newspapers and mobile phone podcasts (BBC Worldwide Monitoring Service, 2009). Mobile application market development made both the Arabic and English programming available to Symbian and Windows phones worldwide (PR Newswire, 2009). Al Jazeera struck deals with IP software specialist, Global Digital Broadcast as part of an online television package (M2 Presswire, 2009). Digital technology also allowed network planners to get a sense for interest in the channel. Three years after launch, 60% of AJE's Internet traffic was from North America, giving Al Jazeera administrators some means to persuade distributors concerned with market demand (Helman, 2009). During three weeks of the intensified Palestinian-Israeli combat in 2009, Al Jazeera parlayed its broadcasting operations into YouTube and Twitter feeds to meet the demand for information on the conflict. Broadcasting via the distribution platform Livestation, Al Jazeera's online audience for Gaza coverage increased 500%. These statistics are even more impressive during the Arab Spring, when traffic to the English site increased 2,500% (Stelter, 2011).

### ***In the United States: Politics of Distribution***

Digital distribution strategies and subsidized noncommercialism, however, did not produce early successes in the United States. For Al Jazeera, successes in places like Asia are a sharp contrast to expansion in North America. Upon AJE's launch in late 2006, the network hoped to have 40 million homes lined up. Exceeding its benchmark, AJE launched with a base of 80 million viewers, none in the United States. The apparent aversion to new international news providers prompted one industry observer to blame the "xenophobic giant media companies that control what this seemingly parochial nation watches or, in this case, does not watch on television" (Paskowski, 2006). After spending tens of millions to build high-definition broadcast facilities in the United States, Britain, Qatar, and Malaysia, AJE found cable and satellite providers reluctant to bring the channel into their packages due to its parent company's perceived association with terrorism.

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

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<sup>5</sup> The use of new media as a means to circumvent cable distribution is only touched on here, but the issue deserves more space than this article allows. The subject will be explored in more detail in another work.

Such consistent characterization of the network as an enemy news source had tangible effects on the network's ability to function. Newsgathering access and ad revenue dried up as a consequence of the tumultuous political atmosphere. Advertisers AOL and Yahoo! quickly retracted ad campaigns on the network. Al Jazeera reporters complained of difficulties in finding willing interviewees, and, in response to coverage during the run-up to the invasion of Iraq, the New York Stock Exchange banned several Arab broadcasters from reporting on the trading floor. After the fall of Iraq, the Iraqi interim government, under U.S. leadership, suspended Al Jazeera reporters, further limiting the network's newsgathering capabilities (Pew Research Center, 2006). Operational impediments followed from the prejudice instilled by the war of news frames. DataPipe and Akamai Technologies, media companies that had signed contracts to provide technical support and broadcast equipment, pulled out of supply and service agreements. Day-to-day business was set back when insurance companies refused to offer policies to broadcasting staff, and Al Jazeera's Washington bureau lost its office space when a U.S. television production company nullified its lease. Al Jazeera's virtual space also came under attack from hackers, redirecting traffic to porn sites or overwriting the channel's home page with messages like "Let Freedom Ring" to disrupt page viewing (Miles, 2006).

***In the United States: Economics of Distribution;  
Independent and Noncommercial Media***

Industry analysts point to the loose relationship between the politics surrounding Al Jazeera and the private decisions of distributors. Paul Maxwell of *CableFAX* summed up the position of U.S. cable distributors. "With the climate in the U.S. and the way the [Bush administration] government behaves toward the network, who needs the bother?" (Halloran, 2006, p. 38). The early experience of distributors confirms this suspicion. Three years after its 2006 launch, Al Jazeera's English news channel had found only two U.S. distributors. The first, Buckeye Cablesystem, is a private cable operator with an audience of 147,000 homes in northern Ohio. Buckeye accepted the channel shortly after AJE's launch, causing Buckeye owner Allan Block to receive threats. Municipally owned Burlington Telecom of Vermont added 1,000 viewers (Luce, 2007), though Youmans has documented the public objections raised around distribution in Vermont (Youmans, 2011).

Outside of these early successes and the Arabic language channel's availability through Dish TV's specialty packages, cable distributors passed over Al Jazeera channels. Successes have come through two avenues. The first is public interest/nonprofit. It was Burlington Telecom's public mission and the retransmission services of the nonprofits MHZ Networks, LinkTV, and Free Speech TV that facilitated AJE's early expansion over and against the failures to gain traction through mainstream private avenues represented by Comcast and Time Warner. The second avenue, while private, was through smaller cable distributors such as Buckeye. Despite comments from industry figures about the reluctance to carry the brand due to political circumstances, the explanation for Al Jazeera's shortfall in the United States is not primarily political in the sense discussed so far. The economics of distribution in the United States creates the conditions for distributors to pass over AJE even before considering political appearances.

