REMOTE CONTROL:
A History of the Regulation of Religion in the Canadian Public Square.

by

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Abstract

The modern Canadian state is secular, but it is not a neutral state. It is a liberal democracy in which the prevailing value system has shifted. The shift has been from a culture in which a commonly held religion was accorded a special place in the development of law and custom, to a culture in which religious pluralism is recognized and an institutionalized secularism obtains. The assumption would be that this would betoken a new tolerance for diversity, and in some ways it does. In other ways, the modern state behaves with an understanding of pluralism that is just as consensus oriented as the Protestant Culture that dominated in Canada until the middle of the twentieth century, and with the same illiberal tendencies. In historical terms, the effect that can be charted is one of repeating hegemonies, where respect for freedom of conscience or religion remains an incomplete ideal.

How do we assess respect for religious freedom? One way is through an evaluation of the developing jurisprudence in the manifold areas in public life where religious freedom is contested. Another is through an exploration of one of these contested facets of the public square. That is what this dissertation attempts to provide. The case study is that of broadcasting: more specifically, the regulation of religious broadcasting in Canada from the time that it began until the last decade of the twentieth century. For explaining the Canadian historical approach to religion, it benefits from an easy comparison with the United States, where a very different set of circumstances evolved. John Moir once characterized Canadian religion since its disestablishment in the mid nineteenth century as that of a “legally disestablished religiosity”. In contradistinction from the United States, the implication is of a greater level of control over religious expression. For the purposes of this dissertation, it is an apt description for how and why the state has alternately suppressed, supported and enjoined Canadian religion in an important area of public life, one whose span straddles the shift from a Christian to a secular culture. In the regulation of broadcasting, both public and private, we see that the management of
religious expression has worked from the start to affirm the dominant religious prejudices of the majority of Canadians. Our case study also suggest that such privileging was managed through the advice and support of the mainline churches. It suggests that the discourse of “balance” through which broadcasting was controlled, particularly since the decade of the nineteen sixties, constituted a self-serving defense of discriminatory regulation. As well, the case study provides an argument for the existence of a Canadian civic religion of nation building, for the idea that this civic religion is as old as European settlement itself, and for the promise that in recognizing its existence we can move beyond a pattern in our past of marginalizing non-conforming value systems and those who hold them.

This paper operates on three levels. On one level it provides an historical argument for the idea that the modern liberal state is repeating the practices of hegemonic value systems of the past. On another level it provides a philosophical argument that this cycle is fed by the assumption that a healthy public arena is empty of irreconcilable views, and that this idea sustains a perpetual inability of the mainstream to respect true diversity in first order questions. Finally, it is a case study in one area of the Canadian public square – radio and television broadcasting – through which the merits of both of these points can be evaluated.

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The information age is the great era of human hubris, the flowering of the Enlightenment ideas of the autonomy of humankind and the power of human beings to control their own destiny. Yet we can't even control the effects of the technologies that we create! This is the great, laughable irony!

-Quentin Schultze
Introduction:

The document you are holding is not the one it was designed to be when I first began my research. The topic -- the regulation of religion in the democratic public square -- has not changed, but the long road toward the point at which the following thoughts were assembled into their current form began with a closer destination, both in time and in methodology. The framework as originally conceived would have brought us back only as far as the early days of radio broadcasting in Canada. This was to have been the starting point for an explanation of how the Canadian state had managed to construct a broadcasting system that alienated whatever religious group stood outside the mainstream, a middle road that was never defined but through the inconsistent application of broadcasting legislation over the past seven decades. Inconsistent being relative, for though the target of censorship of religion programming varied with time and situation, there was a consistent refusal throughout to license religious stations. In fact there was no moment in these decades in which a religious broadcasting station was licensed.

The wider interest explains how the parameters of this study expanded into something that begins with a lengthy historical sketch (one that takes us into a time when the technology for the transmission of the voice over radio wave was still centuries away), and concludes with a still lengthier philosophical discussion. The investigation began with a small question, posed by a friend. How to explain “CBC religion”, that humanistic blend of religiosity that stood as the state alternative to religious broadcasters? How could one explain the situation whereby a democratic state would silence contending religious voices while disseminating a civic religion of its own making. How could it continue to a point where it would one eventually make sense that the Playboy channel could secure a license to broadcast, but religious broadcasters could not? These were complicated questions, and the answer lay not in the field of broadcasting, nor even in the age in which it existed: this instead could only be a case study in the answer to the more philosophical discussion of hegemonies and the public square. In the end the topic of broadcasting is almost incidental, in that it could as easily have been on a completely
different facet of public life. The use of public education as a means of social control is one of the most obvious examples. The history of juridical interpretation is another. Both have been skilfully presented to support the idea that the notion of a secular state is a myth, that in reality the modern state operates according to a distinct worldview with its own intolerances. How imbalanced Canadian broadcasting became in its dogged quest for balance is, as the conclusion to this dissertation argues, ultimately the minutiae of a much larger story about religion in the public square.

There is another reason why the study of religious broadcasting requires a wider historical lens. It is because the idea of a secular state is so ingrained in our mind-set that we cannot easily conceive of it as being anything other than value-neutral unless we take the bigger perspective. When we do, and as we see parallels with the past, we begin to see that this age is not unique from those that came before, and that the behaviour of a political system based on majoritarian values can be as base today as it was in what we consider to be a less tolerant past. As I have come to understand it, what occurred in Canada with respect to religion in the area of broadcasting was not a function of twentieth century secularisation. The idea I will try to convey is that the state has been in principle “secular” since the Enlightenment, but that it has never behaved that way, and neither can it do so. The suggestion is that there is always a truth to which the secular authority must subscribe, a truth that is formed out of the contemporary values and beliefs, and that in defence of this truth there will always be excluded world-views. Some of these we acknowledge and celebrate their passing from the public square: the world-view which sustained slavery and racism is one example. Others we need to be made aware of, and acknowledge that their right to participate has been compromised. It is then that we need to stop celebrating and acknowledge that past tendencies die hard.

This dissertation is on, but is not primarily about the regulation of religious broadcasting. It is about the place of religion in the public square. In seven brief chapters it makes the argument that in Canada, the regulation of religious broadcasting was uneven, unbalanced and unfair. But the main point of the case study is that this imbalance was not an aberration; that it was, and is, an aspect of a historically predictable political
culture with historically predictable ways of treating non-conformity. The premise on which it stands is that in each generation of our past there is a politically correct and a politically incorrect world-view, and that throughout Canada's past we find that the will to protect the latter is consistently weak. From this perspective, the limitations on free expression in broadcasting in the past century are symptomatic of more than a curious regulatory regime, in much the same way that the convoluted approach to sectarian education in this country is more than a regulatory oddity. Both have a history that tell us much about who we were and who we are today in terms of our treatment of religion.

The following should not be mistaken as a defense of free expression. I would hope that it be understood to accept that it is a normative function of the state to restrict the right of some for the greater good, or protection, of all. Canadians have accepted this as a price of the social contract to which they submit, and consequently have acceded to the state the responsibility of restricting expression that is hateful or that is misleading. What this dissertation is paying attention to is where the restriction of expression has had more to do with protecting a hegemonic world-view than with the protection of all.

This dissertation proceeds in three parts: the historical background, or the long context; the case study itself; and a concluding section that is given over to a discussion of what both of these have to teach us in terms of constructing a public arena with a genuine pluralism. The first part (chapter one) is a very brief analysis of church - state relations in Canadian history. It is a peek into moments in Canada's past when the contest between secular authority and dissenting religious worldviews was well defined. The first of these -- from the era of New France, is given a very cursory examination. The idea here is to raise questions more than to answer them. I cannot pretend a mastery of the scholarship for this era, and offer my observations only as a starting point for more discussion, as well as to suggest that cultural hegemonies are timeless, and that the contest between church and state has been played out on Canadian soil for longer than we commonly think.
The second period examined is that of the nineteenth century Protestant Culture of Anglo-Canada. This hegemonic culture grew out of the failure of Establishment, the attempt by the British crown to assert an improbable hegemony over a newly conquered territory through the Church of England. It was this Protestant Culture of the late nineteenth and early twentieth centuries against which dissent was measured, and out of which the impetus for broadcasting legislation to deal with religious dissent was begun. For a culture with very definite boundaries between acceptable and unacceptable, correct and incorrect, mainstream and margin, it makes a useful parallel to our own, and that is the point of our examination of it.

Following the historical sketch, which comprises the first chapter, this dissertation proceeds to the case study itself. The parameters of this can be outlined as follows: briefly, in Canada we find a situation in which the original impetus for regulating radio broadcasting began with the specific aim of putting a rein on religious broadcasting. Originally directed at the radio activities of the Watchtower Bible and Tract Society, this expanded in the early 1930's into a policy against the licensing of religious broadcasters, a policy initially justified on the basis of the scarcity of the broadcasting spectrum, but that survived the expansion of the system.

For close to six decades the policy remained in place, while limitations on religious expression took further shape in the form of a balance requirement that proved to have a chill effect on Canada's commercial stations and a stifling influence on the state broadcaster -- a result directly at odds with the intention of creating a system dedicated to the "full interchange" of opinion. This paradox was best exemplified by the state broadcaster itself. Patterned upon the British model, the Canadian Radio and Broadcasting Commission -- later Canadian Broadcasting Corporation -- never managed to reflect the range of religious communities or ideas but mirrored instead the main outlines of the culture in which it existed, a culture marked initially by an intolerance for non-conformist religion and eventually by an impatience for religion in general. As the Canadian religious scene developed from a schizophrenic blend of Anglo-Protestant - Franco-Ultramontane cultures, both characterised by rigid denominational boundaries
and strong clericalism, toward a post-consensus, antinomial secularism, so too the CBC degenerated (or regenerated, as you would have it) from a forum for mainstream denominations – and their often bellicose ambassadors – to a feel-good 1970’s discussion room for the spiritual noviciate. By the time regulations governing religious broadcasting were relaxed, what religious forum there once existed had already given way to a noble but doomed attempt to reflect a pluralist spiritual reality, doomed because in the end the best that the state could provide was a “CBC religion” that never managed -- nor could this have been expected -- to accurately represent the faith reality of the people it served.\(^2\)

That this did not continue was not due to the prescience of the state; for this story we have to look at the “guerrilla” Christian evangelical broadcasting which finally forced a reconsideration of the limits on religious expression, an exercise that continues today.

Thus, what began as an attempt to rid the airwaves of the voice of the Jehovah’s Witnesses (the non-conformists \textit{extraordinaire} of the twentieth century), Canadian broadcast regulation developed to a point where the voice of religion itself was almost extinguished on the state broadcasting agency, was discouraged on the private system and was being received in Canada almost exclusively from American sources. Meanwhile, the ban on religious licenses initiated with the first Broadcasting Act continued, while the state broadcast regulator and its broadcasting agency maintained the position that they were serving the needs of Canadians in this area against the objections of faith communities seeking a license to broadcast. This is the story that structures most of this paper. It is presented chronologically, and includes nearly the entire period of broadcast regulation in Canada, beginning with the impetus to create a regulatory regime for the nascent industry in the early 1920’s and terminating with the civil disobedience of evangelical broadcasters in the 1980’s and 1990’s. And it is one in which the following themes are consistently found to be operating:

1) discrimination against non-conformist religions - i.e.: a dispersal of minority opinion under a statist definition of religion;
2) ecumenical warfare, and;
3) loss of confidence in the state’s ability to represent or protect its religious communities.
Thus as well as the wider historical context of religion and the public square, hopefully, as I develop my argument, the reader will be left with a better appreciation of the details behind the bizarre situation that obtained in Canadian broadcasting by the decade of the 1970's. And these are interesting enough. Canadian airwaves were, and still remain, a hotly contested terrain, as well as the site of some of the least noble instincts of secular and sacred authorities. Proselytising and mud slinging; praise music and prairie Ku Klux Klanners: all found their way onto the Canadian airwaves at one point or other. The one constant within this all was the never-ending attempt to clean out the margins and maintain the consensus.

In an effort to provide some insights into what we can derive from all of this that is applicable to our own time and place, we end with a concluding chapter that is given over to such a discussion. Here we explore the idea that at another level, the above is a study in the development of a consensus oriented public sphere; an enforcement of commonality and mutuality -- in essence a pretence at pluralism wherein there was a built-in relativistic force. In attempting to reproduce moral values without potentially divisive appeals to revelation, the case study is held as an example of how untenable is the attempt to maintain a public square blessed by the benefits of a religious inheritance but closed to its radical advocacy -- as fictional that meeting place where competing belief systems could contribute while being kept in check for purposes of balance.

It is here, in the concluding section, that we hope to gain an appreciation for how all three periods -- the two from Chapter one as well as our case study -- can be profitably seen as moments in the construction of a civic religion, alternately monarchical, imperial and national. It is my view that the history of broadcast regulation teaches us, if nothing else, that this discussion needs to happen; that defining a place for minority worldviews, particularly controversial ones, should not be left to political theorists or to legislators. This discussion will by necessity be a complicated one, as balancing competing worldviews always is, and as such it takes us into the realm of political philosophy. But to make such huge claims concerning what has only been presented in the historiography
as a much simpler story requires some evidence to sustain it, and this is what this section is meant to provide.  

That civic religion is invoked in a case study of broadcasting may imply to some a certain lack of grasp on reality, particularly among historians who specialise in this area. It is my hope that a focus on cultural hegemony will help to bring the discussion in the latter field to a new level, and begin a conversation that I believe to be long overdue. Broadcasting is and remains a hugely significant component of the modern public square. Sociologists and communication theorists have recognised this fact for decades. Marshal McCluhan and Noam Chomsky are but two of the best known in an area whose study has a history of its own, and whose history has spawned countless studies. What is curious is why the spectrum has come under such scrutiny while its regulation is rarely considered other than by communication, judicial or regulatory theorists. In Canada, the few historians engaged in this area invariably present the story of Canadian broadcasting as a contest between public and private models. Where regulation is considered at all, it has been by way of critiquing the efficacy of the broadcast regulator, but without challenging the framework of the public/private discourse.

As to the question of methodology, there is nothing unconventional or extraordinary in my approach. In terms of the case study, the archives of the Canadian Broadcast regulators -- in sequence the Canadian Radio Broadcasting Corporation (CRBC), the Canadian Broadcasting Corporation (CBC), Board of Broadcast Governors (BBG) and Canadian Radio-Television and Telecommunications Commission (CRTC) were examined, as were those of the various communications branches of the Canadian churches and the National Religious Advisory Council. Hansard, biographical works, secondary sources on Canadian broadcasting and personal interviews filled in the missing details. For the discussion of Canadian Protestantism and Catholic New France, a reliance on secondary sources was inevitable, including among them the works of Richard Allen, Terry Crowley, Brian Cuthbertson, Michael Gauvreau, John Webster Grant, Robert Handy, David Marshall, John Moir, Rose Potvin, Norman Ravitch, George Rawlyk, William Westfall and Robert Wright.
Before we continue we need to clarify what we mean by our use of the term “public square.” In its original meaning, the term was a tool for explaining the formation of active citizenship separate from the political order. This was the question with which Jurgen Habermas, who built a political theory around the expression “public sphere”, was engaged, and various definitions have since been offered to make it a more approachable paradigm. A recent example from a Canadian historian is to construe it as “a realm separate from the apparatus of the state...where citizens debate, deliberate, and engage in collective democratic will formation.” The substitution of “realm” with “sphere” or “square” suggests the influence of the great twentieth century philosopher Hannah Arendt, whose writings on citizenship dealt at length with the absolute necessity of cultivating a public space in which all are free to be different. Nomenclature is not the relevant factor in deciphering an author’s intent, however, for the three are used interchangeably even though they can be in reference to different facets of the said square. The difficulty lies in identifying what is public from what is private, a problem exacerbated by the fact that these are fluid concepts, being historically contingent and culturally determined. For assistance here we can reach for the work of greater minds, learning that for Arendt it was enough to understand the public realm as a space in which everything “can be seen and heard by everybody and has the widest possible publicity.” It was by its nature a space that worked to the defeat of both popular majoritarianism and political tyranny, and whose reinvigoration would – in her context – rescue threatened republican ideals. As she wrote:

If it is the function of the public realm to throw light on the affairs of men by providing a space of appearances in which they can show in deed and word, for better and worse, who they are and what they can do, then darkness has come when this light is extinguished by “credibility gaps” and “invisible government,” by speech that does not disclose what it is but sweeps it under the carpet, by exhortations, moral and otherwise, that, under the pretext of upholding old truths, degrade all truth to meaningless triviality.

Indeed, Arendt’s public realm was a place where the possibility of divisiveness was less of a problem than access. In a beautifully simple metaphor for her ideal, she wrote that, “to live together in the world”: 
means essentially that a world of things is between those who have it in common, as a table is located between those who sit around it; the world like every in-between, relates and separates men at the same time. It gathers us together and yet prevents our falling over each other, so to speak.14

So though there is some flexibility in what the term “public square” connotes, we will accept Arendt’s definition as consonant with our own: in short, the parameters of that area in which citizens may legally and equitably defend and support their world-view. A final word on terminology before we continue: the words main, mainline, mainstream, and consensus all are used in this paper to convey essentially the same thing, and are defended by relevant supporting data where this was seen as applicable.

A final word here is that this dissertation is about power. It is about the power to use common values in the domination of others. It is about the institutionalisation by the state of the value consensus of the culture of which it is a product. And it stands to reason, one could argue, that this process is most visible to those who have recently lost their position as the protected adherents of this establishment. Memories of the warmth of the inner circle are most immediate to those recently shoved to the back. While this dissertation makes no effort to engage in the “culture wars” that characterise much of the writing on fundamental values, it is also impossible to stay objective: intellectual honesty compels me to say that my own frame of reference is that of the outer circle, or that part of it which is known as evangelical Christianity. As well, it would be doubly dishonest for me to pretend a complete objectivity when the purpose of this paper is to reveal the lack of objectivity in contemporary culture, and to make a defence for the idea that a healthy public discourse allows us what Hannah Arendt has described as the right to reveal ourselves for who we really are. Aware of my own lack of objectivity in these matters, I hopefully raise more questions than answers. This being said, the following work is genuine scholarship based on a methodical analysis of the evidence available, and aims for as high a standard of intellectual honesty and objectivity as possible.
Chapter One: The long context

What is presented in this chapter, in the pursuit of an answer to my question above, is a sweep—probably unnecessarily broad at points, far too sketchy at others—of what I see as the repeating patterns of the identification and repression of religious “dissent”, or de facto non-conformity, over the last several centuries. As we cast backward, we see that, in some profound ways, there is little that is new in the story of the regulation of broadcasting. What we today see—or choose not to see—in the behaviour of, first, the mainline Christian denominations, later a secularised state apparatus, and how this was manifest in the regulation of religious broadcasting, has its antecedents in the “regulation” of religion in Canada’s past. In this way, it is a modern rendering of that which John Moir once beautifully described as the process of the Church being “converted into an arm of the civil administration.” It does not require much of a stretch to see that Moir’s “regicide France that worshipped the Goddess of reason”, behaved in ways comparable to an imperial minded culture in which a Protestant Establishment became a Protestant Culture, which in turn behaved like a modern state making an idol out of pluralism. The identities have changed—the mainline culture is now no more Christian than the Pope is a Protestant, but a state-supported value consensus is as strong as ever it was.

To make the case for this case study, we can begin by recognising that there is an obvious difference between the American and Canadian approach to broadcast regulation, one that points to two fundamentally different ways of interpreting the state’s responsibility in the face of a plurality of competing religious values. The tendency in Canada, which is manifest in all movements toward the limitation of religion in civic life, including the balance mandate which vexes religious broadcasters, implies that the surest way to show equal respect for all viewpoints is to create a public sphere that is empty of competing truth claims—what Richard Neuhaus refers to as the “Naked Public Square”. The tendency in the United States is to maintain a firm wall between church and state, such that religion is free from interference and that the American citizen, as Alexis de
Toqueville observed more than two hundred years ago, is free to be (or not be) religious in the manner of their choosing. With an ideological founding in the social contract thinkers such as Locke and Jefferson, the equality of all — in principal if not always in practice -- took precedence over ecumenical division. The result is a society in which religion permeates virtually all of civic life, including the broadcasting spectrum, over which religion had been exempted even from the relatively minor obligation of the now extinct Fairness Doctrine. From where did the differences in attitude derive? To what can we attribute such an ideological legacy?

Understanding the relationship between religion and civil authority in twentieth-century Canada requires some knowledge of its evolution, and in this chapter we will attempt to provide an answer to our question by examining the patterns that this connection has assumed in the past. This is where we will discuss the three periods in the development of a civic religion mentioned above: the royal religion of New France, the Protestant Culture of the last century, and the pluralism with which we are familiar. The bulk of the discussion here will be on the second, specifically the fact of an Established church in the first half of the nineteenth century, its survival as a cultural hegemony in the latter, and its demise in the mid twentieth century.

By way of general observations relating to the above, or of patterns at work within the larger pattern of the interplay between reason and religion already discussed, we can make two. The first we have already referred to briefly in the discussion on post-modern culture and that is of a parallel between structured religion today and the “dissent” of yesterday; of religious adherents in modern society and what in the past were labelled “dissenters”. The inference being made is that secular society approaches structured religion with an arrogance and arsenal of values equivalent to the “established” church of old. Indicative of the reversal is the fact that a religious world-view today is the very essence of non-conformity, and can be a significant social liability to those who profess one. A recent example of this was the nature of the media attention directed at the leader of the Canadian Alliance in the 2000 federal election.
Without belabouring the point too much, a good means by which to understand how the neutral position of the modern state can function as a force hostile to religion, and in particular religious dissent, is by way of a quotation J.S. Woodsworth incorporated into an argument that he put forward in 1928, in the context of defending the right of the Jehovah’s Witnesses to broadcast.\(^6\)

I think we are on very dangerous ground. It has been stated that the Bible Students declared there was one law for the rich and one law for the poor. Well, some of us have been trying to say that as loudly as we could for some years past and if we can have any assistance from the Bible Students in saying that, some of us feel we ought to have it. ..The leader of the opposition (Mr. Bennett) declared recently that our laws in Canada apply equally to rich and to poor. I recall a statement by the late Anatole France, which I would commend to the hon. gentleman...“The law in its majestic equality forbids the rich, as well as the poor, to sleep under bridges, to beg in the streets and to steal bread.

Woodsworth was right, of course, in exposing as palpably thin the rationale of a capitalist state engaged in censorship. The sentiment applies equally to compassion as to conviction: an economic system lacking a healthy emphasis on equality of opportunity is in principle no different than a public square lacking a commitment to access. Applying France’s logic to the situation at hand we can see that when all world-views are judged “equally” according to the criteria of one, those that do not pass muster are prevented from offending the dominant culture. The paradox can thus be stated that the law prevents the orthodox as well as the marginal from offering a critique of orthodoxy. The problem is obvious and it is one that goes beyond injustice and hypocrisy, for in robbing culture of the dissonant voice, the result is an orthodox perspective that is self-silencing and uncreative, prevented from relating to and understanding the social reality in which it operates by a hundred rules designed for its protection. The issue of what to entrust to the representatives of culture goes to the heart of equality of access - a precondition to a healthy public square, as Woodsworth’s outsider status as a socialist made him well aware. In sum, when the primary value is the promotion of value neutrality, neutrality itself becomes the state-sanctioned value, and culture is granted an immunity from religion under the pretence of equal treatment.
Following from the argument for the continuing applicability of the establishment model, the second observation we can make is of a repeating pattern of the church — or religion *per se* — becoming an adjunct to, and breaking free from, the civil authority. It is a pattern that has been repeated several times in the relatively short span of time that describes Christianity in Canada, and one in which the result has always been to the loss of toleration for dissent. Within the twentieth-century we have witnessed a drift from a culture in which a Protestant mainstream was dominant to the contemporary pluralism. During this period the Canadian mainline church drifted away from a symbiotic relationship so real that it described a culture, the rejection of which is still felt today. There is a rough parallel to this in the nineteenth century movement from establishment to voluntarism, wherein the origins of the same Protestant Culture can be found. Though the vision behind an established church was never confirmed in the culture, disestablishment was an issue that consumed the Canadian church for much of the century, and one where the church became convinced that a separation from the state was required only with the realisation that state persecution was making it inevitable. The pattern of church-state conflict is also seen in Canada in the eighteenth century, with the division of New France between Ultramontane and Gallican; those who defended the claims of the Catholic Church universal lining up against those who gave prior claim to the prerogatives of the state in which it resided. Here, victory would come to the latter group, as the Catholic Church, in the words of Canadian historian of religion John Moir, "converted into an arm of the civil administration".

The issues — whether framed in the opposing terms of Ultramontanism and Gallicanism, establishmentarianism and voluntarism, or religious majoritarianism and pluralism, in essence are of a type in describing the control of religion by civic authority. Thus, when our attention is being drawn, by someone or some group either berating, celebrating or simply commenting on a new pluralism, a new secularism, or the loss of a unifying civil religion, the characterisation of *this age* is invariably part truth, usually part exaggeration and always insensate to the prospect that what seems new may be only the most recent swing in the sacred - secular to and fro that has marked western culture for many years.
Stepping back from the perspective of the bureaucrat, the fundamentalist, and the cultural prophet, then, we soon discover that even the span of a century is an inadequate focus. In the context of twentieth-century communication the discovery is both exciting and humbling, revealing that what our technology and secular mind-set convince us to be aspects of modernity are not novel at all. Delineating a space for religion in the public square pre-dates by centuries the electronic public square.

An establishment ethic
To gain our wider perspective, it is first of all important to realise that it is only relatively recently that the concept of an established church has become an anachronism. Although in its application the establishment of the Church of England in Canada was always challenged, the idea of a privileged faith system, of a correct Christianity, survived in the culture that survived it, and it is not too much to say that religious thought in Canada retained into the twentieth century its division between established and non-established, proper and radical, mainstream and sectarian -- a division that lingered in the concept of conformist and non-conformist varieties of religious expression. It is connected with the development of the ideas, attitudes and beliefs that made up what William Westfall, in his study of nineteenth-century Ontario, coined as Canada's "Protestant Culture", and which John Webster Grant referred to as a "practical religious consensus". In this way we have the paradox that a true 'establishment' in the sense of a predictable and consensual culture did not fully emerge until after its defeat as a legal principle.

Understanding the origins of what we can properly describe as an "establishment ethic" is germane both for an appreciation of how limits to religious expression were delineated in the transition into a 20th century liberal democracy as well as for an awareness of the variety of civil religion that then developed. To understand how this ethic evolved and operated in the past requires a partial baptism into the religious history of British North America, an introduction that for our purposes can be kept this side of full immersion.
There is a body of historical works -- now mostly neglected -- that offer laboriously
detailed, and at times heavily politicised accounts of religion in Canada, often with a
focus on the years when the English denominations were developing. More recent
years have seen a renewed interest in this period of Canada's religious past, not from the
perspective of "church history" proper, but with the agenda of uncovering the cultural
milieu of which religion was an inseparable part. Where the two meet -- in essence what
revision has not altered -- are the twin themes of a centrifugal force toward
denominational variety and change from within, and a countervailing, centripetal impetus
for an established church from without. These themes relate directly to our discussion,
for they are reproduced in the regulation of the public square that began with commercial
radio more than a century later. The reality of the diversity of religious world-views
conflicting with the tendency of the state to establish a common ground is, as we have
said, a permanent post-Enlightenment condition.

Before proceeding any further, it would probably be useful to define what eighteenth and
nineteenth-century North Americans meant when they used the term "establishment". At
its most basic, church establishment was the union of church and state in a state-
sanctioned and supported religion, described by the phrase "one state, one law, one
church", and manifest at the level of the European parish system. As a first principle in
the ordering of society, the connection of Christianity with the polis survived the
challenges posed to it by the development of religious liberty associated with the
reformation, although the reformers, with their heightened awareness of the corruptibility
of human nature (Kings and princes included) have been credited with making an
important contribution to preparing the intellectual groundwork for participatory
democracy. In the eighteenth century, however, the correlation between religion and
the state was still assumed, as much in the Catholic nations of Europe as in the Protestant,
though both experienced it to varying degrees. In England the control of the national
church was complete: in John Moir's words it was "looked upon and treated as
essentially another department of government... and as such subject to political direction
and frequently to political interference." There, as well as in North America, the
establishment idea turned on an understanding of the church as a public institution.
Receiving the support of the state, it was expected to function as a state institution. In this regard, William Westfall directs our attention to how the clergy in nineteenth century Canada behaved as a de facto civil service, performing tasks as varied as teaching in schools, maintaining government records and organising the militia in times of unrest.\(^{15}\) As he points out, in what is a pivotal notion for us, the connection between empire and the Church of England in British North America was sufficiently ingrained in the colonial psyche to be successfully reconstructed after privilege was officially terminated in 1854.

In France it was somewhat more complicated for the added element of defining the place of papal authority. Here, I propose that a rough parallel to the ethic of establishmentarianism was represented in the movement known as Gallicanism, a term with multiple signifiers but which, in this time and in this matter of religion and the state, meant a rejection of the claim that church authority transcended national boundaries. The movement received its name from the so-called Gallican liberties, privileges which the papacy had ceded to the French monarchy in the Concordant of 1516. What it meant in the era of the last French monarchs was a national religious hierarchy over which the crown had control: a royal religion where clerical appointments were determined from the royal court and where these same identified their primary allegiance with France rather than with ecclesiastical authority.\(^{16}\) The division in Europe was mirrored in pre-conquest New France, and gives us an interesting comparison to the later conflict between establishmentarianism and voluntarism.

**New France: From Ultramontane to Gallican liberties**

If there are any insights to be gained in a comparison involving the church/state relations in mid eighteenth-century New France, the establishment/deseablishment of the Church of England and subsequent growth of a Protestant Culture in the next, and the development of a secular civil religion in the twentieth-century, they are fairly basic in nature. In all three we find the state engaged in battle against contending forms of authority, and in all three, to varying degrees, a pretense of fairness to dissonant voices is in evidence. Parallels are rarely complete, and this comparison is no exception. While the voices of non-conformity in the early nineteenth-century were advocating
disestablishment in order to become equal with the Anglican Church, and succeeded spectacularly in this effort, the Ultramontane Jesuits seemed to be concerned with maintaining a religious monopoly over New France, and failed miserably. Also, as an ideology, Ultramontanism was more complex than voluntarism, and what it signified in post-conquest French Canada was not ecclesiastical independence so much as cultural protection. Finally, the development of a civic religion in the twentieth century was never institutionalised in the same way as had been the dominant hegemonies of the past, although the state supported a genuinely viable civic religion nonetheless. Ultimately the analogy can be sustained, however, for in spite of the differences between the three periods, what is the same of all is the pattern of a civil authority asserting its dominance over contending civil religions, by siding with and helping to sustain its favoured worldview: in turns Gallican, liberal Protestant and mainline secular.

*The Society of Jesus*

We discussed in the introduction how there are times in Canada's past where it was exceedingly obvious that to express one's religious convictions made one a bad citizen, in the way that Rousseau's Caesar was accused of being when he stood before the Senate. This is especially true of the nation that preceded our own, and whose fortunes were dramatically reversed in battle in 1759. In New France, the link between Royal authority and religion was so strong as to be completely blurred. Terence Crowley writes of how in the late seventeenth century the church abdicated its role as an "independent moral force" being "too intricately bound to the state, especially in the financial support it received from government, to do otherwise." This mirrored events that were occurring in France, which church historian Norman Ravitch reveals as a time when Royal Catholicism became firmly implanted under the Capetian dynasty -- in contradistinction from the Roman Catholicism to which the Jesuits adhered. This is the context of the first period of our focus.

The story -- told in detail by French-Canadian historians such as Marcel Trudel, and in the documents compiled by William Riddell in his seminal 1925 "The Rise of Ecclesiastical Control in Quebec" -- is a lengthy one, and must be covered only in the broadest of
outlines. The broadest of these is the conflict that developed from the outset of colonisation between the ecclesiastical domination of the Ultramontane Jesuits and royal authority. Even the most cursory examination of this period reveals that the Jesuits, who can fairly be attributed with having established the Catholic faith in New France, were by European standards a dissenting body, one that stood apart from the Gallican church in the same way that the Puritans of New England were distinct from English Protestantism. Eventually outlawed by the Papacy, their experience in New France was one where the growth of state power was directly congruent with their demise.  

Though eventually confirmed as the established church of New France, Jesuit dominance would not survive the conflict between the authority of the church of Jesuit-dominated New France and the Gallican church of episcopal-dominated old France. The wider context here was a conflict between the state and the church -- a result of Louis XIV's determination to see the Jesuits brought under royal control. Unfortunately for the Jesuits, royal largesse toward a Society that eschewed control by the Gallican church in France dissipated in an era where they were no longer perceived as useful.

Jesuit ecclesiastical dominance did not endure the transition of New France from company rule into Royal province. As the French regime dedicated itself to improving the state of a colony developmentally inferior to those of the British, Gallican authority over the church in New France became a priority. As the documents compiled by Moir reveal, the arrival of the Sulpicians was an early move by the church hierarchy to offset the concentration of power -- both civil and ecclesiastical -- with the Jesuits. Meanwhile, the establishment of a bishopric hastened the demise of clerical independence, which was consistent with what was happening in France at the time, where a growing accord between the monarchy and the Gallican church was taking form. Facing the inevitable, the Jesuits were reduced to hoping for the appointment of a bishop who would "not be an enemy of the Society of Jesus."

What was it that the Jesuits represented, and why were they so universally mistrusted? Part of the answer is that they were -- like twentieth century Doukhobors -- a zealous and
closed community. Most Canadians have a vague sense of the legend of the “black robe”, and the negative connotations that it imputes. Canadian historian Terry Crowley suggests that this enduring image betokens the success of early colonial administrators in deflecting their own immoral behaviour onto the righteous zealots of the Society. Here, the consensus is that the order may have been despised, but, from a spiritual standpoint, sometimes for the right reasons. In any case, there can be no doubt as to the Jesuit’s commitment. The men who answered the call to join the Society in New France were committed to the conversion of the natives, but in contradistinction from the Recollets and Sulpicians they had learned that -- in the words of the seventeenth century Jesuit Charlevoix -- “the best mode of Christianising them, was to avoid Frenchifying them.” “As God made man in order to make men God’s, a missionary does not fear to make himself an Indian, so to speak... in order to make them Christians” was the explanation of one seventeenth-century Jesuit superior. Opponents of the Jesuits condemned what they saw as an apparent relativizing of the gospel, and were less persistent in the pursuit of politically counter-productive causes on their behalf, the main of which was the attempt to curb the so-called ‘brandy trade’ -- an issue that has been cited as one that divided church and state more than any other, with the Jesuits firmly opposed to the use of brandy in trade with the natives because of the enormous social costs involved.

As the post-Enlightenment state will, the French regime tightened the reigns on non-conformity; citing three state initiatives that took place after 1689, Moir recounts that “the tide against ecclesiastical supremacy and in favour of Gallicanism began to flow with a strength that lasted as long as New France.” What is interesting is that what made the erstwhile established religious institution of New France non-conformist was the decision of the state to make it so. The Jesuits were a contender for authority, and held a higher allegiance to the Catholic Church, an extra-national institution with which the state felt it had already settled centuries before. The natural method for dealing with lingering pockets of Ultramontane orders such as existed in New France was to limit their movement by channelling them into a state-controlled hierarchical structure under which they could be safely regulated.
In the decades before the conquest, the marginalization of the once dominant Jesuits was complete. In Canadian terms, they had become the eighteenth century version of twentieth century fundamentalists — a sect whose non-conformity and inflexibility were causally linked: demanding ultimate loyalties, their lot was to either dominate the civic realm or be subjected by its authority. In the final analysis, it was “absolutely necessary”, as Louis XIV wrote in 1665, “to keep a fair balance between the temporal power that is vested in the King’s person and those who represent him, and the spiritual power, which is vested in the person of the Lord Bishop and the Jesuits, in such a way that the latter is always inferior to the former”. Though the context is radically different from our own, clearly for the Gallican state of this time balance was a relative thing. Such guileless distortions of the concepts of fairness and balance should grab our attention, not just for their comic value but because they express the permanent condition of the post-Enlightenment state. They speak through the centuries of the secular effort to forge a truce with the sacred domain — to regulate and dominate, yes, but less obviously to create out of the totalising expressions of religion, and out of renegade religious authority, a civil religion serviceable to the state.

From Establishment to Voluntarism:
In the preface to this chapter we discussed the applicability of the term “practical religious consensus” for describing religion in Canada, and offered the idea that there is what we might term as an “establishment ethic” that can be traced through its history. The assumption is that there are historical underpinnings to Canadian religion, an appreciation of which is critical to explain the state response to religious broadcasting in the twentieth century. Consequently, we now turn to those years when the Church of England represented the power and authority of the crown in British North America.

Following the conquest, the pattern whereby the state attempted to subjugate religious authority repeated itself as the conquering English, just as the French before them, became convicted of the need to utilise the national church in the colonies for political ends. In the mind of the eighteenth century English bureaucrat, the promotion of a colonial version of establishment was part of a wider agenda to protect the imperial
connection in the colonies. As events in the newly independent thirteen colonies seemed to suggest, the British tradition of religious toleration had wrought mixed results. The same openness that had fostered exponential growth in New England -- dramatic especially in comparison with the situation in Catholic New France -- had in a few bloody years brought independence to this society of religious dissenters. As far as could be managed, the same mistake would not be repeated. Thus the establishment of the first two colonial episcopates of the Anglican Church: Nova Scotia in 1787, Quebec in 1793. Thus the apportioning -- in the Constitutional Act of 1792 -- of one-seventh of all crown land grants for the maintenance of the “Protestant Clergy.” Thus too, and most importantly, the enduring interdependence in the Canadian religious tradition between church and state.

To speak of a Canadian religious tradition means to assume a uniqueness to the Canadian experience. A comparative analysis with the experience in the United States, where an emphatic rejection of establishment was registered, confirms the assumption. Here we find, to begin, a historical irony that begs attention: namely that the passage of the first amendment to the American constitution, which decreed that there would be no establishment of religion in the United States, coincided within months of the Constitutional Act, which made provision for precisely that thing in the loyal colonies.

Establishment had not always been an ugly word in what would become the founding colonies of the United States. Taking us back to its origin, the establishment of the Church of England began in the divorce of Henry VIII, his literal belief in the mythical king Lucius (whose supposed independence from Rome served as a role model), and his subsequent declaration of *Vicarius Rei* -- Vicar of Christ -- in 1534. Confirmed under Elizabeth, the monarchic control of the church crossed the Atlantic in the plantation colonies that sprang up in North America during the reign of James I. In 1606 the Virginia Company set out its three main prerogatives: evangelism to the natives, public honour to the King, and provision of commodities for England. There, as well as in the New England colonies that followed shortly after, the position of the Church of England was integral to the economic and political design. In a synthesis that combines the
history of religion in Canada and the United States, Robert Handy points out that in spite of the historical emphasis given to their non-conformity, the majority of the Puritan settlers in Plymouth and around Massachusetts Bay did not desire separation from the Church of England. Their position with respect to the home church was one of separation only from its depraved state; a position expressed in the words that Cotton Mather later attributed to Francis Higginson, of Salem, in 1629:

We will not say, as the separatists who were wont to say at their leaving of England, 'Farewel, Babylon!' 'farewel Rome!' but we will say, 'farewel dear England! farewel the Church of God in England, and the Christian friends there! We do not go to New-England as separatists from the Church of England; though we cannot but separate from the corruptions in it; but we go to practice the positive part of church reformation, and propagate the gospel in America."

Not all colonists adhered to this view; Handy discusses a vocal minority of settlers who did not appreciate the logic of the non-separatists or their control over the religious and educational life of the colonies, and the fact that by the 1640’s demands to extend religious toleration to Presbyterians were being voiced within the colony of Massachusetts. The concept of an established faith was further challenged with the founding of Maryland as a haven for English Catholics and Pennsylvania as a refuge for all. The beginning of religious liberty that would be complete in the rebellion can be seen here, and Handy states that by 1720 one could “see the outlines of the denominational system of free, voluntary churches in competition”. Though the parish system remained in place in most colonies, the trend to voluntarism was making it an incongruity. Handy describes how this trend accelerated through the era of the Great awakenings and into the War for Independence, a time by which a multiplicity of Protestantism’s had established themselves in the colonies.

In comparison with its rebellious neighbour, the cause of Anglican establishment in the northern colonies received an extra boost coincident with its dramatic demise in the south. Where the American Revolution effectively ended church establishment in the colonies where it was fought, it strengthened it in the colonies that did not join in, the conservatism of colonial royalists mingling with that of immigrant loyalists. This course had not been a foregone conclusion. For example, Nova Scotia, not unlike some of its
southern neighbours, was a place where Protestant pluralism had existed alongside official Anglican privilege. However in 1758, two years after the expulsion of the Acadians, the colony’s first assembly passed An Act for the Establishment of Religious Publick Worship in which the Church of England was designated “the fixed form of worship among us”. Though dissenting Protestants were given an exemption from taxes in support of the established church, the Catholics were dealt with rather more harshly -- a fact we shall return to shortly.

In the northern colonies, the rhetorical defence of the church-state union was quickened as trouble in the thirteen colonies gave to it the rationale of counter-revolution. William Knox, the Under-secretary for the colonies in the years 1770-1782, is the most cited source of the idea -- dominant in the Britain of George III -- of the political utility of a state church. Knox, who worked for half a century to cement the ties between church and state in the colonies, once opined, in reference to his proposals that the state should bear the costs of supporting the state church, that:

...if Measures like those specified here, had been adopted for our American Colonies about the Beginning of this Century, or even later, no Revolt [would have] happened- The Thirteen dismembered Provinces, would now be firmly united to Great Britain. From an Example so recent and striking, we certainly may, if we choose it, learn Wisdom.

In short, a consensus exists that, along with the events of the American war for independence, there developed in the Colonial office a definite, if not entirely novel appreciation of the importance of an established church in maintaining the imperial bond. It was significant enough that the provisions of the Constitutional Act of 1791 have been interpreted as “merely one aspect of a larger project of counter-revolution.” In a beautiful irony then, it is in the aftermath of the birthing of the first practical experiment in Enlightenment ideals, including within that the cultivation of a civic religious mindset preaching one nation under God, and the freedom to worship, to dissent, to not worship or dissent -- that the effort to create a royalist civic religion took shape in Canada.

Is this an overly simplistic condensation of a complex process? After all, church establishment in this period was not very consistently applied: the demographics of
Acadian Nova Scotia, and, later, post-conquest Quebec, worked against this. And yet, as William Westfall points out in the context of the later battle over clergy reserves, although arguments would be made that a (single) established church did not exist by law, the original eighteenth century documents reveal an "explicit intention of the imperial government to create a religious establishment." First among these sources are the instructions that Governor Murray received upon becoming the first governor of Quebec: famous for granting the conquered Canadian "the liberty of the Catholick religion", these had also contained an injunction against admitting of "any Ecclesiastical Jurisdiction of the see of Rome, or any other foreign Ecclesiastical Jurisdiction whatsoever". Additionally, orders were given for providing for Protestant schools and churches, school masters and clergy -- these latter to be licensed by and under the jurisdiction of the Anglican Lord Bishop, "to the end that the Church of England may be established both in Principles and in Practice, and that the said Inhabitants may by Degrees be induced to embrace the Protestant Religion".

But what, in practical terms, did church establishment mean in the Canadian setting? With the religious pluralism in the colonies, the notion of an established church was clearly problematic -- what, for example, could the term "dissent" possibly mean in Lower Canada, where 95% of the population was Roman Catholic, and where the Quebec Act ensured a de facto establishment of that faith? It was not only that the established churches were outstripped by the plethora of denominations -- in real numbers they held their own -- it was the unprecedented variety that made the colonies very different from the situation in the home country. And, if establishment meant little, what does this say to our thesis of the obduracy of the concept of establishment, of church and state affiliation fostering a legacy of mainstream control over the public square? On the face of it, the denominational variety introduced by the Loyalist migration and the apparent high degree of religious indifference on the Canadian frontier mitigate against such an interpretation. It appears we are not helped by John Moir when he writes that the colonial Church of England "in fact...possessed only a privileged position and never the full rights of an establishment in the Old World sense".
Moir is right, but as his research reveals, those privileges assumed significance in direct proportion to their monetary value. Indeed, the problem of religious ‘enthusiasts’ (i.e.: non-conformists) was both overshadowed and integrally connected to the issue of funding an established church. In Britain, the Church of England was financed through a land allotment system known as the “clergy reserves”, by which was meant that a portion of the land in any given parish was reserved for the church. Revenues from reserved land went toward the maintenance of the clergy, the church structure, and any related expense. In return for this support, the aspects included within the governmental control of the state Church were numerous and often onerous, including among them the state control over church property, over the nomination and appointment of priests and of bishops and over the creation of parishes. These provisions represented constitutionally protected and understood exemptions to freedom of religion in England, in essence no different than the monopoly of the state Church in areas such as the performance of marriage ceremonies. As Jean Pierre Wallot points out, they would have represented considerably more of a burden to the conquered Canadien had they been consistently applied to the Catholic Church in Quebec, which to some lesser extent they were.43

Much ink has been spilled on the issue of establishment, and particularly clergy reserves, in relation to nineteenth century religion in Canada, and we do not need to go there for our purposes. Enough to say that the repercussions of the deliberate favouring of an establishment model of church-state relations in eighteenth and nineteenth century British North America can not be underestimated. In spite of its defeat, (disestablishment came to Canada in 1854 with the passage in Britain of the Clergy Reserves Act, and was complete by 1866) as an organising principle that demanded a reckoning from all denominations, it had a formative and enduring influence. This being said, it remains to be pointed out that elite opinion then, as now, does not interpret a totality, and that counter-revolutionary policies in particular do not exist in a vacuum but in response to a social reality. More than just the given political agenda, they reveal what that agenda was working to defeat -- in this case a North American religious pluralism that made an established church both an incongruous colonial transplant and a somewhat precarious proposition. This is by way of warning that we need to be sensitive to the fact that
alongside the powerful establishment model; what in Canada was termed the 'Tory-Anglican compact', was the countervailing reality of dissent. This heterogeneous reality is the centrifugal force referred to earlier, a force that frustrated and eventually killed official establishment and state-enforced privilege, replacing it with a mainstream Protestant 'compact' of no less power. The very success of that culture showed, in fact, that whether or not establishment succeeded was less important than the fact that ultimately it was not necessary for it to do so. Canada did not need an established church because the church in Canada behaved like, indeed was, the establishment: rather than challenge state authority, it was implicit in building the state, as well as the universities and the media, the schools and the hospitals. Ultimately, the axiom “One law, one church, one state” was achieved without Anglican privilege.

The 'Dissenters'

What the failure of the state to reproduce an established church in its North American possessions seems to point to is the idea that there are preconditions for success in this attempt. We can go so far as to say that, where a working consensus in values and a pliant constituency exists – as it did in New France, and in the later decades of the nineteenth century, and again for much of the twentieth century – the institutionalisation of values can occur. Where the attempt is resisted, as it was here by the non-conforming denominations, and in our case study by their twentieth century equivalent, the effort is hampered and eventually must reckon with the true pluralism that exists. Following here we will try gain some idea of the “other” Protestants of post-conquest Canada. Why? Because in so doing we can gain some idea into the limitations of the state in its attempts to convert the church into an extension of itself.

It was not only that the established churches were outstripped by the plethora of denominations – in real numbers they held their own – it was the unprecedented variety that made the colonies very different from the situation in the home country. In a critique of her colleagues, Nancy Christie writes that “Until recently, influential historians of early Upper Canada have sought to highlight a single climate of opinion which was anti-democratic, anti-American, and wholly prescribed by the conservative values of the
political and social elite." In favourable contrast, she credits the work of Jane Errington with introducing the notion that this was not the case; that, in fact, the social context of post-revolutionary British North America was "pluralistic, dynamic, and still unformed." More accurately, historians have long been aware of the competing ideologies of establishment and dissent, and in particular the merging of political and religious identities on both sides. This awareness extends to a realisation that even the loyalists themselves were not, in the main, Church of England stalwarts.

In fact, the history of religious dissent in Canada goes back as far as European settlement in British North America. Both Huguenot missionaries and Catholic friars went to Quebec before Protestants were barred in 1627. Terrence Murphy discusses the fact that in the years 1630-1700, along with Anglican clergy and Irish friars, a handful of dissenting clergy visited the Newfoundland coast. Among these were some Puritan preachers from New England, notably a pair of female Quaker missionaries, Hester Biddle and Mary Fisher, who worked the ships in St. John's harbour in 1656 and 59. However, missionary visits such as these, as well as those that followed the conquest of Acadia in 1710 and Quebec half a century later, did not lead to a continuous presence of any of the Protestant denominations. Rather, the foundation of the English-speaking churches coincided with the large-scale migrations that can be traced to the middle of the eighteenth century in the Atlantic region, migration from the southern colonies as well as the home country. Before that time, and particularly before the founding of Halifax in 1749, the troublesome Acadians, of whom the British despaired for being "entirely governed by their most insolent priests", dominated the religious life of the colony of Nova Scotia. Then, with the expulsion of the Acadians, whose lands were offered to English colonists, and the establishment of the Church of England in the Act for the Establishment of Religious Publick Worship referred to above, Catholic clergy were banned from Nova Scotia. The wording of the provision was as follows:

That every Popish Person, exercising any ecclesiastical Jurisdiction, and every Popish Priest or Person exercising the function of a Popish Priest, shall depart out of this Province on or before the Twenty Fifth Day of March, 1759. And if any such Person or Persons shall be found in this Province after the said Day, he or they shall, upon Conviction, be adjudged to suffer perpetual imprisonment.
Nonetheless, as we have seen, dissenting Protestants were encouraged to settle in Nova Scotia, and dissenting Catholics were the majority in Quebec. The great hope for establishment, it would seem, would have been New Brunswick and Upper Canada, the founding of which had a purity of motive directly related to the loyalist influx. However even there, a religious diversity was evident. Indeed it was encouraged by the loyalists, whose loosely connected congregationalism was two steps removed from the Episcopalianism associated with them by those who fought hardest to retain establishment in nineteenth century Canada.

For reasons partly associated with the demographics of a developing pioneer society, which discouraged the maintenance of denominational loyalty, sectarianism became a prominent feature of the Canadian religious experience with the expansion of the agricultural frontier after 1812. S.D. Clark cites the failure of the Church of England to adequately serve the increasing numbers of rural parishioners as cause for the decline in religious habits noted by outside observers to Upper Canada after 1820. Whereas before 1812 the urban focus of the C of E did not represent a problem, the dispersal of settlement that followed revealed the weakness in the church's structure. Relapsing from established patterns of worship is a frequent theme in the literature of the period, and contemporary accounts penned by missionaries suggest that up to one-third of the settlers in the period before 1815 had no denominational affiliation at all. Another common concern was a difficulty in attracting and retaining clergy in frontier locales, a problem augmented by the scattered pattern of settlement in British North America in contrast with what had prevailed in New France and New England. Because of a dearth of clergy, pioneering communities generally were forced to assume control over their own spiritual needs, setting a pattern of lay leadership that was kept in place by a rapidly expanding population.

Another form of relapse was denominational. Because of the loyalist migration from the United States that precipitated the division of Canada into the Upper and Lower colonies, the religious profile -- particularly in the Eastern townships of Quebec as well as in Upper Canada -- assumed a diversity that included the established churches of the British
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Isles, the mainstream denominations of the United States, and sectarian communities such as the Mennonites, Quakers, and Moravians. Because the isolation of pioneers made the observance of religious practices difficult, a flexible church structure was required, and as S.D. Clark has shown, settlement factors in Upper Canada before mid-century were conducive to a loosely connected Methodism sustained by the itinerant preacher and revival meetings. William Westfall’s overview of the growth of Methodism remains the definitive account of this aspect of the Canadian religious tradition. His work explores the revival culture in detail in support of a framework which positions the forces of “order” (i.e.: the established church - Anglican, later Presbyterian as well) against those of “experience” (the dissenting Presbyterians, Congregationalists, Baptists, and Methodists) in the development of Canadian Protestantism.

Ideas more powerful than reality: the establishment fiction

Inasmuch as such a thing can be identified, there is general agreement in the literature of a positive association between the Church of England and conservative political forces. The typical account is provided by H.H. Walsh in his 1956 overview of The Christian Church in Canada:

It began with the arrival of the Loyalists, who immediately moved into the centres of power and with the aid of the established Anglican Church proceeded to organize tight little oligarchies, known as “Family Compacts.” Apart from the selfish interests involved in the formation of these compacts, all too evident to the mass of the people, there was the sincere conviction in the Tory ranks that a graded hierarchical society was the only hope of overcoming the lawlessness and disorder that was constantly emerging on the frontier settlements.

A tidy enough explanation of an idea, but who were these “masses” to whom privilege was all too evident, and, if not Anglican, how did an established church become reality in a religiously diverse setting? The short answer is that in the end it could not, and the observation regarding disorder conveys the problem that would beset attempts to overcome the centripetal social dynamic -- the first of which was the conquered Canadien. As Walsh recounts, this was a problem to which Bishop Inglis -- the first colonial Bishop in the history of the empire -- was introduced on a partial tour in 1782 of
his vast diocese, which included Nova Scotia, New Brunswick, St. John's Island (PEI), Newfoundland, Bermuda and Quebec. As the Bishop's letters indicate, an almost comical lack of facilities or organization obtained throughout. After 22 years in Montreal, the lone Anglican (and only Protestant) cleric had yet to find enough support to build a church. With the intention of the British to make a foothold among their new subjects, the three Anglican rectors that had been appointed in Quebec after the conquest gave services in French, services attended mostly by English-speaking residents, who, naturally, complained loudly about the language. The only areas healthy enough to make the claim of an established presence were New Brunswick, where heavy Loyalist immigration translated into a number of viable congregations, and the frontier regions in the west that would become Upper Canada. But in spite of this, the idea of establishment retained its power, and the colonial Church fought for years to maintain it in the face of a religious profile that made them the minority, by varying degrees, in every province of British North America throughout the entire period it was in effect. The demographics were such that the dream of an established church seems fantastic, and yet Anglican privilege was not broken until the 1850's, and not completely removed until the Confederation of the colonies. The example speaks forcefully to how the cogent advocacy of a powerful minority can sustain illogic over an entire society.

The attempt to hold to the vision of Anglican establishment in British North America is an involved story that includes some of the most researched personalities of nineteenth-century Canada -- most notably the Anglican Bishop of Toronto, John Strachan, and his Methodist contemporary Egerton Ryerson. For Strachan, establishment was a cause that became a personal battle, intense and drawn out, against denominations contending for a share in the Clergy Reserves, and eventually against the legislative council. Strachan's efforts to prevent the "spoliation" of Anglican privilege in Upper Canada have been reconstructed in considerable detail by Curtis Fahey's work on the period. As he shows, what looks by every measure a wildly optimistic cause was sustained by a messianic vision that refused to bend to the idea of the permanence of religious pluralism.
But what was the dream? Essentially, that a certain necessary recognition of the power and privilege of the Church of England could be achieved in a society still in flux, recognition being important because it was perceived as a prerequisite to respect for the crown, to deference for authority in this unformed plurality filled of, as the Anglican clerics wrote home to their sponsors, “the most illiterate teachers”; of a people given to “Superstition & Enthusiasm”; of Presbyterian clerics “and such like trash”. The terms give us some idea of what Strachan meant when he wrote to the Archdeacon of Quebec that “our argument is not what we are but what we shall soon be if left unmolested.” They were the terms in which establishment was defended, and the argument of the Anglican minority: not a religious argument -- doctrine was almost completely absent from the discussion -- but a political one based in a certain conception of how order was to be reproduced in a new territory. Consistent, then, that the passion for establishment should run highest where co-operation between the main Protestant groupings did not exist. As Moir and Fahey and others have shown, the Maritime provinces largely escaped the conflict between established and non-conformist that beset Upper Canada, in part because there was effectively no monetary value to the privilege – hence no battle over clergy reserves – but also because a level of trust between the varieties of Protestantism had had time to develop. This idea seems further supported by the fact that, as a similar mainstream Protestant culture coalesced out of the variety of dissenters and non-conformists and enthusiasts; as, in fact, dissent began to look conformist and behave without enthusiasm, the propulsion behind establishment diminished in Upper Canada.

Did the Anglican minority expect that others would conform to their behaviour in the same way that the advocates of pluralism demand allegiance today? Arguably not, and the attempt to use their privilege to establish a separate Anglican school system may suggest that their vision was tempered with a healthy dose of reality in this respect. That they tried all they could to achieve recognition of their position may be the most we can convincingly say. In the end establishment in the colonies was sustained by pretence; a pretence that a British Protestantism existed in a plurality where it clearly did not. In practical terms, there were manifold reasons why it should never have been attempted in
post-conquest, pre-Confederation Canada. As an aid to the maintenance of the Anglican clergy it was an abject failure; as a force to trouble the diverse religious landscape of the period it was an unqualified success. That being said there were also reasons why establishment was, at critical times, an accepted fiction — even among those most directly excluded from its benefits. An early example of this was the reaction of the Roman church of New France, which after the conquest quickly converted itself and its adherents from a rigid anti-Protestantism to reciting a *Te Deum* for “our very gracious sovereign Lord King George” on the coronation of George III in 1762. In this case the transition cannot be explained by forces either for or against establishment, a more likely explanation being the release that the English provided the Catholic Church from state persecution, in the form of an oppressive pre-conquest Gallicanism.

Again, the success of establishment rested in the idea, or belief, in a civic truth to which all reasonable citizens should adhere. The attitude is timeless, and the advocacy of establishment serves as a wonderful parallel to the contemporary civic faith.

*The Twentieth Century: From Mainstream to floodplain*

Where does all this take us toward a further understanding of religion in 20th-century Canada? The answer is in our observation of repeating patterns. Just as their Anglican counterparts in pre-Confederation Canada had, many twentieth century Canadians were influenced by the premise that a collective faith-centred value system existed in a plurality where it did not. In fact coeval with the demise of Anglican establishment was the growth of a new worldview, one whose authority derived from its ability to respond to the economic and demographic reshaping then taking place in North American society. Here, we have a host of sources we can consult for confirmation that a middle-class Christian culture -- usually described by the term Protestant culture or Protestant alliance -- developed out of the voluntarist impulse that had defeated establishment. The culture was as activist and widespread as Protestantism itself, and, like the Jesuit culture of New France, did not ascribe to the distinction between sacred and secular. Instead, in both its actions and discourse, this evangelical culture proclaimed that every realm of human endeavour belonged to God, and in the spirit of ecumenism that flowed from that belief,
gave to the late Victorian era a remarkable degree of coherence. And, as this worldview became codified into a self-conscious and powerful fraternity, it too assumed the behavioural patterns of an established church -- a profound irony for a culture that was rooted in the mid-century triumph of voluntarism. Though spurning divisions of sacred and secular, it nonetheless became in essence a privileged belief system, a worldview with special status within a secular state.

In real terms, what were the dimensions of the Protestant culture that existed at the time that radiotelephony began in Canada? Westfall provides some statistics indicative of the extent to which a common outlook obtained in late nineteenth-century Protestantism. Census data for the era reveal that the change from 1850 to the 1880's was dramatic: in the 1851 Census of the Canadas a quarter of the population did not profess any denominational affiliation, a figure that dropped to less than one per cent by 1881. Also dramatic was the growth and consolidation of the biggest four denominations: membership in the Anglican church more than trebled, the Baptists and Presbyterians increased by more than five-fold, and Methodists by more than seven - all at a time when various union movements were bringing the various strands of these last three denominations under single national bodies. The number of Canadians declaring no denominational ties plummeted in an era where organized Christianity was growing faster than society: Brian Clarke shows that in Nova Scotia, the number of unaffiliated went from 7.7 to a statistically insignificant .7 per cent of the population in the ten years from 1851 to 1861. In Ontario, non-affiliation spiralled to an identical low by 1881, from 16.7 per cent forty years earlier. The ubiquity of the Protestant culture continued into the twentieth century, as the inroads of fundamentalism and the Bible-school movement, Christian socialism and post World War One Neo-orthodoxy all combined to lend their various flavours to the dominant paradigm. The question as to whether all this activity was indicative of dynamism or a sign of drift is contested. David Marshall offers the conventional view when he posits that secularisation had marginalised the church in Canada by the turn of the century, whereas Nancy Christie and Michael Gauvreau see this older interpretation as derivative
of an emphasis on the intellectual theology of the Victorian church colleges rather than the evangelical piety of social evangelicalism. To them, attention to the latter reveal the first four decades of the twentieth century as a period not of demise for Canadian Protestantism but of its "unprecedented expansion into all facets of social and cultural life."^66

That an argument can be made for decline as well as for renaissance, and then both using for evidence the ideas of the same Protestant clergy, in itself implies that a substantive transformation between the nineteenth and twentieth century varieties of the religious culture did occur. Whether that culture remained dominant is our concern, and it appears that it did so both numerically and culturally, despite a growing awareness of problems of sectarianism and atheism, modernism and post-war despair.\textsuperscript{67} The challenges of the new century re-oriented, but did not defeat the energies of Canadian Protestantism, as the effects of modernisation were not as predictable as one might expect. Robert Wright provides an example of the complicated reality of these decades in research that reveals how Protestantism not only was dominant on a national level, but was actively engaged in spreading its message throughout the world. Wright reveals the period between 1918 and the late 1930's as the apex of a commitment to Christian internationalism, and counter-intuitively he credits the Great War with fostering in Canadian churches an unprecedented level of support for world missions.\textsuperscript{68} Another complicating factor is the fact that, although many of the faithful were leaving the Presbyterian, Baptist and Anglican Church in the period between 1921 and 1941, these same were adding to the number of the growing fundamentalist sects and small evangelical denominations.\textsuperscript{69} If we ask ourselves the difficult question of how dominant, as distinct from energetic, this Protestant force remained, we need to wade much farther into the area of institutional life and ask, as Christie and Gauvreau invite us to do, how long the churches were able to attach their value system to Canadian society.\textsuperscript{70}

The numerical growth of Christendom as an aspect of post-Confederation Canada does not on its own suggest that a unitary climate of opinion existed. Without getting into the question of how homogenous a culture has to be before it can be so described, it is
obvious that fissures are and were a perennial feature of the Protestant experience, particularly in regard to the role of the church in social activism and its response to the challenges posed by modern thinking. Moreover, an enormous gulf separated this Protestant culture from that of French Catholicism, a presence with which the dominant culture was forced to contend. And yet, supporting the empirical data on the growth and dominance of Protestantism, there are identifiable intellectual components to this Protestant culture suggesting a climate of opinion which, despite its limits, could be characterized as a de facto establishment. Briefly, these were a new respectability, a growing ecumenism and a positive relationship between religion and patriotism.

The first has been the source of much commentary by social historians who locate in this era a new confidence that was reflected in a different understanding of piety and, among some denominations more than others, middle-class respectability. Outwardly this was evident in the materialism of wealthy members and the expansive triumphalism of the gothic cathedral style that marked the Victorian and Edwardian churches. Internally this was evident in the increasing synchronism between the goals and values of the church and its lay members. As Neil Semple discusses in his massive history of Canadian Methodism, this occurred in the latter part of the nineteenth-century as the industrial and commercial elite within the church gained control of its administration from the clergy. Men like Timothy Eaton and Robert Simpson, Clifford Sifton and James Lougheed were associated with this shift, and their values, importantly, were generally indistinguishable from the secular society in which they moved.

Another elemental component of this Christian consensus was a national vision born of strength in numbers and of the various denominations becoming truly national institutions. The Methodists were exemplary of this trend, their various assemblies coalescing throughout the latter half of the nineteenth century around an increasingly nationalist agenda. Neil Semple describes how Methodism began to hold itself accountable to meeting the range of needs of the federating nation as both church and state expanded into their twentieth century boundaries. As well, the leaders of the mainstream denominations had supported Confederation for the expanded opportunities it
would offer the church, particularly in terms of mission work, but also for the promise it offered of Canada becoming a land in which the “Lord’s Dominion” would be established from sea to sea. The Presbyterian hierarchy was particularly animated by this vision, a predilection that is seen as a product of the Scottish concept of conceptualising Christian nations being in covenant with God. Strains of a northern version of Manifest Destiny were heard from some corners, as in the writings of the editor of the *Presbyterian Witness*, George Murray, who saw in the opening of the west “the goodly heritage, the Canaan we are invited to occupy.” Ironically, the Catholic hierarchy in Canada supported confederation as well; not out of dreams of greatness or an expansive spirit but as the arrangement least threatening among the range of alternatives. John Webster Grant suggests that this realism explains the Catholic hierarchy’s support for what many of the Catholic laity vehemently opposed; though it meant greater domination of the French-Canadian, confederation was a realistic alternative to the less welcoming scenario of direct representation by population in a single political body dominated by Protestants.

Increasing co-operation between the denominations is another theme of the Protestant culture, and offers evidence of how disestablishment brought change that went beyond the issue of privilege. In erasing legal boundaries that had divided Canadian Christendom, it also accelerated the autonomy of the various churches from their extra-national parent bodies. This in turn allowed for an unprecedented ecumenism, one where less energy was devoted to what had been divisive doctrinal differences. An important early milestone in this movement was the 1846 inauguration of the Evangelical Alliance, an international effort co-sponsored by a group of Anglican evangelicals and Free Church Presbyterians. Though the movement came out of the United States, its connection to the cause of abolition meant that the Alliance would become a predominantly Canadian initiative.

There are various theories on why ecumenism develops at certain junctures in the life of religious institutions, and whether it is connected to periods of insecurity or if it conveys the kind of boldness that only comes with cultural dominance. Given that unity of the
faithful would seem a self-evident good, it is legitimate to ponder why it is a periodic phenomenon — more, why schism is the norm and union the exception. Cynically, it can be argued that church union movements are primarily an effort to achieve the appearance of a united front, division being a hindrance to evangelism. The fact that the biggest inter-denominational merger has been that of the Church of South India has been used to make this point.\footnote{60} In a missionary context, this has some obvious merit, but it is less readily applicable in Canada. The impetus for church union in the North American context can be alternately seen as an extension of the excitement at the denominational level of achieving the goal of a united nation under Christ, or as a defensive circling in the battle against secularisation. In the latter explanation, union offered an obvious efficiency in the use of resources which could be effectively applied to the great moral crusades of the late nineteenth century. The massive programs of moral reform; the Canada First Movement with its intermingling of “our common ideal, our common artistic sense, our common ancestry, and our common Christianity”; the “His Dominion” activism in temperance societies and in the Lord’s Day Alliance; all spoke of a common Christianity as an anti-dote to self-interest, and the transformative promise that this vision held out.\footnote{81}

We cannot pretend that what we are depicting as a common culture with a singular worldview was free of the infection of tensions and turmoil: indeed divisions existed, as confirmed in degrees of evangelical piety and the variety of responses to the new ideas that threatened fundamentalist belief. The reality of conflict had been a constant in Canada before and even during the heyday of the evangelical consensus -- that time when Canadian Protestants behaved as if they spoke for all of Canadian society.\footnote{82} Unity on evangelical principles rested on a value system divided by and within denominations. In William Westfall’s typology of the Protestant churches of the Victorian period are most effectively divided between those of “order” and of “experience,” — with a tapering toward a victory for the forces of order by the late nineteenth century.\footnote{83} Division on such lines continued into the twentieth century as well. Another line of division between and within denominations was marked by the extent of accommodation to secular thought. Yet though division was an important aspect of Canadian Protestantism, it can not be
overly emphasized at the expense of an appreciation of the fraternity that kept this culture together. A basic cultural unity apart from any denominational creed existed, and allowed those within it to base their appeals on common and understood values. A beautifully worded phrase by Phyllis Airhart captures the paradox that was this culture: “Many were pessimistic about achieving union before the time of the return of Christ; and yet their expectation of that event was a bond that held them together.” However divided over the proper response to new world-views, the wider Protestant culture that had been seeded in the mid nineteenth century survived to see the partial completion of its ecumenical agenda in the United Church of Canada, and beyond. 

The road by which the mainline Protestant churches became metaphorically established, and came to behave as a virtual adjunct of the polity lasted well into the twentieth century. As the mainline churches moved away from the doctrinal authority and social conservatism commonly associated with western Canadian Protestantism, they also put forward a new worldview of social justice that would serve as the basis for an emerging secular society. As research on the social activism of the churches prior to 1940 shows, the contours of this worldview were evident in the growing divide after 1910 between the progressive church leaders, who entered the twentieth century armed with an agenda of social action, and the traditional evangelicals associated with the more conservative church colleges and home missions boards. This tension indicated a shifting emphasis among the churches and their leadership toward defining their place in Canadian society at a practical level of meeting needs, as distinct from efforts of moral prohibition and direct evangelism. To this end, Nancy Christie and Michael Gauvreau emphasise that the progressive leaders of the era were on a deliberate course to place social issues on the same footing as evangelism, and that in this effort they were also frequently out of step with their membership. To these authors, the eventual success of the leadership in re-shaping the churches is evident after 1910 in the exponential growth in inter-denominational social reform bodies, such as the Department of Evangelism and Social Service of the Methodist Church; delegated church bodies that increasingly departed from the confines of their original constitution by researching social policy issues and advising the federal and provincial governments on social issues. It was in places such
as these that the transition can be traced between a culture where the churches could still be described as "the chief harbingers of social change", and one in which this role had been picked up by the state. 91

Thus, where some historians see only bad news for the churches following World War One, the fact of a vital Christian socialism in this period seems to contradict this interpretation. As John Webster Grant has replied to A.R.M. Lower's depiction of a post-war anti-clericalism and general anti-institutionalism: "If the 1920's were quite that bad, the churches were apparently unaware of it. ... Despite protests from the right and desertions on the left, the churches retained their customary place in the centre of Canadian community life." 92 The nationalist vision that inspired and united three major Protestant churches in the decade of heightened nationalism following World War One suggests that Grant is correct. This ecumenism of the interwar period has been likened to the preoccupation with nation building evident among the churches at the time of Confederation, inasmuch as church union, though originally conceived to address the practical problem of serving an expanding nation, was underpinned by an anxiety over protecting a national cultural character in the face of European immigration. As Mary Vipond has pointed out, in this respect church union was an ideological cousin to the Protestant churches' active opposition to the formation of separate schools in the west, with the control of education and ecumenism merging in the discourse of nationalism. 93

By way of example of this mind-set in the church union leaders, Vipond cites the liberal Methodist Dr. Salem Bland, who in 1922 wrote that:

> What is gradually but certainly coming into consciousness is the need of a Christianity that shall express our ideals and convictions and meet our needs and help us to the full in solving our problems – a Christianity, in short, that shall smack of the soil, that shall be distinctively Canadian. 94

The combination of Christian socialism, nationalism and ecumenism presents us with a picture of a Protestant culture in transition, with the mainline churches in this period initiating the transformation of the state that became complete in the following decades. Among the post-war political leaders whose early years had been formed in this environment, such as Henry Wise Wood, J.S. Woodsworth and M.J. Coldwell, this
movement translated the Christian ethic for a society in which the church would no longer be the central cultural influence.\textsuperscript{95}

To sum up an already overdrawn point: the foundations of the Protestant culture underpinned Canadian society well into the twentieth century, and well into the era in which broadcasting in Canada began. Beleaguered by the First World War, it nonetheless would rebound in the nationalism of the 1920's, and persist in the form of a national presupposition of Christianity until its incipient decline in the decades following the Second World War. By this time, its ability to challenge society in a meaningful way had been lost; no longer animated by the vision and creativity that had brought Canada the social gospel, it was instead sustained by a conservative vision of self-preservation.

**Decline**

Decline of initiative in what had been a powerful and creative culture is a common sociological theme. By way of example from a discredited historian/grand theorist, Arnold Toynbee associated the death of a culture through the worship of its institutions as a replication of the original sin.\textsuperscript{96} Be what it may in terms of academic respectability, historical theory of the growth and decline of civilisations has promising application at the micro historical level of succeeding value systems within a culture. Going with Toynbean social theory, the Protestant hegemony that developed in late nineteenth-century Canada had, along the way, made the transition from a “creative minority” to a “dominant minority”, with all the dangers that such a position entailed.

Again, there is nothing magical about any one theory of the stages of culture that would make it a neat fit to the Canadian experience: what Toynbee says about religion \textit{per se} is based in a personal meta-historical eschatology that cannot be applied empirically. For investigating the stages of a culture we could as easily look to the independently doomed cycles of Oswald Spengler, or the “disenchanted garden” that Weber saw as the result of the processes of modernism. What these theories offer are insights into religious creative minorities and how the hegemonies they create tend to become self-defeating. What they
recognise is that it is the perennial problem of the mainstream that its success is its own undoing. Ironically, the growing ecumenism in Canadian religion that resulted in the church union movement of the 1920's was a symptom of this; though consistent with the noble battle against legalism and dissension, by its nature it was also counter-productive to evangelicalism and growth. Its appeal was to instincts of reason rather than revelation, and the end-product – liberal Protestantism – was coterminus with the demise of the Protestant culture from which it had sprung.

It has been noted that in contrast with the revivals and awakenings of the evangelical movement, there is no example of a popular movement inspiring mass conversion to a liberal Protestantism. In Canada, the development of Unitarianism (which tributes Salem Bland as an intellectual founder) is a good example. Initially holding steady and then going into decline, its fortunes compared unfavourably with the major growth in evangelicalism in the nineteenth-century. The same has proven to be the case with the United Church, which by the late twentieth century had become a demographically defeated force within Canadian Protestantism synonymous with empty churches and well-attended potlucks. This is not to slight the mainline denominations, but to point out that their response to a secularised culture has generally been compromise on theology combined with an energetic social agenda, where for the evangelical churches the opposite pattern can be observed. John Webster Grant points out that this also is not novel, but a continuation of the pre-existing Christian culture in Canada, the “two prongs of the old drive for a Christian society.”

But what of non-conformity? These theories do not tell us why, along with the processes specific to the mainstream culture, there is a continual marginalization of what we might call a slipstream. It is not the next creative genius, or creative minority, as cyclical theory would have it: in the history of Canadian religion the marginal are marginal precisely because they can command no status based on their numbers, or race, or class, and this is as applicable for what happened to the once dominant Jesuits of New France as for what happened to the Jehovah’s Witnesses in the 1920's and what continues to happen to what still remains of the evangelical consensus today.
In other words, there is a cycle nonetheless, and the explanation again takes us to the battle between forces sacred and secular, and the fact that the state always again intervenes, and in a way that is not contained within the macrohistorical theories of challenge and response or the one-way road of modernism. It is a post-Enlightenment condition, and it encapsulates the evolution and devolution of the Protestant culture.

What was it, then, that took the Protestant culture from primarily Protestant to primarily culture? To a large extent, its establishment. As the history of the Jesuits and the Anglicans proved, whatever the vision of the dominant religious culture, the continual process of striking a balance between civil and sacred authority always returns, and the Protestant culture that reached its zenith in the church union movement of the 1910's and 1920's was no exception. In each case there is an accommodation between the two spheres with a predetermined outcome favouring temporal power. As a defining date in the play of forces sacred and secular, 25 June 1925 -- the inaugural service of the United Church of Canada -- ranks with the confirmation of the Jesuit monopoly in 1651 and the establishment of the Anglican church in 1790; moments in the throes of an apparent victory for religious cohesion and independence when, paradoxically, the church in effect and in behaviour has already begun the process of becoming an adjunct of the civil administration. Herein is what John Moir has referred to as the "legally disestablished religiosity" of Canada: an apt description for the peculiarly Canadian blend of an assumed separation and practiced connection of the two spheres. Herein, in our case study, is a possible explanation for the regulation of religious broadcasting and the development of an alternative CBC religion.
Chapter Two: The Bible Students

In the introduction we proposed the existence of a civic religion in Canada, along with the idea that there have always been "established" values that inform how the state has responded to the fact of a plurality of competing religious values. In the last chapter, we looked at how this was manifest in two separate periods in the past. In this chapter we will turn to the case study of broadcasting, the development of which was coterminous with the maturation of the Protestant culture, to see how this civic religion played itself out in those years.

This chapter sets the context for the years in which religious broadcasting began. In it we will focus exclusively on the controversy surrounding the elimination of the Jehovah's Witnesses from their ownership of a segment of the Canadian airwaves. As we shall see, religious expression having been a granted privilege in Canada, rather than a natural right, it was a matter of course that this right could be a tenuous thing for those who were outside the mainstream, much less a group who railed against it.

The parameters of a culture are most readily apparent where there is conflict between those within its confines and the outsider. In a dissertation that is premised on the existence of a civic religion in Canada, a good place to begin is with a religious faith group that took that culture to task at a fundamental level. Here we discover that the timing of the initiation of broadcast regulation in Canada was driven by, and to a large extent justified by, the perceived necessity of suppressing non-conformity, for in the 1920's it was the broadcasts of the Jehovah's Witnesses that provided the pretext for establishing a commission to investigate the idea of state broadcasting and of a state broadcast regulator. Ironically, the selective discrimination that followed, one in favour of -- and applauded by -- the Christian orthodoxy, was the prelude to the systematic secularisation of this facet of the public square in coming years.

Single faith religious broadcasters had not always been excluded from the Canadian airwaves. In the years between 1919 and 1929, a decade in which the new technology of
radio-telephony was developing an audience, many churches were already operating stations directly from their premises. This was prior to the establishment of a regulatory authority, a period which witnessed exponential growth of the industry. The year 1920 marked the advent of regular broadcasting in Canada, when the Canadian Marconi Company opened a station in Montreal with the call letters XWA.\(^1\) With a philosophy that competition was desirable, the years 1922 and 1923 saw the Department of Marine and Fisheries (to which responsibility for the regulation of radio activities had been transferred after the war) issue some 108 licenses.\(^2\) As Frank Peers has pointed out, many of these were either "phantom" stations: i.e., operators who rented broadcast time from another licensee while using their own call letters -- or were never established. For instance, of the 12 licenses issued in Toronto by 1922, only two were operated, and these only for a few months.\(^3\) We will look further into this aspect of early broadcasting later.

The motivation of the majority of the early broadcasters -- both in the United States, where Westinghouse had begun transmitting one month prior to the Canadian Marconi station, as well as in Canada -- was to create an interest in the amateur hobby of radiotelephony and a market for receiving sets. The motivation of the churches -- proselytism -- was somewhat different. For the Bible Students, broadcasting technology was "an instrument to publish widely and effectively the good news of the government of Jehovah..." news which, they complained to their membership, "those commercial chain companies have persistently and "religiously" refused to accept for broadcasting, either for free or for hire."\(^4\)

The center of religious broadcasting was as unique as its raison d'etre. While the bulk of growth in the development in radio broadcasting was in central Canada, where the newspapers and electrical companies were on the cutting edge of the new industry, the locus of religious broadcast licensees was in the west, where the growth of sectarian Protestantism was most pronounced. These churches, "Almost without exception...took advantage of the new medium of radio to extend their range far beyond what any number of traveling evangelists would have been able to accomplish."\(^5\)
In marked contrast with the ecumenism of the mainline churches, western Canadian Protestantism represented, in the words of John Webster Grant, “The most startling reversal of the ecumenical tendency” that obtained in central Canada. Here, rather than a movement toward church union, an abundance of fundamentalist and conservative sects took root beside the other non mainstream denominations, such as the Pentecostal and Christian and Missionary Alliance. This culture mirrored the fundamentalist culture of the southern United States that is described by George Marsden: demographically distinct, economically unique, and theologically suspicious of their urban liberal counterparts. It was within this environment that the International Bible Students established their first broadcasting station in Saskatoon. A rejection of the Protestant mainline consensus, and still more extreme, of the central tenets of the Christian system of beliefs, their fundamentalism was simultaneously consonant with the nativist and anti-Catholic instincts of the culture in which they moved, and beyond the limits of what the central Canadian Protestant culture would tolerate.

Thus what we find in 1920's Canada is a politicised Christian mainstream culture in conflict with an offending religious world-view. In what became a minor scandal for Mackenzie King’s Liberal government, the Department of Marine and Fisheries in 1928 refused to renew the five broadcast licenses under which the Association had been operating since 1924. It is important to make the distinction between this action and the overall undertaking of instituting a regulatory regime for the new medium of broadcasting, for without the proper context the action against the Jehovah's Witnesses can erroneously be assumed to be part of the same agenda. The early regulation of radio broadcasting had a legitimate motivation, being a necessary development in organizing a new technology whose rapid expansion was creating novel problems of access and interference. In these terms it was nothing exceptional, nor was it outside the parameters of what other western countries were doing at the time. In curtailing a license for program content, however, the government was assuming an authority that the existing legislation did not support, with the intent of gaining the time necessary to claim that authority. More significant of an issue was that of religious liberty. Here, the state was exorcising an offending religious worldview that had prior access rights under the
existing regulatory regime, and as such should logically have received first consideration in the new one.

**The International Bible Students**

An arm of the Jehovah's Witnesses, the Bible Students had a reputation for innovation, and were among the first to realize the possibilities which the new medium of radio promised for the dissemination of viewpoints. As early as 1922 the Watchtower Society had begun the planning process which led two years later to their first broadcast from their own radio station on Staten Island, New York. However their fortunes in the United States would prove to be different from in Canada. Coming without explanation from the Department's Minister or public announcement of a policy change, the curtailment of the IBSA became widely viewed as an arbitrary action, a perception that the government managed to partly deflect with its subsequent announcement of an enquiry to look at all issues pertaining to radio broadcasting.

Although nearly half a million Canadians protested the government's action, the renewal scandal had already set in course a chain of events that would see religious broadcasting taken out of the hands of religious broadcasters. As to the Bible Students, the regulatory commission established following the 1928 royal commission selected for censoring the broadcasts which they had begun to purchase on other commercial stations following the revocation of their license. This brought an effective end to their use of the air for the rest of the century.

How are we to interpret the events that led to the situation described briefly above? One interpretation is that, though far removed from the days when Canada had a state religion, the Bible Students had run afoul of an establishment ethic; as a small but growing sect of radical millenarians, the IBSA fell into a category of *de facto* non-conformity, and although standing on the shoulders of a long tradition of dissent, in presuming the right to offer a contending voice through the new medium of radio they were attempting to leap an invisible wall around the public square. It was to this that the gatekeepers of that square felt compelled to respond. This interpretation seems to be sustained by the
historical record, and for this we need to look at the context of the IBSA in the first
decades of twentieth century Canada.

That policies indefensible from a liberal democratic perspective could be defended in a
liberal democracy speaks to the overwhelming hostility at the time toward both the
message propagated by the Society and the manner in which it was delivered. Indeed,
running parallel to the record of systemic state abuse of power is one of increasingly
vitriolic invective from the Association toward secular government and all other forms of
organized religion. However, it also speaks to a basic premise of acceptable vs.
unacceptable religion, and the fact that differential treatment toward the two was a
cultural given. If the doctrine or behaviour of a given sect offended mainstream
sentiment — and there is every indication that with the Bible Students it most certainly
did — the results were predictable. In this one sees the outlines of the establishment ethic
in crude form: in the withholding of civil liberties of a select faith group within a
collectivity, the state gives expression to the principle that where ultimate loyalties
conform, harmony prevails; where ultimate loyalties collide, the state prevails. And, as
to demanding ultimate loyalty, few were more exacting than the Witnesses.

True to millennial movements of the day, the doctrine to which Russell’s followers
ascribed was imbued with a sense of singularity and urgency which made ecumenism
impossible. A brief history of the Witnesses in Canada makes the point. Millennialism,
alternatively known as Adventism, has long held the fascination of a sub-group within
North American Protestantism, in no small part for its willingness to furnish a
chronologically concrete eschatology out of the same biblical passages that are rendered
metaphorically in the dominant theology. Impatience with the open-ended eschatology
of the mainstream was inseparable from the excitement of the promise of immediate
redemption, a promise which fostered no small amount of radicalism among adherents,
including an extreme judgementalism toward those who rejected the message and
counsellled others to do the same. If indeed God had encoded the date of the apocalypse
to a point one week, one year, one decade hence, what other explanation for continued
complacency among God’s flock could there be but that Satan was behind it?
Consequently it was the clergy, Protestant and Catholic alike, who incurred the full wrath of the millenarian.

The banning of the Bible Students from the airwaves is an event that can not be understood in isolation from the pattern of persecution which this sect had met since the “Russellites” first attracted attention in nineteenth century Canada. The events that saw the development of the Jehovah’s Witnesses into a movement large enough to be considered a threat to established authority is a well documented phenomenon. As the foremost historian of Canadian Witnesses, James Penton records how the sect began as an American movement in the 1870’s, the product of one Charles Taze Russell.12 Russell was a lapsed Presbyterian, who during a brief flirtation with Adventist theology became convicted that Christ would return not in human but in invisible form, eventually built a following of missionaries who proclaimed to the world that this event would occur in October of 1914. After severing his Adventist connection over this doctrine, Russell began the publication of Zion’s Watch Tower and Herald of Christ’s Presence, mouthpiece for the Watch Tower Society which he established three years later. Russell achieved a fairly spectacular following, establishing congregations all over the United States and Canada before his death in 1916, at which time he was succeeded by his able and energetic legal counsellor, a Missouri lawyer by the name of Joseph Rutherford.13

The years of Rutherford’s succession were a critical period for the sect, whose ranks were thinned when the predicted Armageddon of 1914 failed to arrive as expected.14 A power struggle within the New York headquarters of the Society, which ended with the new president dismissing all of the dissenting directorial staff, was a further cause of defection. Meanwhile events from outside were shaking the sect, as the years of World War One saw a systemic persecution of the Students for their pacifism and their denunciations of mainstream religious clergy, whom Bible Student literature depicted as murderous accomplices to the conflict.

Consistent with his emphasis on the biblical doctrine of being in, but not of, the fallen world in which they lived, Russell had specified that Bible Students should avoid any
involvement in civic government, including military service. Though he developed this doctrine in the years before the outbreak of hostilities, the war would necessitate a more declarative position, confirming Bible Students as conscientious objectors to any form of service.\(^{15}\) Though Section 11 of the 1909 Militia Act granted exemption for those who “from the doctrines of their religion [were] averse to bearing arms,” in 1917 Canadian courts determined that the IBSA was not a denomination but an unlimited company, on the basis that the organisation was only an assortment of “groups who meet for the study of the Bible and the discussion of theology and ethics.”\(^{16}\) Using the objectives of the Association as delineated at the time of their incorporation, Justice Lyman Duff found reason to doubt whether their “primary object” was a “common worship”, an “essential characteristic of a ‘religious denomination’ within the meaning of Section 11.”\(^{17}\)

Prior to this major legal setback, Bible Student literature had been falling under a widening ban as Canada’s wartime press censor became convicted that they were of a seditious nature and harmful to the war effort. Among countries in which the IBSA was active, Canada took the lead in their censoring, and is recognized in Witness literature for its role in initiating the period they refer to as the “Babylonish captivity.”\(^{18}\) Evidence of pressure from Canadian clerics has been presented by the Witnesses as proof that religious authorities were “out to get the society but, like the Jewish hierarchy in the days of Jesus, they wanted the state government to do the dirty work for them.”\(^{19}\) The Christian clergy in Canada were modern day “Pharisees”, and blamed for instigating the February 1918 banning order on all Society publications, an order which, according to Witness history, “set off a chain of clergy-inspired actions that were aimed to force the governments of both the United States and Canada to destroy the Watch Tower Society and its co-workers.”\(^{20}\)

Clerical antipathy of the Witnesses’ was a component in the censorship of the Society, though it was less than the conspiracy that they contend. By way of example, with the 1914 release of the mixed media “motion picture” Photo Drama of Creation, which the avid Students exhibited to audiences across the country, clerical complaints about Sunday screenings failed to find a sympathetic ear with state officials: however, when Rutherford
himself came to Toronto for a screening in that city, and then told his audience to refuse any military service, Ontario’s Provincial Treasurer responded by cancelling the Society’s moving-picture license. As Gary Botting - an ex-Witness who has penned several books on the movement - points out, this event marked the first instance of provincial censorship of a moving picture in Canada.

The refusal in 1916 to admit President Russell into the country, the banning of the Association’s publications - including *The Finished Mystery*, a book commissioned by Russell that was published shortly after the President’s death, also in 1916 -- the inflexibility of Canadian courts and the ineffectual and abusive court martials all marked a process in which the approbation and prejudice of the religious and political mainstream received full play. The high-handed attitude of the state is summarised in the words of Immigration Superintendent W.D. Scott in a letter to Ernest Chambers, then chief press censor in Ottawa; “We had enough of Pastor Russell’s kind already in the country without importing more trouble and opposition.” Considering the source -- the man who barred Russell from the country -- and the recipient -- the one who banned his writings -- this thin rationalisation is not surprising.

*The licensing renewal controversy*

**WILL NOT RENEW BIBLE STUDENTS' RADIO LICENSE**

Department at Ottawa announces cancellation because of BibleTalks

- Regina Post

It was in the context outlined above that the Bible Student’s renewal scandal took place. The inter-war period was not a happy one for the Witnesses - in Quebec, religious persecution continued in the form of arrests, often on charges of libel and sedition, and frequently at the behest of government officials. In English Canada, persecution was less direct, and only became a matter of public awareness with the licensing controversy of 1928, a move that came as a surprise to the public but had been developing in Ottawa for a year prior. The first public disclosure of the decision came on the 30th of March in the form of an announcement the House of Commons. Fifteen days before, the
Association had received, in place of the usual reminder to renew their license, a perfunctory notice stating, in one sentence;

You are hereby advised that the following Private Commercial Broadcasting Licenses, viz:-

No.65 for station “CFYC” Burnaby, B.C., (Physical)
No. 66 “ “ “CHCY” Edmonton, Alta (“)
No. 67 “ “ “CHUC” Saskatoon, Sask. (”)
No. 68 “ “ “CKCX” Toronto, Ont. (Phantom)

for the year 1927-28 issued in favour of the International Bible Students Association will expire on the 31st March, 1928, and the Department does not propose to renew the same after that date.\(^2\)

The notice was signed “Your obedient Servant, A. Johnston, Deputy Minister.”

Upon receipt of this statement, the Association headquarters in Toronto engaged in a last minute effort to ascertain the reasons for the decision. Unsuccessful, they then agreed to completely relinquish their entitlement to Sunday programming by transferring their prior rights to the mainstream churches. Meanwhile, public awareness of the decision began to spread across the country, bringing pressure on the government to reveal its reasons for the cancellation. The rumours spilled into the House when Red Deer M.P. Alfred Speakman spoke up on behalf of constituents upset with what they had heard would soon transpire. At the same time that his radio inspectors were being instructed to listen in to the four stations to ensure compliance, Arthur Cardin, minister of Marine and Fisheries, deflected Speakman’s query with the promise of his own statement the next day. This he finally gave three days later when he confirmed that, “In light of the information voluntarily submitted to the Department of Marine and Fisheries during the past year or more, and with a view of promoting a readjustment of radio broadcasting licenses, it has been decided not to renew the licenses to the International Bible Students.” Cardin steadfastly refused to give reasons for the action in spite of the immediate volley of demands he do so, but after avoiding more of the same for several weeks was forced to explain the government’s position. This he did on the 12th of April, in an extensive explanation designed to counter the appearance of an arbitrary action.
In his statement, Cardin offered a selective sketch of the Bible Student's involvement in broadcasting, one that began by emphasising that the Department had approved a license in 1924 in spite of their view two years prior that the license applied for at that time was considered to be "not in the best interests of the public". This reference was left open to interpretation -- necessarily so, as the minister had nothing to offer aside from the government's prejudice -- as to why this would have been the case. Then, reminding the house that license renewal was at the government's pleasure, he offered the following explanation for this action:

When the licenses for the Bible Students expired at the end of the fiscal year, 1927, some consideration was given to the question whether they should be renewed, because of complaints made by the listening public against the matter broadcast by these stations. It was decided, however, to give the association a further trial and the licenses were extended for another year. While the licenses had originally been applied for by individual units of the association at the places named, the broadcasting stations appear to have become organized under the central authority of Toronto, who last year made application and in whose name the four licenses were renewed. Whether this reorganization has any connection with the matter is not certain, but complaints from the listening public have gradually increased until to-day the department has received a large number of protests and petitions asking that the broadcasting activities of this association be either curtailed or entirely suspended. The matter being broadcast is generally described by complainants as having become intolerable and that the propaganda carried on under the name of Bible talks is said to be unpatriotic and abusive of all our churches. Evidence would appear to show that the tone of the preaching seems to be that all organized churches are corrupt and in alliance with unrighteous forces that the entire system of society is wrong and that all governments are to be condemned.\(^\text{24}\)

Cardin added to the explanation of his Department's action the convincing argument that current technology made "tuning out" an unrealistic answer for many listeners:

There are many who say that if the listener does not want to hear what any particular station has to say he has merely to tune it out. This may be so in some cases, but a large percentage of receivers in use at the present day are not sufficiently selective to do this; especially where the station is in close proximity we know very well that the listener has either to accept the program of the local station or listen to none at all.\(^\text{25}\)

Given this situation, it was the duty of the government to insure that the listening public received what it wanted. At the time, Cardin gauged, this seemed to be a preference for "stations employing high power and "entertainment" of the better standard" over
“propaganda.” Therefore, he added, “mindful of its responsibilities to the broadcast listeners as the licensing authority, the department is persuaded that in the general public interest the licenses of the Bible Student’s stations should not be renewed.” Moreover, Cardin continued, “having regard to the seemingly unsatisfactory conditions now obtaining, the government are giving consideration to the question of whether or not it would be generally advantageous to adopt a policy of national broadcasting along the lines adopted in this respect by the British Government.”

