

LEGAL EYE

by Michael Bergman

Changing the guard

The beginning of the summer brought a change of ministers for the Department of Communications. The outgoing minister, Marcel Masse, had achieved quite some acclaim in the arts and cultural community of this country. The new minister, Flora MacDonald, although a Member of Parliament of some years' standing, remains a largely unknown person to the Canadian cultural industries.

Arts and culture in Canada are particularly susceptible to the views and direction of the persons in charge. The Department of Communications is probably the only ministry of the government directly concerned with the arts and cultural fabric of the nation. And heavy subsidization of the arts and cultural industries only enhances reliance on the department for direction.

For these reasons it is useful to look at the record of the outgoing minister, and the kinds of issues which Ms. MacDonald might find herself dealing with. Masse leaves the office with one of the finest reputations of recent Ministers of Communications. He is regarded as something of a cultural nationalist, a defender of the cultural industries at the cabinet level, and the initiator of new directions in policy. Nevertheless, his real record of achievement is scanty. While this might have been different had he remained longer in the job — and it should not be forgotten that his resignation after a year in office reduced this tenure even further — the basis of his reputation was ultimately more a matter of style and flair than substance.

Masse's career as the Minister of Communications can be divided into two phases. During the first phase, approximately six to eight months of his tenure, he was hardly popular with the arts and cultural community. He appeared as an uncaring and insensitive budget-slasher who had a questionable grasp of the issues involved in cultural matters.

The turnabout came about during the last half of his tenure, a time when he appointed numerous task forces to examine and advise on pressing issues. This was a period when he appeared as a stabilizing force, preventing further budget-cuts and deregulation in a government ideologically bent in that direction.

The most notable feature,

however, of his rise to acclaim in the arts and cultural com-

munity was the perception that he was a cultural nationalist. It was under this banner that it was thought he would make his greatest contribution. This consisted of a series of initiatives in such areas as Canadian ownership of cultural industries, Canadianizing distribution, protecting Canadian cultural sovereignty

in the free-trade talks, and a more aggressive interest in cultural matters. The feeling that his initiatives might produced actual action and results distinguished him from his more lethargic predecessors.

Given this, it is surprising that his overall record of achievement is so small. The many reports and tasks forces

that he commissioned are still waiting either to be acted on or to report. Cultural sovereignty remains a problematic issue in free-trade talks. Canadianization of the distribution system in the feature film industry is far from a reality. Budget-cutting is still the norm in the government

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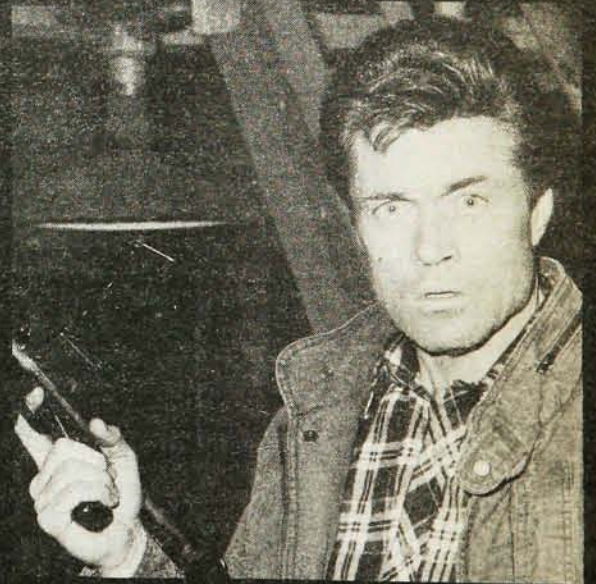
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and indeed the flow of funding is arguably less than pre-1984 levels.

In this context, Masse leaves behind a series of beginnings – and a lot of loose ends. Whether he could or would have pursued these initiatives to their logical conclusion is one of the “ifs” of history.

A sense that much action is imminent in many areas of artistic and cultural activity is the legacy left to the new minister. It would be during her tenure in the Department that action must be taken, if action there is to be.

At the outset of her term as Minister of Communications, Flora MacDonald presents quite a different figure from Masse. She is a long-time politician whose profile has waned somewhat over the years. Steady although not spectacular, she is credible, but her influence on overall government policy may be limited. In the general public she is probably thought of as an upper-middle-ranking Cabinet Minister, holding her own in the ministerial pecking-order but unlikely to rise any higher.

She comes to the portfolio without any known position

on the organizational and financial problems of the cultural industry. Because of this she will have to spend considerable time learning not only the department, but critically reviewing the reports of the task forces and commissions which her predecessor ordered. This in itself may cause delay in many areas. More important, though, is whether or not she would choose to embark on new directions or any directions at all. These decisions will, in many ways, be determined by the degree of protectionism and regulation she will bring to her department. In the arts and cultural industries, protectionist and regulatory measures are considered as par with the tenets of cultural nationalism. Ministers of Communications who do not pursue these aims aggressively are generally considered failures by the constituency served by the Department.

Maintaining a protectionist stance will be a difficult task for the new minister. The government has placed high stakes

on the free-trade talks. Despite verbal insistence on cultural sovereignty, it is unlikely that new protectionist measures could be implemented without adversely affecting the trade negotiations. What would then become of the long-standing issues of the Canadianization of distribution, Canada-first requirements in cultural matters, or copyright legislation to protect Canadian artists?

Ms. MacDonald does not

need to establish a reputation for herself. She does not need to play the nationalist in order to be noticed or keep her position. It is therefore to be hoped that she will be less concerned with image – and more inclined to go for results.

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Ostry's speech strikes chord

TORONTO – TVOntario chairman Bernard Ostry's June 11 speech in New York to the American Association of Museums on “Cultural Sovereignty and Free Trade Between Canada and the United States” met with very immediate – and overwhelmingly favourable – response when excerpts of it first appeared in that day's *Globe and Mail*.

Ostry's speech, often critical

of Americans' general lack of understanding about Canada and tolerance for its concerns as a separate culture, attracted some 40 telephone calls, many directly to Ostry's office, registering support for his stand. Thirty of those first-day calls, in fact, were from people requesting full-text copies of his speech while the rest were approving comments, said TVO media relations officer Kathleen Vaughan.

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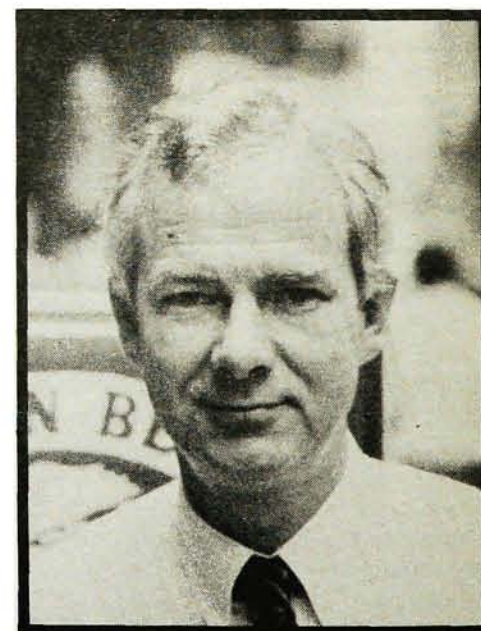
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