Al Jazeera faces the same struggle as any independent channel seeking carriage. Barriers to entry for cable channels are high due to the entrenched relationship between massive incumbent players

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

The difficulty faced by independents unaffiliated with one of the handful of principal programmers is summed up by public-interest researcher Adam Lynn (A. Lynn, personal communication, June 13, 2012). Describing the process of gaining carriage on national cable, Lynn has outlined a tiered system that captures the basic dynamics of carriage negotiations in which cable companies have greater bargaining power according to subscriber numbers while programmers offer content in the form of channels or a suite of channels. Programmer bargaining power depends on the popularity, real or potential, of the content and determines what distributors are willing to do for that programming. The largest programmers own several cable channels and enjoy strong bargaining power as a result. Top-tier programmers, like Disney, are paid fees and retain the ad revenue they generate. Second-tier programmers are paid smaller fees and also retain ad revenue they generate. Third-tier programmers receive no money from distributors and keep the ad revenue. Independent programmers often fall into the fourth tier. These upstarts may receive no money from large distributors and give up some amount of ad revenue determined through the process of negotiation. Sometimes these new channels will give up ownership stake in their company to gain distribution (Lynn, 2010).

While the hostile political environment in the United States was substantial, elite and public perceptions of AJE were peripheral given the structural issues in the industry. With little evidence of strong demand among U.S. viewers and no set of committed advertisers, AJE had little bargaining power. As a result, AJE content managed to appear on U.S. television through public-interest and nonprofit sectors of U.S. broadcasting as well as small distributors that were less competitive with larger companies. Still, many outlets aired only portions of the programming, placing the news hour among a buffet of international news content.

The role of public interest is much more pronounced in the case of Canada where national media regulations are clear, making the political positions on Al Jazeera's network expansion more available to public discourse. By giving space to public-interest groups and media activists, the regulatory system in Canada presented both barriers and paths to entry.

### ***Al Jazeera in Canada***

Where the public-private dynamic shaped the movement of the Al Jazeera Network in the United States, Canada's regulated system of licensing and public review made the political dimension stand out by offering institutional space for citizen groups to advocate for and object to the proposed addition of the channel to cable and satellite lineups. Where the negative political and cultural response to Al Jazeera in the United States had only indirect relevance to gaining distribution, Canadian public responses were solicited, weighed, and adjudicated by the Canadian Radio-television and Telecommunications Commission

(CRTC) review. Public interest was, at least administratively, at the forefront in this process. Regulators considered public filings regarding Al Jazeera in light of the legal requirements of the Canadian Broadcasting Act. In 2009, AJE pushed into Canada by negotiating its way through the Canadian regulatory system. But this success came only after AJA's initial failure to enter the Canadian market in 2004. Examining these two encounters between the CRTC and Al Jazeera highlights how a national regulatory apparatus must reconcile competing mandates limiting hateful speech and promoting representative multiculturalism in broadcasting.

Hallin and Mancini (2005) describe Canada's media system as comparable to the U.S. system in terms of its liberal character, but perhaps gloss over the Canadian concern for national identity as a distinguishing feature. The legal responsibility of Canadian broadcasters is outlined in Section 3 of the 1991 Canadian Broadcasting Act, which states that the system should "serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children." The Act goes on to specify the inclusive vision embedded within this national identity: "including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society" (Government of Canada, 1991). Canadian broadcasting law mixes the intention to preserve Canadian identity with a renewed understanding of the multicultural nature of the Canadian public (Armstrong, 2010). Canada, unlike the United States, has a preexisting institutional framework for evaluating foreign media (see Goff, 2006). Moreover, by 1991, advocates for multiculturalism in Canadian broadcasting had succeeded in broadening the legal language, making Canadian identity inclusive with regard to public service obligations enforced by the CRTC, though critics have pointed out the benefit to Canada's commercial interests rather than social improvement (Raboy, 1990).