No logical leap is evinced in this statement, not because the issue — religious difference — and the solution — national broadcasting — compute. In fact Cardin revealed by his comments that he did not even have a clear understanding of how the BBC operated, his later comments suggesting he mistakenly believed that the British model absolved the government of all ministerial responsibility. This was not the case, as the BBC governors were not in control of licensing. Cardin’s motivation is encapsulated in his statement during the controversy that: “The sooner I can get rid of this and have it taken out of the department, the better it will be for me!”

However public broadcasting was understood to operate, the position of the Canadian state was that it was time to take control. Cardin’s announcement of the Liberal government’s position contained all the essential components of the regulatory mantra that persist to this day. Using the language of common sense, he spilled into Hansard the discourse of a state accustomed to the task of separating acceptable from unacceptable in the religious domain. So accustomed to its custodianship of religious expression that it did so with a seamless logic, in the same month that it announced its decision on the Jehovah’s Witnesses, the government was promising a royal commission would be struck to deal with just such issues.

Is this unnecessarily harsh? Certainly Cardin’s response contained more than just state paternalism; it also raised some presumably reasonable arguments, not only of controversy but of access as well. If the Bible Students were using limited radio space to broadcast intolerant fare to a public whose taste was for entertainment, how can this form
of censorship be faulted? With others apparently clamouring for licenses to provide a far superior service, why would this choice not be made? The strongest argument in favour of this perspective - one that has deterred further examination of the decision by historians -- is the alleged connection between the Bible Students in Saskatoon and the Ku Klux Klan. Before going into the specifics, it needs to be said that an answer as to the reasonableness of the state action requires that we distinguish between the action itself and the approach of the state to religious controversy per se. This is to say we can not make the event in question the final proof of anything: the context in which it took place, including the nature of religious broadcasting permitted in this newly regulated facet of the public square, needs to be taken into consideration as well.

But what were the facts in the event? Was Cardin’s depiction of a government that had tolerated as much as should or could have been expected of it, in the context of increasing public concern and a portentous centralizing of the Association, at all accurate? Cardin was seriously challenged on some points in the ensuing controversy -- in particular the idea that a widespread and mounting public reaction had been underway in Canada against the Students -- but the overall premise of the position adopted by the government remains the accepted starting point in what limited research has been done on the event. From the modern lens, the state tends to emerge as the reasonable actor. The details of the licensing renewal, however, cast serious doubt on the notion that state intervention was proportionate to its goal.

The first of these is in the response itself. The announcement in the House created a verbal backlash from opposition members who believed the action to be arbitrary, and wanted a clear delineation of ministerial responsibility that they viewed as lacking in the act. More consistent in their criticism was the Labour party, whose members were less easily satisfied with Cardin’s responses than the opposition. Taken together, these protests matched the voluminous petitions from Canadians, and indicate that Cardin was at least partially, if not wholly disingenuous in his assessment of public opinion. The petitions against the Bible Students of which he spoke have not survived, but we can learn enough from the sources to question his interpretation of a broad-based opposition
to their broadcasting. Instead, that the government was creating a smokescreen seems to be borne out by the record.

Cardin provided a short list of the complaints that his office had received over each of the four IBSA stations, one designed to leave no doubt but that important interests were involved. “Complaints have been received from officials of the city and provincial authorities against the Edmonton station, and there are many protests from other prominent people in regard to the same station.”, he said of the Alberta station, while in Vancouver, “a joint petition has been received from the Greater Vancouver Radio Association and the Radio Trades Association of Vancouver asking that the license of the Vancouver station...be not renewed for next year.” Of Toronto, Cardin simply cited “many letters and a petition” having been received. What are we to make of these? The answer would be provided by the government four days after Cardin’s announcement, when, under pressure to reveal the accuracy of these statements from the two Winnipeg members J.S. Woodsworth and his colleague A.A. Heaps, Mackenzie King authorized that they be tabled. Although King first demurred, citing the fact that “the expense of copying these papers is very considerable, and has to be borne by the department.”, he could hardly have denied such a courtesy for the further damage this would have done, and without further protest permitted the copying of “only such letters as were the occasion for the cancellation of the licenses.”

As it turned out, the Prime Minister had little to concern himself with if copying costs were indeed his prime concern, as the entire file of complaints against the four stations amounted to a mere ninety-four items, eighty of which were from Toronto. In contrast with the more than nine-thousand letters of protest that were received in the two months after the scandal broke, the number pales, and at least one member of Parliament did not hesitate to make use of this fact. A careful inspection of the correspondence revealed that the number that referred to the Vancouver, Edmonton, and Saskatoon stations were only three, five and six letters respectively, and that of those fielded in Toronto, forty-four were regarding interference, twenty-two to other miscellaneous issues, and only fourteen were directly related to programming.
More than that, what A.A. Heaps discovered was that it was the order for tabling correspondence that prompted the government to find correspondence to table. In other words, it was only when forced to defend the cancellation that any effort was made to research the activities of the Association, a situation inimical to the perception of objectivity the state attempted to convey. In Heaps' reconstruction of the events, letters went out from the Department of Marine and Fisheries as early as 12 April, when the motion was already on the order paper, "practically asking for information against the International Bible Students." A return letter on the seventeenth, and several other replies from government departments suggested to Heaps that "the Department cancelled the licenses, and after they had done so, they looked around for evidence to justify them in taking their action." As the evidence that was hobbled together after the request for its disclosure contained articles from American newspapers from the First World War, Heaps protested what he saw as an unfair and feeble attempt to create an indictment after the event. It was illogical to go back "for a period of ten years for evidence against this association." Heaps pointed out, adding that "In 1918 and 1919 there was no such thing as radio license granted by the Department of Marine and Fisheries in Canada" and thus it was "unjust that these matters should be brought to the attention of the house."  

As to the more relevant public reaction to the three above stations that also formed part of the tabled correspondence, it is important to note that none of these had been on the air for more than two years - and Toronto only one. This was in contrast with the original license for CHUC Saskatoon, whose four years experience provided -and provides still-sufficient basis on which to judge the merits of Cardin's claims. If a case was to be made that the Association had proven itself unworthy of a license to broadcast, unbending to regulatory control, or unwelcome with the public, CHUC Saskatoon was it. In the course of its operation it had been the target of the most grievous of the charges against the Association as well as the recipient of the most emphatic support. Degrees of each appear in the records of the local radio inspector, whose memoranda detail the misunderstanding that existed between the license holder and the state.
In adumbrating the nation-wide complaints he had fielded about CHUC, Cardin told the house that: “A petition from the Board of Trade at Saskatoon asks that the association’s broadcasting from the station at that place be restricted and the local inspector, who originally recommended the granting of the license, says that he has a “continual deluge of complaints.” These reasons, though specific to Saskatoon, were the crux of the government’s position against the Association in general. On its own, severed from the issue of arbitrary rule that dominated the discussion in Parliament (“the spirit of British fair play” by contemporary idiom) they made for an apparently solid argument for non-renewal, being supported by the twin motives of upholding the best interests of the business community and the expressed wishes of the popular will, variables which suggested the license in dispute to be a poor use of limited wavelengths. Needless to say, the argument deserves scrutiny.

First, taking up the reference to the Saskatoon Board of Trade, what was it that Cardin was referring to? Why would a business association petition for restriction of a local broadcast license without good reason? In fact, the Board had not petitioned against the Association’s right to broadcast. The nature of the petition to Ottawa was that of a resolution calling upon the government to restrict religious broadcasting to Sundays. At the time the Board made the petition, CHUC had a broadcast schedule that included an 8.30 to 10.00 P.M. timeslot on Tuesday and Thursday evenings. The winter program schedule that was registered in Ottawa described the fare for these evenings as “Lecture on either religious or educational topic”, and “Concert program musical”, respectively.

The motives of the board are not easily determined. The official reason the board gave for its action was concern that there was not enough time for the broadcasting of “items of public interest”, a complaint completely at odds with the broadcasting schedule. From the dozens of letters protesting the Board’s petition can be gleaned the inference that perhaps they coveted the weekday time slots for their own usage - not having a license, they would be renting from one of the three stations, and had apparently done this previously with the station owned by the local amateur radio club. But this is
speculation: the Board’s action may also have been in response to the fact that the Association had recently been appealing to Ottawa for a more equitable division of broadcast time. The division of time was a longstanding grievance with the Association, and the Board may have feared that any resolution in favour of the Students would be to the disadvantage of commercial radio, and of those among their membership whose business plans included its use.

The level of technology of early radio receivers being what it was, the less expensive sets were quite limited in terms of tuning capacity. Until 1929, the technology that made Alternating Current adaptable to radio did not exist, and the power of a receiving set depended largely on the strength of its battery. Consequently, to prevent interference the Radio Branch had early-on adopted a policy whereby not more than one station would be allowed on the air at a time in any Canadian city. The hours of service that each licensee could hold were to be worked out in agreement with the other existing stations in the area. Often the only license in a given centre was that held by local amateur radio clubs, enthusiasts whose passion had first brought radio-telegraphy out of the shadows after the war. When licensing began with the formation of the Radiotelegraph branch these hobbyists had been grandfathered in, but, similar with the relegation of amateurs to Short wave in the American Radio Act of 1912, the understanding was that theirs would receive last priority in the event of a programming conflict with commercial stations. Often the first of the private local broadcasters were low-powered stations owned by appliance outlets that had begun selling “amateur wireless sets.” Following the lead of Westinghouse Corporation, which began commercial radio with its first broadcast in 1920, these entrepreneurs perceived the obvious benefits in increasing the entertainment value and thus commercial viability of what many believed would be a passing fad.

This was the situation in Saskatoon in 1924, where the only commercial license, CFQC, was owned by one Mr. Streb, local businessman and owner of The Electric Shop Limited. Streb’s, along with CKCK in Regina, were the only broadcasters in Saskatchewan in 1924. The Canadian National Railway also had a broadcast license under the call sign of CNRS, but used the CFQC wave-length for their daily one hour broadcasts. This was a
common arrangement in the early days of radio, when down-time outnumbered broadcast
time on all but the largest and best financed stations. With CFQC only broadcasting two
or three evenings a week, CN one hour a day, and the Bible Students only requesting
three hours per week - half on Sunday, half again on Wednesday evening - it should have
been a simple matter for the radio inspector to engineer a compromise. And for a time it
was -- until the Association requested an additional evening that was being used by the
Saskatoon radio club.

When the Association was licensed, their programming plans were modest, even by the
standards of the day. At the time that their license was pulled they were only
broadcasting six and one half hours weekly -- nowhere near their rightful share in what
was then a four-way division. But a significant brouhaha was involved in arriving at this
meagre allotment. This is not to suggest that they desired their full share of airtime.
Their limits in producing broadcast material were as real -- evidently more real -- than the
next licensee. In truth, initially three hours was more than CHUC could handle, which is
to say that the Association's beginnings in broadcasting were typical for pioneers in
radio, who had to rely on local resources to set up and operate their transmitters. The
limited pool of knowledge such as would exist in a church congregation meant that the
task would fall to whomever had an aptitude in things electrical -- in this case one E.G.
Esson, whom the local radio inspector described as "a college trained man" adept at "the
theory of radio". Approved in May to submit an application, it was not until October
that the congregation was in a position to do as much as supply the required technical
report, a basic four page description of essentials such as the number of vacuum tubes
and the system of modulation. Finally licensed on the fourteenth of that month, the first
report of its activities indicated that although the station was "just beginning to operate."
nonetheless it was already evident both that "Their modulation is good." and that "It
seems to be meeting with favor by the public." It was, to say the least, a somewhat
generous first report card, given that the Bible Students wired to the Deputy Minister two
days later requesting a refund on their license fee, having "not yet started to operate being
held up by the none arrival of certain machinery."
Station CHUC did, however, manage to begin a broadcast schedule before the end of the year. Two years later a request was made for a doubling in power from 250 to 500 watts in order to increase range under "certain unfavorable weather conditions." The increase was granted as a matter of course, but in the summer following, when CHUC requested additional time -- apparently at the urging of the Association's headquarters in Toronto -- they were met with bureaucratic stonewalling directed from Ottawa. Upon receiving their request, radio Director C.P. Edwards wrote to local inspector Macklem of his preference for limiting the broadcasting of religious lectures to Sundays, while giving priority to entertainment on weekdays. Macklem wrote back expressing his agreement with a principle he claimed as his own, repeating his opinion of an earlier missive that "it would be a good idea to hold down the broadcasting of more religious matter by this particular station during week days." They felt confident that an additional hour of programming would satisfy their demands, and that he would "try to work this in for them" but by October the national headquarters of the Association was writing directly to Ottawa, citing an "inability to obtain from the local Radio Inspector in Saskatoon an equitable adjustment of broadcasting hours". What the Association wanted was an increase of two and one half hours from their five and one half weekly schedule, and, as they said: "We have always understood from various of your Inspectors, as well as from your Department direct that the fundamental basis for dividing of time between stations is upon that of an equal division and in view thereof we are at a loss to understand Mr Macklem's attitude, for certainly our request is reasonable". As they claimed, "We have been unable to get any reply to our letters to Mr. Macklem with regard to an extension of time, although we had taken the matter up before the Summer schedule was made up." In fact this was not quite true: a letter from Macklem dated 23 September informed the manager of CHUC that their requested Saturday evening slot of 7:30 - 8:30 was already allotted to CJWC and IOBH, and that they would have to "govern themselves accordingly." Whether deliberately or not, Macklem was clearly forgetting that IOBH, as an amateur station, had last priority on hours.
It was this last letter from Macklem that had prompted the Saskatoon congregation to write to their headquarters, perhaps in order that the national body would make the above appeal to Ottawa on their behalf. In the letter to the “Brethren” at headquarters the manager of CHUC included the following chart of the hours of the Saskatoon stations:45

C F Q C       has 31 hours per week.
C N R S       has 9 hours per week using C F Q C station, making a total of 40 hours per week for that station.
C J W C       has 15 hours per week.
I O B H       which has only a club license has 83/4 hours.
C H U C       has 51/2 hours.

The inequitable distribution is obvious, and one month later, C.P. Edwards was reminding Macklem of the rule regarding amateur licenses and asking him “what objections, if any, there are to giving the Saturday evening hours... to station CHUC.”

Whether the Board of Trade foresaw in CHUC a threat to commercial radio is unclear. What is clear from a letter in the Saskatoon Daily Star and another to the Radio Branch in Ottawa is that the resolution to limit the Association’s hours was the outcome of a meeting of a sub-committee of 21 members -of which apparently only 12 were present; that the 513 rank and file members of the Board were not consulted, and that the perception of some of those who signed the petition was that CHUC was broadcasting on every weekday evening, rather than two evenings a week as was actually the case.46 As well, the popular reaction to the petition was immediate and one-sided in expressing support for CHUC and indignation with the Board. Throughout February and into March, dozens of letters from all points in the province reached the desk of the Minister of Marine, protesting this attempt at “taking...CHUC Saskatoon of the air on weekdays as they are certainly giving us such very good Programs” [sic]. A common theme in the letters was incredulity that religion should be excoriated from the air, for the simple reason that “Surely, if anything should be stopped, it would be the terrible jazz broadcasted during some of the evenings.”47 “We are tired of listening to jazz all the time, so when we can get some bible lecture’s during the week it is greatly appreciated.” wrote a listener from Viscount, who also gave a frank insight into the importance of radio
typical of letters from rural parts: "Religious broadcat [sic] during the week is just as interesting and appreciating on week days as it is on sunday, especially on the farm, because we are so far away from any place of religious worship. ... On the farm radio is the only thing that we have to pass the time with, because the neighbor's [sic] are so far apart and the winter is so cold that [it] is almost impossible to go anyplace, so we have to stay home all the time."\(^{48}\)

In Ottawa, a ministerial directive had the Department staff checking each letter against the list of radio license holders, revealing in the process that approximately half of these were from people who did not own a radio -- including, ironically, the co-manager of CHUC, George Naish. Whatever the case, the Board's resolution met with little success - its immediate effect being the opposite of what had been intended.

With respect to Cardin's second point in his speech to the House, that the radio inspector had been besieged by "a deluge of complaints" in connection with CHUC, Cardin was technically correct, but the truth of the matter was that the "deluge" to which the inspector had been alerting his superiors was in response not to the Association's license, but to its impending cancellation. Within five days of Cardin's announcement, the Saskatoon radio inspector was reporting "a tremendous amount of re-action in connection with this matter."\(^{49}\) Contrary to Cardin's blanket statement that "the supporters of the Association...have been solicited", Macklem told him that "a large number of societies, organizations of various kinds and churches are taking the matter up, not on behalf of the Bible Students, but in defence of the principle of religious societies being allowed to broadcast."\(^{50}\)

In fact, there had been a groundswell of protest growing in Saskatchewan since the first half of March, to the apparent delight of J.J. Maloney, a Klan organiser whose broadcasts had created problems for the Bible Students in the first place. A former Jesuit seminarian from Hamilton, Maloney had come from Ontario to organise a local Klan following after the movement's demise in his home province. In Saskatchewan, he skilfully played discontent with the Liberal government of James Gardiner into a political force that
survived even the theft of its membership funds by the American organisers who had preceded him. As with the opposition to government supported separate schools in the Province, the broadcasting controversy was easily construed as evidence of a Catholic agenda in Ottawa. In a telegram to Mackenzie King dated 15 March, Maloney reported that “Petitions with two hundred thousand names are being circulated in this province which is 80 percent Protestant.” Other sources had confirmed this. Ten days before Cardin spoke in the House, he received information from the radio inspector in Regina on “some 80 copies of a Petition Protesting against the Cancellation of CHUC license being circulated throughout the Province of Saskatchewan.” The inspector informed Cardin that “A door to door canvas is being made in the City of Regina by I believe the Bible Students…. However the Keynote of same appears to be relative to Free Speech and to cut out Jaz [sic] music.” Enclosed with the telegram were clippings from local papers, including an editorial from the Standard that contained the following:

When application was made recently for renewal of the broadcasting licenses the radio branch notified the Association that further licenses would not be granted because the lectures in the past have contained religious matter of a controversial nature. We suppose then that all licenses will be refused where matters “of a controversial” nature have been permitted to be given the air. The excuse given by the Hon. Mr. Cardin... is altogether too flimsy. It shows all too clearly the desire on the part of someone or some influential body to put a check on free speech.

The sentiment espoused above seemed to resonate throughout the country, as protest meetings were formed where petitions were signed in favour of freedom of the airwaves. In total, some 458,000 signatures were gathered - an astonishing number for a country whose population was then just shy of 10 million. Put another way, the number represented an amount more than 30% higher than the total work force of Saskatchewan in the year 1931, three years after the petition was made. What this reaction indicates has been subject to debate ever since it came before the House. In what remains the definitive interpretation of the event, Austin Weir emphasizes two points: first, that the wording of the petition — in most cases it said simply “Are you in favour of freedom of speech on the air?” — was sufficiently vague to find agreement with anyone, and secondly, that research at the time revealed that of the 458,000 signatories, only about 82,000 were radio owners.
Weir’s first point is well made, for it would be difficult to contemplate many who would not be able to agree to such a vague statement. The variable here, however, is whether the signatories were aware of the issue involved, and it seems reasonable to guess that they probably were, and that at the very least their willingness to sign a petition indicated some level of sympathy for the Association. The second point is less important. In the 1920’s, when radio was a novelty, radio ownership was not a trustworthy guide to the radio audience. As radio made the transition from being perceived as a hobby for young boys to an adult entertainment, its audience had to play catch-up. In 1922, the number of receiving sets in use in North America climbed from less than 50,000 to more than 600,000, but Canadians would not come close to universal ownership until 1950. As late as 1931 only one-third of Canadians had a radio, the same figure as would not have a radio by the end of that decade. For many North Americans, the first exposure to the new medium involved immersion into a strange new world of late night demonstrations on roof top sheds, garages, or empty offices. The communal character of early radio was reinforced in the social act of coming together on evenings with friends and neighbours to “listen-in”, and those who were the first to purchase receiving sets often became in the process the neighbourhood hosts. Simon A. Giberson of Ardath, Saskatchewan was a good example. In a letter to the Minister of Marine requesting more evenings of “Religious topics” and less “Jaz Jaz Jaz”, he explained that “On regards to our own home and family, we have a 6 tube Fleshmains Masterpiece set and get different Stations all over the County, but our favourite is C.H.U.C. at Saskatoon as it comes in very much clearer than other station. We have from 9 to 25 persons every Tuesday and Thursday evening gathered to hear the great lectures and musical programs which is put over the air by C.H.U.C.”

The magical box: religion and ‘Jaz’

Radio gatherings such as Giberson’s were a novel form of entertainment and not an unusual one, being described in many of the popular magazines of the day. The epitome of this communal event was the train radio, whose programs gathered its captive audience under its magic spell. An excellent account of this is given in an article from the CNR
archives, reprinted by Weir in his discussion of how this innovation increased passenger traffic and filled the CN observation cars at the expense of the Canadian Pacific.

Incidentally, because the article is about a Sunday worship service from Saskatoon, it is possibly in reference to CHUC, the only station broadcasting religious services on a regular basis from that city until 1926.

One Sunday morning, an east-bound CNR train was flashing across the Prairie, no longer golden, but white with snow as far as the eye could see. Within the observation car a group of passengers sat, toying with magazines and books, engaging one another in conversation that lagged, wondering how long before lunch would be served. Suddenly the sound of an organ rolled through the car. Its music softened, almost died away, and then, a clear soprano voice was uplifted in an old familiar hymn. Books were dropped. Drooping faces brightened. There was no need for conversation. Lunch was forgotten. Bible reading, sermon, and more hymns followed. Then the announcement of meetings to be held the coming week by a church in Saskatoon, nearly three hundred miles away. Then the collection. There was silence in the car, except when a jingle of silver was heard as the offering plates were assembled in that far-away church. A passenger at the rear end of the car rose and walked to where the radio operator sat. He asked the operator for his cap and dropped a five-dollar bill into it. And then he passed the hat around. Without exception every passenger contributed. Late that afternoon, when the train pulled into Saskatoon, almost thirty dollars went from the train to that church whose service had been heard far away in the morning. It was the first known time that a broadcast sermon had elicited voluntary contributions from an unseen congregation.  

The emotional response to a radio program on a train crossing the prairies speaks of the communal feeling that radio could arouse, and puts in context the shock with which many Canadians responded to the censorship of the new medium. The imagery above may be romantic and contrived, but the account is consonant with the sense of wonder among early radio listeners of being part of a vast, invisible audience, a sentiment that excited the contemporary imagination to visions of a new cultural unity. To the North American press of the 1920’s, radio was received as a “new-found handmaiden of civilization”, one that could bring into every home “the very music of the spheres.” Radio was marvelled at for its ability to shrink distance and remove the limits dictated by time and space even as it promised to “bind every race of people into this network of human communication.”
Many examples of similarly lofty hopes give evidence of a society that believed it had the means to end isolation, elevate mass culture, eradicate bias, strengthen democracy, further the progress of a world language, and even erase religious intolerance. In regard to this last, and in spite of the antics of the more radical evangelical radio preacher — such as the infamous Aimee Semple McPherson, who in her early broadcasting days labelled FCC regulators “minions of Satan” for attempting to prevent her from free reign of the radio airwaves — a popular expectation in the 1920’s held that the inter-denominational exposure offered by radio would have a unifying effect on disparate religious groups.\(^{62}\) Where appeals to tolerance would otherwise fail, radio could invade the most rigid household in the guise of an invited guest. To one writer, the broadcast of religious services made possible for the first time a situation wherein “an ardent Protestant, even a Ku-Kluxing Protestant, [could] listen to the pastoral of some Catholic priest” thereby extending the possibility that “Catholics and Protestants may discover an amazing number of things common to their faiths.”\(^{63}\) Optimistic predictions such as this were an aspect of a honeymoon period that existed in the first decade of radio, before the religious radio wars of men of the likes of Father Coughlin, Father Lanphier and Moriss Zeidman would smother such hopes. By the 1930’s there would be a forced reconsideration of radio’s potential to change established prejudices, but for many Canadians and Americans in the turbulent nineteen-twenties, religion by radio was on the side of the angels, particularly in the context of what was perceived as the real threat to social harmony: the overplay of all that which fell under the catch-all title of jazz music. For many, the sectarian divide was secondary to the new immediacy of the profligate dance tunes that clogged the airwaves and provided ample evidence of a corrupted culture. For others it was simple overkill. “I may say that I enjoy religious subjects a great deal more than the average jazz programs that are coming over the air”, wrote one listener. “The air is so full of Jazz that it is becoming stale.” were the words of another.\(^{64}\) The concern was as great in the United States as in Canada, and the cultural distance from a popular American trade magazine to a CN rail car was closer than we may think. Because by 1925 it was estimated that for every nine magazines purchased in Canada, eight (or 50 million annually) were imported from the United States, the passengers who dropped
their books to listen to a broadcast from another city were just as likely marking folds in magazines from another country.

Due to the preponderance of popular American periodicals, as a guide to the mood of the times we can be unapologetic -- in truth we are obliged -- to investigate them first. And what these conveyed with respect to radio was a widespread respect for radio, an innovation whose magic and wonder rendered content strangely secondary. A sermon on the air was powerful and important because of the medium, not the message, and the naive act of passing a plate showed an approval less for the kingdom message than for the technology and the community it created. Other programming could elicit the same respect, the same desire to join in. This occurred as radio made the transformation from a “fascinating hobby” for “thousands of boys, young men and grown-ups.”, a “hobby of hobbies”, in the words of a contributor to the Scientific American, into a medium that was understood for what it was and could become.65

The turning point in the perception of radio occurred for in 1922, the year in which the number of receiving sets sold in North America climbed from less than 50 000 to more than 600 000. Hereafter, radio began to be understood both as a delightful form of entertainment as well as a “new-found handmaiden of civilization.” that promised to deliver a host of societal reforms.66 The ability of radio to shrink distance by affording to listeners the opportunity to “eavesdrop” into the sounds of the wider world was what most enamoured the new audience. The idea that a ten dollar investment could bring to one’s living room or garage, music and information from thousands of miles away, aroused such public interest that by 1924 more than 250 books had been written explaining the new phenomenon.67 For others no explanation was needed. As Leonard Smith urged his readers: “You have only to go out into the night and look up at the sky,” where, “Above you in the blue, flying across the face of the moon, are the scudding ether-born messages; neighbourly gossip, ‘Celeste Alda,’ by Caruso...its liquid notes transmitted far across the sea.” All that was required for one to hear “the very music of the spheres” was to “turn to the magic that has been created to serve you.”68
This sense of magical optimism extended to religious broadcasting. In spite of the opposition of conservative clerics and the antics of some evangelists, radio was generally perceived as a favourable force on religion. A fairly popular notion in the opinion magazines and editorials in the 1920's was that inter-denominational exposure would foster religious tolerance. The contemporary prediction of a new harmony between Catholics and Protestants was confirmed in the experience of a Pittsburgh Catholic church that broadcast on Westinghouse's KDKA in 1922. Two days after the broadcast, reported an article in an American periodical, "Non-Catholics in cities 400 miles away wrote in for literature." The confidence in the unifying power of radio can be understood in the way in which other facets of modern life were expected to benefit from the technology.

Perhaps most difficult to understand of the contemporary observations was the virtually unanimous confidence expressed in the ability of broadcasting to improve the democratic process. By the end of the 1920's, radio was being credited with a "greatly increased interest" in the affairs of government. In a decade characterized by intellectual disillusionment with the vox populi, radio was seen by many as a solution to the common person's inability to make rational decisions in complicated matters. During the 1928 election in the United States, it was said that the age of radio had doomed the career of the career politician by extinguishing the mob psychology on which he depended. "Radio has come into its own," proclaimed the New York Times, "despite the vehement protests of the older school of politicians....For them the great public meeting, with its parades, bands, red fire, and crowd enthusiasm has been the high point of a national campaign....But this campaign has almost been a funeral procession for the old-fashioned spell-binder." In sum, radio was "the greatest debunking influence that has come into American life since the Declaration of Independence." The Forum concurred. Before radio, voting was done by "hearsay", because the "only opinions about the character and personality of the candidates...came to [voters] second-hand.", the result being "distortion and exaggeration." What radio did, in addition to creating an unprecedented level of interest in politics, was to "intimately" reveal the personality of the candidates to "the calm and calculating judgement of the millions of their constituents." Radio would
put the lie to the skilled orator and spell doom for the demagogue. Without the
“distracting mob”, wrote an editor in The New Republic, “The speaker’s “personal
magnetism,” if he has any, is enormously diminished in its power to affect the judgement
of his auditors.”^71 When an individual was “free from the contagion of the crowd”,
wrote another, “only the logic of the issue which the orator presents can move him.”^72
The “impassioned gesture” was wasted on the radio audience, and “the flashing eye
meets in it no answering glance.”; by eclipsing “the hearty handshake”, it gave to
independent thought the chance to be heard.^73

Again, understanding how radio was experienced is important because it enables us to
appreciate the genuine shock that greeted the unprecedented censorship practised against
the Bible Students. Indignation may be a more accurate description, and a comparison
can be made with internet censorship today. The closest contemporary expression of an
appreciation of state action was the response of those in the House of Commons who
demanded that if the state was to engage in censorship of this new technology, it should
ban all or bar none.

In any event, given the context, both in terms of mood and public reaction, the minister of
Marine and Fisheries had sufficient information to judge that although the IBSA may not
have been uniformly well received, action against it would not be well received. In the
event that Ottawa had somehow missed the message, Saskatchewan Premier James
Gardiner personally forwarded complaint letters addressed to his office directly to the
Department in Ottawa, an especially revealing act for a premier whose politics was the
target of the programming in question.^74

As aforementioned, the local radio inspector kept Ottawa fairly well informed, and in
1928 his reports indicated wide-spread dissatisfaction among the Protestant churches at
the treatment accorded the Bible Students. In one letter, Macklem reported having been:

..waited on by representatives of several organizations who have asked for
information in regard to what actually transpired. The only information I could
give was that the licenses... were not being renewed. Petitions are being signed in
every Protestant church in the City I am informed, and two meetings of protest
have already been held, one under the auspices of the Ministerial Association in this City. Personally I never dreamed there would be so much opposition, as appears to be developing ... and I believe that a large number of resolutions and petitions will be forwarded into the Department from this district in the very near future. More unsettling still, Macklem then went on to describe an overall opposition to the government’s agenda:

There is also a feeling here against the Government taking over the broadcasting. Several have telephoned to me over long distance for information in regard to it, and I have also been asked by representatives of organizations in this City, if it is to be a fact. I could not give them any information on it one way or the other, but it is quite clear that there is a great deal of opposition to such a move. I believe that this opposition will develop, and while I can only speak for this district, I have heard rumours that there is opposition to this from other parts of Western Canada.

To the points that Macklem raised about a reaction at the political level it needs to be noted that, while the issue of free speech was the primary motivation cited in most complaints from non-Jehovah’s Witnesses, there were many -clergy included- who seemed to approve of the messages that CHUC broadcast. Evidence derived from the protest suggests that the Association’s broadcasting was comparatively professional and entertaining, enough so that it had a diverse audience willing to defend its right to broadcast. In the *Standard* editorial, the point was made that:

The broadcasting stations of the Bible Students’ Society put on programs of an exceptionally high quality. The moral tone of their concerts is above reproach. We do not all agree with their doctrine, but we do not all agree with the doctrines preached by Mr. Cardin, or Mr. King, or Mr. Bennett, and if we do not care to listen to any of these gentlemen we turn off the radio or turn the dial to bring in some other doctrine such as “horsey keep your tail up” or “if I didn’t know your husband and you didn’t know my wife.”

It is unfortunate that the full texts of the IBSA messages are not available, unlike those of the religious programming that followed the establishment of the CRBC. What we know must largely be inferred, and in this context, a mark of the success of the Students is that thousands of Canadians, whether motivated primarily out of genuine disappointment over the loss of their entertainment or from the wider issues involved, vehemently protested what they viewed as an abuse of federal authority. There is little to indicate the type of widespread dissatisfaction that Cardin reported, or that had been predicted in Ottawa in
1924 when application by the Bible Students for a broadcasting license was first made. C.P. Edwards, already the director of Radio Services, had then told Macklem quite frankly that “We are not at all enthusiastic about granting such licenses.” His reasoning at the time was that they would be “filling up the ether with a lot of propaganda” as he believed they were doing already in the United States. However, to Edwards’s question “Do you think radio listeners want to listen to the type of stuff they turn out?”, the inspector contradicted the director’s judgement, emphasizing instead the fact that the rural listeners around Saskatoon were less selective than their counterparts in the East. “My personal opinion about them is that they would be appreciated out here in these prairie Provinces.” he wrote. “Conditions here are so different from the other more thickly populated Provinces, that I am in favour of giving the rural settlers here as much entertainment as possible.”

Macklem based his judgement on his own experience, having “taught school some years ago on these prairies.” More recent experience in these days of radio had confirmed this to him; a conversation with an isolated homesteader had convinced him that radio was “a real God-send” to those living far from mail or rail - or both. “They gladly receive anything they can tune in, and regret that there is not more to listen to.” he said, adding that “If it were in Ontario, or more settled portions of Canada where there are more Broadcasting stations and not so many lonely settlers to be taken into consideration, I would not be in favour of granting them a license at all. However... conditions are so different in this Western country that their case should be considered from purely a Western standpoint.” As to Edward’s fear of their propagandist nature, Macklem reported having “been informed by people here who have attended (sic) their meetings that they have a crowded house at all times. On Sunday last they held a meeting in the theatre here and were compelled to close the doors about fifteen minutes before the meeting was timed to start.” In sum, “a station operated by them here would be appreciated by the listeners-in in these Western Provinces.”

There seems little to indicate that Macklem was wrong - more so because the Association had already been broadcasting without incident through an arrangement with the one
existing Saskatoon commercial license, a privately owned sideline to a local electrical business. Apparently trusting Macklem's opinion, Edwards forwarded his assent along with an application, and on the 14th of October the Association was given permission to operate a station of 200 watts power and with a normal day range of fifty miles, for the broadcast of "Religious sermons and Educational lectures only." Between Edwards' assent and the application by the Association some five months had lapsed, so in a cover letter he had sent along with the application, Macklem again sought to assure his supervisors, this time on the basis of "some enquiries from several listeners in here" about "this outfit and their addresses" that he claimed to have lately conducted. "Most people I asked said they liked to hear them, and I must say I heard one or two most interesting addresses from one of their speakers about a year ago."

Repeating to the radio director what he had told him in the spring, Macklem then added: "A large number of people have only crystal sets and can only hear local broadcasting, so probably they are like many others who are glad to hear "anything out of the air.""

What are we to make of this? If the broadcasts of the Association were as popular as the documents reveal, were they then not at all controversial? It is difficult to make a judgement on this with complete confidence because much of the noise that was being made in 1928 was in response to the issue of the defence of free speech and freedom of the air from government control. By James Fenton's account the Bible Students were an uncontroversial bunch, although he will be selective in his use of the evidence in making the point. For example, two letters penned by Macklem to C.P. Edwards in 1926 that trouble his characterization of the Students are not included in his discussion. These letters indicate that in March of that year, the inspector made reference to a change in the management of station CHUC following some unspecified complaints, attributing these to the fact that "a certain individual had acquired control of their station and the quality of the material which he was allowing to be broadcast was very much subject to criticism." Macklem had then added that: "This has all been righted and I have no hesitation in recommending to the Department now that their request [for increased power] be granted."
Though the concern was withdrawn as soon as it was voiced, the comment forces a reconsideration of Penton’s claim that, “Except for Judge Rutherford’s 1927 speech, Bible Student broadcasts had been relatively mild.” A second letter, this one penned in connection with the request for more air time, had Macklem commenting: “When they applied to me for additional time I enquired as to what material they would be broadcasting and was informed that it would be more religious matter. I know how the public is already taking their religious services and I knew that if they received any more time for this purpose during the week days there would be an uproar.” Although the letter had the stated motive of affirming his alignment with the prevailing opinion in Ottawa vis a vis weekday religious broadcasting, clearly there was some amount of controversy associated with the Association’s messages that cannot be ignored. But whether the anticipated “uproar” was in reference to the issue of when, or the matter of what, was being broadcast is impossible to say with any certainty. Evincing a preference for the former is the fact that the Saskatoon inspector -- through an amazing lack of diplomacy -- had six months previous come through a somewhat nasty confrontation with one articulate listener, an individual whose general complaint against CHUC degenerated into a personal and public attack on Macklem himself.

In this complaint in question, an anonymous listener with the pseudonym of “Rural and Urban” had sent an open letter to a Saskatoon daily in 1925, in which he asked:

...on behalf of many radio fans in Saskatoon and the surrounding district... if some modification cannot be made regarding the number of days, and length of time, on which the Saskatoon broadcasting stations be allowed on the air. While appreciating the efforts of these stations, there is a strong feeling that Saskatoon is on the air too often, and too long, and [we] would suggest the following modifications in common fairness to those who desire to listen in to stations other than Saskatoon:

That Saskatoon stations be silent on three evenings each week after 8 p.m.
That no one religious denomination, or society, should have a monopoly of the air on Sunday evenings, as is the case at present. Such an arrangement is distinctly one-sided, inconsiderate, and unfair. I have been asked to suggest that this station be given the air only on alternate Sunday evenings. As to the broadcasting stations concerned, I feel confident they would fall in with some such modification in the interests of very many listeners-in.
“Rural and Urban” was not versed on the method by which the radio spectrum was divided, nor did he seem aware that it was not in the power of the inspector to free up a portion of the weekday from local operators. In this the particular individual was probably not unlike most Canadians, and it was perfectly natural to be turning to the local official charged with dealing with queries. But though in the concluding comments the writer appealed to the inspector “for your assistance in this matter”, what he was given instead was a dressing down comparable to one of Judge Rutherford’s diatribes, one which, rather than clearing the matter, had the effect of inflating the complaint into an issue involving the officers of the radio branch. In his reply, which was carried in the same column of the paper, Macklem stated emphatically that it was “not the policy of any department official to reply to such nonsensical letters, nor, in fact, to pay the slightest attention to them, more especially when the authors exhibit such crass ignorance”. Macklem read the complaint as on par with those of its type, which attempt to “mislead the public” with “the rubbish they contain.” To the complaints themselves Macklem said nothing, but that loudly. To the self-evident fact that there was, by default, a monopoly on religious broadcasting in Saskatoon, he wrote: “Who would be foolish enough to believe, with the exception perhaps of Rural and Urban, that any one denomination or society would be given a monopoly of the air on Sunday evenings?” To the request that Saskatoon stations be silent a few evenings a week, the inspector threw the proposal back at the complainants, saying it was a matter for the station managers alone to decide. “Those owners all have convenient places of business in this city and I would assume that those “many radio fans” are just as capable as Rural and Urban; and, judging from his letter, I would say much more so, of taking the matter up with those owners.” Macklem concluded his long-winded diatribe promising that “not the slightest attention will be paid to the barking of the disgruntled few who choose to take up space in the press with false statements and who very cowardly conceal their identity behind assumed names.” For a reply twice the length of the complaint to which it was addressed, the emphatic announcement presented something of an irony.

The exchange between Macklem and F.M. Jarrett - who had later revealed his identity in a letter protesting the inspector’s “tirade of vulgar abuse” - indicates the perception
among some that the Bible Students were being privileged at the expense of other denominations because they were the only religious society broadcasting locally. The distinction between a *de facto* and *de jure* monopoly was apparently not clear, and in this instance, the group represented by Jarrett would have to wait another month for an intelligible explanation -- this time from the Deputy Minister. In any event, the Bible Student monopoly was short lived: by 1926 the local Catholics and Pentecostals were renting time on the other stations to broadcast their own religious programs.

To sum up, the best we can gauge based on the evidence, including the enormous reaction to Ottawa’s decision; the letters that went back and forth from Saskatoon to Ottawa and the issue of weekday religious broadcasting -- is that CHUC was controversial, but that controversy inhered more in the issue of religious broadcasting during the week than in the Association’s programming *per se*. With regard to this controversy, such as it existed, and its apparent contradiction with the enormous popular defense of the Bible Students in 1928, we can only surmise that the Association went through a learning period in coming to an appreciation of how to program in a way that was palatable to the public. Changes in management presumably reflected different ideas within the local congregation of how best to do this, and there appears to have been a time when the more doctrinaire elements had the upper hand in setting the agenda of the station. What we do know is that by 1927 CHUC had come under the control of the head office in Toronto, which set the station on a more commercial footing. This was by way of a directive to become sustainable by renting out broadcast time. Thereafter we can chart a trend away from the programming of religious lectures during weekdays and in favour of entertainment - exactly what was favoured by the officers of the radio branch.

Excessive religious fare during the weekdays was a political football, and the Bible Students had come to an early appreciation of this fact. Though originally broadcasting a Sunday service and a Wednesday “Religious address”, they quickly began to balance their religious component with musical concerts - enough that in their first summer of operation they requested - but evidently reconsidered - a separate license for the concerts that the radio inspector (apparently having now purchased a radio) found to be "of a very
high order.  From a programming schedule devoted entirely to religious lectures, within months an hour and a half of the weekly six hour schedule was given to the broadcast of concerts. By 1927 the summer schedule was devoid of all but musical entertainment, and the schedule in effect for the following fall, in place until their license expired, freed the contested Saturday night slot of all programming, and limited weekday religious fare to Tuesday evening, where the hours between 7:30 and 12:00 p.m. featured a combined “Religious lecture and musical.” The remaining three weekday nights on which CHUC broadcast were devoted to orchestral and concert programs. Taken together this indicates a schedule in which entertainment featured more than twice that of lectures. Through experience, and without the need for coercion, the Association had learned to engineer a sufficient accommodation with the predilections of the wider community to hold its ear while spreading their message. In a true sense, they had found the balance that the incipient regulatory regime would set as its mantra, and would expend decades in failed efforts to reproduce.

In the end, Ottawa was given the pretext it needed to eliminate the Association’s broadcasting from the brief involvement of the Students with J.J. Maloney of the Ku Klux Klan. This is what was being referred to by Cardin when he stated that, “at the end of the fiscal year, 1927, some consideration was given to the question whether they should be renewed, because of complaints made by the listening public against the matter broadcast by these stations.” That the incident was an unintended oversight is the interpretation favoured by James Penton, who in his apology for the Witnesses construes this temporary lack of discretion as the result of one individual in the Toronto office - Walter Salter. In 1927 Salter had placed CHUC Saskatoon under the direction of the Watch Tower Society’s main Canadian office, and after taking control from the local congregation, ordered the new manager to sell radio time in order to make the station profitable. Thus the “serious mistake” of permitting Maloney to broadcast. Certainly the Association could have chosen not to rent to Maloney, but whatever the motivation for allowing the two broadcasts, Penton is correct in saying that this incident marked the point at which Ottawa decided that it had had enough of the Bible Students. In early January, C.P. Edwards sent a memo to the Deputy Minister of Marine stating that “the
Bible Students' Station, Saskatoon, has been in trouble once more - this time broadcasting a Ku Klux Klan representative, and the matter has been a subject of a private report to the Mounted Police, who have referred the same to us. The station itself has not violated any of the regulations, but apparently they cater to this type of broadcast. For a station whose record with the radio department was clean, the statement was unfair, but Deputy minister Alexander Johnston replied to Edwards that "The operations should be carefully observed and considered when time for renewal of license arrives." Johnston also provided a warning to Walter Salter that he was unhappy with what he had been hearing about C.H.U.C., a cryptic message that gave the manager of the Association the opportunity to explain the incident to which he guessed Johnston was referring. As Salter wrote in what amounted to an apology:

Since the interview you favored me with on Monday last I have been thinking over your reference to our Saskatoon station not being operated to the satisfaction of the Department. As I mentioned to you I had also received criticism. The criticism I received and possibly that you also received, revolved around the broadcasting of two lectures by one J.J. Maloney under the auspices of the K.K.K, who took advantage of the occasion to slander the Roman Catholic church. In this connection I might mention that this contract was never authorized by this office and the moment I heard thereof I issued instructions to cancel the contract as I would not tolerate any of our stations slandering any other organization. Moreover, he added, "I regret very much that such lectures were permitted to go over the station."

Perhaps to pad the file against the Students, shortly after this directive was received, Johnston's office took action on a complaint against C.H.U.C. regarding interference with another station -- a problem not normally cause for a formal notification of the rules for commercial stations. The C.H.U.C. manager replied that the only trouble they could find was "that our wave is tuning a little broad" and he promised to have this "rectified immediately." We have made a large number of enquiries of owners of receiving sets and without exception they have told us that they have no difficulty in tuning C.H.U.C. out. The trouble, if any, must be with those who have obsolete sets. The remedy must have proved successful, for the only other communication between Saskatoon and Ottawa was by way of the cancellation notice on 15 March. As the deadline for the termination of broadcasting drew close, radio inspectors throughout western Canada were
told to monitor the situation: "Listen in tonight and tomorrow night for Bible Students station Saskatoon and copy any statement they may make respecting cancellation their license wiring particulars same Headquarters." was the message of a telegram sent to the inspector in Edmonton on the day before expiry.
Chapter Three: CHUC Saskatoon, spectrum scarcity and Jarvis Street Baptist

In the above chapter we looked at the curtailment of the International Bible Students, how this was widely viewed as an arbitrary action, and how this perception was partly assuaged by the announcement of an enquiry that would investigate all issues pertaining to radio broadcasting. To investigate the legitimacy of the action we focussed on one of the stations which lost its license in the context of that station's place in the local community. In this chapter we will further investigate the legitimacy of the action against the Bible Students, first by assessing the issue of spectrum scarcity in which it was defended, and second by comparing the treatment of CHUC Saskatoon with one of its mainline Protestant contemporaries.

Scarcity and Propaganda

If the programming of CHUC was generally well received, what are we to make then of the legitimacy of Ottawa's argument of station scarcity? This was and remains the rationale for the public ownership of broadcasting, but here on the cusp of public broadcasting in Canada we have the scarcity argument being presented simultaneously in defence of a better private system and a system of public ownership. The argument for the former was made in the following segment of Cardin's speech to the House, where he presented the view that the reality of a limited spectrum was what made stations such as CHUC unacceptable:

If we were in the fortunate position of having an unlimited number of radio channels available, it could be well arranged so to place stations broadcasting matter of the character objected to where their transmissions could be easily eliminated, but we have a very limited number of these channels available, and up to the present we have refused nearly a hundred applications for broadcasting licenses. The present trend of the listening public is for stations employing high power and "entertainment" of the better standard rather than propaganda.

This articulate appraisal of the issue was then capped with the following commentary on the state of thinking in Ottawa as to the future course of broadcasting in Canada in general. To the explanation that "in the general public interest the licenses of the Bible
Students should not be renewed.” was added the carefully worded statement that, “In view of the recent development in radio broadcasting, and having regard to the seemingly unsatisfactory conditions now obtaining, the government are giving consideration to the question of whether or not it would be generally advantageous to adopt a policy of national broadcasting along the lines adopted in this respect by the British government.”

The above quotations say a lot, but what is immediately remarkable is how they speak to a contradictory set of impulses; one that finds its basis in a desire to give the public the very best that the commercial media market could offer, and another that answers the desire to establish a system of public ownership where values of access and national control would be pre-eminent. This wider issue we must save for later: for now, we can decide if the claim of scarcity on which this contradictory argument was based had merit. It is a critical point, for on it lies the weight of common sense, and if correct it is a simple matter to excuse the direction chosen by the state as a sensible reading of the circumstances both in technical terms and in terms of public demand. What the contemporary situation reveals, however, is a problematic scarcity argument supported by an unstable reading of the public.

On first blush it certainly seems that the Minister of Marine had a solid argument, largely because he was completely accurate in stating that there was a limited spectrum. Cardin was technically correct when he said that, in many areas of the country, “the listener has either to accept the program of the local station or listen to none at all.” Again, this was applicable to those who could not afford the better radio receivers. Canada had a limited number of radio channels available to her under the terms of an agreement worked out with the United States in the 1920's, an agreement that had divided this new and magical commodity, the North American ether, between the two nations. Where Cardin exaggerated was in describing the field of Canadian broadcasting as competitive. The picture he presented of serious contenders waiting in the wings to take radio out of the hands of the amateur pioneer was, for the most part, pure fiction, more certainly so in medium sized centres such as Saskatoon. Though a scarcity of clear channels for Canadian broadcasters increasingly became a factor in Toronto and Montreal – where in
1932 one-third of the power of all of Canada’s stations was centred -- even these stations had limited programming schedules relative to their American counterparts.

The experimental nature of 1920’s radio in Canada cannot be forgotten in all of this, because it presents the necessary backdrop against which to judge the performance and viability of CHUC, and by extension its sister stations. The simplicity of radio broadcasting in these early days conveys how inflated were the concerns of the federal government as adumbrated by Cardin, the context challenging his argument that a license to the IBSA was a poor use of limited airwaves. The context makes it difficult to comprehend how the Bible Students were not, as he claimed, “fulfilling the public’s expectation.”

When a transmitter was set up on the roof of a building on the corner of Main and Second Streets in downtown Saskatoon, its owners waiting for the tubes that promised them a share of the ether, the Saskatoon congregation of the International Bible Students officially had their “station” -- but what exactly did that mean? From today’s perspective, surprisingly little. With few hours and a limited range, it was a typically Canadian effort. Although the number of radio stations in Canada doubled between 1923 and 1930, the latter point at which there were more than sixty, none compared to the super stations of the United States, whose capital came from the likes of RCA, Westinghouse, and General Electric. In the main this undercapitalisation reflected a lack of interest on the part of Canadian corporations to become involved in the industry. As Mary Vipond points out, Canadian broadcasting remained the preserve of small business owners until the end of the 1920’s. Being neither well financed or particularly well managed, Canadian radio simply did not compete with the signals from south of the border, where continuous programming was becoming the norm in cities like Chicago. These stations were immensely popular among Canadian listeners who had receivers capable of picking up their signals. Even in Toronto, where the best financed broadcasters were situated, Canadians overwhelmingly chose American over Canadian signals. In a “Radio Popularity Ballot” conducted by a Toronto paper in 1925, of a ranking of the best-loved stations, the first seventeen were American. The irony in
Cardin’s reference to a preference among Canadians for high-powered stations is that in reality it was just this preference that the government would battle for many years in its effort to sustain a domestic broadcasting industry.\(^6\)

The salient point is that, as a station that was part of a small network of like stations, all with a stable source of income, CHUC stood out as unusual in a market where licensees had a short life span. In the decade of the 1920's, only the radio service of the Canadian National Railways, whose president Sir Henry Thornton viewed radio as an important complement to the national vision, had the sustained commitment and financial backing comparable to that of the large corporations in the United States, building a network of three owned and fourteen phantom stations from Moncton to Vancouver.\(^7\) Even so, Canada’s first coast to coast national broadcasting “chain” did not survive the depression.\(^8\)

As late as 1929, half of all the transmitting power in Canada was still located in Toronto and Montreal. Frank Peers' comments on this imbalance that, “if the larger cities were poorly served, many rural districts were not served at all.”\(^9\) Because Canada’s scattered population made high-powered stations an uneconomic venture, the radio waves that Canada was allotted were underused, which became a sticking point in negotiations with the United States over frequency sharing.\(^10\) Economic efficiency was something that would take time to develop, just as the technology itself developed. The deputy minister said as much to a listener who wanted to know why the four Saskatoon stations were all he could receive during the day. To a complaint about the lack of variety in that area, Johnston replied by stating that:

...the point you raise has already come up in many Canadian cities. The Department has given considerable attention to this general question... and in cities such as Saskatoon where three stations are licensed, it means that each station can only operate the equivalent of two and one-third nights per week. Were these hours still further limited, it might easily sound the death knell of broadcasting in Canada, as no licensee can be expected to erect an expensive station if he is only going to be allowed to use it for, say, four nights a month.\(^11\)
In other words, changes in both regulation and technology would have had to occur before Canadians could get the kind of station that Cardin claimed they deserved. The evidence suggests that in reality, CHUC was more than Ottawa could hope to get for a market such as Saskatoon, and this because the Association was willing to take a loss in its operation. The competing stations in the city bear this out: CFQC, operated by the proprietor of a local electronics shop, was an inconsistent and poorly managed effort that, nevertheless, had its license renewed year after year. A report on its activities by the local radio inspector in December of 1924 offers an interesting contrast to the Association’s broadcasting, and gives an idea of the separate standard by which they were eventually measured. The inspector had little that was good to report about CFQC, both with respect to quality and consistency, as well as public feedback:

This station is only broadcasting two or three evenings a week, having ceased its broadcasting during the evenings in the early portion of the week. The evenings during the week on which they broadcast, are quite irregular at the present time. ... I have reason to believe that this station is not broadcasting more often during the evenings owing to the complaints which have been made by listeners-in, to the owners of the station. The quality of the broadcast from this station is not good, especially when the broadcasting takes the form of phonograph records and musical numbers broadcast from the studio of the station itself. If station CFQC could be induced to improve their modulation... it would lessen the number of complaints that are continually coming in.

Though the inspector felt that the “craze for distance” of the “average listener-in” was partly to account for the complaints, and that consequently he was “not inclined to pay very much attention” to them, the situation was not helped by the attitude, and ignorance, of the station’s proprietor. To this end “Mr. Streb”, was described as:

...a very hot tempered individual - a man of little education and extremely hard to deal with, [who] seems to think that when suggestions of any kind are made to him, that they are made with the intent of doing him an injury. ... He is a man who will not listen to suggestions of any kind, although he personally knows very little of the principles of telephony or the principles underlying the apparatus which he is using. However I think that he will eventually have things working to the satisfaction of everybody, as he has been greatly worried by the number of people who go into his store and openly tell him what they think of his broadcasting.

Untrained, uncooperative, unwilling to learn; inconsistent, poorly produced broadcasting; the only hopeful sign coming from “Station CFQC THE ELECTRIC SHOP” was the owner’s disquiet over his customer’s abuse. It would be hard to conceive a better contrast with CHUC’s “thoroughly capable” operator, “a college trained man, with a very
good knowledge of electricity, and ... willing to submit to an examination." As to CFQC, in lieu of commitment, the concern that this experiment with radio was harming rather than promoting business could presumably goad the owner into producing better results, but that a license could be renewed on this basis tells us that the bar was set as low as conceivably possible for those willing to pioneer in this new field. The inspector's dismissive attitude to the complaints of the audience is consistent with this picture.

Had things changed so dramatically by 1927 that Cardin could legitimize non-renewal from a market position? If this were so, it could potentially explain why the latitude given to license holders in 1924 had been replaced by a new impatience with small operators by 1927. But as we have seen, it was not. Radio broadcasters not only remained small throughout Canada, they also struggled through the course of the decade with rising costs and insufficient financing, to say nothing of regulatory uncertainty. The attrition rate in the industry gives an idea of the difficulties that beset licensees. Regular programming began in Canada in 1919, but it was in the year 1922 that broadcasting caught hold in North America, with thirty-nine commercial licenses sold in Canada. Of these, fully one half were either gone by the end of the year, or never broadcast at all. As Austin Weir has pointed out in his commentary on the legion of problems facing radio pioneers, of the first 91 licenses that had been issued, only 40 were still broadcasting by the end of 1926. This situation worsened in the decade following, as revenue from sponsors all but evaporated during the depression. By the year 1931-2, the first for which records were kept, commercial stations had so little sponsorship that Weir characterized them as "literally starving." The 56 commercial stations operating in 1931 averaged just over six hours of programming a day, of which only one and one quarter hours were sponsored programming time. For many stations, the only means to survival during the depression was selling broadcast time to religious groups.

Setting aside the matter of availability of sponsors, some of the biggest problems facing new stations were the manifold regulations regarding advertising. The Department, reflecting a cultural phenomenon not unique to Canada, took a dim view of what it designated as "direct" advertising, in contradistinction from the relatively self-effacing
practice of commercial sponsorship. Sponsoring was the original form that radio advertising had assumed, with direct advertising considered a crass abuse of a new technology for which greater things were expected. Because of this, operators were expected to offset expenses against a set of rules that seemed designed to make this a difficult endeavour. The most significant of these was the Department's prohibition on all forms of advertising in the peak hours of between 6:30 and 11:00 p.m. Another was a regulation whereby the Department gave first consideration to stations not engaging in advertising in the case of a scheduling conflict on a shared wavelength.

The stringent regulatory environment was a legacy of the pre-war atmosphere in which Canada's first "Radiotelegraph Act" was drafted. Legislated in 1913, the Act was conformist with the London Convention, a body of international regulations respecting radio with a broad international adherence. As Roger Bird points out in reference to the Convention, the motivation to control the irregularities in radio came on the heels of the sinking of the Titanic, which event could possibly have been prevented had its radio operator been tuned to warnings being transmitted to it for several hours from the near-by Californian.\(^\text{16}\) With its primary concern the use of radio for naval emergency preparedness and defensive purposes, the Act was formed with the assumption that of the three types of broadcast - ship, coast and land, the last was the least relevant. It is not surprising then that the Act contained provisions allowing the Crown to expropriate private radio in the national interest, and compel the station owner to "faithfully obey such orders, and transmit and receive such signals... as they are required to receive and transmit by any duly authorized officer of the Government of Canada."\(^\text{17}\)

*Propaganda*

In the question of scarcity, if the Minister was exaggerating its significance, what of the connected claim about protecting the air for "entertainment of the better standard" over "propaganda."? Two comments can be made here, the first being that, as we have already seen, the station that Cardin so maligned was recognized by both the public as well as the staff of his radio department for its quality entertainment; the second being that "the general public" whose appetites the Minister claimed to know, had a proven
preference for what he dismissed as propaganda. This is the crowning irony about the cancellation controversy: that in silencing the voice of the Association while announcing plans for a system of public broadcasting, the government was seriously discrediting its ability to speak for the public. The evidence shows that CHUC delivered exactly that dose of religion and entertainment that many people in 1920’s Canada seemed to appreciate. And, if we look to the reams of letters that came in to the Department in 1927, 1928, and again in 1933 when Rutherford was completely banned from the air in Canada, this was particularly true of western Canada. Western exceptionalism was an important element in what first convinced Ottawa to overcome its hesitation and allow a license for the IBSA. In 1924 it took the form of the argument that the prairie settler class would appreciate “as much entertainment as possible.” In that year, as we have seen, the Saskatoon radio inspector won a license for CHUC by submitting its case “purely from a Western standpoint.” It is important to remember in this context that the Bible Students had applied for a license in Toronto two years before Saskatoon, and were turned down. Technically speaking, the Association never had a station in Ontario. After getting approval for CHUC, the Association expanded in the west with phantom licenses in Edmonton and Vancouver, but in Toronto a group of investors banded together to erect a $50,000 dollar physical plant for a commercial station, from which the Association then acquired a license to broadcast its lectures on rented time. When cancelling the four licenses, Ottawa did not recognize the distinction, and cancelled the license held by these investors as well. In Weir’s view, as well as those of some contemporary M.P.s, of the whole incident it was this “that smacked most of unfairness”.

The image of a centrist establishment doing battle with the centripetal forces of dissent is borne out in other ways. The discourse of patriotism is one. As James Penton has pointed out, both Arthur Cardin and his Deputy Minister Alexander Johnston were staunch Roman Catholics. The antipathy between the anti-clerical Bible Students and the Catholic Church was legendary, and it is hardly surprising then that these men would be hostile to any vehicle through which the Bible Students message was propagated. It is entirely predictable that Cardin would emphasize that the Bible talks of the Association were “said to be unpatriotic and abusive of all our churches.” That most of the Protestant
churches in Saskatoon lined up in support of the Association does not contradict this judgement. Instead it supports the distinction of the west as unique in Canadian Protestantism in accepting what in central Canada was more clearly non-conformist. The jingoism which infected the provincial government in Saskatchewan in the 1920's -- mirrored at the popular level in the relative degree of acceptance of the KKK- was one aspect of this regionalism, and part of the larger Canadian political tradition of the west as the spawning ground of organized protest. Saskatchewan in the 1920's was experiencing a revival of nativism that made for a receptive audience to the anti-Catholicism of the Klan as well as to Rutherford, and it is not hard to imagine how from the perspective of Cardin, the two would seem indistinguishable, and equal candidates for censure.

It was not only the federal government's position that supports placing the Association in the tradition of regional dissent. T.W. Bird, the Liberal-Progressive member from Nelson, Manitoba, confirmed the contemporary understanding of the Students as a regional, and, by extension, marginal force when he said that "many of us know these Bible Students personally; they are our neighbours. There is scarcely a town or hamlet in western Canada where some of these people do not reside." In fact, the whole context of the scandal supports this interpretation, as those who lined up to defend or to condemn the Bible Students both described the Association's message as the voice of dissent. This perception of the sect was often obvious in the pains taken by those defending the Students to distinguish between the message and the right of a religious group to propagate it.

For showing the perspective of the federal establishment in crude form, nothing compares to the words of Hector Charlesworth, the editor of Saturday Night magazine, who as federal Radio Commissioner in the 1930's was responsible for extending the ban against the Association into a system-wide prohibition on the lectures of Judge Rutherford. From his position at the helm of Saturday Night, Charlesworth took advantage of his opportunity in the 1920's to malign the Bible Students, and more particularly their leader. An editorial covering the front page of Saturday Night in August, 1927, contained the
following response to a lecture Rutherford had recently delivered in Toronto -- one that had been carried by the National Broadcasting Company over the greatest number of stations assembled in a chain up to that time:

Recently Toronto had the doubtful honour of entertaining once more a heavy-jowled flannel-mouth known as "Judge" J.F. Rutherford, Grand Vizar of the "Russelites" or the International Bible Students' Association, together with some thousands of his followers. What the said Rutherford is a "Judge" of we do not know, - perhaps of cigars, perhaps of fat swine... What we wish to emphasize is that "Judges" and wandering orators of the Rutherford type are unwelcome guests. This is we hope the last occasion on which the Russelite Chieftain and his mob of "students" will be allowed to misuse important civic property like the Canadian National Exhibition Grounds. The average convention is more than welcome in Toronto but its citizens want no more "Russelite" gatherings here. Such conventions bring small gain, since most of the delegates travel in "tin lizzies" and bring their dough-nuts with them.

As to Rutherford's message that "Millions Now Living Will Never Die":

...there is no harm in him cherishing that delusion; but when he violates the law of hospitality by abuse of the British Empire (which he regards as one of the beasts of the Apocalypse); when he traduces every reputable clergyman end every well-to-do citizen in the community, he is going a little too far. It is true that he is equally abusive of his fellow citizens in the United States but let him stay on his own soil and hurl his mud there. This same Rutherford spent a term in a detention camp after the United States entered the Great War, and prior to that time the "Russelites" had been in trouble with Canadian authorities because their extensive publishing department had sold out to Bernstorff and was caught in the act of distributing pro-German propaganda in Canadian towns and cities. The war is over and peace-loving people are willing to let by-gones be by-gones, but they do object to wandering blatherskites and professional liars starting the war all over again on Canadian soil. That Rutherford is a lying demagogue is apparent from the text of his addresses, in which he exploits the old fallacy that there is one law for the rich and another for the poor, a condition which is certainly not true of Canada, or any part of the British Empire.

Charlesworth's message -- and that of his editorial board -- reflected an attitude of class superiority and disdain with fundamentalist dissent every bit as zealous as the deprecation directed toward it. The mainstream middle-class discourse with which he entreated his readers invited them into a community with well defined boundaries, one where loyalty carried considerable more weight than free expression. The personal sarcasm is reminiscent of that employed by H.L. Mencken, the rather more famous pundit of the 1920's whose impatience with absolutism described a generation in American political
thought. The defence of the empire, and the orthodox interpretation of the civil abuses of the Great War, however, nullifies such a comparison. Where Mencken inveighed against fundamentalism for the threat he believed it held to his vision of a healthy democracy, Charlesworth presents us with an empire chauvinism cut from the same fabric used by Cardin in his defence of government censorship. It is the voice of a hegemonic culture in defensive posture.

The attitude stands in bold relief against American libertarian discourse, and it was prevalent among the senior officials who defended the government’s action. Witness the words of A.M. Carmichael, member for Kindersley, during the brouhaha following the cancellation of the licenses. In an appeal to common-sense, Carmichael offered “just a few words... in respect to the matter that is before the house. The minister has done something which a great many people are condemning him for, and yet perhaps some of those who are condemning him find themselves in the same position as I do myself, of rather feeling that he has done a service to a great many people in the country.” Although Carmichael did not want to “discuss at length the religious teaching of the Bible Students”, neither did he feel that it should be broadcast:

Our population is made up of various religious sects. I find that 96 per cent of our people belong to religious bodies that certainly do not accept the religious teaching of the International Bible Students; for instance, the Anglicans, the Baptists, the Brethren, the Congregationalists, the Evangelical Association, the Friends - known as the Quakers - the Lutherans, the Mennonites, the Methodists, the Plymouth Brethren, the Presbyterians, the Roman Catholics, the Salvation Army, and several others composing approximately 96 per cent, or over eight million of our population. These people in general do not accept the religious teaching of the International Bible Students Association, because their doctrine is so different from that of the majority of our religious organizations that it is not acceptable to them.23

Carmichael’s words speak eloquently to the attitude in Canadian governance toward dissenting opinion. The message from this Member, reduced to its simplest form, was that it is right to treat differently those who are different. It was, in essence, their difference that made the Students “not welcome”. Paradoxically, the way in which commonality was defined by Carmichael was so clearly problematic that his illogic almost escapes detection. To sustain it in this case required an unwieldy grouping of
thirteen and more widely divergent expressions of Christianity as a singular religious culture -- as unlikely a proposition as can be imagined. In this case, the same argument of doctrinal non-conformity could have been made with respect to half a dozen of the denominations that Carmichael enlisted under his umbrella of acceptable religion: in his reflections the member handily forgets that the pacifism of the Mennonites and the Quakers had very recently put them outside the fold as well.

What the member's argument points toward is less to the Bible Students than to the culture that could not accept them. It is infinitely more than just a reaction to dissenting opinion, which has generally been accorded a respected place within the British constitutional system of government – to a point. What allowed Carmichael to offer such an outrageous violation of British common law in favour of British common sense was that the Bible Students went past that point. Not just a religious extremist, Rutherford represented an assault on a worldview in which radical religious socialism and ungentlemanly attacks on government had no place. And, that an appeal to a common cultural reality could be made on so flimsy a basis as was here offered shows how deep-seated was the belief in a common cultural inheritance, and to what ends some would go in its defence. Against this, the American discourse of freedom was mere rhetoric. In the words of the same member:

The argument has been advanced that [the Minister's] action constitutes interference with liberty of speech. Well I am not so sure that it does... While the Bible Students are forbidden to give forth their religious teaching on the air, they still have the medium of the pulpit. They are not restrained in the least from using that channel. Also, they still have the privilege of going into our homes - which, by the way, they do very aggressively - and trying to sell their literature; and, of buttonholing people on the train or in the street, which also they are very aggressive in doing. Because they were not in this way impeded, no "great injustice is done them so far as liberty of speech goes."

Not all members took so sanguine a view. Some of J.S. Woodsworth's most eloquent speeches in defence of freedom of speech were made in connection with this event. Woodsworth quoted anti-war sentiments in The United Church's Christian Guardian to expose the hypocrisy of censuring a group for its opposition to military service; he quoted
from Anatole France to express the validity of offering a critique of capitalism; he discussed the Athanasian and Westminster Creeds to affirm that no sect was exempt from the criticism of other religious bodies. In his response, Woodsworth opened the door to a level of sophisticated philosophical inquiry on free speech and religion rare for that forum. Woodsworth challenged his generation to extend its understanding of liberty of speech from one conceptualized around a public square dominated by print media to one that incorporated electronically mediated discourse. Broadcasting had already become, prima facie, a component of the public square, but the adjustment required to conceive of it as such was for many a developing process. Although it was behaving — alarmingly, in some cases — as a public forum, there lingered a tendency to perceive of radio in primarily technological terms, the result being the simultaneous defence of contradictory impulses in the debate over its use.

Contradictory impulses were certainly in evidence when government critic William Irvine, member for Wetaskiwin, Alberta, presented an impassioned plea in favour of both tighter regulation and maximum freedom of the air. "I favour government control" stated Irvine in reference to future policy; "individuals and corporations have controlled everything on the earth and everything beneath the earth; I hope they are not going to control the air." Irvine urged that the state "take charge of the air while there is an opportunity to do so" and that "when they lay down their policy, they use the air for two things, education and entertainment. I hope they will not put politics on the air, because that is propaganda, and certainly is not educational, especially when the two parties are in conversation with each other."

Irvine's limited appreciation of the potential role of broadcasting in fostering dialogue was contradicted by his approval of a speech by the Vice President of the Trades and Labour Congress of Canada, which he quoted in its entirety to the House. Speaking to a protest rally at the Pantages theatre in Toronto on 6 May, James Simpson had apparently told his auditors that the censoring of the Bible Students proved anew the necessity of being "vigilant in the defence of the three greatest rights... handed down to the British
people; the right of free speech; the right of free assembly, and the freedom of the press.

I feel” he had said:

that in their fight to recover the licenses which have been taken from them, the
International Bible Students’ Association are merely continuing the struggle which
has been fought in this country upon many occasions. I am not unmindful of the
fact that right here in the city of Toronto the labour movement has had to fight for
the right of free speech, and that victory was only won by continual vigilance...
The mere charge against the International Bible Students that their teaching is un-
British does not satisfy me, as I have personal knowledge of instances where men
who have been guilty of honestly criticizing the governments of their nations, and
who, for the time being, were regarded as disloyal and un-patriotic, have had
monuments erected to their memory.

Though his own vision for broadcasting was narrow, Irvine readily agreed with
Simpson’s history lesson. He also professed adherence to the principle, articulated at the
same protest meeting by another speaker, that: ‘Neither truth nor error may be combated
by force or law. “Truth struck to earth will rise again.”’ The speaker, one Arthur Black
Farmer, had provided a personal testimony exemplifying the irreconcilability of the
claims made by Church and State upon the individual. “I am a Baptist.” Farmer had
proudly announced:

I have been steeped in Baptist doctrines and traditions and I may say that I am more
proudly and enthusiastically a Baptist to-day than ever before in my life. Also I am
a Canadian, born of Canadian-born parents, and on one side of Canadian-born
grandparents, all of British stock. I am deeply conscious of the privilege and of the
responsibility of my British citizenship. Because I am a Baptist I must make my
stand for freedom of speech whenever intolerance by whatever name it may call
itself places freedom of speech in jeopardy. Because I am British I must take my
stand for British justice and liberty when the traditions of British justice are
threatened.

After relaying what amounted to the libertarian insights of this proud Canadian, Irvine
concluded his lengthy appeal with some of his own thoughts, highlighting the irony of a
situation whereby the grandson of William Lyon Mackenzie, “that great exponent of
liberty”, should be involved in this “unwarranted and unjustifiable interference with free
speech.”:

The Prime Minister’s grandfather was not afraid to risk fortune, reputation and
even life itself in the interest of free speech, and it is not too much to expect of a
government presided over by his grandson... that he should at least apply to a small
body of citizens the principles for which his grandfather was prepared to sacrifice his life.\textsuperscript{28}

What are we to make of the position so strenuously made against the government’s agenda? The answer lies in the tradition to which “Bill” Irvine belonged. A prairie populist, Irvine spoke with the voice of western discontent, the perennial source of opposition to the nation-building ideology of central Canada. A mix of libertarian reform and socialist revival, it was a regional voice deeply suspicious of the federal power structure and its brand of centrist nationalism, a movement which in the decade of the 1920’s had birthed three farmer governments in the west and the federal Progressive party. Both an economic and a religious movement, it was inextricably linked with the founding of the prairie grain trusts and political parties, and supported by western Canadian Protestant colleges and churches.\textsuperscript{29} But in his attempt to engage republicanism in the cause of the public forum, Irvine may have temporarily forgotten the forum that he was in. For his efforts, his reward was to hear the government side, through the unflappable Cardin, reply that it had nothing more to offer than what the April 12 announcement had contained, and remind him that it was within the power of the state to act as it had done. Defaulting to a technical argument where reason seemed to fail him, Cardin insisted — and not very strenuously — that his government “did not cancel the license that these people enjoyed in the past.” In studied understatement, he admitted of:

\ldots a certain amount of misapprehension on the part of the hon. gentlemen opposite as well as of a certain number of the people. The statement is made that we cancelled the license. That is not the case. ... The law specifically and clearly states that all these licenses are yearly licenses and that they expire on the 31st March each year. That means that the minister has power to renew or to refuse to renew any license.\textsuperscript{30}

In the end, it was the announcement of a commission that saved the government from further harassment. Although the commission was not an inquiry into the cancellation, Cardin was eventually pressured to state that he would have “no objection to this commission looking into this particular case to see if any injustice has been done.” On that promise, an expenditure of $25,000 was voted for the establishment of a commission “to enquire into the radio broadcasting situation throughout Canada and to advise as to the future administration, management, control and finance thereof.”\textsuperscript{31}
Of the discussion surrounding the 1928 controversy, some of the last words devoted to it were also among the most succinct. Particularly acute in this respect were the insights of T.W. Bird, the MP who had defended the reputation of the Bible Students for his mostly eastern audience. From his seat, Bird revealed himself as a democrat, one with a more developed appreciation of the process by which dissent in one age becomes normative in another than most of his colleagues were ready to entertain. Bird began by summarising the current opposition to the Bible Students, and listed three main sources of opposition to them. As he interpreted it, these included those hostile to the religious views of the Association; those who were “very patriotic,” and those who felt that “the air should be monopolized by jazz music and prize fights.” Bird dismissed the accusations levelled at Cardin that the minister’s motivations in the affair were connected with his Catholicism.

Rather than to waste time looking for ulterior motives, he intoned, a rather wider perspective was needed;

Anyone who knows the situation can see quite easily that this is not a case of a Catholic against a Protestant sect; it is a case of all traditional and orthodox sects against a new and seemingly usurping body which, by its insistence, is creating jealousy in the minds of orthodox believers. Living in the twentieth century, said the MP, meant that the time for harbouring jealousies was past. Taking the libertarian philosophy that error is better for being aired, he advised the state to:

Let this sect have all the leeway they can have; if its beliefs are real—and I have no reason to believe they are not—it can do no harm and it can do a lot of good. I sometimes think they are rather irrational but can anyone tell me of a creed possessed by any other people that is rational? Religious beliefs are not rational...they cannot be defended logically. The fact that these things are repugnant to our reason and to our rational minds is no reason why we should put the people who so believe outside the pale. There is not the most elementary belief possessed by any of us which is not irrational to the man whose logical faculty rules everything else. We cannot afford to stand on a pedestal and look with contempt on the beliefs of a sect of this kind. In John Bunyan’s day the Baptists were as trifling and insignificant in England as this sect is in Canada to-day; indeed more so; ... yet out of this seed are sprung a religious tolerance and liberty in which I think everyone in this house believes today.

In concluding, the Liberal-Progressive urged the minister to disregard the noise being made against this “small...earnest” sect, by what he described as “Bigoted minds and
jazz hounds". Bird's advice was lost on the government, however, which pressed ahead in its course, promising that the matter would be taken up by the newly appointed commission. This they failed to do, and the scandal repeated itself in 1933 when, as mentioned above, Hector Charlesworth took further action against the Students, this time by making it commensurate upon all broadcasters to submit for prior government censor any message from "foreign social agitator" Rutherford. If there was a broadcaster in Canada still willing to risk the censure of the new Broadcasting Commission, Rutherford made it clear that he would not submit to this process, making the order a moot point,

Jarvis Street Baptist:

When the opposition MP's rose to the defence of the right of the International Bible Students to continue with their experiment in broadcasting, their appeal rested on the assertion of discrimination, either defined narrowly, as against the Association itself, or as a wider discriminatory policy against religion per se. To test the veracity of their position we can look to the experience of a mainstream Canadian Protestant church engaged in the same activity. If indeed the Bible Students were the recipients of unfair treatment, a comparative analysis should make this clear.

As more than one MP pointed out at the time of the controversy, if the federal government was embarking on a policy against licensing religious broadcasters, discrimination was implied by the continued operation of a station in Vancouver held by the United Church, and one in Edmonton that was owned and operated by the Christian and Missionary Alliance. Another mainstream denomination, and one that became involved with the department in the same year that CHUC was licensed, was the Jarvis Street Baptist church in Toronto. Jarvis Street Baptist offers the closest parallel to the Bible Students both in terms of timing (they too were licensed in 1924) and because the pastor of that church, one T.T. Shields, was recognised by the department as a difficult and demanding individual, a man whose "sermons [were] not very popular", and who pursued his vision for a broadcasting station in spite of evidence from the local radio inspector that this venture was not supported by the majority of his congregation. Notwithstanding all of this, Jarvis Street Baptist was extended every courtesy as it
repeatedly changed its plans, applied for, and consistently stalled in initiating a broadcasting service. In the end, after a dizzying series of permutations to a plan that the department had early predicted would never come to fruition, no service was provided at all.

In April of 1924, Jarvis Street Baptist applied for a license to set up an aerial stretching from their 200’ spire at the front of the church and a steel tower of the same height which they proposed to build at some distance to the north of the building. The power output they proposed for the broadcasting of their services as well as “entertainment of a religious nature”, was wildly optimistic: from the 312 metre wavelength, they applied for permission to use two Kilowatts of power, hoping to reach an estimated daytime range of 1500 miles. This was a conservative estimate: by way of contrast, the first CNR station opened in the same year with 500 watts, and had a reach extending from Ottawa to as far south as Virginia. For the ambitious Reverend Shields, this was just the beginning. What the pastor envisioned for a subsequent foray in broadcasting was a high-power station that would reach not only the most remote parts of the country and all the way to the Pacific, but across the ocean to England as well. Shields’ proposal was to broadcast this transatlantic service during the night, when conflicts with the four other area licensees would not be a factor.36

Although the radio inspector for Toronto advised against extending licenses to area churches, fearing that it would precipitate a flood of applications, and in spite of pressure from the Toronto Star, Shields’ application was duly accepted by the department. This acquiescence makes an interesting comparison with what was simultaneously occurring in Saskatoon, where it was only the radio inspector’s approval that convinced a reluctant department to approve a license for the Bible Students. It was also in marked contrast with the application that the Association had made in Toronto two years prior.

As to the Toronto inspector’s misgivings, in the 1920’s, and until multiple broadcasting was permitted, the Toronto area was the one place in the country where an over-supply of licences was a real possibility. When applications arrived simultaneously from Jarvis
Street Baptist as well as the Bloor Street Baptist church and the Watch Tower Association, the local inspector came to the conclusion that it would not be wise to give a license to any religious group. The alternative he suggested was that they transmit their programs over existing commercial stations instead, pointing out to his superiors that this was what the Bloor Street church and another Baptist congregation were already doing over the station owned by the *Star*. As the paper did not want to relinquish its hold on the Sunday evening time slot, he was "not recommending a Broadcasting license for any church." Adding to his conviction that the Jarvis Street application should be rejected was information the inspector claimed to have received about Reverend Shields, namely that, "it would appear that his sermons are not very popular and that he and the Rev. Mr. Cameron of Bloor Street Baptist Church are not very good friends."  

The concerns of the radio inspector were predictable. The position of the *Toronto Daily Star*, however, was one of calculated self-interest. The *Star* would later play a significant role in the 1928 controversy, when it was revealed that the cancellation of the license over which the Bible Students transmitted had gained for the newspaper an exclusive wavelength, something it had sought and had pressured the minister to obtain. That the Star had predicted the disappearance of CJYC two weeks prior to its losing its license raised the spectre of collusion between the Liberal government and the *Star*. As the opposition pointed out at the time that this became public knowledge, it was an "extraordinary consequence", not to mention a considerable prize for the paper.  

The charge in 1928 was that the Star had used its connections in Ottawa to "induc[e] them to clear the road"; a charge of favouritism that was never adequately answered. Here, four years earlier, we find evidence of the same pattern. In an unsolicited letter to C.P. Edwards sent shortly after the Jarvis Street church applied for a license, managing editor John Bone tried to dissuade the minister from approval, on the basis that the *Star*'s CFCA was already doing an adequate job of representing the city's denominations. From there, Bone pressured the department on three separate occasions to keep any new religious license to a short wavelength, citing fears of interference, and urged Edwards to keep mindful of the fact that approval carried with it the threat of a flood of
applications. On 11 June, the editor simply proffered that: “No one we have seen here seems to like the idea of granting licenses for direct broadcasting by various churches”. That he also thanked Edwards for having given him a copy of the correspondence between the Department and the applicants suggests a certain degree of complicity between the regulator and its more influential charges.

Jarvis Street Baptist Church eventually received its license, but with one important caveat. In order to meet the concerns raised by its competitor, the license restricted the station to a site not less than ten miles from the corner of King and Yonge Streets in midtown Toronto, the location of station CFCA. In a letter that accompanied the license, Deputy Minister Johnston explained that this was the only feasible way to allow for the requested output of 2000 watts. As he pointed out, however, this restriction would not apply to an output of 500 watts or less. If the church was willing to scale back on its original plan, they could locate the station wherever they pleased. Shields decided to forge ahead with the higher power station, and secured a piece of property from which to broadcast station CJBC. In late October, however, the department noted that no masts, aerial or apparatus had been installed, and a late November broadcast report showed no activity. The problem was one of financing. As Shields was discovering, the cost of building a station in a remote location was more than he could raise. What followed was a series of letters between the church and the Deputy Minister of Marine, in the main requests from Shields for permission to change location, or output, or both as he sought the most affordable means to get CJBC off the ground and on the air. This continued for some six years, until Shields himself came to the conclusion that it would be more judicious for his church to make use of another station’s apparatus, at which point he applied and gained approval to have CJBC changed to a phantom license.

If anyone was surprised by the turn of events that brought the demise of the broadcasting plans of reverend Shields, the staff at the radio department were not among them. On the 30th of March, 1925, the Toronto radio inspector reported to Ottawa concerning station CJBC that “I do not think that the Church will ever have a station as they have not the money to start with, and the congregation do not approve of it.” The inspection report
six years later proved him correct: under the heading "Hours of Broadcast", it read: "This Station has never been in Operation."\(^45\)

Though his failure to broadcast meant that Shields was also unable to offend, there is some room for comparison in the amount of patience extended toward him in the many years that he failed to make good on his broadcast license. The courtesy of the radio Department during this time was evident in a paternal concern that Jarvis Street Baptist not let their license lapse, and the recognition that although they had "never broadcast a program", their priority, as based on their original application, would be assured when and if they could do so.\(^46\) The experience of the Jarvis Street Baptist with the radio department, both before and after licensing, was qualitatively different than that of the Bible Students, and shows how the efforts of an applicant representing a mainstream religious group, even when plagued with significant problems in the shape of a questionable commitment, inadequate financing, unrealistic goals and a lack of demand, was treated with indulgence by the same bureaucracy that behaved with scrupulous protocol under different circumstances. The fact that the Reverend Shields had been active in lobbying for the rescinding of the Bible Students license at a time when he was unable to find the support to get his own off the ground adds an important element to the drama. With his own radio license under his arm, Shields, along with Dr. Inkster, the minister of Toronto's Knox Presbyterian, joined in inter-denominational prayer rallies to have the offending license of the Students revoked. As a contributor to The Canadian Baptist has pointed out, when their efforts succeeded, "The policy was hailed... as clear evidence of God's sovereignty in governmental affairs."\(^47\)

The inequitable treatment toward non-conforming religion makes an unflattering picture of the federal radio department. The evidence of a double standard becomes more significant in the following decade, when under the regime of the newly formed regulator, the type of religious controversy that had spelled the doom of the Bible Students found full freedom of expression from mainline denominational corners, even within the state broadcaster.
Chapter Four: The promise of public broadcasting

In the beginning of this paper we discussed the pattern in the contest of sacred and secular authority whereby the church was continually converting into an adjunct of civil authority, and how the most significant result was that, relative to the United States, religious minorities have been comparatively unprotected in Canada. The pattern was not defeated by voluntarism, or by the death of a Christian consensus. To reiterate, the contention is that in this age too there is an established truth to which dissenting opinion must adhere, even to the loss of its essence, or first principles, in order to participate in the public realm. Sometimes this is obvious. For examples of this we can look at the rational foundation of jurisprudence which we discussed in the introduction. As Paul Horwitz points out, the tendency of the rational state is to ascribe all irrational action -- i.e.: anything motivated by concepts that are foreign to the secular mind, such as religious convictions of salvation, sin, or redemption -- as either senseless or dangerous. As one example, though there are many -- he discusses the debate in Quebec over whether Muslim schoolgirls would be permitted to wear the *hijab* headress, and the argument that they should not because it connotes "sexual exploitation." In examples such as this, the state parades its liberal bias, and in direct confrontation with the citizens whose liberty it is theirs to protect. It is able to do so only because the set of values that constitute the secular world-view is not treated as a system of beliefs.

How very different were the processes in the United States and Canada in the matter of religion: for the United States a vibrant national civic religion has existed alongside a constitutional delineation of the separation of church and state. By comparison Canada, despite an historical presupposition of Christianity and relatively blurred boundary between secular and sacred, took a route that afforded less public space to the articulation of non-conformist religious views. The difference takes us back to the colonial era and the birth of the American republic. The unique social forces that shaped that country allowed for the dissemination and implantation of both Enlightenment ideas and religious
Enthusiasm, two strands that would combine in the civil religion that became predominant in that nation in the nineteenth century and beyond.

In the United States, the Enlightenment had the effect of rendering religion secondary to the Polis, fostering the universalism required to sustain a civil religion by removing from the political realm the “thick” parts of competing theologies and doctrines -- by removing most traces of divinity altogether, in fact. This national religion, which combined a Protestant piety with republican institutions and a democratic faith, has been described as a secularised version of Puritanism, of which the constitution is its Bible and capitalism its god. American historian of religion Martin Marty has characterised this national religion as a sort of loose Deism, a “religion of reasonableness”, where “Some sort of God” held the nation accountable to “seek virtue.” Unitarianism serves as an excellent example of this liberal ethic. A reaction against the message of depravity central to Calvinism, the movement took root in 1825 with the birth of a new denomination centred on the intellectual environment of Harvard University and its school of divinity. As American church historian Robert Handy maintains, it was a rational interpretation of scripture based on Enlightenment motifs, the pre-eminent among these being the moral nature of humanity as confirmed in one’s conscience and sense of duty. In combination with Universalism, the ethic was perfectly suited to a national temperament that tended to de-emphasise sin and to render Christianity as a pure morality.

In Canada, the concept of reasonable religion was very different: here was a rejection of both Enlightenment and Enthusiasm, where orderly government and established religion went hand in hand. In comparing this with the experience in the United States, Handy offers the view that, “Although church and state did become separated in this period, the American image of a ‘wall of separation’ did not seem relevant and was not invoked; in Canada religious institutions were not so sharply differentiated from the other major institutions of the culture.”

For a subjective insight into this difference of which Handy refers, it helps to know that in the United States it was the Anglicans who were the notable exception to the inroads of
the Awakenings that swept that nation in the eighteenth century. As a highly politicised denomination, American Anglicans viewed these not as revival but rather an attempt on the part of "enthusiastic dissenters" to destroy their position. The attitude was reproduced in the British colonies after 1812, where colonial administrators disparaged the "mischief done by the wandering preachers from the United States", men whom Governor Dalhousie described in 1821 as "Persons generally of the lowest classes... [who] preach any doctrine, any principles, any mode of worship their ingenuity invents as suited to the time and place; they unsettle the affection of the people to their Government at the same time that they destroy every principle of real Religion or Morality." In Canada, as we have said earlier, there would sooner be a wall of separation between mainline and non-conforming than between church and state, and in a context such as the above -- anxiety over the viability of Establishment -- the interweaving of sacred and secular authority was at its most transparent.

The result of this interweaving in Canada was what we might describe as a civic religion "without the noise", one that survived its official disestablishment in the form of a Protestant consensus. We have briefly discussed how this new, and wider religious consensus survived the official disassociation of the state and the church, developing full-blown in the Victorian era as the growth and dominance of Christendom paralleled that of the young Dominion, and also how in English-speaking Canada this Protestant Culture survived into the church union movement that finally reached its goals in the 1920's. The increasing secularisation of the post-war period would soon render the term Protestant Culture an anachronism, but the legacy of a mainstream civil religion did not disappear; instead, as the secularisation of the civic realm became complete, one presupposition would be traded with another. Authority still resided with the state, but one now governed by very different values, equally ingrained and every bit as illegitimate as those that had come before.

This brings us to the third process delineated above: the transition from an age when Christendom was a useful descriptor for Canadian society to an age when the term had become a quaint anachronism. In the context of our case study, this transition occurred
within the forty years following the institution of national broadcasting in Canada, which in turn followed upon the recommendations in the report of the Commission of 1929. In these years, the control of religious expression exercised against the Bible Students grew into a more systematic prohibition, in spite of the safeguards that were put in place to protect against abusive comment and to prohibit the airing of the controversial topic of birth control. This proceeded in stages, the first of which was the exclusion of any provision for religious broadcast licenses in the CRBC's "Rules and Regulations" of 1933. From there, religious broadcasting that was carried on commercial stations or the public network came under the control of a state regulatory authority aided by an Advisory Council struck for the specific purpose of apportioning such programming on the public broadcaster. After 1968, the practice of excluding religious stations was justified by the regulator under the premise that it was consistent with its mandate to provide Canadians with a broadcasting system providing "balanced" programming. Because of this mandate, and because balance was an obligation of the individual broadcaster rather than calculated over the system as a whole, religious broadcasting in Canada, particularly on the public network, was mostly a spent force by the 1970's. Meanwhile, the public broadcaster, in its attempt to fill the gap left by regulatory zeal, overstepped itself in creating for Canadians a balanced, tolerant and politically correct "CBC religion". Denied the broadcasting they wanted, Canadians with an appetite for religious growth or awareness were treated instead to the creative energies of a secular production staff, until court challenges initiated by illegal operators challenged the authority of the regulator. The subsequent regulatory amendments relieved the public broadcaster of its efforts to meet the needs that a series of commissions and enquiries had shown to exist.

To borrow an analogy from the philosophy of Richard Neuhaus, the story is a study in the fact that the naked public square cannot remain naked. In his view, namely that "there is no alternative to a de facto state religion once traditional religion is driven from the public square", he enlists the examples of communism-turned-fascism that proliferated in the last century as indicative of the principle that exorcising the devil of particularist religion invites the entrance of a score more. In a commentary on the widely held belief
within liberal democracies that religion must be relegated as more or less a private concern, Neuhaus has offered the following comment:

When the value-bearing institutions of religion and culture are excluded, the value-laden concerns of human life flow back into the square under the banner of politics. It is much like trying to sweep a puddle of water on an uneven basement floor; the water immediately flows back into the space you had cleared. Or, in more apt imagery, the seven devils replace the first. If the state ordering of society is to exclude those institutions that generate and bear values, then that state must be prepared to assume the burden of meeting the human yearning for a life that is not value-less. The totalitarian, whether Fascist or Communist, welcomes that burden. Certain varieties of Democratic Liberalism are unprepared for, and severely embarrassed by, a naked public square that refuses to stay naked. ¹⁷

How does the everyday creep back in under the rubric of politics? In his answer Neuhaus is adept at revealing how, ultimately, nothing is, or remains, a purely private concern. Taking his cue from the late John Courtney Murray, he argues that Marxists are completely correct to view the freedoms of liberalism as negative freedoms, and argues that freedom so stated is not only dangerous but impossible. Values cannot remain private -- this superficially attractive proposition by which we continue to be guided is a myth.

