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AccessCulture

the remixable culture of prosumers and the cultural policy of the European Union

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Access Culture

The Remixable Culture of Prosumers
and
the Cultural Policy of the European Union

by
Bjarki Valtýsson

Supervisor: Professor Søren Kjørup

Acknowledgements

Writing a PhD thesis is a long process and during that process, much has changed. This was confirmed when I took a look at the first project description and the first drafts, which I must say, were rather ambitious and to be frank, quite unrealistic in their practical execution. In that sense there are affinities with what I refer to in this work as *cultural policy as display*, and *cultural policy proper*, meaning on the one hand what such policy proclaims, and on the other hand what it actually does. What you are reading is my *PhD thesis proper*. My *PhD thesis as display* will remain as obscure ideas and drafts, which from an ecological point of view would best be described as an environmental catastrophe as far too many scribbled prints ended in the rubbish bin. In this process the network society was not totally unaffected as the thesis leaves various traces, bites and bits floating in its information streams and hidden on remote servers. I can only hope that there will not be communication breakdown, as seeing the light of day would neither be particularly beneficial to much of this material, nor me.

This is, however, the name of the game. When ideas materialise, they tend to shrink. Fortunately, I had a supervisor who is aware of this fact and from our first meeting, he encouraged me, or better still, demanded me to start writing. To start 'materialising'. And even if this resulted in various creative 'remixes' on the way, I can only be grateful for his insights, and the way he communicated his knowledge and ideas, at the same time as giving me the necessary space to evolve my own. I therefore find it quite appropriate to start this list of acknowledgements with thanking my supervisor, professor Søren Kjølrup. Without him, this thesis would not have 'materialised'.

I would also like to thank all the wonderful people that I have got to know at the *Department of Communication, Business and Information Technologies*, in *Roskilde University*, where I have spent much of my last three years. I want in particular to thank my fellow-sufferer PhD student David Mathieu and the members of my research group *Visual Culture and Performance Design*, for many stimulating and thought provoking discussions. If you do not feel good at work, you do not feel good in life, and I want to thank both my colleagues and students for securing that part of the equation.

However, the same goes for the other part. If you do not feel good at home, you certainly do not feel good in life, and here family and friends matter the most. In a three years process, it is hard to keep the professional life and the private life apart, and I did certainly not succeed in doing that. I therefore want to thank my friends, in particular Aðalsteinn Hallgrímsson and Sigurður Ólafsson for their help and support. Finally I am forever grateful to my wife Hildur, and my children Hrafnkell Ari and Ásrún, for being there for me, for their patience, and for preventing me from disappearing

to the 'dark side'.

Regarding more practical matters, I want to thank the people who took time off to talk to me (see interview list) and shared their knowledge on the matter. It proved to be difficult to convince distant people to talk to an Icelandic PhD student that was conducting a research at an equally distant university in Denmark, and therefore I appreciate the efforts of the people who participated. I do not refer directly to my interviewees and the assumptions and analysis that I present in the thesis are of course totally on my account.

I also want to thank the *Communication Department* at *Roskilde University* for making it possible for me to conduct this research, as I did not have the privilege of secure finances during the process. The Department did, however, assist me in attending PhD courses and conferences, and for that, I am grateful. Nevertheless, I am afraid that the lack of finances does reflect on the language quality of this work as I did not have the resources to have it read by professionals in the English language. I am therefore responsible for the language discrepancies that might occur on the way, and for that I apologise.

Summary

This work is divided into two parts. In the first part it takes a thorough look at how developments within digital communication and new media affect the field of cultural policy. And in the second part, it uses the theoretical framework developed in the first part to analyse the cultural policy of the European Union, and how its cultural policy responds to the changes that the digital paradigm has brought upon the field.

The self-publishing features of various Web 2.0 platforms, along with the interactive and distributional potentials that the Internet offers, have given rise to what is referred to here as the *remixable culture of prosumers*. The cultural users that operate within such surroundings are not only consumers, but producers as well. The sheer volume of cultural material that is being created and uploaded on the various Web 2.0 platforms such as *YouTube*, *MySpace*, *Facebook* and *Flickr* indicates changes in cultural production and consumption. The first part of this work looks at how these changes respond to the field of cultural policy, as well as suggesting a possible culture-political reaction in a model which I refer to as *access culture*.

In terms of theoretical approach, the notion of *digital cultural public spheres* is of great importance as it is well equipped to demonstrate the various workings of the field of cultural policy, and how different actors in society adapt to digital culture. In order to develop digital cultural public spheres, I mainly use the various writings of Jürgen Habermas on the system, the lifeworld, and the inter-mediating public sphere, and in order to adapt his theory better to the network society, I make much use of Manuel Castells' theories on the global network of new media and the culture of real-virtuality. Finally, the third main theoretician which I make use of, is Lev Manovich, in particular his definition of new media and the culture of remixability. Therefore, just like the remixable culture of prosumers, the theoretical construction of this work is a remix.

In order to exemplify my understanding of the remixable culture of prosumers, I analyse the well-known examples of *YouTube*, *MySpace*, *Facebook* and *Flickr*, along with lesser known platforms such as the animated short film *Elephants Dream*, the BBC's *Creative Archive*, various *Internet artworks* and the *Internet Archive*. I furthermore introduce the copyright system *Creative Commons* in order to suggest legal, widely available tools that makers of cultural policy can incorporate into their policy-making.

In the second part of the work, I analyse the cultural policy of the European Union, from its informal strivings in the 1970s and 1980s, to the updated versions of the *Culture 2007* programme, the *Media 2007* programme and the *Audiovisual Media Services Directive* from 2007. In order to exemplify the functions of digital cultural public spheres adequately, I therefore take a thorough look at EU's interventions within the cultural, media and communication sectors. Finally, I also

analyse projects and programmes that the European Union has erected specifically as a reaction on the changed cultural behaviour of prosumers, concomitant to developments within digital communication and new media platforms. This approach has given me a better understanding of whether the European Union reacts towards the remixable culture of prosumers, or whether it still concentrates on the cultural landscape prior to the digital paradigm.

Resumé

Denne ph.d. afhandling er delt op i to. Den første del handler om de kulturelle ændringer og mønstre som udviklingen inden for digital kommunikation og nye medier har skabt i løbet af få år, og specielt om hvordan udviklingen påvirker det kulturpolitiske felt. I anden del bliver første dels teoretiske erkendelser brugt til at analysere EU's kulturpolitik, og til at påvise hvordan EU reagerer på de ændringer som det digitale paradigme har påført feltet.

Internettet, og især Web 2.0, har medført stigende interaktion og distribution, hvilket også har resulteret i et nyt forhold mellem producenter og konsumenter. Den nye kulturforbruger bliver således en slags *prosument*, fordi han eller hun i stigende grad ikke kun konsumerer, men også producerer. Denne tendens er tydelig på sociale netværkssider, fx *YouTube*, *MySpace*, *Facebook* og *Flickr*, hvor det er prosumenterne der skaber indholdet. Den første del af afhandlingen undersøger hvordan disse ændringer påvirker det kulturpolitiske felt, og foreslår også en kulturpolitisk reaktion gennem en model som jeg kalder for *adgangskultur*.

Min teoretiske tilgang stammer fra kritisk teori, og gennem den første del udvikler jeg redskabet *digitale kulturelle offentligheder*. Denne begrebsramme tillader mig at påvise de forskellige roller som kulturpolitik har, og hvordan samfundets forskellige aktører tilpasser sig digital kultur. I min udvikling af begrebet om digitale kulturelle offentligheder bruger jeg de forskellige elementer af Jürgen Habermas' forfatterskab, især hans offentlighedsteori. Jeg lader mig også inspirere af Manuel Castells teorier for at udvikle Habermas begrebsramme og tilpasse den til netværkssamfundet. Den sidste af mine tre hovedteoretikere er Lev Manovich, som jeg hovedsageligt bruger til at definere min anvendelse af nye medier og det han kalder for *remikskultur*. Den teoretiske del af denne afhandling er altså i sig selv også en slags remiks.

Til at kaste et lys over hvad jeg mener med prosumenternes remikskultur, ser jeg nærmere på kendte Internetsider som *YouTube*, *MySpace*, *Facebook* og *Flickr*, sammen med de mindre kendte *Elephants Dream*, der er en open source animeret kortfilm, BBC's *Kreative Arkiv*, forskellige *internetkunstværker* og *Internetarkivet*. Yderligere introducerer jeg ophavsretssystemet *Creative Commons* som et kulturpolitisk redskab der opfordrer prosumenterne til lovlig adfærd, produktion og re-produktion på internettet.

I anden del af afhandlingen analyserer jeg som nævnt EU's kulturpolitik. Jeg starter min gennemgang allerede i EU's uformelle interventioner med kulturen i 1970'erne og 1980'erne og fortsætter op til de nye programmer og direktiver, *Kultur 2007*, *Media 2007* og *Audiovisual Media Services Direktivet*. Hvis den fulde virkning af digitale kulturelle offentligheder skal tages i betragtning, er det også nødvendigt at analysere EU's interventioner inden for kultur-, media-, og kommunikationsektoren. Til sidst analyserer jeg også de af EU's projekter og programmer der skal

reagere specifikt på den digitale remikskultur. Det giver mig en bedre forståelse af om EU har taget hul på spørgsmålet om prosumenterne, eller om EU's kulturpolitik stadig koncentrerer sig om den 'traditionelle', 'analoge' side af kulturen.

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-Introduction-

The Remixable Culture of Prosumers and the Cultural Policy of the European Union

The culture-political field has changed considerably since the advent of the Internet, the World Wide Web, and especially Web 2.0¹, resulting in the fact that modern cultural users interact differently to and with culture than they did before, or as the Russian artist/programmer/theorist Lev Manovich puts it: “As distribution of all forms of culture becomes computer-based, we are increasingly 'interfacing' to predominantly cultural data - texts, photographs, films, music, virtual environments. In short, we are no longer interfacing to a computer but to *culture encoded in digital form*.”²

This new culture has its clearest manifestation in the World Wide Web which can be seen as a colossal database of texts, graphics, photographs, video, audio, design layouts and software codes, where every single element is free and ready for individual manipulation by its users. This computerisation of culture does not only create new cultural forms, but re-defines older forms like photography, cinema, radio and TV, making it crucial for politicians in the field of cultural policy to be very much aware of such development. The *interactive* and *participatory* aspects of new media objects further erodes the distinction between artists and audience and offer a concept which has been termed the rise of the *prosumer*, i.e. the *consumer* is also a *producer*.³

New media objects also encourage a mixture of different artistic genres. In for instance a typical *Internet artwork* sound, graphics, text, live footage, programming, animations and a high level of *interaction*, co-exist in the same cultural artefact. In addition to that the *distribution* of a given new media artwork has immense possibilities because you only have to be online to enjoy it. Hence, new media objects create *hybrids* where artistic genres are mixed, and that put conservative cultural systems in a dilemma which modern cultural policy would do well in responding to.

One of the best examples of such hybrid is the typical Web 2.0 platform *MySpace* which is an interactive, user-generated social networking site where prosumers can upload personal profiles, blogs, music, video, photos, and add groups and construct networks of friends and associates. The

1 Web 2.0 is a somewhat vague terms as it does not refer to any specific technological updates regarding the Web, but rather in the ways that software developers and end-users use the Web. Web 2.0 is therefore meant to describe the Web's potentials in enhancing creativity, information sharing and collaboration amongst users. The affinities to the notion of remixable culture of prosumers is therefore obvious. For a detailed list over the various Web 2.0 platforms, see <http://web2.0dot.org/>

2 Manovich 2001: 69-70. *Italics are mine*.

3 See Stalder 2001, accessed 26.6.2008. URL: <http://felix.openflows.org/html/endofera.html>. This has also been called *conducer*, implying different relationship between creators and audience.

exceedingly growing culture of prosumers uploads a vast volume of cultural information every day on a platform like *MySpace*. Some of these productions are originally made, while some are reproductions of material made by external sources. In culture-political terms there are a few things that are of great interest here:

1. The sheer volume of uploaded material points toward a different cultural consumption and production by prosumers.
2. Even though many of the uploads are completely legal, many of them fringe copyright requirements. These uploads can both be in a direct re-distribution of copyrighted material, or in illegal remixes where copyright has not been granted.
3. In this case, *MySpace* is owned by the media conglomerate News Corporation, and in its terms of use, the prosumers automatically assign certain uses of their own material to *MySpace*, without getting any payment from the distributive source itself.
4. *MySpace* is a multi-semiotic platform where sound, moving images, music and texts coincide. This poses genre-related problems to cultural policy which is more prone to allocate its sources according to a more traditional view on the 'classical' artistic genres.
5. Because of the various remixes and the uncertain identity of the prosumers that upload cultural productions on *MySpace*, the concept of the *author* has been scrambled.
6. And lastly, the degree of potential distribution is on such a scale, that it is impossible to 'control' it the same way as for instance in the case of 'analogue' books. This is mainly due to the decentralised nature of the Internet, and what Manuel Castells calls the *global network of new media*. The remixable culture of prosumers that uploads cultural production on a platform like *MySpace* is essentially global and while this sets limits to the national field of cultural policy, it certainly offers potentials on a transnational scale, like that of the European Union.

Even though I took the example of *MySpace* at this stage of the thesis, I will look more closely into other popular digital platforms and analyse their different features, and analyse how EU's cultural policy responds and how it can respond to such platforms. The enumerated instances of the culture-political implications of digital culture are only a few examples of some of the most recent problems cultural policy faces and mainly serve this context as a brief introduction to what commonly is referred to as the *digitalisation of culture*. However, even though new media objects have brought about great many challenges for the culture-political venue, the old ones have of course not disappeared. On the contrary, the *digital add-on* has only made the field more heterogeneous, more dynamic and more complex.

When defined broadly, cultural policy⁴ consists of complex interactions and clashes between various stakeholders of the cultural field such as state, market, artists, producers, consumers, cultural institutions, private corporations, regional authorities, grass-root movements, the media and large international bodies. Their influence and objectives are, of course, not the same but what they have in common is their wish to look after their own interests by shaping the role of art and culture in society. By doing this, the dominant stakeholders of the cultural field decide what is considered best and therefore worthy of not just funding, but also of mass participation. This is a considerable power because it provides a given society and its inhabitants with certain values which greatly affect, and up to a certain point control the development of society and the identity formations of its individuals. Thus, cultural policy can be said to be a tool, or a certain method, which dominant stakeholders of the cultural field use to implement certain values into the heads of the mass public.

However, as the enumeration concerning the various stakeholders clearly indicates, there are very different interests at stake. This is even more apparent at the dawn of the 21st century where keywords like *globalisation* and *digitalisation* grossly influence the debate. This places the field of cultural policy on a new and unforeseeable stage which could very easily demand a change in paradigm concerning the field of cultural policy where the intersection of *digital communication*, *new media* and *progressive cultural politics* will play an increasingly larger role. Nation-States, both at national, local and regional levels, are usually not as well equipped to respond adequately towards the digital paradigm, mainly because they use much of their resources in driving national cultural institutions and in forming an ideological national heritage which often contradicts the more internationally oriented digital debate. Large international bodies such as the European Union are much better equipped to rise above the nationalistic shields of various nation-states and hence the main object of investigation conducted in this work will be dedicated to certain aspects of the cultural policy of the European Union, especially from the changes that *digital communication* and recent developments within *new media* inevitably inflict upon culture and cultural policy.

Cultural policy is still responsible for setting quantitative demands and constructing qualitative taste hierarchies. It governs, constructs and reconstructs the cultural heritage, stimulates regional and national identity as well as taking sub- or multinationalist, autochthonous, diasporic and indigenous approaches into account.⁵ It tries to meet, serve and develop the aesthetics, experiences and knowledge of the general public as well as creating suitable working conditions for professional artists. It furthermore encourages amateurs and social and educational sectors to participate in the making and enjoying of arts and culture, and finally, it quite literally manages arts

4 As the cultural policy of the European Union does not include the category of sport, I do not include sport in my understanding of the field of cultural policy.

5 See Bennett 2001: 29-30.

funding, even though the emphasis differs greatly between different policies depending on the state's, the market's, civil society's, citizens' and supra-state's influence on a given policy.⁶

The power to distribute and govern culture-political resources is spreading on more actors such as international organisations and strong financial bodies in the market and this creates new fields of power relations and diversifies the scope of modern cultural policy.⁷ This is not a totally new development since cultural cooperation has existed between various nation-states for a long time, but the networked global flow of digital cultural information has accelerated this development to a great extent and this calls for a re-conceptualisation in the field of cultural policy, including the European Union's interventions within the cultural sector.

A key aspect in such culture-political re-definitions, from the viewpoint of digital communication and new media at least, is the question of *digital cultural public spheres*. The notion of public spheres itself will serve here as an analytical tool that is well equipped to demonstrate the different interests that different culture-political actors pursue, depending whether they lie close to the *economic* and *political* rationale of the *system*, or whether they reside closer to the communicative acts of *civil society's lifeworld*. Concomitant to what I refer to as the digital paradigm, an enormous flow of digitised information has created a networked, digital venue for such spheres, and as will be apparent in my later analysis, their global, transnational scope, level of interaction and their distributive potentials pose challenges that makers of cultural policy were not confronted by prior to the digitalisation of culture. I therefore intend to construct models that visualise those challenges and account for a different relationship between economics, politics and culture, especially from the viewpoint of the *remixable culture of prosumers*. This culture has opened up for new potentials as well as challenges to the field of cultural policy. In terms of both potentials and challenges, the question of *access* to digitised cultural material is pivotal to the production and generation of digital cultural public spheres, and hence the title of this work, *Access Culture: The Remixable Culture of Prosumers and the Cultural Policy of the European Union*.

Thesis, Theory, Methodology and Structure

Thesis

The aim of this thesis is to analyse the impact of digital communication and new media on EU's cultural policy, especially from the viewpoint of what I refer to as the emancipative, semi-autonomous side of the remixable culture of prosumers. The aim of my study is on the one hand to apply an extended version of critical theory to construct a model that is capable of serving as a tool

6 See Duelund 2003a: 13-15.

7 See Kangas 2003: 87.

to form and develop cultural policy that responds to the remixable culture of prosumers; and on the other hand to use this model in my empirical research, analysing the cultural policy of the European Union so far, and to outline possible actions within the Union's cultural domain. Recent developments within digital communication and new media have altered the cultural landscape, and the model I intend to construct will react to these changes and propose a possible solution to some challenges that the digitalisation of culture has caused. Amongst those challenges is the notion of *remixable culture*, where new means of digital *intervention*, *participation* and *distribution* have opened up possibilities and challenges to the field of cultural policy.

*Article 128*⁸ of EU's Maastricht Treaty from 1992 contains the legal basis for the Union's cultural policy. Paragraph 2 of *Article 128* underlines the Community's intent to encourage cultural cooperation and support actions in, amongst other things, non-commercial cultural exchanges and artistic creation, including in the audiovisual sector, and my aim is to look closer into the *non-commercial cultural exchanges*, and the *artistic* creation of EU's cultural programmes *especially* in the *audiovisual* sector. I will therefore concentrate on the two latter objectives of the following paragraph 2 of the Maastricht Treaty's Article 128:

Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas: - improvement of the knowledge and dissemination of the culture and history of the European peoples; - conservation and safeguarding of cultural heritage of European significance; - non-commercial cultural exchanges; - artistic and literary creation, including in the audiovisual sector.⁹

Since the acceptance of the Maastricht Treaty in 1992, developments within digital communication and new media offer potentials that are well suited to enhance creativity, diversity and cultural participation, thereby encouraging cooperation and cultural exchange. Those are amongst the main objectives of Article 128 and therefore serve well to fulfil the culture-political aims of the Union. However, I will argue that the cultural policy of the European Union has not been sufficiently attentive towards the culture-political prospects which digital communication and new media offer. Five recent proposals establishing the *Culture 2007*, *Media 2007* and *Citizens for Europe* programmes, the *Audiovisual Media Services Directive* from 2007, as well as the Treaty

⁸ Article 128 from the Maastricht Treaty was renamed Article 151 in the Treaty of Amsterdam which was signed in 1997 and entered into force in 1999. Therefore, unless specifically stated, I will refer to it as Article 128 prior to the Treaty of Amsterdam, and subsequently, I will refer to it as Article 151 in my discussions that touch upon the period after the year of 1997.

⁹ OJ C 191, 29.7.1992. "Treaty on European Union". Accessed 1.7.2008. URL: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

establishing EU's *Constitution*, which later was adopted to the Lisbon Treaty¹⁰, all describe relatively conventional means to reach their culture-political objectives. These include supporting transnational mobility of people, encouraging transnational circulation of cultural products (*Culture 2007*), to match the competitiveness of the American audiovisual industry (*Media 2007*) and bring together people from local communities across Europe, to share and exchange experiences, opinions and values (*Citizens from Europe*).

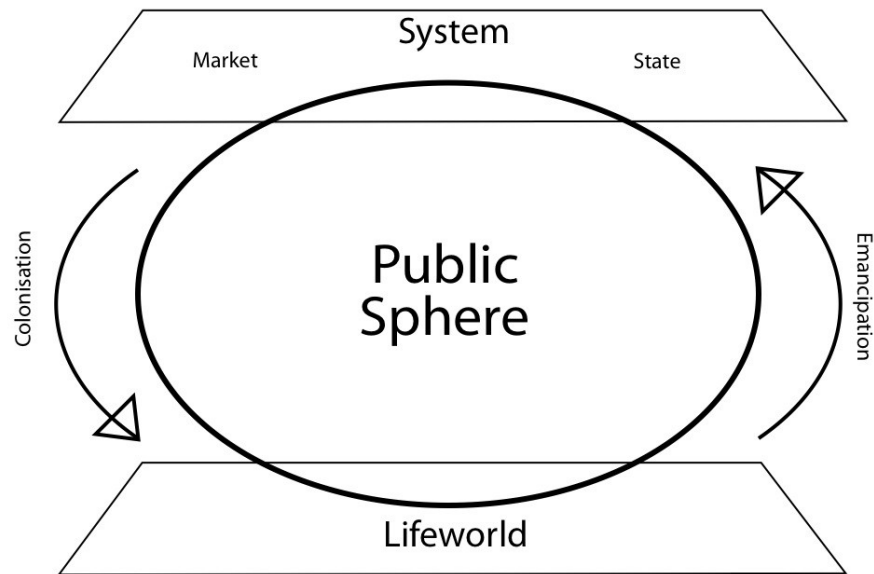
Even though the objectives of EU's cultural programmes are important in their own rights, digital communication and new media offer alternatives that I want to implement into its cultural policy. Since I will be concentrating on non-commercial cultural exchanges and audiovisual artistic creations, the notion of *digital cultural public spheres* is of great importance, and that is why the models that I will construct will explore their function. Critical theory serves well to illustrate the two opposing forces of *colonisation* and *emancipation*. The aim of this thesis is, however, to concentrate on the emancipative potentials of digital communication and new media, especially on the possible role of digital cultural public spheres in enhancing *creativity*, *cultural diversity* and *participation*, thereby contributing to the fulfilment of some of the European Union's major culture-political goals. In order to do that, my models will primarily concentrate on how cultural policy can be applied to generate digital cultural public spheres in a remixable culture of prosumers. Furthermore, the focus will be on what I will be referring to as the emancipative and semi-autonomous side of the cultural coin, associated with the notion of *access culture*.

Theoretical Framework

The models that I will construct are heuristic, and they will mainly use certain aspects of Jürgen Habermas' theory on the *public sphere*, along with the various adaptations it has been subject to, Manuel Castells' account of the *network society* and the *global network of new media* and Lev Manovich's writings on *new media* and *remixable culture*. This first version of the model is meant as a sketch and is intended to demonstrate the functionality of the theoretical approach I have chosen to develop in this work:

10 The people of Ireland rejected the Treaty of Lisbon in a referendum on the 13th of June 2008, and it has therefore not been implemented.

MODEL 1



This model is a simple way of showing Habermas's key ideas concerning the public sphere. As can be seen he divides the societal structure into two different rationale. On the one hand the *strategic, instrumental actions* of the *system* which contains the *market* and the *state*, and on the other hand the *communicative actions* of the *lifeworld* which contains *cognitive rationality* (technology-science), *aesthetic-expressive rationality* (arts) and *ethical rationality* (cultural behaviour)¹¹. Between and overlapping these two different rationale is the *public sphere* which is driven by two opposing forces, *colonisation* and *emancipation*. This model represents Habermas' basic approach and will later be developed and appropriated better to the network society, and the different digital cultural public spheres that it generates.

In Habermas' analysis, the values of the lifeworld, which includes arts and culture, are colonised by the instrumental rationality of the system. Even though there are diverse culture-political bodies that are supposed to ensure that culture and the arts will not be colonised by strong instrumental forces, many maintain that such colonisation is indeed occurring.¹² Even though digital

11 See Habermas 1984, 1987, 1988, 1989, 1992, 1996.

12 See Duelund 2003a, 2004; McChesney 2000; McGuigan 1996, 1999, 2004.

communication and new media techniques are capable of triggering colonisation as well as emancipation, this thesis will, as already noted, focus on its *emancipative potentials*, and how cultural policy can use those potentials to create a venue for non-commercial cultural exchanges and audiovisual artistic creations.

Although Habermas' theory of communicative action still serves well as a foundation which demonstrates the activities and consequences of colonisation and emancipation, much has changed since he developed his theory. Therefore, I intend to supplement Habermas' framework with Castells' account of the *network society* and Manovich's notion of *remixable culture*. This will result in an extended version of critical theory, which I refer to as *Networked Flows of Digital Cultural Public Spheres*.

By adding the characteristics of Castells' network society¹³, I am able to illustrate the complexities a digital cross-cultural networked perspective adds to Habermas' field of communicative action, and the possible culture-political role of *digital cultural public spheres*. In terms of conceptualising new media, I will mainly use Manovich's definition, especially his emphasis on the *culture of remixability* generated by new media's five principles (numerical representation, modularity, automation, variability, and transcoding).¹⁴

This *remixable culture* has brought about higher levels of *intervention* and *distribution*. Increased *intervention* highlights the participative potential of new media objects, which further erode the distinction between artists and audience and as previously noted, offer a concept that has been termed the rise of the *prosumer*. The *prosumer* concept fits nicely to EU's intent on enhancing the *cultural cooperation* and *cultural diversity* and should therefore be regarded as a real culture-political alternative to the Union's current cultural policy. The immense *distributive* potentials of digital communication and new media objects have important societal significance, creating multiple *digital cultural public spheres*, where users interact, participate and create in other ways than before.

Cultural policy has always been an act of balancing, but digitalisation has made the field more complex and ill-definable, especially in terms of governing copyright regulations and questions concerning artistic authorship. However, this does not mean that a reasonable path cannot be found, as for instance the American law professor Lawrence Lessig has proved with his use of the *Creative Commons* license.¹⁵ His argument is that people should not, for instance, download songs or movies from artists without paying for them, because that is plainly theft. But the current legal framework behind intellectual property goes too far in protecting copyright resulting in the

13 See Castells 2000, 2001b, 2004a, 2006.

14 See Manovich 2001, 2002 accessed 8.2.2008, 2003, 2005 accessed 8.2.2008.

15 See Lessig 2004.

fact that a huge amount of cultural artefacts is denied of consumption, as well as creative remixes. The *Creative Commons* proposes legal alternatives to this, where artists and producers can choose several ways of ensuring copyright, as well as encouraging *legal* distribution, and can therefore be considered as a viable alternative to generate *legal* digital cultural public spheres in the remixable culture of prosumers.

Methodology

In order to exemplify the changes digital communication and new media have on cultural policy, I will analyse various new media platforms that are typical of Web 2.0. These include the well known examples of *YouTube*, *MySpace*, *Facebook* and *Flickr*, along with the lesser known open source animated short-film *Elephants Dream*, the BBC's *Creative Archive* project, various *Internet artworks* and the *Internet Archive*. These examples are good indicators on how digital communication and new media are capable of forming different digital cultural public spheres. These public spheres are readily available for the general public and could therefore be said to correspond to EU's cultural objectives of increasing cultural *cooperation*, *diversity*, and *participation*. I have already commented upon some of the features and span of *MySpace* and later on I will scrutinise the cultural impact of similar social-networking services such as *YouTube*, *Facebook* and *Flickr*.

Elephants Dream is an animated short-film made entirely according to the ideology of open source, with open source software. It is distributed on the Web under the *Creative Commons*, and as my analysis later on will indicate, it has inspired various re-mixes made by prosumers and re-distributed through their personal blogs, or through social networking sites such as *YouTube*, *MySpace*, *Flickr* and *Facebook*, indicating the converging characteristics of the remixable culture of prosumers. BBC's *Creative Archive* is yet another project which uses digital communication and new media legally. The project encourages people to locate digitalised material in BBC's database, download it, remix it, share it with other users, and invite them to get creative with their remixed material, thereby contributing to the afterlife of non-commercial, audiovisual cultural artefacts. *Internet art* is an artistic hybrid which mixes sound, texts, photographs, graphics, moving images, and programming. Internet-artworks are capable of having a high degree of interaction, generating the participation of prosumers, and since they are on-line, they have great distribution potentials. Finally, the *Internet Archive* is a huge database of moving images, music, audio and text files which are widely available in different formats for users to download, and in many cases to get legally creative with.

As these examples indicate, I will be limiting myself to the *remixability* of digital

communication and new media. By conceptualising certain interactive, participative, and distributive aspects that these projects generate, I am able to demonstrate how they can contribute in the making of more active digital cultural public spheres, and how similar projects can be implemented into EU's cultural policy. These examples are of course not haphazardly chosen since they are meant to demonstrate that different societal bodies can make use of digital cultural public spheres. By analysing innovative art at grass-root level; animated short-film that uses 'alternative' distribution methods and business model; a prime example of how public broadcasters make use of the digital remixable cultural landscape of prosumers; and the more popular social networking services which some are owned by large media conglomerates, the idea is to cast a more diversified light on the polarised versions of early critical theory, which was very prone to look upon the *evil system* vs. the *good lifeworld*. Even though I will be focusing on the emancipative side of digital cultural public spheres, they also have a colonising side, which is not only generated by the system, but also by the lifeworld.

Finally, the project has three related aims: 1) It is a prospect to an alternative way of performing culture-political tasks, and therefore it is my hope that it will be considered in the future making of EU's cultural policy. 2) It is both a basic research and an applied research because in order to create an alternative culture-political model, I have to analyse the current state of EU's cultural policy. 3) It is a research project that uses qualitative methodology to gather empirical data from the European Union. This will mean a thorough reading of culture-political and audiovisual policies and reports, as well as a series of interviews with actors of EU's culture-political decision making. My purpose with the interviews is to get below the surface of formal policies, and acquire a clearer sight on how the EU translates *debate* into *action*; or between *cultural policy as display*, and *cultural policy proper*. By comparing the ideals of policy to the practicalities of reality, I get closer to the actual manifestation of EU's cultural policy.

Structure

Apart from this brief sketching of the field, the thesis is divided into two parts. The first part, which contains *Chapter 1-6*, is dedicated to theorising the field and the construction of the models. The second part, which is composed of *Chapter 7-11*, is dedicated to the actual analysis of the cultural policy of the European Union.

In *the first two chapters*, I will conceptualise the *cultural field* and the *culture-political field* further and offer definitions that will resurface throughout this work. These chapters are therefore meant to sharpen the field in question and offer some definitions that will be recurrent. In *Chapter 3* I will define the two outer spheres of my models, which are composed of *power* and *glocal*

processes in networked societies. The *power* dimension owes much to Michel Foucault's notion of *productive power*, which I will later adapt to the network society with Manuel Castells' account of *programmers* and *switchers*. In my speculations concerning the *glocal*, I will examine further the relationship between theories on nationalism, globalisation and cosmopolitanism, creating the six different variants of *homogenous cosmopolitanism*, *hybrid cosmopolitanism*, *polarised cosmopolitanism*, *homogenous nationalism*, *hybrid nationalism*, and *polarised nationalism*.

In *Chapter 4*, I will go deeper into the theories of Jürgen Habermas regarding the *public sphere*, along with the various critique and adaptation that his writings have been subject to. When these theories have been explained and properly contextualised from the perspective of this work, *Chapter 5* will account for the *digital add-on* introducing further Manuel Castells' writings on the network society, which will be used to modernise theories on the public sphere and adapt them to the realities of the global network of new media. *Chapter 5* will also make use of Lev Manovich's notion of *culture of remixability* and the writings of Lawrence Lessig in order to provide me with tools that serve well to analyse the digital platforms already accounted for. These analysis will pave the way for *Chapter 6*, where I explain the models describing the *networked flows of digital cultural public spheres* that are meant to respond to and visualise the new culture-political landscape of a *digital remixable culture of prosumers*.

The composition of the models I will create can therefore be looked upon from the appropriate perspective of creative remixes, as I will be *remixing* the theories and writings of several scholars, in order to create a new theoretical sample that offers great analytical purposes on the newly established culture-political field of digital cultural public spheres and the remixes of prosumers.

The latter part of the work starts with *Chapter 7*, where the focus will be sharpened on EU's cultural policy prior the the Maastricht Treaty, as the negotiations and policy-making that took place in the 1970's, 1980's and the early 1990's still determine greatly the actual manifestation of EU's cultural and media programmes and explain the current prioritisation that exists within the Union's cultural, media and broadcasting policies.

Chapter 8 is dedicated to the three generations of cultural programmes that the EU has operated since the mid-1990's, a process that started with *Kaleidoscope*, *Raphaël* and *Ariane*, and has now reached the *Culture 2007* programme, which is meant to last until the year of 2013. Here, I use the theoretical framework already developed to dig into both the culture-political aims, Decisions, Proposals, Communications and Opinions of the different EU bodies, and I also take a look at the actual manifestation of the programme, by looking closely at the projects that the programme has funded, from *Culture 2000* to *Culture 2007*. The idea is therefore to account for

both cultural policy as display, and cultural policy proper.

In *Chapter 9*, a similar approach is used to analyse the three generations of the *Television without Frontiers Directive*, and in *Chapter 10* I will continue my analysis on the Union's media policy, primarily by analysing the four generations of the *Media* programme, along with smaller programmes that directly touch upon the remixable culture of prosumers, such as *Creative Content Online* and the *eContentPlus* programmes. From the viewpoint of digital cultural public sphere, which are quite good representatives of the current hybrid, convergence culture, I found it necessary to include the communication dimension along with the media policies included in the *Television without Frontiers Directive* and the *Media* programmes. In my view, it is therefore not adequate only to account for the cultural dimension, simply because in its digital form, such cultural creations are increasingly mediated through the Internet, and hence, those dimensions had to be represented.

In *Chapter 11*, I conclude by analysing the cultural policy of the European Union from the viewpoint of the different layers in my models. I will furthermore analyse the intersection between the notion of *access culture*, the *remixable culture of prosumers* and the *cultural policy and programmes of the EU*, as well as propose concrete actions that respond better to the digital culture that the first part of this thesis goes to some lengths to describe.

Part I
The Remixable Culture of Prosumers

Culture and the Arts

Culture

Confusing Concepts

It is often maintained that the association between art and culture is relatively harmonious and they underpin each other quite well. This, however, is not always the case. One of the most exciting features of the art concept is its ability to interpret the perception of ourselves and our surroundings in a completely different manner. Even though art's manifestation can often be seen as a unitary force, it is also very often a destructive force, tearing down the veil of the apparent replacing it with surprising and daring associations. When a further look is taken at the culture concept, this is also the case, i.e. culture is both capable of constructing as well as dividing. Thus, the 'unifying' creation of nation-states was very much grounded in culture inspired rhetoric while on the other hand almost all warfare conducted on the planet can likewise be connected to the culture concept. Culture is thus a double-edged force and it is very important for makers of modern cultural policy to acknowledge the huge implications and connotations of the concepts they are working with.

Inherent in both the culture and the art concepts is therefore certain hopelessness, i.e. any attempt to define them is bound to fail, simply because their span is far too vast. Raymond Williams formulates this dilemma quite nicely in his celebrated *Keywords* where he states that culture “is one of the two or three most complicated words in the English language. This is so partly because of its intricate historical development, in several European languages, but mainly because it has now come to be used for important concepts in several distinct intellectual disciplines and in several distinct and incompatible systems of thought.”¹⁶ These distinct and incompatible systems of thought touch upon every aspect of our societal reality and that makes culture a kind of a veil which we know of, but have a hard time detecting, let alone to formulate in concrete words.

The same could almost be said about the *art* concept. A monumental step in confusing people's ideas of art was Marcel Duchamp's famous porcelain urinal and ever since, artists have stretched the concept of art to the point that almost everything can count as art, depending on the occasion, the place and often the underlying ideology. There can be taken countless examples where it is hard to distinguish the actual artistic feature of a given artwork or happening, but often it acquires extra value because of the outer frame which it is presented within. One of the tasks of cultural policy is indeed to construct such a frame by, for instance, acknowledging the artistic

¹⁶ Williams 1976: 76-77.

quality of a given artist, artistic group or artistic institution by allocating financial support and prestige to the realisation of a product, an event or an institution. However, it is important to bear in mind that art is only one assignment of many which cultural policy is responsible for, and furthermore the relationship between *culture* on the one hand and *art* on the other is often not as obvious as many maintain, even though historically art is of course related to both notions of culture and aesthetics.

A common way of dealing with *culture* vs. *art* is by emphasising the *uniting* characteristics of culture and the possible *scattering* features of art. Thorvald Sirnes follows this tradition when he maintains that art is usually not based on egalitarian ambitions and social considerations, but on the contrary on opposing, radical factors. He further defines the role of art in the following way:

First, it is outside morality, often expressing cruelty. Art seeks intensity, no matter whether this is found in unbearable pain or pleasure. Suffering is just as fundamental as release, and destruction of meaning is often more interesting than presenting the meaning of life. It is not possible to build a normatively good society upon art. Second, art often places us in a totally strange world, where we feel like aliens. It does not seek recognition, but seeks to present the new and unforeseen. Art does not build upon, but destroys dominant interpretations. In short, it is neither trivial nor good.¹⁷

As opposed to these dynamic and revolutionary characteristics of art, Sirnes puts the *collective characteristics of culture*, and mentions as an example how various nation-states use culture to promote egalitarianism, national identity and normality. Furthermore, in Sirnes' view cultural policy “translates the radical deviance of art into political normality. It tells us that art educates barbarians into civilised, good, caring, respectable and even healthy citizens, thereby contributing to a better society. Cultural politics also says that art is able to build continuity in a fragmented society, and make sense of a meaningless world.”¹⁸

Therefore, according to Sirnes, cultural policy is used to diminish the revolutionary and 'dangerous' aspects of arts in order to make it more harmless and easier to govern. However, in my view it is far too reductive to create a binary opposition between a *revolutionary art concept* on the one hand and a *uniting culture concept* which promotes *normality* on the other. Sirnes is certainly right in detecting some of the potentials inherent in the art concept, i.e. art is indeed capable of placing us in a totally strange world and make us percept the world differently, and certainly that is one of the main features that differentiate culture politics from other politics. But it is also important

17 Sirnes 2003: 328-329.

18 *Ibid*: 329.

to have in mind that art can also be *trivial* and *good*. An essentially complicated subject is therefore made simple through the creation of a binary opposition. In my view, one of the most important tasks of cultural policy is indeed to avoid such oppositions by acknowledging the inner dynamics and contradictions of both the *culture* and the *art* concepts.

One way of doing this is by defining much better what makers of cultural policy mean by culture and the arts. Even though this sounds a little bit banal, it is remarkable how seldom those concepts are defined thoroughly when applied to politics. In this perspective, Sirnes is right because the culture-political discourse on culture and the arts is inclined to look upon *culture* as the historical cornerstone of our *civilisation* and *art* as *harmless 'classical' art*, i.e. culture and arts as manifested in political speeches and international visits between heads of states. But if cultural policy is supposed to develop according to other changes in society, it has to be defined according to the complexities of this same social structure. Therefore, I suggest four different versions of the *culture* concept, the *humanistic*, the *anthropological*, the *national* and the *digital*, and three different versions of the *art* concept, *high art*, *popular art* and the *avant-garde*.

This distinction is not a ground brake innovation, because it has been used many times before regarding discussions and theoretical works on culture and the arts. However it has remained surprisingly absent in implementations of cultural policy. These distinctions can all the same mean all and nothing, and therefore a few lines will be dedicated to explain *my use* of those concepts and the distinction that I detect between them.

Humanistic Culture

This definition belongs to a tradition that sees culture as a humanistic concept of art and illumination where art is used as a tool to form the 'cultivated' individual. Since the Enlightenment, this view has developed into the belief that people are capable of creating culture that benefits and enriches the individuals and society at large. This is therefore a view that ultimately distinguishes between, for instance, *good culture* and *bad culture* according to its value and quality, and such a division is inevitably related to certain taste hierarchies formed by the dominant cultural policy and other social and economic surroundings, at a given period of time.

The 19th century British scholar Matthew Arnold serves well to demonstrate this view because according to him culture has the responsibility of political progress and societal well-being of its citizens. But this kind of culture is *Culture* with a capital letter as is clear from the first chapter of his *Culture and Anarchy* from 1869. Here Arnold emphasises the moral, social and beneficent features of culture claiming that “[i]t is not satisfied till we *all* come to a perfect man”¹⁹. Culture is

19 Arnold 1995: 31. *Italics in the original.*

therefore a channel that brings the human spirit towards a sublime state of mind but this ideal state of mind is very exclusive as the following quote demonstrates:

The great men of culture are those who have had a passion for diffusing, for making prevail, for carrying from one end of society to the other, the best knowledge, the best ideas of their time; who have laboured to divest knowledge of all that was harsh, uncouth, difficult, abstract, professional, exclusive; to humanise it, to make it efficient outside the clique of the cultivated and learned, yet still remaining the *best* knowledge and thought of the time, and a true source, therefore, of sweetness and light.²⁰

Everything that falls out of Arnold's definition of the sweetness and light of culture is simply anarchy. Culture is therefore supposed to reflect the *true* aesthetics of each time and to serve as an ideal representation of what is *best* in men. Therefore, this is a highly elitist position where culture is an internal factor capable of producing a new paradigm of morals, beliefs, education, tradition and art.²¹ This position is further demonstrated with Arnold's words stating that culture is supposed "to make the best that has been thought and known in the world current everywhere"²².

Because of its elitist position, this definition can easily be regarded arrogant and closely linked to the 'high arts'. Furthermore, such a position is always related to the social battles that rule the most powerful discursive formations, thereby acquiring hegemonic position within the cultural field.²³ With other words, it is because of this historic, societal, humanistic cultural heritage that a specific kind of culture is considered better than other. Even though we live in a highly differentiated society where different rationalities, interests and needs coexist in a constant power driven conflict, we still have this distinct idea of a humanistic, cultivated culture that is, for instance, capable of differentiating between 'true' higher art and its counterpart the common, popular art.

In a later work, solely dedicated to the concept of culture, Raymond Williams distinguishes three different meanings for culture as the active cultivation of the mind:

We can distinguish a range of meanings from (i) *a developed state of mind* - as in 'a person of culture', 'a cultured person' to (ii) *the processes of this development* - as in 'cultural interests', 'cultural activities' to (iii) *the means of these processes* - as in culture as 'the arts' and 'humane intellectual works'. In our own time (iii) is the most common general meaning, though all are

20 *Ibid*: 32. *Italics in the original*.

21 See Munns and Rajan 1995: 14-15.

22 Arnold 1995: 32.

23 See Nielsen 1993: 10-11.

current. It coexists, often uneasily, with the anthropological and extended sociological use to indicate the 'whole way of life' of a distinct people or other social group.²⁴

Those three categories all belong to the humanistic version of culture because of its indication of *development* from one stage to another more cultivated, more sophisticated, more intellectual. Hence, one of the consequences of the humanistic culture concept is the *canonisation of culture*, i.e. the hierarchical construction of celebrated artists, artworks, buildings, books, ideas, etc. which are meant to demonstrate the superior works a given culture is capable of producing.

Anthropological Culture

As can be seen from the quote above, Williams hints at the uneasiness between the *elitist* humanistic version of culture on the one hand and the anthropological *whole way of life* version on the other hand. The former definition uses socially and power driven values to establish a cultural hierarchy where some values are considered superior and other inferior, while the anthropological version is more related to *cultural democracy*. The sheer span of the anthropological culture concept is well demonstrated in the following quote taken from the first lines in Edward P. Tylor's *Primitive Culture*: "Culture or Civilization, taken in its wide ethnographic sense, is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society."²⁵

It is especially the last part of the quote which makes this definition extremely hard to work with, because it contains *all capabilities and habits of men*. Therefore, according to the anthropological definition, culture surrounds every aspect of our lives and all forms of culture should be recognised as equally worthy of public-sector funding and general participation. This view has been prominent in, for instance, Nordic cultural policy since the early 1970's and has been an important conceptual framework for ethnically motivated cultural policies.²⁶ However, its shortcoming is linked to its generalisation. If everything is culture, it becomes very difficult to govern, develop and direct a definite cultural policy. Another shortcoming of this anthropological view is its tendency to flatten the concepts of culture and art. Originally, authorities implemented this view as a bottom-up policy, i.e. everybody should participate in spreading the positive side effects of culture through every steps of the societal ladder. Thus, in order to spread the good rumour of culture, everybody became artists thereby dissolving *culture* and *art* into one.

This is still a prevalent problem in cultural policy because it allows different stakeholders of

24 Williams 1981: 11. *Italics in the original.*

25 Tylor 1903: 1.

26 See Duelund 2003a: 19-20.

the cultural field to manipulate the culture concept to attain objective means, often directed by the underlying principle of instant financial growth, or political power. Culture, and art for that matter, thus become fancy labels that add an extra dimension to various products, industries, political campaigns and PR-campaigns of corporations and political parties. The business world, for instance, is increasingly using the wide connotations of the anthropological version of culture to increase financial income and one way of doing that is standardising cultural products.

However, such standardisation also creates a hierarchy within popular culture which largely resembles what has been done with the use of humanistic culture concept, but using different ideological means. Some pop musicians, like Jennifer Lopez and Beyoncé, are placed high in the hierarchy of international pop musicians, not necessarily because their products are better than others, but rather because they as an institution, are more likely to return financial growth to the powers that created and maintain that same institution. In the case of the two performers, it would be the songwriters, the producers, the distribution companies, the makers of all the side products surrounding the industry, for example perfume lines, clothing lines, video production, tour production, and of course the mass media. Such usage of the anthropological culture concept has given rise to the concepts of *corporate culture* and *mass media culture*.²⁷

Finally, this *whole way of life* definition has resulted in a chaotic jungle of definitions regarding the culture concept and this confusion is often manifested in vague and non-descriptive terms like traffic culture, food culture, fashion culture, consumption culture, museum culture, gun culture, football culture, etc. In short, *everything* becomes culture according to the widest use of the anthropological definition.

Nevertheless, there is no turning back for makers of cultural policy. The anthropological view is an integral and important part of every discussion of the culture concept and remains to be so. In fact, even though the anthropological culture concept has been commented upon rather negatively so far, the convergence between the *humanistic* and the *anthropological* definitions can both be practical and productive, as Raymond Williams demonstrates with the following lines:

Thus there is some practical convergence between (i) the anthropological and sociological senses of culture as a distinct 'whole way of life', within which, now, a distinctive 'signifying system' is seen not only as essential but as essentially involved in *all* forms of social activity, and (ii) the more specialized if also more common sense of culture as 'artistic and intellectual activities', though these, because of the emphasis on a general signifying system, are now much more broadly defined, to include not only the traditional arts and forms of intellectual production

27 I consider those concepts as sub-divisions within the anthropological culture concept.

but also all the 'signifying practices' - from language through the arts and philosophy to journalism, fashion and advertising - which now constitute this complex and necessarily extended field.²⁸

Therefore, even though the anthropological version has made things a great deal more complex, it would be absurd to be holding on to a narrow elitist humanistic definition. Current societal formations have made things a great deal more multifaceted, mixing different spheres, genres and fields in an ever-changing flux. This is partly the *fault* of the anthropological version of culture, but it is also *thanks* to this same definition.

Nationalistic Culture

The nationalistic culture concept is frequently linked to the writings of the German 18th century philosopher Johann Gottfried Herder. This view defines culture as a national monoculture, i.e. culture is the common identity of folk and nation and is therefore closely related to language and a common national soul of the people. Here, Herder is in fact not talking about a humanistic European culture, but on *cultures* in the plural. Raymond Williams refers to this as a decisive innovation because it does not only refer to “the specific and variable cultures of different nations and periods, but also the specific and variable cultures of social and economic groups within a nation.”²⁹ Therefore, culture is not necessarily rational process that evolves progressively from one stage to the next, but on the contrary fractions of cultures that evolve differently according to different nations and different historical backgrounds.

The plurality of Herder's definition can be seen as the predecessor of the anthropological version, since it is because of his interpretation that subjects as different as language, religion, reflections, art, science, politics, the law, habits, norms, mediums, weapons and means of transportation are all included in his culture concept.³⁰ It is, however, his emphasis on the national spirit of folk, language and nation, which is of great interest to my analysis of the cultural policy of the European Union, because it demonstrates quite nicely the problem of uniting Herder's *cultures*, into a European *culture*.

Herder's ideas proved to be very influential during the 19th century where many nations constructed the idea of national identity and national culture, by using language, folk culture and the common soul of the people, as a means to distinguish their 'superior' culture from other 'inferior' cultures. This is again very important in terms of the cultural policy of the European Union which

28 Williams 1981: 13. *Italics in the original.*

29 Williams 1976: 79.

30 See Fink 1988: 17.

has in many cases used similar argumentation for a common European culture, as various nation-states within Europe used approximately two centuries earlier. In fact, as will be made apparent in the second part of this work, one of the most important question EU's cultural policy is asking itself is whether, on the one hand, there exists a common European cultural *Geist* and how its manifestation should be at the dawn of the 21st century. However, as will be made equally apparent in the second part, EU's cultural policy is not just about *tracing* this common cultural soul, but also constantly *creating* it by manipulating and canonising different aspects of the different forms of European cultural heritage.

Digital Culture

Lev Manovich's five principles of new media, which he terms *numerical representation*, *modularity*, *automation*, *variability* and *transcoding*, serve well to underline the interactive and participatory aspects of new media objects and their influence on other older and more established cultural objects like for instance books, films, drawings, paintings and photography.³¹ Manovich uses those principles to demonstrate that each new media object is made of separate media elements which each can be accessed on its own. This promotes individual customisation instead of mass standardisation, as the World Wide Web with its fundamentally discrete and non-hierarchical organisation illustrates.

By *numerical representation*, Manovich means that all new media objects are composed of digital codes, i.e. they can be subject to algorithmic manipulation. New media objects are also *modular* in the sense that they are discrete samples that can be used in many different circumstances, without loosing their detailed identities. Because of this ability, it becomes a simple process to intervene, manipulate, cut and paste, shape and reshape small elements like images, sound, text characters, shape and behavior, independently as well as from a larger unit of a given new media object. Those two first principles are combined in the *automation* principle, i.e. because of the programmability of new media objects it is relatively easy to automatically create, manipulate and access different operations at different times.

The *variability* concept has also great importance to culture because it emphasises the fact that new media objects are not fixed once and for all, but are open, i.e. they can be subject to endless manipulation by its users and can thus exist theoretically in infinite different versions. This principle does therefore emphasise the user's role in creating his *own* version of the object at hand and the type of interactivity that makes him interfere with the creation and use of a given object.

Finally, Manovich mentions *transcoding* as the computer's own cosmogony where the

31 See Manovich 2001: 27-48.

computer files enter into a dialogue with each other. The nature of this dialogue does not circle around familiar concepts like content, meaning and formal aspects, but rather around terms more related to file format, compression, file size and type; or to put it more clearly, the language of the computer itself and of its programmers. This 5th principle also has a very important culture-political role since it touches upon some of the problems associated with which digital formats will dominate future digital culture, and more importantly, which formats are best suitable for giving *access* to such culture.

The importance of Manovich's principles is vast because in the network society distribution of all forms of culture become increasingly computer-based resulting in the fact that we are more and more communicating through cultural data in the form of various digital texts, photographs, films, radio, TV, music, e-mail, chat rooms, social networking sites and virtual worlds. This is what is meant by the implication of a *digitised culture* and as already mentioned this gives individuals great opportunities in terms of *interaction*, *participation* and *distribution*. Furthermore, it is this level of interactivity that opens up the possibility for the user to *interact*, to a different degree, with a given system. This input from the user can then again change, affect and manipulate, mix and re-mix the object's form and content, i.e. the consumer is stimulated quite differently than in the older cultural venue prior to the digital revolution. Widespread examples of such *prosuming* platforms are for instance *YouTube*, *MySpace*, *Facebook*, *Second Life*, *Flickr*, blogs, vlogs, digitised databases like the *Creative Archive*, the *Internet Archive*, Internet art, open source platforms and products, and of course collaborative digital knowledge databases like *Wikipedia*.

However, there is every reason to be attentive towards this digital paradigm because even though it has great emancipative potentials and allows cultural material to be distributed to a greater extent than ever imagined, the user is still following *pre-programmed paths*. Even though the Web has far more interactive dimensions than, for instance, analogue TV and radio, the users are still following directions that somebody else has created. It is also important to have the digital divide in mind and that the Web is both technologically and power driven, i.e. even though the hardware itself is relatively cheap, speed, bandwidth and server space are essential accessories to fulfil the promise of the Internet and here the Western world has clear dominance.

However, since new media is the main generator of what I refer to as digital culture, a further definition on new media will follow, and as before, I will mainly use Manovich's definitions. In *The Language of New Media*, Manovich defines new media as “[w]eb sites, virtual worlds, virtual reality (VR), multimedia, computer games, interactive installations, computer animation, digital video, cinema, and human-computer interfaces.”³² Nevertheless, even though such

32 *Ibid*: 8-9.

enumeration gives an important clue about the subject-matter, it does not really conceptualise the field adequately. On a later occasion, Manovich offers a different approach to the decisive question *what is new media?*³³

He begins by distinguishing between *new media* and *cyberculture* stating that the former focuses on the *cultural* and *computing* while the latter focuses on the *social* and *networking*. Secondly, he looks upon new media as computer technology used as a distribution platform, meaning that “new media are the cultural objects which use digital computer technology for distribution and exhibition.”³⁴ He acknowledges that this definition will, however, soon become obsolete as more forms of cultural objects will use computing as means for final distribution. In fact, it is very likely that in the future, most cultural forms will be distributed via computer and then the idea of new media as a purely distributional device soon becomes meaningless.

However, one of the most important consequences of new media tools in cultural terms is related to the their vast flow of information, i.e. because of the structure of digitally stored data, there exists an ever-expanding database of media and artistic products such as television programs, audio recordings, texts, pictures, reproductions of paintings, etc., which have been digitised to “raw data to be processed, re-articulated, mined and re-packaged through digital software - rather than raw reality.”³⁵ This raw data is visualised through a *human-computer interface* which is increasingly becoming a standardised way of looking, participating and enjoying culture.

But even though Lev Manovich's definition of new media is of great importance, especially in underlining the affects of the principles of new media regarding manipulation and distribution potentials, digital culture is much more than just the application of new media tools. As I said earlier, new media tools were necessary technological means to construct the *environment* of digital culture and therefore the distinction between the *cultural* and *computing* features of *new media* and the *social* and *networking* features of *cyberculture* is not applicable in digital culture. In fact, in my view *digital culture* is a combination of *new media* and *cyberculture*. Hence, when those four keywords are put together, *cultural*, *computing*, *social* and *networking*, a clearer picture of digital culture appears. It is because of the interrelation of those concepts, that digital culture not only creates new cultural forms, but permeates older ones, creating a cultural landscape our civilisation has not been introduced to before.

One of the greatest consequences of this is the *convergence* digital culture can be characterised by. This issue is further commented on by Henry Jenkins who in his book *Convergence Culture*, explores the cultural landscape of digital culture “where old and new media

33 See Manovich 2003: 16-23.

34 *Ibid*: 16-17.

35 *Ibid*: 22.

collide, where grassroots and corporate media intersect, where the power of the media producer and the power of the media consumer interact in unpredictable ways.”³⁶ According to Jenkins, convergence represents a cultural shift where consumers are encouraged to seek new information and make innovative connections from dispersed media content that is easily accessible through the Internet. Jenkins examines the potentials inherent in digital participatory culture, as opposed to a growing media concentration, and how these different actors can use this culture as either new opportunities for expression, or as means to expand the power of large media conglomerates. However, the relationship between the two is not that simple since both actors intervene with the field, or as Jenkins puts it:

Media convergence is more than simply a technological shift. Convergence alters the relationship between existing technologies, industries, markets, genres, and audiences. Convergence alters the logic by which media industries operate and by which media consumers process news and entertainment. Keep this in mind: *convergence refers to a process, not to an endpoint.*³⁷

I will comment in more detail on the importance of such *processes*, but the important thing to bear in mind here is the fact that such convergence does not only affect commercially produced material, but also the prosumers that are creating, mixing, remixing, distributing and redistributing in the global network of new media.

One manifestation of such changed environment for participation and intervention is law professors Lawrence Lessig's collaborative effort to update his book from 1999, *Code and other Laws of Cyberspace*. In short, Lessig created a wiki on the Web, where every-one could post a comment regarding the old text, thereby co-editing the original text. This is further stated with the following words from Lessig's home page, taken while the process was still under way:

After five years in print and five years of changes in law, technology, and the context in which they reside, *Code* needs an update. But rather than do this alone, Professor Lessig is using this wiki to open the editing process to all, to draw upon the creativity and knowledge of the community. This is an online, collaborative book update; a first of its kind. Once the project nears completion, Professor Lessig will take the contents of this wiki and ready it for publication.³⁸

36 Jenkins 2006: 2.

37 *Ibid*: 15-16. *Italics are mine*.

38 “What's going on here?”, accessed 26.1.2006. URL: <http://codebook.jot.com/WikiHome>

Here, Lessig uses new media to generate a community in cyberspace to co-edit his book according to the logic that *collaboration* exceeds *individualism*. The final product was still a traditional book, but it is the making of *Code v2*, which demonstrates the doings of digital culture, and explains better the *digitalisation of culture*, i.e. other forms, in this case the book, are also affected, without being eliminated.

Lessig uses new media tools frequently to improve his works, counting on participation and the collective intelligence of digital culture. Another example of this is his *Anti-Lessig Reader* which he created on *Wikipedia*, with the aim of building a collection of content that criticises his works, in order for the other side of the story to be easily accessible.³⁹ Lessig's main intention is therefore to create a venue of debate, or a digital public sphere, in this case, about his own works.

These kinds of activities, which use the specific quality of the Internet, are not limited to a few media enthusiasts. I will take a variety of examples later on in this work but will for the time being suffice to stress my presumption that the cultural landscape created by this digital culture has wide implications on the other three kinds of culture already described, and is of great importance from the viewpoint of remixable, digital cultural public spheres.

However, it is also important to mention that there is every reason to be cautious regarding the *digital culture* concept, and acknowledge that it has positive aspects as well as negative. On the positive side digital culture creates cybernetic communities, allows for a relatively simple production and easy distribution of cultural products and affects social order and control by stimulating collective action thereby shaping future community structures. In this respect it can be said to be a *free culture* of sampling and remixing, closely related to the ideology of the open source movement and Richard Stallman's GNU manifesto.⁴⁰ Therefore, in its most utopian manifestation, digital culture has a subversive, revolutionary character capable of activating people in resurrecting participatory emancipative public spheres.

But digital culture has another side as well where powerful governments, large international bodies and global oligopolies use the same technological means to construct a totally different cultural landscape driven by the rationale of the global market and major political global constellations. Even if this is not merely negative, it is one of the tasks of cultural policy to induce *balance* between the different rationalities of the culture-political venue.

39 "Anti-Lessig Reader", accessed 6.6.2008. URL: http://wiki.lessig.org/index.php/Anti-Lessig_Reader

40 These ideas will be further commented upon in *Chapter 5*.

Four Cultures

These converging characteristics of digital culture and its tight link to the colossal database of the information society describes very well the complexities at hand for every-one attempting to use the *culture* concept nowadays. The technological development since Raymond Williams wrote his account of the concept has not made things any easier. Therefore, the four versions of the concept mentioned above are meant as *frames* to further explain the complications and contradictions that unavoidably come with any application of the culture concept. These frames do not exist in pure forms and they all affect each other. There cannot, for instance, be any talk of *humanistic culture*, without taking into account the implications of the three other definitions, and vice versa.

This is why the culture concept has been described as *hyper complex*, i.e. culture both allows the subject to be a part of a collective, but it also allows the subject to break the borders of such a totality; culture is connected to the societal, but it refuses to be reduced to the societal; culture is both totality and partiality; it represents both the commonality of humans, but also their breaches; culture is the sum of the most sophisticated traditions as well as the most common traditions; culture creates a tension between individuality and collective, between the socially determined and autonomy, between hierarchy and harmony; and finally, culture escapes definite definitions.⁴¹

It is, however, very important for all makers of cultural policy to narrow the concept a little bit further down, depending on the circumstances of its application. Is, for instance, the intellectual history of the concept important for the makers of the cultural policy of the European Union? Originally, the word culture referred to “the tending of natural growth.”⁴², but is this important today? Is the *culture vs. nature* debate alive and well, or has it been drowned by economically, politically and digitally driven cultural debates? Should cultural policy govern a category like sport? This is indeed the case in many nation-states' cultural governance and can be traced to the wider usage of the anthropological concept. This is also the case in Andrew Milner's and Jeff Browitt's attempt to define culture, as can be seen from the following quote:

In one or another of its meanings, the term will thus embrace: art and religion, science and sport, education and leisure. By convention, however, it does not embrace the range of activities normally deemed either 'economic' or 'political'. This threefold distinction, between the economics of the market, the politics of the state and the culture of what is sometimes referred to as civil society, has been a recurrent motif in modern social theory: it occurred, for example, in Karl Marx as the distinction between mode of production, political superstructure and social consciousness and in Max Weber as that between class, party and status. But it is clear that in

41 See Fink 1988: 20- 23.

42 Williams 1976: 77.

each case, as in the whole range of parallel instances, consciousness/status/culture (ideology/discourse etc.) are largely residual categories, defined as much as anything by their negative property of not being economics or politics.⁴³

This is an important quote because it demonstrates quite clearly the 'soft value' heritage often associated with the culture concept, i.e. it is neither economics nor politics, and therefore it is often not treated as seriously as those other societal categories. But this dividing convention between the economical, the political and the cultural, no longer applies and in fact I am not sure if it ever applied. Art, leisure, science, sport and education have always been largely related and influenced by both the political and the economical rationale and this is, of course, also the case today. Indeed, as already stressed, one of the main obligations of modern cultural policy is to find the right *balance* between the *cultural*, the *political* and the *economical*.

This balance will not be obtained if a limited, somewhat innocent view of culture is applied and this is the reason why I emphasise the fact that not one of the four cultures already mentioned can stand alone. In fact, as should already be obvious, culture cannot stand alone. It is always connected either to other cultures or to other societal spheres, and it is there where the makers of cultural policy have to engage in it. The four cultures can therefore never be anything but loose working definitions which can be used as tools to further understand the different considerations which makers of cultural policy have to bear in mind.

The Arts

The transformative features of humanistic culture have traditionally been linked to the *aura* which artworks of good quality are supposed to induce. This *aura* is very much connected with the *autonomy of art* and since these two factors are important in constructing one of the most distinct characteristics of the difference between cultural politics, and other politics, I would like to make them the centre of my analysis of the *art* concept. Therefore, I would like to deal with the art concept a little bit differently than the culture concept, by introducing aspects from Theodor Adorno and Max Horkheimer, Walter Benjamin, Peter Bürger, and Pierre Bourdieu. It is my intention that by using selected writings by these theorists, some significant characteristics of the concept of art which are important to cultural policy, will become known. The threefold distinction between *high art*, *popular art* and *avant-garde*, will still serve as the ideal guiding light, but as was the case with my discussion of the culture concept, these tend to be equally slippery regarding concrete definitions.

⁴³ Browitt and Milner: 5.

Adorno and Horkheimer

In *Dialectic of Enlightenment*, Adorno and Horkheimer introduce ideas that have been rather consistent within critical theory. According to them, mass media and the culture industry ideologically manipulate the masses in order to gather as much profit as possible. Authentic and autonomous art is denied of its confrontation and transformative potentials and thus becomes a tool to steer a superficial cultural consumption of the masses. This steering classifies, organises and identifies different consumers and uses them as statistic material, divided in different groups according to income and social status. The culture industry manufactures a hierarchy of serial qualities where difference is used as an analytical tool to find the 'right' level of the preferable cultural consumption of a given social group. Therefore, instead of the deep, reflective characteristics of 'real' art, the culture industry creates a very organised schematic pattern of consumption for the masses which results in the "fact that the mechanically differentiated products are ultimately all the same."⁴⁴

This sameness has great consequences for culture and the arts because it gains on standardisation and therefore rejects everything new and provocative. When cultural consumption is guided by the market, little risk is allowed and therefore most cultural production becomes easy digestive, mass produced and popular. But when art is colonised like that, it loses its transformative capabilities and obeys and confirms the will of the ruling powers in society:

This promise of the work of art to create truth by impressing its unique contours on the socially transmitted forms is as necessary as it is hypocritical. By claiming to anticipate fulfillment through their aesthetic derivatives, it posits the real forms of the existing order as absolute. To this extent the claims of art are always also ideology. Yet it is only in its struggle with tradition, a struggle precipitated in style, that art can find expression for suffering. The moment in the work of art by which it transcends reality cannot, indeed, be severed from style: that moment, however, does not consist in achieved harmony, in the questionable unity of form and content, inner and outer, individual and society, but in those traits in which the discrepancy emerges, in the necessary failure of the passionate striving for identity. Instead of exposing itself to this failure, in which the style of the great work of art has always negated itself, the inferior work has relied on its similarity to others, the surrogate of identity. The culture industry had finally posited this imitation as absolute. Being nothing other than style, it divulges style's secret: obedience to the social hierarchy.⁴⁵

⁴⁴ Adorno and Horkheimer 2002: 97.

⁴⁵ *Ibid*: 103-104.

This rather lengthy quote not only demonstrates Adorno's and Horkheimer's view regarding the affirmative and oppressed nature of the culture industry, but it also sheds an interesting light on the art concept which they are working with. In their opinion 'real' art is definitely transformative and up to certain point rebellious. Expressions of suffering, rejection of harmony and the emergence of discrepancy are key components which can all be related to the autonomous artwork. This autonomy is, in Adorno's and Horkheimer's view, a key to art's sublimation.

However, the culture industry has suppressed the sublimation by combining the different rationale of high art and popular art into a false whole in order to achieve a purpose that in fact has very little to do with the 'intrinsic' value of art; or as they put it, “the irreconcilable elements of culture, art and amusement have been subjected equally to the concept of purpose and thus brought under a single false denominator: the totality of the culture industry”.⁴⁶ This purpose does not revolve around the creation of excellent artworks that transform our reality and make us perceive differently, but on the contrary, the purpose of the culture industry is to produce, control, classify and discipline numb cultural consumers. When the autonomy of art was 'contaminated' by the culture industry, other societal spheres, like economics and politics, used the potentials inherent in art to increase both financial growth and political power. Adorno and Horkheimer formulate the consequences of such invasion in the following way:

Today works of art, suitably packaged like political slogans, are pressed on a reluctant public at reduced prices by the culture industry; they are opened up for popular enjoyment like parks. However, the erosion of their genuine commodity character does not mean that they would be abolished in the life of a free society but that the last barrier to their debasement as cultural assets has now been removed. The abolition of educational privilege by disposing of culture at bargain prices does not admit the masses to the preserves from which they were formerly excluded but, under the existing social conditions, contributes to the decay of education and the progress of barbaric incoherence.⁴⁷

Adorno's and Horkheimer's view of the culture industry as an oppressing force which infects citizens with sameness is of course questionable. Their idea of the art concept is likewise highly problematic because on the one hand it celebrates disharmony, rebelliousness and disobedience to social hierarchy, but on the other hand they lament over the decay of education and the progress of barbaric incoherence. The incoherence they celebrate is therefore a highly selected one, but at the

⁴⁶ *Ibid*: 108.

⁴⁷ *Ibid*: 129-130.

same time a very ill-definable one. They are, however, very clear on condemning popular art as a cheap mass produced luxury articles, but when it comes to defining their idea of 'real' art, there seems to emerge a strange mixture of high art and the avant-garde. In fact, the newness of their autonomous transformative art is only preferable as long as it contradicts the dominating, technological rationale of the culture industry. When the culture industry exploits the modernist avant-garde through mass production, the avant-garde loses its 'real' transformative feature.

Walter Benjamin's Prosumers

Their colleague at the Frankfurt School, Walter Benjamin, is at odds regarding the way art reaches its highest transformative potentials. In his renowned essay "The Work of Art in the Age of Mechanical Reproduction" Benjamin introduces different relationship between high art, popular art and the avant-garde. Instead of searching for art's transformative features in the combination of high art and the avant-garde, Benjamin looks further into the relations between popular art and the avant-garde, especially the reproductive potentials of machine technologies. His argument is that by stripping artworks of their elitist autonomy, mass art and reproduction makes art easily reached and therefore more democratic and political. Benjamin puts this in the following way:

[F]or the first time in world history, mechanical reproduction emancipates the work of art from its parasitical dependence on ritual. To an ever greater degree the work of art reproduced becomes the work of art designed for reproducibility. From a photographic negative, for example, one can make any number of prints; to ask for the 'authentic' print makes no sense. But the instant the criterion of authenticity ceases to be applicable to artistic production, the total function of art is reversed. Instead of being based on ritual, it begins to be based on another practice - politics.⁴⁸

According to Benjamin, the authenticity and autonomy of artworks is based on its ritual status as a unique object. He refers to this status as *aura*, meaning that the uniqueness of artworks is related to magical and religious ritual. However, because of mechanical reproduction, the aura withers and artworks give away their elitist, high art autonomous status and take on a political role; or as Benjamin puts it: "When the age of mechanical reproduction separated art from its basis in cult, the semblance of its autonomy disappeared forever."⁴⁹ This de-coronation of autonomous, auratic art changes the distinction between *author* and *public* since "[a]t any moment the reader is ready to

48 Benjamin 1999: 218.

49 *Ibid*: 220.

turn into a writer.”⁵⁰ The mass of participants within the artistic field not only changes their reaction towards art, but also their *mode of participation*. Therefore, Benjamin envisaged the mechanical reproducibility and the de-auratic nature of such reproduced artworks as necessary preconditions of cultural democracy. Furthermore, his ideas of readers turning into writers correspond quite nicely to the digital idea of *prosumers*, i.e. digital reproducibility of artworks has made participation and interaction easier still, and therefore the digital paradigm has made Benjamin's visions easily attainable.

Even though Adorno's and Horkheimer's approach is different from Benjamin's, their ideological wish is generally much the same, i.e. both detect pathological trends in capitalism and both consider art's main role in society to be transformative of such trends. Their means is, however, completely different. While Adorno and Horkheimer celebrate an auratic mixture between high art and the avant-garde, Benjamin proposes a de-auratic mixture between popular art and the avant-garde. Furthermore, the former responds to the decline of the aura with pessimism and a loss of faith in art's transformative abilities, while the latter sees it as a new opportunity to harness the masses. Nevertheless, the common denominator of those two approaches seems to be the *avant-garde*, and therefore, a closer look at a theory of the avant-garde, as represented by Peter Bürger could shed a new light on art's multiple faces in society.

The Avant-Garde's False Sublation

In *Theory of the Avant-Garde*, Bürger maintains that the autonomy of art is a creation of the bourgeois society, by which he means that it was not until the end of the 18th century that artistic activity was understood as different from all others. Various arts, such as poetry, music, stage performance, painting and sculpture, were taken away from the context of everyday life and treated as a distinct whole. Since non-purposive creations and artistic pleasure were contradicted to other societal spheres, the artistic sphere was separated from the totality of social activities and therefore confronts them abstractly. However, there is an inner tension in this ideal autonomy because, as Bürger detects, such historical process is socially conditioned. He reflects upon this inner tension of the autonomy of art in the following way:

It permits the description of art's detachment from the context of practical life as a historical development - that among the members of those classes which, at least at times, are free from the pressures of the need for survival, a sensuousness could evolve that was not part of any means-ends relationships. Here we find the moment of truth in the talk about the autonomous

50 *Ibid*: 225.

work of art. What this category cannot lay hold of is that this detachment of art from practical contexts is a *historical process*, i.e., that it is socially conditioned. [. . .] In the strict meaning of the term, 'autonomy' is thus an ideological category that joins an element of truth (the apartness of art from the praxis of life) and an element of untruth (the hypostatization of this fact, which is a result of historical development as the 'essence' of art).⁵¹

Therefore, art has an ambivalent position because on the one hand art is capable of protesting against alienation and reification, insisting upon the possible realisation of certain ideas it wants to put to the fore, but on the other hand this same autonomous art, juxtaposed to society, “threatens to degenerate into a mere compensation for what society lacks and thus serves finally to affirm social conditions it sees no reason to protest against.”⁵² Hence, art has both the ability to *protest* against the norms of society *and* to *protect* those same norms.

Bürger interprets the strivings of the historical avant-garde movements to overcome the autonomy of art as an institution, as failure. Bürger defines *art as an institution* as “the productive and distributive apparatus and also the ideas about art that prevail at a given time and that determine the reception of works”⁵³, and further maintains that the avant-garde turned against both the distribution apparatus and the autonomous status of art in bourgeois society. He emphasises the importance of the historical avant-garde and acknowledges that it managed to inflict self-criticism upon the institution of art, meaning that art became recognisable as an institution, but its original goal to integrate art into the praxis of life was unsuccessful. His conclusion is therefore very much in concordance with Adorno and Horkheimer, i.e. the reintegration of art into life cannot occur except as false sublation; or as Peter Bürger himself puts it:

The avant-garde intends the abolition of autonomous art by which it means that art is to be integrated into the praxis of life. This had not occurred, and presumably cannot occur, in bourgeois society unless it be as false sublation of autonomous art. Pulp fiction and commodity aesthetics prove that such a false sublation exists. A literature whose primary aim it is to impose a particular kind of consumer behavior on the reader is in fact practical, though not in the sense the avant-gardistes intended. Here, literature ceases to be an instrument of emancipation and becomes one of subjection.⁵⁴

Therefore, it is because of the inherent ambiguity of the autonomy of art and its popular art

51 Bürger 1984: 46. *Italics in the original.*

52 Schulte-Sasse 1984: xxxv.

53 Bürger 1984: 22.

54 *Ibid*: 53-54.

sublations, that the works of art cannot have any practical effects in society. Bürger confirms this cultural and artistic pessimism further still in the final remarks of his book where the symbiosis to Adorno's views are completed in the following way: "Adorno's notion that late-capitalist society has become so irrational that it may well be that no theory can any longer plumb it applies perhaps with greater force to postavantgardeist art."⁵⁵ The aura had been de-crooned, authenticity is an illusion and art's autonomy rendered powerless to have any influence on society's development.

Bourdieu's Impact

The three different theoretical approaches on the role of art in society mainly reside around the question whether art has social impact, or not. Autonomous high art seems to be detached from the praxis of life, while popular art moulds the masses according to the ideology of the ruling discursive formations of society. The avant-garde, as defined by Bürger, had a definitive goal, but failed to realise it adequately and thus confirms the institutional role of art, as a semi-autonomous institution detached from the praxis of life.

The French sociologist Pierre Bourdieu offers yet another way of dealing with the social impact of art by underlining that the artistic field is inevitably a field of forces as well as a field of struggles and is therefore capable of both transformation and conservation. In *The Field of Cultural Production*, Bourdieu calls attention to the fact that the artistic field is constructed by the *space of positions* and *space of position-takings*. He identifies the latter as "the structured set of the manifestations of the social agents involved in the field - literary or artistic works, of course, but also political acts or pronouncements, manifestos or polemics, etc."⁵⁶ According to Bourdieu the *space of position-takings* is inseparable from the *space of positions*, which in the artistic case is defined by "possession of a determinate quantity of a specific capital (recognition) and, at the same time, by occupation of a determinate position in the structure of the distribution of this specific capital."⁵⁷

Every position-taking is limited by the *space of possibles* and acquires its value in negative coexistence with other position-takings, which it is inevitably related to and thus limited by. The consequence of this interrelationship between different position-takings is that the meaning of each artistic work changes automatically with each change in the field as a whole. These spaces of positions are therefore interconnected with power relations that can alter both the symbolic and economic position of a given artwork. Even though it is up to a certain extent still meaningful to withhold the convenient distinction between high art, popular art and the avant-garde, Bourdieu's

⁵⁵ *Ibid*: 94.

⁵⁶ Bourdieu 1995: 30.

⁵⁷ *Ibid*.

indication is that those borders change constantly. If we take an example of Marcel Duchamp's porcelain urinal, there is no doubt that it was an avant-garde artwork in 1924, but today its position has shifted to the canonical high art, mostly because of its symbolic value and its definite mark on art history.

It is also because of this interconnectedness that Bourdieu maintains that “it is not possible, even in the case of the scientific field and the most advanced sciences, to make the cultural order [épistème] a sort of autonomous, transcendent sphere, capable of developing in accordance with its own laws.”⁵⁸ All art, be it high art, popular art or the avant-garde, is a part of the same shifting field, which can be described as a field in a permanent conflict. But what distinguishes the artistic field from other societal fields is that it is not only built up by economical significance, but also by a *symbolic* one. This means that any sociology of art has to take both the material production of artworks and their symbolic production into account. Bourdieu describes these complicated interrelations in following terms:

It therefore has to consider as contributing to production not only the direct producers of the work in its materiality (artist, writer, etc.) but also the producers of the meaning and value of the work - critics, publishers, gallery directors and the whole set of agents whose combined efforts produce consumers capable of knowing and recognizing the work of art as such, in particular teachers (but also families, etc.). So it has to take into account not only, as the social history of art usually does, the social conditions of the production of artists, art critics, dealers, patrons, etc., as revealed by indices such as social origin, education or qualifications, but also the social conditions of the production of a set of objects socially constituted as works of *art*, i.e. the conditions of production of the field of social agents (e.g. museums, galleries, academies, etc.) which help to define and produce the value of works of *art*, i.e. the conditions of production of the field of social agents (e.g. museums, galleries, academies, etc.) which help to define and produce the value of works of art. In short, it is a question of understanding works of art as a *manifestation* of the field as a whole, in which all the powers of the field, and all the determinisms inherent in its structure and functioning, are concentrated.⁵⁹

The autonomy principle has however, not vanished from the field. In fact, according to Bourdieu, this autonomy feature is one of the main characteristics of the artistic field. Even though he places the field in a dominated place within the field of power, it still possesses a relative autonomy regarding the economic and political principles of hierarchisation. He refers to this as *double*

58 *Ibid*: 33.

59 *Ibid*: 37. *Italics in the original*.

hierarchy, meaning that if the field would lose all its autonomy, it would be swallowed by the laws of power and economy, but on the other hand if there was total autonomy the symbolic degree of recognition would lead to isolation of the recognised artists recognising other recognised artists! Since the autonomy of art is neither total, nor none, it holds some characteristics of autonomy that differentiate it from other societal sectors, but it is at the same time affected by the laws of economic and political profit. This fraction of autonomy is however very important for the development of the societal structure as a whole because it is capable of offering new dimensions to societal debates that are not wholly dependent upon and contaminated by the political and the economical rationale.

Culture vs. Arts vs. Cultural Policy: Semi-Autonomous Public Spheres

The perfectly autonomous sector of the field of cultural production does not exist in its pure form, because, as Bourdieu states, the economic and political rationale always affect up to a certain degree the cultural and artistic one. In fact, it is one of the chief tasks of cultural policy to decide upon this degree of interference and define the right balance between those rationales. Adorno and Horkheimer clearly maintain that the economic rationale has gained the upper hand in late capitalism, dressed in the guise of the culture industry, while Walter Benjamin remains hopeful that this rationale can be reversed from within, i.e. by appropriating the mechanical techniques of the late capitalist machine age, the perception of the masses can be shifted from a passive position to an active one. Bürger offers yet another view on the artistic field by demonstrating the importance of the emergence of the institution of art, and its double-sided characteristic. He reaches the pessimistic conclusion that the institution of art suffocates resistance from the inside, and when it finally spits it out, it takes the form of superficial sublations, driven by popular culture. Finally, Bourdieu puts his attention on the interplay between different fields of society and the power that drives their constant transformations.

What those theories have in common is that they all reflect upon the principle of *autonomy*, a principle which I maintain is of great importance in generating active cultural public spheres. I agree on Bourdieu's account of the 'mixed' nature of autonomy and will therefore refer to it as *semi-autonomy*, i.e. *semi-autonomous cultural public spheres* are always affected by political and economic principles. However, the possibilities inherent in this semi-autonomy distinguish cultural public spheres from others, and this is the reason why I have given discussion about art so much space here.

As will be further demonstrated in the next chapter concerning the general role of cultural policy, the governance of art is only one of many tasks of cultural policy. Nevertheless, the notion

of the autonomy of art plays such an important role within the creation of cultural public spheres that it is impossible to define the role of such public spheres without including the idea of art's autonomy. When culture and art are coincided in the network society, this principle of autonomy gains new value because of digital culture's converging characteristics. These converges affect important spheres of cultural policy, especially on matters concerning the resurrection of critical semi-autonomous cultural public spheres where the balance between culture, politics and economics will not only be in the interests of the political and economic rationale.

As should be apparent after my discussion about the many guises of culture and the arts, they constitute and influence multiple spheres which criss-cross in constant transformation through the societal structure. However, the semi-autonomy of what was once only the artistic sphere has spread to other spheres, especially with the help of digital communication. Hence, the transformative potential of semi-autonomous public spheres is alive and well, and as I argue throughout this work, one of the most important tasks of progressive cultural policy is to create a favourable environment for the growth of such *semi-autonomous digital cultural public spheres*.

The Multiple Scope of Cultural Policy

A light has already been shed on the field of cultural policy where special attention was given to its complex and multiple characteristics. The aim of this chapter is to condense these characteristics by accounting further for some of the tasks that traditionally belong within the field of cultural policy, as well as to predict a certain shift concomitant to digital culture. Historically, there have been great changes in the administration of culture and the arts since pre-modern Europe where the traditional 'patrons' have throughout the ages been the church, the aristocracy and the royal courts. During the 18th century, the bourgeois took more and more over in European societies and particularly since World War II, the state increasingly looked upon culture and the arts as important bricks in their welfare policies. Since the 1960's, private patrons (even if they have always existed) and private companies have increasingly moved into the culture-political venue, seeing it as an optimal field to invest and generate favourable public image.⁶⁰

But even though this enumeration indicates changes in the administration of culture and the arts during the ages, it would be a misunderstanding to think that these actors all have similar reasons for taking on the role as patrons of the arts and culture. This role has, of course, lots to do with power, not only symbolic but also the power to control the reigning discursive formations of a given period. The church used this to confirm and manifest its religious dogma while the aristocracy and the royal courts used this as a means to offer an alternative, but just as much controlled, way of perceiving and acting in society. As will be commented further upon later, the seemingly free and rational bourgeois *public sphere* excluded the majority of the population and therefore it was indeed much more an ideal venue for relatively wealthy property owners to exceed their power. In this respect, the nation-state is certainly not an innocent institution and has since its creation very consciously used arts and culture to mark its position and sometimes superiority over the cultures of other nation-states. Finally, even though there might be examples of isolated patrons that support art for art's sake, the majority has another agenda and the same could definitely be said about companies which are increasingly seeing the advantage in branding their names through the arts and culture.

It is because of this tendency that I stated in the introductory chapter that cultural policy can be used to implement certain values into the heads of the mass public. But there is a large element of exclusion in such a doing and it is important to have in mind that when a given cultural policy

⁶⁰ See Duelund 2003a: 15-18.

decides to include an element in its policy, it is excluding alternative options. The 'database' of these alternative options has been expanded greatly since the advent of digital culture and I will therefore treat cultural policy in two different terms, *as it was*, and *as it is becoming*, depending on whether it includes the digital paradigm in its policy, or not.

Cultural Policy as It Was

The Culture-Political Field

As already claimed, I look upon digital culture as an add-on. What I mean by that is that even though such culture has diversified the scope of cultural policy, other more traditional tasks of the culture-political field have not disappeared. Simon Mundy does a good job in capturing these tasks, and he distinguishes *heritage, tourism, museums, libraries and archives*, the *visual and literary arts*, the *performing arts*, the *media* and the *culture industries* as the main categories of cultural policy. By such categorisation, Mundy is trying to visualise the concrete tasks of cultural policy and he is absolutely right in detecting that some of the most important issues of cultural policy are, for instance, to interfere with the laws of the market in order to ensure that artists can make a decent living. Artists do traditionally not follow the same laws regarding pension, welfare payments etc., as many other trades and concrete payments for art works can be very slow to materialise.