This recognition of the multicultural constitution of Canadians had consequences for the CRTC's consideration of foreign content and the degree to which it could serve linguistic and ethnic minorities in Canada. A strong case was made for Al Jazeera Arabic's service to Canada's Arab communities, but the conditions attached to AJA's approval amounted to a refusal. In fact, legal language safeguarding multicultural society had the opposite effect. The CRTC's 2004 decision did not bar AJA from distribution in Canada. Rather, the decision made market integration financially unfeasible for AJA. Canadian interest groups prompted the restriction by claiming that AJA did not comply with Canada's broadcasting standards. The evidence of "hateful language aired on Al-Jazeera" presented by the Canadian Jewish Congress, the B'nai B'rith Canada, and Honest Reporting Canada<sup>6</sup> led the commission to demand surveillance as a condition to entering the Canadian market. While not explicitly rejecting AJA as unfit for the Canadian public, obligations attached to the approval were prohibitively encumbering and effectively crippled expansion into Canada by making commercial distributors responsible for translation and transcription of all broadcasts for monitoring purposes. The CRTC (2004) stated that "the objective of its abusive comment regulation justifies limiting the right to freedom of expression. The harms flowing from

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<sup>6</sup> Honest Reporting Canada describes itself as "an organization dedicated to defending Israel against prejudice in the Media" and lists its successes in "prompt[ing] hundreds of apologies, retractions, and revisions from news outlets. These efforts are changing the face of the media and reporting of Israel throughout the world" (<http://www.honestreporting.com/a/page.asp?page=12>).

abusive comment threaten the values of equality and multiculturalism, values enshrined in Canadian broadcasting policy objectives." This limitation was the result of compromise brokered in the regulatory process as political opposition demanded a guarantee against hate speech toward Canadian citizens. But the CRTC's solution remained problematic, giving private distributors the unprecedented and unwanted role of censor.

The CRTC's consideration of AJE, however, had to be different. AJE continued to feature the channel's editorial policy of representing diversity and local contexts. The CRTC approved AJE for distribution in the Canadian system with no monitoring restrictions. Still, AJE met similar resistance from the same quarters in 2009. Honest Reporting Canada filed dissenting opinions pointing to specific moments of AJE coverage in which Palestinian prisoners were described as "respected fighters against the occupation" rather than in language that emphasized Palestinian "acts of terror" (CRTC, 2009). The Canadian Jewish Congress's (CJC) chief officer, Bernie Farber, averred that "Al Jazeera has much to prove in terms of its legitimacy, its credibility" (Dixon, 2009, p. R1). Despite the insistence of AJE's directors that AJE was distinct from its Arabic sibling, Farber maintained the association with the Arabic parent station. "Al-Jazeera is Al-Jazeera. There's no walking away from some of the disgusting, anti-Semitic, Jew-hating broadcasts that they have engaged in" (Campion-Smith, 2009, p. A16). Although Farber was to soften his stance, saying "Al-Jazeera English we know is not Al Jazeera Arabic," he maintained the group's dissenting opinion. "What hasn't changed," he explained, "is our angst" (Robertson, 2009, p. B1).

The CRTC's movement toward approval and the success AJE had in employing former Canadian Broadcasting Corporation executive Tony Berman as a liaison to Canadian industry prompted the Canadian Jewish Congress to take a new, more conciliatory position, but the group remained concerned about AJE's editorial policy and stipulated the commission's responsibilities to monitor AJE in the interests of the Jewish community. The group's filing with the CRTC outlined the CJC's requests. First, AJE should self-censor any material that denies the Holocaust. The second stipulation expressed reservations about financial ties to Qatar, asserting that the English service should remain independent of AJA as well as guarantee a "firewall" between news production units and the network's Qatari benefactors. Finally, the CJC demanded that it be allowed to create a consultative committee to address coverage grievances and otherwise influence the editorial judgment of AJE's program directors.

News coverage of the network slowly began to subvert claims of hate mongering and anti-Semitism, and journalist organizations supported diversifying Canada's international coverage. Availability of English programs allowed reporters to examine the channel's content in major Canadian publications, finding little to support the assertions of CJC and Honest Reporting Canada (Offman, 2009). Berman combated the misconceptions in public statements and media interviews, maintaining AJE's independence from AJA and continuing to pitch the network as a way for underrepresented regions to find their way into global discussions, Canada included (Campion-Smith, 2009). Berman also addressed dissenters, pledging to work with the station's opponents regarding their objections (Robertson, 2009). These efforts began to change the image of AJE. By late 2009, a broad consensus had settled. AJE was "generally accepted to be much less controversial, offering a more global view of world events" (Hartley, 2009, p. A8). Overwhelmingly, public filings with the CRTC favored the inclusion of AJE and journalist groups applauded the CRTC's decision. The Canadian Journalists for Free Expression (2009) "hail[ed] the decision as an

indication that Canada welcomes access to a diversity of opinions and sources of news.” The Canadian Association of Journalists (2009) announced similar praise for the commission’s decision to take “a big step toward serving our diverse population with news from parts of the world that just don’t get covered in Canada today.”