What our case study suggests is that Neuhaus' analysis is every bit as applicable for the Canadian public realm, if not more so, as it is for the American, which is the focus of his work. In its efforts to protect one important sector of the public square from religion, the Canadian state-as-church was placed in the untenable position of providing a substitute for that which it excluded. Happily, this is something with which a liberal democratic state is generally not comfortable, as values are contested and messy and resistant to consensus, and it was precisely this unease that created the space within which (again, in our case study) the civil disobedience of evangelical broadcasters was permitted. Here, the momentum for a lessening of restrictions occurred at that time that their enforcement had become a surreal comedy -- in Neuhaus' terms, an embarrassment. ²⁰

All this is jumping ahead, however. Taking us back several decades, in this chapter we will look at the years of transition between the confident dominance of one value system and that of its successor. The ideological context in which and through which Canada's
broadcast system was birthed helps us to appreciate how the later conflicts were set in motion. Future conflict was prepared as the Canadian government wedded the nation’s broadcasting system to the religion of nation – setting the groundwork for the later appearance of “CBC religion”. It is the oft-told story of the battle between the forces for public and private broadcasting in Canada. As we shall also see, it was a dynamic period of religious controversy and state censorship – a period in which religious intolerance was literally broadcast from the hilltops while consistent regulation was impossible to find.

The Aird Commission

The route to the point at which state and religious authority locked horns was not a direct one. In fact, considerable freedom of expression was guaranteed by the very fact that the broadcasting system was designed to reflect the broad outlines of the Canadian reality, which in the late 1920’s were fairly cohesive in terms of religion. In spite of the atmosphere of religious controversy in which it had been announced, when the promised radio Commission was established, religion was not high on its agenda. Instead, the main issue with which the Aird Commission grappled was the question of public over private ownership of the airwaves, a debate that eclipsed the issue of freedom of access. A recommendation as to the possibility of public control was mandated in the order in council by which the three-member Commission was appointed, one that asked the members to report on the advisability of pursuing one of the three following models:

a) The establishment of one or more groups of stations operated by private enterprise in receipt of a subsidy from the Government;
b) The establishment and operation of stations by a government-owned and financed company;
c) The establishment and operation of stations by provincial governments.

The choices were drafted at Cardin’s behest by the technical officers of the department, whose recommendation for a commission of enquiry included reference to what the government perceived as the main problems in the system of private broadcasting that had been allowed to develop. These were obvious enough: inadequate and uneven coverage, poorly financed stations, and a consequent tendency of Canadian listeners to
prefer "the alleged better grade of program" from the United States. The direction given the commission was in direct contrast from that which was occurring in that other country, where a new Broadcasting Act implemented in 1927 entrusted to Americans a system of private ownership with public control.

After conducting an eight month investigation that involved visiting the Headquarters of the BBC in the United Kingdom and the NBC in New York, as well as inspecting the facilities and soliciting opinions in seven other European countries, and 25 different centres in Canada, the commissioners submitted their findings. Reflecting the belief that broadcasting had an important role to play in "promoting the unity of the nation", the pivotal recommendation of the Report was that "broadcasting should be placed on a basis of public service and that the stations providing a service of this kind should be owned and operated by one national company". The report went further to delineate the proposed organisation of this company, which was conceived as one national company owning and operating every station in the country. Provincial directors were to be given full control of the programming originating from their jurisdictions, and these would be aided in their work by a system of Provincial Advisory Councils. A combined board made up of three federal members and one from each province would govern the new national broadcaster, whose programming would be picked up clearly, day and night, over all the "settled region" of Canada on a five tube receiving set - the industry standard at the time. The commissioners suggested the installation of seven, 50,000-watt stations across the country to achieve this objective - an inadequate system, as it turned out, but a goal that would be adhered to for many years.

To make way for the new broadcaster, the commissioners were adamant that the existing licensees would need to be phased out. The estimated capital investment in the system being in excess of one million dollars, this brought up the matter of compensation. Here, unlike what the International Bible Students had experienced, the commissioners recommended that as the licenses of the existing private stations were allowed to expire, the owners be given "reasonable compensation" for their investment in apparatus, which then being useless to the existing broadcaster could become the property of the state.24
Converts to the idea, in theory at least, of utilising broadcasting for national purposes, the state would then presumably need to define the type of programming it desired for such a system. Here there was less certainty, although the commissioners had given some thought to this area. They reported a national “unanimity on one fundamental question - Canadian radio listeners want Canadian broadcasting.” but had few ideas of what that type of broadcasting would look like. Under the heading “Programs”, they stated that “The question of programs, we have no doubt, will be in capable hands if and when they come within the control of the representative bodies which we have suggested.” They admitted that “The general composition of programs will need careful study.” What followed was a sketchy outline of the main considerations, and it was here, finally, that one finds reference to the issue of religious controversy that had generated the entire discussion. The sum of the commissioner’s advice in this area was the following:

The representative bodies which we have suggested to advise upon the question of programs would be called upon to deal with the matter of religious services, and it would be for them to decide whatever course might be deemed expedient in this respect. We would emphasise, however, the importance of applying some regulation which would prohibit statements of a controversial nature and debar a speaker making an attack upon the leaders or doctrine of another religion. The inherent difficulty of defining controversy in an inherently controversial realm was a problem that the commissioners chose not to raise. By transferring ownership of the issue to the purview of the representative bodies, they essentially said nothing other than that religion required regulation by a delegated, governmental authority. This was a more restrictive recommendation than that applied to political broadcasts, the other area that the commissioners identified as potentially problematic. Political matters, the report stated, should be self-monitored, or “carefully restricted under arrangements mutually agreed upon by all political parties involved.”

Ironically, by identifying both religion and politics as meriting special attention for their controversial nature, the authors of the Aird report set unique limitations on the only public service programming that the private system was consistently producing. Of the main deficiencies in the system cited in the order-in-council establishing the Aird enquiry, along with the problem of under-capitalisation and low powered stations was the
fact that of the 36 licensees providing what could be described as a permanent service, all, save one, were operated “for purposes of gain or for publicity in connection with the licensee’s business.” The one reported exception was a station owned and operated by the government of Manitoba, though in fact the religious stations then operating also fell into this category. That the report lumped them under the heading “Miscellaneous” suggests that they were not appreciated as such, yet inasmuch as public service was equated with not-for-profit broadcasting, this is precisely what they were.

The recommendations of the Aird Commission represented a departure from established practice in Canadian broadcasting, and a definitive acceptance of the belief that Canada was a country whose broadcasting needs could not be met by a private, commercial system. What goaded the commissioners to their unanimity on the subject of public ownership -- and there was division between the three of them on how to best achieve this in view of the issue of provincial rights -- was a fear that Canadian broadcasting would cease to exist as an independent forum unless some form of governmental authority took ownership. But why did the solution have to be, in the view of the commissioners, a public utility, rather than a system of subsidy to private enterprise as also suggested in the terms of their enquiry? A second question worth considering, which we will look at later, is why the commission took an either-or approach to public broadcasting that left no room for the possibility of a dual system. The answer to the first, it seems, is a contemporary perspective that broadcasting would never approximate its potential while harnessed to a profit motive. It was, in the pointed words of Charles Bowman – editor of the Ottawa Citizen and one of the three commissioners – a choice between “dull advertising parrot talk” by “radio barkers” or a public system. This was the gist of his defence of nationalisation when appearing before a Commission that was finally struck in 1932 to create the public broadcaster:

If you ask me what system you would get the best out of radio, I will tell you that it must be public service, because you cannot mix up the interests of the man who wants to make money out of the equipment and the man who wants to render service to his country. You cannot blame the broadcasters for doing as they do. It is their business, and they are quite right in what they are doing. But that is not the question. The question is, should you use that medium for better purposes in the interests of the country at large? If you decide that you should, after having studied
what can be done with radio, then you cannot leave it in the hands of profit-making organisations. That is the fundamental of the whole case - whether broadcasting is a business for profit-making or an instrument to be used for the benefit of the public at large.\textsuperscript{50}

In spite of the recommendations of the 1929 Report -- perhaps because of them -- the government of Mackenzie King did not immediately pursue their implementation. Inaction would continue as the federal government became distracted by more pressing issues brought to the fore by the onset of the Depression and a federal election in 1930. Added to this was a legal battle in which the Quebec government, supported by Ontario, Manitoba and New Brunswick, appealed federal jurisdiction of broadcasting to the Supreme court, lost, and appealed again to the Privy Council, which upheld the first decision. The upshot of all of this was that the federal government left a draft bill of the report on the shelf while forces for and against public ownership coalesced in a public debate for the sympathies of Canadians.

The theme most consistently applied by the forces in favour of the Aird recommendations in the years following the release of the Report was that broadcasting had a critical role to play both in education and in nation building. This was the essence of the arguments put forward by the Canadian Radio League, a lobby group formed to promote nationalisation of radio, brainchild of the activist Graham Spry. It was the basis of the submissions made to the committee that was finally struck in 1932 to initiate a public broadcaster, a belated and partial application of the Aird recommendations. Through it all, however, one gains an understanding that the unanimity of which the report had spoken was optimistic. As Roger Bird, editor of a collection of documents in Canadian broadcasting points out in this regard, "By its very nature, a royal commission attracts the opinions of committed public spirits among citizens, corporations and clubs. Many not heard from the commission were at home, happily listening to music and comedy shows on the US stations whose signals reached them, or on Canadian stations linked by land lines or recording to the US source."\textsuperscript{31}
Bearing this out was the reaction that the report received in the years between 1929 and 1932. Advocacy in favour of the retention of private ownership was organised under the banner of the Canadian Association of Broadcasters, a counter-part to Graham Spry’s Canadian Radio League. The CAB, formed in 1926, and supported by many newspapers, politicians and business interests, engaged in a pamphlet war with the Canadian Radio League in an attempt to protect its vested interests. One volley in this war was an article by the CPR’s public relations manager, John Gibbon, one prefaced with a shot at the CLR:

The so-called Aird report on Radio Broadcasting was supposed to be dead and buried, but apparently it has left a posthumous child in the Canadian Radio League—quite a lusty infant too, judging from the noise it is making in the newspapers. The ideal of the Canadian Radio League inherited from the Aird Report is the “B.B.C.” or British Broadcasting Corporation, established by the British Government as a means of keeping in its own hands during times of peace a machine for propaganda which would be invaluable during times of war. After arguing that the BBC was a poor model to follow for its political patronage, poor programming and the alleged “devastating effect” it had visited upon the music industry in England, Gibbon offered the following plan:

The most practical proposal so far suggested is that of R.W. Ashcroft of the Trans-Canada Broadcasting Company, who recommends the realignment of wave-lengths so as to provide facilities for two Canadian broadcasting networks from Coast to Coast, thus giving the listener at any point between Halifax and Victoria the option of listening to either of two Canadian programmes, the one network to be purely privately owned and operated, the other to have government support.... The Government network would carry the educational and “uplift” programmes for which the Canadian Radio League is crying. My own conviction is that this other network would certainly need a subsidy, as it would receive only about ten per cent. of the listeners reached by the sponsored programmes. But it would satisfy those who like to be uplifted, and who are determined to secure this spiritual entertainment at the expense of the taxpayers.33

In opposition to the philosophy of the CAB, the Canadian Radio League launched a formidable frontal assault on private broadcasting, and did so largely through the dynamism of an extraordinary young Canadian, one whom Austin Weir describes as “one of the ablest and most persuasive non-party advocates ever associated with an important popular movement in this country.”34 By an expert mobilisation of what Mary Vipond has termed “The Nationalist Network” of 1920’s Canadian nationalists and academics,
Spry and his co-hort Alan Plaunt engineered the significant coup of resurrecting the Aird proposals during the tenure of a conservative government. The nationalist crusade of the Canadian Radio League has been described as being "to this day a classic study on the art of lobbying". The determined focus with which this was accomplished is evident in Spry's letters and diary, the tone of which convey a sense of being engaged in a playful jaunt of subterfuge. Which is not to suggest Spry's motives were suspect: along with the obvious stimulation to his ego was a committed patriotism and sincere concern about the Americanisation of Canada's airwaves. How representative his concerns were is another matter. The following quotation is from the first letter Spry wrote on behalf of the Radio League - an invitation to Brooke Claxton inviting the future minister of defence - then president of the Montreal Canadian Club - to join the executive:

This is to invite you to become a member of a provisional executive of the Canadian Radio League, which has as its object the protection of Canada from a radio system like that of the United States. Our method of operation is, resolutions, delegations to the cabinet, articles in the press, and a highly reputable honorary executive masking the machinations of a small, disreputable executive consisting of yourself, myself, Alan Plaunt, George Smith, R.K. Finlayson, Margaret Southam, etc.... Alan is a gentleman of leisure and will do our dirty work aided by Margaret Southam. Our principal object is to see that the file Honourable R.B. will consult on his return [from England] is full of pro-Canadian radio newspaper clippings. We will also see, by routes well traced, that the various ministers know that people throughout the Dominion "are viewing with alarm" the American monopoly's invasion of the sacred Canadian air.

Whether the Aird proposals "confirmed what most thoughtful Canadians apparently felt" or not, it is clear that there was nothing that was either popular or spontaneous in the pressure that was brought on the federal government to follow through on them. The CRL lobby has been viewed as a masterful piece of work precisely because it was a created momentum.

Consistent with the propagandist nature of the movement, the argument for public broadcasting was enmeshed with the political leanings of the CRL founders. Witness the words of Graham Spry in a speech at a conference in New York in 1935:

The question I raise is this, shall radio broadcasting, still in its infancy particularly in short-wave and television, become the repressive instrument of one or other of the classes into which society is now dividing? In Canada and in the United States, whatever cautious tolerance may now be exercised, this majestic power for
influencing public opinion is mainly owned and controlled and used for the purposes of that class which is challenged by those who feel themselves exploited and who demand fundamental changes in ownership and objective.\textsuperscript{38}

As communications historian Marc Raboy points out, the rhetoric employed in defence of public broadcasting was about more than just nationhood: in the same speech quoted above, Spry expressed his hope that, with public ownership, “new movements of opinion, as represented by socialist groups, trade unions and farm associations, would be able to develop their support by the use of radio.”\textsuperscript{39}

The impetus that kept the vision of a public broadcasting system alive cannot be understood apart from the socialist response to the reality of the Depression. The anti-Americanism of the CLR was an aspect of the anti-capitalism of the New Left in the Canadian political scene of that era. Graham Spry himself was a socialist, a founding member of the League for Social Reconstruction out of which the Co-operative Commonwealth Federation was born, a party under which he twice ran for office. In a letter to a friend in reference to the “enthraling” radio “agitation” that he was creating, he wrote that it was “great fun to have made a fuss that is front-page stuff in Canada, the United States and Great Britain, and to take on the “power-trust” of the United States and the CPR.”\textsuperscript{40} Beneath that levity, however, was a real sense that unless the state took control, the battle for the hearts and minds of Canadians would be lost to the monolithic force of U.S. capital. In his article to \textit{The Canadian Forum} in 1931, Spry wrote of his concern that the United States had at least ten stations with more power than all the Canadian stations combined, adding:

And still more significant is this: one group of associates representing the dominant financial group in North America control, through a variety of intricate financial devices, not only the Radio Corporation of America and the National Broadcasting Company, but the General-Electric, the Westinghouse-Electric, the General Motors Radio, The Radio Victor, the Radio-Keith-Orpheum Theatre Circuit ...and an infinite number of other powerful interests capable of influencing public opinion and taste.” The inference to be drawn was clear: “The control of public opinion, it should not be necessary to remark, must remain in Canadian hands. The alternatives are, indeed; the State or the United States?”\textsuperscript{41}

Spry believed that what made his efforts successful was that his position represented a defence of “freedom of the air”, an ideal which he saw as his primary objective in the
pursuit of a publicly owned system. In an article he penned in 1935, Spry wrote that the League received its support from a fear among those involved that "so long as private interests owned and operated broadcasting, minority - especially radical minority - opinions would be excluded from the air." The fears were realistic enough. With broadcasting in its infancy, and without the benefit of research on which Marshall McLuhan and Noam Chomsky would later build their theories, they anticipated the lack of freedom for non-conforming opinion that inhered in a commercial system of broadcasting. What his narrow nationalism obscured, however, was that minorities are defined not just in economic terms. In the field of early radio broadcasting, the real minority in the sense of non-conforming culture was the one challenging the antinomies of public vs. private, commercial vs. non-profit, and American vs. Canadian interests. This was a tangible example of the "radical minority" which Spry claimed he wanted to protect, and one whose fate was at least as circumscribed by regulations aimed at protecting "freedom of the air" than by the model of private broadcasting it replaced.

The exclusion of which Spry was concerned had already occurred in Canada; was in fact the starting point for the Aird enquiry, and that nationalisation held the promise of more of the same was a proposition to which others were more sensitive than he. Particularly attuned to the ramifications of a state broadcasting system was Spry’s former employer J.W. Dafoe, editor of the Winnipeg Free Press and one among whom the CRL was hoping for support. In response to an invitation to serve on the League’s executive, Dafoe sent Spry the following reason for his refusal:

As I explained to you over the telephone the reason I did not feel free to associate myself with the Canadian Radio League is that I feared it might hamper us in our free discussion of this somewhat complicated question. We have discussed radio a good deal: our position might be described as favourable to the idea embodied in the Aird Report with certain reservations expressing our doubts. We are a bit afraid of government monopoly developing into suppression of opinion - particularly radical, half-baked opinion. If Premier Ferguson controlled radio in Ontario he would not let anyone talk about politics but his own crowd. When a man as prejudiced and autocratic as Howard Ferguson can attain and retain the premiership of a province like Ontario one is chary of extending government powers of control over public opinion. I doubt whether Mr. Bennett in this respect is any better.... That a government-owned series of radio stations could, if it would, give Canada a service that could not be
got from existing services is beyond dispute; and this is why we are willing to be convinced that something like the system proposed in the Aird Report should be adopted. Commenting favourably on an alternative that the CPR president had shared with him, Dafoe revealed a willingness to investigate a model such as that adopted in the United States:

Mr. Beatty’s idea, as set out in a conversation with me here, is that the CPR and the CNR should extend their present hook-ups using the existing privately-owned stations or others that might take their place. He said it would not be necessary for the government to put any public money into stations at all. He is also in favour of some measure of control over programs and over stations as to equipment, qualifications of announcers - via a Federal Commission.43

And yet, in spite of the options that moderates such as Dafoe were entertaining, the momentum of the CRL carried the day. When R.B. Bennett inherited the reins of power, along with them he was handed an ongoing federal-provincial dispute over jurisdiction that was legally settled by the decision in favour of the Dominion in early 1932. Bennett quickly followed up on this decision by striking a committee to draft proposals for a national system. The subsequent introduction of a radio bill was based on an understanding of the airwaves as a public resource, to be used, he said, “for the diffusion of national thoughts and ideals”.44

The Radio League was a major factor in the assertion of state control over broadcasting, but Graham Spry’s passion alone cannot be relied on to explain why his vision carried the day. Multiple motives -not easily distinguishable one from the other- can be found for why the state acted in favour of a public model and against private capital. A short list would include a genuine nationalism, state legitimisation, the contemporary economic situation and the perception of the central government of the need to assert federal control - all to which can be added the not inconsiderable promise that the system, paid for by license fees, was to be self-sustaining. This last point raises a fact that others have noted: namely, that the system endorsed in the 1932 Act, though “public”, was a considerable departure from both the Aird and the Radio League proposals. Under the terms of the Act, private stations would continue to operate without a timeline for their expropriation,
and the Commission would not be a "public" body in the critical sense of being
independent from government control.\textsuperscript{45}

Reflecting this spirit of compromise, the Radio Broadcasting Act was hailed by Bennett
as a necessary, and possibly temporary measure for the protection of a limited resource,
depending on the development of the technology. As he said in giving second reading to
the bill:

The use of the air, or the air itself, whatever you may please to call it, that lies over
the soil or land of Canada is a natural resource over which we have complete
jurisdiction under the recent decision of the Privy Council. I believe that there is
no government in Canada that does not regret to-day that it has parted with some of
these natural resources for considerations wholly inadequate and on terms that do
not reflect the principle under which the Crown holds the natural resources in trust
for all the people. In view of these circumstances and of the further fact that
broadcasting is a science that is only yet in its infancy and about which we know
little yet, I cannot think that any government would be warranted in leaving the air
to private exploitation and not reserving it for development for the use of the
people. It well may be that at some future time, when science has made greater
achievements than we have yet a record of, it may be desirable to make other or
different arrangements in whole or in part, but no one at this moment in the infancy
of this great science would, I think, be warranted in suggesting that we should part
with the control of this natural resource.\textsuperscript{46}

Bennett’s pragmatism notwithstanding, it is fascinating to follow the permutation of the
issue of free expression from the debate over the censorship practised against the Bible
Students to the debate over the formation of a public broadcasting system. At one end we
find a Liberal government defending censorship in the language of patriotism and against
the raised voice of socialism, at the other a Conservative government declaring its
support for the class-based arguments of the Canadian Radio League against the voice of
organised capital. The concern of Canadian commercial broadcasters that nationalisation
would be manifest in second-rate programming, would create "a machine for
propaganda" and a "temptation... for political patronage" was countered by the claim of
the Conservative Prime Minister that "no other scheme than that of public ownership can
ensure to the people of this country, without regard to class or place, equal enjoyment of
the benefits and pleasures of radio broadcasting.\textsuperscript{47}
But class rhetoric aside, what enabled Bennett to introduce his radio bill - against formidable opposition from within his own party - was the above-mentioned fact that the system was to be self-sufficient: the growth of the public broadcaster was to be limited to what could be done without incurring debt. As Roger Bird has described it, the 1932 Act reflected "a government overwhelmingly intent upon controlling the spending of the newly created Canadian Radio Broadcasting Commission in the unhappy context of the economic depression."48 After providing for the appointment of a three member commission with wide powers to regulate and control all broadcasting in Canada, including within that the full powers of the Expropriation Act, the bill stipulated that "The moneys appropriated [for the purposes of the Act] shall not exceed the estimated revenue from receiving licenses, private commercial broadcasting licenses and amateur broadcasting licenses".49 For the immediate future, the newly formed Commission would be able to enter into operating agreements with private stations for, in the words of the Act, "the broadcasting of national programs."; to acquire existing stations or construct new ones as required, and finally, "subject to the approval of Parliament, take over all broadcasting in Canada".50 Public broadcasting would come to Canada, but only as it could be feasibly managed.51

The Broadcasting Act of 1932 was a declaration of federal sovereignty over the airwaves predicated on a conviction that radio broadcasting, in any form which it could take, was by nature a prima facie public resource.52 This view was supported in decisions by the Supreme Court of Canada and the Privy Council, both of which rejected the claims put forward by the province of Quebec that broadcasting came under "matters of a merely local or private nature in the province" as per the wording of Section 92 of the British North America Act.53 To understand these decisions in their context it is critical to realise that both the Canadian Supreme Court and the British justices were working on the assumption of transmission being through "Hertzian waves" - thus the understanding that by their nature these were, as per the exceptions to provincial control specified in Section 92 -10(a) of the BNA, "undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province.", and consequently a federal matter. Even among the dissenting minority of the Canadian
justices (the court decided 3-2 for the federal government) this limited notion of broadcasting was operative, as in the following from Justice J.J. Lamont, who accepted that broadcasting could not be localised but yet believed that neither federal nor provincial control should be exclusive:

When we consider the nature of radio communication and the fact that once the electro-magnetic waves are discharged from the transmitting stations they cannot be confined within the boundaries of a province, or even the limits of a country, it is evident that even a provincial legislature, whose jurisdiction is only province wide is not in a position to control the transmission of these waves, yet, without some control, radio communication would be impossible. So far, therefore, as the transmission of the wave is concerned, a very wide jurisdiction must, in the present state of the art, be conceded to the Dominion Parliament.54

The same reasoning was employed by the majority, of which Justice Newcombe submitted for reasons that:

..."radio communication" in the state of the science and development that it has attained, is not, substantially or otherwise, a local or private matter in a province. In the course of discussion an attempt was made to distinguish between the transmission of a message and the reception of it... But the question is directed, not to rights of property in goods or chattels situate within a province, but to "radio communication" - an effect which is not local, but interprovincial.

Newcombe read the decision as hinging on the fact that, "if the sender be in a foreign country, or in a province or territory of Canada, and the receiver be in another province, it is impossible, as I see it, to declare that the communication, is local, either to the transmitting or to the receiving province."55

The distinction is critical, for it recognises a limitation on the authority of the federal government that is overcome only on the impossibility of controlling Hertzian waves. The unstated corollary was that the justification for this control would lose its basis in a closed carrier system, such as was introduced in the late 1950's when cabled "broadcasting" began in Canada.56 In other words, the federal government's extension of authority over the technologies in communication that now exist alongside, and in some cases have replaced, broadcasting by wavelength, was illegitimate in terms of the decisions on which this control was first allowed. In terms of limitations on the expression of religion the matter is hugely significant: a regulatory regime whose initiation was conceived as a means to limit expression in a public forum that could not be confined was adapted to perform the same function in a forum that could, and where
participation was by choice. As we shall see, an appreciation of the subtlety would only come through a retracted process of examination and litigation, the length of which gives some credence to the applicability of the theory of institutional invariance.57

In any event, with the challenge to federal authority removed, the movement that had begun with the Bible Students and become a debate about public ownership entered a new chapter with the creation of the CRBC. Under the guise of a single system of public ownership Canada had adopted the dual broadcasting system that remains to this day. At this point it is legitimate to ask where the discussion about the place of religious expression on the new medium had gone. The answer is that after the Aird Report, religion per se did not receive much attention, either by the report of the Special Committee on Radio Broadcasting, or in the Broadcasting Act on which it was modelled. In spite of the fact that the Committee report described radio as “a medium of education, thought-provoking development, and fostering of Canadian ideals and culture, entertainment, news service and publicity of this country and its products, and as an auxiliary to religious and educational teaching”,58 in the establishment of the Canadian Radio Broadcasting Commission it was intended that no licenses would be granted to what were considered “special interest” groups. This un-stated prohibition was implied in the guidelines that the Commission drafted in 1933, which limited applications to “Private commercial” and “Amateur” broadcast interests.59 The two Christian broadcasters operating at the time that the 1932 Act was inaugurated -- stations CJVI in Victoria and CKWX in Vancouver -- were forced to relinquish their ownership and control at the request of the Commission.60 From that point on, the licensing policy against religious broadcasters was enunciated only in connection with the denial of specific applications.61

With the 1932 Broadcasting Act in place, the new Radio Commission had been saddled with the task of determining what made for acceptable religious programming. Because the three Commissioners were given very few guidelines to help them in their task of designing this new agency, and certainly none at all for what it was that constituted acceptable religious advocacy, there was considerable latitude for the operation of
personal prejudice. Through self-administered regulations over programming, the CRBC behaved as a selective censor of non-conforming expression. Nor was this limited to religious opinions, as has been shown with respect to the censorship of Communist Party broadcasts. The open-ended character of the 108 “Rules and Regulations” drafted by the Commission allowed for this -- in particular those that referred to the control of programs. In reference to this, regulation 90 prohibited stations from carrying “any speech, printed matter, program or advertising matter containing abusive or defamatory statements with regard to individuals or institutions, or statements or suggestions contrary to the express purpose of any existing legislation”, while in regulation 91 the Commission reserved to itself “the right to prohibit the broadcasting of any matter until the continuity or record or transcription or both have been submitted to the Commission for examination and have been approved by them.” As Mary Vipond has pointed out in a discussion of the regulations, the two provisions implied a dual responsibility on the part of the broadcasting station and the regulator, with the result that both regulator and broadcaster could escape blame for censorship: “Edicts from the CRBC’s Ottawa headquarters caused trouble which could redound (sic) on both the Commission and the Conservative government. But if local stations were left to decide what was acceptable programming, then the Commission could always claim it was not to blame for any perceived interference with free speech.” Vipond makes the observation that the great advantage of the wording of the two Regulations was that it allowed both the Commission and the owners of the private stations to blame the other party when accused of censorship. In essence, the regulations created an atmosphere in which the private broadcasters were not only encouraged to allow only such material as would find appeal among the mainstream, but given an excuse for their caution, with the result that they became more self-regulating in their programming even than the stations owned by the Commission. If they had any doubt as to their approach, these would have dissipated in view of the actions pursued by the Commission against offending minorities.

The Bible Students... again

In 1930’s Canada, few could rival the Bible Students/Jehovah’s Witnesses in terms of offending the religious and political establishment, and it was not surprising that the first
direct religious censorship with which the Commission became involved was against their leader, Judge Rutherford. Given the history of antagonism that existed between Rutherford and Hector Charlesworth, this was not at all surprising. Within weeks of its establishment, in fact, the Commission raised again the voices so recently stilled in the political effort to nationalise broadcasting. Judge Rutherford was, in fact, the first item on the agenda of the first meeting of the three commissioners, the minutes of which stated that his broadcasts were of a “subversive nature.” What Charlesworth viewed as “scurrilous abuse of all Christian clergymen and lawful institutions” would not be tolerated.® In a telegram that was sent to every radio station in Canada, the chairman demanded that no speech by the “foreign anti-social agitator” was to be broadcast until submitted for prior approval.®

The CRBC requirement effectively reversed the gain that the Students had made in 1932 when a Toronto station had agreed to carry their broadcasts on a weekly basis. The Watchtower Society at that time had viewed the return to the Canadian airwaves as a major coup, and in their perennially optimistic Year Book had celebrated the event as a divine vindication over their enemies:

This station, we understand, was largely financed by Roman Catholics, and they, until recently, broadcast over it, as also did one other prominent clergymen of this city, who, in common with the Catholics, was very active in forcing the Society’s station off the air a few years ago. When we were forced off the air we were broadcasting over a station of 500 watts. We have come back, by the Lord’s grace, on a station of 10,000 watts, and neither of these opponents who served the interests of the Devil is now broadcasting. Truly it is the Lord’s doing, and marvellous in our eyes!®

Following the new directive, however, the Witnesses were again on the defensive - a position to which their single-minded righteousness made them singularly unfit, and was in the eyes of Canadian authorities the same as being on the offence. Following complaints to the Commission about Rutherford’s broadcasts from a group of Anglican clergymen in the Maritimes, the Judge released a printed tract concerning the Radio Commission’s censorship in which he saved his strangest invective for Anglican clergymen who “do not in fact represent Jehovah God and Christ Jesus and his kingdom but... do represent Satan the devil and that thereby the people are deceived”.

Rutherford’s Important Notice concluded with the rhetorical challenge: “Have the people
of Canada reached such a state of low intellectuality that they need to have a “wise” radio commission to approve what they shall hear about the Bible?" Then, repeating previous efforts, the Society also issued a petition - this time with some 406,000 signatures - and made an appeal to the Prime Minister that he intervene on their behalf with the Commission.

In his analysis of the media reaction to the affair, James Fenton identifies an east-west, labour-Tory cleavage similar to that of the renewal scandal of 1928, with western papers and labour periodicals willing to defend Rutherford, and editorial opinion in central and eastern Canadian newspapers rallying to the defence of Ottawa. The division was reflected in the discussion that subsequently spilled over into the House of Commons, where western Liberals and the CCF came to the defence of the principle of free expression. The debate also gave to the Commission an opportunity to defend its action. Their statement, relayed through the new Minister of Marine, Alfred Duranleau, tried to perform the dual trick of distancing the decision from Charlesworth’s personal opinion of Rutherford as an anti-social agitator by emphasising the “abusive and mischievous character” of his speeches, while also suggesting that the Commission’s direct action was an exceptional measure necessitated by the Watchtower president’s citizenship. With respect to the last, the Commission’s statement offered that, “As Rutherford lived in the United States and did not deliver his speeches in person in Canada he could not be made amenable to Canadian laws, and the only control that could be exercised in this country was in regard to the broadcasting of his gramophone records.” The Commission also pointed out that, “In order not to interfere with the legitimate operations of the International Bible Students” it had authorised these stations to “substitute its own speakers in Canada” for Rutherford’s speeches.

The issue of citizenship notwithstanding, what came out in the parliamentary debates of 1933, along with a rigorous questioning of the independence of the Commission - including a discussion of whether Charlesworth was worth his generous salary - was a very personal battle fuelled by the energy of a wounded ego. A Liberal member from western Canada, Thomas Reid, shed some light on this in the following protest - one
made, he claimed, not for partisan reasons but on behalf of constituents upset with the censorship of the Commission:

This matter is in the minds of a great many people in Canada today. At the outset let me say that I have no brief for Judge Rutherford's organization, as I still adhere to that religious body known as the Presbyterians, and am content to hold to the eternal truths. No doubt many hon. members received communications regarding this matter. On behalf of the people who communicated with me I took the trouble to write Mr. Charlesworth. On March 27 last he replied to my letter, stating, as the minister stated in the house, that Judge Rutherford had said he was a thief, a liar, a Judas and a polecat, and therefore fit to associate only with the clergy. Mr. Charlesworth further states:

You will plainly see that a man who interlards such attacks with his interpretations of prophecy is an objectionable person to have on the air in Canada.

After that letter I began to answer all the communications that had been sent me, upon which occasions I quoted the remarks of Mr. Charlesworth. One of the people to whom I wrote took the trouble to communicate with Judge Rutherford, with the result that I received a letter from him only a few days ago. I believe it should be read to the house, because it deals with the allegations contained in Mr. Charlesworth's letter. The date of the letter is April 15 of this year:

Hon T. Reid,
House of Commons,
Ottawa, Canada.

Dear Sir,-
A letter just received by me quotes from a letter by you on March 28th to Mr. A. Kennet of Vancouver, B.C., the following: “Mr. Charlesworth makes the further statement that Judge Rutherford in his recent address called him a thief, a liar, a Judas and a polecat, and therefore fit to associate only with the clergy.” Permit me to say, my dear sir, that never in a public address have I even mentioned the name of Mr. Charlesworth and at no time have I ever indulged in such language as above quoted. Surely I should not be held responsible for what others may say. I have never yet applied such epithets to any public man.

As Reid then pointed out:

I think in view of that reply from Judge Rutherford the minister should bring down the correspondence, especially the letters received by Mr. Charlesworth, if he did receive them, in connection with the statements made by Judge Rutherford. I think this matter should be cleaned up, because it is exercising the minds of many of our Canadian citizens, whether they agree with the judge's organization or not.

The correspondence Reid had referred to would not be tabled, not because of any attempt at concealment on the part of the minister, but because it did not exist. The quotation
referred to was actually from an article penned by the editor of The *Golden Age*, a periodical published by the Watchtower Society. As such, Rutherford could not be directly connected with them, though he probably was aware that they had been made through an organ of the Society. Also, Rutherford's carefully placed qualifiers that he had not *yet* made use of such terms in reference to any *public* man do little to convince that this was something he would not entertain, but at the same time they suggest a degree of forthrightness lacking in the chair of the Commission, who from behind the protective screen of editorial anonymity had earlier called Rutherford a "heavy-jowled flannel-mouth" and a "lying demagogue". The hypocrisy was not wasted on the opposition, although their own actions against the Bible Students in 1928 gave them scant moral ground from which to launch a complaint, a fact which the Conservatives were quick to point out.

A more non-partisan voice in Parliament in terms of the issue at hand, the CCF was also concerned with the action of the Commission and its implications for the free expression of religious beliefs, including the freedom "to criticize the beliefs of others." As Woodsworth said on entering the debate, more conclusive evidence of libel should have accompanied a decision of the magnitude that the Commission had made, and, more to the point, the government should be held accountable to state the principles -if any- by which the commission was guided. As he explained his concern, "We have now not merely a certain control by the government of radio, but we have gone further, we have made radio a public utility and have placed in charge of it a commission that is almost independent of parliamentary control. At the beginning of this new arrangement it seems to me highly desirable", he added, "that we should place matters on a sound basis, or undoubtedly there is disaster ahead."

Predictably, the governing party absolved themselves of any association with censorship by stressing that the Radio Commission was a separate authority operating under its own rules. The Minister of Marine replied to Woodsworth that the CRBC was organised under a statute that has passed through a unanimous house, had been given certain powers and "a certain control" over radio stations, and was constituted of "the best
possible appointments". "I suppose" he added, "they must decide whether or not to prohibit utterances which may be made against good government, against the institutions of the country or against public feelings throughout Canada, but I am not prepared to say what their principles are." Nonetheless, there was "no doubt" as to their ability to maintain "a proper control over radio stations."77

If the government assumed no responsibility for the actions of a delegated federal authority, they were certainly not about to acknowledge concern over the sequel to the affair - the conviction of a Jehovah's Witness in Quebec for distribution of the Important Notice. Unfortunately for the government, the reasons given by the magistrate embarrassed any effort to pretend that the state placed a priority on the protection of dissenting opinion, or could judiciously balance its own protection with that of those who challenged it. The decision, which had been quoted in the Montreal Herald and which Woodsworth read to the house, contained the following:

The circular itself is but a protest-thinly veiled and replete with quotation from the prophets-against authority as constituted by the Radio Broadcasting Act. That is its preconceived, determined, and sole purpose; and in that respect it is subversive of peace, order, and good government.78

That it was not libel, but subversion that was viewed as the primary consideration in the conviction of this lone Jehovah's Witness was what troubled Woodsworth, who stated to the house that "the fact that such a decision can be given seems to me to emphasise the necessity for much more careful consideration of a matter of this kind. If we grant powers to a commission, and if anyone who chooses to protest against the decision of the commissioner his action is declared to be illegal, it seems to me that we have reached an intolerable situation." To offer a parallel to the principle here invoked, Woodsworth then pointed out the irony in the fact that, beside the article in the Herald from which he had quoted was another headed: C.C.F. Flayed in Radio Talk by Gerald Almond. N.D.G. Candidate Calls Federation Necessary Evil of Centuries. What it was that made Rutherford's invective unacceptable and Mr. Almond's "quite proper" (in Woodsworth's words) was a question to which the minister of Marine admitted he had "not very much to say."79
The issue before parliament in 1933 was only superficially about the power of a delegated authority. At a deeper level it involved an attitude toward non-conformity, in this case expressed in rather ugly terms, as something that should either be excluded or given space to prove itself in the public sphere. None of the members who defended the right of Rutherford to broadcast in Canada professed any sympathy for his views; in fact most of them took care to do the opposite - but all believed that it was better to give to heresy the light of day, that it be exposed. In the words of a member from Saskatchewan, "if the views expressed are not in harmony with truth, they will run their course and ultimately disappear." It was not a complicated issue in this respect, notwithstanding the nature of the technology. Radio was inherently unlike other media, and the general recognition of its unique character qualified the remarks of some who expressed concern with the actions of the Commission. Thus the same member was willing to admit that "the radio has introduced a more difficult problem than is entailed in freedom of the pulpit or of the press and I confess it is hard to arrive at a final conclusion upon the matter.", but that, nevertheless: "I think the radio commission would be well advised to hesitate before preventing people from preaching the doctrines in which they believe or interpreting the scripture in their own particular way. Less harm is likely to be caused by allowing freedom in this direction than by imposing restrictions."

The attitude of the Commission, however, was that through the application of common sense it had "cleaned up" the Canadian broadcast spectrum by removing what were self-evidently mischievous abusers. Because it viewed radio as a public resource and a tool of nation building, the coercive function did not trouble them - whether it was in the censoring of religious or political non-conformity, its intent was to safeguard - in Charlesworth's terminology - "the general canons of public order". It was an attitude that Marc Raboy has described as a "managerial style of democracy", one in which "public" and "national" are treated as synonymous. The arrogance that came out of this primacy on national objectives was reflected in a narrow inability to conceive of radio creating community at any other level, and was personified in the personality of the Commission chairman, who emerged from the spotlight in 1933 proclaiming himself
"bloody but unbowed". Following a report he gave in Toronto during this time, Charlesworth was paraphrased as promising that the CRBC "would not deviate from the policy which it had formulated and that anyone was a liar or a fool who said that radio in Canada was not in a better position to-day than it was a year ago." Better, presumably, by the standards of the regulator, which apparently believed that alternative understandings of public were retrograde by nature. But not by the standards of those who were most alive to the promise of broadcasting as a truly "public" instrument.

As someone who arguably had more at stake in the success of this vision than anyone in Canada, Graham Spry was also the most disappointed at the outcome. In 1935, in a speech he gave in Ohio at a conference on Canadian-American relations, he shocked many with his bitter reproach of the Commission. Spry complained that the CRBC under Charlesworth had become "a creature in some measure of the party in power, and its regulations... a challenge to freedom of the air... Its regulations with respect to comment on public institutions are menacing and vicious. Neither as a means of giving Canadians an adequate Canadian service to meet the Americanising influences of American networks, nor as a means for providing a free flow of opinion which alone promises an alternative to force in change has the Commission been more than a modest success." What Canada needed, and was not getting with the CRBC, was a system of broadcasting "above party or commercial consideration and capable of the broadest tolerance and freedom." And Spry was not alone. His co-hort in the Canadian Radio league, Alan Plaunt, had begun to criticise Charlesworth and the CRBC within a year of its formation for being overtly political. In fact, as Knowlton Nash emphasises in his history of the CRBC/CBC, it was only been a matter of months before the bi-partisan support which had seen the Commission established began to erode, the leader of the Liberal party pointing out to the house that the three members were all "well-known members of the Conservative party" and labelling the CRBC a "great conservative political machine." Mackenzie King's words may have been too generous for their unintentional implication that the Commission was even focussed enough to pursue an agenda. To Spry and Plaunt and others concerned with the success of public broadcasting, the collective inexperience
of the commissioners and their lack of cohesion made it obvious that they were not up to the monumental task of overcoming problems of finance, patronage, and hostility from commercial broadcasting interests. In large measure the problem was seen to reside in Hector Charlesworth, whose personality made the Commission a disaster in the eyes of many contemporaries. A journalist of 60 years with no experience in radio, he had few diplomatic skills and was also a poor administrator. Something of an Edwardian dandy, he had the effect of rankling both the public and the politicians with his manner. “a nice little fellow but a bit of a joke” was how Charles Bowman - the editor of the Ottawa Citizen who had sat on the Aird commission - reacted when asked by Bennett what he thought of the appointment.

Incompetence aside, the CRBC was undone by larger forces, the main of which was quickly identified as the failure in the Radio Act to create a buffer between government and the national broadcaster. As Spry and Plaunt observed in an editorial in 1932, “the Government officials drafting the Radio Act made an error, the consequences of which time, we fear, will increasingly demonstrate. There is no real buffer between the paid commission and the Government, and there is no real effective buffer between the commission and the public.” The problem was partly one of neglect. When the Prime Minister appointed Charlesworth he told him that he was being given “a sheet of white paper, on which you will be free to work out your own ideas in your own way.” This promise notwithstanding, the reality of financial dependence on parliament hampered the Commission from the beginning; the direct link between license fees and the broadcaster that has been recommended in the Aird report and by the Special Committee in 1932 did not make it into the Act. Instead of receiving all the income from the annual two dollar license fee and the suggested subsidy beside, or being given authority over its own expenditures as had been proposed, the CRBC consistently was given less than the license revenue, and its control over expenses were no different than those of a government department. The result was that even the basic, original vision for a chain of high-powered stations was compromised, the plan for an eventual take-over of all private broadcasting stations became a dead letter, and the pattern of the public broadcaster being a financial embarrassment to the government in power was set.
When we focus on the incompetence of the CRBC it is easy to miss the reality of continuity between the Commission and the Corporation that replaced it. In spite of its "false start," in terms of the essential character that the broadcasting regulator assumed in its relationship with the state and the private broadcasters, the CRBC years can be read as a period of growing pains. In the areas of technical requirements, program content and advertising regulation, the function of the regulator was established. As Frank Peers has pointed out, the 108 regulations drafted by the Commission during this time were, "in the main... continued after 1936 by the Canadian Broadcasting Corporation almost unchanged."

The promise of the Aird commission was that public broadcasting would correct the imbalance and inadequacies of a system where the entire service was operated "for purposes of gain or for publicity in connection with the licensee's business." To sell the need for such a system had required a sustained lobby pitting the commercial interests of a few against the wider vision of the national community. In the process of implementation, however, what were arguably the only licensees in the system not operating for gain, in the sense that the Aird commissioners had conceived it, were also the only ones that were effectively eliminated.

In a summation of the efforts of the lobby for public broadcasting, Knowlton Nash has offered the following:

Spry and Plaunt persuaded the established churches that public radio would bar the kind of evangelical hoopla of the Jehovah's Witnesses; persuaded educators that public radio would give them much more airtime than private radio; persuaded newspapers that public radio would not eat into their advertising revenues as private radio was doing; persuaded influential Quebecers that Quebec would have more program influence under their and Air's proposals; and persuaded nationalists that only public radio could counter the American radio invasion and ensure national unity.
By 1936 it had become clear that the only promise in this list that had come to fruition -- and likely would be achieved in the near future -- was the first. And, as the Liberals re-assumed office in that year, it became clear that the politically biased CRBC, now under scrutiny for their one-sided election coverage, would not survive.
Chapter Five: Control and controversy, public and commercial

Where in Chapter four we examined the specifics attending the beginnings of public broadcasting in Canada, in the following we will explore the nature of the system as it related to religious expression in the first decade of the Canadian Broadcasting Corporation. We have discussed the implementation of a regulatory scheme combining a public broadcaster and commercial interests within a single system. Now we will look at how this structure in itself had a direct bearing on the development of religious broadcasting. In this discussion we will look at one of the most interesting and fiery radio preachers in Canadian broadcast history, one Reverend Morris Zeidman, whose passionate anti-Catholicism, and the response to it from one Father Lanphier, would drag the CBC into its first major controversy. We will compare the corporation's response to this controversy with its reaction to one Reverend C.P. Bradley, whose prophetic denunciations of contemporary culture were viewed as being unacceptably political, and its reaction to Solon Low, whose anti-Semitic broadcasts on behalf of a Quebec political party were not. In all of these cases: the slow response to Morris Zeidman, the much quicker reaction to Reverend Bradley and the tentative reply to anti-Semitism, we can see how the censorship was managed so that it would attract minimal attention to the state broadcaster.

This chapter introduces three themes that began to reveal themselves in the first two decades of public broadcasting in Canada, years in which increasingly defined criteria were established for religious programming. The first is that of a system which, by design, contributed to the filtering of non-conforming expression. Because by 1936 it became clear that religious broadcast licenses would not be issued in Canada, any religious broadcasting that gained access to the airwaves was that which could either find its way onto the public network, the access to which was controlled by an advisory council drawn from the mainline churches, or what could be purchased from private licensees, who were under no obligation to sell to them.
A second theme explored in this chapter is that of an uneven application of the regulations regarding controversy by the regulator, leading to the curious situation whereby the most offensive religious programming was that which the public network itself carried. Inconsistency created an uncertain regulatory environment which contributed to the third theme: the unease of commercial broadcasters with religious programming born of a fear of upsetting a capricious regulator, a factor that, again, affected some religious programming interests more than others. As we shall also see, this chill effect was exacerbated by unwillingness on the part of the regulator to assume responsibility for its censorship.

Whatever the CRBC’s structural flaws, it was successful in establishing itself as a vital arm of the state. Its presence did not jeopardize private interests in the broadcasting business, its program censorship was enforced with almost no controversy, and it began to provide the kind of national programming that many of its early supporters hoped it would, defining Canada both to Canadians and to the rest of the world. The creation of the CBC gave the public broadcaster the structures necessary to continue to carry out those tasks.

-Mary Vipond; *The Beginnings of Public Broadcasting in Canada*

Mary Vipond’s assessment of the CRBC emphasises the continuity between the first regulator and the CBC, as discussed in the last chapter. As with the Commission, the Company was both broadcaster and regulator, provider of national programming and censor of non-conformist opinion. The differences, such as they existed, were organizational. The Commission was killed by its organizational structure and managerial incompetence, its budget as well as its bias. The new Broadcasting Act creating the CBC was not conceived with the intention to bring about a change in policy so much as it was an attempt to make the regulator conform to the original vision of the Aird Commission -- and the Canadian Radio League -- of a secure alternative to American-style commercial broadcasting.

Among the changes in the 1936 Act were clauses designed to give the CBC more power and more financial independence than its predecessor. License fees were to go directly to the regulator, now managed by a voluntary, nine-member board of governors who would
recommend the appointment of a General Manager. Basically unchanged, however, were
the regulations that the CRBC had drafted, and the role of censor that these affirmed.
These rules were supported by a provision in Section 22(c) of the Act that allowed the
CBC "to control the character of any and all programmes broadcast by Corporation or
private stations." The regulations that the new authority drafted in 1937 contained
several prohibitions on programming content, such as those prohibiting dramatized
political broadcasts, liquor advertising and the broadcasting of prices. Other than a
prohibition on fortune-telling and "crystal-gazer[s]", the only direct reference to religion
was contained in section 7(c), which referred to "abusive comment on any race, religion
or creed." Although more attention was later given to the topic of controversial
programming, the above would remain the sole regulatory comment referring specifically
to religious broadcasting until 1953.

However briefly stated, clause 7(c) was a carefully considered statement that had been
drafted under the guidance of the CBC General Manager. When the existing CRBC
regulations were under review, a memorandum was sent to Gladstone Murray with a
copy of the two that were most relevant to controversial broadcasting. The
accompanying commentary noted that there was "no specific regulation about religion",
and that: "Many complaints are at present received about some religious broadcasts".
Murray wrote a rough reply in the margins in which he instructed the board, through
governor Colonel Bovey, of the necessity of a "Careful statement to be drafted", and one
which would include the following points: "Religious broadcast[s] shall be confined to an
expression of the religious view...No such broadcast shall contain any matter or reference
[and] No speaker shall [make] an attack upon the leaders or doctrine of another
religion."

Murray's directive was re-formulated into a working copy entitled "Programs in
General", which was then re-worked through three consecutive drafts. When Bovey
submitted the first he wrote: "Perhaps this goes too far, but I have put things as they
occurred to me so that we can just discuss them." As it was, the essence of his nine point
draft remained largely unchanged, and it bears repeating here. In sum, it proposed the following:

No one shall broadcast
(a) anything contrary to law or likely to lead to a breach of the peace;
(b) the actual proceedings at any trial in a Canadian court;
(c) an abusive attack on any race, nation, religion;
(d) obscene, indecent or profane language;
(e) malicious, scandalous or defamatory matter;
(f) advertising matter containing false or deceptive statements;
(g) false or misleading news;
(h) a repellent reference to any disease, bodily function, or other matter which is not generally considered an acceptable topic for general conversation;
(i) any program presenting a person claiming supernatural or psychic [sic] powers, fortune-teller, character analyst, crystal-gazer or the like.\(^5\)

Bovey's effort, though saved in essence, was modified by the chairman in several important ways. In the second draft, section (h), with its reference to diseases and other matters of polite discussion, was removed, to be replaced by the far less nebulous phrase "upon the subject of birth control or sterilization of the mentally unfit." The first was in response to a controversy that we will look at shortly; the second was to legitimate the censorship that the CBC had exercised a few months earlier, when it had refused to allow one Doctor Hutton of the Eugenics Society of Canada to broadcast.\(^6\) Then, in the corrected draft of the revised health clause, the nature of the wording was found overly specific, and changed to read: "subjects which the General Manager designates as inappropriate for the medium of broadcasting."\(^7\) This in turn was evidently found to be rather too vague, and subsequently (and finally) changed to include the prefix: "upon the subject of venereal disease, birth control or any other subject...". With respect to section (c), the various permutations of what was to be free from "abusive attack" were, alternately, "race, nation, religion"; "race, nation, religion creed or sect"; and finally "race, religion or creed." As well, section (i), in the modified and final version of regulation 7, had grown into a two paragraph description that cast a wider net on all forms of psychic phenomena, including "programs in which a person answers or solves or purports to answer or solve questions or problems submitted by listeners or members of the public unless...approved in writing by...the Corporation."\(^8\)
Thus far the criteria for religious programming. As for licensing, in spite of these safeguards, stations featuring a significant proportion of religious programming continued to be refused access to the airwaves under the regulations that were in turn under the 1936 broadcasting act. This policy would remain in effect in Canada for half a century, when changes to the system and challenges from evangelical Christians combined to produce a new regulatory permissiveness. In the meantime, under the terms of the 1936 Act, the national broadcaster was to “originate...and secure programmes, from within and outside Canada”, and in so doing was encouraged to “provide for the appointment of advisory councils to advise it as to programmes”. In the area of religious programming it did just that, and the National Religious Advisory Council served in this capacity until it was disbanded in the 1980’s.

Very early into its mandate, an interesting division could be found within the Corporation on whether religion was, perforce, controversial, and whether controversy was something to be quashed or encouraged in the national public realm. The spirit of the Act was one of caution, and this was encapsulated in the following addendum to the 1937 regulations:

"It is not the intention of the Corporation to restrict either freedom of speech nor the fair presentation of controversial material. On the contrary, the policy of the Corporation is to encourage the fair presentation of controversial questions. At the same time it should be realized that the message of broadcasting is received at the fireside in the relatively unguarded atmosphere of the home, reaching old and young alike. Certain subjects, while meriting discussion elsewhere in the public interest, are not necessarily suitable for this intimate medium."

However, just as the CRBC before it, and the Department of Marine and Fisheries before them, the CBC was soon forced to deal with controversial religious programming -- and through the experience it would become clear that there was no consensus on what was considered to be “suitable”.

Controversy from the centre.

Along with the Jehovah’s Witnesses, Torontonians in the 1920’s and 30’s had been treated to a very politicized and at times less than civil brand of Catholic-Protestant dispute over the air, in the persons of one Father Charles Lanphier and Reverend Morris Zeidman. Lanphier was the spokesman for the Radio League of Saint Michael’s, whose
license had been revoked with the inauguration of the first Radio Act, and which then bought time on another area station. Zeidman, an ex-Catholic priest and fiery orator, was a Presbyterian minister whose Protestant Radio League also purchased airtime on a commercial station. Problems for the CBC began at the end of 1936, when Zeidman submitted to it a script of a sermon that he planned to give on the topic of birth control. The CBC had not yet placed a restriction on this topic, although the criminal code contained a provision against disseminating information of this kind, under which -- as we will discuss further -- a trial was then underway. The advice of the CBC was that the lecture should not be broadcast -- a decision that was lambasted both by the Toronto Telegram and by the Orange order in Ontario. Charges of pro-Catholic bias in the CBC Board of Governors were made, and the issue, predictably, made it to the floor of the House of Commons. There, the nature of the arrangement whereby private broadcasters were performing the work of the regulator out of fear for their license came to the fore.

Importantly, it was under the direction of the station manager that Zeidman had submitted his lecture, and to the opposition the issue was an example of the dangers to free speech inherent in the self-censorship built into the system, a problem with which the CRBC had also been associated. In the words of one Earl Lawson, "when [censorship] is put in the hands, as is alleged by the Canadian Broadcasting Corporation, of an individual manager in each individual station across Canada, one begins to have some comprehension of the complete lack of uniformity in censorship that we are going to have." Accountability was lacking in the present arrangement, and Lawson advised that a censorship board be created to solve this problem.

The legitimacy of Lawson's disquiet was confirmed in the manner in which the CBC handled the instigator of the conflict between the two sparring ministers. In juxtaposition with the decisive action against "Judge" Rutherford, the response to the invective that flowed back and forth from Zeidman to Father Lanphier, was slow in coming. Zeidman's history with Canadian radio authorities preceded the CBC. In late 1936, when Ernest Bushnell of the CBC Programme Department wrote to the Board of Directors of his concerns, he informed secretary Donald Manson that "This reverend gentleman "so-
called"...has been on the air in Toronto for over two years and somewhere between a
year and a year and a half ago his attacks on the Roman Catholic Church became so
obnoxious it was necessary for Mr. Charlesworth to go to Toronto to pacify the Roman
Catholic clergy in that area." In Bushnell's opinion:
The fact that he was allowed to remain on the air at all is...largely responsible for the
counter-attacks which have been made by Father Lanphier. After Mr. Charlesworth's visit
to Toronto Zeidman quieted down somewhat, but it was not long before he broke out afresh
and has been permitted to continue in a very vitriolic vein for some months. Naturally you
cannot expect those of the Roman Catholic faith to take these blasts lying down and the
result has been...almost a continuous verbal warfare between these two religious factions.
Indicating small hope for a change, the programme director wrote: "I would heartily
recommend that both [Lanphier] and Zeidman be refused the facilities of any
broadcasting station in the Toronto area."16

Zeidman had been a source of discontent for the Catholic community since he had begun
to broadcast, but no action had been taken against him. In fact, at the same time that he
was censoring Rutherford for his anti-clerical commentary, Hector Charlesworth had
been doing Zeidman the courtesy of using his position to put out Zeidman's fires. When
the managing director of CFRB, one of the stations from which Zeidman broadcast,
asked by telegram if he felt the pastor's talks were acceptable for broadcast, Charlesworth
turned the question around in a characteristic example of avoidance:

Of course, if you think these are likely to be objectionable, it is optional with
yourself to decline to use them. There is no regulation against controversy on the
air since practically all speeches are controversial in a sense, but it also well [sic] to
avoid giving offense to any large section of the community. Undoubtedly Mr.
Zeidman's broadcasts were offensive to a great many Roman Catholics and it was
only my own efforts that prevented Roman Catholics from making a stronger
protest than they did last year. I think you should be well advised to drop this
feature, which is a sore point in the Roman Catholic community of Toronto.17

As noted with the censoring of political broadcasts, dual responsibility over programming
gave the state regulator the ability to avoid accusations of censorship, and in this thorny
situation Charlesworth took full advantage of the room he was given.

Understandably not reassured by Charlesworth's elusive reply, CFRB's owner pulled
Zeidman, who then promptly applied for time on another area station -- that of the
Commission.18 Hearing of this, Charlesworth ordered the Toronto area supervisor: "Do
not touch Zeidman’s broadcasts and make the best excuses you can under the circumstances.” As a reward for his earlier caution, the chairman could reply to the pointed requests made of him by the Ontario West Orange Lodge that he had had no direct part in CFRB denying Zeidman his broadcast time, reminding them that “Every station in Canada is at perfect liberty to refuse a broadcast if it so desires”.

The way in which the situation unfolded could only have come as a relief to the chairman, given the threatening nature of the representation made by the Lodge—which claimed as its constituency all of Ontario Protestantism. Indicative of the intensity of feeling against interference in religious expression, the Orangemen declared themselves “prepared to put up a fight for Rev. Mr. Zeidman”. Speaking for his order, the Junior Deputy Grand Master demanded the truth behind the “widespread rumors that Rev. Mr. Morris Zeidman... has been denied the privilege of broadcasting his Sabbath addresses over C.F.R.B., as a result of representations of Roman Catholic priests or others to the Radio Commission”:

...we warn the Commission that the vast majority of those residing in this Protestant community will brook no unfair influences. We have no objection to Father Lanphier’s Sunday propaganda broadcasts, and I do not think there is any reason why at least one Protestant clergyman in a great Protestant City should not be allowed to broadcast Protestant propaganda, news or Church history so long as his statements are true. ... Of course we know that the truth hurts, and we also know that delegations of priests have waited on C.F.R.B. and we know where we can get unanimous Protestant backing.

Zeidman himself pretended oblivion to how his sermons were being received by Catholics. In a letter to Charlesworth he described his broadcasts as being “of a constructive nature, and ... delivered without malice or ill-will.” The attitude was incredible, given the politically charged nature of his material. Less sermon than political diatribe, the manuscript that he voluntarily offered when applying for a place on the Commission station was nothing more than a commentary on the controversial Separate School Tax Bill. A fifteen-minute oratory, the talk began as follows:

The Word of God says, “Where there is no vision the people perish.” In a few days, the people of East Hastings will be called upon to register either their approval or disapproval of what is now known as the iniquitous Separate School Tax Bill. In a few days — and many Protestants envy you — you will have the
opportunity to record your indignation against the greatest Protestant betrayal in the annals of this Province.
The eyes of the Public School supporters in this Province are upon the people of East Hastings; yea, Protestants throughout Canada and the Empire are waiting for you to give the first and most effective rebuke with your ballots, to a so-called Liberal Government that is utterly unworthy of the name and place in a British and Democratic State.
The lecture went further to describe “the subject of the subsidy of the Pope’s Church [as] of vital importance to us as Protestants, because our spiritual forefathers fought, were tortured, and died for freedom of conscience, and the Protestant Faith.”; to state that Protestant clergymen were “outraged”; that Protestants were “being tantalized, irritated and razzed by a minority”, and that the “so-called Protestant Premier” had been “tricked ... into betraying the Public School system”.22

One year later Zeidman was again broadcasting his regular program over CFRB, with the licensee submitting his talks to the new regulatory agency for approval. On 10 December of that year, Managing Director Harry Sedgewick wrote to the General Manager of what was now the Canadian Broadcasting Corporation, Gladstone Murray, that although Zeidman’s lectures seemed to him like “innocuous” material, he was taking no chances, and was inviting Murray “to express [him]self in any way.”23 Murray apparently fielded the opinions of his staff, for in the margins of the latter from Sedgewick is scrawled a comment by “EB” (Ernest Bushnell) stating “I agree - but do not think broadcasts of this nature should be permitted”. Another unidentified staffer — possibly Austin Weir — wrote that “I am strongly of the opinion that this sort of stuff does no good but serves simply to [illegible] the listeners and that it should be taken off the air. PS I think we should take them off at the same time in Toronto”. Murray’s response, however, was to send Sedgewick, along with all the other licensees, a reminder of the regulations pertaining to defamatory statements. Unsatisfied with this response, Sedgewick continued to submit scripts of Zeidman’s talks, prefacing them with his comment that “things can read quite innocuously but can be made to sound very different depending on how they are spoken.”24 But it was only when Zeidman submitted his birth-control message that CBC chairman Major Gladstone Murray acted.
Zeidman’s sermon took as its point of departure a letter from a Protestant woman who, engaged to a Catholic, was now spilling her heart to Zeidman under the nom de plume “R.G.”. “We love each other...but his priest insists that I become a Catholic.” she proffered. She had accepted, she told him, and even taken the Catholic catechism in preparation for Baptism in her new “faith”, when suddenly, “one day, during a conversation, the priest explained to me that we were to do nothing, nor use any artificial means to prevent the birth of a child.” This “news” had apparently rocked R.G., who stated that she would rather be single than “to turn nurse-maid”. Zeidman was more than sympathetic. With the force of modern science, common sense and enlightened Protestantism behind him he told the young woman that it was best “not to marry outside your own faith.” “You are a Protestant girl,” he reminded her, “and as such, have enjoyed freedom of conscience and freedom of thought. It is not easy for a Protestant to subject himself, body, soul, and mind, to any man, much less to a priest, and it is doubly difficult for a woman to do this.”

Modern Science has come to the aid of mankind, and yea, womankind, whereby young people need no more live unchaste lives for fear of marriage, and the burden of a large and uncontrolled family; but they can lawfully be married, and live pious Christian lives, and have children when, in their opinion, they can give them the proper care, upbringing and education. There are some who mistakenly believe that birth-control means the extinction of the race, but it is nothing of the kind. It merely gives a woman the right to decide when she is able to have another child, and at what intervals. Protestantism, as well as the New Testament, accedes to her that right. Protestantism believes that her body is just as much the temple of God, as is man’s. Paul, in his letter to the Ephesians, says: “So ought man to love their wives as their own bodies. He that loveth his wife, loveth himself. For no man ever yet hated his own flesh, but nourisheth and cherisheth it, even as the Lord the Church.”

“And take it from me,” the pastor added for good measure, “that any man that loves his wife and cherishes her body will not want to see her passing through the shadow of death a dozen times during her married life.” Before concluding the topic, he also pointed out that Hitler and Mussolini were opposed to birth-control, were driving women out of the professions and into the home to “produce men for the armies” and consequently that “Birth-control in Italy, Germany and Japan would be a great boon for the peace of Europe, and the peace of the world.”
In terms of defamation, Zeidman’s message was fairly mild, especially by the direct standards of religious debate of the day, but the topic -- always extremely sensitive in a nation divided as Canada -- was made more so because of timing. When Zeidman wrote his sermon he was simultaneously offering a commentary on a case that was then before an Ontario court concerning a health clinic worker charged with disseminating birth-control information in contravention of the criminal code. It would have been difficult for the regulator not to believe that the timing of the message was intentional, the more so because Zeidman had recently offered testimony in the trial. Whether “R.G.” even existed or was an invention of the pastor was an open question. In any case, preaching against “meddling ecclesiastics”, whose views on family planning condemned young couples to poverty, was more than the regulator would tolerate at this time, and the CBC chair barred Zeidman from delivering the message - much of which then appeared on the front cover of the evening edition of that day’s Toronto Telegram.26 (As the CFRB director told Murray, upon leaving his office Zeidman had marched directly to the Telegram - “mouthpiece of the Orange Order” - to tell his story.)27

Hiding behind the private stations
In this, the first significant controversy with which the CBC had to contend, the initiative of the private station manager spoke louder than that of the regulator. In the interest of protecting his license, Sedgewick had become the go-between through which the CBC obtained advance transcripts of Zeidman’s broadcasts without having to formally request them, and in this sense was operating with more diligence than the regulator. This remained the case until the point at which the controversial pastor entered into territory that was before the courts, and whose broadcast by an interested party could have placed the regulator in contempt of court.

In the public relations outfall following the action against Zeidman, the CFRB pressed the CBC to clear them of their association with censorship. Alarmed at “press editorials... attacking the Corporation and ourselves on the basis of [Zeidman’s] speech being objected to because it discussed birth control matters”, CFRB’s director reminded
Donald Manson at CBC that the objections were much wider, that Zeidman's broadcasts could have been interpreted as being in contempt, and that the Corporation might just “make some statement on the whole matter.” Meanwhile, the Corporation was making statements to the effect that it was not responsible, as revealed in the following correspondence from Zeidman: “You say that “The responsibility for the application of the regulation rests with the station.” he wrote to the CBC Board; “C.F.R.B., however, tells me that it is the C.B.C. at Ottawa that censors my address....The management of C.F.R.B. told me that several paragraphs, including passages of Scripture, had been censored by the C.B.C.”

Hiding behind the station did not entirely work, and for the CBC, 1937 began with the same conflict that had become a staple element in Canadian broadcasting. Complaints were forwarded to Ottawa from groups (such as the Fellowship of Independent Baptist Churches) that were sympathetic with Zeidman, and from others (such as the Anglican hierarchy of Ontario) whose primary issue was with protecting freedom of speech. Zeidman’s lectures continued, as did Lanphier’s, and it was several months before a sub-committee of the CBC Board could meet with the Protestant pastor for a frank discussion. The opportunity came as a result of a second attempt by Zeidman to secure a slot on the Commission station in Toronto. In the meeting with Zeidman, the Board declined the request, but not before taking the opportunity to let the minister know that they considered his talks in general to be “unduly provocative.” To this Zeidman replied that his sermons were a “safety valve” for Protestant dissent, as suggested by the fact that since he had begun his broadcasts, many Orange lodges and other “organizations of pronounced Protestant faith” had been making fewer complaints. Making no headway in this line of argument, he ended the meeting with what the Board viewed as “a suggestion of threat in his attitude”, promising that the denial would be discussed in the House of Commons.

The Corporation’s approach to Zeidman and Lanphier, the latter of whom had begun to include the incendiary topic of the Spanish civil war in his broadcasts, eventually became more direct. When the station manager of CRCT Toronto submitted the first of one of
Lanphier's two-part political lectures to Ottawa, Murray expressed himself as "surprised that Father Lanphier's typescript for November 7th was approved." adding: "I certainly cannot approve what he proposes to say on the 14th and I have told him so." The particular lecture in question had vilified the press for their "outright propaganda" and their "complete distortion and... suppression of the truth and the facts as they have regarding this Spanish conflict." As it then continued: "Posing as servants of the public, their avowed purpose is to bring a truthful report of world events to the people, whereas many of them are nothing else but the instruments of propaganda, red and otherwise, whatever end suits their masters' will, and their masters' will is very often against the common good."^32

Lanphier's use of a religious platform for political ends, along with Zeidman's efforts, contributed to a heightened awareness that new regulations were in order both for the company stations and the private system.^34 The resulting prohibitions against "abusive comment on any race, religion or creed"; on "malicious, scandalous, or defamatory matter", and on "the subject of birth-control", were contained within the detailed regulations drafted in the autumn of 1937. With these in place, the CBC acted with less reserve, and by the end of the year had suspended the broadcasting privileges of both Zeidman and Lanphier. As the CBC general manager wrote to the station manager of CRCT, "It would be a waste of time to continue experimenting."^35

The decision to suspend the two combatants was not only slow in coming, it was only made after several communications from Father Lanphier that he was prepared to make war with Zeidman over the air. Lanphier had written to Gladstone Murray on 9 November of his frustrations with the "personal attack[s]" upon him by Zeidman, and added: "It has not been my wish to start a futile and foolish controversy, but since it has been finally forced upon me I intend to see it right through to the end."^36 An unidentified CBC staffer reported of a more direct conversation with Lanphier, in which the priest stated that "Zeidman is attacking Roman Catholics and the Catholic church in a deliberate attempt to provoke a dog fight on the air between them" and that "although the idea of an open brawl is repugnant to him... he feels now he has reached the end of his
rope, and if the matter is not settled, he himself intends bringing it to a head, and as he
ddresses it, 'settling Zeidman once and for all'.

For all practical purposes, the CBC was cajoled into taking action by the men against
whom they acted: short of allowing the air to become a battle ground, they had been left
with little choice. But it was a decision with which the regulator was not comfortable, as
evident in the fact that general manager Murray and Chairman Leonard Brockington
convened an advisory group of mainstream religious leaders to formulate a statement on
the necessity of separating politics from religion. As Brockington wrote in the annual
Proceedings of the CBC, all the leaders agreed that the air should be used "for
reconciliation and healing" and an "insistence on the eternal truths that unite us rather
than on the transitory differences that divide us." When agreed to by Zeidman and
Lanphier, this was the avenue which allowed them to renew their regular broadcasting,
and within the span of two months, the two combatants were again on the air.

The involvement of the Board of Governors of the CBC was pivotal in the return of
Zeidman and Lanphier to broadcasting. Chaired by Leonard Brockington, the Board
contained such luminaries as Nellie McClung and Alan Plaunt, and most of its members
were active in the Liberal party. As Frank Peers comments, the former complaint by the
Liberals that the CRBC had been a partisan body "seems to have been the usual criticism
of the "ins" by the "outs" rather than a reflection of any deeply held principle." And
this was most definitely an "in" group; indeed, a more accurate compilation of the
Canadian establishment could hardly be imagined than the eight governors who made up
the CBC Board. Both McClung and Brigadier General Victor Odium were former
provincial Liberal representatives, in Alberta and British Columbia respectively. The
Vice-chairman, Rene Morin, was a former representative for the federal Liberals who had
sat for two terms. Two other governors included a Lawyer from Halifax and the Toronto
president of Famous Players Corporation. One Reverend Vachon, also the director of
chemistry at Laval University, was joined by an Anglican cleric from New Brunswick,
Reverend Canon Wilfred Fuller, the latter who took the place of an original appointee
several months after the Board was formed.
In all, the amalgam of contemporary liberalisms that were reflected in the religious and political constitution of the Board were entirely consistent with the course of action that was followed with what the CBC was now referring to as “the Zeidman-Lanphier controversy”. After Gladstone Murray suspended the two, the board had instructed the chairman to implement a new set of conditions to justify this and future actions. The policy ruling of the board was to specify two conditions that would have to be met by religious broadcasters. As Murray explained them in a letter to Zeidman:

I am authorized to say that the CBC will place no obstacle in the way of the experimental resumption of your broadcasting under the auspices of the Protestant Radio League, it being understood that the following conditions will be fulfilled:
(a) That the content of the broadcast be restricted to items of purely ecclesiastical nature, there being no politics, national or international, or the advocacy of controversial theories in economics.
(b) That the regulation prohibiting “abusive comment on any religion, race or creed” will be strictly observed.

As well, and as Murray explained to the editor of the Evening Telegram the day before his communication with Zeidman, “as it is not part of the legitimate function of the CBC to exercise a detailed censorship, and as experience had proved that neither Father Lanphier nor Mr. Zeidman seemed capable of interpreting regulations, the Board ruled that some responsible auspices must be found for both speakers.”

However necessary at the time, the solution that proved convenient for both the state and the nation’s largest denominations was bought at the expense of free expression. The limitation of religious expression to those who could claim the support of a recognized religious body gave considerable discretionary power to the regulating authority. A “careful observance” of abusive commentary also left much to interpretation, and as such represented a potentially significant future limitation on free expression. But most significant for the future accessibility of religion to the airwaves was the decision to involve the leadership of the mainline denominations in settling the controversy. This was the beginning of a pattern of defaulting to the leaders of the major denominations for approval of regulatory initiatives.
Protestant vs. Catholic

The Zeidman-Lanphier feud and its resolution offers a telling contrast with the treatment of marginal religious expression, as well as an insight into the institutionalization of mainstream religious expression in the early years of Canadian broadcasting. The former we have already discussed in comparing the latitude shown toward a controversial Presbyterian as compared with a Judge Rutherford. Another salient observation can be added concerning Protestant extremism versus Catholic opinion, which is that minority Catholic rights could be easily compromised where these dissonant voices were in competition. Because Lanphier and Zeidman were treated the same by the CBC Board and General Manager, it would be easy to surmise that they were of the same stripe, and yet the evidence suggests that Father Lanphier suffered by association with another individual in a dispute that was not his making. Where Zeidman had been a concern for the CBC since he had begun to broadcast over CFRB, Lanphier’s “Catholic Hour” had been an unproblematic presence on a CRBC/CBC station for years. Lanphier became a concern for the CBC only when Zeidman attacked him openly on the air, prompting a protest letter by Lanphier to the CBC Board in which he warned of an impending dispute.

The message also quoted above-began as follows:

Dear Major Murray: This letter concerns the once more repeated attempt to drag my name and the Catholic Hour into the Zeidman quagmire. For two years now I assiduously strove to not take personal offense or make protest against the vile and deliberate attacks he constantly made against the Catholic Church and Catholic practices. At no time whatsoever have I replied to his constant barrage of Catholic vilification, knowing that it would be deliberate violation of the Radio regulations' code, and considering that it was the task of the Radio Corporation to govern such cases. That time has now passed and I have been forced unwillingly to take cognizance of this last unwanted publicity.

It is perfectly obvious that each time your Committee has found it necessary to bring that reverend gentleman to time for his violation of the regulations he has attempted to justify his actions by dragging me into his controversy. As stated to you personally on a previous occasion, I refused to listen to him and have totally ignored him from the very beginning.

Lanphier reminded Murray that, in anticipation of Zeidman making accusations about a biased Board, he had been voluntarily submitting his manuscripts since the previous April, and then concluded by expressing his “earnest desire to co-operate in all things that are for the betterment of our people and the stability of our government.”
By the evidence available it is clear that Lanphier was indeed co-operative with the Board, while Zeidman had reacted with bluster and contempt until he lost his broadcast privileges altogether. To the hostile editor of the Evening Telegram, Murray provided a summation of the events by which Zeidman had come into disfavour: “The Complaints against Mr. Zeidman became more insistent so I thought it desirable to warn Mr. Gooderham, who is operating CKCL, to make sure that the regulations were being observed. Mr. Gooderham accordingly required Mr. Zeidman to produce transcripts in advance. This apparently was resented by Mr. Zeidman, who broke into print with an attack on me for banning him.”44 A year before, the censoring of the lecture on birth-control had been met with the same reaction. At that point, Zeidman had sent a long-winded telegram to the Prime Minister proclaiming “DEEP INDIGNATION” over this “MOST FLAGRANT DESPOTIC UNJUST AND UNCHRISTIAN RULING TO WHICH A LIBERTY-LOVING BRITISH-CANADIAN PUBLIC WILL NOT EASILY SUBMIT” In reverse logic, Zeidman reasoned that “IT IS SUCH HIGH HANDED ACTION ON THE PART OF PAID SERVANTS OF THE STATE THAT ENDANGER BRITISH DEMOCRACY AND ENCOURAGE FANATIONAL EXTREMISTS”, and, with calculated obliquity, challenged the Prime Minister to “CURB THE INFLUENCES THAT ARE BEHIND SUCH OPPRESSIVE MEASURES DIRECTED AGAINST THE PROTESTANT MAJORITY OF THIS PROVINCE OF ONTARIO.”45

When compared with Father Lanphier, who was approached by the Corporation and told that his broadcasts “dealing with the Spanish situation, should in future be deleted or modified considerably.” Zeidman’s response stands in bold relief. Lanphier’s reply, according to an unsigned departmental memo, was that, “as usual he is ready and willing to co-operate at all times with the Corporation, not only in submitting his material beforehand for our perusal, but in modifying it to comply with our regulations.”46

Another indici of the comparative quality of the Catholic Hour was that, in spite of the overwhelmingly Protestant profile of Ontario to which Zeidman made constant reference in his own support, the preponderance of letters that the CBC received in response to the
cancellation of both programs were heavily weighted in favour of Lanphier. Of a total of
263 letters, petitions and telegrams that the Corporation received, only 24 were
favourable to Zeidman, while supporters of Lanphier forwarded 195 letters and 44
petitions.47 Much of the Catholic support was clearly orchestrated; 104 letters were from
the town of Guelph, while only 29 were from Toronto, and, as a CBC employee noted,
"The phrase "It is an insult to place Father Lanphier in the same category as Dr.
Zeidman" with very slight variations was incorporated in most of the letters."48 All the
same, the lack of an organized campaign for Zeidman provided small support for his
claims of a wide representation among the province's Protestant constituency.

In fact as it turned out, when the CBC allowed him to return to the air, Zeidman could not
even count on the support of his own denomination. This became something of a
problem when the CBC was ready to allow him to resume broadcasting. As Gladstone
Murray related to the editor of the Evening Telegram, "For Father Lanphier, the Roman
Catholic Church through Archbishop McGuigan accepted full responsibility for the
application of the new regulations. Mr. Zeidman is employed by the Board of Missions
of the Presbyterian Church of Canada, who were invited to associate themselves with his
broadcasts. This they categorically refused to do."49 This was not surprising, in that the
local Presbytery had investigated and criticized his radio activities in 1936, which
Zeidman, by way of explanation to the CBC board, had attributed to "intrigue by certain
of his political enemies."50 The result was that unlike Lanphier, who was restored to
broadcasting with the official sanction of the Roman Catholic Church, Zeidman was re­
confirmed under what amounted to his own auspices.51

Without the fact of Morris Zeidman inviting his Catholic counterpart to a tussle, it is
doubtful that Lanphier would have been a target of censorship. Lanphier had
successfully broadcast for five years before the message on the Spanish conflict gave the
CBC grounds for suspending him, and even this talk was relatively inoffensive by the
contemporary standard of acceptable controversy set by the regulator. By way of
example, the media was a favourite whipping post of Alberta's premier Aberhart, and his
animated attacks on the press were carried nationally on the Corporation's network.52
Additionally, Lanphier’s expression of willingness to submit to the radio authority when warned that his talks were overly divisive suggest that there was no need for further corrective.

The threat that Lanphier posed existed only in his promise that he would eventually be forced to offer a personal rebuttal to continued abuse from Zeidman: with the Presbyterian minister gone, this threat would have been removed. As well, the CBC knew Lanphier well, and in August of 1937 had invited him to sit as one of the five clerical representatives on its National Religious Advisory Council. Nonetheless, an understanding prevailed that action against one would necessitate action against both, and for transparent reasons: with Zeidman having involved Lanphier personally in his anti-Catholic discourse, a perception of bias would attend any action that did not involve both combatants. As CFRB owner Harry Sedgwick wrote to the General Manager a year before the suspension, “there would be quite an uproar if we took the Rev. Mr. Zeidman off our air while Father Lanphier is continuing on CRCT”.53 One year later, in the gap between Lanphier and Zeidman’s reinstatement, R.B. Bennett wrote to Gladstone Murray from his office as the leader of the opposition. Intervening on behalf of Zeidman, he warned Murray that it was “of the utmost importance that there should be no warrant for the claim that any one denomination has been used more considerately than another.”54 In the same week, the editor of the *Evening Telegram*, in response to a “very courteous letter...explaining the situation” assured Murray that “There can be little criticism of the action of the Board in this matter providing it can be demonstrated that there has been no discrimination and both Father Lanphier and Mr. Zeidman have been required to comply with the same regulations.”55

Whether willing participant or victim, Lanphier’s status was understandably a secondary consideration in face of this pressure for equitable treatment of the two men, and though Murray insisted that “the cases were separate and should not be confused”, their suspension was simultaneous and their reinstatement very nearly so.56 On the same day that he replied to Bennett, Murray penned a letter to Zeidman authorizing an “experimental resumption of your broadcasting”.57 This experimental period had no
structured assessment, however: true to form, this was left at the discretion of the broadcasters, who were left to grope for direction. Offers of advance scripts by nervous licensees were turned down by the CBC, which expressed “no desire to exercise a detailed censorship”: scripts would be required only for “what he actually said”, meaning censorship—and the potential loss of a broadcast license that went with it—would be retroactive.\(^{58}\) CBC’s General Manager warned interested stations that, should Zeidman apply for time on their facilities, “it will be for you to protect your own interests in whatever way you think desirable.”\(^{59}\)

From the evidence available, a hiatus from broadcasting did not serve to modify Zeidman’s behaviour in the long-term. By November of 1938, the station director of CKOC Hamilton, over which the “Protestant Radio League Study Hour” had resumed, was writing to the Corporation citing “adverse criticisms of Mr. Zeidman’s broadcasts”. Repeating the situation of Sedgewick before him, the director of CKOC was sending in transcripts of sermons in his eagerness to “avoid any misunderstandings that might be caused by lack of censorship.”\(^{60}\)

In the final analysis, the Lanphier-Zeidman controversy provides an insight into the contemporary cultural bias within which the state broadcasting regulator operated. In the leeway extended to Zeidman we see how the excesses of Protestant extremism, though understood as unacceptable and harmful, were governed by a different standard than that applied to non-conforming religious extremism. Thus when the Catholic Freemen described Zeidman as “the mouthpiece of an insignificant minority of bigots.”, they were underestimating the support that made him a force that could not be ignored.\(^{61}\)

Forgivable for being familiar, Zeidman—and by extension, Lanphier—were allowed the opportunity to redeem themselves after a short lesson on the necessity of civility.

Taking from where we left off above, as well as a telling contrast with the treatment of marginal religious expression, the Zeidman-Lanphier event provides an insight into the institutionalization of mainstream religious expression in the early years of Canadian broadcasting. In it we see for the first time the establishment of an \emph{ad hoc} “Religious
Broadcasts Committee” that was constitutive of the leadership of Canada’s major denominations. However inequitable such a body would by necessity be, its authority was not open to appeal. When his status was in limbo, even the antagonistic Zeidman quickly acknowledged the authority of this body as the means by which he would regain his right to broadcast.

The use of the Religious Broadcasts Committee by the Board of the regulatory authority to provide authority and support for its decisions was the beginning of the pattern of utilizing Advisory Councils to provide feedback, if not necessarily direction, on CBC programming. A few months before the two disputants had been ordered off the air, Lanphier, along with two Anglican and two United Church ministers, had sat down together with Gladstone Murray, an Ottawa CBC staffer and a representative from the Toronto CBC station, to convene the first meeting of the National Religious Advisory Council. Though the Council would grow, it would remain an amalgam of mainstream church representatives whose national and regional bodies would serve the public broadcaster until the 1980’s. As a structured manifestation of the dominant religious culture, one of the primary functions of the NRAC was to support the state effort to protect the public domain from religious controversy, a role in which we find repeated the process of the Canadian church alternately becoming an adjunct of, and breaking free of the civil administration. In practical terms, by aiding in the selective effort to keep the airwaves free of religious controversy, mainstream religion was participating in the creation and maintenance of a civic religion that would equate religion itself with controversy and intolerance.

An opportunity to reflect
In the 1920’s, the marginalisation of religious expression was still restricted to the non-conformist variety, and as we have seen, was greeted with unease from the left of the political spectrum. Now, through the conflict sparked by Zeidman, the state was given the opportunity to examine its position with respect to the dissemination of controversial religious opinion, as well as to examine the very nature of controversy and its place in the public realm in a more serious way than had occurred with the censorship of the
Jehovah's Witnesses. The feud was of sufficient duration that it allowed intelligent individuals to grapple with the conflict between the role of the state as the guarantor of free expression and religious liberty, and its role as protector of the public square. It was an exploration into the meaning of controversy marked by a breadth of opinion, including within the Corporation, where, as previously mentioned, a division existed on the question of whether controversy was a mark of a healthy public forum or a danger to community. Nevertheless, the practical regulatory approach that the Corporation followed continued to be uneven, and marred by a lack of the forthrightness required for the broadcasters, the producers and the listening public to understand where they stood. The closest that the regulator came in these years to clarifying its position was to send a blanket mailing of copies of the regulations to the private stations whenever a dispute arose.

As to practical guidance, once again the 1937 regulations had been ambiguous, stating on the one hand that it was “the policy of the Corporation...to encourage the fair presentation of controversial questions.”, then moderating this with the caveat that “Certain subjects...are not necessarily suitable for this intimate medium.” The division was reflected in the discrepancy between the General Manager and Alan Plaut, a governor whose opinion had enormous symbolic importance. Where Gladstone Murray had been jaded on Morris Zeidman from the start—had in fact advised Harry Sedgewick at CFRB that he should discontinue his program already in 1935, and had personally censored his sermon on birth-control, Plaut found such censorship disagreeable. Ironically, not knowing from where the censorship had originated, he saw it as an example of how Protestant bigotry could work its influence in commercial broadcasters. Plaut took a liberal position on the issue of free expression, telling Brockington, in reference to the same sermon: “I cannot help but feel that our regulations and conventions with regard to controversial matters should be as wide as the limits of decency permits.” The chairman of the Corporation apparently agreed, for, as he said to the Parliamentary Committee on Broadcasting in 1938, “We believe that censorship is undesirable and perhaps impossible beyond the limits of decency and the minor and necessary prohibitions which we have fixed in our regulations. ...Censorship...depends on the
opinion of an individual possibly no better qualified to express an opinion than the person he censors. We believe radio speech should be allowed to be forthright, provocative and stimulating." That Brockington’s opinions were not only his own, but were antedated by the board is evident from the gist of a CBC position paper in 1937, which discussed at length the attitude of the Corporation in assuming the powers conferred on it by section 22 of the Act. This minor essay on freedom of expression stated that it was “not the intention of the Corporation to restrict the utmost possible freedom of speech over broadcasting stations...In a democratic state, the radio, like the press, should be a potent instrument for the spread of information and ideas, and for the discussion of all lawful opinions. ... Observance of the rules of common decency on the part of the broadcaster, and reasonable tolerance on the part of the listener, should make recourse to rigid rules unnecessary." ~

Between the actions of Murray on the one hand, and the ideas of Brockington and Plaunt on the other, the Liberal government took a position more favourable to the former. When a Conservative member from Toronto urged before the house that “censorship...be reduced to a minimum and be uniform throughout Canada.”, C.D. Howe -- then the minister of Marine and Transport and therefore responsible for the Corporation -- responded with vigour in defence of the opposite proposition. Howe took a very restrictive view of what should and what should not be broadcast, basing his caution on the precept that the government had an important role in the protection of the nation’s young. Howe’s rejoinder to his Conservative colleague was to inform him that “The greatest radio users are children between five and ten years.”, to which he added, in reply to the other member’s view that “the same...control will be exercised by the parents in the homes as is exercised with respect to newspapers”, the following:

My Hon. Friend is entirely mistaken as to the duties of parents in the homes. It is the duty of the Corporation to make sure that nothing goes over the radio which is offensive to five year old children or to fifty year old members. The radio corporation...have not always succeeded in preventing controversial or even indecent matters coming out, but I believe every day they are setting up a check on programs which will have the effect of arriving more nearly at the desired result."
Coming from another angle than that of morality, the CBC management was also concerned that, left alone, the air would become the exclusive domain of those who could afford to buy time to promote their opinions. As Roger Bird has pointed out, this came to the fore in 1939 when the publisher of the *Globe and Mail* applied to buy time on the CBC to broadcast a political message encouraging non-partisanship in the face of global economic and political crisis. The publisher cried foul, and the matter went to a House of Commons radio committee, to which the CBC presented the points that were soon after drafted in a "Statement of Policy with respect to Controversial Broadcasting". The statement contained the following under the heading "Controversial Broadcasting":

The Corporation does not exercise censorship. It does not restrict the nature of material to be broadcast, except to see that such material conforms with its printed regulations.

The policy of the CBC, with regard to controversial broadcasting, is based on the following principles:
1. The air belongs to the people, who are entitled to hear the principal points of view on all questions of importance.
2. The air must not fall under the control of any individuals or groups influential by reason of their wealth or special position.
3. The right to answer is inherent in the democratic doctrine of free speech.
4. Freedom of speech and the full interchange of opinion are among the principal safeguards of free institutions.®

The paragraph following this veritable declaration of freedom of the air contained the observation that the realisation of these principles was "not promoted by the sale of network time to individuals or commercial concerns for broadcasts of opinion or propaganda." The wording is a reminder that the principles enunciated were not made in reference to religion, but the statement is useful for explaining the attitude of the Corporation for both controversial and religious programming, the two of which were never understood as truly separate.

Given the carefully worked-out regulations and well defined position of the national broadcaster on the matter of controversy, religious and otherwise, one is prone to ask how, in practical terms, these were enforced. This was the question of Charles Siepmann, formerly of the BBC, who in 1941 was at Harvard University researching for a book about broadcasting that was to include "a good deal about the CBC."™  During his
research Siepmann penned a letter to the Corporation looking for “any advice or information you can give me” on the “control of radio”, a letter in which he posed some leading questions making loud hints at the apparent lack of a policing mechanism with which to verify consent. With reference to program scheduling and log submissions, Siepmann asked if this was “mere formality and for reference...or is any scrutiny of stations’ output regularly made?” and “If so, by whom?” As to regulation 7, which he referred to as the “No one shall, etc.” clause, Siepmann wanted to know “Who, if anyone, checks...Is there, in fact, machinery to check on this and, if so, how far does it go?” In the regulations on advertising content, he wondered “Is this again a mere formality” and in specific reference to the limiting of “spot” announcements to immediately before and after news breaks: “Isn’t this eyewash?”

More interesting than the answers to Siepmann’s questions are the instructions for responding that were given to CBC staffer W.H. Brodie. In reply to the query about regulation 7, for example, Brodie was told to relay that the Corporation’s enforcement of its policies was complaint generated; that action would follow upon a “request” that a “certain group of Canadian stations be monitored for observance of a particular regulation.” In instances where enforcement was required, “The...policy under this Regulation is that...the Corporation would not take action unless violations thereof were specifically proven in the Courts. In practice, however, problems arising thereunder are dealt with on a more informal basis.” By way of example, “If A alleges that the continuity of B constitutes false or deceptive advertising, in appropriate cases, we would refer the point to such a body as the National Research Council, and would be guided by the decision of such an organisation.” From this example, and given the reactive nature of enforcement, it probably did not come as a surprise to Siepmann to read that there had been “few cases where the Corporation has exercised the power given it under Regulation 9 (3).”

The response to Siepmann confirms that where it came to setting parameters on what it was that constituted abusive comment, the Corporation was guided by an inherently reactive approach, and one that contradicted the stated commitment not to allow control
of the air to default to the powerful and influential. Although committed to encouraging “provocative and stimulating” programming, the board could hardly have been expected to achieve this goal when the method for determining community standards was that of responding to the loudest and most consistent complaints. The apparent lack of temerity on the part of the regulator here was consistent with the tendency of the CBC, as already noted, to use the private system as a “cover” at those times where the spectre of censorship made its regulations unpopular. In a regulatory environment such as this, it is difficult to conceive how fair access to dissenting opinion could have been balanced with the “principal points of view” on a given topic.