Supporting artists will therefore always be one of the main roles of cultural policy, but should this, as Mundy recommends, only be done until the works of a given artist will become commercially self-supporting? But when are artists commercially self-supported? When they reach minimum wage, or when they reach middle class wages? What if a given writer or a visual artist is very commercially successful during a short period of time and then later utterly fails on the commercial scene. Should he then be supported again, or is something very wrong with judging artistic financial allocations by level of income? Should not artists, projects and institutions rather be judged on their works' or institutions' quality, efficiency and endurance? But then again, who decides quality?

The bottom line is that artistic allocations, whether on a regional, national or a supra-national level, is always a sensitive, precarious matter. The same blurring boundaries are facing makers of cultural policy when dealing with the other categories listed by Mundy. Should cultural policy, in the heritage sector concentrate on archaeological excavation and the maintenance of historically important buildings? Or should it, as Mundy suggests, also contain gardens, parks and areas of natural beauty?⁶¹ What should be the guiding light in the intersection of culture and tourism? Should state broadcasting be enhanced, or should the large media conglomerates

61 See Mundy 2000: 48.

increasingly take over? What kind of media policy is best suited to promote the interests of the arts and culture? Is it the British BBC state model or the Italian alternative? What should the role of libraries be in the information society? What is the preferable proportion on culture-political allocations to cultural institutions, and how much should they generate through ticket sales, merchandise sales and other means of external income? Should it be 0%, 50%, 100%? What should be archived in our digital times and how should the relationship between cultural policy and the cultural industries be defined?

Simon Mundy has some contestable remarks on the last one. He maintains that because of the importance in every country's (or a supra-state's) image the cultural industries indeed need protection. He further defines film, television, radio, commercial theatre, music recordings and promotions, book publishing, design, jewellery, restaurants, fashion, newspapers and magazines, advertising, furniture and ceramics, as culture industries. Apart from leaving out decisive actors on the culture industrial venue, such as computer games and software development, Mundy maintains that this is small business. However, the recent global corporate synergies within the field of 'the creative industries', makes it one of the largest and most powerful in global economy, and therefore he seems to be undermining its economical significance.

Simon Mundy's account is all the same good in demonstrating some of the central tasks of cultural policy. However, it is pivotal to notice that policy makers that are involved in the cultural field are different and when a closer look is taken at the culture-political roles of different cultural bodies at different societal stages, the multiple scope of the field manifests itself. The state is for instance marked by a political process and democratic debate and usually governs problematic that concern a regulation of national identity and the preservation and protection of cultural heritage. It also sets a quantitative and a qualitative criteria by which art and cultural institutions are measured, it is responsible for the cultural upbringing of children and youth, it looks after the interests of immigrants, ethnic and geographic minorities, it decides the outer conditions for artists and cultural institutions and forms an 'ideal' national cultural policy that governs the future cultural development of a whole nation. The market, on the other hand, follows the seemingly simple logic of making money and thereby tries to make certain aesthetics and experiences fashionable and popular at a given time.

In between the different tasks of different *states* and the different *market* techniques is the public with its yearning for entertainment, stimulation, aesthetics and knowledge, the *cultural institutions* which demand a secure financial foundation, the *professional artists* who want favourable societal conditions to produce their work, the *amateur artists* and other *social and educational sectors* which demand economic and physical frameworks for their activities, the

'creative underground' that wants more flexibility and incorporation of new art forms into the administration of cultural policy, the *politicians* who want immanent results in the guise of target oriented management and performance related contracts, and finally, the *media* in its multiple forms and, of course, various international bodies like EU, UNESCO and the Council of Europe which want to take some of the cultural debates out of the context of the nation-state and into a more globalised perspective.⁶²

Four Culture-Political Approaches

But how do different states generate their cultural politics and can the European Union learn from the governance conducted by nation-states? Harry Hillman-Chartrand and Claire McCaughey have summarised alternative modes of public support into the different approaches of the *facilitator*, the *patron*, the *architect* and the *engineer*.⁶³ It is important to note that these approaches are normative ideals and do not exist in their pure forms. They do, however, provide excellent means to analyse major trends within the cultural policy of different nation-states.

According to Hillman-Chartrand and McCaughey the United States, for instance, use the *facilitator* approach to finance the fine arts because the authorities do it mainly through tax exceptions. This means that the state makes donations from individuals and corporations tax deductible. The positive aspect of this approach lies in its possibility to enhance diversity and creativity, because it relies on the preferences and taste of its corporative, foundational or individual donors. However, its weakness is related to its box office approach and the fact that it does not require the use of any expert panels and committees that allocate the funds, often leaving big decisions in the hands of novices. Another shortcoming of this liberal approach is linked to the uncertainties that it ultimately puts the artist in, i.e. either you make it the American way or you do not. Another point worthy of mentioning regarding the *facilitator* approach is that even though it looks like private companies and individual donors are contributing greatly to the development of the arts and culture, in most cases the money still comes from the state, only hidden through tax expenditures. Therefore, according to this tradition the state still finances lots of the allocations indirectly, but the companies make the decision on which artistic bodies receive the money.

The *patron* approach on the other hand, follows the logic that the government determines how much collective support to provide but neither how much nor which organisations or artists receive support, i.e. it is based on the *arm's length principle*.⁶⁴ However, it is the government itself

62 See Duelund 2003a: 13-15.

63 See Hillman-Chartrand and McCaughey 1989.

64 The arm's length principle is supposed to protect cultural freedom against the imperatives of society's administrative organs. Hence, the politically elected bodies decide the framework, the financial amount and overarching objectives, but professional individuals, expert panels and actors from the civil society distribute this financial framework according to

that appoints the members of the arm's length councils, thereby making the process very political and up to a certain extent elitist. This is clearly manifested in the overall objective of this policy, which tends to improve the quality and professionalism of art, instead of for instance spreading art in accordance with the wishes of the general population. In Hillman-Chartrand's and McCaughey's view, the U.K. state cultural policy falls under this category.

The *architect* approach is closely related to the *patron* approach but its overall objective is further aimed at seeing culture and the arts as part of social welfare policy, thereby using art to meet the demands of the community instead of claiming professional standards of artistic excellence. According to the *architect* model, the fine arts are funded by a Ministry or Department of Culture but distributed by members of associations of artists and other cultural actors in civil society, in a dialogue with authorities, both in evolving overall objectives as well as handing out payments to individual artists, collectives and various state funded cultural institutions. This approach gives the artists a desirable freedom to conduct their work and relies less than the *facilitator* and the *patron* approaches on the popular success of commercial conditions. However, because of the secure working condition that this guaranteed direct funding gives, there is always a threat of creative stagnation, which than again can easily result in artworks of lesser quality. France and the Netherlands are seen as examples of nations that adhere to this policy and the same can be said of various other Western European nations, including the Nordic nations.

Finally, Hillman-Chartrand and McCaughey detect what they refer to as the *engineer* approach. Here, the state owns and controls all artistic production and distribution. This approach does not pay attention to the process of creativity but on the contrary highlights the political wishes of the party in power.

I want to underline once again that these approaches are normative ideals and since Hillman-Chartrand's and McCaughey's work was published in 1989, it would be very unwise to maintain that the nation-states mentioned still adhere to this kind of culture-political approaches, since many things can happen during a span of almost 20 years. Other more recent approaches also describe similar trends within cultural policy, and Annabelle Littoz-Monnet does for instance refer to this as *liberal* policy approach, *dirigiste* policy and *federal* policy approaches in her work on the European Union and culture.⁶⁵ Even though these are similar approaches, I prefer the four approaches of Hillman-Chartrand and McCaughey as they can be used to demonstrate in a more fulfilling fashion the influence the different bodies of the European Union have on its cultural policy. I will therefore be referring to the *facilitator*, the *patron*, the *architect* and the *engineer* on regular basis throughout

the intrinsic quality and efficiency of artists, artworks and cultural institutions.

⁶⁵ See Littoz-Monnet 2007: 20-36.

this work.

From the Democratisation of Culture to Market Culture

As already underlined, none of the approaches mentioned above exist in their pure form. Instead, different societies structure cultural policy according to their own specific societal reality and the role that the state, the culture industries, professional artists, cultural institutions and citizens play within that given reality. Those four versions are all the same very useful to illustrate the over-all aims which various nation-states have formulated when defining the balance between the decisive actors on the culture-political venue, i.e. which form of *cultural governance* they want to apply. Each approach is also in constant evolution as it tries to adapt to different social circumstances. The transformation of the Nordic cultural model, as defined by Peter Duelund, is a good example of such development.⁶⁶

According to him a theoretical battle line has been shifting for the last fifty years from the *aesthetic* and *anthropologic* rationale, towards the *private* and *financial* growth rationale that in our current administration is increasingly going hand in hand with the *political* rationale and the methods of *New Public Management*. Duelund begins by detecting a phase that he terms as the *democratisation of culture*. This phase begins from the Second World War, but is especially prominent from 1960-1975, and is characterised by the humanist definition of culture. The legitimisation of state cultural policy is grounded in the need to counteract the standardisation of the arts and culture by the culture industry.

The next phase, from 1975-1985, continues to fight against the commercial industries and extends the protection of artistic rights and copyright legislation. However, the anthropological view of culture replaced the humanist one resulting in the stimulation of local cultural activities through state reimbursement programmes, i.e. the focus shifted from the *democratisation of culture*, towards *cultural democracy*. The third phase reaches from 1985-1995 and is exemplified by a social and financial instrumentalisation on cultural policy and the arts. The educational aims were scaled down as well as the state's battle against the culture industries. Furthermore, the state gave the local authorities increasingly the power to take over larger proportions of the funding and execution of various cultural activities, i.e. the *decentralisation of culture*.

Finally, according to Duelund's analysis, the period from 1995 to our current times, is witnessing a further intervention from the economical and political bodies of the culture-political venue. Now, the common view is that culture can indeed make money and that is demonstrated in a symbiosis between culture and business, encouraged by authorities that make well-disposed tax

⁶⁶ See Duelund 2003b: 515-516.

reforms and legislation on funding with the intention of increasing the role of private patrons and companies to sponsor and buy art. Furthermore, performance related contracts linked with *New Public Management* are introduced into the public administration of culture where both *quantitative* and *qualitative* criteria is formed to regulate market related methods instead of focusing on the *intrinsic value of art*, along with the *emancipative* and *semi-autonomous* characteristics.

New Public Management

Peter Duelund's analysis indicates that even though a given country generates a cultural policy that can be earmarked to a specific approach, each policy is distinct and in constant transformation. Furthermore, decisive questions arise concerning the methods different nation-states are applying, especially concerning a *top-down* approach like a *democratisation of culture*, or a *bottom-up* approach like *cultural democracy*. In short, should the aim of cultural policy be to enlighten the individuals of a given society by defining what is a preferable cultural consumption, or should the population been given the necessary tools to participate and choose their own paths? It seems as if the former approach has gained the upper hand as more and more emphasis is put on the quantitative side of the cultural coin and here New Public Management plays a central role.

According to Carsten Greve⁶⁷, NPM was considered a necessary alternative to the traditional heavy administration procedures of the state, with its inflexible hierarchy and bureaucracy. The impact of NPM has resulted in various institutionalised reforms on the public sector where the laws of the free market have increasingly taken over. Therefore, many responsibilities within the public sector have been divided into smaller organisations with a high level of interdependence. The establishment of such organisations is very much according to the neo-liberal wave of privatisation and marketing that has dominated the Western political venue for the last twenty years with much more space for independent management and decentralisation from the old bureaucratic state. These public organisations behave like private firms and thus have a clear organisational identity, logo and policy, and are increasingly treating citizens like consumers.

The key terms are *efficiency* and *accountability* and in order to facilitate their functions, various techniques have been incorporated to visualise results. Result and performance based contracts, frame and net budgeting, adaptation of business accounting and auditing methods, the use of competition mechanisms, long-time planning schedules, balanced score card and other goal oriented instruments are among the NPM techniques that are supposed to make public administration more effective. However, even though the original aim of NPM was to decrease the

⁶⁷ See Greve 2002, accessed 10.7.2008. URL:
www.nordiskkulturinstitut.dk/arbejdspapirer/new_public_management.pdf

heavy bureaucracy of the 'old' state, the result can also be the opposite. Because of the strategic measures applied in NPM, the level of information production has increased and now the organisations are obliged to produce loads of documents and reports, to establish theme days and conferences in order to remain visible and competitive on the free market. There is thus a tendency to form a NPM meta-narrative that focuses on fancy words like *strategic planning* and *efficient management* that never actually reaches the 'practical' daily tasks of a given workplace.

The original idea of transparency and efficiency can also be endangered in this new networked organisational structure, because the focus of many individual public organisations can easily be too narrow resulting in a lack of an overall perspective and policy. Therefore, even though this networked structure has diversified the culture political venue, it has also stimulated a certain isolation and inability of the traditional tools of cultural policy. The danger here is that those fragmented culture political organisations will be powerless against strong market and politically driven interests.

NPM can also be criticised for its emphasis on a constricted financial efficiency principle, thereby neglecting some of the democratic obligations of state organisations. This becomes particularly obvious in the cultural sector which is frequently guided by a rationale in opposition to the financially driven rationale of NPM. One aspect of this is the semi-autonomous characteristics of the cultural field as treated in the section dedicated to the arts. This tendency can be exemplified in a typical result based contract between the state and a given cultural institution where it is very common that the institution has to supplement the amount given by the state, from the private sector. The private sector, however, frequently demands that the institution will only get the money as long as it fulfils certain terms that very often have little to do with the intrinsic value and the emancipative and semi-autonomous roles of the arts and culture.

But this is very natural and can hardly be otherwise. It is quite understandable that the market wants to *get as much for as little as possible*. This polemic is in the very nature of the need to increase profit. However, this fusion of the market and the state poses a threat to culture and the arts because an important aspect of their rationale is essentially different from for instance financial and industrial development. There are, of course quantitative aspects of culture which can gain from the implementation of NPM, such as larger turnovers from museum shops, higher attendance figures and more visibility in the media. But one of the most important aspects of the arts and culture is its *intrinsic value*, and the *emancipative* and *semi-autonomous* roles they have in society, and this is very hard to measure with the tools of NPM. Thus, the obvious threat is that culture will increasingly be valued according to its measurable dimensions and will therefore be used to promote, for instance, culture tourism, to positively brand a given region, city or a nation-state, to

brand and stimulate the image of corporations and enter a further symbiosis with the culture industry.

Peter Duleund formulates two different consequences of such development with the following words:

Some administrative theoreticians maintain that the new administrative structures, with increased political control over cultural institutions via fixed contracts, which prioritise objectives, special areas of interest, institutional financial targets, employment policies etc., lead to less bureaucracy, which simplifies and eases the work of cultural institutions.

Other analysts have reached the conclusion that the latent content of fixed contracts provide proof that the original objectives of cultural policy, relating to the independence of the arts and culture from political and financial interests, have been set aside.⁶⁸

However, even though this analysis demonstrates a clear culture-political division, it is impossible and plainly undesirable to capture the complexities of society in such dichotomy. Even though there are indications that imply that NPM does indeed not lead to less bureaucracy and in fact makes the whole culture-political venue less transparent, it is important to bear in mind that modern societal structures are essentially bureaucratic with a very low degree of transparency. Therefore, it is very hard to reach a proper balance between efficient culture-political administration and guarding the 'intrinsic' uniqueness of the cultural field. Ritva Mitchell expresses this dilemma in following terms:

[S]triking a balance between the unity of command and efficiency leadership, on the one hand, and adhering to the principles of the autonomy of art, decentralisation and cultural democracy on the other hand, is a cultural policy dilemma with no universal solution. We know, however, that *the issue becomes problematic if this balance is changed without transparency and sufficient democratic control*. Then it is not only the principles of democracy that are at stake, but also the legitimacy of cultural policy decision-making and administration. If this legitimacy is jeopardised through concealed power concentration, this easily leads to problems concerning participation, identity and cultural and social cohesion.⁶⁹

68 Duleund 2003b: 520.

69 Mitchell 2003: 458. *Italics in the original.*

Cultural Policy as It Is Becoming

A Tricky Balance

The different culture-political approaches and the development from the democratisation of culture to market culture largely induced by the methods of New Public Management, present different ways of achieving the objectives of cultural policy. In a recent work, Jim McGuigan refers to this as striking the balance between *stating*, *marketising* and *communicating*,⁷⁰ which is basically meant to respond to Habermas' distinction between the political and economical rationale of the *system*, and the communicative acts of the *lifeworld*. This balance has become even harder to obtain because of the various challenges that digital culture brings along and even though McGuigan and Duelund identify similar development from the *democratisation of culture* to *market culture* thereby detecting some of the problems facing cultural policy, they fail to recognise the *digital paradigm*, and thus I would like to suggest the 5th phase of culture-political development, namely the *digital* one. The implication of this fifth phase affects cultural administration at all levels, including the balance between stating, marketising and communication, and thus a new line of thinking is needed.

But not everybody is ready to adjust to such thinking because it alters the current culture-political structure with the obvious effects that some bodies have to give their power and interests away. Marit Bakke phrases this dilemma quite nicely as the following citation demonstrates:

The production and distribution systems of electronic and print media definitely offer possibilities for making cultural goods plentiful, cheap and widely available. These features, however, are exactly what some members of the arts community regard as detrimental to the quality and status of the arts. Mass production, it is argued, vitiates the genuine aesthetic experiences that an immediate listening to, watching or reading of cultural creations can offer. Furthermore, the art community argues that mass production will turn the cultural world into an instrument of the entertainment industry. Consequently, cultural policy is faced with the task of ensuring that both traditional cultural institutions and mass media can function as venues for the production and distribution of high-quality art and culture.⁷¹

Here, the keyword seems to be *quality*. But who decides what is preferable quality and what is not? Well, in the *patron* approach, it is civil servants working at an arm's length in the Ministry of Culture, in the *architect* approach it is civil servants and representatives of artists' organisations, in the *facilitator* approach it is the heads of corporations or the marketing and public relation departments and private patrons, and in the *engineer* approach, it is the state without any arm's

70 See McGuigan 2004: 33-60.

71 Bakke 2003: 175.

length bodies. But are those members necessarily the best ones to decide on artistic quality, and who says quality should be the main criteria?

In some cases quality is looked upon negatively because of its connotations to high art, while concerns regarding participation and making of amateur art is prioritised. Therefore, cultural policy can find itself in the strange role of mediating between the making and sponsoring of both 'good' and 'bad' art at the same time. This is one of the contradictions which accompanies cultural policy and it is very easy to understand the frustration of for instance professional artists who do not get financed to produce their art, while amateur bodies get the necessary money to produce mediocre artworks. Yet again, it seems to be a question of *balance*. If there would not be put resources into educating the general population on the significance of art, i.e. to apply a bottom-up approach, then there would not be any population to appreciate the art sponsored by the top-down approach. The digital paradigm complicates matters further and thus a new approach is needed which can respond better to the network society and the remixable culture of prosumers.

Networks

There can be no doubt that the methods of NPM have moved the culture-political venue closer to the market and that cultural administration has become more diversified, where different interests of different societal bodies are trying to affect the field. However, instead of longing for a lost past where everything was more centralised and simpler, the culture-political discourse has to tackle the debate at its decentralised, networked heart. Digital culture and all the digitised productions made by prosumers and distributed through the global network of new media have diversified this scope yet again, and thus cultural policy has to adopt methods and widen the horizon so that the cultural sides of the network society are also represented.

The writings of Manuel Castells can be useful in demonstrating the characteristics of such networked societies because as he maintains in *The Rise of the Network Society*, its raw material is *information*. According to him information is an integral part of all human activity and all our collective and individual existence is shaped by the technology that is surrounding us and affecting our daily behaviour. Therefore, we live in a state where technologies act on information and everything becomes integrated into the network logic. Like Manovich, Castells sees the Internet as the clearest manifestation of such logic and he puts great emphasis on the fact that increasingly more people are experiencing their world through the interactive and graphic human-computer interface of the screen. The consequence of such *culture of real-virtuality*, as Castells refers to it, is manifested in the following prophetic quote:

[P]erhaps *the most important feature of multimedia is that they capture within their domain most cultural expressions, in all their diversity*. Their advent is tantamount to ending the separation, and even the distinction, between audiovisual media and printed media, popular culture and learned culture, entertainment and information, education and persuasion. Every cultural expression, from the worst to the best, from the most elitist to the most popular, comes together in this digital universe that links up in a giant, non-historical hypertext, past, present, and future manifestations of the communicative mind. By so doing, they construct a new symbolic environment.⁷²

Here, digital networks have similar implications as Manovich's five principles of new media and even though social organisation following the network logic has existed before, the new information technology paradigm accelerates and expands these networks affecting all processes of production, power, experience and culture. Even though this seems a highly abstract notion, Castells attempts to concretise the network concept in following terms:

Networks are open structures, able to expand without limits, integrating new nodes as long as they are able to communicate within the network, namely as long as they share the same communication codes (for example, values or performance goals). A network-based social structure is a highly dynamic, open system, susceptible to innovating without threatening its balance. Networks are appropriate instruments for a capitalist economy based on innovation, globalization, and decentralized concentration; for work, workers, and firms based on flexibility and adaptability; for a culture of endless deconstruction and reconstruction; for a polity geared toward the instant processing of new values and public moods; and for a social organization aiming at the suppression of space and the annihilation of time. Yet the network morphology is also a source of dramatic reorganization of power relationships.⁷³

But even though Castells attempts to make this abstract network more concrete, it is still essentially diffuse and imperceptible. How can, for instance, cultural policy govern culture which is *a culture of endless deconstruction and reconstruction*? Well, the obvious answer is by admitting its *complex, decentralised, expandable construction*. As we saw in the previous chapter, culture and the arts indeed both deconstruct and reconstruct. The big question remains on how this supposed network society manifests itself on daily basis?

Castells gives an important clue when he describes the network as a collection of interconnected nodes, where a node depends on the relationships between concrete networks. He

⁷² Castells 2000: 403. *Italics in the original*.

⁷³ *Ibid*: 501-502.

mentions stock exchange markets as a network of global flows, national councils of ministers and European Commissioners as a political network that governs the European Union, special nodes in the network of drug traffic and the global network of new media which generates, receives and transmits signals from television systems, computer graphics milieus, entertainment industry, news teams and mobile digital gadgets.

The Global Network of New Media

Not surprisingly, Castells maintains that the *global network of new media* is the decisive network of cultural expression and public opinion in the information society. These expressions will increasingly be mediated through electronic communication networks and thus be transferred from 'traditional' history and geography, towards digitised audio-visual hypertext. However, since all forms of culture are being digitised, information and communication circulate increasingly through diverse media greatly affecting, and up to a certain extent controlling the discourse and development of both politics and economics. The important point here is that in the information society, everything is interconnected. It makes no sense to talk about *culture*, without making connotations to *politics*, *economics* and *media*. Even though this has probably always been the case, digital global communication has dissolved the culture-political venue even more, resulting in the fact that cultural governance has never been more complex, vague and indefinable.

New Public Management techniques are thus only one manifestation of how the borders of the *economic* rationale, the *political* rationale and the *cultural* one are merging creating *hybrids* largely driven by the huge network of media. Indeed, as Anita Kangas puts it, the “close connection between culture and economics, the integration of culture into city and regional planning, the linking of art and culture with new technology, the role assigned to culture in social development, the matching of the educational needs of culture for the society, and the understanding of cultural differences mean that new demands on cultural policy have been articulated”⁷⁴ and this is increasingly done by creating horizontal networks instead of forming new hierarchies, especially if citizens are supposed to participate.

When the wider implications of this global network of new media with its vast cultural participation, creations, innovations and distribution, cultural policy has undoubtedly acquired an add-on to its field. This add-on does still revolve around Simon Mundy's categorisation on especially heritage, museums, libraries, archives, visual, literary and performing arts, the media and the culture industries. However, it is very important to bear in mind that this add-on is not just a digitised version of these issues, but that this digital add-on also changes fundamentally the way we

74 Kangas 2003: 109.

envisage, think of and interact with these issues. This is so both from the viewpoint of what can be referred to as the commercial side of the cultural coin, as well as the emancipative, semi-autonomous side of the cultural coin. As it is primarily the latter that I want to analyse in this work, I will now focus further on what I mean by such constructions.

The Other Side of the Cultural Coin

In cultural governance and in cultural use in general, it is far too often forgotten that the arts and culture have something the other societal fields have not, namely their *intrinsic, immeasurable value*, or what I have already referred to as its *semi-autonomous* characteristic. This is one of the reasons why the field of the arts and culture is usually not the politician's favourite, simply because its governance applies to other laws than for instance the field of business, industry, health care etc. This is mainly due to art's ability to circumvent the traditional norms of social order, often offering alternative ways of perceiving and living in society. In short, arts and culture have the ability to diversify our reality making it more heterogeneous, diverse and exciting. Therefore, these fields can very easily have positive side effects on society, even though they sometimes remain hidden for years, and in their best manifestations, they transmit this positivity onto citizens making them evolve both as persons and workers. Inherent in this is also the field's *emancipative* feature, i.e. by offering different ways of perceiving, different ways of analysing and different ways of creating, the field of culture and arts can enmesh citizens with experiences that inspire both relief and criticality, passionate jouissance and rational deliberation.

These intrinsic, semi-autonomous and emancipative characteristics are often invisible in public and corporate administration because it is very hard to concretely measure their affects. Emphasis on such societal categories also generates heterogeneity, or what is often referred to with the buzzword *cultural diversity*. Heterogeneity and cultural diversity are however also often looked upon negatively because it makes public administration more complicated as well as demanding more of the market, which traditionally gains by encouraging homogeneity. This is one of the reasons why the symbiosis of politics, corporate interests, and the arts and culture are very often considered a threat because the system's rationale is likely to colonise this immeasurable characteristic of the arts and culture, thereby privileging the system at the lifeworld's account.

However, because of the decentralised network logic already described, there is no point in yearning for a wholly autonomous artistic public sphere that can develop and produce 'independent art' and 'alternative cultures' without the influence of the system. Business can learn creativity, flexibility and innovation from the cultural field, while the arts and culture can get their works in greater circulation through effective marketing, technical support and access to services they

normally do not command, through the market.

As I have already implied, the makers of modern market oriented cultural policy do however too often concentrate on the objective measurable sectors, instead on the more subjective criteria of arts and culture. The consequence of this is that more attention is given to attendance figures, the growth and contents of cultural festivals and numbers of exhibitions, films, books, plays and concerts that have received culture-political allocations. The problem is that such numbers are very poor indicators of citizen's satisfaction, which have more to do with the emancipative, semi-autonomous side of the cultural coin. The tendency in modern cultural policy is therefore much more focused on ancient architectural sites, large-scale projects like cultural festivals, the promotion of culture cities and other means of exploiting the cultural heritage for short-sighted purposes.

Having said that, it should be quite clear that giving more attention to *digital culture* and the *digitalisation of culture* is therefore not just a daring culture-political step, but also a total change in policy. In my view this change is all the same inevitable as the cultural consumption and cultural production of the prosumers of digital culture are changing the culture-political field, and the traditions that were established prior to the digital paradigm. The important thing here is to assume cultural policy's open structure, i.e. it is essential that a frozen structure will not be created, but on the contrary, an open-ended networked structure that is capable of incorporating new art forms, and new ways of participating in culture. This is especially so in our current digital times. Simon Mundy formulates the ideal manifestation of such policy with the following words: "The model which succeeds will be that which allows the greatest degree of self-determination, the celebration of individual aspiration, and provides a sense of economic and cultural security in equal measure."⁷⁵ But as is obvious from the already mentioned examples, this is no simple matter.

Expanding the Limits of Cultural Policy

Simon Mundy's account of cultural policy is fairly traditional. Even though he manages to identify important issues of all cultural policy, he also leaves important factors out. It is, however, important to note that the cultural field is always expanding and even if new art forms, new art definitions and culture concepts are incorporated into cultural administration, the old ones do not disappear. That is why Mundy's contribution is important, i.e. it demonstrates very well *some* of the issues that belong to the culture-political categories, issues that indeed swallow up most of the allocations given to the cultural field.

However, because of digital communication, the cultural field is going through historic transformation that expands the margins of cultural administration. In his account of Swedish

75 Mundy 2000: 45.

cultural policy, Tor Larsson demonstrates these wider anthropological connotations clearly, especially by linking them to social communication in general:

Artistic creation protects the musical, spoken and visual media from being caught up in the corrosive rationalisation of our times, a process that analytically deconstructs, objectifies and drains their transcendent and magical powers of enchantment. Cultural policy has the important task of ensuring that such fresh sources of new artistry constantly feed the more everyday social and cultural activities in society with inert (luminous, independent, inert) aesthetic fragments, which can enhance the spoken, visual and body languages in cultural life outside the institutional sphere. But to assert that *that is the sole* task of cultural policy leads to the conclusion that the higher cultural life is sufficient unto itself. Against that, it may be maintained that guaranteeing artists resources and independent creativity is not a great enough responsibility. In any society where government rests upon the will of the people, cultural policy must guarantee a cultural life that creates security and participation in a common social life for all citizens. And here, culture represents a resource, a kind of generally available knowledge from which one may provide oneself with pictures, symbols, illustrations of emotional conditions etc. that may be used in understanding oneself, making oneself understood or arriving at a common understanding of a situation, or of something in the world, as part of our social communication with others.⁷⁶

This lengthy quote is extremely important, because it takes both the *humanistic* view and the *anthropological* view into account. But it also demonstrates the loose borders of the culture political field because *making oneself understand through social communication* is at the core of every society. When we apply the *digital add-on* to Larsson's account, the significance of digitally mediated communication becomes better known. This digitalisation of culture is capable of bringing the peripheries, momentarily at least, to the fore, creating hybrids that include the cultural contribution of immigrants, migrant workers and refugees, and creating alternative art forms that are not necessarily favourable to the culture industry and thus need a sharp intervention from culture-political bodies in order to thrive.

It is, for instance, in the very nature of an artistic hybrid medium like Internet art, to be widely available for the general public, free of cost. Other hybrid art forms include slam poetry, the DJ culture, artistic online computer games, alternative theatre, video installations, web-based radio, web-based documentaries, web-based films, performance art, graffiti art, electronic music, digital photographic manipulation and the on-line comic genre, to name just a few examples. Some of

⁷⁶ Larsson 2003: 212. *Italics in the original.*

these cultural forms ultimately expand the culture-political field and they also redefine the relationship between *producers* and *consumers*. The immense distribution methods and relatively cheap production costs of new media cultural products have altered the scene considerably, resulting in the appearance of multiple independent artists and participators producing texts, documentaries, films, photographic sequences and sound, *on* the Web and *for* the Web.

I therefore beg to differ with Marshall McLuhan's famous notion which he formulated in his celebrated work *Understanding Media*, stating that *the medium is the message*. According to him the actual content of a given medium, is essentially another medium and furthermore, "it is the medium that shapes and controls the scale and form of human association and action."⁷⁷ In McLuhan's terms each new medium is at first 'invisible' to its users and more importantly its contents mainly resolve around older mediums. The environment created by television, for instance, receives its content from its forerunners, the photograph and the film, and the user does not notice *how* this new medium makes us perceive and understand our environment differently. As usual McLuhan formulates this in his vivid, metaphoric style, as the following quote illustrates:

For the "content" of a medium is like the juicy piece of meat carried by the burglar to distract the watchdog of the mind. The effect of the medium is made strong and intense just because it is given another medium as "content." The content of a movie is a novel or a play or an opera. The effect of the movie form is not related to its program content. The "content" of writing or print is speech, but the reader is almost entirely unaware either of print or of speech.⁷⁸

In the essay "The Relation of Environment to Anti-Environment", McLuhan further explains these *environment* concepts and according to him, *anti-environment* is the venue in which artists form their creations. But contrary to the environment of new medium, we immediately notice the changes that creations from the anti-environment have on us and on our surroundings. Therefore, artists play a decisive role in commenting on the significance and meaning of new technologies and McLuhan goes even so far as stating that they are the only ones that are capable of noticing the actual significance of this new environment created by a given new medium.

McLuhan does not conceal the negative effect which media are capable of generating on mankind because according to him "[s]ubliminal and docile acceptance of media impact has made them prisons without walls for their human users."⁷⁹ But if we give McLuhan right in his writings

⁷⁷ McLuhan 2001: 9.

⁷⁸ *Ibid*: 19.

⁷⁹ *Ibid*: 22.

about *one-way* mediums like television, radio and movies, the *participatory* nature of the digital culture of *prosumers* has altered the way users interact with such medium. If we have the technological means to create, appropriate and distribute digital products of all sorts, *everyone* is producing and distributing content and thus the *two-way* road of digital communication makes us indeed notice how we *perceive* and *reflect* over the significance of this new medium. If the numb receiving characteristics of older mediums like television and radio have created an environment of *consumption without reflection*, the anti-environment of new media has created an *anti-environment of reflection*, simply because its users are constantly *creating* as well as *receiving*. Indeed, they are *prosuming*.

McLuhan did, of course not have the necessary technological environment to notice this⁸⁰, but his writings is extremely useful in demonstrating the actual *paradigm shift* that new media and digital communication have inflicted upon culture. Even though he is right in detecting that the form of a new medium contains the older ones within itself, as the Web with its hybridisation of written text, radio, photographs, moving images and sound clearly indicates, he is utterly wrong regarding new media. It is namely not just the *form* that has changed, but also the *content*, and the incorporation of such a paradigm shift is one of the greatest challenges of future cultural policy.

There is however, a general tendency to ignore this digital artistic and cultural paradigm shift, at all levels of cultural policy, thereby neglecting new audience orientations and recent grass-root formations. Ritva Mitchell formulates this tendency in the following way: “This neglect is reflected in the cultural statistic that still faithfully records how many books are being read annually by people, how often they visit libraries, or attend theatre and opera performances or concerts. The use of Internet and other digital and computer-based media is recorded, but the statistic seldom gives any clues about the new cultural dynamics”⁸¹. But it is precisely these cultural dynamics, or anti-environments, that expand the sphere of cultural policy considerably, and thus the silencing of the digital venue gives a very scrambled view of the actual, necessary tasks of future cultural policy, or *cultural policy as it is becoming*.

The Future Tasks of Cultural Policy

So far, some of the most important culture-political issues have been commented upon. Four different approaches were introduced, all varying in centralised power intervention on the cultural field, and the development from the democratisation of culture to market culture was described. The

80 If he did and was true to his own theories, he would probably maintain that the computer uses the same technique as the typewriter and its contents would be the same as the television, the telephone, the newspaper, and the radio. But he would be wrong, precisely because of the *interactive*, *distributive* and *multi-semiotic* nature of the medium.

81 Mitchell 2003: 466-467.

significance of New Public Management and the network logic was introduced as well as important concrete issues of cultural policy. It is significant to bear in mind that this was done on all of the three layers of the societal structure, i.e. on the regional, the national and on a supra-state level like the European Union, UNESCO and the Council of Europe. This is mainly due to the fact that traditionally, there has not been a sharp culture-political division between these levels.

Most municipalities do not have any legal obligation to even have a cultural policy, but are increasingly forming one because it gives the region cultural identity, which then can be used as an important tool in order to increase financial growth and the local politicians' popularity. Most nation-states, on the contrary, have clear legal frames regarding culture, but their governance of the cultural field varies greatly. But even though the outer structural methods vary, the culture-political ambitions and objectives of each nation-state are very similar. These objectives include national identity, general administration of the cultural field, language policy, culture-tourism, the cultural heritage, media policy, broadcasting policy, the culture industry, cultural education and training.

As will be further analysed in the latter part of this work, the cultural policy of a transnational body like the European Union does not break away from such priorities as its cultural policy has largely copied elements from policies at the national level, and moved them to the supra-national level. However, what these three layers, the regional, the national and the supra-national, have in common is that they have to decide upon what kind of *structure*, *ideology* and *realisation*, they want to adapt, develop and promote. These concepts are very important for the future tasks of cultural policy, and therefore I will dedicate a few lines on their various culture-political manifestations:

Structure:

- **Centralisation:** Different levels according to the nature of a given approach. The *engineer* has the highest level of centralisation while the *facilitator* approach has the lowest.
- **Decentralisation:** The actual responsibilities of a given quasi-autonomous cultural organisation and the way that they are structured. Some approaches have for instance a specific organisation for writers and visual artists, while others are more centralised in general Arts organisations. To take an example from the Nordic tradition, the Committee for Grants and Guaranteed Income working under the Council for Cultural Affairs in Norway divides its allocations into 25 different artistic fields, while the Swedish one has an Arts Grant Committee working under the Ministry of Culture which distributes allocations to the Visual Arts Fund, Composers, Musicians and Singers, and Theatre, Dance and Film. Working along the Arts Grant Committee,

is the Swedish Authors' fund which distributes allocations solely to authors.⁸² Therefore, even though a given state cultural policy is said to follow a certain tradition, the decentralising process can vary greatly. Another form of decentralisation is connected to how, for example, the culture-political authority is not centralised to one ministry, but divided between several ministries.

- *Network*: A highly decentralised field where supra-national, quasi-national, non-national and regional bodies interlink in various ways, depending on the distance between various nodes and networks. When, for instance, the city of Graz in Austria was included in the European Capital of Culture programme, a supra-state body like the European Union automatically interlinked that city to a network made of specific codes that distinct it from other networks. The Culture 2000 network is than again a smaller network within the total network of European Union's cultural politics. Even though the notion of networks can be rather abstract, they still serve well to demonstrate the changing character of the culture-political field concomitant to the global network of new media.

Ideology:

- The actual ideological reasons behind cultural policy. Different policies define the arts and culture differently, all according to the ideological goals they want to accomplish. Some put the main emphasis on strict *administrative regulation* of various culture-political bodies such as *cultural institutions*, while another underline its role in, for instance, *identity formations*, *language policies*, *ethnicity*, *heritage*, *history*, *cultural identity* and *cultural diversity* and *differentiation*. Yet another puts the greatest stress on *financial side effects* and encourages a symbiosis with the *market* and the *cultural branding* of *corporations* and *cities* through *cultural urban planning*. The overall ideological aims aspire also to define whether a given policy should be *information policy*, *media policy*, *art policy*, *heritage policy*, *industrial policy*, *integration policy*, *welfare policy* or *all of them* at once.

Realisation:

- *Direct*: The actual implementation of direct culture political tools and matters such as financing, tax environment, VAT on cultural goods, copyright regulations, allocations (direct or indirect) to artists, allocations to fields that are endangered by extern influence, such as the European film industry as opposed to the American one, broadcasting policies (quota requirements), etc. A recurrent problem here is that all the huge number of tasks that culture

82 See Heikkinen 2003.

is supposed to carry out is in no proportion to the available finances, schemes and policy resources given to the field by official cultural policy.

- *Indirect:* Matters concerning concentration of ownership, freedom of expression, distribution of cultural content, redefinition of the culture concept, the effect of global digital communication, communication technology, different media landscape, virtual communities, blurring artistic and cultural boundaries, education, urban planning, sub-cultural considerations about the role of financial income and age of cultural consumers, diffusion, hybridisation, fragmentation, diversity, etc.

These three concepts, *structure*, *ideology* and *realisation*, are important culture-political tools that can be used to exemplify how a given cultural policy tackles many of the practical problems related to the field. They are therefore meant to illustrate the multiple scope of the culture-political field. However, the attention will now be directed towards the making of the models starting with the issue of *power* as the prime generator of the culture-political field. In the network society power operates primarily in the sphere of *glocal processes*, and therefore, the two first 'layers' of the models in next chapter, are composed of those two elements.

3

Power and Glocal Processes

Since the main purpose of this work is to scrutinise the possible effects digital communication, new media platforms and the remixable culture of prosumers have on cultural policy, with certain aspects of EU's cultural policy as the main object of empirical analysis, the recurrent notion of *digital cultural public spheres* becomes essential. So far, different attempts have been made to come to terms with various aspects of cultural policy, and how digital communication and new media have constructed a digital paradigm, which adds a new dimension to the field of cultural policy. Now it is time to theorise this changing field adequately and I will start by defining this work's use of *power*, which owes much to the writings of Michel Foucault on the matter. Thereafter, I will plunge into a sub-chapter on *glocal processes*, where the aim is to account for the six different culture-political reactions towards these processes, namely *homogenous nationalism* and *homogenous cosmopolitanism*, *polarised nationalism* and *polarised cosmopolitanism*, and finally *hybrid nationalism* and *hybrid cosmopolitanism*. While the other chapters were meant to sketch and sharpen the field by accounting for my sue of culture, the arts and cultural policy, this chapter is the first out of four that is solely dedicated to the making of the models.

Power

Foucault's Power: Totalitarian, Oppressive, Creative, Playful and Productive

The first layer of the model revolves around the notion of *power*. This is the outer layer that contains all the rest. The reason for this is simple, power is knowledge, and knowledge is information. Since the network society feeds upon public spheres driven by information, power has to be considered its main generator. Power has, however, many guises and has been conceptualised very differently from one theoretician to the next. In this perspective, I find Michael Foucault's account of power, the most promising, because its circular, networked and productive construction corresponds quite nicely to my idea of the emancipative, semi-autonomous side of *digital cultural public spheres*.

The benefits of applying Foucault's version of power lies in its circular, networked and productive nature, which basically means that in its various emancipative micro manifestations, it can in the long run can affect, and change the course of its *macro* counterpart. This resistant feature of power is at the very heart of Foucault's understanding of the phenomena, and therefore a few words will be dedicated to his account of the relationship between *power* and *knowledge*, *discourse*,

discursive formations and regimes of truth.

According to Foucault the relationship between *power* and *knowledge* operates within *discursive formations*, which are certain conceptual frameworks that pave the way for some modes of thought, and thereby deny others. These formations work within a body of both written and unwritten rules which decide what is allowed to speak, think, create and do within different fields and during certain periods of time. In a world of very heterogeneous discourses and statements, *discursive formations* can be characterised as “the system that governs their division, the degree to which they depend upon one another, the way in which they interlock or exclude one another, the transformation that they undergo, and the play of their location, arrangement, and replacement.”⁸³ On a more clear cut definition of discursive formations, Foucault claims the following: “Whenever one can describe, between a number of statement, such a system of dispersion, whenever, between objects, types of statements, concepts, or thematic choices, one can define a regularity (an order, correlations, positions and functionings, transformations), we will say, for the sake of convenience, that we are dealing with a *discursive formation*.”⁸⁴

Thus, Foucault's discursive formations, which are really clusters of discourses, could be said to be the means in which various institutions exercise their power through a complicated process of definition, difference and exclusion and thereby construct a given topic; or as the British cultural theorist Stuart Hall puts it in his analysis of Foucault's *discourse*: “It defines and produces the objects of our knowledge. It governs the way that a topic can be meaningfully talked about and reasoned about. It also influences how ideas are put into practice and used to regulate the conduct of others.”⁸⁵

This argument is very important because what Foucault is in fact saying is that since discourse produces knowledge, nothing meaningful can exist outside discourse. But discourse is not a fast-frozen, rational entity but a complicated mixture of the effects of language and practice which defines, produces and rules, with the help of diverse relations of power, the object of our knowledge; or as Foucault himself puts it: “[I]n a society such as ours, but basically in any society, there are manifold relations of power which permeate, characterise and constitute the social body, and these relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse.”⁸⁶

Hence, *discourse*, *power* and *knowledge* are all interrelated and merge into those *discursive formations* which combine various discourses that refer to the same object and share the same style,

83 Foucault 2002a: 37-38.

84 *Ibid*: 41. *Italics in the original*.

85 Hall 1997: 44.

86 Foucault 1980: 93.

support a certain strategy and belong to a certain institutional, administrative and political drift, during a specific epoch.

In his essay, “The Subject and Power”, Foucault explains further his use of the power concept and its relations to the formation and development of subjects. Here, Foucault is meticulous in arguing for that power is not a force rejecting or attacking a specific institution, class or a group, but it rather works as a specific *form*, or *technique*. He explains this procedure further in the following words:

This form of power that applies itself to immediate everyday life categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him that he must recognize and others have to recognize in him. It is a form of power that makes individuals subjects. There are two meanings of the word “subject”: subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to.⁸⁷

In Foucault's view subjects may be able to produce particular texts and create particular spaces for themselves, but they are always operating within the unwritten rules and habits of a given discursive formation and the regime of truth of a certain epoch and culture. Hence, the subject cannot be situated outside discourse and thus, is produced within it. Therefore, the subject has to submit to the conventions which surround it by certain *discursive formations*.

It is this subjugation of the subject that makes Foucault's theory problematic, because according to it all subjects are up to a certain extent formulated and controlled by their surroundings. But even though this seems to be a suffocating, totalitarian and oppressing view of the thinking self, Foucault's subject is not just a weak-willed instrument in the hands of an ill-definable social and political force, because its existence depends on the same force as does discourse and various discursive formations; namely on *power* itself. This becomes more explicit when a further look is taken at one of his concrete definitions of power:

In itself the exercise of power is not a violence that sometimes hides, or an implicitly renewed consent. It operates on the field of possibilities in which the behaviour of active subjects is able to inscribe itself. It is a set of actions on possible actions; it incites, it induces, it seduces, it makes easier or more difficult; it releases or contrives, makes more probable or less; in the extreme, it constrains or forbids absolutely, but it is always a way of acting upon one or more acting subjects by virtue of their acting or being capable of action. A set of actions upon other

87 Foucault 2002b: 331.

actions.⁸⁸

In other words, Foucault's power is not just *totalitarian* and *oppressive* force, but also *creative*, *playful* and *productive*. Hence, in order for power to thrive and develop, there has to be some kind of productive resistance, or as Foucault puts it: “A power relationship, on the other hand, can only be articulated on the basis of two elements that are indispensable if it is really to be a power relationship: that 'the other' (the one over whom power is exercised) is recognized and maintained to the very end as a subject who acts; and that, faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up.”⁸⁹

Even though the techniques of power force the subject into certain positions, moulding its opinion according to certain regimes of truth, power still has an ambivalent nature. Power is a set of actions upon other actions, resulting in a critical minority that keeps it away from developing into a static and homogeneous system. This critical minority, composed of alternative discourses or counter-publics, resists to adapt to the subject positions that have been created by the discursive formations of a given society, and by doing that it opens up for the *emancipative flow of micro power*. This feature of Foucault's power concept is well illustrated in the following quote: “Power must be analysed as something which circulates, or rather as something which only functions in the form of a chain. It is never localised here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organisation.”⁹⁰ This productive characteristic of power paves the way for a creative resistance that is very valuable to the notion of emancipative digital cultural public spheres, especially in what I refer to as *access culture*.

Furthermore, regarding his writings on the *regime of truth*, Foucault demonstrates that 'truth' is not a static, metaphysical entity but rather “a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its 'general politics' of truth – that is, the types of discourse it accepts and makes function as true”⁹¹. According to Foucault, the application and effectiveness of power/knowledge is more important than the 'truth' because knowledge has the power to create its own version of the 'truth'. In term of cultural policy in general, the big question is how its discursive formations are created, for what purposes, and what kind of a regime of truth are they supposed to reflect and promote?

88 *Ibid*: 341.

89 *Ibid*: 340.

90 Foucault 1980: 98.

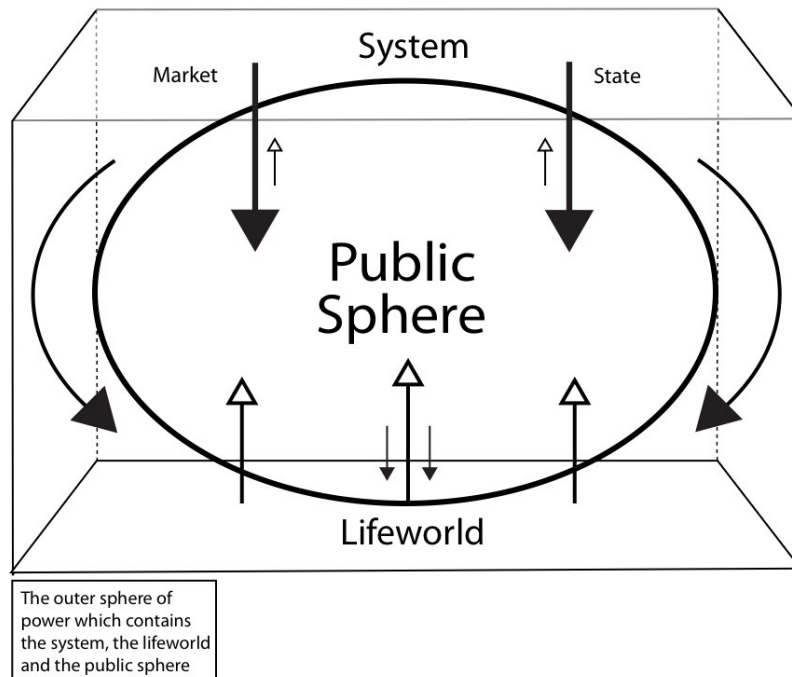
91 Foucault 2002c: 131.

Power and Digital Cultural Public Spheres

As my account and examples of digital cultural public spheres indicate, their composition, efficiency and distribution vary greatly. *Elephants Dream* and various *Internet art* platforms do not generate as much informational flow as for instance *YouTube*, *MySpace*, *Facebook* and *Flickr*. They have, however, one very important thing in common, and that is the fact that they are new media tools, and they abide to the decentralised logic and functions of the Internet. To look at *the whole* of those new media platforms is therefore impossible, and hence, their power does not reside in their ability to work as a *whole*, but as *parts* and *processes*. Unlike one-way media platforms like television which, especially in the hands of conglomerates with great distributional networks, could be said to represent *macro-power*, the two-, or multi-way characteristic of digital cultural public spheres represents networked *micro-power*, precisely because of their dispersed, decentralised structure. This is why the arrows originating from the *system* in *Model 2* are larger, representing *macro-power*, and the arrows from the civil society's *lifeworld*, are smaller, representing *micro-power*.

But the Foucaultian power is more complicated than that. As *Model 2* demonstrates, power works in a circular, networked manner, and what I mean by that is that it travels through dispersed networks and because of its circular features, it generates responses which will in one way or another return, and affect, to varying degrees, the objectives and outcome of the particular discursive formation that generated it in the first place.

MODEL 2



In *Model 2*, the downward arrows represent macro-power as *colonisation* and the upward represent micro-power as *emancipative* resistance. *Model 2* is meant to demonstrate that power travels through networked, circular paths, constantly changing, being productive and destructive at the same time. Furthermore, even though one can safely presume that in the light of financial and political capabilities, the market and the state are entitled to be the holders of macro-power, the playing, circular, productive characteristics of power induce micro reactions, also within different societal structures. Therefore, there is always a little *upward emancipative arrow*, within the dominating, macro arrow representing colonisation. This is not so because of any inner deficits of the market, or the state, but rather because of the nature of power, as defined by Foucault and used here. And the same goes for the lifeworld, as its power structure is both composed of the larger upward arrows representing emancipation, as well as the smaller downward ones representing colonisation.

In culture-political terms, this makes the whole issue of policy much more problematic. Each culture policy has certain objectives which reigning discursive formations and regimes of truth

want to see realised. But because of the productivity inherent in the power concept, it is impossible to calculate the outcome and actual manifestation of such policy. Even in totalitarian societies that adhere to the *engineer* culture-political approach, where power is much centralised, typically by the state or a dictator, micro-power finds ways to offer alternatives. The networked, decentralised communication system of the resistance movements in the occupied parts of Europe during World War II is a case in point.

Digital cultural public spheres have accelerated the information flow greatly and offer alternatives, not only from the perspective of the lifeworld, but also within the system itself. But precisely because of their decentralised features, they are not likely to generate some sort of emancipative revolution that would tilt the balance between macro and micro powers of society. That, however, does not matter since it is not the role of digital cultural public spheres to generate such revolution in the first place. Their role is to offer alternatives, and in the perspective of cultural policy, their strength lies primarily in creating tools and venues for the cultural participation, creation, distribution and re-distribution, *prosumed* by the general public.

However, in order to construct such tools and venues, the mentality of the makers of future cultural policy has to shift from the interests of *permission culture*, to that of *access culture*, which also means a change in the channels generating the streams of power. The question for cultural policy from the standpoint of power structures is therefore whether it wants to use it for *top-bottom* purposes, typically by constructing discursive formations in the macro spheres, or to apply a *bottom-up* approach by favouring the construction of versatile 'meta-worlds' in the micro structures of society, with very unpredictable outcomes. The first one could be said to be *object-oriented*, and the latter *exchange-oriented*. If this would be transcribed to the European Union, a point that will be taken under further consideration in the latter part of this work, the first one would be to put extra money into pan-European film production or exerting quotas on European audiovisual production within the EU, while the latter would establish regulatory surroundings and meta-worlds which privilege legal remixes of digital cultural content and processes. The first one has to do with *permission culture*, the latter one with *access culture*.

Glocal Processes

The second layer of the model that is under construction here is dedicated to *glocal processes*. Cultural policy, like so many other societal dimensions, is always a combination of the *local* and the *global*. Culture political decisions made on an international level, can easily affect local manifestations of culture and the arts, and the same could be said about the influence of such local manifestations on international decision making. If a networked regional project like *The European*

Capital of Culture would be an utter failure in a given city, that would influence further decision making and development of the project at EU level, i.e. the global and the local always intertwine.

This bondage between the local and the global, is very complex and can, and has, in its extremes generated cultural policy that is either inclined to regionalism, nationalism or cosmopolitanism. However, in a network society where the global network of new media plays a large role, there is no way getting around the intersection of local and global processes. In culture-political terms, this is again an act of *balancing*. Nowadays, this balance is at the heart of every cultural policy, be it the one conducted in Copenhagen, Denmark or EU, where both the local and the global have to be taken into account, and that means that a further discussion concerning three very connoted concepts is needed, namely *nationalism*, *globalisation* and *cosmopolitanism*.

Nationalism: Perennialism, Primordialism, Modernism and Ethno-Symbolism

In his book *Nationalism*, Anthony D. Smith gives an account of four nationalism theories which he terms *perennialism*, *primordialism*, *modernism* and *ethno-symbolism*. Smith puts together an ideal-typical working definition which classifies nationalism as “[a]n ideological movement for attaining and maintaining autonomy, unity and identity for a population which some of its members deem to constitute an actual or potential 'nation'.”⁹² According to Smith, nationalism induces five ranges of meanings which describe a development of formations or growth of nations, a consciousness of belonging to a nation, a language and symbolism, social and political movements and a certain ideology of a nation.⁹³ He then proposes a very important distinction between *nation* and *ethnie*, defining the former as “a named human community occupying a homeland, and having common myths and a shared history, a common public culture, a single economy and common rights and duties for all members”⁹⁴, while appointing the latter as “a named human community connected to a homeland, possessing common myths of ancestry, shared memories, one or more elements of shared culture, and a measure of solidarity, at least among the elites.”⁹⁵

This distinction allows Smith to add another dimension to the complex construction of the *nation-state*, which in tandem with for instance Robert J. Holton is often defined as an amalgam of “the state as a set of political institutions, and the nation, conceived of as the political and cultural community of a people.”⁹⁶ By adding the notion of *ethnie* to this definition, Smith underlines the importance of myth, shared memories and solidarity in the construction of nationalism and nation-states. But before a further look will be taken at the implications of Smith's distinction on cultural

92 Smith 2001: 9.

93 *Ibid*: 5-6.

94 *Ibid*: 13.

95 *Ibid*.

96 Holton 1998: 137.

policy, the full scope of nationalism will be conceptualised further by introducing *perennialism*, *primordialism* and four other *modernistic* versions of nationalism. Smith also mentions a fifth version of modernistic nationalism which he terms *socio-cultural modernism*, but because of the importance of that view to cultural policy, a special section will be dedicated to it, along with Smith's favourite, *ethno-symbolism*.

The reason for why I give up so much space to discussing different theories on nationalism is that in my view the amalgamation of these theories represent important features of cultural policy. These features can be detected, to varying degrees on most cultural policy on regional and national levels, but as will be apparent in my analysis in the second part, they are also amongst the main generators behind the cultural policy of the EU, especially regarding the construction of a common European cultural heritage and in creating European identities and the notion of European citizenship.

Perennialism and Primordialism

The adherents of *perennialism* maintain that nations and nationalism depend on continuity, i.e. all that is asserted is that nations have existed for a long period of time and that they can trace their origins back to the Middle Ages, or even to antiquity. Another, closely related form of this *continuous perennialism* is, what Smith refers to as *recurrent perennialism*, which states that nationhood is a universal and dis-embedded phenomenon, and can therefore be applied to various cultural and political communities.⁹⁷

The *primordial* view appeals to the naturalistic spirit of every nationhood and constructs certain naturalised discourses where individuals feel their kinship to a certain community through a metaphysical belief in their roots and heritage. This theory can be traced to Rousseau's escape to the nature where the primordality of the ethnies and the nations are emphasised through their longevity, their naturalness and their integral national power and pride. According to Smith, primordialism also has two branches, a *socio-biological* one, and what he terms as the *cultural givens of social existence*. The former emphasises the importance of the genetic pool of a given nation and ethnic groups, while the latter, as the name suggests, demonstrates the persistence of cultural givens, such as blood, language and customs, despite the changed societal structure of industrial nations.⁹⁸

Both *perennialism* and *primordialism* emphasise the meaning of historical ties and tend to look for the roots of nationalism further back in time, than *modernist* theories on nationalism which

⁹⁷ See Smith 2001: 49-51.

⁹⁸ *Ibid*: 51-54.

maintain that it is a product of modernity and therefore chronologically a relatively recent phenomena, along with constructions of nation-states, nations and national identities.

Four Modernisms

Smith categorises modernist nationalism theories into a *socio-economic*, *socio-cultural*, *political*, *ideological* and a *constructionist* view, the common denominator being the conscious, relatively recent construction of those imagined communities called nations and nation-states.

According to the *socio-economic* view, nations and nationalism are the direct consequence of industrial capitalism, class conflict and regional inequality, while the *socio-cultural* maintains that “[n]ations are expressions of a literate, school- transmitted 'high culture' supported by specialists and by a mass, standardized, compulsory, public education system.”⁹⁹ The adherents of the *political* view look upon the modern state's sovereignty as necessary prerequisite for the development of nationalism, because of its capability of acting as an instrument to achieve political goals. The *ideological* view, as the following quote by Elie Kedourie exemplifies, is on the other hand loyal to the idea that nationalism is a product of the Enlightenment and Kantian ideas of self-determination, where its discourse is made self-evident by the ruling discursive formations of 19th century Europe:

Nationalism is a doctrine invented in Europe at the beginning of the nineteenth century. It pretends to supply a criterion for the determination of the unit of population proper to enjoy a government exclusively its own, for the legitimate exercise of power in the state, and for the right organization of a society of states. Briefly, the doctrine holds that humanity is naturally divided into nations, that nations are known by certain characteristics which can be ascertained, and that the only legitimate type of government is national self-government.¹⁰⁰

Finally, the *constructionist* modernistic version, as its name indicates, assumes and underlines nationalism's constructed nature. Smith puts theorists like Eric Hobsbawm and Benedict Anderson in this category, because of the former's emphasis on invented traditions and social engineering, and the latter's on viewing the nation “as an imagined political community which fills the void left by the decline of cosmic religions and monarchies at the point where new conceptions of time and 'print capitalism' made it possible to imagine nations moving through linear time”.¹⁰¹

Indeed when a further look is taken at Hobsbawm's account of invented traditions, it is their goal to establish continuity with a suitable, selected historic past and to adapt certain norms and

99 *Ibid*: 47.

100 Kedourie 1985: 9.

101 Smith 2001: 48.

behaviour by repetition. They furthermore attempt to construct a set of practices which usually are governed by readily accepted, symbolic rules. Hobsbawm specifically nominates the *National Flag*, the *National Anthem* and the *National Emblem* as the main symbols which independent countries use to demonstrate and symbolise their identity and sovereignty. But according to Hobsbawm, such seemingly universal and metaphysical symbols are always and essentially invented traditions, or as he formulates it: "They are highly relevant to the comparatively recent historical innovation, the 'nation', with its associated phenomena: nationalism, the nation-state, national symbols, histories and the rest. All these rest on exercises in social engineering which are often deliberate and always innovative".¹⁰²

The constructionism of Benedict Anderson looks upon nationality and nationalism as particular cultural artefacts. According to him "the convergence of capitalism and print technology on the fatal diversity of human language created the possibility of a new form of imagined community, which in its basic morphology set the stage for the modern nation."¹⁰³ The nation, as an imagined community, was therefore made conceivable because of various technological innovations between 1500 and 1800, where the mediated tool was primarily print capitalism. This, along with empty and homogenous time, was the major ingredient in creating nationalism as discourse where the main narrative revolved around an imagined political community which was both sovereign and fixed. Anderson's account of nationalism emphasises the nation as a cultural artefact which can be distinguished from others by the style of its imagining and the mode of its representation.¹⁰⁴ His theory on nationalism, like other modernist theories, is seen like an invented, imagined tradition, triggered mainly by political, economical and intellectual power elites.

Even though the modernist view offers valuable critique on both *perennialism* and *primordialism*, by highlighting the connection between the relatively recent development of capitalism, coordinated education, literacy and printing, it can be criticised for too much discontinuity with the past. Because of this, the modernistic views are not very convincing in responding to questions concerning mass loyalty and people's inclination to identify themselves to a given nation, its myths and symbols. The ethno-symbolist view tries to do justice to such claims by forming a combination between various modernist views and certain aspects of perennialism and primordialism. But before the focus will be sharpened around Anthony Smith's *ethno-symbolic* theory, a further look will also be taken at Ernest Gellner's *socio-cultural* account of nationalism. The reason for doing so is that those two theories can be quite helpful in understanding the influences nationalism has on cultural policy, as well as putting the last pieces in place in the

102 Hobsbawm 1983: 13.

103 Anderson 1991: 46.

104 Smith 2001: 79.

theoretical mosaic of nationalism.

Socio-Cultural Modernism and Ethno-Symbolism

The socio-cultural view on nationalism underlines the organisation of humans into large, centrally educated and culturally homogenous entities. According to such analysis, the three keywords are *power*, *education* and *shared culture*. In his work, *Nations and Nationalism*, Ernest Gellner describes the interrelations between the three concepts and their role in moulding nationalism, in the following way:

[N]ationalism is, essentially, the general imposition of a high culture on society, where previously low cultures had taken up the lives of the majority, and in some cases of the totality, of the population. It means that generalized diffusion of a school-mediated, academy-supervised idiom, codified for the requirements of reasonably precise bureaucratic and technological communication. It is the establishment of an anonymous, impersonal society, with mutually substitutable atomized individuals, held together above all by a shared culture of this kind, in place of a previous complex structure of local groups, sustained by folk cultures reproduced locally and idiosyncratically by the micro-groups themselves.¹⁰⁵

As other modernists, Gellner sees nationalism as relatively recent phenomena and highlights the mythological character of looking upon nations and nationalism as something natural. But as could be seen from the quote above, Gellner is talking about a school transmitted culture and not a folk transmitted one. Because of the step from agrarian society to industrial society, it was now possible to construct and communicate a special kind of culture which has more influence on the identity formations of individuals than do, for instance, mythological memories, piece of land, faith or monarch. Gellner describes the main characteristics of this culture which is produced independently by different states' centralised education system, with the following words:

Culture is no longer merely the adornment, confirmation and legitimation of a social order which was also sustained by harsher and coercive constraints; culture is now the necessary shared medium, the life-blood or perhaps rather the minimal shared atmosphere, within which alone the members of the society can breathe and survive and produce. For a given society, it must be one in which they can *all* breathe and speak and produce; so it must be the *same* culture. Moreover, it must now be a great or high (literate, training-sustained) culture, and it can no longer be a diversified, locality-tied, illiterate little culture or tradition.¹⁰⁶

105 Gellner 1983: 57.

106 *Ibid*: 37-38. *Italics in the original*.

Therefore, in order to control the masses, culture has to be a homogenous high culture which transmits similar norms and expects similar behaviour from its inhabitants, and this could first be accomplished through the centralised education system of the relatively recent nation-state.

Gellner's account of nation forming and nationalism is in a way both reductive and deterministic, especially when he boldly maintains that “[g]enuine cultural pluralism ceases to be viable under current conditions”¹⁰⁷ and that “[i]n the industrial age only high cultures in the end effectively survive.”¹⁰⁸ Indeed it is his emphasis on the role of homogeneity, literacy and anonymity that make him write off folk cultures and smaller traditions as artificial ornament which societies trigger for the sake of language and folklore preservation. But the monopolised legitimate high culture of a given state, dependent on centralised educational system and one style of communication, is just as artificial. It is just better suited to form cultural nationalism that is strong enough to move and form the masses.

Even though Ernest Gellner's socio-cultural account of nationalism can be criticised with the same logic as the other modernists versions, where its denial of the significance of historical continuity is at the fore, his theory is all the same important in demonstrating the possible strength of a conscious use of the *nationalistic* cultural concept. Anthony D. Smith's ethno-symbolic approach agrees in the significance and strength of culture in the construction of nationalism, but it is in the possibility and means to manipulate the culture concept, that they differ.

I have already mentioned the significance of Smith's understanding of *ethnie* in the construction of nationalism. By adding historical continuity, myths, symbolic rituals, faith and common heritage to the various modernistic versions of nation building and nationalism, Smith combines aspects from *perennialism*, *primordialism* and *modernism* in a constructive and plausible manner. While acknowledging the element of modernist construction, ethno-symbolism also considers reinterpretation of pre-existing cultural themes and reconstruction of ethnical ties and feelings. As the following citation demonstrates, Smith also regards the relationship between past, present and future as a process of man-made reinterpretation, but unlike the modernist account, the ethno-symbolic analysis goes further back in time, drawing attention to nation's and nationalism's affiliation to collective cultural identities over a longer period of time:

[I]ntellectuals and leaders of aspirant communities seek to rediscover their 'authentic' history and link them with putative 'golden ages' in their ethnic pasts, in order to regenerate them and restore

¹⁰⁷ *Ibid*: 55.

¹⁰⁸ *Ibid*: 117.

their 'glorious destiny'. They do so by selecting and reinterpreting for each generation the meanings of these pasts within the parameters of that ethnic culture, sifting the genuine elements from the inauthentic, the intrinsic from the extraneous.¹⁰⁹

Therefore, this is not only a modernist top-down approach where the ruling intelligentsia, political and economic powers construct and invent suitable nationalistic traditions, but also a bottom-up approach which stresses the relationship between various elites and the people they represent; or as Smith puts it: “The non-elites, partly through their cultural traditions and partly in consequence of the vernacular mobilization, influence the intelligentsia, political leaders and bourgeoisie, by constraining their innovations within certain cultural parameters and by providing motifs and personnel for their cultural projects and political goals.”¹¹⁰

Therefore, it takes more than manipulation from above to create the strong ties that exist between people of a given nation, and thus the ethno-symbolists propose both historical and sociological explanations to clarify the emotional attachment of people to their ethnic communities and nations. The focus is therefore shifted from purely external modernistic factors, to cultural ones. However, here culture is not just literate centralised high culture as defined by Gellner, but culture that takes symbols, memories, myths, ethnic identities, values and traditions into account; and herein lays the key to understanding the collective passion and attachment which large groups of people can encompass to their homeland:

The shared memories of golden ages, ancestors and great heroes and heroines, the communal values that they embody, the myths of ethnic origins, migration and divine election, the symbols of community, territory, history and destiny that distinguish them, as well as their various traditions and customs of kinship and sacrifice, provide the keys to understanding the relationship of the ethnic past to the national present and future, and in particular the links and ruptures, between ethnic communities and nations, premodern and modern.¹¹¹

By highlighting the shared symbols, myths and memories of nationalism, ethno-symbolism attempts to explain that the sheer assurance of common ancestry is not entirely based on conscious manipulation of facts and reasons, but also on a seemingly non-rational sentiment of the members of a given community, and “[t]his makes nations as much communities of emotion and will, as of imagination and cognition”¹¹². Or, to put it differently, you cannot construct a common sentiment

109 Smith 2001: 84-85.

110 *Ibid*: 57.

111 *Ibid*: 119.

112 *Ibid*: 80.

that is so strong that most members of the community are willing to die for it, without referring to some crucial commonalities such as language, ethnicity, religion, territory and history, over a longer period of time.

Nationalism and Cultural Policy

As can be seen from the versatility of theories on nationalism, this is a very complex issue. Each version of nationalism has developed differently within different nations and regions, but their common denominator is often the notion of *cultural unity* and *national history*, which then again are triggered by vernacular languages, arts, customs, landscapes, national education and other national institutions.¹¹³ In its widest sense, nationalism has been envisaged both as unifying and fragmenting, political, economical and cultural, progressive and reactionary. This is the reason why I included very different views of nationalism in my account of the concept. It does not exist in any pure form, and therefore different kinds of nationalism are different mixtures of the already mentioned views.

In terms of cultural policy, I find the mixture between Gellner's *socio-cultural* view and Smith's *ethno-symbolic* view the most rewarding. Gellner convincingly shows how culture can be manipulated to underline the intellectual distinctive features, and in some cases the superiority, of a given nation, thereby contributing to its people's national identities. Smith, on the other hand, demonstrated equally convincingly that there has to be a foundation which lies as close to the general population as possible, and in which the people can relate to. Such foundation is usually made of myths, values, traditions and symbols, which the ruling elite then re-interprets for their own purposes.

From the perspective of cultural policy, this mixture of different kinds of nationalism is of great significance as one of the objectives of most cultural policy is to affect the identity formations of citizens. When these considerations are elevated to the European Union, these different approaches acquire great importance. If the theorists of various modernistic versions on nationalism are right, the same manipulative procedure could, at least theoretically, be applied on the cultural policy of the European Union. If, on the contrary, the ethno-symbolic view is right, such manipulation on a European level is much harder, since the common foundation is much more abstract and ill-definable. The mixture between the socio-cultural and the ethno-symbolic views poses therefore some serious problems to the making of a common foundation, especially if it is supposed to concentrate on creating a common *Europeanness*, using the same means as various kinds of nationalism have used.

¹¹³ *Ibid*: 33-34.

This suggests, in my view that the makers of EU's cultural policy should indeed not concentrate on the creation of common European identities, built upon the common historical, cultural, ideological and economic European roots, simply because those roots are too vague, abstract and disperse. As should be evident from my account on various types of nationalism, their ideological, political, geographical and cultural construction is a very complicated matter, but they are all the same tied to the idea of a nation-state. The current form of the European Union consists of 27 different member-states, with different history, myths, memories, symbols, languages etc., and that makes the copying of nationally induced cultural policies at nation-state level, a precarious task.

However, in order to fully realise the scope of the debate, a further discussion has to be taken on the relationship between the *nation-state* and *globalisation*, because if, as many theorists predict, the powers of the nation-state is diminishing, the idea of constructing cultural policy based on common Europeaness seems more applicable. If, on the contrary, the nation-state is alive and well, this process becomes a lot more difficult.

The Nation-State and Globalisation: The Cobweb of Glocalisation

It is impossible to offer any full reaching and permanent definitions on tremendously connoted terms such as the *nation-state* and *globalisation*. I will however make considerable use of Robert J. Holton's account of those terms, especially because he applies a wide approach that includes the importance of networked digital communication and especially the role of the Internet. In his book *Globalization and the Nation-State*, Holton starts out by proposing important questions regarding the relationship between the global and the local. According to him, geography has vanished in the traditional sense because now “[t]here is a sense that the fate of all parts of the globe is somehow bound together more intensely than before through ties of interdependence and the interpenetration of economic, political, and cultural relationships across existing borders and boundaries.”¹¹⁴ This vague feeling of interdependence is often looked upon negatively, where the dominance of the Western economy and cultural imperialism are said to bring about homogenisation, and perhaps more commonly Americanisation. Others see it as the unstoppable growth of Multi-National Enterprises' economic power, while yet another regard it as a very convenient umbrella term which serves well to demonstrate political, economic and cultural processes that inevitably involve societal changes and lead into a variety of different directions.

Some predict that globalisation promotes diversity and cosmopolitanism, where nations, different communities and individuals have much more freedom to choose from with the help of different technologies, ideas and alternative cultural practices, thereby predicting the end of, or at

114 Holton 1998: 1.

least the marginalisation of the nation-state. On the other end of the argument, powerful voices predict the contrary, i.e. the resurrection of nationalism and regionalism, making the nation-state more powerful than ever.

It is certainly true that the nation-state has to be, and in fact has been, redefined concomitant to the arise of transnational organisations and enterprises, and the floating and mobile flow of technology, investments, information and capital across borders, international law and the establishment of transnational bodies and unions, such as EU, NATO, UN, NAFTA, NATO, World Bank, WTO, GATT, etc. However, the nation-state, especially as it has developed in the Western world, still has a high degree of economic, political, legal, informational, cultural and social self-determination. Indeed, the relationship between the nation-state and global actors such as multi-national enterprises and non-governmental organisations can be described as a very complex, decentred and polyarchic cobweb¹¹⁵ which forms a matrix-like process where the keywords are *communication* and *negotiation*. Multi-National Enterprises depend upon secure, favourable environment where governments can provide stability, fiscal support, relatively advanced infrastructure, legal framework, legitimisation of capitalist social relations¹¹⁶, and of course reliable work force. These factors, as the following quote from Robert J. Holton demonstrates, let him reach the conclusion that borders still matter:

This is not because ideals of absolute sovereignty are a viable alternative to globalization. Instead, it is because most global economic actors have so far felt the need to some kind of stabilizing framework of rules and public support structures beyond the networks generated through market transactions. Even in an age of deregulation, most actors continue to look to states to provide or underwrite such supports. The nation-state, in this sense, is not coming apart at the seams, but it is becoming increasingly implicated in wider sets of relationships with other nations, MNE's and global NGOs operating across political boundaries.¹¹⁷

Anthony D. Smith takes this argument even further, as can be seen from his writings regarding the stance of the modern nation-state midst in the cobweb of globalisation processes:

One has only to think of the vast increase in state regulation of areas such as mass, public education, health and genetics, population and environmental planning, immigration, the mass media, the arts, sport and culture, the professions and employment, the trade unions and wages, taxation and fiscal policy, and much more, to realize that, far from being in danger of decline,

¹¹⁵ *Ibid*: 132.

¹¹⁶ *Ibid*: 100-101.

¹¹⁷ *Ibid*: 108.

the national state is becoming much more centralized, coordinated and powerful.¹¹⁸

This is certainly a very bold statement that many would surely oppose, for instance the people working in various sweat-shops throughout the world, as for instance documented by Naomi Klein in her work *No Logo*.¹¹⁹ According to her analysis, globalisation has created commercial utopias where the keywords are *mergers* and *synergy*. This has resulted in the rise of colossal enterprises that encompass great power which they do not hesitate to use in order to generate greater revenues. When the magnitudes of corporations reach such levels, they have the power to demand special treatment from governments, and if they do not cooperate, the corporation simply takes its activities elsewhere. This has in many cases forced nation-states to make exemptions to their rules and regulations, often with catastrophic environmental, cultural and human consequences. Klein takes examples from the so-called *export processing zones*, where the advantage is clearly with the global corporations, at the expense of the local communities.

The examples analysed by Klein demonstrate what can happen when the balance of *negotiations* and *communications* between a given nation-state and global actors becomes tilted in the latter's advantage. In contemporary societal formations, nation-states have to engage in global capitalist economy, and sometimes Multi-National Enterprises can pressure them to alter their financial and social environment so they can earn more profits. Here, governments have to decide whether the benefits of investment and financial returns associated with the presence of MNE's exceed its cost. But regardless of the nature of this balance, it is an undeniable fact that the local and the global are interconnected and dependent on each others existence, i.e. much of the transactions that occur on a global level, affect developments on the local level, and vice versa. The most sensible tool in further analysis of this interconnection is therefore in looking upon those processes as *glocal*; or referring to Robert J. Holton yet again:

[T]he associated concept of glocalization offers ways of connecting large-scale (macro) and small-scale (micro) aspects of the social world, connections that have often been obscured by the association of globalization solely with macro-processes, such as the world market, the multinational enterprise, or UN Declarations and Conventions, in contrast to the particular micro-worlds in which individuals households and communities are assumed to live. Glocalization, in short, offers ways out of the global/local, macro/micro dichotomies that plague many analyses of globalization.¹²⁰

118 Smith 2001: 125.

119 See Klein 2001.

120 Holton 1998: 17.

The greatest advantage of the glocal concept is that it goes against the polarisation of seeing globalisation as either a monopoly of economical giants, or as an ideal world of human rights generated by the perfect realisation of the *great family of man*. In fact, glocalisation emphasises the fact that “the world is singular yet somehow differentiated and subdivided”¹²¹. Acknowledging *glocal processes* is therefore the same as acknowledging the multi-actor, paradoxical, complicated and processing nature of the relationship between the *local* and the *global*.

The extent of such glocal processes have been accelerated in the network society, and in particular the global network of new media, as it lies in the medium itself to cut across national borders. It is therefore far too reductive to say that either *globalisation* or the *nation-state* has either lost, or won. What is important here is to acknowledge the complicated interrelations between the two, and also the fact that different nation-states have different relationship with different globalisation processes.

Hence, it should be quite clear by now that even though globalisation permeates all societal structures, the same can be said about nationalism, the politics of national identity and the nation-state, as a power centre capable of ensuring political, socio-economic stability, along with cultural identity and national citizenship. However, globalisation has brought about a great degree of time-and-space compression, especially through digital communication, mass media and information technology, and this has created new extended cultural spaces and cultural public spheres which cultural policy will have to react to. The response to such decentralised cultural spaces has typically taken three different forms; namely *homogenisation*, *polarisation* and *hybridisation*.

Homogenisation

The idea of cultural *homogenisation* is usually linked with Americanisation, especially in regards to USA's dominant role in the export of television material, film production and news information. This cultural homogenisation is considered as the offspring of increased demand and mass marketing of the culture industries, which consciously blur the distinction between high and popular culture in order to widen the scope of their audience, as well as the products they create. Such homogenisation is therefore dependent upon capitalist methods of mass production, mass marketing and standardisation of taste and fashion.

In advanced capitalist societies, such standardisation tries to hide its true face by producing many *sub-standardised* cultural spheres which gives the consumer the illusion that he is actually forming his own style and choosing his cultural activities consciously; and up to a certain point, the

121 *Ibid.*: 39.

consumer is right. By choosing the fashion and aesthetics of the rap culture, the user is consciously denying aspects of, for instance, rock, pop and R&B cultures. However, all of these cultures are in many cases controlled by the same enterprises and the same marketing ideology, where cultural superstars, such as popular pop-princes and pop-princesses, are used as icons, not only to sell music, but also to entrap the consumers in adhering to certain style and image. Because of the increasing convergence, mergers and synergy of giant corporations in the cultural industry, a given song by a given artist, does not necessarily result in only a CD, but also a perfume line, clothing line, DVD production, music videos, movies, appearances in popular TV shows, book and magazine production computer games etc., which all are controlled, produced, marketed and sold by the one and the same corporation. This converging synergy is especially common in the culture industries, not only in the USA, but also in other countries where advanced capitalism is the reigning economic factor. It is therefore too simplistic to say that homogenisation equals Americanisation. Indeed, it would be much more correct to say that homogenisation is the logical result of advanced capitalist production techniques, and indeed such homogenisation produces sub-standardised cultural spheres.

Even though digital culture has diversified the scope of such homogenisation, allowing the prosumers to participate and form certain narratives within a wider production frame, these are still in many cases examples of homogenisation. It is a slightly more diversified homogenisation, but it is homogenisation all the same. Henry Jenkins takes for instance examples of such adaptation on the behalf of the market, where users enter a symbiosis with the producers of for instance shows like *Survivor* and *American Idol*.¹²² He also takes a better example that relates to the boundaries between *access culture* and *permission culture* as he demonstrates how George Lucas exploits the fan cultures of his Star Wars series by allowing the fans to access some of the material online, and encourage them to remix and reproduce. However, this is a very selected version of access culture where the prosumers have to obey certain rules and give certain rights of their creations away in order to access the database provided by Lucas and Co. This could of course not be otherwise as the market always demands something in turn. The decisive point to notice is that the cultural industries are very attentive towards the remixable culture of prosumers and are good at exploiting its potentials, for better and for worse.

Polarisation

Cultural *polarisation* includes the 'other', or more accurately the 'others' of cultural homogenisation. As the name suggests, such view divides world cultures up in two dualistic extremes. A positive

122 See Jenkins 2006.

aspect of polarisation theory is that it puts more emphasis on human agency and resistance, than does the homogenisation approach, which tends to subsume the totality of society into the logic of advanced capitalism. In addition to that, this view puts focus on the cleavage between capitalist and socialist ideologies, the irreducible divergence and magnitude of cultural practises, as well as culture's significance in societal formations, as an important addition to the economic rationality.

However, the polarisation standpoint can be criticised for how easily it manufactures clear-cut boundaries between civilisations, ideologies and religious worlds, in its typically dualistic manner. This approach has therefore its affinity with Edward Said's celebrated work *Orientalism*, where he maintains that orientalism is one of the most genuine and frequent representation of the 'other' and sees it as a type of thought which is based on the binary oppositions of the *orient* vs. the *occident*. But even though Edward Said insists upon the versatile nature of any discussion concerning orientalism, his definition is drastically reductive to the binary oppositions of white vs. black, West vs. East, culture vs. nature etc., as can be seen in the following quote from his work:

It [Orientalism] is rather a *distribution* of geopolitical awareness into aesthetic, scholarly, economic, sociological, historical, and philological texts; it is an *elaboration* not only of a basic geographical distinction (the world is made up of two unequal halves, Orient and Occident) but also of a whole series of "interests" which, by such means as scholarly discovery, philological reconstruction, psychological analysis, landscape and sociological description, it not only creates but also maintains; it *is*, rather than expresses, a certain *will* or *intention* to understand, in some cases to control, manipulate, even to incorporate, what is a manifestly different (or alternative and novel) world.¹²³

Thus, Edward Said acknowledges the heterogeneous nature of the discourse concerning orientalism and emphasises the fact that it has constructed knowledge of the orient through a complicated power/knowledge relationship which serves the interests of the occident. However, regardless of his emphasis on the versatility of the topic, Said builds his argument on a schema that generalises static binary structures, and therefore inscribes himself into the tradition of cultural polarisation. As will be made apparent later in this work, this is also a widespread tendency within EU's cultural policy, which is very prone to apply a polarisation approach with us/Europe on the one side, and them/Japan/USA in the other.

123 Said 1995: 12. *Italics in the original.*

Hybridisation

The third reaction to global cultural changes is often referred to as *hybridisation*. This view draws attention to the importance of interculturalism in building modern cultural identities and the syncretic historic-making of cultural forms and behaviour.¹²⁴ Such theory looks upon the world as a fuzzy whole made of multiple sub-cultures, instead of distinct national or regional cultures, with their respectively imagined clear-cut boundaries. Globalisation is thus multi-centred, and even though certain symbols and trends may temporarily dominate some fields, this 'multi-centredness' of cultural pluralism enables people to be affected by different trends in their identity building and cultural consumption. Indigenous, religious, ethnic, regional, national and global features all affect identity formations of individuals living in a global world, and furthermore, this does not necessarily have to be a contradicting process, even though it can be. Cultural hybridisation is therefore a different reaction to both homogenisation and polarisation, because it denies the clear-cut boundaries which the other views suggest.

If we continue on Edward Said's terms regarding the polarisation between the *occident* and the *orient*, hybridisation theory, as interpreted by for instance Homi K. Bhabha, suggests that it is far too late in cultural development to be talking about either homogenisation or polarisation, simply because cultural forms have become mixed. Indeed, they are *hybrids*. According to Bhabha, the heterogeneity and paradoxical nature of all discussion concerning orientalism and colonialism as the big 'other' makes the recognition of its 'clear' visibility highly problematic. This is further stated in what Bhabha refers to as the hybridisation of discourse and power:

Produced through the strategy of disavowal, the *reference* of discrimination is always to a process of splitting as the condition of subjection: a discrimination between the mother culture and its bastards, the self and its doubles, where the trace of what is disavowed is not repressed but repeated as something *different* – a mutation, a hybrid. It is such a partial and double force that is more than the mimetic but less than the symbolic, that disturbs the visibility of the colonial presence and makes the recognition of its authority problematic.¹²⁵

According to Bhabha hybridity is a miscellaneous sign which finds its appearance in the productivity of the shifting forces and flux of colonial power. It uses the technique of disavowal to reverse and re-evaluate the production of the pure and original identity which the oppressing force wants to stand for. Hybridity reveals the essential deformation and displacement of the dialogue concerning discrimination and domination by undermining authoritative representations invented by

¹²⁴ See Holton 1998: 184.

¹²⁵ Bhabha 1994: 111. *Italics in the original.*

a highly ambivalent Western 'truths' in the form of an imagined hierarchical order and normalisation. Thus Bhabha's hybridity "is a problematic of colonial representation and individuation that reserves the effects of the colonialist disavowal, so that other 'denied' knowledges enter upon the dominant discourse and estrange the basis of its authority – its rules of recognition."¹²⁶ As a result to this effect of hybridity, the nature of the occident is always ambivalent because it is divided between its manifestation as unique and authoritative; and its expression in the form of repetition and difference.