The acceptance of AJE led to its incorporation into the Canadian system. But the debates Al Jazeera inspired through the venue provided by the CRTC’s approval process made the political stakeholders and their concerns clear. Likewise, Al Jazeera was one of a number of foreign media producers considered by the CRTC in a short span of time. The CRTC’s treatment of AJA became a precedent in regulatory debates over Canada opening to new players in global news production. Citing the AJA decision, Italians in Canada began to demand revision to media policy that allowed the controversial Arab news network while barring Italian public affairs broadcaster RAI. Several months after these debates, similar battles erupted around China Central Television’s addition to the list of eligible channels for distribution. CCTV’s advocates specifically referenced the monitoring conditions that hurt AJA’s distribution as a nonstarter for CCTV’s entry. In each of these cases, the CRTC provided a forum for stakeholders to voice concerns about the Canadian media system’s ability to represent subgroups within Canada as well as Canada’s informational engagement with the world. Moreover, change is possible given the institutional structures in place for Canadian broadcasting as a public service. In this way, the Canadian media system as a whole has the capacity for responsiveness to a multicultural domestic public that, increasingly, has multicultural content available to them through emergent news sources.

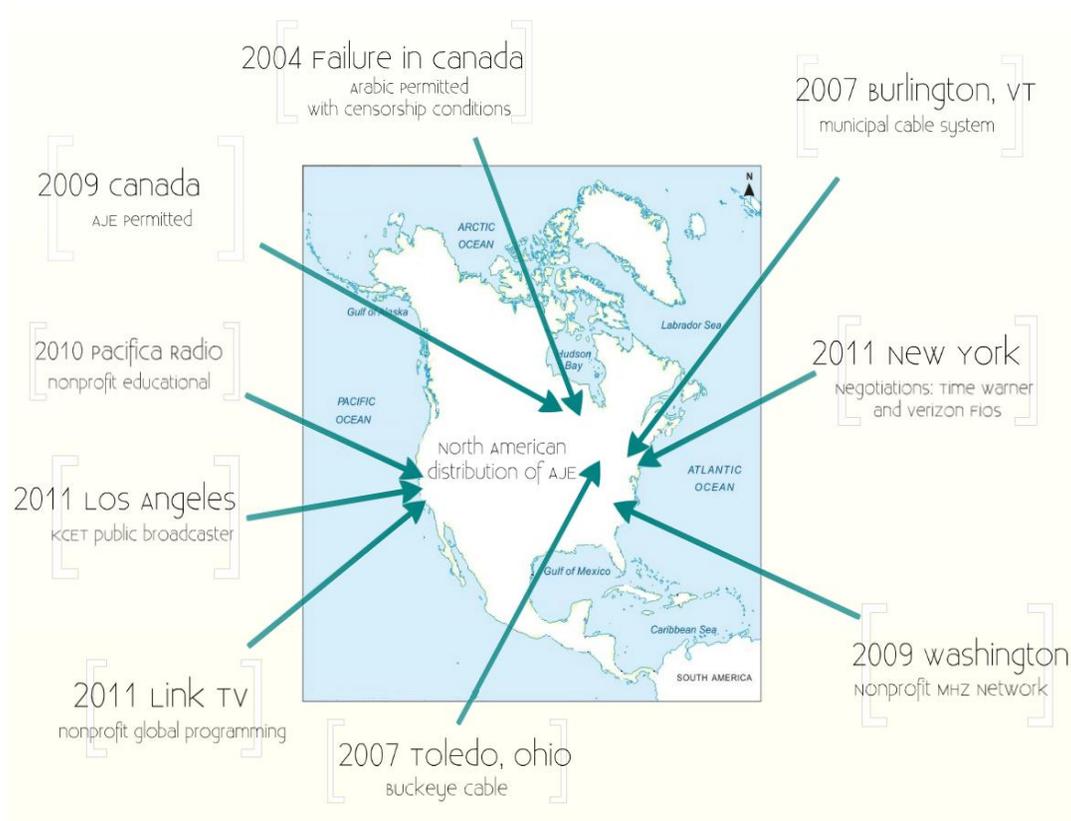
### **Conclusions and Implications**

As of 2012, Al Jazeera’s availability in the United States remains limited, with minor but notable exceptions (see Figure 1). Segmented retransmission continues through DirecTV’s “public interest” package and the full Arabic channel in Dish Network’s Arabic package. Similarly, Al Jazeera’s programming in English has seen piecemeal network growth through programming deals with public-service broadcasters such as KCET<sup>7</sup> (Jensen, 2011) and cable companies that serve smaller networks of cities. In terms of major distributors, two million subscribers are potentially available in a deal with Time Warner Cable in New York City. But actual distribution with Time Warner as well as Verizon FiOS has been possible only through “subletting” space from RISE, a channel with preexisting distribution contracts. Well after the Bush era, these deals raise considerable controversy. Organizational change at the network is also taking place. In contrast to early expansion strategies, much of the global public-mindedness based in noncommercialism appears to be waning as Qatar invests in the new channel BeIN Sports (Belson, 2012). Coincidentally, the network has cut staff at the Kuala Lumpur center by 80% as network development funds are diverted to soccer broadcasting rights (Nicholson, Campbell, Panja, & Richenberg, 2012). Despite this apparent shift in direction for the network, the story of AJE’s early network expansion into North America highlights the role of public and noncommercial mechanisms in North America as a means to diversify the public’s informational resources.