Interestingly, in the formulation of regulation 7(c) prohibiting attacks on other religions, the concern had been that the clause would be interpreted too widely. When the second draft was submitted to Brooke Claxton, an early supporter of Plaunt and Spry in the Canadian Radio League and legal adviser to the Corporation until his election to the Commons in 1940, he recommended it be changed back to its original wording. The wording of the draft to which he had been asked to respond had been altered from that of the first by the removal of the word “abusive”, and thus read simply “No one shall broadcast...an attack on any race, nation, religion; creed or sect.” In Claxton’s opinion, this was a mistake. As he wrote, the prohibition so stated “may be taken or applied to prevent my attacking Communist Russia as well as Fascist Italy. It might mean that I could not criticise, [sic] even in an objective and reasonable way, the teachings or practice of any religion or mention, except in a commendatory fashion, the national characteristics of any race. Unless this clause be qualified in some way” he believed, “it goes very much too far and does definitely limit freedom of speech. The least qualification that comes to me to be advisable is the insertion of the word “violent” or “abusive.”

Claxton’s advice was heeded, the final draft containing the qualifier that he had suggested. However, insofar as what the CBC found acceptable to broadcast, the fear of an overly zealous application of censorship was exaggerated, and this points us to one of the ironies of the dual system of broadcasting: that while the private stations operated under the fear of losing their right to broadcast, the national system had no compelling
incentive to remain vigilant in following its regulations. In 1940, the Supervisor of Station Relations for the Corporation received an internal memo warning that there was nothing in place to ensure that the Corporation stations were performing according to standard. The message of the memorandum was direct: “Much of the material broadcast over our stations is not examined in advance of broadcast by one of our officers” it stated, before offering the following synopsis:

This means that there is no preview to ensure that such scripts do not contain references which might infringe the Broadcasting Regulations, censorship directives or considerations of taste. It has meant that, in numerous instances, there have been contraventions by our stations not only of the censorship directives but of the very regulations which we ourselves have promulgated. ... infractions [which] cannot help fostering general disregard of the law insofar as the medium of radio is concerned.

Five months prior to this memorandum, another, this one penned by one H.N. Stovin, contained the same message. Stovin pointed to routine infractions by the CBC of a host of its own regulations, including the 10 per cent limit on the proportion of time given to advertising, the reserved time stipulations, and the maintenance of program records. As to the last, Stovin cited an incident wherein the Corporation “received a complaint with reference to the Radio League of St. Michael’s. When we endeavoured to check the authenticity of the complaint, we were advised that no scripts in connection with this presentation were kept on file.” Of the complaints received in connection with the application of censorship directives, “the majority of the infringements... have been made by our own stations”, Stovin wrote, adding that the failure of the CBC stations in carrying its own program service made it “difficult to justify to private stations requesting release from reserved time.” In summation he concluded: “As the broadcasting authority in Canada, I know you will agree that we should make every effort to adhere to the regulations and policies which it is our duty to enforce on all Canadian broadcasting stations.”

Internal memoranda such as the above suggest that, regulations notwithstanding, intention and enforcement had at best a rather tenuous connection. Rather than leading by example, the public broadcaster, in the safety of its protected status, was less vigilant
in the application of the regulations than those whom it regulated. What this meant in
terms of religious controversy was that, while on the one hand the CBC discouraged the
equal presentation of controversial views on the private system, on the other it gave
almost free reign to the bigotry and zealous rhetoric that were a sporadic product of the
dominant religious culture. Morris Zeidman and Father Lanphier were but one example
of this. As the Depression years of the 1930's rolled into the war years of the 1940's and
the subsequent post-war prosperity, more examples would surface, only to repeat the
themes already established.

Censorship in war and peace

Inconsistency in the application of regulations between the public and the private
stations. Uneven application of censorship between mainstream and fringe religion. An
unwillingness on the part of the regulator to assume public responsibility for its
censorship. These were the themes that had characterized the behaviour of the state
broadcast regulator in the 1930's, and would persist into the following decades. With the
absence of consistent standards, and the only visible strategy the deflection of criticism
from the most organized or politically sensitive interests, these years continued to set a
context in which the tone of religious expression on the Canadian airwaves was
synonymous with the broadest outlines of the culture of the day. In the face of a
diversity of perspectives, rather than encouraging controversy, the regulator attached
itself to the contemporary Rawlsian “thin consensus”, in this case an increasingly
secularized “Christian” culture.

Not all religious expression includes the critique of culture in its agenda. The power of
an established church frequently derives from its ability to perform the opposite task. It
is from the margins that fundamental challenges to the culture are typically mounted, and
in this, evangelist Reverend C.P. Bradley was not an exception. As an affront to polite
society, few of his contemporaries matched his temperament. Broadcasting over a
private station in Saskatoon in the early 1940's, Bradley propagated over western Canada
his trademark denunciations of privilege, and the systems that created it. But, because he
consistently refused to engage in attacks on other faith groups, Bradley presented a
frustration for the broadcast regulator. In his story, like that of Rutherford's, we find a
state apparatus in defensive reaction to a crusader against the economic and religious
establishment. Compared with the treatment afforded an anti-Semitic contemporary in
Montreal, to which we will turn following our discussion of the Bradley affair, we see the
same pattern of inequitable treatment that marked the Zeidman-Lanphier controversy.
Finally, some observations from yet another Saskatoon clergyman under fire for his
views, these coming ten years after the incident with Reverend Bradley, close this chapter
and open some fundamental questions that will lead into the discussion on balance.

From the evidence it is unclear how or why Reverend Bradley first came to the attention
of the CBC, though almost certainly it was a listener complaint that prompted Major
Murray to request a report on his activities. This he did from the newest CBC board
member, University of Saskatchewan President James S. Thomson. Thomson, who
would be appointed to a short term as General Manager before the end of the year,
expressed himself as completely flummoxed by the animated and caustic pastor, and
found it difficult to advise the manager of the station, whom he saw as being "in a very
real quandary." "I felt sure that Mr. Murphy was exposing himself to the most serious
criticism if he allowed the broadcast to be sent out..." said Thomson of the most recent of
several scripts that the manager had given him. He then added:

However, Mr. Bradley is continuing to buy time on the air, and I should say, in
very strict confidence, that it is a broadcast of a very clever order. It purports
religious teaching, but is in essence political propaganda, mainly a negative
teaching in that it is continuously suggesting that the world of men is mainly made
up of hypocrites who worship their own possessions, and a continual under-scoring
of the doctrine that it will be very hard for a rich man to get into the Kingdom of
Heaven.

That the last was a teaching of Christ was clearly not lost on Dr. Thomson, who read this
only as cause for more aggravation. As he wrote, "The trouble is that all he says has a
great deal of truth in it, but it is very difficult to see what it is all leading to." The best
that Thomson could theorize was that perhaps Reverend Bradley was "using the cloak of
religion to build up a strong political party." Indeed, it is difficult to conceive a better
cloak for such a purpose than a Saskatoon radio station. Nonetheless, the imagination of
a Canadian University President notwithstanding, the tone of Bradley’s messages certainly had the righteous edge of a candidate for political office. This is clear in the extract from a sermon that the Supervisor of Station Relations had isolated as evidence that Bradley had to be stopped. In perfect government timing, a telegram arrived at the National Programme Offices scrawled “RUSH RUSH RUSH”, five weeks after CFQC had pulled Bradley from the air. The notice contained the excerpt from the message Bradley had delivered in January. The controversial passage read as follows:

How often the minister’s salary is blackmail. Or the salary of the university professor. Or the newspaper man. Or the income from radio station. Or any one of us. Many of us may be just living on blackmail. Sometimes you listen to a clergyman of very high rank. You marvel that his message is so feeble; so empty of any meaning. Well, he has been living on blackmail all his life. His soul is not rich. His mind is poverty stricken.

I know what you are asking: “Is not a clergyman who accepts that kind of blackmail the same as a prostitute?” Yes, he is a prostitute, certainly. Perhaps worse. He is even guilty of fornication!”

Although it was not directed at any denomination in particular, this last message was the closest to a direct attack on the clergy of established churches to be found in the texts that Bradley had delivered, and gave the station manager sufficient concern to alert the broadcast authority. The first response that Mr. Murphy received from the Toronto headquarters was direct. From his position as supervisor of the private stations, J.R. Radford replied that it was “quite obvious that Mr. Bradley’s sermons have a definite critical intent.” After warning of a similar case in which the failure to take a firm stand put a license holder “in a very unfavourable light”, Radford expressed his expectation that CFQC “face[d] up to this Bradley situation”. For further guidance he added that, “where these talks contravene or border on contravention of Regulation 7 (c), there is only one course open to you and any failure on the part of the station to take action will result in serious consequences for you.”

Radford’s advice was supported by Dr. Thomson. The new board member, having the benefit of now having heard several more of Bradley’s messages, continued to be challenged to distinguish what it was that consistently made them so offensive. The most he could determine was that Bradley’s talks violated an unwritten code governing the “manner of presentation” with which certain subjects -- religion in particular -- should be
discussed. "A number of my friends agree with me" wrote Thomson to Radford, "that
this particular broadcaster always borders on the offensive, and while there is a
considerable amount of justification for many of his statements, he puts them is such a
crude and melodramatic fashion...that I think some steps should be taken to get him
removed from the air."\(^{53}\) The CBC supervisor agreed, as he indicated when he returned
to CFQC's commercial manager Vern Dallin a script of an Easter homily, along with a
resolute refusal to offer any comments on it. Throughout the month of April, following
the warning from Radford, CFQC had been cancelling all of Bradley's messages, and the
submission of the Easter sermon was a last attempt by the station management to test the
waters. The response was unequivocal: "I feel sure you can be experiencing no
difficulty with any understanding of what we have indicated" wrote Radford, in reference
to his previous warning.\(^{54}\) "If the talk, as per the attached script, is delivered by Rev.
C.P. Bradley over your station you will be charged with a contravention of Regulation 7
(c) and if you will not on your own issue take the necessary action with this man I can tell
you there will be serious repercussions....There is nothing more I have to say."\(^{55}\) The
management of CFQC took Radford at his word, and on the 18th of April Bradley was
told he would not be broadcasting over their facilities again. Unbeknownst to the
министр at the time, the broadcast of the 29th of March had been his last.

The censorship of Bradley was directed from the CBC, but, in what was rapidly
becoming a patterned avoidance, the state regulator would take no ownership. When
complaints began to arrive at the office of the regulator, Radford denied any involvement
or knowledge of the affair. With the same pen that had four days earlier warned of
"serious repercussions", the stations supervisor responded to a query from a Saskatoon
listener with the statement that: "I have no information on any cancellation of the Easter
Sunday morning broadcast by Rev. C.P. Bradley. If there has been a cancellation then
this is the responsibility of the station and no doubt they could give you the information
you seek."\(^{86}\) To a petition that was forwarded by another area listener, Radford replied:
"We note that the signed petition is directed to station CFQC, Saskatoon, so we naturally
assume that you would wish to forward this document to the station and we are returning
it herewith for that purpose.,” then adding, "It is always regrettable when instances occur
such as have occurred in the case of Rev. Bradley, but the matter is entirely between Rev. Bradley and the station as the CBC does not book any local broadcasts over private, individual stations.\textsuperscript{87}

In the end, what emerges from the incident with Reverend Bradley is another example of the limits of tolerance for extreme statements from fringe elements. There was, as Thomson and others had noted, nothing in Bradley’s talks that could constitute a clear violation of the regulation against abusive comment on another race, religion or creed. Bradley’s behaviour was consistent with a prophetic tradition that extended much further in time than a Saskatoon radio station could reach in distance. His attacks on hypocrisy— even the metaphorical use of prostitution for describing the de-spiritualised cleric, were at the very essence of the Christian belief system, and could not be faulted on this basis, nor even classified as anti-clerical. The statement left open the expectation that not all clerics could be so described, as well as hope for those who could. Ironically, the corollary of Bradley’s message, namely that forgiveness and grace extended equally to prostitutes, served only to further raise the alarm against himself. Under the purview of the regulator, this statement too sounded overly controversial.\textsuperscript{88}

The sticking point with the content of Reverend Bradley’s messages, and what should have been argued against him, was his not-so-veiled attacks on “the clergyman”. Whether a statement targeting such as these represented a violation of section 7 (c) of the Broadcasting act was a matter worthy of discussion, rather than an issue to be dealt with through default to intimidation. By the nature of their response the corporation showed that Bradley’s sin was to be too impolite for comfort — as the incendiary reverend would probably have said it, for the comfort of the overly comfortable. In the telegram of 5 May that Radford had sent to the National Programme Offices, he again revealed more about his own standards than about the accused when he offered examples of what he felt were “objectionable references in Bradley’s broadcasts.” Of the two he provided, one was the reference Bradley had made to certain types of men being “no better than prostitutes”, the other a “further sermon referring to certain types of preaching as being laudanum” and containing “sacrilegious references to Jesus Christ eating and drinking
with prostitutes. That this was consistent with the biblical account mattered less than the power of the de-contextualized comment. As with Bradley’s warning to the well-off, the point was not biblical accuracy but acceptable religion. A mark of the neurosis associated with Bradley’s style appears in the original script of the telegram, in which the reverend was attributed with using the word “sleeping” where the corrected “drinking” later stood. The difference was enormous, but for the alarms that Radford was setting off anyway, he might just as well have said either. In any event, the radio authority did not need to linger over the distinction.

Assuming the Reverend Bradley was a Christian; his reflections on the sinful life were sincere and consistent with his faith. That he apparently chose to emphasise these themes over those of hope and redemption, arguably inconsistent with his faith -- though by no means fatally so -- spoke to his perception of the depths of the depravity of the culture in which he lived, and what he conceived his role to be. The Canada of 1942, however, had little room for a prophet -- Christian or otherwise, as Bradley’s jeremiads were at odds with the national faith. When Radford wrote to Vern Dallin at CFQC that “Certainly certain paragraphs of this script* abuse the beliefs and views of religion.”, the “religion” to which he was referring was not only mainline Christianity, but the civil religion as well, and in this sense Radford was correct. From his position, the religious landscape looked best when it was prairie flat, or at worst, gently undulating, and in government his was by far the dominant view. If the primary benefit of religion is perceived to reside in its capacity to provide comfort, unity and encouragement, the civil religion is naturally predisposed to favour of that which supports the status quo, particularly in times of crisis. Whatever the role of religion, it has not generally been understood in Canada as that of offering an unrelenting critique of culture, and where it does so it will be judged by standards other than those of doctrinal consistency. Thus could Radford complain, without a hint of irony, that “Mr. Bradley’s sermons have a definite critical intent and he intends to keep them as such rather than use the time at his disposal for the preaching of the gospel.”

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With Reverend Bradley’s sermons no longer being broadcast, the same pattern was repeated whereby listener complaints began to arrive at the offices of the regulator and at the station, both of which in turn responded by citing regulation 7(c) and by placing responsibility for the decision with the other party. In a context such as this, the regulator experienced pressure on two fronts: from concern over citizen dissatisfaction as well as from the renewed threat -- increasing with time -- that the carefully maintained subterfuge of station control would be exposed. The consequence in this case was that the offending party was given the opportunity of assuring the regulator that he was suitably repentant, a meeting after which Radford was able to conclude that the once chastised pastor was no longer a loose cannon, and should be given a chance to redeem himself. The meeting was requested by Mr. Bradley’s committee, which had been told by the station manager of CFQC that he would renew the minister’s broadcast only on condition that “they could get permission to free me from any obligation relative to violating regulations in submitting Mr. Bradley’s talks.” As Murphy later wrote to Radford, “I knew quite well myself that this concession could not be granted by the C.B.C. and in making this statement I was taking no chances.”

The meeting between Bradley and Radford would have been an interesting one, judging by the courtesy letter that Radford received shortly afterward, along with two scripts for his office to review for possible broadcast. “I am confident,” Bradley wrote, “that, someday, and in the near future, you will all realise that what I have to say is not in any way outrageous, but, quite mild, compared to what we shall yet face. For many years now I have been lecturing in Australia, New Zealand, U.S.A. and Canada. When I talked with you, I realised that when I broadcast, I am thinking about something very different from what SOME of my listeners are thinking. I am thinking about a world that is desperately sick, and that needs a desperate remedy. [sic]” Offering his own philosophical variation on creative minority theory, he then criticised Radford’s bureaucratic prudence. “Naturally” he wrote: from your position, you think that this can be left to our leaders. That is where you are fundamentally wrong. New thought has never come from so-called leaders. It always has come and always will come from a small band of creative thinkers. We shall save ourselves from a bloody destruction only by arousing and enlightening
public opinion. You must know that this enlightening WILL NOT COME FROM PARLIAMENT, PULPIT, PRESS, RADIO OR SCHOOL.....It will come from such as Socrates, the prophets and Jesus, etc. Parliament, pulpit, press, radio and school merely climb on the band waggon [sic] at the last minute.

Cheerio Thank you very much. Yours sincerely. C.P. Bradley.

Whatever else this pastor of the "New Church of the People" may have been, he was no sycophant, and evidently saw himself as a minor prophet in the revolution for which he carried a torch. His forthrightness with those who controlled his access to broadcasting suggests he placed conviction ahead of self-preservation; his democratic contempt for all offices that he counted himself among the unenlightened.

Bradley submitted with apparent ease to the censorship of the CBC. Moreover, when he attempted to resume broadcasting he did so by way of direct communication with the Corporation, indicating that he had either been informed by CFQC that this was the appropriate channel or that he recognised where the authority behind his censorship resided. In either case, his deference to the CBC was complete, as evident in what he wrote when he submitted some manuscripts to the Corporation. "Not sure just what you shall do with them." he wrote after his meeting with Radford, adding: "Thought that perhaps you would want to send one copy to CFQC, if it be acceptable."^34

With Bradley in check, his 'probation' apparently over, Radford now used the same pressure tactics that had worked to have the Reverend removed from the air to convince CFQC to take him back. This was something the station was, understandably, disinclined to do, a fact they had already conveyed to Mr. Bradley. As the Managing Director expressed to the corporation: "To say the least I was surprised to receive the letter of the content of your communication as you are thoroughly familiar with the conduct of Reverend Bradley during his recent period on the air. Under date of April 14th you wrote us and I quote from your communication as follows – "If the talk, as per the attached script, is delivered...you will be charged with a contravention of Regulation 7(c) and if you will not of your own issue take the necessary action with this man I can tell you there will be serious repercussions." Because "the possibility of violations on these occasions" had been "good and sufficient reason for removing him from the air", a repeat of the same could hardly have been perceived as anything but a burden. Having learned that the
risk that the CBC was willing to venture on Bradley was in reality entirely his own, CFQC's owner concluded that his franchise was "of sufficient importance...that I cannot take any chances". Radford did not give up so easily, however. In a subsequent letter, he challenged Murphy to be reasonable in accepting his word that Bradley was no longer a threat and that, paradoxically, the CBC itself could not reasonably assume the same. "Frankly, Murph," he wrote, taking the personal tone that he typically used in correspondence with the station owners: "I must say that this whole matter...is assuming somewhat the nature of shadow-boxing. You know very well that the CBC would not take upon itself the responsibility for any obligation which under the Broadcasting Regulations is the duty of the station." To reassure the station owner, Radford reported being "convinced" that Bradley and his committee were now "quite conscious of their position in respect to CBC regulation requirements.", adding "I am of the opinion that in view of the whole background of this affair and the injustice as claimed by Mr. Bradley, imagined as they may be, that the gesture of reinstatement should be made..." adding that if CFQC took the precaution of demanding advance scripts, "surely this should be sufficient control to avoid any recurrences [sic] of your former difficulties." After all, Murph, you have a very efficient staff at your station which have been trained to handle just such matters as this and I am quite convinced they are able to do it."

Section 22 of the Broadcasting Act, which reserved to the regulator the power to "control the character of any and all programmes broadcast by the stations of the Corporation or the private stations", put at the disposal of the CBC the power to coerce CFQC to compliance. In an incident such as Reverend Bradley's, this would have been impolitic, and there is no reason to believe that the pastor's restitution to the air was of such pressing concern that the public broadcaster would welcome the exposure coercion would bring. Though it was in its interest that CFQC follow the advice of its station supervisor, as Radford also conveyed in the close of his letter to Murphy: "As far as the CBC is concerned, the matter is closed". In opting to leave the decision to the station, the CBC showed itself more effective in intimidation than in persuasion: as Murphy revealed in his reply, "I feel that it is much better to leave the matter as it now stands, as you have so to
speak -- 'Put the responsibility of the whole thing back in my lap' -- which responsibility
I do not wish to assume.®

Anti-Semitism and the regulator

How a collectivity determines the balance between protecting the public realm and
protecting the right of free expression is determined by a host of culturally determined
factors. It is the weakness of social contract theory that a dominant cultural world-view
can compromise even the most elemental rules of conduct upon which, as a collectivity, it
may have managed to agree. An example of this is the de facto apartheid that was
condoned in parts of the United States in spite of a national commitment to racial
equality. Another example is the silence that has been implicitly required of
homosexuals in the area of their sexuality in order to participate in public life. The
hypocrisy can be enormous -- as we have discussed with the American model, it can mean
combining a puritanical attitude about keeping religion out of public institutions while
protecting and supporting it as far as conceivably possible in society at large. In the area
of public expression, a given culture may afford enormous advantage to a particular
world-view within its institutions, and have no respect for a competing religious world-
view in the wider society.

Where acknowledgement of the utility of free expression is hampered by a strong cultural
bias against it, this bias will break in and impede the consistent implementation of even
the most basic statements concerning the type of expression that is outside the pale of
civil discourse. Such was the case with the uneven implementation of regulation 7(c) of
the Broadcasting Act, against which some ran afoul without having violated its
provisions, while offenders could be forgiven much. The difference in this case is
measured in the distance from western Canadian fringe fundamentalism in an
overwhelmingly Protestant province to anti-Semitic political rhetoric in predominantly
Catholic Quebec.

As the decade of the 1940's drew to a close, the state broadcast regulator became
involved in a conflict pitting the Jewish community of Montreal against the Union des
Electeurs, a provincial political party founded in 1939. Affiliated with the Social Credit party, it was one of several Francophone splinter groups that began to emerge in Quebec at this time. The conflict stemmed from the broadcast of a series of lectures that were carried over the local CBC station in the winter of 1949-1950, two of which were particularly offensive. The series had been penned by Ron Gostick, a member of the party who by the time of their broadcast had to a small town in Ontario. Carried on the English network in a program entitled “Provincial Affairs”, the talks were so pocked with ruthless assaults on the Jewish religion and Jewish people in general that eventually the hired radio voice was refusing to read them, even as the CBC continued to permit their broadcast.

Though technically political, the Union broadcasts were phrased in the language of extreme religious intolerance, infused with a healthy dose of contemporary red-baiting. There was an early recognition within the CBC that the Union broadcasts were potentially bigoted: the first evidence of this appears in November of 1949, when the Supervisor of Talks and Public Affairs wrote, in response to a listener complaint, that this was “not the first time…. We have previously had protests about some of Mr. Solon Low’s broadcasts, in which it was claimed that he had come very close to open attacks on the Jewish people.” It was when complaints arrived from the national headquarters of the Canadian Jewish Congress that the local CBC office began to request advance copies of the talks. The first such continuity, which was eventually sent to the chair of the CBC - now one Davidson Dunton - was essentially an unimaginative babble of Jewish conspiracy theory. It referred to an “onslaught against the last vestiges of our once great Christian Civilization”, and read, in part, as follows:

This onslaught...is all the more dangerous for the following reasons: First - the attack has been in the nature of a conspiracy. The enemies of Christ -- those same foolish conspirators who nailed him to the cross two-thousand years ago -- have been working stealthily and subversively for years to undermine and finally destroy the very foundations of our Christian institutions and culture. So deceitful and illusive has this enemy been that in most cases even our leaders have not recognized these agents of destruction, and have in many cases actually assisted them in their conspiracy of treason. The enemy of Christianity works under many labels and by devious means. At times he bores under the label of “Communism.” Again at other times he masquerades under the label of “Socialism.” And then
again at other times these wreckers of Christendom hide behind the cloak of Political Zionism — the better to gain their ends. But we may be sure that the policy and objective of this evil conspiracy has ever remained the same: the utter destruction of all Christian culture, and its replacement by a Godless State Tyranny, answerable to no higher authority than the lusts of those in control of the all-powerful [sic] State apparatus.106

In spite of what was one of the clearest examples of a violation of the Broadcasting regulations ever heard over the public radio network, the response of the CBC was tentative. The Corporation had been made aware of the problem for some time. Shortly after it had been broadcast in December of 1949, the Montreal “Talks Producer”, Margaret Howes, had sent a copy of Gostick’s script to her Toronto supervisor. Howes had asked Neil Morrison for advice, having felt that the talk could be construed as a violation of Regulation 7 (c), “in spirit, if not in actual content”. As she wrote:

I think it could be successfully argued that the script does not literally contravene the regulations. I so argued with myself when I read it and decided I had no alternative but to let Mr. Mooney broadcast it. If you merely read the words and don’t associated [sic] them with what you know (from their literature, etc) to be the intent of the author in relation to people of the Jewish faith, then the abuse is not explicit. But the listener in Quebec is in no doubt about what’s intended, and I think we do ourselves and our listeners serious injury in letting this kind of implicit slur be broadcast.107

Howes characterized the tone of the script as an “implicit slur”, and worked with Mr. Mooney by suggesting cuts of the most egregious statements that would leave the essential message intact. A typical example of this in subsequent scripts is the following statement, the bracketed section of which indicates that which was censored: “For many years now the most powerful financial figures of the world, (such as the Kuhns, Loebs, Schiffis and Warburgs,) have been working feverishly, and mostly secretively, for an absolute concentration of power into a World Government.” Another heavily edited example from the script is the following:

In my first broadcast I drew your attention to the nature of the conflict raging throughout the world, including our province of Quebec, at the present time; the forces of Christ versus the forces of the anti-Christ. And we noted how Communism is but an instrument or weapon or strategy of these anti-Christian forces determined to undermine and finally destroy our Christian culture. (We also noted that one of the most powerful and treacherous elements associated with Communism was the political Zionist movement.) ... Since that time we have seen
The provincial police move in, together with the Montreal police, and close down (the United Jewish People's Order) - - a so-called (Jewish) cultural organization -- right in Montreal. Why!!! Because investigation discloses “that for at least one year, the centre has been operated as the locale and general headquarters of lectures, soirees and secret meetings of (Jewish) Communists.” This revelation powerfully confirms what an increasing number of Canadians are beginning to realize -- that the real power and promoters behind Communism are (alien to our land). [This last changed to “Not what they seem.”] 108

The bigotry and abusive commentary offered for consumption by the Electeurs was purposive and direct in its target, making Reverend Bradley’s general attacks on contemporary culture pale in comparison. Understandably, it was something that the Jewish Congress took very seriously. In their missive to the Corporation, they drew a direct line between the Union’s abusive language and the environment of hate and intimidation in which the holocaust had unfolded. Speaking on behalf of Canada’s Jewish population, the CJC wrote that, “with due respect:

we do not feel that there can be much doubt that the polemics of the Union of Electors and its propaganda found in its broadcast texts, come within the provisions of the CBC regulations. We make this statement dogmatically, possibly because the Jewish community has been a witness to the decimation of six million people as a result of freedom of expression being mistaken for license to incite violence. We are psychologically closer to the scene than those whose good fortune it was not to have been victims of this tragedy. We see inherently in every broadcast which sets up the bogey of Bolshevism, Zionism, Judaism, Communism, a danger signal which cannot be ignored. It is precisely these talks of Alfred Rosenberg, Julius Streicher, Joseph Goebels, which prepared the scene for the success of the Nazis and Fascist. 109

In spite of the opinions offered by the Congress, the CBC was much more equivocal with the Union than they had been with Bradley. Neil Morrison’s initial reaction to the scripts that Margaret Howes had forwarded to him had been to take them seriously. “I have read the script very carefully” he wrote to chairman Dunton upon receipt of the first continuity, “and while it may be possible to argue that it does not literally contravene the regulations...I think the intent of the remarks is quite clear and indeed I would consider them as abusive comments about a race and religion.” 110 His advice to Dunton, however, was to apply persuasion rather than the big stick. Morisson suggested sending a letter to Mr. Mooney “asking him to refrain from attacks of this kind.”, as well as a letter “to all
political parties” with a copy of regulation 7(e), and “asking their co-operation” in abiding by its provisions, and this followed by instructions to all CBC producers to be on the alert “for attacks of this kind”. Dunton was agreeable, as Morrison subsequently intimated in a follow-up brief to Margaret Howes. “As Mr. Dunton pointed out” he wrote, “it is desirable to have a completely clear-cut case of an infraction of the regulations before attempting to take any official action.” Evidently the CBC chair, like the Montreal Talks Producer, did not believe the Union’s broadcasts to be a sufficiently serious infraction to warrant action, and Morrison was able to confirm to Howes that her approach was sufficient. Thus the same brief contained the reassurance that, “as you suggested in your earlier memo of February 3, as long as Mr. Mooney is the Quebec speaker for the Union Des Electeurs, and your present friendly relations with him continue, it should be possible to handle the situation satisfactorily.”

Gostick’s talks being of the nature that they were, however, Howes became increasingly uncertain that this could be easily accomplished -- the more so as she could not edit the scripts that she was provided, her authority being limited to suggesting changes. In referring a copy of a subsequent Union broadcast to her supervisor, Howes wrote:

As you can see from the first two pages many changes were made in the original script before broadcast time. These changes were accepted by Mr. Mooney without protest. I am not sure the edited version was a particularly “clean” script, but at least it was a lot better than what Mr. Gostick sent us.”

Three months later, and well after Morrison had assured the CJC that the Union broadcasts were “being carefully watched”, Howes was becoming increasingly frustrated with what she began to see as an enduring problem, and one to which the CBC’s slow response and poor communication was contributing. Consequently she requested that Gostick’s talks be taken more seriously, or at least that she be given the discretionary power to deal with them more consistently. “I think we somehow have to deal with this problem more effectively than we have done to date.”, she wrote in a memo to Morrison dated the tenth of May. Citing the fact that CBM had received numerous complaints, she asked permission to inform the Union “what people think of the anti-Semitic character of their broadcasts.”, and wrote that “In addition I would like to have
your backing to edit any future scripts... not only to eliminate explicit anti-Semitism but such reference to “anti-Christian minorities” that may occur.”

However the specifics of her request were received, at the end of the following month Morrison was again writing to the CJC, promising that future talks, though not removed from the air, “will be checked carefully.”

Rather than taking Morrison at his word, the Jewish Congress retained its own vigilance where the Union was concerned. Near the end of 1950, the Congress National executive director Saul Hayes was writing to inform chairman Dunton that the United States had black-listed Gostick for his “political activities.”

_Slander vs. slander_

What we can make of the inequitable response to the broadcasts of an anti-clerical pastor on a private station and the rantings of an anti-Semitic political organization on a public one is not immediately clear. In terms of context, there are important differences between the two cases that mitigate against a simple comparison. In the temporal context, any comparison of these two instances involves the significant variable of the Second World War, and the heightened tendency to censorship that existed during that conflict. As Frank Peers, Marc Raboy, Knowlton Nash and others have noted at some length, the war eliminated what little distance existed between the state and its broadcaster. In 1942, the minister of transport informed the CBC board that it would continue to exercise its discretionary powers under the Broadcasting Act, “subject to essential war-time restrictions as they may be defined by the government or the board of censorship from time to time.” The year before, when Gladstone Murray jettisoned unionising plans among CBC staff in Toronto, he was supported by a legal opinion from the Department of Justice that the Corporation was “in many respects, in the position of a department of Government.” Consequently, as with the BBC, the statutory duties of the Board of Governors of the Corporation were whittled away as censorship became perceived as a pressing national concern. And as with the BBC as well, the Canadian broadcaster increasingly sounded like a propaganda machine of the governing party. From the live radio broadcast transmitted from the first ship ferrying troops to England, through the four years of Lorne Greene’s sonorous “Voice of Doom”, and until Mackenzie King announced the end of hostilities in Europe (a broadcast which he
confided to his diary was “worth more than two weeks’ campaigning on party matters.”), the CBC broadcast some of its most creative and least objective programming. A parliamentary Committee reported in 1943 that radio was “the most vital morale builder at a nation’s command.” and the CBC itself reflected that its role in the war was, in part, “to inspire the nation as a whole and every individual to greater effort [and] …put everyone in the proper frame of mind to accept willingly the sacrifices involved in the war effort.” The change was supported by the inauguration by the CBC in 1940 of an independent news service, the increased use of BBC broadcasts, and the use of propaganda in CBC entertainment programs.

Not everyone was pleased with the shift in tone heard over their national broadcaster – least of all those most closely associated with its production. As several broadcasting historians have emphasized, increasing criticism of the CBC corresponded with the decision by the Corporation to no longer carry paid political broadcasts on either its owned or affiliate stations. This was one of the issues that contributed to the decision of Alan Plaut to resign from the board in 1940. That his was a valid concern is revealed in the fact that, in the year of the plebiscite campaign to free the Liberal government of its pledge not to introduce conscription, government members spoke 75 times over the CBC compared with five speeches from members of the Conservative opposition.

For our purposes, it follows that within an environment already predisposed to censorship, the ramblings of a radical minister would be ill-received, particularly if they were infused with a general contempt for secular authority. No less difficult to explain is the hesitation to exorcise the defamatory statements of a nationalist Francophone political organization. Here the relevant context was a cultural one; a society in which anti-Semitism was integrally linked with and as firmly rooted as anti-communism. Another variable with which to interpret the discrepancy between the two cases is that the first was over a private station, the second over one owned and operated by the Corporation. Though we cannot discern an intentional favouritism, it is an axiom of the regulatory state that the rules are designed with an outward intent. Being directed to solve a
problem inherent in the free market, it is expected that a state regulatory regime or institution would be predisposed to discover that to which its sights are aimed. The theme that is repeated in the CBC response to both Reverend Bradley and the Union des Electeurs is that direction was set by considerations other than those of policy.

The problem

In the absence of a consistent policy, confusion is the predictable result. When the broadcasts of Reverend Bradley became the epicentre of a stir in January of 1942, everyone involved other than the pastor himself was privy to the discussion. Bradley remained -- or could pretend to remain -- blissfully naïve to the situation until his meeting with Radford in July. The same prevailed with the Union des Electeurs. With all the subterfuge that was involved in the censorship of the Union broadcasts, there was no information shared with the party sponsoring the anti-Semitic broadcasts. Many months after it first became an issue, a farcical exchange between the Montreal office and Frank Peers, the new Public Affairs Supervisor, was the result. In it Howes informed Peers that the latest Union broadcast had been "more violent in its tone than previous scripts", and had been edited extensively by herself and the Chair. "However," she wrote:

when I 'phoned Mr. Mooney, who usually broadcasts these talks, he informed me that he would not be speaking that night and had so informed the office of the Union of Electors. He explained to me, confidentially, he thought the script was too bad to broadcast but had merely told [them] that he would not be free to broadcast. The Union des Electeurs' [sic] office got in touch with me about ten minutes to five to say they had no substitute for Mr. Mooney and would we be willing to provide a CBC announcer to read the program. This I told Mr. Grenier we would be unable to do. Consequently the broadcast was cancelled and a musical recorded program replaced it.

"So", wrote Mrs. Howes to the same Toronto office to whom she had written six months prior: "the office of the Union of Electors and Mr. Gostick still do not know that their scripts are unacceptable to broadcasting regulations of the CBC."^{129}

Howe’s brief is indication that along with the ad hoc application of the regulations pertaining to controversial programming and the chill effect that this produced, the basic responsibility of communicating dissatisfaction with programming could be neglected. When the CBC reached what it thought of as a comfortable arrangement between the
Montreal producer and James Mooney, it was also able to renege on its obligation to keep the offending party informed. That it did is not surprising: frank confrontation with a party that transgressed the regulatory boundaries would hardly be sought after, less so given the difficulty in cogently defining acceptable programming. Combined with the possible political liabilities, this unpleasantness gave an added incentive to leave this to be settled between the broadcaster and whatever religious fanatic was stirring passions at the time. But where the broadcaster was the regulator, this presented a real quandary, and the result could be an alarming degree of latitude and neglect, even toward obvious offenders.

As to the fact that after half a year, an organization regularly broadcasting over the CBC could “not know that their scripts [were] unacceptable”, when the Program Director, the local “Talks” supervisor, the national “Talks” supervisor, the Station Relations supervisor, the Director of the French Network and the Chairman all did begs the question of how much regulatory delay constitutes neglect. It also leans toward a good possibility that conviction on this count was not universal; suggesting, again, a regulator governed more by cultural norms than by its regulations. The year after Howes made her observation, the Supervisor of station relations in Montreal, in reference to a complaint about a comment made in French by the Archbishop Leger, admitted that, with respect to paragraph (c) of Regulation 7; “In the final analysis, it is all a matter of personal opinion and interpretation.” For a fitting illustration of this rare confession, none could be more appropriately positioned than his next sentence, in which he offered his own personal judgement to the mix; in this case, that “Bishop Leger's statement is certainly not an abusive comment but a mere high level expression of opinion of what he thinks of one of the Christian religions...” If this was how the CBC explained its regulations to itself, how much more confusing was the situation for those not privy to such inside information.

The benefit that accrued to the state through the confused and uneven application of regulation 7(c) was in creating an environment that made moot the problems with which it preferred not to grapple. In an atmosphere of uncertainty, commercial broadcasters
were naturally indisposed to take risks – the irony being that, beginning with the Aird Report and continuing through decades of Parliamentary committees, commissions, task forces and policy review boards they were criticised *ad nauseam* for exactly this failure. This problem of a gap between expectations and their fulfilment; between creativity and free expression on the one hand and the climate of uncertainty on the other, became a permanent feature of religious broadcasting in Canada. It was identified early by those whose convictions made them too volatile for nervous license holders.

One of these licensees was CFQC Saskatoon, which, bruised once by association with Reverend Bradley, was not about to enter into any subsequent fray on behalf of a radical preacher. When evangelist Alvin Jennings of the Church of Christ garnered for Murphy's station a complaint from the local Adventist church for a three part series of messages regarding Sabbath worship, the owner responded promptly through his son-in-law manager, Vernon Dallin, who cancelled Jennings' program. Having broadcast for three years, Jennings was incensed, and fired off a letter to the CBC in which he cited the possibility of hidden business motives behind his dismissal. From what he understood it was a simple matter of a radio station owner protecting his client base. As he explained in his letter to Ottawa: "A. A. Murphy, owner of the station, and father-in-law to manager Dallin, is wholesale distributor for Winkler furnaces, and the sole retailer is Home-Ease Heating, of which Mr. Koseruba is president. Mr. Koseruba is "the main-stay" of the local Adventist church." For confirmation, the evangelist named his trustworthy source, one Carl Molnar, "manager of the local Bostitch Staple Company."

Whatever the CBC made of this intrigue in the small world of small business in a prairie Protestant community is unclear: what they made of Jennings wider argument is more interesting, as was the argument itself. Leaving his conspiracy angle aside, Jennings introduced a more substantial critique of the system against which he had run afoul. As he opined:

> in a country of supposed freedom of speech and freedom of religion, everyone should have the right to express his own views and convictions as long as personal slanderous remarks were not made. I think neither radio station manager, the mayor, the pope, or whoever he might be, is in a position to become sole judge of
what we shall and shall not speak... If Mr. Dallin is consistent, he cannot have ONE RELIGIOUS PROGRAM ON HIS STATION, for no religious teacher can say anything but what COULD be construed as an "attack" upon atheism. If a preacher says that Jesus Christ is the Son of God, this is a most odious statement in the ears of the Jewish religion. Where is the justice?

In response, the CBC declined the invitation to enter the potential quagmire that this evangelist had offered. "The CBC Regulations are intended for a guide for all stations and it is each station's responsibility to observe these regulations" was the reply. "Under the circumstances, this matter appears to be one of a local nature which should be resolved on that level."

Ironically, Jennings' passionate commentary would soon enough become the mantra of the regulator, but arrived at from the reverse perspective, and with a solution directly opposite of what he had intended. In the years ahead, the CBC would increasingly come to accept that single-faith confessions were indeed inherently unfair, but rather than freer access, the means to resolve this would be to encourage a blending of competing doctrines within a system where balance became more of a priority.

In some ways, Jennings was a casualty of a self-regulation system. In the absence of religious broadcasters, the commercial stations that carried religious programming were vulnerable to the expectations of a diverse audience, and one that developed a low tolerance for dissonant voices. As the system became increasingly self-regulating, the questions of access that had once exercised both citizens and politicians alike had settled into a comfortable acceptance that censorship of radical opinion in broadcasting was a normative function of the state. This understanding was evident in the expectation among complainants, including mainstream clergy, that non-conforming religious programs would be duly dealt with. And, in an atmosphere where each denomination was prone to regard their own efforts as interpretation and those of others as an attack, a hyper-sensitivity could result.

By way of an example, when in 1946 an evangelical religious movement began broadcasting over "The Friendly Voice of the Foothills", CJ CJ Calgary, complaints were received by the radio station and by the CBC that the programs constituted an attack on Anglicans and Baptists, the latter for what were construed as controversial comments.
about the practice of baptism by total immersion. Subsequently, the station as well as the advertising agency that marketed the broadcasts, found themselves defending a program that was being simultaneously broadcast over eleven other stations without incident. The “Dawn” program’s advertising representative, Don Copeland, explained in a reply to a warning letter from the CBC that there was a better than average probability the complaints were a function of the specific audience, rather than the programs, CICJ being the station over which the Prophetic Bible Institute had been broadcasting for many years. “One is inclined to look at that connection when complaints come in against some teaching that is foreign to their philosophy”, submitted Copeland, who added: “It is unfortunate if some misguided Baptists have applied a general suggestion to their specific faith.”

In fact, Copeland was mistaken: the ownership of CICJ was friendly to the Social Credit party, but Aberhart’s “Back to the Bible” program had been carried over station CFCN. Nonetheless, the advertising executive had made a salient point about the importance of context in predicting what offended local sensitivities. The system left the commercial station owner exposed to the caprices of the prejudices of the local audience, which was forgiving of violations where the message agreed with them, and scrupulous in calling to task those with whom they did not. The unchallenged use of a religious program for political promotion by the same Prophetic Bible Institute to which Copeland had referred was a case in point. For those with an axe to grind, the state instrument at their disposal offered all the weapon they needed.

Other examples such as the above abound, the net result being an unhealthy tendency to avoidance of important issues. When Mr. Gordon E. Smith, owner of CFOR Orillia, “Your Vacation Station”, wrote to the Manager of Broadcast Regulations in 1956, it was to bring to the attention of the CBC one Mr. Guthrie, an individual who was broadcasting over his wavelength. The material that CFOR’s owner was concerned would be construed as offensive was Guthrie’s quotation of a newspaper report about a controversial decision – specifically, the relinquishing of McMaster University by the Baptist Church Association. Worse, Smith reported, Mr. Guthrie had then let loose “his
opinion", viz, that: "Here are the results of thirty years of modernism", or words to that effect." [sic] Such was the commentary that could unseat a Canadian broadcaster sufficiently that he would seek reassurance from the CBC. To Smith this was clearly "a matter of Baptist controversy". [sic] Was it "within the bounds" of "fair comment" as well? The anxious station owner needed to know, and the answer he received probably did little to reassure: "Far be it from me to tell an experienced hand like you how to run your business" came the reply of George Young, Manager of Broadcast Regulations, "but I am sure that you would not want a program released over your station if the speaker was continually making references which offended a number of your listeners." In a paradox that we will examine below, this sensitivity to controversy was largely absent where American evangelicals were concerned. In the post-war decades, and with the advent of television, an increasing amount of commercially financed religious programs from south of the border were available to Canadian viewers over Canadian stations.
Chapter Six: The Corporation and the NRAC

In the last chapter we discussed how the Canadian regulatory regime worked to filter non-conformist expression while avoiding the ugliness associated with directly confronting it on its own terms. An uneven application of the regulations created an environment of uncertainty that produced a chill effect on what by 1945 was a system of eleven public and more than ninety commercial stations. Tendencies that conferred some degree of predictability simultaneously worked to defeat the principle of the CBC to “encourage the fair presentation of controversial questions.” It was predictable, for example, that the opinions of the Deputy Grand Master of the Orange lodge carried considerably more weight than those of his Catholic or Jewish counter-parts. Inasmuch as the regulator's declaration on controversy was qualified by the caveat that “certain subjects [were] … not necessarily suitable”, it was an unfortunate reality that this was more diligently pursued with regard to birth control information than with anti-Semitic propaganda.

In this chapter, we will look at how the CBC, both in its role as national broadcaster and as broadcast regulator, pursued a policy of making religion a function of the private system. Commercial religious broadcasting, such as was popular in the United States, was considered to be “sponsored opinion broadcast”, and the corporation determined to avoid such fare, irrespective of demand. The preference of the CBC was for anything oblique enough that it could be perceived as support for a national civic religion, a position similar to what the BBC had also developed. The CBC would limit its obligations to Canadian faith communities to providing free air time on its network to the mainline churches to share as they saw fit, and to this end, a council comprised of these churches was given this responsibility. With respect to this council, we will look at how the CBC allowed it to control access of religious groups to the public system, and at the void that resulted – one that the popularity of American religious television highlighted. Finally, we will look at the popularity in Canada of the immensely successful Bishop Sheen, an American Catholic whose blending of religion and politics was everything the
Canadian system was designed to counter, and yet whose program the CBC worked
diligently to obtain.

Before the advent of television in Canada, the position of the Corporation with regard to
providing religious programming was apparent. From the time that it began its national
network programming, the CBC had apportioned time on the Sunday broadcast schedule
for religious programs. The time allotment steadily increased in the 1930's and reached
a peak in 1945, thereafter experiencing a steady decline as measured against the other
program categories. The mainstay of the CBC was a program that was developed in
conjunction with the National Religious Advisory Council called “Church of the Air.”
Aside from these sustaining programs, the method of delivery to which it had become
completely committed by 1943, the expectation of the Corporation was that religious
programming was the domain of the private broadcasters. Because the CBC was the only
national network, in radio and in the early years of television, this generally meant
religious services provided by those churches that could purchase time on the local
commercial station. Here, time for the various denominations (“communions” was the
favoured word of the regulator) was usually divided by the local ministerial association,
to which most station owners would happily default. This involved the not insignificant
task of convincing the local pastor's committee that one's group was deserving of a share
in the round robin, each of which, of course, meant less broadcast time for those already
in the schedule. Along with cost, this represented a second hurdle for groups of dubious
affiliation.

In effect, the conservatism of the local committees, which were dominated and controlled
by the mainline denominations, served the CBC in much the same way as did the uneven
application of the regulations discussed in Chapter five. When one Mrs J. Whyard of
CFYK Yellowknife wrote to the CBC Manager for Alberta requesting advice on how to
deal with multiple requests for time from religious groups, his response was revealing.
As Dan Cameron explained in a letter to George Young, then the Stations Relations
Manager in Toronto:
I feel what they should do up there is one of two things, - (1) their Broadcasting Committee should sit down and draw up a policy statement for broadcasts such as religious programs, advise all concerned of their policy, and then proceed to implement it. (2) set up a committee of the clergy as a religious broadcasting committee for CFYK. This committee could then draw up a policy statement in consultation with CFYK Broadcasting Committee and a joint operation would then put this policy in effect. That Cameron’s counsel was based on his own experience he confirmed at the close of his letter. “We have had requests from quite a number of small religious groups who are often quite vocal. I simply refer them to our committee, and from there on I never hear from them again.”

Cameron could not have more adequately demonstrated just how efficacious such a system could be at quelling the voice of dissent, and in discussing this with George Young he had a sympathetic audience. Two months later, as Manager of Broadcast Regulations, a letter from Young to a complaint from Toronto of unequal access reveals the same use of the ministerial association to filter requests. Young’s reply was that “Many private stations allot time to the local Ministerial Association for religious broadcasts, and it is up to this Association to decide who will be heard on these programs.” In plain terms, there was “nothing in the Regulations which says that certain amounts of time must be made available for various types of broadcasts.” CBC Chairman Davidson Dunton gave essentially the same reply to those whose grievances reached his desk. In reference to the situation that existed in Calgary, where religious fare on the three private stations was controlled by a handful of mainline churches, Reverend Frank Morley reported to Dunton on what he saw as a denial of freedom of speech. “In the United States a certain amount of community service is demanded of radio stations.” wrote Morley: “I take it no such provision exists in Canadian radio. I would like to know about this. However, I want to be clear that we have not asked for anything to be given to us. We have offered to pay for any time and we have been definitely refused.” To this Dunton could only respond much as had George Young: to wit, that “There is nothing in the regulations to make a station broadcast from any church.”
The alternative to the private station remained the CBC reserve time. Here, the barrier was not the local ecumene but the voluntary regional advisory councils that reported to the National Religious Advisory Council (also voluntary) that in turn reported to the Corporation. Here, another “round robin” was structured to include the main Canadian churches by national membership statistics. Because it was computed on a national basis, this avenue offered either little or no access to local non-conforming faith groups. Administered by Canada’s largest denominations through the NRAC, the public network’s program reserve was a system of privilege as protected and scrutinised as those other reserves that had so preoccupied the Church of England the century before. Affirming the parallel, the broadcast reserve was initiated by the state for the resolution of some practical problems, but came to be perceived as much more than that to the churches involved, which exaggerated their role and proved less flexible than the regulator to regulatory innovation.

Another aspect of the sustaining time programming was its mainline Protestant bias. When in 1938 the CBC provided a half-hour period on its Sunday schedule to the NRAC to fill, (the above-mentioned “Church of the Air”) it instituted the following two criteria:

1. that these periods be used for reconciliation and the stressing of the Christian truths on which all Christians agree, rather than transitory differences of creed or doctrine.

2. that these periods consist of an address of approximately fifteen minutes in length, the remaining fifteen minutes being music, prayers and scripture reading.
Because the membership the NRAC was predominantly mainline Protestant, the Roman Catholic Church was continually in contravention of the requisite agreement. Predisposed to a Protestant interpretation of the Christian faith, the NRAC found it necessary to correct the Catholic representatives for not "keeping within bounds in the matter of doctrinal teaching...not agreed upon by the different bodies." The Council found it incumbent upon itself to report such intransigence to the regulator. In a meeting at which the Catholic representatives were absent, the NRAC passed a motion that the CBC clarify its position with regard to the Catholic broadcasts, chairman Canon J.E. Ward complaining that "Their broadcasts have been, in the main, doctrinal and often pointedly so."

The continual filtering of opinion such as described above was probably linked with the consequential dearth of quality religious programming in Canada. In the post-war era, Canadian religious programming was beginning to reveal itself as the lacklustre product of an under-capitalised enterprise. The CBC was aware of the problem, as were the private stations, which began to balk at selling broadcast time for the standard fare whose format was the same in the 1950's as it had been in the 1920's. The advent of television, for which production costs were twenty times more than that for radio, only served to make this more apparent. As this novel form of broadcasting increasingly took from radio its position as the primary source of information and entertainment, increasingly as well the popular sponsored religious broadcasts of the day were only available to Canadians over programs originating in the United States. Any potential revenue that a religious broadcast licensee could have funnelled into production for the domestic market was thereby lost.

The NRAC
The paradox associated with the committee formed to advise on religious broadcasting was that it became more effective at censoring religious expression than the state broadcaster. Holding tight to their position of authority between public and polis, the NRAC proved more conservative than the state in upholding the purity of the public square, belying the fact that it was created simply for the prosaic task of dividing one
CBC program among contending denominations. This was something that the council was prone to forget, and the CBC itself would need reminding. As mentioned in the previous chapter, the formation of a Religious Advisory Committee occurred in 1938, its raison d'être being, in the words attributed to Gladstone Murray, "to introduce some order into the broadcasting of religion... somewhat in the manner of the British Broadcasting Corporation". The original Council included representatives from The United, Anglican and Roman Catholic churches, which groups together decided to invite the Presbyterian and Baptist churches to join. In an internal evaluation of the NRAC ten years after its creation, the nature of its mandate was confirmed in the perfunctory statement that the Council was established "for the specific purpose of choosing speakers for our two one-half periods each Sunday on the Trans-Canada network and for directing "Morning Devotions" periods from various CBC centres."

The limited terms of operation of the NRAC were the same as those that obtained in Britain, whose religious advisory council was the model for the Canadian body. An adjunct to the BBC, a "Sunday Committee" was established by BBC director John Reith in 1923 for the purposes of dividing broadcast time between various speakers. The Sunday Committee - later the Central Religious Advisory Council - presided over regional committees that were attached to every BBC station (20 by 1927 alone), each of which was commonly chaired by the local Anglican Bishop. Though not officially charged with the task, very early in its tenure the Committee assumed the authority of establishing institutional and theological boundaries, excluding from the national broadcaster what it considered to be unorthodox variants of the Christian faith. British broadcasting historian Kenneth Wolfe describes the situation in these early years as one in which the vision of John Reith was that religious programming would speak with one voice. The founding director of the BBC, Reith singled out the Anglican Church, the Free Churches of the Free Church Federal Council, and the Church of Scotland as acceptable: after that, the Sunday Committee would set its own agenda on what or who could be broadcast, to a point. Reith was a very firm believer in the functional role of the Christian faith for uniting the British, and he made it clear that the purpose of the Sunday Committee was to make the faith relevant again to a nation whose religious confidence
had been shaken by the experience of the war. Consequently, the director had no qualms in keeping both spiritualists and Christian Scientists off the air on Sundays. The rule by which the Sunday Committee/CRAC was guided was simple, and not affected by the removal of the early ban on controversial programming: nothing that attacked the fundamentals of the Christian faith was to be allowed. As Wolfe points out: “this meant, in effect, that it was not to be discussed”.

The experience in Britain was repeated in Canada, where the religious advisory council assumed significant ownership in determining access. An early example of this was a special meeting held in September of 1938 in which the Council swayed the CBC Board from the American model of access that it had initially favoured. Before it established the NRAC, the CBC had decided to follow the pattern set by the National Broadcasting Corporation in the United States by dividing between Catholics and Protestants the time given to sustaining religious programming. The NRAC, however, convinced the Board of Governors that it should instead apply a system of proportional representation more in line with that followed by its British counterpart, and excluding the province of Quebec, where religious programs were already being broadcast on a public service basis before the NRAC was created. The system was different in degree from the BBC only by being a slightly more structured version of that model, and the effect was to give more access to the main Protestant denominations than would have occurred with the NBC model.

Mainstream control of the NRAC and its regional councils -- which, unlike in Britain, were only three in number -- was a fact of which the CBC was fully cognisant. When the programs supervisor of the CBC wrote to the General Manager about the “Morning Devotions” program that the Montreal advisory council was attempting to introduce to that city, he offered some insights into how this was manifest at the regional level.

“Morning Devotions”, the flagship religious radio program of the CBC in the 1940's, was carried on most of the network’s stations with the assistance of the regional advisory councils. In 1942 the National Council was contacted by a group of clerics in Montreal interested in the series, and NRAC Secretary Dr. Mutchmor was sent to assist in the
effort. Here he worked with a local “Laymen’s Committee” constitutive of Montreal’s larger churches, which had already been sponsoring a similar broadcast through a shared time arrangement over a private station. In the process, a letter from CBC religious programs supervisor C.R. Delafiel to General Manager Gladstone Murray gives an indication of how arrangements such as this one operated to the benefit of the more influential churches. “I discovered from Dr. Mutchmor something of the position existing in the organized churches in Montreal.”, Delafiel wrote to Murray:

As you are aware, the Laymen’s Committee represents eight of the most influential Montreal churches, two each from the main denominations, Anglican, United Church, Presbyterian, and Baptist. The Laymen’s Committee collects the funds for the Sunday broadcasts, the bill is sent to the individual church, who in turn send the money to the Laymen’s Committee, who in turn pass on the money to our station and at the same time send back a cheque for an equal mount to the church who has paid the bill. They seem very particular about conducting their business in this fashion. Dr. Mutchmor says that there is a definite split in the United Church in Montreal, which may to some extent represent the Protestant Church situation generally. There are, on the one hand, the rich and influential churches, and on the other hand the majority of churches who represent the poorer classes. There is no strong middle-class church which serves to bridge the gap.... Dr. Mutchmor is very anxious to keep in touch with the situation, although he realizes that nothing much can be done to assist us in easing the situation as it relates to the apparent monopoly of the wealthy Protestant churches over Sunday services until some months have passed.

A limited role

The NRAC and the CBC enjoyed a certain level of mutual respect in the first two decades of their relationship. Even then, however, they were at odds as to the extent of what a public service commitment meant in terms of the provision of religious programming. By its own admission, Canada’s public broadcaster desired a limited role in the provision of conventional religious programming. In 1962, when the CBC radio station in Montreal (CBM) discontinued the broadcast of Sunday morning services that they had carried for almost thirty years, the Protestant churches involved were incensed. Although representatives of 102 churches met to pass a resolution in protest, the program manager of CBM was unrepentant: “We run a national network service” he said, “not a community service. The only reason we ever ran church services on Sunday mornings was because none of the private stations did. It is their job to do this and now some of
them are doing it."¹⁸ The statement was unusually blunt, but completely consistent with policy. Notwithstanding the disincentives created by regulatory unpredictability, the reply of the CBC to complaints of inadequate religious programming over its service was that it was encouraging private stations to be active in just this area.¹⁹

The position with respect to religious broadcasting was an aspect of how the state perceived the overall role of the Corporation. As the 1946 parliamentary committee confirmed, “A national broadcasting system is for one purpose and community stations are for another ... it is in the public interest that the distinction of purpose between the two should be stated”. Where the CBC was created for network broadcasting and nationwide coverage, “Service to community areas is the function of the private system.”²⁰

Understandably, the NRAC was less convinced that the Corporation should pursue a limited role, and this clash in expectation with the Corporation created a conflict that ended with the Council corrected for overstepping its boundary. The clash came in 1943, with the practical application by the CBC of its policy of limiting religion on the national network to sustaining programs. In the year before, the main Sunday morning network program on CBL was placed on “the free list”, the term by which the CBC described the programs that were not required to pay for their air time, and by 1943 no further commercial religious programming was allowed.²¹ The issue this entailed for the NRAC was that it was done with the understanding on the part of the CBC that the provision of a free service on national programs was to serve as an alternative to what had heretofore been available on local religious programming. This premise of an exchange was definitively rejected by the chair of the NRAC. To the GM’s statement that “the granting of free ... religious programs might provide a substitution for the religious services heard locally over CBC stations”, the NRAC’s Canon Ward responded that: “At no time had such a statement ever been made before either to the council or to myself nor have we any reason to believe that this was in the mind of those who laid out the general plan for our religious work.”²²
Shortly after this exchange, the frustration of the chair became personal when the CBC cancelled “Midweek Meditations”, a program that Ward himself had created. This perceived insult, along with grievances over the lack of advance planning and publicity for another network program, became the subject of a meeting of the Council at which the Corporation was soundly criticised. The CBC, however, treated the event as an opportunity to reflect on its relationship with the NRAC. “It seems appropriate to use this issue to our best advantage” wrote the Supervisor of Religious Broadcasts to the Programmes Supervisor, “and clarify our position about the Council.”

To C.R. Delafield, the problems were partly those of ego: “Ward looks to the field of our religious broadcast structure and feels that his years of broadcasting, writing plays for radio, producing “Midweek Meditations”, writing Bible dramas, telling producers and choirs what to do – that all this makes him more valuable in this field than anyone in CBC.” To this he added the observation that “our own lack of clear cut policy has materially aggravated the situation.” The Religious Programmes supervisor advised that it was time to “start afresh” by revisiting the original purpose of the Council. “I say this” he explained “because I think the Council’s place is that of assisting in policy, not being the tail that wags the dog.”

A bigger problem – and which Delafield did not convey – was that the CBC did not want to wag, or at least had difficulty articulating which way to wag – its metaphoric tail. The crux of the Corporation’s position, and what precipitated the spat with the NRAC (the first of two major confrontations that both ended with the re-education of the Council) was the CBC’s preference for guiding and regulating over originating and producing religious programming. Content to provide some sustaining time for the main denominations, the state broadcaster was not committed to being the provider of this service. This was for the private stations – however unrealistic or uneven this arrangement proved to be. In short, as the nation’s broadcaster, the CBC had bigger matters to attend to. To them fell the duty of providing the “national” religion, the wider spiritual reality apart from, and above, the doctrinaire confession of creed or denomination.
This general search for truth that would increasingly animate the state broadcaster was at base the search for a civil religion for a society increasingly secular in habits. It was a fairly radical path to tread, and one that conformed with that which the BBC was following at the time. For the BBC, which under Reith had brooked no compromise on the monopoly of orthodox Christianity, the departure from past practice was indeed significant, and it was one that the officers of the Canadian Corporation were watching with interest. The first post-war statement on religious broadcasting and controversy from the Governors of the British state broadcaster was brought to the attention of the CBC by the BBC's Canadian representative in Britain, Michael Barkway. Barkway distributed copies of what amounted to a religious broadcast policy manifesto to the CBC Chair, the General Managers in Ottawa and in Montreal, the Director-General of Programmes, and the Supervisor of Talks and Public Affairs: in sum, all but the supervisor of religious programmes received a copy of the declaration, which read as follows:

It is the view of the BBC that broadcasting has a responsibility to do what it can to meet the needs of the millions of people who are today hungering after information in spiritual issues. The Corporation's highest duty in this, as in other fields, is towards the search for truth. The Governors recognise that this must involve the broadcasting of conflicting views; but they are of the opinion that affirmations of widely differing beliefs and of unbelief can be made constructively, and discussions conducted on such a plane that the controversy, which is bound to be an incidental to the primary purpose, shall not wound reasonable people or transgress the bounds of courtesy and good taste. The BBC will exercise its editorial responsibility to this end. Such a broadening of policy will be gradual and experimental. It must move within the climate of public opinion. But the BBC seeks the freest possible expression of serious and responsible thought. All broadcasting in the field of religion, philosophy, and ethics must be imbued with a deep seriousness and high purpose, and truth must be sought in such a manner that it will be prized and respected wherever it is found.25 Barkway concluded his letter informing the CBC echelon that, in accordance with this new decision, the Talks Division of the BBC was producing a series entitled "Affirmations". Anticipating the types of programs that the CBC would be producing within the decade, he described this as "a statement of various fundamental beliefs in the realm of philosophy and religion."26
What made the BBC model attractive to a CBC dissociating itself from the conventional theology of the mainstream churches in this period is an interesting question. The easy answer is that the Corporation desired to be as unbiased as possible in anything that could be construed as controversial. Ironically, the BBC shift in direction, as articulated in the above statement, was integrally linked to its new commitment to open the national broadcaster to controversy. The shift in direction there meant that received religious notions were now open for discussion, with the commitment to conventional religious programming retained in tandem with a vision for programming of an exploratory nature.27

Unlike the BBC, which operated as a monopoly, the CBC had never accepted the full burden of providing religious programming, which it had been able to leave to the vagaries and caprices of the private sector. In a very real sense, the Corporation had been able to assume a purist attitude— it would reflect the main spiritual currents, but was in no way beholden to any one of them. This was confirmed in 1944 when the principle was laid down, “conforming to growing practice— that no commercial commitments for any religious broadcasting would be entered into by the CBC.”28 From the Corporation’s perspective, this was as gospel as the broadcasting they were avoiding. “This principle is inviolable” was the wording of the 1947 report on CBC religious programming. “Time and time again the CBC has turned down religious commercials offered from Canada and the United States.” More than that, “eternal vigilance” was necessary to prevent programs creeping in “under the hedge of CBC regulations.”29

What the CBC position implied was that, unlike organised sports or organised news services, it perceived organised religion as being an inherently local, embarrassingly one-sided affair. An underdeveloped public service mentality was the result. Ignoring that it was Canadian regulations that kept religion in the safety of the mainstream straitjacket, the 1947 report, in its historical sketch of the CBC’s religious programming, revealed how the state broadcaster perceived religion as something that was not future oriented, not conducive to mass appeal, and certainly not part of their vision:
Oddly enough running contemporaneously with the CBC view that religious broadcasting was a public service, was a cross current waxing stronger all the time. Public opinion during CBC life had veered sharply on the matter of proper Sunday evening fare. Where was the church service that could vie with Charley McCarthey and his ilk? And not only with adolescent ears. It is a well-known fact that in some Canadian districts the man of the house insisted that the mechanics of housekeeping must bow down before radio programming. If the last meal of the day could not be finished before his special comedian came on, then it could wait for half an hour. The Corporation had been “influenced by the spirit of the times,” and the answer was to attempt programming that presented religion in an informational style rather than on its own merits. The approach was subtle, and as in Britain it would come through experiment and at a pace that more or less conformed to the declining church attendance of the post-war decades. And it was not, as stated in the report of 1947, inviolable: popular demand for dynamic broadcast evangelists – the appeal of which seemed to contradict any simple reading of the “spirit of the times” – could unexpectedly intrude and muddy CBC policy, making vigilance irrelevant. This, as we shall see, is what occurred when the hugely popular Bishop Sheen exploded across North America by way of the small screen.

Civil Religion

What were the expectations under which the CBC operated? To understand how religion fit into its programming vision, we have to look at the nature of the direction that it received from the state. Looking at these directives, it is plain that the type of religious broadcasting that most excited the public broadcaster was that which served the interests of the state by appealing to the wider Canadian constituency. Thus Nation Building was a – perhaps the – significant component of the public religion that superseded the religion of the various publics on the national broadcaster. The point on which public broadcasting was predicated was the provision of a national service that would serve to engage national loyalties and promote national unity. The landmark 1957 Royal Commission on Broadcasting took pains to emphasise that this was the one theme that had been consistently stressed by every Royal Commission and Parliamentary Committee on broadcasting since 1929. “What is it the Canadian people want from their broadcasting system?” the Fowler Committee asked rhetorically. To reflect “the national
power and prestige of the whole public of the Dominion of Canada.”; to provide “…the maximum encouragement to Canadian talent.”; to give “expression to Canadian ideas and aspirations….The answer for thirty years, and without exception, has been the same.”

In the late 1940’s, on the cusp of the television age, this mantra had been affirmed in the largest and most comprehensive study of the nation’s cultural health that had ever been undertaken in Canada to that point. Chaired by the chancellor of the University of Toronto and the future Governor General Vincent Massey, and charged with the task of measuring Canada’s cultural assets and making recommendations for its future, the Royal Commission on National Development in the Arts, Letters and Sciences – dubbed the “Massey Commission” – included within its purview a thorough analysis of radio broadcasting and the nascent Canadian television industry. In fact, the timing of the Commission’s appointment was linked with the advent of television, and one of its primary tasks was to define a place for this new medium of communication. For Prime Minister Louis St. Laurent, the Massey commission represented a timeworn Canadian approach to questions of public policy, in this case one that bought his government some time to consider the expensive proposition of public television broadcasting. That it was also a timely investigation of the national culture is revealed in the amount of interest it generated, particularly the more than 1000 submissions from groups as far ranging in constitution as the Alberta Federation of Agriculture to the Innkeepers of Prince Edward Island to the Y.W.C.A.

The Royal Commission of 1949

The Massey Commission did much more than discuss the technical problems of the dual system of broadcasting or recommend solutions. It did that as well, but it also discussed and defended the philosophy behind public service broadcasting, and the unique service that it provided. Essentially, this was viewed as a matter of expecting more of the technology than that it serve the lowest common denominator in popular tastes. Edification of the populace was the alternative and more worthy task, and the commissioners saw that this role required some sensitivity as to pre-existing core values. This attitude was affirmed in the quotation from Saint Augustine’s The City of God,
which prefaced their report: “A nation is an association of reasonable beings united in a peaceful sharing of the things they cherish; therefore, to determine the quality of a nation, you must consider what those things are.”

In the spirit of Saint Augustine, the Commission devoted considerable attention to the question of what made a collection of people a nation. The answer they found the most convincing was that it was a common spiritual tradition. The Commissioners showed enormous respect for these “historic traditions”. As they stated in the preamble to their findings:

There have been in the past many attempts to appraise our physical resources. Our study, however, is concerned with human assets, with what might be called in a broad sense spiritual resources, which are less tangible but whose importance needs no emphasis. The introductory passage quoted above suggests two basic assumptions, which underlie our task. First, it clearly implies that there are important things in the life of a nation, which cannot be weighed or measured. These intangible elements are not only essential in themselves; they may serve to inspire a nation's devotion and to prompt a people's action. ... We have had examples of this truth in our own history. The vitality of life in French-speaking Canada and its effective coherence as a living community have come of a loyalty to unseen factors, above all of fidelity to an historic tradition. When the United Empire Loyalists came to British North America they were carried as communities through the years of danger and hardship by their faithful adherence to a common set of beliefs. Canada became a national entity because of certain habits of mind and convictions which its people shared and would not surrender. Our country was sustained through difficult times by the power of this spiritual legacy.

The corollary of this appreciation of a spiritual heritage was that it was the duty of the state to maintain this legacy through the general education / edification of its citizens, and to the end of maintaining that original unity. However, what made the Massey Commission unique was that the minds behind it understood that, as a redeeming principle, unity in itself was a rather empty notion. Perhaps in awareness of the fact that the same had been achieved by, indeed was a prerequisite of history’s most brutal regimes, they qualified the mantra to point out that unity was only a means to a much more important end. “But national unity and knowledge of our country are not the only ends to be served”, they stated. Rather, “These important purposes are also a means to that “peaceful sharing of things we cherish”, in St. Augustine’s phrase cited at the
beginning of this volume.” Then, in a defining statement of The Canadian Way of Life, a variation on that of its far more individualist neighbour, the commissioners explained how this would be achieved in broadcasting:

We are further concerned with radio broadcasting in that it can open to all Canadians new sources of delight in arts, letters, music and the drama. Through a fuller understanding and a heightened enjoyment of these things Canadians become better Canadians because their interests are broadened; they achieve greater unity because they enjoy in common more things, and worthier things. 37

Insofar as the eloquent statements of the Massey commissioners reflected the aspirations of the Canadian bureaucracy and its broadcasting policy, it is critical to take note of what was lost between the Augustinian directive to consider core values and the Massey directive to “open...new sources of delight”: specifically, an appreciation that one of the things that Canadians held in high regard was their faith and the freedom to express it without hindrance. If in the more than 1200 submissions that the Massey commissioners fielded this had not been obvious, then Saint Augustine’s message was merely wrap for yet another governmental commission whose faith in the god of nation obscured the same traditions to which it professed great respect.

And so it appeared, for in its summation of its evidence and its recommendations to the state and the state broadcaster, there was a manifest inability to think outside the box of nation. The report contained no vision for ensuring future traditions by protecting those of the past. Their preamble notwithstanding, little space was given over for a reconsideration of the broadcast system to encourage more consistent and stable regulation or to ensure the access to the air of non-conforming faith groups. The most detailed treatment of the day to day of religious broadcasting came in the duly noted complaints of three mainstream denominations, all of which, though generally satisfied with their position, tried to impress on the commissioners that more needed to be done to improve the quality of programming. The Canadian Catholic Conference had suggested “that greater attention be paid to the broadcasting of religious programmes at more suitable hours”; the United Church of Canada had encouraged the CBC on “some of its religious programs” while urging more be done, including a national network Sunday
evening service be broadcast, and the Church of England had submitted that "not sufficient attention has been paid to the specific techniques of religious broadcasting, and... too often it is assumed that the ordinary media of religious worship and instruction will be satisfactory for radio audiences." \(^{38}\)

In the final report card, the Commission commended the CBC for keeping its focus on that which was important. As they stated:

> Our special investigation appears to bear out... that the C.B.C. is in general performing its duty satisfactorily, sometimes even admirably, in providing appropriate and varied programmes; less admirably does it exercise its responsibilities of control. The national system, however, has constantly kept in view its three objectives for broadcasting in Canada: an adequate coverage of the entire population, opportunities for Canadian talent and for Canadian self-expression generally, and successful resistance to the absorption of Canada into the general cultural pattern of the United States. \(^{39}\)

This last was the bigger concern, and it is fair to state that it was this on which the success or failure of the state's efforts were ultimately measured.

*The private stations grow... and grieve*

If the CBC was dedicated to the provision of what we may term a Canadian civil religion, who would originate or produce, or even procure, religious programming? The obvious answer, to the Corporation, was that this was properly the responsibility of the commercial broadcasting system. The CBC was "not a community service." explained CBC radio manager Kenneth Withers some years later. "We run a national network service. The only reason we ever ran church services" he added candidly, "was because none of the private stations did." \(^{40}\) When Withers made these comments, thirteen years of dust had accumulated on the Massey report: Canadian television was a fixed reality, the dominance of radio a memory, and the approval of a private network was about to give the CBC its first truly national competition. However, there was a fundamental problem with this conception of responsibilities, as much in 1962 when Withers made his comments as in 1949 when Vincent Massey was reporting on the future of Canadian broadcasting. This was that while the CBC was engaged in worthier, "national" concerns, the private stations that were expected to supply the more common spirituality were
obsessed instead with their own insecurity, and were hampered by an inability to pursue an economy of scale conducive to original programming. The combination of the two was ruinous to domestic religious broadcasting, and would serve to invite the importation of American programming.

In terms of a lack of security, the commercial station owners identified this with the unqualified authority of the regulator. This was one of the primary grievances of the private stations, whose association consistently and vigorously lobbied for the creation of an independent regulator. Under the legislation governing the private stations there was no provision for appeal from the decisions of the Board of Governors of the C.B.C.\textsuperscript{41} The only relief for the private stations was indirect: "It is true that in some matters, the final decision rests with the Minister of Transport or with the Governor in Council, and that in general the C.B.C. must report to Parliament and answer for its acts to Special Committees when established." stated the Massey Report, "But with these exceptions, there is no right or procedure of appeal and the decisions of the Board of Governors are final." \textsuperscript{42}

The position of the Canadian Association of Broadcasters, which represented more than ninety percent of Canada's private stations (the CAB preferred the term "community") was based upon a fundamentally different interpretation of the system than that by which it had been conceived. In the 1920's a consensus had emerged that only a public broadcasting system could meet national needs, and the CRBC was created under an assumption that, with the decision for a public system made, the days of the commercial stations would be numbered. The private stations had never conceded to the idea of their demise, and their association continually emphasised the fact of their prior existence and rejected the notion of a single national system. In fact, the original vision was already compromised in the 1932 Broadcasting Act, wherein regulations for the licensing and control of private stations implied a future for them within the public system.

Over time the supremacy of the public broadcaster became no more than an agreed upon fiction. The public corporation had never come close in terms of revenue or resources to
the private stations that it regulated, and the gap grew wider over time, with the growth of
the private system after the war being particularly significant. Between 1946 and 1948,
the total revenues of the private stations—which grew in number from 88 to 109 in that
period—grew from under ten to over 14 million dollars. Their assets in 1948 were
calculated at 27 million dollars—three times that of the public corporation.\footnote{45}

To the CAB, the CBC was a competitor in a mixed system, where the rules of
competition were inherently unfair. The primary example of this was the statutory power
reserved to the government through the CBC to use or to expropriate any station as it
required. When it did this twice in 1946 in an effort to complete its string of high-
powered stations, the insecurity of the private broadcasters became tangible.\footnote{44} The CAB
made frequent representations to Parliamentary committees throughout the 1940's and
1950's on the "urgent problem" that "Any 'Government-of-the-day' can exercise
arbitrary power over the operations of all radio stations in Canada."\footnote{45} From their
perspective of broadcasting as an industry, the system was one of "subsidized
competition' with power of control and regulation in the hands of one of the
competitors."\footnote{46} As the CAB submitted in their presentation to the Commons Committee
of 1947, "In addition to competition for advertising revenue, which is the only source of
revenue, life blood of independent radio stations, the Government's CBC and the
independent stations compete for audiences."\footnote{47} The response to the complaint was
unvarying. As it was stated in the report of the Massey Commission: "that they enjoy
any vested right to engage in broadcasting as an industry, or that they have any status
except as part of the national broadcasting system, is... inadmissible."\footnote{48}

For our purposes, the insecurity of the private stations affected both their ability and their
willingness to originate the type of religious programming that the CBC was not inspired
to produce. Barred from forming networks with which to gain in economy what was lost
in autonomy, the commercial stations complained of constraints on their ability to
produce a product "free from interference or even the threat of interference, while subject
to necessary regulation."\footnote{49} Indeed a consistent demand was for the "firm establishment
of the LEGAL RIGHT to freedom of expression" similar to that guaranteed in print media, and denied under Canadian statute.

Freedom of expression notwithstanding, the CAB arguments were self-serving, and were deliberately ignored the implications of the counter-argument that the airwaves were a limited public resource, but the point of the relative health of the system was well made. Under the Canadian regulatory system, the division of audience and the competition for popular taste too often meant that in practice the public and private broadcaster were vying to supply the popular American programming that would increase their market appeal and elicit commercial sponsorship. This was the complaint of the Fowler Committee of 1957, which documented this trend both in radio and television broadcasting even as it recommended a separate agency be created to regulate both parts of the system.

Whither the public?
If the Canadian state put boundaries around the role of the public corporation, and if community needs were to be the purview of the local broadcasters, what room remained for the public to engage in a creative expression of non secular subject matter? The answer is the same as for the more general question of what room there was for creativity at all. The conflict between the CAB and the CBC represented nothing more nor less than a jockeying for control over a segment of the public square filled with the clamouring either of the religion of nationhood or commerce, and religious broadcasters were not the only voice stilled in this conflict. Perhaps no one segment of the Canadian body politic understood this better than the province of Quebec, which came through the propaganda years of World War Two with a renewed commitment to assert provincial control. It was also appreciated by those with a very different ideological bent on the other side of the country. In both cases, innovation was denied in favour of maintaining a system that had come to rely heavily on American programming.

The "regions": Quebec and the west
No group is better equipped to spot the agenda of a civil religion than those against whom it is directed, and from this perspective it was no surprise that the Québécois would consistently be the most persistent in confronting the lofty aims by which the CBC was guided. In 1930 resistance came in the form of a court battle over jurisdiction – which as we have seen resulted in a narrow victory for the federal government. At that time, the clashing nationalisms had been vivid in the vexation of the Canadian Radio League, which was unseated by the resistance and responded, not with understanding but with a winner-take-all attitude. In what would become a permanent effort, the attempt to claim jurisdiction was resurrected in 1945, when the long-serving administration of Maurice Duplessis initiated a provincial broadcaster to counterbalance what it viewed as the cultural imperialism of Radio-Canada. Though conceived by the governing *Union Nationale*, approval crossed partisan boundaries and the bill was passed in April.

Possibly because of the enormous expense involved in actually establishing the radio bureau (the *Union Nationale* estimated five million dollars, the opposition Liberals ten million) the act sat on the statute books until 1968, shortly before Quebec established its own Department of Communications to mirror that of Ottawa. In opposition to the attempts by Quebec, and later two other provinces, Ottawa remained resolute in its refusal to consider issuing broadcast licenses to another level of government. The policy would not be changed until Quebec gained the right to operate an educational broadcast license in 1974.

Another source of creative experiment with a conception of the public came out of western Canada. Discontented with the public service model of the federal government, a consortium of agricultural and political groups in Alberta sought to implement the co-operative model of ownership in the field of broadcasting. Their plan was to purchase a local station whose wavelength was being considered for expropriation by the CBC. Rather than public broadcasting, the group would then implement and operate a broadcasting service as a co-operative venture. In this case, the details of the proposal specified a wide ownership of between ten to fifteen thousand shareholders, represented by 50 regional delegates who in turn would elect a governing board. To present their case in their arguments before a Special Committee on Broadcasting in 1946, the
representatives of the consortium focused on the gap between the public and the public corporation:

We would have public ownership of radio, which, remote as we are from the seat of authority in Ottawa, is a vastly different thing from government ownership of any project. ... We are coming to a time when the radio in Alberta is going to belong to two people. Radio is going to belong to corporate-owned newspapers, probably chain-owned; and as they become chain-owned, they become less capable of resisting major advertising pressure; and radio is going to be owned by the CBC whose function was never to serve our local needs. ... Freedom of speech is of no value to anybody if the opportunity to speak is not freely available. As Marc Raboy writes, ""This was the first attempt to create a nongovernmental “public” alternative to “national” broadcasting, but it was dismissed patronisingly by the CBC.""

Thus, even where the local community was served by a private station, as in this case, the government would not compromise on its control over the system for the types of innovation that would promote community control. Smaller communities would be served or underserved by their local station, as the case would be. Here was an example of resistance to the type of innovation that might have encouraged the production of local programming reflecting the local demographic -- whose appetite could not be easily "mainstreamed" in the sense of fitting into a nationalist agenda. The contours of this divide separating public and governmental expectations in broadcasting became further evident as the CBC and the NRAC were made to confront the popularity in Canada of some American religious programs.

As we noted briefly above, popular demand for broadcast evangelists was a North American phenomenon. Before the days of the televangelist, independent evangelicals such as Father Charles Coughlin, Aimee Semple McPherson and Charles Fuller had proven that the fundamentalist message had an appeal outside the geographic and demographic parameters of the American Bible belt. As has been pointed out in reference to the American experience, the simple message of the fundamentalist preacher fit well with the medium of radio -- much better, in fact, than the mainline denominational programs that were common to sustaining time programming in the United States and in Canada. This is not to suggest that these programs were accepted by everyone: in spite of popular demand, the large networks in the United States tended to avoid the controversial radio preacher in much the same way as did the CBC. Prior to the
Communications Act of 1934, and to dissuade the FCC from allocating entire frequencies to non-commercial uses, these broadcasters instead offered free time on their networks for non-commercial programming from the mainline churches. Agreements to this end were made with national bodies such as the Federal Council of Churches, the National Council of Churches, and later the U.S. Catholic Conference, the New York Board of Rabbis and the Southern Baptist Convention. However, because the FCC did not limit the spectrum to secular interests, was not preoccupied with the issue of controversy, and, most importantly, did not treat religion as prima facie controversial, there was always a vibrant production of -- and a ready market for -- the paid-time broadcasting of the independent evangelical such as those named above. With the advent of television, the continental appeal of such broadcasting became evident in a situation that revealed the conservatism of the NRAC, and the inherent problem with CBC policy on commercial commitments.

Bishop Sheen

In the story of the CBC’s attempts to procure a hugely successful American religious program, desired by and viewed by Canadians who would never have been able to produce it, we see the paradox of the Canadian solution to religious broadcasting. The energy expended in solving through creative invention and persistence that which its own regulations created is instructive. Having erected walls around domestic religious expression for the benefit of the nation, the state was forced to be firm in attempting to leap them for the benefit of the public.

Bishop Fulton Sheen was an intellectual who, despite his credentials, did not fit the establishment mould. A well known and respected instructor at a Catholic university in the 1920’s, he began his career in broadcasting when he was chosen by the U.S. Bishops to host a program on sustaining time that the National Broadcasting Corporation had made available. Though sponsored by the National Council of Catholic Men, his interdenominational appeal brought Sheen to the attention of the Admiral Corporation, which in 1952 purchased the rights to his program from Dumont Television, subsequently turning it into a national success by broadcasting it over the American Broadcasting
network. A half hour monologue delivered live before a studio audience, with nothing for relief save for a blackboard, the Sheen program somehow captured North Americans and made television's first experiment with a regular religious program a wildly successful venture for ABC, which by 1955 was broadcasting *Life is Worth Living* on more than 170 stations in the United States and paying their miracle priest $16 000 dollars per episode.\(^1\)

In contrast with some of his more charismatic colleagues, Bishop Sheen styled his program around an educational model. Though Sheen was unmistakably a Catholic, his talks, which have been characterised as a Christian humanism, and which covered wide ranging political and religious topics with Sheen’s characteristic humour, avoided doctrine and appealed to Protestants as well.\(^2\) For the CBC, to which Admiral eventually offered the program free of charge, the biggest controversy attending it was the commercial sponsorship under which it was delivered – sponsorship being, ironically, the very reason for the program’s non-controversial nature.

From its inception on the Dumont television network, the Sheen program had been popular among those who were the first to own television sets, in Canada as well as in the United States, and consequently many Canadians wrote to the CBC requesting the public corporation to carry the program.\(^3\) When in 1952 the offer was made by Admiral, the newly minted CBC Television producers became excited at the potential that was held before them, and in spite of the obvious fact that it would violate ostensibly “inviolable” policy, the question of whether to accept was referred to the NRAC. The advisory council had concerns significant enough that one and a half years lapsed without a recommendation one way or the other, until finally the chairman of the board of Governors attended a meeting of the council in March of 1953 to break the stalemate.

The main concern of the NRAC was with the commercial sponsorship of *Life is Worth Living*, which the Admiral Corporation had no intention of disguising for Canadian viewers. As the CBC was aware, several of the members of the Council had been directed by way of formal resolutions from their denominations to resist any compromise
in this area. Satisfied with their own access to the public network, the mainline churches saw no benefit in easing restrictions on commercially sponsored programs. Choosing stability over equity, the Religious Programs department of the CBC was inclined to agree. In perusing their options, the department offered a solid argument against a change in position that summarised the status of the non-established faith groups in Canada. As the assistant to the supervisor of religious programs reasoned, accepting the program “will be setting a precedent no matter what language we use to disguise it.” As he then added: “I should not like to have the responsibility of explaining to the Christian Scientists, Jehovah’s Witnesses, and Youth for Christ, why they might not also buy time. The only honest answer is that they are not big enough pressure groups to worry us sufficiently.”

Commercial sponsorship was a problem which Fergus Murtrie, the CBC’s first Director of television, had also discussed with his superiors. Murtrie was clearly taken with the quality of the Sheen program. “There is no question whatever in my mind”, he wrote, “but that this program if carried by the CBC would attract a tremendous audience, not only of those who are of the same religious faith as Bishop Sheen, but most other faiths as well.” However, he continued, “we have never, in the past, accepted religious broadcasts on a sponsored basis and this has proven to be a pretty acceptable and workable policy. Also, in practice, we have followed pretty much the advice of the NRAC in matters of this kind and if we were to carry this program we would be disregarding their advice which might get us into a good deal of trouble.” Another obstacle to which Murtrie was attentive was the matter of programming balance. The Director predicted problems in carrying Sheen without also providing “a balancing program from the Protestant side.” As he wrote: “I would carry the program in a minute if I could find something to balance it because I think the philosophy expressed in it is sound…but without the balancing program of which I speak I think we would please one section of our viewing audience and offend the other.”

In spite of these barriers, the CBC hierarchy persisted in its pursuit of Sheen’s successful program. From their perspective, the show was a timely provision for promising to fill, at
no direct cost to the Corporation, an obvious gap in the CBC Television service that had
become something of an embarrassment to the board. “I feel it is very important from a
policy point of view to start some religious television broadcasting as soon as possible.”

wrote A.D. Dunton to the General Manager in early 1953.  In spite of the “many
problems involved…we should realize this is an important part of the function of
television, [which would] also gain us important support which we could well use.”
reasoned the chairman. “I know the Toronto studios are fairly loaded up. At the same
time when we are able to put on a great deal of effort and studio time into other types of
programs, I think we should be able to allocate something to religion.” Approval aside,
the chairman’s ideas were unformed: the only examples of successful proposals he could
point to were two services that the CBC planned for broadcast during Easter.

This inactivity from the nation’s only television service was disturbing to the NRAC,
which was pressuring Dunton to take religion seriously. Their minimum expectation -
that the CBC would schedule at least one Sunday morning service a month – was no
nearer to reality in 1953 than it had been when the service began. In order to pacify the
Council, it was decided that John Dunlop, the supervisor of religious programs on CBC
radio, should meet with them to discuss means by which to fill this gap. The proposal that
he was authorised to offer was that the network produce a series of fifteen minute
“religious talks” by prominent individuals from Canada and, if necessary, the United
States. Although he thought it “well-advised to use all Canadians, or ex-Canadians”,
Dunlop also felt it wise to invite the best speakers available, and consequently had
already predicted exceptions to this rule such as Erwin Canham, Norman Vincent Peale,
and Bishop Fulton Sheen. As the proposal developed, the concern with nationality
became further compromised relative to quality. “I am not entirely in agreement that we
should use all Canadians” wrote the Program Organiser of CBC Television, adding: “I do
not think so far as this particular series is concerned we have to try to satisfy the
NRAC…the main criterion should be the speaker’s effectiveness.” Thus was the
undramatic beginning of religious broadcasting on Canadian television.
As the CBC programming staff attempted to develop some aspect of the nation's spiritual dimension on the new medium utilising American talent, efforts by the hierarchy to obtain a proven American program continued apace. To win over the NRAC, the CBC chairman proposed that a second category of imported religious programming be created, including sponsored broadcasts. To mediate the policy shift he assured the Council that only such programming as would meet with their approval would be allowed. The NRAC initially accepted the proposal, then reconsidered and reversed their position, deciding at a meeting in May of 1953 that it could not give assent to such a profound deviation in procedure. It was only through continual prodding from the CBC Chairman that the Council eventually was persuaded to assent to the Canadian broadcast of the Sheen program, and then only if the commercial sponsorship was removed – in other words, on the basis of a courtesy credit to the Admiral Corporation. Admiral's sponsorship would thereby be hidden, and the program would be presented as a sustaining one. It was a creative means to avoid setting precedent on sponsorship while circumventing, at least in principle, the CBC policy against purchasing religious programs. To some in the Religious Programs department, the projected solution, far from creative, was "a snare and a delusion" that "in no way affects the basic principle of removing religion from the auction block. In this case all that we have done is to move the auction block to the U.S.A." Commercially or no, the program was still commercially produced, they pointed out, and to the benefit of one Canadian denomination. The only way to make the television schedule fair would be to open it to other such productions, something that was clearly not an option, and "would cause apoplexy in the Commercial Department." Nevertheless, in 1954 Admiral accepted the above terms, and delivered dupe negatives to the CBC in order to allow for the editing of the ads that began and closed each segment of the program.

In trading popular demand with established policy, the broadcasting of Life is Worth Living created something of a mess for the CBC. Canadian television, which had been delayed primarily out of concern that it would begin on the right foot, was in its infancy compromised by this further saturation of a program schedule already inundated with American content. "...we are already heading to American content and this would be
another move in the same direction." the Director of television had warned in 1953 in reference to *Life is Worth Living*, adding that "We have gone in so heavily this year for American programs that the effect has been that we have simply moved American competition right into Toronto rather than having it at arm's length in Buffalo."  

Another consequence was to enmesh the regulator in a messy dispute over whether the Sheen program was primarily political or religious. According to the Admiral Corporation, *Life is Worth Living* was neither. Sensitive to the FCC obligations that came with opinion broadcasts, they insisted instead that it was an educational production. The distinction did not tax the energies of the broadcast regulator in its country of origin, but in a public broadcasting system that was impelled in principle to ensure balance, it became critical. Fergus Murtrie had recognised this during the negotiations for the program, of which the television Director had no doubt but that it was religious. "I know that the Dumont Network and the Admiral Corporation insist that this cannot be classed or should not be classed as a religious program," he wrote, adding "I cannot agree, and consequently I feel that we would have a good deal of trouble on our hands if we carry this program without a balancing program from the Protestant side."  

To the assistant Director of programs, the issue had been "largely academic", in that the N.R.A.C. considered it to be religious, and "the majority of the Council are pretty sure to object to any move which would take it out of the "religious" category."  

As the program aired in Canada, however, the CBC was met with complaints about the overly political tone of the program. Following the airing of a segment entitled "Peace", the Regional Program Director for British Columbia wrote to Murtrie informing him of "very unfavourable telephone calls stating that the program was not a religious broadcast but a political one." The B.C. Director and his staff subsequently screened the film, and determined that it was "a fairly straight political speech putting forth a rather unorthodox view about the United Nations." with "only a slight religious reference in the last sentence or two at the end of the telecast."  

The inevitable complaints about favouritism also appeared, now from Protestants upset with the fact that this "very clever propaganda for the Roman Church" should be carried on time apparently "donated by the CBC."
As the CBC began to monitor the program in response to such complaints, still more significant problems came to the fore—in particular the inherently commercial nature of many of the segments. Though the CBC was faithfully editing the opening and closing commercials, the programs themselves were striated with references to Admiral and appeals for donations, a clear violation of CBC regulations. When the Supervisor of Religious Programs screened the program, he and his staff—including Brian Freeland, who would later produce such CBC religious mainstays as *Hymnsing* and *Man Alive*—were shocked by the direct and lengthy appeal for funds with which Sheen ended his talks. “Apart from this”, wrote John Dunlop,

the print which was screened contains references to the Admiral Corporation of such a nature that Mr. Dunn considered it to be about the most effective commercial yet carried on television.