Therefore, the occident discourse digs its own grave because its universal, essentially white dogma unintentionally becomes particular in the mirror of the 'other', creating resistance, which parodies the occidental culture. It is because of this hybrid that any statement about binary oppositions between occident/orient, self/other and West/East, or in EU's case Europe/USA becomes essentially problematic since "colonial specularity, doubly inscribed, does not produce a mirror where the self apprehends itself; it is always the split screen of the self and its doubling, the hybrid."¹²⁷ That is why the exercise of authority becomes a lot more complicated than in Edward Said's treatment because the effects of the resistance of various *micro-powers*, which Bhabha refers to as *hybrids*, hints at the impossibility of a universal identity of a given authoritative occident and the unpredictability of its presence; or to refer to the words of Homi K. Bhabha once more: "The voice of command is interrupted by questions that arise from these heterogeneous sites and circuits of power which, though momentarily 'fixed' in the authoritative alignment of subjects, must continually be re-presented in the production of terror or fear. The paranoid threat from the hybrid is finally uncontainable because it breaks down the symmetry and duality of self/other, inside/outside."¹²⁸

The problem with cultural hybridisation is that in its openness, it tries to include everything, even essentially opposing fundamental forces, which historically have a very hard time of being reconciled. In culture-political terms, it is also more difficult to govern cultural hybridisation, than market oriented cultural homogenisation or political, nationalistic and ethnical cultural polarisation. However, national identities are increasingly becoming hybridised because of massive immigration, the changed cultural composition of many nation-states, mass tourism and transportation, and of course the virtual worlds and the various new media platforms of digital communication and information technologies.

These developments strengthen the *glocal* way of organising future cultural policy, where the interplay between the *local* and the *global* will be the main focus of observation. The difficulty

¹²⁶ *Ibid*: 114.

¹²⁷ *Ibid*: 114.

¹²⁸ *Ibid*: 116.

in setting reasonable and controllable limits to such hybridity lies in “how to balance evidence of polarization with other evidence of interculturalism and, in a deeper sense, of how to balance a sense of globalization as opportunity with globalization as constraint.”¹²⁹ Some of the adherents of cosmopolitanism maintain they have the answer, and therefore this discussion will now be directed to them.

The Global Proponents of Cosmopolitanism

In a recent work, Ulrich Beck offers the bold statement that “[t]he big ideas of European modernity - nationalism, communism and socialism, as well as neo-liberalism - are a spent force. The next big idea could be a *self-critical cosmopolitanism*, depending on whether this ancient tradition of modernity can be opened up to the challenges of the twenty-first century.”¹³⁰ According to Beck, we are witnessing a creative self-destruction of a world order, dominated by nation-states. Indeed, we stand at the brink of a transformation where *the first modernity of nation-states*, is transforming into *a second modernity of cosmopolitanism*. Some of the most important characteristics of the second modernity are global and economic crisis, increasing transnational inequalities, individualisation and other cultural, political and military side-effects of globalisation. Therefore, cosmopolitanism could not be realised without the changes which globalisation has caused on the societal structure.

However, cosmopolitanism as envisaged by Beck attempts to create a different kind of globalisation where political freedom and social and economic justice will reshape the rules of economically dominated ideology of globalisation's current manifestation. The cosmopolitan imagination is an endeavour to re-conceptualise interdependency beyond the national horizon and therefore applies to the universal interests of humanity as a whole, especially through stimulation and sharpening of *glocally* networked societies. Beck calls his theoretical approach *New Critical Theory with Cosmopolitan Intent*, and even though his analysis is rich in detecting and predicting cosmopolitan power structures and future strategies of various global actors, the real thrust of his theory is inevitably related to his definition and use of *cosmopolitanism* which, as the following quote demonstrates, is somewhat prone to naive idealism:

The claim made in this book is that cosmopolitanism essentially means the acknowledgement of difference. [...] What is meant is something ruled out by *both* positions, namely, the *affirmation* of others as both different *and* equal. Two positions are rejected in this move: *racism* and *universalism* (in its various manifestations). Cosmopolitanism entails challenging the seemingly timeless nature of racism and its future viability and claiming the future for itself. But it also

129 Holton 1998: 184.

130 Beck 2005: 280. *Italics in the original.*

means: representing the West's ethnocentric universalism as an anachronism that can be overcome, without getting caught in the snare of relativism. Cosmopolitanism is an antidote to ethnocentrism and nationalism of both right-wing and left-wing varieties. By gaining subtle insight into the ugly global community of ethnocentrism and xenophobia, we can take an initial, realistic step towards a cosmopolitan *common sense*.¹³¹

As is the case with *cultural hybridisation*, *cosmopolitanism* remains a relatively abstract notion, even though Beck believes it can escape relativism. There is no doubt that these are beautiful thoughts, aiming at the extermination of global inequalities and the acknowledgement of difference, but whether Beck's *realistic step towards cosmopolitan common sense*, is indeed so realistic, is seriously questionable. Beck sees the demise of nationalism and the nation-state as necessary prerequisite for the realisation of such visions, and consequently supranational societal institutions have to be strengthened. However, Beck's vision is not just committed to a different institutional and organisational global landscape, but also in a major mentality shift amongst world citizens. According to him, there is a certain paradox inscribed in the opposition to globalisation, which he chooses to term as *propponents*, i.e. they who think they are opposing globalisation are in fact opposing pro-globalisation lobbies, using the same methods as the global lobbyists. *Propponents* are therefore a mixture of *proponents* and *opponents*. The consequence of this is that “resistance to the speeding up of globalization accelerates the speeding up of the same.”¹³² But according to Beck, this is not a negative thing, simply because in a cosmopolitan society, global misdoings have to be resolved globally:

Resistance to the neo-liberal agenda of globalization inevitably gives rise to a cosmopolitan agenda of globalization. All the crises, conflicts and collapses generated by globalization have one and the same effect: they reinforce the appeal to a cosmopolitan regime and open up (whether intentionally or unintentionally) the space for a global order of power and a global legal system. Conflicts over globalization globalize cosmopolitan horizons of thought and expectation, they globalize the realization that there is a need to civilize national attacking instincts.¹³³

Therefore, Beck emphasises the circular characteristics of globalisation, i.e. the *globalisation of globalisation* pushed forward by *propponents* that organise themselves and their activities transnationally. Furthermore, by reducing the *national attacking instincts of nation-states*, Beck

131 *Ibid.*: 283-284. *Italics in the original*.

132 *Ibid.*: 287.

133 *Ibid.*

hopes for a supranational wave where “supranational protest requires a supranational police force, a corresponding supranational information system, supranational legal systems, and so forth.”¹³⁴

However, even though Beck's writings serve well to move the focus towards a cosmopolitan vision, he still has a hard time getting rid of the nation-state. Indeed, he highlights its authoritative legal, political and cultural role in establishing a world order based on civil society and thereby promotes the *glocal* interdependence of different societal actors. The global meta-power game, as he refers to the cosmopolitan scenery, is dependent upon forming coalitions, because in a blurred and interwoven reality of fuzzy *proposition*, no single actor can realise its goal on its own. This *glocal* aspect of Beck's approach is the most rewarding about his vision of cosmopolitanism, especially the weight he puts on the need to redefine the global actors and the shifting flux of power that exists between them. Here, the circularity of *proponents*, i.e. the interrelations of proponents and opponents, is a good tool to demonstrate and conceptualise some of the contradictory characteristics of globalisation. Nevertheless, Beck's cosmopolitanism remains an abstract idealism which, contrary to his anticipation, is likely to fall victim to relativism, and as the following quote demonstrates, naïve optimism:

When proponents and opponents merge into variations of globalization's *proponents*, it is difficult to work out who is on whose side. The *proponents* on the street may contradict the *proponents* in government, but both sides constantly outdo one another in paying lip service to global norms and regulations, so that in the end one might well ask whether the street-protesting *proponents* wouldn't ultimately make better heads of government and the governing *proponents* better protesters. Then again, why can't all of globalization's *proponents* form a gigantic worldwide coalition with all other *proponents*, in order to make the cosmopolitan regime into an opposition that embraces all the different fronts?¹³⁵

Here, Beck really touches upon two important aspects of his theory on cosmopolitanism, on the one hand he emphasises the blurred circularity of different *proponents* of the global field, stating in particular the need to acknowledge different roles and new and ever-changing forms of power constellations between those actors. On the other hand, as the latter part of the quote demonstrates, he is still hoping for an idealistic gigantic worldwide coalition of *proponents* that will be able to shift the balance in favour of a more active, democratic and participative civil society.

The obvious culture-political problem here is that one of its aims is to translate *debate into action*, and even though Beck's ideas look good on paper, their realisation could be much more

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*: 288. *Italics in the original.*

difficult to accomplish. Beck concretely mentions strengthening of existing transnational organisations or the funding of new ones; fruitful reform of the IMF and World Bank; active state democracy (meaning that all states are equal before the laws); strong human rights policy; the creation of a global citizen's parliament; a more transparent substructures of intermediary institutions such as the UN General Assembly and the World Security Council; legitimisation through self-fulfilling prophecy (meaning the creation of a global public sphere where a common cosmopolitan consciousness becomes impressed on people's mind)¹³⁶, as concrete measurements that could be taken to strengthen cosmopolitanism. However, this is in every case a daunting task, especially when the inner contradiction of such cosmopolitanism is taken into account; namely that it both wants to promote *difference*, as well as inflict a *common cosmopolitan consciousness* upon world citizens, or to put it on EU's terms, to promote *unity in diversity*.

The Cosmopolitan Identity

Jürgen Habermas' account of cosmopolitanism, as it appears in his essay “The Postnational Constellation and the Future of Democracy”, is faced with similar contradictions, especially his notion of *cosmopolitan identity*. In this essay Habermas puts focus on various societal changes which globalisation has caused, especially on the interrelations between nation-states and other global actors and organisations. On the one hand, Habermas detects the cognitive dissonance when different cultural forms collide, often manifested in hardening of national identities, and on the other hand, he identifies processes of hybrid differentiation which can soften and form native and relatively homogenous cultures into a single material world culture. Harsh European immigrant regulations have not succeeded in withholding national homogeneity and therefore all European nations are indeed multicultural societies where pluralisation of life forms live side by side. For most nation-states, this can be a painful and precarious process, since it demands from them politics which work for the coexistence of different ethnic communities, religions, cultures, languages, etc.; or as Habermas formulates it:

The majority culture, supposing itself to be identical with the national culture as such, has to free itself from its historical identification with a *general* political culture, if all citizens are to be able to identify on equal terms with the political culture of their own country. To the degree that this decoupling of political culture from majority culture succeeds, the solidarity of citizens is shifted onto the more abstract foundation of a “constitutional patriotism.” If it fails, then the collective collapses into sub-cultures that seal themselves off from one another. But in either case it has the

136 *Ibid*: 307-309.

effect of undermining the substantial commonalities of the nation understood as a community of shared decent.¹³⁷

Here, Habermas' notion of *constitutional patriotism* is of great significance, especially its liaison to "the emergence of 'cosmopolitan identities,' already evident in post-industrial societies."¹³⁸

Globalisation has forced the nation-state to open up for new cultural forms, and *multiculturalism* and *individualisation* have distorted the relationship between the constitutional state and the nation. Instead, Habermas detects "a renewal of a more abstract form of civil solidarity in the sense of a universalism sensitive to difference."¹³⁹ But as Habermas rightly points out, this current modernity of flexibilisation, pluralisation, de-hierarchicalisation, de-traditionalisation and de-conventionalisation has a flip-side that could prove to have grave consequences for future societal development:

[T]he "flexibilization" of career paths hides a deregulated labor market and a heightened risk of unemployment; the "individualization" of life projects conceals a sort of compulsory mobility that is hard to reconcile with durable personal bonds; the "pluralization" of life forms also reflects the danger of a fragmented society and the loss of social cohesion.¹⁴⁰

As a counter-force to such decentralisation of social cohesion, Habermas turns to the idea of a *collective identity* beyond national borders and the legitimacy conditions for a postnational democracy. If we look at such conditions from the European perspective, it is an absolute precondition that European citizens mutually acknowledge each other beyond national borders. This can, according to Habermas, not happen without Europe-wide democratic will-formation where the foundation is made of civil solidarity. He seems to believe that this kind of solidarity can be constructed, with similar means as national identities, which he maintains where mainly mediated by law, mass communication and the power of political parties. Therefore, Habermas' theory is very much akin to the modernistic view on nationalism, a stance that allows him to ask himself the following question: "If this form of collective identity was due to a highly abstractive leap from the local and dynastic to national and then to democratic consciousness, why shouldn't this learning process be able to continue?"¹⁴¹

Since governments are not very likely to change their policy from national interests to global

137 Habermas 2001: 74. *Italics in the original.*

138 *Ibid.*: 76.

139 *Ibid.*: 84.

140 *Ibid.*: 87.

141 *Ibid.*: 102.

governance, Habermas sees citizens and citizens' movements as key factors in creating participative public spheres that could slowly but surely influence the debate at more powerful places:

A functioning public sphere, the quality of discussion, accessibility, and the discursive structure of opinion- and will-formation: all of these could never entirely replace conventional procedures for decision-making and political representation. But they do tip the balance, from the concrete embodiments of sovereign will in persons, votes, and collectives to the procedural demands of communicative and decision-making processes. And this loosens the conceptual ties between democratic legitimacy and the familiar forms of state organization.¹⁴²

Glocal Processes and Cultural Policy

As can be seen from my account of various theories on *nationalism*, *globalisation* and *cosmopolitanism*, there is no general consent within those wide and ever-changing fields, and indeed there should not be. These terms are, however, extremely important in deciding upon the future development of every society, and therefore I found it quite necessary to include a section on glocal processes. The emphasis has been on the *glocal* aspect of all societal movements and dimensions, meaning that the local and the global are dependent upon each other's existence. All life forms are affected by this relationship, even though most people in the world live their lives rather locally. The West, including all of the member-states of the European Union, is more *glocal* than for instance most of Africa, simply because its wealth, life style and technological means make it much easier to enter a symbiosis with other nations and other cultures. It is also the advanced technological and capitalist countries that are currently shaping the power formations of global communities, and therefore it makes sense to maintain that they are more *glocal* than third world countries are. All the same, even though the *glocal* does not affect the daily life of many tribal communities throughout the world, decisions made in the West can easily affect the ecology of a given region, often with catastrophic consequences. The point that I am repeatedly stating is that the *local* and the *global* intertwine.

This is of course also the case within the field of cultural policy. As was stated before, culture-political decisions made by the EU affect cultural policy on a regional level, and vice versa. This is even more so with the digital paradigm which makes it technologically very simple to reach global ideological, artistic and cultural currents from a locally situated networked computer. All that you need is the Internet. Digital communication cuts across national borders and creates digital cultural public spheres where people can interact, share information, remix digitally stored cultural

¹⁴² *Ibid*: 110-111.

content, etc., thereby creating a variety of digital public spheres and enhance people's participation and interaction to either newly made cultural artefacts, or pre-existing ones.

Those digital public spheres have the ideological and technological means to enhance cosmopolitanism and could therefore be ideal in realising Habermas' *tip of balance*. However, new media and digital communication can just as easily be used to promote national and regional interests, and that makes it an essentially *glocal* medium. Here, we really enter the well known dilemma of all cultural policy. Is it supposed to preserve the national cultural heritage, promote national art and artists and strengthen the competitive position of the national cultural market and broadcasting against other national heritage, artefacts, market and broadcasting policies, thereby promoting national identities? Or is it on the contrary supposed to promote cultural and artistic participation and intervention across borders, using culture and the arts to enhance inter- and multicultural experiences, thereby promoting cosmopolitan identities? Which approach is better for the arts and culture? Which approach is better for future broadcasting policies? Which approach is better for preserving the cultural heritage?

The obvious answer, and the hardest to realise, is *both*, thereby taking the *glocal* way between the local and the global. This will, however, demand a mentality shift from the makers of cultural policy, where they have to take the good things with the bad ones. In these matters, the cultural policy of the European Union has a certain advantage since its member-states already are participating in an economical, political and cultural exchange across national borders. The *glocal* way should therefore not be totally alien to them. Nevertheless, there are some major obstacles on the way which, depending on the integrity of the makers of EU's cultural policy, could tilt its policy in either direction. Anthony D. Smith's and Robert J. Holton's account on nationalism and the current position of the nation-state, does not allow for much positivity regarding the opening up of the nation-state. According to them, the nation-state is still the major actor on the global field both in economic, political and cultural terms. If this is correct, the nation-state is likely to defend its position and in culture-political terms, this means promoting national cultural values.

If Ulrich Beck's and Jürgen Habermas' analysis will be accepted and pushed forward by makers of cultural policy, the nation-state has to open up, not just from the outside, but also from the inside because of the multicultural composition of its citizens. This will ultimately lead to cultural hybridisation with its corresponding costs and benefits. But can a *glocal* way between those different theories be conceptualised?

In my view it can, for instance by combining aspects from Smith's *ethno-symbolism* and Gellner's *socio-cultural modernism*, thereby opening up for Beck's and Habermas' cosmopolitanism. I think Smith is quite right on the weight he gives shared memories, values, myths, historic past,

symbols, ethnic aspects of identity formations, etc., but I also think that the socio-cultural modernism of Gellner makes a strong argument, especially regarding cultural-political governance. While Smith reaches this from bottom-up, Gellner takes the top-down approach.

In any case, the primary goal of this chapter was to account for my use of *power* and to compose six different versions of *glocal processes* that are important to cultural policy. As was apparent from *Model 2* on the role of *power*, I see it as the main force in generating public spheres, and therefore I placed it on the outer sphere of my models. The next sphere, or the one I call *glocal processes*, is meant to demonstrate the utter complexities cultural policy finds it in where national, global and cosmopolitan interests coincide with the three cultural reactions of homogenisation, polarisation and hybridisation. In my view, these reactions can take both a national manifestation as well as a cosmopolitan one and I will therefore use their combination into *homogenous nationalism*, *polarised nationalism*, *hybrid nationalism*, *homogenous cosmopolitanism*, *polarised cosmopolitanism* and *hybrid cosmopolitanism*, as tools to analyse the cultural policy of the EU. I will demonstrate the relationship between glocal processes, power, the system, the lifeworld and the inter-mediating public spheres further in Chapter 6, but now the idea is to conceptualise much further how the idea of the public sphere has evolved and why that is important for cultural policy. The reason for why I trace this development so precisely is to account for the different features of the concept and more importantly, to adopt it to the digital add-on, thereby construction the notion of *digital cultural public spheres*. It is only when such *networked flows of digital public spheres* have been theorised, that the whole field of cultural policy emerges, as well as the actual possibilities and policy space facing the makers of EU's cultural policy.

Restructuring the Structural Transformations of the Public Sphere

Habermas' Original Public Sphere

The Blueprint

One of the keys to understanding Habermas' theory on the public sphere is to be found in Immanuel Kant's famous writing about the Enlightenment. In this short piece from 1784, Kant enthusiastically proclaims: “*Sapere aude!* Have courage to use your *own* understanding!”¹⁴³, emphasising the importance of the “freedom to make *public use* of one's reason in all matters.”¹⁴⁴ In Habermas' case, the words *freedom*, *public* and *reason* are of particular importance. This is clearly illustrated in his doctoral dissertation from 1962, *The Structural Transformation of the Public Sphere*. Here, Habermas detects decisive changes in the societal structure, where people acquired the right to use their own reason in all matters:

The bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor. The medium of this political confrontation was peculiar and without historical precedent: *people's public use of their reason (öffentliches Raisonement)*.¹⁴⁵

However, before the plunge will be taken into explaining his theory and clarify its wide stretching criticism, it is important to underline why his theory is important to the concept of *digital cultural public spheres*. Since cultural policy touches both upon *culture* and *politics*, it is important to examine the relations between those two terms. Even though culture becomes essentially problematic for Habermas in his later writings, it is ascribed a central role in his original theorisation concerning the public sphere, and therefore a further analysis has to take place on his original writings, and why culture later became so difficult for him.

According to Habermas' historical genesis of the bourgeois public sphere and cultural enlightenment, a reading and reasoning public emerged during the late 18th and 19th century Europe.

¹⁴³ Kant 2003: 45. *Italics in the original.*

¹⁴⁴ *Ibid*: 46.

¹⁴⁵ Habermas 1989: 27. *Italics are mine.*

This public found its ideal place in surroundings which Habermas calls the *public sphere*, a place that mediated between the private concerns of individuals in their familial, economic and social life contrasted to the concerns of social and public life. Habermas traces the emergence of this public sphere to the political, historical, philosophical and economical changes that the German, British and French societies underwent in the course of Enlightenment. The conditions in society seemed to be ripe for the public to use rational communication to form a just society based on democratic rights and various issues, which state authorities and church had monopolised, were open to rational debate controlled by the enlightened bourgeoisie. The economic precondition for such freedom of speech was free trade and free competition of independent businessmen, who owned the means of production themselves.

This was, of course, a limited era of early capitalism which was bound to change according to other societal changes, but it is precisely during that phase that Habermas locates an ideal venue for the use of reason, namely the emergence of the *rational bourgeoisie public sphere*. Habermas situates the early formation of this public sphere in following terms:

The line between state and society, fundamental in our context, divided the public sphere from the private realm. The public sphere was coextensive with public authority, and we consider the court part of it. Included in the private realm was the authentic “public sphere,” for it was a public sphere constituted by private people. Within the realm that was the preserve of private people we therefore distinguish again between private and public spheres. The private sphere comprised civil society in the narrower sense, that is to say, the realm of commodity exchange and of social labor; imbedded in it was the family with its interior domain (Intimsphäre). The public sphere in the political realm evolved from the public sphere in the world of letters; through the vehicle of public opinion it put the state in touch with the needs of society.¹⁴⁶

As can be seen, Habermas places the *public sphere* between the *private realm*, which consists of civil society and the conjugal family's internal space, and the *sphere of public authority*, which consists of the state and the court. The precondition for the evolvement of the public sphere is the town with its market of culture products and certain organs and venues of information and cultural and political debate. Those organs include, for instance, the British coffee houses, the French salons and the German table societies, newspapers, journals and different public assemblies where informed cultural-socio-political discussion took place. Thus, according to Habermas' interpretation, the bourgeois public sphere created a venue where public opinion could be shaped and used to influence the political decision-making. Therefore, in its ideal form the public sphere was a space, which was open to discussions of wide range, based on discursive argumentation and

146 *Ibid*: 30-31.

rational communication.

The Cultural Public Sphere

An important thing about the *cultural public sphere*, which Habermas refers to as the literary public sphere or the public sphere in the world of letters, is that in his original formulations, this public sphere was a prerequisite to the political public sphere. Thus, the public sphere was three layered consisting of the *town*, with its market of cultural products which created the ground for a *cultural public sphere*, which than again served as a foundation for the *political public sphere*. This three layered public sphere came into being because of audience-oriented subjectivity of the conjugal family's intimate domain, and the societal realm of commodity exchange and social labor. The public sphere could than insert influence upon the sphere of public authority, containing the state and the court. Habermas comments upon the interrelations of this three layered public sphere with the following words:

The “town” was the life center of civil society not only economically; in cultural-political contrast to the court, it designated especially an early public sphere in the world of letters whose institutions were the coffee houses, the *salons*, and the *Tischgesellschaften* (table societies). The heirs of the humanistic-aristocratic society, in their encounter with the bourgeois intellectuals (through sociable discussions that quickly developed into public criticism), built a bridge between the remains of a collapsing form of publicity (the courtly one) and the precursor of a new one: the bourgeois public sphere.¹⁴⁷

In terms of cultural policy, the status which Habermas ascribed to the cultural public sphere is essential, because it serves as a foundation to any political discussion and decision making. Indeed, as was stated before, the apolitical cultural public sphere was a precursor of the political one. When a further look is taken at the Habermasian cultural public sphere, the discussions taken place had a number of institutional criteria in common. Firstly, “they preserved a kind of social intercourse that, far from presupposing the equality of status, disregarded status altogether.”¹⁴⁸ Secondly, the domain of common concern became an object of public critical attention, thereby freeing itself of the church's and the state's monopoly. Therefore, theatre, literature, philosophy, art, museums and concerts became venues where people debated rationally, fulfilling the Kantian encouragement of using reason freely in public debate; or as Habermas puts it: “The private people for whom the cultural product became available as a commodity profaned it inasmuch as they had to determine its

¹⁴⁷ *Ibid. Italics in the original.*

¹⁴⁸ *Ibid*: 36.

meaning on their own (by way of rational communication with one another), verbalize it, and thus state explicitly what precisely in its implicitness for so long could assert its authority.”¹⁴⁹ Thirdly, Habermas emphasises the inclusiveness of the cultural public sphere stating that the “issues discussed became 'general' not merely in their significance, but also in their accessibility: everyone had to *be able* to participate.”¹⁵⁰

As will be commented upon later, those statements by Habermas have been criticised immensely, and rightly so. But even though this rational-critical debate about cultural matters wasn't as inclusive and open as Habermas maintained, the fact that cultural matters were discussed at all gave rise to three important culture-political features that have already been discussed earlier in this work, namely the *institutionalisation of art*, *aesthetic judgement based on taste hierarchies* and the *autonomy of the artistic and cultural fields*. But these taste hierarchies were indeed not as open as Habermas maintains. Cultural, political, symbolic and economic capitals in Bourdieu's sense have always mattered, and this was certainly the case of the golden days of coffee houses, which Habermas ranges from 1680-1730.

However, the important culture-political thing about Habermas' original cultural public sphere is that the field of culture and the field of arts were constructed, and furthermore, they were ascribed a central role in inter-mediating between subjective personal spheres, and the sphere of public authority.

The Cultural Public Sphere vs. the Political Public Sphere

When Habermas maintains that the cultural public sphere was a prerequisite to the political public sphere, he is acknowledging the wider implications of the culture concept. Indeed, culture seems to be the *whole way of life*, largely affecting the formation of symbols, values, identities, knowledge, norms and experiences. That is why it is very important that he situates the *cultural public sphere* at the heart of his formulations regarding the original public sphere.

However, in order to understand the dual role between the cultural public sphere and the political public sphere, it is necessary to reflect upon the dual role which Habermas ascribes to the bourgeois. According to him, the bourgeois had both the role of owner of goods and persons, as well as being one human beings amongst others. Therefore, as is apparent from the private realm, the 'privatised individual' as Habermas refers to him, was both *bourgeois* and *homme*, at the same time. This ambiguity was transmitted to the public sphere where people could communicate about experiences generated by their subjectivity through *critical debate* in the cultural public sphere; or

¹⁴⁹ *Ibid*: 37.

¹⁵⁰ *Ibid*. *Italics in the original*.

they could communicate through *rational-critical debate* in the political public sphere. The former depended upon their capacity as *human beings*, while the latter depended upon their capacity as *owners of commodities*.

Habermas acknowledges at this early stage of his theoretical development of the public sphere, that those two spheres were never fully harmonious, since the political sphere excluded women and dependants. But he still insists upon “*the fictitious identity of the two roles assumed by the privatized individuals who came together to form a public: the role of property owners and the role of human beings pure and simple.*”¹⁵¹ This fictitious identity was of course a fabrication of the powerful bourgeois, because such a unity served them well in their battle against mercantilist rule, monarchies and absolutistic regimentation.

I will later go deeper into the fragmentation that Habermas' secluded public sphere ultimately had to acknowledge, but it is still important to emphasise further the relations between the *cultural public sphere* and the *political public sphere*. Habermas maintains that this fictitious identity was particularly common amongst the educated classes, because in their self-understanding, the public sphere appeared as an in-dividable whole: “As soon as privatized individuals in their capacity as human beings ceased to communicate merely about their subjectivity but rather in their capacity as property-owners desired to influence public power in their common interest, the humanity of the literary public sphere served to increase the effectiveness of the public sphere in the political realm.”¹⁵²

Hence, it is because of the *critical* common humanity of the cultural public sphere, in which female readers, apprentices and servants were the most active, that the communicative subjectivities emerged from the sphere of intimacy, bringing at the same time important values in the *rational-critical* political public sphere. There can be said great many things about the rigid definitions Habermas ascribes to the *cultural public sphere* on the one hand and the *political public sphere* on the other, but the most fruitful dimension of his theory is the insistence upon the interdependence of the *cultural* and the *political*, i.e. culture is considered a major actor within the public sphere as a whole, and those two spheres are interlinked. It is of course far too restrictive only ascribing *critical* characteristics to the cultural public sphere and *rational-critical* dimensions to the political public sphere, and indeed in his later formulations, culture and the arts, become increasingly problematic for Habermas, mostly because of his insistence upon the superior role of rationality. This affection to rationality is however not the only source of criticism which the Habermasian public sphere has been subjected to, and this is largely thanks to his less inspiring writings about the public sphere's

¹⁵¹ *Ibid*: 56. *Italics in the original*.

¹⁵² *Ibid*.

degeneration.

The Degeneration of the Public Sphere

In the latter half of *The Structural Transformation of the Public Sphere*, Habermas increasingly echoes Adorno's and Horkheimer's negative account of the culture industries and the mass media. Here, Habermas gets entangled in a paradox which he seems to have a hard time to resolve, because in his opinion increased participation in the public sphere led to lesser quality. Habermas phrases this dilemma in the following way: "Reason, which through public use of the rational faculty was to be realized in the rational communication of a public consisting of cultivated human beings, itself needed to be protected from becoming public because it was a threat to any and all relations of domination."¹⁵³ Therefore, just as was the case with Adorno and Horkheimer, Habermas' idea of participation, is highly selective.

As the level of public participation increased, new and more effective mediums were needed to ensure open and critical discussions. At first, the print media, and especially numerous papers and journals, increased the effectiveness of the coffee house debates, but as the societal structure developed and became more complex, the public became more detached from critical discussions, mainly because of the transformation between the *public sphere* and the *private realm*. According to Habermas the consequence of this transformation was the loss of citizen's dual role as *bourgeois* and *homme*, and therefore the "public sphere in the world of letters was replaced by the pseudo-public or sham-private world of culture consumption."¹⁵⁴ Hence, when the laws of the market pervaded the sphere where private people were public, rational-critical debate was replaced by uniformed consumption.

Furthermore, during this transformation process, the public and the private realms dissolved into each other, private, economic organisations interfered more aggressively with public matters, as well as the state, which increasingly infiltrated the private realm. In Habermas' interpretation, such infiltration led to a depoliticised public sphere without any 'real' rational-critical discourse. Additionally, Habermas considers the mass media as a key actor in manufacturing consent in an increasingly mass-mediated consumer culture: "In relation to the expansion of the news-reading public, therefore, the press that submitted political issues to critical discussion in the long run lost its influence. Instead, the *culture-consuming public* whose inheritance derived from the *public spheres in the world of letters* more than from that in the *political realm* attained a remarkable dominance."¹⁵⁵

¹⁵³ *Ibid*: 35.

¹⁵⁴ *Ibid*: 160.

¹⁵⁵ *Ibid*: 169. *Italics are mine*.

The consequences of this mass mediated culture of consumption are, in Habermas' interpretation, very grave, especially regarding the degeneration of people's rational debate. According to him, the at that time 'modern' mass media of radio and television, and the intrusion of the instrumental rationality of the financial market and the political state, deteriorated the level of public participation in rational-critical debate, both in political and cultural matters, and instead of the 'good' old days, where “[t]he 'people' were brought up to the level of culture; culture was not lowered to that of the masses.”¹⁵⁶ Therefore, this mass mediated, expanded public sphere lost its political character and psychological facilitation was prevented because of commercial consumer attitude.

Furthermore, Habermas seems to have a very deterministic view on what *serious involvement* is, and what *consumption* is as the following quote demonstrates: “Serious involvement with culture produces facility, while the consumption of mass culture leaves no lasting trace; it affords a kind of experience which is not cumulative but regressive.”¹⁵⁷ What Habermas laments the most from the original cultural public sphere, is the evaporation of a sphere which was capable of forming a subjectivity that could interpret new form of existence based on the relationship between public and private spheres: “The experience of privacy made possible literary experimentation with the psychology of the humanity common to all, with the abstract individuality of the natural person. Inasmuch as the mass media today strip away the literary husks from that kind of bourgeois self-interpretation and utilize them as marketable forms for the public services provided in a culture of consumers, the original meaning is reversed.”¹⁵⁸

Thus, Habermas sees the ideal cultural public sphere as the perfect venue to be both *bourgeois* and *homme* at the same time, thereby combining a *common humanity* with abstract *individuality*. This has always been a central point in Habermas' theories, because if the balance between the two is contaminated, democracy will cease to function, at least in the deliberate way that he envisages it. The mass media, businesses, private bureaucracies, special interests organisations, political parties and public administration have taken over, leaving the rational-critical public outside any real influential decision making, i.e. “[c]ritical publicity is supplanted by manipulative publicity.”¹⁵⁹

Habermas reaches the conclusion that private enterprises and the state do not treat people as citizens, but as consumers, and that the instrumental rationality of money and power colonised rational-critical debate by intervening with the private spheres. This is a very important point in

156 *Ibid*: 166.

157 *Ibid*.

158 *Ibid*: 171.

159 *Ibid*: 178.

Habermas' work, because it has remained with him ever since. In *The Structural Transformation of the Public Sphere*, he conceptualises this in the following way:

In the same degree to which this kind of mutual penetration of state and society dissolved a private sphere whose independent existence made possible the generality of the laws, the foundation for a relatively homogenous public composed of private citizens engaged in rational-critical debate was also shaken. Competition between organized private interests invaded the public sphere.¹⁶⁰

This dual distinction between the evils of the market and the modern welfare state, as opposed to a good civil society, has been criticised along with his notion of a homogenous public engaged in rational-critical debate. But before I will turn to some of this criticism, certain development of Habermas' theories has to be commented upon, especially in his monumental work *The Theory of Communicative Action*.

System and Lifeworld

Like Adorno and Horkheimer, Habermas entered a deadlock at the end of *The Structural Transformation of the Public Sphere*, as he did not offer much emancipative hope in his pessimistic conclusion. In *The Theory of Communicative Action*, Habermas develops further the idea of the system and the lifeworld, with the public sphere as an intermediary between the two.¹⁶¹ One of the main shifts in Habermas' approach is towards a more transcendental basis for democracy with focus on the universality implicit in all speech, and here the concept of the *lifeworld* is of particular importance.

According to Habermas, the lifeworld is like a horizon or a hidden context for all human thought, constituted by *language* and *culture*. It is a transcendental site where speaker and hearer meet and raise claims and opinions, discuss matters, which 'fit' the objective, social, and subjective world, settle their disagreements through communicative action and thus arrive at agreements. In a further conceptualisation of communicative action, Habermas opposes it to the system's *non-social instrumental actions* and *social strategic actions*, which are driven by *money* and *power*. Communicative action, on the other hand, is oriented to reaching understanding. Habermas formulates the latter in the following way:

¹⁶⁰ *Ibid*: 179.

¹⁶¹ Habermas uses the terms already in his *Legitimation Crisis* from 1973, but elaborated much further upon them in his later writings.

I shall speak of *communicative* action whenever the actions of the agents involved are coordinated not through egocentric calculations of success but through acts of reaching understanding. In communicative action participants are not primarily oriented to their own individual successes; they pursue their individual goals under the condition that they can harmonize their plans of action on the basis of common situation definitions. In this respect the negotiation of definitions of the situation is an essential element of the interpretive accomplishments required for communicative action.¹⁶²

Habermas further explains the cooperative necessity of communicative action in following terms:

Under the functional aspect of *mutual understanding*, communicative action serves to transmit and renew cultural knowledge; under the aspect of *coordinating action*, it serves social integration and the establishment of solidarity; finally, under the aspect of *socialization*, communicative action serves the formation of personal identities. The symbolic structures of the lifeworld are reproduced by way of the continuation of valid knowledge, stabilization of group solidarity, and socialization of responsible actors. The process of reproduction connects up new situations with the existing conditions of the lifeworld; it does this in the *semantic* dimension of meanings or contents (of the cultural tradition), as well as in the dimensions of *social space* (of socially integrated groups), and *historical time* (of successive generations). Corresponding to these processes of *cultural reproduction*, *social integration*, and *socialization* are the structural components of the lifeworld: culture, society, person.¹⁶³

Continuity and coherence are thus measured by the rationality of knowledge accepted as valid and it is through the *medium of language* that the structures of the lifeworld are reproduced. Habermas' faith in this enlightened belief in the common rationality of communicative action could not be more apparent when he later maintains that the "participants in communication encounter one another in a horizon of unrestricted possibilities of mutual understanding."¹⁶⁴

Habermas' account of the lifeworld is thus greatly related to hermeneutic and linguistic insights into the communicative and inter-subjective characteristics of understanding. It is a space where the cultural and social background knowledge of individuals and collectives is formed and reproduced. It is furthermore a horizon made of certain norms and rules that make it possible for individuals within a given society to communicate, cooperate and maintain the 'right' social

162 Habermas 1984: 285-286. *Italics in the original.*

163 Habermas 1987: 137-138. *Italics in the original.*

164 *Ibid*: 149.

integration for a joint community, but it is also a place where the personal identity develops and forms an autonomous action potential towards cultural heritage and collective norms of a given community. Hence, in the lifeworld, citizens are *bourgeois* and *homme* at the same time, where individual acts and utterances are a part of a larger whole.

But when a further look is taken at the structural components of the lifeworld, which are *culture*, *society* and *person*, Habermas' claim to rationality, re-emerges. The role of culture within the reproduction of the lifeworld is to secure continuity of tradition and coherence of knowledge, but according to Habermas “[c]ontinuity and coherence are measured by the *rationality* of the knowledge accepted as valid.”¹⁶⁵ When the rationality of cultural reproduction gets disturbed or distorted, loss of meaning, legitimisation and orientation occurs. Such distortion can also occur at the other two structural components of the lifeworld, i.e. instead of generating stabilisation of *group identities* and *solidarity*, it generates *anomie* at the societal level; and at the personal level such distortion is manifested in *psychopathologies* and *alienation*, instead of ensuring that individual life histories are in a responsible harmony with collective forms of life.

In Habermas' account, it is the role of communicative action to make sure that such distortions do not arise, and this is primarily done through the medium of language. Therefore, the ideal structural component of *person* and its corresponding reproduction processes of *socialisation*, get together in the *formation of identity*; the structural components of *society* and the reproduction processes of *social integration* convene in the *coordination of actions via intersubjectively recognised validity claims*; while the structural component of *culture* and *cultural reproduction* inspire *transmission, critique and acquisition of cultural knowledge*.¹⁶⁶

However, as opposed to those communicated collective cultural forms of the *lifeworld*, Habermas places the *system*. The *system* is the result of an evolutionary process that is made by the *market* on the one hand and by the *state* on the other hand. In contrast to the language and culture generated communication of the lifeworld, the regulating tools of the system are money and administrative power. Therefore, the system is the venue for capitalist commodity economy and accumulation of capital as well as the heavy bureaucratic procedures of advanced societies. Furthermore, the strategic behaviour of the system world is a goal-rational instrument logic that strives to maximise profit and make administration more effective and powerful.

165 *Ibid*: 140. *Italics in the original*.

166 See *ibid*: 144; the model of *Reproductive Functions of Action Oriented to Mutual Understanding*.

Colonising System vs. Emancipative Lifeworld

According to Habermas, the modern societal structure has split itself into the two spheres of *system* and *lifeworld* that have opposing rationalities and are in constant conflict with each other. The threat that Habermas detects in societal development is the strategic colonisation of the lifeworld by the economic and bureaucratic media of the market and the state, and this gives rise to structural violence exercised by systematic restrictions of communication. Habermas formulates this danger in the following way: “In the end, systemic mechanisms suppress forms of social integration even in those areas where a consensus-dependent coordination of action cannot be replaced, that is, where the symbolic reproduction of the lifeworld is at stake. In these areas, the *mediatization* of the lifeworld assumes the form of a *colonization*.”¹⁶⁷ As demonstrated in the introduction, *Model 1* shows this quite well.

The pessimistic outcome of such colonisation is that the individual identities of the rational communicative idyll of the lifeworld governed by social integration relations *free from supremacy and domination* become tools for the profit and administrative oriented rationale of neo-liberal market mechanisms and new-conservative powers inherent in the system world. Too excessive colonisation results in structurally generated loss of meaning and freedom, caused especially by media steered sub-systems, which do not only colonise the lifeworld, but stimulate “its segmentation from science, morality, and art.”¹⁶⁸ This tendency corresponds quite nicely with my discussion of New Public Management techniques, and the fact that state cultural policy is increasingly moving towards the *facilitator* approach, where culture and the arts are likely to be used to generate financial income and as effective means of public relations and strategic image campaigns.

However, an important feature of Habermas' theory of communicative action is the fact that even though he detects clear *colonisation* tendencies from the powerful system, he also detects *emancipative* counter potentials, generated from the lifeworld, especially its cultural reproduction, social integration and socialisation. Those protests are generated from communicatively structured domains that do not respond to the media of money and power, such as the quality of life, equal rights, human rights, individual self-realisation and cultural participation. However, as Habermas rightly remarks, they are very hard to classify since the scenes, groupings and topics are in constant change. He does however mention antinuclear and environment movements, single issue and minority movements, psycho scenes, religious fundamentalism, women movements, and the autonomy movements working in favour of regional, linguistic, cultural and religious independence¹⁶⁹, as examples of such emancipative counter currents.

¹⁶⁷ *Ibid*: 196. *Italics in the original*.

¹⁶⁸ *Ibid*: 331.

¹⁶⁹ *Ibid*: 393.

But even though Habermas mentions societal categories that have emancipative potentials, his account of 'non-rational' categories like *art* and *religion*, remains somewhat unclear and troubled. This will be commented further upon in the section dedicated to the critique Habermas' theory on the public sphere and communicative action have been subjected to. However, before the *system* and *lifeworld* concepts will be left for the time being, it is crucial to mention that Habermas insists upon the *coexistence* of those two different rationalities, i.e. they cannot exist without each other. Indeed, one of the most important culture-political tasks of the intermediary *public sphere* is to ensure that a proper balance exists between them. What this balance is made of, is of course dependent upon the culture-political approach a given region, nation-state, or a transnational body wants to promote. However, before a networked approach which is more in concordance with digital cultural public spheres is introduced, a further reflection is needed upon the critique Habermas has received, as well as his reaction in the guise of a more networked adaptation, which he develops in *Between Facts and Norms*. Such networked perspective paves the way for Manuel Castells' notion of the *global network of new media*, along with Lev Manovich's *remixable culture*.

Problematic Public Sphere

Exclusive, Multi-Semiotic and Irrational

Habermas' public sphere is problematic from several different angles. These include too much faith in the power of discursive argumentation and rational-critical communication, the illusion of the public sphere's inclusiveness, the illusion of its homogeneity, its absence of passion and the irrational, its denial of the meaning and importance of people's social, financial, political and cultural capitals, and its generalisations concerning the evils of the modern welfare state, the capitalist market and the mass media, along with their homogenised structures.¹⁷⁰

When a further look is taken at some of this rather extensive criticism, a good starting point is in the paradox which Habermas mentions himself, namely the *qualitative nature of rational, critical debate* on the one hand, and the *quantity of participation* on the other hand. As Craig Calhoun rightly concludes, the “early bourgeois public spheres were composed of narrow segments of the European population, mainly educated, propertied men, and they conducted a discourse not only exclusive of others but prejudicial to the interests of those excluded.”¹⁷¹ But as already has been remarked, the societal changes from early capitalism to its later developments, included not only more people, but also “large scale social organizations as mediators of individual

¹⁷⁰ See for instance Calhoun (ed.) 1992, Curran 2002, Dahlgren 2005, 2006, Duelund 2004, Garnham 1990, Kellner 1990, McGuigan 1996, Mouffe 2000, Negt and Kluge 1993, and Robbins (ed.) 1993.

¹⁷¹ Calhoun 1992: 3.

participation”¹⁷². In Habermas' analysis, strong societal bodies like the mass media, global markets, powerful states and international organisations have taken over the public sphere and mould it according to their instrumental objectives.

Even though this is true up to certain extents, it can also be argued, like Geoff Ely does, that this has always been the case. Hence, at the time that Habermas envisages his 'ideal' public sphere, its institutions were also based on sectionalism, exclusiveness and repression. Indeed, the bourgeois public sphere always faced two ways: “[F]orward in confrontation with the old aristocratic and royal authorities, but also backward against the popular/plebeian elements¹⁷³ already in pursuit.”¹⁷⁴ Therefore, in order to acknowledge the public sphere's complex structures, both nowadays and at the time Habermas situates his original public sphere, it is more fruitful to look at the public domain in its widest sense, “where authority is not only constituted as rational and legitimate but its terms may also be contested and modified (and occasionally overthrown) by society's subaltern groups”¹⁷⁵.

The question of power, in its economical, social, cultural and political dimension, is always significant. This had, and in many cases still has, critical consequences on different publics, such as women, subordinate nationalities, the working class, the urban poor and the peasantry, and therefore a much more differentiated view is needed.

According to some of his critics, Habermas is not paying attention to such a differentiated view and it is here that many have found vulnerable parts in Habermas' writings. Benjamin Lee, for instance, takes up an intertextual, or intermediated critique in his scepticism towards Habermas' basic model of communication, which privileges *dialogue* and *speech* as the prototypical mediums:

An expanded notion of textuality would also raise questions about the relations between language and other media whose “textuality” seems organized along other principles. Television and movies are mixed media in which speech is directly represented; they are also indirectly related to print culture through script writing, which is usually done by elites. In many contemporary societies the political public is coextensive with the mass-media audience, which may be mostly illiterate. The “public spheres” of such societies seems to be organized around the tensions between different modes of communication, each of which possesses a particular cultural organization of “textuality.” Instead of the degradation of a preexisting bourgeois public sphere by the forces of consumer capitalism, what we see is the coeval emergence of different

¹⁷² *Ibid.*

¹⁷³ This is well documented by Oscar Negt and Alexander Kluge in their work *Public Sphere and Experience: Toward an Analysis of the Bourgeois and Proletarian Public Sphere* from 1972.

¹⁷⁴ Eley 1992: 321.

¹⁷⁵ *Ibid.*

publics, public spheres, and public spaces, each with their own forms of communicative organization.¹⁷⁶

This critique is of course vital for the notion of digital cultural public spheres, which include multi-semiotic communication modes where text, speech, pictures, moving images, programming, sound and animation, stand side by side in the same cultural artefact, generating at the same time different networks of communicative organisation.

Apart from the public sphere's exclusiveness and its multi-semiotic characteristics, the last critical dimension offered in this sub-chapter has to do with Habermas' consistent weight on rationality. When the public sphere came into being, "it provoked the critical judgement of a public making use of its reason"¹⁷⁷, in the Kantian sense, and ever since, Habermas has remained loyal to the importance of rationality. Indeed, much credit should be given to the importance of reason and rationality on generating public spheres, raising questions and debates, and in some cases, reaching consensus. However, there is another part of the human psyche that has very little to do with rationality, but is still capable of contributing to driving public spheres. Those aspects include the affective, passions¹⁷⁸, the ridiculous, the humorous, Mikhail Bakhtin's¹⁷⁹ subversive features of the *carnival's laughter* and the *grotesque*, Julia Kristeva's account of the *semiotic* and the *abject*¹⁸⁰, and Roland Barthes' notion of *jouissance*¹⁸¹, to name just a few human characteristics that seem to have more to do with irrationality, than with rationality. This question acquires importance regarding cultural public spheres, since many cultural dimensions, such as aesthetics and arts, are not always rational, even though they can be.

Chantal Mouffe is one of the scholars that is sceptical towards Habermas' rational-critical approach, because it excludes many dimensions which are central to democratic debates. When Habermas puts cultural matters, such as value pluralism into the 'good life' dimension of ethics, as opposed to the morality domain, which affects formulations of universal principles, Habermas is undermining central elements of people's identity and sense-making. Mouffe on the other hand suggests that public spheres should not just be political, and thereby induced by rational-critical consensus, but also pluralistic, cultural, polyphonic, heterogeneous and nonsensical. According to her, the trick is "not to eliminate passions from the sphere of the public, in order to render a rational consensus possible, but to mobilize those passions towards democratic designs."¹⁸² Mouffe's

176 Lee 1992: 417.

177 Habermas 1989: 24.

178 See Dahlgren 2005, 2006.

179 See Bakhtin 1987, 1997 and 2001.

180 See Kristeva 1984.

181 See Barthes 1975.

182 Mouffe 2000: 103.

adaptation is much more inclusive since it promotes *conflictual consensus*, in which many different and conflicting interpretations stand side by side. In her view, this inner tension is dynamic, and should not be contained in brackets.

In a similar vein, Peter Dahlgren's notion of *civic cultures* is quite illuminating in demonstrating that there is more to the generation of public spheres, than sheer rationality:

The idea of civic culture takes as its starting point the notion of citizens as social agents, and it asks what the *cultural* factors are behind such agency (or its absence). Civic cultures point to both the conditions and the manifestations of such participation; they are anchored in the mind-sets and symbolic milieu of everyday life. Civic cultures are potentially both strong and vulnerable: They help to promote the functioning of democracy, they can serve to empower or disempower citizens, yet like all domains of culture, they can easily be affected by political and economic power. A key assumption here is that a viable democracy must have an anchoring at the level of citizens' lived experiences, personal resources, and subjective dispositions.¹⁸³

Hence, meaning, identity, subjectivity, values, affinity, knowledge and practices are necessary ingredients for both cultural and political public spheres, whether their manifestation is rational, passionate, rationality passionate, or passionately rational.

Mass Mediated Public Spheres: Colonising Conglomerates and Emancipative Alternatives

When Habermas maintains that “[t]he world fashioned by the mass media is a public sphere in appearance only”¹⁸⁴ he is referring to the monolithic consumption oriented, power and money driven stereotype of the mass media. Here, mass media assume the role of world makers which grossly influence values, beliefs and codes of behaviour of society's individuals. Jonathan Friedman captures this image of the mass media as world makers very well when he states that “[t]he media, especially the global media, broadcast their identity as a kind of doxa, an implicit or self-evident truth about the state of the world.”¹⁸⁵ But this self-evident truth is of course moulded according to the interests a given media construction gains from and which its corresponding global regime of truth accepts. In this case Friedman mentions the global imaginary of CNN as example since it embraces a global network of difference, at the same time as it tries to tame this difference into something common to all, or as Friedman puts it “differences that are objectified and neutralised as

183 Dahlgren 2005: 157-158. *Italics in the original.*

184 Habermas 1989: 171.

185 Friedman 2002: 23.

objects of consumption, like the exotica of a global museum.”¹⁸⁶

In similar vein, Robert W. McChesney talks about the decline of journalism, the hyper-commercialisation of culture and anti-democratic communications policies, primarily taking examples from the United States.¹⁸⁷ In echoing Habermas, he sees commercial media's willingness in providing positive coverage of politicians, who in return respond with favourable subsidies and regulations, as a major problem of the system. He sees not much hope in digital communication since it encourages global mergers, and the democratic potentials of the Internet are likely to be overshadowed by the corporate communication system. He laments the loss of a viable, heterogeneous non-profit and non-commercial media sector and public service sectors, but sees some hope in various institutions of civil society, such as the anti-sweatshop movement, the environmental racism movement, anti-WTO/IMF movements, etc.

In McChesney's view, the descriptive keywords of the media sector's decline are *concentration* and *conglomeration*. The media system is linked closely to the capitalist system, both in terms of ownership and the advertisement industry, and this has serious implication in the form of political spill-over. The restrictions of vertical integration, such as when film studios own movie theatres and television networks, thereby producing their own programs in self-sufficient manner, have been greatly reduced, and this has lead to the creation of huge media oligopolies such as Time Warner Inc., The Walt Disney Company and News Corporation. This poses, according to McChesney, serious threats to democracy and cultural and political versatility, since these media conglomerates are risk-averse and therefore keep on returning to safe, commercially successful formulas. Indeed, they seem to be the modern world makers.

Even though this sounds a little paranoid, a further look at the content production and distribution system of these conglomerates, gives rise to certain pessimism concerning the mass mediated public sphere. They all own or hold large shares in, for instance, huge television networks, film studios, animation studios, production studios, cable TV, large number of retail stores, major magazine chains, major newspapers, movie theatres, Internet access and portal services, global book publishers, sport teams, record music companies, theme parks, game stores, etc. Furthermore, these conglomerates are major actors in moulding global media culture that very much acts as if it is responding to local needs. As was argued in my previous discussion of the relationship between the global and the local, it is always a two-way relationship, i.e. global power cannot work adequately without local consent. There are, of course, many different ways of acquiring such consent, depending in many cases on the cultural, political and economic strength of the negotiators.

¹⁸⁶ *Ibid*: 29.

¹⁸⁷ See McChesney 2000.

Therefore, Western European countries are in different negotiating position than most countries in Africa.

In the latter case, negotiations can easily take the form of cultural imperialism, while in the former case, this cultural imperialism is more subtle. Hence, many mass mediated cultural products are tailored according to the needs of a given continent, country or region. There is a Scandinavian MTV, a German speaking one, a Latin one etc., and likewise most programs of a channel like Cartoon Network are dubbed in the mother tongues of the respective countries. The global conglomerates are also attentive to the fact that the most successful content in most countries is local content, and therefore they have shares in many foreign production companies, inducing their influence on the nature of the content, creating universal formulas in different languages. A good example in demonstrating this is the reality show hype that has very successfully dispersed through the globe, notably in various different national editions. A case in point is a show like *Temptation Island*, or *Big Brother*, or *Survivor*, which exist in national editions in most Western countries.

This cultural imperialism version could be said to represent a very pessimistic view on the mass mediated public sphere, and the Frankfurt School, including Habermas, has ascribed to this view in one form or another. Indeed, it is precisely because of these developments that Habermas talks about the *system's colonisation*, and the development since he formulated his thesis, seems to reinforce his insights. However, the mass mediated public sphere is much more differentiated than that, and even though the market driven mass media is definitely the largest actor, there exist other actors, and this has been increasingly facilitated with the advent of the Internet.

One of these is the state induced *public broadcasting model*, which Habermas remains surprisingly silent about. Nicolas Garnham has written extensively about that in his attempt to define an ideal venue for the modern public sphere. According to him, “the necessary defence and expansion of the public sphere as an integral part of a democratic society requires us to revalue the public service model of public communication and, while being necessarily critical of its concrete historical actualization, defend it and build upon the potential of its rational core in the face of the existing and growing threats to its continued existence.”¹⁸⁸

Public broadcasting provides a well established counter weight to commercial media, since it is a state induced phenomenon which relies on financial contribution from governmental sources, either from general tax revenues, or from license fees. The regulation of public broadcasting services differs from one country to the next, both in terms of administration, how they are financed, and the ideological reasons behind their actual content. However, generally speaking, the task of public service broadcasting is to inform and educate viewers, often resulting in

188 Garnham 1990: 114.

documentaries, national and regional news services, public affairs shows and educational programs, which in many cases are less saleable than the products made by commercial providers. In addition, public broadcasters often have to fulfil certain quotas regarding domestic production, cross-cultural material, multiculturalism, diversity and inclusion of different societal spheres. In this respect, it resembles Habermas' vision of the public sphere quite nicely. Furthermore, in its most ideal manifestation, such public broadcasting services work at an arm's length from the state, i.e. they are not controlled by the political rationale, but on the other hand by councils that also represent organisations from civil society.

Nevertheless, as is also the case with Habermas, the actual realisation of public broadcasting services, is often quite different, and these problems represent some of the threats to its existence. Those threats reflect some of the ambivalence of public broadcasting in general since it exists, like the public sphere in general, in a void between the market, the state and civil society. But as my discussions about the public sphere indicate, this is a contested terrain, where different actors of society act with different intentions in mind. When a further look is taken at one of the best known public broadcasters, the BBC, its advocates chose to describe its purposes in the following way:

The BBC exists to enrich people's lives with great programmes and services that inform, educate and entertain. [...] It provides a wide range of distinctive programmes and services for everyone, free of commercial interests and political bias. They include television, radio, national, local, children's, educational, language and other services for key interest groups. [...] The BBC is financed by a TV licence paid by households. It does not have to serve the interests of advertisers, or produce a return for shareholders. This means it can concentrate on providing high quality programmes and services for everyone, many of which would not otherwise be supported by subscription or advertising.¹⁸⁹

Here, the purpose is not only to inform and educate, but also to *entertain*. The question whether it is ever possible to be totally free of commercial interests and political bias is debatable, and so is the claim to provide high quality programmes and services for everyone. Digital communication and new media platforms have posed another problem, especially in terms of web TV and web radio. Indeed, since public broadcasting is essentially a culture-political matter it is faced with very much the same dilemmas. Even though committees governing public broadcasters are supposed to work at an arm's length to ensure the independence from the market and politicians, there are all the same many collisions and many fragile definitions on the level of the system's influence, what kind of

189 "BBC Purpose", accessed 12.6.2006. URL: <http://www.bbc.co.uk/info/purpose/>

education and entertainment should be provided, how much should be domestic, how much should be regional etc.

Different nation-states respond to this differently, and this is very much according to the culture-political approaches they follow. The American *facilitator* approach is, for instance, more oriented towards the market forces, and therefore, the notion of public broadcasters has not gained as wide acceptance, distribution and power, as is the case in both nation-states that adhere to the *patron* approach and the *architect* approach. Countries using, or which used, the *engineer* approach represent the other extreme using the public broadcaster as a means of state propaganda. Therefore, the organisation of public broadcasters, mirror in many cases certain emphasis within cultural policy.

However, there is more to mass mediated public spheres, than just market driven media and public broadcasting services. James Curran has suggested a working model of the mass media, which includes a more versatile perspective. He puts *public service* at the heart of the model, which is surrounded by the *private sector*, *social market sector*, the *civic sector* and the *professional sector*.¹⁹⁰

In his account, the *civic sector* belongs to the activist organisations of civil society, and these include political parties, new social movements, interest groups and sub-cultural networks. He furthermore differentiates this sector into propagandist media such as party-controlled newspapers and social movements Web-sites, which are meant to mediate between civil society organisations and the wider public; sub-cultural media, which relate to social constituency; and finally intra-organisational media, which have the aim of providing a context for new ideas and initiatives, to share information and experience, or to reinforce collective identity.

The *social market sector* is made up by minority media supported by the state, but operating within the market. The aim of this sector is to promote media pluralism and diversity of ownership, to provide seed finance to make the establishment of new media easier, as well as sustain minority media through subsidy. In order to demonstrate this, Curran takes for instance examples from the press subsidy schemes in the Nordic countries, Austria and the Netherlands. Finally, the *professional media sector* should be a sector composed of professional communicators, with maximum creative freedom. This is the only sector in Curran's model that does not exist, and he finds the prototype in the heydays of public service, especially as it developed in Great Britain. The important part of this sector is the level of independence, and the possible quality of journalism that such independence is likely to induce.

Regarding the private sector, Curran sees it as a necessary platform to enhance pluralism.

¹⁹⁰ See Curran 2002: 241.

Even though he adheres to the private sector's minimal regulation, he underlines the importance of connecting it with public service, not as the most important actor, but rather as a necessary brick in the mosaic of mass media. He is however wary of some of the possible manifestation a profit oriented approach can have, and he links this very much to the wave of conglomerations, in McChesney's fashion.

The neo-liberal believe in the free market has some serious flaws which Curran summarises into the high cost of entering the publishing market, its scarce informational diversity, its participatory restrictions in public debate and its undermining of intelligent and rational debate: “Market-oriented media tend to generate information that is simplified, personalized, decontextualized, with a stress on action rather than process, visualisation rather than abstraction, stereotypicality rather than human complexity”¹⁹¹. In contrast to this seemingly *public sphere in appearance only*, Curran places the successful public service broadcasting systems, with their inclusive, rational and informed public debate, and pluralist representation.

However, even though Curran's account of the five different media sectors serves great to differentiate the field, his distinction between the market oriented approach and the public service approach, is too rigid, and that can be exemplified with the role of *entertainment* in mass media. In fact, Curran contradicts himself, because he offers an excellent account of some of the positive effects of entertainment. These include cognitive maps of reality and social understanding, it induces discussion on social values and identities, race and gender relations, sexual minorities, etc., and finally it can empower disempowered groups in their oppositions to dominant regimes of truth, rap music being a classical example.¹⁹²

This discussion on the value of entertainment is reflected in the role of public service broadcasters. The private market sector obviously wishes that state financed bodies would not coincide with their interests, but the floating definitions of concepts such as information, education and entertainment, are hard to restrain. Education can for instance no longer said to be only on the hands of the intimate spheres of families or on the educational role of state institutions like elementary schools. The market is also an educational force because even though it is profit-oriented, it can still produce material that can enlighten and inform individuals. Not all Hollywood films are trash and many documentaries from TV stations like, for instance, Discovery Channel, Animal Planet and National Geography are quite educational. Furthermore, a commercial Hollywood film can easily generate informative public debate and therefore it is far too narrowly minded to write the commercial culture off as brain-dead. The same could also be said of public

¹⁹¹ *Ibid*: 226.

¹⁹² *Ibid*: 238.

broadcasting services, which both produce and screen a variety of leisure shows that could just as easily be the products of the private sectors.

The point here is that value and quality judgements are constantly shifting, and this is good because it gives room for renewal and innovations. The public service broadcasters have, of course, much more breathing space in producing cultural material that contributes to such renewal, simply because they are not locked as much in the iron grips of profit making. This makes public broadcasting services central to a diverse media model, even if the boundaries of what should be included in its content production will always be blurry. However, in the light of financial strength and their close connections to the political structures, there can be no denying that the private, market sector of Curran's model is the largest one. In such media landscape, where the private sector's share is by far the largest, the share of the other four bodies must be preserved, or increased, and in many instances, that falls within the tasks of cultural policy. But this model also shows that even though the market's share is the largest, the other ones exist, and that is a very important addition to Habermas' assumptions.

Furthermore, in principle, all of these sectors also have a digital dimension which differentiates the mass mediated public sphere even more. The workings of that dimension will be analysed later on, as I venture into more concrete examples. For the time being, I will suffice to emphasise that all public spheres, be they mass mediated or not, are processes in constant differentiated transformation, a point which Nancy Fraser takes further in her account of rethinking the public sphere, especially from her notion of looking upon public spheres as *post-bourgeois hybrids*.

Rethinking the Public Sphere: Post-Bourgeois Hybrids

Fraser criticises Habermas's bracketing of social inequalities, mainly because it reduces the participatory aspect and gives a wrong picture of the relations between the public sphere and culture. According to her, it is a crucial task for critical theory "to render visible the ways in which societal inequality infects formally inclusive existing public spheres and taints discursive interaction within them."¹⁹³ This is of course not only the task of critical theory, but also of cultural policy. In this perspective, it is therefore possible to talk about digital cultural public spheres as periphery constructions which taint discursive interaction with and within more established tasks of cultural policy.

Fraser continues differentiating between different levels of public spheres promoting concepts like *intra-public relations*, *inter-public relations*, *weak publics* and *strong publics*. Intra-

193 Fraser 1992: 121.

public relations and inter-public relations point to the fact that there exist different “character and quality of discursive interactions within a given public sphere”¹⁹⁴ and the same goes for “the character of interactions among different publics.”¹⁹⁵ Fraser also introduces the notion of *subaltern counterpublics*, meaning “parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs.”¹⁹⁶ These counterpublics work as places for withdrawal and re-groupment, as well as oppositional spaces, directed at bigger and more powerful public spheres.

In order to differentiate between different levels of power and legitimacy of different public spheres, Fraser distinguishes between *weak publics* as “publics whose deliberate practice consists exclusively in opinion formation and does not also encompass decision making”¹⁹⁷, and *strong publics* as “publics whose discourse encompasses both opinion formation and decision making.”¹⁹⁸ This distinction is indeed very much according to Habermas' later formulations, concerning the difference between the *cultural* characteristics of civil society and the *political* legitimisation of legally binding decisions and other parliamentary decisions. There should not, however, be made such a sharp distinction between the two, as Fraser implies with her idea of *post-bourgeois* conception that “would enable us to think about strong *and* weak publics, as well as about various hybrid forms.”¹⁹⁹

By suggesting various *hybrid* forms, Fraser is challenging the notion of an overarching public sphere as the most positive manifestation of public matters, as opposed to a multiplicity of public spheres. But here the question whether the participants in such multiple, fragmented surroundings of cultural diversity, have enough in common to reach any consensus, becomes relevant.

Nancy Fraser offers her answer to that question as she sees no reason why social equality and cultural diversity should not be able to coexist with participatory democracy:

After all, the concept of a public presupposes a plurality of perspectives among those who participate within it, thereby allowing for internal differences and antagonisms, and discouraging reified blocs. In addition, the unbounded character and publicist orientation of publics allows people to participate in more than one public, and it allows memberships of different publics partially to overlap. This in turn makes intercultural communication conceivable in principle. All told, then, there do not seem to be any conceptual (as opposed to empirical) barriers to the

194 *Ibid*: 121-122.

195 *Ibid*: 122.

196 *Ibid*: 123.

197 *Ibid*: 134.

198 *Ibid*.

199 *Ibid*: 136. *Italics in the original*.

possibility of a socially egalitarian, multicultural society that is also a participatory democracy. But this will necessarily be a society with many different publics, including at least one public in which participant can deliberate as peers across lines of difference about policy that concerns them all.²⁰⁰

Therefore, post-bourgeois public spheres create hybrids which combine social equality, cultural diversity and participatory democracy with various conditions of domination and subordination. The important thing is that within domination or the employment of *macro-power*, there emerges emancipation, usually in the form of *micro-power*, and this happens in a complex *hybrid* of the interrelations of weak and strong publics.

The Plurality of the System and the Lifeworld

The next critique offered on Habermas' original formulations in this attempt to restructure the structural transformations of the public sphere, is dedicated to the monolithic view he ascribes to the *system* on the one hand, and to the *lifeworld* on the other hand. Therefore, much of what was said in the previous section also applies to Habermas' notion of the system and the lifeworld, i.e. more differentiation is needed. The market driven cultural industries are, for instance, not as one-dimensional as Habermas assumes, even though they are ultimately driven by instrumental rationale.

Indeed, some theoreticians are very positive towards the increased intervention of the market, especially the global market, because in many cases, this enhances diversity and increases participation. One of those is the economist Tyler Cowen, who argues that cultural diversity has numerous and in many cases divergent meanings. According to him, diversity is double edged since “[c]ross-cultural exchange tends to favor diversity within society, but to disfavour diversity across societies.”²⁰¹ He furthermore stresses the fact that cultural homogenisation and heterogenisation are not necessarily alternatives, since they tend to come together and accomplish each other:

Market growth causes heterogenizing and homogenizing mechanisms to operate in tandem. Some parts of the market become more alike, while other parts of the market become more different. Mass culture and niche culture are complements, once we take the broader picture into account. Growing diversity brings us more of many different things, which includes more mass

²⁰⁰ *Ibid*: 127.

²⁰¹ Cowen 2002: 15.

culture as well.²⁰²

According to Cowen, global cross-cultural exchange will support innovation and creative human energies, at the same time as it alters societies. However, this seems to come about at the expense of older synthetic cultures and regional distinctiveness: “Countries will share more common products than before. Some regions, in return for receiving access to the world's cultural treasures, and the ability to market their products abroad, will lose their distinctiveness.”²⁰³ Cowen refers to the influence of the market as a 'creative destruction' which, according to him, is both artistic and inclusive of more participation, since it expands the cultural choices of people:

The “creative destruction” of the market is, in surprising ways, *artistic* in the most literal sense. It creates a plethora of innovative and high-quality creations in many different genres, styles, and media. Furthermore, the evidence strongly suggests that cross-cultural exchange expands the menu of choice, at least provided that trade and markets are allowed to flourish.²⁰⁴

This somewhat neo-liberal account of the positive effects of increased market intervention is also represented, although in a slightly milder version, in the co-edited work *Privatization and Culture*. Here, an attempt is made to rethink the state's role, the market's role, and the third sector's role in terms of privatisation, economics and cultural policy. In the editors' joint conclusions, they enlist the arguments for privatisation in the following way: It increases efficiency through the motivation of managers, through market research and through competition; it raises the quality of the service through output budgets and manager's responsibility; it induces budgetary advantages, such as divestiture, contracting out, and use of volunteers; the profit motive stimulates technological development and innovative capacity; it has administrative advantages and raises control; it has managerial advantages associated with de-bureaucratisation; and finally it is capable of generating democratisation and de-nationalisation, especially by eliminating state monopoly.²⁰⁵

Budgetary relief and efficiency seem to be the keywords of increased privatisation, but just as with my account of *New Public Management* techniques, the notion of *quality* is remarkably absent. However, the editors also state some of the negative effects increased privatisation has on culture and the arts, and not surprisingly, these include loss of quality, monopolisation of big cultural industries, corruption, loss of employment, and finally the threat to cultural traditions and local artistic developments. However, these unfortunate 'side-effects' are in the editors' view

202 *Ibid*: 16.

203 *Ibid*: 17.

204 *Ibid*: 18. *Italics in the original*.

205 See Boorsma et al 1998: 205.

necessary preconditions for this *creative destruction*.

The reason why I mention this is to offer an alternative way of thinking and performing cultural policy. This approach has much in common with the *facilitator* approach and as should be apparent by now, it has its benefits as well as its faults. In the same work, Dragan Klaic reflects upon some of the negative effects the *facilitator* approach has on artistic theatre, where he analyses the different interests behind privatisation of the cultural sector. In his view, acts of privatisation do not correspond nicely with semi-autonomous public spheres. According to him, the politicians use it as a strategy to reduce responsibilities and costs, while for theatre people it is an attractive way of acquiring more independence. He does however point towards the fact that reduced public intervention in the field of art, goes usually hand in hand with reduced financial allocations. This also explains why politicians and neo-liberal economists are more positive towards privatisation, than performing arts professionals. Indeed, he concludes with a reflection concerning the opposite interests of experimental artistic integrity and autonomy, and the interests of the market:

Regardless of the chosen legal form and management set-up, regardless of the method of production and distribution, regardless of the employment policy and the status of the employees, as long as theatre remains in the realm of artistic creation and does not slide into 'show biz' recycling of tried and trusted formula hits, and distinguishes itself from the commercial theatre entrenched in the sphere of cultural industries, this artistic theatre is a public responsibility. Denying this will hinder the artistic component and no other market force can compensate for what public authority withdraws.²⁰⁶

This view is often heard from people working in favour of the artistic integrity, quality, autonomy and the intrinsic values of art. Mark W. Rectanus documents this quite nicely in his work *Culture Incorporated*, and similar view is heard in Herbert I. Schiller's *Culture Inc.*, and not least in Pierre Bourdieu's and Hans Haacke's *Free Exchange*, to name just a few.

Rectanus analyses explicitly the globalisation of corporate cultural politics exercised by multinational and transnational corporations, and takes examples both from German giants such as Bertelsmann and the all-American Disney. According to him, it was inevitable that corporate globalisation would affect public cultural policy, since national economies are increasingly intertwined with global networks of communication. If the right balance is obtained in such communication between the corporative sector and say a given cultural institution, this could have positive *image transfer* for both parties, since it gives the cultural institution access to a dense

206 Klaic 1998: 181.

network, channels and promotional media. But by analysing examples from for instance Armani, Philip Morris, BMW, Volkswagen, Toshiba and IBM, it becomes quite clear that this balance is hard to obtain.

One of the most obvious collisions is when corporate and public spaces are hybridised, as when museums are integrated into corporation's headquarters. In some cases the companies themselves have their own museums, but in other cases, a sponsorship deal can include a paragraph where the museum is required to set up an exhibition in the corporative headquarters, as was the case with the Whitney Museum and Philip Morris.²⁰⁷ Such sponsored events and commissioned artworks can easily become venues for corporative self-promotion, and that is of course the reason why corporations sponsor culture and the arts in the first place. Furthermore, this is not in itself negative since cultural institutions and corporations have many things in common, as Rectanus rightly remarks: “[C]ommercial entities (corporations) develop their own forms and strategies of cultural politics (e.g., sponsorships) in order to maintain and expand their institutional bases and spheres of influence, while public and nonprofit institutions incrementally adopt (and modify) corporate strategies in order to guarantee public recognition and financial stability.”²⁰⁸

One general tendency that helps to distort the ideal balance that could exist between those bodies, is the corporative culture-political method of creating their own concepts and then look for suitable, often already established and well known, partners to realise them. Requests of funding from artists, non-profit organisations and public institutions are therefore often turned down, because the corporations want to be able to control the concept, and its branding potentials better.

The interesting encounter of the German artist Hans Haacke and the French theorist Pierre Bourdieu resulted in a fruitful discussion about the connections between private patronage, the arts and the media; or as the latter maintains:

[I]t is a question of controlling the press and getting it to write favorably about the companies at no cost. Firms that invest in patronage make use of the press and oblige it to mention and praise them. In a very general sense, economic leverage is exerted on cultural production largely through the medium of the press, particularly through the seduction it exerts over producers - especially the most heteronomous - and through its contribution to the commercial success of works. It is also exerted through dealers in cultural goods (editors, gallery directors, among others). It is above all through journalism that commercial logic, against which all autonomous universes (artistic, literary, scientific) are constructed, imposes itself on those universes. This is fundamentally harmful, since it favors the products and producers who are most directly

207 See Rectanus 2002: 35.

208 *Ibid*: 24.

submissive to commercial demands²⁰⁹.

According to Bourdieu's view, the corporative sector exerts its influence on all spheres, contaminating journalism, cultural goods and semi-autonomous spheres, or in Habermas' terminology, the instrumental rationality of the market forces is indeed colonising the lifeworld. However, as has repeatedly been maintained so far, this is only one side of the workings of the market. Indeed, Hans Haacke really sums it up when he formulates the following claim: "All productions of the consciousness industry, no matter whether intended or not, influence the social climate and thereby the political climate as well. In the specific cases we are discussing, the problem is not only to say something, to take a position, but also to create a productive provocation. The sensitivity of the context into which one inserts something, or the manner in which one does it, can trigger a public debate."²¹⁰

But what happens when corporations consciously trigger debate by precisely taking provocative chances? This is certainly one aspect of corporative cultural politics, often manifested as a self-reflexive marketing trick; or to refer to the writings of Mark W. Rectanus once more: "*Corporate cultural politics are actually self-reflexive in that they are predicated upon and emanate from the corporation's simultaneous anticipation and engagement of interactions between both forces: that is, the corporation's own attempts to assert its interests and, conversely, resistance to those attempts.*"²¹¹

A good example of such strategy would be Oliver Toscani's photographs and marketing work for *Benetton*. What started as an idealised re-working of the great, colourful family of man evolved into controversies such as a black woman breast-feeding a white child, real catastrophe incidents, a dying AIDS patient dressed up as Christ, to a series of portraits of condemned murderers on death row in various prisons in the United States. The last provocation actually resulted in the dismissal of Toscani, but it is all the same a good example of how the market can induce debate based on artistic artefacts and innovation. Therefore, it is far too simplistic to assume that the market is entirely hostile to culture and the arts, and as my reflection on the four different state culture-political approaches indicates, the same goes for the state's interaction concerning the culture and the arts.

Indeed, as was pointed out by Dragan Klaic, many artistic genres would not survive without the intervention of the public authorities, while yet others can survive just fine on the terms of the free market. Just look at different cultural forms such as films, mass media, books, museums, opera,

209 Bourdieu and Haacke 1995: 19.

210 *Ibid*: 21-22.

211 Rectanus 2002: 62. *Italics in the original.*

theatre and photographs. Each of these forms exists internally in many different versions. There are for instance rock operas, which are more likely to survive on the market, than the more traditional form, and the same could be said about pulp fiction as opposed to avant-garde poetry. The important point to have in mind is that there are many systems, many kinds of markets and many kinds of states. From the perspective of digital cultural public spheres, I still adhere to the general tendency of colonisation, but there is also emancipation within those colonising forces.

The same goes of course for the lifeworld, which is certainly not only an emancipative actor on the culture-political field. I have already talked about the colonising, as well as emancipative aspects of both culture and the arts, and since Habermas ascribes great importance to language in generating the communicative acts of the lifeworld, I would like to add insights from the well known poststructuralist critique on language. The point is to account for the contradicting nature of Habermas' binary difference between the 'good' lifeworld and the 'bad' system, and here, I find the writings of structuralists turning poststructuralists, such as Roland Barthes of great use, especially his understanding of text.

In his essay, "From Work to Text", Barthes differentiates between *work* and *text*. Work closes on the signified, it is predictable and can therefore be seen and felt. Furthermore, it does not surprise its user and gives the impression of something fixed, or closed. The text, on the other hand, is the exact opposite. It is open and dynamic, it has no centre, it is plural and paradoxical, and it is in constant process. Because of its lack of centre, the text cannot be contained in a hierarchy and it cuts through different genres and different works, without ever coming to a halt. Contrary to the work it "practices the infinite deferment of the signified, is dilatory; its field is that of the signifier and the signifier must not be conceived of as 'the first stage of meaning', its material vestibule, but, in complete opposition to this, as its *deferred action*."²¹² Thus, the text's plurality depends on the interlace of signifiers which constantly defer a definite meaning resulting in a continuous movement of disconnections, overlapping and variations which can easily press our social rules and rationality to the limit.

He furthermore maintains that "the metaphor of the Text is that of the *network*"²¹³, seeing text as a network woven of prior discourses where the reader participates in a plurality where substances and perspectives blend in new and unforeseen ways. Barthes describes those incidents in the following way:

All the *incidents* are half-identifiable: they come from codes which are known but their

212 Barthes 1977: 158. *Italics in the original*.

213 *Ibid*: 161. *Italics in the original*.

combination is unique, founds the stroll in a difference repeatable only as difference. So the Text: it can be it only in its difference (which does not mean its individuality), its reading is semelfactive (this rendering illusory any inductive-deductive science of texts – no 'grammar' of the text) and nevertheless woven entirely with citations, references, echoes, cultural languages (what language is not?), antecedent or contemporary, which cut across it through and through in a vast stereophony.²¹⁴

The 'encoder' takes a vital role to 'decode' the text because he creates a meaning and structure which makes sense to him, but as Jonathan Culler notices, Barthes' text has a 'life' on its own and has the “resources to disrupt reader's most assured presumptions and to disappoint their most authoritative strategies.”²¹⁵ Language is of course not completely irrational, because if that was the case, no meaning could be generated from it. But Barthes' distinction between the rational work and the somewhat irrational text, serves well to point to the problematic nature of language as such, not just in terms of its irrationality, but also in terms of power relations.

Therefore, language is not entirely innocent emancipative construction, but also quite colonising, and that is of great importance to Habermas' lifeworld concept. The same can of course be said about culture which as already demonstrated takes many forms and serves different purposes. By claiming that the main components of the lifeworld are language and culture, Habermas is therefore applying a very selected understanding of the concepts.

Restructuring Pre-Existing Structures: Micro, Meso and Macro Public Spheres

Finally, in this attempt to restructure, pre-existing structures of the public sphere, a few comments regarding John Keane's notions on *micro*, *meso*, and *macro* levels of public spheres could be quite illuminating. According to Keane, state-structured and territorially marked public spheres mediated mainly by television, newspapers, radio and books, have reached its end. In their place he envisages a “multiplicity of networked spaces of communication”²¹⁶ driven mainly by power. He further describes his idea of the public sphere with the following words:

A public sphere is a particular type of spatial relationship between two or more people, usually connected by a certain means of communication (television, radio, satellite, fax, telephone, etc.), in which non-violent controversies erupt, for a brief or more extended period of time, concerning the power relations operating within their given milieu of interaction and/or within the wider milieux of social and political structures within which the disputants are situated. Public spheres

²¹⁴ *Ibid*: 159-160. *Italics in the original*.

²¹⁵ Culler 2002: 103.

²¹⁶ Keane 2000: 76.

in this sense never appear in pure form [...] and they rarely appear in isolation. Although they typically have a networked, interconnected character, contemporary public spheres have a fractured quality which is not being overcome by some broader trend toward an integrated public sphere.²¹⁷

Keane thus ascribes to a differentiated view on public spheres, with varying degrees which he gives the prefixes *micro*, *meso* and *macro*. *Micro-public spheres* are submerged networks which underline solidarity, individual wishes and part-time involvement, constituting local laboratories which function as public spaces where different aspects of everyday life are mixed, tested and developed: “Such public spheres as the discussion circle, the publishing house, the church, the clinic and a political chat over a drink with friends or acquaintances are the sites in which citizens question the pseudo-imperatives of reality and counter them with alternative experiences of time, space and interpersonal relations.”²¹⁸ But even though the workings of such micro-public spheres can become visible, usually through the media, their main power lies in their latent characteristic, i.e. they appear to be private, but have large potentials in challenging existing power structures, precisely because they operate mostly unhindered in civil society.

Meso-public spheres are very much linked to national and regional media, and are “spaces of controversy about power that encompass millions of people watching, listening or reading across vast distances.”²¹⁹ Keane mentions large circulation newspapers such as New York Times, Le Monde and die Zeit, as well as BBC, Swedish Radio and the United States' CBS, NBC, ABC and FOX, as examples of meso-public spheres. As this somewhat contradictory enumeration indicates, Keane does not only ascribe to the Habermasian version of rational-critical debate, since he includes both CNN's Larry King Live, as well as the Ricki Lake Show as examples of venues for public controversies.

Finally, Keane's *macro-public spheres* represent large global or regional actors, such as the European Union, which affect hundreds of millions of citizens. The main generators of such public spheres are however the conglomerate media corporations with their respective chain and cross ownership, as well as their strong positions within global and regional satellite communication systems. He further describes those mass mediated global public spheres with the following words:

Highly important as well as the advantageous fact that transnational media firms are often able to evade nation state regulations and shift the core energies of the whole operation from one

²¹⁷ *Ibid*: 77.

²¹⁸ *Ibid*: 78.

²¹⁹ *Ibid*: 79.

market to another as political and legal and cultural climates change. Among the central ironies of this risk-driven, profit-calculating process is its nurturing of the growth of publics stretching beyond the boundaries of the nation state. Most of these public spheres are so far fledglings. They operate briefly and informally - they have few guaranteed sources of funding and legal protection, and are therefore highly fragile, often fleeting phenomena.²²⁰

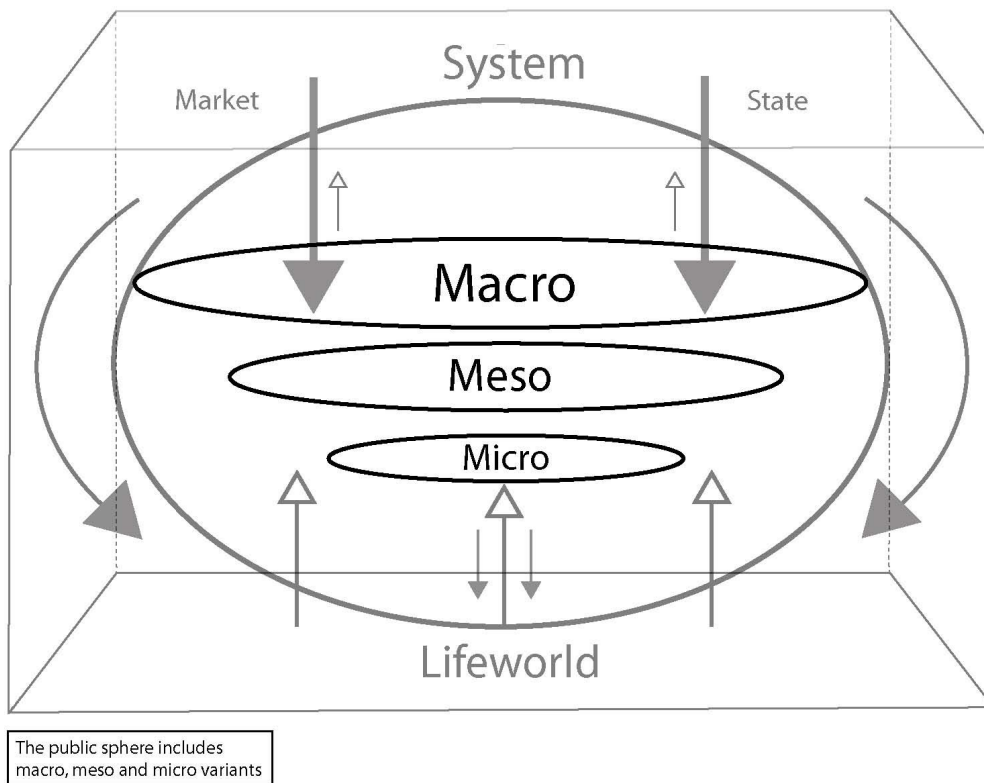
John Keane ends his discussion on the three layered construction of public spheres by emphasising that even though such distinction can be analytically convenient, they are not discrete spaces, but they represent on the contrary “a modular system of overlapping networks”²²¹. One of the best examples of such modular system is the Internet, which contains all the three characteristics of Keane's differentiation of public spheres.