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<sup>7</sup> Notably, Al Jazeera’s addition to the former PBS affiliate gave KCET a ratings boost of 135% in 2011.

First, state subsidy common to this generation of global news providers has granted Al Jazeera successes, though limited, despite economic barriers. While not entirely new, this endowed-commercial model is one of the few that can endure the capital-intensive demands of concentrated markets that define much of the global stage. This hybrid funding model represents a noncommercial element of emerging transnational forums. State subsidy alone, however, is not a sure path to overcome media barriers in North America—neither the parochial aspects of the regulated system in Canada nor the saturated markets in the United States.



**Figure 1. Significant cable carriage deals for Al Jazeera in North America, 2004–2011.**

Early success was due to the assistance of noncommercial mechanisms and public broadcasters. This case study points to specific avenues that can be buttressed through supportive measures seeking to broaden international content beyond the token slots in public-interest retransmission.

In the United States, nonprofit status sustains multicultural programming and public-service missions like that of MHz Networks. Municipally run Burlington Telecom also demonstrates the role noncommercial entities play in diversifying public discourse by making space for independent broadcasters. Concentrated commercial distribution has disadvantaged independent programmers. The by-product of this is the banishing of international programming to the niche backwaters of U.S. media. Massive cable distributors guided solely by a commercial calculus will remain risk averse and prefer safe content through deals that generate revenue in one fashion or another. The values programmed into the switches governing distribution, to use Castells' language, produce barriers to innovative upstarts while making room for preexisting large-scale commercial enterprises. Where pluralism does not show the promise of profitability, broadcasting with a public-service mission becomes critical.

Canadian media policy presents a strikingly different process. The public-minded mission of the Canadian media system is embodied by the CRTC's public review. Media governance and an articulated policy toward foreign media make visible the domestic political dimensions of international media flows. The obligations of Canadian broadcasters and distributors are openly debated in the process of integrating non-Canadian media services. In the United States, a preference for loosely defined public interest has produced a regime of corporate self-regulation in which major players make decisions about the public's access to information behind closed doors while market power limits new entrants. Focusing on these preexisting avenues of entry is instructive for those searching for tenable remedies to the informational isolation that allows misperceptions on matters of foreign affairs to flourish in the current U.S. media ecology. Conducting a broader array of informational sources into North America is one step toward creating an informed citizenry that can more effectively govern national policy on international problems.

Returning to Bollinger's suggestion that the United States join the global forum, this analysis adds some detail to the measures forward-looking media policy might put in place. The North American response to the news organizations coming from emerging economies represents an important opportunity and will require flexibility. Proposals to alter legal structures via the FCC recognize the ever-present role of policy in a time of intensifying global interconnectivity. Having a policy posture to take advantage of the news providers that offer themselves is one part of the puzzle. But an array of measures needs to be taken, revising legal frameworks to reflect the informational needs of national citizens in global contexts.

The troubles of American journalism have energized advocates for stronger enforcement of public-interest obligations. Al Jazeera's expansion into North America shows the potential for noncommercial mechanisms as a point of focus for public-interest groups aiming to strengthen international news and reporting in North America. Canada provides a model for more acute citizen involvement in guiding the process of integration. However, the monitoring conditions imposed in 2004 underline how public-interest systems can both facilitate and undermine reception. The supportive role played by the CRTC in maintaining the Canadian character of the media system can be marshaled as a conservative force to protect already-dominant interests. Proponents of new models for public-interest regulation in the United States need to avoid what Nicholas Garnham (2011) has called "anti-market fundamentalism" and recognize the potential for regulatory venues to become conservative or captured gatekeepers. Regardless, making these decisions more transparent would be a clear improvement. If

Price's "loyalties" are negotiated in decisions determining the content of a democratic media system, these decisions are too important to be beyond public scrutiny. These case studies show that both a commercial content-distribution system and public-interest model function as filters. The question is not *if* international media flows will be shaped but *how*, in *whose interest*, and guided by *what values*.

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