Bishop Sheen mentions that all his earnings go to charitable works. The Admiral Corporation pays him well, but every cent is given away. He then asserts that “you all know that the quality of Admiral products is good” and then with a bravura sweep of his cloak, declares that “Admiral is the only corporation helping the poor.” The whole sequence lasts about three minutes. In spite of the complaints, the overall response to Sheen in Canada was a positive one, as evident in the response to its termination following the decision of the Admiral Corporation to cancel its sponsorship of the program in 1959. Though the group that assumed control of the program would only make it available for a fee of $4000 dollars per segment—a sum that the Corporation found to be “completely beyond our budget”—letters and petitions poured in to the regional and central offices to resume its broadcast.

What the efforts to obtain Bishop Sheen’s program revealed was the paradox of religious expression in the Canadian regulatory regime. Sheen’s was a well-funded program that the Canadian system would not have produced, and the CBC felt the need to persist in its pursuit of the program precisely for this reason. As the Assistant Director of programs, Barry MacDonald, pointed out: “In a nutshell, sponsored opinion broadcasts are better done by private stations than by a publicly-owned system, but they are better done by a publicly-owned system than not done at all.” Within the wider policy framework that discouraged all but mainline sustaining religious programming, the Corporation recognised that to satisfy public demand it would have to pursue a “policy...for the
present circumstances...a positive one which recognizes our responsibility to encourage as free an exercise as possible of speech and opinion rather than a negative one which, for fear of the risks involved, effectively narrows the area of speech and opinion." Against its own purpose and the advice of its advisory council, the CBC bent the regulations that prevented the production of a Canadian equivalent to *Life is Worth Living* just enough to allow the public – and the public corporation – to benefit from its airing, in the process making a mockery of its own regulations.

The Bishop Sheen incident is relevant to the question with which this chapter began: namely, if the Canadian state put boundaries around the role of the public corporation in the provision of religious programming, what room remained for the public to engage in a creative expression of non secular subject matter? The answer here, as we have seen elsewhere, was discouraging. The Canadian broadcast regime was animated by a national vision, a loosely defined Canadianism that for all intents and purposes was the state religion. Within this civil religion, room existed only for those mainline denominations whose visions were wide enough to be congruent with that of the nation. This was the principal difference with the United States, where independent evangelicals who found themselves outside the sustaining-time system could negotiate a space for themselves in paid-time programming. This, and the refusal of the state to consider deviations from the national public model such as provincial or co-operative initiatives, resulted in the paradox where American commercial production was procured to fill the gap that Canadian broadcast policy had created.
Chapter Seven: CBC religion

In the previous chapter as well as in chapter five we examined how, in the decades of the 1940's and 1950's, the state broadcaster continued to support a context in which the tone of religious expression on the Canadian airwaves was synonymous with the broadest outlines of the culture of the day. We have seen how in the face of a diversity of perspectives, rather than encouraging controversy, the regulator attached itself to the contemporary Rawlsian "thin consensus"; in this case an increasingly secularised Christian humanism. Having established a religious advisory council similar to that in use by its counterpart in Britain, the CBC gave itself the means to be freed from direct involvement in the equitable allotment of sustaining time privileges while at the same time supporting the dominance of the mainline established churches on the public network. This was replicated in the commercial sector, where the regulator and the private station owners gladly defaulted to the ad hoc ministerial associations that also were imbalanced in favour of the established denominations. Insofar as we accept the theory of institutional invariance - that once in place it is the tendency of a regulatory regime to not vary in its behaviour - it is easy to appreciate that this pattern would persist in defiance of increasing religious pluralism.

We have also seen how insecurity about nation could affect a re-ordering of priorities such that the status quo would benefit. As Canada's political structure became threatened by events in the province of Quebec in the 1960's, national unity became a veritable idol whose worship by the state affected all of public life. Any domain entailing state involvement in the national culture was conscripted in the effort to guard national unity, and the Broadcasting Act of 1968 mandated the same of the broadcasting system.

One way to guard against the dangerous polarities of a bi-cultural reality is to create an agency empowered to encourage expression of the varieties of culture within the, and the more active role of the Canadian Radio and Television Commission in the 1970's can be understood in this light. Already freed ten years prior from its obligations as the state
broadcaster, the state broadcast regulator committed itself to a pursuit of diversity in both the public and private systems. However, the diversity of which the state and its agency made so much press in these years was incomplete in at least one important respect, for by virtue of its exclusion, religion – by any measure a core value in the mind-set of Canadians, whether new immigrant or first nation – continued to be treated more as a danger than as a benefit. Just as with the religious programming created by the Corporation in these years, such as the award-winning and non-sectarian series Man Alive, the activity of the regulator regarding belief systems was less a novel bravura than an aspect of the continual attempt to exclude its controversial elements – the problematic "thick" parts – by providing a safe substitute. The outward respect for diversity was hollowed by the continual denial of religious broadcast license applications, and, though officially encouraged, diversity was undermined in the pursuit of the new mantra of "balance". In sum, throughout these decades, it was culture that controlled religion rather than religion being enabled to call culture to account – one of its primary tasks in civil society.

American philosophers Richard Mouw and Sander Griffioen have described the above process by juxtaposing the agnosticism of John Rawls, the philosopher-prophet and liberal theorist of the late twentieth century, with the critique of his work by Richard Rorty. In describing the process by which society embraces a common conception of the good with which to join diverse views into a singular democratic project, an essential point that Rawls has contributed is that this unity depends on everyone 'coming to the table', as it were, without their respective doctrines. It is the essence of social contract theory that individuals will forego their differences and accept a common value for very different reasons – and an easy description to recognise, being the principle on which the public education system in North America is based, and by which the secular state operates. But as Mouw points out, the "overlapping consensus" that is celebrated by Rawls as the product of this deliberate and intentional denial of whatever "thick" beliefs interfere with societal unity, also implies the death – at least in a metaphorical sense – of those conceptions of the good that were left behind in the project. As Mouw puts it:
Not only is the said relation between the plurality of conceptions of the good and modern political society a contingent one; once the overlapping consensus is reached...there is little further use for those “thick” conceptions that made the thinning-out process necessary in the first place. Apparently Rawls would not count it as a loss if all thick conceptions would disappear – although, in fact, he does judge it “likely” that they will continue to thrive. Nor do they seem to gain strength for their survival from the concept of public justice to which they have leant their support.²

For Richard Rorty, it is self-evident that Rawls’ consensus suggests nothing less than the death of problematic philosophical views. And, he contends, such a position is analogous to one of the central tenets of the Enlightenment; namely, that “the adoption of democratic institutions will cause “superstitious” forms of religious belief gradually to die off.” To Mouw, the question of whether Rawls intentionally promotes such an attitude is an open one, but, based on his own experience as a philosopher in a secular academe, it is evident to him that such a theory makes it difficult to distinguish where agnosticism ends and scepticism takes over.

Along with the death of that which was incompatible with civil society anyway, and which Mouw does not mention, is the deification of the Rawlsian overlapping consensus, the new “thick”, to a point where competing views are not understood, or, worse still, are perceived as a barrier to civil society. In terms of our case study, this loss of respect, or this failure to value that which is seen as interfering with the liberal democratic project, is precisely the process that we see in the movement from the marginalisation of non-conformist religion to the trivialisation of religion per se in the decades of the 1960’s and 1970’s. In terms of programming, it was a process of making curious the concept of religious faith, and at times accomplished in the simple and literal feat of turning the camera lens, or microphone, from the pulpit to the audience. Increasingly, and paradoxically, nothing was sacred in that area of programming that continued to be categorised as religious – least of all received theological wisdom. The pursuit of an explanation for faith became imminently more exciting a pursuit than that for God, particularly the God of any one faith group, whose grip on the culture was increasingly tenuous anyway. As a general programming guideline for a secular society, this seemed to make perfect sense.
In terms of the practical and immediate effects, the process described above served to renew momentum in the cyclical pattern of the Canadian church breaking free from its position as an arm of the civil administration. In these decades we see the enervated Protestant mainline denominations beginning to come to a recognition of their dependent status in the state broadcasting structure, even as they were being eclipsed by the energies of the creative independent; the Christian evangelical or devout Muslim unused to recognition, and now encouraged to demand equal treatment. Where the Canadian faith communities separated was in their response to this awareness. On the one hand, the mainline denominations fought for some degree of control, and either despaired and gave up in the effort, or were satisfied with what was apportioned. On the other hand, the evangelical community in Western Canada chose to contend with the regulatory authority, setting up illegal repeater stations in order to force the hand of the state.

This chapter proceeds in two parts: the first, a discussion of the development of what became known as “CBC religion”, investigates the activities and the programming philosophy of the CBC with respect to religion from the creation in 1959 of the Religious Broadcasts Department until the years surrounding and immediately following its dismantling in 1971. This is followed by an account of the increasing dissatisfaction with the insubstantial nature of this programming on the part of Canadian Catholics, Jews, and eventually the Religious Advisory Council itself – first at the regional and later the national level. Chapter eight then offers a brief overview of the civil disobedience that brought the state broadcast authority into conflict with radical evangelicals.

"We run a national network service, not a community service."

When CBC radio program manager for Montreal, Kenneth Withers, told a Montreal Gazette reporter that the only reason the CBC “ever ran church services” was because the private stations were not doing it, he was offering in crude form the rationale by which the broadcaster was guided in determining what qualified as proper religious
programming for all Canadians, and the limits of its mandate in providing it. Withers, to whom we referred in the previous chapter, made his comments in reply to a protest by the Montreal Protestant churches over the CBC’s decision to discontinue its Sunday morning church service broadcast in that city. “It is [the private stations] job to do this and now some of them are doing it.” was Withers' rejoinder to a resolution from the Montreal Presbytery of the United Church that the program be reinstated. The CBC, now released from this burden, had no intention of complying. Indeed, from the formulaic “Church of the Air” on CBC radio, to the religious talks on early CBC Television, the Corporation was not inspired by the type of religious programming that it felt it had been compelled by circumstance to provide. In this context, initiatives on the part of private stations and the proliferation of American broadcasting in Canadian homes through cable and satellite delivery, as well as increasing secularisation, combined to release the CBC from this burden. Another contributing factor was the discharge of the national broadcaster from its role as regulator of the broadcast system – a change that came about in 1958 with the establishment, to the delight of the CAB, of a separate regulatory board.

A mark of the Corporation’s attitude toward organised religion was the relationship between the CBC and the NRAC, which went through a crisis in the late 1960’s after which the Council never recovered the authority that it had once commanded. Another was the establishment of a newly organised Religious Broadcasts Department in 1959. This occurred during a major re-organisation of the managerial structure of the Corporation in what was becoming an overly bureaucratic organisation with a dangerous division between management and production staff. One result of this was a strike in 1958 by the production staff of the French network. Lasting four months, it was resolved when the producers were acceded the right to organise, but the rifts within the organisation were wider than ever. Austin Weir has discussed how in the years from 1944, with the establishment of the Personnel and Administration Department, until the 1960’s, the Corporation became an increasingly closed organisation, where outsiders were regarded as intruders, seniority assumed an unhealthy importance and creativity was stifled. A Parliamentary Committee of 1959 cited major problems in administration, and it was this that the re-organisation was meant to address.
In terms of religious production, the crisis of the late 1950's saw a renewed commitment to change. The objectives of the Religious Department were framed in this context, and were later described as including the desire to coordinate the "more dynamic elements" of the CBC's religious programming "tradition" as well as to "rejuvenate the programs, to adapt them to the needs of those who sought new ways of expressing themselves, and to meet new requirements." This included the mandate to "present authentic human experiences, however humble and simple, that might promote spiritual and religious values."

Freed from the expectations that would be incumbent upon a public service where these were not being met through other means, the CBC was committed in 1959 to retreat from convention and create the type of programming that had a spirit of creativity and novelty that the Corporation believed had previously been absent. While there was an existing level of co-operation with the mainline churches that persisted for a time, the association with the NRAC and relationship with the Catholic hierarchy became increasingly problematic. This was because, over time, the energy that fuelled this creativity would increasingly be derived not from the nation's religious identity, but from a questioning of all religiously-based morality. For a national broadcaster with national concerns, it was inevitable that the pursuit of common ground between disparate viewpoints would be a primary concern, and the humanist blending of ideas that the state presented in fulfilment of its obligation to the spiritual needs of Canadians was increasingly gauged not in theological terms but in the measure that it reflected the basic values of the nation.

The problem for Canadians faith communities who viewed the state broadcaster as the paragon of national values was that this was not what they believed to be religious broadcasting at all. Although religion often remained the subject, the format had changed to an informational approach to the spiritual dimension that seemed to invite not faith but scepticism, not ministry but a rejection of the concept of a discoverable truth.
Charting a new course...Report on report on report...

The change in CBC religious programming toward a commentary format was not happenstance, but rather the result of deliberation in which a new vision was articulated for the new Department. From the numerous internal reviews that the Corporation undertook in the 1960’s and beyond, it was evident that the Corporation considered retrograde that which was identifiable as the product of a single denomination. Programming of this nature was considered parochial, and placed in the category of poorly produced, traditional format religious broadcasting. Not just a new cultural reality, but better technology, different production techniques and a more sophisticated audience demanded a product to match.

One such review was a thorough analysis of the Religious Programmes Department that took place in 1967. In this internal evaluation was documented the change in philosophy that had taken place, as well as the nature of the existing programming, the relationship of the advisory councils with the Corporation and suggestions for future policy. The report began by citing what it termed “a definite shift from describing religious broadcasting as an ancillary service to the traditional ministry of the churches.”

According to the report’s authors, the shift was now complete:

The preponderance of broadcast acts of worship and devotional periods present at the beginning of religious broadcasting no longer exists. In its place, with the advice and assistance of the churches, the emphasis is on programmes of dialogue, comment, conviction and exploration.

By way of clarification of the role of the NRAC, the Religious Department was confirmed as wholly responsible for both the choice and presentation of what it broadcast. Although the NRAC could be consulted, its essential role was that of a “formally constituted sounding board for programme development”, designed to provide “response from the religious community.” Nor was it the only one for the task. For the first time, the NRAC was described as being but one voice among many possible sources of feedback. These alternative sources were identified as the informal communication that took place between the CBC and the national departments of the churches in Canada,
and the dialogue that took place with international “scholars of repute”. Both sources were credited with “assist[ing] the Department in both focussing religious interests and anticipating shifts of emphases.”

In terms of identifying an overall departmental mandate, the authors of the review submitted that: “In substance, the Religious Programmes Department exists to present an alert, honest, responsible servicing of the varieties of religious experience, culture, commitment and ferment in Canada and beyond.” In this, they could happily report that the NRAC had fallen in step. “Membership in the Council changed and new ideas were brought forward so that today the majority of the members no longer favour services of worship but look to other forms of programming and programs of a more controversial nature.” As an aside, the biggest single problem with the NRAC was identified as its geographic bias, and the authors discussed the need for “a much broader representation on the Council, which is Toronto based for reasons of economy.” As well, the churches had been given notice. Though the report noted that several denominations had recently established offices of religious broadcasting, the contribution of these would be limited to ways in which they might support the CBC in areas of research and publicity, rather than policy. “It has been made clear to the churches”, the reviewers pointed out, “that the production of CBC programs is the responsibility of highly trained professional people who have an exact knowledge of what is possible within the budgetary limitations and the equipment available.”

The same themes that had been discussed in the departmental report of 1967 were repeated later that year in a ten page internal assessment of religious programming on the French network. Undertaken by Real Michaud, the report was made at the behest of E.S. Hallman, then in his eighth year as Vice President of CBC programming. The report gave a brief history of broadcasting in Quebec, and some commentary on the recent dramatic changes in the religious patterns in that society. Particularly trenchant was the position toward the Catholic Church, which was perceived as attempting to undermine the authority of the public broadcaster.
Michaud's review offered a succinct statement of the CBC's "prime objective" in religious broadcasting, which he said was "to inform and to reflect important religious events, trends of religious thought, [and] the development of the churches, and to do this all in a truly ecumenical spirit." As well, he continued: "Individuals and groups look to us for food for thought in religious matters and we should see to it that their preoccupation, their queries and the answers to these queries find expression in our programs. We must also afford the public opportunities of increasing and deepening their religious culture and knowledge." How this was to be done, however, was where differences of opinion became marked. From the CBC perspective, though the churches had an interest in religious matters on the network, they could not be allowed to assume a proprietary attitude. As to sharing policy decisions with the Church, the answer was a definite no. Thus under a heading entitled "CBC Policy", the report offered the following: "It is important that the religious authorities should clearly understand our policies in the field of religious broadcasting and they should be aware that the Corporation cannot surrender its authority in this area. We cannot allow outside organizations to meddle or interfere in an area as basic as policy." Michaud was quick to add that the desire on the part of the Church to meddle was understandable. "These programs deal with a field in which the religious authorities are particularly competent and in which they are directly concerned.", he opined, adding that "the authorities are aware that our programs can exert a considerable influence on the thinking, the conscience, and the religious life of their congregations." On this score, Michaud reported to Hallman, it was "understandable that the authorities wish to have closer relations with the Religious Broadcast Department." When Michaud was calculating the motivations of the Catholic religious authorities, he displayed the arrogance of the statist attitude toward the "field" in which they were "competent". The interest of the authorities, from his perspective, stemmed from a fear that the CBC would adversely influence parishioners with its spirit of ecumenism. The alternate possibility — a legitimate concern over misrepresentation by a public institution not competent in the area of religion — was not considered. Michaud evidently shared the
opinion of the authors of the earlier review of that year, that the CBC was populated with
"highly trained professional people". The view contradicted the opinion of the religious
programs supervisor Brian Freeland, who already in 1960 had reported on "the difficulty
of finding authors who are theologically literate and also competent craftsmen" in either
CBC radio or television. 18

CBC Religion

The term "CBC Religion" was coined by Brian Freeland, who for many years performed
the often frustrating task of serving as the religious programs supervisor for the public
corporation. In the years 1953 to 1984, Freeland, alternately "Supervisor", "Head" and
"Special Advisor" of Religious Programs, presided over an era that saw one
presupposition replaced by another, and produced programming to match. Freeland
presided over the creation – in 1959 – and survived the dismantling – in the early 1970's –
of the Religious Broadcasts Department. What Freeland meant in the use of his term
was, paradoxically, the type of programming that he had a significant role in creating:
spiritual commentary produced by staff with little or no appreciation of the material. But
it also meant much more. As a descriptive term, it had explanatory power that went
beyond Freeland's opprobrium of production staff or of a general non-committal
corporate attitude and into the question of a corporate agenda. The transition in CBC
religious programming that occurred in the 1960's and became complete in the following
decades was a process of selection of the thin elements of belief systems, the thematic
emphasis being a quasi-spiritual celebration of human-centred accomplishment, or of
loosely defined transcendent values. In this enterprise, the source of wisdom in spiritual
matters was no longer the priest or seminary professor, but those whose opinions were
untrained and more open to uncertainty. Belief became a question rather than an
accepted first principle on which to build, and the private views of the individual the
ultimate authority in moral problems. And as such, "CBC religion" earned its place as a
religion of its own.
An early example of an embarrassingly contrived effort in this new direction was a one-hour program on the 1959 television series *Explorations*. The production, which was entitled, simply, *Belief*, contained the essential elements of Freeland’s epithet. A series of interviews with leading Canadians such as author Robertson Davies, professor of psychiatry Dr. Victorin Voyer, and W.J. Bennett, vice-president of the Canadian British Aluminum Company, the program was deliberate in its avoidance of theological expertise. Rather than a cleric, the program was hosted by Dalhousie University philosopher George Grant, whose introductory explanation for the purpose of the program was that “listening carefully to other people – to what they think and believe – helps me to decide what I think to be true.” To this end, questions such as “What is the deepest and fullest concept of God that you have reached?” were put before the eight participants, and opinions were as varied as would be expected. Scripture was introduced as “things that belong traditionally to what Christ is supposed to have said,” authority residing not in manuscript evidence or theology, but in the panellist’s subjective insights. The last word in the program was given to the psychiatric expert, who when asked: “In the words of the theologians, would you think that the Kingdom of Heaven is going to be built in this world?”, summarised the discussion with an expression of faith in human progress:

I think we will reach near to it. ... I think the more they will discover, the more they will approach the real truth. At the turn of the century, there were three scientists I loved. I still love very much Marx, Einstein, and Freud. I love them very much. Although they were not, for me, concurring completely, in their discoveries, to God or faith. I think I have a sense of them, and I feel the spiritual life of those men, although they never preached it. The thing about Marx – how he moved the world with his theory of dynamics in economics, and Mr. Freud in medicine, and Mr. Einstein in physics... I think for we human beings, if we don’t destroy each other, and if there is enough love between us, we can go quite far, and near to the real truth, the absolute truth. And then that will be Heaven – no? I think we will join God here.

Voyer’s world-view reflected the contemporary secular hope in progress that was a marked feature of post-war society. His opinions, like those of the other participants, were valuable on the human interest level, and perhaps at other levels as well. But its value in terms of a contribution to a philosophical discourse aside, indeed the very value of a discussion on competing eschatological world-views notwithstanding, for a program
whose focal point was the subject of belief to conclude with praises to two of the most influential atheists of the modern era, was symptomatic of the paradox that was “CBC religion.” Not faith, but scepticism; not belief but its deconstruction; the CBC increasingly invited Canadians into the comfort of a brand of non-confrontational humanism where there were no right or wrong answers, and where all questions remained open. As Dr. Grant concluded – in the only way possible – “It gives one a sense of how perplexing it is to be alive – and how remarkable.”

_Belief_ was produced by the CBC Television Film Service and organised by a staff member from CBC Talks and Public Affairs. Though production staff moved freely between the various departments, this was not a production of the newly established Religious Broadcasts Department, and so its interest for our purposes is in pointing where the CBC was going. By contrast, the new department initially retained an active partnership with the NRAC, which was manifest in the recognition accorded to the Canadian religious heritage. Thus the series of that name that was produced in co-operation with the NRAC in 1959. _Heritage_, which was conceived as a program about the major Canadian denominations, was designed not to minister or to evangelise but to explain to Canadians their historical religious connection. CBC Information Services flagged the series as being “Fully Canadian in approach”, and drafted an internal report with clear instructions about what that meant and the manner in which the program was to be promoted. The instructions convey that Canada’s first public religious television program was conceived in a negative comparison to American programming. _Heritage_ was to “…centre dramas around church activity without becoming “propaganda vehicles” to the public eye.”:

Great pains have been made to make the series an intelligent and artistic approach to religion. This must be pointed up in publicity. …Care must be taken in publicity not to link the series with contemporary American religious programming, such as _This is the Life_. However big or small are the merits of American presentations, publicity must indicate that _Heritage_ has been created to improve the image of Christian Canadians.”
The involvement of the NRAC in *Heritage* was obvious from the objectives with which it was produced. Another distinguishing element of the advance publicity was the assumption that programming similar to the immensely popular *This is the Life* would be detrimental to the image of Canadian Christianity. Over the course of the following decade this image became less of a concern, as in the contest between the informational, quasi-spiritual content of “Belief” and the favourable treatment of Canadian Christianity of *Heritage*, the former became increasingly dominant.

As with *Heritage*, the target audience for innovative religious programming of the 1960’s and 1970’s was not the church member, but the average Canadian. Wherever he or she walked, the CBC would follow. On television, the most obvious example of this shift was the award-winning program *Man-Alive*. The program – in many ways one of the Corporation’s most creative and interesting, and which attracted at its zenith an audience of some 1.2 million viewers – was many things to many people, but it was no substitute for the programming that Canada’s faith communities were wanting. Conceived and originated by Brian Freeland, the series took its name and inspiration from the words of the early ecclesiastic, Saint Irenaeus: “Life in man is the glory of God; the life of man is the vision of God.”²² Ironically, Irenaeus was martyred in the year 202 AD for his uncompromising defence of the gospels against the inroads of Gnosticism, the above quotation being from his book “Against the Heresies”. As a patron saint for the Corporation’s new series, he was a poor choice indeed: though the intention of the program was that it investigate subjects that were, as Freeland put it, “central to the life of faith.”, the eclectic mish-mash that was *Man Alive* was essentially a celebration of the mystery of the human condition, with some religious overtones.²⁶ Nowhere was this more obvious than in the person of Roy Bonisteel, a long-time broadcaster who was the program’s host. Dogmatic in his anti-dogmatism, Bonisteel was extremely critical of the type of religious programming that he hoped his program had eclipsed. “We will have to change our entire approach” were his words in 1968: “Sunday morning services and devotional programs where you stick a microphone in the church is a waste of good broadcast time. A church service is for a captive audience, but a radio audience is not captive. And the problem is even more acute with the younger generation.”²⁷ The
biggest problem with broadcasting that relied on the church was its denominational character, which, because it alienated people of other faiths, was “a misuse of the medium.” Bonisteel was adamant in his view that all religious programming should be inter-denominational, by which he seemed to mean inter-faith.28

Though Bonisteel had experience with religious programming prior to Man Alive, his qualifications, and the vision which he brought to Man Alive, were those of a broadcaster. Not affiliated with any church himself, his view of what constituted a religious broadcast was sufficiently broad to include “any program that makes a person aware that he is responsible to his fellow man.”, a generous description that bespoke his personal worldview and the philosophy behind the program.29 In striving to provide a definition of what he thought religion was, Bonisteel averred that: “It is a faith in oneself, in one’s fellow man, a feeling that people generally want to do what is right, what is fair, what is honest, what is good.” Consequently, he stated, “I believe everyone has a religious dimension... that you can tap.”30

As an individual who stood outside of Canada’s faith communities with fixed opinions on how that community should be presented and represented, Bonisteel was the very essence of “CBC religion.” What Freeland had designed as a program addressing issues central to the life of faith in fact gave very little room to the celebration of faith, and by ridiculing the world-view of fundamentalist belief came to be regarded by that community in particular as the work of “pagan humanists”.31 What bothered them the most was that Man Alive had a tendency to treat religion as spectacle. “We try to show the church in action and to reflect the moral issues of the day.” reported Bonisteel in 1968, adding: “It is a public affairs show with a difference.”32 The difference, however, could be powerful. In one of its first programs – the coverage of a Billy Graham rally in Toronto – the footage taken was not of the speaker or his message, but of the audience, which to the producers was of infinitely greater interest. Problematising such expressions of faith gave to the program its derisive quality. Exemplary of this was the following
comment from one of those attending the crusade: “I have to catch the bus back to Hamilton.” he said, adding: “I won’t have time to get converted tonight.”

In the end, the producers of *Man Alive* achieved the opposite of what had been the goals of *Heritage* in terms of a sympathetic treatment of structured religion. For this Bonisteel was adamantly unrepentant, believing as he did that opposition to the message of *Man Alive* stemmed from a church dominated by clergy who were “not in tune” -- the most dangerous of situations in the age of mass media. In Bonisteel’s estimation, “The church must get used to the electronic media. If it doesn’t use it, it will die.”, he opined, a notion that belied the evidence offered by the American evangelical church, whose use of the media was often so ugly in its effectiveness that it contributed to its own demise. Contradictorily, the American religious broadcasting scene, where the onset of the era of the “electronic church” coincided with the beginning of *Man Alive*, was considered retrograde not for the unhealthy accoutrements that attended the appendage, but for its denominationalism. Religious broadcasting in the United States, said Bonisteel with characteristic scorn, was “still denominational”, whereas his work was the vanguard of “a real pioneering effort”. “We’re in direct contrast to the kind of broadcasting the evangelists subscribe to” he stated. “They want a clear-cut, simplified, ‘telling me what to do so I can accept God and carry him around in my hip pocket for the rest of time.’ We don’t do that. We challenge you. We put doubts in your mind, and we don’t give you pat answers.” In terms of a current affairs documentary, *Man Alive* was a first class effort that was guided by a distinct world-view. In terms of servicing the needs of the religious community, it was a disaster.

Throughout its duration, *Man Alive* was the most visible, as well as the only prime-time religious program on CBC television. It was also by far the most creative. Though Brian Freeland also produced other television programs, these tended to appeal to a niche audience of elderly Canadians. The programs *Hymn Sing* and *Meeting Place*, both produced in the early 1970’s, were designed by Freeland with one question in mind: “What do religious people normally do?” The best answer Freeland could find was that
they liked to worship – hence *Meeting Place* – and to “sing a lot” – hence *Hymn Sing*. Attractive for being low budget and easily produced, in terms of creativity they were at the opposite end of the spectrum from *Man Alive*. *Hymn Sing* was a production from the CBC Winnipeg studios that consisted of a weekly half hour of choral music by a sixteen member choir. Because of its Sunday afternoon placement, it was continually moved about to accommodate the programming of sports programming, but its audience remained sufficient that it became one of the corporation’s longest running programs.\(^3\)

A final point that can be made in reference to *Man Alive* was that it represented an untenable extension of the lesson in ecumenism that had been the unanticipated reward of religious radio broadcasting. As Freeland points out, when religious broadcasting in Canada began, it fostered a spirit of ecumenism hitherto unattainable. In his example, radio meant that the “rural Saskatchewan household could tune into a service they would never dare attend.”\(^4\) As such, the radio program *Church of the Air* enriched the religious landscape in its day. By contrast, *Man Alive* was built on a premise that denominational programming was inherently bad, a “misuse of the medium”, and that the starting point was programming that proceeded, in essence, without an agreed-upon starting point.\(^5\) Rather than enrichment through exposure to the varieties of different theological accents that together constituted the Canadian faith community, this model was based upon a different set of assumptions altogether.\(^6\) And it was not, as Bonisteel evidently believed, unique to Canada’s public system. As George Marsden points out in his analysis of the PBS series *Human Quest*, the underlying message common to such ostensibly “religious” programming is that traditional religion is passé: “Strictly speaking this common point of view is not anti-religious. It may grant room for the spiritual or for “God,” but these are treated as human creations, ultimately explained in naturalistic terms. From a traditional religious perspective, such an outlook might be seen as an alternative theology – one in which humans are at the center.”\(^7\)

However much an alternative theology, *Man Alive* was closer to its roots than that which was available on CBC Radio in the same period. “There just isn’t any” said the former
director of CBC Radio, Harry Boyle shortly after retiring as chair of the CRTC. Boyle was hardly exaggerating. One of the most articulate indictments of the failures of CBC Radio to keep abreast of the religious life of the nation came from Dan Mothersill, a reporter for the Press Review. In an article published in the late 1970's, Mothersill wrote that: "There is nothing on either AM or FM bands that even remotely pretends to examine the religious dimension of life: it's as if the Corporation decided that religion no longer had enough appeal to be considered worth the investment of time and talent." The one apparent exception was a program entitled Concern, which, like its equivalent on television, had begun with the intention of exploring the spiritual dimension in Canadian society. Concern, as Toronto Star entertainment reporter put it, eventually fell victim to a bigger malaise: "In its drive for ratings, CBC Radio seems to ignore several worthwhile programming areas. One is religion. Its once valuable religion-themed series Concern has grown flabby and runs off course." Mothersill concurred:

It's true that at one time Concern was the flagship for religious programming on CBC Radio.... But God has been dropped from the program, replaced with a gabbag of documentary-style shows dealing with such diverse subjects as the joy of jogging to the delights of eating, which was the program's Christmas "special".... Easter fared no better, with an hour devoted to the subject of illegitimacy. (Happy Easter?) The real indicator of "how far Concern has strayed", according to the Star reporter, was a recent program on the topic of the single life, one which had focused "exclusively on matrimonial agencies."

Still, one could reasonably have expected to hear from Church people who have expertise in this area discussing why such agencies exist and what, if any thing, the Churches should do. But, of course, there was no such input. The program – to give you some idea of its spiritual dimensions – began and ended with advice from a singles "pro" to those who wanted to make it: Don't look like you want to get laid.

Mothersill pointed to a recent document produced by CBC president Albert W. Johnson by way of explanation for the strange condition obtaining in public radio. Johnson, who had become the sixth CBC president when he succeeded Laurent Picard in 1975, was a visionary whose goal was the complete Canadianisation of the Corporation's broadcasting. Religion was notably absent from this agenda, and what Mothersill noted
about the document – the CBC’s submission to the annual licensing hearings of the CRTC – was what it lacked: in naming the constituent elements that made up a culture, Johnson identified everything from language to libraries, but said not a word about religion. Perhaps this would not have been as significant an omission had it not been for the exponential increase in North American broadcast religion, coinciding with the burgeoning charismatic movement. At exactly the moment that Canadians were becoming interested in religious broadcasting, the Corporation was losing interest in it altogether.

The problem of what was beginning to be perceived as the “disaster” of Canadian religious broadcasting was sufficiently obvious that it was acknowledged by the regulator of the system, and in particular the outspoken chairman of the CRTC, Harry Boyle. “Much of the religious programming done here is out and out dull.”, confessed Boyle in 1975 when discussing the immense popularity in Canada of American evangelical broadcasters. “There wouldn’t be this American stuff if there wasn’t such a void to fill”, he added, later surmising that the problem was that the CBC had become “too reflective.”

Indeed, in the space between the extremes of deconstruction and self-reflection, there was a great void filled by the religious programming that was being generated in the United States. By the mid nineteen-seventies, surveys indicated that Canadians in Eastern Canada not only had a healthy appetite for religious programming, but were receiving plenty of it. On the Sunday television schedule in Montreal, in numbers similar in proportion with Toronto, 825 minutes of English language religious programming were available. As the survey revealed, seven-eighth of this, (675 minutes) was of American origin. “Most of the U.S. materials are of the Billy Graham, Oral Roberts, Rex Humbard, Kathryn Kuhlman variety”, reported the author of an article in the Globe and Mail about the “continuing disaster” of Canadian efforts, adding: “Whatever one thinks of it, it is not dull radio or television.”
The disappearing audience

As stated above, the CBC believed that the spirit of the times, new technology, and higher expectations demanded a change from the religious programming of the radio age. From a technological point of view this was true: the radio microphone in the church service did not work in the age of television, or in a society in retreat from church membership. The mistake the Corporation made was in confusing broadcast technology with content, the medium with the message; in effect, in the shift from religion to spiritual commentary, the proverbial baby was thrown out with the bath water. By the 1970's it became increasingly obvious that the audience had been left behind, and it in turn left the CBC for the charismatic religious programming of American stations.

The potential of a rift developing between audience and broadcaster had been forecast by Brian Freeland in 1960, as the CBC had begun to experiment with new forms of religious programming. Looking over the record of the previous five years, Freeland warned of obstacles that were hindering what he termed “the thoughtful recasting of old formats and the development of new programs which reflect contemporary needs and interests.”53 The first of these he described as being “the inherent conservatism of the majority of the audience for religious programs”. This audience continued to identify a “religious program” with “a broadcast church service or an address by a clergyman.”, wrote Freeland. “Proposed changes”, he warned, “must be made with the goodwill of the audience and after thorough explanation to responsible church leaders.” These, presumably, would be those mainline churches already closely involved with the public broadcaster. A second warning, equally auspicious for future changes, was the void within the public broadcaster in the way of “theologically literate” talent.54 Ignorance would frustrate Freeland’s efforts for the duration of his career with the CBC, making him an early supporter of the extension of broadcasting rights to faith groups.

At a fundamental philosophical level, the ideas by which the national broadcaster became alienated from its “religious” constituency were shared by both parties. A religious program, said Roy Bonisteel in 1968, was “any program that makes a person aware that
In an interview occasioned by his appointment as co-ordinator of Inter-Church radio, the host of Man Alive further suggested that "Any good program can be a religious program, though the person listening or watching may not be aware of it as such." This was certainly the premise behind the religious programming on the series Man Alive. And interestingly, it was a statement of which any orthodox Christian believer—who professed that every area of human endeavour was claimed by God—could find ready agreement. In an important respect, then, the national broadcaster and the faith groups against which the CR TC did battle in the 1980's were fundamentally in agreement. Where the two divided was in carrying that logic to the next level. For the CBC, it meant the liberty to be creative in an area where it had stalled, and gave it the metaphorical license to abandon past practices in favour of programs that would not advocate but would "reflect the moral issues of the day." For evangelicals, it meant acknowledging that the vast majority of programming was already implicitly wedded to a certain religious world-view, and that they should be given the literal license to reflect their interpretation of morality. Whether of nationalism, as with the CBC, or commercialism, as with the majority of the private stations, from the perspective of the aspiring religious broadcaster, the system was heavily imbalanced, and becoming more so by the Corporation’s love affair with the documentary format.

_Dissatisfaction from within..._

Symptomatic of the failure of the CBC was the dismantling of the Religious Broadcasts Department and its amalgamation with Arts and Sciences programming, which in turn came under the umbrella of the Department of Information Programmes. Arts, Sciences and Religion initially became the domain of one Robert Patchell, whose experience with religious broadcasting was non-existent. As Brian Freeland later recalled of his first meeting with Patchell after the dismantling of the department, the new director conveyed no vision or interest in religious affairs, and presumably to put Freeland at ease on this score informed him "we have no intention to teach you how to suck eggs." That being said, what Patchell presented as an opportunity to manoeuvre, in practice was a corporate mentality that hampered Freeland’s best efforts. Acutely aware that he had to "block any
possibility of conflict" in the manner in which he presented religious views, Freeland came to view the role of the CBC as being "Not a promotion of faith, but simply reflecting what was going on in society."^{59}

What Freeland termed the CBC's "non-advocacy role" was compromised by the inability of the Corporation's production staff to understand Canada's faith communities. By way of example, after the dismantling of the Religious Programs department, Freeland's popular program *Hymn Sing* was placed under the direction of the CBC's Music department, and directed by people who, as he claimed, "couldn't hum a tune." "They didn't know what to do with it", said Freeland of the doomed television series that had for years produced 39 original episodes a season, an ignorance that, repeated in the other CBC religious programs, gave the negative connotation to his term "CBC religion". As the erstwhile producer reflected some thirty years later, successful production required the talents of those who were sympathetic to the material, which, in his experience with the presentation of religion on the CBC, became progressively less common over time.

Adding dimension to the term that Freeland had coined, there was in the CBC a significant gap between the program directors and the production staff. More than those who conceived the program, in the end it was the producers that mattered, for it was their understanding, or more commonly their misunderstanding, which supplied the context in which the content was delivered. And for most CBC production staff, basic awareness of religion was low and the attitude toward it often one of hostility. In the experience of the director of religious programs, most of those involved in CBC religious programming by the decade of the 1970's experienced religion as "something they had escaped from". Though often "graduates of the most expensive programs around" in terms of religion, said Freeland, "they knew nothing."^{60}

The response of one for whom religion was important in an institution where it was largely irrelevant was to do the best that he could with what was available to him. When
CBC Radio and CBC Television began to be administrated separately, Freeland deliberately chose to move to the new industry, despairing of any vital future for religious radio programming on the public network. With the advent of television, a profound change had come to radio broadcasting, the most significant being that, as Canadians turned to their televisions in the evenings, prime-time broadcasting for radio shifted to mornings. In terms of religious programming the result was to push it off of the weekday schedule. With more potential accruing to television, Freeland's involvement with radio became limited to that of a consultant. Divining what it was that he could do on CBC television led Freeland to invent the series *Man Alive*. With an unchurched host and a very broad definition of spiritual topics, still Freeland felt pressured to keep to subject matter that would be accessible to the widest possible constituency. On this score, Freeland's *Man Alive* was “accused of peaks and valleys by the CBC.” because, in his words, “you covered the subject matter in order to live with yourself.” In the end, the commitment to what Freeland had managed to initiate went no further than the man himself. “Until I retired I was able to maintain [religious] programs.” he said, citing the demise of *Man Alive* shortly after his departure from the public broadcaster.

*Dissatisfaction from without: the NRAC*

Disappointment over the CBC's failure to take religion seriously eventually was heard from the advisory council, initially through polite protests and caged warnings hinting at the inadequacy of the public affairs approach. The mounting frustration of the NRAC with the Corporation first surfaced at a critical meeting in 1964, where a disgruntled quorum gave approval to a host of motions designed to provide some accountability in its tenuous relationship with the Corporation. Without wanting to be overly critical of what it called an “existing good understanding”, the Council supported, in addition to a general proposal for more religious broadcasting "at local levels", the following motions: “That the Religious Department of the CBC consult as a matter of fixed policy with the Council and with the Broadcasting Departments of the churches”; that “the Council be regularly consulted in connection with policy changes that affect religious broadcasting.”; and that
they should “ask the Religious Department to consult regularly with the N.R.A.C. about religious program proposals.”

Attached to the minutes of that meeting was added a four page list of “Points for Consideration” that the Council had earlier submitted to the C.B.C. in an attempt to force a clarification of its role. A synopsis of what they understood to be their role, the ten points had been the basis of a prior meeting between N.R.A.C. chair Reverend Frank Stone and the General Manager of the English network, Herbert G. (“Bud”) Walker. Either at this meeting – more likely shortly afterward – Walker gave Stone the most perfunctory of comments in reply, and the two had worked out a proposal for more consultation which Stone brought back to the Council.

That the conflict between the Council and the Corporation would not be easily resolved was made clear to Walker in the list that Stone had submitted. To the first two points, which clarified that the Council had been established by the C.B.C in order to obtain advice, and that its membership was to be drawn from the Christian denominations, the C.B.C. Head Office readily agreed. However, to the Council’s suggestion that the territory of their concern “extends naturally to the whole range of CBC’s programming [because] all programming affects the well-being of the people of Canada, of whom 85% claim a Christian affiliation”, the response was an emphatic “No!”. The points that followed indicated the nub of the dispute: “Why” asked the Council, “is an advisory group like NRAC not asked for its advice when policy and program changes... are being considered or when the broadcast of 11 a.m. church services are discontinued, as they were recently in Winnipeg, Windsor, Montreal, Yukon and the North-West Territories? There is a growing conviction among many members of the NRAC”, read the increasingly acrimonious brief, “that rather than being asked to advise on decisions it is merely asked to approve decisions on both policy and programming which have been made elsewhere and without the Council’s involvement. Some of these decisions are apparently made outside the Religious Department and some of them by the Religious
Department. We raise the question, Does the NRAC perform any useful function within
the CBC?\(^{65}\)

The Council, of course, was assured that it was indeed useful, and the wider issues raised
were addressed to some extent in the proposal for regular consultations to which
Reverend Stone and the CBC director agreed. Any ideas that went beyond that narrow
interpretation of the Council’s duties – such as the following thoughts from the Council
on ways to improve the relationship – were met with discouragement. “We underline our
appreciation”, wrote the Council:

of much of the work of the Religious Department. However, we wish to discuss
the development of the Department and additions to its staff in order that the
Council and its members may relate more closely to the Department’s work of
planning programs. On behalf of their respective denominations members should
be able to relate more closely to the Department’s work of planning programs. On
behalf of their respective denominations members should be able to relate to
writers and producers who are producing programs in subject areas in which the
churches are intimately related. We believe this would add greater authenticity to
what are already for the most part first class productions technically.\(^{56}\)

“Council should be a policy advice body.” was the simple response of the Corporation,
which, unfortunately for the N.R.A.C., read involvement of an advisory body and
intervention as being of a kind. Ideas such as the above made the Corporation nervous,
and through Reverend Stone the N.R.A.C. received the ominous suggestion that an
overall “redefinition of the role of the Council may be needed”.\(^{67}\)

Definition or redefinition of its role notwithstanding, the Council became ever more
purposive in offering criticism of what it perceived as a lack of quality religious
programming. A year after the unproductive brush with the CBC hierarchy, several more
resolutions were passed, this time pertaining directly to programming. The cause for
concern this time was the CBC’s cancellation of its “Heritage” series. In a letter to Bud
Walker, the Council informed the CBC that they had “discussed at some length” this
unanticipated event, and noted “with keen regret” that the fall television schedule
contained no plans for new religious program material.\(^{58}\) Reinforcing their point, the
Council facetiously offered to Walker that they were “not aware of any other program division whose total network programming for the months of October, November and December consists of a repeat of [a] BBC produced program.” Perhaps anticipating a fiscal counter-argument, the Council made it known that their being “dissatisfied with the limited provisions made for network religious programs” was based on an acute awareness that “other departments have been given opportunities to produce expensive productions with limited audience appeal.”

Six years later, in 1970, a committee of the NRAC chaired by its first Jewish representative, Toronto’s Rabbi Pearlson, drafted a communiqué, the basic intent of which was to serve notice to CBC officialdom that the Council still had concerns. The statement also served the purpose of revealing their own credentials insofar as being “in tune” with change, from which position they could then suggest that this state of being did not negate the possibility for a better effort by the CBC:

The rapidity and intensity of change on the religious scene, the extraordinary dynamic quality of religious opinion on campus, the expanding range of religious involvement (with new frontiers ranging from the world of mysticism to the core city) – all of this would seem to call for evaluative competence by staff who have moved beyond stereotyped opinions left over from one’s rebellious youth and almost vaudevillian imageries of what constituted “old time religion.” The side-effect of being too hip, Pearlson’s committee suggested, was that the “sudden flowering of new forms” taking place in organised religion were being entirely missed.

In making the point the Council did not skate around the issue of CBC incompetence that so frustrated Brian Freeland: instead, this was addressed in the first recommendation made by the committee, which warned that “The range and quality of religious ideas in Canada” required the CBC to have “an adequately skilled pool of expertise to evaluate and stimulate religious programming, and to act as a catalyzing presence and resource.”

The committee went on to identify the consequence of the current lack of expertise, and to offer a solution. The danger – and it was one to which “Neither N.R.A.C. nor the Religion Area is insensitive” was that of “the possible evolution of a “C.B.C. brand” religion.”, and the way to avoid this was through “a balance of universal and particular elements...in the schedule.” The balance that was being referred to here was in
reference to the documentary approach to which the CBC had become wedded of late, and the committee volunteered an interpretation of how this was distinguished from the “particular” approach, as well as the imperative of so doing:

We affirm that religious programming differs in kind and in purpose from current affairs programming. Current affairs programming relies upon the subtle device of the editor’s bias to make its point. Religious programming expresses specifically the moral position it seeks to establish as part of its historic prophetic function. We stress the importance of this distinction. The present structure of the corporation would seem to call for a dialogue between the N.R.A.C. and the senior policy-making staff of the corporation to explore this distinction in some depth.  

Rabbi Pearlson’s “Report on Directions in Religious Broadcasting” became the focus of a meeting between the N.R.A.C. and Eugene Hallman, the director of the English network, in late 1970. Prior to this, Hallman had developed a reputation for having firm opinions that the role of the public network was to produce those controversial programs that the private system would not readily supply. In his words, the CBC had “a responsibility to see that seriously held minority views... find a place in its programs along with the more conventional, despite the discomfort and criticism this may provoke”. How this view was manifest regarding what was thought of as conventional religion is unclear. The question hinged on how one defined the serious minority.

Whatever Hallman’s response to the report, the CBC continued to pursue the universal at the expense of the particular, and without the dialogue that the Council had sought. To further protests concerning the lack of an effort, the explanation from CBC officials came in the form of a reply that religion was integral to all of its programming, an answer to which NRAC United Church representative Clarke Macdonald responded that, “When something is everywhere, it might very well be nowhere.”

Pearson’s attempts to initiate a discussion on the inappropriateness of the current affairs format for religious programming may have failed to register at the time, but it eventually filtered into the discourse of CBC management. Three years after Pearson’s committee,
the same Robert Patchell who had told Freeland in 1959 that he was not about to teach him “how to suck eggs”, had opinion enough to warn the CBC Vice-President that the current affairs format had been a mistake. Referring to lingering problems with its advisory councils, Patchell told Lister Sinclair in 1973 that CBC policies here had been “nothing short of disastrous” as well as “responsible for any ill feeling” between the CBC and the religious community. “The mistake made”, Patchell surmised, “is in regarding Religious Broadcasting as similar to other kinds of broadcasting such as Arts, Sciences, Current Affairs and so on. In point of fact, it is a very different matter.”, and any “lost ground” between the churches and the Corporation had come from “its failure to recognize that a separate set of criteria are necessary in dealing with Religious Broadcasting.” Patchell advised a complete re-examination of “the whole question of our religious posture”.

By 1973, many years had lapsed during which no clarion calls for re-examination had been made, and in which the deteriorating relationship between the NRAC and the Corporation went unchecked. During this time, two major grievances of the N.R.A.C. were a lack of communication between the CBC and themselves, and the Corporation’s overall retreat from religious broadcasting. The two concerns came together in those instances where the Corporation caught the Council unawares by altering or by discontinuing programs without prior warning and without seeking advice.

Dissatisfaction of the church:

One aspect of the Canadian sociological reality with which the CBC grappled, particularly as it began to consider the place of religion on the new medium of television, was that of denominationalism. Because the audience was construed primarily as citizen, it was commensurate that identities such as Protestant or Catholic had no place in religious programming designed to eliminate boundaries.
One of the guiding principles on which the Religious Broadcast Department was established in the 1950's was that the denominational realities of Canada's religious heritage were to be downplayed as far as possible. This was an enduring theme, as evident in a CBC memo of 1972 which inveighed that, when it came to choosing from churches to broadcast, denominational considerations should be weighted secondary to considerations of experimentation and innovation; churches with "sparkle" and "adventurousness" and "photogenic" congregations – these were the stuff of good broadcasting. 79

We have already discussed how the CBC authored an "alternate religion", anti-doctrinal and consistent with the PBS model of the genre of a general exploration of the human condition. Opposition to any form of denominational reality was one aspect of this, and this theme – which dovetailed neatly with concerns over creativity of production, as the above memo suggests – was made clear to the Roman Catholic membership on the NRAC when it requested the CBC to consider employing a "well-qualified Roman Catholic" to the staff of the Religious Broadcast Department.80 When Father Stone of the Council approached John Dunlop, the supervisor of religious programs in CBC Toronto, to say that he envisaged a role for Marshall McLuhan in just this capacity, the offer was rejected. By way of explanation, the assistant controller of broadcasting pointed out in a brief to his superior that Dunlop's decision against the prominent communications theorist came out of a concern that the Corporation would be seen as courting one denomination over another: "...if, at any time, an R.C. should be employed in the Department it should be the result of natural selection" wrote Barry Macdonald, adding:

He [Dunlop] feels that the CBC could, however, profit from the suggestion made by Mr. Stone if a man of McLuhan's calibre were to find a place on the NRAC as a R.C. representative. The Corporation's long-standing view has been that the Council is the logical place for particular religious viewpoints and philosophical outlooks to be put forward vigorously and that these can apply not only to religious broadcasting per se but to other areas of CBC program output.81 The NRAC, in this view, was a filter through which the particular was separated from the general. The influence of the mainline denominations on how they were represented on Corporation broadcasts would be limited to that which they could achieve in this
ecumenical body. And, according to established practice – Dunlop’s talk of vigorous philosophical debate notwithstanding – this was very limited. “I believe that the work which the NRAC actually does is not understood” wrote Brian Freeland in 1961, in a letter discussing the exaggerated importance that excluded groups (in this case Jewish Canadians) attached to membership in the Council. “Its main work is the handling of free time made available for religious broadcasting. This would mean” he continued, “that after the two or three half hours allotted to the Jewish community there would be almost nothing for the member to do.”

The longstanding grievance of the Jewish community raises another interesting feature relevant to the filtering of expression. This is that, in addition to preventing the “particular” passing from the Council to the Corporation, a second filtering was achieved in the restrictions governing membership in the NRAC. This was the privilege of those denominations whose numbers were significant enough to command a seat on this body. Minority faiths and denominational groups were excluded from membership by the formula limiting representation to those which, on the most recent census, had more than 500,000 adherents. The 500,000 rule excluded adherents of the Jewish faith, who were too small in real numbers to gain representation on the Council, as well as evangelical Christians, who were kept out in spite of their numbers, because of the staggering variety of unaffiliated evangelical churches. Whether kept from membership due to numbers or organisation, those excluded from the national Council were persistent in their demands for a more equitable approach. To the Jewish Congress, the argument advanced was that “in matters of conscience numbers alone cannot be the decisive factor”. To the CBC, it was sufficient that there was Jewish representation on the local religious advisory committees in production areas such as Winnipeg, Montreal and Toronto, where the numbers warranted.

Minority religious groups were not alone in feeling under-represented by the national broadcaster. In the 1960’s, the Roman Catholic Church in Quebec was beginning to awaken to the educational potential of television, and requesting of the state that it be
allowed a hand in encouraging the medium to a higher purpose. Concern was generated as much by the sense of an unsatisfied potential as by the palpable lack of redeeming programming and the desire for control in the portrayal of religious topics. Beginning in the year 1959, the Canadian Catholic Conference initiated what would become an annual convention on the topic. Chaired by Cardinal Leger - whose radio talks had created a stir in 1951 for their anti-Protestant commentary - the 250 delegates at the convention recognised that broadcasting had a “powerful educative element”, such that “a member of the Hierarchy should be named as official counsel to radio and television producers when the subject to be portrayed involves religion.” Because of its homogenous religious culture and separate public network, the NRAC did not operate in Quebec, where the CBC instead had an informal arrangement with the Roman Catholic hierarchy. Now, the Catholic Church was hoping to give some regularity to this arrangement with the public network, as well as calling on the private broadcasters to adopt an unspecified “code of ethics whereby the requirements of Canadians are respected.”

While the statements coming from the Catholic Conference were sufficiently vague that they did not seem to require a response from the national broadcaster (Leger obliquely referred to programming that was “so lacking in Christian spirit” as to be “applauded by people with an anti-Christian philosophy.”), a clue as to the aims of the CCC can be found in the discourse that was begun in the 1920’s with the establishment in Cologne of the Catholic International Association for Radio and Television (UNDA). An international association which was its own Holy See, the guiding philosophy behind UNDA was that Catholics should, in the words of Francois Charriere, Bishop-delegate of UNDA: “take their place at the international level... when it concerns the propagation of Christian truth through such powerful mediums as radio and television.” Charriere, also the Bishop of Lausanne and Geneva, had strong opinions as to the potential utility of broadcasting as a moral force. “We are persuaded” he wrote to the members of UNDA – the French Canadians included – “that future generations will not forgive us for leaving such an invaluable instrument for the spreading of ideas in the hands of unbelievers and materialists. We should be all the more to blame before God and man, because the
In Quebec in that same year, exactly this type of co-operation was being established. When the CBC's religious department was founded in 1959, it initiated contact with the Office catholique national des techniques des diffusion, an organisation the Canadian Catholic Episcopate had established two years earlier to represent the interests of the church in the area of broadcasting. According to Real Michaud, author of a report conducted in 1967 for Gene Hallman, Vice President of Programming, at the time that this was done it had been "considered to be desirable if not absolutely necessary" to "keep in touch with the Church which served the majority in Quebec and whose influence was felt throughout French Canada." A casual attitude did not disguise the very real benefits that were the result of this co-operation, particularly in establishing trust between the church and the state. In the context of this era in Quebec – one in which the demarcation between Church and state was not clearly distinguished – it was in the interests of the CBC to acknowledge the input of the hierarchy. Through informal meetings between the Religious department and the bureau, the latter was kept abreast of what the CBC was doing and what it planned to produce. According to the Corporation, "these contacts were fruitful and seemed perfectly in order."

The cozy relationship between the CBC and the Catholic Church went through a radical change in the second half of the 1960's. A function of external events, the change corresponded with the social upheaval in French Canadian society at the time. This, and the renewal in the Church attending the second Vatican Council of 1966, combined to give the Corporation the tools to distance itself from the relationship that it had so recently developed. As the CBC Program Council was informed that French Canadians were becoming "critical in their attitude and far less dependent on religious authorities.", it was advised to follow suit and to "revise its programming policies." Real Michaud accurately read the mood in Quebec, reporting that: "religion is no longer wholly confined to the inner life, nor necessarily connected with a Church. Many people believe
true religious experiences need no longer stem from organized religion. ... the quest for religion is more intensive than ever, but ... people do not necessarily turn to organized religion for what they seek." In response, he advised, the CBC should pursue a "truly ecumenical spirit" in its programming on the French network, and, most importantly, it was to avoid any overtures from the Church toward shared involvement in policy.

The latter advice was in response to the recent attempts by the hierarchy in Quebec, which was beginning to clash with the CBC over the issue of access. In May of 1967, Archbishop J.A. Plourde, as president and spokesperson of what was now titled La Commission Episcopale des Moyens de Communication, requested a meeting with CBC president Alphonse Ouimet. The request came on the heels of a meeting of the Canadian Catholic Conference, and Plourde indicated that he would be putting before Ouimet a proposal for a joint CBC/CCC policy committee “to discuss generally religious broadcasting problems”. The Archbishop also warned that he would be requesting “free-time religious broadcast periods” for the church, over which, as Ouimet would learn when the request was put in writing, they would be wanting complete control. In an aide-memoire concerning the proposed meeting, it was pointed out to Ouimet that:

Concerning the “free-time” religious broadcast periods, it was apparent that all churches would be involved in the co-ordination and use. It was also apparent that the request is not uniquely R.C. but is shared and stems from the feeling of need by religious bodies, such as Council of Churches, etc, for a regular vehicle of opinion wherein the viewpoint of the churches could be expressed, not just on religious matters, but also on current affairs, etc.

What ensued after Plourde personally placed his unusual request before the CBC president was a lengthy ‘to and fro’ between the two wherein the CBC tried to tactfully impress upon the Archbishop that it could not “surrender its authority” by allowing “outside organisations to meddle...in an area as basic as policy.” Plourde’s letter to Ouimet was the briefest of documents, and gave the CBC very little room for interpretation. Although it was accompanied with recent reports of the Office Catholique national des techniques de diffusion and the National Catholic Communications Centre, of all the correspondence that passed between the respective hierarchies of the
Episcopacy and the CBC, there was no further contribution to the motivation of the Hierarchy from Plourde than that the Church wanted to establish "une politique definie entre la Societe Radio-Canada et l'Episcopat, and "une serie reguliere" of which "le contenu serait notre entiere responsabilite." The request failed even to specify the barest technical detail, leaving CBC management to assume that the proposed "politique" applied to programming in both languages, the proposed "serie" to the French network, and the proposal itself to both radio and television.

For insight into the dissatisfaction of the Church with the Corporation, which to the CBC had all the appearance of having emerged full-blown, the report of the National Catholic Communications Centre was more obliging than its messenger. The report dwelt at length on the nature of religious broadcasting in Canada on both the French and English networks and the private system, and noted that, in comparison with the CBC, the private CTV network -- although an expensive alternative to broadcasting on the public network -- did a better job in representing the Catholic faith. The claim represented a fundamental reversal of the original promise of public broadcasting as articulated in the persuasive personalities of Graham Spry and Alan Plaunt -- both that the public system would offer more airtime to non-profit programming, as well as that Quebeckers would have more influence over programs than under a private scheme.

The main reason for the preference of the private system, according to the Communications Centre, was control of production. On the private network the Catholic Church could broadcast its own programming. Production costs were high, but, as the authors of the 1967 report reminded the hierarchy, these were mediated by the availability of free promotion services, facilities and air-time. The only major caveat was that of program quality, as the CTV affiliates reserved the right to refuse any program deficient in artistic or technical quality, or "in any way offensive to their general audience." The report's authors were quick to add, however, that only once in three years had the CTV exercised this right.
Outside the issue of control, the main complaint with the CBC was almost completely subjective, and the comments spoke forcefully of the felt experience of “CBC religion” being as much a reality in French language programming as it was in English. “A Program which portrays the Church as a group of sisters or seminarians playing tennis, a choral concert in a gothic structure or a stern-faced panel discussing weighty subjects in solemn tones does not do a service to the Church, nor does it present a true picture of the Church.”, averred the authors of the report which Plourde had delivered:

Since a radio or television program is the extension of its dominant creative influence, it is of vital importance that the person must also have the ability to translate this life into an effective communications form through these media. As yet, the CBC Religious Department has not succeeded in showing us it can do this. Some of its programs attain a very high intellectual level but in our opinion all too often the Church is portrayed as a medieval museum making vague attempts to look as if it is relevant.*

Ironically, the complaint of the Catholic Church’s communications people about CBC religion sounded almost identical to that which had once been employed by the CBC in its support – and which still found a voice in the person of Brian Freeland. The position that Freeland had consistently put forward certainly did not sound odious in terms of misrepresentation or benign neglect of the Church community. Though in 1967 the CBC Religious department was soon to become defunct, just a few years before this its director had committed the Corporation to serving and strengthening the nation’s religious impulse. Freeland’s vision – “to afford the public opportunities of increasing and deepening their religious culture and knowledge.” – presumably had nothing to do with tennis playing seminarians or stern-faced panellists. Yet six years later, the Communications arm of the Catholic Church was being very pointed in what it considered “effective” religious programming, and equally certain that the CBC was not producing it:*

What Plourde set before Ouimet was an extraordinary request. What the Catholic Conference was essentially asking was that the CBC abandon established practice by relinquishing its responsibility for programming content. As a matter of policy this was something that was done only in the case of school or political broadcasts, and for the
Church to suddenly be requesting the same struck the CBC as something of a surprise. Because both John Dunlop, the Network Supervisor of Religious broadcasts, and Brian Freeland were away when the CBC received the request, it was left to Gene Hallman, Vice President of Programming, to make sense of it and to formulate a reply. As Hallman observed in an internal memo to Ouimet and his colleagues in CBC management, it was clear "both from the documents themselves and from the Archbishop's letter that the Church is asking for a very official and almost contractual relationship", and one which, he averred, should not be entered into. 

"The assumption of our policy", he reminded Ouimet: 

has always been that Canada has no established church, and the CBC is essentially a state institution with public responsibility to all bodies of opinion and belief in the country, none of which we have accorded special status other than those spelled out in the constitution (education) and in our provision of free time for political broadcasting between and during election campaigns. ...To entertain the idea of reaching a special agreement with the Episcopacy regarding all religious broadcasting and specifically to provide free time to the Roman Catholic Church for religious teaching would raise basic problems regarding our policy in this field. 

One problem that Hallman identified with such an arrangement of the nature that Plourde was requesting was "immediate conflict" with the role of the NRAC. Another was precedent: Hallman predicted that one separate agreement would invite applications for many, and thus was untenable on that count alone.

In an effort to surmise what were the forces behind the drive for a consultative committee, the Vice-President of programming reported having had discussions with CBC staff in Quebec – conversations that made him question the extent of Plourde's commitment to the request and interpret it as the natural result of a self-sustaining church bureaucracy:

it is clear that the Bishops have been put in a position, after several years of work carried out by the Commissions, both English and French, of having received firm recommendations on which they feel compelled to act. Without in any way questioning the work of the commissions, they are bodies who wish to justify their work and their existence after a period of time during which they have been supported by the Bishops, and the recommendations that we are now faced with are the result of these labors.
After several uneasy months that CBC management spent second-guessing the Church’s motives, Plourde finally became candid at a luncheon meeting that he arranged with Eugene Hallman. Here, he divulged to the Vice-President of programming that the problems stemmed, in the main, from “certain programs”, and more particularly from one CBC religious program that was found offensive by many Quebec Catholics. The program was “A la recherche d’un dialogue”, and as Plourde reported, it was creating “real difficulties” for the Episcopacy. Apart from the voluminous amount of mail, Plourde reported that more than 300 priests in Montreal had made representations to him in the hope that he would do something about the program. Should nothing be done, the hierarchy might have to disavow all responsibility for religious broadcasts on the French network, a “rather unfortunate” situation for both the Church and the Corporation. Rather than deal directly with these concerns, the response of Hallman was to deflect the discussion into a proposal for an advisory council for the French network “analogous but not identical” to the NRAC. This was something that the CBC Board of Directors, at a special meeting held seven days before, has resolved as the most efficacious solution to the conflict.

What Plourde revealed at the meeting that he arranged with Hallman was significant, for it indicated that the genesis of the whole complaint lay not just with bureaucratic Catholic think-tanks – as the Vice President believed – but with genuine grass-roots disgust with the CBC’s portrayal of the faith. This did not apply to the broadcast of the Mass – which the CBC left in the control of the Church, but to what Hallman referred to as the “other kinds of religious broadcasts... in which a variety of lay and clerical opinions are expressed.” “A la recherche d’un dialogue”, like Man Alive, was not what the Catholic hierarchy – or many parishioners, evidently – considered to be an accurate portrayal of their community, and hence the request for greater control of production. When Hallman told Plourde that the Mass itself gave the Church what it needed in terms of a regular period of religious instruction over radio and television, the Archbishop was quick in his rejoinder. As Hallman relayed in his confidential aide memoire to the CBC Board,
Plourde had “somewhat jocularly” asked what the reaction of the CBC would be if the Church used the time allocated for the Mass for other purposes. “This we left unanswered.”, he added.\(^{113}\)

Consequently, after months of internal deliberation, the CBC had come to a position where it felt it could accept the idea of a religious consultative committee for the French network along the lines of the NRAC. This was only half of what the Church had been seeking, but was as far as the Corporation was willing to go to meet their request. The CBC had no intention of committing to a contractual arrangement that would, in the words of its Vice-President of programming, “permit any agency, religious or secular, to present an official period for teaching.”\(^{114}\) What Hallman had emphasised in his luncheon meeting with Archbishop Plourde was that the Committee – which was to be inter-denominational, not Roman Catholic – could deal with the issues now taxing the hierarchy.\(^{115}\) In the end, the newly formed committee was in substance an advisory group no different than that which had been active on the English network since the 1930’s.

The requests from the Catholic Conference that surprised CBC management in 1967 came from an unsatisfied energy within the Catholic Church to use the resources of broadcasting for sectarian programming. Though this was partly a function of the global trends within Catholicism associated with the second Vatican Council, at the national level the vision was sustained by genuine dissatisfaction with the current-affairs approach to religious programming. However, partly because it was not a well-planned campaign, partly perhaps due to the lack of commitment on the part of the Catholic hierarchy in Quebec, the attempt of which Plourde became the spokesperson was easily put to rest without confrontation. In the end, control over religious programming remained where it always had been, and the Archbishop was able to tell his colleagues that an advisory committee was the best that they could hope for.\(^{116}\)

*Regional dissatisfaction:*
Just as an advisory council was being struck in Quebec, its longstanding English language counterpart, as we have seen, was becoming increasingly discouraged over its inability to affect CBC programming. This dissatisfaction reached its lowest point among the regional counterparts of the NRAC, first in the Maritime Provinces, later in the city of Montreal. So discouraged were these local councils that, after protracted disputes with the Corporation over programming cuts and lack of consultation, they both disbanded in protest.

The Maritime Religious Advisory Council was the first to reveal its discontent with the CBC. After decades of co-operation, the MRAC was disheartened by the direction that the Corporation was taking in religious programming. When the CBC failed to consult with them over the discontinuation of a particular program, it set in motion the events that culminated in a clash between the two in 1972. When the MRAC let the Corporation know that it was upset to the point of considering disbanding – citing what it viewed as a drift toward “fringe religion” – the reply from the CBC was to vigorously defend its programs, to accuse the MRAC of being unconnected with the new religious reality, and to confirm that they were what they had feared the most – expendable.117

The first documented indication that the MRAC was troubled comes from an exchange that took place in October and November of 1972 surrounding a meeting to which the Council had invited the CBC’s National Radio Program Director. When Peter Meggs accepted the offer to attend this meeting, he walked into what can best be described as hostile territory; an angry group of local ministers eager to discuss some concerns that had already been summarised in blunt terms by one of its members, the Venerable Archdeacon Hart. Apparently not one to hold back, in the course of his missive to the other members of the Council, Hart had recently accused the CBC of “high-handed aloofness”, “sophomore sophistication”, and “anti-establishment barbs.”118 To this he added his opinion that “The CBC even schedules and repeats anti-Christian programs.” The accusations, which Hart made no effort to substantiate with examples, were made in the context of defending “orthodox religion” against what he firmly believed was a CBC
agenda of misrepresentation. One aspect of this was that the Corporation seemed to be following a policy of refusing to broadcast any “vigorous and aggressive” critique of its own programs.119

The Maritime advisory Council echoed Archdeacon Hart’s comments at their October meeting, complaining repeatedly about the apparent lack of coverage given to the church’s point of view by those appearing on CBC programs.120 Yet while the pastors gave the national radio director an earful, Meggs proved adept at returning the favour. Hart’s comments were “totally unsubstantiated” he claimed, adding that:

Of course the Corporation seeks, commissions, and broadcasts “vigorous and aggressive criticism of its programs”. One gained the feeling in the October 20th meeting that the churches did not welcome the same of themselves. There were frequent complaints from members of the Council at the... meeting about the inadequate presentation of the churches’ point of view by persons invited by the CBC to appear on our programs. Yet in each case it was admitted that these same persons held responsible positions by church leaders (e.g., if a University Chaplain is deficient in his theology and has remained in his post for a number of years it would seem reasonable for the Corporation to assume that he was an acceptable spokesman for the church).121

Meggs then offered a personal explanation of the developments that had so incensed the Council. Because of changes “within the churches and within broadcasting in recent years”, the mandate of the CBC — and, by extension, the MRAC — was no longer simply that of allocating time among “Christian [sic]denominations”, but “to respond to human concerns in new ways...”. Meggs also reasoned that change in programming could be attributed to the ecumenical movement within Canadian religion, as well as the desire on the part of the CBC to reflect other than Christian belief systems. These goals had coalesced over time in response to the social reality, and did not need defending: “All of this has been an evolutionary process and not one which required, in my view, a clear re-definition of religious broadcasting policy in one point in history.”, Meggs opined, before going on to defend the merits of the new programs:

With the introduction of Information Programming with its shorter segments to meet the time span attention of listeners many traditional formats had to be
adapted... The "Lift Up Your Hearts" format was merely one of these. The transition in other areas is going ahead and will be achieved in the field of religious programming if we persevere together.\textsuperscript{123}

By way of an example of these new formats, Meggs made extensive reference to the program \textit{Concern}, of which he emphasised the theological topics and religious leaders that had been given a voice on the two-hour national program. Ultimately, however, he did not find it necessary to defend the CBC on these grounds. Instead, he chose to explain the CBC philosophy as he understood it, and to make clear to the MRAC that they were essentially an expendable holdover from earlier times. With respect to the first, Meggs offered an explanation carefully phrased in terms consistent with a recent rewording of the Corporation's official mandate:\textsuperscript{124} "Our policy in religious programming must be as fluid as the development of religious thought.", he wrote, adding:

Our objective is clear and understood within the Corporation, ie to meet listeners needs, to respond to listeners needs at the human and spiritual level, [and] to do so in such a way that no listeners are excluded and to accept the responsibility within the Corporation for carrying out such objectives as part of our mandate in national broadcasting.\textsuperscript{125}

With respect to the importance of the MRAC, the Program director informed the Council that "Certainly no one within the Corporation would suggest that such a committee is required...for the purpose which prompted the council in the beginning."\textsuperscript{126} In fact, he offered, "If the CBC has appeared reluctant to disband its Maritime Committee it's only because we sincerely wish to keep alive the relationship with the religious community which keeps us in touch with resources in this area." The Corporation had "no need for such a committee for its original objectives" but would welcome an "on-going relationship with individual members" should it decide to discontinue.\textsuperscript{127}

Meggs' assertive language was not lost on the MRAC, which responded by promptly offering to fold. The divorce was a bitter one. "We have no desire to report to our parent bodies that there is no longer any desire on the part of the C.B.C. to give our faith its proportionate place in telecasting.", read the letter from the MRAC chair to CBC
President Laurent Picard. "Nor do we wish to sever a fine association that we have had with your Corporation for this period. But we are wondering whether there is any real purpose for continuing...." Referring to the recent meeting with Meggs, the chair added that, "If what he says is correct, and in view of our past experience, we feel that we have ceased to function." However, before giving up entirely, the MRAC held out a final "offer" of sorts to Picard in the following:

What we want is some assurance that if our committee is to continue we shall have some share in determining the nature of religious broadcasts that have the sanction of the groups we represent and that we have some voice in the planning of the religious programming of the system and [are] not just being used as a buffer for the contentious cases that develop from time to time. ... We shall appreciate hearing from you whether you feel that we should continue to function or whether the time has come for us to advise our respective bodies that the publicly-owned Canadian Broadcasting Corporation no longer wishes the help of the religious community in planning religious radio and television programmes throughout the Atlantic Provinces.\(^{128}\)

What was the basic issue with the Maritime churches? And was it in any way legitimate? For an answer to this we need to look beyond the terms of the immediate issue and to the structure in which it arose. Both the Corporation and the ministerial association were essentially "correct": both had constituencies to represent, and both were taking pains to ensure that this was done in as adequate and fair a manner as possible. The difference that arose came out of the simple fact that the Corporation was called, or believed itself called, to please all Canadians; whereas the pastors saw it as their role to ensure that the needs of their community were attended to. There could be no resolution to this impasse in an age where the church was becoming but one voice among many. Even if the extent of this pluralism was exaggerated by the CBC, which in the Maritime Provinces at this time it was, there was a duty that went beyond the majority. As such, what passed for religious broadcasting was anything other than what the MRAC believed it should be. Meggs was completely correct when he told the Council that the CBC had to be "sensitive to the entire religious life of its listeners." and as such, in good conscience could not make the distinction between "Orthodox" and "fringe" religion that the MRAC postulated. The irony of course is that this conscience was a very recently developed thing. The Jehovah's Witnesses could attest to that. And now, so too could the
representatives of what had once been indisputably the main religious current of Canadians. As this current shifted, the CBC shifted with it, and, for the MRAC, it all seemed rather sudden. As their interpretation of the events suggested, it was very much a case of one religion being unseated in favour of another.

Where the brief by Archdeacon Hart to the MRAC had served to rile passions, the chair’s explanation of what had occurred left little area for argument. The chairman pointed out that, twenty years prior, the churches and synagogues of Halifax and Dartmouth had been invited to appoint delegates to an advisory body, and that the resulting Committee had been given “special responsibility for planning the daily radio programmes of the C.B.C. in the field of religion”130. The chairman emphasised that this responsibility had been accepted “continuously and without interruption up to the present moment.” Lately, however, everything had changed:

The daily broadcasts were reviewed by the C.B.C. about two years ago and the programme “Lift Up Your Hearts” was dropped without giving our committee any prior notice. After it had been dropped we were invited to co-operate in the planning of a new religious programme known as “Action for the Seventies” for whom we selected Dr. John Hardie of the Atlantic School of Theology as the moderator. After one season the programme was dropped and the C.B.C. selected David Roe as the moderator of a new programme “Reaction”. At this time it was placed under the administration of your Public Affairs Department and we were no longer consulted as to the type of programme or the content of the programme. We continued to offer our criticisms as we received them and these were heard politely.

Cochran took pains to point out that he did not have a problem with Roe, or with the program of which he was the host. To the contrary, he offered his opinion that “every member” of the Committee found “Reaction” to be “a good Public Affairs programme”. But this was not the point, as he then went on to explain:

David Roe is doing a fine job, but it is not the job that we feel needs to be done for religion at this time. In a time when we seem to be threatened by a godless society, we have a responsibility to our respective bodies to portray a very positive picture of the real values that Judeo-Christian religion has contributed to the life of the nation, and which it continues to contribute. We feel that the publicly owned C.B.C. has a particular responsibility for conveying these ideas to the listening and viewing public."
The chairman's letter conveyed better than anything did the situation of the church with the new CBC. Had Meggs received this letter rather than the previous rant from Archdeacon Hart, his response would probably have been much less self-assured. The only possible reply, in fact, was to either confirm or deny that the MRAC was correct to think itself redundant, and more — that their continued presence was a barrier to the programming vision to which the CBC was now committed. The facts as Cochran stated them left room for little else. This was confirmed in the response from CBC vice-president Marcel Ouimet, who thanked the Reverend Sir for his comments while affirming their content. “The CBC is always keen and happy to receive constructive criticism about its programs,” wrote Ouimet. “Such criticism however should take into account the necessity which the Corporation faces of adapting rapidly, sometimes too rapidly, to changing times.” In the briefest of replies, he seconded Megg's opinion that the Council was dispensable, averring that, should the MRAC disband, “the Corporation would hope to maintain the happy relationship it has had in the past with each and everyone of the Committee members with the hope that it can count on their knowledge and wisdom to carry on with the work at hand.”

The discord that erupted in 1972 between the Corporation and its Maritime religious council was repeated the following year in Montreal. There, following a similar pattern of cancellations, the regional Council revealed that it had some longstanding concerns over its relationship with the CBC. “It is with regret”, wrote Father Barry Jones, the Committee chairman, “that the Montreal Religious Advisory Committee finds itself in a position in its relationship with the CBC... where it has become necessary to challenge the intent of the corporation in regard to both radio and television programming.” Jones cited concerns over cancellations and lack of consultation identical to those that had troubled the other MRAC.

For the Montreal Committee, which had been integrally involved in the design and production of local (English-language) religious programming, the Corporation's change
in direction was more noticeable. Here, as in the Maritimes, mounting tensions boiled over when a popular series was discontinued. With the recent cancellation – allegedly temporary – of the regular local Sunday morning broadcast, and the planned termination of the national program "Would You Believe", Jones complained that, "In effect, the CBC is terminating most religion-oriented programs." The loss, he argued, was cultural. "The MRAC is committed to a regular representative religious presence... not out of self-interest, but because faith and worship and the values which flow from religion are a significant part of the Canadian mosaic and, therefore, belong within the CBC's program schedules." The response from the CBC's Knowlton Nash – at that time the "Director of Television Information programs", was to reassure the CBC President that the comments from Montreal were not worthy of undue attention. "It should be noted that there is a long history of crossed swords with Mr. Jones and our Religious Programming officers.", said Nash, who explained that the Father had a tendency of being "rather aggressive and vitriolic in his comments on our programming in the Religious area."

While the grievances of the Montreal Committee did not set the Corporation on a path of internal scrutiny, the pattern of regional dissent created enough concern for the NRAC that it began to investigate possible solutions. At a meeting to address the issue, the members of the parent body discussed the tenuous connection between themselves and the regional councils, of which they were unsure even of the exact number. Changes considered included establishing a "communication chain" between the NRAC and the regional advisory councils, and between the area heads of the National Council and the CBC. As well, the NRAC identified the benefit in pressing the CBC for a policy whereby church leaders would be immediately informed of changes to programming.

We have looked at the dissatisfaction of the various sectors that were involved in Canadian religious broadcasting: the Catholic hierarchy in Quebec, which sought a level of control over programming that the system could not provide; the Canadian Jewish Congress, which was not impressed with what it viewed as its marginalised status in the
CBC; the NRAC, which read a weakness in the current affairs model of programming, and which felt it had little influence, and the Regional advisory councils, which decided that they were completely redundant and gave up trying altogether.

From this unsettled picture, the story of religious broadcasting in Canada shifts to those religious communities whose frustration with the broadcasting system brought them into conflict with the regulatory authority charged with its maintenance. While the nineteen-seventies were the period in which CBC religion reached maturity, the nineteen-eighties saw it challenged by a handful of evangelical sects. These groups, willing to do battle to secure the right to broadcast their unbalanced message, met some of their fiercest opposition in the same groups that survived the “falling out” period with the public broadcaster. The civil disobedience of the renegade sects elicited a reserve of goodwill for the status quo on the part of the mainline churches, some of which made impassioned representations against the licensing of single-faith broadcasters.
Chapter Eight: The CRTC years.

Opposition to imbalance: the state:

At the beginning of the previous chapter we touched on the fact that the increasing pluralism of Canada leant legitimacy to the pursuit of religious consensus: in Rawlsian language, the winnowing of the “thick conceptions of the Good”. We also discussed the idea – expressed by Richard Neuhaus as the “Naked Public Square”, by Novak as the “Empty Shrine” – that competing “thick conceptions” inevitably take the place of those that are chased from the public square. We looked at the notion that, in Canada, National Unity was the goal that took precedence over other values, including the liberty of individual communities to fully participate in the public square. The highest end by which the state was driven, it was a civil religion that obscured other visions of the common good. To this end, the values of fairness, balance, and tolerance can be seen as means to a goal that in itself had little to do with any of these virtues, and yet was viewed, and continues to be viewed, as a self-evidently worthy pursuit.

This chapter picks up where the previous narrative ended, interpreting the significance of the events of a twenty-year period that witnessed both change and continuity in the landscape of religious broadcasting and its regulation. These were years when the doors behind which the policy on religious broadcasting had been constructed were swung open, and the broadcasting Commission was forced to define its rationale for the continued exclusion of religious broadcast licenses. One reason for this was that burgeoning telecommunications technology was making spectrum scarcity a thing of the past. With the introduction of cable systems and satellite delivery, the multi-channel universe was arriving in Canada, challenging the logic against licensing what the Commission had come to describe as “specialty services”. Words like digital compression and fibre optics indicated the arrival of an era in which the use of the term broadcasting was itself an anachronism.
If our intention is to simultaneously explore and get beyond the prosaic detail of the who, what and where of broadcasting history in order to discover the immutable themes it contains, at this point we should re-define our purpose before the lack of one defines us. The question at hand can be stated as a problem: simply, to what can we credit the Canadian approach to the regulation of religion in the public square?

Earlier we discussed Neuhaus’ observation that because governments and religion both promote a right ordering of public life, each is perceived by the other as continuously bursting its boundaries. We discussed too how in Canada the congruence between church and state seemed to alleviate this tension -- to the detriment of religious expression.

It is because of my contention that the regulation of religious broadcasting is in essence about reconnecting the sacred and secular -- of how a given collectivity manages the perpetual balancing act between the two -- that I believe this case study can be effectively rendered by a combination of the fertile and well-worked civil religion paradigm already introduced and the more fixed ideas specific to the theory of civil disobedience. In this explanation, civil disobedience serves in a junior capacity; in the language of modern jurisprudence it is a procedural, rather than fact issue. Moreover it is specific to the latter years of the study, during which a slow reversal of policy obtained. Meanwhile, the features of the wider landscape are distinctly those of pluralism, and we will continue to draw on the observations of the theorists of this science in this paper. In other terms, in the matrix that guides this study, pluralism is the reality, civil religion the force, and civil disobedience the counter-force. Another way to construe it is politically, where pluralism is the electorate -- eternal, heterogeneous and in flux; civil religion the ruling party, and civil disobedience the opposition.

The system in Canada had expanded almost exponentially between the 1960’s and 1980’s. On the 25th anniversary of the CBC in 1961, there were 67 television stations in Canada, 49 of which were affiliate stations of the single, public network. By 1980, the chair of the CRTC – John Meisel, a political scientist from Queen’s University – was recommending the introduction of pay television, which was initiated three years later.
In 1987, the CRTC heard 21 requests and issued 11 licenses for new specialty services, including a CBC all-news station, as well as services dedicated to sports and to music, all to be carried in basic cable packages at the discretion of the local cable companies.¹ From there the development of satellite-to-cable delivery furthered the trend to niche, or "narrowcast" services, increasing the proliferation of channels to a point where every conceivable discretionary service became available to those with the technology, the money and the desire to access them. By the early 1990's, the term "500 Channel universe" had become a fashionable way to describe what had happened in the broadcasting industry.

And yet, in the area of religious broadcasting, there persisted an ideological barrier that the virtual disappearance of channel scarcity alone could not remove. It did not follow that new technology would create in the state a changed notion of its duties as guardian of this segment of the public square, and as long as each broadcaster was committed to providing balance in what had been identified as being uniquely matters of public concern, the size of the overall system was immaterial. Consequently, in these years of a dramatic expansion, change in the regulation of religious broadcasting was slow in comparison to that in other areas. This remained the case until, partly as a result of a series of legal challenges, the Department of Communications was pressured into reconsidering a position that its regulator had only recently articulated. Even so, the Canadian broadcasting system still proceeded – and continues to proceed – on the assumption that religious worldviews are uniquely dangerous to community. In 2002, operators of religious undertakings remain committed to reflecting the local religious community, bound to providing a set minimum of differing viewpoints in their programming schedule.

A broad overview of the regulatory events of these years can be briefly stated. Beginning in August of 1981, following requests from both groups and individuals that the CRTC review its policy, as well as a series of controversial license rejections that threatened to damage the image of the regulator, the CRTC decided to hold public hearings on the
topic of religious broadcasting. For those hoping for a significant change in policy, the results of the hearings were disappointing. Although the Commission announced, in recognition of the trend to “specialized programming by satellite”, that it would favour an “interfaith programming service” on this basis, the statement that followed concurrently confirmed the regulator’s position with respect to single-faith ownership of what it termed “conventional” radio, television and cable channels. The decision was again confirmed in the Cable Television Regulations of 1986, where in the plain language of the Commission, licensees were told that they could distribute “any audio programming service other than...non-Canadian programming...with predominantly religious themes.” Then in 1993, following the passage of a new Broadcasting Act, a decade of interventions that invoked in their cause the Canadian Charter of Rights and Freedoms and a massive public hearing that was held in Ottawa and Winnipeg the prior October specifically to review the policy on religious broadcasting, the Commission made a significant breach in past practice by assenting to the licensing of what now was being termed a “limited point of view” service, one that would be available to viewers on a discretionary basis on cable television. The interest that the issue had generated by this point was reflected in the spectacular response to the Ottawa-Winnipeg hearings, to which the Commission received more than 2,600 submissions.

More significant than the exception made in “pay-television” was the change in policy simultaneously announced in the regulation of conventional broadcasting. For the first time in the history of Canadian broadcasting, applications for licenses devoted to religious programming (in fact, it was an obligation of the new licensees that they be devoted exclusively to religious programming) would now be considered. Here also for the first time, the religious orientation of the ownership and management of the applicant was removed as a matter of consideration in the granting of a license. In this – a significant change that remains the last word on religious broadcasting – the restrictions developed during the previous decades were essentially removed. At the same time, for those groups expecting to secure a religious television or radio license, the change came with an important proviso that significantly qualified the hard-won principle. Less radical than it appeared, the decision of 1993 re-affirmed the balance doctrine in the
simple but critical caveat that the new licensees would be required to provide alternative worldviews both about religion and from competing belief systems. The Commission’s logic was as follows: “It is reasonable to give preference, as the Act does, to the right of the audience to be informed about differing views on matters of public concern. Correspondingly, those who choose to express their views should be able to do so in a tolerant and welcoming environment.” In this respect, religious views could be treated as unique. As the Commission asserted:

In order to avoid interference with freedom of expression, the Commission has permitted broadcasters the greatest flexibility possible to determine which issues are of public concern and how balance can best be achieved.”...[However] “As previously stated in Public Notice CRTC 1983-112, the Commission acknowledges that there remains a “degree of controversy frequently associated with religious practices and beliefs”. Accordingly, the Commission will continue to view religious matters to be of public concern. Those who broadcast religious programming have an obligation to offer differing views on matters of general public concern and, at the same time, must expose the audience to different points of view on religion itself.”

The continuation of the balance requirement, though diminished now to the duty of reflecting the local, as opposed to the national, religious reality, served to render the 1993 decision as effectively moot for the 90 per cent of Canadians whose “local” community – the urban centre – is religiously diverse. It is this balance between the obligation of a licensee to reflect the diversity of faith communities within its reach, and its desire to meet the expectations of the communities that they serve, that defines regulation today, and remains a point of contention between evangelicals and the regulator.

As we look at the above events in this chapter, the discussion will be centred on three themes: the doctrine of balance, the role of the evangelical broadcasters who pushed the regulatory agenda and the response of the mainline churches to change.

_Balance_
The programming provided by the Canadian broadcasting system should be varied and comprehensive and should provide a reasonable, balanced opportunity for the expression of differing views on matters of public concern, and... using predominantly Canadian creative and other resources.\textsuperscript{10}

With these words, the authors of the 1968 Broadcasting Act identified the guiding principle behind Canadian broadcasting regulation with respect to religious programming. Coming at the end of a decade that had witnessed the re-birth of radical separatisme in Quebec, and a boon in interest in the nature and effects of mass communications on society, the Act confidently established a new regulator that would respond to both. Fifteen years later, the wording of a new Broadcasting Act omitted the word “balanced”, which had been poorly placed in the original (It was not the opportunity that was to be balanced, but the programming), but the idea remained the same: Canadians deserved from their broadcast licensees a wide range of perspectives on important matters.

An argument could be made that it was nothing more than the technology itself that determined the nature of the gatekeeping: that with channel scarcity a thing of the past, it was common-sense that these gates would come down. – an interpretation of events that vindicates as judicious the decades of restriction that this new freedom replaced. Yet although the introduction of a host of new services, and the increasing marginalisation of the CBC that went along with it, seem to indicate a regulatory environment driven by technology, every change made in the system, without exception, was initiated after careful study, laborious commissions, hearings, and a near endless series of governmental investigations whose main concern was always the same: whether the new service contemplated would be culturally beneficial and, by extension, an aid to national unity. The CRTC was charged with ensuring the financial viability of the system, but it was the Department of Communication, with the benefit of federal cultural policy reviews, which set the direction. This point is conceded even by those who believe that technological determinism increasingly governed the regulation of the system in these years. As Marc Raboy has described it, in every change that was made to the system:
the discussion followed the traditional patterns: Did Canada need these new services, or was it responding to the inevitability of technology? How could such services be introduced without leading to the further “Americanization” of Canadian broadcasting? How could they be made to reflect and serve Canada’s cultural and linguistic duality? What was to be the relationship between public and private ownership and purpose?11

While Raboy is critical of the decisions made, he is consistent with his colleagues in drawing a direct line between the priorities of the state – as expressed through the respective Conservative and Liberal governments that controlled its apparatus, and the direction of the broadcasting system in the 1980’s and 1990’s.12

In this regard, little had changed since the 1920’s. When Graham Spry and Alan Flaunt were crossing the country wrestling up support for a public broadcasting system for Canada, one of their main arguments was that it was only through such a system as this that balance would be achieved – both in coverage as well as in programming. The disappointing sameness of American broadcasting provided the Canadian Radio League with all the evidence it needed in this regard. The pursuit of balanced programming was a principle of first concern in the CRBC’s 1933 regulations establishing limits on foreign programming, and the CBC’s first statement of policy on controversial broadcasting, the latter which boldly asserted that:

1 The air belongs to the people, who are entitled to hear the principal points of view on all questions of importance.

2 The air must not fall under the control of any individuals or groups influential by reason of their wealth or special position.

3 The right to answer is inherent in the democratic doctrine of free speech.

4 Freedom of speech and the full interchange of opinion are among the principal safeguards of free institutions.

The four guidelines were further developed in the same document under the heading “Freedom of Speech”, which read:

In accordance with its policy of resisting any attempts to regiment opinion or to throttle freedom of speech, the Corporation lays down no specific rulings covering controversial broadcasting. The Corporation itself supports the policy of the fullest possible use of the air for:
(a) Forthright discussion of all controversial questions;
(b) Equal and fair presentation of all main points of view.

These principles, first laid down in 1939 and revised several times after, were adopted, said the CBC, "to ensure that the medium of broadcasting may remain at the disposal of the nation, regardless of party, section, class or creed." This was also the thrust of the Broadcasting Act of 1968, where the balance mandate was made explicit for the first time. It was on this wording of the new Act — with its "reasonable, balanced opportunity for the expression of differing views on matters of public concern", that the CRTC came to depend as its regulations were challenged.

With regard to the above, a clear explanation of the purpose and meaning of the balance doctrine came from the pen of Secretary General J.G Patenaude, who authored the Commission's 1981 Notice of public hearings on religious broadcasting. Patenaude explained that:

The Commission's position of not licensing denominational broadcasting stations or groups proposing to provide an essentially denominational programming service is based on the provision of the Broadcasting Act. "...for the expression of differing views on matters of public concern." The Commission and its predecessors have held the view that a denominational station would by definition carry a particular point of view and, therefore, find it extremely difficult to satisfy the "balance" requirements of the Act. Because the number of radio and television frequencies available for assignment to any community is limited, it was considered to be impossible to grant a license to every special interest group. Mindful not only of the above concern but also of the desire expressed by people of many faiths to receive religious programs, the Commission has stressed that stations broadcasting religious programs should provide variety and balance in them, and be responsive to the needs and wishes of communities they are licensed to serve.

The notice that followed the public hearings of 1982-3 confirmed Patenaude's explanation, and provided the Commission with its justification for refusing licenses to religious interests. "To ensure the required diversity and balance in the programming provided by the Canadian broadcasting system, the Commission has over the years adopted a dual approach.

It has, first of all, assessed the need for diversity and comprehensiveness of service in the context of what broadcasting services are available in a particular market.
Secondly, with regard to programming that is controversial in nature and therefore likely to elicit differing views, the Commission has concluded that the most effective and appropriate way to achieve the objectives of the Broadcasting Act is to require that balance be attained by each individual station in the programming it broadcasts. ...Religious programming offered by a broadcaster licensed specifically for that purpose would be unlikely to provide a varied and comprehensive service reflected in the community to be served, especially if the licensee was, or was the representative of, a particular religion or sect. Such a licensee would also be unlikely to satisfy the requirement for a reasonable, balanced opportunity for the expression of differing views on matters of public concern, since it would, by its very nature, be strongly predisposed toward one particular point of view on such matters. 17...