But what happened to culture in this process of differentiating the notion of public spheres into weak, strong, intra-public, inter-public, micro, meso, macro, post-bourgeois hybrids? Habermas still ascribes great importance to it since he makes it the main ingredients of the lifeworld, along with language. But as the rest of the lifeworld, it is up to a certain degree victimised by its colonising forces. John Keane agrees to similar victimisation since he maintains that the most powerful macro-public spheres are driven by reasons of political economy. But in my view, this is too limited, since political economy does not exist without culture, and that is why it is more fruitful to look upon culture as the underlying force which is a major actor in generating the other societal structures, precisely as Habermas does in his original blueprint. The differentiation of the public sphere is all the same extremely important, since it corresponds quite nicely to the differentiation of the culture concept that has already been accounted for. Therefore, the culture-political model looks now like this, where the downward arrows represent again colonisation and the upward emancipation:

²²⁰ *Ibid*: 81.

²²¹ *Ibid*: 87.

MODEL 3



Even if I still maintain that the large arrows represent a 'general' colonising tendency towards micro public spheres in the lifeworld, there are so many other power relationships at work as well. If we start with culture, it is represented on all layers of the model, both in the macro spheres, as well as in the micro spheres. Its use may differ, but it is represented all the same. That is why I put so much emphasis on how the mass media and corporations are likely to use culture. However, it is still too reductive to say that mass media only belong to the macro sphere, as James Curran's categorisation indicates. There is certainly a general tendency to look upon major media conglomerates as belonging inside the macro spheres, simply because of financial wealth and the influence they have upon the political structure. However, digital communication and the various new media platforms such as *YouTube*, *MySpace*, *Facebook* and *Flickr* can potentially exist within the micro, meso and macro spheres, depending on the audience for instance a given video receives on *YouTube*. The other four media sectors in Curran's model also have the potential of belonging to those different spheres, even though again, they generally do not reach the macro structures.

The point that I am getting at is that there are manifold different versions of colonising and

emancipative intra-public movements, but there are also manifold inter-public movements within those different spheres. Micro public spheres, lying close to or in the lifeworld, are so diverse that it is impossible to detect any consensus, and quite frankly it is not preferable at all, since criticality, be it rational or not, cannot flourish in such surroundings. If every discussion about every subject matter was in agreeable terms, society would soon be prone to totalitarianism. The same goes of course for more powerful spheres such as the meso and the macro, where certain degree of difference is necessary, be it in terms of large transnational bodies like the European Union and the United Nations, or large broadcasting networks like the BBC and the ABC. It is only when the balance is tilted too far in either direction, that communication becomes distorted, and one-sided colonisation occurs. Even though I agree in Habermas' general terms concerning the actuality of such colonisation, there exist multiple micro emancipative public spheres which cultural policy on every societal level, would do well in promoting.

One type of such sub-spheres is the *digital* one, but in order to conceptualise them adequately, a networked perspective is needed in addition to this account of restructuring restructured structural transformations of public spheres.

Updating the Public Sphere: Habermas' Networked Response

Public Spheres as Networks

The reason why I went through this lengthy discussion on the development from Habermas' original writings on the public sphere, and to the point where its digital adaptation becomes relevant, is that these are all important features of the field of cultural policy and what I refer to as digital public spheres. The relations between the *system* and the *lifeworld*, and the intermediating *public spheres*, surrounded by the spheres of *glocal processes* and *power*, constitute the culture-political field as defined here, and serve as excellent analytical tools to investigate the degree of economical, political and cultural importance a given policy ascribes to the cultural sector. However, in my view it was very important to up-date Habermas' original blueprint, diversify its scope, and adapt it further to the realities of the network society. This is why concepts like intra- and inter public relations, strong and weak publics, subaltern counterpublics, post-bourgeois hybrids, micro, meso and macro variants, various degrees of rationality and passions, the inclusiveness of public spheres, the different mass media platforms that operate within them, the different power streams they induce and the inner contradictions of both the system and the lifeworld, were introduced and adapted to the culture-political field. This re-working of Habermas' theories might seem as having little to do with his own writings, as much space has been given to the various critique it has received. However, Habermas listened to some of it and applied a much more nuanced, diversified,

networked scope later on, which serves as a good meeting point to Castells' networked digital add-on.

In the essay “Further Reflections on the Public Sphere”, Habermas indeed acknowledges and responds to some of the criticism aimed at his original writings on the public sphere. Here, he for instance refers to Mikhail Bakhtin's influence on opening his eyes to “the *inner* dynamics of a plebeian culture”²²², and the possible counter power of the culture of the common people with its various subordinated groups. He likewise acknowledges that the shift from culture-debating public to a culture-consuming public was too simplistic and that he undermined the “critical potential of a pluralistic, internally much differentiated mass public”²²³. The standards of evaluation from 1962 had of course changed, and so had the rigid distinction between high and low culture and especially the difference between *entertaining culture* and *informational politics*.

However, he holds tight to his societal distinction, developed in *The Theory of Communicative Action*, where he looks upon the state's and the market's interference with the lifeworld, as pathological. And even if he admits that a more differentiated view is needed regarding the level of such pathological colonisation, the increasingly dense and commercialised networks of communication, with their fusion of entertainment and information, greater centralisation, opinion poll generated politics, amplified regulation and the increased power that the mass media exert on culture and politics, have changed the infrastructure of the public sphere:

Therewith emerged a new sort of influence, i.e., media power, which, used for purposes of manipulation, once and for all took care of the innocence of the principle of publicity. The public sphere, simultaneously prestructured and dominated by the mass media, developed into an arena infiltrated by power in which, by means of topic selection and topical contributions, a battle is fought not only over influence but over the control of communication flows that affect behavior while their strategic intentions are kept hidden as much as possible.²²⁴

As was demonstrated in my prior discussion of media oligopolies, Habermas is not alone in his prediction of this 'new media landscape'. But since he looks upon the state and the economy to be systemically integrated action fields that no longer can be democratically transformed from within, the emancipative turn is to be found in different resources for societal integration:

The goal is no longer to supersede an economic system having a capitalist life of its own and a

222 Habermas 1992: 427. *Italics in the original.*

223 *Ibid*: 438.

224 *Ibid*: 437.

system of domination having a bureaucratic life of its own but to erect a democratic dam against the colonizing *encroachment* of system imperatives on areas of the lifeworld. [...] A radical-democratic change in the process of legitimation aims at a new balance between the forces of societal integration so that the social-integrative power of solidarity - the “communicative force of production” - can prevail over the powers of the other two control resources, i.e., money and administrative power, and therewith successfully assert the practically oriented demands of the lifeworld.²²⁵

Finally, Habermas stands firm to his idea of the political public sphere as the most ideal and legitimate venue for acquiring a better balance between a mass media dominated public sphere and civil society's chances of shaking off the political and economic invader's media power. Furthermore, even though he is sceptic about electronic mass communication, he detects certain ambivalence in its nature, which could have positive democratic potentials: “There is considerable evidence attesting to the ambivalent nature of the democratic potential of a public sphere whose infrastructure is marked by the growing selective constraints imposed by electronic mass communication.”²²⁶

But even though the macro dimensions of these *selective constraints* are growing, as has been demonstrated by my account of media oligopolies, digital communication has also offered various micro alternatives, well suited to empower dispersed voices. In *Between Facts and Norms*, Habermas indirectly recognises this by his networked adaptation and his differentiation of different kinds and levels of public spheres. This is well documented in the following key quotation:

In complex societies, the public sphere consists of an intermediary structure between the political system, on the one hand, and the private sectors of the lifeworld and functional systems, on the other. It represents a *highly complex network* that branches out into a multitude of overlapping international, national, regional, local, and subcultural arenas. Functional specifications, thematic foci, policy fields, and so forth, provide the points of reference for a substantive differentiation of public spheres that are, however, still accessible to laypersons (for example, popular science and literary publics, religious and artistic publics, feminist and “alternative” publics, publics concerned with health-care issues, social welfare, or environmental policy).²²⁷

Here, Habermas underlines the importance of looking upon the public sphere as a differentiated,

225 *Ibid*: 444. *Italics in the original*.

226 *Ibid*: 456-457.

227 Habermas 1996: 373-374. *Italics are mine*.

networked structure, precisely because of the complexity inherent in current societal structures. He also emphasises the need of analysing public spheres on different geographical areas, be it international, national, regional, local or sub-cultural, and furthermore, he stresses the importance of participative accessibility to 'difficult' culture-political publics, such as literary, religious and artistic publics.

But in terms of the differentiated *inter-public* relations and *intra-public* relations of different public spheres, Habermas offers a more in depth analysis:

Moreover, the public sphere is differentiated into levels according to the density of communication, organizational complexity, and range - from the *episodic* publics found in taverns, coffee houses, or on the streets; through the *occasional* or “arranged” publics of particular presentations and events, such as theatre performances, rock concerts, party assemblies, or church congresses; up to the *abstract* public sphere of isolated readers, listeners, and viewers scattered across large geographic areas, or even around the globe, and brought together only through the mass media. Despite these manifold differentiations, however, all the partial publics constituted by ordinary language remain porous to one another. The one text of “the” public sphere, a text continually extrapolated and extending radically in all directions, is divided by internal boundaries into arbitrarily small texts for which everything else is context; yet one can always build hermeneutical bridges from one text to the next.²²⁸

Those two lengthy quotes summarise quite nicely Habermas' reworking of his original theory on the public sphere. Hence, he, for instance, responds to Nancy Fraser's ideas concerning *post-bourgeois hybrids*, with their weak and strong, intra- and inter-relations, John Keane's emphasis on a networked construction of micro, meso and macro public spheres, as well as the various critiques he received concerning accessibility and increased differentiation of multiple public spheres.

But most importantly, he does that without giving up his original overarching societal distinction between the *system* and the *lifeworld*. This is very important from a culture-political point of view, because even though those societal bodies are highly versatile and differentiated, the idea of the system's colonising, strategic rationale, as opposed to the lifeworld's emancipative potentials, is still very valuable, and will later in this worked be used as a theoretical framework to tackle EU's culture-political strivings. It should however be quite clear by now that I will not copy Habermas' theory uncritically, but add to it levels of networked post-bourgeois hybridity, along with other adaptations of Habermas' theory, as already mentioned.

228 *Ibid*: 374. *Italics in the original*.

The Cultural Dilemma

Habermas' reaction in *Between Facts and Norms*, despite its acknowledgement of increased differentiation and interconnectivity of different spheres, is not wholly unproblematic, especially from the viewpoint of what he now refers to as *existential languages*. As is clear from the quote above, Habermas has extended his idea of the public sphere to venues, events and subjects such as rock concerts and church gatherings, but the concepts of culture and the arts, are still problematic for him, mainly because he still ascribes too much importance to the *rational criticality* of the *political public sphere*, at the expense of the *criticality* of the *cultural*. The root of this distinction is to be found in the different levels of the lifeworld, i.e. whether they encompass existential languages, or not. But since those existential languages have less to do with rationality, their effect on a robust civil society is less appreciated by Habermas, as the following lines clearly demonstrate: “[A] robust civil society can develop only in the context of a liberal political culture and the corresponding patterns of socialization, and on the basis of an integral private sphere; *it can blossom only in an already rationalized lifeworld.*”²²⁹

Thus, Habermas' emphasis on the role of rationality prevents him yet again to acknowledge the importance of existential languages on the workings of cultural public spheres, and that is the main reason why art, religion and literature become so problematic for his theory. This seems a bit paradoxical, because in *Between Facts and Norms*, Habermas' returns to the decisive relationship between the *cultural* and the *political* public spheres, thereby, indirectly, acknowledging the importance of existential languages:

Besides religion, art, and literature, only the spheres of “private” life have an existential language at their disposal, in which such socially generated problems can be *assessed in terms of one's own life history*. Problems voiced in the public sphere first become visible when they are mirrored in personal life experiences. To the extent that these experiences find their concise expression in the languages of religion, art, and literature, the “literary” public sphere in the broader sense, which is specialized for the articulation of values and world disclosure, is intertwined with the political public sphere.²³⁰

The cultural and the political intertwine because as members of society, citizens occupy two positions at once, or what Habermas originally framed as *bourgeois* and *homme*. But as always, the urge to form rational legitimisation, makes him prioritise the importance of the political one:

²²⁹ *Ibid*: 371. *Italics are mine.*

²³⁰ *Ibid*: 365. *Italics in the original.*

I have described the political public sphere as a sounding board for problems that must be processed by the political system because they cannot be solved elsewhere. To this extent, the public sphere is a warning system with sensors that, though unspecialized, are sensitive throughout society. From the perspective of democratic theory, the public sphere must, in addition, amplify the pressure of problems, that is, not only detect and identify problems but also convincingly and *influentially* thematize them, furnish them with possible solutions, and dramatize them in such a way that they are taken up and dealt with by parliamentary complexes. Besides the “signal” function, there must be an effective problematization. The capacity of the public sphere to solve problems *on its own* is limited. But this capacity must be utilized to oversee the further treatment of problems that takes place inside the political system.²³¹

It is this rigid distinction between the spheres that repeatedly is problematic for Habermas, because while he maintains that the rational criticality of the political public sphere is decisive in legitimate decisions of political nature, he at the same time acknowledges the importance of looking upon “the public sphere as a communication structure rooted in the lifeworld through the associational network of civil society.”²³² He furthermore describes this network of civil society as an institutional core comprised of non-governmental and non-economic connections, as well as voluntary associations that secure the communication structures of the public sphere's lifeworld components:

Civil society is composed of those more or less spontaneously emergent associations, organizations, and movements that, attuned to how societal problems resonate in the private life spheres, distill and transmit such reactions in amplified form to the public sphere. The core of civil society comprises a network of associations that institutionalizes problem-solving discourses on questions of general interest inside the framework of organized public spheres. These “discursive designs” have an egalitarian, open form of organization that mirrors essential features of the kind of communication around which they crystallize and to which they lend continuity and permanence.²³³

Habermas is true to himself, ascribing to civil society's minor role in terms of power related influence in a public sphere dominated by large agencies, mass media, market research, opinion polls, public relations work, advertising and propaganda, but he all the same attributes it with great emancipative potentials, precisely because it forms the organisational substratum of citizens in general: “More or less emerging from the private sphere, this public is made of citizens who seek

231 *Ibid*: 359. *Italics in the original*.

232 *Ibid*.

233 *Ibid*: 367.

acceptable interpretations for their social interests and experiences and who want to have an influence on institutionalized opinion- and will-formation.”²³⁴ Those citizens in civil society and in the lifeworld, now a network composed of communicative actions, can in theory affect the constitutionally structured political system because it remains open to the lifeworld, as is clear from Habermas' following reflection:

The constitutionally structured political system is internally differentiated into spheres of administrative and communicative power and remains open to the lifeworld. For institutionalized opinion- and will-formation depends on supplies coming from the informal contexts of communication found in the public sphere, in civil society, and in spheres of private life. In other words, the political action system is embedded in lifeworld contexts.²³⁵

Those lifeworld contexts have acquired powerful micro tools through digital communication and various new media tools, in particular those associated with the collective intelligence of prosumers operating on diverse Web 2.0 platforms. Therefore, the notion of digital cultural public spheres starts increasingly to make sense, especially when applied to the network of all networks, the Internet itself.

²³⁴ *Ibid.*

²³⁵ *Ibid.*: 352.

The Digital Add-on: Digital Cultural Public Spheres

The Network Society

A Blueprint

Even though Habermas has taken on a networked perspective in *Between Facts and Norms*, he does not really define his use of networks. I have already briefly touched upon Manuel Castells' account of the phenomena and now the idea is to adapt Castells' writings with my 'remix' of Habermas' theory on the public sphere, thereby constructing a culture-political venue that accounts for digital cultural public spheres and the access culture of remixable prosumers.

As was demonstrated in a short introduction on Manuel Castells' definition of network in Chapter 2, networks are so effective precisely because of their *flexibility*, *scalability* and *survivability*. Networks can reconfigure along with societal changes, they expand or shrink, and because they do not contain definite centres, they operate in wide range of configurations. But even though this ability makes networks increasingly attack resistant, the multiple nodes can all the same be destroyed, or redirected, thereby serving different interests. Indeed, the network morphology is a major source for reorganisations of power relationships, especially since networks can both cooperate and compete with each other, depending mostly on *protocols of communication* and *access* to connection points.

Castells conceptualises his idea of the *Network Society* in a large three volume work which goes under the name of *The Information Age: Economy, Society and Culture*. Therefore, just like Habermas, Castells' theorisation of the network society takes both the workings of the *system* and the *lifeworld* into account. The decisive difference is, of course, that Castells includes the *digital paradigm*, emphasising the role of what he calls the technological paradigm of the network society, namely *informationalism*. In an updated theoretical blueprint of informationalism, networks and the network society, Castells offers the following core definition of the network society: "A network society is a society whose social structure is made of networks powered by microelectronics-based information and communication technologies. By social structure, I understand the organizational arrangements of humans in relations of production, consumption, reproduction, experience, and power expressed in *meaningful communication coded by culture*."²³⁶

Here, culture is defined according to the anthropological view, since it is like a veil surrounding other societal structures, ascribing values and generating meaningful communication

²³⁶ Castells 2004a: 3. *Italics are mine*.

within them. Therefore, this definition has much in common with Habermas' original cultural public sphere. The difference is that Castells has fewer problems in ascribing the central role of culture and cultural movements, to changes in the economic and the political structures. Cultural factors are therefore just as decisive as political and economical factors; or better still, they are intertwined. But what are the main characteristics of a network society, which feeds on informationalism, with computers and digital communications as its most direct expressions through their self-expanding processing and communicating capacities, their ability to recombine on the basis of digitisation and their enormous interactive, digitised networked distributing flexibility?

To start with, since its infrastructure is based on digital networks, it is *global*, and furthermore, even though the everyday of most people is local, all people are affected by process of global networks. In this regard, Castells mentions for instance distribution of goods and services, financial markets, transnational production, communication media, culture, art, sport, science and technology, religion, and of course international institutions managing the global economy as well as transnational non-governmental organisations. I want to emphasise that Castells' network society is not an innocent construction since it works very much according to the binary logic of *inclusion-exclusion*. This basically means that either you are connected, or you are out. But even though Castells maintains that networks do not have definite centres, they are all the same motivated by power driven dominant institutions of society, which create hierarchies according to their own interests. This becomes quite apparent in Castells' discussion of value in the network society: "Value is what is processed in every dominant network at every moment in every space according to the hierarchy programmed into the network by the actors acting upon the network."²³⁷

Castells refers to power holders as *programmers*, meaning the process of communication in society and the organisations (often media) behind those processes, and *switchers*, referring to the controllers of the connecting points between different strategic networks. Thus, the informational flow of networks and the relations to other networks, or networked public spheres, are dependent upon their *intra-public relations*, as well as their *inter-public relations*. Those relations of domination between networks are characterised by constant, flexible interactions of, for instance, global financial markets, geopolitical developments and media strategies. But since the logic of dominated value making in the network society are global, societal bodies that are structurally hindered in embracing the global full fledged, have certain disadvantage, which they have to respond to. This has grossly affected the structure of nation-states and the division of labour; it has generated different *space of flows* and what Castells refers to as *timeless time*, thereby altering considerably the relationship between the Net and the self.

²³⁷ *Ibid*: 26.

Regarding the role of the nation-state, Castells looks upon it pretty much as was accounted for in the prior sub-chapter about the interrelations of the local and the global. In *The Power of Identity*, he states the following:

State control over space and time is increasingly bypassed by global flows of capital, goods, services, technology, communication, and information. The state's capture of historical time through its appropriation of tradition and the (re)construction of national identity is challenged by plural identities as defined by autonomous subjects. The state's attempt to reassert its power in the global arena by developing supranational institutions further undermines its sovereignty. And the state's effort to restore legitimacy by decentralizing administrative power to regional and local levels reinforces centrifugal tendencies by bringing citizens closer to government but increasing their aloofness toward the nation-state.²³⁸

This dual character, of being global and local at the same time, where many important economic, social, political and cultural factors operate increasingly in the global space of flows, has altered the role of the nation-state, without making it powerless. However, this dilemma reflects quite well the relationship between the global Net and the local selves using it. The nation-state is of course not a helpless victim in this process, as the Finnish experience proves²³⁹, but since the network society is global, the network state has to go increasingly global, and that affects power relationships, policies, the economy, identity formations of individuals, and of course, culture and cultural consumption.

This is in itself, nothing new, and as Felix Stalder has demonstrated in his account of the theory of the network society, Castells is somewhat unclear in his formulations concerning those new power structures, and especially how the global community will react and unfold to those changes.²⁴⁰ Included in Stalder's critique is the question whether networks are programmed, or whether they are autonomous? The answer seems to be both, and that is indeed exactly what makes them a different form of societal organisation, than a formal hierarchy. This corresponds quite nicely to Castells' writings on the nation-state, because it cannot take on full sovereignty as long as it is subject to the programmed networks in which they operate. Here, Castells' programmers and switchers take on an important role, but even though he acknowledges that networks ultimately are programmed by social actors, he fails to examine how this programming comes about. Stalder comments upon this defect with the following words:

238 Castells 2004b: 303.

239 See Manuel Castells' and Pikka Himanen's work *The Information Society and the Welfare State*.

240 See Stalder 2006: 104-140.

[I]t is through setting the rules of the games and then letting the individual actors figure out for themselves how to deal with the constraints - rather than in old-fashioned command-and-control hierarchies - that power operates in a network. This is precisely the point where we can locate the transformation of power operating through repression to power operating through exclusion. Actors are no longer told what to do. Rather, they are left to fend for themselves in the network created by the protocol. If they cannot do that within the constraints of the protocol, they drop out of the network. Plain and simple, and there is not even anyone actively pushing.²⁴¹

The basic questions, from the viewpoint of power relations at least, is who writes the protocols for a given network, for what purposes and with what results in mind? Those questions can very easily be transcribed to the culture-political venue, where a given cultural policy is the network in which the actors of the culture-political venue move. But those movements are not entirely unconstrained, since the policy is expected to give a calculated outcome, in EU's case between *unity* and *diversity*; and in Castells terms, between the *Net* and the *self*.

Glocal Flows: Space of Flows and Timeless Time

Another key assumption in Castells' version of the network society concerns the *space of flows*, and what he refers to as *timeless time*. According to him, the space of flows has three dimensions, "the places where activities (and people enacting them) are located, the material communication networks linking these activities, and the content and geometry of the flows of information that perform the activities in terms of function and meaning."²⁴² What is important here it that Castells holds firmly to the interrelations of face-to-face communication and digital communication, pointing to the fact that networks are also places where people meet and constitute themselves and their identities. This is of course not the traditional face-to-face communication in the Habermasian sense, but it emphasizes the fact that there has to be a place where people generate communication through digital networks.

In this sense, the network society is only yet another extension of man, to refer to McLuhan, but because of the sheer vastness of the Net, the speed, the volume and the easy facility of different forms of communication, be it speech, sounds, pictures, drawings, graphics etc., the Internet is by far the most effective means of such communication invented so far. Even though the access to it was in the beginning highly elitist, creating the so-called digital divide, much has changed over the last few years and the range of people that access this communication infrastructure has grown extremely, in particular across the member-states of the European Union. Felix Stalder detects two

²⁴¹ *Ibid*: 135.

²⁴² Castells 2004a: 36-37.

important consequences of this vastness of the Net, especially from *glocal* perspectives:

First, it is not only the dominant social processes managed by the elite that are organized in the space of flows, but an increasingly broad range of social activities, dominant and marginal, public and private, collective and individual, representing a much fuller range of human expressions, projects, and desires. [...] Second, the dynamics of the space of flows no longer always supersede the dynamics of the space of places. On the contrary, from the Zapatistas to community networking and fully fledged digital cities, from the radical left to the radical right, social movements of all kinds are using the space of flows on behalf of locally rooted projects. Such initiatives are building linkages between flows and places.²⁴³

This space of excessive glocal flows is coextensive with time, or in Castells' interpretation, *timeless time*. Unlike the older cyclical and the more modern linear temporalities, time in network society is *timeless* because of the interaction of different times resulting in a disordered oscillation in the sequences of events. In *The Rise of the Network Society*, Castells offers the following definition of timeless time:

I propose the idea that *timeless time*, as I label the dominant temporality of our society, *occurs when the characteristics of a given context, namely, the informational paradigm and the network society, induce systemic perturbation in the sequential order of phenomena performed in that context*. This perturbation may take the form of compressing the occurrences of phenomena, aiming at instantaneity, or else by introducing random discontinuity in the sequence.²⁴⁴

The decisive point in Castells' formulation is that instantaneous processing of digital information permit modulations within temporal layouts. This does, however, not mean that time is annihilated; it just means that now users of digital networks are getting accustomed to seeing time not only as the Medieval cyclical process, or the 'modern' linear process, but as a process of constant disruptions. But what are the implications of this to culture, and for that matter cultural policy? Well, Castells make them central to digital culture because *space of flows* and *timeless time* create new societal structures, which then again redefine, or at least add another dimension to the culture concept: "Space and time are redefined at the same time by the emergence of a new social structure and by the struggles over the shape and programs of this social structure. In a sense, space and time express the culture(s) of the network society."²⁴⁵

243 Stalder 2006: 151.

244 Castells 2000: 494. *Italics in the original*.

245 Castells 2004a: 38.

Culture of Real-Virtuality

As was clear in one of the key quotes above, culture plays an important role in Castells' network society. This is of great importance to the notion of *digital cultural public spheres*, and their global, networked, hypertextual construction. Castells further reflects upon the cultural aspects of the network society, with the following words:

Cultural expression becomes patterned around the kaleidoscope of a global, electronic hypertext. Around the Internet and multimedia, manifestations of human communication and creation are hyperlinked. The flexibility of this media system facilitates the absorption of the most diverse expressions and the customization of the delivery of messages. While individual experiences may exist outside the hypertext, collective experiences and shared messages - that is, culture as a social medium - are by and large captured in this hypertext. It constitutes the source of real virtuality as the semantic framework of our lives. Virtual, because it is based on electronic circuits and ephemeral audiovisual messages. Real, because this is our reality, since the global hypertext provides most of the sounds, images, words, shapes, and connotations that we use in the construction of our meanings in all domains of experience.²⁴⁶

As already claimed, the *global network of new media* is, according to Castells, “at the roots of cultural expression and public opinion in the Information Age.”²⁴⁷ But as is clear from my discussion on Habermas' public sphere, cultural expression and public opinion are amongst the most important features of such spheres. Furthermore, Castells is also attendant towards the interrelations between the cultural and the political, especially as it unfolds in the media world:

Politics is itself increasingly enclosed in the media world, either by adapting to its codes and rules or by attempting to change the rules of the game by creating and imposing new cultural codes. In both cases, politics becomes an application of the hypertext, since the text simply reconfigures itself to the new codes.²⁴⁸

Therefore, in the network society, the cultural and the political are intertwined in many differentiated hypertextual networks. Castells also emphasises that the networking logic has connected dominant segments of societies, mainly through the global, networked economy, flexible forms of individualised work, and most importantly from the viewpoint of cultural policy, “in the

246 Castells 2001a: 169-170.

247 Castells 2000: 501.

248 Castells 2001a: 170.

culture of real virtuality, inscribed in the electronic hypertext.”²⁴⁹

This *culture of real virtuality*, is very much linked to the character of social movements and the structural changes that digital communication paved the way for. Because of the structure of the Internet, social, cultural, and artistic movements have room for, and the ability to access great heterogeneity, and maintain a sense of identity at the same time, i.e. they are 'glocal'. Networks are therefore able to bring about new balance between diversity and coordination. According to Castells the culture of real virtuality has four socio-cultural patterns, where the first represents “*widespread social and cultural differentiation*, leading to the segmentation of the users/viewers/readers/listeners”²⁵⁰, meaning that because of increased interactive capacities, users have more to choose from, and manipulate with. The second represents a further social stratification in terms of access: “The unifying cultural power of mass television (from which only a tiny cultural elite had escaped in the past) is now replaced by a socially stratified differentiation, leading to the coexistence of a customized mass media culture and an interactive electronic communication network of self-selected communes”²⁵¹, i.e. the digital divide between the *interacting* and the *interacted*. Thirdly, in an interactive and selective communication system, like the Internet, it “induces an *integration of all messages in a common cognitive pattern*”²⁵², where “a multifaceted semantic context [is] made of a random mixture of various meanings.”²⁵³ And finally, a point already commented upon, multimedia capture most cultural expressions, in their different diverse forms.

These socio-cultural patterns allow Castells to define further what he precisely means by *culture of real virtuality*:

*It is a system in which reality itself (that is, people's material/symbolic existence) is entirely captured, fully immersed in a virtual image setting, in the world of make believe, in which appearances are not just on the screen through which experience is communicated, but they become the experience. All messages of all kinds become enclosed in the medium because the medium has become so comprehensive, so diversified, so malleable that it absorbs in the same multimedia text the whole of human experience, past, present, and future*²⁵⁴

This definition corresponds quite nicely to Lev Manovich's notion of *culture encoded in digital form*, suggesting the inclusiveness and comprehensiveness of all digital cultural expressions.

²⁴⁹ *Ibid.*

²⁵⁰ Castells 2000: 401-402. *Italics in the original.*

²⁵¹ *Ibid.*: 402

²⁵² *Ibid.* *Italics in the original.*

²⁵³ *Ibid.*: 403.

²⁵⁴ *Ibid.*: 404. *Italics in the original.*

Concerning the interrelations of digital communication and face-to-face communication, Castells somewhat over-idealises the former, in following terms:

Because of its existence, all kinds of messages in the new type of society work in a binary mode: presence/absence in the multimedia communication system. Only presence in this integrated system permits communicability and socialization of the message. All other messages are reduced to individual imagination or to increasingly marginalized face-to-face subcultures. From society's perspective, *electronically based communication (typographic, audiovisual, or computer-mediated)* is *communication*. Yet it does not follow that there is homogenization of cultural expressions and full domination of codes by a few central senders. It is precisely because of the diversification, multimodality, and versatility of the new communication system that it is able to embrace and integrate all forms of expression, as well as the diversity of interests, values, and imaginations, including the expression of social conflicts.²⁵⁵

Even though Castells is on to something very important here, he gets a little carried away concerning the marginalisation of face-to-face subcultures. Just like in cultural policy, even though new communication forms arise, such as the digital paradigm, the other ones do not vanish. The digital is an *add-on*. A very powerful one for sure, and it affects other societal forms, and in many cases transforms them. But it is not the only game in town.

The Cultural Protocols of the Net

However, despite this slight over-enthusiasm on Castells' behalf, *digital culture*, or *culture of real-virtuality* in the *global network of new media*, has definitely added a very important dimension to the culture concept, especially in empowering resistance identities in a contraposition to society as a whole, including Habermas' notion of the *system*. Therefore, instead of witnessing the rise of a homogenous global culture, Castells observes a *historical cultural diversity*, where the keyword is not *uniformity*, but *fragmentation*. Hence, the underlying key question which he sees behind the culture of the network society is whether these fragmented, disperse cultural identities, can actually communicate to each other. Because of this assumption, Castells maintains that the "*protocols of communication between different cultures* are the cornerstone of the network society, as, without them, there is no society, just dominant networks and resisting communes."²⁵⁶

Since Castells puts so much emphasis on the protocols of communication, a key culture-political question is what the actual content of those protocols is made of, how the programmers and

255 *Ibid*: 405. *Italics in the original*.

256 Castells 2004a: 39. *Italics are mine*.

switchers control their flow and interconnectedness, and what kind of discursive formations and regimes of truth they are supposed to induce. This way of thinking has lots in common with the cosmopolitanism of Habermas and Beck, as Castells rightly remarks, especially the need to identify central cultural-institutional issues of the network society and its appeal to democratic global governance. However, Castells maintains that even though their vision is theoretically very rich, they both fail to identify “the *process* by which these protocols of communication could be created”²⁵⁷. By emphasising the role of processes, Castells offers the following definition on how these protocols of communication could be represented:

*[T]he culture of the global network society is a culture of protocols of communication enabling communication between different cultures on the basis, not necessarily of shared values, but of sharing the value of communication. This is to say: the new culture is not made of content but of process. It is a culture of communication for the sake of communication. It is an open-ended network of cultural meanings that can not only coexist, but also interact and modify each other on the basis of this exchange.*²⁵⁸

Even if this seemingly abstract notion of cultural protocols of communication in the network society is mentally and theoretically stimulating, it is hard to see how makers of future cultural policy can get anything concrete from such a protocol. Cultural policy has always had the difficult task of selecting something, be it an overarching ideological framework behind its communication, media and cultural policies, or on a smaller scale, which art groups, or in the Nordic case, which individual artists should receive financial allocation. But as Scott Lash has for instance remarked, the database of such selection has grown immensely with the digital paradigm, where everything is indeed a huge pile of 'immaterials': “It is about the artist no longer working through the (aesthetic) materials - colour or facet planes etc. It is instead about the artist working aesthetically through an assemblage of *immaterials*, that is, ideas.”²⁵⁹

This huge bulk of networked information does however not pile up, making the selective process easier, but on the contrary, it is precisely in the very nature of networks to circulate, and that makes the selective process of differentiating between *information* and *disinformation*, a lot harder. Lash further comments upon the effects of the digital paradigm, with the following words: “The hegemonic principle of the manufacturing society is accumulation: that of the information society, circulation. In national accumulation, things stay largely 'under control'. In global circulation, things

257 *Ibid. Italics are mine.*

258 *Ibid: 39-40. Italics in the original.*

259 Lash 2002: 154. *Italics in the original.*

tend to fly out of control. This is at the heart of the contraction of the information society. It is why it is always also a *disinformation* society.”²⁶⁰ But instead of falling pray to the binary logic of either or, Lash proposes the term *information-and-disinformation*: “Here disinformation converts just as readily back into information as the reverse. The *Vergesellschaftung* of information (that is, the working of the information principle through the entirety of the society) is, at the same time, the *Vergesellschaftung* of disinformation. But this makes it no less a principle of information.”²⁶¹

Indeed, one of the challenges that the digital paradigm has put on the shoulders of future cultural policy makers, is how to select from such a vast circulation network of *information-and-disinformation*. Regarding *digital cultural public spheres*, many different options make themselves available, depending on the overall cultural policy a given societal body, be it regional, national or international, wants to promote. Thus, some would highlight the financial possibilities inherent in digital cultural public spheres, some would use them to establish national identity further, while yet another could use them as a representation of regional diversity, to name just a few. But since this thesis is dedicated to the semi-autonomous and emancipative potentials of digital cultural public spheres, a further look upon the *ideological* roots behind Castells' notion of a culture of protocols of communication, is needed. Castells himself hints at those ideological constructions in the following, somewhat prophetic hypothesis of such protocols:

[T]he culture of the network society is a culture of protocols of communication between all cultures in the world, developed on the basis of a common belief in the power of networking and of the synergy obtained by giving to others and receiving from others. A process of material construction of the culture of the network society is underway. But it is not the diffusion of the capitalist mind through the power exercised in the global networks by the dominant elites inherited from industrial society. Nor is it the idealistic proposals of philosophers dreaming of a world of abstract, cosmopolitan citizens. It is the process by which conscious social actors of multiple origins bring to others their resources and beliefs, expecting in return to receive the same, and even more: sharing a diverse world, and thus ending the ancestral fear of the other.²⁶²

The Passion to Create and the Passion to Share: The Hacker Ethic

Even though cultural policy is very important for the development of future society, I am afraid that it would be over-stating its powers to anticipate that it can eliminate the ancestral fear of the other. Culture is simply made of too complicated, diverse, and multiple networks with very different,

²⁶⁰ *Ibid*: 144. *Italics in the original*.

²⁶¹ *Ibid*: 154. *Italics in the original*.

²⁶² Castells 2004a: 40.

often opposing power constellations, to be able to harmonise such fears. Indeed, often cultural networks are major actors in triggering such fears. Concerning sharing a diverse world, the odds are equally unfavourable, especially when looked upon from the viewpoint of the global networks, generated by dominant elites, or as Castells point out, the abstract world of cosmopolitan citizens.

However, *digital cultural public spheres* offer alternatives, that cultural policy could pave the way for, resulting in richer communication flows in the diverse lifeworld environments, as well as affecting the upper spheres of political legitimisation, and the market mechanisms of the system. Following the ideology behind *protocols of cultural communication*, which has very much in common with Habermas' *communicative action*, Castells detects two decisive factors which he takes from Pekka Himanen's work *The Hacker Ethic and the Spirit of the Information Age*; namely the *passion to create*, and the *passion to share*. The former refers to the culture of innovation for the sake of innovation, where the passion to create replaces the urge of capital accumulation. The latter refers to the free sharing of knowledge and discovery, as a necessary and preferable means of innovation. It is really this what Castells means by a culture of *communication for the sake of communication*, and *networking for the sake of networking*, “a belief in the power of the network, in your empowerment by being open to others, and in the joy of diversity.”²⁶³

Pekka Himanen makes a deeper analysis of the hacker ethic, opposing it to the Protestant ethic, as accounted for by Max Weber. According to the Protestant ethic, work is seen as a disciplined duty where the accumulation of financial wealth is an end in itself. The seven dominant values of this kind of ethic are money, work, optimality, flexibility, stability, determinacy and result accountability. The network society has not changed this fundamentally. Indeed, in many cases it has simply speeded up those processes. But it has also offered alternatives, or better still, a powerful way of realising alternatives, and that is what Himanen means by the hacker ethic as the culture of the information age. The hacker ethic has its roots in three dimensions, *the work ethic*, *the money ethic* and *the net ethic*, which pave the way for the seven main values of the hacker ethic: *passion*, *freedom*, *social worth*, *openness*, *activity*, *caring* and *creativity*.

Passion and freedom are interlinked since hackers tend to organise their lives “in terms of a dynamic flow between creative work and life's other passions”²⁶⁴, i.e. the “hacker *work ethic* consists of melding passion with freedom.”²⁶⁵ Contrary to the Protestant ethic, money is not seen as an end in itself, but rather as a means to motivate social worth and openness. Therefore, the passionate work ethic generates public spheres that are not aimed at financial accumulation, but rather at the urge to create and to be recognised for one's creations. It is therefore a question of

263 *Ibid.*

264 Himanen 2001: 140.

265 *Ibid.* *Italics in the original.*

sharing the passion of creation, at the same time as being valuable to a given community.

The third ethic, which Himanen calls *nethic*, is driven by activity and caring. Here *activity* “involves complete freedom of expression in action, privacy to protect the creation of an individual lifestyle, and a rejection of passive receptiveness in favor of active pursuit of one's passion”²⁶⁶, while *caring* represents “concern for others as an end in itself and a desire to rid the network society of the survival mentality that so easily results from its logic.”²⁶⁷ These values have to do with the drive to get involved, to participate, and to contribute to a network that is socially important to you and therefore requires you to *give* in order to *take*.

Finally, and most important of them all, is the value of *creativity*, which Himanen defines as “the imaginative use of one's own abilities, the surprising continuous surpassing of oneself, and the giving to the world of a genuinely valuable new contribution.”²⁶⁸ This might sound very idealistic, prophetic, or even naive, but when a further look is taken at the birth of the Internet, and the World Wide Web, those ideas were and still are of great importance in its development, and what is more, they developed parallel, and in cooperation with the *system's* market and the state. From the perspective of this work, which accounts for the culture-political role of emancipative, semi-autonomous digital public spheres, the main values of the hacker ethic are of great importance, as these are precisely the values that generate their informational streams in the first place. These values have clear affiliations with Habermas' account of the lifeworld structures and cultural policy that would emphasise the importance of these values would ultimately apply a bottom-up approach where the end-means are not in favour of financial accumulation and political power, but rather on passion, freedom, social worth, openness, activity, caring and creativity.

These are precisely the values that trigger the remixable culture of prosumers and when put into the perspective of EU's cultural policy, especially the fragments of it that are meant to encourage non-commercial artistic exchanges, including in the audiovisual sector, a clear link is established between the two. It is however very important to clarify that the hacker culture is only one branch of digital culture and as Castells maintains in his book the *Internet Galaxy*, there is a four-layered structure behind the culture of the Internet, where the *hacker culture* is indeed only one of them, the other three being the *techno-meritocratic* culture, the *virtual communitarian* culture and the *entrepreneurial* culture. According to Castells, this four-layered structure is hierarchically inter-dependent, where each layer is reliant on the existence of the others:

These cultural layers are hierarchically disposed: the techno-meritocratic culture becomes

266 *Ibid*: 140-141.

267 *Ibid*: 141.

268 *Ibid*.

specified as a hacker culture by building rules and customs into networks of cooperation aimed at technological projects. The virtual communitarian culture adds a social dimension to technological sharing, by making the Internet a medium of selective social interaction and symbolic belonging. The entrepreneurial culture works on top of the hacker culture, and on the communitarian culture, to diffuse Internet practices in all domains of society by the way of money-making.²⁶⁹

Therefore, the hacker culture alone is too restrictive to be nominated as the culture of the Internet, since the whole of it depends “on entrepreneurialism to diffuse into society at large, but it is also tributary from its origins in the academic and scientific community, where the criteria of excellence, peer review, and open communication of research work originated.”²⁷⁰ From the perspective of this work, it is mainly the intermingling of the hacker culture with that of the communitarian culture that is of importance to digital cultural public spheres.

As the Internet exploded, especially with the creation of the World Wide Web in the 1990's, millions of people started using it, often with very little computer technological skills. Consequently, various 'milder' technological solutions appeared, allowing the general public to make use of the medium, or as with Castells's words, “while the hacker culture provided the technological foundations of the Internet, the communitarian culture shaped its social forms, processes, and uses.”²⁷¹ This virtual culture is of course just as diverse as the non-virtual culture, and therefore it is impossible to draw a definite pattern describing how people, movements and organisations engage in the Internet. Castells does however detect two common cultural characteristics of this virtual communitarian culture, namely the *value of horizontal, free communication*; and *self-directed networking*.

The first one emphasises the practice of global free speech and the freedom of expression from many to many. Castells sees this as a response to a media landscape dominated by conglomerates and government censorship, while the second characteristic revolves around the creation of networks by self-publishing, self-organising and self-networking mechanisms, traditionally associated with Web 2.0. Castells summarises those two main features of this culture of the virtual communitarians in the following way: “Thus, while the communitarian source of the Internet culture is highly diverse in its content, it does specify the Internet as a technological medium for horizontal communication, and as a new form of free speech. It also lays the foundation for self-directed networking as a tool for organization, collective action, and the construction of

269 Castells 2001b: 37.

270 *Ibid*: 38.

271 *Ibid*: 53.

meaning.”²⁷²

Even if Castells' account of the four dimensions of the Internet culture are a little bit biased, glorifying the 'free' culture of hackers at the cost of the money driven entrepreneurs, he does well in mapping the inherent contradictions and the multiplicity that characterises the Internet. This is both its strength and its weakness. It is strength because it allows dispersed voices to be heard. It is a weakness because of the *information-disinformation* problematic, already touched upon by Scott Lash, as well as the concentration of power that some actors, like Microsoft's Bill Gates and Google Inc., have exceeded. Even though this work concentrates primarily on the emancipative cultural dimensions of the Internet, often referred to as *free culture*, Castells' point is very important in demonstrating that cultures never act alone. Indeed, they are always connected to other cultures via value driven networks. But even though the protocols of cultural networks are always interconnected and interdependent upon the stream of other nodes in the network society, it is indeed the role of cultural policy to decide upon the preferable balance between streams favouring the system and streams favouring the lifeworld. In my view digital communication and the various new media platforms associated with Web 2.0 have provided the makers of future cultural policy with interesting tools which they can use in tilting this culture-political balance further towards the lifeworld. When looked upon from this perspective, the notion of *access culture* becomes pivotal as the remixable culture of prosumers, triggered by the seven values of the hacker ethic would not flourish without *open*, and *legal* access.

Access Culture

Free Access Culture

My use of the concept of 'access culture' owes much to what traditionally has been referred to as 'free culture', especially by the adherents of hacker culture. A key characteristic of the notion of *free culture* is the right, or the possibility to *select* and to *reuse* in *legal ways* acknowledging the *roots* of the original reused product; the bigger the database of selection, the better. This kind of free culture has therefore very much in common with the *hacker ethic*, the *open source movement*, and especially one of the most influential figures behind the *Free Software Foundation* and the notion of *copyleft*, Richard Stallman.

Stallman realised his ideas from the perspective of software developments, responding to the proprietary UNIX system by writing a new one which he called GNU.²⁷³ In the GNU Manifesto he explains the motives for his actions with the following words: “I consider that the golden rule

²⁷² *Ibid*: 55.

²⁷³ GNU stands for *GNU is not UNIX*.

requires that if I like a program I must share it with other people who like it. Software sellers want to divide the users and conquer them, making each user agree not to share with others. I refuse to break solidarity with other users in this way.”²⁷⁴ What Stallman is referring to here is the freedom to run the program, the freedom to modify the program for your own needs and purposes, the freedom to redistribute copies, either without cost or for a fee, and finally the freedom to distribute modified versions, for the benefit of the community.²⁷⁵ A key issue here is to give *access* to the *source code*, because without it, you cannot make any modifications.

Some of the critique Stallman's GNU project has been subject to is dedicated to the financial parts, i.e. that it is impossible to finance such projects of freedom. But as is clear in Stallman's goals, free software is not gratis software. Indeed, there does not seem to be any contradiction between free software, and selling copies. However, the main controversy in Stallman's project is related to copyright and intellectual property issues, and in order to respond to such claims, Stallman and his *Free Software Foundation* came up with the notion of *copyleft*, which is materialised in the GNU General Public License (GPL). Commenting upon the motivation behind this license, Stallman refers to it as pragmatic idealism: “My work on free software is motivated by an idealistic goal: spreading freedom and cooperation. I want to encourage free software to spread, replacing proprietary software that forbids cooperation, and thus make our society better.”²⁷⁶ The main objective of copyleft, is therefore to make sure that software created to be free, remains so, i.e. to prevent free software to be included in proprietary software.

Hence, what the idea of copyleft tries to do is to go in between the unrestricted public domain and the very restricted copyright domain. Stallman explains further the methods behind copylefting a program in the following way:

To copyleft a program, we first state that it is copyrighted; then we add distribution terms, which are a legal instrument that gives everyone the rights to use, modify, and redistribute the program's code or any program derived from it but only if the distribution terms are unchanged. Thus, the code and the freedoms become legally inseparable.

Proprietary software developers use copyright to take away the users' freedom; we use copyright to guarantee their freedom. That's why we reverse the name, changing “copyright” into “copyleft.”²⁷⁷

The *Open Source Movement* established in 1998 is a derivative of the *Free Software Foundation*, as

²⁷⁴ Stallman 2002: 32.

²⁷⁵ See Wardrip-Fruin and Montfort 2003: 543-544.

²⁷⁶ Stallman 2002: 93.

²⁷⁷ *Ibid*: 91.

can be seen from the open source definition.²⁷⁸ Those two movements differ mostly in ideological terms, where Stallman maintains that the pragmatic focus of the Open Source Movement sidetracks users from the important moral issues behind the notion of free software. But when a further look is taken at the motives behind open source, it is clear that they both build upon the notion of free, unrestricted culture:

The **basic idea behind open source** is very simple: When programmers can read, redistribute, and modify the source code for a piece of software, the software evolves. People improve it, people adapt it, people fix bugs. And this can happen at a speed that, if one is used to the slow pace of conventional software development, seems astonishing.

We in the open source community have learned that this rapid evolutionary process produces better software than the traditional closed model, in which only a very few programmers can see the source and everybody else must blindly use an opaque block of bits.

*Open Source Initiative exists to make this case to the commercial world.*²⁷⁹

It is mainly the last sentence that keeps the two movements apart, as can be seen from Richard Stallman's typically ideologically saturated remark: “[T]he rhetoric of 'open source' focuses on the potential to make high-quality, powerful software, but shuns the ideas of freedom, community, and principle.”²⁸⁰ Thus, in Stallman's view it is not ethically correct to appeal to executives and business users because they are driven by profit instead of freedom and community principles. Those movements are all the same not alien to each other and cooperate in many fields. Linus Torvalds' *Linux* could for instance not have worked as it did without the components that Stallman and his associates had already created.

The reason why I am going to this lengths in explaining the relations between those two movements is that they are very important, both ideologically and technologically, to the notion of *digital cultural public spheres*, the *culture of real virtuality* and *remixable culture*. The link to the *system* which the *Open Source Movement* has established is also of great importance because it proves that this kind of thinking, inspired by the hacker ethic and made technologically possible by digital networks, is not just bound to peripheral grass-root movements, but affects big actors on the cultural venue as well. A case in point are various products, like the Unix-like operating systems Linux and FreeBSD, Apache which runs more than half of the world's web servers, the web

278 The definition is divided into the ten following statements: Free Redistribution, Source Code, Derived Works, Integrity of the Author's Source Code, No Discrimination Against Persons or Groups, No Discrimination Against Fields of Endeavour, Distribution of License, License Must Be Technology-Neutral. See <http://opensource.org/docs/definition.php>

279 “Open Source”, accessed 9.3.2006. URL: <http://opensource.org/index.php> *Bold in original, italics are mine.*

280 Stallman 2002: 32.

browser Mozilla, and programming tools like Pearl and Zope. There is also a good business in selling open source based solutions, and therefore, big actors like IBM, Novell and Apple have adopted the logic behind the open source definition.

These developments, enabled by the digital paradigm, started in software developments but have since transmitted to other spheres, and to culture as such, especially *culture encoded in digital form*, to echo Manovich again. However, as Castells already pointed out, there are at least four different cultures within Internet culture, and those four cultures are again differentiated, as is the case with the *Free Software Foundation* and the *Open Source Movement*. For cultural policy, this is very important because it has to take all dimensions, be it the techno-meritocratic, the hacker, the virtual communitarian and the entrepreneurial, into account. There are many things to be aware of, such as legal dimensions behind intellectual property, institutionalisation of cultural artefacts created by remixable terms, and the problems inherent in steering financial allocations given to such projects and artefacts.

I will comment further upon the two latter ones when I analyse some examples of remixable digital projects and artefacts, but concerning the legality, a licence has already been worked out and acquired great acceptance and distribution. This license is called *Creative Commons* and is of great importance in shaking off the piracy debate of digitised cultural artefacts, thereby being a powerful tool in connecting digital cultural public spheres to the upper, political public spheres. Hence, in my view the *Creative Commons* is a culture-political bridge between digital cultural public spheres, and political public spheres, and should therefore be considered as a viable option in sorting out the legal aspects of access culture.

Creative Commons

I have already commented upon one of the people behind *Creative Commons*, the Stanford law professor Lawrence Lessig, and his use of the Web to get other people to help him with the book *Code v2*. In another recent work, *Free Culture*, Lessig discusses many of the problems that the digital paradigm has inflicted upon culture, as well as giving some concrete response to them.

In the same vein as the *Free Software Foundation* and the *Open Source Movement*, Lessig is meticulous in emphasising that free culture is supposed to support and protect creators and innovators. It does so directly through intellectual property rights, and indirectly by limiting those rights in order to ensure that follow-on creators will not be inhibited by an obsolete control of the past. So, just like many culture-political strivings, this is a question of balance. Opposed to such *free culture*, Lessig uses the term *permission culture*, where creators are dependent upon the permission of the creators of the past. In Lessig's view, this balance between *anarchy* and *control*

has been tilted in favour of the latter. The laws, originally focused on commercial creativity, protecting creators and giving them the right to sell their exclusive rights on the market, have been expanded greatly, both in terms of time range and fields, resulting in the fact that the divide between the free and the controlled, has been erased:

The Internet has set the stage for this erasure and, pushed by big media, the law has now affected it. For the first time in our tradition, the ordinary ways in which individuals create and share culture fall within the reach of the regulation of the law, which has expanded to draw within its control a vast amount of culture and creativity that it never reached before. The technology that preserved the balance of our history - between uses of our culture that were free and uses of our culture that were only upon permission - has been undone. The consequence is that we are less and less a free culture, more and more a permission culture.²⁸¹

The Internet has offered a possibility to participate, use, reuse, mix and remix, build and cultivate digitised material, and this is seen as a threat by the content industry. Therefore, powerful actors of the culture industry have put great resources, lobbyism and political pressure on the political system resulting in copyright laws that not only protects publishing and republishing, as it originally did, but also the act of building upon, mixing and transforming the works of others. In Lessig's view, the result is a real colonisation in the Habermasian sense, where “the law's role is less and less to support creativity, and more and more to protect certain industries against competition.”²⁸² Therefore, in Lessig's analysis, instead of encouraging the range of commercial and non-commercial creativity, which digital communication and new media platforms have made possible, “the law burdens this creativity with insanely complex and vague rules and with the threat of obscenely severe penalties.”²⁸³

Lessig takes rich variety of examples, mostly stemming from the USA, to demonstrate how creators have always taken ideas from the past further in the present, reuse them and make something different out of them. The most ironic example being Disney's reworking of adventures and fairy tales such as Snow White, Pinocchio, Alice in Wonderland, Robin Hood and Peter Pan. At that time, the average American copyright term was not as excessive as now, and therefore there was nothing illegal with Disney's strivings. Indeed, as Lessig points out, they were just ripping, mixing and burning in a creative manner.

The irony of this resides in the so-called *Mickey Mouse Protection Act*, formally known as

281 Lessig 2004: 8.

282 *Ibid*: 19.

283 *Ibid*.

The Copyright Term Extension Act of 1998.²⁸⁴ This act extended copyright terms in the USA by 20 years. Prior to the act, copyright in the USA would last for the life of the author plus 50 year after his death, and 75 year if it was corporate authorship. After the act, this has changed to 70 years and 95 years after the originator's death. Such extensive copyrights are not just characteristic of the USA, since the European Union already extended the *Berne Convention for the Protection of Literary and Artistic Works*²⁸⁵, which stated 50 years after the author's death, to 70 years with the 1993 Directive²⁸⁶ on harmonising the term of copyright protection between the EU's member states. Therefore, the extension of copyright is by no means a USA-only related phenomenon, but a general tendency advocated by powerful actors of the financial and political system. It is because of such colonising tendency that the act has been called the Mickey Mouse Protection Act, because without it Mickey Mouse would be public property. The Disney corporation did not like that and put extensive lobbying efforts on the political realm deciding upon the act.

What Lessig is demonstrating is that copyright extensions of that kind are suffocating cultural production, distribution, remixing and redistribution. This means that much material that is remixed and redistributed through the Internet automatically becomes illegal piracy. However, as Lessig displays, there are different levels of piracy, with very different interests and aims behind them. The file sharing method called peer-2-peer, along with its extremely effective variable BitTorrent, has made digital downloading a common affair in the remixable culture of prosumers and Lessig distinguishes such file sharing in four different groups: A) The ones that use such sharing networks as tools to download cultural and artistic material without paying for the content. Those users therefore download instead of purchase. B) Some users download files and examples to sample music before purchasing it, i.e. to check if they like the material. The question is of course if a given user of the type B) likes the material buys it or simply moves on to type A) and downloads it illegally. If he buys it legally, the net effect of the file sharing could increase the selling of the material. Type C) is characterised by users who get access to copyrighted content which is no longer available to be bought. But even if such artefacts have vanished from the marketplace and have therefore lost the economic importance for their copyright holders, such sharing is all the same illegal. Finally type D) represents users that utilise sharing networks that are not protected by copyright, or material which the copyright owner has decided to give away.²⁸⁷

From this, Lessig draws the following conclusion:

284 Because of late U.S. Congressman Sonny Bono's part in getting the act accepted, it is also commonly referred to as the Sonny Bono Copyright Term Extension Act.

285 See *Berne Convention for the Protection of Literary and Artistic Work*, accessed 7.7.2008. URL: <http://www.wipo.int/treaties/en/ip/berne/index.html>

286 See OJ L 290, 24.11.1993: 9-13.

287 See Lessig 2004: 68-69.

From the perspective of the law, only type D sharing is clearly legal. From the perspective of economics, only type A sharing is clearly harmful. Type B sharing is illegal but plainly beneficial. Type C sharing is illegal, yet good for society (since more exposure to music is good) and harmless to the artist (since the work is not otherwise available). So how sharing matters on balance is a hard question to answer - and certainly much more difficult than the current rhetoric around the issue suggests.²⁸⁸

But even if this might be the case, cultural policy, whether on a regional, national or international level, cannot have anything to do with illegality, even though there certainly are moral as well as practical questions at stake. Again, this is a question of balance, and here, the *Creative Commons*²⁸⁹ play a crucial role, as the keywords *share, reuse, and remix - legally*, taken from their homepage demonstrate.

The short version explaining what the Creative Commons is about goes like that: “Creative Commons provides free tools that let authors, scientists, artists, and educators easily mark their creative work with the freedoms they want it to carry. You can use CC to change your copyright terms from 'All Rights Reserved' to 'Some Rights Reserved.’”²⁹⁰ The main aim of the license is therefore to define the spectrum of options between full copyright, and the public domain. It is furthermore a system that is built within current copyright law, allowing users to share their creations, and use music, text, movies and images, created by others marked with the Creative Commons license in a fully legal manner. It should therefore be considered as an add-on license where the rights are put directly in the hands of the creators. At the Creative Commons' Web-site, the logic behind this 'Some Rights Reserved' license is explained with the following words:

Too often the debate over creative control tends to the extremes. At one pole is a vision of total control - a world in which every last use of a work is regulated and in which “all rights reserved” (and then some) is the norm. At the other end is a vision of anarchy - a world in which creators enjoy a wide range of freedom but are left vulnerable to exploitation. Balance, compromise, and moderation - once the driving forces of a copyright system that valued

²⁸⁸ *Ibid*: 69.

²⁸⁹ It is important to note that the *Creative Commons* license is not un-contested. The *Free Software Movement's* ethical argument is sometimes heard, stating that it needs minimum ethical standard; other critiques take the standpoint of traditional copyright licenses, often generated from the cultural industry; while yet another simply state that the license is not needed since legislation of any sort is always harmful to democratic purposes (see for instance “On the Creative Commons: a critique of the commons without commonality” by David M. Berry and Giles Moss). In my view, the Creative Commons is still the best way to ensure legality in a remixable cultural landscape, and is therefore a good option for makers of cultural policy.

²⁹⁰ “Share, reuse, and remix - legally”, accessed 16.7.2008. URL: <http://creativecommons.org/>

innovation and protection equally - have become endangered species.

Creative Commons is working to revive them. We use private rights to create public goods: creative works set free for certain uses. Like the free software and open-source movements, our ends are cooperative and community-minded, but our means are voluntary and libertarian. We work to offer creators a best-of-both-worlds way to protect their works while encouraging certain uses of them - to declare "some rights reserved."²⁹¹

The goal is therefore to establish a flexible copyright as opposed to the one protecting the few powerful and rich. Lessig makes this point quite clear in *Free Culture*, where he maintains that while the Mickey Mouse Protection Act serves well to protect some famous and very valuable trademarks, it suffocates other less known, not commercially exploited, and prevents them to be known, used and consumed. However, the digital culture of remixability takes the effectiveness of capturing and sharing to other heights, even though such use of cultural artefacts have always remained within our culture, and the Creative Commons is a legal response to that empowering of individuals to give their creations an increased afterlife: "The technology of digital 'capturing and sharing' promises a world of extraordinarily diverse creativity that can be easily and broadly shared. And as this creativity is applied to democracy, it will enable a broad range of citizens to use technology to express and criticize and contribute to the culture all around."²⁹²

The people behind Creative Commons²⁹³ acknowledge their kinship to the GNU General Public License, but unlike Stallman's license, this one does not include software but other kind of creative works like literature, music, film, photography, Web-sites, scholarship, etc. The aim is not only to increase digitised material online, but also to make it easier to find and *access* this material in a completely legal way. As an example of this, the Creative Commons homepage offers a search function where users can search in the databases of *Google*, *Yahoo!*, *Flickr*, *Blip.tv*, *OWL Music Search* and *SpinXpress*.²⁹⁴

The common claim for all Creative Commons licenses is *attribution*, i.e. "[y]ou let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it - but only if they give credit the way you request."²⁹⁵ The user can then self decide whether to give access for *non-commercial* purposes, or *commercial*, to let other users *derivate* your work or not, or *share alike*, meaning whether a given user allows "others to distribute derivative works only under a

291 "History - "Some Rights Reserved": Building a Layer of Reasonable Copyright", accessed 16.7.2008. URL: <http://creativecommons.org/about/history>

292 Lessig 2004: 184.

293 The Creative Commons is a non-profit organisation led by a board of directors, including Lawrence Lessig, technical advisory board, audit committee and a rather modest amount of staff.

294 This selection covers two web searches, an image search, a video search, a music search and media search.

295 "Choosing a License", accessed 16.8.2008. URL: <http://creativecommons.org/about/licenses>

license identical to the license that governs your work.”²⁹⁶ Those four different principles can then be recombined in different combinations resulting in the six most common licenses offered by Creative Commons: *Attribution Non-commercial No Derivatives*; *Attribution Non-commercial Share Alike*; *Attribution Non-commercial*; *Attribution No Derivatives*; *Attribution Share Alike*; and *Attribution*.

Each license is expressed in three different ways; the *commons deed* which is a simple plain language summary of the license along with relevant icons; the *legal code*, which is the fine print that assures that it will be valid for court; and the *digital code*, which is a machine readable translation that helps search machines to locate material protected by the license. As an example of the commons deed for the license *Attribution Non-commercial Share Alike 3.0*, it says that you are free to *share* (to copy, distribute, display, and perform the work) and to *remix* (to make derivative works) under the following conditions: *Attribution* (You must attribute the work in the manner specified by the author or licensor); *Non-commercial* (You may not use this work for commercial purposes); *Share alike* (If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one). It furthermore states that for any reuse of distribution, you must make clear to others the license terms of the work, and that any of these conditions can be waived if you get permission from the copyright holder.²⁹⁷

Apart from those six main licenses, the Creative Commons also offer more specialised licenses such as allowing some parts of a given work to be remixed in other works, to free works from copyright completely, to free works from copyright after 14 or 28 years, to allow musicians to share their works with their fans, to give special terms to developing nations, etc. The Creative Commons Web-page also has an overview of different projects, be it within audio, video, text, images, education or software that use the license, demonstrating the versatility and the vastness of its usage.

The Creative Commons is obviously a very valuable tool for cultural policy that wants to put resources in enhancing the effectiveness of *digital cultural public spheres*, since it provides the makers of future policy with legal tools that people can access without bureaucratic intermediaries. However, in my view the most important aspect of this license is the fact that it is the prosumers themselves that decide upon what kind of access to their work they want other prosumers to obtain, and furthermore, this is communicated in very plain terms so that there exists no confusion regarding the legality of possible remixes. As more and more cultural products are stored digitally, the importance of accessing the digital archive, or database, of remixable culture on clear, legal

²⁹⁶ *Ibid.*

²⁹⁷ “Creative Commons: Attribution-NonCommercial-ShareAlike 3.0 Unported”, accessed 8.7.2008. URL: <http://creativecommons.org/licenses/by-nc-sa/3.0/>

terms is crucial and that makes the Creative Commons license a very feasible option for cultural policy.

Remixable Culture and Relational Aesthetics

Even though the Creative Commons license has offered the makers of cultural policy an effective legal framework to avoid piracy, digital cultural public spheres operating within the remixable culture of prosumers do pose other challenges to the field. Amongst these is a certain shift from what Felix Stalder refers to as *object-oriented culture*, meaning “culture as made out of discrete objects, existing more or less independently from one another”²⁹⁸ to *exchange-oriented culture*, where culture is “made out of continuous processes, in which one act feeds into the other, in an unbroken chain”²⁹⁹. In such cultural surroundings, the question of selecting from a database becomes pivotal, or as Lev Manovich puts it: “Pulling elements from databases and libraries becomes the default; creating them from scratch becomes the exception.”³⁰⁰

Whether it is right to talk about a *default* cultural mode is up to debate, but Manovich is certainly right in detecting a change in the scope of such operations. Appropriation is nothing new in the art world, but the amount of data, stored in various databases on the Internet and the ease of *access*, certainly is. This has led to a cultural landscape characterised by systematic reworking of remixable sources. Manovich further describes this remixability with the following metaphor:

If a traditional twentieth century model of cultural communication described movement of information in one direction from a source to a receiver, now the reception point is just a temporary station on information's path. If we compare information or media object with a train, then each receiver can be compared to a train station. Information arrives, gets remixed with other information, and then the new package travels to other destination where the process is repeated.³⁰¹

In digital culture, remixability is therefore “a built-in feature of digital networked media universe”³⁰² where for instance podcasts, video and audio iPods, HD cameras, mobile phones and *Flickr*, make it very easy for media objects to travel between different devices, and to be used differently by different users. The Creative Commons has of course made this *exchange oriented culture* legitimised and therefore worthy of the attention of official cultural policy. But as Stalder

298 Stalder 2005: 12.

299 *Ibid.*

300 Manovich 2001: 130.

301 Manovich 2005, “Remixability”, accessed 8.2.2008. URL: <http://manovich.net/>.

302 *Ibid.*

notices, as the digital remixes become more obtrusive, coexisting and possibly overtaking its analogue counterpart, many additional culture-political challenges arise:

This poses challenges to virtually all aspects of cultural production and consumption. Ranging from the de-centering of authorship, which moves away from individuals to groups, networks or communities, to the blurring of the line between artists and their audiences, the organization of cultural industries, the adaptation of intellectual property law, the future development of technology, and the status of a work of art itself.³⁰³

Historically, such considerations do not evoke anything new since *object-oriented culture* and *exchange-oriented culture* have always coexisted. Theorist like Roland Barthes touches for instance upon the infringement between those two cultural forms in his celebrated essay “The Death of the Author” where he defines text as “a multi-dimensional space in which a variety of writings, none of them original, blend and clash”³⁰⁴, calling it “a tissue of quotations drawn from the innumerable centres of culture”³⁰⁵ as well.

This example shows that the borders between the *fixed* and the *fluid* are maybe not as clear as many would think. However yet again, the decisive fact is not that remixability is not an entirely new phenomenon, but that digitalisation has increased the scope, accessibility, distribution potentials and the level of interaction. Felix Stalder comments upon this intermingling of the *fixed* and the *fluid*, with the following words: “An open, digital networked culture is profoundly exchange-oriented. It is much less like a book, and much more like a conversation. That is, it is built upon a two-way relationship between the fixed and the fluid enabled by new technologies.”³⁰⁶ The important thing is that digital communication and new media make it easy to transform fixed cultural articles, into fluid, digital, global cultural exchanges.

These cultural exchanges in the remixable culture of prosumers have created challenges for artists, as well as other cultural producers, not just in terms of access and distribution, but also in terms of *aesthetics*. From the viewpoint of artists, digital circulation is for instance good in terms of distribution, allowing cultural products to reach more people, increasing or decreasing the artist's reputation, depending upon the quality of his products. But in terms of actual financial income, this can pose some problems as already mentioned regarding Lawrence Lessig's *Free Culture*. The response by artists towards this digital paradigm is important and could be a decisive factor in the development of free, access culture, simply because they are situated midst in a major polemic

303 Stalder 2005: 7.

304 Barthes 1977: 146.

305 *Ibid.*

306 Stalder 2005: 15.

concerning the field; or as Felix Stalder articulates it:

The controversy between the object-oriented and the exchange-oriented visions of culture is currently being fought on all levels, legal (expanding versus narrowing copyrights and patents), technical (digital rights management versus distribution and access technologies), and economic (exchange of commodities versus provision of services). Crucially, however, it is also fought in the field of culture itself, in ongoing experimentations on how we can produce, reproduce, and interpret new forms of meaning. This is the native environment of artists and other creative producers, whose everyday practice puts them at the heart of this epic struggle.³⁰⁷

On aesthetic terms, the digital paradigm has accelerated what the French critique Nicolas Bourriaud has called *relational aesthetics*. According to him, the *new* in itself is no longer a criterion, but instead artists are increasingly “*learning to inhabit the world in a better way*, instead of trying to construct it based on a preconceived idea of historical evolution.”³⁰⁸ Artworks are places of exchange and they increasingly break away from their material forms with the aim of linking elements, instead of creating them from scratch; or with Bourriaud's words: “An artwork is a dot on a line.”³⁰⁹

Participation and interactivity are essential to the making of such a line because artistic practices inspired by relational aesthetics focus mainly upon the sphere of inter-human relations:

Every artist whose work stems from relational aesthetics has a world of forms, a set of problems and a trajectory which are all his own. They are not connected together by any style, theme or iconography. What they do share together is much more decisive, to wit, the fact of operating within one and the same practical and theoretical horizon: the sphere of inter-human relations. Their works involve methods of social exchanges, interactivity with the viewer within the aesthetic experience being offered to him/her, and the various communication processes, in their tangible dimension as tools serving to link individuals and human groups together.³¹⁰

The core of such aesthetical view is therefore bound in seeing human relations as artworks, and even though Bourriaud does not limit such aesthetics to digital works, he certainly sees great potentials of realising such aesthetics within the field of new media artworks. He makes this point

307 *Ibid*: 18.

308 Bourriaud 2002: 13. *Italics in original*.

309 *Ibid*: 21.

310 *Ibid*: 43.

more explicit in a later work called *Postproduction*, where he nominates *DJs* and *programmers* as the twin main figures of the new cultural digital landscape, as the following somewhat lengthy but very important quote demonstrates:

Since the early nineties, an ever increasing number of artworks have been created on the basis of preexisting works; more and more artists interpret, reproduce, re-exhibit, or use works made by others or available cultural products. This art of postproduction seems to respond to the proliferating chaos of global culture in the information age, which is characterized by an increase in the supply of works and the art world's annexation of forms ignored or disdained until now. These artists who insert their own work into that of others contribute to the eradication of the traditional distinction between production and consumption, creation and copy, readymade and original work. The material they manipulate is no longer *primary*. It is no longer a matter of elaborating a form on the basis of a raw material but working with objects that are already in circulation on the cultural market, which is to say, objects already *informed* by other objects. Notions of originality (being at the origin of) and even of creation (making something from nothing) are slowly blurred in this new cultural landscape³¹¹

Selecting cultural objects and insert them into new context, thereby using society as a database of forms, is an important characteristic of remixable culture. Such culture uses already produced forms to create a network of signs and significations, not with the aim of creating a finished, closed product, but to use artworks as generators of navigation, or as tools to get creative with. Bourriaud calls this kind of culture a *culture of use*, or a *culture of activity* because “the artwork functions as the temporary terminal of a network of interconnected elements, like a narrative that extends and reinterprets preceding narratives.”³¹² Therefore, this is a culture that not only introduces new aesthetic dimensions, but also a view that celebrates *access culture* at the expense of *permission culture*. Both subjects pose challenges to traditional cultural policy, since the criteria of aura, authenticity and autonomy, high art, popular art and the avant-garde as discussed in Chapter 1, has been altered yet again.

Can for instance such remixable cultural products create *truth* in the sense of Adorno and Horkheimer, or have Benjamin's hopes finally be realised because of the empowerment of individual's and the tremendous distribution potentials of digital artworks on the Internet? What about Bürger's point concerning art as a semi-autonomous institution detached from the praxis of life? Well, in digital culture, those considerations are still important and relevant, simply because

311 Bourriaud 2005: 13. *Italics in the original.*

312 *Ibid*: 19.

there is nothing inherent in remixable cultural objects that make any of these views impossible. What has on the other hand changed considerably is the space of *possibles* as defined by Bourdieu, which in Manovich's terminology would be called the *database* from which *semi-autonomous digital cultural public spheres* can be generated.

The decisive question that makers of future cultural policy should be asking themselves is how their policies will react to this increased *space of possibles* within the realm of cultural production. Are they to follow the humanist culture concept in the spirit of Adorno and Co. establishing taste hierarchies that distinguish between different networked flows of digital cultural public spheres, based on their intrinsic artistic values and quality, i.e. a top-down approach? Or will they motivate the remixable culture of *prosumers*, celebrating the reduction of the gap between production and consumption, because more people are creating and participating in the networked flows of digital cultural public spheres, i.e. a bottom-up approach? Or will they choose the third way, nominating digital cultural public spheres as the modern avant-garde, like Manovich does, and decide not to interfere with such sporadic public spheres in the first place?

The problem with cultural policy is that when it decides to promote a given project, it is automatically working according to the humanistic cultural version, because it is choosing precisely this project from pre-defined criteria. This does, however, not mean that every culture-political decision is 'high cultural' by nature, because there is rich tradition, at least within the *architect* approach, to prioritise the criteria of *participation* instead of *artistic excellence*, which has more to do with the *patron* approach. Another question makers of future cultural policy should ask themselves is whether they can afford to turn the blind eye? As Lev Manovich maintains, the link between an identity of a given artwork and its medium is broken because of the potentials inherent in his definition of the five principles of new media:

On the level of aesthetics, the Web has established a *multimedia* document (i.e. something which *combines* and mixes different media of text, photography, video, graphics, sound) as a new communication standard. Digital technology has also made much easier to implement the already existing cultural practice of making different versions of the same project for different mediums, different distribution networks and different audiences. And if one can make radically different version of the same art object (for instance, an interactive and non-interactive versions, or 35mm film version and Web version), the traditional strong link between the identity of an art object and its medium becomes broken. On the level of distribution, the Web has dissolved (at least in theory) the difference between mass distribution, previously associated with mass culture, and limited distribution previously reserved from small subcultures and the art system.³¹³

313 Manovich 2004. "Post-media Aesthetics", accessed 8.2.2008. URL: <http://www.manovich.net/> *Italics in the*

To be responsible to creating and promoting cultural policy, on each level of the societal structure, and not include such decisive developments as sketched above, seems to me to be highly irresponsible, especially since such policy would miss the opportunity of affecting the actual manifestation of both the empowerment of individuals, and the aesthetic development that the culture of remixability will undertake.

Hence, the time has come to have a further look at such digital cultural public spheres, starting with the widely known *YouTube*, *MySpace*, *Facebook* and *Flickr*, and moving down to the lesser known animated open source movie *Elephants Dream*, the BBC's *Creative Archive*, the Internet artworks of Mark Napier, *Entropy8zuper!*, and Christophe Bruno, and finally to the *Internet Archive*. The reason for this selection is that taking together, these examples demonstrate the different functions of *digital cultural public spheres*, and the different interests generating them since they all respectively have their representatives from Habermas' threefold societal distinction of the *system's market* and the *state*, and the *lifeworld driven civil society*.

Few Examples of Digital Cultural Public Spheres

MySpace, YouTube, Facebook and Flickr

The examples taken in this sub-chapter are all extremely well known and widely used by very different prosumers (see text boxes below for raw data on those typical Web 2.0 platforms). What these platforms have in common is that they are primarily user-generated social-networking sites which have tremendous scope in terms of uploaded material and the number of prosumers activating them. I want to emphasise that the numbers given in the text boxes are very fluid as it is in the very nature of these mediums to change rapidly from the one moment to the next. These numbers and rankings are therefore meant as indicators on the level of cultural consumption, creations and participation taking place each day through these platforms. Nevertheless, these indicators do point towards the general acceptance these platforms have gained amongst users of the Internet and how actively these users contribute to their rise.

These platforms are very interesting from the viewpoint of convergence culture and how it lies in the very nature of new media platforms to exist in different versions on different platforms at the same time. Users can for instance access *YouTube* videos through both *MySpace* and *Facebook*, as these videos can be stored and accessed as discrete samples. Apart from *Facebook*, which Microsoft has acquired shares in, the other three platforms are all owned by major media

original.

conglomerates. However, these conglomerates do not provide the content, but on the contrary, they provide a meta-world which the prosumers fill up with their uploaded videos, songs, photographs, text, etc. The meta-worlds of providers such as *YouTube*, *MySpace*, *Facebook* and *Flickr*, are characterised by user-friendly interfaces, well adopted to the culture of virtual communarians.

YouTube

Owner: Google Inc.
Founded: 2005
Languages: 12
Alexa Rank: 3
Multi-Semioticity: Video clips, comments
Scope: 200 million unique users each month (according to YouTube's brand channel, accessed 9.7.2008)

These are customised worlds made available in several different languages encouraging prosumers to upload their creations, such as blogs, vlogs, music, photographs, videos, comments, debates and discussions, and to create communities of friends or people with similar interests.

This vast cultural consumption and productions does however pose several culture-political challenges. Since there are so many users, it is for instance very hard to find objects of relevance and distinguish between *information* and *disinformation*. Furthermore, much of the uploaded material goes against copyright laws, which does of course not make it particularly attractive for official policy making. In addition,

these platforms are commercial as they generate income through advertising revenues, and this puts the average prosumer in a peculiar position. What the prosumers get from exposing their cultural production through a commercial platform like *YouTube* is the potential of reaching from the micro public spheres, where such products most typically reside, to the macro public spheres. This is therefore an ideal venue to reach huge audiences with the underlying potential of being 'discovered'.

On the other hand, there seems to be something fundamentally wrong with the fact that giant corporations gain from productions that they did not participate in producing. Furthermore, when users upload their material on those platforms, they automatically allow the providers to use their own creations. In this perspective, it is important to note once again that the instrumental rationality that Habermas associates with the system has not vanished, even though it has taken a different form. If I take *YouTube* as an example, it has a set of

Facebook

Owner: Mark Zuckerberg (Founder)
Founded: 2004
Languages: 18
Alexa Rank: 8
Multi-Semioticity: Text, photographs, music, videos, blogs, drawings, instant messages, various applications created by users
Scope: 123.9 million unique visitors in May 2008 and 50.6 billion page views (according to news.cnet.com, accessed 9.7.2008. URL: http://news.cnet.com/8301-13577_3-9973826-36.html)

rules that is very much tailored according to the logic of permission culture. Even though it provides its users with a meta-world that is gratis, it is far from being free in the sense that Lawrence Lessig puts into the word. Users are for instance restricted by a format that does not offer great quality and as a compromise with large media conglomerates, users are only allowed to upload sequences of ten minutes. The files are furthermore only available in a streaming format, which means that the videos cannot be downloaded, and therefore not *accessed* for creative remixes.

However, even though these can be considered acts belonging to permission culture, the most serious one is regarding copyright on *YouTube*. When users upload videos, or write comments (commonly referred to as user submissions) they retain all ownership rights. But as the following quotation demonstrates, there is a string attached:

However, by submitting User Submissions to YouTube, you hereby grant YouTube a worldwide, non-exclusive, royalty-free, sublicenseable and transferable license to use, reproduce, distribute, prepare derivative works of, display, and perform the User Submissions in connection with the YouTube Website and YouTube's (and its successors' and affiliates') business, including without limitation for promoting and redistributing part or all of the YouTube Website (and derivative works thereof) in any media formats and through any media channels.³¹⁴

Flickr

Owner: Yahoo!
Founded: 2004
Languages: 8
Alexa Rank: 39
Multi-Semioticity: Text, photographs, videos, blogs
Scope: On Flickr's homepage there is a counter that detects the amount of uploaded pictures and videos within the span of 1 minute. When I entered the site on the 9.7.2008, the number was 3125

This basically means that in order to get the permission to upload a video, or even to write a text remark on *YouTube*, you automatically give *YouTube* license to use your work, without securing for instance the remixable afterlife that many of the licenses on Creative Commons offer. The same goes for *MySpace*, *Facebook* and *Flickr*, which use very similar terms regarding uploaded material.

The reason why I mention this here is to exemplify the fact that large conglomerates that clearly belong to the system, such as News Corporation and Google, are big actors in the generating digital cultural public spheres. However, as is the case with other actors on the market, the final point is to exceed financial income, and therefore the terms that are

³¹⁴“Terms of Use”, accessed 7.8.2008. URL: <http://www.youtube.com/t/terms>

provided for users on these platforms reflect the objectives of their providers. The market adopts to the different cultural landscape, but sets its own standards in order to look after its own interests. There is nothing wrong with that, at least not from the rationale of the market. However, from the viewpoint of emancipative, semi-autonomous public spheres, this kind of use is more akin to permission culture than access culture.

The reason why I mention these platforms here in the first place is that the number of *prosumers* engaging in the mediums make them powerful manifestations of popular culture at the dawn of the 21st century, and that is something that future cultural policy has to take into account. Digital cultural public spheres are very rapidly becoming a major force in cultural consumption and this fact brings along with it challenges that cannot be ignored. One of the key tasks of future, progressive, cultural policy is to tackle those challenges by creating legal, legitimised remixable environments that encourage creation, participation and distribution through digital cultural public spheres.

What characterises these platforms is the fact that they are glocal processes, they can all be accessed from an Internet connected computer, anywhere in the world, they have great participative potentials, they all encourage cultural consumption and cultural production, and they all challenge traditional authorship and copyright laws. And most importantly, they are prosumed by hundreds of millions of people, scattered around the globe, feeding off the network of this *remixable culture of real-virtuality*.

The reason for why I took precisely these examples of well known Web 2.0 platforms is to point towards some of their strengths and weaknesses, and why cultural policy should be bothered about them in the first place. The obvious answer to that is because of the sheer volume of prosumers participating in such exchange-oriented culture, the different cultural behaviour this participation can bring about, the different aesthetics it inspires, and the copyright dilemma the creative remixes ultimately create. Here, cultural policy has several options available and in my view, it can learn a lot from the experiences *YouTube*, *MySpace*, *Facebook* and *Flickr* have created in the span of only few years. But before I will take a further look at how cultural policy could respond towards this changed cultural landscape, other lesser known examples will also be taken.

MySpace

Owner: News Corporation
Founded: 2003
Languages: 15
Alexa Rank: 6
Multi-Semioticity: Video clip, chat, music, instant message, blog, photograph, drawing
Scope: 114.6 million unique visitors in May 2008 and 45.4 billion page views (according to news.cnet.com, accessed 9.7.2008. URL: http://news.cnet.com/8301-13577_3-9973826-36.html)

The purpose of including more examples is to account for the versatility of the field, and how legal accessibility can ensure the creative participation of prosumers in a remixable access culture.

Elephants Dream

Elephants Dream is the first animated 3D open source movie and created by the *Orange Open Movie Project* studio in Amsterdam in 2005 and 2006.³¹⁵ The movie was originally released in early May 2006 on two DVD's containing the movie in PAL, NTSC and HD formats, a making-of documentary and studio files. Shortly after, on May the 18th 2006 to be exact, the movie and a database of source material were made available for public download,³¹⁶ under the *Creative Commons Attribution 2.5* license. Furthermore, the movie was also released in a 35 mm format targeted for international festivals and movie theatres.

The project was initiated and coordinated by the *Blender Foundation*, bringing artists and developers from countries as diverse as Syria, Germany, Australia, Finland and the Netherlands, to work intensely for a year on the project. In terms of finances, the *Blender Foundation* and *Montevideo*, that is a part of Netherlands Media Art Institute, co-produced the work. The former was responsible for establishing and coordinating the team, making the project plan, tools development, concept/scripting/story-boarding along with all post-production and audio. The latter took care of more practical details like housing arrangement, hiring the team, and legal/taxes issues. Montevideo also applied for subsidy grants while the Blender Foundation financed their contribution through an Internet community based donation campaign, mostly based on a pre-sale of the DVD version.

The Foundation claims that quality is one of the prime reasons behind open source projects like that of *Elephants Dream*, but I would argue that quality is only one side of the coin. A highly important one for sure as good quality is more likely to encourage *prosumers* to *remix* and *re-distribute*, but the other side of the coin is not necessarily the end product in itself, but rather the ideology, the means, the distribution and the level of interactive cooperation behind the project. The reason for this is that prior to the digital paradigm, the realisation of such a project was impossible, especially in terms of distribution. This does, of course, not mean that financial concerns have disappeared; they have just taken another form. The downloadable version makes sure that people can access the film free of charge, but they can also remix the original version, thereby contributing

315 See the project's official homepage, <http://orange.blender.org/>

316 The film is made available for download on various formats such as AVI, MPEG4 / AC35.1 Surround, both in 1920 (HD) and 1024 versions, playable in VLC Media Player, MPlayer and Media Player Classic. The movie is also available in Quick Time, H.264/AAC Stereo in 1024, 720 and 480 formats, where users can choose from different download locations, and whether they want to download the files as BitTorrent. The film is even available in Play Station Portable, iPod video and .3gp mobile phone versions.

to the after-life of the film. However, users can also buy a DVD or see the film in movie theatres. Therefore, the user can choose between different ways to watch and interact with the film, and the film has the potentials to reach huge audiences through the Web.

Nevertheless, this could not be done without financial contribution, but instead of only relying on ticket and product sale, companies and foundations that participate in such projects are more concerned with the positive branding a support to such project inevitably evokes. The reason why I mention this project is that it clearly shows that the *system* (strategic PR campaigns, project plans, financial concerns, distribution plans, etc.) and the *lifeworld* (the co-operative ideology of open source and the distribution methods of the Web guided by the legal assurance of the Creative Commons), do not necessarily have to be opposing forces.

In terms of *remixability*, it did not take long for various remixes to appear on the Internet, taking advantage of the Creative Commons license, a process greatly encouraged by the Foundation, as the writings of one of its members, lead artist Matt Ebb demonstrates: “All these uses and more are perfectly legal, and encouraged! We'd love to see more of what people get up to with the movie and/or production files, so if you know of any other appearances, let us know here, or get to work making something yourself!:)”³¹⁷ Using the blog function on the project's website, several people commented upon the nature of their remixes, as well as giving the link to where to find them.

The composer and musician Ilia Bis for instance explains his motivation behind getting involved with remixing *Elephants Dream* with the following words: “I have been collaborating with filmmakers and visual artists for a while, and, like many people, having been quite impressed with Blender and *Elephants Dream*, wanted to try to juxtapose the visuals from the film with my music. I have written a track for it (about 3 minutes long) and did a rough edit of the film together with a professional film editor, and I think the result is pretty interesting and tasteful, even though it may be different from the original.”³¹⁸ Ilia then gives three links where readers can find both instrumental music and songs made by him, as well as a link to the remixable version of *Elephants Dream*.³¹⁹

Another user calling himself *roschler* also claims that he has made a remix of *Elephants Dream*, calling it *My PC* and giving the link to his homepage where people can download the product. On the homepage, he claims the following:

I made a parody of the smash hit song by O-Zone known as “Ma Ya Hi” which is also known as

317 “Creative Commons Remix”, accessed 10.7.2008. URL: <http://orange.blender.org/blog/creative-commons-remix/>

318 *Ibid.*

319 See “Tonearm: Instrumental”, accessed 16.7.2008. URL: <http://www.myspace.com/tonearminst>

the Numa Numa English dance song. I remixed video footage from the fantastic *Elephants Dream* animated movie short, a Blender Foundation project that was released under a Creative Commons license. **You MUST see the original movie** to understand how **amazing** the graphics, animation, music, and sound effects are in this animation. **Visit their site and buy the DVD,** which has a high definition version of the movie. **That version is better than Pixar and I love Pixar!**³²⁰

On this Web-page, *roschler* refers to his *YouTube* account, where he has also released the video. On the 10th of July 2008, the video had already been viewed 371.194 times and received 708 text comments and 3 video responses. In similar fashion *Ilia Bis* uses his *MySpace* account to attract more viewers, as well as offering links to his remix in better quality.³²¹

These examples demonstrate how digital cultural public spheres can escalate inventive communities that use the open codes of access culture to get creative and reach huge audience. Furthermore, these instances show how remixable culture inspires the production of digital products as well as a debate on them, creating digital cultural public spheres that circulate on the global network of new media. Because of the very nature of digital communication and new media platforms, these public spheres can generate informational flows that use different platforms to reach from one sphere to the other, for instance from the personal homepage of a given prosumer residing in the micro spheres, to the potential meso, and even macro exposure, this same product can reach through widely used platforms like *YouTube*, *MySpace*, *Facebook* and *Flickr*. In this case, the prerequisite to this is the original *Elephants Dream* film itself, the different formats that it was released in and the Creative Commons license ensuring and encouraging legal remixes.

BBC's Creative Archive

This example shows how the state can be an innovator regarding the digital paradigm using its resources to enhance the enjoyment and participation of its citizens. The potentials behind BBC's *Creative Archive* serves well to demonstrate this, because as its descriptive keywords *Find it-Rip it-Mix it-Share it-Come and get it*, indicate, this is a project at the very heart of *remixable culture of prosumers*. However, this project is also exemplary of some of the culture-political challenges that come with such cultural surroundings, such as the public's access rights in digital age, under which copyright terms the project works by, the level of participation and the actual outcome of the products *prosumed*.

320 "Numa Numa English", accessed 10.7.2008. URL: <http://www.spokenring.com/numa-numa-english.php#more>
Bold in the original.

321 See "Tonearm: Instrumental", accessed 16.7.2008. URL: <http://www.myspace.com/tonearminst>

In short, *Creative Archive* is, and will possibly be, a large database of various material made and digitalised by the BBC and other collaborators of the project. Access to the archive is based on a similar principle as the *Creative Commons*, thereby going in between the two extremes of pure public domain and the reservation of all rights; or as it is further stated in BBC's press release from the 26th of May, 2004: "Using the internet, it offers rights holders the opportunity to release audio visual content for viewing, copying and sharing but with some rights reserved, such as commercial exploitation rights. So, in the case of audio visual material, the public are allowed increased access but the exploitation of the same material in the commercial arena by right holders is protected."³²²

The *Creative Archive Licence Group* was launched by the founding members the BBC, the British Film Institute, Channel 4 and the Open University, in order to examine new ways of distributing digital audio and visual material stored in the BBC's archive, or as it is formulated on the Group's official website: "We, the BBC, have been working hard to look at new ways to clear the copyright on TV and Radio outputs so that you, the British public, can get creative with it."³²³ Thus, the point is not only to use new media tools to distribute digitised material from the BBC's database, but also to "give a new generation of media users legal access to material which they can use to express their creativity and share their knowledge - all completely free of charge."³²⁴ Here, the digital culture of *prosumers* is being encouraged by an established state broadcaster like the BBC to remix its archives, but under a license which states that this can only be done for non-commercial purposes. Yet again, what is of most importance is the encouragement of the general public to use the distributive potentials of a remixed culture, i.e. to *produce* as well as *consume*.

Membership to the Creative Archive Licence Group is open to major national collectors, broadcasters and commercial organisations that wish to share content under the terms of the license. Since the original launch, Teacher's TV, the Museums, Libraries and Archives Council and Community Channel³²⁵ have joined in, and during the pilot phase approximately 500 clips, audio tracks and stills have been released from BBC's archives, and made available for the British public. Amongst those clips are unseen, unique footage from the early day of television, local images of miner's strikes, scenes from the return of the Falklands soldiers, weather catastrophes, as well as landmark events captured in the news, such as the fall of the Berlin Wall. Other members of the group have also released material, expanding the database considerably.

322 "BBC Creative Archive pioneers new approach to public rights in digital age", accessed 10.7.2008. URL: http://www.bbc.co.uk/pressoffice/pressreleases/stories/2004/05_may/26/creative_archive.shtml

323 "The BBC's plans", accessed 10.7.2008. URL: http://creativearchive.bbc.co.uk/archives/the_bbc_plans/

324 "BBC, Channel 4, British Film Institute and OU issue call to action for the Creative Archive Licence", accessed 10.7.2008. URL: http://creativearchive.bbc.co.uk/news/archives/2005/04/pr_creative_arc.html

325 ITN Source, which is a gateway to over 750.000 hours of video, has also announced a partnership with the group, and intends to share some of its library content under the Creative Archive license.

From the very launch of the project, the BBC has been very strategic in getting the public involved, for instance by announcing competition between VJs (video jockeys), getting established artists like *Coldcut* to join, producing a VJ mix of one of their singles to be released in the *Creative Archive*, and in collaboration with the Arts Council England, established two four months placements, where artists were invited to manipulate, mix, remix and share from the archive. One of the artists chosen, Vicki Bennet, had this to say about the importance of such project:

As an artist working with found footage, my interest lies in appropriating and collaging of media in hope of gaining some kind of insight, reflection and evaluation as to where we stand in relation to when the original material was made. By taking something apart and putting it in a new location it can shed new light on both where we have come from and where we stand and should go next. This is why it is so very important that archives should be accessible, in the way that libraries are.³²⁶

Even though the project is still in its pilot phase, the download reports from BBC, BFI and Teachers' TV suggest that the public is engaging actively in the project. The Teachers' TV is really exemplary of the effects such a remixable culture is capable of inducing, since teachers are increasingly editing clips that they find the most useful, thereby creating their own versions of programmes, tailored according to their interests. The Head of Interactive Teachers' TV, Martin Trickery, says the following about the project: "We are pleased that thousands of programmes are landing on our audience's desktops but also that people are using them in innovative ways. People are watching them on laptops, PDAs, mobile phones, white board, and projected onto staffroom walls."³²⁷ The content of the *Creative Archive* is therefore not limited to the use of computers, but is also applicable to mobile technologies, including podcasts.

On commenting on the *Creative Archive*, Lord Puttnam of Queensgate pointed out that while much energy is currently being invested in protecting intellectual rights online, surprisingly little effort has been directed at the actual use of digital technology and its meaning in terms of access and cultural diversity. He sees the *Archive* as a decisive step in that direction, especially its potentials in reaching local communities and to unite people in virtual communities based on common interests instead of geography. Furthermore, he acknowledges its importance in terms of inducing creativity and its importance to sustainable development on the international venue. Finally, and perhaps most importantly, he sees the *Archive* as a valuable tool to develop media

326 "Artists awarded placements to work with Creative Archive", accessed 10.07.2008. URL:

http://creativearchive.bbc.co.uk/news/archives/2006/03/artists_awarded_1.html

327 "Teachers' TV gets results", accessed 10.7.2008. URL:

http://creativearchive.bbc.co.uk/news/archives/2005/10/teacherstv_gets.html

literacy amongst the public, and thereby criticality: “Because at its heart media literacy is about empowering people by providing them with the creative skills, cultural awareness and critical knowledge which will help them to understand the way the media shapes the way in which we are all encouraged to view the world.”³²⁸

BBC New Media's Creative Director, Matt Locke, is likewise very optimistic about the potentials of the *Creative Archive*, as he demonstrates in the essay “Let us grind them into dust! – The new aesthetics of digital archives”. In the essay, he starts by saying that beneath dominant aesthetics, there are loads of amateur productions which create alternative aesthetics than represented in mainstream cultural channels. These are often characterised by their untamed *creativity*, and by their *intimacy*. He takes an example of Web services like *Flickr*, where people are encouraged to upload and contextualise their images through various content-describing tags, including the possibility of publishing those images under the *Creative Commons*, thereby generating communities of remixed and recontextualised culture of prosumers. He then goes on asking himself whether the moving images of the *Creative Archive* could be equivalent to *Flickr's* still images, reaching the solution that this would require a change in aesthetic expressions, from the epic to the intimate. The keyword for such a shift is yet again *access*, and Locke sees a project like the *Creative Archive* as a brilliant generator of such intimate creative content, or with Locke's own words: “By providing clips rather than full programmes, the project encourages users to see the archive not as programmes, but as dust to be remixed and reassembled. We have to encourage more media owners to see the creative potential of this, and to support the development of new kinds of tools for a new generation of artists.”³²⁹

But even though those positive exclamations by enthusiasts of the *Creative Archive* project sound very nice, the archive has really not ample evidence to demonstrate the creative power of a prosuming culture, using this digital remixable venue to unleash their inventive and artistic energy. At least not yet, and the reason for this is that despite its promises of openness and its affiliation to the notion of free culture, the *Creative Archive* is still surprisingly closed. This has been noticed by the organisation *Free Culture UK* that wrote an open letter³³⁰ to Paul Gerhardt, joint director for the *Creative Archive*. Even though the organisation is very excited about the future prospects of the project, it is deeply sceptical about some of the limits that are put on it by the *Creative Archive Licence Group*.

The first point of criticism is that the *Creative Archive* is a UK-only product, a fact that Free

328 “The Creative Archive”, accessed 10.7.2008. URL:

http://creativearchive.bbc.co.uk/news/archives/2005/04/transcript_lord_1.html

329 “Let us grind them into dust!”, accessed 10.7.2008. URL: <http://www.test.org.uk/archives/002503.html>

330 “Open Letter to the Creative Archive Group”, accessed 10.7.2008. URL:

<http://www.freeculture.org.uk/letters/CreativeArchiveLetter>

culture UK sees as both ineffective and counterproductive.³³¹ On the one hand, it is very hard to effectively restrict access to members of a nation-state, because the Internet is a global phenomenon³³², and on the other hand, such restrictions hinder British citizens who live abroad from using the *Archive*. Free Culture UK also point to the fact that providing access to foreigners will not cause any damage to the *Archive*, but could on the contrary be an encouragement for collaboration between different cross-boarder archives, thereby directly benefiting UK license payers.

The organisation also laments the urge of the people behind the *Creative Archive* to make their own license, instead of using one of the licenses which the *Creative Commons* provides. While acknowledging the special status of the BBC along with the rules and regulations a public broadcaster has to obey to, the organisation all the same claims that since the *Creative Commons* is predominant as a 'some-rights-reserved' model, it makes most sense to use that, especially since the whole point of the project is to allow users to remix its material in a creative, and not passive, manner. The organisation also detects certain contradictions in the project since some of the material released is already public domain, and therefore, the *Creative Archive License* actually puts restrictions on material that should be open to every-one. In addition, the organisation is against the non-commercial clause of the license, since the BBC will get revenues of material used for commercial purposes anyway, and finally they encourage the developers of the project to release the material in open format, instead of using only proprietary formats.

The reason why I mention this open letter is that it mirrors some of the culture-political obstacles that such projects of remixable culture are likely to generate. By limiting the services to the UK only, the span, effectiveness, creativity and circulation is reduced, using the remixable potentials of *globally networked digital cultural public spheres* in an ineffective manner. But at the same time, one has to acknowledge the fact that it is primarily British citizens that have paid for the project, and therefore it could be hard to legitimise its full release. This is really a typical challenge that digital communication and new media objects infer upon cultural policy, because being global is in the very architecture of the functioning of such elements. This is the culture-political reality of the 21st century and the response of the BBC is interesting, especially in their predictability.

As already mentioned, one of the key elements of cultural policy revolves around power, and normally power holders are not very inclined to give up that power without a fight. A state broadcasting service like the BBC finds itself in the midst of such power struggles because on the one hand its role is dedicated to provide the public with educating and enlightening tools, in order

331 My request for getting access on academic terms was for instance not answered.

332 The BBC is using a technology called GEO-IP filtering to prevent users outside the UK to access the database.

to empower them to make their own decisions based on creative and rational dialogues, both amongst themselves, and with the material that the BBC transmits to them. But on the other hand, a state broadcasting service works at the same time very locally in order to generate, transmit and develop manifold elements from the cultural heritage, thereby actively and consciously affecting, moulding, and steering the development of identity formations in a very mindful direction. In the case of restricting access to the *Creative Archive*, the BBC is behaving in a very nationalistic way, holding the power tight to its national interests, thereby promoting not free culture, but a freer variant of permission culture.

Another problem is related to digital storage. The reason why the BBC chose the three formats of QuickTime, Windows Media and MPEG1 is that according to their researches, those are the most widely used formats in the UK. Even though this may be the case now, there is nothing definite that suggests that this will be so in ten or twenty years. Therefore, more variety in future formats would be welcomed, but that would of course demand more resources from the behalf of the BBC, which could prove a problem. Issues on future formats are all the same very important, and it would be very wise for the people behind the *Creative Archive* project to coordinate their actions with other online archives, because otherwise, this will be a technological inhibition.

Despite those lacks, the BBC's *Creative Archive* is an excellent example of the pros and cons of remixable culture, and how cultural policy at national level is likely to think first and foremost about its own citizens. In Paul Gerhardt's reply to the open letter³³³, he emphasises the fact that the project is in its pilot phase, and that it has to go through the Public Value Test before its future destiny will be resolved. Currently, it has to be submitted to BBC's Governors, and while the test lasts, the service has temporarily been withdrawn. It will be interesting to see what the outcome of the test will be because the results could be quite decisive for similar projects on various different national levels, and that will of course also affect the turn that the European Union will take in the matter.

Internet Art: What is it?

Internet art is a good example of some of the challenges digital culture inflicts upon cultural policy, especially in terms of the *hybridisation* of new media artefacts, i.e. the culture-political categorisation between for instance literature, visual arts, cinema, theatre and performative arts, is not as clean as it was prior to the digital paradigm. Internet art is one of the best indicators of such fuzzy boundaries because frequently it uses texts, photographs, 3-D, sound, moving images,

333 "Paul Gerhardt's reply", accessed 10.7.2008. URL:
http://creativearchive.bbc.co.uk/archives/2006/06/paul_gerhardts.html

networking and programming in one and the same work. But it does not only scramble the distinction between genres, in many cases it also anticipates high level of interaction from the user resulting in the fact that the outcome of the Internet artwork can exist in as many versions as there are many *prosumers* interacting with it. Internet artworks do not only challenge definitions on genres and authorship, but also the institutional sphere of cultural artefacts as well as the level of distribution. Hence, if the 'auratic' qualities of artworks were contaminated with Marcel Duchamp's porcelain urinal, Internet art has simply dissolved the 'aura', because how can an artwork be institutionalised in the hierarchical system of cultural institutions, aesthetics and taste, when it exists in multiple versions on the Internet, where every-one which is online can access it, manipulate it and distribute it, free of all costs?

Internet artworks are of course very different in terms of availability, interaction, programmability and aesthetics, but the general characteristic could be said to be of *hybridisation*, and this is mostly so because they feed off the equally hybrid medium of the Internet. The problem of defining adequately what Internet art, or net art, is is for instance well exemplified in Andreas Brøgger's strivings to come to terms with the concepts. In his essay "Net art, web art, online art, net art?", Brøgger offers the following loose definition of net art as "art that deals with "the net" and all that the net is **about** (chat, economics, distribution technology, copyrights, browsers, cookies, big-time corporate mergers etc.) regardless of medium."³³⁴ This definition has obvious shortcomings because in its attempt to get all aspects, it really does not arrive at any useable conclusion. In the same article he suggests a *stricter* version where he maintains that "net art is art that cannot be experienced in any other medium or in any other way than by means of the network."³³⁵

The significant difference between those two definitions is that the former is regardless of the medium while the latter type of artwork has to be experienced online because of its ability to interact with the user and change according to the artist's pre-programmed codes and the prosumer's interaction with those codes. At first glance, the former definition seems too loose and the second too tight. To define a concept of Net art that covers everything "art-related" and in some way touches upon the *net* (Brøgger mentions William Gibson's novels as an example), is simply meaningless in the context of a concrete definition and likewise to limit net art to *online* activity only, is excluding many artworks that can easily be downloaded online and then enjoyed offline. Brøgger also tries to account for the definition problems by differentiating the term net art into web art, online art and net.art, emphasising the different functions of each category.

However, as Rachel Greene's writing on the subject matter indicates, there does not seem to

334 Brøgger, Andreas. 2000, accessed 16.7.2008. "Net art, web art, online art, net art?". URL: <http://www.afsnitp.dk/onoff/Texts/printerfriendly/broggernetart.we.html>. *Bold in the original.*

335 Ibid.

emerge some kind of a coherent, distinguishing trend which can characterise and define Internet art as a whole. But beside issues on hybridity, Internet art is also preoccupied with access to technology, decentralisation, new kind of production and consumption, and very often such artworks touch upon media roles within public spheres, usually in a very critical way. The interplay between public and private is inevitably at the heart of Internet art, simply because its two main components, computers and the Internet, are clear manifestations of such interplay; or as Rachel Greene puts it in her introductory words to the world of Internet art:

Both everyday and exotic, public and private, autonomous and commercial, the internet is a chaotic, diverse and crowded form of contemporary public space. It is hardly surprising, therefore, to find so many art forms related to it: web sites, software, broadcast, photography, animation, radio and email, to name just a few. Moreover, the computer, fundamental for experiencing internet art, can be both a channel and a means of production and can take the form of a laptop, a cellular phone, an office computer - each with its own screen, software, speed and capability - and the experience of the artwork changes accordingly.³³⁶

Here, Greene points to the important fact that because of those components, the institutionalisation behind concepts such as art, artists, museums and galleries, fade. This has of course not only happened with Internet art, and Greene mentions for example Marcel Duchamp, Dada, events and happenings associated with the Fluxus and EAT groups and the Situationists as very clear predecessors of such relational aesthetics. Internet art has therefore its kinship to conceptual art, especially in terms of audience interaction, use of networks and transfer of information, and of course in undermining the autonomous status of artworks. The main difference is yet again the level of interaction and distribution made possible by digital communication and new media objects, i.e. "Internet art has redefined some of the materials of current art-making, distribution and consumption, expanding operations from the white cube gallery out to the most remote networked computer."³³⁷

However, borders in the world of Internet art are fuzzy to say the least, as yet another definition, now provided by Joachim Blank, demonstrates: "Netart functions only on the net and picks out the net or the "netmyth" as a theme."³³⁸ He uses this definition in opposition to the method of scanning images of well known artworks in order to use the distribution qualities of the Web for promotional interests. A painting by Francis Bacon does for instance not become Internet art just by

336 Greene 2004: 8

337 *Ibid*: 12.

338 Blank 1997, accessed 11.7.2008. "What is Netart;-)". URL: <http://www.ljudmila.org/nettime/zkp4/41.htm>.

a digitisation of its reprint. So, in this case, there seems to be a clear difference between *Internet art* and *art on the Internet*, but the notion of “art on the net” can be fuzzier than just a scanned image put on the net, as in the case of some offline art.

Blank then moves on to another characteristic of Net artworks which is the participative cooperation of the artist and the users of the artwork: “For all netart projects there is a retraceable starting point, an author, so to speak. Nevertheless, what develops from one idea of one single artist with the collaboration of many others, is incalculable.”³³⁹ According to Blank, the openness of Internet artworks, the challenge of the participation and the curiosity of the imaginary final result, if there is such a thing as a final result, all serve as important links in the overall experience of the artwork, be it in form of text, sound, picture, motion picture, real time, or in various combinations of all those digitised new media elements. Blank's definition is therefore related to Brøgger's *tight* version because both definitions emphasise the role of the *network* and its *interactivity* with the user.

As already demonstrated with Felix Stalder's notion of the *prosumer*, this relationship alters the role of the artist from a 'conventional creator' fixing a particular instance of a constructed world, into a *metadesigner* or a *world-maker*, which the *prosumer* interacts with and engages in creative processes with its tools. This relationship between artist/producer and receiver/consumer is of considerable importance to cultural policy as it has to readjust some of its definitions concerning central concepts like that of the work of art, artists, consumers, cultural production and cultural consumption.

Another interesting aspect of Internet art, especially from a culture-political view, is its relation to the *art canon* and the 'traditional' conventions surrounding museums and galleries. It is in the very nature of most Internet artworks to make use of the network, to feed from its flow and to change according to the code programmed by the artist. This poses some technical limitations in form of bandwidth, different colour composition of the screens, the normal resolution of images on the Web, the vagueness of the HTML layout and the necessary compression of various files in order to be able to view them on the screen. The technology changes rapidly so this might not be a huge problem in the near future, but the important thing is that this makes it kind of pointless to view net art in museums and galleries, as long as you have a reasonable computer and a good internet connection at home.

However, at the same time it is also important not to overrate Internet art's ability to boycott the art canon, even though it is technically quite possible, because museums and galleries are a lot more than just open spaces where people strive to get connected with their 'intellectual inner selves'.

339 *Ibid.*

Most museums and galleries have built up a vast net of connections that the works of their artists can be presented through, thereby establishing the artist, his works and the genre of Internet art itself. Museums have also the financial capability to use their space with large projectors and other installation equipment, changing the perception of the artwork and giving it an extra weight and spectacularity. This goes, of course, against the *information wants to be free* ideology but as has been said before, where there is money and where there is power, there emerges a certain hierarchy and this has also been the case within the field of Internet art³⁴⁰, and will be even more striking in the future. Mark Napier's work *net.flag* which will be analysed below is for instance hosted by the Guggenheim Web, thereby incorporating it into the hierarchised world of the museum space.³⁴¹ The fact that some Internet artists have received recognition does not have to be a bad sign. It encourages discussion and forces theorists and critics to confront Internet art on its own premises and try to make some sense out of the field. This might sound like a banal fact but hand in hand with the problem of defining Internet art, comes the problem of finding and knowing it, or as Robert Atkins puts it: "On-line art is the most hybrid of all media; one in which production and distribution, economics, design and aesthetics hopelessly – and intriguingly – intertwine."³⁴² This comment indicates that even though Internet art has certain characteristics, it does not yet contain a concrete visual language and therefore it can be problematic to distinguish it from other Web projects such as game design, software developments, programming, engineering and more commercially orientated projects on the Web generated by profit and entertainment value in mind.

Therefore, the distribution on the Web has both liberating aspects in form of circulation, geographical freedom and free availability, but it has also more limited technological restrictions in terms of the *information-disinformation* paradox, i.e. because of the enormous vastness of material available, it can be hard to find something of any importance and quality, unless the user has a prior knowledge of reliable sites.

Before the plunge will be taken into further analysis of selected works by Mark Napier, Entrophy8Zuper!, and Christophe Bruno, it is worth mentioning that many Internet artworks are critical of the *system's* colonisation of the public sphere and therefore many of them provide aesthetic language and *prosumer* tools to resist such colonisation. It is maybe because of this tendency that Lev Manovich looks upon programmers and Internet artists as the modern avant-garde, and it will certainly be interesting to see whether their fate will be the same as analysed by

340 Even though Rachel Greene acknowledges that Internet art has not induced a stable market for its products, many museums have started to engage in it and therefore some net artists are nominated as more influential than others. Amongst those are Mark Napier, Alexei Shulgin, Vuc Costics, Heath Bunting, jodi.org, George Legrady and Olga Lialina.

341 See "Net.flag", accessed 7.8.2008. URL: <http://netflag.guggenheim.org/netflag>

342 Atkins 1999: 89.

Peter Bürger regarding the French and the German avant-garde of the 1920's?

www.potatoland.org, Entopy8Zuper! and iterature.com

The tendency to resist colonisation can easily be detected on Mark Napier's *www.potatoland.org*, where he very consciously casts a sceptical light on issues such as the future power and control over the Internet, commercial influences, the ownership of intellectual property and the distributional and creative potentials of *prosumers*. In the artwork *net.flag*, Napier explores the flag as a sign of territorial identity by creating online software with a simple interface which is freely available to every Web user. The ideological aim behind the artwork builds very much of Manuel Castells' notion on *timeless time* and *space of flows* across networks, and how different nations try to lay claim to the virtual territory of the 21st century, namely the Internet:

This virtual territory is no longer a geographic location, a new land with resources to be claimed. It is a space created by man-made infrastructure that carries the potential of information, group identity, economic and political advantage. Nations and terrorists alike use the Internet to carry out their agendas. Those who control the structures, both hard and soft, that make this new space, control the nature of the space itself, providing or limiting access to the resources of the network.³⁴³

Napier's aim with *net.flag* is to inspect the possible relationship between the existing national identities and distributed domain branding on the Internet, and how political power structures are likely to move in order to gain control over this space. Therefore, Napier is analysing how the *system* is likely to colonise the *lifeworld* on the Internet. When users enter the artwork, they are confronted with a flag which someone has recently made and expresses some views that the creator of the flag wanted to communicate. I, as any other *prosumer*, can remix that flag by entering the *Change the net.flag* function, which provides me with various tools divided into country, shape, meaning and colour. This means that I can enter the anatomy of all the flags in the world, choose symbols, parts of flags, stripes and stars from the flags of different nations, and remix them according to my wishes. Napier expresses further his point with the following words: “The visitor to **net.flag** not only views the flag but can change it in a moment to reflect their own nationalist, political, apolitical or territorial agenda. The resulting flag is both an emblem and a micro territory in it's own right; a place for confrontation, assertion, communication and play.”³⁴⁴

Here, Mark Napier sums up the nature of many of his artworks, i.e. they serve as a place for

343 “About net.flag”, accessed 11.7.2008. URL: <http://potatoland.org/>

344 *Ibid.* Bold in the original.

confrontation, assertion, communication and last, but not least, he highlights the playfulness of their interactivity. In *net.flag* the user basically enters a 'family of flags' created by other users and creates, or manipulates, the last flag made, claiming his own territorial rights in cyberspace. The pre-programmed process of the creation itself is fun, simple and gives the user many possibilities to change different countries insignias and symbols and mix well known identities into a flag, with a meaning of its own and a look on its own.

The project has its own browser history feature which allows the users to price the symbolic value, i.e. signs indicating peace, blood, valour, purity etc., and has an anatomy of the flag and a site where all the flags hitherto created, can be viewed. The *net.flag* project therefore allows its users to make their own banners, declaring their own customised and personalised territory on the Internet, thereby forcing its users and viewers to think about and confront the relationship between the existing geographical borders of our world today and the more fluid, distributed domain branding and political borders that flourish on the Internet.

Most of Napier's artworks on *www.potatoland.org* confront important questions concerning the Internet, its development and its role in the re-shaping and re-defining of some of the culture-political concepts already discussed in this work. The artwork *Stolen* confronts for instance copyright problems by staging various photographs of body parts taken from well known news groups, minimally reduced and altered in Photoshop. The aim of the art work is to ask questions such as when does an artwork stop to be the creation of its creator, i.e. how much manipulation is needed in order to erase the creator out and crown the manipulator as a creator, and how far should copyright regulations reach in order to prevent such use?

Even if some of Mark Napier's works are playful, and somewhat beautiful in their simplicity, the political undertones are never far away. In *Digital Landfill*, Napier for instance encourages people to clean up the Web and dispose of unwanted e-mail, SPAM and other rubbish. The incoming data is automatically layered in a compositing system which congeals to other files and forms a collage of ten different sites; a kind of a modern digitised *Waste Land*. This artwork reflects the immense flow of data on the Internet and makes its users better aware of all the debris which circulates their network every day. But the *Landfill* is not only about participating in the creation of a digital dumpster as it also draws attention to the digital material which makes up the Internet and puts it into a playful perspective, i.e. a place to get a fresh look at common sights.

The same could be said about Napier's unconventional browsers, *Feed*, *Riot* and *Shredder*. As their names indicate, the idea behind them is in a way revolutionary as they offer an alternative anti-browsing experience. Hence, those browsers change the normal perception of browsing and expose some of the underlying principles behind Web sites, or as their creator puts it:

Web pages are temporary graphic images created when browsing software interprets HTML instructions. As long as all browsers agree (at least somewhat) on the conventions of HTML there is the illusion of solidity or permanence in the web. But behind the graphical illusion is a vast body of text files – containing HTML code – that fills hard drives on computers at locations all over the world. Collectively these instructions make up what we call 'the web'. But what if these instructions are interpreted differently than intended? Perhaps radically differently?³⁴⁵

Instead of presenting the global structure of the Internet in a 'traditional' way, the *Shredder* alters the HTML code before the browser reads it, appropriates the data and transforms it into a parallel Web. The result is a disordered and illogical collage which goes against the normal conception of the Web as a physical page. By doing this, Napier is questioning why the Web is treated as a physical page and he casts a sceptical light on why aesthetic and legal conventions from other mediums are uncritically inflicted upon the Internet.

The same could be said about *Feed* and *Riot*. Here, the former consumes and feeds on information and reduces structure, content and meaning into flows of texts and pixels. It follows the principle of a Web spider so when the user writes down a given URL, the browser reads all texts and images contained in the given tree. *Riot* is another alternative cross-content browser which is meant to disrupt accepted property rules and expose the fragility of territorial boundaries making it a chaotic blender that mixes different Web pages from different domains into one browser window. When entering *Riot*, the user enters a collaborative community of other people using the browser at the same time. *Riot* creates a collage of texts, images and links from pages which recent *Riot* users have surfed to, squeezing images, brand names, official pages and corporative logos in one page:

Vatican.org mixes with Hell.com. Microsoft.com bumps up against Hackers.org. Content and ideologies clash and merge as Riot draws from disparate URLs to create a web of mutable, shifting borders. Riot dissolves traditional notions of territory, ownership, and authority by collapsing territorial conventions like domains, sites and pages. The visual result is a beautiful composite based on controlled randomness-determined by chance and the user's actions as well as the parameters for display that have been set by the artist.³⁴⁶

As the case is with *www.potatoland.org*, *Entropy8Zuper!* is a web design studio and interactive arts

345 "About the Shredder", accessed 11.7.2008. URL: <http://potatoland.org>

346 "About Riot", accessed 16.7.2008. URL: <http://potatoland.org>

collective³⁴⁷ created by Auriea Harvey and Michael Samyn. Their website is designed in a playful manner, where users are confronted with a deck of cards which they have to click on in order to see the graphical interface of the artworks. The user has to find identical pairs in order to enter the actual artwork and get involved with its meta-world. If people are not patient, or if they do not like cards, the artists provide a cheating function, so that the reckless can get involved directly. All in all, the studio provides the shelter of more than 100 artworks, and as they self claim, they “make emotionally engaging multimedia presentations that range from the ultra-corporate to the hyper-personal.”³⁴⁸

This self-description is illuminating because as the user enters the various individual artworks, boundaries between art, design, advertisement, programming, gaming, entertainment and authorship dissolve, and they make projects for such different organisations as the National Bank of Belgium, the San Francisco Museum of Modern Art and the non-profit quarterly Danish magazine *Hvedekorn*. The intention of the artist duo is however very clear as can be seen from the following quote, where they emphasise that their aim is not providing mere information, but real content: “The web has grown significantly in the last few years. Many people have felt the need to contribute to the massive pile of information that surrounds us like a jungle. Do not mistake this data overload for content. It is mere noise. When things start to mean something, when people start to feel something: that's when content starts.”³⁴⁹ Thus, many of their artworks play on the tension between *information-disinformation*, confusing the user at the same time with their highly symbolic, complex virtual environments where visuals and sounds intertwine in fascinating manner, generated by the click of a *prosumer's* mouse.

A good example of this is the artwork *Godlove Museum* which was made from 1999-2006. This interactive artwork uses autobiographical narratives and the mythology of the Bible to create a rich symbolic world where graphics and sound work cleverly together to generate further intervention from the user. Here, the user has several options deciding whether he wants to enter the world through the *Genesis*, *Exodus*, *Leviticus*, *Numbers* or *Deuteronomy*. But once the world is entered, there is no point of return. In this particular artwork, the user does however not have any real control in selecting different paths. If he does nothing, the artwork does not evolve. But if he uses the mouse to click on certain icons, the artwork changes, going from another stage through the next. Slowly, the level of tension arises and the seemingly peaceful genesis climaxes in the *Numbers* section in a state where the user hears the words of George W. Bush preaching about freedom and democracy being under attack, and the necessity of getting 'them' running. Bush's

347 See “Entropy8Zuper”, accessed 7.8.2008. URL: <http://entropy8zuper.org>

348 “About Us”, accessed 16.7.2008. URL: <http://entropy8zuper.org/>

349 *Ibid.*

voice is surrounded by military noise and on the screen the ever-changing stock exchange numbers of eminent corporations flicker, with a man and a woman slapping each other in the foreground, accompanied by citations from the Bible.

Together, the visuals and the audio create an atmosphere of nervous tension and powerlessness. Suddenly, little people in parachutes start falling down from the sky, where the parachutes are marked with well known global brands of for instance McDonalds, Mattel, Schell, BMW, CNN, Disney, Nike, AT&T, Coca-Cola and more. It is here that the *prosumer* realises his role within this meta-world, because he is provided with a tool which makes him capable of shooting down the branded parachutes.

The political undertones of such a work are rather obvious, since the artwork represents a move from something innocent and beautiful, to a world full of meaningless but catastrophic information flows, thereby leaving the *prosumer* in a state of powerlessness. If the user stops shooting, the branded world wins, and since the information flow is too powerful, the scene is about to develop in doomsday fashion. The irony is that it is because of the user's interaction that the scene in the first place changed from peaceful tranquillity, to that of symbolic informational violence.

Other works on *Entropy8Zuper!'s* Web studio are not as political, as the artwork *Mapping Sex in America* from 2005 is a good example of. This artwork allows visitors to the website to read and write about their sexual experiences in the USA, becoming a part of an ongoing archive chronicling stories of sexual practice and sexual customs. Hence, this artwork creates a community of *prosumers* who use the *blog* function to tell intimate stories of themselves, fictional or not. The user can choose different locations within the USA, and zoom in on very accurate grid of for instance the city structure of New York. Here, users can locate exact geographical sites and post a comment. The comments are categorised according to their crudeness ranging from the romantic to the bizarre. As an example of a story is one called "Welcome to NY", location: Behind statue, Columbia University:

I had been living in NYC as a student for a week. So, my friends and I went out to celebrate a week of classes, and went to a local bar. There, I met him. He was Fitz* a tourist from England, going back to England the next day. Did I care? No. Remember, I wanted to celebrate my first week in NYC, and the more I drank, the less I understood his accent, anyway. So, what's a girl to do?³⁵⁰

350 "Welcome to NYC", accessed 11.7.2008. URL: <http://www.museumofsex.com/USAmap/>

As a soundscape, the artists have gathered audio strips that can be said to be characteristic of the geographical location selected. Even if the user does not know if the stories are true or false, the sound, as well as the maps, adds flair of reality. Another thing that is really amazing is the quantity of transactions made, and in some cases, the blank intimacy which those transactions contain. The artwork is in any case a fine example of a meta-world, which is completely lifeless without the interaction and participation of prosumers.

Entropy8Zuper! play as well with the medium's potential to blur boundaries between the artistic and the commercial, since some of the artworks on their Web studio are commercial Websites. This conscious blurring between the public, the private, the cultural, political, commercial, art, and creating communities of *prosumers*, is typical of Internet art, as *Entropy8Zuper's* collection manifests quite well. This collection points also towards the versatility inherent in Internet art, and how problematic it is to contain it to, for instance, culture-political purposes. This is again evident in the last example of Internet art taking here, the Google appropriations of Christophe Bruno.

As can be seen from his Web studio, *iterature.com*, Christophe Bruno is fascinated by the information overload on the Web and uses it very deliberately, and playfully, in order to exemplify various pros and cons about the networked nodes of the Information society. The artwork *Human Browser*³⁵¹ is a good example of this as it is meant to make known the importance of irrational behaviour in a whirlpool of public spheres mainly steered by economical and political rationality. The irrational behaviour of the *Human Browser* can therefore be said to act out the versatile nature of digital public spheres and how these public spheres are not necessarily just driven by rational deliberations, but instead by irrational processes. This irrationality is realised through a headset, where the actor hears a text-to-speech audio that is generated in real time from the Internet, thanks to a wireless Wi-Fi hack. The actor then simply repeats the text as he hears it. Depending on the context in which the actor finds himself, keywords are sent to the program and used as search strings in Google. This insures that the content of the textual flows which the actor with the headset hears, are related to the context. It is this relatedness that makes the artwork function in an eerie way, because what the user is saying kind of makes sense, at the same time as it does not. The question that the audience is asking is therefore, can I trust this source or not?

This project is also interesting from the viewpoint of Castells' culture of real-virtuality. Here you have again the good old face-to-face talk, but in this case it is directly generated from the information flows on the Internet. But adding the personal aura and characteristics of the person with the headphone, the work asks critical questions about panoptical surveillance where the 'right'

351 An introductory video describing the project visually and orally, can be seen at "Human Browser", accessed at 7.8.2008. URL: <http://iterature.com>.

worldview is filtered out by commercial giants like Google, but it also represents an interesting encounter between human and machine, or the modern dandy acting irrationally in an otherwise over-rational world.

Another art work by Bruno, also found on *iterature.com* is called *GogolChat* and is a multi-user chat where the fictitious character Gogol lives. According to Bruno “Gogol IS the web. He parses your words, mixes them with the whole web, digests and spits back.”³⁵² In Bruno's description, Gogol furthermore assumes a mythical status “since his speech tends towards the sum of all speeches of mankind. Hence, contrary to the usual chatterbots, it cannot be considered as purely virtual.”³⁵³ This ironic comment plays on similar aspects of remixable culture of real-virtuality, as also was the case with the human embodiment in *Human Browser*. Here, the search engine Google is again used as informational source to conduct dialogue with Gogol, and other users which could be talking to him at the same time.

Gogol simply translates the information that you provided him with, searches through Google after similar streams, using the original words that you entered as keywords. So, if the user is Danish, writing in Danish, the respond from Gogol will most certainly be in Danish. However, another character called Jimpunk will infiltrate the harmless chat between you and Gogol, adding quasi permanent happening shifts to the conversation distorting meaning and rational communication. The *GogolChat* thus becomes a collaborative piece where purely textual work is interwoven with scripts and visuals originating from Jimpunk's intervention.

Those two works by Christophe Bruno represent many of the characteristics of Internet art already touched upon, such as the collaborative effort and intervention of *prosumers* generating the artworks. In Bruno's case, the keywords entered by the prosumers are for instance decisive in the development and outcome of the artwork. The *GogolChat* is of course more typical for Internet art since it feeds off the network and can be accessed wherever there is an Internet connected computer, while the *Human Browser* is more performative. They are however both hybrids, mixing different genres, they are viewable on the Internet and in both cases the outcome is highly unpredictable.

Prosuming the Net: The Internet Archive

The Internet artworks touched upon above demonstrate the digital shift in terms of relational aesthetics, accessibility, collaborative interaction, remixability and distribution. Those works are indeed a dot in a line ready for a new narrative made by the prosumers that are moving within the boundaries of the artist's meta-worlds. Furthermore, in these cases, these are digital cultural public

352 “Warning GogolChat”, accessed 11.7.2008. URL: <http://www.iterature.com/gogolchat/warning.html>

353 *Ibid.*

spheres that transmit values that are deeply sceptical about the politically and economically driven public spheres, thereby using the playable, innovative and creative digital culture of remixability to construct cultural public spheres that in terms of criticality, are necessary prerequisites to the political ones. These public spheres have therefore the potentials of fulfilling Habermas' vision in his original blueprint where cultural public spheres are indeed at the heart of his model. However, as has been demonstrated with my examples of *YouTube*, *MySpace*, *Facebook*, *Flickr*, *Elephants Dream*, the *Creative Archive*, *www.potatoland.org*, *Entropy8Zuper!* and *iterature.com* these are first and foremost user-generated digital public spheres that have highly unpredictable outcome, mainly depending on the level of interaction on behalf of the prosumers. These levels of interaction can inspire rational deliberation, but they can also inspire irrational processes; they can promote the interests of the system, but they can also promote the interests of the lifeworld; they can strengthen the reigning discursive formations and regimes of truth, or they can oppose them inducing various forms of micro power, in terms of copyright, they can be legal or illegal. In short, such digital cultural public spheres are add-ons in a remixable culture of real-virtuality.

However, what is pivotal to the generation of such digital public spheres is *access*, and here, the last example taken here, the *Internet Archive*, is a good example. The *Internet Archive* is a non-profit establishment which originally was founded to launch an Internet library. The aim was to offer researchers and scholars a database in digital format and since 1996, it has expanded its collection to texts, audio, moving images, software and archived Web pages.³⁵⁴ The archive respects intellectual property rights and tries to make sure that all material stored in the archive belongs either to the public domain, or has been granted use by its creators, for instance by an active use of the Creative Commons. On the 11th of July 2008, the archive contained four main categories: Moving images (125.293 movies), live music archive (51.042 concerts), audio (271.642 recordings) and texts (457.624 texts), widely available for the general public. Some of these files are only available as streams but most of them exist in several different versions ready to download, and remix according to people's wishes.

It goes without saying that many *prosumers* have been using the service throughout the years and as an example of its efficiency, in a matter of 3 minutes, I entered the audio archive, chose the audio books and poetry subsection, and entered and downloaded Allen Ginsberg and Michael McClure poetry readings recorded by the Jack Kerouac School of Disembodied Poetics. I could choose different formats, different sizes, streaming or downloadable files, depending on the use that I intend for it. Since I want to download it to my portable mp3 player, so I can enjoy it in the train on the way to work, I downloaded it as a whole file on my computer. When you have the file in this

354 See "Internet Archive", accessed 7.8.2008. URL: www.archive.org

format, you can also engage with remixes, or use it in the making of a radio program, a happening, as a soundscape, or for whichever creative purpose you wish. And so can any other networked *prosumer* out there.

The *Internet Archive*, along with *Elephants Dream*, the *Creative Archive*, and the Internet artworks already mentioned can therefore be looked upon as databases which the prosumers can engage with and create their own, legal narratives through various remixes from those same databases. Platforms like *YouTube*, *MySpace*, *Facebook* and *Flickr* can then be used as very effective distributional platforms if the prosumers wish greater exposure for their works. This does, as already claimed, come at a cost, especially regarding copyright and the quality of formats these platforms offer. However, it is in the very nature of digital culture to offer alternatives where the same product can exist at different places, usually in different qualities at the same time. The video sharing platform *blip.tv*³⁵⁵ does for instance offer its prosumer better quality, more formats and longer clips to be uploaded, while respecting the *Creative Commons* license.

The reason for why I primarily mention the other Web 2.0 platforms is first and foremost to point to the sheer span and volume these platforms offer of digitised material, and the colossal amount of prosumers activating them each day. This digital add-on to the field of cultural policy and the digital cultural public spheres it generates, require the makers of future cultural policy to rethink its options, policies, tools and realisation methods, and come up with a model that facilitates this vast cultural production and cultural consumption. Here, the notion of *access culture* really takes form as its nodes are pivotal to the flow of such spheres. This kind of access culture is therefore preoccupied with creating meta-worlds where prosumers can take advantage of a legal framework that encourages creative remixes, or put differently to encourage and promote the networked flow of digital cultural public spheres.

355 See “Blip TV”, accessed 8.8.2008. URL: <http://www.blip.tv/>

Networked Flows of Digital Cultural Public Spheres

As was stated in the introduction to this work, my aim has been to use a networked adaptation of critical theory, to construct a culture-political model that takes the various effects of what I have referred as *access culture*, into account. I have made the question of *digital cultural public spheres* central regarding the possible manifestation, function and effectiveness of such emancipative accessible cultural landscape, and the aim of this chapter is to present different culture-political models and account for what is in my view the best suited to deal with the digital add-on emphasising cultural policy's emancipative and semi-autonomous prospects.

The first layer of my model, amply represented in *Chapter 3* as *Model 2*, demonstrated my use of power, largely indebted to Michel Foucault's writing on the matter. His emphasis on macro and micro power, and in particular on power's productive characteristics allowed me to demonstrate how digital cultural public spheres are driven, and why many of them contain remixable emancipative potentials. The various reworking of videos on *YouTube* and *MySpace* are good examples of this. However, many of these remixes are illegal, and therefore I went to some lengths demonstrating alternative use that such digital cultural public spheres are capable of generating, with *Elephants Dream*, the *Creative Archive* and various Internet artworks as the prime examples. The decisive thing from the perspective of power is the fact that even though culture at each given time is locked in certain discursive formations that privilege a given regime of truth, such truth is a man-made construction and can therefore be reversed. Emancipative, semi-autonomous cultural public spheres in a remixable digital landscape play a role in such emancipation processes, and one of the most important tasks of cultural policy is in my view to facilitate the 'anti-environment' of such spheres.

The second layer of my models, in which I will comment further upon in this chapter, along with the different formations of public spheres the different culture-political approaches generate, has to do with *glocal* perspectives of society and the different cultural reactions these perspective bring about. I will therefore offer new versions of the *facilitator*, the *patron*, the *architect* and the *engineer* approaches, and most importantly, I will account for the fifth version that is meant to grasp the notion of *access culture* as treated here, and propose some culture-political reactions towards this model.

Six Cultural Reactions to Glocal Processes

The model's second layer is characterised by the advantage of looking upon cultural policy as interlinked *glocal processes*, where it is inherent in the understanding of future cultural policy making that actions on transnational level affect other levels, and vice versa. The relationship between the system and the lifeworld of different nation-states is very different, and so is the relationship between various International Governmental Organisations and International Non-Governmental Organisations. In general terms, it makes sense to look upon those processes as *globally networked*, and this has been reinforced with *the global network of new media* as defined by Manuel Castells.

In my discussion on glocal processes, I mentioned three global cultural reactions to such surroundings, *homogenisation*, *polarisation* and *hybridisation*. The first one is very much related to late-capitalist methods of mass production, mass marketing and standardisation of taste and fashion, and the second is prone to nationalistic and ethnical viewpoints, where the superiority of a given culture is put to the fore at the expense of another 'inferior' culture. The one that goes in between is the *hybrid* one, but in terms of cultural policy, that is also the hardest to control. Furthermore, the notions of *nationalism* and *cosmopolitanism* intervene with all of the three global cultural reactions, creating the six glocal processes of *homogenous nationalism*, *homogenous cosmopolitanism*, *polarised nationalism*, *polarised cosmopolitanism*, *hybrid nationalism* and *hybrid cosmopolitanism*.

A *homogenous* culture-political approach that prioritises *nationalism* is likely to emphasise on funding projects that resolve around the *national* and *regional cultural heritage*, thereby encouraging *culture-tourism*. An example of this would be the Norwegian, Swedish, Danish and the Icelandic strategic strivings to make the culture of the Vikings their own. Here, the four different versions on nationalism, the *primordial*, the *perennial*, the *modernistic* and the *ethno-symbolic* actually work quite well together since those countries have to 'read' and interpret the cultural heritage, memories, the folklore and national symbols very consciously in order to sell a homogenous image of a whole nation that traces its ancestry way back, and has the monuments and scripts to prove it.

On a cosmopolitan scale, homogenisation is much more prone to the market forces, where cultural superstars and the giant corporations that 'made' them in one sense or another, construct a *whole way of life*. *Homogenous cosmopolitanism* therefore constructs lifestyles, be it based on for instance rock, pop, rap or R&B, films, books, museums' representations and amusement parks, and uses the mass media very strategically to reach to as versatile public as possible. Homogenous cosmopolitanism and the culture industry have very much in common, or more accurately, the culture industries could be said to work within the boundaries of homogenous cosmopolitanism. An

example of a cultural product that such cultural policy is able to produce is a phenomena like Britney Spears, and the whole industry of films, music, interviews, television production, magazine production, newspaper production, books, DVD's, computer games, Web pages, etc., that is designed into the concept of Britney Spears, and the like.

On the other side of the scale is *polarised nationalism*. This kind of nationalism works very much according to binary logic with *us* in the one team and *them* in the other. On a national, as well as on regional plan, this kind of polarisation constructs discursive formations that mix the ethno-symbolic version of nationalism with especially Ernest Gellner's account of the modernistic socio-cultural view. As already accounted for, Gellner shows how culture can be used as a manipulative tool to emphasise the superiority of a given nation, thereby grossly affecting its people's national identities. By demonstrating, developing, showing and actively using the cultural heritage in that manner, an invented image of a whole nation is constructed and compared, in a polarised fashion, with other cultures.

This is often manifested in tiresome clichés, which are all the same very strong and persistent. The image of the laid back, relaxed, open, down to earth and talkative Dane, as opposed to the culturally arrogant Frenchman, is a very general example of such process of invented traditions. Polarised nationalism also takes the form of polarised regionalism, as the self-representation and the self-realisation of the Catalans, within the whole of Spain demonstrates.

In narrower culture-political terms, this kind of polarisation also manifests itself with constructions such as the French avant-garde, the French film noir, the German expressionism, Switzerland's fraction of dada, Italian futurism, the Danish dogma, the Austrian symbolism, and yet again in wider terms the Belgian chocolate, the English tea drinking, the Scottish whisky production, the French cuisine and wine production, the Spanish macho matadors, the American Hollywood productions etc. All of those have in common to link nation to a product, or to a cultural current, that is well known worldwide. Even if all of those incidents are invented in one sense or another, often through conscious interpretations of those nations' colonial activities, they all the same represent cultural walls where you are either in, or out.

Such polarisation takes also form on a global scale, and hence the notion of *polarised cosmopolitanism*. This kind of polarisation constructs similar patterns with *us* and *them*, but instead of finding the crucial commonalities in language, ethnicity, religion, territory, history and cultural heritage, this kind of polarisation attempts to re-conceptualise interdependency that reaches beyond the horizon of nation-states, and in Ulrich Beck's interpretation, applies to universal interests of humanity by stimulating and sharpening *glocally* networked societies. In its polarised version, cosmopolitanism does however indeed use many of the same tools as polarised nationalism, just on

a different scale. As will be made apparent in the latter half of this work, the cultural policy of EU for instance celebrates the notion of *Europeaness*, using the logic of territory, history and cultural heritage to construct a supra-national whole, just with a more loose boarder control than in the case of the nation-state. And since you are either in or out, it is polarised as well.

Other bodies of polarisation on a global scale include the African Union, Asian Union, the North-American Union, the Pacific Union, the South-American Community of Nations, NATO, the G8 club, etc. The logic and reasons behind their construction may differ, but they are all the same representatives of polarised worldview, according to *us* and *them* logic. From the viewpoint of cultural policy, this has very much to do with access, cultural networking, finances, political power and prestige. If you are for instance excluded from a cultural cooperational project like *Culture 2007*, the resources to build a cultural policy upon have been reduced. And this reduction comes about because of cultural polarisation on a global scale.

The group between the homogenous view and the polarised one, is somewhat fuzzier. *Hybrid nationalism* is what has been referred to here as a view that celebrates the manifold, cross-ethnical, cross-cultural, cross-lingual, cross-religious societal structures of modern societies. Instead of raising nationalistic defence walls against 'foreign influence', this somewhat politically correct view embraces their positive effects on the cultural, economic and political structure of a given nation-state. This view is very much akin to what Jürgen Habermas refers to as the *postnational constellation*, i.e. processes of hybrid differentiation in multicultural societies where pluralised lifeforms already stand side by side, as is the case within many European nation-states. If those multiple cultures fail to anchor their different histories, cultural heritage, languages, myths, and symbols in some kind of a collective identity which they can related to, the danger is that this collective will collapse into isolated sub-cultures. The result of such scenery would be what I refer to as *hybrid nationalism*, meaning closely sealed off cultures within a given nation-state.

Even if those cultures live side by side, and its members adhere to the constitutional laws of a given nation-state, they can all the same live very separate lives with different rituals, languages, customs, cultural heritage, religions, etc. In this case the culture-political question is whether to acknowledge the distinctive features of each of those different cultures, and promote this cultural versatility within a given nation-state, or whether to increase the characteristics of the nationalistic majority culture in order to enmesh its inhabitants with similar values and worldview. The former embraces *hybridity*, while the latter is more akin to homogenous nationalism.

The latter is much easier to carry out, simply because the 'manual' to its execution already exists, and has existed since nationalism appeared in its various modernistic versions. To put the weight on the other one would mean a radical change in the discursive formations of most nation-

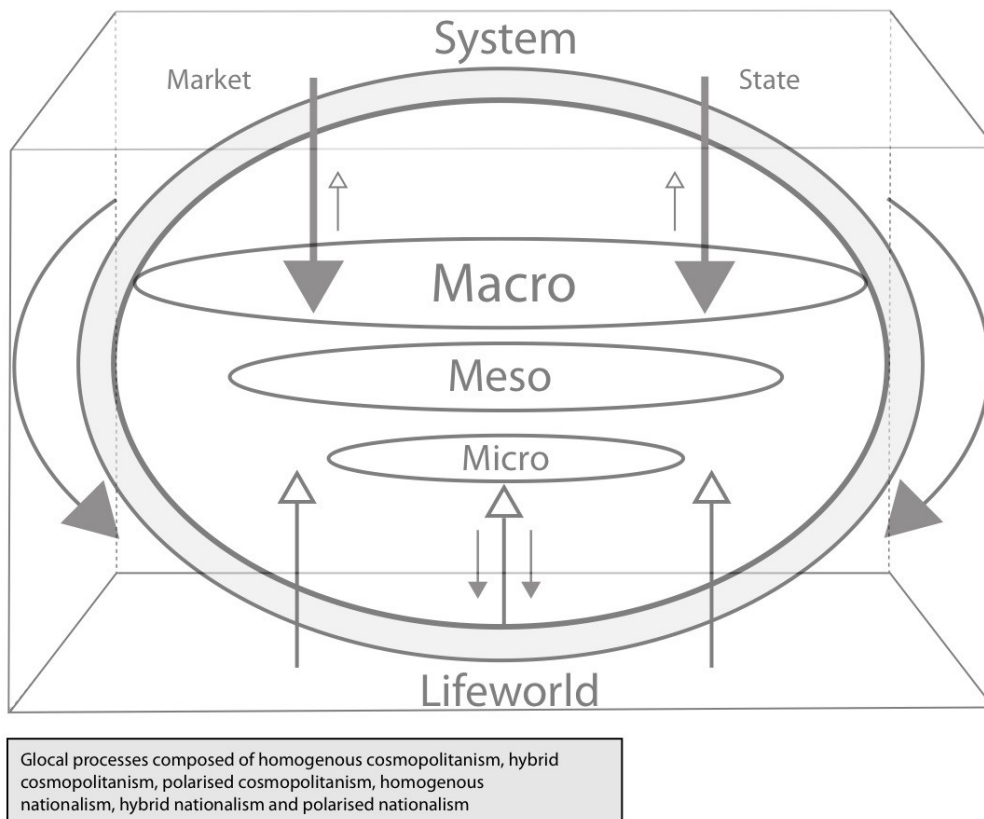
states, where openness, tolerance, curiosity, and open-mindedness in general, matter more than the 'common cultural heritage' in whichever form, does. This is really what Tony Bennett emphasised in his *Differing Diversities* rapport, where he accounts for the four claims to *difference*, the sub- or multinationalist, the autochthonous, the diasporic and indigenous peoples, based on relations between peoples, cultures, histories and territories, that all have in common to challenge dominant nationalist constructions regarding cultural policy.³⁵⁶ Bennett's four claims serve as good indicators of some of the culture-political challenges to *hybrid nationalism*, and the floating cultural boundaries that actually exists within most nation-states, including those of the European Union.

Taken on a *cosmopolitan* stage, the problems of *hybridisation* do not diminish, and generally speaking, many of the same problems experienced on national plan are elevated to the cosmopolitan one. In his postnational writings, Habermas acknowledges the importance of civil solidarity in sharing the idea of collective identity beyond national borders, and here hybrid, cosmopolitan public spheres generated from the lifeworld's citizen movements play a decisive role. Ulrich Beck's self-critical version of cosmopolitanism, and what he refers to as a second modernity of cosmopolitanism, likewise sees the acknowledgement of difference as essential to cosmopolitan cultural hybridisation. However, the paradoxical dualism inherent in his notion of *propponents*, as already accounted for, exemplifies clearly some major culture-political challenges that such hybrid cosmopolitan view has to tackle.

In any case, when the six cultural reactions to glocal processes have been added, *Model 4* is meant to demonstrate that the sphere of glocal processes, which is surrounded and generated by power (the rectangular), contains the micro, meso and macro public spheres that inter-mediate between the system and the lifeworld:

356 See Bennett 2001.

MODEL 4 Glocal Processes



What I want to emphasise with *Model 4* is that all inter-mediated *public spheres* between the *system* and the *lifeworld*, are permeated by *glocal* processes that in culture-political contexts can take the six different forms of *homogenous cosmopolitanism*, *hybrid cosmopolitanism*, *polarised cosmopolitanism*, *homogenous nationalism*, *hybrid nationalism* and *polarised nationalism*. In most cases, cultural policies do not only follow one direction, but put together their policies form a mixture of those elements. However, generally, there is one direction that predominates over the other, even though the other exists. Therefore, there exist *macro*, *meso* and *micro* versions within the six versions of *glocal* processes, and the stream between them is dependant on the discursive formations that different cultural policies generate.

A typical cultural policy that follows the logic of the *engineer* approach is very likely to put *polarised nationalism* within its *macro* structure, and *homogenous cosmopolitanism* within its *meso* structure, and *homogenous nationalism* in its *micro* structures closer to the lifeworld. Such policy would put the most weight on constructing an ideological whole of its cultural heritage, enmeshing its inhabitants with a characteristic national identity, while at the same time use its policy to

strengthen its regional characteristics through societies *micro* structures, and understand the logic of *homogenous cosmopolitanism*, for instance by creating 'local Britneys', for the purpose of generating financial income and enhance the nation-states' international image in society's *meso* spheres.

Another variant could be taken from the other extreme, the American *facilitator* approach, where *homogenous cosmopolitanism* is likely to dominate the *macro* spheres, since the impact of the *market* is reigning within the it. The *meso* and *micro* spheres could than represent a variant within *polarised cosmopolitanism* and *polarised nationalism*. But this can still take on more versatile forms, as the city of New York is a good example of. Because of the city's diverse cultural and ethnical combination, the city is definitely a good example of *hybrid nationalism*, but in the aftermath of the 11th of September 2002, the city can also said to be an excellent representative of *polarised nationalism*.

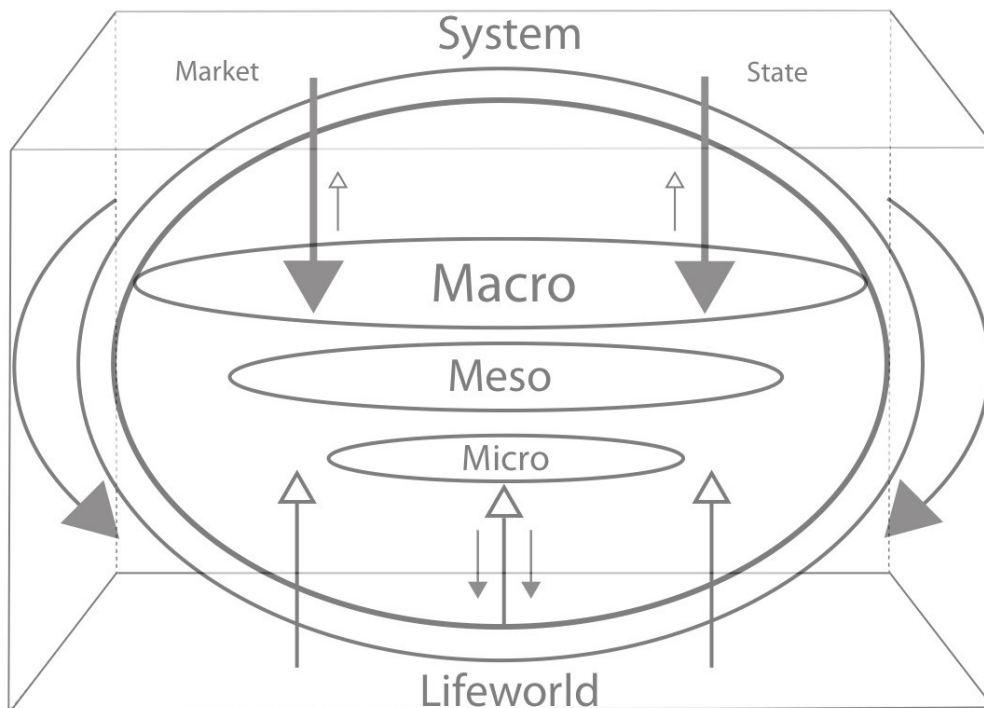
Those six categories of glocal processes are therefore not fast frozen entities, but exist in different mixtures and evolve according to other changes within the societal structure. They are all the same important analytical tools because their conceptual frameworks can be used to analyse different cultural policies, be it EU's, Spain's or New York's, during a particular period of time. In the case of the European Union, I will for instance use those *glocal* conceptual frameworks in my analysis of its cultural policy and demonstrate how the priorities have changed, and are likely to change, as it evolves.

Culture-Political Public Spheres

Model 4 visualises the different culture-political relations between the system, the lifeworld, and its inter-mediated public spheres permeated by *glocal* processes, driven by *power*. As already said, *glocal processes* take on different forms, according to the weight a given cultural policy puts on *homogenisation*, *hybridisation*, *polarisation*, and their *national* and *cosmopolitan* variants.

However, *Model 4* also visualises *micro*, *meso* and *macro* public spheres, and as can be seen from the model, those different levels of public spheres are composed of Habermas' classical differentiation between the cultural *lifeworld* and the political and economical *system*. Typically, the politically and the economically induced public spheres have more influence in the *macro* spheres, while the cultural are stronger in the *micro* spheres. Each of those different levels of public spheres are however permeated with the influence of *both* the lifeworld and the system. This is further demonstrated in *Model 5*, which shows the multiple spheres of the modern culture-political field as treated in this work:

MODEL 5 The Culture-Political Field



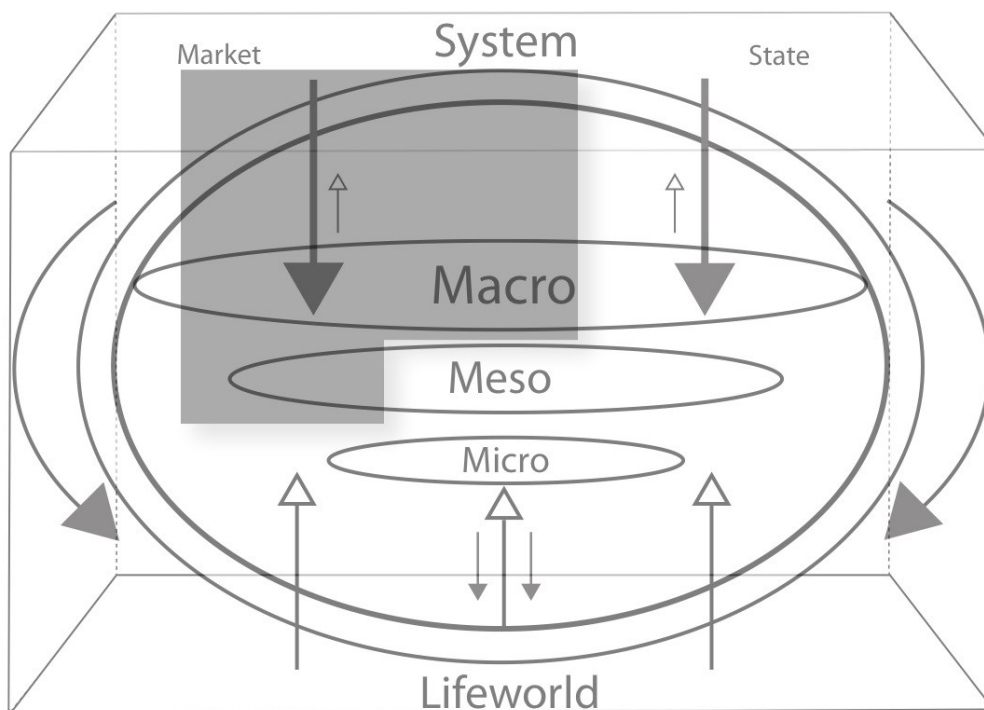
What has hitherto been said about public spheres is of course still valid. Hence, they should be looked upon as multiple, networked structures that have cultural, political and economic dimensions, both in their analogue and digital versions. Typically, the cultural ones lie closer to the lifeworld, while the political and economic ones lie closer to the system. However, as has repeatedly been stated, elements of the cultural spheres reside within the political and economical spheres, and vice versa. Furthermore, and contrary to Habermas, the effects of both *rationality* and *irrationality* can be detected, to varying degrees depending on the actual location of a given public sphere, and whether it resides within the *macro*, *meso* or *micro* structures.

These networked streams of information can therefore both be characterised by *critical rationality* in the Habermasian sense, and by the *contentless processes* in Castells' sense, i.e. in communication for the sake of communication, resulting in the *conflictual consensus* that Chantal Mouffe adapts. The notion of *strong publics* and *weak publics* is of course valid, as was demonstrated with Nancy Fraser's re-structured public sphere, and that is really what Habermas refers to as *strong political public spheres*, and *weak cultural public spheres*. Nevertheless, since

culture, in all of its four definitions as accounted for in this work, is not an innocent force at all, but a decisive one in terms of identity formations, regional, national and international belonging, and a place where symbols, cultural heritage, experiences, and history, is produced and reproduced, it grossly affects the political and economical structures as well. Therefore, Fraser's notion of *post-bourgeois public spheres* which pave the way for *strong*, *weak*, and *hybrid* versions of public spheres, is a good way of accounting for their complex, networked constructions.

Such constructions take on different forms according to their relatedness to the *market*, the *state* or the *lifeworld*, which again take on different forms whether their *glocal* processes are close to *homogenous cosmopolitanism*, *hybrid cosmopolitanism*, *polarised cosmopolitanism*, *homogenous nationalism*, *hybrid nationalism*, or *polarised nationalism*. To take an example, in culture-political terms, typical cultural public spheres generated by the American *facilitator* approach would put the most weight on the market, but as was shown in the case of the extension of the Mickey Mouse copyright act, political lobbying is also prevalent. Such cultural policy would therefore put the most emphasis on the shaded area in the following model:

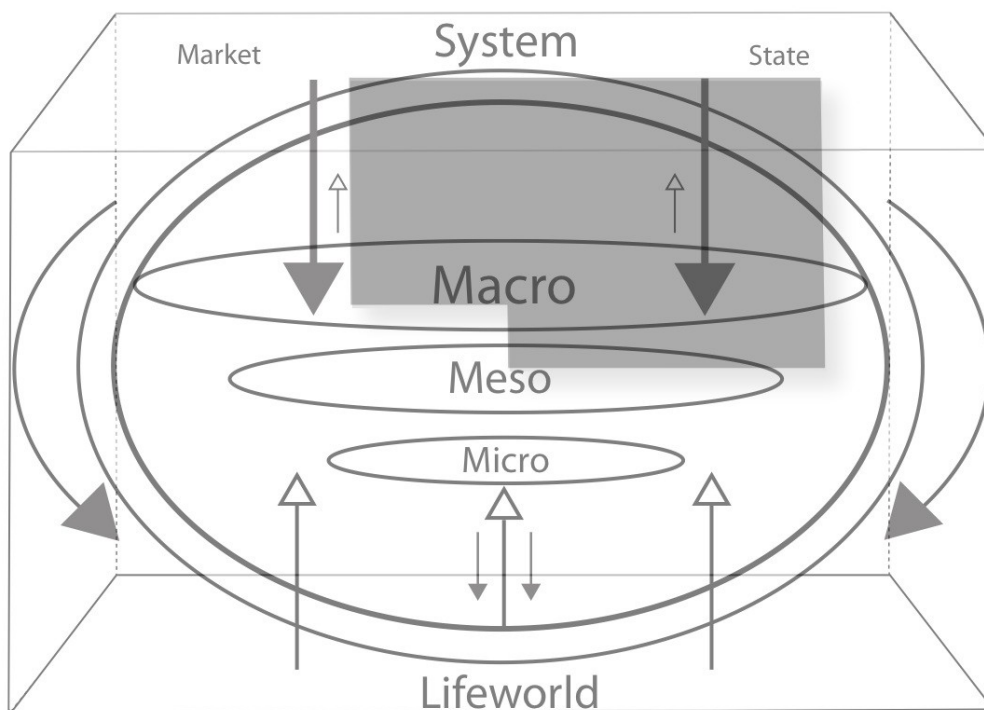
MODEL 6 The Facilitator Approach



Such cultural policy is likely to touch upon *macro* and *meso* spheres, close to the market, but because of their interrelations with the political body, it reaches that side of the system as well. This kind of cultural policy is likely to put the main *glocal* emphasis on *homogenous cosmopolitanism*, but generates definitely hybrids of *polarised cosmopolitanism* and *polarised nationalism*. In theory, this model is also capable of exerting great influences in the micro spheres close to the lifeworld, since the *facilitator* approach is really dependent upon the allocations of individuals and corporations. However, as has been shown with various examples of such corporative culture, they tend to take sure bets, and therefore the well established become even better established. There are of course *weak*, *strong* and *hybrid* variations within such approaches and in the case of the *facilitator* approach, the strongest, most powerful versions represent a process of *colonisation*. Within the realm of such strong colonisation are for instance global media oligopolies, and other large global corporations like Philip Morris that have, as already demonstrated, engaged actively in the cultural sector.

On the other culture-political spectrum is the *engineer* approach, which would look like this:

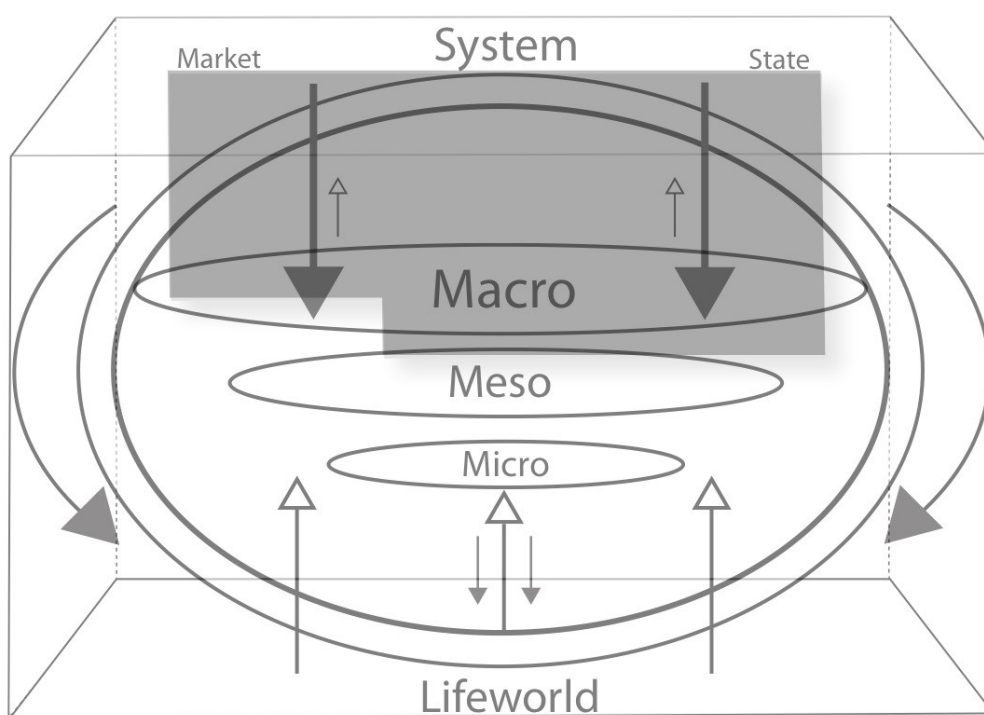
MODEL 7 The Engineer Approach



The *glocal* processes would mainly reside on *homogenous* and *polarised nationalism*, but would also touch the spheres of *homogenous cosmopolitanism* mainly because of the promotional value of international stars on the cultural venue.

In between the extremes of the *facilitator* approach and the *engineer* approach are the *patron* approach and the *architect* approach. As already accounted for, the *patron* approach represents a top-bottom approach, while the *architect* approach is considered to be a bottom-up approach. The influence of the state is prevalent in both approaches, and as was demonstrated with the Nordic experience, they are both increasingly moving towards the mechanisms of the market, especially through the neo-liberal mantra and New Public Management techniques. When situated within the model, the *patron* approach would be like this:

MODEL 8 The Patron Approach



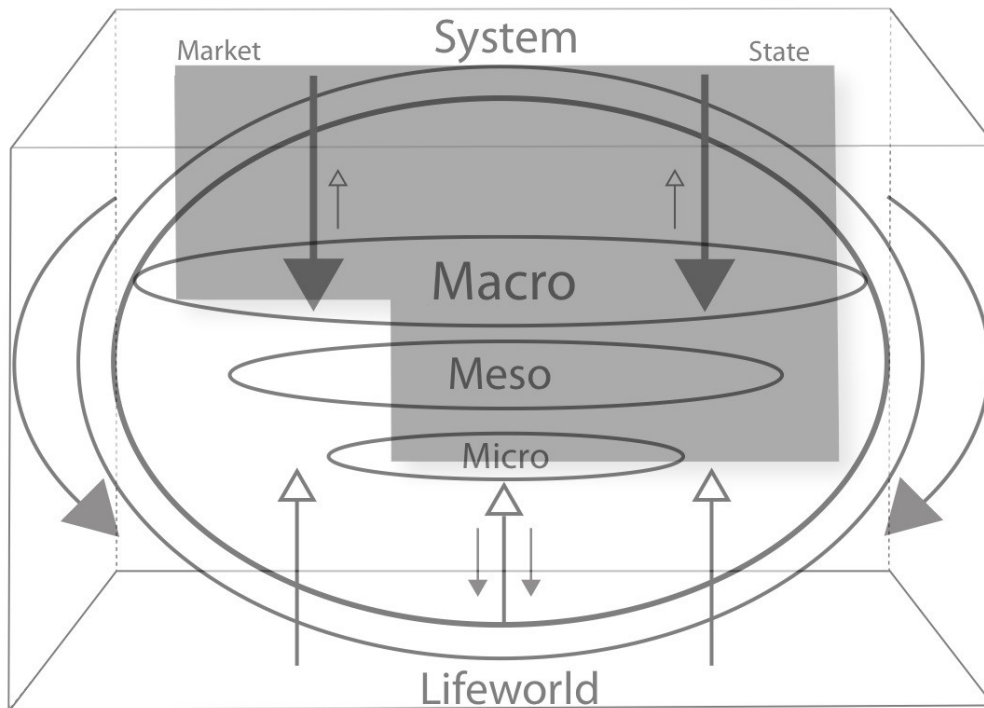
The political power of the state is great within such model because of its direct influence on the selection of cultural directors, committees, and because of its relatively short arm's length principle. This has resulted in a cultural policy that applies a top-bottom approach, focusing on *democratisation of culture* instead of *cultural democracy*, and therefore, it does not lie very close to

the lifeworld structures of civil society. As for instance Jim McGuigan's analysis indicates, the British model, which belongs to the *patron* approach, has increasingly included the market within its policy making and therefore, it stretches out to that part of the model. In terms of *glocal processes*, the *patron* approach is likely to promote *polarised nationalism*, since it concentrates on *quality*, i.e. the point is to run cultural institutions and promote art that is of great 'elitist' excellence. In this case, most national broadcasters are for instance polarised when compared to the queen of them all, the BBC.

However, because of the central role the state plays within the *patron* approach, elements of both *hybrid cosmopolitanism* and *hybrid nationalism* can be detected. In the light of its colonial history, the British state for instance acknowledges the various hybrids within its culture, and therefore recognises the impact of hybrid cosmopolitanism.

Finally, the *architect* approach has much in common with the *patron* approach, but traditionally, it has put more emphasis on *cultural democracy*, trying to engage its citizens with a bottom-up approach. Its strivings can be said to lie closer to the lifeworld, especially because of its active use of the arm's length principle, where professionals from civil society's organisations are frequently the majority voice. However, typically the lion share of the budget that is earmarked culture goes to cultural institutions, where the arm's length principle is not as prevalent, and during the last decade or so, the *architect* approach has, just like the *patron* approach, moved closer to the market. Therefore, the shade of the *architect* approach could be placed like this:

MODEL 9 The Architect Approach



Even though it reaches further down to the lifeworld, especially by involving professional bodies from civil society, its recent development is very much in favour of both the economic rationale and the political rationale. As an example of the latter, I suffice to mention the cultural policy conducted by the Danish Minister of Culture, Brian Mikkelsen, especially his strivings to affect the content of the state's cultural institutions through result based contracts, and with his unique construction of the Danish Cultural Canon. The latter is a clear indicator of homogenous and polarised nationalism.

However, because of this connection to the lifeworld, the *architect* approach is best equipped to ensure versatility, and take the specific emancipative and semi-autonomous characteristics of the artistic field into account. Many of those features have to do with different, immeasurable dimensions of our life, like the hacker ethic's aim of creating for the sheer pleasure of *creativity*, along with its six other values *passion*, *freedom*, *social worth*, *openness*, *activity* and *caring*. The *architect* approach is therefore better equipped than the other culture-political approaches to combine the necessary elements of rationality with the affective, the passionate, the semiotic, the grotesque, the jouissance, etc. Nevertheless, the *architect* approach has also moved

closer to the system, shortening the arm's length principle, introducing result-based contracts, Balanced Scorecards and other New Public Management techniques that, contrary to their purpose, often burden the bureaucratic procedures of the state even more.

On the outset, it could therefore be argued, as Habermas does, that in culture-political terms, the system is indeed colonising the lifeworld, enmeshing the latter with instrumental rationality driven by money and power. The communicative action potentials of the lifeworld are suffocated, precisely because the instrumental values of *money* and *power* are prioritised by the current discursive formations, and this happens at the expense of *language* and *culture*. However, one of the most important characteristics of power as used here, is its creative, emancipative, micro resistance, which create alternative public spheres that counteract the dominant discursive formations. In order for culture, and society in general, to function without pathological colonisation tendencies, one of the main tasks of cultural policy that wants to promote *cultural diversity*, is therefore to generate such semi-autonomous, alternative public spheres, and here *digital cultural public spheres* are an interesting option, especially in terms of *accessibility*, and their *interactive* and *distributive* potentials. Therefore, the fifth variant of culture-political approaches presented here, will serve the interests of *access culture*.

The Fifth Way: Promoting Access Culture

It is important to mention that even though I have used the four approaches of the *facilitator*, the *engineer*, the *patron* and the *architect*, as culture-political frames of reference, most nation-states use them in different variations. Each public sphere, be it episodic, occasional, abstract, macro, meso, micro, strong, weak and hybrid, is composed of the different rationalities of the system and the market. The composition of each of these spheres vary, some lie closer to the lifeworld, while other prioritise the strategic rationality of the system.

All public spheres, be it on macro, meso or micro level, are connected in a networked fashion, as defined by Castells, to other similar public spheres. Alternative grass-root media lies closer to similar media platforms, than say CNN and NBC. State Broadcaster lies closer to other State Broadcasters, than say to Disney-ABC. No public spheres are however composed of only one dimension, i.e. there cannot be a public sphere that is only composed of the system, or of the lifeworld, and the reason for this is to be found in Habermas' original formulations on the construction of the public sphere, i.e. it is made out of both *cultural* and *political* elements, and even though he did not account for it in his original blue print of the public sphere, *economic* elements as well.

Therefore, each cultural policy has those different rationale represented, but to varying

degrees. When I say that a given cultural policy is prone to the economic rationale, like the *facilitator* approach, I am talking about it in general terms, i.e. most of the funding and most of its ideological aims are pointed towards increasing profits. Other aspects are represented as well; they are just not as rampant. The same could be said about the *architect* approach. Even though it has moved closer to the *facilitator* in its recent version, it is all the same traditionally best equipped to ensure diversity, precisely because of its active use of organisations and societal bodies that generate from the lifeworld.

In a search for a progressive culture-political model for a European Union that wishes amongst other things to prioritise *non-commercial artistic exchanges*, including in the *audiovisual sector*, *cultural diversity*, *identity*, *creativity*, and *participation*, it makes most sense to anchor such model in an adaptation of the *architect* approach. Since my aim is to look at how the Union can increase *cultural access* and *cultural participation* through *digital communication* and *new media objects*, the most obvious point of departure is, as already maintained, to focus on Section 2 of *Article 151* which underlines the Union's intent to encourage cultural cooperation and support actions in, amongst other things, *non-commercial cultural exchanges* and *artistic creation*, including in the *audiovisual sector*. Here, digital cultural public spheres, which feed from the global network of new media as defined by Manuel Castells, play a decisive role, especially in their capacity to empower *prosumers* to enhance *cultural diversity*, *creativity* and *participation*, adding cosmopolitan hybridity to *identities* that are traditionally anchored regionally and nationally.

As my previous examples of digital cultural public spheres indicate, the level of influence of the cultural, the political and the economic rationalities differ in their compositions. Some are generated by the state, some by the market, and some by organisations anchored in civil society. Some have high degrees of economic instrumentality, others are enmeshed with political rational criticality, while others are more prone to cultural criticality. Some are generated by high degree of rationality as defined by Habermas, while others can be seen as processes of communication for the sake of communication, as defined by Castells. None exists independently alone, since all public spheres are to a varying degree mixtures of the system and the lifeworld. They are however, open-ended networks of cultural, political and economic meanings that interact and modify each other on the basis of the exchange, and the discursive formations that form the stream of power that generates the networks.

Meaning, identity, experience and subjectivity, be they in the form of the rational, the passionate, the rational passionate, or the passionately rational, are central to the *networked flows of digital cultural public spheres*. In some cases, the new media platforms carry a high degree of 'contentless' information, as for instance is the case in many of the remarks and cultural exchanges

on platforms like *YouTube*, *MySpace*, *Facebook* and *Flickr*, but in other cases they carry a high degree of meaningful products, deliberation and cultural exchanges of great importance and quality. One thing is however sure; the better *access* to such digital cultural public spheres, the more is the potential of active participation.

As was demonstrated with my examples of digital cultural public spheres, all societal dimensions are capable of creating such networked streams, the BBC's *Creative Archive* being a prime example of the state's interaction, while *YouTube*, *MySpace* and *Flickr*, owned by major actors on the global market, are good examples of the market's interaction. Platforms like Internet art and *Elephants Dream* are then again indicators of the lifeworld generated civil society's interaction, which especially in the latter case, create interesting hybrids where products created by the open source of the original film enter a symbiosis with the distributive potentials of platforms like *YouTube* and *MySpace*.

Cultural policy that puts its emphasis on the forming and the generating of such emancipative, semi-autonomous digital cultural public spheres is in my view *progressive* because it goes against the tide of the money seeking economical and power seeking political rationale of current times. Even though networks of digital cultural public spheres can be set up by the system, they are ultimately user-generated and are therefore generated by the collective intelligence of the remixable culture of prosumers, situated in the lifeworld. By setting up such environments, the state and the market are giving elements of their power away, especially since the flow of such digital cultural public spheres is highly unpredictable. As is the case with Internet art, there is no guarantee for institutional success, simply because the institution as such has evaporated, or better still, it has changed into the form of multiple networks in the remixable culture of real-virtuality. In such surroundings the boundaries between the originator, the author, the artwork, the final product, the aura, and the aesthetic, are scrambled, and because of the vast distributional potentials of such networked digital cultural public spheres, they do not just exist on a micro level, but can just as easily co-exist on the micro, meso and the macro levels, at the same timeless time.