The problem of the balance mantra in practical terms was that it was one against which religion could mount no defence. For a requirement aiming to block access to religious expression, it could hardly have been more effective. Religious dogma being inherently imbalanced, the broadcasting of such dogma is by definition an imbalanced act, one that can only be conceded where a corrective - in the form of an opposing dogma -- is offered. Imbalance could hypothetically be acceptable were it not for the underlying assumption of congruence between religion and controversy, religion and public concern and religion and "special interest". It was in this connection that the doctrine of balance acquired its potency as a regulatory device, one that survived the compromise made in favour of multi-faith, and later, single faith licensees.

In fact in the view of the Commission the balance doctrine has not been compromised by these accommodations, as the pretext for the more flexible approach to religious broadcasting has been justified less in terms of balance -- which continues to be carefully maintained through procedural guarantees -- but rather on grounds of the diminishing viability of the scarcity argument. Intertwined with what it called its "recognition of alternative values", the 1993 Public Notice said that in developing its policy, "the Commission sought to be responsive... to technological advances." 18 This was why the Commission was able to announce, at that point, that the "time is appropriate to extend...greater flexibility."
Although balance continues to be the operative principle, the 1993 decision departed from that of 1983 in how it described what that meant. The Public Notice of 1993 was more direct, and was designed to leave room for the exception made in favour of religious pay television: “Simply stated” it read, “the Commission’s balance policy seeks to ensure that a reasonably consistent viewer or listener will be exposed to a spectrum of differing views on issues of public concern within a reasonable period of time.” Nevertheless, balance “remains a principal tenet of the Canadian broadcasting system” read the Notice, which made it the primary criteria for applicants proposing a conventional broadcasting license. In its call for “Over-the-Air, Balanced Religious Services, it set out the tautological argument that:

Broadcasters must deal with matters of public concern in their programming and do so in a balanced fashion. Not all programming need be balanced, only that relating to matters of public concern. The Commission considers religious matters to be of public concern.

What did change in these years was the manner in which balance was calculated – from a responsibility enforced upon each broadcaster towards one that was increasingly calculated over the system as a whole. The former view of balance held that each individual licensee was committed, in its programming, to serving the variety of needs of the community in which it operated. And, as the minority opinion in the 1993 Notice pointed out, channel availability had never been the determining factor in this philosophy. These commissioners cited in their support the findings of the Task Force on broadcasting that had been struck by the federal Department of Communications in 1985.

The Caplan-Sauvageau Task Force, named for its chairmen, Gerald Caplan and Florian Sauvageau, had been established by the government of Brian Mulroney to investigate and make recommendations on “a cultural and industrial strategy to govern the evolution of the Canadian broadcasting system through the remainder of the 20th century.” This thoroughly researched, 700 page document, reflected on questions of access and balance in terms of the Canadian Charter of Rights and Freedoms, and had concluded that:

It is not so much on the grounds of the scarcity of radio frequencies that this policy [of maintaining the public ownership of the airwaves] is justified, but rather
because of the importance of broadcasting in maintaining our national identity and expressing the values upon which our society is based.\footnote{27} How accurate an interpretation of reality this was is hypothetical. Certainly the scarcity argument had been in use before the 1990’s – though its validity was largely untested. Whatever the case, with the notable exception of the minority opinion in the 1993 Public Notice, the necessary interrogation of the connection between balance and tolerance was never adequately explored, debate on the logical leap here involved pre-empted by a technical discussion of the means to achieve the required balance.\footnote{23} Never clearly developed in the hands of the state, the concept of balance remained more a rallying cry than a consistently applied philosophy. Where it succeeded was as a means to defend a received regulatory framework that had always worked to filter non-conforming expression.

The idea that the balance doctrine has been an instrument of the state in the suppression of free expression is not new, and neither has is it limited to how it operates in relation to religion. In an investigation of its use by the Commission in the late 1980’s, Peter Cook of the University of Southern Queensland, and Myles Ruggles of Simon Fraser University in British Columbia found serious problems in its application. Investigating its enforcement against a community station in Vancouver, Cook and Ruggles found that the doctrine suffered from a crippling vagueness, one which made for irregular and unpredictable enforcement, and was counter-productive to the purpose of keeping citizens informed of the various points of view on controversial matters. In attempting to offer an explanation for why this was, Cook and Ruggles applied Murray Edelman’s theory that “balance” is a term of compliance to state prerogatives. As Edelman states:

In politics, references to a “balance” are common because they help to win general acceptance for the values of those who use the term. This is an appeal for support, not a form of measurement, though its users are likely to deceive themselves as well as others that they are being objective. It is another instance of governmental language that is pre-eminently a means of inducing acquiescence in deprivation and of stilling the qualms of those who benefit.\footnote{24}

For Cook and Ruggles, Edelman’s theory is borne out in evidence that the doctrine has served the same influential interests that it was designed to counter. As their case study
revealed, the lobbying efforts of the local Jewish organisation in the city of Vancouver created considerable problems for a local co-operative radio station, (CFRO), which offended that community for carrying a program hosted by the local Arab community. The central criticism of the complainant in this case was that the program in question — Voice of Palestine — was imbalanced for failing to provide the point of view of the state of Israel. In spite of democratic access policies and concerted efforts by CFRO to have the complainant provide his view in response, the CRTC determined that the station was in violation of the balance requirement, shortened the limits of their license, and demanded several reports over the course of several years before they were satisfied enough to leave them alone. For Cook and Ruggles, it was evident that, “when powerful institutions are threatened. . . “Balance” is . . .really constrained to balancing the opinions of elite groups.”

CFRO was not an undertaking of the Palestinian community. Its self-directed vision, as specified and approved by the Commission, was to provide information “not now available or easily accessible to the general public”, including the voice of those groups “usually denied access to the media – such as the labour, women’s, gay liberation, environmental and peace movements”. Paradoxically, it was this very Promise of Performance that brought CFRO into conflict with the Commission, and it is the same principle that applies in religious broadcasting: the “thick” issues which invigorate the public square are those that tend to be filtered. As Myles and Ruggles maintain, the “tendency to imitation among the majority of licensees (the commercial sector of broadcasting) renders the commercially optimum range of views so ubiquitous and monolithic in the attention of the public that any departure from it appears “biased” and “unbalanced”. Referring to the regulatory hearing of 1982-3, the two point out that:

What is particularly interesting . . .is that it exploded (not for the first time, but in a novel way) the idea of the objectivity of the commercial media. The fact is that the commercial media are special interest groups in the precise sense that their structure determines their content. Because media firms which compete for advertisers imitate the most commercially successful selective routines of other media outlets . . . it is possible to say that they exhibit a “commercial bias,” without in any sense imputing to them a conspiracy to distort or impoverish public discourse.”
Though the very existence of a national broadcaster represented a rejection of this "commercial bias", the public broadcaster had a bias of its own. The assumption — finally challenged in these years — was that broadcasting whose public ethic went no deeper than either the profit motive or national unity constituted the acceptable range against which the term "special interest" derived its meaning. It was to this that the intervention of the Citizens for Public Justice was directed in the 1992 public hearings in Winnipeg and Ottawa. CPJ’s spokesman and director Gerald VandeZande challenged Keith Spicer and the six commissioners to "recognize that programming is inherently value-based, and that those who argue that it is not, or that there can be neutrality, are themselves espousing an ideological framework shaped by their particular beliefs and values." Neutrality, according to VandeZande:

...is a religious myth. It is a central tenet of the ideology or religion called secularism. Webster’s New International Dictionary defines secularism as "a view of life or of any particular matter based on the premise that religion and religious considerations should be ignored or purposely excluded."

And indeed, what Canadians had inherited after half a century of regulation was a system that seemed to have room for everything except religion. The most astounding example of this — that with which we began this paper — was when the Playboy channel was approved by the CRTC in the same hearing that saw two religious broadcast license applicants turned away for failing to convince the Commissioners of their ability to provide balanced programming. For those who were eager to provide a religious service that was in clear demand, incidents such as this one made a mockery of the notion of a balanced spectrum. In this regard, the hearings of 1982 and 1992 were welcome for bringing attention to the concept that the carefully maintained broadcasting system was in reality an unhealthy, unbalanced forum.

Vision Television:
For some time before 1981 there had been sufficient evidence to indicate the Canadian broadcasting system was not meeting the needs of Canadians — that in addition to the
problem of latent demand (whose argument on behalf of the Jehovah’s Witnesses had
won them few allies) the regulations were counter-productive to the objective of
encouraging Canadian programming.

The situation revealed the readiness of some to place blame for the shortcomings of the
system on those who had the least influence upon it. Even as evangelicals battled for the
right to obtain commercial licenses in order to produce for an underdeveloped market, the
religious community was held to account for its lacklustre performance. “Broadcasters
and churchmen here agree” wrote Toronto Star religion editor Tom Harpur, “that the
main crux of the matter is the failure of the churches to fill the broadcasting vacuum
themselves.”

As we saw in the previous chapter, the regulator had not been immune
from joining in the criticism, as per the comments made in 1975 by the chairman. In that
year Harry Boyle opined – in a misrepresentation bordering on the irresponsible – that
“Much of the religious programming done here is out and out dull”, adding: “There
wouldn’t be this American stuff if there wasn’t such a void to fill.” As Boyle’s position
should have made him uniquely aware, the same American evangelists that made the
Canadian version dull in comparison was being carried on a commercial basis all over
Canada on private stations, whose priorities concerning the profit was decidedly not that
of investing in the production of Canadian religious programming. Where Boyle was
more astute was in citing the void in programming that had been created by the growing
popularity of religious broadcasting.

By way of example, in the year that Boyle made
his comment, Billy Graham’s program “Hour of Decision” was being carried on 80
Canadian radio stations weekly, and his crusades were aired on 130 stations. The
previous year, his Korean crusade had been aired over 181 Canadian outlets. And in
the years between 1965 and 1981, the amount of religious programming on television had
grown from 200 to 546 hours per week. This was not an accurate indici of how it was
performing proportionate to other areas, but it did at least indicate that demand was in
one direction.

The popularity of American religious programming in Canada was considered a problem
for a reason that came not from the CRTC but from Revenue Canada, which agency
reported in 1979 that Canadians were, in the course of a year, directly contributing $10 million dollars to American televangelists, and ten times that amount again to the American religious broadcasting industry. This was ten times that which was being generated in Canada, which in terms of production represented a significant loss. To the broadcasting consortium of the mainline Canadian churches, whose activities we will discuss below, the "central question" was whether Canadian initiatives would "tap that source of revenue", and whether it was worth what to them was the risk that these would "resort to carrying an ever larger number of American and foreign programs in the "fundamentalist tradition" in order to obtain the revenues which this latter type of programming seems able to generate."

The solution that the Commission initially favoured as a means to reconcile latent demand with the balance doctrine, and which it introduced in the decision of 1983, was to allow for the licensing of a multi-faith station:

In view of the scarcity of frequencies, if fulltime religious programming services are to be introduced, they should be provided in a manner which ensures that most Canadians, and not just those in areas where unused broadcast frequencies are still available, may have access to them.... The Commission has also taken into consideration the fact that new technologies permit an increase in programming choice for Canadians. It is now possible to provide a much wider range of specialized services accessible to most Canadians on a satellite-to-cable basis. [Consequently] The introduction of a new, broadly-based network programming service devoted to serving the varied religious practices and beliefs of Canadians, on a national interfaith basis, would be consistent with the increasing trend towards the delivery of specialized programming by satellite and, given adequate safeguards, could satisfy the requirements as set out in section 3 of the Broadcasting Act.

Accordingly, the Commission extended an open invitation to Canada's various faith communities to create an inter-faith consortium in order to forward such an application. The criteria set out was specific in its terms: the prospective service would need to be "a predominantly Canadian, national, satellite-delivered interfaith programming service that would be varied and comprehensive, reflecting equitably the religious practices and beliefs of Canadians." The anticipated service would provide "significant amounts of
programming that is of an interfaith nature and ... that deals with a variety of issues from a general religious point of view and in which a diversity of opinions is expressed.”

To guarantee adherence to the above, two further provisions were spelled out: one concerning ownership structure and the other Canadian content. With respect to the first, the Commission required an ownership structure “broadly representative” of Canadian religious groups. Failing that, a group could make application provided it set up a management committee with a multi-faith membership, one that would “represent adequately the diversity of religious practices and beliefs” (presumably at a national level) as well as be responsible for “the acquisition, production and scheduling of all programs.” Such a committee would be required to report to the Commission on a regular basis to prove that it remained representative, and that it continued to provide diversity in its programming.

All very well – the only problem being that there was nobody lined up to make the Commission’s vision a reality. The three requirements; national, regional, and interfaith - - ensured that the process would be a long one, would require extensive Commission support, and would eliminate those groups that saw an inherent contradiction in an interfaith model.

An early indication that latent demand would not be satisfied by this approach was apparent in the slow response for a license. While several evangelical groups were well placed to assume a broadcast undertaking at this time, with at least one - Crossroads Communications - having the resources for a 24 hour service - the co-operative effort envisioned by the Commission had to be coaxed into existence. When no group came forward with a proposal, the deadline for an application for a service was extended. When this still brought no response, the deadline was again pushed forward, until finally in May of 1984, a group by the name of Canadian Interfaith Network put in an application. Under the directorship of David Nostbakken, the applicants were treated to what came very close to a denial by process. By fits and starts, the Canadian Interfaith Network finally received a satellite-to-cable license in 1987, with a scant three hour day
broadcast schedule. Licensed in November, whereupon it took the name of “Vision Television”, it had taken the not-for-profit consortium three and a half years to satisfy the Commission of its viability.

The birthing of what became “Vision TV”, which promoted itself as the world’s first multi-faith broadcaster, was a tenuous process, and one inextricably linked with the Provincial government of Ontario, whose Advisory Council for Multiculturalism and Citizenship invited a group of 30 representatives from various religious communities together. The largest committee of its nature in Ontario history, this group in turn established Canadian Interfaith Communications, which body comprised representatives from six different religions as well as from the World Conference for Religions for Peace.

Though six faith groups were involved, the founding denominational association of the CIC initiative, and its most consistent source of support, came from six Christian denominations that had recently joined their various communications committees into a body by the name of Interchurch Communication. The ICC in turn had been founded by the Anglican, Roman Catholic and United Churches, which had begun working together in the area of broadcasting since 1959. The three had formed a Religious Advisory Committee to a private commercial television station in Toronto in 1962, for which they produced a half hour television program called “Spectrum”. The ICC’s perspective on religious broadcasting as informational rather than a means of advocacy was evident in their decision in 1967 to hire Roy Bonisteel as their director. By the time of the Vision application, the six denominations that now constituted ICC had grown to include the Baptist, the Lutheran, and the Presbyterian churches, which were joined in their efforts in the Interfaith coalition by several smaller Christian denominations such as the Seventh Day Adventists and the Christian Reformed Church of Canada. Unlike the mainline churches, these groups did not limit their support to an inter-faith model, but assisted in the application to the CRTC by committing to purchasing a given amount of time on Vision Television for the first two years of its existence.
Twice — in August of 1984 and in June of 1986, the CRTC found CIN's applications to be incomplete, and rejected them by way of deficiency letters that cited concerns with financial stability. Following the second of these decisions, and citing problems in securing financial support, CIN itself asked for a delay of half a year in order to re-invigorate a flagging initiative among religious communities across Canada. When this was in place — with the assistance of a grant from the Office of the Secretary of State — complications came from the regulator, who twice delayed the new hearings.

Coming in what was a critical time for CIN, when the denominations that had already extended themselves to support the application process were finding it difficult to maintain their support, to the point of pulling out of the venture, the Commission's decision to delay hearings for specialty services was almost the end of the venture.40

What happened to C.I.N. was that it suffered the misfortune of having its application coincide with the Federal Task Force on Broadcasting that was struck the very month that CIN submitted its application. As we saw above, the study — whose purpose it was to bring some clarity to a field where technology had made the existing Act obsolete — recommended not only a new Broadcasting Act, but refuted the CRTC's direction toward specialty services by recommending there be no change in the balance requirement of each programmer.41 This of course meant further governmental study, this time by a Commons Committee struck specifically to study the Report, whereupon it informed the CRTC that it was acting with haste and without consideration to the same.

When Vision television seemed doomed to fall victim to the application process, its Director penned an interesting series of increasingly desperate letters to the Chair of the CRTC and to the above House of Commons Standing Committee, in which he educated the latter of the colossal effort that had been deployed to make Vision Television a reality, and the "very serious consequences of further delays."42 Hearing delays, according to David Nostbakken, could now lead to the "disastrous collapse of an organisation that now includes every major religious organization in Canada."
These Christian and other than Christian organizations have so far spent over 1.25 million in the development process, and have committed themselves to $6 million of airtime purchase in Year 1 and $7 million of airtime purchase in Year 2 of a licensed network.43

Providing some perspective to the urgency of the matter at hand, Nostbakken told the Committee that "the difficulties with religious broadcasting have been with us since the beginning, and the solution is now at hand with VTV."44 "No one wants to carry religious programming..." CIN’s director bluntly stated, adding: "This is true of conventional broadcasters now as the document provided in my last letter reveals [as well as]...applicants for specialty services..."45 Nostbakken had a great deal more to say as well: in the course of this particular missive, he told the committee to which it was addressed that both they, and the Task Force whose report they were studying, were "Johny-come-latelys" in relation to VISION TV. In summing up, he excused himself of his passion, explaining that his "rather harsh words" reflected "how strongly we feel that it is inappropriate to deny Canada’s religious bodies the opportunity to be heard on an application which has been almost four years in the making."46

Here was the profound irony of the situation: the Executive Director of a flailing interfaith solution to religious broadcasting begging both its regulator, and a committee investigating a Report of a Task Force in turn struck to investigate the solutions of the regulator – for special consideration to make good (by way of a three hour broadcasting schedule) on a solution of the regulator’s own making. Worse, the Director’s proposal – one which against apparently enormous odds and with an equally enormous expenditure of energy the consortium had managed to bring to the table – was defended in the honestly offered statement that “No one else wants to carry religious programming.” – while at least one respected broadcaster was both waiting and well positioned to begin a 24 hour broadcasting service, but being denied for representing only a target audience. To make the irony complete, this was happening in the defense of protecting the balance of a finite public square already egregiously imbalanced in favour of ostensibly value-free commercial broadcasting.
Whatever the logic, and however insensitive to the depleting energies of the applicant, with the plans for an interfaith station in the background, the Commission had a ready reply to its critics such that it was restoring balance to the broadcast spectrum. It could also now encourage the perception that it was the lack of initiative from religious stations that had all along prevented it from a more flexible interpretation of the Broadcasting Act. As an exchange between the Commission and an admirer of gospel music attests, a minor change to the formulaic response of the 1970’s could erase a lot of history: “As a listener of radio, I enjoy gospel music.” wrote one Vancouver resident:

However in Canada there is not one gospel radio station. In British Columbia, listeners must tune into KLYN in Lyndon, Washington. I understand that there are one or more applications before the C.R.T.C. for Christian programming. I urge you to seriously consider these applications and grant approval for a gospel radio station in Canada. This is long overdue.47

From the desk of the Director General of the CRTC, the reply that followed stated that, if the application from C.I.N was approved, gospel music would “undoubtedly” be a part of the Network’s programming. “However”, he added, the CRTC has never licensed a religious radio or television station, largely because the Broadcasting Act states that the programming provided by the Canadian broadcasting system should be “varied and comprehensive and should provide for the expression of differing views” on issues of public interest. In other words, any religious station would have to take into account the many faiths found in Canadian society (such as is proposed by the inter-faith network) and not concentrate on one religion or denomination.48

That five decades of policy had confirmed that “any religious station” would not have been licensed in Canada under this, and all prior Acts anyway, was now a memory. The decision of 1983 was proving itself the thin edge of a wedge that held open the promise of better relations between the state broadcast regulator and the religious communities discontented with its interpretation of balance. And yet, paradoxically, the frustration that had beset this relationship in the period leading up to the decision increased afterward, with change propelling rather than satisfying pent-up demand.

*Pushing the envelope:*
The limitations of the Commission's solution to balanced programming were voiced most consistently by evangelical Christians: that the opportunity to access the spectrum had been increased to the few hours available from a network based in Toronto and with an inter-faith ownership and management structure, meant very little to groups that had been actively seeking their own license. From their perspective, the status quo had not changed in regards to the distribution of programming, which would continue to be through local commercial stations. Even if Vision Television had been able to offer the impossible—sufficient hours to satisfy demand—commercial stations were preferable to the compromise involved in dealing with an inter-faith board associated with Interchurch Communications, whose executive had made numerous representations to the CRTC against their efforts at obtaining broadcasting licenses.49

Further, though the changes in regulation had made an exclusively religious broadcast license a reality, the Commission's retention of a discriminatory policy both in operating guidelines as well as in programming and ownership was a continual source of grievance. A central critique which the Evangelical Fellowship of Canada made to the Commission in the hearings of 1992 was that such discrimination was not "required or stipulated by the Broadcasting Act."50 The EFC submitted that the conditions placed upon a religious license resulted in "undue restriction on the rights of freedom of expression" as well as "the ability of Canadians to receive programming which expresses their vision and philosophy of life." Although conventional stations were expected to provide balanced programming, Vision TV was unique in having this enforced in the terms of the licensing conditions. The view of the EFC was that this was inequitable, and more, that it was a pretence to believe it possible. As with the submission of the CPJ, the EFC advocated that balance be calculated instead on a "proportional" basis: i.e., that the Commission "admit all programming reflects particular points of view, and then allow, as far as possible, diversity of points of view representing the beliefs and commitments of the population in the broadcast region."51 This was in essence a call to implement an industry-wide, rather than license-specific, approach to balance, something that the CRTC was had already implemented in its regulations governing the licensing of
“narrow-cast” FM radio stations. As well, it conveyed the ideological rejection of the division between sacred and secular on which Canadian broadcast regulation was based.

As much as evangelicals continued to hope for the next step in the loosening of restrictions, bodies such as the EFC never questioned the legitimacy of the Commission’s authority, and would hardly advocate or encourage such an attitude. Likewise, existing producers of religious programming, particularly after the licensing of Vision, were not in a position to challenge the agency through which they had worked for many years in order to gain what recognition was now theirs. This respect for state authority was not universal, however: within the evangelical movement, markedly in western Canada, were those who took the attitude that any authority which would block the gospel message should be challenged directly. In contrast with existing evangelical producers such as Crossroads Communications, these would-be licensees had little invested and therefore little to lose. This is not to suggest that the former were in any way indifferent to the cause. More accurately, they were partisan observers who supported the illegal activities. This was true even of the moderates within the evangelical movement. When Victory Fellowship Church of Lethbridge began its illegal rebroadcast of American signals, David Mainse told its pastor that, before a Christian Broadcasting station would be licensed in Canada, “somebody will have to go to jail”, before adding: “and it can’t be me.”

Mainse’s prediction was overstated, but accurate in the sense that a lengthy legal battle would antedate the licensing of a single faith broadcaster. The terms of this battle would not be set by the regulator. Ultimately, this had more to do with a low power unlicensed transmitter operating out of Grande Prairie, a then booming oil town in Northern Alberta, which had been re-broadcasting the programming signal of Trinity Broadcasting Network (TBN) an American religious television service, since the early 1980’s.

Direct action

The impetus for a change in regulation did not come from nowhere – but what was it that made the broadcasting authority receptive to a greater accommodation of religious
expression? One contributing factor was the new Broadcasting Act. Passed into law in 1991, largely to extend regulatory authority over the new communication technologies, the new Act also re-structured the CRTC by way of the "they who hear decide" rule, implemented in order to promote decision making that was more sensitive to regional cultural realities. The balance requirement was retained, however, as one of the primary goals of the system, in spite of the fact that the word itself was omitted in the new act.

A more significant variable in creating an atmosphere conducive to change was public pressure, from which the CRTC was not immune. When the first public hearing was announced in 1981, the Commission had not long before received and denied three applications for religious television licenses – most recently from the above-mentioned Crossroads Communications, producers of "100 Huntley Street", a daily Christian television program that was transmitted throughout the United States and Canada, and which reported a production cost in 1982 of $34,000 a day. Combined with the denial of a proposal from a group seeking a license under the name “Canadian Family Radio Ltd.” for a “family-oriented” FM channel with a religious theme, the Commission wisely determined it timely that it should deal with mounting criticism from religious groups. And where these broadcast hopefuls had initiated the discussion, others were willing to push the agenda.

At the 1982 hearings, the fundamentalist churches collected 210,000 signatures on a petition supporting a change in the regulations, and solicited the support of several MPs and Senators. Then, beginning in 1987, two men in Grande Prairie – oilfield consultant Russell Pearson and Grande Prairie evangelist Ken Swieigard, began an unlicensed broadcast of the signals of the Trinity Broadcasting Network in California over the UHF band. Their efforts – which initially were not hindered by the CRTC – were noted by the staff of the Victory Church in Lethbridge. Dick DeWert, who was serving as an assistant pastor at the church, was given the task of investigating the possibility of duplicating what was being done in Grande Prairie. Convinced that Twenty-four hour Christian television was a viable undertaking, DeWert assembled the necessary materials to begin a
UHF signal similar to that in Grand Prairie. In February of 1986, the first illegal single-faith television broadcasting in Canada began.

The Miracle Channel

Television broadcasting was not a novelty for the Victory congregation: at the time that transmitting began, the church’s pastor and his wife were producing a weekly program on a local commercial station, and DeWert a weekly catechism on a local cable station. Now, with a transmitter the size of a home stereo system, the church was attempting to expand its ministry. DeWert – whose expertise in broadcasting was nil – relied on the assistance of a member of the congregation who owned a small electronic repair business. He later wrote of these early efforts that:

The signal was very weak and extremely difficult to pick up beyond a radius of 1 to 2 kilometres. Those first months were plagued with numerous technical difficulties, including several transmitter break downs. But we pushed forward, fine tuning the transmitter, the antennas, and the other components which helped to push out the signal a little further....

The church council at Victory understood perfectly – and letters from the CRTC confirmed – that what they were doing was an illegal act, punishable by fines of $250,000 per day. The act of defiance was an intentional invitation for the regulator to initiate proceedings by which the church could bypass the officers of the DOC, thereby bringing the matter of religious broadcasting brought before the Commission in a full hearing, as per section 19 of the Act. The Lethbridge congregation knew as well as any that an application to broadcast would simply be rejected, as had the application submitted in 1981 by Crossroads for a 24 hour television undertaking. As DeWert recalls of the above events:

It was the responsibility of the Department of Communication (DOC), now known as Industry Canada, to monitor all broadcasts, licensed or otherwise. It wasn't long before I received a phone call from an official of the DOC in Calgary demanding an explanation for what we were doing. I explained to him that we had placed a transmitter on air and had applied to the Canadian Radio-television Telecommunications Commission (CRTC) at the same time for a license to broadcast. Of course he explained rather forcefully that
this was not how one was to proceed with a broadcasting undertaking. One applied first, waited for a license and then proceeded with installation.

I responded that I knew that, but I was also aware that the Commission had never licensed any religious organization for the purpose of broadcasting and that appeared to be blatant discrimination toward religious organizations. I explained that we had proceeded in this manner to force the Commission to create a legitimate means of application for a Christian broadcasting undertaking. I also informed the official that we were willing to allow him to come and inspect the transmitter to which he indicated some considerable surprise. He called a little later in the week to confirm a day when a team of DOC technicians would be in the area to inspect the equipment.

Along with receiving a steady stream of ‘cease and desist’ letters, Victory Church received a visit from a group of DOC technicians. Arriving to inspect the facility, they engaged DeWert in a heated exchange on the topic of civil disobedience, before helping to adjust their antenna for maximum power.®*

Working in favour of those who were challenging the authority of the Commission over unlicensed broadcasting was a clause in the Broadcasting Act of 1968 that allowed for unlicensed broadcasting in Canada. The clause specified to the executive council of the Commission the power to “exempt persons carrying on broadcasting receiving undertakings of any class from the requirement that they hold broadcasting licenses”.® ^ The exemption was intended for governmental purposes, not for the purpose to which Victory employed it, and it was an exemption for which application was required, as the Act made clear. Nevertheless this clause was later defended by DeWert as “one of the loopholes in the previous broadcasting act which had permitted unlicensed transmissions for non profit purposes.”

After 1986, Victory Church entered what DeWert described as a “live and let live relationship with the DOC”, one in which Victory would inform the Department of changes to transmission and the Department would inform Victory whenever its transmission was below its potential. One year later, this peculiar situation was tested when the manager of the local provincial grain elevator invited Victory Church to move
its transmitter to the top of the government building, where its signal was improved. The tower was moved back to the church property, however, when the elevator was sold and the new owner began to receive notices from the CRTC.

Victory Church was finally charged by the CRTC in 1991, following the drafting of the new Broadcasting Act, in which the putative loophole provided by section 17(d) was closed. However, Victory refused to stop transmitting, appealing to the Commission on grounds of the Charter of Rights and Freedoms. In September of 1991, the Victory group, as well as three other religious “pirate” stations, were served notice to appear before the Commission in Edmonton the following January. Four months after giving evidence at the hearing, where 800 protesters convened in support of religious broadcasting, the Commission chairman ordered the closure of all four stations, while announcing the decision to re-open the issue of religious broadcasting. Victory, which had already agreed to cease broadcasting if such a move was initiated, decided to close down voluntarily. Six years after it had been installed, and within half an hour of the deadline, Victory shut off its transmitter – taking the view that this would allow them to start up again if the hearings were unsatisfactory. The other illegal evangelical broadcasters – in Winnipeg, Saskatoon, Lloydminster, Edmonton and Medicine Hat – were closed, some having their equipment seized by the RCMP.

The righteous indignation of the western Canadian fundamentalist church reflected a constituency that was influenced by American religion: specifically the charismatic movement, which claimed a unity of the Body of Christ but whose emphasis on the need to be “born again” rankled many within mainstream religion. DeWert’s description of his own wedding is exemplary of the movement’s apparent commitment to unity: “Joan was from a Roman Catholic background, I was Protestant Reformed, the church we were married in was Pentecostal and the officiating minister was with the United Church of Canada. We had all been united by the charismatic revival that was occurring through out the church world.”
Not everyone in Canadian religion felt so united, as the vehement submissions against Victory’s license application would later testify. The cleavage between liberal Protestantism and fundamentalist evangelicalism was enormous, and one important aspect of this was the fact that American evangelicalism – the bogey of groups such as InterChurch Communications – was embraced by revival churches such as Victory. In the case of this congregation, its very inception lay 120 kilometres away in the town of Sunburst, Montana, where a local revival had been drawing people from both sides of the border, and from which a small group had carved off to plant a church in downtown Lethbridge. The other congregations involved in illegal transmitting were also rebroadcasting American programming, such that along with the “pirate” appendage by which they became known, the Christian media labelled them “the TBN broadcasters”, after the American network service.

As the CRTC began to forcibly close these operations, civil disobedience turned to direct action in the form of lawsuits against the Commission. The group in Grande Prairie again led the way, and convinced an Alberta provincial court justice to allow their suit against the Commission. Their position invoked the Charter in making the claim that the regulations were in violation of freedom of religion, expression and communication. In Winnipeg, the president of the short-lived Inspiration Television, Ken Groening, joined forces with three other re-broadcasters, all of whom had their equipment seized, in order to press a claim both for the equipment as well as for the right to broadcast. Their overall goal, according to Groening, was to see religious broadcasting in Canada “substantially deregulated.”

Whatever the renegade broadcasters hoped to attain, the 1993 requirement that they “expose their audiences to different points of view on religion itself.” was an obligation that they had difficulty convincing the Commission they could achieve. By 1996, out of nine applications for Christian television stations, Victory was the only group that had managed to obtain approval, and only after first receiving a deficiency letter seeking clarification of their commitment to provide balance. The others – all in western Canada – were rejected, either for failing to convince the Commission of their ability to
provide balance or for concerns over their financial viability. The paradox was that the CRTC’s balance requirements were the most significant barrier to the financial security of these same religious broadcasters. The legal counsel for the Evangelical Fellowship of Canada makes the following point concerning the Commission’s requirement of a minimum 14 hours alternative programming to which single-faith broadcasters are held to account. Often mandated for prime time hours, Janet Buckingham points out that the rule

...is a significant challenge for religious broadcasters, most of whom are evangelical Christians who hope to spread the gospel through their broadcasting programs. Most of these broadcasting undertakings rely on donations to make them financially viable. It stands to reason that these stations will find it difficult to fundraise if they must give their prime time to those who have opposing views on Christianity.

This was certainly a concern for Victory television: however, having learned something of the regulator through its six years of illegal transmitting, its proposal for CJIL Lethbridge reflected an understanding of the regulator that had been completely lacking in 1986. The application proposal submitted in 1994 included a commitment to encouraging community involvement and the discussion of other belief systems by offering two and a half hours of phone-in programming each week, to be hosted by “guests presenting other viewpoints”. CJIL would also provide direct air time to other faith groups and denominations in the broadcast area, and promised that it would attempt to acquire documentary programs about other faiths from a variety of sources, including the CBC and the National Film Board of Canada. Finally, the applicants promised to establish a six member “Regulatory Review Committee” to oversee its programming, a committee of which only half the representatives could be affiliated with Victory Church.

The mainline Church wades in

As we have mentioned, the cleavage between the American style evangelicalism of the prairie Protestant communities and the mainline churches was enormous, particularly with regard to social issues. It was perhaps not surprising then that in considering Victory’s application, the Commission was met with the firm and committed opposition
of the mainline denominations, which lobbied vigorously against it on the same grounds that it had lobbied against a change in the system in the hearings of 1992. After receiving interventions, the Commission then returned the Victory application in order to provide "further guidance with reference to its expectations." By way of assistance, the Commission pointed out in reference to open-line programming that the practice of making air time available for viewers “does not, in itself, ensure that different points of view will be presented on religion.” To make this strategy effective, a successful applicant “must make a specific commitment and formulate detailed... plans”, such as “presenting guests from other faiths on a regular basis.” In terms of programming by other faith groups, the Commissioners were categorical:

It is not sufficient... merely to make air time available for other groups. A broadcaster must actively solicit such programming to ensure that different views are presented. An applicant should demonstrate to the Commission that it has contacted other religious groups, and present evidence that a willingness exists on the part of other faith groups to participate. Moreover, it should indicate to the Commission how it will ensure that programming from the various faith groups will continue to be available ...[and] satisfy the Commission that different points of view will be broadcast by providing minimum commitments regarding how often...[this] programming will be broadcast.

Additional to the above, in the event that other faith groups did not wish to have any broadcast time, the applicant was to “find another means” by which to provide a variety of perspectives.

The caution that the CRTC exercised was not surprising, given the context. In protecting the principle that the mainline churches had hoped the Commission would not have compromised in the first place, the ICC intervention against Victory had been pointed. Citing concerns from Canada’s gay and lesbian community, its intervention against Victory and another applicant from Dawson Creek, stated:

WE DO NOT SEE, IN THE DOCUMENTATION OF ANY OF THE CURRENT APPLICANTS FOR RELIGIOUS BROADCASTING LICENSES, PROVISION FOR JUST SUCH INTERNAL REGULATORY MECHANISMS. This fact, coupled with the narrowly “Christian evangelical” base upon which these applications appear to be built, gives us serious doubt about their ability to adhere to the Commission’s requirement to “provide balance in the overall programming offered by the undertaking.”
In a subsequent letter to the Commission’s Secretary General, ICC told the CRTC that, “however nuanced” it tried to appear, CJIL in reality was a “SINGLE POINT OF VIEW (conservative-evangelical Christian)” application, and as such belonged on the discretionary tier of the spectrum. Which is perhaps why we have the seeming anomaly to hand – of the Victory...people, with a particular point of view which they desire to broadcast, trying to prove that as licensees, they will in fact be multi-faithed, and open to all! If they are to be that, then a commitment to e.g.: 8.3% of “balanced” programming, is ludicrous – they have to be 100% balanced! And that would mean all the limitations and checks with which e.g.: Vision has to live.

This view reflected the ICC’s interpretation of the directive in the 1993 policy that religious stations “adequately meet the needs of the community”. As the Council commented: “...given that 50% of all Canadians are Roman Catholic, 17% United Church, 12% Anglican, and so on, then one would look for some indication in Victory’s programming and access mechanisms that would reflect the needs of such groupings.” Though a census attached to the application subsequently revealed a far different local picture, to the evangelical broadcasters this was not the point: acknowledging the farcical aspect to the application requirements, they viewed it instead as a testament to state intervention in religious expression. When the application submitted on behalf of the Saskatoon Family Network was denied, its spokesperson Ron Burko complained in the Christian media that the Commission’s balance requirement was onerous: “Saskatoon has a population of non-Christian believers of 1.8% ... and we’re trying to give them 8% of our broadcast time...We’ve written every mosque, synagogue or temple trying to find non-Christian religions to co-operate with us. Dick DeWert had similar sentiments concerning the mandated balance: “I wasn’t doing hand flips over it...”, he confided to the same magazine when Victory was approved. When of Edmonton’s proposed Dominion Broadcasting Society began the application process, its representative protested: “Are we thrilled about putting on Hindu and Muslim religions on our station? Obviously not...But at the same time, we’ve decided to comply with these regulations.”
When Dick DeWert challenged the authority of the Department of Communications, his perceived justification rested not on minor sub-clauses in federal communication legislation but on the “blatant discrimination toward religious organizations”.*84 This was where he found his support, and what brought 800 people out in protest on a cold January day in Edmonton. But it was a chord that did not resonate with all, as the above response of the mainline denominations would indicate. In fact, hostility toward the idea of a Christian-only broadcasting station from self-described concerned Christians was nothing short of remarkable. In response to an invitation from their denominations to make their opinions known to the Commission, supporters of the *status quo* indicated a complete cynicism of would-be Christian broadcasters concerning their agenda and faith commitment. In the words of one United Church member, “We Canadians still need to learn about our own people and their beliefs without forcing anything on anybody.”*85 A respondent from Hamilton, who appreciated Vision TV for the “spiritual points of view of other Canadians” as well as “a certain kind of entertainment I would not see otherwise” concluded by saying that “We do not need or want a licensed outlet for the narrow point of view of so-called Christian broadcasters with no room for open discussion or disagreement.”*86

The arguments of the forces aligned on either side of the debate over permitting greater regulatory flexibility contained echoes of the licensing renewal controversy of the International Bible Students some five decades before, sufficient that we can draw a fairly clean parallel. Particularly after the licensing of Vision Television, these forces assumed the predictable behavioural patterns of conformist and non-conformist religion. The mainstream churches, content that access to the system was assured, offered essentially two arguments: that it would be unwise to invite American-style televangelism – with the attendant problems in terms of fundraising practices and flamboyant presentation – into Canada, and that segmentation along faith lines was retrograde by nature. Through bodies such as Inter-Church Communication, the mainline denominations lobbied against unacceptable expression, whose voice was now that of Christian fundamentalism. Thus the Mosaic Program Management Group of Vision TV
found itself "concerned by the assumption unto themselves of the inclusive word of "Christian" by a group representative of only a small minority of this nation's identifiable Christians." Likewise, in an appeal for a letter writing campaign against single-faith licensing, the Executive of United Church Television described to its "Spirit Connectors" an alarming situation. Commending Vision TV as "an excellent medium for addressing our church's concerns - to our own people and to the community at large.", the letter offered a personal and unflattering appraisal of the forces advocating change, and their recent activities:

These stations, all of them operated by fundamentalist, conservative, evangelical groups, were re-broadcasting an American service (Trinity Broadcasting) which they felt better represented their particular view of life. A coalition of such faith groups has joined together to lobby for a "Christian only" network in this country. Our church, along with all other major Christian denominations and faith groups, is opposed to such a development. We are opposed to some 8% of the nation's Christians presuming to speak for the 85% of Canadians who profess the name of Jesus. We believe in the importance of "balance" in broadcasting and resist attempts to fragment the Canadian broadcasting spectrum into an American-style cacophony of competing advocacy groups.

The message conveyed a basic insecurity about the evangelical movement on the part of mainstream faith communities, but it also said a great deal more. First, in claiming that the evangelical movement was claiming to represent all Christians in Canada, the committee was offering a subjective insight into how that movement made them feel, as much as into the target of its criticism. What did this mean? Simply that the appropriation of the Christian appendage was consistent with the ungenerous of both the mainstream and evangelical denominations, each of which found the other to be theologically suspect. Though the mainstream had a long-standing complaint against fundamentalists for claiming exclusive ownership of the title, they tended to protect themselves, and by extension their theology, on the irrational basis of numbers of adherents.

Second, though clear enough in its assessment of the evangelical movement, the message was just as interesting for what it did not say: to wit, that a view of life could be unacceptable for its particularity. The assumption begged a few questions, manifestly
concerning the role of the state in promoting tolerance, but also concerning the nature of
tolerance, whether exclusiveness was *perforce* contrary to tolerance, and whether
dialogue between faiths was indeed the path to that tolerance. The fundamentalist
worldview acquired an offensive nature in seeking access to the public square for its
transmission *as is*; in another word, imbalanced. Whether faultless in tests of tolerance
and respect and sensitivity, and accountable to such under the regulatory safeguards of
the Act, it was the implacability of the message, and the apparent unwillingness of its
adherents to offer it in an interfaith context, that made it offensive. According to the
signatories to the ICC, in order to show respect for others it was not enough to respect
their freedom of expression: instead, inter-faith co-operation was a *sine qua non* of
tolerant religious expression. Groups that could not co-operate with an inter-faith vision
were automatically suspect, an implication reinforced in the concluding comment that
"The issue is not one of freedom of access. The only groups now wanting access are
those who could not get it through VISION and those who will not conform to VISION'S
Code of Ethics."^{89}

The opposition of the Christian mainstream to change was consistent, but not without its
recognition that access was a problem. In 1982, the signatories to ICC submitted a brief
in which they offered ten recommendations for maintaining the regulatory system while
at the same time encouraging commercial broadcasters to become more active in their
responsibilities under the Broadcasting Act by mandating a specified quota of time as
public service.^{90} The ICC believed that in stipulating one hour of religious programming
a week, the requirements of programming balance would be met, and they legitimised
enforcement by pointing out that access by churches to both the CBC and to private
broadcasters was "well nigh impossible."^{91}

The CBC in particular had disappointed the Canadian faith communities, and change
would have to begin there. Thus the first recommendation of the ICC in its 1982
submission was that it:

...urge the Corporation to re-establish a Department for Religious Programming...
and to adjust administrative practices so as to facilitate access in terms of joint
productions with religious bodies in this country, in fair proportion to census membership figures. Segmentation along denominational lines, however, was to be avoided at all costs.

Where the mainline churches were effective in generating recommendations, including a consistent emphasis on encouraging Canadian content, they had few words of advice for solving the problem of a lack of Canadian production. In fact, they had none at all — and in this regard their 1982 brief was more adept at describing the current lack of quality programs, in effect that domestic religious programming was “almost non-existent”, and what little of it there was:

...takes the form more often than not of a ‘thought for the day’ or the broadcasting of a religious service. The rare exceptions are in those parts of the country where denominations have been able to sustain some kind of a staff-supported broadcasting presence. In such situations there are a few innovative productions, usually taking the form of brief daily commentaries.

However, as the ICC suggested, this was not the fault of the churches: instead it was to their credit that Canada’s mainline denominations did not produce more programming, as it was an indic of healthy priorities. “We believe”, the ICC submitted: “that the major churches of Canada subscribe to a concept of mission in the modern world which is too broad and varied to permit them to devote a major portion of their budgets to what is, after all, only one form of mission among many.” It was because the mainline churches were “unwilling to terminate other forms of mission in order to buy air time [that] the portrayal of religion in Canada has become, to a large extent, that of the professional religious broadcasters, mostly American.” The sub-text concerning evangelicals who were eager to obtain a license was obvious.

The 1992 Hearings

While the concept of scarcity had been challenged as never before in the ten years following the Commission’s 1983 decision, the position of the two sides remained where they had been. The interventions at the 1992 Hearings against compromising the balance requirement were still numerous, but, as Dennis Gruending of Interchurch Communication suggested, there were “…few big surprises.” In a four page
memorandum in which Gruending coached the members of ICC on the methods that they should use to maximise the effect of their written and oral submissions, he described the two sides: on the one, “The big Protestant churches (United, Anglican, Presbyterian), the Catholic bishops [and]... groups drawn from other world religions”, on the other, the “Evangelical churches and their followers.”, including the Evangelical Fellowship of Canada. Supporting the former in their position that new licenses should not be granted was the Canadian Council of Christians and Jews, but in what Gruending called an “interesting departure”, The Baptist Convention of Ontario and Quebec had withdrawn their support from the ICC. Opposition also came from the Knights of Columbus, which was actively lobbying for the licensing of one “Eternal Word Television Network”, from several politicians such as Liberal MP David Kilgour and Senator Ray Perault, and of course from the evangelical broadcasters themselves.95

As to the specific position taken by the members of Interchurch Communications, all of these reiterated one another in telling the Commission that there was no need to revisit the 1983 decision, while dividing over whether the current state of religious broadcasting on the Canadian spectrum was adequate. The United Church read any change as a threat to balance, and to a “long-held position in Canada respecting the nature of what it means to be a country”.96 In broadcasting, the needs or demands of minority communities took second place to the overall public interest, for as the Church submitted, “any change in policy will do much greater damage to the CRTC, its legal mandate and influence on the lives of Canadians, than will be the damage experienced by any one licensee or interest group.”. It would also put the CRTC in an “impossible situation” viz, enforcement.97 At the same time, however, the brief emphasised that the current programming was not an adequate representation of what was wanted or needed, and averred that, within the present policy, efforts to ensure balance could be vastly improved upon:

We have stated before, alone and in concert with others, that the present programming on over-the-air broadcasting undertakings does not serve Canada well, reflecting neither the religious needs nor interests of Canadian audiences. For the most part, our experience is that over-the-air broadcasters ignore the Canadian religious mosaic. It is also our experience that over-the-air broadcasters do not provide balance in their programming in terms of representing the full interests and lives of Canadians, including the faith practices of Canadians. We believe that the
As with the media branch of the United Church, that of the Canadian Conference of Catholic Bishops found the current regulations to “meet the requirements of the common good, balance, fairness and Canada’s multicultural nature.”\(^99\) Quoting directly from the Second Vatican Council’s Declaration on the Relation of the Church to non-Christian Religions, the Office for Social Communications defended the CRTC’s historic approach, stating that “The common good of Canadians demands that we know and understand each other’s hopes and aspirations."\(^{100}\):

We urge the CRTC to continue on the path of safeguarding the Canadian broadcasting system as a vital public resource belonging to the Canadian people. Your existing regulations on the various aspects of the system may be criticized by some because they think their individual rights are not being met fully. People of goodwill, no matter which political or religious affiliation they may hold, will recognize that there is an intrinsic relationship between the good of the individual and the good of the whole community. The rights of individual persons or groups include a reciprocal responsibility for the good of society as a whole and must be in balance with the common good."\(^{101}\)

Departing from the ICC, however, the Catholics found the system to be essentially healthy. The broadcasting spectrum provided “all religious groups in Canada [with]... a viable, financially reasonable broadcast ministry."\(^{102}\), decided the Episcopal Commission, which commended the work of the CBC for devoting “some of its resources to the presentation of religious programs."\(^{102}\) The Bishops also found “no reason to license any religious television operation other than VISION-TV, with the possible exception of a French language [sic] counterpart to VISION-TV."\(^{103}\) The Canadian Council of Churches inveighed that “Any shift” toward the licensing of single-faith stations or networks could result in “a certain negative purification” of the system, and expressed concern over the possible loss of access to minority groups should the Vision model be abandoned.\(^{104}\)

Some concerns expressed in 1992 made for strange alliances, such as that over policing which was voiced by both The United Church and by Canada’s private broadcasting association. Paradoxically, the intervention from CAB expressed concern over the
possibility that greater flexibility would necessitate an expanded policing role for the Commission, which in turn would threaten free expression. For the United Church, the threat was that the Commission would be embarrassed in its new role. The Evangelical Lutheran Church, whose Communication board was chaired by the chair of Vision TV, not surprisingly offered their “positive response to the commitment and policy of Vision TV in its model effort towards balanced programming....” This was combined with the most vivid critique of advocacy offered by one of the ICC supporters: “Balance will work best when different views are expressed and can be compared in the same media. A smorgasbord of channels can only confuse an audience. We lose balance when sectors are permitted to isolate themselves to promote separate views.” In conclusion of their position, the Lutheran council added that “Exclusiveness and devotion to one voice is contrary to the spirit of openness, tolerance and valuable dialogue between faiths.”

In all this it would be easy to assume that the concern over the loosening of the balance requirement, particularly when coming from those most intimately connected with Vision TV, had its own agenda associated with protecting Vision from competition in a targeted market, or even preventing the intrusion of the CRTC in religious stations. In fact both of these concerns received attention in the discussions surrounding the debate, and for the churches involved in the operation of Vision, there was certainly an element of selfish concern about protecting a hard-won license. This was made more acute with the fairly widespread misunderstanding, particularly among Vision viewers, that the Commission was engaging in a zero-sum game with religious licensing. But inasmuch as this fear existed, it was expressed within the terms of a sincere desire to protect the inter-faith approach, which was generally not defended for the preservation of Vision as much as Vision was for it. Among the representatives of such bodies as Inter-Church Communication and the Canadian Council of Churches was a genuinely held belief that this was the only safe approach to religious broadcasting, and that anything which varied would be retrograde by association with what passed for religious programming in the United States. As United Church pastor Rev. Rod Sykes emphasized, “More is involved here than the libertarian convictions of liberal political theory; our conviction here is theological.”
What did this mean? Was Sykes simply categorising Canadian evangelicals by reference to the example of American style religious broadcasting, or was his an ideological position that went beyond such a comparison? The answer seems to be the latter – again, that opposition to single faith broadcasting was opposition to the very concept of flagging exclusive non-conforming religion in Canadian society. This was consonant with what had always been the position of the state, and here we need look no further than the 1993 decision itself. In the minority report in the decision, the dissenting commissioners wrote of their fears of any group “whose perspective is so narrow it cannot commit itself to meeting the balance criteria”, explaining further that:

Our position[105]...is not based on a desire to see the balance principle continue for its own sake. Our main opposition to licensing a service which will not commit to balance is the potential that continued exposure of consistently one-sided views may prove to be a destructive force in Canadian society. We are disturbed, the commissioners continued:

by the extent of social, cultural and racial intolerance which is often rooted in religious intolerance. One need only look to Bosnia, the Middle East, India, Northern Ireland, South Africa and other world “trouble spots” to observe this phenomenon in its most violent form. Such cultural and racial intolerance is less dramatic and violent, but no less real, in Canada.

In response to the opposition of the ICC and like-minded bodies, the CRTC received a host of alternate views indicating support for greater flexibility. One of the most articulate of these was that from Crossroads Communications., which positioned the hearings in which it was a participant in the context of “over sixty years of history” – a history defined by “an overreaction to some excesses in the new frontier of 1920’s radio.”[106] Crossroads put forward the argument that the system would be self-balancing should any more than one single-faith station be licensed; the same principle that applied in secular broadcasting. “Simply because licensee “A” is Christian...does not mean that the viewpoint of a matter of public concern will be identical with Christian licensee “B”[107] In the area of pay television, according to Crossroads, this would not even be an issue:

A discretionary service will be purchased for a specific purpose and only by those who are interested in the overall subject matter presented by that service, be it sports, science fiction, medicine or religion. Subscribers are purchasing it to
provide the “imbalance” they particularly want in their lives because of their interests. In addition it can sagely be assumed that while subscribers watch that service for a significant portion of their viewing time, they will also watch others — perhaps other discretionary services and certainly other conventional television services.\footnote{112}

The essence of the Crossroads submission was that “Balance on matters of public concern can be achieved in religious broadcasting on a broader basis than by requiring each licensee to achieve it.”\footnote{113} This was also the message of a group that went by the name of the National Christian Broadcasters of Canada, an organization comprised of Christian commercial broadcasters, unlicensed broadcasters, producers and advertisers. The boast of the NCB was that its members were “a diverse group of Canadian Christians…committed to presenting the gospel of Jesus Christ in a positive, encouraging format, and…to serve our country by effectively meeting the spiritual needs of Canadians.”\footnote{114} The NCB brief was an attempt to engage the Commission in a debate contrasting the moral decay of society against the benefits offered by religious programming. Against the “explicit sex, usually between unmarried partners, nudity, violence, and rebellion.” was the promise of “programs and program formats with a message of hope and based on biblical truth [that] can and do have a profound impact on people, just as negative programs have been shown to result in negative behavior…”\footnote{115}

A major stumbling block in the licensing of single faith undertakings seems to be called “BALANCE”. Evangelical Christians are not deliberately trying to undermine other Christian groups or even other religions. There seems to be a fear that there will be undue proselytizing or religious “bashing” on single faith facilities. Many of the paid for religious programming aired in Canada today are evangelical Christian programs. Are these programs now so evil, and if not, why are we to assume that they would become that way? … The balance that we need in this country is more religious programs to counter the deluge of amoral, or immoral programming that we receive now.\footnote{116}

Unsophisticated as it may have been, the NCB submission challenged the perspective within the Commission that attributed to Canadian religious programmers the worst conceivable tendencies, and by extension to forgive the known “evil” within the existing broadcasting system. As the minority decision in 1993 would indicate, several of the commissioners would trade the perceived evil of religious advocacy with its possible benefits — and to defend their choice with the most extreme examples possible.
Between the arguments of scarcity and moral balance, the Citizens for Public Justice offered a brief based upon the principle of protecting pluralism. In two submissions made to the Commission, the group put forward the argument that “Canada is a religiously and ideologically pluralistic society, and the CRTC must be prepared to meet the constitutional entitlements of Canada’s various faith communities.” This, stated its National Director, would be a policy that was designed “without discrimination based on creed, faith, ideology or religion.” specifically, by discontinuing the practice of distinguishing religious from “secular” broadcasters, and instead having both meet the same criteria.

In its oral submission at the hearings, the CPJ offered the constitutional argument that,

To provide one kind of access and to lay down one set of criteria for one set of applicants and licensees, namely the so-called non-religious ones, even if they are terribly ideological in their pursuit of materialism, and on the other set of criterion standards for the so-called religious community is a violation of the Charter, and isn’t saved by section 1.

Unsafe messages for pluralist societies:
The discourse of the evangelical broadcaster, with its sense of mission and moralist tone, spoke to a gulf that separated them from the mainline churches. Because of the premium the latter groups placed on the pursuit of balance through ecumenical and inter-religious unity, fundamentalist advocacy was perceived as an aspect of the “Culture Wars” troubling North America’s moral landscape. Tinkering with these threatened to cause a “negative purification” of the system. In this context, the desire to broadcast the claim that a singular path to salvation existed was suspect, regardless of the size of the spectrum. In fact it was as imprudent a message in the late 20th century as the reverse had been in the thirties, and it was one from which the communication arms of the larger national denominations had chosen to put some distance. The primary focus of these bodies was generally less about contributing a theological view of life than in pursuing dialogue with the proponents of other worldviews, to the end of a safe civil discourse. This in itself became their contribution. The second paragraph of the United Church’s 1992 submission makes the point: four sentences in length, it contained five references to
the word “national”, and invoked Hockey Night in Canada in its effort to describe just how great of a national institution its 4044 congregations were.122

Heirs

Opposition to compromising the balance doctrine was more than an altruistic protection of a vision of compromise, nor was it primarily an ulterior, tactical preservation of selective rights of access. The mainline denominations in Canada opposed the agenda of the evangelical because the status quo was congruent with their moral vision of a public virtue. Heirs of the Established church, they preferred to work with the contemporary culture, and would view the advocacy of evangelicals as contrary to this purpose.

Returning to the terms of our outline, they were behaving as the established church always had. As an arm of the civil polity, a component of the civil religion – their fortunes tied to its success – it was predictable that as the civil religion became secular they would remain committed to its terms. The paradox is described by Michael Novak in his discussion about the behaviour of the religious left:

Theologically speaking, the free market and the liberal polity follow from liberty of conscience. Yet those religious persons who prefer the public enforcement of virtue find obvious attractions in socialism. What censorship is to free speech, the command economy is to the free market. What an established religion is to a traditional society, a collective moral vision publicly imposed is to a socialist society. There will not be wanting Christian, Jewish, and secular socialists to whom a socialist society promises methods of suffusing their views throughout every activity which no free society affords them.123

In the Canadian context, there is truth to Novak’s argument that can be applied to the example of mainline religious organisations whose concept of balance precluded room for religious advocacy. Lobbying against the further extension of the right of free expression to groups that seemed not to share in the enthusiasm for the collective moral vision was consistent with this attitude.
Conclusion:

“A procès verbal of all signals transmitted, giving date, time and nature of such signals shall be kept by the licensee…”

With this condition, the radio service of the Department of Marine and Fisheries began the monitoring of programming on Canadian airwaves. Ever since the invention of wave modulation, by which invention the human voice could be transmitted, the necessity of some form of regulation of broadcasting has been a given. In the 1920’s, when the potential of a cacophony of interfering signals led the international community to establish a convention on broadcasting, its signatories showed an awareness that the airwaves were a finite resource over which the state had a direct responsibility. Implicit in this idea of broadcasting as a public trust was that responsibility would in turn extend to those who were licensed to broadcast, where and whether this occurred. But it was equally obvious that within these general limitations on freedom of expression, there remained a wide spectrum of approaches to the regulation of programming content. It has been the contention of this paper that in Canada, the approach taken was one that was detrimental to the principle of religious freedom. By privileging a civil religion of national unity over equality of access, the Canadian state created an unhealthy and imbalanced public square. The effect of these regulations was a tendency toward the exclusion of whatever was deemed controversial in the contemporary context, and the participation of that which was of the cultural mainstream. It was in this context that the programs of the Bible Students were deemed “unpatriotic and abusive of all our churches”, and that, sixty-five years later, religious broadcasters would be required to “expose the audience to different points of view on religion itself.”

It was “an article of non-partisan faith that broadcasting had special responsibilities in the Canadian circumstances.”, stated the authors of the 1986 task force on broadcasting. “It was to play the role of both the railways and the telegraph in binding a geographically absurd entity together. It was to be a key instrument in the never-ending task of affirming a sense of Canadian consciousness.” In short, it was intended to be an
instrument of the state in its never-ending exercise of nation building, rather than a space in which Canadians could meet and reveal to each other who they really were.

In the wider context, the above is a case study in defence of the premise that there exists a constant theme in Canadian history of a fundamental conflict between the prerogatives of the state and the principle of respect for non-conforming values, and that where the two conflict the results will be predictable. The cyclical patterns of the identification and repression of religious “dissent” or de facto non-conformity in Canada since the days of New France support this idea. Thus the connection between religion and rebellion made by William Knox in the eighteenth century reflected more than, as Judith Fingard has written, “the governmental attitude of his day and age.”; rather, it was an accurate statement of an attitude that prevailed both long before, and long after his moment on the historical stage.

That the regulation of religious expression in a technology invented within living memory could be compared in any way with a context so foreign to our own is a significant claim. To justify it at all necessitated some exploration of the 18th century transition from Ultramontane authority to Gallican control, and that of the transition from 19th century Establishment toward voluntarism. A rough parallel of each other, all three periods repeated the pattern of the civil authority asserting its dominance over the respective offending religious worldview, whether Jesuit, Methodist, or fundamentalist. Likewise all periods featured an “established” faith that benefited from political proximity and ideological congruence with the state.

The third period in this cycle was begun in the events that occurred in the licensing controversy of 1928. Here, the treatment afforded the Canadian arm of the Jehovah’s Witnesses was a prelude to the secularization of the broadcasting system in the coming years. The issue of spectrum scarcity by which the decision has been defended since that time, was in the contemporary debate a secondary issue, and employed selectively. For the government of the day, the target of criticism was the treatment of minorities. The
difference in the treatment afforded a broadcast hopeful of one of the more mainstream faith groups in Canada and the leniency extended to the broadcasting of Protestant bigotry from other sources further contribute to the picture of discrimination in these early days: as with the scarcity argument, controversy too was subjective.

During the interim period between the release of the Aird report of 1929 and the implementation of most of its recommendations three years later, the two interests whose conflict would dominate the regulation of broadcasting began to take shape. Advocates for public and for commercial broadcasting engaged in a struggle pitting the often clashing ideologies of nationalism and commerce against each other – a contest to which they remain committed, and in which the issue of expression became the pawn, with both sides claiming that their approach would better serve the public interest by maximising access of all to the airwaves. Under the umbrella of the Canadian Association of Public broadcasters and the Canadian Radio League, these interests engaged in a game of persuading Canadians – the churches included – that theirs was the superior model.

Though successful in their lobbying efforts for a public broadcaster, the promises of the liberal nationalists would not be rewarded in practice. As we have seen, the reality of broadcasting in Canada instead became one of a consistently uneven application of regulations between mainstream and fringe religion and of a chill effect on commercial broadcasters that was fatal to free expression. As to the first of these, we have seen how the tendency of the regulatory authority – both the Commission and the Corporation – was to tread with caution in those instances when it would have been circumspect to exercise its powers under the Act. Allowing rather more leniency to some than to others took the place of a firm commitment to protect the system as well as the public from abusive commentary, the size and influence of the religious constituency of the offending party being predictive of whether persuasion or coercion would be used in the implementation of clause 7 (c). As we have seen in the examples of the Reverend Morris Zeidman, Reverend C.P Bradley and the Union des Electeurs, the CBC was arguably the worst offender of its own regulations. The resulting regulatory environment bordered on negligence.
As to the second, and as we saw in our discussion on the CAB, as the assets of the commercial station owners bloomed, so too did the disincentive to provide programming time for matters of “public concern” and to which the audience was becoming trained in the art of complaint. The result was that the commercial broadcasters proved themselves capable of showing more diligence in restricting non-conformist religious elements than the regulator itself. The problem was significant enough to result in a void in programming that was filled by the availability of American signals, which became funded to a phenomenal degree by Canadians. More important than the fact that the system served to aggravate the problem of the comparatively poor quality of Canadian production, the exchange of religious ideas and the potential of faith communities to interpret events that were shaping the nation was effectively negated by the insecurities and profit motive of the private broadcasters.

Aside from simple majoritarianism, the other factor contributing to consistency in programming was the direction that came from the church itself, by means both of the local ministerial committees and by way of the National Religious Advisory Committee and its regional affiliates. For the commercial broadcaster, the intention was that these would assist in balancing the demands of the local ecumene; for the public broadcaster, the idea was to assist in apportioning sustaining time among the major denominations. In the exercise of their duties, however, these bodies by their very design served the major denominations, and became a second filter for the presentation of differing perspectives on issues of importance. When challenging the parameters of their duties they ran afoul of the regulator, and were forced to disband.

In the absence of religious broadcasting stations, and with the self-regulation of religious expression in the commercial sector, the response of the public broadcaster was critical. A significant rationale for the existence of a public broadcaster was that it would provide that which a commercial system would not. For many, this was and continues to be the sine qua non of a state broadcaster. It was also its mandate. Two years after the regulatory responsibility was lifted from the Corporation, the Board of Broadcast
Governors reiterated what the CBC Board of Governors had made a policy of the CBC in 1939: to give Canadians what they were “entitled to hear”, viz, “the principal points of view on all questions of importance.” The BBG also affirmed “the full interchange of opinion” as being among “the primary safeguards of free institutions.” Yet as Canadian society became increasingly secular, the response of the Corporation was to conceive for itself a limited role in reflecting Canadian faith communities, putting the expectations attendant upon it back upon the commercial broadcasters. This did not mean abandoning religion altogether. Instead, the predominantly secular staff of the Corporation was to provide Canadians with a window into the “religious experience, culture, commitment and ferment” in Canada and beyond,” meaning a move away from “devotional” and toward “programmes of dialogue, comment, conviction and exploration.” In short, what Brian Freeland termed “CBC Religion”: a programming that disappointed in turn the hierarchy of the Catholic Church (which made a feeble attempt to gain control over religious programming in Quebec), the NRAC (which tried to change the system from within), the regional advisory councils (which disbanded) and the western Canadian evangelicals, who defied the regulator altogether.

“tennis playing seminarians or stern-faced panellists”

The CBC did not, nor probably could it have, reflected the dynamic plurality that is Canadian religion today. And, as the broadcasting spectrum increased to a point where the scarcity argument was rendered void, it seemed logical that it would not have to do so. And yet the state, through its delegated regulator the CRTC, continued – and does so still, with some modification – to apply the balance doctrine to each licensee rather than extending it over the entire system. The significant change has been, of course, the licensing of undertakings with single-faith ownership. Yet these continue to carry the obligation of balance, which to the regulator means differing views on religion itself. There is something in the Canadian psyche that is resistant to advocacy, and here in the history of broadcasting we are given a sense of this character. So ingrained is the concept of “balance” that the mainline denominations will and have put up an articulate resistance to any compromise that might signal a trend toward untrammelled liberty of speech. It is a mind-set that is conformist and based in a fear of giving space to confrontation. It is
expressed eloquently in the dissenting opinion of the CRTC commissioners who found the compromise of balance a repugnant thing, citing "the extent of social, cultural and racial intolerance which is often rooted in religious intolerance."

One need only look to Bosnia, the Middle East, India, Northern Ireland, South Africa and other world "trouble spots" to observe this phenomenon in its most violent form. Such cultural and racial intolerance is less dramatic and violent, but no less real, in Canada.6

The view is that religion – the singular, essential un-compromising truth type – can be separated from culture and identified as dangerous. And in a sense it is true: religion is dangerous, and it is instructive that those who have always feared it the most are those regimes that require ultimate loyalty of their citizens. The collapse of Apartheid was a religious phenomenon. The fall of the East Bloc began in Polish cathedrals. It is impossible to consider the civil rights movement in the United States without understanding the power of the religious leaders in whom it was born. In fact it is impossible to separate religion from culture and the events of history, whether triumphant or repressive, and it is silliness to try. The idea that it can be a dangerous blessing to a culture, by challenging the power of hegemonic systems and received cultural patterns, is the obvious reply to such bureaucratic naïveté.

What, then, can we say to the need to set limits in order to prevent abusive commentary? Are we to give that up and allow free reign to intolerance and hatred disguising itself under the cloak of a religious cause? By no means. First we need to recognise that this a false dichotomy that is not borne out by the experience of other liberal democracies. Again, the American example, where legislation against hate expression exists beside a serious commitment to freedom of religion and conscience, offers a test in probability of how a more democratic system of access would operate in Canada. Second, we need to see that in our attempts to prevent what we have feared we have helped to create the J.J. Maloney's and Father Zanphier's of our recent past. Third, we need to see that the system has been, and continues to be "abusive"; abusive of its potential to suggest alternative worldviews as well as of the senses, through the overwhelming predominance of programming dedicated to nothing more than the sale of advertising.
In the early nineteen-eighties, the Canadian Association of Broadcasters characterised the Canadian Content regulations by which the regulator restricted the amount of foreign programming in Canada as burdensome but necessary. In their words: “One might say that Canadian content is the compromise resulting from the uneasy amalgamation of two conflicting principles: broadcasting as an instrument of national, social and cultural policy and as a business enterprise.” The former has generally been seen as the domain of the state, the latter of private business. Yet as the comment from the CAB seemed to suggest, the two are not exclusive. While the public and the private models have been viewed as engaged in a win-lose struggle, the reality is more complex. Not only has regulation been beneficial to private industry, making the comment ironic, but both principles combine in their willingness to exchange a free public forum to the success of the nation – of which the cultural and economic elements are essentially inseparable. What is lost in both is a vision of what ends this facet of the public square could serve if other values, such as justice and equality, were able to replace those of unity and profit.

The question of how we create a healthy public square is beyond the scope of this paper to attempt an answer. It is an area in which better intellects than mine have spent a lifetime. The most that I hope we can say at the end of all my ramblings is that 1) this was not the way to do it, 2) this was not acknowledged, and remains to be acknowledged before change can happen, and 3) this is a pattern Canadian history, or in the history of what is now Canada. Meanwhile, one of the things we can see is that a nationalist agenda does not help. Such a lens obscures the legitimate role of government as a servant of all people. If we allow the idea that we should not construe community primarily through the artificial construct of nation, we free ourselves to engage in a radical re-thinking of the whole point of the democratic public square, and the role of the state in its maintenance. The anticipated result in broadcasting would be a spectrum that is balanced, but in a way that does not involve pushing ideas into a pre-arranged enclosure, but allowing for their development.

*Pluralism v Pluralism, Kramer v. Kramer.*
The words *Kramer vs. Kramer* encapsulate the modern relationship, describing for my generation the tragic consequences of misunderstanding and lack of communication. The same profound misunderstanding over essentials that cause relationships to fail and families to break apart can be compared to the breakdown in communication that can occur at a societal level between two ideologies, one-time lovers that stopped conversing so long ago they can no longer understand the other's use of terminology. This is a phenomenon that we might describe as "pluralism vs. pluralism". On the one hand there is pluralism, the fact, where we have a serious respect for the truth that there are many differing beliefs. On the other is pluralism as ideology, where respect for others requires that we be less than serious about what we believe to be true. The first respects diversity, and challenges all to be who they are; the second demands that diverse elements respect it, announcing pluralism as the credo, the formula, the answer to how we will all get along. It is based in a liberalism that assumes the necessity of consensus.

Rules are necessary in a public square, until they become overbearing. They renege on their intent when they set unreasonable limits on which values are acceptable and which are not — limits that were different yesterday and will change again tomorrow. In telling us to leave our thick parts at the door so we can meet at the table, we have left ourselves at the door and come to the table empty handed. And worse, in coming to the table empty-handed we find that the state has come not as a mediator but with a full arsenal of values. This is one way to build a nation, but it is not the path to forging a real community, one with a healthy forum in which we are encouraged to *question* the rules, rather than to perfect them in some collective push toward a singular goal.
Part III
Post-modern liberalism and the Canadian public square.

A [truly] secular state should have an expansive notion of accommodation, welcoming religious and non-religious discourse." William Galston.

The debate with which we concluded this dissertation is one that invites further investigation. The purpose of this last section, then, is to lay the necessary theoretical groundwork to carry the idea that there is no such a thing as an ideologically neutral state, and that insofar as this is denied, the ideology of the secular state hampers the respect for dissonant voices commensurate with a healthy public forum – a significant paradox in that one of the most sacred values of the modern state is its commitment to pluralism, a value in which respect for all world-views should inhere. Considerable space in the following pages is devoted to establishing the claim on which this dissertation rests: namely that the process of constructing the public square is not only continual but that, contrary to the claims of post-modernism, it involves a paradoxically religious faith in Reason. Here we examine the work of Feyeraband and Foucault, and propose that their conceptualisation of the public realm as a place without “meta-narratives” does not bear scrutiny. Calvin Schrag and George Marsden are brought into the discussion for their contention that there is a Secular faith, as contestable and limited as those it replaced, that operates as the framework within which the rules governing access to the public square are made. Then, working with the political theory of Richard Neuhaus and Richard Mouw, we will look at the possibility that the vision of the state as a neutral actor dispensing justice and equality through a liberal framework, as John Rawls and Michael Novak would have it, is a form of denial. In this discussion we examine Rawls’ relevant contribution to modern political theory concerning the distinction between the “thick” parts of our respective value systems and the idea of a “thin consensus of the good”. Further to this we will examine Novak’s view that there is, or should be, “a reverential emptiness at the heart of pluralism”, where society refrains from defining norms and values. On the inadequacies of these metaphors for constructing a civil society we turn to Richard Neuhaus’ theory, which proposes as fraudulent the idea in western discourse
of what he terms a “naked public square”. Neuhaus is invaluable for his work in making the contention that it is the natural tendency of the modern state to designate all public space as governmental space, and that in this act there inheres an inevitable conflict between state and religious authority. Also in contrast with what Novak sees unproblematically as an achievable “empty shrine”, we look at the theory of Peter Berger, whose view is that picking and choosing from among competing values is the modern condition, and that the assortment of truths that constitute “what passes for knowledge”, as he puts it, represents the modern religious impulse. The point of this all is to bring us to a critical awareness of the limitations of the secular state, and why things go awry when it imagines itself as a neutral arbiter, as in the case of Canadian broadcasting.

**The throne is not empty**

We hear it all the time, to the point where it no longer so much as registers: we live in a pluralist society. The implication generally made is that we once had a common value system upon which we relied for answers to questions of conflicting rights and to structuring civil society, but that those times are now a memory. They are the stuff of introductory history textbooks, the time that came to an end towards the last few chapters where the pictures - and a few of the faces on them - turned to colour; pictures that tell us a corner has been turned, a page shut. Gone is the time for posed photographs or etchings of the political male, of listening to speeches, to sermons, to union bosses, in church or around the radio. What those old pictures speak to is a time when consensus was important, when what academics have termed “othering” was the status quo approach to things foreign; a word which itself now sounds like its namesake.

The consensus of old is gone, and to the extent it still exists we must play it down, for consensus breeds self-satisfaction, self-satisfaction intolerance, and intolerance hate. But how accurate a picture is this of the past? Surely enough evidence of conflict exists to suggest that we would be naïve to believe consensus ever existed in this country. The passionate ideological battles of old, the political invective flowing from Tory to Liberal and back again, the rebellions and riots, sedition and religious dissension, the mutual antagonism that arrayed Orange and Green, Protestant and Catholic, white and
coloured, men and women against one another in a struggle for dominance. Ours seems a tranquil age in comparison. And in many ways we know that it is, yet when we talk of consensus and the fact of plurality we are remarking not on conflict, which is unique to no age, but on the passage into oblivion of a dominant set of values to which the vast majority of Canadians professed a respect. Unevenly applied, poorly adhered to, *de jure* more than *de facto*, there was always that one dominant religion, unifying even as it divided, a standard for an age heady with conflicting ideologies and isms, a value system that even when scorned, maligned, misrepresented or otherwise abused could never be ignored, could not be treated with indifference, and still offered itself in the service of appeals to justice and judgement, mercy and charity, right and wrong.

The change has been dramatic. In Canada, where the separation of sacred and secular authority was articulated slowly and piecemeal, a relatively thoroughgoing Christianity has been replaced by a thoroughgoing relativism. The change is particularly obvious given the rapid rate of its development here compared with the experience south of the border, where an early and unequivocal separation of church and state would seem to argue for the opposite outcome. Instead, there is a vibrancy to the American religious experience that stands in marked contrast to that of its neighbour.

The contrast is easily confirmed in some obvious statistics. Where fully fifty percent of Americans were regularly attending church services at the close of the twentieth century, Canadians have not shown this level of involvement since the early 1960's. The Statistics Canada decadal surveys revealed a continuing decline in 1991, when only 23% reported to be attending weekly. Particularly of interest is that, with respect to religious identification, the proportion of Canadians reporting adherence to other than the Christian faith has risen very little since the first census of 1871 - from one to four percent - while those with no religious identification has risen from one to twelve percent in the same period. The inference that can be made is that it is less a new pluralism that is responsible for a shift in values than an unprecedented level of indifference to inherited patterns of religious behaviour.
But have we really witnessed the end of a moral consensus? What if the passage into oblivion of a dominant set of values has been replaced with another? What if the vast majority of Canadians still profess a respect for a singular system of values, one that “trumped” all others? What if this worldview contained the same arrogant assumption that all values would converge, or be subsumed, into it? How would we quantify the idea that a state has replaced one presupposition with the other? That where once the secular, agnostic perspective battled a state apparatus arraigned against it, and which did not comprehend that the right to be free of religion protected religion as much as it did the secular, the same is now true of that which institutional secularism has replaced.

In fact, multiple examples of this paradigm shift are readily available for evaluation; not a few of which can be easily charted in the institutional life of the nation. It was my intention in this paper to look at just one example. The case study chosen is one that comes to us in our everyday world, but on which little has been done from a value perspective. Perhaps this is because it is difficult going to defend a topic that is premised on problematising a product (i.e.: Canadian civic life) of the liberal democratic ethos, or worse, the ethos itself. Especially from those inside that system, who are plainly the beneficiaries of its largesse and its commitment to democratic ideals, it appears, as an organising principle, to be the very best that the world can offer. And in many ways our system of government is exactly that. In the area of religious freedoms, the modern liberal democratic system seems particularly benevolent. Faith communities are treated not only as equal before the law, but are afforded what may seem a greater respect than what today’s reality should command. But it is to the extent that this system denies itself as being, in some crucial ways, its own faith system with its own set of beliefs and assumptions, that abuse of basic freedoms continues to occur – and sometimes to a frightening extent. Enough to put to rest the question of whether the relative loss of liberty today is not proportionate to its intended goals.

To identify a (the) creed of the state is a difficult thing, as it is subject to shift with shifting social realities. Essentially it is the enduring power of what the Americans confidently describe as their civic religion, a concept that we have applied to the
Canadian public realm and the regulation of the Canadian public square. It is constitutive of liberal democratic principles whose formation is fluid, the site of unending conflict. Here we can go to an area of public life where the liberal democratic principles have been critically examined, and found guilty – jurisprudence.

*The Emperor’s Clothes!*

What was it that the evangelical broadcasters of the 1990’s confronted? A cultural hegemony is hard to grasp, particularly in what is considered to be a post-consensus age. In a liberal democratic state it is judicial bodies that are saddled with the task of providing an interpretation of communal values, and it is here, in the developing jurisprudence on religious freedom, that we find the site most open to exploration. It is here that the prevailing understanding of religion as an obstacle to a pluralist society is most clearly articulated.

A prioritisation of state goals in recent years supports the view that a statist, rationalist approach to religion percolates even in the legislative interpretation of *The Canadian Charter of Rights and Freedoms*, itself the guarantor of religious freedom. This argument is supported by one which sees in the very structure of the Charter an opposition between the right of religious expression in Section 2(b) and the “reasonable limits” on freedom as articulated in section 1, i.e.: what can be “demonstrably justified in a free and democratic society.”

In an award-winning study of the court’s interpretation of 2(b), Paul Horwitz put forward a compelling argument that, in utilising the definitive *Oakes* test of whether a limit is proportionate to its intended goal, Canadian courts exhibit a tendency to side with the state over the “ineffable, rationally incomprehensible needs” of the believer. A persuasive demonstration of how utilitarian principles frequently define the limits to constitutional freedoms exists in the past acceptance by the Supreme Court of the efficient administration of justice as just cause to infringe on constitutional freedoms. What this imputes for the cause of a healthy public sphere *per se* is unsettling enough.
As Horwitz points out, "for religious observers, whose practices interfere with efficient state administration, such deference is plainly of concern."\textsuperscript{18}

In the modern liberal state, deference to utilitarian principles goes beyond religious practices and is invading the landscape of religious belief and morality, the tenets of which are increasingly being tested for violating communal standards of tolerance.\textsuperscript{19} Again, the testing is taking place in the nation's courtrooms, the forum to which a secular society defaults for the kind of leading the religious seek in the divine. And it is a phenomenon that goes beyond the passive, religion-as-obstacle statism associated with legal disputes over Sunday shopping, sectarian education and tax-funded abortion, and into the area of domestic church affairs and institutional conduct codes.\textsuperscript{20} In confronting religious morality, the courts are throwing the very definition of "secular" into flux, and setting a discernible legislative drift away from an appreciation of the value of the mediating influence of religion - in particular the Christian faith. The compelling argument that mediating structures protect a healthy balance between the individual and the state in a liberal democracy is threatened by the impetus to a state-enforced equality of thought.\textsuperscript{21} This is seen in the premium that is placed on co-operation, in the name of which irreconcilable beliefs are expected to submit.

A good example of the above which recently made its way through the nation's court system was a protracted battle over whether a Christian University in the province of British Columbia could confer an education degree, or, more accurately, whether the provincial teacher's union acted within its prerogative in denying certification to the graduates of that college. The resulting legal dispute, more than five years in duration, exemplifies the process whereby the state becomes the arbiter between competing moral world-views and the adjudicator of the extent to which religious adherents may participate in the public life, and in the following we will use this as an entry to a fuller discussion on the nature of the Canadian public square.

The Trinity Western case began in 1995 when the British Columbia College of Teacher's governing council rejected the recommendation of its Education Programs Committee to
certify the final year of the Education program at the university, citing for its reasons an admissions conduct code forbidding homosexual behaviour.\textsuperscript{22} The position of the College was that graduates of the program would be intolerant, and could impose "discriminatory" moral views on students in the province's public school system.\textsuperscript{23} By a vote of 16 to 2, the BCCT affirmed the statement that: "it is contrary to the public interest to approve a teacher education program offered by a private institution which appears to follow discriminatory practices that public institutions are, by law, not allowed to follow."\textsuperscript{24} The college rejected Trinity's appeal, and in their annual report cited as reasons the same concerns over discrimination.\textsuperscript{25} When Trinity Western appealed to the provincial court, the BCCT defended its position on the basis that it was "entitled to anticipate" that this discrimination would occur, but lost its case for failing to provide any evidence that might have substantiated this claim. The College in turn appealed this decision by the lower court, then appealed again to the Supreme Court after a decision in Trinity's favour.

The case of Trinity Western is straightforward enough -- it is certainly not the first incident of a provincial teacher's body going to battle against contending programs outside the multi-university -- but it would be wrong to dismiss it as simply a matter of territorialism. The significance of the action taken by the BC College of Teachers, best intentions notwithstanding, was in its readiness to set limits on the basic liberties of freedom of religion and freedom of thought and conscience when the exercise of the same offends the secular morality. The problem is that because secular morality is defined in the broad language of the liberal state, an alternate, religiously inspired morality such as that by which a Christian university structures its conduct code, is predisposed to be interpreted as irrational. In fact one of the most articulate expressions of this phenomenon comes from the dissenting opinion penned by Madam Justice Rowles in the Trinity Western appeal, an opinion that displays as statist a view of religion as has been heard in a Canadian court in recent years.

In her dissent, Rowles rejected the argument that the College council had overstepped its mandate, finding instead that it was within its domain to ensure "that public teacher
education programs must be non-discriminatory and produce graduates capable of understanding and upholding Canadian values of non-discrimination.” Rowles responded to the position of the University with the following:

As to the argument made by TWU and BCCLA* that exclusion of other religious groups from a religious school would not attract the same reaction and would undoubtedly be understood as permissible, I respectfully disagree. While a requirement that students and faculty adhere to a particular religion may not be an invalid requirement under the Human Rights Code, in my opinion, such a requirement is quite different from a policy condemning the practices of another religious group. If the Community Standards Contract had listed, for example, lighting the Menorah, celebrating potlatches, or praying to Allah as biblically condemned or as being sinful practices, I think there would be no doubt that the same concerns would arise as they do with respect to the condemnation of homosexual practices in relation to the values the public school system is expected to uphold. While it is one thing to define one’s religious community, it is quite another to condemn and stigmatize another.”

Rowles’ opinion contains several features characteristic of contemporary secular opinion and recent jurisprudence on the place of religious belief in the public square. The first is that, for religious expression to be tolerated, it must in turn meet a standard of tolerance that effectively neutralises its message. The result is a significant limitation on the right to freedom of religion and conscience.

At a very obvious level, protection from intolerant expression is both necessary and commendable in a democratic society. Civility is the recognised price of engaging in civic society, and for those with strong moral worldviews, it can be a challenge. It is to this that Christian sociologist John Murray Cuddihy refers in his term “The Ordeal of Civility”. Essentially what Cuddihy means by this is that, although civility is a practised art, it is by no means impossible. Indeed, as Cuddihy emphasises, civil behaviour is the burden that believers must balance with their conviction in order to avoid transgressing the biblical axiom that “Whosoever shall exalt himself shall be abased and he that humble himself shall be exalted.”

However, and what we tend to forget, the “ordeal” is not unique to those with a religious worldview, and moreover, as George Marsden points out, it is silliness to expect that
religious perspectives must be expected to keep silent when other perspectives are not. In his words: “One would not likely say to feminists, Marxists, neo-conservatives, gay advocates, and representatives of other viewpoints that the privatisation of their viewpoints would not be a diminishment. The question... is whether there is a compelling reason why all religious viewpoints should be kept in the private category.” By the standard, which Rowles sets out, the answer would be that there is.

The second feature of Rowles’ opinion is its willingness to limit the access enjoyed by religious adherents to the public square on the expectation that they may hold beliefs contrary to “Charter values.” Rowles is clear in admitting that the action of the BCCT represents a prima facie discrimination of Trinity Western and that there is “no evidence that graduates would in fact discriminate if they taught in the public schools”. However, she continues, “there may be a valid concern that graduates may hold, or be perceived as holding, homophobic attitudes as a result of their acceptance of the community standards at TWU.” Thus the decision of the BCCT was proper in that it “upholds the public perception that the public school system will not condone anti-homosexual policies.” The willingness to base an opinion merely on Concern where no effort was made to construct an evidentiary based argument from the evidence available is itself disconcerting to the cause of free expression and conscience, and performs the trick of diminishing those whose views can be found to have a religious basis.

Moving on from the case of Trinity Western we find that Canadian jurisprudence is littered with decisions which seek to exorcise from public debate those opinions that are grounded in a religious worldview. According to research by David M. Brown, this is partly the result of the current definition of secular, the understanding of which is most notable in disputes involving the public education system. The decision of a B.C. judge in 1998 to overturn a Surrey school board resolution not to accept literature promoting gay families on the basis that it was “influenced by religious considerations” provides a good example. With respect to that decision, Brown notes that:

...by suggesting that the secular nature of the school system requires one to remain silent on a publicly-debated issue if one’s views on an issue of public debate are formed by one’s religious beliefs, Justice Saunders has proposed a novel meaning
of the word “secular.”... Effectively the court is saying: a public body, even an elected public body, cannot listen to or take into account concerns raised by citizens which may be motivated by, influenced by, or based upon religious beliefs. Any argument framed in a religious manner or advanced by people who are religiously motivated, cannot be listened to because public bodies must operate on secular principles. With one stroke of the pen, a judge has excluded from the educational political process in British Columbia a significant proportion of the electorate and constructed a new constitutional principle that religious persons are disqualified from participating in the debates of public, secular institutions.°

What Brown has hit upon is that in the current legal climate, a judge can write into an existing act a de facto ban, not merely on religious dogma within a public institution, but on opinions which may be religiously-based. As with Rowles, Justice Saunders touts Charter values as trumping religiously-based values, in that the Public Schools Act "requires a school board to adhere to a high moral line which is consistent with the Charter."°° Canadian political theorist Jonathan Chaplin points out the fundamental flaw in Sauder’s interpretation of the Act’s requirement that schools inculcate “the highest morality”, in that this “could scarcely have meant... that the morality to be inculcated has to be premised on the complete exclusion of the relevance of any religious consideration to morality.”°°° Chaplin sees this as consistent with the confusion over defining restraints on religiously based arguments, and falling on the “classical secularist” perspective of religious impartiality; specifically that the liberal state should use all means to defend the civic rights to freedom of religion and conscience in the private sphere, while vigorously excluding any religiously-based arguments in the public.

In contrast, Chaplin discusses the theory of religion in the liberal state as advanced by John Rawls, the widely influential advocate of a separation of the two spheres, and Robert Audi, another leading contemporary philosopher, and points out that their privileging of, alternately, the available “public reasons” (Rawls) and “secular reasons” (Audi), still leaves room for the parallel expression of religious arguments. While public policy can never, according to these two, be defended exclusively on religiously based opinion, nonetheless such opinion has an intellectual and moral contribution from which the public sphere cannot be immune. Though Chaplin believes both positions suffer from an unsound assumption of the divisiveness and exclusiveness of religion, theirs is a
position relatively more tolerant than the classical secular variety which Chaplin sees surfacing more and more in the decisions of Canadian judges.\textsuperscript{34}

Meanwhile, the “Charter values” that Madam justice Rowles cited as rationale for limiting religious rights is as variable as the concept of secular on which they are presumably based. The incoherence results from the courts’ indecision as to the connection between Charter and popular values, and even whether a connection is necessary to establish. Iain Benson, director of an Ottawa based think-tank on morality and public policy, sees this as a result of a “metaphobia” on the part of judges who are untrained or unskilled in the practice of philosophy. As his research shows, this has created some “interesting tensions”;

For the Supreme Court of Canada, the wishes of Canadians are important (affirmed as “consensus,” rejected as “majoritarianism”) for determining whether we should allow assisted suicide (Rodriguez) or obscenity (Butler) to be constitutionally permissible criminal acts, but irrelevant for the definition of who is a “human being” (Tremblay v Daigle) or whether abortion restrictions are valid (Morgentaler). Since they have generally eschewed express moral evaluation, the type of analysis the judges and elite groups such as Royal Commissions now embark upon is this: somehow to determine what “social values” govern and whether a non-majoritarian “consensus” has emerged in society.\textsuperscript{35}

Benson adds that because both “majoritarian focus” and “moral principles” have been rejected in name and used in decisions of the courts, there is a shallowness in which major Constitutional cases “increasingly resemble games of chance more than debates of principle.”\textsuperscript{36}

This shallowness of which Benson speaks is manifest in another feature of Rowles’ opinion, which is the blurring of the boundaries between moral and harmful forms of expression. Because her opinion places a primacy on the perception of tolerance rather than evidence of discriminatory attitudes, for precedence she relies on a case of anti-Semitism in which a public school teacher in New Brunswick was dismissed for the propagation of anti-Semitic conspiracy theories.\textsuperscript{37} By comparing the two cases, Rowles makes no distinction between the dissemination of historical inaccuracies and a biblically-based lifestyle code reflecting the values of a significant minority of
Canadians. Leaving aside for the moment what this means in terms of a lack of distinction between individually and communally held values, the comparison reveals an utter disregard for the inherent social value of religious tradition.

In fact, to Canadian courts, civility and accommodation are integral principles, as the *Ross* decision which Rowles cites made clear. There, the court held that "accommodation reflects an adherence to the principle of equality, valuing all divergent views equally and recognising the contribution that a wide range of beliefs may make in the search for truth...[but] to give protection to views that attack and condemn the views, beliefs and practices of others is to undermine the principle that all views deserve equal protection and muzzles the voice of truth." When interpreted widely, as Rowles does in *Trinity Western*, this can mean that beliefs with definitive norms are of themselves anathema, not because they are "good" or "bad", accurate or inaccurate, individually or commonly held, but because they cast judgement on the morality of another community. How this can be sustained as an operative principle is unclear. As David Brown notes, "How the truth can be discerned without criticising some views and, ultimately, discarding erroneous ones, is something of a mystery. While positing the existence of the truth, the court's analysis makes its attainment impossible." 38

Another feature of the Canadian interpretation of religious expression is the curious argument that freedoms already established have a prior claim, and that subsequently there is no need to justify the removal of non-existent religious rights. This "frozen rights" interpretation of the Charter, the same which sees established rights in sectarian schooling as a protected colonial holdover, allowed Rowles to argue that the constitution "does not require government to facilitate the practice of religion," the state's singular responsibility not proceeding beyond "refraining from restricting existing rights based on religious belief." And, "Because certification of TWU's proposed five-year teacher education program is not an existing right, a limitation upon it could not engage s. 2(a) of the Charter." 39 Likewise, as to the freedom of association protected by Section 2 (d), Rowles judged that "Ms. Lindquist's freedom of association has not been infringed because no right to certification of the TWU program has been established." 40 The
arguments cited above reflect the contemporary belief that moral principles which have their basis in religion are inherently condemnatory and those who ascribe to them inherently judgmental, as well as the corollary: that the absence of religious principles indicates a tolerant environment.\textsuperscript{41}

The weakness of the secular/tolerant argument is in its belief that the state operates outside of the world of competing religious values, that the secular (in Canadian jurisprudence referred to by the term "Charter values") is uniquely neutral. As Benson writes, "There is morality without religion, just as there is morality informed by religion."\textsuperscript{42} Recent jurisprudence suggests that this is a fact which the courts cannot ignore, or rather, that they ignore to the detriment of consistent policy. Benson points out, it is an aspect of what A. A. Peacock sees as a country "mired in deep intellectual crisis."\textsuperscript{43}

The crisis is not limited to the nation's courts: an equivalent to the "charter values" that inform public policy is a set of collective values that inform all of public life. The reaction of the media and politicians to the religious beliefs of the leader of the Canadian Alliance in the 2000 federal election is a clear case in point. There, Stockwell Day was held to account less for his politics as for his personal faith in the infallibility of scriptures.\textsuperscript{44} After a CBC National Report episode that made an issue of his beliefs, Day was mocked by contending politicians for his principled refusal to campaign on Sundays, and for his admitted belief in the Genesis narrative.\textsuperscript{45} In spite of his efforts to maintain a separation between his political career and his fundamentalism while campaigning for the Alliance, religion became an all-consuming aspect of Day's image, and to his obvious detriment.\textsuperscript{46} The message from the election for observers was that religious fundamentalism was incompatible with Canadian political life, suggesting that Day's constitutional freedom to express his views was hampered by a civic value system that did not respect non-conforming beliefs. The election was interesting for a perspective on what the contemporary culture will tolerate in its leaders: the other candidates were not maligned on their personal beliefs, presumably because their views were sufficiently common as to be considered respectable.
Perhaps in all this it is useful to be reminded that this gate-keeping of the public domain is nothing new in Canada, and that the above examples merely suggest that freedom of religion - always an incompletely realised ideal - remains an embattled concept. What novelty exists, exists only in the fact that it is now directed against what was historically the majority value system. In fact, insofar as true freedom of religion means accommodation of differing worldviews, this has never existed in Canada, and the recent articulation of what constitutes this freedom by the Canadian courts serves to reinforce the fact. In its submission to the TWU appeal, the Evangelical Fellowship of Canada quoted from the seminal decision of the Hon. Justice Dickson, to make just this point. In finding the Lord’s Day Act unconstitutional, Dickson had provided the following guideline to the courts in interpreting the then newly minted Charter:

A truly free society is one which can accommodate a wide variety of beliefs, diversity of tastes and pursuits, customs and codes of conduct. A free society is one which aims at equality with respect to the enjoyment of fundamental freedoms and I say this without any reliance upon s. 15 of the Charter. Freedom must surely be founded in respect for the inherent dignity and the inviolable rights of the human person. The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest belief by worship and practice or by teaching and dissemination. But the concept means more than that.