An example of such would be a remixed version of *Elephants Dream* which can at the same time exist at the prosumer's personal homepage on a micro level, it can exist on *Elephants Dream* official homepage on a meso level, and on the potential macro level of *YouTube*. During the travel from one level to the next, the remixed version has indeed touched upon and fed from the different rationale of the market, the state and the lifeworld, creating a digital hybrid that progressive cultural policy would do well in responding to. But how to respond?

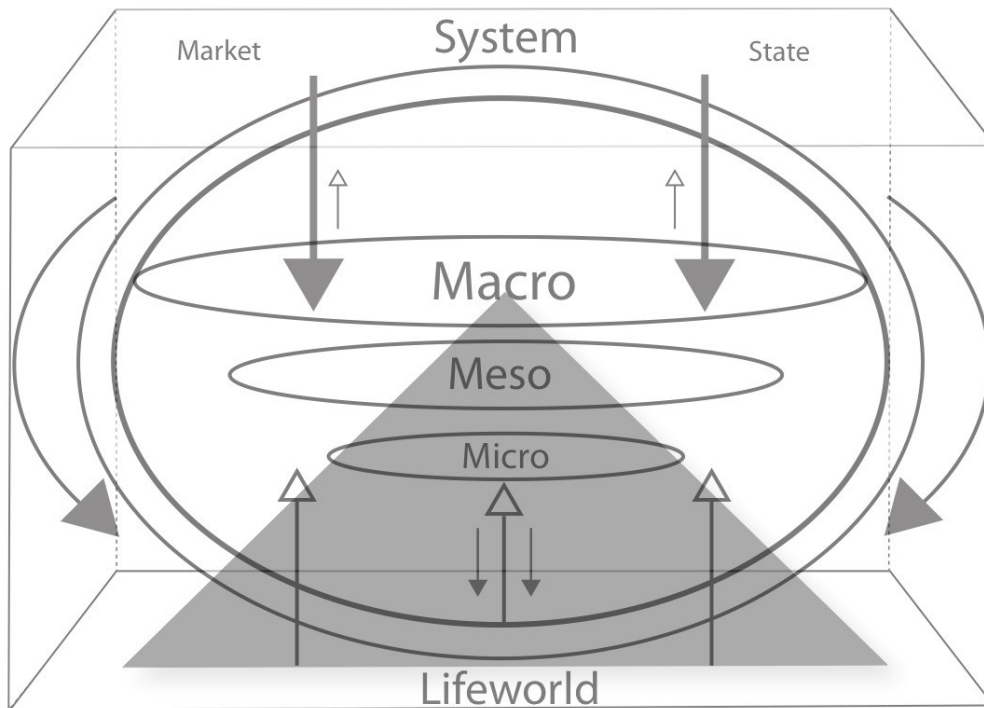
As I said earlier, in terms of enhancing non-commercial cultural exchange and artistic creation, and at the same time to highlight the value of participation, diversity, creativity, along with

questions concerning identity, the most logical starting point would be to anchor such policy of *access* in the *architect* approach. The reason for this is that the generation of digital cultural public spheres is essentially a bottom-up approach, which corresponds nicely to the objectives of the *architect* approach, at least in its earlier versions. One of the most important culture-political tools of the *architect* approach is the arm's length principle, and if the European Union wants to conduct a policy favourable to the remixable culture of prosumers, this principle has to be properly activated. In this case, there are many different ways possible, but the most logical way is to ensure that professional bodies or organisations, anchored in the civil society, are always in majority of the cultural committees that eventually take the decision on which kind of project will be financed, and which will be excluded. The European Union decides the amount and sketches roughly the frame, but professional cultural institutions anchored in civil society decide upon the actual channelling of the financial allocations.

It is important to underline once again that such cultural policy is a 'digital add-on' to the European Union's other cultural activities. Large programmes like the renewed Culture 2007 and Media 2007 still represent the lion share of the Union's cultural strivings, and these projects are generated by different rationales, be it to counteract the economic power of the American audio-visual industry, or to use culture strategically, in a top-bottom fashion, to enmesh Europeans with a cosmopolitan identity, so that they can relate more efficiently to the European Union as a whole. I will get back to those considerations in my actual analysis of the cultural policy of the EU in the next chapters, situating different aspects of the policy on the different models already presented here.

However, the key focus and what can be called the progressive edge, is still on non-commercial and artistic activities that use digital communication and new media objects to enhance participation, creativity and diversity by adhering to the logic of *access culture*, and hence, the model best suitable for such cultural surroundings would look like this:

MODEL 10 Access Culture



As can be seen, this is indeed a radically different culture-political approach than hitherto have been presented. In terms of power, this kind of cultural policy generates power streams that create *anti-environments of digital accessibility*. The creation of such environment would be on a macro level, because the makers of a given cultural policy, in this case that of the European Union, would have to use their power to get its member-states to agree upon technological standards, level of accessibility, the copyright controlling the accessibility and general rules of conduct. When these environments have been created, and this could prove an equally tricky part, the Union would stop interfering, allowing multiple micro power streams to take form, and the remixable culture of real-virtuality, generated by the hybrid cosmopolitan culture of prosumers, takes over with very unpredictable consequences. The challenge here is the European Union's ability and will to convert *macro* power into *micro* power.

When seen from the perspective of *glocal* processes, such cultural policy prioritises *hybridisation*, both on *national* and *cosmopolitan* levels. As will be made apparent in my analysis in the next chapters EU's cultural policy is more prone to homogenous and polarised cosmopolitanism,

as is the case for instance with its strivings to counteract the American audio-visual industry's dominance. However, in terms of its *non-commercial cultural exchange* and *artistic creation*, especially when looked at from the viewpoint of *digital cultural public spheres*, its *glocal processes* are *hybrids*. This is mainly so because of the internationality inherent in the global network of new media, i.e. every-one, be it in Africa, Asia or Australia, can access this network with the help of the Internet connected computer. It is of course possible to limit access, as is the case with the nationally favourable *Creative Archive*, but such policy would decrease the participative and the creative potentials of such spheres greatly.

As Castells remarked, space and time dimensions have been altered greatly with the global network of new media, and to be limiting such structures to geography in the traditional sense, would be to greatly undermine the potentials of *digital cultural public spheres*. This is particularly so in the case of a supra-national societal body like the European Union, which even though formally it operates within traceable boundaries of 27 nation-states, it still is a major global actor in terms of cultural development, and therefore, it would be a mistake to restrict *access* to its digital cultural public spheres. But this is of course a culture-political decision that would have to be taken at the very highest macro levels of the European Union. Yet again, this is also why I call it progressive, since it takes certain levels of progressiveness to give away power, and allow the productive elements of networked micro power to take form.

On the other hand, the EU could gain a lot from allowing open access, precisely because much of the ideology behind its culture-political strivings is aimed at generating cosmopolitan identities, or at least European identities. However, the symbolic top-bottom approach linking the European Enlightenment, Christianity, Beethoven, Erasmus, Leonardo da Vinci, and the like, to a supra consciousness within our identity formations, thereby constructing very selective discourses, has not really succeeded in forming discursive formations, let alone regimes of truth, powerful enough to enmesh people within the European Union with the feeling of *Europeanness*.³⁵⁷ It seems to me that a bottom-up approach is much more likely to succeed, and a good way is to construct digital networked anti-environments, financed by the European Union, but generated by the remixable culture of prosumers.

By getting creative with other people's work, prosumers create digital networks and communicate through the pleasure of creating and distributing cultural and artistic products. When a Dane interacts and draws upon the creation of a Frenchman, which than again drew upon the creation of a Rumanian, who remixed audio-visual material from a database made accessible by the European Union, the idea of a cosmopolitan identity starts to make sense. This idea would however

357 See Barnett 2001, Sassatelli 2002, and Shore 1993, 2001.

make even more sense if a prosumer from Canada could also access the database and draw upon the creation of those citizens of the European Union, simply because the idea itself of a cosmopolitan identity, not a specific European Union identity, is of great importance to the Union, i.e. that people get accustomed to see themselves as regional, national and cosmopolitan at the same time.

Such projects would also promote hybrid nationalism because in some cases the environment created by the EU could be directed at the different cultures within Europe, be it on *sub- or multinationalist, autochthonous, diasporic or indigenous* terms. As an example of such a project would be to create a micro database within the major one, which is tagged by the search word gypsies, or diasporic cultures, allowing the prosumers to access clips related to the search criteria, and getting creative with the results. Such a project would put the focus on the characteristics of multiple subcultures within the imagined whole of the culture of the European Union, i.e. a representation of *unity in diversity*.

For the time being, I will not go into any further details on the actual realisation of such projects, or databases, but will suffice to mention the importance of the same underlying principle. This principle has come about because of the digital paradigm, or more precisely, because of the decanted structure of the Internet and because of the decanted culture of the Internet. This means that cultural policy on the Internet has to get accustomed to providing frames, which the prosumers of a remixable culture will fill with unpredictable content. This means applying a bottom-up approach, empowering elements of the lifeworld, not necessarily to turn colonising tendencies around, but rather to offer real, semi-autonomous and emancipative potentials. When looked at the objectives of the cultural policy of the European Union, and its weight on identity, creativity, participation and diversity, this should not be so difficult.

However, in order to get a more complex picture of the culture-political strivings of the European Union, a further analysis will have to take place on its cultural policy as it is today, and as it has evolved since the Treaty of Rome in 1957. The models, and the theoretical speculations presented so far, will serve as frameworks to analyse different aspects of its cultural policy, both in the cultural realm, its broadcasting realm, and in its media realm. Even though the European Union has different policies for those three subjects, they have to be looked at as a whole, because otherwise full justice would neither be done to the complexities of the culture concept, nor the notion of digital cultural public spheres.

As I stated at the beginning, many culture-political strivings lack to actually take the full implications of the culture concept into account, and therefore cannot elucidate its wide-ranging significance on the societal structure. By putting culture at the very heart of the public sphere, as Habermas did in his early writings and Castells does with his definition of the network society and

its culture of real-virtuality, it is the intention to analyse how the European Union has used culture for strategic means so far, and how it can, by increasingly applying digital cultural public spheres, whether in their rational, irrational or semi-autonomous versions, construct a policy that uses the digital paradigm to fulfil its objectives concerning non-commercial artistic and audiovisual productions.

As was explained with Bourdieu's notion of semi-autonomous spheres, and the different uses of Adorno and Horkheimer, Benjamin and Bürger of culture and the arts, along with Bourriaud's, Stalder's, Manovich's and Castells's networked, digital adaptation, the spheres of culture and the arts have certain characteristics that the other societal spheres lack. Some refer to their ability to *unite* while other to their ability to *disperse*, some underline their *rational* capability, while other see their most powerful manifestations in their *irrationality*, other refer to the floating terms of the *aesthetic*, while other refer to the *intrinsic values* such spheres are capable of enriching the lives of affected citizens, both directly, and indirectly. This work has so far tried to refer to them all, thereby acknowledging the complex and often contradictory characteristic of culture and the arts.

Cultural policy tries to make sense of those complex contradictions and uses different means with different aims to realise this sense-making. In the network society, such sense-making is far too often coincided with the strategic and instrumental rationality of the system, for instance by using it to generate profits or increase power. This work, with its emphasis on digital cultural public spheres, acknowledges this, but also underlines that by mostly emphasising this dimension, only the half of it is represented. Therefore, emancipative, semi-autonomous digital cultural public spheres will be used as potential representatives of cultural spheres that promote cultural democracy in a bottom-up fashion, empowering the Internet culture of prosumers to get creative, and possibly but definitely not necessarily, reaching and affecting the 'upper' macro spheres of the system.

Part II
The Cultural Policy of the European Union

The Cultural Policies of the European Union

The European Union has moved from being an economic and political entity, to finally reaching the cultural one with the Maastricht Treaty that entered into force the 1st of November 1993. However, as is clear from my argumentation so far, such convenient boundaries are hard to draw, and even harder to withhold. As Jürgen Habermas theorised in his original blueprint of the public sphere, the cultural public sphere is a necessary prerequisite to the political one, because without culture's role in shaping the identity formations and subjectivity of individuals, those same individuals would have very few connotations to take with them to the political public sphere. This depends of course to some extent on how you define culture, and here the four versions offered in this work, the *humanistic*, the *anthropological*, the *nationalistic* and the *digital* one, come in handy. None of those definitions exist in their 'pure' form, but different cultural policies tend to stress the importance of a particular hybrid where the ideological undertones of one version, are privileged at the account of another. By such actions, the makers of cultural policy push their culture-political aims towards different directions with different aims, which have been categorised into the different normative approaches of the *facilitator*, the *patron*, the *architect* and the *engineer*.

Even if this classification was originally aimed at inspecting the influences of the state within cultural policy making, the various usage of the culture concept and the various objectives that such usage inspires, can also be transmitted to a post-national stage, such as the European Union. Therefore, the important question is how the European Union has traditionally used the culture concept, which objectives, interests and aims lie behind such usage, what is the actual outcome, and last but in this context certainly not the least, which role does the Union ascribe to new media and digital communication in its policy making and in the various manifestations of its cultural policy?

As my models from the first part of this work indicate, this cannot be done without taking into account the networked digital manifestations of *glocal power*, and the various hybrids of *nationalism* and *cosmopolitanism*, mixed with different levels of *homogenisation*, *hybridisation* and *polarisation*. Such glocal processes still feed off from the more classical vocabulary of Habermas concerning intermediary public spheres between the *system* and the *lifeworld*. The post-national characteristics of the European Union add another dimension to Habermas' concepts, and one of the analytical strivings that will be undertaken in this chapter is to situate the different cultural policies of the European Union within the model, and attempt to illustrate not only what each policy *wants*, but also what it actually *does*.

Since the main aim of this thesis is to look at how digital public spheres can increase *cultural access*, the foremost focus remains on *Section 2 of Article 128 (151)*, where the intent is to encourage cultural cooperation and support actions in, for instance, non-commercial cultural exchanges and artistic creations, including in the audiovisual sector. Digital cultural public spheres, streaming between the multiple nodes of the global network of new media, as defined by Manuel Castells, have great capacity to empower prosumers to enhance cultural diversity, creativity and participation. Such prosumers, like most individuals in general, are traditionally anchored regionally and nationally, but creativity and participation through digital cultural public spheres have potentials to add cosmopolitan flair to those regionally and nationally based identities, and hence, they offer an interesting way to realise some of the main aims of EU's cultural policy.

The big question is how the European Union, and its different institutions, generate such *accessible* digital cultural public spheres, and for what purposes. As I will later demonstrate, the major culture-political programmes of the EU use culture mainly as a source to generate financial growth, or as a tool to apply a top-down approach to enmesh the citizens of Europe with a feeling of European identity, very concomitant to the idea of European citizenship. The Union has passed various legislation and created directives where, for instance, the purpose has been to strengthen the European audiovisual industries against the American one; or to establish programmes that very selectively pick out the cornerstones in European civilisation, ascribing more importance to some works and venues, at the account of others. Both instances are quite clear examples of what has hitherto been termed as *permission culture*.

However, the main focus of this work is not aimed at permission culture, but on the contrary on *access culture*, or better still, on the potentials of digital cultural public spheres to generate such public spheres through the cultural policy of the European Union. Nevertheless, this can not be done without putting the whole of EU's cultural policy under perspective, and therefore the idea is to trace its development from the Treaty of Rome which came into being in 1957, to the present day manifestation of culture-political programmes such as *Culture 2007*, *Media 2007* and the third generation of the *Television Without Frontiers Directive*, which now goes under the name of *Audiovisual Media Services Directive*.

Hence, this chapter will be dedicated to the role of culture within the EU from the Treaty of Rome, to the Treaty of the European Union, commonly known as the Maastricht Treaty. The Maastricht Treaty was signed in 1992, and it is first here that culture became an official part of EU's policies. However, because of the multiple connotations and dimensions of culture, it is very hard to get around the concept, and therefore, one can easily argue that its effects have always been prevalent within the Union. It might not have been formally legalised as having a role until the year

of 1992, but its influence was certainly always known. Therefore, I consider it quite necessary to trace the Community's use of culture prior to the Maastricht Treaty.

Having accounted for the pre-Maastricht manifestation of culture within the European Union, it is my intention to take a thorough look at how Article 128 from the Maastricht Treaty (later Article 151) has been implemented in the policy fields of the European Union, how cultural policy has developed within the different institutions of the EU, and what kind of culture the cornerstones of EU's cultural policy programmes are supposed to transmit. As will be made apparent, there are indeed different cultural policies detectable within the legal framework of Article 128 (151), and this is the reason why I refer to cultural policies of the European Union in the plural, and not in the singular.

When Article 128 (151) has been scrutinised properly, I will take a short break from the actual cultural policies of the Union, and take a further look at the *Compendium of Cultural Policies and Trends in Europe*, which is a Europe wide information and monitoring system on cultural policy measures, instruments, debates and cultural trends.³⁵⁸ This joint venture between the Council of Europe, the ERICarts institute, independent cultural policy researchers, Non-Governmental Organisations and national governments, serves as a very useful, digital venue to compare 39 cultural policy profiles of various nation-states, mainly belonging to Europe. The point that I want to make with this sub-chapter is to demonstrate further the associations and networked streams that exist in the culture-political cobweb of various member-states of the European Union. Furthermore, by shedding a light on the culture-political strivings of numerous member-states, I can better situate and contextualise the official cultural policy of the European Union, demonstrate its characteristics and possibly point to other directions which the various nation-states are not as well equipped to follow. In this case, the route that I will follow is of course in favour of *accessible digital cultural public spheres*.

EU's Cultural Policy: The Pre-Maastricht Version

EU's Main Culture-Political Institutions

One of the 'founding fathers' of the European Union, Jean Monnet, is often credited for saying that if he would be given the opportunity to start the process behind the EU again, he would start with culture. However, according to the Polish scholar Karol Jakubowicz, there exist no writings that confirm this, and the successors of Monnet do not recognise him saying this.³⁵⁹ In Jakubowicz's

358 See "Compendium: Cultural Policies and Trends in Europe", accessed 26.08.2008. URL: <http://www.culturalpolicies.net/web/index.php>

359 Jakubowicz expressed this view at a the conference on *Media, Democracy and European Culture*, which took place at the University of Copenhagen, 4th - 6th of October 2006.

view, the reason for this is quite simple. If the EU would have been built upon culture, it would have dismantled within few years. The reason is that culture is not only the innocent, coherent, binding force that many believe it is, but on the contrary, the root for many differences, disputes, power manipulations, and even of warfare. Therefore, culture can, and has always been used for certain purposes, be it in its humanistic, anthropological, nationalistic or digital versions, and this was also certainly the case within the European Union prior to culture's formal legalisation in the Maastricht Treaty.

Even though the actual word *culture* is for instance totally absent in the Treaty of Rome³⁶⁰, it has been maintained so far in this work that it is very hard to get around the concept. Indeed, as Habermas clearly pointed out in the original blueprint of the public sphere, culture is a necessary pre-requisite to the political one. To claim that prior to 1992, culture was absent from the doings of the Union is therefore simply not applicable. What happened with Article 128 of the Maastricht Treaty is that instead of dealing with the subject vaguely behind closed doors, it came out in the open, with certain objectives and aims. Another important thing is that by implementing culture formally into the Treaty of the EU, which had always been driven by economic and political aims, it is acknowledged that keeping the three apart, is impossible. Culture, economy and politics, intervene and interrelate on many different stages, just as my models in *Part I* demonstrate. To include culture can therefore said to be admitting the complexities of the social structure, and the manifold cultural, political and economical relations that exist there. But what are the main institutions of the European Union that touch upon the culture-political field, how does their decision-making procedure unfold, and which one of them can be said to be the most powerful in terms of cultural policy?

In official EU documents, the fact that the Union is a unique structure, is quite prevalent. It is different from the United States of America because its member countries remain independent, sovereign nations, but it is not an intergovernmental organisations like the United Nations, especially because its member states do pool some of their sovereignty. This 'pooling' of sovereignty takes place through the decision processes of the EU institutions, where the *European Parliament*, the *Council of the European Union*, and the *European Commission*, are usually considered as the most important and powerful.³⁶¹ The responsibilities, powers, rules and procedures

360 See "Treaty Establishing the European Economic Community", accessed 26.08.2008. URL: <http://eur-lex.europa.eu/en/treaties/index.htm#founding>

361 Other important bodies within the network of EU include The Court of Justice, The Court of Auditors, the European Investment Bank, the European Central Bank, the European Ombudsman, and the European Data Protector Supervision. In cultural terms the European Economic and Social Committee and the Committee of the Regions have an important role, the former because it represents economic and social players in civil society, and the latter because it represents regional and local authorities.

of the EU institutions are manifested in the Treaties of the Union. In short, the EU is founded on four Treaties, the Treaty establishing the European Coal and Steel Community from 1951, the Treaty establishing the European Economic Community from 1957, often referred to as the Treaty of Rome, the Treaty establishing the European Atomic Energy Community, and the Treaty on European Union, signed in Maastricht on the 7th of February 1992, coming into force on 1st of November 1993. This treaty is commonly known as the Maastricht Treaty.

It could be said that the Treaties are the basis for everything that the EU does and is allowed to do. Occasionally, they are amended to reform institutions or change areas of responsibility, and here, three amendments are of particular importance: The Single European Act signed in 1986 paved the way for the completion of the single market, the Treaty of Amsterdam signed in 1997 which extended the pooled sovereignty of the member-states to more areas such as citizen's rights, and finally the Treaty of Nice, signed in 2001. Furthermore, the Constitutional Treaty, agreed and signed in October 2004 did not come into force because the people of France and the Netherlands rejected it in referendums and the same was the fate of the Treaty of Lisbon which the people of Ireland rejected in a referendum the 12th of June 2008.

In culture-political terms, the decision making process between the main nodes in EU's network is important, because different bodies have different interests in mind. It is therefore very important to detect both the *programmers*, that insert the overall objectives and aims of a given network, and the *switchers*, that provide informational streams between different nodes of different networks. The programmers of the culture-political network of the European Parliament, might have different objectives on the agenda than for instance the programmers of the culture-political network of the European Commission, thereby promoting discursive formations that are at odds with the Commission. The switchers of those networks communicate as well with different networks, whether in civil society, at the level of the individual member-state, or between other large EU's bodies such as the European Council. Even though such streams of power may unfold very differently according to the different programming they respond to, it is still very important to have Michel Foucault's power concept in mind, especially its circular, playful characteristics. What that means is that when a macro institution like the European Commission sets out to realise a culture-political aim, it exceeds its power to such realisation. If this aim goes against other bodies of the EU, such as the Parliament, or the Council, a different stream of power is generated. Foucault talks about macro and micro variations, and from the perspective of EU, it is very important to detect such streams between its different institutions.

In overarching terms, it is indeed the European Commission that proposes new legislation and usually the Council and the Parliament make a co-decision procedure, even though the Council

can in some instances act alone (see the text boxes for further information on the main culture-political institutions of the EU³⁶²). The main form of EU law come in the form of Directives and Regulations. Directives are meant to establish a common aim for all member-states, but it is up to the individual national authorities to decide on the form and method of achieving the goals of the Directive. Regulations are on the contrary directly applicable as soon as they come into force, without any further intervention on behalf of the member-states. The co-decision process already mentioned, where the Parliament and the Council have equal power, is the most common procedure for EU lawmaking, the other two processes being *consultation* and *assent*, where the power of the Council is greater than that of the Parliament.

It is, however, quite clear that the actual decision making structure of the EU is meant to give as wide distribution of power as possible, and this is of course very understandable, particularly from the viewpoint of the legitimacy of the Union. This is also why the three main bodies of the EU, the European Parliament, the Council of the European Union and the European Commission, can be said to serve different interests of society. This is as I say very important from the viewpoint of legitimate democratic decision structures, but since these bodies are all the same looking after different interest, they are about to come on a collision course regarding many subjects, including culture-political ones.

When looked at from the culture-political perspective, the European Parliament operates 20 committees that do the preparatory work for its sessions. Those committees are venues for the MEP's to debate the Commission's proposals, based on a report that one of the committee member (so-called rapporteur) has prepared. The committee working with cultural issues is called *Culture and Education*, but as can be seen from the following list of responsibilities, it is also in charge of audiovisual policies, youth policy, information and media policies:

European Parliament

Referred to as the 'voice of the people'

Elected by the possible voters of nearly 500 million citizens of the EU

Exercises political supervision over EU activities, shares various legislative processes with the Council, shares the authority of EU budget with the Council, rejects or accepts the the Commission's

commissioners and can require the whole Commission to step down Elections are held every five years

Has 785 members representing each member-state, ranging from Malta's 5 MEPs to Germany's 99 MEPs Members sit in wide political groups

³⁶² The information represented in the text boxes comes from the reports *Panorama of the European Union*, *Europe in 12 Lessons* and *How the European Union Works*, which all can be accessed through the following Web-page: http://europa.eu/abc/index_en.htm

Committee responsible for:

1. the cultural aspects of the European Union, and in particular:
 - a. improving the knowledge and dissemination of culture,
 - b. the protection and promotion of cultural and linguistic diversity,
 - c. the conservation and safeguarding of cultural heritage, cultural exchanges and artistic creation;
2. the Union's education policy, including the European higher education area, the promotion of the system of European schools and lifelong learning;
3. audiovisual policy and the cultural and educational aspects of the information society;
4. youth policy and the development of a sports and leisure policy;
5. information and media policy;
6. cooperation with third countries in the areas of culture and education and relations with the relevant international organisations and institutions.³⁶³

The implications and the areas of responsibility are very important, especially from the viewpoint of cultural policy as defined here, because it does not only include *culture*, but also *audiovisual policy*, *media policy* and *information policy*. This is of course very important in terms of digital cultural public spheres, where it makes no sense to talk about cultural policy without connotations to media policy, and information and communication policy.

The Council of the European Union is the Union's *principal decision-taking body*, and as already remarked upon, it also shares the responsibility of passing law with the Parliament. As is the case in the Parliament, the number of votes allocated to each EU country, roughly represents the size of the population. So, again, largely populated countries have more power.

The Council of the European Union meets in nine different configurations, depending on the topics of discussion. In culture-political terms the *Education, Youth and Culture* configuration is of

The Council of EU

Represents the member-states

Is attended by one minister from each of EU national governments

Takes decisions by a simple majority vote, a qualified majority or unanimously, depending on the subject

The number of votes allocated to each EU member-state, roughly represents the size of the population

Passes EU laws, coordinates broad economic and social policies of member-states, concludes international agreements between EU and other countries and international organisations, approves EU budget, defines and implements EU's common foreign and security policy and coordinates cooperation between national courts and police forces in criminal matters

³⁶³ See "Culture and Education", accessed 26.08.2008. URL:

<http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=CULT>

greatest importance. On the configuration's homepage, the aim is explained in following terms:

The Education, Youth and Culture (EYC) Council brings together education, culture, youth and communication Ministers around three or four times a year. It usually adopts its decisions by a qualified majority (apart from on cultural affairs, where it acts unanimously) and in codecision with the European Parliament.

The European Community's aim is to contribute to the development of quality education, the implementation of a vocational training policy and the flowering of Member States' cultures, bringing the common cultural heritage to the fore, while fully respecting the responsibility of the Member States for defining the content of teaching and vocational training and organising education and vocational training systems, as well as their national and regional cultural diversity.³⁶⁴

In order to achieve those objectives, the Council's role is to provide a framework for cooperation between the member-states, but it can also use legislative channels in for instance audiovisual matters. In overall terms, the Council is supposed to complement the member-states' actions by supporting programmes that aim at “improving the knowledge and dissemination of the culture and history of the European peoples and safeguarding cultural heritage of European significance”³⁶⁵, and “stimulating artistic and literary creation, including in the audiovisual sector.”³⁶⁶

If the European Parliament can be said to represent the *voice of the people*, and the Council of the European Union the *voice of the individual member-states*, the European Commission is supposed to promote the *common interests* of the Union. The Commission is therefore independent of national governments, and it strives to represent and uphold the interests of the EU as a whole. Furthermore, the Commission is an executive body, which means that it not only drafts proposals for EU laws, but is also responsible for implementing the decisions of the Parliament and the Council. The Commission is therefore quite powerful since it manages the day-to-day businesses of the Union, implementing policies,

The Commission

Promotes the Union's common interests
The Union's executive body, legislative proposer, manager and implementer of EU's policies and budget
Enforces EU law together with the Court of Justice
Represents the Union on the international stage
Since 2004 the Commission consists of 27 people, one from each member-state
The Commission is assisted by approximately 23.000 civil servants divided up in 35 directorate-general (DGs)

364 “Education, Youth and Culture Council (EYC)”, accessed 26.8.2008. URL: http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=416&lang=en

365 *Ibid.*

366 *Ibid.*

running the programmes and spending the funds. It can therefore be said that its effects are to be found both at the start of a given policy, since it drafts proposals to the Parliament and the Council, and at the end of it, where money and policy are put into action.

Since the Commission is the 'initiator' of proposals for new legislation, it is quite important that it is aware of new situations and societal changes and trends within EU. Therefore, it works closely with different interest groups, and two main advisory bodies, *The European Economic and Social Committee*, and the *Committee of the Regions*. Another important tool which the Commission works after, is the notion of the *subsidiarity principle*. This means that ideally, the Commission encourages issues to be dealt with at the lowest possible level, i.e. on national, regional or local levels. Thus, in principle, it will only propose actions on EU level, if the problem cannot be solved within the member-states.

Another very important factor in the Commission's field of responsibilities is its decisive role in competition policy which is supposed to ensure that businesses operate on a level playing field. This means that it has the power to prohibit mergers that lead to unfair competition, and to prohibit excessive subsidies from the member-states to their national industries. Both types have serious culture-political implications, since as already noted, media mergers and media conglomerates are quite decisive actors on the culture-political venue, and so are the states, at least the ones adhering to the *patron* and the *architect* approaches. So if the Commission prohibits for instance the Swedish state to set up grants for individual Swedish artists, under the logic of distorted competition, or if Public Broadcasting Services are prohibited to produce entertainment, under the same logic, that is a serious culture-political dilemma.

Finally, it is very important to mention the role of the *Directorate-General* further because it is here that the Commission's staff is organised, and it is here that legislative proposals are drafted. In the end, those drafts have to be adopted by the Commission, but it is all the same the DG's that do the preparatory investigation, and form networks with different actors in society. Thus, when the DG dealing with culture, a body formerly known as the *Directorate-General for Education and Culture*, puts forward a certain agenda, it consults with various NGO's and bodies in civil society, before deciding upon the act. The DG Education and Culture works under the six categories of Education and Training, Youth, Culture, Citizenship, Multilingualism and Sport, and its mission is formulated in the following way: "To reinforce and promote lifelong learning, linguistic and cultural diversity, mobility and the engagement of European citizens, in particular the young."³⁶⁷

As already stated, the Culture and Education committee of the European Parliament is also responsible for information policy, media policy and audiovisual policy. This is however, not the

367 "Education and Culture", accessed 15.05.2008. URL: http://ec.europa.eu/dgs/education_culture//index_en.html

case with the Commission's DGs, which has a distinct DG dealing with the *Information Society and the Media*. In its mission statement it is claimed that this Directorate-General supports the development and use of information and communication technologies for the benefit of all citizens. Furthermore, the mission statement has the following five roles:

- Support innovation and competitiveness in Europe through excellence in ICT research and development.
- Define and implement a regulatory environment that enables rapid development of services based on information, communication and audio-visual technologies, so fostering competition that supports investment, growth and jobs.
- Encourage the widespread availability and accessibility of ICT-based services, especially those that have the greatest impact on the quality of life of the citizens.
- Foster the growth of content industries drawing on Europe's cultural diversity.
- Represent the European Commission in international dialogue and negotiations in these fields, and promote international cooperation in ICT research and development.³⁶⁸

The buzzword of the network society, *innovation* is thoroughly placed along with *competitiveness*, stressing the emphasis on economic growth. This is further manifested in the second section where information, communication and audiovisual technologies are supposed to be used as means to foster competition, investment, growth and jobs. Such use of the possibilities inherent in the network society seem to correspond quite nicely to the common way of looking at the European Union as first and foremost an economic unity, rather than for instance, a cultural one. Section three and four are also of great importance since they on the one hand intend to use ICT-based technologies to enhance the quality of life of the Union's citizens, and on the other hand to use Europe's cultural diversity to foster the economic growth of content industries. On the outset, it can therefore be maintained that the Information Society and Media DG is more inclined to think of culture, and cultural diversity in economic terms, while the Education and Culture DG is more inclined to promote the engagement of European citizens, and cultural diversity.

It is important to note that in both cases, culture is used as a tool to reach certain objectives. In the former, that objective has economic ends, while the latter is used to represent the Union as a diverse body that despite differences has certain aspects which can be counted as European. It is of course easy to argue that such use of culture is just as instrumental as the economic one, since it is very consciously used to counteract one of the greatest problems of the Union, namely its

368 "Mission Statement", accessed 26.8.2008. URL:
http://ec.europa.eu/dgs/information_society/see_more/index_en.htm#mission

legitimisation in the lifeworlds' spheres of civil society. Or put differently, it is used to inflict passions and feelings of belonging into the hearts of European citizens to help them to realise their place and role in such united diversity.

Other major institutions within the European Union, such as the Court of Justice and the European Court of Auditors, the European Investment Bank, and of course the European Central Bank (manages the Euro), are important pieces in the mosaic of the European Union. However, from the viewpoint of digital cultural public spheres, the *European Economic and Social Committee* and the *Committee of the Regions*, are of particular interest, since the former is generally referred to as representing the *voice of the civil society*, and the latter represents the *voice of regional and local governments*.

The *European Economic and Social Committee* meets in plenary assembly, but from the culture-political point of view, it is again the sub-committees that prepare the discussions, that are of most importance. Those subcommittees are known as *sections*, and when a further look is taken at their responsibilities, it becomes surprisingly hard to find the category of culture. The two

EESC

**Consultative body that represents interests groups, trade unions, employer organisations, consumer associations and other organised civil society bodies
Has 344 members roughly representing the member-states' population
Advises the Parliament, the Council and the Commission, encourages civil society to become more involved in EU, bolsters the role of civil society in non-EU countries**

sections that on the outset could be important to cultural policy, especially the notion of digital cultural public spheres, are Transport, Energy, Infrastructure and the Information Society (TEN), and Employment, Social Affairs and Citizenship (SOC).

In the former, its role is mainly within the development of the Information Society, and the issue of E-accessibility and bridging the digital divide, are especially mentioned. These are of course problems of great concern to digital cultural public spheres, and that alone makes this section of EESC an important actor in the network of EU cultural policy. In addition, the section contributed to the debate and the proposed amendments to the *Television without Frontiers* Directive in 2006, thereby contributing to the development of one of the most important cornerstones of EU's cultural policy.

The other section, commonly known as the SOC section, covers a wide range of issues relevant to culture, but in its own enumeration concerning the role of the section, the word *culture* is

surprisingly absent: “The **SOC Section** covers a broad range of policy formulation including employment, working conditions, occupational health, social protection, social security, social inclusion, gender equality, combating discrimination, improving free movement,

immigration/integration and asylum, education and training, citizens' rights, and participatory democracy in the EU.”³⁶⁹ Here, education, training, social inclusion and citizens' rights are represented, but it is like they are uncomfortable in using culture as a descriptive term. The obvious reason is related to its hugely connoted characteristics, and how difficult it is to 'tame' it into a coherent policy. But as has been repeatedly stated in this work so far, it is of paramount importance to be conscious of the multiple uses of the culture concept, because otherwise its potentials are only used sporadically.

It also comes as a surprise that the body representing organised civil society, where culture certainly resides, the word *culture* is totally absent both in the names of the sections and in their

descriptive roles. This could, however, be an indicator of the actual role culture seems to have within the Union's policy making, i.e. according to this at least, it seems to be used as a convenient tool to legitimate the EU as something different than a 'cold' economic unity, or an 'elitist' political unity. In this fashion, culture becomes the glue holding its ideological foundations together, as well as solving one of the most recurrent headaches of the Union, namely to bring it closer to the people. However, if culture will be used in such instrumental fashion, its potentials for instance in terms of digital cultural public spheres, will not be realised. Its absence in the body of EU's organised civil society, is therefore alarming.

This absence of culture is not as prevalent in the *Committee of the Regions*, as can be seen from its main objectives and aims, as expressed on its website:

CoR

**The voice of regional and local governments
Advisory body composed of 344 representatives of Europe's regional and local authorities, roughly representing the member-states' population
Has to be consulted before EU decisions are taken on matters that concern local and regional development, including culture**

The Treaties oblige the Commission and Council to consult the Committee of the Regions whenever new proposals are made in areas that have repercussions at regional or local level. The Maastricht Treaty set out 5 such areas - economic and social cohesion, trans-European infrastructure networks, health, education and culture. The Amsterdam Treaty added another five areas to the list - employment policy, social policy, the environment, vocational training and transport - which now covers much of the scope of the EU's activity.³⁷⁰

369 “SOC Section: Presentation”, accessed 26.8.2008. URL: http://eesc.europa.eu/sections/soc/index_en.asp *Emphasis in the original.*

370 “Presentation/Role”, accessed 26.8.2008. URL: <http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=folder&id=be53bd69-0089-465e-a173-fc34a8562341&sm=be53bd69-0089-465e-a173-fc34a8562341>

The role of CoR is mainly to make the local and the regional points of view prevalent and it does so by issuing *Reports*, or *Opinions* on Commission Proposals. There are six different commissions that prepare the opinions that will be debated during the plenary sessions, and in the context of cultural policy, the *Commission for Culture, Education and Research* is the most important. This is particularly so from the viewpoint of digital cultural public spheres, since it also has the

responsibilities for ICT and the Information Society, audiovisual

EACEA

**Not a formal EU institution
Manages many practical
aspects of EU
programmes, including
EU's culture and media
programmes
Operates under the
supervision of three parent
DG's, the DG Education
and Culture, the DG
Information Society and
Media, and the EuropeAid
Cooperation office**

The final body that I want to mention here in this brief outline of the culture-political institutions, bodies and agencies of the EU, is an agency called *Education, Audiovisual and Culture Executive Agency* which manages many of the practical aspects of the EU programmes, especially those which concern youth, student and teacher programmes, and of course cultural and media activities. The agency manages various programmes such as the Culture 2007, Media 2007, Civil Society and Town-Twinning, Youth in Action Programme, Socrates, Leonardo da Vinci, and ICT Open and Distance Learning. In this context *Culture 2007* and *Media 2007* are of particular interest, and so is the absence of *Television without Frontiers*.

I will later on comment further on the role, the financial allocations and power of each of those institutions, bodies and agencies, but for the sake of clarification, I will end this short introduction to EU's main culture-political institutions by placing those institutions roughly within my culture-political models as an indicator of what kind of interests they are defending. The institutional triangle (the Parliament, the Council and the Commission) of the European Union corresponds quite nicely to the market's, the state's and the lifeworld's placements within the model. The *Commission* looks after the interests of the Union as a whole, and since the *single market* is commonly referred to as the greatest accomplishments of the Union, it makes sense to situate the Commission within the realm of the system, close to the rationality of the market. The *Council of the European Union* represents the 27 member-states, and therefore I situate it on top of the state, as it appeared in my models, and finally since the *European Parliament* is the voice of the people, it lies closer to the culture bounded lifeworld.

It might seem strange to situate the European Parliament close to the lifeworld, but if Jürgen Habermas' theory on the public sphere is revisited, he very specifically claimed that the cultural

371 See "Commission for Culture, Education and Research (EDUC)", accessed 26.8.2008. URL: <http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=folder&id=f8926265-456f-4f6c-8c0e-0d279b1cc34f&sm=f8926265-456f-4f6c-8c0e-0d279b1cc34f>

public sphere is a necessary prerequisite for the political one, simply because people need to draw upon cultural connotations to be able to participate in the political one. This point has also been taken up by Peter Dahlgren who maintains that “[t]he political and politics are not simply given, but are constructed via word and deed.”³⁷² These words and deeds are closely related to what he refers to as civic cultures, emphasising the role of values, affinity, knowledge, identities and practices on political procedures and discussions. All of these concepts have close affinities with the lifeworld, and that is why I situate the European Parliament so close to them.

Even though the EESC can be criticised for not being too clear on its cultural role, it is nevertheless a body representing the voice of the civil society, and therefore I place it firmly in the lifeworld, and since CoR is the voice of the regional and local government on a sub-national level, I put it under the state, closer to the lifeworld, but still as a bureaucratic body following a rationale more akin to the power seeking rationale of the state, than the communicative actions of the lifeworld.

Finally, even though the EACEA can be said to manage many practical aspects of some of the large cultural programmes, it is the Commission that essentially finances it and sets its ideological aims, of course in a cooperation with the other two corners of the institutional triangle. However, the outsourcing nature of such agency puts it at a certain distance from the Commission itself, and therefore I situate it on the Commission's economical side of the model, but closer to the lifeworld.

These are in short terms the major actors that decide upon and manage the cultural policy of the European Union. I will later go deeper into the culture-political strivings of each and every of them, and this sub-chapter is first and foremost meant as a short introduction to the structure of the European Union and to demonstrate the role of each institution and the decisions procedures behind the cultural policy of the Union. However, this sub-chapter was also meant to indicate the role that culture seems to have within the Union, and the use that the Union tends to privilege to it. Even though the EU first made culture a legitimate affair with the Maastricht Treaty, it is very hard for a political body to escape the effects of culture, especially in its anthropological version, and in later times, its digital version. Next sub-chapters will be dedicated to finding traces of such use prior to the Maastricht Treaty, and the reason for such investigation is that it is a good indicator on whether culture is mainly looked upon as an instrumental force to enhance the power and the financial growth of the system, or whether its use has more be bounded to communicative, expressive, aesthetic acts, belonging in the lifeworld.

³⁷² Dahlgren 2005: 158.

The First Culture-Political Documents

According to Peter Duelund's analysis of EU's cultural use prior to the Maastricht Treaty, it was mainly used in an instrumental fashion, where the goal was to use its power to enhance economic and technological growth.³⁷³ As culture was not a legitimate field of intervention according to the Treaty of Rome these first cultural strivings were characterised by certain carefulness, where the concept of culture was repeatedly legitimised by serving economical and political interests. This carefulness concerning the implementation of the culture concept in the Community's hands is well reflected in the first documents produced by the Commission in the 1970's.

In 1973, the Commission for instance set up a committee, which amongst other things, touched upon culture related issues. However, in 1977, the Commission presented a bit more extensive actions within the cultural sector. In this document, the Commission is very careful in stating that those actions do not constitute a cultural policy, but rather a framework for increasing the economical and social standards of people working as cultural creators. It is specifically stated that the Community could not make any interventions into artistic creations, or to culture as such, since it obviously has to follow its own Treaty: "The Communication does not deal with the arts themselves; nor does it expound a policy. Its main emphasis is on how to improve the economic and social situation of all those who, on one way or another, are constantly engaged in artistic creation."³⁷⁴ However, according to the Commission's interpretation, it could all the same intervene and "help to overcome the difficulties besetting the people ('cultural workers') and undertakings (publishing houses, theatres, concert societies, cinema chains, etc.) engaged in producing and distributing 'cultural goods and services'."³⁷⁵

As can be seen, the Commission specifically mentions book publishers, theatre, concert organisations and the film industry, as fields where intervention would not go against the Treaty. The emphasis is thus on free movement of cultural goods, on the harmonisation of taxation systems and legislation, and on social measures. This emphasis is of course very understandable since it would be very difficult for the Commission to move outside what the Treaty allows, but all the same, two recurrent themes in what was later to become EU's cultural policy are made known, namely to conserve monuments and cultural sights of importance for the Community, and to

373 Duelund divides EU's cultural process in four phases prior to the Maastricht Treaty; from 1957-1977 (certain laissez-faire view regarding the societal and political importance of culture, with more emphasis on economic, pragmatic issues), from 1977-1982 (culture becomes an issue worth debating, especially from economical interests in the audiovisual field), from 1982-1986 (occupied with problems concerning the definition of culture, as the Treaty of Rome only allowed an economic adaptation of the concept) and finally from 1987-1992 (the Commission releases its first real framework programme called a *Fresh Boost for Culture in the European Community*, where culture was very much tailored according to the economical, technological and political interests). See Duelund 1994: 225-229.

374 *Bulletin of the European Communities* 11/1977: 13.

375 *Ibid.*

develop cultural exchanges that could help in enhancing a deeper understanding between the Community's people. Or put differently, to establish the idea of a *European 'high' culture*, and to use this eminent *cultural heritage* to enmesh the citizens with a feeling of a *European identity*.

Those objectives are made even clearer in an *EC Bulletin* supplement from 1977, which is a Communication from the Commission to the Council, dated from the 22nd of November. The supplement is called *Community Action in the Cultural Sector*, and is a direct response to the Parliament's Proposal, which was carried on the 13th of May 1974. In this proposal it was maintained that the European identity was anchored in the cultural heritage, and thus served as the binding force holding the European population together. The Commission was also asked to put forward proposals on removal of administrative barriers that hinder the exchange of cultural works, harmonisation of fiscal arrangements, to create a fund for the restoration of cultural monuments, and to fight against illegal trafficking with cultural goods.³⁷⁶

The *Community Action in the Cultural Sector* is a clear response to the Parliament's wishes, and the first rapport on what the Community can allow itself within the cultural sector. However, as a symptom of the legal problems of introducing culture within the sphere of the European Community, the following quote from the *Community Action in the Cultural Sector*, is quite exemplary of the Community's first cultural strivings:

The cultural sector may be defined as the socio-economic whole formed by persons and undertakings dedicated to the production and distribution of cultural goods and services. Community action in the cultural sector is therefore necessarily centred on solving the economic and social problems which arise in this sector as in all others – sometimes, even in more acute form. Firstly, it aims to support culture by gradually creating a more propitious economic and social environment.

*Just as the 'cultural sector' is not in itself 'culture', Community action in the cultural sector does not constitute a cultural policy.*³⁷⁷

Here, right from start, culture is defined as a social, economical complex, and it is specifically stated that the cultural sector is not culture, and that those cultural strivings cannot be looked upon as a cultural policy. All the same, the intentions behind those actions are quite clear and serve as an indicator on what was later to be expected from the Community.

The next decisive step is taken five years later with the Communication on *Stronger Community Action in the Cultural Sector*. Now, the Commission specifically pinpoints four areas

³⁷⁶ See *Bulletin of the European Communities* 5/1974: 78.

³⁷⁷ *Bulletin of the European Communities—Supplement* 6/77: 5. *Italics are mine.*

which are of cultural relevance to the Community: Freedom of trade in cultural goods, improving the living and working conditions of cultural workers, enlarging the audience, and conservation of the architectural heritage.³⁷⁸

The first is mainly of administrative character, where the point is really to coordinate the exchange of cultural goods, with other kinds of goods, so that it will be in better concordance with the Treaty. The second one is likewise rather general, since it is in any case one of the main objectives of the Community to enhance its member-states living standards. Within the cultural sector, the Community for instance established educational grants for architectural conservators, and at the same time established personal contacts between co-workers in different member-states, as well as pan European projects like the Community's Youth Orchestra. A coordination of copyright laws is also high on the agenda, and goes under the enhanced living and working standards group. Concerning the third strategy, the Community had already given financial support to cultural arrangements, such as festivals, and with its participation in the 1985 European Year of Music project. Furthermore, it had also participated in establishing a European network of film distribution, and supported poetry in Europe. However, there are two things of particular interest which in my view reflect quite nicely the somewhat elitist approach the Community's intervention in the cultural sector was characterised by, during these early stages of cultural intervention.

The first example is an art exhibition which was called *The Exhibition of a Hundred and Fifty Young Community Painters*, and as the title suggests the aim was clearly to select examples of great European art, and to use those connotations to enmesh the EC citizens with a feeling of European identity. However, it is not just the content itself that is interesting, but also the fact that by issuing such exhibition, the Community is obviously interfering on a legal borderline, since culture was not at that time included within its Treaties.

The second example is dedicated to the objectives for the *European Music Year*, which was very much characterised by a highbrow application of a humanistic approach towards culture, as the following lines demonstrate:

When the European Parliament decided that the Community and the Council of Europe would organise European Music Year – 1985, the intention was to celebrate the tercentenary of the births of Bach , Handel and Scarlatti.

But it became clear that, if a wider audience was to be reached, there was little point in sticking to the conventional approach, which often means giving the same concerts to a small audience.

³⁷⁸ See *Bulletin of the European Communities – Supplement* 6/82: 8.

European Music Year will endeavour to enlarge the audience in three directions: music in general, for young people and adults who still have no contact with it; the works of contemporary composers, all too neglected by music lovers themselves; young instrumentalists, whose early careers are often very difficult.³⁷⁹

To move from Bach, Handel and Scarlatti, to young instrumentalist and contemporary composers, can hardly be said to be revolutionary, and the overall emphasis of the Communication is therefore clearly on highbrow humanistic culture, and on the urge to use the European architectural heritage to enmesh citizens with a feeling of European solidarity. The last area was also prevalent in the Communication from 1977, and can be seen as a manifestation of the Community's wishes to make the architectural heritage an important culture-political issue.

In an introduction to the Communication, Gaston E. Thorn, at that time the President for the Commission of the European Communities, wrote that the Communication does not contain what he refers to as philosophy of culture. The reason for that is this would mean ideological and aesthetic choices, which the Commission was not allowed to take. However, as has been stated, the EC was already making those choices, for instance by emphasising certain topics, and even certain exhibitions, which they promoted. But yet again, this really describes the problems that EC's cultural strivings prior to the Maastricht Treaty, and the increasing need to contain culture within its legal frames. Thorn is also very precise in indicating that it is not the Community's intention to step into the legal domain of its member-states, and therefore the Commission had to raise some concept confusion which allowed for a favourable, legal interpretation of their cultural doings:

One expression seems to me to epitomize the spirit in which we compiled this paper: instead of speaking about 'artists' we speak about 'cultural workers'. This is intended to show that the Community is concerned with creators (writers, composers, painters...) and performances (actors, musicians, singers and dancers...) seen in terms of their social situation as employees or self-employed people and not of their artistic personality which is their business and theirs alone.³⁸⁰

Such carefulness of working within the legal norms of the Treaty, at the same time as not stepping on the toes of the cultural doings of the member-states, is really symptomatic of the Community's early, and in many cases also later, cultural interventions. But working within the legal norms means emphasising the economical aspects, and it is precisely there that the

³⁷⁹ *Ibid*: 25.

³⁸⁰ *Ibid*: 5.

Community mainly left its finger mark. Content-wise, Gaston E. Thorn keeps on emphasising the conservation of historically valuable buildings, but he also mentions the developments within the audiovisual media, and the need for good content to fill up the European TV satellite transmissions. In the actual Communication, this is phrased in the following way: “The aim of a European audiovisual policy will be to avoid ruinous competition between the media and get them to work together to disseminate European culture, guaranteeing each country its rightful place in the Community and in the international context.”³⁸¹

And later on, concerning the distribution of European films:

The best way to secure more effective distribution would surely be for Community distributors to establish a European network whose strength would help to balance the American majors. A start could be made with a trial period in which the Community action, consisting mainly of ensuring that a sufficient number of copies are released, will facilitate the distribution of films to be selected at a European Film Festival.³⁸²

To maintain that such statements are deprived of ideology and aesthetics is rather bold, since there is precisely talk about both strategic, instrumental ideology focusing on the financial growth of the European audiovisual industries, but at the same time, there are aesthetic suggestions concerning the content of those same industries. However, the problem remains the same. As long as culture is not legally on the agenda, it has to be looked upon from the anthropological point of view, mainly as a spill over to encourage other societal bodies. This becomes even clearer still in the Communication's conclusion:

There is no pretension to exert a direct influence on culture itself or to launch a European cultural policy; what stronger Community action in the cultural sector means in effect is linking its four constituents – free trade in cultural goods, improving the living and working conditions of cultural workers, widening the audience and conserving the architectural heritage – more closely to the economic and social roles which the Treaty assigns to the Community, to the resources – mainly legislative – that it provides, and to the various Community policies (vocational training, social and regional policies).³⁸³

As can be seen from these reports and Communications, the Commission was very determined to

381 *Ibid.*: 13.

382 *Ibid.*

383 *Ibid.*: 14.

define the production and distribution of cultural goods according to economic business standards. Therefore, it is safe to say that the culture-political strivings of the EU, from its foundation and up to the Maastricht Treaty looked very much upon the culture concept in industrial terms. As the culture industries, and in particular the audiovisual industries grew and their powers in affecting and moulding the identity formations of people became more obvious, more attention was given to the works of particular the anthropological version of culture. The EU's problem was mainly in terms of legitimacy, i.e. since culture was not included in the Treaty, it was impossible to make it an 'official' subject which would include a more versatile use of the culture and the art concepts.

This did not, however, prevent the Community in conducting 'unofficial' talks regarding culture, and in 1983 the Ministers of Culture within the member-states for instance met in an intergovernmental forum. Even if this forum could not be legitimised formally into the Community's cooperation, it was all the same an important indicator of which policy areas were important to the Union, and is thus a criterion on what was to expect from the Union in cultural matters. According to the *EC Bulletin* from November 1986, the Council and the Ministers responsible for cultural affairs met yet again and adopted a resolution concerning *European Cinema and Television Year* for 1988. In this resolution it is amongst other things maintained that “the audiovisual media are among the chief means of conveying information and culture to the European citizen and contribute to the strengthening of the individual European cultures, as well as the European identity”³⁸⁴, and that “Europe must be strongly represented in the making and distribution of audiovisual products, thus contributing to laying the foundations of an ever closer union amongst [sic] the peoples of Europe”³⁸⁵.

Apart from adopting Resolution on the European Cinema and Television Year, the Council also adopted three other Resolutions concerning *Europe's architectural heritage*, *business sponsorship of cultural activities* and *conservation of works of art and artefacts*. Matters concerning conservation and the architectural heritage are recurrent themes in those pre-Maastricht cultural doings of the Community, but what is of most concern here is the openness the Community entails when it comments upon the necessity of business sponsorship of cultural activities:

Strengthened support from a plurality of sources is the best guarantee for safeguarding and developing the cultural heritage and cultural activities. The aim of the resolution is therefore to encourage private financial support for cultural events, in particular in the form of patronage and sponsorship, and to promote incentive measures by Member

384 OJ C 320, 13.12.1986: 4.

385 *Ibid.*

And in the actual Resolution, the benefits of such business related culture-political model is formulated in the following way:

A greater degree of artistic activity enhances the cultural life and leisure activities of European citizens. It provides various benefits, including increased tourism, at local, regional and national levels, as well as to the European Community as a whole. The business concerned can improve their image, the environment for their work force is improved, and often through such artistic activity and extra inducement is provided to industry to locate itself or remain located in a particular area.³⁸⁷

However, already on 19th of June 1981, the 10 Heads of State and Government signed the so-called *Solemn Declaration on European Union* in Stuttgart, and here a paragraph is dedicated to cultural cooperation. As can be seen from the *Bulletin*, “improving the level of knowledge about other Member States of the Community and of information on Europe's history and culture so as to promote a European awareness”³⁸⁸ was one of the major objectives. Others include the importance of the cultural heritage, to encourage activities within cultural communication, where the audiovisual media is specifically mentioned, to establish a tight network between writers and other cultural creators and a better coordination with third countries. All of these objectives are included in what was later to become Article 128 of the Maastricht Treaty, and therefore it is safe to say that the actual manifestation of EU's cultural policy has been developed over a long period of time, where the same objectives keep on surfacing.

At the Council's meeting in Dublin, which took place from the 3rd to the 4th of December 1984, a committee was created that, amongst other things had the cultural question on the agenda, particularly how the Community could put the common cultural values to the fore. In a rapport from the committee, a special section is dedicated to the *promotion of the common values of civilisation*. Six steps are specifically mentioned, but as yet another symptom of the Community's legitimising problems within the cultural sector, only one regards culture as such: “The promotion of European cultures, in particular through the European Foundation and the European University Institute. Common measures will have to be initiated, particularly to encourage transnational cooperation in the field of audiovisual communication.”³⁸⁹ The other five steps include subjects like environment

386 *Bulletin of the European Communities* 11/1986: 53.

387 OJ C 320, 13.12.1986: 2.

388 *Bulletin of the European Communities* 6/1983: 28.

389 *Bulletin of the European Communities* 11/1984: 103.

protection, promotion of a social Europe, more collaboration on issues regarding judicial cooperation, the fight against organised crimes and terrorism, and finally the protection of human rights throughout the world.

As can be seen, the actual cultural step resides mainly around the common theme of strengthening the European audiovisual industries. This same committee sent another rapport to the European Council at its meeting on the 29th and the 30th of March 1985, where culture is also included. Even though the scope of this clause is not large, it is all the same another valuable predecessor of what was later to become Article 128. Under the same title *Promotion of the Common Values of Civilization*, there now appears a subtitle called *The Promotion of the Common Cultural Values*. Here, the objectives are much better defined, and actually only have cultural issues on the agenda:

European culture is one of the strongest links between the States and peoples of Europe. It is part of the European identity. The promotion of the European cultural identity should be a comprehensive expression of the cultural variety and each nation's individual values which form an integral part of it.³⁹⁰

Here, there has been a clear shift towards seeing culture as a binding force that is capable of enmeshing European citizens with a feeling of a supra national identity. The unity in diversity objective is also prevalent since there is talk of *a European culture* in the singular, at the same time that the cultural plurality is a valuable asset in itself. Following this introduction, the committee introduces seven steps to promote those common cultural values, where the safeguarding of the European cultural heritage, support to cultural creations, measures to overcome language barriers, the development of European new media, the removal of barriers for free circulation of cultural goods and communication, a more knowledge of the different European cultures and intensification of exchange programmes, stand side by side.

In overall terms it is therefore safe to say that the protection of the European cultural heritage, the emphasis on the 'cultural single market', especially the audiovisual ones, and a rather highbrow humanistic version of culture, are at the front, at the same time as the versatility of European cultures is acknowledged, and the importance of constructing and generating the idea of a European cultural identity. So here the inner contradiction of EU's cultural policy is already prevalent, i.e. it wants to promote *unity* and *diversity* at the same time. However, it seems as if more emphasis was put on the *unity* dimension, and what is even more important, cultural goals and

390 *Bulletin of the European Communities* 3/1985: 106.

values were under-privileged at the account of political and economical views. This development of the cultural policy of the Community was further confirmed with the acceptance of the 'single market' in 1986, which pushed economical matters further on the agenda.

Framework Programme from 1988-1992

The effects of the single market, or the common market as it is often called, were very evidently felt in the framework programme for the period 1988-1992, called *A Fresh Boost for Culture in the European Community*. This very important paper is a Commission Communication to the Council and Parliament transmitted the 14th of December 1987, and is an important piece in the Community's culture-political doings prior to the Maastricht Treaty. In the foreword by Carlo Ripa di Meana, member of the Commission with special responsibility for culture, it is claimed that the Communication is to provoke an in-depth discussion for the Community's actions in the cultural sector, building on top of the already mentioned supplements from 1977 and 1982. He furthermore claims that cultural activities are political, social and economic necessities, and a very important tool in the completion of the internal market and the progression from a people's Europe, to a European Union. The interrelations between culture, politics and economy are therefore accepted, and the culture concept is used as means to complete the economic advantages of a single market, and again to enmesh the European population with a sense of European identity. This is further exemplified in the following quotation from di Meana's foreword:

Europe's cultural identity is nothing less than a shared pluralistic humanism based on democracy, justice and freedom. Expressed in the diversity of our local, regional and national cultures, it is the basis for the European Union, which has goals other than economic and social integration, important though these may be.

And it is this sense of being part of a European culture which is one of the prerequisites for the solidarity which is vital if the advent of the large market – and the resulting radical changes in living conditions within the Community – is to secure the popular support it needs.³⁹¹

According to this, Europe's cultural identity is the basis for the European Union, and it is specifically stated that its role is not solely economical or social. However, at the same time, this supposed European culture, which di Meana does not attempt to define further, is clearly used in an instrumental fashion to serve as a solidarity glue that is supposed to bind the advent of the singular

391 *Bulletin of the European Communities - Supplement- 4/1987: 5.*

market together. This ambivalence between using culture to serve the interests of the system on the one hand, and the cultural plurality residing in the lifeworld on the other, is therefore yet again prevalent in di Meana's account of culture.

This is further strengthened in the actual Communication where it becomes even more obvious that culture in the Community's understanding is first and foremost understood as a spill over to economical and technological developments. In short, culture is to secure support to the long time commitment of a large European market, and serve as a convenient way of binding together economical interests, political interests and technological interests:

New impetus for Community measures in the cultural sector is also an economic necessity.

The explosion of new technologies which is currently transforming our industrial society into a civilization based on information and communication presents a triple challenge: Europeans must preserve the special features of their culture, adapt to new means of expression, particularly in the audiovisual field, and become competitive in new forms of trade. The stakes are high because the links and interrelationship between the economy, technology and culture mean that cultural activities now account for an increasing proportion of the economy as a whole.³⁹²

What is important from the viewpoint of digital communication and new media platforms, is the fact that they seem to be indicated in the long term cultural policy making of the European Community. Those platforms are clearly seen as challenges, and therefore, the responds are of particular interest. While on the other hand it is acknowledged that Europeans must preserve special characteristics of their culture and adapt to new audiovisual expressions, it is again stressed that culture has great economical significance and should be used to increase the competitive prowess of the European market.

In 1987, when the *Boost* was made public, culture was still not legally accepted in the Community, and therefore, it does not have to come as a surprise that the economical interests are at the forefront of this first framework programme. However, the other aspect concerning the special features of culture and to adapt to new means of cultural expression, particularly through new means of communication, are also prevalent. Even though it could be argued for that these are also meant as instruments to further strengthen the European audiovisual industries, *culture's special features* also open up for the intrinsic values of *semi-autonomous cultural public spheres*. This is not specifically mentioned in the Communication, but those two ways of looking upon culture and

³⁹² *Ibid*: 6.

cultural policy, i.e. as instrument to further the economical and political rationale, and as an instrument to encourage cultural participation, are prevalent within EU's cultural policy.

There is however, no question of which side the *Boost* takes on the matter, as the following lines clearly demonstrate:

In discharging its economic, social and legal responsibilities, the Commission will pay particular attention to the free movement of cultural goods and services; better living and working conditions for those engaged in cultural activities, the creation of new jobs in the cultural sector in association with the expansion of tourism and regional and technological development, and the emergence of a cultural industry which will be competitive within the Community and in the world at large.³⁹³

The framework programme is more specifically divided in the following five categories; *Creation of a European cultural area, promotion of the European audiovisual industry, access to cultural resources, training for the cultural sector, and dialogue with the rest of the world*. For the context of this work, the three first objectives are of particular importance, especially the one on access to cultural resources. Concerning the question of cultural access, the Commission proposes that the Community should concentrate on improving knowledge of languages in Europe, to support the promotion of culture in the regions by encouraging European cultural events such as *European Cities of Culture* programme, and finally introducing a young people pass, giving the European youth special price on admission to museums and cultural events.

The aim on *improving knowledge of languages* mainly revolves around multilingualism, and the Communication sees this subject as one feature of the Community's rich cultural diversity. Such multilingual diversity can however be an obstacle in terms of mutual understanding, and therefore it is proposed that it is necessary to enrich contacts and knowledge by introducing aids to better communications, such as language training, translation, dubbing and subtitling. When promoting *culture in the regions*, the Commission has also a plan to widen audiences, to promote decentralisation and step up cultural exchanges. Here, the method proposed is to promote European cultural events, and to bring European authors, actors and musicians into contact with each other. This proposition is followed by an interesting clause that is in my view, rather typical of the vision the makers of EU's cultural policy followed, and is still prevalent in the current cultural doings of the Union:

³⁹³ *Ibid*: 7.

The Commission intends to continue to encourage European cultural events and tourism and to refine its overall approach, sector by sector, with the help of experts and in collaboration with those responsible for culture and for the promotion of tourism at both national and regional levels. It will continue to give priority to the most significant European initiatives, especially those which give young European artists a chance to perfect their techniques and show off their talents (e.g. the European Community Youth Orchestra) in Europe and in the world at large.³⁹⁴

The Communication also further stresses the importance of the European Cities of Culture programme in this respect. However, what is in my view interesting is how easily the *European cultural events* and *tourism* are combined, but as has been stated before in this work, the latter does not necessarily support the emancipative, semi-autonomous aspects of the former. Another culture-political feature that is easy to detect, is the tendency to write a European culture, in singular, and link this singular, high brow definition to singular high brow projects like the European Community Youth Orchestra.

This tendency is yet again obvious in the section regarding the *preservation of Europe's cultural heritage*, where it finally becomes a little bit clearer what the Community means by European cultural heritage: “These will correspond to the various architectural features of monuments and sites which are to be preserved and exploited in the regional and tourist environment (e.g. 'industrial' sites and monuments of the seventeenth century, Romanesque buildings (secular and religious) in the rural environment, Art Nouveau in the European cultural area, etc.)”³⁹⁵

Apart from the word *preserve*, it is also openly stated that these sites should be *exploited* for the benefits of regional and tourist environments. Furthermore, there is clearly talk of a rather classical approach to the concept of cultural heritage. The Commission seems to be aware of this and thus also proposes a different exploitation of a different heritage: “It would also like to extend its activities to other areas of Europe's heritage and support efforts being made in the Community to preserve and exploit cultural riches both past and present and to develop their potential as tourist attractions: museums, galleries and libraries, whether of books, records, videos or films.”³⁹⁶

Here, it is very much in the open. According to this Communication that lays the ground for Article 128, and the future cultural policy of the European Union, one of its most persisting subjects, i.e. the reservation of the cultural heritage, does not only resolve around historical

³⁹⁴ *Ibid.*: 20.

³⁹⁵ *Ibid.*

³⁹⁶ *Ibid.*

buildings and venues, but also aims at preserving and exploiting museums, galleries, libraries, books, records, videos and films, for the purpose of culture tourism. This can be seen as a very direct evidence of a rationale that lies closer to the system, than that of the lifeworld.

This tendency is also apparent in the other two fields that I have identified as important for this work, namely the one on *the creation of a European cultural area*, and the one on *the promotion of the European audiovisual industry*. Concerning the first one, the following phrase, serves as a good indicator:

With an eye to the advent of the large internal market, the creation of a European cultural area involves giving priority to the free movement of cultural goods and services, improving the living and working conditions of those involved in cultural activities, creating new jobs in the cultural sector in association with the expansion of tourism and regional and technological development and encouraging the emergence of a cultural industry which will be competitive within the Community and in the world at large.³⁹⁷

The emphasis is again on the common market, the free movement of cultural goods and services, the outer conditions of cultural workers, new jobs, tourism, technological development and the strengthening of the cultural industries. On a section regarding the cultural aspects of the internal market, it is claimed that the “competitiveness of the 'audiovisual' sector is to be considered one of the main priorities, from the industrial point of view as well as from the cultural point of view”³⁹⁸, stressing the instrumental use of culture yet again.

Other aspects follow under the indirect tools of cultural policy category, where it is for instance mentioned that a clear need is for a common definition from the member-states regarding the definition of national treasures, and the implementation of procedures protecting those national treasures, action to combat art thefts, the harmonisation of existing tax provisions, especially concerning VAT clearing mechanism.

The importance of statistical information on cultural Europe are further stressed, and can this be looked upon as a typical New Public Management initiative, where it is the numbers and comparison to other years and other member-states, that is the success criteria. Another similar clause on business sponsorship follows the same rationale, where efforts are made to establish relations between the business life, and those engaged in cultural activities, for instance “by systematically encouraging national or European companies to support cultural projects, not merely to enhance their own image but also to contribute to the development of cultural activities and the

³⁹⁷ *Ibid*: 9.

³⁹⁸ *Ibid*: 10.

promotion of Europe's heritage.”³⁹⁹

Finally, from the viewpoint of digital cultural public spheres, the Communication's promotion of the European audiovisual industry, is of importance, especially the mentioning of a proposal for a Directive on broadcasting. The Commission is very attentive regarding developments within communication, and as can be seen from the excerpt below, a strong audiovisual policy is supposed to keep Europe united in an audiovisual industry that is less and less dependable of national frontiers:

If no concerted action is taken at European level, spontaneous integration will not occur quickly enough. And the resulting delay would leave the European market, the richest in the world, open to invasion by non-European concerns capable of meeting the demand for hundreds of satellite channels and cable networks, squeezing out the European industry in the process. The resulting decline of the audiovisual industry in Europe would probably be irreversible.⁴⁰⁰

And if someone should be in doubt over where to locate this threat towards the European audiovisual industries, the Communication disposes clearly of it when it later on maintains that “[t]here is a general awareness that the invasion of American and Japanese programmes represents a threat to Europe's cultural independence.”⁴⁰¹

As a final remark on this *Fresh Boost for Culture in the European Community*, it is worth mentioning that according to the fifth objective of the Communication, the one on *dialogue with the rest of the world*, it is claimed that this cultural dialogue should be pursued on two levels. On the one hand the Community's actions are supposed to be coordinated externally through the cultural attachés in the diplomatic representations of the member-states, in the Commission's external offices and national cultural centres, and on the other hand internally through travelling festivals, which are supposed to be coordinated through the embassies.⁴⁰²

It is therefore safe to say that even though this *Fresh Boost for Culture in the European Community* puts the greatest emphasis on policy and projects that serve the interests of the economical rationale, it does also promote a very selective elitist version of cultural happenings, suitable for diplomatic circles. This economical emphasis goes hand in hand with the completion of the single market, but as the effects of the common market were greater felt, a certain culture-political paradox arose, because now the individual member-states could not as freely give financial

399 *Ibid*: 11.

400 *Ibid*: 13.

401 *Ibid*.

402 See *ibid*: 25.

support to the local cultural market and the local cultural life. The reason for this was quite simple, since one of the aims of the single market was indeed to hinder such unbalanced national financial allocations.

This was for instance greatly felt within national film industries, where prior to the single market, there was a tradition for national, financial allocations to the respective national film industries. With the advent of the single market, such allocations became situated within a grey zone, where the Commission could in principle interfere. Such financial steering could very easily jeopardise cultural diversity, since the market mechanisms were for instance not as prone to support a Danish film, coming from a small language society, and would therefore perhaps rather take the change with an English, French or a German film production.

EU's Formal Cultural Policy: Article 128 and Article 151

A Closer Look

The reason why I made this little 'detour' into the pre-Maastricht cultural doings of the Union, was to illustrate shortly the road towards what was later to become Article 128 of the Maastricht Treaty, later transformed into Article 151 of the Amsterdam Treaty, and why it emphasises precisely those policies instead of some others. What is in my view important to state here, is the fact that during the pre-Maastricht period of the EU, cultural use within the Community had already taken form, and when things have taken form, it can be hard to 'deform' them again. Economical interests in the form of shaping a competitive European cultural and audiovisual industries, and political interests in the form of building an imagined European community, mainly through a very conscious use of the European cultural heritage, are elements that were prevalent during this pre-period, and their influences were also felt in the actual cultural article of the Maastricht Treaty. Therefore, the instrumental, strategic rationale of the system, seems to be a decisive generator behind Article 128.

This should, however, not come as a surprise since the makers of the pre-work that took place in shaping the article, had to work by the economical and political limits that the existing Treaty of Rome set them. However, even though there was a clear tendency to use culture according to the rationale of the system, the other emancipative, intrinsic, semi-autonomous *diversity-view* kept also resurfacing and this resulted in a certain duality in Article 128. Therefore, the Article 128 and later Article 151 do not automatically lock culture in a state of permission culture, as some of their objectives clearly correspond to what I have referred to as access culture. In my view, this is therefore a question of interpretation and policy prioritising. There remains no doubt on what was prioritised prior to the Maastricht Treaty, and as we will see, the remaining chapters of this work are mainly dedicated to examining how the different bodies within the EU have interpreted and

prioritised those Articles after the Maastricht Treaty.

In order to do that, I will now go further into the depths of Article 128, which looks like this in its totality:

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.
2. Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas: - improvement of the knowledge and dissemination of the culture and history of the European peoples; - conservation and safeguarding of cultural heritage of European significance; - non-commercial cultural exchanges; - artistic and literary creation, including in the audiovisual sector.
3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.
4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty.
5. In order to contribute to the achievement of the objectives referred to in this Article, the Council:
 - acting in accordance with the procedure referred to in Article 189b and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonization of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedures referred to in Article 189b;
 - acting unanimously on a proposal from the Commission, shall adopt recommendations.⁴⁰³

The first paragraph touches upon the *unity in diversity* issue, since it both wants to contribute to the flowering of the member-states' cultures, as well as bringing the common cultural heritage to the fore. This paragraph allows for much interpretation since it is neither further defined what this contribution should be made of, nor what this common cultural heritage is made of, and how it should be developed. The question of cultural heritage is, however, as already noted, a prevalent issue in most cultural policy, and therefore it is not surprising to see it here as well.

According to paragraph 2, which is the most important from the viewpoint of this study, the

403 OJ C 191, 29.7.1992. "Treaty on European Union", accessed 1.7.2008. URL: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

Community wishes to encourage cooperation between member-states, and support and supplement it in the history and culture of the European peoples, in cultural heritage of European significance, in non-commercial cultural exchanges and in artistic, literary and audiovisual creations. Yet again, cultural heritage gets special attention, but it is not stated further what counts as European significance, and what does not. Likewise, the formulation of *the history and culture of the European peoples*, points towards a rather narrow, highbrow definition of a singular European culture. The latter two sections of paragraph 2 are however very openly phrased. No restrictions are set on what is meant by non-commercial cultural exchanges, and it is likewise not stated further what kind of artistic, literary and audiovisual creations the policy covers. Such openness is rather typical of cultural policy, since it is relatively prone to be formulated in a very wide manner, leaving it up to the officials to define the borders further, and the actual realisation of its policy.

The third paragraph encourages the Community, along with the member-states, to cooperate with third countries, and not least to other international organisations. The fourth paragraph is in my view more important as it is decisive from two different angles. On the one hand it recognises the importance of culture, very much in the same way as Jürgen Habermas did in his original blueprint of the public sphere. According to this view, culture is an underlying force, or an underlying structure that codes other societal spheres with meaning. The political public sphere would not have any real connotations to the civil society of the lifeworld without being affected, and up to a certain degree coded by the cultural one. So by acknowledging this, the Community is acknowledging the widespread implications of the culture concept.

On the other hand, such use is also capable of inspiring an altogether different use of the culture concept, especially in its anthropological version. Here, the problem is that culture is used as a tool to promote other societal spheres, such as the *system* with its strategic, instrumental money driven *market*, and the power ridden politically controlled *state*. Therefore, this use corresponds nicely with the technological, economical and political use of culture within the Union, as already accounted for.

In the Treaty of Amsterdam, from 1997, paragraph 4 was amended and stands like this today: “The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures.”⁴⁰⁴ During those five years, from the Maastricht Treaty, to the Amsterdam Treaty, an interesting change has been made that stresses further the promotion of the *diversity of cultures*. Therefore, *cultures* in the plural are finally represented in EU's formal cultural policy. Apart from this change, other things

404 OJ C 340, 10.11.1997. “Treaty of Amsterdam amending the Treaty on the European Union, the Treaties establishing the European Communities and related acts”, accessed 26.08.2008. URL: <http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html>

were not amended, even though the Article's formal title changed from 128 to 151.

This means that *paragraph 5* still stands as it did in 1992, apart from the fact that what was article 189b in the Maastricht Treaty, is now Article 251. Paragraph 5 is really a formal explanation on how the decision procedures are within the cultural sector, and in its whole, it is quite precise on the various procedures that respond to different situations caused by the cooperation of the Commission, the Council and the Parliament. This is therefore a formalised decision procedure between the different EU bodies, and the rest of the paragraphs is a more detailed procedure on how to tackle different circumstances that might arise between those bodies with the aim of securing the trajectory from the Commission's Proposals to the Council's and the Parliament's Decisions.

What is however of particular interest in this trajectory is the fact that paragraph 5, in Article 128, requires the Council to act unanimously on a Proposal from the Commission, but the same cannot be said for paragraph 3d in Article 92⁴⁰⁵, which is in the section of aids granted by states. This is therefore a kind of an exception paragraph, and states that “aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest”⁴⁰⁶, may be considered to be compatible with the common market. What this basically means is that this article puts the whole of Article 128 in a grey zone because yet again no attempt is made to define what is meant by *culture* or *heritage conservation* for that matter, and furthermore, it is kept very open what *affecting* trading conditions and compatibility really means. To add still to the confusion of the relations between Article 128, and Article 92(3d), the decision making process behind them is not the same. As already stated, Article 128 requires unanimity, while Article 92(3d) adheres to Article 94, which is formulated in the following way: “The Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, may make any appropriate regulations for the application of Articles 92 and 93 and may in particular determine the conditions in which Article 93(3)⁴⁰⁷ shall apply and the categories of aid exempted from this procedure.”⁴⁰⁸ Therefore, the exception article only requires *qualified majority*, while Article 128 requires *unanimity*. The formal procedures behind the two are at odds, and this makes the decision procedure unnecessarily complicated.

When Article 128 (151) is looked at from the perspective of the theoretical bulk already prepared, and from the development that I have hitherto traced, it is safe to say that on the outset,

405 Article 92 from the Maastricht Treaty, was later to become Article 87 in the Amsterdam Treaty.

406 See OJ C 191, 29.7.1992. “Treaty on European Union”, accessed 1.7.2008. URL: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

407 Article 94 in the Maastricht Treaty, was later to become Article 89 in the Amsterdam Treaty.

408 See OJ C 191, 29.7.1992. “Treaty on European Union”, accessed 1.7.2008. URL: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

the policy aims at a mixture of the *anthropological* and the *nationalistic* culture definitions. In the policy itself, there is no mentioning of artistic excellence associated with the humanistic cultural concept, and the digital variation is not prevalent. This does not come as a surprise since its implication was not as felt in 1992, as it is now. It does however come as a surprise that it was not represented in the later Treaties, especially the Treaty of Nice, and in the Constitution.

However, in general terms, two different cultural policies can be detected from Article 151. On the one hand there is the emphasis on the member-states' *cultural diversity*, and on the other hand, there is an emphasis on the Union's *cultural unity*. As already claimed in the first part of this thesis, diversity is harder to govern. It looks good on paper, but it is harder to build a coherent cultural policy on differentiated, dispersed platforms. Unity is on the other hand easier as theoretical constructions, and can therefore be good tools in the construction of the 'imagined European community'.

Putting EU's Pre-Maastricht Cultural Policy and Article 128 (151) into Perspective

From the viewpoint of the outer boundaries of my models, which consist of *power*, the Commission is the main *programmer* of the culture-political network of the European Union. This does not come as a surprise since this role is really ascribed to it in the very nature of the organisational structure of the Union. As already mentioned, it is the Commission that both drafts Proposals and serves as an executive body. Even if it pools much of its executive culture-political role to the EACEA, the Commission is still a programmer on the macro level of power formations, while the EACEA can be looked upon as a *switcher* on meso and micro levels. Thus, even though power is productive, and macro power begets micro power, it is still the macro structures that form the decisive discursive formations for a given regime of truth, and here the Commission's role is decisive.

The Commission's fingerprints can therefore clearly be detected in the EC's culture-political strivings prior to the Maastricht Treaty, and as already demonstrated, these culture-political goals were transmitted to Article 128 of the Maastricht Treaty, thereby affecting the whole development of EU's cultural policy after 1992. In the *glocal* perspective, this policy uses very much the same methods as various member-states were using in the 18th and the 19th centuries, and some even in the 20th century, i.e. promoting national homogenisation, especially with a very selected reading of the cultural heritage. As already documented, the EU put the most emphasis on its (supra)national cultural heritage, and by using a slightly altered versions of primordial, perennial, modernistic and ethno-symbolic (supra)nationalism, this policy chooses very specific interpretations of this cultural heritage. This interpretation is meant to build a homogenous image of a supra-national body, that has a rich history, can trace its ancestry way back, and has the artworks, the buildings, and the

monuments to prove it. But even though the EU uses very similar tactics as have been used within various forms of nationalism, it at the same time tries to push the debate up to a cosmopolitan level, inducing *homogenous cosmopolitanism*.

This homogenous cosmopolitanism can be detected on three levels which include three different uses of the culture concepts. The first one bears the symptoms of EU's cultural strivings prior to the Maastricht Treaty, since it tries to circumvent the notion of art and artists, thereby blocking out the notion of semi-autonomous public spheres. Instead, the *anthropological* whole way of life version of culture is used as a spill-over to the field of 'cultural workers', concentrating mainly on the economic aspects of the cultural industries. The emphasis on building a strong audiovisual industry is the best example of such a policy.

Secondly, those pre-Maastricht policies use the *national* culture concept very deliberately to construct the imagined community of the European communities, by selecting very exclusive milestones from the 'European cultural heritage' in order to enmesh its citizens with the feeling of Europeaness. This second approach is very related to the third one which uses the humanistic culture concept to choose from the cultural canon of European arts and culture, thereby providing the ingredients for this European identity.

This three layered homogenous cosmopolitanism is therefore characterised by a top-down approach, which is mainly formed by the Commission, and therefore belongs to the economic and political rationale of the system. It is constructed on a macro level, but is meant to induce informational flows from those macro public spheres, to the meso public spheres of the member-states, and right down to the individual levels of the micro spheres. The Commission is quite aware of the role the media play within excerpting informational flows from macro and meso levels, to the micro levels, and therefore it does not come as a surprise that it puts so much emphasis on coordinating and strengthening the European audiovisual industries.

However, this aspect of creating powerful European audiovisual industries was not just meant as a tool to enmesh the European identity within EU's citizens, but also to compete with other global actors on that market. As already documented, the EU was indeed not hiding the fact that these industries were meant to compete with their US and the Japanese counterparts, and therefore, from the viewpoint of economics, it also constructed a *polarised cosmopolitanism*, with *us* (EU) in the one team, and *them* (USA and Japan) in the other.

The pre-Maastricht phase can therefore be described mainly as *homogenous cosmopolitanism*, which then induced *polarised cosmopolitanism*, especially from the viewpoint of the global cultural industries. However, when a further look is taken at the actual Article 128 (151), this is not quite the case. Paragraph 1 deals with the well known paradox between unity and diversity.

The unity dimension wants to bring the cultural heritage to the fore, and can therefore be said to induce homogenous cosmopolitanism, while the diversity dimension is really promoting respect for national and regional diversity, thereby inducing either *homogenous nationalism*, or *hybrid nationalism*. I say either, because of the openness in which this aim is phrased. By respecting national and regional diversity, the EU can both be said to encourage the homogenous version of each member-state's cultural heritage, folklore, myths, memories and national symbols, often in the guise of the economic approach of culture-tourism. However, an opposite interpretation is also possible, in the form of *hybrid nationalism*. This approach would celebrate the manifold cross-ethnic, cross-cultural, cross-lingual, and cross-religious structures, thereby promoting different versions of sub- or multinationalist, autochthonous, diasporic and indigenous views.

This dual dimension is also easily detectable in paragraphs 2 and 3, where cooperation is encouraged both on the grounds of unity, as in the case of improving the knowledge and dissemination of the culture and history of the European peoples, and conserving cultural heritage of European significance, while the loosely defined non-commercial cultural exchanges and artistic, literary and audiovisual creations, could be interpreted both as unity and diversity devices.

The fourth paragraph, claiming that the Community shall take cultural aspects in its action under other provisions of the Treaty, is of course so far fetching and open to interpretation that it is almost impossible to analyse it on policy level. What is possible however, is to look at the actual programmes and the financial allocations given to them, and thereby mirror the actual prioritised policy areas with those allocations. If this paragraph is all the same put into the context of the theoretical framework introduced here, and especially when the fifth paragraph is taken into account, the one emphasising the top-down steering from the Proposals of the Commission, to the adaptation of the Council and the Parliament, the evidence so far indicate the use of homogenous cosmopolitanism and polarised cosmopolitanism, generating public spheres from the macro level in a top-down fashion, with the financially and politically driven aims of the system in front. Culture therefore becomes a venue of economic and political intervention, where the main objects are to exceed financial growth and political acceptance of the EU, through the construction of a common Europe.

The reason for this interpretation is the empirical evidence from the documents prior to the Maastricht Treaty, where it was made very clear that cultural public spheres were not filling the political ones with the necessary conflictual togetherness of different intra- and inter flows between different micro, meso and macro spheres, but on the contrary, the political public spheres were meant to fill the cultural ones with a very selective view of culture. It is however very important to mention that the other approach emphasising cultural diversity and cultural participation has also

been there for a long time, but judging by the volume of it in the culture-political documents and debates on EU level, it manifests itself more as a 'politically correct' decoration.

But even if this was the case prior to the Maastricht Treaty, (and this could not really be different since the legal basis for including different uses of culture was not applicable), the open, interpretative nature of Article 128 (151), gives rise to different culture-political approaches, for instance by putting more emphasis on the cultural innovations of prosumers, especially with the advent of the digital paradigm. Such policy would apply a bottom-up approach, celebrating hybrid cosmopolitanism, inducing digital cultural public spheres on a micro level, which as described before, can very easily magnify and reach the upper spheres of meso and macro spheres. Article 128 (151) should therefore not be looked upon as an hindrance to such cultural landscape of digital, remixable access culture. Indeed, it all depends upon the interpretation of the makers of that same cultural policy, a point which will be analysed further later on in this work.

However, before a further look will be taken at the actual realisation of Article 128 (151), especially through the *Culture* and *Media* programmes, along with the, *Television without Frontiers Directives*, the focus will be sharpened around the cultural policies of EU's member-states.

The Cultural Policies of EU's Member-States

In my view, the role of EU's cultural policy is hardly to copy uncritically what the individual member-states are conducting on national, regional and local levels, but on the contrary to detect patterns suitable for its interference as a supra-national body. Therefore, by identifying various cultural strivings on the national level of different EU member-states, I also detect cultural fields which the EU could leave up to those same member-states to resolve. This role, of not interfering with the member-states cultural policies is also acknowledged in Article 151 where it is stated that the EU respects national and regional diversity, encouraging cooperation between the different member-states. This point is further stressed in a recent communication from the Commission called *A European Agenda for Culture in a Globalization World*:

Culture is and will therefore primarily remain a responsibility of Member States; in some countries it is largely dealt with at the regional or even local level. Article 151 does not provide, for example, for harmonisation of the laws and regulations of the Member States. Action at EU level is to be undertaken in full respect of the principle of subsidiarity, with the role of the EU being to support and complement, rather than to replace, the actions of the Member States, by respecting their diversity and stimulating

exchanges, dialogue and mutual understanding.⁴⁰⁹

Such policy documents are of course highly interpretative and leave a relatively open frame for ways of stimulating cultural exchanges, supporting and complementing the member-states' policies. All the same, as already mentioned, the Council of Europe, in collaboration with other actors, established an interesting project called *The Compendium of Cultural Policies and Trends in Europe*, where a good overview of the cultural policies of various member-states of the Council of Europe, is made applicable. By analysing and comparing these documents, I get a clear picture of what the member-states are conducting individually within the culture-political field, which again sheds a different light on what the EU is *supporting and complementing*.

The Compendium of Cultural Policies and Trends in Europe compares the 39 countries' culture-political profiles⁴¹⁰ and detect patterns that are of importance to the cultural policy of EU.⁴¹¹ As already stated, the EU sees its role within culture policy first and foremost as supporting and complementing what the member-states are doing nationally and regionally. However, on the outset, that seems to be a daunting task since the 27 different member-states cannot be said to conduct the same cultural policy, since the normative ideals of the *facilitator*, *patron*, *architect* and *engineer* approaches are mixed differently, in different countries. This can be clearly seen when for instance *public bodies responsible for national cultural policy developments* are compared. This comparison looks at degrees of centralisation vs. decentralisation, detects the central ministry with cultural competence, inspects whether the given national cultural policy has arts, or culture councils, or national cultural funds or foundations, whether it uses advisory bodies made up of external experts working according to the arm's length principle, whether it includes representations from different levels of governments, or whether it has committees representatives from different government ministries.

The results from this list⁴¹² is quite alarming for the makers of EU cultural policy, but it is in no way surprising. Concerning centralisation vs. decentralisation, Bulgaria, Estonia, France,

409 COM(2007) 242 final: 4.

410 Those countries are: Albania, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, FYR Macedonia, Malta, Moldavia, Monaco, The Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marion, Serbia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom.

411 The *Compendium* can be accessed on the website www.culturalpolicies.net, where users can either download reports from individual countries, or compare different culture-political criteria with some of the other 39 countries that are included in the site's database. The culture-political profiles are mainly created and updated by independent cultural policy experts, in consultation with respective ministries. Those profiles are also backed up by research studies, governmental documents, reports by ministers, reports from lobby/pressure groups, statements from artists, cultural producers, political campaigns, the media, etc.

412 All the lists can be extracted from the following URL: <http://www.culturalpolicies.net/web/comparisons-tables.php>

Greece, Ireland, Latvia, Lithuania, Netherlands, Romania, Slovenia, Sweden, and the UK all have centralised systems concerning public bodies responsible for national cultural policy development. On the contrary, Austria, Belgium, Germany, Hungary, Malta, Poland, and Spain are all examples of decentralised structures, where more power is given to local communities and regions. Yet another countries, like for instance Portugal and Italy are either midst in a development process, or have specific areas of devolution, without being able to call it decentralisation as such.

Another data exported from that list shows that it varies greatly which Ministry is responsible for culture, whether the countries have arts or culture councils, or advisory bodies committees made up of external experts. Germany has, for instance, a federal system, with no Ministry of Culture operation on a national level. It has a German Arts Council and a Federal Cultural Foundation, but there is no official body in charge of coordinating cultural policy initiatives, programmes and measures which are undertaken by all levels of government.

This is yet again very different in the UK, which has a centralised structure, but with regional decentralisation trends. Those trends are mainly manifested in the self-governing regions of Scotland, Wales and Northern-Ireland, which all have different central ministries dealing with culture.⁴¹³ There are three art councils, for England, Wales and Northern-Ireland, and a body called Creative Scotland. In addition there are sector specific councils, like UK Film Council. In UK's case there are no advisory bodies made up of independent experts, and vertical intergovernmental initiatives are organised on ad hoc basis. In France's case, the Ministry of Culture and Communication is responsible for culture, there are neither arts or culture councils, nor expert committees, but they run regional funds for e.g. contemporary arts museums or libraries.

This short comparison between the 'three big ones' of the EU, demonstrates that there does not seem to be a logical pattern in the organisation of cultural policy on a national level amongst the member-states of the EU. This is further confirmed when a look is also taken on Spain, representing a large southern country, Malta, representing small southern country, Sweden, representing a northern country, Belgium, representing mid-European country, and finally Romania, representing an eastern country with a recent membership.

Spain has a Ministry of culture, no arts or culture councils, no national cultural funds, and no advisory, expert committees. Malta has a Ministry for Tourism and Culture, it has a council for the arts and culture, it has no national cultural funds, but has an advisory, expert committee called Malta's Centre for Creativity. Sweden has a Ministry of Culture, it has a culture council, it has sector specific funds, and sector specific advisory councils. Belgium has no Ministry of Culture, it

⁴¹³ England has a Department for Culture, Media and Sport, Scotland has a Ministry for Tourism, Culture and Sport, Wales has a National Assembly of Ministers for Culture, Welsh Language and Sport, while Northern-Ireland has a Department of Culture, Arts and Leisure.

has no arts or culture councils, it has sector specific funds in Flemish and French speaking Community Governments, and it has no advisory, expert committees. And Romania has a Ministry of Culture and Religious Affairs, with no arts or culture councils, and no advisory, expert committees, but it has a national Cultural Fund.

However, in the perspective of the European Union, the most alarming comparison is the fact that most of its member-states do not have a specific cultural venue for intergovernmental cooperation. This has to be looked upon as a disadvantage for an effective cultural policy on EU level, since its policy resides mainly around issues promoting cultural cooperation, and complementation.

This first comparison was mainly structural, but similar pattern emerges when a closer look is taken at comparisons concerning *monitoring changes in national cultural policy priorities, legislation for the cultural field, linguistic diversity and media programming, VAT reductions on the earnings of self-employed authors and visual artists in Europe, monitoring changes in public cultural expenditure by level of government, monitoring changes in direct public cultural expenditure by sector, and private sector sponsorship.*

Concerning the last one, for instance, incentives differ from the Estonian case, where it is maintained that private business sector has not yet shown any major interest in sponsoring culture, to the German case which estimates 500 million euros generated per year from the private sector, mainly to the fine arts and music, the Italian case which estimates 205,7 million euros, mainly to the cultural heritage, musical and performing arts, exhibitions and cultural events, and the UK case which put 452,1 GBP, mainly to exhibitions, dance, music, theatre, festivals and cultural heritage.

It is important to note that not all countries are represented in all of those comparisons, and that it is very different in terms of coordinated methods to monitor all those things sufficiently. Those results should therefore not be interpreted as objective truths, and I use them here much more as indicators of the versatility that each cultural policy of the 27 member-states represents, and the different problems and different solutions they apply. And the same can be said for the other comparisons. Priorities vary, legislation varies, media programmes vary, VAT reductions vary, cultural expenditure by level of government varies, and direct public cultural expenditure varies. And this is understandably so. And the reason is first and foremost that nation-states vary greatly, simply because there are so many historical, political, cultural, and economical differences between them. The big question for the European Union is whether it makes sense to talk about *a culture of cultures*, and whether it is possible, or even feasible to coordinate such diversity into an imagined European whole in the first place?

The point of this short sub-chapter was not to offer a comprehensive, detailed analysis of the

cultural policies that are being conducted in the EU's 27 member-states, as such endeavour would obviously reach far beyond the objectives of this work. The point was, however, to refer to the *Compendium* as a collection of information that demonstrates the versatility of cultural policies amongst EU member-states. None of them can be said to conduct the same policy, and therefore it is quite accurate to talk about 27 different policies, even though some of them lie closer together than others. This fact poses some apparent problems to the makers of the cultural policy of the EU which according to Article 151 is meant to encourage cooperation and support and supplement the member-states' actions in certain areas without violating the subsidiarity principle. In my view, the support and supplement to the 'meta-worlds' of the remixable cultural landscape of access culture would be one way of doing that and now the focus will therefore be sharpened on the post-Maastricht culture-political actions of the European Union, starting with the culture programmes and then move on to the broadcasting policies and media programmes. One of the aims of my analysis will be to detect whether the cultural policy of the EU, and its actions and programmes, are still prone to homogenous cosmopolitanism and polarised cosmopolitanism at macro level, or whether it has shifted to other fields of cultural public spheres more applicable to the notion of *access culture* and *emancipative, semi-autonomous digital cultural public spheres*.

EU's Culture Programmes

The last chapter was dedicated to some of the European Community's actions in the cultural sector prior to the Maastricht Treaty and a path was traced from those strivings to the actual realisation of Article 128 (151). However, *cultural policy as display*, and *cultural policy proper*, as Jim McGuigan calls it,⁴¹⁴ can be two very different things. Usually, cultural policies are very generally phrased and often they have certain 'politically correct' tendencies, which look good on paper, but can be harder to realise. This is also the case with the cultural policies of the European Union which both have the urge to unite, especially in terms of economy and identity constructions, but also to diverse, emphasising the special characteristics of each member-states' cultures, celebrating the so-called community of cultures. One fruitful way of analysing the actual priorities that each cultural policy wants to promote is by tracing the structure and the purpose of its cultural programmes, indicating its display, and then compare it with the actual financial flow each programme receives, indicating its proper manifestation.

The aim of this chapter is to analyse the main cultural programmes that the cultural policy of the EU can be said to be responsible for, starting with new orientations exceeding the 'Boost', to the three generations of the flagship programme, a process that started with *Kaléidoscope*, *Ariane* and *Raphaël*, moving through *Culture 2000*, and ending with the current *Culture 2007*, which is meant to reach to the year of 2013. When a further look is taken at these programmes, a better understanding of the Union's priorities will become known, and the actual realisation of Article 128 (151) will be manifested. Since the network society and digital culture as defined in this work, are relatively new constructions, the idea of *digital cultural public spheres* first starts to make real sense in the second and third generations of those programmes. However, I find it quite necessary to trace EU's cultural strivings from the very start, since those interventions in the cultural sector can still be said to be influential, at least when a further look is taken at the financial allocations within the different programmes.

414 See McGuigan 2004: 61-76. In echoing Raymond Williams, McGuigan refers to *cultural policy as display* as national aggrandisement and economic reductionism, while *cultural policy proper* is meant to represent public patronage of the arts, media regulation and negotiated construction of national identity. I do however use these concept more literally, meaning the difference between what cultural policy claims in its documents (cultural policy as display) and what it actually does in terms of finances and realisation of programmes and projects (cultural policy proper).

New Orientations

The Second Boost

Even though the first Boost can be said to be a decisive document in the evolution of Article 128 (151), two other Communications were released from the Commission in 1991, which strengthen further the Community's understanding and interpretation of the actual cultural article. I will therefore comment shortly upon these documents before I will analyse the actual first generation of EU's cultural programmes. The programme that released the first *Boost* within the cultural sector, was called *Cultural Action in the European Community: New Orientations Envisaged*. This Communication is an indicator of a shift towards a more networked approach where the horizontal cultural dimension in the single market should collide with a vertical approach which gives emphasis to specific sectors with cultural aspects. It is acknowledged that the cultural policy within the EU prior to the Maastricht Treaty was too arbitrary, and that its future interventions within the cultural sector should be much more structured and coordinated. But even though the purpose is clearly to move away from the system controlled top-down approach, to a more networked, communicative approach associated with the lifeworld, the two recurrent aims of EU's cultural policy are still prevalent, namely to construct a *European identity*, and to maximise the cultural sides of the *single market*.

On the outset, these *new orientations* are clearly meant to professionalise the structure of EU's cultural policy and to push the debate, and the actual realisation of its culture-political plans, on the national, regional and local levels of the member-states. This can be said to be in concordance with the carefulness the Union's cultural strivings were characterised with from the very start, stressing its role in constructing joint cultural platforms based on principles of efficiency and coordination. However, as previously stated, the issue of identity formations and the role of the single market are also widespread claiming that “[a]s an essential element of the concept of citizen's Europe, this cultural dimension contributes to an awareness of a common sense of identity.”⁴¹⁵ At the same time, it is specifically stated that this cultural debate “should take into account the imminent deadline of the Single Market and its implications for culture in Europe as well as arts sectors for which a Community action is envisaged.”⁴¹⁶

Thus, the two objectives of *uniting* the people, and *uniting* in economic terms, can still be said to be a major point of emphasis within the Union's cultural policy. This is further realised in the Communication which gives up much space to a section called *Culture in the Single Market*. Here, special attention is given to paragraph 4 of Article 128, or the one on the Community taking cultural

415 SEC(1991) 2121: 3.

416 *Ibid.*

aspects into account in its actions within other fields of the Treaty. Furthermore, it is stated that other community policies with *cultural dimensions*, had already been erected, for instance on free circulation of cultural goods and workers, the environment, research and development, new technologies, social and regional policies, tourism, training and external relations. The Commission had therefore as previously documented already taken actions within the cultural sector, prior to the Maastricht Treaty, in particular in relation to audiovisual policy, copyright and on special VAT on works of art. Included in those new orientations, is therefore the wish to continue to look upon culture from its anthropological definition and treat the subject as a potential spill-over on other societal subjects, such as tourism.

Structurally, however, there is a clear wish from the makers of EU's cultural policy to try to get rid of the top-down approach of the *democratisation of culture*, and apply instead a networked approach more akin to the bottom-up approach of *cultural democracy*, as the following lines indicate: "To support the creation and development of networks, get to know them better and monitor their growth is in the Commission's view one of the best ways for the Community to act in accordance with the principle of subsidiarity, whilst helping the work of people in the arts professions."⁴¹⁷ This programme therefore finds it appropriate to identify existing networks, to pick out some which specialise in areas of mutual interest, such as the cultural heritage, and what is also very important, to help create new ones where needed, with the help of professionals. Therefore, there is not just a detectable shift from a top-down approach to a networked one, but it is also stated that professionals within the field should be consulted.

Another decisive step towards a different cultural policy is the emphasis on networking initiatives at grassroots level, where particular attention should be on those who attempt to support professional artists, performers and others in the early stages of their careers. Furthermore, a special section is dedicated to *access to culture* where the Commission intends to give particular emphasis to:

- intensifying support for translation, an ideal method of broadening access in a multicultural society;
- discover particularly via networking the special problems of arts institutions such as museums, libraries, archives, etc.;
- highlight the variety of approaches and experiments tried out at national, regional and local level, by helping to make them better known at Community level;
- pay special attention to less privileged members of society by giving priority to projects

⁴¹⁷ *Ibid*: 7.

aimed at promoting their involvement in cultural life.⁴¹⁸

Even if this kind of access culture does not correspond fully with the digital variable that has been introduced in this work, this kind of policy is definitely a step towards situating the policy closer to the lifeworld, where increased emphasis is put on the multicultural approaches and experiments conducted on national, regional and local levels. The EU's role is therefore increasingly in terms of cooperation, comparison and streamlining cultural information. In this respect the Communication specifically mentions making studies that are of common concern, to supply comparable statistical data, and to make greater use of the opportunities provided by the audiovisual media to improve the mutual knowledge of the member-states' cultures.

But even though the network perspective as applied in this future vision for culture and the arts in the EU can be said to be beneficial towards the lifeworld, the request for private support for funding the arts is also high on the agenda. In this vein, the Commission welcomes strong link between artists and the economy and proposed setting up a body aimed at increasing the bonds and information flows between the economy of the single market, and culture and the arts. The means offered are mainly strategic, focusing on fiscal measures and codes of practice in order to increase sponsorship developments within the internal market.

Apart from the section on *Culture in the Single Market*, two other sections are included in the *Cultural Action*, namely development of common areas with cultural aspects, and on strengthening dialogue with third countries, in particular central and east European countries. Concerning the former, the *Cultural Action* follows the footsteps of the *Boost*, and other culture-political sketches prior to the Maastricht Treaty, since the main emphasis is yet again on the *cultural heritage*, and *books and reading*. The selection of those categories is justified on those same terms, i.e. it is maintained that because the Community has before emphasised the role of the cultural heritage, and on books and reading, it should keep on nurturing those fields, even if that is at the account of the performing arts or the visual arts.

The reason for this is quite simple, as so nicely phrased in the following lines taken from the Communication: "Visible evidence of Europe's historic and artistic past, the moveable and built cultural heritage has irreplaceable significance for European culture: *it embodies many stages of our civilisation and different expressions of its identity.*"⁴¹⁹ Here, the same old argumentation for the importance of the European cultural heritage is repeated, but the word use is of particular significance since it underlines the *embodiment* of cultural creations. Therefore, even though the

⁴¹⁸ *Ibid*: 8.

⁴¹⁹ *Ibid*: 10. *Italics are mine.*

Cultural Action in the European Community: New Orientations Envisaged states the importance of networked cultural communication between the system and the lifeworld, applying more importance to the communicative actions of the cultural lifeworld processes, the areas of common cultural interest are very selective, and clearly serve the overall aims of EU's cultural policy, namely the European identity construction of its peoples, and the strategic logic of the European single market. The following lines demonstrate the latter objective quite nicely: "The heritage makes a contribution to upkeep of small and medium-size businesses, to tourist development and to preserving traditional crafts as well as creating new jobs in numerous and varied disciplines."⁴²⁰ After the Maastricht Treaty, the Commission sees the chance of not only looking on the architectural heritage, but also on what is referred to as the *moveable heritage*. It is furthermore pointed out that much has already been done within the sector of cultural heritage, and those actions should be extended, and the methods of training and networking should be applied.

Concerning the section on *books and reading*, books are looked upon as fundamental element in European integration. Their role as modes of expressions, intellectual creativity and as cultural and pedagogical tools is underlined, and they are seen as an ideal vehicle or cultural exchanges in a Community which is characterised by cultural and linguistic richness and diversity. Those two categories do therefore resemble the Community's intent in cultural matters, and correspond quite nicely to the objectives aired in Article 128, even if the actual categories are very selective. And even though the economic and identity constructions of a united Europe are still the largest overarching objectives, the Community is also clearly developing a new approach in realising those plans.

The elitism of the *humanistic* culture concept seems to have been reduced at the account of a wider *anthropological* cultural version, where the emphasis is on networked structure which stretches also down to the lifeworld spheres of civil society, constructing a mixture of the *facilitator* approach and the *architect* approach. Furthermore, the *polarised cosmopolitanism*, so prevalent in the phase prior to Maastricht is not as widespread, and the policy is much more focused on *homogenous cosmopolitanism*, both from the viewpoint of economics and in the identity construction of the imagined Europeaness. But even though the networked perspective is suggested, the actual power behind the *programmers* and *switchers* controlling the networks is very vaguely phrased. Indeed, the decision procedures in those networks are not commented upon at all, and even though it is stated that artists and other actors closer to the lifeworld spheres of society, are supposed to be consulted, there is neither any mentioning of the degree of such consultations, nor their role in the decision making processes. So, even though it could be maintained that the policy is

⁴²⁰ *Ibid*: 11.

moving closer to the *architect* approach, the Communication does not offer any real evidence of it, apart from mentioning the networked role of communicative actions driven by cultural organisations in the lifeworld.

Policy wise, the main shift is therefore in the application of the culture concept, privileging the *anthropological*, at the account of the elitism of the *humanistic*. The EU version of the *national* culture concept is however also widespread, as can be detected through the Union's strategic use of it in terms of building up European identities. But even though it can be argued that the use of the culture concept has changed, the strategic means of performing the policy are still very much characterised by the top-down approach, where the Commission exceeds lots of power.

New Prospects

New Prospects for Community Cultural Actions is the next decisive step in realising the aims set forward in Article 128, and an excellent summary of the culture-political considerations in the EU so far. This Communication from the Commission is very loyal towards Article 128, and its three main objectives revolve around questions concerning the contribution to the *flowering of culture in the frontier free area, on bringing the common cultural heritage to the fore, and to increase cooperation with non-member countries and international organisations*.

According to the Communication, the cultural challenge for the EU is still focused on maintaining a good balance between unity and diversity: “[C]ultural action should contribute to the flowering of national and regional cultural identities and at the same time reinforce the feeling that, despite their cultural diversity, Europeans share a common cultural heritage and common values.”⁴²¹ Thus, the presumptions of EU's culture-political view is unchanged, and assumes that there is indeed a singular common cultural heritage, and common European values. Other keywords of the Communication are *consensus*, *transparency* and to respect the principle of *subsidiarity*. It is therefore clear that it is first now that the practicalities of transforming theory, or policy, into action become decisive. In this vein, the Communication is much more direct than its predecessors, putting great emphasis on the value of communication with national, local and regional bodies, and the construction of networks between them.

The same topics do however resurface. In the section regarding the increased dialogue with authorities on nation-state level, the economic spill-over of culture is stressed, where it is specifically stated that the Commission intends to “highlight the pilot projects conducted at national, regional and local level, notably those aimed at improving the integration of culture into

421 COM(92) 149 final: 1.

the development of tourism in the regions”⁴²². When addressing the specific requirements of paragraph 2 in Article 128, on encouraging artistic and cultural creation, the Community calls for a three pronged approach:

- first, improving access to Community programmes and Funds for culture-related training schemes by identifying their needs and seeking ways of removing barriers;
- second, helping to stimulate talent, creativity and awareness of other cultures through exchanges between performing and creative artists and others working in the arts and culture (e.g. study grants for specialist centres, Master classes, artists' studios);
- third, promoting pilot projects of Community interest.⁴²³

This phrasing of *Community interest* is prevalent throughout the Communication, and refers mainly to the cultural heritage, and the need of networking in the global structures mediating between the supra-national bodies, and the local ones. The aims at this point are furthermore to remove barriers, and to identify the actual role of the future cultural policy of the EU. Concerning the cultural and artistic exchanges and the stimulation of talent and creativity, the Communication is fairly traditional in its suggestions. However, what is important is not the suggestions, but rather the fact that the EU seems to understand the value of stimulating talent and creativity, and this makes the notion of *digital cultural public spheres* very actual within the EU's culture-political framework.

Concerning the priorities, the main cultural fields that the Commission is looking towards are still the *cultural heritage*, *books and reading*, and the *audiovisual* sector. Regarding the cultural heritage, the Commission proposes a pilot scheme and is very clear on including *cultural goods* within its definition of the cultural heritage. As always, the beneficiary financial effects of concentrating on the cultural heritage, do not go unnoticed:

Quite apart from its intrinsic cultural value this heritage is closely bound up with many aspects of economic and social life and support for it could benefit more from the development of the various Community policies with which it is directly or indirectly linked, such as quality of life and the environment, tourism, research and new technology, training and employment, and so on.⁴²⁴

It is in itself refreshing to see the notion of the *intrinsic values of culture*, which in the Commission's interpretation are mainly associated with constructing European identities. However,

⁴²² *Ibid*: 5.

⁴²³ *Ibid*.

⁴²⁴ *Ibid*: 10.

it is still always the same pattern that re-emerges, placing the active public spheres, generated by the cultural policy of the EU, closer to the instrumental rationale of the system, than the communicative actions of the lifeworld.

In the *book sector*, the Community had already established pilot projects within literary translations and conducted indirect culture-political measures regarding copyright⁴²⁵ and to promote books and reading⁴²⁶, and this work is supposed to be continued with further weight on the importance of translations. And finally, the argumentation for why emphasis should be put on the audiovisual sector is bound to the important role it plays on the promotion and dissemination of culture, and to its role in enhancing artistic creativity. The *Media* programme is, along with the *Television without Frontiers* Directive, the main representative of the cultural doings of the EU within the audiovisual sector, and as indicated before I will dedicate special chapters to the issue later on in this work. It should however be mentioned that the Communication specifically mentions support to channels that screen cultural shows, and to channels that promote increased awareness of the different cultures throughout Europe.

In overall terms, those two Communications exceeding the original *Boost*, or what has been referred to here as the *new orientations* and the *new perspectives*, are not so new at all. In fact, their aim is more to translate the policy that has been underway since the 1970's, into action. Those actions have to be in concordance with Article 128, and since the objectives presented there represent a shift from the elitist humanistic culture concept, towards a more general anthropological use, the actual pilot projects conducted both prior to the Maastricht Treaty, and exceeding it, are much more elitist than Article 128 indicates. This does indeed indicate that cultural policy on the one hand, and cultural actions and cultural programmes on the other hand, do not necessarily reflect each others aims and priorities.

Diverse Pilots

The first half of the 1990's was characterised by various thrivings, preparatory programmes and pilot projects that served as predecessors to the first actual culture programmes; *Kaléidoscope*, *Ariane* and *Raphaël*, which later were united in the *Culture 2000* programme. This preparatory work was conducted in similar spirit as the development of EU's cultural policy, both pre-, and post-Maastricht indicates, where the Council of the European Union for instance adopted regulations on the export of cultural goods⁴²⁷, adopted directive on the return of cultural objects unlawfully

425 See COM(90) 584 final.

426 See OJ C 86, 3.4.1991.

427 See OJ L 395, 31.12.1992: 1-5.

removed from the territory of a member-state⁴²⁸ and invited the Commission to continue its work and to submit to it a Communication on cultural heritage.⁴²⁹

The first one was mainly occupied with defining what could count as *cultural goods*, while the second one was likewise entangled in complicated definitions concerning the term *cultural object*, as parts of the first paragraph in the Directive's Article 1 indicates:

'Cultural object' shall mean an object which:

- is classified, before or after its unlawful removal from the territory of a Member State, among the 'national treasures possessing artistic, historic, or archaeological value' under national legislation or administrative procedures within the meaning of Article 36 of the Treaty,

and

- belongs to one of the categories listed in the Annex or does not belong to one of these categories but forms an integral part of:

- public collections listed in the inventories of museums, archives or libraries' conservation collection.

[...]

- the inventories of ecclesiastical institutions.⁴³⁰

The annex referred to is another set of enumeration which tries to get closer to the definition of *national treasures*. These include for instance archaeological objects more than 100 years old, elements forming integral parts of artistic, historical and religious monuments more than 100 years old, pictures and paintings executed entirely by hand more than 50 years old, books more than 100 years old, printed maps more than 200 years old, and means of transport more than 75 years old.

The point that I am getting at is the sheer complexity that goes concomitant with forming and establishing a cultural policy on a EU level, and the vast bureaucratic work that has to be done in terms of reaching definitions and composing Resolutions, Directives, Communications, and Opinions between the different bodies of EU's formal structures. Furthermore, I want to point to the fact that even though great work was conducted during those first years after the Maastricht Treaty, nothing decisive happened in terms of policy shift. Indeed, just like in the 1970's, the realisation of Article 128 still revolves very much around *cultural goods*, mainly within the *book sector*, the *cultural heritage* and the *audiovisual industries*.

The elitism mentioned in the prior sub-chapter can be manifested in programmes like

428 See OJ L 74, 27.3.1993: 74-79.

429 See OJ C 235, 23.8.1994: 1.

430 OJ L 74, 27.3.1993: 75.

European City of Culture, which was established by the Culture Ministers on 13th of June 1985⁴³¹, and elitist project based on European Parliament resolutions, like the *European Community Youth Orchestra*, the *European Community Youth Opera*, the *European Poetry Festival*, and the *European Community Baroque Orchestra*. The *European Literature Prize* and *European Translation Prize*, that were issued within the priority field of books and reading, are also of this elitist nature, where ideas of *homogenous cosmopolitanism* are at the front. In this case, art forms like opera, classical music and literature, are coincided with the notion of Europe, and thus are meant to spread the high cultural, elitist superiority of the European cultural heritage. To talk about a shift from an *elitist humanistic* approach built on *democratisation of culture* prior to the Maastricht Treaty, and a *popular, anthropological* approach built on *cultural democracy* in the post-Maastricht period, is therefore not wholly accurate. The tendency to blend a (supra)national, humanistic blend into the anthropological, with the purpose of constructing European identities based on the superiority of the European cultural heritage, has always been detectable within EU's cultural policy, and as will be analysed later in this work, still remains to be so.

However, slowly but surely, other fields started to emerge as the Council conclusions concerning *children and culture*, and on the *cultural and artistic aspects of education*, and *linguistic diversity* and *multilingualism* in the European Union indicate. Those somewhat arbitrary doings within the cultural sector do therefore indicate a wider scope of cultural usage within the Union. This can for instance be seen in an annex to conclusions of the Council on cultural and artistic aspects of education, where the following is maintained: “Artistic disciplines are not reserved to particularly gifted individuals but can be considered as a means of expressing a profound need for relations and exchange of ideas between people.”⁴³²

This step towards using the *anthropological* culture version in a *bottom-up* fashion, is however always at odds with steering culture and the arts in an instrumental fashion, according to the interests of the *system*, as an important Council draft resolution on culture and multimedia indicates. This draft resolution from the 4th of April 1995 is particularly interesting because it shows quite well the potentials the Council of the European Union sees in the exploitation of *digital cultural public spheres*.

According to it, the main objective of the European Union in the field of culture is to improve the knowledge and dissemination of the culture and history of the European peoples, to safeguard and preserve its cultural heritage, and encourage cultural exchanges and artistic creations. The information society and multimedia platforms are seen as great tools to increase citizen's access

431 See OJ C 153, 22.06.1985: 2.

432 OJ C 299, 18.8.1994: 2.

to information, attracting new audiences and making culture available to a wider public. But even though the Council does acknowledge the potentials of digital cultural public spheres in enhancing people's cultural participation, creations and innovations, it soon becomes known that the main focus of attributional cultural fields, are monuments, landmarks, museums, libraries and archives.⁴³³

In defence of the Council, it should be made clear that in the year of 1995, the *remixable digital cultural landscape of prosumers*, concomitant with Web 2.0, was of course not a reality. It is all the same an important indicator of the potentials the Council detected in multimedia platforms, i.e. they are seen as yet another way of realising the Union's emphasis on promoting the European cultural heritage.

However, even though the period of the first part of the 1990's can be characterised by certain confusion, where the policy makers tried to adapt the objectives of Article 128 to the cultural strivings of the Community prior to the Maastricht Treaty, and at the same time to build a coherent cultural policy at EU level, while respecting the principle of subsidiarity, the three programmes of *Kaléidoscope*, *Ariane* and *Raphaël* erected in the midst of the decade, seem like a logical step towards a future EU cultural policy. The reason for this is that *Kaléidoscope* aims at supporting *artistic and cultural activities having a European dimension*, *Ariane* is a programme dedicated to support in the field of *books and reading*, while *Raphaël* represented a Community action programme in the field of *cultural heritage*. The cultural fields that those programmes are meant to represent are therefore in line with the Union's cultural vision so far.⁴³⁴

From the perspectives of this study, which focuses on the non-commercial cultural exchanges, and the artistic exchanges, including in the audiovisual field, the *Kaléidoscope* programme is of most importance, and therefore I will dedicate most space to an analysis of it. However, in order to set the cultural policy of EU in perspective, both ideologically and economically, I will also take a further look at *Ariane* and *Raphaël*. This is also important regarding the *Culture 2000* programme that was meant to replace the three programmes into a more coherent whole.

Kaléidoscope: Objectives and Incentive Measures

As previously noted, the culture-political fields of cultural heritage, books and reading, and the audiovisual sector all got their own specific programmes; *Ariane*, *Raphaël* and *Media*. The rest went to the *Kaléidoscope* programme, which was prepared by the way of diverse pilot activities between 1990 and 1995, and adopted on the 29th of March 1996 by the European Parliament and the

⁴³³ See OJ C 247, 23.9.1995.

⁴³⁴ The fourth programme erected in the mid-1990s was the first generation of the *Media* programme, representing the *audiovisual* sector. I will analyse that thoroughly in Chapter 10.

Council of Ministers. At first, the programme was to run for three years, from 1996-1998, but later it was extended in 1999. The programme supports the *European City of Culture* and the *European Cultural Month* projects, along with what was now called the *European Union Baroque Orchestra* and the *European Union Youth Orchestra*. Apart from those larger projects, the programme funded 518 projects during those four years.

The main objective of Kaléidoscope was to encourage artistic and cultural creation in Europe through cooperation; or as is more specifically stated on the Commission's web-page regarding its cultural programmes:

Its aim was to support projects with a European dimension, i.e. implemented in partnership with bodies in various Member States, in order to promote knowledge and the dissemination of the culture and cultural life of the European peoples, to contribute to professional training for artists and other cultural operators and *to facilitate access to culture for all*.

The sectors covered by the programme were: the performing arts (dance, theatre, music, opera etc.), the plastic and visual arts (painting, sculpture, architecture, carving), the applied arts (photography, design) as well as *projects involving multimedia as a form of artistic expression*.⁴³⁵

As can be seen from the quotation above, the Kaléidoscope programme has very widespread ambitions, both concerning its aims and the cultural sectors it is meant to cover. In a Communication from the Commission to the European Parliament and the Council of the European Union called *European Community Action in Support of Culture*, the entry into force of the Maastricht Treaty brings significant changes to the Union's strivings within the cultural sector, and Kaléidoscope is meant to reflect those changes. Of particular interest in this perspective, are the lines concerning access culture and projects involving multimedia as a form of artistic expression.

The Communication is very precise on the degree of acceptable Community intervention and a priority should be given to promoting the influence of the member-states' cultures, and to provide a wider audience for cultural creativity. In order to do that, the Communication proposes four different ways:

-encouraging cultural cooperation in the form of networks and partnerships between different players and promoting the circulation of cultural works;

435 "Kaléidoscope", accessed 26.8.2008. URL:

http://ec.europa.eu/culture/archive/culture2000/historique/kaleidoscope_en.html *Italics are mine.*

- supporting emblematic cultural initiatives;
- making use of the opportunities provided, in an information society, by new communication technologies;
- enhancing the cultural dimension of socio-economic development.⁴³⁶

The promotion and circulation of artworks through networks making use of information society's communication technologies, is a view very favourable to the digital cultural landscape this thesis is describing, and offers a promising policy towards the notion of access culture. The socio-economic view is of course also present, and the question therefore becomes whether the Union intends to use those communication technologies to gain financially, or whether it will see their potentials in generating emancipative semi-autonomous public spheres of prosumers, growing from civil society's lifeworld structures? At this point however, it is very important to notice that those ideas celebrating access culture are present, and should therefore not be alien to the makers of future cultural policy of the EU.

The *European Community Action in Support of Culture* Communication further confirms the three main areas of culture-political interests, cultural heritage (Raphaël), books and reading (Ariane) and artistic activities (Kaléidoscope). But more importantly, the Communication also states the five scopes of action for each of them: *Enhancement and extension of wider audience, networks and partnerships, access to culture, research and training, and finally cultural cooperation with third countries and international organisations.*

In the case of Kaléidoscope the incentive measures proposed in the Communication are support for symbolic artistic events, support for artistic events organised in partnership, meetings and exchanges of experience between professionals and other partners involved in the field, raising the profile of artistic training, further training for practising artists, travel grant for artists, support for cooperative activities in the artistic field, and participation in networks and partnerships. Concerning the part on access to culture, the three categories of information, use of multimedia facilities and fight against social exclusion, are mentioned.⁴³⁷

In an explanatory memorandum to a *Proposal for a European Parliament and Council decision establishing a programme to support artistic and cultural activities having a European dimension: Kaleidoscope 2000*, the role of the Community is phrased in the following way: “[T]o support steps taken by the Member States to encourage artistic and cultural creation by means of incentive measures that reflect the subsidiarity principle and offer a genuine added value both

436 COM(94) 356 final: 4.

437 See *ibid*: 8.

culturally and socio-economically in that they favour operational synergies.”⁴³⁸ This is in my view a very important remark since it places the cultural policy of the European Union firmly within the global cobweb of the models presented earlier on in this work, and highlights at the same time the tension between *culture* on the one hand, and *socio-economics* on the other hand. Furthermore, it is maintained that the Union has to follow the steps taken by the different member-states, using incentive measures that work according to the subsidiarity principles. However, as the analysis in the prior chapter concerning the different cultural policy, the different cultural administration and different cultural visions driven by each member-state, this seems to be an impossible task.

However, the Kaléidoscope 2000 Proposal is meant to reorganise what hitherto had been done within the programme, increase the budget which prior to that allowed only between 10-12% of projects to be assisted, and to streamline those objectives better according to Article 128.

In the Proposal from the European Parliament and the Council of the European Union, the importance of cultural diversity, cultural access, participation by citizens (especially young people) and cooperation through networks are all stated as important bricks in the mosaic of the flowering cultures of the member-states. The added value at a socio-economic level that artistic and cultural events with a European dimensions bring along with them, does not go unnoticed, but it is not as widespread as before. The co-decision procedure that was implemented within the cultural sector with the Maastricht Treaty, giving the European Parliament legislative power that is equal with that of the Council, can also be seen with its emphasis on cultural networks and of stepping up support for a more versatile cultural field, including music, theatre, dance and the visual arts.⁴³⁹

In article 1 of the adopted Decision on the Kaléidoscope 2000 programme the aim is to “promote knowledge and dissemination of the culture of the European peoples, particularly in the fields of the performing arts, visual or spatial arts, multimedia arts and applied arts, through cultural exchanges and emblematic events”⁴⁴⁰. The aim is therefore to bring those fields closer to the people, to support innovative projects of professional standards, to encourage cultural exchanges in order to contribute to mutual awareness, to encourage the promotion and spread of culture in Europe, and of course also to promote arts and culture in order to develop job creations within the sector.

The overall objective is therefore very favourable to the idea of access culture, and even though it is not specifically mentioned and indeed was hard to realise in 1996, to the emancipative culture of prosumers, using digital cultural public spheres to create, remix, and distribute in an innovative manner. The problem however, arises when a further look is taken at the actual realisation of the programme, which seems to prioritise support for large-scale emblematic cultural

438 *Ibid*: 13.

439 See OJ C 44, 14.2.1994: 184.

440 COM(94) 356 final: 17.

projects with a European dimension, or large-scale cultural projects carried out by European cultural partners.

This problem seems to transmit to the idea of networks, where it is conditioned that support has to be carried out in partnership of at least actors from three member-states, and the same goes for meetings and exchanges of professionals within the field. However, concerning the part on access to culture, it is specifically stated that priority is supposed to be given to projects using multimedia tools. Those projects are however conditioned to meetings at European level, or through studies and research directly linked to the development of Community action on culture.

In terms of implementation, it is the Commission that is responsible, but it is assisted by an advisory committee, consisting of representatives appointed by each member-state, and chaired by a representative from the Commission. Even though the Commission is using a body of professionals at an arm's length distance, this distance is shortened considerably in the light of its *advisory* role. This seems however to be a very recurrent principle when dealing with cultural issues, i.e. because of this somewhat shortened arm's length principle the Commission exceeds great power.

Kaléidoscope: What Kind of Public Spheres?

Conditions of participation in this first generation of cultural programmes on behalf of the EU have been criticised for being far too bureaucratic in nature, and demand colossal work from applicants, for relatively little money. Andrea Ellmeier has, for instance, commented upon this and her main point of argumentation is that too little is known regarding general rules and methods of work within the EU cultural support structures, that it is absolute necessary to have personal contacts or networks to get funded, indicating nepotism, and that the EU's demand on the applicants is so professional, that only professional established cultural organisations have the financial means and knowledge to hand in valid applications.⁴⁴¹

This seems to be confirmed when a further look is taken at support for events and cultural projects carried out in partnership or through networks, where it is maintained that financial assistance for a project under the Kaléidoscope programme may not exceed 25% of the total cost, and may not in any case exceed 30.000 ECU. Those conditions in itself make it a cumbersome process to apply, since there have to be different member-states involved, touching upon the Europeaness of culture, indicating that established actors that already have the necessary network, are the most eligible. This is of course not purely negative, since it is very much in accordance with the policy objectives of the Union, where it is specifically stated that EU's role is more to coordinate the member-states' actions, adding a flair of European dimension. The EU is therefore respecting

441 See Ellmeier 1998: 126-127.

the principle of subsidiarity, at the same time as it is encouraging cultural cooperation between member-states and participating in projects, translating theory and policy, into action. The problem is that this network is only sensitive towards the big nodes in the cultural network of the European Union, resulting in the fact that the big nodes (established cultural organisations, museums, theatres, performance groups, etc.) get bigger, exceeding more flow of artistic informational streams, while the smaller nodes (smaller, more alternative variations of cultural organisations, museums, theatres, performance groups, etc.) go unnoticed, or get rejected because of bureaucratic technicalities.

In the budgetary planning of *Kaléidoscope 2000*, a total of 5.450.000 ECU was supposed to be given for the year of 1994, rising to 11.000.000 ECU in the year of 1998. However, as the final announcement published in the *Official Journal* in April 1996 indicates, the programme did not receive that much. Indeed the final number for the year of 1994 was 4.400.000 ECU⁴⁴² and the same goes for the year of 1996 which in the plan was suppose to receive 8.400.000 ECU, only got 7.500.000 ECU. It is therefore safe to say that the ideological objectives, or policy as display, and than the actual financial flows and the rules of allocations, or policy proper, to not correspond nicely as policy as display is much more ambitious and wide in its scope than that of policy proper.

To add to this, the final Decision establishing Kaléidoscope made the terms of application even more complicated. Now, there are five actions of programme support, and as the one on support for events and cultural projects carried out in partnerships or through networks indicates, the application process is rather bureaucratic:

Projects must have a balanced financing plan setting out the financial requirements for their implementation, it being understood that administrative costs must not exceed 20% of the Community financing of the project. Financial assistance for a project under the action may not exceed 25% of the total cost of the project in question and in no circumstances may it exceed ECU 50.000. In the case of projects involving training periods or courses for improving professional skills or projects intended to promote the dissemination of, or public access to, culture, additional Community assistance may be granted up to 50% of the cost under this heading but it may not exceed ECU 20.000 in total. As regards projects for improvement of professional skills only, Community assistance may cover up to 50% of the total cost, up to a maximum of ECU 50.000.⁴⁴³

And this represents only the requirements for one of the five actions, which all have different rules regarding financial plans. The reason why I reprint this lengthy clause, is really to manifest the

442 See OJ L 22, 29.1.1996: 906.

443 OJ L 99, 20.4.1996: 25.

problematic nature of the application process, which is not favourable to grass-root structures, or any other alternative artistic and cultural structures, organisations, or groups residing in the 'lowest' parts of the lifeworld structures, as indicated in my models.

In addition to that, the overall budget of Kaléidocope cannot be said to be particularly generous since 4.400.000 ECU is not much money, at least not when the objectives and aims of the programme are scrutinised. Furthermore, in the estimated budget planning of the programme from 1996-2000, consisting of 68 million ECU for the whole period, 58.5% goes to the category of partnerships, networks and training. The second largest group consisting of symbolic and large scale actions, including the European Community Youth Orchestra, European Community Baroque Orchestra and the Mozart Foundation, received 13%, while the Europe day and European City of Culture received 11.7%. In this vein, *access to culture* only received 2.9% of the total Kaléidoscope budget.⁴⁴⁴

On the outset, it is safe to say that Kaléidoscope represented a very import aspect of EU's cultural policy, including a more versatile view on artistic genres, as well as some ambitious aims regarding access to culture, the encouragement of artistic and cultural creations in Europe, and support to innovative cultural projects of professional standards. Therefore, the programme stands for an important piece in EU's culture-political mosaic, which was also composed by programmes within the book section, the cultural heritage section, and the media section. From the perspective of remixable digital cultural public spheres, it is mainly Kaléidoscope's contacts with the media programme that is of interest, but as was made clear in the analysis on Kaléidoscope presented above, the main emphasis, both ideologically and in financial terms, is not on access to culture, and the artistic creations supported, have an elitist clinch to them.

Therefore, as is clear from the aims of the programme, the encouragement of promotion and spread of culture in Europe, is of essentially elitist nature, indicating a very conscious use of the *humanistic* culture concept, where project like the European Community Baroque Orchestra and the Mozart Foundation, are high on the agenda. This use of the *humanistic* culture concept goes hand in hand with a (supra)national version of the *national* culture concept, where the great pillars of the European cultural heritage are used to promote its citizens with common feelings, history, myths, and artistic greatness. The cultural public spheres generated by such policy lie close to the system, and are characterised by a *top-down* steering of the cultural and artistic upbringing of European citizens.

The complicated terms of application is also favourable to public spheres that already are formed in networks of certain prestige, and this makes it very hard for newcomers to enter the field

444 See COM(94) 356 final: 29.

of EU's cultural programmes. Therefore, if an established museum in Europe sets up an exhibition with works by prominent European Renaissance painters, suggesting a serious involvement of genuine European cooperation where the European cultural heritage is being re-interpreted, such project is much likelier to get financial aid from the Union than say, a project like *Elephant's Dream*, or Web based Internet art studios, even though these projects correspond positively to the general requirements of application.

Finally, the category receiving most money from Kaléidoscope is the one on *partnership, networks and training*, and even though it can be argued that this is a very important subject that can later on manifest itself in interesting artistic projects, this is also very much dedicated to administrative issues. At this stage of EU's cultural policy, only few years after the Maastricht Treaty came into force, such emphasis is up to a certain point understandable, but it indicates all the same certain 'identity crisis' on behalf of EU's role within the cultural sector. This crisis is not as apparent on the economic side of the policy, where the Community had been conducting various interventions prior to the Maastricht Treaty, for instance within the field of selling books, copyright, VAT regulations and in the restoration of monuments and buildings of European significance.

With the Maastricht Treaty, the legal basis of Article 128 provided the Union with a different space of interventions, but all the same, a very selective space, mostly limited to the role of coordination from the principle of subsidiarity. It therefore makes sense to put the most money into networked cooperation between the member-states, and attempt to build a supra-national space, where the local, regional and national identities of European citizens, could add the 'fourth dimension' to their selves. The question that remains is whether elitist high cultural projects like the European Community Baroque Orchestra, and the promotion of a network composed of already eminent cultural institutions, is the best means to operate within the supra-national void?

In my view, the public spheres and the flow of cultural information between such networks bear the character of very controlled *programmers* wishing to construct an over-idealised picture of a *homogenous cosmopolitanism* that is meant to create discursive formations of rather simple narratives of European high culture, midst in a much more diversified database of the cultures of Europe. Such policy is not characterised by the emancipative semi-autonomous cultural public spheres, generated from the *lifeworld*, but on the contrary, from the political and economical spheres of the *system*. This is particularly alarming when taken into consideration that Kaléidoscope was indeed meant to be the programme that represented the lifeworld structures, as opposed to the more instrumental rationale controlling both the Ariane, Raphaël and Media programmes.

Therefore, even though Kaléidoscope can be said to represent the first real optional programme that was capable of generating emancipative semi-autonomous cultural public spheres

characterised by a bottom-up micro approach from the lifeworld, its actual manifestation was much more akin to the generation of political public spheres, working according to top-down macro approaches, with the aim of generating discursive formations favourable to the greatness of a very elitists version of the European cultural heritage.

Ariane and Raphaël

From the perspective of this work, the Ariane and Raphaël programmes are not as important as the Kaléidoscope programme, since it is mainly the latter that deals with the aspects of non-commercial cultural exchanges and artistic creations that this work explores. It is however important to dedicate a few lines to them, since they play a prominent role in what was later to become the *Culture 2000* programme.

The Ariane programme was meant to support the books and reading sector, including translation, and as the Proposal for establishing it indicates, its aims are very similar to Kaléidoscope, but here the subject and the cultural sector are of course different. Therefore, the programme wants to encourage wider dissemination of works of contemporary literature that are representative of the cultures of the member-states, to translate contemporary drama, to foster the dissemination of reference works that promote knowledge of the culture and history of the European peoples, and to generate networks of cooperation and partnership.⁴⁴⁵

All of those aims correspond nicely both to the overall objectives of Article 128 and the Kaléidoscope programme, since the emphasis is still on operating networks, and to use books, drama and translations to make the 'movable' cultural heritage more explicit. The networks that the programme is meant to create are both supposed to intermediate literary works between different member-states, raising awareness of the cultural richness of each country, and as well to point out the common characteristics of European culture and history.

Concerning the incentive measures, they can primarily be characterised by lack of financial resources since only 1 million ECU was appointed to the programme in 1994, which than had increased to 2.5 millions ECU in 1996. Even if there is not much money involved, the rules for allocations are all the same rather complicated, and as the case was with Kaléidoscope, tend to privilege established works, written by established authors. This can for instance be seen in the proposal concerning translation grants for contemporary literature, where it is stated that “[i]n order to qualify, works must already have been translated and published in two Community languages (in addition to the original language).”⁴⁴⁶ The same goes for grants for the translation of works of

⁴⁴⁵ See *ibid*: 38-39.

⁴⁴⁶ *Ibid*: 41.

drama where grants are only given to works “that have already been performed on stage or broadcast in the audiovisual media and have already received some critical and popular acclaim.”⁴⁴⁷ In addition, the works nominated must already have been translated to at least two other languages. Furthermore, each grant can not exceed 3.500 ECU.

It is therefore quite apparent that the Union has a populist view towards the works that it wants to promote, since it insists upon that they have already been translated, and that they have received critical and popular acclaim. Yet again, the focus is on the established, most popular, most likely to reach the media, and the most likely to generate more powerful macro information streams in a network of public spheres that lie closer to the system, than the lifeworld.

The programme's emblematic action consists of the Aristeion Prizes, which are the European Literature Prize and the European Translation Prize, where established authors and translators are celebrated, and in *Section II* of support measures, the category of fostering synergies at European level through networks and the development of partnerships is prevalent, as it was in the Kaléidoscope programme.

When the focus is sharpened on the Proposal establishing *Raphaël*, the Community had been running pilot projects within the field of cultural heritage prior to the Maastricht Treaty, since in its interpretation the concept of cultural heritage was in accordance with the Treaty of Rome. The issue of cultural heritage has therefore always been a favourite amongst the EU's cultural policy makers, especially because of its role as a positive spill-over on for instance the tourist industry, or within employment issues. But more importantly, the recurrent, conscious use of the European cultural heritage has always been, and still is, a very important tool to enmesh the citizens of Europe with a feeling of togetherness, so essential to the notion of European citizenship, and the invented traditions and heritage of the imagined community called Europe.

Seen in this light, the Proposal for establishing a community action programme in the field of cultural heritage called *Raphaël*, does not come as a surprise. *Raphaël* follows the same criteria as the other two programmes, but its specific objectives were as following:

- contribute to the development and promotion of cultural heritage;
- encourage cooperation and the European-level pooling of knowledge, expertise and practices in matters of heritage preservation;
- improve access to heritage and the supply of information on it for the public at large so as to contribute to the affirmation of a European citizenship through greater knowledge of heritage;

⁴⁴⁷ *Ibid*: 42.

- support the stepping-up of research and common practices in the heritage field in order to realize Europe's potentials;
- foster cooperation with non-member countries and competent international organizations, in particular the Council of Europe.⁴⁴⁸

The programme was supposed to run for five years and receive 70 million ECU during that period. Those aims represent nothing new, since the emphasis is clearly on the *affirmation* of European citizenship, to realise Europe's potentials within the field, and of course to foster cooperation.

Those three programmes, Kaléidoscope, Ariane and Raphaël, are inevitably all symptoms of Article 128, and do therefore put the most emphasis on networked cooperation, with full respect to the subsidiarity principle. This means that the European Union does not tend to finance things from 'scratch' put jumps on the boat when it is half-built, or when it has already sailed the oceans, and gained reputation suitable for the elitist approach of the Union. Even though those programmes can be said to manifest the first generation of EU's cultural programmes, the cultural public spheres that they generate, are not as prominent as Jürgen Habermas made them to be, in his first blueprint of the public sphere. Instead of filling the political public spheres with meaningful content, built upon both rational debates and doings, and passionate, irrational debates and doings, the cultural public spheres generated from the cultural policy of the EU are half empty, and the content that fills up the other half, is filled up by the political public spheres. Therefore, it is the other way around. It is the political and economical public spheres, that generate the networks of cultural public spheres on EU level, and the result is an overtly bureaucratic, economically driven policy that uses an elitist top-down approach to enmesh its cultural public spheres with homogenous cosmopolitanism.

Furthermore, this first generation of EU cultural programmes is very symbolic since there is no real financial thrust to generate its networks. This becomes very clear when the budget for those three programmes and the Union's cultural cooperation with third countries, is compared with the total of EU budget during the life-time of this first generation. According to official statistics from the EU, the cultural budget for 1994 was 0.02242% of EU's total budget, and the number for 1995 was 0.02571% and 0.03175 for the year of 1996.⁴⁴⁹ Even though the number is slowly rising, it is quite clear that in order to generate powerful networked cultural public spheres, a major shift has to occur in terms of treating culture within the European Union; and as will be shown in the next sub-chapter, this was indeed one of the aims of the *Culture 2000* programme.

448 COM(95) 110 final: 13.

449 See OJ L 22, 29.1.1996: 902-928.

Culture 2000

Culture 2000 as Display

The actual Decision of the European Parliament and of the Council establishing the Culture 2000 programme was signed the 14th of February 2000. In the introduction, common voices are aired regarding the Union's use of culture, where both the intrinsic values and the economic and social factors, are acknowledged:

- (1) Culture has an important intrinsic value to all people in Europe, is an essential element of European integration and contributes to the affirmation and vitality of the European model of society and to the Community's influence on the international scene.
- (2) Culture is both an economic factor and a factor in social integration and citizenship; for that reason, it has an important role to play in meeting the new challenges facing the Community, such as globalisation, the information society, social cohesion and the creation of employment.⁴⁵⁰

Here, both sides are again included, the intrinsic lifeworld dimension, and the economic and political dimension of the system. However, while the system's side is quite representative in terms of using culture as a political and economic factor to create beneficial social integration and the promotion of European citizenship, mainly to guard the Union against globalisation and the information society, the intrinsic side seems to have very little to do with the emancipative and the semi-autonomous characteristics of arts and culture. On the contrary, it is seen as a vital part of European integration and in representing the European model of society, again in singular.

The introduction to the Decision furthermore acknowledges the need to increase the effectiveness and consistency of Community measures in the cultural field, and proposes therefore a single guidance and programming framework for the period 2000 to 2004. The aim is still “to promote greater cooperation with those engaged in cultural activities by encouraging them to enter into cooperation agreements for the implementation of joint projects, to support more closely targeted measures having a high European profile, to provide support for specific and innovative measures and to encourage exchanges and dialogue on selected topics of European interest.”⁴⁵¹

This cooperative, coordinated characteristic of EU's cultural policy is of course still bound to Article 151, and the principle of subsidiarity, and therefore it does not come as a surprise that a major policy shift has not occurred. Indeed, it is further maintained that the Community is working

450 OJ L 63, 10.3.2000: 1.

451 *Ibid*: 2.

towards a cultural area common to the European people. This cultural area is supposed to be open, varied and founded on the principle of subsidiarity, cooperation, the promotion of legislative framework conducive to cultural activities, respecting cultural diversity, and of course the integration of cultural dimensions into other Community policies. The notion of common cultural values and common identity is also recurrent, along with the intersection of economy and culture:

If citizens give their full support to, and participate fully in, European integration, greater emphasis should be placed on their common cultural values and roots as a key element of their identity and their membership of a society founded on freedom, democracy, tolerance and solidarity; a better balance should be achieved between the economic and cultural aspects of the Community, so that these aspects can complement and sustain each other.⁴⁵²

Finally, it is maintained that from the year of 2000, the Culture 2000 programme should be the only programme operating in the field of culture. This is a rather odd statement since the Union has always given much importance to Article 151(4) of the Treaty, emphasising culture's role in all of its strivings, but as a decisive programme, Culture 2000 is clearly meant to mirror the *cultural policy proper*, of the Union, and that makes it a very valuable object of analysis.

The kind of cooperation Culture 2000 wishes to promote, is between creative artists, cultural operators, private and public promoters, the activities of cultural networks, and other partners, cultural institutions of the member-states, and other participants in third states. Even though this is very openly phrased, especially the *other partners* dimensions, a certain professionalism seems to be required. On the outset the elitist *patron* approach comes to mind, where artistic excellence is valued more than cultural and artistic participation by amateurs, or prosumers. However, when a further look is taken at the actual objectives of the programme, they also open up for access to culture and cultural participation by the general public.

On top of the list stands the aim of promoting cultural dialogue and mutual knowledge of the culture and history of the European peoples, and the promotion of creativity and the transnational dissemination of culture and the movement of artists, creators and other cultural operators and professionals and their works. Furthermore, the emphasis is supposed to be on the young, the socially disadvantaged, cultural diversity and on the development of new forms of cultural expression. The cultural heritage gets its logical place along with emphasis on socio-economic developments, and the “explicit recognition of culture as an economic factor and as a factor in

⁴⁵² *Ibid*: 1.

social integration and citizenship”⁴⁵³ is duly acknowledged. Finally, the aims of “fostering of intercultural dialogue and mutual exchange between European and non-European cultures”⁴⁵⁴, and the “improved access to and participation in culture in the European Union for as many citizens as possible”⁴⁵⁵, open up for perspectives favourable to the notion of *digital cultural public spheres*.

The reoccurring aim of seeing the culture and the history of European peoples, the emphasis on professionals, the cultural heritage, the economic factor and the political factor of social European integration point towards the generation of public spheres favourable to the *system*, including the well known *homogenous cosmopolitanism*. The intention of such cultural policy is to program a network of public spheres from the macro structures of society which activates nodes describing a humanistic version of the superiority of *a European culture*, which can both be used as means to increase financial growth, and to increase political power at EU level. The switchers, connecting this macro structured network to the meso and micro structures of society, are then meant to open up for this very specific culture-political informational flow, and re-direct the nodes situated at meso and micro levels, so that they can be programmed according to the favourable discursive formations and the regime of truth constructed by the European Union.

However, as already indicated in Article 151, the cultural policy of the European Union is in fact two very different policies. While the policy favourable to the rationale of the system tries to generate its informational streams in a top-down fashion, the other one, favourable to the communicative actions in the micro lifeworld spheres, works in quite the opposite way, inducing emancipative flow of public spheres, in a bottom-up, much less result-oriented fashion. The highlighting of cultural diversity, new forms of cultural expressions, the intercultural dialogue, the mutual exchange between European and non-European cultures, and the improved access to and participation in cultural activities for general citizens, point very directly towards the notion of *access culture*, and emancipative semi-autonomous digital cultural public spheres in the remixable landscape of prosumers. These objectives correspond as well nicely to non-commercial, artistic cultural exchanges, including the audiovisual sector, and therefore do the objectives and aims of Article 151, and of the Culture 2000 programme open up for an alternative cultural policy on EU level.

This kind of policy is not as preoccupied with steering the results in a top-down, result oriented manner, but is more occupied with creating favourable surroundings for the innovative and creative cultural participation of the general citizen. The remixable culture of prosumers that shares, exchanges and gets creative with different cultural material, and distribute them on the various

453 *Ibid.* 3.

454 *Ibid.*

455 *Ibid.*

platforms on Web 2.0, regardless of national, or European borders, is a very actual example of such participation. This digital cultural landscape offers the makers of EU's cultural policy an extra 'layer' to conduct their *policy proper* on, and such a view is much more favourable to *hybrid cosmopolitanism*. This kind of cultural policy is also much more akin to Habermas' original blueprint of the public sphere, assuming a more important role to the cultural public spheres, generated from the lifeworld. Even if those public spheres operate mostly in a network tightly anchored in the micro structures of the lifeworld, they still have the potential of reaching the upper structures through widely used platforms like *YouTube*, *MySpace*, *Facebook* and *Flickr*, thereby affecting the political and economic 'upper' structures of society.

The problem with such policy is that it is harder to control. The cultural associations and outcomes from the bottom-up approach do not for instance necessarily reflect a positive light upon the strivings of the European Union, and they do not necessarily look upon a European public sphere composed of European citizens that have the same humanist interpretation of the European cultural heritage in their heads. These public spheres do not necessarily promote the rational deliberation envisaged by Habermas, but a much more differentiated diversities of post-bourgeois hybrids that are better described with processes of conflictual consensus, rather than a pre-packaged version of European consent. Therefore, in my view, both Article 151 and the Culture 2000 programme offer two different policies *as display*, and now the focus will be sharpened on how the actual policy unfolds itself as *policy proper*, i.e. how does the allocation procedure really work?

The objectives already mentioned are supposed to be achieved by the following means:

- (a) specific innovative and/or experimental actions;
- (b) integrated actions covered by structured, multiannual cultural Cooperation Agreements;
- (c) special cultural events with a European and/or international dimension.⁴⁵⁶

This means that the Community continues supporting events and projects carried out in partnership or in the form of networks, and as before, the projects must involve operators from other states that are participating in the Culture 2000 programme. Concerning the first objective on *innovative and/or experimental actions*, the main emphasis is on facilitating access to culture and to encourage participation by the people of Europe. The legacy of the first generation of EU's cultural programmes is detectable through the support of projects regarding books and reading, and at conserving, highlighting and safeguarding the common cultural heritage of European significance,

⁴⁵⁶ *Ibid.*

and finally through supporting the emergence and spread of new forms of expression alongside the traditional cultural field.⁴⁵⁷ The aim of increasing cooperation with third countries is still there, but so is support to “the creation of multimedia products, tailored to meet the needs of different publics, and thus make European artistic creation and heritage more visible and more accessible to all”⁴⁵⁸, along with the will to “promote the dissemination of live cultural events using the new technologies of the information society.”⁴⁵⁹

It is therefore clear that in terms of application criteria, the Union is moving closer to seeing the potentials of new media platforms in its view of innovative and experimental actions. However, in terms of financial support, the Community's part may not exceed 60% of the budget and in most cases the support may not be less than EUR 50.000 or more than EUR 150.000 a year. The 60% mark is in accordance with the fact that the Union does want to finance cooperative projects, and does therefore not want to stand for the finances alone. Nevertheless, to limit project assistance with a budget of 50.000 to 150.000 a year, and to a cultural network of *at least three participatory states*, the Union is limiting the scope of applicants considerably. The argument might still be the high administrative costs, but than this cost should be lowered instead of limiting the project to established cultural institutions that have the financial means and network to finance the remaining 40%, and the network to get two other actors to cooperate.

The application procedures are not made any easier in the category on *integrated actions covered by structured, multiannual transnational cultural cooperation agreements*. This category is mainly dedicated to cultural networks with a European dimension and has to involve *five participatory states*. The cooperation agreements are further divided into co-productions and circulation of works and other cultural events in the European Union, for instance exhibitions and festivals, mobility of artists, creators and other cultural operators, training for professionals in the cultural field, enhancement of cultural sites and monuments to raise the awareness of European culture, research projects, public awareness campaigns, seminars, congresses and meetings on cultural topics of European importance; the use of new technologies; and finally projects aimed at “highlighting of cultural diversity and of multilingualism, promoting mutual awareness of the history, roots, common cultural values of the European peoples and their common cultural heritage.”⁴⁶⁰

I find the last one in the line quite emblematic of the *unity in diversity* rhetoric, where cultural diversity and multilingualism are used to promote mutual awareness, the common cultural

457 Kaléidoscope's original cultural field seems to have been extended to music, performance arts, the plastic and visual arts, photography, architecture, literature, books, reading, and the cultural heritage.

458 OJ L 63, 10.3.2000: 5.

459 *Ibid.*

460 *Ibid.*: 6.

heritage and the common values of the European peoples in a seemingly unproblematic fashion. All in all, those objectives cannot be said to represent a fundamentally different approach from their first generation predecessors, and in terms of Community support, it does not finance more than 60%, and no more than EUR 300.000 a year.

The last category on *special cultural events with a European or international dimension*, has a rather ambitious aim. It is supposed to be substantial in scale and scope, and “should strike a significant chord with the people of Europe and help to increase their sense of belonging to the same community as well as making them aware of the cultural diversity of the Member States, as well as intercultural and international dialogue.”⁴⁶¹ This category, which has the widest scope in terms of financial support, represents the elitist approach with projects such as the European Capital of Culture and the European Cultural Months; the organisation of symposia to study questions of common cultural interest; innovative cultural events for general citizens, mainly in the field of cultural heritage, artistic activities and European history; the European prizes in various cultural spheres; and support for projects involving the conservation and safeguarding of cultural heritage of outstanding importance. As in the other categories, Community support may not exceed 60% of the budget, and in the case of the European capitals of Culture and the European Month, it may not be less than EUR 200.000, or more than EUR 1 million a year. In the other cases, the boundaries are between EUR 150.000 and EUR 300.000.

Originally, the budget set for Culture 2000's first five years was set at EUR 167 million, but in another Decision⁴⁶² amending the original, the programme was extended by two years, from the year of 2000 to 2006, and the over all budget was accordingly set at EUR 235.5 million, for the whole seven years. Furthermore, in an overall budget breakdown, it is stated that a maximum of 45% should go to the category of *specific and/or experimental actions*, a minimum of 35% for *integrated actions*, 10% for *special cultural events*, and 10% for *other expenditure*.

Finally, this Decision establishing Culture 2000 states that the Commission will ensure the cultural measures with other spheres of the Union's strivings, mentioning explicitly culture and tourism; culture, education and youth; culture and employment; culture and external relations; cultural statistics; culture and the internal market; culture and research, and finally culture and the export of cultural goods. Again, this emphasis of exploiting the positive side effects of culture on other spheres does not come as a surprise, as it has been prevalent during all phases of EU's culture-political developments, and legally based in fourth paragraph of Article 151.

⁴⁶¹ *Ibid*: 6.

⁴⁶² See OJ L 99, 3.4.2004: 3.

The Institutional Road to Culture 2000

As already noticed, the Decision establishing the Culture 2000 programme was adopted at the 14th of February 2000. However, the institutional road to the decision traces itself further back, and the aim of this sub-chapter is to take a further look at the original Communication from the Commission, and analyse the different responses those proposals received, the amendments suggested, and compare it with the actual outcome. The purpose of this is to shed a light on the different culture-political vision of the Commission, the Parliament, the Council, and the Committee of Regions.

The original Proposal from the Commission on establishing the Culture 2000 programme was submitted on the 28th of May 1998. This Communication resembles the actual Decision on most major points, indicating the influence the Commission has on the procedure. The Communication did however, not go unquestioned through EU's decision-making machine, as the Opinion delivered by the 1st reading of the Parliament indicates. According to the *EU Bulletin*, the Parliament introduced wide-ranging amendments to the Proposal, where the main point was to raise the budget from ECU 167 million to ECU 250 million. The main purpose for this was to make the programme more transparent and effective, and especially to give greater importance to small projects. The Parliament also proposed a sectoral approach in order to increase the effectiveness of the programme, and to take the different needs of different cultural fields into account. In this respect, the Parliament proposed the six vertical measures of the performing arts, music, the visual arts, cultural heritage, literature, and other forms of artistic expression.

The Parliament also proposed changes in the implementation of the programme, suggesting a closer involvement of operators and relevant organisations in the cultural sector. And finally, it proposed a more precise definition on what kind of cooperation the programme envisages amongst the member-states, along with a wish to establish special contact points to ensure direct dissemination to the widest possible audience.⁴⁶³

In terms of ideological undertones and aims of the programme, the Parliament seems quite content. It is however, neither as content with the scarcity of the budget, nor the programme's formal realisation. In an amended Proposal, the Commission incorporated many of the amendments proposed by the Parliament, for instance to incorporate a more versatile version of cultural expressions and genres and the implementation of cultural contact points. In the original Communication from the Commission one of the programme's aim was supposed to encourage culture in the classical sense, and to encourage new forms of cultural expression, which supposedly

463 See *Bulletin EU* 11/1998, accessed 27.8.2008. URL: <http://europa.eu/bulletin/en/9811/p102165.htm>

were supposed to be “nature, solidarity, science, piece, etc.”⁴⁶⁴ These, somewhat strange forms of cultural expressions were replaced in the final Decision into music, performance arts, the plastic and visual arts, photography, architecture, literature, books, reading and the cultural heritage, thereby moving the culture-political field from its former elitist, classical heights, towards a more diverse view of the cultural field. The point concerning the cultural contact points is also important since their role was mainly to promote the programme, facilitate access and encourage participation, establishing a network between the member-states and between the Culture 2000 programme, and other community programmes that are open for cultural projects.

The very important part of the budget did however not change, a point confirmed in the Council at its meeting on the 17th of November 1998: “After long and difficult discussions, the Council reached unanimous political agreement, ad referendum, on its common position regarding the proposal for a single financing and programming instrument for cultural co-operation, the 'Culture 2000 programme'.”⁴⁶⁵ At this meeting, the Council fixed the budget to the ECU 167 million, and agreed upon the three types of cultural actions that are singled out to reach support. These cultural actions were already present in the original Communication, but were slightly altered in the hands of the Parliament.

This procedure, between the Commission, the Council and the Parliament, is an indicator of the intern power relations of the European Union. Firstly, it is the Commission that presents the original Proposal, setting the framework for the programme as such. Such framework is very decisive since it sets the agenda, and even though the Parliament is in its good right to propose changes, the foundation has already been laid, and the changes are mainly derivations from something that has already been made solid. By the rules of the Treaty, the power of the Parliament in the matter is therefore limited.

Secondly, the Commission is more prone to look upon the culture concept from the humanistic elitist classical heights, with much emphasis on the cultural heritage and on the positive financial side-effects of culture, while the Parliament wants more diversity, easier application procedures, and more contact to the organisations of the lifeworld's civil society. This does not come as a surprise, since it is the Commission's role to look after the interests of the Union, while the Parliament represents the voice of the people.

Thirdly, the Council agrees upon the amended outcome of the Commission's and the Parliament's negotiations, implying its negotiating, in-between role, and fourthly very little

464 OJ C 211, 7.7.1998: 23.

465 “2134th Council Meeting – Culture/Audiovisual, 17th of November 1998”, accessed 27.8.2008. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/98/382&format=HTML&aged=0&lg=en&guiLanguage=en>

consideration seems to have been taken to the Opinion presented by the *Committee of Regions*. This seem at least to be the case when a further look is taken at the Opinion that the CoR issued regarding the Proposal.

In the Opinion it is indicated that the Commission's analysis displays a number of shortcomings, especially regarding the complicated field of the differing culture-political diversities amongst the member-states:

There continues to be scant awareness of a common, open and diversified cultural area in Europe. Although cultural activities promoted by the Community are many and varied, they are also scattered thinly on the ground and do not generate structured and permanent networks of cooperation. The quantitative involvement of the Community in cultural projects is also a small percentage of the whole. All this means that European citizens are hardly aware of the Community's efforts and remain ignorant of what is being done to preserve and support their cultures. The process of building a multicultural and transnational European cultural area is therefore weak.⁴⁶⁶

As can be seen, CoR's opinion detects two main problems. On the one hand the communicative tactics of the Commission do not account for the great diversity of the cultural field and its efforts in network building are too arbitrary. And on the other hand, its quantitative dimension and scope is lacking. The Opinion furthermore criticises the application procedures for being too bureaucratic, making the programme detached from the European public. The Opinion underlines the importance of cultural diversity and encourages a *bottom-up* approach where players in regions and municipalities play a big role, and it urges better cooperation with UNESCO and the Council of Europe, that have much more experience in promoting cultural diversity across borders.

Not surprisingly, the CoR underlines the importance of culture's role in regional development, culture tourism, employment, integration and in promoting social cohesion, and here it is pretty much in line with the Commission. However, the Opinion is sceptical towards referring to European culture in singular, and proposes “that emphasis be placed on the concept of 'cultures' in the plural.”⁴⁶⁷ In addition, the Opinion warns of the tendency of using cultural policy on EU level as a venue for high impact, large-scale activities since it might lead the spotlight on major events and elite culture, instead of on popular, everyday cultural manifestations; and it even offers the following prophetic words: “It must be remembered that citizens will not identify with Europe if Europe is not part of their daily lives. Cultural activities might be reduced to a superficial level

⁴⁶⁶ OJ C 51, 22.2.1999: 69.

⁴⁶⁷ *Ibid*: 72.

where the spectacle and ephemeral communication is the be-all and end-all of everything and there are no positive long-term repercussions.”⁴⁶⁸

Here, CoR's Opinion is indeed vary of the instrumental use that the *system* imperatives are likely to infiltrate the culture concept with. Under such conditions it is the immanent financial growth of the market, or the immanent symbolic power of the politicians that counts, and not the long-term effects of investing in culture and the arts. The Opinion is also sceptical towards the emblematic, tightly defined, high profile projects that Culture 2000 is meant to invoke, since it makes it hard for many local and regional authorities and organisations to participate, simply because they lack the staff and financial resources to fulfil the application procedures. Therefore, the Opinion stresses the importance of small scale projects, firmly anchored in the cultural public spheres generated from the micro spheres of the lifeworld:

Small scale local projects on the other hand may bring lasting impulses from which long term partnerships and multiplier effects may emerge which provide an important added-value to EU cultural action. It should also be noted that innovatory and creative activities most frequently stem from local and regional initiatives. Moreover, local and regional organizations and associations are closer to the people and are therefore able to stimulate more active involvement in cultural activities in terms of contacts with artists, voluntary organizations, education establishments and the population in general and be able get through more effectively to 'disadvantaged' groups. They are thus best able to ensure the widest access as possible to cultural activities and maximum benefits of opportunities available.⁴⁶⁹

The Opinion does clearly see Culture 2000 as a programme not working according to the interests of the culture and the arts, but according to the interests of the European Union. It furthermore maintains that the elitist, humanistic top-down approach is likely to go unnoticed, because people will have a hard time connecting those connotations with their real local lives. The Opinion does therefore propose to move one-third of the funding to *specific actions*, since such projects tend to involve the participation of more people at a local level, and that the advisory committee that assists the Commission should include local and regional representatives. Finally, it sees the ECU 167 million for the five year period as insufficient and proposes that it will be increased significantly.

However, despite those proposals on the behalf of CoR, the Council met at the 28th of June⁴⁷⁰

⁴⁶⁸ *Ibid.*

⁴⁶⁹ *Ibid.*: 73.

⁴⁷⁰ See “2195th Council Meeting 28th of June 1999”, accessed 27.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/99/206&format=HTML&aged=0&lg=en&guiLang>

and sent the proposal unchanged to the Parliament for a second reading. In the Parliament's recommendations for the second reading, it is still maintained that the budget should be put up to EUR 250 million.⁴⁷¹ In addition, the Parliament also recommended that a priority should be given to small, and medium sized activities that are closer to citizens, rather than give the allocations to major cultural networks and large-scale, prestige events. The joint text was adopted by the Conciliation committee on the 9th of December 1999, with the overall budget fixed at EUR 167 million,⁴⁷² and following the agreement reached between the Parliament and the Council in the Conciliation Committee, the Council approved the Decision establishing the Culture 2000 programme,⁴⁷³ which was then signed by the Council and the Parliament on the 14th of February 2000.

The purpose of this sub-chapter was to demonstrate the decision-making procedure of the various EU institutions on establishing the Culture 2000 programme. Each institution clearly looked after its own interest, but in the end, it is the Commission that exceeds great power, mainly because of its agenda setting role. In this case, the Council seemed like a near ally to the Commission, especially regarding those bodies' insistence upon holding the budget accordingly to the first Communication of the Commission. The Parliament and the Committee of Regions, were clearly trying to drag the programme from its elitist heights, towards the lifeworld structures on micro level, with the aim of generating cultural public spheres that lie close to citizens, and remain open to their innovative, creative participation. However, as the institutional road from the original Communication, to the actual Decision establishing the programme indicates, the *system* in the form of the Commission and the Council, got the upper hand.

But all this is still on the level of *policy as display*, and thus, a further analysis will be conducted on the *policy proper* dimension.

Culture 2000: Policy Proper, the First Year

When a further look is taken at where the money really goes, the Commission's influence on EU's cultural policy become further known, since most of the projects do indeed bear the resemblance of elitist, symbolic projects that serve the PR induced European identity construction better than the actual production and distribution of culture and the arts. Even if this can be said to serve the objectives of Article 151 quite nicely and is therefore legitimised as such, it does certainly not

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471 See A5-0026/1999 final.

472 See *Bulletin EU* 12/1999, accessed 27.8. 2008. URL: <http://europa.eu/bulletin/en/9912/p102088.htm>

473 See "2240th Council Meeting 24th of January 2000", accessed 27.8.2008. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/00/13&format=HTML&aged=0&lg=en&guiLanguage=en>

correspond to the idea that cultural public spheres are necessary pre-requisite to the political and economical ones. On the contrary, such policy is more likely to treat culture according to the fourth paragraph of Article 151, seeing the cultural dimension as cultural spill-over, on other societal issues, as its main advantage.

In the year of 2000, which was the first year of the Culture 2000 programme, the Commission received 1.023 applications and provided aid to 219 of them. This means that only 21% of applicants received grants, which amounted to approximately EUR 32 million.⁴⁷⁴ Action 1, consisting of *co-operation projects involving three partners and lasting one year*, distributed a total of EUR 17.770.670 to 197 projects in the fields of cultural heritage, books and reading, the performing arts and visual arts, as well as support to third countries, which in this case went to a project concerning the Ptolemaia Festival to celebrate the revival of the Alexandria Library in Egypt.

Action 2, consisting of *structured multi-annual co-operation agreements* involving at least five cultural players, distributed a total of EUR 13.786.615 to 19 large-scale projects, in the field of music, cultural history, cultural heritage, theatre, books and reading. And finally, Action 3, allocated EUR 600.000 to two European heritage laboratory projects, EUR 150.000 to the organisation of European contemporary architecture prize, EUR 1.980.000 to European City of Culture project for the year of 2000 (included nine cities), and EUR 250.000 to the 2001 European City of Culture project.

When a further look is taken at the *Action 1 annual projects*⁴⁷⁵, 61 (out of 197) belonged to the category of the cultural heritage. Even though those 61 projects belong to the category of cultural heritage, they are divided into *Intangible heritage* (further divided into cultural history; identity, ethnicity and multiculturalism; and archive/database- IT museum;), and *Tangible heritage* (further divided into the city – urbanisation landscape; architecture; archaeology; conservation; - restoration of moveable heritage; and conservation – restoration of immovable heritage). These different categories of the cultural heritage represent very different projects, which however all share the conditions of being carried out either in partnership or networks of at least three states participating in Culture 2000; or what is formally called *specific innovative and/or experimental actions* (informally called Action 1).

As an example of projects that got funded from the Commission are *Art and Agriculture*, with partners from UK, Finland and Germany, receiving EUR 150.000. The project description is as

474 See “Culture 2000: 219 projects selected in the first year”, accessed 27.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/01/110&format=HTML&aged=1&language=EN&guiLanguage=en>

475 See “Annual projects supported”, accessed 28.8. 2008. URL:

http://ec.europa.eu/culture/archive/culture2000/project_annuel/projects1_en.html

following:

This project is a one-year cooperative feasibility study investigating the possibility of establishing a European foundation for Agriculture and the Arts. The programme includes three arts-based projects; three theoretical seminars and practical training workshops for artists, farmers and students. A website will be created and internet conferencing will be organised. Also, a three day conference on Arts and Agriculture Change in Europe will be held.⁴⁷⁶

This project belonged to the category of intangible heritage, cultural history. Other projects in this category included for instance *People and Boats in the North of Europe*, representing a collaboration of seven institutions within the Nordic countries, receiving EUR 149.888 for an exhibition describing the coastal communities of Northern Europe, with functional boats and their users being the main point of emphasis.

In the category of architecture, the project *Promenade in Time – a learning experience in architectural and cultural heritage*, received EUR 96.517, and represented a collaboration between institutions and organisations in Greece, Spain, Finland, Germany and France. The project description is as following:

The purpose of the project is to raise young people's awareness on the subject of architectural and cultural heritage. An educational multimedia production on water and olive oil mills (CDROM) targeted to the young will be created. Students from schools in each country will be involved in the project before the final educational package is produced.⁴⁷⁷

Finally, as an example of a project from the category of archaeology, *Alps before Frontiers: cultural changes, adaptations, and traditions from prehistoric to historic times*, received EUR 147.805,70, inducing collaboration from Italy, France, Germany, the Czech Republic, France, Austria and Slovenia. The project is described in following terms:

Partners and participants will co-organise a scientific congress on peopling models of the Alps, from prehistoric to historic times. It is hoped that they will develop a new environmentally-oriented archaeological research paradigm, debate good practices, discuss

⁴⁷⁶ "Cultural Heritage", accessed 27.8.2008. URL:
http://ec.europa.eu/culture/eac/culture2000/project_annuel/projects1_en.html: 1.

⁴⁷⁷ *Ibid*: 17.

training of young researchers and intensive dissemination techniques as well as sign a co-operation agreement in order to create the first Archaeological Museum of the Alps.⁴⁷⁸

The reason why I single out these projects is to make known the versatility of accepted projects, and to demonstrate further the problems often associated with the use of the culture concept. Even though these projects can all be interpreted according to the anthropological version of the culture concept, the boundaries between tourism, culture, research and education are not clear. Another thing that is important to underline is the volume of the category of cultural heritage. In quantitative terms, it takes up 31% of allocated projects within *Action 1*, and when a further look is taken at the finances allocated to the category, it takes up 42% of the total budget given to the category.⁴⁷⁹

Apart from the category of the cultural heritage, allocations were also given to literary translations, multi-disciplined creativity, literature, books and reading, performing arts, cultural co-operation in third countries and the visual arts. When a further look is taken at these categories, it becomes clear that the legacy of the first generation of EU culture programmes, is still widespread. I have already mentioned the importance the Union ascribes to cultural heritage, which represented the Ariane programme, and when the numbers are gathered concerning what used to be Raphaël, i.e. literary translations, literature, books and reading, not much is left for the rest. Indeed, what used to be Raphaël takes up 32% of the projects that received allocations from Culture 2000 in the year of 2000, and in financial terms, it takes up 17% of the budget given to the Action 1 category. Together, the former Ariane and Raphael therefore take up 63% of the projects that received allocations in the year of 2000, swallowing up 59% of the whole finances for the year of 2000.

The category of *multi-disciplinary* projects is somewhat arbitrary and mixes mainly network building and art making, as the following description of a project called *Romaeurope Festival 2000*, indicates:

The project aims to present an overview of contemporary European music, choreography and multimedia during one month (3 Octobre-3 November 2000) in Rome. The applicants are planning a total of 41 performances, 23 workshops and 11 meetings with a total of approximately 300 artists and an expected public of 35 000 persons. A web site will be set up and the event will be sent out by satellite. One of the target groups for the project are young people.⁴⁸⁰

478 *Ibid*: 18.

479 EUR 17.062.198 of the total of 17.8 million had been arranged when the decisions were made clear, and it is the former number that is used for my calculations. Even if this is not wholly accurate, since almost EUR 800.000 had still to be arranged, it is all the same an important indicator of the actual allocations induced by Culture 2000, in the year of 2000.

480 "Diverse – Multidisciplinary Projects", accessed 27.8.2008: 4. URL: .

This project received EUR 103.306 and was a collaboration between Italy, the Netherlands, Great-Britain and Belgium.

Another project belonging to this group of specific importance to the notion of digital cultural public spheres, is the project *World-Information.org*, representing Austrian, German and Belgium actors. This project considers the role of the arts in the digital domain, including exhibitions, meetings, conferences and workshops in Vienna and Brussels. The project received EUR 150.000 and had the aim of creating a database and conduct research on the intersection of art and the digital domain. The fact that such a project is included in the financial allocations on behalf of the EU is a promising fact, indicating that the idea of digital cultural public spheres, with their remixable, creative, and distributional features, should not be alien to the makers of future EU cultural policy. All the same, in its totality this category only received 7% of the budget allocated to Action 1 projects, and since only 11 projects were allocated grants, they only count for 5% of favourable projects.