Freedom can primarily be characterized by the absence of coercion or constraint. If a person is compelled by the state or the will of another to a course of action or inaction which he would not otherwise have chosen, he is not acting of his own volition and he cannot be said to be truly free. One of the major purposes of the Charter is to protect, within reason, from compulsion or restraint. Coercion includes not only such blatant forms of compulsion as direct commands to act or refrain from action on pain of sanction, coercion includes indirect forms of control which determine or limit alternative courses of conduct available to others. Freedom in a broad sense embraces both the absence of coercion and constraint, and the right to manifest beliefs and practices.

The distance between what David Brown characterises as Dickson's "expansive" language and the position of the Canadian media, the Canadian political culture or of a union such as the BCCT is alarming, and speaks to the obduracy of the notion of a set of shared Canadian values which can be identified and which structure the public domain,
the accessibility to which in turn can be monitored by those who correctly reflect them.\textsuperscript{49}
It is the same position that has shut the abortion debate out of the Canadian University campus, where the constitutional guarantee of freedom of expression is no match for the harm-based discourse of feminism.\textsuperscript{50} Defining harm is a slippery process, and choosing appeals to Charter values over evidence in order to make an argument of minimal impairment to Charter freedoms, is one (frightening) aspect of the resiling from the strict standards of the \textit{Oakes} test which Horwitz and others have noted.

In a summary of state intrusion into church affairs, family life, education and the workplace, Carleton law professor M.H. Ogilvie summarised these as “attempts to eradicate religion from the significant experiences, events and relationships of life”.\textsuperscript{51} The years since Ogilvie’s alarmist assessment on the state of religious freedom have seen an unusual degree of interest in the topic, first in the academic, and more recently the popular media. The small flurry of research is of a type in affirming Horwitz’s proposition that freedom of religion and conscience is a tenable thing in today’s Canada. Most of it, however, is weak in historical context - what history is provided suggests that freedom of expression was carefully guarded until the last generation.

More accurately, the once dominant value system is now in the position of a non-conformist sect, and the treatment accorded those in Canadian history is unenviable indeed. Such a dramatic transition away from a predominantly Christian ethic - the so-called “presupposition of Christianity” - begs investigation into how this occurred, both at a sociological and institutional level.

\textit{More of the same?}

Beyond reference to historical values to which a given state once paid adherence, weighing the contribution that religion makes in a collectivity where no value consensus appears to exist is a difficult proposition. Although the sacred is understood as important to the functioning of a secular liberal state, the site at which the two connect is less obvious than where they collide, particularly in a plural society. As with anything, it is the points of conflict that are easier to identify, and here we can point to the culture wars
in the contested areas of education, medical intervention, abortion, etc. But how can we make the claim for the existence of a civil religion in the present? Particularly when we are living what has been termed the post-Enlightenment age? Proof of the death of our old systems of meaning is everywhere. Generally we do not have faith in ourselves or our institutions to behave morally, or to come to a consensus on what that means. Partly this is a death of Enlightenment optimism. Partly it is simply a distinguishing feature of the postmodern age, whose legacy is an acute awareness of the ambivalence of liberation...the counterpart of which is alienation and despair. For centuries a redirected faith in progress provided shelter from the loss of providence; when that shibboleth proved hollow and in need of recovery, philosophy would not oblige. For some the only accurate reading of our times is that of crisis; a crisis where “the old utopias become prisons and asylums”, and we are relegated to a pointless Faustian quest, all the while mourning the death of old symbols.

Yet dramatic as this may sound, the grieving period for moderns has been characteristically un-Faustian; the stoicism one would expect has been pre-empted altogether, in fact, by the tedious and unremitting problem of defining and re-defining communal values. While contemporary society may lack what postmodernists describe as a “meta-narrative” with which to bind an admittedly - some would contend newly – fragmented reality, the will to provide one is certainly not extinct. Faith in achieving a consensus may be enervated, but our relations continue to be governed by an attempt to achieve, if not consensus, the nearest possible facsimile. Proof of this, too, is everywhere; it is as pronounced as a controversy over curriculum at the nearest public school and as public as a pronouncement from the nation’s highest court. It is manifest in an issue as complicated as child custody legislation or one as simple as wheelchair accessible washrooms. In these issues and in manifold others we grapple with what values define us, and in so doing reject the conceit of postmodern prophets who claim the will to power as the final horizon.

The continuing efforts to build consensus is our entry point to a surviving value system. The implicit rejection of postmodernism in our everyday is much more than a resigned
acceptance that in a meaningless universe we are called to behave as if there is meaning. The dominant discourse in the principle of tolerance, and the partisan quality of the energy expended in it suggest the exact opposite. The defence of tolerance is indeed passionate, and one example of this passion is that it boldly demands structured belief systems to bear the burden of proof that they are not intolerant.

**Reconciliation**

The conceit of this age that pluralism has doomed the search for meaning is not unlike the arrogance of the early Enlightenment philosophers, who self-importantly promoted their heterodox as spelling the doom of “superstitious” religious beliefs. On the contrary, the age of reason initiated an unending search for the meaning of existence of which the metaphysical was integral. Indeed, perhaps the greatest intellectual exercise to which the Enlightenment gave birth has been the attempt to reconcile the connection between reason and religion that it severed. Contradicting the proclamation that God has been dying since that time, one can trace a trajectory of thought seeking his re-institution in manifold ways. Beginning with an early recognition that rationalism might not of itself produce a system of values within which enlightened man could express his new freedom, and culminating in the wholesale rejection of positivism in late-modern western thought, one charts a near continuous discourse in the reconstruction of good in an age purportedly beyond good and evil. It is as much at the heart of Rousseau’s call to wrap the nation in the flag of civil religion as in Nietzsche’s critique of decadence, of Weber’s Protestant ethic and the eschatology of twentieth century world historians.

**Persistence**

Likewise, the faith in reason that has defined western thought since Descartes is by no means spent. Though Enlightenment optimism in scientific rationalism has been tempered since Rousseau and severely challenged by nineteenth century German philosophy, no amount of post-modern posturing can conceal its perseverance, the philosophical underpinnings of which extend to Plato. In a work subtitled “A Response to the Post modern Challenge,” Calvin Schrag delineates this position among those who attend to Jean Francois Lyotard’s call to wage “a war on totality.” By defining rationality
and science as “abstractions” whose application “have done more harm than good” the work of Paul Feyerabend is exemplary:

rationalism has no identifiable content and reason no recognizable agenda over and above the principles of the party that happens to have appropriated its name. All it does now is lend class to the general drive towards monotony. It is time to disengage Reason from this drive and, as it has been thoroughly comprised by the association, to bid it farewell.\(^5\)

Certainly Feyerabend is correct insofar as reason, as appropriated by liberalism, can no longer promise what it once had: not even since as recently as the 1960’s. As George Marsden, the controversial defender of religious perspectives in academic culture has noted: “While enlightened liberal culture has made great accomplishments that ought to be preserved, it can no longer be said to be obvious, or even probable, that more of the same is the key to social improvement... Openness and diversity, we have discovered, have their own orthodoxies and their own intolerance.”\(^5\) Postmodernists such as Feyeraband who announce the contingency of knowledge thus find an unlikely ally in those, like Marsden, who support the very “meta-narratives” that postmodernism decries. Both begin from a position of mistrust in the faith in reason that defines the modern. The difference becomes clear when one appreciates that Marsden is hailing a new awareness of the extent to which “enlightened liberal culture” has been misrepresented as synonymous with reason itself.\(^6\) The task for a religious adherent such as himself is to hasten the separation of the two and thereby create a space for religion in the modern public sphere, while for the post-modern it is rationality itself that must be excoriated. If the terms of the debate sound familiar, they are; the shift which is today making problematic the congruence of liberalism with reason finds its echo in the Enlightenment separation of reason from religion. And the post-modern spectator announcing from the sidelines that reason has lost all authority in the process finds his counterpart in the Enlightenment sceptic who once announced the same of the metaphysical tradition.

Reason is not dead

In any event, dents and dings to reason notwithstanding, there is no farewell ceremony being organised to bid it adieu. Though we may trace, as does Schrag, the consecutive challenges to rationalism from Kant’s seminal critiques to Derrida, Lyotard and Foucault,
what we are tracing in the end is a philosophical argument whose application to the culture in which it has developed is limited in some rather obvious ways. My argument here is that to give to post-Enlightenment philosophy the last word on the essentialism of reason would be not unlike a seventeenth century estimation giving Enlightenment philosophers the same. Lyotard and Foucault are no more the final reference point today than Adam Smith and Francis Bacon were then; instead, both are transitory positions which signal the death of a paradigm but from which another emerges. Utilising here the Geertzian sense of a paradigm shift, that of modernism has indeed collapsed, but the result is already manifest in an intellectually richer understanding of diversity, as adumbrated above. Just as the metaphysical could not be willed away then, neither can reason now.

Furthermore, reason survives its philosophical destruction precisely because that is just what it is – philosophical. Where secularism, humanism and scepticism can define the political conduct of a society, a philosophy built on the abandonment of reason can not. Where there is an arena for post-modern art, architecture, philosophy and literature, the equivalent in politics is untenable. Schrag is useful here for his typology of the variety of post-modernisms. Upon surveying the extant literature only to conclude that it has no singular “system of beliefs,” Schrag typifies post-modern philosophy as being “anti-foundationalist, suspicious of theory, and distrustful of any universal claims to reason.” Its equivalent in politics, therefore, “finds its telos in dissensus rather than consensus, intervention rather than litigation.” As the One Great Value that survived the challenge to modernism is tolerance, it would be difficult to imagine a description more removed from contemporary reality. The nearest political application matching dissensus that can be imagined in modern history is fascism; clearly the capacity of the post-modern paradigm to reflect the deepest aspirations of western society is limited.

This is hardly surprising: if we accept the premise that knowledge is socially constructed, it becomes difficult to conceive of a starting point from which to offer a critique of power relations. Yet this view, with knowledge as the product of a temporal power structure, has support enough to make the argument that its arrival is the Neitzschean Philosophy of the
Future, its adherents the ‘philosophers of the dangerous “maybe”’ to whom he looked for deliverance from the “will to Truth” by which philosophy had hitherto been driven. To wit, Nietzsche’s hypothesis that both knowledge and truth are but a “niaiserie” [folly] based on the metaphysician’s false prejudice that “the things of the highest value must have another, peculiar origin [and] cannot be derived from this transitory, seductive, deceptive, paltry world” whereas in reality, “Maybe!” there is no such imagined opposite from which higher values can be derived. Nietzsche sustained this reasoning into the physical realm, making the argument that even the physiological value of self-preservation is secondary to power. His maxim; “A living thing seeks above all to discharge its strength – life itself is will to power” is confirmed in Michel Foucault’s circular argument that “there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.”

Two obvious results of the power as knowledge, knowledge as power nexus come to mind. Schrag provides us with the first by pointing out that, while post-modern thinkers like Foucault may (or may not) claim to have left room for freedom by claiming that power is not totalising, the business of articulating how this emancipation might be realised is “somewhat scantily addressed.” Eschewing reason, it is “not all that clear what resources (Foucault) has in dealing with these questions.” The more salient critique than that of Schrag’s is contained in the post-modern tendency to spurn political questions altogether in favour of post-structuralist theory, a modus operandi which philosopher Martha Nussbaum has termed a “hip defeatism.” The tragedy of this defeatism is its failure to see that room remains to ponder the ethical, to make choices from within the knowledge-power nexus, and that decisions are made either way, whether with deliberation or by default.

Thus to chart the movement of thought as extending from providence to progress to despair (a “pointless Faustian quest”) exaggerates the current crisis and denies the hold of secular rationalism on western thought. Indeed, and as Marsden would no doubt agree, the privileging of human reason which the Enlightenment signified has irreparably
converted moderns into creatures of choice, and as such retains a hold from which there is no escape. The obligations reason makes has in turn made modern man. Peter Berger refers to this as “The Heretical Imperative”: in his view, as the dominant condition of premodern man -religious certainty- gave way to the contemporary condition of religious doubt, heresy went from being “a possibility - usually a rather remote one” to “a necessity” one where “picking and choosing [among competing values] becomes an imperative.” And this is precisely what we moderns continue to do in manifold ways, in so doing disproving the post-modern thesis that the only certainty is uncertainty. This post Enlightenment mandate is well described by Craig Calhoun in his prefatory comments to a collection of essays on Jurgen Habermas’ *Structural Transformation of the Public Sphere*. For Calhoun, “The most difficult proposition in a post-Enlightenment public sphere is the attempt to take difference seriously while trying to avoid relativism and speak generally.” Indeed this is a critical exercise; not only in the bourgeois public sphere on which Habermas’ mid-century theory focussed, but in the electronically-mediated forms of discourse which are the focus of this study.

Not only has reason survived, so have some values to which it gave birth. This is by way of saying that our culture is a product of the religious heritage now discarded. When we are sensitive to the limitations inherent in generalities of this sort, we can see in the development of the twentieth century civil religious mindset the close relationship between Protestantism and the birth of liberal ideology. Construing the reformation’s appeal to public opinion as a formative event in the creation of the modern public square may sound like a beleaguered concept, but it is one which has survived the academic scrutiny of the past decades nonetheless. There is no escaping the reality of a “founding” Protestant Culture however much our contemporary culture resiles from its foundation. In a critical commentary on Habermas’ theory and the coalescence of a Public Sphere in England, David Zaret reminds us that, however unfashionable the term “Puritan Revolution,” the fact of secular antecedents to the age of reason does not predispose Protestantism against its role in cultivating the “habits of thought” by which it is known. Likewise, no simple line connecting lay control in the religious sphere with that of the political need be established to appreciate the revolutionary impact of the
reformation in legitimizing lay opinion as a competent public forum. Neither Zaret nor we need solve the contradiction between Reason as developed in Puritan theology with the Reason of liberal ideology to say this: enough to know that public reason, in whatever form, was now for the first time available to the common person.66

Recognising the Problem with Neutrality

But how does this search for a moral consensus operate in an age that has experienced consecutively the end to appeals to providence and a questioning of the foundations of reason as well? Having long since become comfortable with defining the new certainty as one of strict value-neutrality, how to respect difference and still have anything to say at all? Yet rather than the retreat into silence we should expect in a post-Enlightenment, post-modern world, we continue to appeal to a common ethic, the guiding principle of which is rooted in the bedrock of Enlightenment liberalism. The death of idealism notwithstanding, the central tenets of the liberal democratic faith; scepticism, rationalism and empiricism, are very much alive, their persistence retained most visibly in the ambiguously understood notion of tolerance by which we continue to structure our relations, buttressed by the doctrine of neutrality to which the liberal state claims adherence. This is the system that reason begat, and one to which moderns are so internalised that contradictions in its application are rarely conceivable. Perhaps the clearest example of this is the fact that the burden of proof lies heavily upon the “irrational” religious adherent to prove their tolerance, whereas liberal epistemology itself often barely tolerates religion. That tolerance implies accepting a principled difference of opinion is easily forgotten.

So, if the death of idealism has left intact the principles of the liberal creed, what has it affected? Certainly the triumphalism of old is gone, its arrogance now an embarrassing reminder of our capacity to inflate our mastery of the physical to that of the metaphysical. The legacy is a contemporary cynicism over the ability of liberalism to beget The Good Society. But this is as much as stating the same thing twice. Perhaps the effects are best viewed as having both a positive and negative potential: the negative being the despair and angst of post-modern philosophy, the positive a heightened awareness, particularly of
late, of the limits of liberalism. In particular one finds, in some quarters, a growing recognition that the tolerance and neutrality with which liberalism is associated is itself a dogma wherein is contained no small amount of prejudice.

This growing sensitivity to the intolerance of neutrality has increasingly found an audience among North American academics. Out of the flood of published works which together can be roughly lumped under the genre of academic criticism, one periodically manages an interdisciplinary appeal such that it puts in question established patterns and initiates a cross-disciplinary dialogue. A recent example is Stephen Carter's *The Culture of Disbelief*, which highlighted the way in which religion has come to be treated with the status accorded a hobby. Carter's work built on the interest generated several years before by Alan Bloom's *The Closing of the American Mind*, a synthesis most commonly identified with having launched a debate over the merits of affirmative action policies on the American campus, but at base an exegesis on the paradoxical close-mindedness of a society where “openness” is the primary value. Bloom’s work quickly received a reactionary label, not surprising perhaps given that he credited his *J'accuse* to his students, whom he perceived as the deadened product of an academic training in which the only value was the know-nothingness of values. Accusations of a neo-conservative agenda notwithstanding, “Closing” represented a synthesis of western thought from the pre-Aristolic philosophers to the postmodernists that could not be easily dismissed.

The power behind Bloom’s interpretation was his ability to present contemporary western thought as a studied miss-application of Enlightenment ideals. To Bloom it was self evident that for America to have arrived at a place in time where the values of the founding fathers were held in contempt, where students are taught that western thought not only can not be privileged but, as a natural corollary, has nothing to learn, that we were seeing the victory of a brand of rationalism completely divorced from the reason of western philosophy -in its turn a repudiation of revelation- in favour of a form of nihilism depressing enough to unseat a German philosopher.
To emphasise this last point, Bloom gives considerable attention to the works of Weber, Nietzsche and Heidegger, in particular the paradox of Nietzsche's efforts to destroy in order to create. The deliberate and thoroughgoing destruction of both God and Scientific rationalism, the apex of which is located in Weber's writings following the First World war, on the surface seems consistent with the thoroughgoing relativism of which Bloom despairs. And indeed, twentieth century postmodernists point to Nietzsche and his disciples for paternity of their reduction of values to power relations.

To instead read the author of the destruction of traditional values as pining after a meaning, a belief, a "noble lie" which would defy the finitude of which he despairs, however, is consistent with a closer reading of Nietzschean doctrine which sees in them the logical extension of the Enlightenment project. Where Bloom raises this theme, Stanley Rosen has elaborated on it in a valuable study of "Thus Spake Zarathustra," in turn building on the view of Karl Lowith that this work represented the most accurate compilation of Nietzschean philosophy. Rosen's suggestion, in short, is that the ultimate contingency of value systems proclaimed by Nietzsche did not presuppose the meaninglessness of values. More than that, the dissolution of stability found in Nietzsche was at its essence an attempt to liberate mankind to the creation of a stabilising mythology, rather than a pretext for the contempt of structure associated with postmodernism. In Rosen's view "Zarathustra" expresses with clarity the major dilemma in all Nietzsche's writings: that he can destroy only in the hope that, "out of the ashes of the present will arise ... a creator of a new table of values." Without becoming enmeshed in a consideration of what, if any, the exact parameters of these "values" could be, suffice it to say that the momentum toward securing a new freedom has been found in the chaos of Nietzsche as much as in the enthusiastic rationalism of Descartes or Rousseau.

The main point to consider in all this, in terms of a discussion of the space allowed for absolutes in the modern domain is that, even in the depths (or heights) of Enlightenment humanist philosophy, the importance of the sacred was recognised as critical to the safe functioning of society, regardless of how much a lie that religion was thought to be. This was spelled out clearly by Rousseau when he placed belief in the Divinity and the life to
come as the necessary dogmas of an equally necessary civil religion. Whether
displacing an exhausted Christianity with a new mythology or seeding (as with Rousseau)
an alternative republican religion, order was understood as derivative of recognition of
the subjectivity of the human experience. Through this we find that our current notion of
neutrality rests on shaky ground, unsupported by the philosophical tradition out of which
it came.

How we move on
Radical de-constructionists have struggled to provide a theory for how we maintain
subjective values in the face of a scepticism that conceives of order itself as a subjective
construct. The historicising of religion by sociologist Peter Berger is a good example.
For Berger, who situates the essence of modern man in the Enlightenment transition from
fate to choice, there exists an important relationship between the contemporary order and
the sacred, by which he means any humanly constructed order “projected onto the
universe.” As the very institutionalisation of subjective values, religion, the established
form of the sacred, is also the most effective agent for legitimation. Religion legitimates
by lending the “precarious reality constructions” of empirical sciences an “ultimate
reality...beyond the contingencies of human meanings and human activity.”

In today’s pluralist world, we hear precious few invocations to religious truths in the
public square, so on the surface at least the legitimation - or, “what passes for
‘knowledge” in a given collectivity” - to which Berger refers is not obvious. But if we
construe religion as widely as Berger’s definition allows, it is clear that his theory offers
applicability to contemporary culture in at least two ways.

First, while appeals to divinity are given no place in the functioning of a modern
democracy operating on the consent of the governed, the legitimacy of principles is
referenced by sober appeals to what is or is not right based on notions of what is or is not
harmful, tolerant, and fair; all subjective ideals inextricably woven into meta-physical
notions of the Good Society. That meta-physics and morality are so linked is conceded
even by those who reject theism, seeing God either as a Kantian noumenon or as non-
existent. A good example of this in current philosophy is that of Theological Non-Realism, which dismisses the God of objective theology while promoting the creation ex nihilo of an accepted fiction which is more flexible for advancing a moral point of view. Secondly, Berger provides a historical perspective on how values survive the orthodoxy within which they were formed. His accounting of the power and universality of Protestant liberalism in the nineteenth century is evidence of the ability of religion, after having been both secularised and romanticised, to continue to lend credibility to an era and the civilization which defines it - the case in point being the "golden age" of Bourgeois capitalism.

In the end, to isolate faith from reason is problematic, since reason itself derives its legitimacy from an intellectual ideal. As Kant proposed in the Critique of Pure Reason, neither can be irreconcilably differentiated from the other, as with most constructs. This is not unlike the problem with aesthetics and reason, beauty being as subjective as faith. Empirical reality is adjudicated through the subjective lenses of pleasure and beauty and hope through which the intellect discerns good from bad, logical from illogical, reasonable from improbable.

The religious impulse secularised...

So, the importance of the sacred to the secular state is understood, if imperfectly, as inseparable from the rationalism by which we determine societal values. From this one can see that what has been characterised as a lingering 'impetus to pietism' is less a hankering after lost innocence that it sounds than a preventive; an effort to stay the consequences to the modern democratic experiment posed by a thoroughgoing relativism. To start from the opposite end, what we can call the 'impetus to reason' that began with Enlightenment scepticism was not a thoroughgoing rejection of the religious impulse but an attempt to make the sacred normative and useful. In its earliest form this was manifest in the reformation's attempt to free religion -and the religious- from what was perceived as the irrational mysticism of the Church of Rome; in its later and more extreme form, it became an appeal to free society from irrational Deism per se. As to the latter, the idea of attempting a separation of the religious from the divine formed the basis of the
promise of seventeenth century natural theology, a promise which endured in the discourse on civil religion a century later. Of the Enlightenment thinkers, Rousseau was the least sentimental in stating the problem with the “strange...kind of religion that gives men two legislations, two countries, and two leaders, subjects them to contradictory duties, and prevents them from being simultaneously true worshippers and good citizens.”

In this regard, he made his case for a civil religion on the basis that “Anything that breaks up the unity of society is worthless; all institutions that put man in contradiction with himself are worthless.”

In the historical movement toward a functionalist view of religion, removing the appeal to revelation in Christian theology without doing irreparable damage to the moral attitude which religion was to reproduce in each generation was perceived as both possible and necessary. Possible because, in accord with the popular Enlightenment notion, the adoption of democratic ideals themselves would soon render traditional faith obsolete, and necessary because belief in the divine perpetuated what Locke described as “those absurdities that fill almost all the religions which possess and divide mankind.”

Religion was at its most useful, then, when severed from its traditional dependence on revealed truth and the intolerant and immoderate attitude with which it was associated. This mind-set is still very much the norm, for as much as the loosely defined “sacred” may be recognised as important for reasons quite apart from its importance at an individual level - as much as it is interwoven inextricably into our value system - religion continues to be understood as an obstacle to community and to suffer the consequences in the form of limitations on its expression and a pressure to reinvent itself for public consumption.

...in the Canadian public square.

Having determined that reason and religion are not discreet and that neither will vanquish the other, at this point we can return to the question of what this means for a study of the regulation of religious expression in 20th century Canada. Perhaps the best answer is to turn the question around, and ask instead what the regulation of religious expression in
Canada can teach us about the interplay of reason and religion in a modern liberal state. For it is in this interplay that the big questions are settled, including among them; how a given collectivity prevents -or does not prevent- the “normalization of evil” that comes with an overemphasis on power; how this collective forges a value consensus out of competing visions of the good, and finally, to what extent these competing visions are allowed -or limited- access to the public square in order to make their claims.
Notes

Introduction

1 The work of Curtis on the education system in nineteenth century Upper Canada is an outstanding example. See: Curtis, Bruce, True government by choice men?: Inspection, Education, and State Formation in Canada West (Toronto: University of Toronto Press, 1992); Building the Educational State: Canada West, 1836-1871 (London, Ont.: Althouse Press, 1988)

2 The term was coined by long-time CBC staffer Brian Freeland, who in his role as director of religious programming in the 1970's was responsible for the introduction of the programs “Man Alive” and “Hymn Sing.” Freeland Interview, 16 April 1999

3 That being said, we will try to heed political theorist David Runciman’s warning that “Political theory is not reality, it is simply one version of reality... full of its own sound and fury,” and, at that, one which “tended to be told only by men.” Attention to this will hopefully be achieved, at least in part, by the case study itself, an interesting enough story on its own whose exploration will - again, hopefully - satisfy the empiricist in us. Runciman, David: Pluralism and the Personality of the State (Cambridge: Cambridge University Press, 1997) xiii

4 Very little has been done outside of the nationalist, public vs. private model, but there are some from other disciplines who have challenged this perspective. One is Michel Filion, who lists at the existence of a civil religion when he suggests that the discourse of sovereignty in which public broadcasting was ‘sold’ to Canadians was in fact “a political and economic alibi for the promotion of a culture a l’européenne...by opposition to a culture a l’Americaine...” and that this ideology constituted “a monolithic conception of Canada which denied other forms of popular cultures.” Filion, Michel “Broadcasting and cultural identity: the Canadian experience,” Media, Culture & Society (London: Sage, 1996) Vol.18, 450

5 For an exception see Vipond, (below). In the area of legal theory, two articles in the short-lived Media Communication Law Review investigated the role of the CRTC and of the courts with respect to the policy on religious broadcasting stations, and suggested that such a policy rested on an untenable and simplistic principle equating religion with controversy. See Scott, Sheridan “The New Broadcasting Act: An Analysis,” M.C.L.R. 1990-1991 (1) 27 and Scott, Alec “A New Deal for Religious Broadcasting in Canada?” M.C.L.R. (4)

6 E Austin Weir’s The Struggle for National Broadcasting (Toronto: McLelland & Stewart, 1965) was the first in this genre. Frank Peers followed with two volumes in which the association between national survival and broadcasting was a given. See Peers, Frank The politics of Canadian Broadcasting, 1920-1951 (Toronto: University of Toronto Press, 1969); The Public Eye: Television and the Politics of Canadian Broadcasting, 1952-1968 (Toronto: University of Toronto Press, 1969) Margaret Prang published work that was in a similar vein, as did Hershel Hardin, and, more recently, Marc Raboy. Prang, Margaret “The Origins of Public Broadcasting in Canada,” Canadian Historical Review XLVI, (March, 1965) and Raboy, Marc Missed Opportunities: The Story of Canada’s Broadcasting Policy (Kingston: McGill-Queen’s University Press, 1990) Mary Vipond has thoroughly researched the early years of broadcasting in Canada, and her main contribution for our purposes has been to bring to the area a Marxist analysis of the functions of the state, and to argue that the three functions of capital accumulation, state legitimation and coercion were combined in the nationalisation of Radio. Vipond, M. Listening In: The First Decade of Canadian Broadcasting, 1922-1932 (Kingston: McGill-Queen’s University Press, 1992); “The Beginnings of Public Broadcasting in Canada” Canadian Journal of Communication (19) 1994

7 An example of this, and which we will look at below, is an article that looked at two instances where the CRTC exercised discipline and found that there was an inconsistent and indefinite application of the concepts of content balance and of the term “controversial broadcasting” itself. See Cook, Peter G. and Myles A Ruggles, “Balance and Freedom of Speech: Challenge for Canadian Broadcasting” Canadian Journal of Communication (17) 1992

8 For political theorists attempting to delineate a space for religion in the public realm, it is a particularly useful concept for implying that the modern state is attempting to create not only a secular nation but also a secular society, a separation that those within its confines do not tend to emphasize. See Gulliuzza, F.I.,
Over the Wall: Protecting Religious Expression in the Public Square (Albany: State University of New York Press, 2000) for an example of this argument.

9 The German political theorist himself, in one of his clearer moments, described it as "the sphere of private people come together as a public" Habermas, Jurgen The structural Transformation of the Public Sphere (Cambridge: Polity Press, 1989) 26

10 Van Die, Marguerite Religion and Public Life in Canada: Historical and Comparative Perspectives (Toronto: University of Toronto Press, 2001) 5

11 To Arendt, the necessity derived from the lack of freedom that inhered whenever the citizen was silenced by tradition or the lack of mediating structures that had defined pre-modern life and that were, in her view, essential to a participatory democracy. "A state...in which there is no communication between the citizens and where each man thinks his own thoughts is by definition a tyranny." Miller, James "The Pathos of Novelty: Hannah Arendt's Image of Freedom in the Modern World" in Hill, M.A., ed. Hannah Arendt: the Recovery of the Public World (New York: St. Martin's Press, 1979) 187


13 Ibid. 141

Chapter One


2 Ibid., xvii

3 The other, and one that has found expression in decisions opening up the spectrum to single-faith advocacy, is that pluralism demands the encouragement of a maximum level of religious liberty. This interpretation is consistent with the preamble to the 1982 Canadian Charter of Rights and Freedoms, which states that this document "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians."

4 I am guided in my discussion here by American scholars such as Robert Handy, Martin Marty and Jean Bethke Elshtain, the last of which who has written on de Tocqueville's observations that American civil life, in contrast with the European variety with its established churches, was far more robust and experienced in a much more direct and personal way. As Elshtain comments, "Surprisingly, then, and in sum, the separation of church and state in America invited an astonishingly religious atmosphere in light of our mores." Elshtain, Jean Bethke "Faith of our Fathers and Mothers: Religious Belief and American Democracy" in Marty, M. E., Religion in American Public Life (New York: W.W. Norton, 2001) 45

5 The Fairness Doctrine, by which the Federal Communications Commission had ensured that the presentation of differing points of view would be heard, was repealed in 1987. The FCC cited as its reason the fact that scarcity of frequencies was no longer a pressing concern. In rendering the Syracuse Peace Council decision the Commission stated that the "growth in the number of broadcast outlets reduced any need for the doctrine, that the doctrine often worked to dissuade broadcasters from presenting any treatment of controversial viewpoints, that it put the government in the doubtful position of evaluating program content, and that it created an opportunity for incumbents to abuse it for partisan purposes." The U.S. Court of Appeals upheld the decision. FCC: Joint Statement Of Commissioner Susan Ness and Commissioner Gloria Tristani Concerning The Political and Personal Attack Rules 01 February, 2003 (Gen. Docket No. 83-484) 53

6 As we shall see, the Witnesses - then the International Bible Students - garnered the sympathy of civil libertarians in 1928 following the government's refusal to renew their broadcasting licenses. Because there was almost no organized opposition, and little awareness of the broadcasting in question - because, in fact, it was generally well received in the five centres from which it was broadcast - the government was on the defense to explain this apparently arbitrary action.

8 John Moir describes the eighteenth century movement as a drift from the predominance of one to the other: "In the course of New France's development, the relations between church and state had changed from one in which the church required the state to promote ecclesiastical interests to one in which, beginning with the creation of the royal province, those theocratic tendencies were repressed and the Church converted into an arm of the civil administration." Moir, John Church and State in Canada, 1627-1867, Basic Documents (Toronto: McClelland & Stewart, 1967) 21,2
A careful distinction is acknowledged here between the attempt and its success: the failure to create an established church in Canada being the point. Likewise, attempts at control today are as likely to fail as to succeed, as the legal cases cited in the introduction suggest.


The dearth of connections to the intellectual climate or links to social commentary in these accounts was a complaint of Curtis Fahey’s, who remarked on the limitations of the narrowly political approach that only one Canadian scholar - S.D. Clark - effectively “related Anglican conservatism to the Church of England’s position in Upper Canadian Society” Fahey, Curtis, In His Name: The Anglican Experience in Upper Canada, 1791-1854 (Ottawa: Carleton University Press, 1991) xiii Falling into the category that Fahey refers to would be The Christian Church in Canada (1956) a synthesis by H.H. Walsh, McGill professor of Church History in the 1950’s, as well as the work of John S. Moir of the same period.

For a discussion of this, see John W. De Gruchy’s Christianity and Democracy: A Theology for a Just World Order (Cambridge: Cambridge University Press, 1995)

Moir, John Church and State in Canada, 1627 - 1867, Basic Documents, (Toronto, Melelland & Stewart Ltd: 1967) xiii

Westfall, William “The Anglican Church in the Shadow of Disestablishment” in Van Die, Marguerite, ed. Religion and Public Life in Canada: Historical and Comparative Perspectives (Toronto: University of Toronto Press, 2001) 26 As Westfall writes: “In the early nineteenth century the church saw itself as a public institution that provided an essential public service, in much the same way that we might look upon hospitals providing public health care or schools providing public education. Like hospitals and schools, the church was linked to the state and support (although not exclusively) by public revenue. Not everyone, of course, availed themselves of this public service – people were free to worship in a field or swamp just as parents are now free to banish their young to private schools or have themselves cut open by doctors in a foreign land. But this did not make the provision of religion (or the provision of health care or education) any less a public service or any less deserving of public support.” Ibid., 28

Ravitch, Norman The Catholic Church and the French Nation, 1589-1989 (London: Routledge, 1990) 28 As Ravitch explains, during the time of the French Revolution, many clerics who found allegiance with the cause ‘claimed they had done so because they were “citizens before being priests.”’

Murphy, Terence and Roberto Perin, ed.s, A Concise History of Christianity in Canada (Toronto: Oxford University Press, 1996) 24


Jesuit ecclesiastical authority was at its pinnacle in North America in the seventeenth century, when what was to become the royal province was as yet a company charter. In 1628 Cardinal Richelieu, first minister of the crown, promoted the formation of the Company of New France, in which the establishment and maintenance of clerics was provided for in a charter that also specified the exclusion of Protestants. Although Recollet friars had already established a presence with their arrival in 1614 under a royal monopoly, it was the Jesuits who would soon gain control of the religious life of the colony. By 1647 the fur trade Company was required to pay 5,000 Livres annually for the support of the Jesuit missions, and the Jesuits gained appointment on the three-man colonial governing Council. Although Jesuit ecclesiastical authority was at its pinnacle in North America in the seventeenth century, when what was to become the royal province was as yet a company charter. In 1628 Cardinal Richelieu, first minister of the crown, promoted the formation of the Company of New France, in which the establishment and maintenance of clerics was provided for in a charter that also specified the exclusion of Protestants. Although Recollet friars had already established a presence with their arrival in 1614 under a royal monopoly, it was the Jesuits who would soon gain control of the religious life of the colony. By 1647 the fur trade Company was required to pay 5,000 Livres annually for the support of the Jesuit missions, and the Jesuits gained appointment on the three-man colonial governing Council.

In 1651, the religious monopoly of The Society of Jesus was confirmed by Louis XIV and in that year as well the colony Council gave them control over its business dealings in Paris Louis also allowed the Jesuit leadership to influence the choice of the first bishop of Quebec -- Abbe Francois de Laval de Montigny -- at a time when the Jesuits had become involved in a jurisdictional dispute with the Sulpicians in the town of Quebec, who were under the direction of the Archbishop of Rouen. In 1651, the religious monopoly of The Society of Jesus was confirmed by Louis XIV and in that year as well the colony Council gave them control over its business dealings in Paris Louis also allowed the Jesuit leadership to influence the choice of the first bishop of Quebec -- Abbe Francois de Laval de Montigny -- at a time when the Jesuits had become involved in a jurisdictional dispute with the Sulpicians in the town of Quebec, who were under the direction of the Archbishop of Rouen. In 1651, the religious monopoly of The Society of Jesus was confirmed by Louis XIV and in that year as well the colony Council gave them control over its business dealings in Paris Louis also allowed the Jesuit leadership to influence the choice of the first bishop of Quebec -- Abbe Francois de Laval de Montigny -- at a time when the Jesuits had become involved in a jurisdictional dispute with the Sulpicians in the town of Quebec, who were under the direction of the Archbishop of Rouen.
Archbishop, "frankly this reason seems to us a feeble pretext and that the real cause is that they hope to separate this church from the clergy of France, which they do not want to strengthen". Ibid., 13

If the Jesuits were not the favoured religious order, in fact viewed as a problem to be overcome, the legitimate question to ask is how they became the centre of ecclesiastical and civil power in the early decades of this fledgling colony. Indeed, how did the Jesuits even gain permission to establish themselves in the colonial endeavours in New France? The answer seems to lie in a combination of stubborn persistence and timing, as well as the efforts of some highly placed supporters. (As historians Trudel and Campeau recount, it was through the patronage of the Madame de Guercheville, wife of the Governor of Paris, that the seigneurie in Acadia was rescued from insolvency. In her determined efforts to see the Jesuits established there, the Marquise saw the first two Jesuits sail for New France in 1611 in a joint partnership with the seigneur of Acadia, who would keep them captive in the new world in order to safeguard the source of his support. It was an inauspicious beginning, and yet the Jesuits would soon thereafter displace the Recollet priests to become the centre of civil and religious governance of the colony.) In any event, in the early days of New France, the Jesuits had maintained their missionary efforts independent from Gallican control; they had dominated the colony council; they had delayed for as long as possible the appointment of a bishop for New France; they had even used their influence to have unsympathetic governors recalled to France. From 1632, when what was left of New France was recovered from English fur-traders, until Bishop Laval arrived almost thirty years later, the Jesuits were the church of New France, and the space given to Ultramontane zealotry in this extension of Gallican France suited the needs of the fur-trading monopolies. For these -- in turn the Company of One Hundred Associates, the Communite des Habitants and the Company again -- the Jesuits were a convenient presence who, with the exception of their opposition to the brandy trade, were generally perceived as aiding in colonization and trade.

With the transformation of New France into a Royal province, the monarchy revealed its own agenda with instructions to the new Intendant, Jean Talon, that he strike a more favourable balance between church and state. Five years later the return of the Recollet friars was arranged to further dilute Jesuit influence, and many of the new administrators (such as Louis de Baude, Compte de Frontenac - who would serve two ten-year terms as governor-general) had explicit anti-Jesuit sentiments. Ibid., 6

Canadian historian Terry Crowley cites Joseph Bergin's work on the Catholic parish clergy in early modern Europe in support of his correlation of the establishment of the first Bishopric in New France with the growing alliance between the French monarchy and church hierarchy in France. Bergin's view is that the hundred years between the mid sixteenth and seventeenth centuries saw a realignment of the clergy-hierarchy relationship toward what the former viewed as episcopal absolutism - a new level of control that only really became possible until the age of Louis XIV, and that because, until that time, "the crown's control of the provinces was too limited for bishops to have it all their own way." Crowley (1996) 19, Bergin, Joseph "The Catholic parish clergy of early modern western Europe" 78, in Bush, M.L. Social Orders and Social Classes in Europe since 1500 (1992: Longman Group, London)

The predilection to mistrust the Jesuits because of their radical approach to evangelism among the natives gave an advantage to those engaged in defamatory efforts. It was easy for fur-trading officials whose own practices were questionable to falsely accuse the Jesuits of trading illegally, though the ascetic reality of life among the Iroquois gave little support to such claims. Ibid., 23

The lesson—learned through a series of well-documented failures at assimilating a handful of young Huron boys - translated into a willingness to dwell among the natives and to be creative in removing cultural barriers to their conversion. This necessitated a degree of respect for native culture, which, because it was secondary to faith, was evident in the incorporation of some components of native spirituality, always done within the context of an agenda of transforming it from the inside out. The Jesuit Instructions of 1637 stipulated that one "must have sincere affection for the Savages—looking upon them as ransomed by the blood of the son of God, and as our bretheren, with whom we are to pass the rest of our lives". Both quotations are from the introduction to the Bison Books edition of Francis Parkman's 1867 The Jesuits in North America in the Seventeenth Century Heidenreich, Conrad & Jose Brandao ed.s (Lincoln NE: University of Nebraska Press, 1997) xi, xii

As Jesuit influence diminished, so too did restrictions on what had been regarded and dealt with as a mortal sin. Initially supported by the civil government, by 1662 temperance was chosen as a realistic
alternative to Jesuit prohibition, particularly in view of the competition for trade from the British and Dutch to the South. See Crowley, 13

29 These being the blocking of efforts to increase the tithe, reducing the Bishop's power in council to an honorarium, and placing religious orders under royal control. Ibid. 20

30 Thus was Bishop Laval's career in New France a narrow channel between the demands of Rome and those of the monarchy, a natural consequence of being bound to the state for financial support. Ironically, it was ultimately not the state but the papacy from which it claimed protection that would invoke an outright ban on the Society. Ibid. 24

31 Moir, Basic Documents 12 (italics added)

32 This is as much a theme in John Moir's Church and State and H.H Walsh's The Christian Church in Canada, as in the more recent works of Judith Fingard The Anglican Design in Loyalist Nova Scotia 1783-1816; Terrence Murphy A Concise History of Christianity in Canada, and Curtis Fahey In His Name: The Anglican Experience in Upper Canada, 1791-1854

33 In Nova Scotia, the Anglican Church had been nominally established in 1758, but the first Bishopric was created in the latter year.

34 A contemporary term used elsewhere to refer to the Church of England, but whose vagueness would create battle over the infamous "clergy reserves". As Fahey points out, the term had been in use in instructions given to previous Governors of the old Quebec, in which the connection had been clear. Further evidence is that the Constitutional Act itself made provision for the endowment of Church of England rectories, "according to the 'Establishment of the Church of England.'"

35 Handy, Robert A Concise History of the Churches in the United States and Canada (Oxford: Oxford University Press, 1976) 22

36 Ibid. 23

37 However because of war between the French and the English, for the Catholic Church it was a different matter. After Acadia was captured from the French in 1710, its residents were initially offered "the free exercise of their religion" in exchange for their oath of allegiance to the British crown. This position was at odds with the situation in the home country, where Catholicism was illegal, and was dramatically reversed in the Acadian expulsion of 1755-6.

38 Knox successfully engineered such a union in the new colony of New Brunswick, which was separated out of Nova Scotia following the influx of some 30,000 loyalists. At its first sitting in 1784 the New Brunswick legislature declared the Church of England the state religion and placed all other clerics under the direct control of the colonial governor. This had not been attempted in Nova Scotia, and is indicative of the faith Knox placed in an ecclesiastical defense of the realm.

39 Fingard, The Loyalist Design 11; Harlow, Vincent T. The founding of the Second British Empire, 1763-1793 (London, 1964) Based upon Harlow's seminal The Founding of the Second British Empire, Judith Fingard concludes that the linkage Knox made between religion and rebellion was one that "broadly reflected[ed] the governmental attitude of his day and age."(Ibid, 23) The historical record offers no reason to disagree, but the perennial Canadian problem of attracting settlers meant that considerable compromise was necessary. The result was what colonial officials termed an "unlimited Toleration" to a people influenced by "Enthusiastic friends in the States." (Moir, Basic Documents, 40) The quotation is from John Parr, Governor of Nova Scotia, in a letter dated 9 October 1789, in which he comments that by admitting an unlimited (Protestant) Toleration, he had avoided "many inconveniences and disagreeable religious controversies... particularly among the people whose Doctrines and principles fluctuate, with every new Hipocritical Canting Rascal, who comes to them from their Enthusiastic friends in the States." In fact "Toleration" in Nova Scotia went well beyond what the word implies, including in this instance corrective legislation exempting the taking of oaths in order to remove that barrier hindering Quaker settlement.

40 Fahey, C. In His Name: The Anglican Experience in Upper Canada, 1791-1854. (Ottawa: Carleton University Press, 1991) 7. In this Fahey is echoing Judith Fingard's view that the function of the church of England in the remaining colonies was now "primarily political rather than spiritual in character", its role being to "strengthen the principle of authority on government and hierarchy in society and so act as a stabilizing influence against future excesses of radicalism or republicanism." Fingard, J. The Anglican Design in Loyalist Nova Scotia 1783-1816 (London: Northumberland Press 1972) 2

41 Westfall, William Two Worlds: The Protestant Culture of Nineteenth-Century Ontario (Kingston: McGill Queen's University Press, 1989) 95


Christie, Nancy, "'In these times of Democratic Rage and Delusion': Popular Religion and the Challenge to the Established Order 1760-1815," in Rawlyk G.A., *The Canadian Protestant Experience 1760-1990* (Montreal: McGill-Queen’s University Press 1990) 13 Christie is referring to Errington’s *The Lion, the Eagle and Upper Canada*

For example, H.H. Walsh offers a well researched account of the division between the competing ideologies in his 1956 synthesis, *The Christian Church in Canada* (Toronto: Ryerson Press)

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Clark, S.D., *The Developing Canadian Community* (Toronto: University of Toronto Press 1968) 63-80

Ibid., supra, at 44. Murphy cites the case of a John Langhorn, pioneer Anglican cleric in Upper Canada, who in 1803 found that in Ernestown (Bath), 688 of 2100 residents “could not be easily identified” with any denomination, and the corroborating report of John Strachan who in the same year reported that a large number of the population in Cornwall had no religion at all. As Murphy points out, these reports can be expected to be somewhat biased in favour of presenting a dire straits, worst-case scenario in that the missionaries who penned them were looking for support, but that nonetheless the reports are “too frequent and too consistent to ignore.” 121-2

Ibid., In apparent confirmation of Richard Niebuhr’s theory that sectarian movements inevitably assume denominational characteristics, Canadian Methodists assumed the characteristics of the mainstream Protestant culture by the latter half of the century. Nonetheless, anti-nomianism and a revivalist structure were what set them apart for many years.


54 In the English colonies, St. John’s Island had no church structure at all, the lone Anglican assembly meeting in a hotel ballroom in Charlottetown. This in spite of the fact, as Bishop Inglis noted, the island “has been in our possession upwards of 20 years, and the inhabitants are computed to be between 5,000 and 6,000”. Moir, John S. *Church and State in Canada 1627-1867: Basic Documents*, (Toronto: McClelland & Stewart Limited, 1967) 41

55 Here the Anglican Church, through the work of one John Stuart, was active among American and Indian Loyalist settlers, though diversity was no less a reality than in the Maritimes.

56 Disestablishment occurred in degrees, the first significant breach in the principle of a state church coming with the division of the clergy reserve funds in the province of Canada, by Imperial fiat, in 1840. In this decision, in harmony with the advice in Lord Durham’s report, the colonial legislature was directed to divide the proceeds of the sale of the reserve lands between the two established denominations, with “the residue” applied to the aid of other denominations as it saw fit. (Moir, *Basic documents*, 194)

57 Fahey, Curtis *In His Name: The Anglican Experience in Upper Canada, 1991-1854* (Ottawa: Carleton University Press, 1991) see especially chapters 3-4

58 One of three Anglican clergy appointed to Upper Canada in the decade of the 1790’s, John Langhorn’s correspondence with the SPG are of a type in complaining of being outnumbered and defeated by the local preference for dissenting ministers: “The people here encourage them and such like trash to come hither, and run after them with great eagerness.” Fahey, Curtis *In His Name* 14. “Enthusiasm” was a common term for evangelical non-conformists such as, most notably in Upper Canada, the Methodists. The other references were made by Richard Pollard, Anglican cleric in Sandwich, Upper Canada, also in a letter to the SPG.

59 Fahey, 131
The attempt succeeded in Newfoundland, where a separate Anglican School system was established. See Murphy, Terrence, *A Concise History of Christianity in Canada* 183

In what Moir terms “overt acts of co-operation” toward the new regime, the church in Quebec mourned the death of George II - though it came before the transfer of New France in the peace of 1763 - the clergy in Montreal donning black mourning crepe in their hats. Basic Documents 74 See also 21-2


Westfall, *Two Worlds*, 10


For a brief accounting of the nature of these various cross-currents, see Brian Clarke, (supra) 343-8


Marshall, David B. (supra) 186


Ibid.

As he put it, the answer was the standard interpretation: “In the nineteenth and early twentieth century, the Christian church could be used by the Canadian elite to impose its values on society in general – and to impose a form of social control. This alliance, however, collapsed in the interwar years.” Rawlyk, The Canada Fire, 211. As Christie and Gauvreau comment, citing among others Douglas Owram’s The Government Generation, James Struthers’ No Fault of their Own, and specifically John Herd Thompson and Allen Seagar’s Decades of Discord, “The view of social reform simply disappearing in the 1920’s is so pervasive that it informs [Thompson and Seager’s] synthetic treatment of the interwar years in Canada.”

French-Canada, however, underwent a surge of Christianization in the same period that a Protestant consensus was developing in the rest of the country. In the late nineteenth and early twentieth century this was manifest in the Devotional Revolution, whose growth engendered an unprecedented level of piety within a profoundly authoritarian Roman church. The change is most easily tabulated in the growth of the Catholic clergy, which increased, against the general population, from a ratio of 1:1185 after the rebellion of 1840 to 1:570 in 1920. Perin, Roberto “French-Speaking Canada from 1840”, in Murphy, Terrence & Roberto Perin, ed., *A Concise History of Christianity in Canada* 215

Neil Semple’s The Lord’s Dominion: The History of Canadian Methodism (Kingston: McGill-Queen’s University Press, 1996) is exemplary. See also Sharon Cook’s contribution on the issue of respectability in Marguerite Van Die’s Religion and Public Life in Canada: Historical and Contemporary Perspectives (Toronto: University of Toronto Press, 2001) 179

See John Webster Grant’s A Profusion of Spires: Religion in Nineteenth Century Ontario, (Toronto: University of Toronto Press, 1988)


Clarke, (supra)
77 Grant, John Webster, The Church in the Canadian Era (Burlington: Welch Publishing, 1988) 26 The quotation is from The Presbyterian Witness, September 17, 1864
78 Clarke, (supra) 267
79 Grant, John W. A Profusion of Spires: Religion in Nineteenth-Century Ontario (Toronto: University of Toronto Press, 1988) 129
81 William Westfall discusses the Canada First Movement as an aspect of the Victorian Romantic form which, inspired by the heroic values of the past, sought to replicate them in architecture and nationality. The quotation is from Wilfred Campbell’s description of the Parliament buildings, “epics in stone, revealing to us not only universal beauty and inspiration, but emblematic of our common ideal, our common artistic sense, our common ancestry, and our common Christianity.” Two Worlds: The Protestant Culture of Nineteenth-Century Ontario (Kingston: McGill-Queen’s University Press, 1989) 140.
82 As Terrence Murphy opines in reference to the Protestant hegemony, “Part of what set evangelicalism apart from competing religious ideologies was the degree of support it enjoyed. It brought together so wide and coherent a body of opinion that it could aspire to define standards not only for its own adherents but for the community at large.” Murphy, Terrence A Concise History of Christianity in Canada, 175
83 Westfall, W. Two Worlds
85 Achieved in 1925, the three denominations that merged were the Methodist and Congregational churches of Canada, and the consenting congregations of the Presbyterians.
86 Marshall, Paul Secularising the Faith: Canadian Protestant Clergy and the Crisis of Belief, 1850-1940 (Toronto: University of Toronto Press, 1992)
87 Christie, Nancy, and Michael Gauvreau A Full-Orbed Christianity (Kingston: McGill-Queen’s University Press, 1996) 23
88 Ibid., 22
89 As they state it, in the zeal to Christianize Canadian society through social reform, the energetic leadership of the mainline church “attempted to re-shape twentieth century Protestantism into its own image.” Ibid, 22
90 As the authors point out, in addition to actual social workers who traveled the country giving educational talks on subjects such as sexual hygiene and child welfare, the Presbyterian and Methodist churches established “special institutes, summer courses in social service training, labour bureaus, social surveys, redeemptive homes, and settlement houses, and [they] promoted as well a broad program of social legislation ranging from workman’s compensation to child labour and housing reform.” Ibid, 23
91 Other aspects of this activism include the unprecedented commitment to widely defined youth programs that characterised the interwar period, as seen in facilities and organisations that would survive as secular organisations after the war. Grant, John Webster The Church in the Canadian Era (Burlington: Welch Publishing, 1988) 130 The secular nature of this Christian socialism is seen in the ideology of the Student Christian Movement, which, as Grant shows in his study on the 1920’s and 1930’s, provided an active social Christian vision for Canada that had little to do with theology and everything to do with issues of social justice. As Grant points out as well, it was a brand of Christianity with which western Canadian reform elements, such as that which spawned Social Credit, were less than enamoured, if not deeply suspicious. Grant, John Webster The Church in the Canadian Era (Burlington: Welch Publishing, 1988) 130, 143
92 Christie, Nancy, and Michael Gauvreau A Full-Orbed Christianity (Kingston: McGill-Queen’s University Press, 1996) xiv
93 Grant, John Webster The Church in the Canadian Era (Burlington: Welch Publishing, 1988) 131
94 To make the parallel Vipond quotes as follows from an article by the editor of the Christian Guardian, Dr. W.B. Creighton: “The more we consider the matter the more clearly we realize that the public school is to be the great melting pot which will give us the desired result. Given a young, enthusiastic patriot as
teacher and some fifty of more young children as pupils, it has been found possible to develop in those children a spirit of enthusiastic loyalty to the land and to the flag which nearly all will recognize as the very thing we need most in nation building. See Vipond, Mary “Canadian National Consciousness and the Formation of the United Church of Canada”, in McGowan, Mark and David B. Marshall, ed. Prophets, Priests and Prodigals: Readings in Canadian Religious History, 1608 to present 167, 169

For a detailed accounting of the activities of the progressive intellectuals of the decade, see Richard Allen’s The Social Passion: Religion and Social Reform in Canada 1914-1928 (Toronto: University of Toronto Press, 1973) ch. 19


Bruce, Steve A House Divided (1990) 110

Attention to the disparate success of the liberal and fundamentalist churches of North America in dealing with the ideological challenges of secularisation began with the publication in 1972 of Why the Conservative Churches are Growing (Mercer University Press) authored by the late Dean Kelley, an advocate for religious freedom and executive director on the National Council of Churches in the United States. Since that time, there have been a host of sociological studies confirming Kelley’s premise, viz, that fundamentalist religion has fared the challenges of secularization far better than those churches that have embraced a liberal Protestantism, in Canada as well as in the United States and the United Kingdom. (Bruce, 123) For the Canadian statistics Reginald Bibby Fragmented Gods: the Poverty and Potential of Religion in Canada (1987); Unknown Gods: the Ongoing story of Religion in Canada (1993) has documented evidence that, since the 1960’s, the membership of fundamentalist churches (such as the Pentecostal Assembly and the Christian and Missionary Alliance churches) has grown faster than the general population, while for the mainline denominations the trend has been in the opposite direction. For Bruce, the reason is simple: “Religion is concerned with certainty. .. It is difficult to develop or maintain a high level of commitment to something which may or may not be true, which may only be partially true, or which may be true only for some people.” (A House Divided, 1990) 123. The weakness of Liberal Protestantism, which the American studies confirm, in this event would be that they had failed to appeal to those instincts to which religion is by its nature most responsive. Alternately, this can be read as a sign of success, the mainline churches having made themselves unnecessary by helping to create a society in which their former dogmas were irrelevant. As Bruce puts it: “In the absence of a large increase in the support for conservative Protestantism, the decline of liberal Protestantism suggests that, far from having failed, it has done its job so well that those who accepted it feel no further need for it.” (Ibid., 153)

As Grant puts it: “Evangelicals have bucked the secularizing tendency in traditional terms of religion and personal morality, asserting challenged verities with renewed vigour. Many within the mainline churches, although culturally closer to the norms or contemporary society, have opted for a radical critique of its values. Somewhere along the way the two have become unhitched, so that evangelicalism has become almost synonymous with conservatism and social action with doctrinal novelty. Either without the other seems doomed for a hardening to ecclesiastical arteries or to a constant search for new dragons to slay.” Grant, J.W., The Church in the Canadian Era (Toronto: Welch Publishing, 1988) 242

Chapter Two

The first public demonstration of radio broadcasting in Canada occurred before an audience assembled in Ottawa to hear a lecture from a McGill physicist on war-time inventions. As Peers relates: “As part of his presentation, [Dr. A.S. Eve] arranged a demonstration of radio broadcasting, by which the audience assembled in the Chateau Laurier could hear a program originating in Montreal, from station XWA, more than a hundred miles distant. In the audience were such distinguished guests as the Prime Minister, Sir Robert Borden; the governor-general, the Duke of Devonshire; Mr. Mackenzie King, the leader of the opposition; and Vilhjalmur Stefansson, the noted explorer.” The entertainment was one Mrs Dorothy Lutton performing a solo for the distant audience. As Peers quotes from the contemporary Canadian Press account; “the experiment took place at 9.30, and by means of a magna vox, the voice of the distant singer was quite distinctly heard in all parts of the hall.”. Peers adds that Mrs. Lutton was “surely one of the first singers in the world to have broadcast to an audience over one hundred miles away.” Peers, Frank W. The Politics of Canadian Broadcasting 1920-1931 (Toronto: University of Toronto Press, 1969) 4
The Radiotelegraph Branch administered about two hundred stations on land and at sea during the course of the war, and continued to operate stations afterward, as well as to license and inspect private stations. 

3 The Radiotelegraph Act of 1913 was designed for point to point transmitting, or radiotelegraphy, and thus did not refer to the regulation of program content. In the case of the IBSA, the power to grant or refuse a license gave the federal government a prima facie power over program content.

4 Although coming out of the Adventist theology of the late nineteenth century, because of their rejection of the trinity and the deity of Christ, as well as their cult practices, the Jehovah’s Witnesses have been difficult to place. Only insofar as the term sect applies to their Christian heritage is it an appropriate descriptor. Grant puts them with the Seventh Day Adventists as a group most readily identifiable by “peculiarities of practice or doctrine”; one of three in his typology of denominations whose emergence represented “an important third force” alongside mainline Protestantism and Roman Catholicism. Grant, John W. The Church in the Canadian Era (Burlington: Welch Publishing, 1988) 128


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7 To use one example from William Kaplan’s State and Salvation, a common tactic was the evangelizing of worshippers on the way to Sunday mass. Pointing out the obvious, he states that “many Roman Catholics did not appreciate being stopped...and informed they were on the ‘Devil’s team.’”

8 The Jehovah’s Witnesses have a proven flexibility to respond to failed predictions, which have created periodic disillusionment among many of the faithful. When Armageddon did not arrive in 1914 as most had expected, the Society cited a mathematical error in interpretation of the book of Revelation, and suggested 1925 as the year of its arrival, later changing this once more to 1975. Current doctrine suggests that Armageddon will arrive within the life span of those alive since 1914, the year in which Christ returned invisibly and established his millennial reign in the heavenly realm. In his apologetic, Penton refers to this creative eschatology simply as a “restate[ment] of the time features described in The Divine Plan.” Penton, (supra) 17 Following his own disfellowship, his view as to the significance of such restatements was far less sanguine. In his later book, Apocalypse Delayed, Penton writes that, with failed prediction, “Bible Student-Witness leaders have always argued that the ‘wrong thing [or things] had happened at the right time.’ In spite of everything, they have held that their plan of salvation and timetables for the end of this world and the dawning of the next have been correct, or at least nearly so.” The later Penton prescribes to Melvin Curry’s observation that “Biblical chronology is the play dough of millenarians. It can be stretched to fit whatever timetable is needed, or it can be reduced to a meaningless
mass of dates and figures so that future predictions can be moulded out of the original lump." Penton, James M., *Apocalypse Delayed*, (Toronto: University of Toronto Press, 1985) On the importance of dates to Witness doctrine the introduction to Penton’s latter book is very useful. Another useful source is Kaplan, William; *State and Salvation: The Jehovah’s Witnesses and Their Fight for Civil Rights*, (Toronto: Univ. of Toronto Press, 1989) 4

13 Penton, M. James, *Apocalypse Delayed*, 138 Penton had pointed out in *Champions of Freedom of Speech* that Russell’s position vis a vis military service was originally somewhat ambivalent, reflecting the contradicting doctrine of obedience to secular authority as modelled by Christ’s call to “Give to Caesar what is Caesar’s and to God what is God’s” (Matthew 22:21, New International Version) Penton, *Champions* 48

16 Re: Cooke, 18 Jan 1918, from Penton, *Champions*, Appendix B, 261

17 Jehovah’s Witnesses in the Divine Purpose (supra) 75-6

18 Ibid.

19 Ibid.

20 Botting, Gary, *Fundamental Freedoms and Jehovah’s Witnesses* Botting also discusses the failed attempt by the Town council of Guelph to ban the showing of movies on Sunday “except for war purposes.” Ibid., 17

21 Penton, *Apocalypse Delayed*, 131

22 15 March, 1928 A. Johnston - The International Bible Students Assoc., NAC file 209-32-44

23 Debates 30 March, 1928 p.1849

24 Ibid., 12 April, 1928 p.1951

25 Ibid.

26 Ibid.

27 In the debate in the House, Cardin referred to the BBC governors looking after the issuance of licenses, which they did not do. As Peers writes of Cardin: “Perhaps he had in mind some mixed system for Canada; more probably, he was looking for a way to shift troublesome responsibility somewhere else.” Peers, Frank *The Politics of Canadian Broadcasting* (Toronto: University of Toronto Press, 1969) 35


29 In this regard, Ernest Austin Weir’s 1965 account remains basically unchallenged. Under his pen, the controversy is treated in a brief and orthodox description of the events. The assumption is of reasonable state action, but ultimately, his account is not interested so much in the question of fairness as in where the event fit into the story of the development of public radio in Canada. Because of this, his conclusion is predictably inadequate: “This turmoil, which touched the religious sensibilities of so many, combined with the growing feeling of the inferiority and frustration of Canadian radio, made it absolutely clear that something must be done. Canadian radio channels demanded conservation; isolated areas demanded service; and above all, if radio was ever to become the instrument of national unity, which the Jubilee broadcast had shown it might become, the policy of drift could continue no longer. It was with this background that the government, on December 6, 1928, appointed the first Royal Commission, later known as the Aird Commission”. It is this view that is repeated in Marc Raboy’s later synthesis on the development of national broadcasting. Weir, E. Austin, *The Struggle for National Broadcasting in Canada* (Toronto: McClelland & Stewart, 1965) 103

30 This was in spite of the fact that, by the second day of the debate, the leader of the opposition came out in favour of the action. See Peers, *Politics*, (1969) 32

31 Debates 12 April, 1928, 1951-2

32 Ibid., 2049

33 Ibid., 31 May, 1928 3645. In an exchange with Cardin on 31 May, the MP for Vancouver South, Ladner, gave the apparently inflated number of 20 000 letters, which Cardin interpreted as a mathematical error. As Cardin revealed to the House the following day, the Department had received 5029 letters in four separate packets. Of these, he claimed, 4056 were from Americans and 949 from Canadians. However, it is more complicated than that, for the letters to which Cardin referred were those that had been sent in 1927 “to answer the complaints that had been made against this association.”, presumably a reference to the J.J. Maloney incident and the subsequent resolution of the Saskatoon Board of Trade that the station there be restricted to Sundays. In contrast, Ladner claimed 20 000 letters being received in 1928, “when the license was cancelled”. The most likely explanation of the discrepancy is that Ladner was mistakenly referring to
1927. This is corroborated by what Cardin told the House on the first of June, when he mentioned, in reference to the cancellation, that his department had tallied 9,358 letters of protest. In the end, whether twenty thousand or nine thousand, the point still stands. Ibid., 3657

Ibid. The analysis of the correspondence was done by Walter Salter, the vice-president and general manager of the IBSA in Canada, after the successful application by Woodsworth and Heaps to have it tabled. Though not an objective source himself, Salter provided the information in an affidavit accompanying a statutory declaration he made in order to deny that the Association had employed war veterans to canvass for their petition. In any event, the accuracy of the numbers is reinforced by the fact that the government did not take issue with any point of the breakdown of the correspondence that Salter found through his investigation.

Debates 1 June, 1928 3667

Ibid.. 27 May 1924, 5; 6 October 1924, 10; 11 November 1924, 14

Naish, Geo. to The Hon. Minister of Marine and Fisheries. 1 Feb. 1927 NAC 209-32-8


26 September 1924, J. Macklem to The Director of Radio, Dept. of Marine & Fisheries; NAC 209-32-101, 1 Macklem told C.P. Edwards that he knew Esson personally, and considered him “thoroughly capable of handling the apparatus” Under the heading “Certificate of Proficiency in Radio held” for both Esson and his assistant, Ben Esson -presumably his son - was entered “None. Electrical knowledge.”

2 December 1924, J. Macklem to The Director of Radio; NAC 209-32-75.1

4 December 1924, G.P Naish to Deputy Minister, Department of Marine & Fisheries; NAC 209-32-18 Because the license was renewable from the end of April, the secretary of the Saskatoon congregation based his request for a refund on the basis that, the way things were developing, “we shall not be in operation for much more than three months of the license year.”

15 March 1926, J. Macklem to The Director of Radio, NAC 209-32-101 (34)

19 August 1926, J. Macklem to Director of Radio, NAC 209-32-101 (39)

8 October 1926, International Bible Students Association to Minister of Marine and Fisheries, NAC 209-32-101 (44)

5 October, 1926, W.P. Flewwelling to IBSA Toronto, NAC 209-32-101 (44)

Harris, Alex “Religious Broadcasting” The Saskatchewan Daily Star (10 February, 1927) 4; 30 March 1927, W.J. Salter - Commander C.P. Edwards, NAC 209-32-8


Ibid. 23 Feb. 1927, Emil A. Bucholski & Bros., Viscount Sask.

NAC File 209-32-101, Vol. 1, #85 17 April, 1928

50 Ibid.

1 A sketch of the events surrounding the organization of the Klan in Canada in the 1920’s are discussed by Anthony Appleblatt in an article in The Chelsea Journal. *J.J. Maloney and the Ku Klux Klan.* The Chelsea Journal. 1 Jan./Feb., 1976. 1(2). Appleblatt recounts that the first Klan organizers in the province were two Americans, Hugh Finlay “Pat” Emmons and Lewis A. Scott. Experienced Klan organizers from Indiana; “ Emmons and Scott spent most of early 1927 crisis-crossing Saskatchewan spouting Klan propaganda, burning crosses, selling memberships in the Klan at $13 a head, and establishing local Klans in several centres. Emmons and Scott made one final sweep through Saskatchewan and then disappeared from the province taking with them the Klan funds.” (Emmons was charged but not convicted, as the disposal of membership dues was found to be at the discretion of the organizers.) The degree of resonance that the Klan ideology struck in the province is evident in the fact that, rather than disintegrating from these events, the movement survived under the guidance of J.J. Maloney, and one Dr. John A Hawkins of Virginia. At its peak, the movement claimed 50,000 adherents in Saskatchewan. University of Regina history professor Bill Brennan estimates that the actual numbers were half of that, and that the motivations for joining were as numerous as the membership list. Weedmark, Kevin: “The KKK in Saskatchewan” World Spectator Online. 1996-2000. www.world-spectator.com/archives.25.html See also, Gray, James The Roar of the Twenties (1975); Spafford, Duff, and Norman Ward. Politics in Saskatchewan. (1968); J.J.Maloney. Rome in Canada Autobiography of a Klan organizer in Western Canada. (1934).

NAC File 209-32-101, Vol. 1, #96, 15 March, 1928 The full text of the telegram, which was directed from the PMO to the minister of marine the following day, was as follows: “CHUC broadcasting station informs me that the Deputy Minister of Marine has denied them renewal of their license because of
Protestant lectures going over their station. Petitions with two hundred thousand names are being circulated in this province which is 80 percent Protestant. I am calling your attention on the advice of the President of the Liberal Executive. J.J. Maloney. That Maloney put the context as one of an anti-Protestant conspiracy is not surprising, given that the content of the two radio broadcasts for which he bought time on CHUC were used to slander the Catholic church. In James Penton’s telling, Maloney’s connection with the Bible Students was only an unhappy accident, but the telegram suggests that he was at least in communication with them at this point, two months after his radio lectures were given.


Article from The Regina Standard, (undated) as found in; W.R. Pottle to The Director of Radio, 2 April, 1928 NAC 209-32-101 (83).


On the other hand, as Weir points out, the fact that some wrote in later to recant their position indicates that at least a few were unaware of what they were signing.

From Vipond, Mary; The Mass Media in Canada (Toronto: James Lorimer & Co., 1989) 39

2 February 1927, Mr. Simon A. Giherson, NAC file 209-32-8 02665

Weir, A.E, The Struggle for National Broadcasting, 104. In this account we gain a rare perspective into the issue of solicitation, which would prove a permanent sticking-point in the regulation of religious broadcasting. In these early days of broadcasting, solicitation was in fact not required; in the United States devout listeners showed an early tendency to send reams of letters, often with unsolicited donations, following religious broadcasts

The radio craze of the 1920’s was a popular topic in periodicals as well as books - more than 250 were written on the topic by 1924 alone. These quotations are from the following; McMeans, Orange Edward; “The Great Audience Invisible” Scribner’s Magazine, 4(73) April 1923, 416; Smith, Leonard A.; “Broadcasting to Millions: Radiotelephony’s Extraordinary Growth” The New York Times, 19 February, 1922, 6; Strother, French; “The Unfolding Wonders of Wireless” The World’s Work, (43) April 1923, 649

MacPherson was an Ottawa area born evangelist, who transmitted her Four Square Gospel Church messages from a Stadium sized “temple” in California in the 1920’s. A $350 000 a year outreach, MacPherson was unapologetic about her approach. “I bring spiritual consolation to the middle class,” she once said, “leaving those above to themselves and those below to the Salvation Army.” see Nash, Roderick The Nervous Generation; American Thought, 1917-30” (Chicago; Rand McNally & Company, 1970) 150

Well known for offering Americans a form of religious vaudeville, MacPherson soon also became known for wandering all over the crowded Los Angeles radio dial. When KFSG was shut down, after repeated warnings from then FCC secretary Hoover, to abide by her allotted airwave, she replied with a telegram that read: PLEASE ORDER YOUR MINIONS OF SATAN TO LEAVE MY STATION ALONE. YOU CANNOT EXPECT THE ALMIGHTY TO ABIDE BY YOUR WAVELENGTH NONSENSE. WHEN I OFFER MY PRAYERS TO HIM I MUST FIT INTO HIS WAVE RECEPTION. OPEN THIS STATION AT ONCE. Douglas, George H., The Early Days of Radio Broadcasting (Jefferson; McFarland and Company, 1987) 94. For more information on the early American religious broadcasters and the FCC, see Bamouw, Erik. A Tower in Babel: the History of Broadcasting in the United States to 1933. (New York: Oxford University Press, 1966).

“The Church’s New Voice” The Outlook, 4(137) 28 May, 1924

3 February 1927, Alex Harris NAC 209-32-8, 02667; 3 February 1927, Dr. A Ernst Ibid.. 02714

Boucheron, Pierre “News and Music from the Air: What the Radio Telephone Means to the American Farmer and Business Man at Home and at Work” Scientific American, (125) December, 1921 104

McMeans, Orange Edward “The Great Audience Invisible” Scribner’s Magazine, 4(73) April, 1923 416

Bilven, Bruce “How Radio is Remaking our World” The Century Magazine


“Preaching by Wireless” Current Opinion, May 1922, 649


“The Future of Radio”, The New Republic, 8 October 1924, 135

Harbord, J.G. “Radio and Democracy” The Forum, April 1929, 215

7 April 1928, James Gardiner to Department of Maritimes and Fisheries, NAC 209-32-101 (90)

17 April 1928, J. Macklem to C.P. Edwards, NAC 209-32-101 (84&5)

7 April 1928, James Gardiner to Department of Fisheries, NAC 209-32-101 (83)

The Regina Standard, (undated) as found in; W.R. Pottle to The Director of Radio, 2 April, 1928, NAC 209-32-101

Ibid.

7 April 1928, James Gardiner to Department of Fisheries, NAC 209-32-101 (83)

Edwards also pointed out that “We already have before us an application from the same people for a license in Toronto, and the same is still under consideration.” NAC 209-32-101, 14 May 1924, 2

NAC 209-32-101, 20 May, 1924, 1

Ibid.

Ibid., 2

NAC 209-32-101, 7 October 1924

15 March, 1926 J. Macklem to The Director of Radio NAC 209-32-101 (34)

Penton, James M. *The Jehovah's Witnesses in Canada: Champions of Freedom of Speech and Worship*, (Toronto: Macmillan of Canada, 1974) Penton’s reference is to the talk that Rutherford delivered in Toronto entitled “Millions now living will never die, in which he took aim at the “Judases and polecats” of organised religion, and Roman Catholicism in particular. See further, Propaganda, para. 5

May 1926, J Macklem to the Director of Radio, NAC 209-32-101

“Open Letter to the district Radio Inspector” *The Saskatoon Daily Star*, November 1925 NAC 209-32-8 (2)

The request indicates the preference among many for the competing signals coming from cities with high-powered stations such as Chicago. With local stations interfering, this would be difficult with an inexpensive receiving set. As such, R&U was asking that three evenings after 8 p.m. be set aside as silent time.

"Let me say once for all that no religious denomination or society has a monopoly of the air on Sunday evenings, never has had and never will have.", Macklem wrote, adding in words that seem just as applicable to himself, “I would suggest to Rural and Urban and some others that they at least use a little common horse sense and learn the facts before they proceed to advise others. It exemplifies the old saying “Fools rush in, etc.” John Macklem to the Editor, The Star, 14 November, 1925

(Of Marine and Fisheries, Alexander Johnston.) As Johnston put it: “As regards a religious monopoly of the air, it may be that the local situation in Saskatoon is such that only one religious body desires to broadcast on Sundays. The Department’s policy in this regard is such that it will not refuse an application from a religious body for license to install and operate a station, and that in any city where more than one station is licensed, the stations will be required to share time, that is to say, if there were half a dozen religious stations in one city, each station would get the equivalent of one Sunday in six.” 18 December, 1925 A. Johnston to F.M. Jarrett, Esq., NAC 209-32-8

1 February, 1926 R.L. Wilkinson to Radio Department of Marine and Fisheries; NAC 209-32-8 02694

17 August 1925 209-32-24

NAC 209-32-101 (42, 63, 64)

Penton, James M. Jehovah’s Witnesses in Canada: Champions of Freedom of Speech and Worship (Toronto: Macmillan, 1976) 96

7 January, 1928; C.P. Edwards, Memo to the Deputy Minister N.A.C. file 247-10-1

Ibid., 14 January 1928

W.J. Salter to A. Johnston, Esq., 18 January 1928 NAC 209-32-101


Chapter Three

1 Hansard, 12 April 1928, 1952

2 Initially, Canadian commercial licenses were given out in Canada in a band reserved by the Department of Marine in 1922 for that purpose. This was between the 400 and 450 metre wavelength, which the United States was not then using. When the Americans began to allot all wavelengths to American broadcasters, including those within this frequency, the agreement whereby Canada was allotted six stations was made. In 1925, this agreement would be violated when Zenith Corporation, unhappy with a shared time agreement with GE mediated by Herbert Hoover, moved to a Canadian frequency. Hoover’s failed move against

3 In 1927, only two Canadian stations exceeded 500 watts power, and all Canadian stations combined had an output of only 50 000 watts. This compares to the 680 000 watts of output coming from the United States. Many high-powered American stations had an output in excess of Canada's combined total. Weir, E. Austin 98


5 Peers, Frank, *Politics*, 20

6 As Frank Peers points out, "From the beginning, Canadians listened to American stations more than to their own. ... The situation had not markedly changed by the end of the twenties. Not only were Canadian stations small, but their schedules were irregular, the hours of broadcast few, and the average program unexciting." Peers, *Politics* 20.


8 During its brief life, the CNR radio network produced and broadcast 48 hours of national and local programming every week. In 1931, as revenues fell with the onset of the depression, the CNR experiment with radio came to an end. Nash, K., *The Microphone Wars: A History of Triumph and Betrayal at the CBC* (Toronto: McLelland & Stewart, 1994) 80.

7 Ibid.

10 As described above, the sharing of the airwaves between Canada and the United States came about through a piecemeal process of which the United States Department of Commerce essentially set the framework. Having first allotted nearly every North American wavelength to its own broadcasters, in 1924 the Department agreed to allow Canada unfettered access to six of the 95 channels, and shared access to another eleven. On a proportional basis this was an equitable arrangement, with the United States population at the time being 107 million and Canada 8.8. Considered geographically, it was not, and in 1927 Canada's Department of Marine began to negotiate for 12 exclusive and 14 shared channels from the newly established Federal Radio Commission. The response from the Americans was that Canada was not even utilizing its existing channels to their potential, and that the Canadian population was inadequate for such an allotment. As Frank Peers writes, "This was quite true: but in 1928 no businessman in broadcasting believed that the scattered Canadian population could make larger stations profitable; and broadcasting in Canada was not yet regarded as anything more than a business." Statistics Canada, "Census 96: BC and Canada Population. 1871-1996"; Morison, Samuel Eliot, Henry Comanger and William Leuchtenburg, *A Concise History of the American Republic*, 2nd ed. (Oxford: Oxford University Press, 1983) T-9; Peers, Frank, *The Politics of Canadian Broadcasting* 19, 20.

11 18 December 1925, NAC 209-32-8, 29.

12 Early radio listeners were obsessed with fishing for signals from distant locales, a hobby which local broadcasting hampered. To solve this problem, cooperation among commercial broadcasters could occur in the most competitive broadcasting markets. In Chicago in the 1920's, an understanding among all of the local stations meant they would go silent on a specific week night to allow listeners to tune in to distant stations. See Krattenmaker, Thomas G. and Lucas A. Powe, *Regulating Broadcast Programming* (Cambridge: MIT Press, 1987) 16. In Saskatoon, the radio inspector reported that "no matter how good a program were provided right at home, I am inclined to think they would kick anyway."


14 Of these, nine were adjuncts to newspapers; ten or more were owned by electrical dealers or manufacturers and three by the CNR. Weir, E Austin, (supra) 2.

13 Ibid., 99. By contrast, the more than 500 stations in the United States were broadcasting an average of twelve hours per day. As Weir writes, "How so many Canadian stations managed to stay on the air during the depression is still a mystery. Fourteen stations out of forty-eight at the end of 1931 somehow managed to subsist on not more than half-an-hour of sponsored programs daily."

16 Bird, Roger, *Documents of Canadian Broadcasting* (Ottawa: Carleton University Press, 1988) 25. The sinking of the Titanic was also the motivation behind the control of radio in the United States. In 1910, a collision between a luxury liner and an immigrant boat near Nantucket had been the impetus behind...
legislation requiring ships in American waters to be equipped with radio equipment. When the investigation into the sinking of the Titanic revealed that the Marconi station in Newfoundland had trouble relaying the ship’s distress call because of interference from amateur operators, Congress implemented the Radio Act of 1912 giving the federal government control over broadcasting. Krattenmaker, Thomas G. and Lucas A. Powe Regulating Broadcast Programming (Cambridge: MIT Press, 1987) 5,6

17 Bird, Roger Documents of Canadian Broadcasting (Ottawa: Carleton University Press, 1988) 25
18 Weir, Struggle, 102
19 Although Rutherford took aim at the forces of Protestantism and capitalism, it was his unbending anti-Catholicism that brought his followers to grief in Quebec in the 1920’s and 1930’s. Bible Students were arrested hundreds of times, often at the urging of Catholic clerics, and the charges against them included blasphemous libel. For a detailed account, see Penton, James Apocalypse Delayed: The Story of Jehovah’s Witnesses (Toronto: University of Toronto Press, 1985) 131

20 Debates 31 May 1928, 3648
21 The controversial nature of Rutherford’s message that day convinced the NBC to never rent time to Rutherford again. Yearbook of the International Bible Students Association (Brooklyn, N.Y.: 1930) 33
22 Penton, Jehovah’s Witnesses in Canada 103-4
23 Debates, 1 June, 1928, 3668
24 Ibid.
25 The preamble to the article from the 20 February, 1924 edition of the Christian Guardian that Woodsworth quoted was as follows: “There is surely not an intelligent, civilized man left in all the world who thinks that there is any virtue of goodness or saving grace in war. And most of us have been driven far beyond that negative position to the very positive and inescapable belief that war is, for our day and time, a hideous, utterly unchristian, unforgivable crime. And in so far as we did not quite feel that way about it just a few short year ago, some of us - many of us - are ready to acknowledge our fault in truest humility, and seek pardon for our ignorance and our lack of the spirit of our Master.” Debates 31 May, 1928 3620-1
26 Debates 31 May 1928, 3647, 9
27 Ibid., 3649
28 Ibid. 3650

29 As Richard Allen has put it in reference to the connection of the Agrarian revolt with religious ideas: “No man lives by bread – or wheat – alone, and movements with ostensible economic beginnings invariably find themselves clothed with ideas and hopes which provide frameworks for action not reducible to economics or even politics.” And the western populism as rendered by Irvine was a case in point. The church had been a “major educative influence” in prairie politics of the time. “The leaders of the grain Growers were often (though not always) churchmen of note and even clergy; and most of the participants were church members who could sing “onward Christian Soldiers” with great vigour and conviction.” But this was not the whole explanation of the movement, for what made it unique from central Canadian Protestantism was its socialist dynamic, one born of the market conditions of the western farmer. As Allen opines, the connection between agrarian and church leadership went beyond the predominance of what we have discussed as the Protestant culture. Rather, he sees it as a reflection of the impact of the social gospel, connected with the unique circumstances of the western Canadian grower: “As the prairie farmer faced the gargantuan task of marketing his ever-growing grain crop in the complex, impersonal international market, the agrarian myth of the virtuous yeoman, wrestling his due from the soil by his own skill, broke down. Only in combination and co-operation could he cope with the forces arrayed against him: elevator companies, railroads, grain exchanges, even political parties and governments. He was in need not only of new organisations and techniques, but also of a new social faith. The social gospel supplied it.” Allen, Richard “Social Gospel as the Religion of the Agrarian Revolt” in The Prairie West: Historical Readings eds R. Douglas Francis and Howard Palmer, (Edmonton: University of Alberta Press, 1985) 440-1
30 Ibid.
31 Ibid. 2 June 1928, 3708
32 Ibid. 1 June 1928, 3671
33 Penton, Jehovah’s Witnesses in Canada 102
34 Even Carmichael, who supported the action taken by the government for its overall thrust, and who had been active in the efforts of the Missionary Alliance to obtain their license, was troubled by the appearance of discrimination that this implied. (See Debates, 1 June 1928, 3668-9)
As it turned out, it was another four years before regular transatlantic broadcasts were heard in Canada, when the Canadian Marconi Company was requested by the radio department to transmit special BBC programs for broadcasting over the CN national network. Weir, E.A. The Struggle for National Broadcasting 42

Debates', 1 June 1928, 3664

What made the situation more suspect was the fact that the Star ran a dated and low-powered broadcasting service of 500 watts, compared to the 5000 watt station that lost its license.

Reverend Shields subsequently requested, and was given permission to situate the station on a waterfront lot south of the highway to Hamilton, but within the ten mile limit by over one mile. 23 June, 1924; 9 July, 1924 NAC 209-32-97

Afer the spring of 1925, the bulk of the correspondence between the department and the church consists of appeals from the regulator for clarity on the church’s continuing interest in broadcasting and repeated reminders of overdue license fees.

Chapter Four

Horwitz, Paul, “The Sources and Limits of Freedom of Religion in a Liberal Democracy: Section 2(a) and Beyond” University of Toronto Faculty of Law Review, (54) Winter, 1996 24-5

Richard Hofstadter has shown how the anti-intellectualism of the Great Awakenings in eighteenth-century America fostered the growth, and increased the number of un-established churches, speeding up the separation of church and state. Hofstadter describes how the Awakenings, which greatly troubled the clerics of the established denominations of New England, left a lasting impact: “by achieving a religious style congenial to the common man and giving him an alternative to the establishments run by and largely for the comfortable classes, the Awakening quickened the democratic spirit in America.” Hofstadter, Richard A., Anti-Intellectualism in American Life (New York: Alfred A. Knopf, 1963) 74

In his work on the secularisation of religion in the United States, Richard Quinney notes that, “The federal constitution, in a secularisation of the Puritan covenant, was invested with sacred qualities. An attack against the nation became also an assault against the national covenant, incorporating religious overtones. The political realm, represented by the motto “A Nation under God,” was a secularisation of Puritanism, just as the “calling” to life was secularised in the economic realm as capitalism developed in the United States.” Quinney expands upon this to describe the type of “enlightened”, human-centric theology that emerged, with its emphasis on human progress, human reason, and the human role in redemption. Quinney, Richard Providence: The Reconstruction of Social and Moral Order (New York: Longman Inc., 1980) 53


A similar movement, but one that had a predominantly rural and less educated following, and whose growth by mid-century was three-fold that of the Unitarians.

As Handy points out, the Unitarian movement was closely connected to the Romanticism that found expression in the Transcendental Club, a group whose fame was ensured by participants such as Ralph Waldo Emerson and Theodore Parker - both Unitarian pastors, and lay members such as Henry David Thoreau, Bronson Alcott and Elizabeth Peabody. Ibid., 201

In 1936 the CBC passed regulations prohibiting abusive comment on the basis of any race, religion or creed, which still stand and have been expanded to include sexual orientation. The subject of birth control was banned in 1937. As Janet Epp Buckingham points out: "The regulations limiting abusive content should have resolved the issues relating to religious broadcasting, allowing the opening of the airwaves to religious broadcasters. This was not the case, however, for another 50 years." Epp Buckingham, Janet, "Religious Broadcasting in Canada" unpublished.

These limited licensing to either "Private Commercial" or Amateur stations. CRBC: General Rules and Regulations, 15 April 1933 (5)

The term "balance" first entered the regulatory discourse in the Broadcasting Act of 1968, of which Section 2(d) read, in part: "the programming provided by the Canadian broadcasting system should be varied and comprehensive and should provide reasonable, balanced opportunity for the expression of differing views on matters of public concern" Canada: "Broadcasting Act" 7 March 1968, 16&17 Eliz.2, c.25

According to the CBC Annual Report, for each of the following years, Religious programming constituted 2% of the program schedule CBC in 1974-75; 1.4% in 1975-76; 2% the following year, and 1.9% in 1976-77, the final year before the CRTC changed to a four category program inventory in which religion was not delineated separately.

Neuhaus, Richard The Naked Public Square: Religion and Democracy in America (Grand Rapids: William B. Eerdmans, 1984) 86,7

The embarrassment in this case was created less by a reckoning within the bureaucracy that it was failing, as by the unpalatable prospect of rigidly defending a position that the civil disobedience of Christian broadcasters brought to the fore.

The three members who made up Canada's first Royal Commission on Radio Broadcasting were Sir John Aird, the President of the Canadian Bank of Commerce; Augustin Frigon, the technical director of education in Quebec and an expert on radio, and Charles Bowman, the editor of the Ottawa Citizen. As Marc Raboy points out, Bowman alone had already articulated his position on the need for public broadcasting.

Bird, Roger Documents of Canadian Broadcasting (Ottawa: Carleton University Press, 1988) 38,9

D.O.C: Report of the Royal Commission on Radio Broadcasting, September 1929, in Bird, Documents, 52

The most important recommendations of the commissioners regarding a single, publicly owned system would never be realised, but as Austin Weir pointed out in 1965, this notion of seven high-power stations was "adhered to with a fidelity that bordered on stubbornness, and resulted in serious inadequacies to CBC coverage to this day." Weir, E.A. The Struggle for National Broadcasting

Weir, E.A. The Struggle for National Broadcasting 111

Commission member Charles Bowman, editor of the Ottawa Citizen and an outspoken advocate of nationalisation, reported that his colleagues were shocked by the attitude toward Canada at the National Broadcasting Corporation, and encouraged by Franklin Roosevelt's urging that they nationalize radio. Raboy, Marc. Missed Opportunities 23

As quoted in Nash, Knowlton The Microphone Wars: A History of Triumph and Betrayal at the CBC (Toronto: McClelland and Stewart, 1994) 54

Bird, Documents 57
33 Ibid., 62. The article appeared in the Canadian Forum in March, 1931, and was rebutted by Graham Spry the following month. As Rose Potvin points out in her memoir of Spry, Frank Underhill, who was on the editorial board of the Forum, sent Spry the galley of the issue and said that in replying, "The more damage you can do to Mr. Murray Gibbon the better," to which Spry replied that he would respond "as vigorously as I can, though Mr. Gibbon happens to be one of my employers. He is literally correspondent of the Canadian Clubs of Montreal, which provides nearly one-eighth of all the Association revenue." (Spry worked in public relations for the Association of Canadian Clubs) Potvin, Rose, Passion and Conviction: The Letters of Graham Spry (Saskatoon: Canadian Plains Research Centre, 1992) 75

34 Weir, The Struggle 119

35 Potvin, Rose Passion and Conviction: The Letters of Graham Spry (Saskatoon: Canadian Plains Research Centre, 1992) 2

36 Claxton joined the executive and became one of its main spokespersons. In 1958 he described the CRL lobby as "one of the most remarkable accomplishments ever to take place in this country." Ibid.., 67, 12


38 Raboy, Missed Opportunities, 38

39 Ibid., 37

40 Potvin, (Supra) 79

41 Spray, Graham "The Canadian Broadcasting Issue" The Canadian Forum (April 1931) 246-7

42 Quoted in Raboy, Marc Missed Opportunities 38

43 Potvin, (Supra), 69

44 The Parliamentary Committee report recommended that the government establish a chain of high-power, nationally-owned stations across the country, with secondary, low-power stations that would serve as a second service providing educational and local interest programming. See Raboy, Missed Opportunities, 45 and Frank Peers, The Politics of Canadian Broadcasting. 1920-1951, 105


46 Debates, 18 May 1932, 3036

47 Ibid.

48 Bird, Documents, 115

49 Ibid., 120

50 Ibid., 119

51 As communications historian Mary Vipond describes it, the legislation set up a tentative system, "one that might in future become strong and important, but also might not." As she points out, the CRBC became in effect a new presence in an existing broadcasting market, one in which the private stations continued to expand and flourish. "Moreover, the Act laid out in considerable detail the regulatory functions of the Commission- a clear sign that the government assumed that for some time to come private stations would continue to operate." Vipond, Mary "The Beginnings of Public Broadcasting in Canada: The CRBC, 1932-36" Canadian Journal of Communication, 19(1994) 155

52 The government's interpretation of the meaning of "radio" was accepted in the 1931 decision of the Supreme Court of Canada, which read:

"radio... may be classified as follows:-

a) Radiotelegraph, which provides for the transmission of intelligence on the Morse telegraphic code;

b) Radiotelephone, which provides for the transmission of spoken word, music and sounds of all kinds;

c) Facsimile, which provides for the transmission of photographs, pictures, printed matter, handwriting, etc, in such a manner that they are reproduced in like form at point of reception;

d) Television, which provides for the transmission of pictures of moving objects." In the matter of a reference as to the Jurisdiction of Parliament to Regulate and Control Radio Communication, S.C.C. 541, 30 June, 1931. See Bird, Documents 70-104

53 The Privy Council read as precedent for federal responsibility over the airwaves the fact that Canada was already a signatory to the 1927 international convention on radio.

54 Ibid., 95 (Italics added)
Community Antenna Television (cable) was first identified as falling outside the purview of the broadcasting act in 1961, when the chair of the recently formed regulator - the Board of Broadcast Governors - brought it to the attention of the Special Committee on Broadcasting that had been convened in February of that year. (Raboy, Missed Opportunities 148) In the Broadcasting Act of 1968, which established the CRTC, the new regulatory agency was given control over this medium. The qualifier “by Hertzian waves.” in the Radio Act was removed, and the regulator’s authority expanded to include “any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system.” (Bird, Documents 395)

i.e.: That regulatory regimes, once in place, tend not to change with changing conditions.

Regarding Religious Broadcasting in Canada”. Submission to the Canadian Radio-Television and Telecommunications Commission. Interchurch Communications: January 1982 1.1

Meanwhile, as has frequently been pointed out, the private commercial broadcasters were assured a future role by the open-ended ness of the Act, which left to Parliament to determine when and if commercial stations should be phased out. In fact, the private commercial sector continued to expand under the CRBC, which gave out six new licenses to private broadcasters, leased four private stations, and allowed those stations that had been affiliated with American networks to retain their affiliation. On contrast to the IBSA stations, the commercial stations fared very well indeed. See Peers, Prank The Politics of Canadian Broadcasting 1920-1951, (Toronto: University of Toronto Press, 1969) 161; Vipond, Mary “The Beginnings of Public Broadcasting in Canada”, Canadian Journal of Communication 19(1994) 155

Mary Vipond points out that the Commissioners essentially were handed the task of creating the institution: “They had to sort out what its relationship would be to the state (the government and other agencies) to the listeners... to the private broadcasting stations and other business interests (with ten years of investment in private radio behind them), and to the Canadian public as a whole.” Ibid., 153

Using the hypothesis of some Marxists that the main functions of the state are legitimation, coercion and capital accumulation, Vipond has assessed the role of Canada’s first broadcast regulator. Finding that most of the literature on the founding of the CRBC and CBC has focussed on the legitimation function, she offered instead a modified version of the Marxist typology sensitive to these other functions, and found that the coercive function operated in the open-ended regulations and the fact that the Communist party was always forced to submit its continuities, whereas the mainstream political parties never were. Ibid., 157

The telegram read, in full: “Speeches of one Judge Rutherford, foreign anti-social agitator, must not be broadcast on Canadian stations until the continuity or records of same are submitted to Canadian radio broadcasting commission for approval. Hector Charlesworth, Chairman.” Penton, James M., Jehovah’s Witnesses in Canada 102

1933 Year Book Containing Report of the Year 1932 with Daily Texts and Comments (Watch Tower Bible and tract Society: Brooklyn, 1932) 106-7

Debates, 21 April 1933, 4151

Ibid. As Penton relates, Hash - a Winnipeg labour publication, labelled Charlesworth “that old Saturday Night Big Interest sweetheart”, and suggested that the order was made at the direction of the clergy, while a similar publication in Halifax said that it was "Tory war-mongers" who had “ruled Judge Rutherford off the air” for his views on big business. An editorial in The Winnipeg Free Press contained the statement that “The best and safest plan for the Commission is to make up its mind that it is dealing with a free people and, therefore, despite any ideas in high places as to what is good for license holders, will proceed to present as many facets as possible of world opinion.” On the other hand, The Toronto Mail and Empire conveyed the attitude of central Canada that the Watchtower Society disseminated “the most disturbing revolutionary thinking”, and the Moncton Daily Times described Rutherford’s offending response to the Commission as “blasphemous Rutherford leaflets".
Though impossible to know with any certainty the involvement of Rutherford in the comments, Penton is satisfied to know that the editor of The Golden Age took full responsibility for them. Penton, James (1976) 109, n. 66

(The editorial, in the Saturday Night edition of 16 August 1927, is quoted in the last chapter.) In spite of his association with harsh and personal attacks on Rutherford, Charlesworth claimed surprise at the disregard with which he was held by the Witnesses in Canada. His power of disengenuity is evident where he later described the reaction to his appointment as chair of the CRBC. In his memoirs he wrote that the appointment "was very sullenly received by party organisations which had not been consulted when Mr. Bennett made his choice... But by the professional and educated classes the selection was well received." He then describes how "a curious thing happened." to Bennett on his return to Ottawa, where he found that "every cabinet minister had received telegrams denouncing my appointment on the ground that I was a Roman Catholic and the people of Canada would not tolerate it." He had "no doubt as to the source from where this flood of telegrams emanated. It was a source that pursued me with abuse and innuendo throughout my connection with the Commission, and even after my retirement. And to this day I have never learned why." Charlesworth, H. I'm Telling You: Being the Further Candid Chronicles of Hector Charlesworth (Toronto: The Macmillan Company of Canada, 1937) 53-4

Which, in fact, had some validity. Charlesworth was well known for defence of the Conservative party, and Thomas Maher was active in Tory politics. Only Lt. Col. Steel, chief radio officer of the Canadian Corps in World War One, and whom Spry and Plaunt had recommended, had any competence in radio or well-established opinions of the need for public broadcasting, see Nash, Knowlton The Microphone Wars (1994: Macmillan and Company, Toronto) 91

Charlesworth was even contemptuous of the Aird report, which he found to be "a wordy and poorly-written document which in the outcome proved to be of little value." Charlesworth, H. I'm Telling You, 36

As the pair wrote in The Farmer's Sun - a Toronto periodical of which they were the editors, "No three men in Canada have before them so difficult, and perhaps so thankless a task as the commissioners... The magnitude of the administrative problem, the circumstances surrounding their own appointment and their own diverse, even contrary temperaments combine to place upon their shoulders unusual and serious burdens. Already, before they have even had a chance to go to work, the attack has begun. Peers, Frank W. The Politics of Canadian Broadcasting, 1920-1951 (Toronto: University of Toronto Press, 1969) 110

Most sources - with the exception of Charlesworth's own - confirm this. The Ottawa correspondent for the Winnipeg Free Press wrote of him to his editor, (J.W. Dafoe) that the chairman was "one of the most dangerous, sinister, desperate men I have ever met...A double-eyed scoundrel...[His] cowardice is only exceeded by the mendacity with which he puts forward semi-truths." Nash (1994) 74


Ibid., 105-6; see also Nash, 105. As he points out, the CRBC began with a reach of 40% of the Canadian population, and had increased this to only 49% in the four years of its existence.

Raboy’s term for the first four years of public broadcasting. Raboy (1991) 50

Peers The Politics of Canadian Broadcasting 120
Alternatively, what Mary Vipond sees as a “more sophisticated version” of this story is that one faction of the business elite (“merchant capital”) supported public broadcasting for the promise it held for preserving the Canadian political-economic system, defeating that other elite faction represented by private broadcasters and advertisers. Vipond (1994) 153. The problem with Vipond’s analysis is that she offers no evidence that the merchant capital to which she refers was in any way operative in the issue. However, the CRBC also exercised its discretion against commercial licensees in programming, censoring such fringe groups as the Communist Party of Canada, and banning what Charlesworth considered to constitute “the general fellowship of impostor,” such as the Remedial Movement for the Establishment of Permanent Happiness in the World, and the Spiritual Psychic Science Church. Vipond (1994) 161; Nash (1994) 103.

Chapter Five

1 Bird, Documents 151.

2 Though as we shall see this was a problematic standard and arbitrarily applied.

3 At which time new regulations were created concerning appeals for donations. Ibid., 169

4 NAC RG 41 Vol., 146 File 9-11 pt.1

5 Ibid.

6 A minor controversy at the time, the decision was based in the fact that the script of Hutton’s planned broadcast advocated the legalization of the consensual sterilization of mentally impaired adults. Murray’s explanation to Dr. Hutton was that “While eugenics...is acceptable material for broadcasting, it is felt that sterilization on this medium would be inappropriate.” Peers, Politics 258.

7 NAC RG 41 Vol. 146 File 9-11 pt.1, 5

8 Bird, Documents, 161.

9 With the notable exception of Newfoundland, which entered into confederation thirteen years after the first broadcasting act and whose religious broadcasting stations were grandfathered into the Canadian regulatory regime. We will discuss Newfoundland below.

10 Ibid., 146,8

11 NAC RG 41 Vol., 146, File 9-11 pt.1 (5)

12 Zeldman was a fascinating fixture in the Ontario Protestant culture of the day. A Presbyterian minister, he was a former Catholic priest who, as Ernest Bushnell of the CBC described it “according to his own statements has seen the light of day”. In addition to his radio activities and pastoring work, Zeldman founded and headed the “Scott Institute”, an organisation for the inner-city poor of Toronto, and one which continues to operate in that city to this day. For this work he was respected even by those who opposed his pious Protestant extremism. (Bushnell described the Institute as “a very worthy mission...which has the support of the Toronto Telegram and the Orange Order.”) Zeldman’s involvement in radio broadcasting began in 1934, and his weekly talks were heard over several commercial stations in Ontario. NAC 60-30-5 15 December, 1936 “Memorandum to Mr. Manson”

13 NAC RG 41 Vol. 41, File 2-2-8-2 pt.9, #8134

14 Debates, 6 April 1937, 2957

15 NAC RG 41, Vol., 41, 60-3-5 15 December 1936

16 Ibid.

17 NAC, RG 41, Vol., 41, 3-1-8 1 November, 1935

18 Station CRCT Toronto was a Commission station that had been leased from the National Broadcasting Company.

19 Ibid., File 2-7-6, 5 November, 1935

20 Ibid., File 60-3-5, 15 November, 1935. Zeldman himself was the Deputy Grand Chaplain of the Orange order of Ontario and “British America”, and as such claimed to “know the feeling of the Protestant people.” - Ibid., 5 December, 1935.

21 Ibid., 15 November, 1935

22 NAC RG 41, Vol., 41 Protestant Radio League Broadcast, Sunday, 29 November.

23 NAC RG 41, Vol., 41 File 2-2-8-2, pt.9 Gladstone Murray was a Canadian Rhodes Scholar who at the time was working for the BBC as its program director and as head of Empire broadcasting. Murray, who had been passsed over for the post in 1932 in spite of being favoured by Graham Spry and Alan Plaunt, had apparently developed a desire to head public radio in his native country since being consulted by Spry and
Plaunt in 1931 for advice on establishing a public system. In 1936 he was still favoured heavily by Alan Plaunt, whose efforts on his behalf helped to mitigate concerns about the BBC executive’s rumoured drinking problem. “He was drunk all the time,” reported Radio League founder Ned Corbett of Murray’s trip across Canada in 1933 studying the CRBC at Bennett’s behest (and considerable expense). Murray insisted to Mackenzie King that he had quit drinking, and that the “artificial exaltation” that had been noted of him three years prior was exaggerated. Nonetheless, resistance remained strong in King’s cabinet, particularly from C.D. Howe, who favoured the appointment of Reginald Brophy, former manager of CFCF Montreal who was then head of Station Relations for NBC. “...I shall never be able to repay you for your efforts and sacrifice on my behalf,” wrote Murray to Plaunt in reference to the determined lobbying that Plaunt expended on Mackenzie King in order to secure approval from cabinet. Within three years, discouraged by the G.M.’s anti-union activism against his employees, his use of the CBC to promote pro-British sympathies, his creative expense accounts and alcoholism, Plaunt would be completely disillusioned as to Murray’s character and capabilities. As Nash recounts, even the more reserved Graham Spry was disgusted: “He was a terrific mistake... He was a drunkard and turned right-winger of the most awful vintage...He was just irresponsible and drunk.” Nash, Microphone Wars 127-35; 168 Weir, Struggle for National Broadcasting 121

24 Ibid. #6435
25 NAC RG 41 Vol. 41, 2-2-8-2, pt. 9 “Protestant Radio League - Copy”
26 “Radio Censors Ban Toronto Pastor’s Talk” The Evening Telegram, 2 January 1937, 1
27 NAC RG 41 Vol. 41 File 2-2-8-2, pt.9, #7300
28 Ibid. 11 January, 1937 #8134
29 14 January, 1937 Protestant Radio League to Mr. Donald Manson, B.O.G., C.B.C.
30 NAC RG 41 Vol. 41, 2-2-8-2, pt.9 Memorandum of conversation with Rev. Morris Zeidman, 21 April, 1937, 2
31 Ibid.
32 NAC RG 41 Vol., 40 File 60-2-4, 10 November 1937
33 NAC RG 41 Vol., 40 File 60-2-4, addendum to “Interdepartment Communication”, George A. Taggart
34 The Freemen defended Lanphier’s discussions on the conflict in Spain as a corrective against a Protestant-friendly press. On Lanphier’s suspension by the CBC, Rev. Casey, editor of The Canadian Freeman, wrote that “Father Lanphier’s sin, it seems to me, is his giving of the other side of the Spanish Civil War and the issue over which it is being fought. Millions of Canadians believe that Father Lanphier is telling the truth suppressed, consciously or unconsciously, by the Canadian Press. Surely in this matter the C.B.C. should at least by an impartial referee!” As for Zeidman, “Time and again he has indulged in ignorant misrepresentation of the church to which we have the privilege to belong.” NAC RG 41 Vol. 40 File 60-2-4, 38662 16 November, 1937
35 NAC RG 41 Vol. 40 File 60-2-4, 10 November 1937
36 NAC RG 41 Vol. 40, File 60-2-4
37 NAC RG 41 Vol. 40, File 60-2-4 “Confidential Interdepartment Communication”
38 1939 Proceedings, as quoted from Peers (1969) 260-1
39 Peers (1969) 196
40 NAC RG 41 Vol., 41 File 2-2-8-2, pt.10 25 January, 1938
41 NAC RG 41 Vol., 41 File 2-2-8-2, pt.10 24 January, 1938
42 NAC RG 41 Vol. 40, File 60-2-4, 9 November, 1937 (1)
43 Ibid. 2
44 NAC RG41 Vol. 41, 2-2-8-2 pt.10 24 January, 1938
45 NAC RG 41 Vol., 41 File 2-2-8-2, pt.9 #8133 10 January, 1937
46 NAC RG 41 Vol. 40, File 60-2-4, “Confidential Interdepartment Communication”
47 Ibid., supra at 27, “CBC Internal Memo: S.S. Brown to The General Manager”
48 Ibid.
49 NAC RG 41 Vol, 41 File 2-2-8-2, pt. 10 24 January, 1938 (2)
50 NAC RG 41 Vol. 41 File 2-2-8-2, pt 9 21 April, 1937 (3)
51 Ibid.
52 Peers (1969) 261
53 NAC RG 41 Vol. 41, File 2-2-8-2 pt.9, #6435 24 December, 1936
54 NAC RG 41 Vol. 41, File 2-2-8-2 pt.
Zeidman would have been reinstated at the same time as Lanphier but for the hitch in finding some auspices to which he could be held accountable. Zeidman was sent a letter on 25 January, 1938 advising him that he could broadcast again under the guarantee of one Reverend J.B. Thompson, who had agreed to act as honorary Secretary of Zeidman’s Protestant Radio League. Here again we find an example of the rules being bent to accommodate Zeidman.

While Sedgewick and Murray had a co-operative relationship marred only by the former's concern with the hostile press he was receiving from the Toronto Telegram, Plaut believed that the CFRB station manager was operating in conjunction with the conservative paper against the Corporation. In a letter to the chairman of the Board, Brockington, he wrote: “The impression that the Toronto Telegram gave, working I think with CFRB, was that we had been responsible and that the Catholic members of the Board were behind it. The Globe and Mail also took this view.” Quoted in Peers, Politics of Canadian Broadcasting 258.
*viz.*: the sermon of 11 January, which created the problems that brought Bradley into disrepute.

Radford added, by way of further assurance, and to explain his own involvement: “You may wonder why I am carrying a torch for Mr. Bradley. Actually I am doing no such a thing but in view of the conversations I had with the gentleman himself and his Committee, I believe they will live up to their promises and that his reinstatement on a probationary basis should be considered by you…”

This has long been the position of gay and lesbian rights organizations in Canada, such as EGALE, (Equality for Gays and Lesbians Everywhere), which consistently hold that their right to participate fully in Canadian public life is hampered by a code of invisibility requisite of them. For a recent case in which this argument was accepted by a Canadian court, see Ontario Superior Court of Justice, Mackenzie, Cameron II, in Ontario Human Rights Commission v. Scott Brockie and Imaging Excellence Inc. In this case, the court found against the appellant (Brockie), upholding a lower court’s decision finding the same to have contravened the Ontario Human Rights Code by refusing to print materials in his commercial print shop for a gay and lesbian rights organization. Brockie was subsequently fined $5000 dollars.

The two scripts that were singled out as being particularly anti-Semitic, and consequently retained by the CBC, were broadcast on 19 December 1949 and 23 January of 1950.

Gostick has since remained active in fringe politics. Along with Paul Fromm, he is the director of the Canadian Association for Free Expression (CAFÉ) – Canadian distributor of extreme right-wing propaganda, as well as the founder of the Canadian League of Rights, which organisation he established in the 1950’s and which has aided Canadian holocaust deniers.

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Lorne Greene, who later became a household name through the television show “Bonanza”, was 24 when he became the CBC’s principal news anchor. His low intonation became synonymous with bad news, and consequently Ernest Bushnell replaced him with an anchor “whose tones and overtones were not quite so disturbing in periods of anxiety.” Nash, *The Microphone Wars*, 207

As Nash reports, “When Canada went to war...the CBC also went to war. More than ever before or since, during the war years the CBC became almost an arm of government.” Ibid., 207

As Raboy points out, CCF member of Parliament M.J. Coldwell read part of Plaunt’s resignation letter to the House, where he complained that “present conditions seriously hamper the corporation in fulfilling its functions in the war emergency and prejudice its survival as an effective instrument of national unity afterwards.” Raboy, *Missed Opportunities* 67

In a letter to Brooke Claxton shortly afterward, Plaunt wrote that “we are practically back to the defects which wrecked the Radio Commission and which you and I in particular, and the Parliamentary Committee of 1936 and the Act in general set out to avoid, viz. divided managerial control; and no clear line of demarcation between policy and management.” Ibid., 318

The Supervisor’s comments were made in an internal memorandum that was sent to the Director of Station Relations and the Chairman, and referred to a comment made by Leger over station CKVL Verdun. The Archbishop said, in part: “Protestantism is limited to the text (of scripture) and by relying on private judgement, suggested by the Spirit, has placed between the soul and the living person of Christ the impenetrable screen of pride and has given over the living and adorable Master to the fantasies and caprices of the imaginations, sensibilities and aberrations of human reason.” NAC RG Vol., 146, File 9-10 pt.1 2 March, 1951 Goudrault, Maurice to Dir. Stn. Relations.

A mark of the change that had occurred in Canadian broadcasting in the twenty years since the Aird Commission is evident in a complaint about a program that was apparently sponsored by the Jehovah’s Witnesses, and the assurance from the Supervisor of Religious Broadcasts that a CBC review found that “there has proven to be no connection.” In its response the CBC indicated to the complainant — the Kirkland Lake Ministerial Association — that it would not tolerate this use of the air. The minister’s association was referring to a program that was aired locally over CKCL entitled “Frank and Ernest”, a series also broadcast over several other private stations across the country. NAC RG 41 Vol., 146, File 9-10 pt.1 8 February, 1943 C.R. Delafield, Supervisor of Religious Broadcasts - Mr. W.L. Cullis

The Calgary Prophetic Bible Institute was the organisation founded in 1927 by William Aberhart, over which the Calgary principal-turned premier broadcast his weekly Sunday addresses to an audience that eventually reached an estimated 350 000. The broadcasts over Calgary’s CFCN covered an area that extended throughout the prairie provinces, west to the Okanagan valley, and into the mountain states, and became the vehicle through which Aberhart would channel Depression era discontent into a provincial political party based upon the theory of British engineer Major Clifford Hugh Douglas known as Social Credit. Aberhart’s attempt to implement a monetary system independent of Ottawa, his rift with Douglas and his battle with business have made him one of the most written about personalities in Canadian history; in academe alone there have been literally dozens of dissertations published about him Aberhart’s ratings in his home province were higher than those for American entertainer Jack Benny, who happened to be one listener among many of the Institute’s program. The Institute’s 1200 seat church and study hall was built with money raised from appeals to radio listeners. Although Aberhart’s political fortunes soured by 1938, the Social Credit party which he founded remained in power until 1968, and the Institute continued broadcasting. *Alberta in the Twentieth Century*, Vol. 6 (Edmonton: United Western Communications, 1998) 328-33; NAC RG 41 Vol., 146, 9-10 (pt.1) #23499 DH Copeland – Jack Radford, 5 November, 1946.
Copeland also wrote: "We would be extremely interested in knowing where CJCJ’s Mr. Colborne got
the statement he uses... re Baptism and Anglicans in...his letter. I can affirm that no such reference nor
anything like it, was made in any program presented by the Dawn people. Anyway, you have a copy of the

CJCJ was a commercial station that was owned by the *Albertan*, a Social Credit newspaper out of
Calgary.

It is difficult to imagine a community tolerance for the mix of politics and revival that the Institute
broadcast, impossible outside of the reality of the Canadian prairies in the great Depression of the 1930’s. If
ever there was an abuse of a religious platform by a politician, the Institute had been guilty of it. Aberhart began
promoting Social Credit theory on his Bible program in the latter half of 1932, and when in 1934 he became premier of
Alberta, his weekly "sermons" doubled as his platform for selling the Social Credit ideology.

Chapter Six

1 From 61 hours annually in 1938, or .7 percent of the broadcast schedule, this grew to 409 hours in 1945,
or 3.1 percent. However the numbers are complicated by the changing status of religious programming: the
biggest increase was in the year 1943, when the number of hours grew from 158 to 359 as the CBC became
serious about its commitment to allow all religious programs to be offered on a sustaining basis. In order
of total time devoted to each of the program categories, the figures in the apex years of the mid nineteen
forties were as follows: news: 2,140, agricultural: 901, “Talks Informative”: 673, drama and
feature:648, educational:444, and religious: 402. This was followed by women’s programming, at 316,
children’s at 243, and miscellaneous programs such as sport commentary, sports resume, stock quotations,
news events, sports events and prose and poetry in decreasing order. NAC RG 41 Vol.. 223 11-23-2 (pt.1)
2 NAC RG 41 Vol.. 223, 11-23-3 (pt.1) Can E. Cameron to George Young 23 November, 1951

4 NAC RG 41 Vol.. 223, 11-23-3 (pt.1) George Young to Norman Griffith 13 December, 1951
5 NAC RG 41 Vol.. 223, 11-23-3 (pt.1) Frank S. Morley to A.D. Duncan [sic] 2 September, 1952

7 NAC RG 41 Vol.. 223, 11-23-3 (pt.1) A.D. Dunton to Rev. Frank Morley 15 September, 1952
8 NAC RG 41 Vol.. 223, File 11-23 (pt.2) J.E. Ward to General Manager 19 April, 1940

10 NAC RG 41 Vol.. 909, File PGI1-4 (pt.1) “Minutes of the meeting held in Toronto on August 27” (2)
11 *Ibid.* The matter of extending an invitation to "other outstanding groups" was deferred until such time
as organization of the existing Council was “well in hand.”

12 NAC RG 41 Vol.. 223, File 11-23-2 (pt.1) Grange, Marion – Supervisor of International Exchange,
1947
13 Wolfe, Kenneth M. *The Churches and the British Broadcasting Corporation 1922-1956: The Politics of
14 *Ibid.* 30

15 1942 was the last year that Murray held this position. Criticism of his administrative weaknesses, and
concerns about his heavy drinking and excessive expense accounts -- issues with which the Board had been
dealing for some time -- became public with the findings of a 1942 Parliamentary Committee. The
Committee report’s strongly worded condemnation of Murray’s misconduct came close to an accusation of
theft, and served to stir a scandal in government that vindicated Alan Plaunt in his decision to resign two
years prior when the Board delayed in acting on his report on Murray’s incompetence. C.D> Howe was
furious at Murray’s de fact embezzlement of per diems and fraudulent expenses during war-time. The
response of the board to the scandal was to reappoint Murray to “Director General” at a reduced salary, at
the same time appointing Dr. James Thompson (the University of Saskatchewan President and CBC board
member discussed in the last chapter) in his stead. As Nash puts it, Murray’s “humiliation was complete”
in this last move, particularly after Thompson wrote to the erstwhile G.M. that “I think it would relieve you
and others from exposure to unpleasant relations if, when you require cash advances for travelling or other
duty expenses in connection with your work for the CBC you would apply directly to me....[with] some
exact description of what was inVol.ved in the application, including the purpose for which they are made
and the duties you would expect to perform.” Murray resigned shortly after. Nash, *Microphone Wars* 172-5

18 NAC RG 41 Vol. 224, File 11-23-5 CR Delafield to General Manager 9 March, 1942

17 The relationship between the NRAC and the Corporation thereafter deteriorated rapidly, until events led the CBC to assert its authority over what it had begun to view as a renegade body. It is critical to point out, however, that this had nothing to do with the fact that the NRAC was biased in favour of the main “communions”, or faulting in providing equality of access, but revolved around a clash in expectations over control of programming and about how active the CBC should be in providing a religious service. In fact, the control of the microphone – later camera – by the main religious institutions was not considered by the regulator until the 1970’s, and not broken until the disbanding of the NRAC.

18 Kenneth Withers, Program Manager of CBC Montreal, defended the move in the press by citing unspecified “pressures from network changes”. Garvey, Bruce “Church Broadcast Suspension Hit”, *Montreal Gazette*, 3 October 1962. 22

19 NAC RG 41 Vol. 223, File 11-23-3 (pt.1) J.R. Radford – Mrs. Ellis 22 December, 1943 (1)

20 Raboy, Marc, *Missed Opportunities* 86


22 Ibid.

23 NAC RG 41 Vol. 223, File 11-23-2 (pt.1) C.R. Delafield to General Supervisor of Programmes 19 November, 1943 2

24 Ibid., 3 Evidently Gladstone Murray was in agreement with the advice that Delafield had offered, as an internal report written several years later attested. The report stated that the Board of Governors “in 1944 and subsequently have put in plain language the relationship of the CBC with the National Religious Advisory Council.” NAC RG 41 Vol. 223, File 11-23-2 (pt.1) Grange, Marion – Supervisor of International Exchange, 1947 5


26 Ibid.

27 Commercial broadcasting did not come to Britain until the licensing of the Independent Television Authority in 1955. As Kenneth Wolfe suggests in his work on the BBC, the situation in Britain was the opposite as to what obtained in Canada. There, the Central Religious Advisory Committee (CRAC) was recognised as a statutory body under the broadcasting act. Its powers were broad enough that they extended to the ITA. Wolfe (1984) 519-23


29 Ibid., 3

30 Ibid.

31 Ibid.

32 Report of the Royal Commission on Broadcasting, 15 March, 1957, Vol.1 in (Bird: 1988) 260 The voluminous “Fowler report”, eponymous to its chairman, lawyer Robert Fowler, gave examples from ten separate Parliamentary Committees on broadcasting that had been commissioned between the years 1934 and 1955, as well as from a variety of important Canadians. The quotation borrowed from the 1946 Committee anticipated what the Fowler Commissioners later wrote: “Without any general review of the numerous declarations approving from time to time the said principles… of a nationally owned and operated radio system…your committee desires to reaffirm its belief in them and to express complete confidence in the frame work provided by the said Canadian Broadcasting Act.” Bird, *Documents* 263

33 Ibid., 262-3 The quotations, quoted in the Fowler Commission’s report, are from the 1929 Royal Commission, the 1939 and the 1951 Parliamentary Committees respectively.

34 In the preamble to the terms of reference, the reason for the study was given as follows: “That it is desirable that the Canadian people should know as much as possible about their country, its history and traditions; and about their national life and common achievements; that it is in the national interest to give encouragement to institutions which express national feeling, promote common understanding and add to the variety and richness of Canadian life, rural as well as urban.” Report: Royal Commission on National Development in the Arts, Letters and Sciences, (Ottawa: Edmond Cloutier, 1951), xii Included in the mandate of the Commission was making recommendations respecting the relationship of the Government
with various national Voluntary bodies. Appointed in 1949, the Commission did not submit its report for two full years.

35 Nash discusses how much of the opposition to the CBC venturing into television came from within government. C.D. Howe, who had been opposed to the CRBC, spoke against it, expressing his opinion that television was best left to private capital. CBC supporters such as Lester Pearson and Brooke Claxton eventually persuaded the PM that television frequencies were potentially valuable commodities that "should [not] be lightly turned over to private ownership and exploitation unless we come to the conclusion that there is no better way" Nash, *Microphone Wars* 233

36 Report: Royal Commission on National Development in the Arts, Letters and Sciences, (Ottawa: Edmond Cloutier, 1951), 4

37 Ibid., 280

38 Ibid., 31


40 Garvey, Bruce "Church Broadcast Suspension Hit", Montreal Gazette, 3 October, 1962, 22

41 This was one of the few points on which the Massey Commission of 1949-51 found some agreement with the representations of the CAB. As the commissioners pointed out: "When the Board of Governors of the CBC contemplates the recommendation of the suspension of a licence or a change in the regulations, the private stations receive notice of the matter and are given the opportunity to be heard in person or by counsel, and at a public session if they so desire. These concessions are granted as privileges." Though unequivocally rejecting the demand for a separate regulator, the commissioners recommended that in this process there should at least be a minimum of security for the stations by the guarantee of these concessions. Thus could they agree that: "Considerations of justice suggest that they be recognized fully as rights." Report of the Royal Commission on National Development in Arts, Letters and Sciences, 1949-1951. Ch. XVIII (Ottawa: Edmond Cloutier, 1951)

42 Ibid. The commissioners added by way of further explanation that: "We do not wish to limit the existing power of the C.B.C. to regulate broadcasting in Canada, but we feel that the honest and impartial administration of its regulations should be guaranteed by the right of appeal to a Federal Court by persons directly and adversely affected by final decisions of the Board of Governors under those regulations."

43 Ibid. (In the same period C.B.C. revenues rose from six to seven and a half million.) As the Massey commissioners hypothesised: "It is perhaps in part the growth in numbers and prosperity of the private stations which has led to their increasing protest about their status."

44 In that year, the CBC exercised its statutory right to expropriate an airwave when it took over the frequency of two of the oldest private stations in Canada. Toronto's CFRB was offered a different frequency, as was Calgary's CFCN - whose history went back to 1922, making it the longest running station on the prairies. Both contested the take-over, but abandoned their efforts and assumed new frequencies in 1948. Raboy, *Missed Opportunities* 86

45 "Control of Radio, an urgent Canadian problem" June, 1947, 23 in Bird (1988) 196-7

46 Ibid., 198

47 Ibid., 203

48 The Report of the Massey Commission succinctly described the CAB position in the following section: "The C.A.B., on the basis of this interpretation, protests against the regulation of the private broadcasters by the Board of Governors of the C.B.C., a public corporation which is their commercial rival. Examples of competition were given: on one occasion cited, the C.B.C. is accused of spending $22,000 in a period of six months to secure local advertising in the district of Toronto. This aggressive competition, it is stated, is evidence at once of the existence in practice of two systems and of the injustice of allowing one of them to control and regulate the other.

Regulation of radio broadcasting is carried out chiefly through rules drawn up and enforced by the Board of Governors of the C.B.C. The regulations complained of include the control of network broadcasting, the right to require private station affiliates to reserve time for national programmes, the regulation of advertising practices, and limitations on the use of records and transcriptions. Exception is also taken to rules governing political broadcasts as prescribed by existing legislation. The principal complaint is that the C.B.C., "... is at one and the same time competitor, regulator, prosecutor, jury and judge". Even the benefits derived from C.B.C. commercial and sustaining programmes may be abruptly lost if the C.B.C. chooses to open a high power station in the vicinity." Notwithstanding the recommendation (cited above)
concerning the right to appeal, the commissioners were not impressed with this grievance, responding that it was based on a false characterisation of the system as being an industry.

"Control of Radio, an urgent Canadian problem" June, 1947, 23 in Bird (1988) A good example of the retarded development of programming that occurred under the system was that of television, from which the government prevented private enterprise from involvement—waiting for initiative on the part of the CBC in this area—while the industry in the United States developed and found an audience in Canadian homes.

Thus when the Director of CBC television was considering the Bishop Sheen program for the CBC schedule, he reported that "We have gone in so heavily for American programs... that the effect has been that we have simply moved American competition right into Toronto rather than having it at arm's length in Buffalo." NAC RG 41 Vol. 223, File 11-23-1 (pt.1) #24619 Fergus Murtrie to Chairman CBC

Graham Spry considered resistance from Quebec a mere nuisance, and put it in the context of the inability of Anglo and Franco Canadians to compromise. Referring to the two tendencies within the CRL itself, he wrote to Brooke Claxton, Montreal lawyer and CRL member: "MacKelcan on one side and Pelletier on the other cannot both be satisfied. ...Isn't this a typical Canadian situation? No wonder we are a nation of hypocrites, incapable for the most part, of mental honesty." Meanwhile, Spry himself was uncompromising in his vision, which was dismissive of any provincial or cultural concerns. When the Quebec government announced that it was going to pursue a court appeal on jurisdiction, he received advice from Claxton that "Whether or not this will hurt or benefit your cause depends on Bennett's attitude. If he fights Taschereau, it is probable that you will have won, but if he confers with Taschereau and by agreement works out some compromise, you will probably lose." Potvin, Rose Passion and Conviction, The Letters of Graham Spry (Regina; University of Regina, 1992) 73; Peers, Politics 70

As Marc Raboy points out, during debate in the legislative assembly the provincial radio act was presented as critical in view of the power of radio as a means of propaganda, and was "all the more important for Quebec, where an entire culture was at stake." Andre Laurendeau—the leader of the Bloc Populaire—spoke to the bill in the Quebec Assembly as a long overdue piece of legislation. His speech was reprinted in the newspaper Le Devoir, which commented as follows: "Radio-Canada a ete un artisan fanatique de l'imperialisme... une voix singulièremanement fausse." [Radio-Canada has been a fanatical agent of imperialism... a conspicuously fraudulent voice.] Peers (1969) 373. Raboy has translated Laurendeau's main points as follows: "Particularly since the beginning of the war... Ottawa had been using radio toward imperialist ends; Radio-Canada was being used to promote an artificial sense of national unity, and, in order to do so systematically...banned an entire school of thought from the air." Raboy, Missed Opportunities 81-2

The interested parties were the United Farmers of Alberta, the Alberta Federation of Agriculture, and the Alberta Wheat Pool.

To prevent concentration of ownership, the corporation committed itself to a limit on the number of shares held by any individual.

Raboy, Missed Opportunities 86

Ibid.

Hoover, Stewart M. Mass Media Religion: The Social Sources of the Electronic Church (London: Sage Publications, 1988) 52 As Hoover points out, "Some particularly forceful independent religious broadcasters, such as Father Charles Coughlin, frankly scared the broadcasters with their controversial stands." This kept them from the sustaining time that was mandated on broadcasters by the FCC in 1934 to correct the imbalances in the private system, but not from their own efforts through either paid-time broadcasting or station ownership.

Ironsically, Aimee McPherson, the dynamic and fiercely independent radio evangelist who founded the Four Square Gospel Church, was Canadian by birth. Her appeal cut across class boundaries, and her radio program did the same with frequency allocation, until the FCC forced her to limit herself to one airwave. What made evangelists such as McPherson and Coughlin so effective on radio was the fact that revival was their genre, mass meetings their forte, and radio the tool through which to multiply their existing talents. By comparison the sermon format favoured by mainstream ministers had more of a denominational appeal. As Hoover points out, "Radio and fundamentalism were a good match for each other. The messages of fundamentalists were simple, straightforward, and represented a broad amalgam of conservative, nativist American cultural values...Just as Billy Sunday was the symbol of the pre-broadcast era of fundamentalism, so Charles Fuller came to represent fundamentalism on the new medium.
Originating in Los Angeles in 1930, Fuller’s ministry grew, in seven years, from a local broadcast to a national program, networked coast to coast.” Hoover, *Mass Media Religion* 50. A possible comparison in Canada would be the paid-time broadcasts of William Aberhart’s Prophetic Bible Institute, which were carried by CFAC Calgary in the thirties and forties. Because the CBC was the only network, these remained regional.

59 Ibid., 51. As Hoover points out, with the exception of Billy Graham’s contract with ABC, the independent evangelical became wedded with the paid-time system, the mainline churches with sustaining time.

The Fairness Doctrine was a set of obligations first applied to broadcasters in 1949 by the Federal Communications Commission. Essentially it set as a precondition of licensing in order to encourage broadcasters to report on controversial issues and provide balancing views. Upheld in 1974, in 1987 the FCC determined that the doctrine was counter-productive to its intent and that it violated the First Amendment rights of broadcasters. The change came about through a directive from the U.S. Supreme Court in 1984 that it reconsider the doctrine in view of evidence that it was limiting public debate. (FCC v. League of Women Voters, 468 U.S. 364). Subsequently the FCC decided that: “We no longer believe that the Fairness Doctrine, as a matter of policy, serves the public interests... Furthermore, we find that the Fairness Doctrine, in operation actually inhibits the presentation of controversial issues of public importance to the detriment of the public and in degradation of the editorial prerogative of broadcast journalists.” Federal Communications Commission, Report No. MM-263 “Mass Media Action” 4 August, 1987.

As Hoover and others have noted – some ruefully – the FCC made a distinctive choice by not applying the Fairness Doctrine to religious broadcasting, which would have required of religious broadcasters the presentation of opposing viewpoints, or a “right of reply”, see Horsfield, Peter G., *Religious Television* (New York: Longman, 1984) 12-13, and Lacey, Linda “The Electric Church: an FCC-‘Established’ institution?” *Federal Communications Law Journal* 31, (2) 1978. 235-75

All of which Sheen gave away, to the Society for the Propagation of the Faith, of which he was the American director.

As has been noted of Sheen’s style on *Life Is Worth Living*, which covered topics as divergent as aviation and politics, the discussions “followed a simple format. Sheen would choose a topic and, with only a blackboard for a prop and his church robes for costuming, would discuss the topic for his allotted 27 minutes. He spoke in a popular style, without notes but with a sprinkling of stories and jokes, having spent up to 30 hours preparing his presentation. Because the program was sponsored by the Admiral Corporation rather than the Catholic Church, Sheen avoided polemics and presented a kind of Christian humanism.” Soukup, Paul A., ed., *Media, Culture and Catholicism* (Kansas City: Sheed & Ward, 1996).

Although CBC television did not begin transmitting until November 1952, many Canadians had not waited. Television sales had been steadily climbing since 1949; some 70,000 sets had been purchased in the country in the two years before the CBC became operative – 40,000 in 1951 alone. As Nash reports, this was a boon to the Canadian electronics industry, which had lobbied Ottawa intensely for the development of the new medium to support a faltering sector of the economy. While getting its operations in order, studying British and American models, and awaiting the report of the Massey Commission, the Corporation kept a flood of applicants – and some of the public – in abeyance. Nash (1994) 233

60 NAC RG 41 Vol. 223, File 11-23-1 (pt.1) #24619 Fergus Murtrie to Chairman CBC
61 Ibid.
62 Ibid.
63 Ibid.
64 Ibid.
65 Ibid.
66 NAC RG 41 Vol. 909, File PG11-1 (pt.1) Chairman to General Manager 11 March, 1953
67 Ibid.
68 NAC RG 41 Vol. 909, File PG11-1 (pt.1) 25 June, 1953 Supervisor of Religious Programs to Program Organizer, TV Network In 1953, Canham was the Editor of the Christian Science Monitor. The proposal to include Sheen was made outside of the negotiations to secure *Life is Worth Living*, which at the time of his writing, Dunlop was given to believe would remain unavailable due to the opposition of the Council. Dunlop claimed that he had a list of twenty names that could be called upon for the program he envisioned.
69 Ibid.
70 Ibid.
71 NAC RG 41 Vol. 909, File PG11-1 (pt.1) Program Organizer, TV Network to Supervisor of Religious Programs
Chapter Seven

This discussion is based on Rawl’s “A Theory of Justice” (Cambridge, Harvard University Press: 1971) — in which he develops his metaphor of the “thin” and “thick” aspects of belief systems, and his article “The Idea of an Overlapping Consensus” Oxford Journal of Legal Studies 7, no. 1 (Spring, 1987)

2 Garvey, Bruce “Church Broadcast Suspension Hit”, Montreal Gazette, 3 October, 1962, 22
3 Ibid...
4 Weir, Austin E. (1965) chapter 26 As Weir points out, the new “P and A department was soon dubbed the “Post and aggravation department” for its counter-productive and ill-considered initiatives. Staffed almost exclusively by clerks from within the organisation who had no knowledge of the creative process of broadcasting, this bureaucracy grew faster than the rest of the organisation even as it came under increasing attack from sources within and from outside the organisation. 410
5 Michaud, Real to E.S. Hallman. 14 November, 1967 RG 41 Vol., 909, PG 11-3, Pt.1 (2)
6 Ibid...
7 “Religious Broadcasting – English Networks” 5 October, 1967 RG 41 Vol., 909, File PG 11-3 Pt.1
8 Ibid...
9 The role of the NRAC was further explained as follows: “In order to reflect and focus the interests of the 98% of Canadians who reported a denominational allegiance in the 1961 census, the Network Religious Programmes Department has a formal relationship with the larger denominations through its National Religious Advisory Council, and on the local level, with Religious Advisory Committees.” Ibid., 3
10 Ibid...
11 Ibid., 2
12 Ibid., 5
13 Ibid., 6
14 Michaud, Real 14 November, 1967 RG 41 Vol., 909, File PG 11-3, Pt.1
15 Ibid., 6
16 Ibid., 8
17 Ibid...
18 Freeland, Brian: “Report to the Program Committee, Board of Directors, on CBC policies and practice in religious programs.” 14 October, 1960 (3) NAC RG 41 Vol., 909, File PG 11-3 (Pt.1)
19 The others on the panel — all “people who have accomplished a great deal in their lives”, were Dr. W.G. Penfield, director of the Montreal Neurological Institute; Dr. Keith Macdonald, National Research Council physicist; Ms. Bessie Touzel of the Ontario Welfare Council, and Archie Bennett — president of Principal Investments Ltd. The only panel member with an obvious religious connection was one Mrs Viola Halpenny, who was introduced as “an active worker in the lay organisations of the United Church. NAC RG 41, Vol, 223, 11-23 (pt.1)
"Broadcasts in religion criticized" Regina Leader Post, 7 February, 1968

Unlike Canada, where fund-raising is limited to the area in which the licensee is situated, the F.C.C. allows soliciting on a national basis. The result in that country was a televangelism industry which reached its height in the mid 1980's, before multiple scandals brought these into disrepute. In 1987 there were no less than 414 religious broadcasting stations in the United States, with more opening every month. The income generated from these was estimated at more than 2.5 billion, and an article in the Economist at that time revealed that the largest of the ministries were generating between 100 and 200 million each year through solicited donations, much of which went to support the ostentatious and outrageous personal lives of the hosts. Tammy and Jim Bakker of PTL ministries were the most infamous of these, their fall from grace was precipitous after it became known that Jim had paid hush money to a staffer with whom he was having sexual relations. As the PTL empire crumbled, the media accounts of their profligacy increased, bringing PTL to the attention of the IRS. The damage to the image of the televangelist was best expressed in the enduring image of an air-conditioned dog house on the Bakker property. At the same time that the PTL revelations were making news, Oral Roberts, who began in television in the 1950's, made his own headlines when he told his viewers that his very life hinged on their willingness to contribute eight million dollars to his "ministry". Also shortly after the PTL scandals, Jimmy Swaggart, a televangelist with an energetic daily morning program and a penchant for Christian rhythm and blues, came into disrepute with the discovery of his liaison with a prostitute. The immediate effect of these scandals was a drop in audience and in financial support for all broadcasting ministries, such as Pat Robertson's Christian Broadcasting Network, and Robert Schuller, a mainline pastor whose "Hour of Power" sermons are conventional conservative fare by comparison to the scandal-ridden televangelists. See Gibney, Mark J., and Jeffrey Courtright, "Arguments for the Elimination of Religious Broadcasting from the Public Airwaves" Notre Dame Journal of Law, Ethics & Public Policy 4[1990], 765-6 For an overview of all the televangelist ministries from a similarly critical perspective to Gibney and Court right, see Hoover, Stewart Mass Media Religion: The Social Sources of the Electronic Church (Sage: Beverly Hills, 1988), 57-63

Although Rex Humbard, Oral Roberts and Jerry Falwell all began their careers in the new media with the beginnings of television in the 1950's, it was in the 1970's that conditions contributed to a significant increase in paid-time religious television. Stewart Hoover identifies these conditions as including the development of new technology, such as cable and satellite delivery, (the latter of which simplified national distribution) the demise of sustaining-time religious broadcasting, the availability of abandoned UHF channels, and a relaxation in industry policies on paid-time religious programming. Hoover, Stewart Mass Media Religion: The Social Sources of the Electronic Church (Sage: Beverly Hills, 1988) 54-6

"Broadcasts on religion criticized" Regina Leader Post, 7 February, 1968


HymnSing was described in 1967 as a program with a relatively small audience (one million viewers) but with a high enjoyment index (eighty-seven per cent).

"Broadcasts on religion criticized" Regina Leader Post, 7 February, 1968


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Interview, 16 April 1999

*HymnSing* was described in 1967 as a program with a relatively small audience (one million viewers) but with a high enjoyment index (eighty-seven per cent).

"We should begin to challenge the National Religious..."
Advisory Council to choose congregations which are photogenic, have sparkle, history, or adventurousness. The church services we now broadcast are chosen by denominational representatives on the basis, I gather, that Rev. X.Y.Z. has been good, left the boot unrocked… the choice of churches for broadcast… should be chosen (1) by us, (2) on the basis of the kind of experimentation and progress they are making in liturgy and on its suitability for television.

42 Ibid.

43 Marsden, George M. *The Outrageous Idea of Christian Scholarship*, 78

44 Mothersill, Dan. "CBC Radio unConcerned about God" Press Review 2 (3) 16

45 Ibid.

46 Ibid.

47 Nash, *Microphone Wars* 422. To this end Johnson eschewed matters of managerial and technical efficiency to concentrate on the creative side of broadcasting. President until 1982, Nash says of Johnson that he “reached out to programmers” in a way that had not been tried by a CBC president since the tenure of Davidson Dunton three decades before. Nash reports that when Johnson came to office, he was initially frustrated by the emphasis of his senior staff on matters external to programming. “The briefings I was getting tended to be more of a management kind….. That took me aback. I had to push these people away from me.”

48 Entitled “Touchstone”, Johnson’s document was, as Nash puts it, a cri du Coeur for Canadianisation of public broadcasting and for what Johnson declared as the CBC’s role in “the national battle for Canadianism.” Nash, 436-7

49 Boyle had many years of experience in Canadian public service broadcasting, having been a CBC producer and program manager. Boyle’s highest post in the CBC was as Director of programming for CBC Radio. Appointed vice-chair of the newly established CRTC, along with Chairman Pierre Juneau, in 1968, he assumed the role of chair in 1975 when Juneau vacated the position. See Nash, *Microphone Wars* 431

50 Forrest, A.C. “Canada’s religious broadcasts are a continuing disaster” *The Globe and Mail*, 15 February, 1975

51 Ibid. Mothersill, Dan. “CBC Radio unConcerned about God” Press Review 2 (3) 16

52 Forrest, Rev. A.C. “Canada’s Religious Broadcasts are a continuing disaster” *The Globe and Mail* 25 February, 1975

53 Freeland, Brian: “Report to the Program Committee, Board of Directors, on CBC policies and practice in religious programs” 14 October, 1960, 3 NAC RG 41 Vol. 909 File PG 11-3, Pt. 3

54 Ibid.

55 “Broadcasts on Religion Criticized” Regina Leader Post, 7 February, 1968

56 Ibid.

57 Ibid.

58 Freeland, Brian Interview 16 April 1999 Keith Woollard, who became chair of the NRAC under Patchell, confirms that the program director was indifferent to the work of the Council. Interview, 17 March, 2003

59 Ibid.

60 Ibid.

61 Ibid.


63 The first two points contained the broad assumption, even as recently as 1964, that the responsibility of the Council was limited to a representation of the mainstream Christian faith: “1. We understand that the NRAC was established by the CBC to obtain the advice of the churches of Canada through representatives nominated by their various churches and appointed by the CBC. 2. The various denominations, each in its own way, accept the need to employ every means of communication to present Christian concepts and principles, and the application of them to contemporary life. The denominations, therefore, welcome the opportunity afforded them by the CBC to offer advice to the Corporation through the NRAC.” RG 41 Vol. 909, File PG11-4 Pt.2 “Points for Consideration” 6 March, 1964

64 Ibid.

65 Ibid., 2-3

66 Ibid., 3

67 Ibid., 3-4
The alternative was untenable: "One Presbyterian minister had the frankness to admit that his denomination told him to make the service entirely representative of Presbyterianism. And it was dull!"

Bentley, Tim, "Thoughts for Handling Broadcast Church Services" NAC RG 41 Vol.809, File T13-2-3 pt.1 4 November, 1972

When the NRAC was formed in 1937, membership was extended to the "outstanding groups" within the Christian denominations. The formula was arrived at some time later, and by the 1960's, the NRAC was denying requests from groups such as the Christian Scientists, stating that it was obliged to rely on the most recent report of the Dominion Bureau of statistics on religious affiliation. NAC RG 41 Vol.223, File 11-23-2 pt.3 1 May, 1964 W.J. Dunlop to Leslie A. Tufts

Responding to Archbishop Plourde's request (see below paragraph), Michaud opined: "If we take this suggestion to mean that the Corporation should draw up its Religious Broadcast policy in conjunction with the Catholic Bishops or in agreement or jointly with them, I felt that it is unacceptable." Ibid., 8


In Quebec of the early 1960's, the Catholic Church commanded an authority within the state that was only a memory in the rest of Canada. It was not until the middle of the decade that the province created a provincial department of Education or a department of social services. Until then, both these had been the prerogative of the ecclesiastical authorities.

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The report of the *Office catholique national des techniques des diffusion* and that of the *Communications centre* dealt with the work of the Commission on Radio and Television – a branch, apparently, of the latter organisation – with religious broadcasts in radio and television and with the relationship between the churches and the CBC in English Canada. The reports were combined with a short response from the Episcopate to both documents, which approved their recommendations and contained resolutions for the involvement of priests in broadcasting that could only be practically assented to if complete control of production was given over by the CBC.

As the authors of the report put it: Since a radio or television program is the extension of its dominant creative influence, it is of vital importance that the person must also have the ability to translate this life into an effective communications form through these media. As yet, the CBC Religious Department has not succeeded in showing us it can do this.

The CBC stressed the need for an inter-denominational body, as the formula for representation in use by the NRAC would, in the overwhelmingly Catholic constituency of the French network audience, exclude all others. The Archbishop is reported as having accepted this concession readily.

As a precursor to the Broadcasting Act of 1968 – which followed upon the recommendations of an advisory committee that had found the 1958 Act, with its separate regulatory board, to be unsuitable – the government of Lester Pearson submitted a “White Paper on Broadcasting” in 1966. Introduced as a policy statement designed to encouraged “a degree of collective control over the new techniques of electronic communication...sufficient to preserve and strengthen the political, social and economic fabric of Canada”,...
the document outlined the intentions of the government in the area of broadcasting, and the rationale for its decision to proceed with the laborious process of introducing new legislation less than a decade after the last. In the provision dealing with the Corporation’s mandate, the White Paper had this to say: “Under the present Broadcasting Act, responsibility is assigned to the Canadian Broadcasting Corporation for the operation of a national broadcasting service. The interpretation of this phrase has been left largely to the Corporation itself, and it had fulfulled its prime responsibility to provide broadcasting services to the Canadian people as a whole in a manner that is altogether praiseworthy. The new legislation will confirm the objectives developed by the Corporation, which are to provide a complete and balanced service of information, enlightenment and entertainment for people of different ages, interests and tastes, including a high content of regional, national and international news, factual and interpretative reports, and programs devoted to all aspects of the arts, light entertainment, and sport. It should seek to use and develop Canadian artistic and cultural resources and talent, wherever situated, to the maximum extent consistent with high standards of program quality. It should serve the two official-language groups and the special needs of geographical regions, and it should actively contribute to the flow of information, entertainment and understanding between cultures and between regions.” White Paper on Broadcasting, LaMarsh, Judy. 4 July, 1966 Queen’s Printer 5

\[\text{(121) NAC RG 41 Vol. 759, File GMI-16-2 (pt.1) “Comments from CBC on M.R.A.C. Sub-Committee brief” 2}\]

\[\text{(122) Ibid. 2-3}\]

\[\text{(123) Ibid. 3}\]


\[\text{(125) Ibid.}\]

\[\text{(126) This was above the work of “allot [ing] the television services to the places of worship” in a ratio proportionate to their adherents in the area.}\]

\[\text{(127) Ibid.}\]


\[\text{(129) Ibid.}\]

\[\text{(130) This ten member committee had formed in 1965 and was represented by the six main denominations, the Salvation Army, the Montreal Jewish community and the CBC.}\]

\[\text{(131) Ibid.}\]

\[\text{(132) Ibid.}\]

\[\text{(133) Ibid.}\]


\[\text{(135) NAC RG 41 Vol. 759, File GM 1-16-2 (pt.1) 17 February, 1973 “Minutes” 2}\]

Chapter Eight

\[\text{(1) Raboy, Missed Opportunities 320}\]

\[\text{(2) In the Public Notice that followed, the Commission defined “religious” as follows: For the purposes of its licensing policy, the Commission will consider as religious anything related to, inspired by or arising from man’s relationship to divinity, including related moral or ethical issues; and a religious program as one which deals with a religious theme, including programs that examine or expound religious practices and beliefs or present a religious ceremony, services or other similar event. CRTC 1983-112 (Ottawa: 2 June 1983) 5}\]

\[\text{(3) Ibid., 4}\]

\[\text{(4) CRTC Public Notice 1986-27 Appendix A, 16(3) (c)}\]

\[\text{(5) CRTC Public Notice 1993-78}\]

\[\text{(6) In stipulating that applicants would need to “propose a service that is devoted entirely to religious programming”, (CRTC 1993-78) the Commission wished to avoid any confusion between religious and personal, or political viewpoints. The CRTC, and its predecessor the Board of Broadcast Governors, had for many years received, and rejected applications from contenders for broadcasting licenses who wanted to devote anywhere between 15 and 50 percent of their programming to religious topics. (See Alec Scott, “A}
7 CRTC 1993-78, (Ottawa: 3 June, 1993), 9
8 Ibid.
9 Ibid.
10 "Broadcasting Act", 7 March, 1968, 16&17 Eliz. 2, c.25.1 (2) (b)
11 Raboy (Supra) 268
12 The works of Weir, Austin (1962) and Peers, Frank (1969) typify this approach.
13 CBC "Political and Controversial Broadcasting: Policies and rulings", 8 July, 1939 II (17)
14 Ibid.
15 "Broadcasting Act", 7 March, 1968, 16&17 Eliz. 2, c.25.1 (2) (b)
17 CRTC Public Notice 1983-112, (Ottawa: 2 June, 1983), 2 (Italics added)
18 CRTC Public Notice 1993-78, (Ottawa: 3 June, 1993), 7
19 Ibid., 8
20 Ibid., 18
23 See below for a further discussion on the minority judgement in the 1993 decision.
25 Ibid., 42
26 Ibid., 47
27 Ibid., 53
28 Ibid.
29 CRTC Transcripts, Public Hearing, 27 October, 1992, 1615-1616
30 Ibid.
31 Forrest, A.C. "Canada’s religious broadcasts are a continuing disaster" *The Globe and Mail*, 15 February, 1975
32 Ironically, the rising popularity of the “electronic church” — an almost exclusively fundamentalist evangelical phenomenon — corresponded to the CBC’s withdrawal from traditional religious programming.
33 Graham also had 180,000 regular Canadian subscribers to his “Decision” magazine. And he was not alone. Rex Humbard’s one hour program was being broadcast from 34 Canadian stations, 100, 000 Canadians subscribed to his magazine, and he received 70,000 pieces of mail from Canadian listeners every month.
34 CRTC “Submission to the Canadian Radio-Television and Telecommunications Commission Regarding Religious Broadcasting in Canada” Interchurch Communications, January 1982. 15
35 CRTC 1983-112, 4
36 In its application, the CIN stated that: VISION is a non-profit corporation without share capital, with a nine-member Board of Directors responsible for the operation and management of the network on advice from Programming, Personnel and Finance Committees. The Board is to be made up of men and women from the fields of broadcasting, business and the social services, who together represent at least three of the following world religions active in Canada: Buddhism, Christianity, Hinduism, Islam, Judaism, Baha’i, Native Spirituality, Sikhism, Unitarianism and Zoroastrianism. In order to preclude the possible domination of the Board by one religious viewpoint, the applicant proposes to amend its general by-law to limit to two the number of new or replacement directors from any single faith group within a world religion. This commitment and the requirement that the nine members of the Board of Directors represent a minimum of three different world religions are set out in detail as conditions of licence in the appendix to this decision.
37 CIN was incorporated in April of 1984, and filed its first application with the CRTC the following month. The six religious communities represented were the Buddhist, Christian, Muslim, Hindu, Sikh, and Zoroastrian. “Historical Overview of Canadian Interfaith Network” CRTC archives.
38 Initially established in 1967 as Interchurch Radio Operations, ICC was an umbrella group of the Anglican, Roman Catholic, and United Churches’ broadcasting committees.
Both the Anglican Church of Canada and the Salvation Army – a late supporter of CIN – withdrew from involvement in the course of the application process.

With regard to balance, the Task Force recommended that: “The principle applies to each broadcaster’s overall programming and not to every program broadcast.” This was also what the CRTC had stated in its 1983 Public Notice, with the one critical difference that the Task Force drew no distinction between conventional broadcasting and the new technologies. “Report of the Task Force on Broadcasting Policy”, September 1986. Bird, Documents 752.

Nostbakken added that: “I trust you would be aware that this high level of commitment and development among faith groups working in a co-operative fashion is, in fact, “unique and unparalleled in broadcast history”, the words used by the Chairman of the CRTC to describe us.”

CRTC, File 7900-N6-3, s-19: 1 July, 1987
CRTC, File 7900-N6-4, Ref. #5381: 31 July, 1987

The opposition of the ICC to single-faith licensing was given a methodical treatment in their submission to the 1982-1983 hearings. There, they recommended against extending greater flexibility in terms of licensing single-faith undertakings, and expressed themselves against any but an inter-faith model in proposed religious programming satellite undertakings, should these be licensed. CRTC “Submission to the Canadian Radio-Television and Telecommunications Commission Regarding Religious Broadcasting in Canada” Interchurch Communications, January 1982.


Interview; 27 April, 2000

The change was made by allowing the Chairman of the Commission to choose any three of the 19 commissioners to decide on any matter before the Commission, the perceived wisdom being that a bevy of commissioners from one region of Canada would not dictate the nature of broadcasting in another. Scott, Alec A New Deal for Religious Broadcasting in Canada? M.C.L.R.(4) 205-6

The new wording of Section 3(d) was that “the programming provided by the Canadian broadcasting system should be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes. (It should provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern...”

CRTC “Submission to the Canadian Radio-Television Telecommunications Commission Regarding Religious Broadcasting in Canada” January, 1982 3 Crossroads produced a children’s program, “Circle Square” which was broadcast over 25 commercial stations, Kingdom Adventure, in French and English, and broadcast over the Family Channel, and also purchased ten hours of broadcast time on Virgin every week beginning in 1992. Gruending, Dennis: Analysis: CRTC Hearings into Religious Broadcasting Interchurch Communication, 24 September, 1992, 7

DeWert, Dick: The Making of a Miracle

DeWert later learned that the technician with whom he had sparred was sympathetic to their cause.
Broadcasting Act” 7 March, 1968, 16&17 Eliz. 2, c.25 Bird, Documents, 381

The Broadcasting Act affected this change by specifying that only for governmental purposes could non-licensed transmissions be exempt from summary conviction as specified by section 32 (1) Scott, Alec

Religious Broadcasting in Canada, M.C.L.R. (4) 193

the vast majority of us could not affirm a creed that condemned all but the properly “saved” to a life of eternal damnation”, stated the Television Programming Board of the United Church, producers at Vision

Television, of the statement of faith of the National Christian Broadcasters Association. CRTC: Submission to the Public Hearing on Religious Broadcasting, 4 June, 1993, 5

Ibid.

Scott, Alec

Hazelwood, Kim: “Christening Canadian airwaves: Lawsuits help shake a 70-year-old curb on religion” Western Report 29 June, 1992, 28

Guest presenters would be interviewed and topics chosen to stimulate discussion about “alternative viewpoints.” CRTC: Public Notice 1994-110 30 August, 1994

A subsequent census appended to the license application showed Lethbridge to have the following: out of a population of 117,775: 25,490 Roman and Ukrainian Catholic: 71,390 Protestant: 17,845 Non-affiliated: 12,620 Mormon: 10,475 “Other Protestant”, etc.

CRTC: Intervention in relation to Application #931445100, 6 June, 1994

Tindal, Douglas: Interchurch Communication to The Secretary General, CRTC, 11 December, 1994

DeWert, The Making of a Miracle

Tindal, Douglas: Interchurch Communication to The Secretary General, CRTC, 11 December, 1994

Rev. Rod Booth, United Church Television, and Keith Spicer, Chairman, CRTC

CRTC: Submission to the CRTC Regarding Religious Broadcasting in Canada, InterChurch Communications: January, 1982, 10 The ICC’s recommendation was “That the Commission require local stations to broadcast at least one hour per week of varied and balanced programming, religious by denomination and or inspiration, locally produced and involving the participation of local faith communities.”

CRTC “Submission to the Canadian Radio-Television and Telecommunications Commission Regarding Religious Broadcasting in Canada” Interchurch Communications, January 1982, 4
In 1992 Kilgour was serving his third term as a Member of Parliament from Edmonton.

CRTC “Hearings – Religious Broadcasting” Division of Communication to General Council, 13 August, 1992, 4

Ibid., 4,5

CRTC Comment 2300 “CRTC Review of the policy on Religious Programming” 7 August, 1992, 1

As the CCC submission pointed out, the need to protect diversity of expression within each station was “as true and necessary in a 200-channel universe as it was in a 20-channel universe.” Ibid.

Since its inception in 1925, the United Church has sought to be a church which in the words of our own founding document, might be recognized as being truly “national”. It has been said that there are two national institutions in this country, Hockey Night in Canada and the United Church of Canada. We point this out, not to create self-esteem, but to remind the Commission that as a truly national institution the United Church has a long history of representing the concerns and aspirations of its national membership on matters of public interest and policy. This is as true in the realm of communication as in any other Canadian national policy.1

1 Department of Marine and Fisheries, “License to use Radio” 18 April, 1923 in Bird, Documents of Canadian Broadcasting, 32

Conclusion:

1 As Richard Neuhaus is quick to point out, the appeal of the public enforcement of virtue applies as much to the left as to the religious right, particularly that group in the United States known as moral majoritarians. Neuhaus, Richard The Naked Public Square 121
Part III:

1 As quoted by Careless, Sue., “We are Moral Strangers within a liberal democracy”: Making room for all in the public square.” Reflections on the McGill/Centre Conference on “Pluralism, Religion and Public Policy Centre Points Winter, 2003 (10)4


6 Novak, Michael *The Spirit of Democratic Capitalism* ( New York: Simon & Schuster, 1983) 68


8 Neuhaus, *The Naked Public Square* 130


10 Sociologist Reginald Bibby has charted the religious patterns in Canada since the mid 1980’s, basing his analyses on his own surveys, other pollsters, and Statistics Canada. The figure given indicates the number who reported to attend services “Almost every week” or more, and is broken down as follows: Protestants: 22% Catholics: 33% Other faiths: 12% Membership in churches and synagogues is slightly higher, at 29% overall, but Bibby downplays the significance of this number given the lack of emphasis on formal church membership in Protestant denominations. Bibby, Reginald W., *Unknown Gods: The Ongoing Story of Religion in Canada.* (Toronto: Stoddart Publishing Company, 1993) 6,7 Nonetheless, faithful attendance and religious adherence are distinct, and Bibby’s research challenges the notion, enshrined in the Multi-Cultural Act of 1988, that Canada is a profoundly multi-cultural, multi-religious society. As Bibby suggests in an article he penned in 1999, some of the results of the 1991 survey were quite surprising. In response to the question “What is your religion?” that has been asked in decadal surveys since 1871, the overall ‘Christian’ total was 84% in 1991. The remaining 16% in 1991 were those who reported no religion - 12%; Judaism -1%; and Other Faiths - or lack thereof, as atheists and agnostics are here included- at 3%. Bibby also highlights the fact that, “Despite media conjectures about disenchanted and disaffiliated Canadians turning to a wide range of religious options in the last half of this century—to what sociologists refer to as ‘new religions’ or ‘para-religious groups,’ the census tells a different story. In a country of close to 30 million people, less than 5,000 individuals in total identify themselves in the Census with religions such as New Age, Scientology, and Theosophy.”
These numbers, along with evidence of an ongoing assimilation into the Protestant/Catholic mainstream (defection from minority faiths through intermarriage is widespread in Canada. In the same article referred to above, Bibby cited a recent nation-wide survey of youth which found that 12% of those from homes where their parents identify with 'Other Faiths' were regarding themselves as Catholics or Protestants before they had reached the age of 20.) as well as the fact that Christian parents in inter-faith relationships tend to raise their children in their faith, all lead Bibby to conclude that the “diversity has been and is being brought primarily in the form of cultural diversity within Catholicism and Protestantism, rather than in the form of ever-growing proportions of Other Faiths. To return to the mosaic metaphor, diversity is hardly translating into a religious art-form comprised of equal-size tiles. More accurately, we find a monopoly where we expected a mosaic.” Bibby, Reginald W., “Multiculturalism in Canada: A Methodologically Inadequate Political Virtue” Diskus (5) 1999

Note: The Census data release date for the 2001 survey is June of 2003.

11 That this is the case seems to be borne out in the evidence of a renewed late century interest in spirituality of which Canadians were a part. In reflecting on this, Maclean’s reported that “In 1999, spirituality is a pragmatic affair anchored in the belief that modern issues are incomprehensible without a moral compass to navigate them.” With respect to that group of 8.1 million born between the years of 1946 and 1964 which constitutes the focus of this renewed interest, Peter Emberly hypothesizes what that this may reflect is a generation confronting its mortality. He hastens to emphasize, however, what Bibby found in his surveys: that while a high number (65%) of boomers professed an interest in spiritual matters, much of this found expression outside the mainstream. Emberly concludes that one implication is that, “in an age where all concepts are melting into this air” these trends reveal a simple increase in “fideism” - the will to believe something, anything...in preference to believing nothing at all. Interestingly, and Contradicting Emberly, Bibby found in his data that fear of death does not increase with ageing, but has the reverse tendency.


12 At the most basic and everyday level of structural relations, perhaps the most obvious is in state education policy, over which religious minority protection dating from confederation anachronistically coexists within a variety of provincially administered systems, most of them hostile to any lingering form of religious expression. Outside of this system, the current picture is a complicated amalgam of philosophies, circumscribed by jurisdiction, respecting sectarian schooling. The result is a classic model of inequity wherein most, but not all Canadian Catholics have access to free sectarian education, while some, but very few Protestants, Muslims, or members of any other faith community enjoy the same. (see Adler v. Ontario, 1994)

13 The recent response to the speech delivered by Univeristy of British Columbia professor Sunera Thobani is a case in point. An attack on the willingness of Canada to follow America’s lead in responding to the bombings of 11 September, Thobani forcefully argued that the language used in the same revealed it as another example of the subjugation by “the West” of “the rest”. The speech – partly, perhaps, because it came within weeks of the terrorist attack – and to some extent its author, were generally denounced in the mainstream press, where support for Thobani’s right to make the speech was often the most moderate reply.

14 Horwitz, Paul, “The Sources and Limits of Freedom of Religion in a Liberal Democracy: Section 2(a) and Beyond,” University of Toronto Faculty of Law Review, 54, Winter 1996

15 Ibid. 33 As Horwitz explains; “Lorraine Weinrib has suggested that s.1 ought to be read to require the limit imposed be based not on pure utilitarian grounds, which would favour the state, but according to whether imposing the limits will forward the values of a free and democratic society.” The full text of section 1, part 1 of the Constitution Act, 1982 reads: “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

16 Ibid.

17 As in R. v. Lee, where the Supreme Court of Canada rejected the argument that section 52.1 of the Criminal Code - which infringed on s. 11f of the Charter - was justified. In this case, the court confirmed that the appellant could not use the Charter to protect his right to a jury trial. R. v. Lee [1989] 2 S.C.R. 1384 [1989] S.C.J. No.125, File No.: 20235.

More discouraging still for the cause of religious freedom are the implications of the court’s willingness to forego the strict standard set out in Oakes minimal impairment test of the state’s legislative agenda. Horwitz uses the legal battle over Sunday shopping laws - Edward’s Books and v. R (1986) - to make his
point: “This resiling from Oakes... is evident in the statement in Edward’s Books that a “reasonable alternative scheme” [emphasis added] must be available before the legislation fails this branch of the test.” The “subtle shift in emphasis” Horwitz points up is that, “rather than concentrat[ing] on the broad ambit of the infringement, the courts will inquire as to the reasonableness of the impairment given the state’s objective. Since the courts take a broad view of what constitutes a pressing and substantial objective, any number of restrictions might, if argued by a competent lawyer, be said to be reasonable.” Horwitz, “Sources and Limits...” 33,4

19 As Richard Neuhaus puts it, “the impulse of the modern state is to define all public space as governmental space” Neuhaus, Richard: The Naked Public Square, Religion and Democracy in America, (Grand Rapids, W.B Eerdmans, 1984) 130


21 The Robert Bellah team is most commonly associated with emphasising the importance of mediating structures in a liberal democracy: Peter Berger finds in structures such as the institutions of church and family the “living subcultures from which people derive meaning and identity” as well as the source of moral sustenance for secular institutions of state and corporation. Richard Mouw assesses this reasoning as follows: “The defense of mediating structures highlights the way in which diverse associations provide a buffer zone that can help us to avoid, for example, the false choice between individualism and statism in political life. It is not the case that the only way for persons to avoid being absorbed into state-defined roles is to promote a sense of radical individuality. An alternative is to promote and strengthen societal structures... that will provide a non-statist sense of communal identity.” Mouw, Richard and Sander Griffioen; Pluralisms and Horizons, (Grand Rapids: Wm B. Eerdmans, 1993) 11. For more on the current judicial understanding of “secular” in Canadian courts, see Chaplin, Jonathan: “Beyond Liberal Restraint: Defending Religiously Based Arguments in Law and Public Policy,” (University of British Columbia Law Review Vol., 33, 2000, 617-46)

22 Trinity Western University (TWU) is an accredited member of the Association of Universities and Colleges of Canada. It does not depend on public funding. It confers five baccalaureate degrees and offers two masters programs. In 1997 its student body numbered approximately 2,500; its full and part-time faculty numbered 132; and its administrative and support staff 224. (From the Hon. Mr. Justice Goldie, British Columbia Court of Appeal, 1998/12/30, Docket: CA023720 Registry: Vancouver, [8] ) As noted in the preamble to the decision of the British Columbia Supreme Court, the evaluation was conducted according to BCCT criteria, which “included considerations relating to the ability of graduates to teach effectively in a multicultural and pluralistic society.” Trinity Western University v. B.C. College of Teachers, W.H. Davies, J.; SCBC 19970911, p.1319)

23 The offending conduct code was as follows:

Trinity Western is a Christian university distinguished by a clear mission: The mission of Trinity Western University, as an arm of the church, is to develop godly Christian leaders: positive, goal-oriented university graduates with thoroughly Christian minds: growing disciples of Jesus Christ who glorify God through fulfilling The Great Commission, serving God and people in the various marketplaces of life.

THE COMMUNITY STANDARDS

Because the Community Standards are intended to reflect a preferred lifestyle for those who belong to this community rather than “campus rules,” they apply both on and off campus. All members of the community are responsible to:

* CONDUCT THEMSELVES AS RESPONSIBLE CITIZENS.
* ENGAGE IN AN HONEST PURSUIT OF BIBLICAL HOLINESS.
* MAKE THE UNIVERSITY’S MISSION THEIR OWN MISSION.
* LIMIT THE EXERCISE OF THEIR CHRISTIAN LIBERTY IN ACCORDANCE WITH THE UNIVERSITY’S MISSION AND THE BEST INTEREST OF OTHER MEMBERS OF THE COMMUNITY.

APPLICATION OF THE COMMUNITY STANDARDS TO STUDENTS

It is recognized that not every student will have personal convictions wholly in accord with the following application of these standards. However, all students are responsible to:
* OBEY THE LAW AND CONDUCT THEMSELVES AS RESPONSIBLE CITIZENS WHO CONTRIBUTE TO THE WELFARE OF THE GREATER COMMUNITY (Rom. 13:1-7). Among other things, this precludes the use of marijuana and drugs for non-medical purposes and conduct that disrupts classes or the general operation of the University. It also includes demonstrating respect for the property of others and of the University.

* OBEY JESUS COMMANDMENT TO HIS DISCIPLES (Jn.13:34-35) ECHOED BY THE APOSTLE PAUL (Rom. 14; 1 Cor.8, 13) TO LOVE ONE ANOTHER. In general this involves showing respect for all people regardless of race or gender and regard for human life at all stages. It includes making a habit of edifying others, showing compassion, demonstrating unselfishness, and displaying patience.

*REFRAIN FROM PRACTICES THAT ARE BIBLICALLY CONDEMNED. These include but are not limited to drunkenness (Eph. 5:18), swearing or use of profane language (Eph. 4:29, 5:4; Jas 3:1-12), harassment (Jn. 13:34-35; Rom. 12:9-21; Eph.4:31), all forms of dishonesty including cheating and stealing (Prov.12: 22; Col. 3:9; Eph. 4:28), abortion (Ex. 20:13; Ps.139:13-16), involvement in the occult (Acts 19:19; Gal. 5:19), and sexual sins including viewing of pornography, premarital sex, adultery, and homosexual behaviour (1 Cor. 6:12-20; Eph. 4:17-24; 1 Thess.4:3-8; Rom. 2:26-27 [sic: actually Rom 1:26-27]; 1Tim. 1:9-10). Furthermore married members of the community agree to maintain the sanctity of marriage and to take every positive step possible to avoid divorce.

24 Ibid. In an internal appeal, TWU pointed out that the BCCT position was not unlike saying that the codes of conduct practised by the Mother Theresa sisters or the Salvation Army would make them unsuited for work in inner city situations. TWU also pointed out that the basis of the decision was not only disproved but also defeated by the fact that in the United States there were many colleges with similar conduct codes that had “successfully prepared hundreds of thousands of teachers for public schools,” including “a substantial number” who were teaching with certificates issued by the BCCT. Thus the fact that, should TWU not be approved, its graduates could be certified by the college by finishing their studies across the border.

25 The council explained the reasons as follows: “Of significant concern to many of the College Councillors in considering the application was a particular section of the Community Standards contract which must be signed by both students and faculty. This section obliges students and faculty to refrain from practices that are "biblically condemned" such as "... sexual sins including ...homosexual behaviour..." The motion made by Council reflects the majority belief that Trinity Western University's Community Standards contract discriminates on the basis of sexual orientation.” Ibid.,


27 For a discussion on Cuddihy's "ethic for the interim", (ie: the civility Christians must adopt as they await the eschaton) see Mow & Groffloen's Pluralisms and Horizons, 173-176

28 Marsden, The outrageous Idea., 52

29 Trinity Western (257)


31 Brown, David M. "Freedom From or Freedom For?: Religion as a Case Study in Defining the Content of Charter Rights" University of British Columbia Law Review, (33) 2000, 604

32 Chamberlain, 83


34 Ibid. from religion-based arguments that can also be made with appeals to

35 Benson, Iain T., "Notes Towards a (Re)-Definition of the "Secular" University of British Columbia Law Review, 33(3) 2000, 527

36 Ibid..

37 In Ross v. New Brunswick School District No. 15 (1996) 133 D.L.R. (SCC), Malcolm Ross was placed in a non-teaching position for his frequent public talks outside of the classroom.

38 Brown, David M., “Freedom from or Freedom for? Religion as a Case Study in Defining the Content of Charter Rights” 33(3) 2000, 602

Trinity Western, (271)

This characterisation of religious morality ignores that feature of the fundamentalist religious viewpoint most germane to the issue of tolerance and civility -- this being the doctrine of universal depravity, (i.e.: that all humans are sinful by nature) and belief in a divine directive to love others before self. In the case of Trinity Western and the BCCT, this shows as a failure to appreciate that: the training of the secular university -- a teacher who has learned the exclusive claims of every religion to be, at best, interesting cultural mythologies, at worst, dangerous constructs with a misogynist bent - could by the same logic be intolerant of a large portion of the student body.

Benson, Iain “Notes Towards a (Re) Definition of the Secular,” University of British Columbia Law Review 33(3) 2000, 528

Ibid., 529 footnote 28

The media brouhaha followed from an interview during the election in which Pliny Hayes of Red Deer College reported that Day had a literal belief in the Genesis account of creation and the fundamentalist view of a 6000 year old earth. Day’s reply to the negative media and political attention was to state that: “I don't think the particular beliefs of an individual (are relevant) in public policy any more than asking a Roman Catholic what their belief is related to the Virgin Mary -- any more than asking somebody who believes that Krishna came down from heaven.” Quoted from Robinson, B.A Ontario Consultants on Religious Tolerance: 16 November, 2000

Spendlove, Paul, “After party election, Canadians have less faith in politics” Christian Science Monitor, 11 April, 2002. In his article, Spendlove cites Queen’s professor Margaret Van Die’s explanation of the divergent patterns between American and Canadian political culture in terms of receptivity to religious themes in public life: “For better or for worse, [Canada's] ceremony [after Sept. 11] had absolutely no religious symbols in comparison to the one that was held in Washington Cathedral...The religious rhetoric that people like George W. Bush use...is something Canadians haven’t had much of in the past.”

MacCharles, Tonda “Day says he believes biblical story of creation,” (Toronto Star: Toronto ON, 16 October 2000) Cover, A8 Stockwell’s belief in a young planet was used so successfully by the Liberals that it became a de facto election issue in a campaign in which real issues were notably absent. For example, the following from an article in a New Brunswick paper: “According to one poll only 13 per cent of Canadian women would trust him as prime minister. We are told that Stockwell's opinions on women's rights, religion and the age of our planet "will guide the man and not the politician". Just what we need -- another politician who divorces himself from his values and beliefs.” Melanson, Rosella New Brunswick Telegraph Journal, (November 2000) In a five part investigation entitled “God in Exile” that appeared in the Calgary Herald the following year, Joe Woodard wrote how “During the election race, Liberal cabinet minister Elinor Caplan branded the Christian-friendly Alliance as "Holocaust deniers, prominent bigots and racists." NDP Leader Alexa McDonough called Alliance Leader Stockwell Day a "cockroach." And Progressive Conservative candidate Randall Pierce said: "Stockwell Day is unfit to govern because he can't separate his religion from his politics." The rhetoric became so extreme that members of different faith groups issued a statement calling for religious tolerance and respect. The declaration, signed by Jewish, Muslim and Christian leaders, said every faith contains fundamental statements of belief that expose the truth.” Woodard, Joe, Calgary Herald,

In the article in the Calgary Herald noted above, Joe Woodard cited the following as what he viewed as examples of intolerance similar to that practiced against Stockwell Day:

□ Revenue Canada strips charitable status from The Challenge Team, a youth group that tours the country, promoting chastity in schools and youth clubs; the agency insists the group must also teach about condoms and other birth control devices.

□ B.C.'s Trinity Western University is embroiled in a long, expensive legal war with the B.C. College of Teachers. The BCCT refuses to accredit Trinity's education program because the Christian university's code of student conduct forbids pre-marital sex and homosexual activity.

□ Christian print shop owner Scott Brockie is in court for refusing to print stationery for the Toronto Lesbian and Gay Archives. He accepts commercial jobs from homosexuals but feels this job would involve a personal endorsement of homosexuality, contrary to his faith. He has lost his case before the Ontario
Human Rights Commission. If he loses his appeal, he may have to choose between denying his faith or closing his business.

Christian grandmother Linda Gibbons spends most of the past four years in jail. She speaks to women going into Toronto abortion clinics — politely, the sheriff admits — to offer help in keeping their babies or placing them for adoption. Free speech is banned from public sidewalks outside abortion clinics in Vancouver, Edmonton, Calgary and Ontario.

A Christian missionary family, the Raths, see their four-year-old daughter seized by B.C. Social Services, on the word of a dmg addict who accuses them of sexual abuse. Even after a medical examination proves no abuse, social workers refuse to release their child. It takes the Raths a month to find a judge to hear their case and return the traumatized girl.

At the University of British Columbia last spring, some pro-abortion students are videotaped trash ing a large Christian pro-life display. The attorney-general refuses to prosecute the vandals.

The Alberta government lets a bill to protect the freedom of conscience of medical workers die on the order paper. Meanwhile, Christian pharmacist Maria Bizecki is suspended from her job and investigated by the College of Pharmacists for refusing to dispense an abortifacient drug. Ibid.

Brown, David M. "Freedom From or Freedom For?: Religion as a Case Study in Defining the Content of Charter Rights," University of British Columbia Law Review, 33 (3) 2000, 566. As the Hon. Justice Goldie, in his reasons for decision, commented: "The allegation that persons graduating from Trinity Western are more likely to discriminate against homosexuals is completely without foundation. There was no evidence to support this claim. The Council is, in effect, trying to become a regulator of the opinions of teachers in this Province. This is inappropriate in a free society. Ironically, it is the Council who is guilty of discrimination which cannot be justified. The Council is unjustifiably discriminating against fundamentalist Christians." Nonetheless, the BCCT was subsequently given leave to pursue a further appeal at the Supreme Court, whose outcome, in November of 2001, went in favour of TWU. Court of Appeal for British Columbia: 1998/12/30, Docket: CA023720 Registry: Vancouver.

At the University of Victoria, student Pro-Life groups have been banned from membership in the Student's Society - along with the benefits of funding which other campus groups - including Pro-Choice - enjoy, for violating a provision against advocating harm toward women.

Ogilvie, M.H.: "Overcoming the Culture of Disbelief" The Law Society Gazette, 1995, 108 Ogilvie's assessment is as alarmist as they come — to wit: The banishment of religion qua religion from the public square in Western societies may well constitute a turning point in the evolution of the liberal, democratic state from freedom to totalitarianism which threatens not only faithful citizens but all citizens who wish to pursue their visions for their lives in liberty and to participate in public discourse on any topic in the language they naturally use. The alarming acceleration in the silencing of voices deemed to be politically incorrect — and there can be no more politically incorrect voice than the voice of faith in the public square — suggests that the movement from democracy to totalitarianism is further advanced than might be wished.

Costello, Paul; World Historians and Their Goals: Twentieth-Century Answers to Modernism (Northern Illinois University Press, De Kalb: 1994) 4

Mouw, Richard, and Sander Griffioen; Pluralisms and Horizons (Grand Rapids, Michigan: W.B. Eerdmans's Publishing Co., 1993) 34 Mouw makes this point in reference to pluralism and the attendant problem of defining a value-consensus, specifically the discussion which ensued from John Rawl's advocacy of a "thin notion of the good" wherein religious conviction (the "thick") is individualised and a multiplicity of conceptions of the human good are given equal treatment. As Mouw points out, Rawls became increasingly aware of the problems involved in what he later termed not different, but competing visions of the good, and the fact that out of these potentially divisive visions a co-operative consensus might not occur by default but would require a co-operative effort in which dominant values would necessarily play a role. The quotation is from Richard Rorty's critique of Rawl's later view that, once this consensus was achieved, many, or most "thick" views will disappear. To wit: "The suggestion that there are many philosophical views that will not survive in such conditions is analogous to the Enlightenment suggestion that the adoption of democratic institutions will cause "superstitious" forms of religious belief gradually to die off." As Mouw suggests, the fact that Rawls describes different conceptions of the good as "incommensurable", should give us pause to accept his optimistic belief that they can be fused to produce "the same conclusions" in the public realm. Rawls, John; A Theory of Justice (Cambridge: Harvard University Press, 1971); Rorty, Richard; "The Priority of Democracy to
York, Anchor Press/Doubleday, 1979) 28

North American inheritance of the reformational impact, De Gruchy traces the ideas of the reformers to the bridge across which Christianity passed on its journey from the medieval to the modern world. 

Beyond Good and Evil, Nietzsche's view of conflict as the source of creativity. Bloom sees the primacy of conflict-avoidance in the "great ramifications of this radical re-orientation of the essentialism of good and evil have been enormous, and not without its related, tied to, and involved with (these) seemingly opposite things - maybe even one with them in essence." The reference to radical feminist Judith Butler and her apparent penchant for abstract theory over "real-world" feminist concerns. In an article on the subsequent brouhaha, New York Times Magazine critic Robert Boynton wrote: 'By abdicating the fight against injustice in favor of "hip defeatism," Butler, Nussbaum concluded darkly, "collaborates with evil." The review received a visceral response within the academy and beyond. Butler's defenders branded it an ad feminam attack on an innovative thinker whose reputation was surpassing Nussbaum's own. ...Others welcomed Nussbaum's blow against the hermetic politics of postmodernism. "The piece was a skillful and long-overdue shredding," said Katha Pollitt, the feminist writer.'  Boynton, Robert S.; “Who Needs Philosophy ?” The New York Times Magazine 21 November 1999, 66-68

Nietzsche, Friedrich; Beyond Good and Evil; Prelude to a Philosophy of the Future, transl. Walter Kaufmann (New York: Random House, 1966) 10, 21 Nietzsche credited a misplaced faith in peculiar origin for higher values as the "typical prejudgement and prejudice which gave away the metaphysicians of all ages" and further that; 'it is on account of this "faith" that they trouble themselves about "knowledge," about something that is finally baptized solemnly as "the truth." '  In place of what he viewed as the illogical premise (prejudice) by which this exercise is governed, Nietzsche proposed that the "value of (these) good and revered things is precisely that they are insidiously related, tied to, and involved with (these) seemingly opposite things - maybe even one with them in essence." The ramifications of this radical re-orientation of the essentialism of good and evil have been enormous, and not without its own ironies. Alan Bloom points out that the legacy of this value-philosophy in North America has been to reinforce conflict as the great evil before which, ultimately, individually held values must give way, in direct contradistinction of Nietzsche's view of conflict as the source of creativity. Bloom sees the primacy of conflict-avoidance in the "great popularity of the word dialectic - in our sense, the Marxist sense- for, beginning in opposites it ends in synthesis, all charms and temptations united in harmony." Bloom, The Closing of the American Mind, 229

Foucault, Michel; Discipline and Punish: The Birth of the Prison, (New York: Random House,1979) 27 Nietzsche, Beyond Good and Evil, 21


John de Gruchy's work on Christianity and the democratic movements of the twentieth-century contains a useful account of the thinking on this connection. De Gruchy cites Hans Ruckert's view that even though the Reformation and Renaissance humanism were distinct from each other, "Yet the Reformation was the wilderness, and received as such. Alan Bloom is in a case in point; in crediting what he opines is a mistaken view of "freedom of thought and speech [as] the special encouragement of fanaticism and interests" with the "decey of the ideal of the rational political order," he has been received as a reactionary and elitist defender of a past in which inequality was the norm. Bloom, Alan: The Closing of the American Mind (New York, Simon & Schuster: 1987

Schrag, Resources..., 14

Nussbaum, Martha; "The Professor of Parody" (1999: The New Republic) Nussbaum's comment was made in reference to radical feminist Judith Butler and her apparent penchant for abstract theory over "real-world" feminist concerns. "The piece was a skillful and long-overdue shredding," said Katha Pollitt, the feminist writer.'  Boynton, Robert S.; “Who Needs Philosophy ?” The New York Times Magazine 21 November 1999, 66-68

Bloom, Alan; The Closing of the American Mind (New York, Simon & Schuster: 1987

In doing so, it inevitably became embroiled in the reshaping of the politics of a Christendom fragmenting into strong national monarchies. He also cites Steven Ozment, who suggests that democracy was indeed a child of the Reformation, if not the individual reformers, and Robert Wuthnow, whose argument that the Reformation was not unitary but a complex of reforms, nevertheless contains the admission that the theology of Luther and Calvin provided the ideological basis on which social change occurred. As to the North American inheritance of the reformational impact, De Gruchy traces the ideas of the reformers to the covenant ideas on which American institutions were founded, of which Toqueville reported with apparent astonishment that "No religious doctrine displays the slightest hostility to democratic and republican institutions."  As De Gruchy writes: "The original vision of American democracy would have been something quite different if it had not been for this understanding that political society requires responsible citizens freely committed to pursue the will of God, and therefore the interests of all, in society. It is precisely at this point that we may discern the Christian foundations for Civil Rights law in the United
States. It is not simply the conviction that all people are born equal, but the conviction that there is a law which is above common law and stands in judgement over it. Here, Protestant Christianity is the assumed qualification. De Gruchy, John W. Christianity and Democracy: A Theology for a Just World Order (Cambridge: Cambridge University Press, 1995) 70, 93 Ruckert, Hans “The Reformation-Medieval or Modern?” Journal for Theology and the Church (2) in Translating Theology into the Modern Age (New York: Harper and Row, 1965); Ozment, Steven E., The Reformation in the Cities: The Appeal of Protestantism to Sixteenth-Century Germany and Switzerland (New Haven: Yale University Press, 1975); Wuthnow, Robert Communities of Discourse: Ideology and Social Structure in the Reformation, the Enlightenment, and European Socialism (Cambridge, Mass.: Harvard University Press, 1989)

Though it received several heated replies, not least of which was a savage critique from University of Chicago philosophy professor Martha Nussbaum, who concluded her attack on his elitist perspective with the following: “How good a philosopher, then, is Allan Bloom? We are given no reason to think him one at all.” New York Times Magazine, 21 November 1999, 66

Berger, Peter L. The Sacred Canopy, 32, 5; Mouw, Richard J. Pluralisms and Horizons, 93

Berger, Sacred Canopy, 159

Even the observable empirical realm of trial and error assumes certain principles that can not be verified by experiment, the most obvious being the principle of causation.

British philosopher Bernard Bosanquet offered the following in discussing the paradox of an objective standard being applied to the inherently subjective realm of aesthetics in Kantian aesthetic theory, in particular how Kant equated “bona fide feeling” with “bona fide reasonable” in the matter of what he called “judgement of taste”: “The ‘judgement of taste’ contributes in no way to cognition. It simply expresses a felt harmony in the play of our own powers on occasion of a certain perception. I have already touched upon the issue how far the felt harmony in us implies a harmony in the object. At first sight, however, and in his general language, Kant guards himself most anxiously against any such inference. We constantly meet with such expressions as ‘the universal subjective validity of the pleasure which we attach to the idea of an object which we call beautiful.’ How can a feeling that has universal validity remain subjective in the sense which excludes objective? Is not the whole idea a pure self-contradiction? Yet there was no going back. Kant was right to be tenacious of his point. Beauty is subjective: it exists in and for a percipient and not otherwise. But its subjectivity is no bar to it being objective as well. Kant says this in effect, but not in set terms. When it was said, the limitation of abstract subjectivity was removed, and the two worlds of dualistic tradition had their frontiers broken down.” Bosanquet, B. A History of Aesthetic (New York: Meridian, 1957) 266


Ibid., 160. In Rousseau’s Jesus came to establish “a spiritual kingdom on earth” he “separated the theological from the political system, putting an end to the unity of the state, and causing the internal divisions which have never ceased to trouble Christian nations.”

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