The scenery is looking much better for the category of *performing arts*, which include the artistic genres music, opera, dance, theatre, street theatre and circus. The totality of projects granted allocations runs to 45, representing nearly 21% of selected projects, and 32% of the overall budget. But even though this number might seem relatively high, the projects that receive the most funds fall within the category of humanistic, elitist projects, as the *International Composition Seminar*, *National Youth Orchestras*, *Académie Européenne de Musique d'Aix en Provence 2000*, various opera projects, *Movimento danza 2000*, and *Marathon Européen de la creation théâtrale* indicate. This does not come as a surprise since this is in accordance with the Union's prior policies within the cultural sector. But even though such projects for the year of 2000 were most prevalent, other projects were also funded, such as projects with educational aims and to promote the integration of people with disabilities. The project *Europäische Internet Kammeropera "Es hat am Vorabend geregnet"* also represents a very interesting idea, involving information technologies, the arts, music, media, science, research and education by using and networking through the Internet. Even though this project only received the minimum amount of EUR 50.000, it does all the same point to the fact that the Union sees potentials in networked digital public spheres, where amateurs generate artworks through meta-worlds existing in networks.

The last category within Action 1, the *visual arts*, only granted four projects allocations, representing almost 2% of the projects allocated, and 2% of the total finances. This indicates strongly that some artistic genres are prioritised at the account of others within the Union. But

http://ec.europa.eu/culture/archive/culture2000/project_annuel/projects1_en.html

before we leave the year of 2000, a few words will be dedicated to the 19 projects that belong to the Action 2 projects, involving at least five actors from different countries, or what was formerly called integrated actions covered by structural, multiannual transnational cultural cooperation agreements.

Even though the Action 2 large-scale projects were only 19, they still took up 43% of the whole Culture 2000 budget for the year of 2000, and this has to be seen as an indicator of the fact that the Commission's and the Council's view was prioritised at the account of the Parliament and the Committee of Regions. As was clear from the CoR's Opinion, it expressed a fear that Culture 2000 could be too elitist and dispatched from the general citizens, and therefore proposed a different approach that lay closer to the lifeworld structures of civil society. When a further look is taken at the large-scale projects from Action 2, it certainly seems as if the Opinion's fear has been realised.

Only three categories were supported from Action 2 in 2000, *cultural heritage*; *literature, books and reading*; and the *performing arts*. As was the case with the Action 1 projects, the cultural heritage takes up most of the resources, both in terms of projects supported (68% of all projects), and in terms of financial allocations (55.5%). Those projects bear much resemblance with the projects in Action 1, but their scope is just greater. The versatility is also great, ranging from the study of plants in European masterpieces, to contributions on the European debate on cultural diversity, to sustainable management and communication of cultural landscapes, to the restoration of early 20th Century workers' buildings, to comparisons on traditional woodworking knowledge, to a comparative study of the development of European religious paintings, to name a few of the projects placed within the category of cultural heritage. The category of *literature, books and reading* has only one project (6.8% of the budget), which leaves the *performing arts* with the last six, representing the remaining 37.7% of the budget allocated to Action 2. Concerning the last one, the same tendency can be detected, i.e. most of the projects are dedicated to the high arts.

What can be learned from this analysis of the projects that received allocations through the first year of the Culture 2000 programme is the fact that nothing decisive has changed between the first and the second generation of the culture programmes of the EU. The emphasis still lies on generating networked macro public spheres, programmed by the supposed greatness of the European cultural heritage (in singular), making established works and institutions, more established. The reason for this does not seem to reside in the actual projects that were chosen in year 2000, but rather in the objectives and aims of Culture 2000, and in its selection criteria. Therefore, in order to get finances, the applicants have to hand in projects with European dimensions, working with in most cases established museums, cultural organisation, or cultural networks, making yet again, the established, more established.

Even though it can be argued that there is certain level of diversity within the 219 projects that got allocated finances, the selection procedure is still only sensitive towards larger organisations on nation-states' level. This top-down decision procedure and selection criteria, is very deterministic and therefore exclusive of different, somewhat more alternative interpretations of the diverse cultural heritage, and the differing diversities of cultures, that reside within the boundaries of the European Union. This determinism is detectable in the project descriptions of the 219 projects that were favourable to the Commission in year 2000, which do not seem to question the notion of this Europeanness at all, and are therefore highly predictable and calculable. This is often the case with projects that are characterised by a top-down selection criteria like the one Culture 2000 was using, where the methods of New Public Management are detectable, usually under the guise of countable exhibitions, countable meetings, countable expected attendance, countable seminars, workshops, performances, etc.

Such cultural policy is more prone to generate public spheres that are characterised by the rationale of the system, while the emancipative and the semi-autonomous cultural public spheres, with their often unpredictable outcome, are left *un-generated* in their micro lifeworld spheres. This kind of culture-political mantra is also prone to the glocal mix of *homogenous cosmopolitanism* which looks at its strivings in the cultural sector first and foremost as European, instead of looking at its cultural strivings from the viewpoint of creative exchanges *between* Europeans, and other third countries for that matter. It therefore seems as if the *unity* dimensions of EU's cultural coin is yet again privileged at the account of the *diversity* one.

And finally it is also worth mentioning that even though the cultural activities of the EU were assembled in one flagship programme called Culture 2000, it is still a very modest proportion of EU's activities, both in ideological and in financial terms. The Culture 2000 programme for the year of 2000 was for instance only 0.000358%⁴⁸¹ of the whole EU budget. This scant number can be seen as indicator of the seriousness the EU as a whole looks upon the issue of culture. It is clear that in terms of political symbolism, it has great significance which is openly used on the macro structure of the system, and as this analysis so far indicates, has been used for many years both before and after the Maastricht Treaty. But even though the Treaty legitimised culture, its potentials as treated in this work, are certainly not fully used. Habermas' notion of the literary public sphere, or the public sphere in the world of letters, looked upon here as the cultural public sphere, preceding the political one, and filling it up with meaningful communicative acts, both rational and irrational, strong, weak and post-bourgeois, seems far away. Culture is on the contrary used to serve the

481 The budget for year 2000 was EUR 89.386.951.293. See "Budgetter 1998-2008", accessed 28. 2008. URL: http://www.eu-oplysningen.dk/emner/EUs_budget/EUT/

political and the economical rationale, giving less room to the semi-autonomous, emancipative, intrinsic value of culture and the arts. When a further look is taken at the projects supported for the remaining years of Culture 2000, the same pattern emerges.

Culture 2000: Policy Proper 2001-2006

Even though the last sub-chapter ended in a rather pessimistic tone, at least from the viewpoint of the emancipative and semi-autonomous features of cultural public spheres, it is very important not to fall prey to the same Marxist dualism as for instance Habermas did in his *Structural Transformation of the Public Sphere*. As I already pointed out, there are some projects that could classify as having an emancipative and semi-autonomous edge, but they are clearly in the minority of projects supported by the EU. I therefore point towards a general tendency that is easily detectible through EU's cultural policy. The same can be said for the remaining five years of this second generation of EU's culture programmes, because even though there are derivations, the pattern remains the same, i.e. most projects belong to strengthening the idea of the common European cultural heritage, or the common Europeaness of networking, co-operating, and of course producing the projects across the different member-states of the EU.

One of the aims of establishing the second generation of EU's cultural programmes was to make the application and decision procedures more transparent, which was supposed to reflect more versatility and to allow smaller actors within the cultural sector to apply. This does not seem to have worked since the applications dropped from 1.023 to just over 500 between the years of 2000 and 2001, and furthermore, the total budget for the program went down from the EUR 32 million to EUR 30 million.⁴⁸² This can best be explained with the argument that in year 2000, extra excitement and promises were felt because it represented the launch of the Union's first real investment within the cultural sector. This can be felt both in the number of applications and in the finances of the Union, that even though they did not amount to much, were at least higher than the exceeding year. However, the rumour of difficult application procedure and low proportion of allocated projects seems to have scared many cultural actors away.

This is even more apparent in year 2001 since nine candidate countries from Central and Eastern Europe were included, along the EEA countries that were included from the very beginning, making in all 27 countries applicable for allocations from Culture 2000. Therefore, one would both expect increase in applications, and increase in the budget. However, quite the opposite happened. There was even decrease in allocated projects. Otherwise, despite fewer applications, less money

⁴⁸² See "200 projects and 27 participants countries: outcomes of 'Culture 2000' for 2001", accessed 26.8.2008. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/01/1897&format=HTML&aged=1&language=EN&guiLanguage=en>

and fewer allocations, the pattern of allocated projects between 2000 and 2001 is very similar, i.e. the majority of projects touch upon constructing unity in the diverse cultures of the member-states, mainly promoting *homogenous cosmopolitanism*.

In the year of 2002, a structural change was made, eliminating the category of multi-disciplined creativity, and more importantly the finances were raised to EUR 33 million, with a record height of 224 projects supported, including 28 countries.⁴⁸³ Furthermore, this year marked a decisive shift in the realisation of Culture 2000 since *priority fields* were now introduced. This meant that a certain cultural field is prioritised each year and receives the lion-share of the allocations for that year. In year 2002, the field was the *visual arts* receiving 119 allocations out of the 224 in both Action 1 and Action 2 categories. Consequently, the performing arts received allocations for 23 projects, the cultural heritage received 21 projects, cultural heritage laboratories received 3 projects, and books and reading, including translations received 58 projects. During 2002, EUR 150.000 were earmarked the organisation and award of a European prize for the conservation and the development of the cultural heritage, and the European Capital of Cultures received in all EUR 875.000. Finally, a point worth mentioning, only 430 applications were handed in for the year of 2002, and since 224 got allocations, 52% of the applications actually got funded.

The year of 2003 was dedicated to the the performing arts, and consisted of a setback both in terms of the total budget of EUR 30 million, and in terms of allocations, which amounted to 201 projects. In accordance to the objectives, 98 out of 201 projects allocated finances belonged to the performing arts, and otherwise allocations between fields were very much akin to the prior year. The flag-ship projects in the third large-scale category still contain the European Capital of Culture and the European Cultural Month, and in addition the 300th anniversary of St. Petersburg was celebrated with five projects, involving a dozen countries in total.⁴⁸⁴ Furthermore, in this year's press release, it is revealed that preparations are already been made for a new programme in the year of 2007, where it is stated that Viviane Reding, European Commissioner for Education and Culture, is working on a draft based on three priorities; *mobility of artists and cultural workers*, *mobility of works* and *intercultural dialogue*. Those were all prominent focal points already in the cultural strivings in the 1970's indicating that not so much has changed in the course of almost four decades of EU's interventions in the cultural sector.

483 See "224 European cultural projects to be funded in 2002 under the Culture 2000 programme", accessed 27.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/02/1255&format=HTML&aged=1&language=EN&guiLanguage=en>

484 See "Culture 2000 programme: 201 European cultural projects supported in 2003", accessed 27.8.2008. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/03/1716&format=HTML&aged=0&language=EN&guiLanguage=en>

The year of 2004 was dedicated to the *cultural heritage*, which received the 113 of the 233 projects available. The total funds were approximately EUR 30 million and 30 countries were eligible to participate. Otherwise, allocations resemble the prior years. It should however be mentioned that it is revealed that a little over EUR 400 million have been proposed for a new programme for the period 2007-2013, and that it will stick to the before mentioned three priorities.⁴⁸⁵

In 2005 and 2006, which represent the two latest years of Culture 2000, the *sector priority approach* was dropped, and the same approach adopted as already described in detail regarding the first year of the implementation of Culture 2000. Therefore, out of the 196 annual projects that shared the almost EUR 18 million in year 2005, 64% of them went to the cultural heritage, literature, books and reading, and translations. In terms of financial amount, the proportion is 43%. The comparison with year 2000 is somewhat scrambled since the category of multidisciplinary creativity was dropped already in 2002, but taken together, the genres favoured already under Ariane and Raphaël, are still very extensive, and this indicates that a major shift in policy proper did not occur during the seven year span of Culture 2000.

The fact that no major adjustments were made to Culture 2000 during the seven years span is quite strange since independent evaluation reports had already as soon as 2003, in an evaluation of the first two years of Culture 2000, pointed towards discrepancies which the Commission does not seem to have taken into real consideration. According to a report conducted by the Danish consultancy PLS Ramboll Management on the implementation of the Culture 2000 programme in the year of 2000 and 2001, it is for instance mentioned that a closer dialogue with the beneficiaries is needed, improvements in monitoring the programme, upgrading the screening of applications in order to reduce refused project applications, to reduce the selection procedure, to make the selection procedure more transparent, improve the feedback to non-selected applicants, and finally to reconsider the objectives of the programme.⁴⁸⁶

The Commission's reactions are included in the report, and here two things are of particular importance. Firstly, as a response to the report's concerns regarding refused project applications, mainly on grounds of faults in the formal criteria, the Commission “wonders whether the ability to read a call for proposals and fill the applications correctly is not a sign of competence and credibility of the operator that should not be neglected”⁴⁸⁷, indicating that skills in tackling

485 See “233 European cultural projects have been offered grants in 2004 under the culture 2000 programme”, accessed 27.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/04/1502&format=HTML&aged=0&language=EN&guiLanguage=en>

486 See COM(2003) 722 final.

487 *Ibid*: 6.

bureaucratic application procedures is looked upon as necessary credibility requisites. And secondly, as a response to the reconsideration of the programme's objectives, the Commission acknowledges that the objectives are too broad, especially when the funds made available are taken into consideration. However, it is maintained that this choice is a political one and that the Commission will address the issue in the preparation of the programme that will eventually succeed Culture 2000.

Those two remarks are really remarkable, since on the one hand it is maintained that the complicated formal application procedures are meant to guarantee competence and credibility on the behalf of the applicants, and on the other hand, the Commission acknowledged that the objectives of the programme are not optimal, but refuses to do anything about it in the near future. This stance is further confirmed in the Commission's conclusions, where it is maintained that it is not considered appropriate to present proposals for modification since the majority of recommendations of the evaluator do not require such actions, “but only its better use and management”⁴⁸⁸.

But even though the Commission saw no reason to modify the programme at that stage, the same arguments are still heard in another report from 2006, which was likewise conducted by an independent consultancy. In the report's executive summary it is maintained that “the Programme has achieved its goals and provided an adequate mechanism for addressing both the original and current needs regarding cultural cooperation in Europe”⁴⁸⁹, and that there is need for a programme dealing specifically with the cultural sector, instead of including culture in other programmes. The report is also positive towards the experience gained in the cultural field at European level, the increased professionalism through better management skills, the improved organisational capacity, and the increased dialogue amongst cultural actors. Furthermore, it is maintained that half of the respondents would not have conceptualised their project without Culture 2000, and from that fact the report's authors conclude that the programme is an important catalyst for ideas. The overall tone of the report is therefore rather positive, especially towards the New Public Management factors of increasing professionalism, management skills, improved organisation and network building. This goes of course hand in hand with Culture 2000's core objectives of increasing cooperation, dialogue and cultural exchanges between actors in the European cultural sector.

However, the same problems are prevalent regarding vague transparency in the selection process, not enough cooperation with project leaders and unsuccessful applicants regarding application and selection procedures, the need for a more simplified application procedure, and the

488 *Ibid*: 25.

489 COM(2006) 666 final: 3.

lack of feedback on applications. Furthermore, it is important to include that only 20% of the projects reported that they had never worked with any of their project partners before, indicating that the network of cultural cooperation that Culture 2000 was meant to establish, was already firmly established. This fact points yet again to the fact that newcomers have the hardest time of receiving money from the programme.

Nevertheless, even though the Commission acknowledges some of the critique, it seems to mainly focus on the more positive aspects of it, at least in its own conclusions found in the report:

The Commission shares the overall assessment of the evaluator that the Programme has provided a unique contribution to cultural cooperation in Europe. Culture 2000 has been instrumental in enhancing the vitality of cultural exchanges in Europe. It is unlikely that any other instrument would have been more useful than this programme in promoting cultural cooperation throughout Europe. The objectives established in Article 151 of the Treaty have therefore been fully realised.⁴⁹⁰

The Commission's self-evaluation of the Culture 2000 programme indicates that it is a perfect programme. Indeed, it maintains that it is unlikely that other ways of realising Article 151 could have been perceivable and that the objectives of Article 151 have been fully realised. This comes as a surprise when the critique offered from the European Parliament, from the Committee of the Regions, and from the above mentioned independent reports are had in mind, and offers yet another clue on the Commission's dominant role in conducting EU's cultural policy. This quotation is also rather strange because if this really was the case, then why was the third generation of the culture programme introduced in the first place? Well, as will be analysed further in the exceeding chapter, it was mainly so because the Commission felt that the impact of the programme was generally not felt amongst the European population, and therefore a better communication between the two was needed. However, this still leaves one perplexed, because how do you improve something that is perfect in the first place?

⁴⁹⁰ *Ibid*: 9-10.

Culture 2007-2013

Culture 2007 as Display

When a further look is taken at the reasons for why the makers of EU cultural policy decided to establish the third generation of the EU cultural programme, it seems as if they do acknowledge that the programme was not as ideal as the above mentioned report indicated. Therefore, the aim of the new programme is to make it more complete, more open and more user-friendly. Furthermore, the three main objectives with a significant European added value are still present, namely supporting the transnational mobility of professionals in the cultural sector; to encourage the circulation of works of art and artistic and cultural products beyond national borders; and to promote intercultural dialogue.

In the formal Decision of the European Parliament and of the Council of 12th of December 2006 establishing the programme the idea of *unity in diversity* is still prevalent, but an increased emphasis on *European citizenship* and *European integration* processes is detectable. Furthermore, it is maintained that EU's cultural policy should improve its external visibility making it a communicative tool to make its appearance softer, thereby placing it closer to the lifeworld of civil society: "An active cultural policy aimed at the preservation of European cultural diversity and the promotion of its common cultural elements and cultural heritage can contribute to improving the external visibility of the European Union."⁴⁹¹

In order for citizens to give full support to and participate in such integration, the Decision urges greater emphasis on "common cultural values and roots as a key element of their identity and their membership of a society founded on freedom, equity, democracy, respect from human dignity and integrity, tolerance and solidarity"⁴⁹², indicating yet again the importance of the common European roots, or in the conceptual framework of this work, on *homogenous cosmopolitism*. The drive to look upon the cultural sector as a positive spill-over on other sectors has not vanished as it is maintained that it is essential that the cultural sector contributes to broader European political developments. This indicates that the cultural public spheres are not meant to fill the political ones with informational processes, but in fact, quite the opposite:

The cultural sector is an important employer in its own right and there is, in addition, a clear link between investment in culture and economic development, hence the importance of reinforcing cultural policies at regional, national and European level. Accordingly, the place of culture industries in the developments taking place under the Lisbon Strategy should be strengthened, as these industries are making an increasingly large contribution to the European

⁴⁹¹ OJ L 372, 27.12.2006: 1.

⁴⁹² *Ibid.*

This tendency is further strengthened with a Resolution of the European Parliament of 4th of September 2003 on the cultural industries, and on the European Economic and Social Committee's Opinion of the 28th of January 2004, where both those actors expressed views on the need to take the economic and social features of non-audiovisual industries further into account. From the perspectives of emancipative semi-autonomous cultural public spheres, this does not sound very promising, especially in the light of that these institutions are supposed to express the voice of the people on the one hand, and the interests of civil society on the other.

The Decision is also favourable towards the large-scale symbolic project of the European Capital of Culture, and proposes significant funding to it, as it has high profile amongst Europeans and helps to strengthen the feeling of belonging to a common cultural area. And finally, it wants to simplify the administrative and financial procedures as much as possible. These aims are all recurrent themes in the cultural policy of the European Union, almost from its very beginning in the 1970s, and therefore it seems viable to ask the question what it really has achieved since the first generation of cultural programmes took place?

If this question would be answered from the corridors of DG Culture and Education in Brussels, it would surely point towards the projects financed and realised, and the networks that have been created in the span of the cultural programmes. However, it is directly acknowledged in the Decision establishing Culture 2007-2013 that this network should increasingly work to encourage the participation of smaller operators in the multi-annual cooperation projects and the organisation of activities aimed at bringing together potential project partners. This points towards the fact, as was confirmed with the two independent reports on the matter, that large part of the cultural network already existed prior to the actualisation of the cultural programmes, and that these organisations, that already had established contacts, were the ones gaining most from the financial allocations on behalf of the cultural policy of the EU. When all the projects in Action 1 and Action 2 categories of the older Culture 2000 programme are counted, it becomes clear that in the span of 7 years, from 2000-2006, 1495 projects were allocated funds. Even if this is a start, this cannot be said to be much in a community composed of approximately 500 million people.

This scarcity goes hand in hand with the finances contributed to the Culture 2000 programme, but when a further look is taken at the new programme that is implemented from the period from 1st of January 2007 to the 31st of December 2013, the over-all budget for all the years is only set at EUR 400 million. On EU budgetary scale, this is still very little money, pointing towards

493 *Ibid.*

the real seriousness behind the generation of cultural public spheres within the Union.

In article 3 of the Decision, the general objectives of the programme are phrased in the following way:

The general objective of the Programme shall be to enhance the cultural area shared by Europeans and based on a common cultural heritage through the development of cultural cooperation between the creators, cultural players and cultural institutions of the countries taking part in the Programme, with a view to encouraging the emergence of European citizenship. The programme shall be open to the participation of non-audiovisual cultural industries, in particular small cultural enterprises, where such industries are acting in a non-profit-making cultural capacity.⁴⁹⁴

Hence, the common cultural heritage and development of cultural cooperation have been coincided with the emergence of European citizenship and strengthening the non-audiovisual cultural industries. As already mentioned, these objectives are further specified to transnational mobility of cultural players, the transnational circulation of works and products, and to encourage intercultural dialogue. It is therefore clear that ideologically, there has not been a major shift between Culture 2000 and Culture 2007. Culture seems to be used in an instrumental fashion mainly working according to the interests of the economical sector, with its increased emphasis on the cultural industries and the positive spill-over on other sectors, and to the interests of the political sector, which has now been translated to the moulding of European citizenship and European integration.

The objectives and aims of the programme are supposed to be implemented according to the following three measures:

(a) support for cultural actions, as follows:

- multi-annual cooperation projects,
- cooperation measures,
- special actions;

(b) support for bodies active at European level in the field of culture;

(c) support for analyses and the collection and dissemination of information and for activities maximising the impact of projects in the field of European cultural cooperation and European cultural policy development.⁴⁹⁵

⁴⁹⁴ *Ibid*: 4.

⁴⁹⁵ *Ibid*.

Therefore, even though ideologically there has not been a major shift, there has been a shift in the field of action, and corresponds that quite nicely to the critique that the actual implementation of the programme has been subject to. In the Decision establishing the Culture 2000 programme, the categories where *specific innovative and/or experimental actions; integrated actions covered by structured, multiannual transnational cultural cooperation agreements; and finally special cultural events with a European or international dimension.*

In Culture 2007, the first category containing *support for cultural actions* (informally called first strand) is the largest one, containing approximately 77% of the budget. The *multi-annual cooperation projects* take up 32% of the over-all budget and community support may not exceed 50% of the project budget, and is supposed to be digressive in nature. Furthermore, allocations may not exceed EUR 500.000 per year for all the activities of the cooperation projects per year, and this kind of support is granted for a period of three to five years. Each project is supposed to involve at least six operators from six different countries, underlining the networked side of EU's cultural cooperation. Furthermore, the actual content description of eligible projects is very wide, as the following lines demonstrate, putting the most weight on the cooperative part:

The Programme shall support sustainable and structured cultural cooperation projects in order to bring together the specific quality and expertise of cultural operators throughout the whole of Europe. This support is intended to assist the cooperation projects in their start-up and structuring phase or in their geographical extension phase. The aim shall be to encourage them to establish sustainable foundations and achieve financial autonomy.⁴⁹⁶

The second part of the support for cultural actions, called *cooperation measures*, takes up approximately 29% of the total budget allocated to the programme and Community support may not exceed 50% of each project budget. In this category support is granted for maximum two years and may not be less than EUR 50.000 and no more than 200.000 for each project. Furthermore, projects must involve at last three cultural operators in three different participating countries. The content description for projects in this category is as following:

The programme shall support sectoral or cross-sectoral cultural cooperation actions between European operators. Priority shall be given to creativity and innovation. Actions aimed at exploring avenues for cooperation in order to develop them over the longer term will be

⁴⁹⁶ *Ibid*: 7.

particularly encouraged.⁴⁹⁷

And finally, in this category taking up 77% of the finances allocated to the Culture 2007 programme, the *special actions group* receives 16% of the total finances, with a roof of 60% coming through Community support for each project. In the content description of this group, the following is maintained: “These actions shall be special in that they should be substantial in scale and scope, strike a significant chord with the peoples of Europe and help to increase their sense of belonging to the same community, make them aware of cultural diversity of Member States, and also contribute to intercultural and international dialogue.”⁴⁹⁸ This can therefore be said to represent the flag-ship dimension of the Union's cultural policy, a point further confirmed in the objectives where it is maintained that these actions are supposed to raise the visibility of Community cultural action, both within the European Union, and beyond it. Those projects are therefore meant to raise global awareness of the wealth and diversity of European culture, and significant support is meant to be given to the European Capitals of Culture project, and in the awarding of prizes.

Apart from this *first strand* of projects taking up 77% of the budget, the *second strand* representing support for bodies active at European level in the field of culture receives approximately 10%, and the *third strand*, which is meant as support for analyses and for the collection and dissemination of information and for maximising the impact of projects in the field of cultural cooperation, receives approximately 5% of the total budget. That leaves approximately 8% for programme management.⁴⁹⁹

The objectives of the *second strand* are phrased in the following way: “This support shall take the form of an operating grant to co-finance expenditure associated with the permanent work programme of a body which pursues an aim of general European interest in the field of culture or an objective forming part of the Union's policy in this area.”⁵⁰⁰ Therefore, allocations are supposed to be given to permanent networks and cultural bodies that provide representation at Community level, to bodies that collect or disseminate information for facilitating trans-European community cultural cooperation, to cultural networking at European level, to bodies participating in cultural cooperation projects, or to bodies acting as ambassadors for European culture. Furthermore, these bodies are meant to have a real European dimension, their structure and registered members must have potential influence on European Union level, or to cover at least seven European countries. Finally, the total operating grant awarded may not exceed 80% of the body's admissible expenditure for the

497 *Ibid.*

498 *Ibid.*: 8.

499 *Ibid.*: 11.

500 *Ibid.*: 8.

year in which the grant is awarded.

The *third strand* is mainly organisational and is clearly meant to make the management of the programme clearer and more effective. It is divided in three parts, support for cultural contact points, ensuring targeted, effective grass-root dissemination of practical information on the programme, support for analyses in the field of cultural cooperation, with the aim of increasing the volume and quality of information and data, and finally the support for the collection and dissemination of information and for maximising the impact of projects in the field of cultural cooperation.

When those fields of action in the Culture 2007 programme are compared to the Culture 2000 programme, it becomes clear that the now established cultural programme of the EU is moving further still towards large-scale, symbolic projects that are primarily meant to solve the problem of communicating what they mean by European culture (the Decision still refers to it in the singular) to the European population. The third part of the first strand, and the second and the third strand, are all meant to strengthen networks, to apply New Public Management techniques to gather data and to conduct statistical analyses, and to promote large flag-ship projects. When assembled, this stands for approximately 31% of the total budget. The rest is divided between the *multi-annual cooperation projects* and to *cooperation measures*. Regarding multi-annual cooperation projects, the claim on behalf of the EU is now that at least six operators from at least six different countries have to cooperative in order to get allocations, grants are given up to 50% of the total project costs, but no more than EUR 500.000. The equivalent multi-annual group in the Culture 2000 programme demanded five operators and gave grants to up to 60%.

The demand on this largest group of allocations in Culture 2007, is therefore on adding at least one country in the network of cooperation and on acquiring more money from external sources. The good news is that the Union gives possibly more money to the project, but that is also according to the tendency of allocation to more grandiose projects that are more likely to be communicated to the general population of Europe, thereby fulfilling one of the main objectives of the programme.

Furthermore, the second largest group of allocations in Culture 2007 dedicated to cooperation measures does not state specifically what kind of cooperation is demanded in order to receive grants, as was the case in Culture 2000 which stated quite clearly the artistic genres in question and was more precise on the objectives. However, this group corresponds best with the one that was largest in the Culture 2000 programme and represented specific innovative and/or experimental actions. This group was annual and gave up to 60% of the project budget, from the span of EUR 50.000 to 150.000. In Culture 2007, Community support may not exceed 50% of the

project budget, from the span of 50.000 to 200.000, and furthermore, it is not annual anymore, but grants can reach up to two years. In both cases, it is demanded that at least three countries cooperate.

Therefore, a similar pattern can be detected. The demand of getting more external resources and the demand of cooperative necessities, instead of experimental and innovative actions, is clearly detectable. The tendency to allocate to projects with greater time span, up to two years for cooperation measures, and up to five years for the multi-annual cooperation projects, corresponds also nicely to the objectives of the programme of being more visible and grandiose. But as can be seen later, this comes at the expense of the number of allocated projects, and correspondingly, their versatility.

Finally, an important point worth mentioning is the role of the committee that is supposed to assist the Commission during the selection procedures. Just like in Culture 2000, the committee's evaluation is *advisory*, a point which indicates the Commission's possible power in the allocating procedures. In the Decision establishing Culture 2007, it is maintained that it is Decision 1999/468/EC that guides the procedures of the committee. When a further look is taken at that Decision, it is specifically stated that the Commission is supposed to be assisted by an advisory committee composed of the representatives of the member-states and chaired by a representative from the Commission. The representative submits a draft to the committee of the measures to be taken and the committee delivers its opinion on the draft. If the measures adopted by the Commission are not in accordance with the opinion of the committee, they are communicated by the Commission to the Council. However, as paragraph 4 of Article 4 dealing with management procedure indicates, the Council, acting by qualified majority may take a different decision.⁵⁰¹

Thus, even though the Commission is supposed to take the opinion made by the committee into account, it can still go against the decisions taken in that opinion, and throw the whole thing back at the Council, which takes a decision based on qualified majority. This has not changed between the Decision establishing Culture 2000 and the Decision establishing Culture 2007, and does therefore point towards the fact that there is consensus amongst the different institutions of the European Union regarding the procedure behind the working methods of the committee. This does, however, not necessarily mean that the best way has been chosen, and as commented upon earlier in this work, there exist different culture-political approaches, where more power is given to committees composed of experts in civil society. This is for instance the case in many decisions taken by some of the countries belonging to the *architect* approach where actors from artists' organisations are sometimes in majority. This is not the case when decisions are taken on

501 See OJ L 184, 28.6.1999: 23-26.

allocations from the cultural programme of the EU, where as usual, the Council has the last word.

This might also be a good time to refresh the notion of qualified majority a little, because since the recent enlargement of the Union the qualified majority went up to 255 votes of the total of 345, representing a majority of the member-states. In addition a member-state can request a verification that the qualified majority represents at least 62% of the total population of the Union and that a majority of member-states must approve the decision. Finally, the number of votes allocated to each member-state represents roughly the size of the population, giving larger countries such as Germany, France, Italy and the UK 29 votes, while smaller ones like Estonia, Cyprus, Latvia, Luxembourg and Slovenia get 4 votes. The power of the 'big ones' is therefore considerable in the decision-making processes behind the allocations of EU's cultural programme.

Culture 2007: Policy Proper

As was maintained in the prior sub-chapter, the cultural programme of the European Union is moving towards projects with more member-states taking part, more money given to each of them through a longer period of time. The annual project group has been eliminated, with its innovative and experimental actions, and instead the networked cooperation on European scale, has been put to the fore. Furthermore, the Commission entrusted the management of the programme to an executive agency (EACEA), with the aim of introducing simpler methods for beneficiaries, simplifying application forms, make the award procedure more transparent and improve information on grant awards. As already commented upon, the EACEA has only been fully operation since 1st of January 2006, and is therefore still adjusting its operations. This seems at least to be the case when a further look is taken at the promise on transparency and simplified application procedures.

It is of course not that hard to go from something very complicated, to something a little bit less complicated, as seems to be the case with the adjustments between Culture 2000 and Culture 2007. The process is however all the same, a complicated one giving established organisations and institutions certain advantage over newcomers. This is made quite clear when a further look is taken at the call for proposals, specifications and the applicant's guide, which are quite extensive in volume and precision.⁵⁰² It is however important to note that since EACEA the application procedures are communicated in a much more clear fashion, but the different criteria that are set up are all the same demanding and take up considerable man-power to respond adequately to.

So far, funds responding to the new selection procedures have only been allocated twice, for the years of 2007 and 2008⁵⁰³, and therefore not much experience has been gained from the new

⁵⁰² See "Culture Programme 2007-2013", accessed 27.8.2008. URL:

http://eacea.ec.europa.eu/culture/calls2007/strand_1/index_en.htm

⁵⁰³ See "Culture programme: a serious investment", accessed 27.8.2008. URL: <http://ec.europa.eu/culture/our->

selection methods. However, it is clear that selected projects are not as many as in the Culture 2000 programme, and is this in accordance with the fact that more money is given to each project, and the fact that the Union wishes to allocate to large-scale projects that are more likely to be visible throughout the Community. Therefore, in 2007 only 10 projects got grants from the multi-annual cooperation projects in Strand 1, which takes up 32% of the whole Culture 2007 budget. Not surprisingly, it is a prominent institution like the Tate Modern that tops the list with a project called European Modern and Contemporary Art Translations, indicating the institutional scale the Union wants to see established. Amongst other organisations that got allocations are INRAP, Frieze Foundation, Institut de recherche et de coordination acoustique/musique, INTERCULT and Fondazione La Biennale di Venezia.

The other two allocations within the *Strand 1* category on *cooperation measures* and *special actions*, follow similar pattern where the emphasis is clearly on supporting fewer projects with more potentials of reaching through to the European population. The Union allocated 77 projects to the cooperation measures category which takes up 29% of the total funds and therefore only 87 projects take up 61% of the total funds given to Culture 2007 in the year of 2007. This number gets slightly higher when the special action group is included since it includes the European Capital of Cultures programme, and the 42 translation projects that got allocated. However, despite those projects, the total list of allocated projects does not reach 200 projects, indicating that despite more money given to Culture, less projects get funded. Indeed, in total only 146 projects got allocated from the Strand 1 category, which is the one dealing with the production of actual content, and stands for approximately 77% of the total funds.

The other two strands are dedicated to support for cultural bodies and support for analysis, collection and dissemination of information standing for 15% of the total funds, with programme management standing for the last 8%. The support for cultural bodies is further divided into three sub-categories called *ambassadors*, *networks* and *events*. The first one is composed of the well-known recurrent emphasis on European high arts, since it represents the European Union Youth Orchestra, the European Youth Jazz Orchestra, the European Union Chamber Orchestra Trust Ltd., the European Opera Centre Trust, the European Union Baroque Orchestra, and finally the Chamber Orchestra of Europe. The second sub-category represents 24 networks where the European Network of Education Services for Opera Houses, International Network for Contemporary Performing Arts, European Festival Association, the International Yehudi Menuhin Foundation, International Association of Music Information Centres, European Nostra Pan-European Federation for Heritage,

[programmes-and-actions/doc411_en.htm](#) I will only refer to the 2007 allocations as all of the 2008 allocations have not been made wholly public.

the European Music Council, International Festival and Events Association Europe, Europe Jazz Network, European Network of Cultural Administration Training Centres, European Forum for the Arts and Heritage and European Music Office, are amongst the networks selected for allocations. Finally, in the sub-category of *events* there are 14 projects that belong within the realm of festivals.

Therefore, it is safe to say that in terms of the actualisation of Culture 2007, the cultural policy as display dimension corresponds quite nicely with the cultural policy proper dimension since fewer projects are meant to be more visible, more attention is given to networks and the symbolic projects of the European Union, both in the guise of the European Capital of Culture projects and in the different orchestras that bear the name of the European Union. Furthermore, the largest group in terms of financial allocations only give support to 10 projects which all have established institutions and organisations behind them, indicating that the established become more established, while the relatively unknown are left in the shadows. But why did the transformation from the second generation of EU's cultural programme to the third generation take precisely that form, and what were the culture-political priorities of the different EU institutions behind the actual decision?

The Institutional Road to Culture 2007

One of the main arguments of both the European Parliament and the Committee of Regions regarding the Culture 2000 programme was to increase the budget and to place the policy closer to the lifeworld, making it easier for the not-so-established to apply and get allocated. These considerations were again present in those bodies reactions on the original Proposal for a Decision establishing the Culture 2007 programme that was presented by the Commission on the 14th of July 2004.⁵⁰⁴ In the forewords to the Proposal issued by the Commission, it is maintained that it took into account different evaluations, a forum on cultural cooperation, a report made by group of experts, a public consultation carried out on the Internet and the work of the Council, the European Parliament and the CoR. According to these findings, Community action in Culture 2000 was considered too fragmented and a clear need was identified to combine Culture 2000 better with the European cultural organisations and the European Capitals of Culture. Furthermore, the old dilemma of lessening the bureaucratic structures in the allocation process re-surfaces and the need to move towards a more user-friendly programme, with simpler methods for beneficiaries and rationalised management is further identified.

The Proposal does however resemble the actual Decision on all main issues and the institutional road between the two is therefore characterised more by minor adjustments and re-

⁵⁰⁴ See COM(2004) 469 final.

praising, than on major culture-political discrepancies. The over-all budget was originally set at EUR 408 million, but in the final Decision it was EUR 400 million. This has to be considered a bit strange since the European Parliament and the CoR had hitherto fought for more budget for EU's cultural programme, but after the institutional road, the Decision was EUR 8 million poorer. In the Proposal 36% was supposed to be given to the first part of Strand 1, which was at that time called *cooperational focal points*, 24% to *cooperation measures* and 17% to *special actions*, but in the final Decision the corresponding numbers were 32%, 29% and 16%. The Commission therefore wanted clearly to put more money into the multi-annual cooperation projects category which is meant to support large-scale projects with the time span of 3 to 5 years.⁵⁰⁵

This Communication was further discussed in the Council on the 15th and 16th of November 2004⁵⁰⁶, with the aim of giving the delegations the opportunity to express their opinion at ministerial level. There, the open and inclusive nature of the Commission's Proposal was welcomed and the fact that no specific sectors are mentioned, is valued in positive terms. A few delegations did however imply that the protection of the cultural heritage would be appropriate. However, as was seen from the actual Decision, a special emphasis on the cultural heritage has now vanished from the objectives of the programme. What is of more importance is the fact that delegations generally did underline that the programme should be open to small cultural operators and in order to facilitate their participation, it was proposed that a minimum number of operators or the financial thresholds in order to get allocated were reduced. This did however not happen, indicating yet again the Commission's power in the institutional process.

The next decisive step in this institutional road of the Culture 2007 programme comes from the Committee of Regions which evaluated the Proposal at its meeting on the 23rd of February 2005. In the following extract that was published in the *Bulletin of the European Union*, the CoR, not surprisingly keeps on emphasising cultural diversity and the local, regional and national cultural manifestations:

The Committee argued that an acceptable compromise should be found concerning the budget allocated to the proposed programme in the context of the wider debate on EU financing for the 2007-13 period; references in the text to cultural diversity should be strengthened; all local, regional and national manifestations of both cultural and linguistic

505 These points are discussed in more detailed in the Commission's staff working paper *New Cultural Programme (2007-2013)*. See SEC(2004) 954.

506 See "2616th Council Meeting, Education, Youth and Culture", accessed 27.8.2008. URL: http://64.233.183.104/search?q=cache:mPlsyMOgufQJ:ue.eu.int/ueDocs/cms_Data/docs/pressData/en/educ/82679.pdf+2616th+Council+Meeting,+Education,+Youth+and+Culture+website&hl=da&ct=clnk&cd=1&gl=dk&client=firefox-a

diversity should be included in the 'Culture 2007' programme; the reference to the key role of local and regional authorities in promoting and celebrating the culture of their communities should be strengthened; the text should mention the fact that all sectors of cultural activity would be eligible for funding under the programme.⁵⁰⁷

In more detail, the CoR's Opinion supports the three overarching objectives that underpin the programme in the form of mobility for artists, mobility for works and the inter-cultural dialogue. It welcomes the administrative, financial and legal simplifications and concurs with the overall thrust of the Commission's Proposal in streamlining the programme to three overarching objectives and three strands. However, the old critique that already was present in the Opinion that the CoR issued regarding the Culture 2000 programme still applies to the new programme, especially the fact that “small cultural operators tend to have limited resources, both human and financial, and find it far more difficult than their larger counterparts to develop applications for funding”⁵⁰⁸, and its fear that “the Commission's proposal might militate against the participation of smaller operators and against projects that are 'small in scale but high in quality'.”⁵⁰⁹

The CoR furthermore emphasises the fact that large is not necessarily tantamount to high in quality, creativity and innovation, and therefore criticises the Commission's suggestions on moving the focus further still on large-scale projects. It also expresses concerns regarding the project duration, the increasing number of co-organisers and the general threshold rules, and feels that mechanistic selection criteria and inflexible rules should be replaced by the keywords of *quality* and *flexibility*. The CoR would also like the new programme to highlight the socio-economic benefits that culture can bring and emphasises yet again the importance of cultural diversity in defining the characteristics of the European Union.

Finally, I want to mention two very important points that the CoR's Opinion identifies. The first one concerns the very 'nature' of the cultural interventions of the European Union, since it questions “whether there is scope to increase the co-ordination between European Community and cultural polices in the Member States, while respecting the principle of subsidiarity, in order to maximise the effect of each European Community Culture programme grant”⁵¹⁰. What this implies is whether the whole grounding of the cultural policy of the EU in Article 151 is simply too weak to make any practical sense. Or put differently, the CoR questions whether it is possible to actually realise projects with European dimensions, that are all the same anchored in the member-states,

507 *Bulletin EU* 1/2 2005, accessed 28.8.2008 . URL: <http://europa.eu/bulletin/en/200501/p104031.htm>

508 OJ C 164, 5.7.2005: 66.

509 *Ibid.*

510 *Ibid.*

without disrespecting the principle of subsidiarity.

The other point of particular importance is related to the programme management of Culture 2007, because the CoR expresses its concern “that pooling of resources into one 'mega' executive agency shared by other European Community funding programmes such as youth and lifelong learning could lead to a loss of expertise and specialised knowledge of, and sensitivity to the cultural sector, which must be avoided at all costs.”⁵¹¹ Here, the CoR is sceptical towards the ECREA's role in driving the programme and is afraid that the cultural sector will yet again be used as a spill-over that benefits other societal spheres.

In terms of direct changes, the Opinion proposes that the multi-annual cooperation projects should not be limited to six operators from six countries, but to five operators in five countries instead. However, in the actual Decision, the Commission seems to have had the last word since it is limited to six operators and six countries. The Opinion likewise suggests that 90% of the budget within the special action Strand should be given to the European Capital of Culture projects thereby stressing its importance and increasing the transparency of the Strand. In this vein, the Opinion suggests that the remaining 10% should be given to the Europa Nostra Prize and the European Union Prize for contemporary architecture. However, in the Decision, the strand remains opaque. Furthermore, the CoR wished for a representative in the selection committee, but that wish was promptly denied.

This does not mean that all the suggestions made by the CoR were ignored. The Commission wished for instance to set the grants to a period of five years in the *multi-annual cooperation projects Strand*, but in the Decision, CoR's wish to support grants for a minimum of three and up to five years have been respected. The reason that the CoR gives is that more flexibility should be allowed since not all promoters want to run five years projects, and that it can be difficult for many of them to find co-financing for such a long period. In the *cooperation measures Strand*, the Commission also proposed the collaboration of four cultural operators in three different participation countries, but in tandem with the CoR's wishes, the Decision demands three cultural operators in three participation countries. Finally, the CoR proposes changes in the over-all budget breakdown in Strand 1, proposing that 30% should go to *multi-annual cooperation* projects, 30% to *cooperation measures* and 17% to *special actions*. The argument is that the current breakdown of the Commission, giving 36% to the *multi-annual* group and 24% to the *cooperation measures* group, could discriminate against smaller operators that are in CoR's view the most experimental and innovative.⁵¹² As already noted, the actual Decision went in-between those

⁵¹¹ *Ibid*: 67.

⁵¹² See *ibid*: 74.

proposals.

The tendency is all the same very clear. The Commission's Proposal concentrates on large-scale activities that have a longer span of time and are likely to be more visible, while the CoR is more concerned on smaller, more inclusive and innovative projects, with less bureaucratic specifications. Or in Habermas' terms, the Commission is more inclined to generate public spheres that lie closer to the macro mechanisms of the *system*, while the CoR is more concerned with generating cultural public spheres anchored in the micro *lifeworld* structures of civil society.

This seems also to be the case with the *European Parliament* which in its first report on the Proposal issued at the 19th of September 2005, suggested that the *multi-annual cooperation* projects should be limited to six different operators in four different countries, instead of the six as the Commission suggested, and later was accepted. The Parliament also wanted to set the roof at 70% of the project budget in this category, but the Commission set it at 50%. However, the Parliament agreed with the CoR on setting the time limits from 3 to 5 years, instead of just for five years as the original Communication from the Commission indicated, and therefore the amendment was a cooperative effort. The Parliament also wanted to set the total budget allocated to the *multi-annual* projects down to 29%.⁵¹³

Furthermore, the Parliament wanted to change the *cooperation measures* category reducing the cultural operators from four to three, push the percentage of the project budget given by the Commission up to 70%, instead of 50% and lower the threshold to EUR 30.000, instead of EUR 60.000. Just like the CoR, the aim was to allow less established cultural bodies to become eligible. In addition, the Parliament suggested to give approximately 30% of the total budget allocated to this Strand, instead of the 24% that the Commission envisaged, and finally it also wanted to reduce the programme management to 6% instead of the 8% that the Commission proposed, and was accepted in the final Decision.

As can be seen, the adjustments that the Parliament wanted to make on the Proposal are in accordance to the CoR's suggestions. However, the Parliament does not look positively upon the total budget of EUR 408 million, and proposes therefore EUR 600 million for the whole period of Culture 2007. The reason for this is that inadequate account was taken of the enlargement in the additional funding of Culture 2000, and therefore it is wrong to use those numbers to calculate from. Furthermore, the Parliament points toward the fact that the new programme will support activities previously carried out in other parts of the budget and that 8% of the budget has been allocated to EACEA. Finally, it is pointed out that even EUR 600 million is not very much, because if one-thousandth of the current Community budget would be dedicated to the new programme, the

⁵¹³ See A6-0269/2005 final: 18-19.

multi-annual budget would still only be EUR 700 million.⁵¹⁴

In a Position of the Parliament adopted at first reading on the 25th of October 2005, it is specifically stated that the programme “must take into consideration the fields of cultural heritage and cultural creation of the Member States, such as architecture, the plastic arts, music, literature and the performing arts, while remaining in a non-sectoral spirit, open to innovation and to trans-disciplinary synergies.”⁵¹⁵ This indicates that the Parliament wished to implement a more precise description on the actual content that Culture 2007 was supposed to generate. In the actual Decision, this sectoral approach has however been abandoned and a much more open, and ill-definable criteria has taken its role. Other issues that the Parliament wished to see represented in the Decision are increased emphasis on the role of the cultural heritage and museums, on a clear link between investment in culture and economic development, the necessity of the cultural sector playing a role in broader European political developments, the strengthening of the cultural industries and that the broader cultural matrix should be reflected in the high-competitive knowledge based economy.⁵¹⁶

Therefore, even though in practical terms the Parliament wanted to change the selection criteria for the Culture 2007 programme in order for smaller actors to participate, it is still preoccupied with an approach that very much resembles the one on the first two generations of the EU cultural programme, where the cultural heritage was very prevalent. This can further be seen from the following extract taken from the *Bulletin*:

[S]ubject to amendments concerned mainly with better preservation of the 'cultural heritage of European significance' and strengthening of a sense of European citizenship and awareness of a shared cultural heritage. To this end, Parliament is in favour of simplifying the selection criteria and the rules governing grants, simplifying the title of the programme by renaming it 'Culture' and extending it to the whole of European cultural heritage, including values and ways of life.⁵¹⁷

However, as can be detected in the final Decision, those objectives of the European Parliament were not present. A point that yet again points toward the Commission's power in this institutional road to the Culture 2007 programme.

The next decisive step is dedicated to the discussions in the Council which decided at a meeting the 14th of November 2005 to enter partial agreement where some of the Parliament's

⁵¹⁴ *Ibid*: 30-31.

⁵¹⁵ OJ C 272E, 9.11.2006: 234.

⁵¹⁶ *Ibid*.

⁵¹⁷ *Bulletin EU* 10/2005, accessed 27.8.2008. URL: <http://europa.eu/bulletin/en/200510/p104039.htm>

wishes were taken into consideration, but the budgetary aspects were excluded.⁵¹⁸ At another meeting the 18th and the 19th of May 2006, the Council claimed that it had reached a political agreement on the entire draft⁵¹⁹, and that the discussions for the Union's budget for 2007-2013 had been ended.⁵²⁰ Indeed, in a Common Position adopted by the Council, the budget was set at EUR 354 million, which is an amount based on 2004 figures.⁵²¹ This amount was then technically adjusted according to inflation, which pushed it up to the EUR 400 million.

According to this Common Position, many of the amendments proposed by the European Parliament were accepted. However, the ones that were accepted were mainly rephrasing of points that needed further balancing so that all actors were content. The amendments that were not incorporated are more direct and concern for instance changes on the budget breakdown between different strands, the lowering of minimum budget for cooperation measures, the minimum number of operators from different countries involved in multi-annual cooperation projects, all amendments introducing sectoral priorities, increasing Community support from 50% to 70%, and amendments concerning increased transparency and different forms of evaluations.⁵²²

However, despite these intermediary negotiations of the Council, between the Parliament and the CoR on the one hand and the Commission on the other, the latter was not content with the changes and the text was thus sent to the Parliament again with a view to a second reading.⁵²³ In a new Communication from the Commission to the Parliament, it is maintained that the Commission cannot support the common position on two issues, the budgetary breakdown and on the broadening of the comitology procedure to individual decisions on selection. Regarding the former issue, the Commission is not content on the Council decision that 32% of the programme budget should be aimed at multi-annual projects, since the Commission originally proposed 36%, and likewise, the Commission is not happy with the Council's decision on dedicating 29% to cooperation measures, which the Commission originally earmarked 24%. The latter point which the Commission opposed was an extended procedure on projects that were awarded grants that exceeded EUR 200.000, on the grounds that this would extend the internal decision-making procedure, without any real added value.⁵²⁴

518 See *Bulletin EU* 11/2005, accessed 27.8.2008. URL: <http://europa.eu/bulletin/en/200511/p104028.htm>

519 See “2729th Council Meeting, Education, Youth, Culture”, accessed 27.8.2008. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/06/131&format=HTML&aged=0&lg=en&guiLanguage=en#fn1>

520 *Bulletin EU* 5/2006, accessed 26.8. 2008. URL: <http://europa.eu/bulletin/en/200605/p120009.htm>

521 See 2004/0150(COD).

522 See OJ C 238E, 3.10.2006: 29.

523 See “2745th Council Meeting”, accessed 27.8.2008. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/06/217&format=HTML&aged=0&lg=en&guiLanguage=en>

524 See COM(2006) 476 final.

In a Recommendation for the second reading⁵²⁵, and also in the Parliament's legislative Resolution⁵²⁶, the latter point of the Commission's proposals was indeed taken into consideration, but the percentages dedicated to the different strands remained the same. Finally, in an Opinion of the Commission⁵²⁷, these amendments were accepted, and at its meeting the 11th to the 12th of December 2006, the Council approved amendments⁵²⁸ which paved the way for the signature of the Council and the Parliament on the actual Decision establishing the Culture 2007 programme.

DG Education and Culture: Which Side of the Cultural Coin?

The reason why I went through the decision procedures both regarding Culture 2000 and Culture 2007, is to demonstrate the complicated level of negotiations between the main EU institutions and to make known the interests those bodies are defending. On the surface, these negotiations seem to take the form of deliberation based on rational debate and therefore they correspond with Jürgen Habermas' idea of rationalised, political public spheres. However, as was demonstrated with the various critique and adjustments that Habermas' theories have been subject to, not everyone shares the same power in those negotiations. It is for instance quite apparent that the Opinions of the Committee of Regions are purely advisory and do not have to be included in the hardcore decision mechanisms behind the actual decision establishing both Culture 2000 and Culture 2007.

Furthermore, in the EU case dealing with those culture programmes, the emphasis is clearly on the rational-critical side of the political public spheres, while the cultural public spheres generated from the lifeworld are for instance mainly left to the Opinions of the CoR, thereby representing an advisory dimension. Even though this dimension, often associated with cultural diversity, looks good on paper, the instrumental rationale of the *system* is still the one that guides all the three generations of EU cultural programmes. The reason for this is, as already indicated, to be found in the cultural strivings of the Community prior to Maastricht Treaty and in the five paragraphs of Article 128 from the Maastricht Treaty, which formed the legal basis for the realisation of the culture programmes. The Community was from the very start bound to move within the economic and political domain, and therefore the interventions within the cultural sector were marked by the interests of those domains. Artists were not artists, but cultural workers, and there was no cultural policy, only Community interventions within the cultural sector.

Even though Article 128 provided the legal basis for different kinds of interventions, the

525 See A6-0343/2006.

526 See P6_TA(2006)0433.

527 See COM(2006) 682 final.

528 See "2772nd Council Meeting", accessed 28.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/06/343&format=HTML&aged=0&lg=en&guiLanguage=en>

actual manifestation of this legal basis is still very much akin to the first culture-political considerations in the 1970's and the 1980's. This is further confirmed in the three main objectives of the new Culture 2007 programme; *promoting transnational mobility of people working in the cultural sector in the EU, encouraging transnational circulation of works of art and cultural products*, and *encouraging intercultural dialogue*. The first two are situated within the sphere of economic rationale, while the last one corresponds in the hands of the EU very nicely with the political rationale, especially the EU version of unity in diversity.

On the outset, the decision procedure behind the cultural programmes of the EU might seem as too bureaucratic and heavy. However, it is all the same difficult to visualise an alternative version in a union that is supposed to represent over 500 million people, scattered across 27 nation-states. The institutional triangle in the form of the Commission, the Council and the Parliament are supposed to be defending different interests of the societal structure and in culture-political terms, at least as the ideal role of cultural policy has been described in this work, such policy would be taking the different rationale of the system and the lifeworld into account, generating public spheres that do justice to the versatile, heterogeneous and complicated characteristics of the culture concept. This does however not seem to be the case since all the bodies seem to be rather content with the realisation of Article 151, at least through the main cultural programme of the Union.

This consensus is manifested in a recurrent emphasis on looking primarily on culture as a positive spill-over on the economical and the political sectors where circulation of works of art and cultural products, and the establishment of large-scale symbolic and political projects are prioritised at the account of small scale, experimental, innovative projects that are likelier to grow from the lifeworld structures of society. The generation of emancipative and semi-autonomous cultural public spheres is therefore not a priority, and this is so because they do neither offer the same grand-scale exposure in political terms, nor the grand-scale income in economical terms. This has resulted in a cultural policy that is preoccupied with large-scale projects that point towards the European Union as a modern, supra-national patron of the arts and culture, mainly through the various orchestras, European cultural prizes and projects like the European Cities of Culture.

The aim is therefore to generate public spheres on a macro level that lie closer to the system and can 'glocally' be characterised as inducing *homogenous cosmopolitanism*. Those spheres are much more characterised by a very determined, rational goal that wants to use culture and the arts to construct an imagined community of European cultural networks, based on the great European cultural heritage. This was at least the case during the first and the second generations of EU's cultural programmes, which had the cultural heritage high on the agenda.

But even though the sectoral approach was dropped by the Commission in the Culture 2007

programme, the Strand allocating most money from it still had the grandiose dimension, financing 50% of projects with a time-span from 3 to 5 years and demanding at least six operators, from six different countries. The symbolic, political, and even the economical, value is obvious, but it is equally obvious how hard it is for newcomers to join the programme, and what is worse, the more explosive and uncontrollable dimensions of culture and the arts, are left in the shadows. Therefore, the emancipative semi-autonomous characteristics that make this societal sphere different from others are simply not represented, a point that was clear in the sub-chapter where the allocated projects were described.

Another important point concerns the determinacy inherent in the programmes, and by this I mean that even though many projects with European dimension have been established from the first to the third generation of the programme, the EU only accounts for maximum 50% of the finances behind the projects. This means that the different organisations and bodies could have created different projects with those 50% they had to come up with in the first place, and it is this what I mean by determinacy, i.e. the Union prides itself of creating projects that otherwise would not have been established. However, this could also be turned the other way around, i.e. by establishing those projects with a European dimension, it also prevented the making of other projects that maybe would not have included that grandiose European dimension, and therefore might have contributed to more innovative, experimental generation of emancipative semi-autonomous public spheres.

It remains to be seen whether the Commission's dismissal of the sectoral approach works at the advantage of the differing diversities of cultures, or whether the selection committee will still prioritise projects that touch upon the European cultural heritage and the book and translation sectors. However, I find it quite remarkable that the voice of the people in the form of the European Parliament, along with the Committee of Regions, went against this and proposed instead an increased weight on the cultural heritage, and the cultural industry. This is in my view an indicator of the fact that no real discrepancies exist between the different EU institutions regarding the cultural sector, a point that is reaffirmed in the institutional road to Culture 2007. Even though both the European Parliament and the CoR proposed changes and pressed through some amendments concerning the time span and the excess of some of the Strands, those were all the same minor adjustments. In the end, the Commission proposed a *multi-annual project* category of five years, giving 50% to selected projects, and representing 36% of the total budget for Culture 2007. After the institutional road, the reality is that the time span was set to 3-5 years, giving 50% to selected projects, representing 32% of the total budget. This is a minor adjustment, not a revolutionary different cultural policy.

But here we finally get to one of the most important points of EU's cultural policy, namely

the subsidiarity principle that is legally binding in the Maastricht Treaty. This principle forces the Union to generate a cultural policy that is supposed to assist projects that are out of the reach of the member-states. As already commented upon, this is a grey zone, but the Union's reaction to the principle has been to establish a grandiose European network between cultural bodies scattered across its member-states, attempting to create a European public sphere that hovers over the national ones, enmeshing European citizens with a feeling of common European identity. The important thing to note here is that this is not just cultural policy, but also a necessity inherent in the Treaty.

Because of Article 151, and because of the subsidiarity principle, the Union cannot establish and interfere with small-scale projects that do not include many different European actors, since that is the role of the individual member-states. Therefore, the makers of the cultural policy of the EU chose to establish cultural programmes that have been described in this chapter. However, as thoroughly documented in the first part of this work, *networked digital culture* offers an alternative that could present another view and another dimension to the cultural policy of the European Union, producing different, more innovative, experimental, semi-autonomous projects, without going against the subsidiarity principle. But even though the *DG Education and Culture* does not seem to be working much in the advantage of the notion of emancipative semi-autonomous cultural public spheres, it is traditionally considered to be the Directorate-Generale within the EU, that is most concerned with this dimension of the cultural coin.

This is further confirmed, for instance in Annebelle Littoz-Monnet's writings on the matter as she proclaims that the “EP and the DG Education and Culture within the European Commission acted as the advocates of the 'cultural' view, while the most powerful Commission units sponsored an economic approach to cultural matters.”⁵²⁹ However, even though this might be correct and the DG Education and Culture indeed is more prone to look at the 'cultural' view instead of the political or economical views than other DG's touching upon the cultural sector, my analysis so far indicates quite the contrary. There are of course many considerations that indirectly work in advantage of culture and the arts, but usually these aspects are over-shadowed by the spill-over use, where indeed these subjects are used to promote interests of other societal spheres. This is directly acknowledged on the Web-portal of DG Education and Culture, where a special section is dedicated to paragraph 4 of Article 151, which is meant to mainstream culture into broader policy-making framework. The example that tops the list is the *citizenship* programme, where it is maintained that it is meant to “promote dialogue between different cultures in Europe and support efforts to forge a common

529 Littoz-Monnet 2007: 20.

European identity.”⁵³⁰ Other programmes include the *Television without Frontiers* Directive and the *Media* programme, which I will analyse further in the next two chapters, the *Lifelong Learning* and the *Youth in Action* programmes. The economical worth of the cultural sector is further acknowledged by linking it with *EU structural funds* and the *Seventh Framework Programme for Research*, and to the *Common Agricultural Policy* as well. Finally, the Commission's recommendations on *digitalisation* and on *on-line accessibility* is mentioned, a point that I will also analyse further later on.

The purpose of this enumeration is however to prove that if the DG Education and Culture is generally known for working according to the interests of culture and the arts, the other DG's must be disregarding that dimension all together. The recent emphasis on the European citizenship that fills up much of the DG Education and Culture's work these days, and epitomised in the new *Communication on a European agenda for culture in a globalizing world*, is yet another indicator of the fact that even though this DG is doing a better job in safeguarding the intrinsic values of culture and the arts than other DG's of the Union, those values are all the same downplayed.

According to the Communication, which is a very up-to-date manifestation of EU's cultural strivings, the three objectives for a European agenda for culture are; *promotion of cultural diversity and intercultural dialogue*; *promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth and jobs*; and finally *promotion of culture as a vital element in the Union's international relations*.⁵³¹ Concerning the first one, the main objective is still on promoting the mobility of artists and professionals in the cultural field, the works of art and artistic expressions, pretty much as Culture 2007 is meant to do.

The second one is amongst other things meant to “[p]romote capacity building in the cultural sector by supporting the training of the cultural sector in managerial competences, entrepreneurship, knowledge of the European dimension/market activities and developing innovative sources of funding, including sponsorship, and improved access to them.”⁵³² Furthermore, as a response to the recent Lisbon Strategy for growth and jobs, this new agenda for culture in a globalising world encourages the development of creative partnerships between the cultural sector and other sectors in order “to reinforce the social and economic impact of investments in culture and creativity, in particular with regard to the promotion of growth and jobs and the development and attractiveness of regions and cities.”⁵³³ And thirdly, culture is meant to be a vital element in international relations, especially to promote market access for cultural goods and

530 “Culture in Other EU Policies”, accessed 25.8.2008. URL: http://ec.europa.eu/culture/our-policy-development/doc405_en.htm

531 See COM(2007) 242 final.

532 *Ibid*: 9.

533 *Ibid*: 10.

services, to promote cultural diversity, to promote cultural exchanges between EU and third countries and to increase people's access to culture, including people-to-people contacts.

When all this is taken into consideration, it is clear that the cultural programmes of the EU are in a similar stage as the Nordic cultural model seems to be at the moment. More emphasis is put on the techniques of New Public Management, where monitoring and the production of statistical information are welcomed, and the demand to acquire more and more money through sponsorships from the market mechanisms is looked upon positively. The arm's length principle is not as active as it could be, since the committee's decisions are only advisory, which put greater power in the hands of the main institutions of the European Union. These considerations all point towards the normative ideal of the *facilitator* approach, and therefore the cultural policy of the EU seems to be following the same pattern as many other cultural policies on national and regional levels, where the interests of the *system* are prioritised at the account of the *lifeworld*.

And finally, a last point worth mentioning regards the real seriousness behind establishing a cultural policy that is meant to strengthen the intrinsic values of culture and the arts. I have already showed how much of the total budget of the EU was dedicated to the cultural programmes during the Culture 2000 period, and even though more money has seemingly been given to the category in Culture 2007, raising the total budget for the whole period from the EUR 236.5 million dedicated to Culture 2000 to the EUR 400 million dedicated to Culture 2007, these numbers are really just adjustments made according to inflation as the proportion of the programme for the year of 2007 is still only 0.00346% of the total budget allocated to the EU in 2007. This does not indicate that the EU is particularly interested in supporting strong cultural public spheres that have real impact on the political public spheres, but quite the contrary. It is again the political and economical side of the cultural coin that is mostly promoted.

Searching for Digital Cultural Public Spheres

I will end this chapter by accounting for the weight EU's cultural programmes assumed to projects that resemble the notion of *digital cultural public spheres*, as defined in this work. When a further look is taken at the allocations from the EU cultural programme from 2000 to 2007, it is clear that the idea of *remixable digital cultural landscape of prosumers* has not seriously made it through the criteria of the selection committee. Many of the projects do touch upon some aspects of digital culture, but most of them are bound to a meta-level of storing findings and various information digitally, or to create Web-pages that give easy access to the results of the project, etc. The buzzword 'digital' is therefore used by many applicants to make the idea seem more modern, when in fact it is usually rather 'traditional' except from the fact that a CD, or a Web-page was also

created.

But even though this can be seen as a brick in the digitalisation of culture, and therefore could have interesting implication for the idea of digital cultural public spheres later on, not a single project that got allocated funds does for instance make appropriate use of the Creative Commons in order to induce increased participation through legal remixes. There is not a single project that uses similar methods as the *Creative Archive* or *Elephants Dream* encouraging people to find and download digitised material, and to mix it according to one's preferences, and then to share it again in a completely legal manner. This seems to me as rather strange since this kind of information sharing and information creations are very much akin to the objectives set forward in Article 151, especially the last two sections of paragraph 2, and more importantly, such digitised creations in the international culture of real-virtuality respect the principle of subsidiarity, since the global aspects of the network society are out of the reach of the individual member-states of the European Union. Such projects do therefore fit very nicely to the supportive, complementing, networked, cooperative aims of Article 151.

The other digital platforms that I analysed in Part I, such as the social networking sites of *YouTube*, *MySpace*, *Facebook* and *Flickr* do also correspond quite well to the objectives set forward in Article 151. These platforms are promoting cultural exchanges, non-commercial artistic and literary creations, including audio-visual, in a colossal magnitude exceeding by far the productions made by the three generations of cultural programmes in the EU. It is therefore quite remarkable that such projects are not promoted increasingly by the Union's cultural policy proper.

However, the emphasis on what can be termed as the *analogue* dimension is one of the main characteristic of EU's cultural programmes resulting in the fact that the *remixable digital add-on* is mostly not represented. Even if this may seem illogical, at least from the perspectives of the aims of Article 151, one of the reasons for this is to be found in the institutional divisions of the Commission's DGs. Ever since the establishment of the culture programmes and the media programmes of the EU in the 1990's, the audio-visual part has been ascribed to the Media programme, while the 'analogue' sectors of the cultural heritage, literary translations, literature, books and reading, performing arts and the visual arts, were left to the culture programme. The Media programme belongs to the *DG Information Society and Media* and therefore there are institutional discrepancies between the Commission's institutions.

These discrepancies are very unfortunate for the remixable digital landscape of prosumers since such terrain feeds on both dimensions, the *cultural* one and the one on *media* and *digital communication*. Digital culture is a hybrid convergence culture that does not correspond nicely with the sectoral approach that EU's culture programmes were characterised with prior to the Culture

2007. And even though the sectoral approach was dropped in the recent adjustments of EU's cultural programme, it was not because of the characteristics of digital culture, but as the Commission put it, because "Community cultural action wishes to open itself up to a wide variety of participants, ranging from administrations to networks, from cultural organisations to enterprises in the cultural sector, enabling cooperation in a wide range of formats."⁵³⁴ There is nothing in such cooperation that a priori excludes the notion of digital cultural public spheres in a remixable cultural landscape characterised by the objectives of access culture, but as the cultural policy proper that the Culture 2007 programme has so far produced, such public spheres, let alone their emancipative semi-autonomous side, seems not to be favoured amongst the makers of EU's cultural policy.

The emphasis is therefore still on *homogenous cosmopolitanism* where the idea is to generate public spheres that favour the political construction of a macro European public sphere characterised by a very deliberate reading of the European cultural heritage, thereby strengthening the idea of European citizenship. This is made clearer still in the Communication on making citizenship work, where it is specifically stated that the sectors of youth, culture, civic participation and the audiovisual one, are to be increasingly used as means to further the integration process of the EU.⁵³⁵

However, as this work argues, the Union could be realising those aims by using the different means of digital cultural public spheres, promoting a remixable access culture that encourages prosumers to get creative with digitised cultural information. This would put the emphasis on the emancipative side of the cultural coin, and would therefore represent a shift in the EU's cultural policy proper. As this analysis indicates, the stance that the Union has taken through its major cultural programme, is quite the opposite, but such analysis would not be fulfilling without taking the audiovisual aspect into account, and therefore the next two chapters will be dedicated to the search of emancipative semi-autonomous digital cultural public spheres in EU's two flagship interventions within the audiovisual sector, namely the *Television without Frontiers* Directive and the *Media* programme.

⁵³⁴ COM(2004) 469 final: 7.

⁵³⁵ See COM(2004) 154 final.

EU's Audiovisual Regulatory Framework

As already noted, the European Union has always ascribed great importance to the audiovisual sector, both before and after the Maastricht Treaty. In the somewhat sketchy interventions within the field prior to the legalisation of the cultural sector, a very similar pattern is detectable regarding the Community's use of the audiovisual concept, i.e. because of the cultural limitations inherent in the Treaty of Rome, the audiovisual sector was mainly defined in industrial, economic terms. However, as is inherent in former Article 128, and the current Article 151, the audiovisual sector is included in the formal, legitimised cultural policy of the European Union. This is specifically stated in the last section of paragraph 2, where it is maintained that actions by the Community should be aimed at encouraging cooperation between member-states, and supporting and supplementing their actions in artistic and literary creations, including in the audiovisual sector.

It is therefore quite clear that the audiovisual sector is a part of EU's cultural policy. This is of course very important from the notion of emancipative semi-autonomous digital cultural public spheres, generated by the remixable culture of prosumers. As already claimed, these are hybrid constructions where different semiotic platforms such as digital text, graphics, audio, and visuals are mixed and distributed through the networks society's global network of new media. The two flagships within EU's audiovisual sector are the *Television without Frontiers Directive* and the four generations of the *Media* programme, and the purpose of this chapter is to analyse the Directives behind EU's broadcasting policies.

Television without Frontiers

Preparing the Directive

The EU is quite aware of the importance of the audiovisual sector, both in terms of its economical role, but also in terms of its cultural and social role. In an overview of the Union's activities within the sector, it is claimed that television is our primary source of information and entertainment, a sector with huge commercial interests, at the same time having immense impact on public service, cultural diversity and social responsibility. It is however, specifically stated that each national government has its own audiovisual policy, just as each member-states has its own cultural policy. The EU's role is therefore limited to rules and guidelines, where common interests are concerned, and quite appropriately, the common terms that are specifically mentioned are open EU borders and

fair competition.⁵³⁶ The importance of the sector is furthermore mirrored in the distributional scope of television and in the time the average European spends each day on consuming television. These considerations are at the fore of EU's policy making in the sector, at least according to the introductory text on the Web-page dedicated to audiovisual and media policies:

The audiovisual sector directly employs over one million people in the European Union. In addition to its economic importance, it also plays a key social and cultural role: television is the most important source of information and entertainment in European Societies, with 98% of home having a television and the average European watching more than 200 minutes television per day.⁵³⁷

These can be said to be the main reasons why the Union started its interventions in the audiovisual sector in the first place, since it is one of the most powerful mediums of reaching huge amount of people at the same time, making it an important factor economically, politically, as well as culturally. In 1984 the Commission presented a *Green Paper* which was concerned with a common market in broadcasting, taking special considerations to developments in satellite and cable technologies. In another *Green Paper* from 1987 called a *Green Paper on the Development of the Common Market for Telecommunication Services and Equipment*, the regulatory steps to establish competitive open information markets were discussed further, especially on implementing the factors allowed by the Treaty of Rome in order to respond to the single market in the audiovisual sector.

These *Papers* paved the way for the *Television without Frontiers Directive* which was adopted in 1989 and updated in 1997. This *Directive* required member-states to coordinate their national legislation amongst other things on issues such as free movement of television programmes within the single market; that television channels would reserve at least half of their broadcasting time for films and programmes made in Europe; to safeguard protections on important public interests such as cultural diversity; to ensure public access to major events; that children and young people are protected against violent or pornographic programmes; that parties unfairly criticised in a television broadcast have the right to reply; and that maximum volume of advertising that channels are allowed to carry are respected.⁵³⁸

However, in the hybrid convergence culture, which the digital paradigm has escalated, the

536 See "Overviews of the European Union activities: Audiovisual and Media", accessed 25.8.2008. URL: http://europa.eu/pol/av/overview_en.htm

537 "Audiovisual and Media Policies", accessed 26.4.2008. URL: http://ec.europa.eu/avpolicy/index_en.htm

538 See "Overviews of the European Union activities: Audiovisual and Media", accessed 25.8.2008. URL: http://europa.eu/pol/av/overview_en.htm

traditional notion of television is not as apparent as it used to be. This is why the word television was dropped in the new *Directive*, which is called the *Audiovisual Media Services Directive*. This *Directive* was adopted by the European Parliament and the Council in November 2007, giving the member-states two years to prepare and adopt it to its national environment. This new *Directive* tries to respond to the digital landscape as explained in this work, for instance by including new media services such as video-on-demand, and commercial services provided over the Internet, or mobile phones. Apart from that, the *Directive* moves further in the advantage of the market, allowing for more flexibility in the timing and scope of advertising spots, and by allowing indirect advertising through product placement.

The new *Audiovisual Media Services Directive* (AVMSD) is very important from the viewpoint of cultural flows between the nodes in the network society, and what kind of digital cultural public spheres, the Union wants to promote. On the outset, it seems as if the liberal view was yet again stronger, since the *Directive* facilitates surroundings in favour of the market media. However, even if this gives the market media more room through the deregulation of nation-state control, this is far from the access culture that has hitherto been described in this work. To inspect the possible fate of emancipative, semi-autonomous cultural public spheres under the current cultural and media landscape that the Union wants to promote, I will concentrate mostly on the new amendments and what it actually means when new media services are included in the AVMSD. However, in order to put the policy into proper perspective, I will start with the two Green Papers that preceded the TwF Directive.

In the first *Green Paper*, which was issued 14th of June 1984, the Commission is really responding to the audiovisual developments that satellite and cable technologies have brought with them. Great importance is ascribed to those changes and there is even talk about its significance in terms of “future coexistence of individuals and of nations.”⁵³⁹ But even though this Communication was issued in 1984, it is remarkably accurate in its evaluation on the consequences this 'new media' landscape is capable of inducing:

The increasing speed and the lower costs of electronic data transmission will, apart from other considerations, make this mode of communication more generally accessible and lead to an internationalization of communications. This is true not only of individual communications, where decentralized computers now enjoy access to the well-developed international telecommunications network, thus giving electronic data-processing an international dimension, but also of electronic means of mass communication.⁵⁴⁰

539 COM(84) 300 final: 11.

540 *Ibid.*

The internationality inherent in such broadcasting landscape serves the Commission quite well since it is in accordance with the Community's objectives of serving as a coordinator of common actions. Regarding the notion of *cultural public spheres*, the section on EEC Treaty and cultural activities is very informative as it represents a rather different version of the Community's right to intervene within the cultural sector, prior to the Maastricht Treaty.

According to the Communication it is maintained that newspapers, magazines, collector's items, records and films benefit just as much from free movement within the Community, as do food, capital goods, consumer durables and services provided by banks, advertising agencies and insurance companies. Additionally, it is bluntly maintained that the Treaty applies evenly to economic, social or cultural sectors, a view that is further stated with the following lines:

Contrary to what is widely imagined, the EEC Treaty applies not only to economic activities but, as a rule, also to all activities carried out for remuneration, regardless of whether they take place in the economic, social, cultural (including in particular information, creative or artistic activities and entertainment), sporting or any other sphere. Thus, just as it guarantees Member States' nationals who are workers freedom of movement and those who are self-employed freedom of establishment no matter what their occupation, the Treaty guarantees free movement within the Community for whatever goods and services they supply.⁵⁴¹

In the light of what has already been demonstrated in this work, especially from the viewpoint of the delicate precariousness in which the culture concept was circumvented prior to the Maastricht Treaty, this has to be considered a rather bold interpretation of the Treaty. In the various documents already analysed, officials for instance talked about *cultural workers*, instead of *artists*, and *cultural goods*, instead of *artworks*, but here, it is really the other way around. Information, creative and artistic activities are particularly mentioned, and this is further confirmed later on in the *Green Paper's* section on the EEC Treaty and cultural activities, where it is maintained that the Treaty is not just confined to industry, but also to “all cultural undertakings and by all self-employed artists, authors, journalists, photographers and sportsmen equally.”⁵⁴² Indeed, according to the Communication, the Treaty does not exclude any sector and therefore, “it grants the right of establishment to broadcasting organizations.”⁵⁴³

But even though this interpretation of the EU's right to intervene within the cultural sector

⁵⁴¹ *Ibid.*: 6.

⁵⁴² *Ibid.*

⁵⁴³ *Ibid.*

prior to the Maastricht Treaty might seem contradictory, it does all the same give a valuable hint towards the different interests that different DG's are defending. From the viewpoint of broadcasting it is clear that it is important for the Commission to include the cultural dimension, since the exclusion of the same would limit the scope and the freedom of movements within the broadcasting sector considerably. This is not only so from economical interests, but also the political. Indeed, in the section on cultural and social aspects, the cross-frontier radio and television broadcasting is looked upon as a significant contribution to European unification. Here, the dimension of *homogenous cosmopolitanism* enters the picture again, where broadcasting is looked upon as important means to generate the extra European dimension to the Community's inhabitants:

The fact that cross-frontier television broadcasting offers an opportunity for helping to develop a European identity is an aspect of the new broadcasting technology which also holds some attraction for the Member States. The aim is to use the possibility of direct television transmission via satellite in order to produce and broadcast a new kind of programme with a European focus.⁵⁴⁴

However, even though the broadcasting sector is clearly to be used as yet another brick in the creation of a homogenous European whole, the *polarised cosmopolitanism* is also prevalent, as the following lines from the *Green Paper* demonstrate:

[M]ost of the films shown come from one single non-member country – the USA. As a result there is already a certain uniformity in the range of films screened on television in the Community. Programmes such as “Dallas” are carried by almost every television channel in the Member States. The creation of a common market for television production is thus one essential step if the dominance of the big American media corporations is to be counterbalanced. This is yet another area where the establishment of a Community-wide market will allow European firms to improve their competitiveness.⁵⁴⁵

Here, popular cultural creation like the soap-show *Dallas* is seen as a manifestation of cultural imperialism on the behalf of the USA, and the need to counterbalance this tendency is clearly identified. But even though this is seen as a cultural threat, the answer seems to be linked to the market mechanisms of the single market. Cultural threats are therefore yet again resolved with economic means.

⁵⁴⁴ *Ibid*: 28.

⁵⁴⁵ *Ibid*: 33.

Apart from the rather creative interpretation of culture's role within the Community's broadcasting sector and the recurrent view of looking upon culture as means to promote political interests, this *Green Paper* is very much dedicated to the harmonisation of different member-states' legislation and other legal aspects, as well as to the economic aspects which are, amongst other things, meant to have implications far beyond the broadcasting spheres, for instance in the advertising business.

This tendency is further confirmed in the other *Green Paper* that paved the way for the Television without Frontiers Directive, which bears the title *Towards a Dynamic European Economy: Green Paper on the development of the Common Market for Telecommunications Services and Equipment*. In this *Paper* little attempt is made to adjust culture to the objectives of the common market within the broadcasting sector. Indeed, in the presentation to the Green Paper it is acknowledged that information, exchanges of knowledge and communications are of great importance to the economic activity and the balance of power in the world. Already here the strategic rationale of the *system* is prevalent, a fact that is further confirmed in the following lines:

In order to create an open and dynamic market in this area it therefore seems necessary to introduce regulatory changes to improve the sector's environment. These changes should allow the full development of the supply of services and equipment, thus making it possible for industry to take full advantage of this potential.⁵⁴⁶

Even though this Communication is aimed towards using future broadcasting as means to generate dynamic European economy, the issues at stake are presented as having both an economic edge, and a social and cultural edge. The economic view is widespread throughout the *Paper*, amongst other things by its emphasis on figures and possible financial revenues, and by looking at various technical practicalities between the member-states and the Community. The cultural one is however very briefly mentioned, and when it is, it is hardly about culture at all:

In social and cultural terms, the accessibility to economic actors of an effective system of production and transport of information will give rise to profound transformations in the organisation of production, its geographic location, and in the efficiency and nature of services, with a beneficial effect on both the level and the nature of employment, as on life-styles.⁵⁴⁷

The *system* imperatives seem to be in control yet again and a liberal tone, which sees culture mainly

⁵⁴⁶ COM(87) 290 final: 1.

⁵⁴⁷ *Ibid*: 2.

as a positive spill-over, is clearly detected. The difference from this *Paper* and the previous one is that no serious attempt is made to argue for the cultural importance of the Community's forthcoming broadcasting policy. This is further confirmed in the conclusions to the presentation of the *Paper*, where state intervention is clearly seen as a hindrance to the objectives of the common market. Furthermore, the *polarised cosmopolitanism* is detected, now in much more alarming tone:

Decisions are urgently required. Under pressure from the measures already adopted by the United States and Japan, and under pressure from users, anxious to reduce state dominance and give a freer reign to competition, several Community governments are now defining their deregulation/reregulation policies. These must take account of the requirements of the Single Act and its application. In turn, European integration can move forward only if it has at its disposal efficient networks of information systems and services accessible at low cost that will make a vital contribution to the establishment of the single market, the competitiveness of its industry and the internal and external cohesion which the Community has adopted as its goals.⁵⁴⁸

The argument on behalf of the Commission seems to be that external pressure from other large global actors, forces the Community to take actions, and that these actions have to be steered by the rationale of the system. Even when the culture-induced notion of European integration is mentioned, the focus is still on the establishment of the single market and the competitiveness of the Community's audiovisual industries. As the EU openly admits that these two *Green Papers* were decisive in the preparatory works on the Television without Frontiers Directive⁵⁴⁹, these concerns were about to affect the outcome of the Directive greatly.

There can be no denying that in the preparatory work done by the Commission before the actual Directive, the cultural dimension was mostly absent, at least in its emancipative and semi-autonomous versions. This is however not only because the Commission envisaged the Community's interests best suited according to economic interests, but also because of the liberal approach promoted by a majority of the member-states. As Annabelle Littoz-Monnet points out in a very recent study, the European Court of Justice, the European Commission, along with majority of member-states, all favoured a liberal view where broadcasting was mainly defined as a commercial activity. The Court did for instance look upon broadcasting as *service*, thereby permitting the Community to continue its intervention within the audiovisual sector. Littoz-Monnet also maintains

⁵⁴⁸ *Ibid*: 6.

⁵⁴⁹ See "From TVWF to AVMS a short overview", accessed 5.8.2008. URL: http://ec.europa.eu/avpolicy/reg/history/historytvwf/index_en.htm

that strong private actors within the audiovisual industries looked positively upon the Community's interventions, since these were about to loosen up the regulations on nation-state level.⁵⁵⁰

However, even though different institutional interests within the Community, along with the obvious interests of major private media actors, promoted liberalisation of the audiovisual sector, a major concern was also the internationality of the issue at hand, especially with the advent of satellite and cable technologies. This was as already mentioned in the two *Green Papers*, an important concern which did not go unnoticed by the Commission. Nevertheless, since the different DG's within the Commission are meant to represent different views, a view that is more favourable to cultural public spheres could theoretically have been adequately presented, by for instance implementing cultural quotas, or insert cultural objectives similar to what has already been said regarding the Public Service Broadcasters. But as Littoz-Monnet demonstrates, the DG responsible for culture did first get involved in 1986 and its views were therefore not represented in the major preparatory work that took place prior to the Television without Frontiers Directive. It was for instance the DG Internal Market that prepared the 1984 Green Paper and as it happened, the Commissioners for both DG Internal Market and DG Competition, along with the DG Culture, came from countries that were in favour of liberal views.⁵⁵¹ These factors let Littoz-Monnet conclude that the “combination of commercial actors' influence, the prevalence of liberal views within the Commission and the EU institutional 'liberal bias' derived from the Treaty powers gave the liberal coalition a strong advantage in framing the policy debate.”⁵⁵²

However, as always is the case with the Community, there were inner discrepancies which challenged this liberal views. The European Parliament did for instance issue a Resolution in 1982, where interventions within the audiovisual sector were greatly urged. The Parliament acknowledged the internationality inherent in broadcasting technologies and claimed “that if the European Community and its institutions do not participate in this decision-making process, developments might take place which would not be in the interests of the Community.”⁵⁵³ But even though these interventions were not as prone to look positively upon the economic liberalisation of the sector, the Parliament's view was still very favourable to the political part of the system. Indeed, the Resolution specifically stated that radio and television are the chief media for informing and shaping public opinion, and that the reporting of the European Community has been inadequate and far too often directly negative. As a response to this development, the Resolution sees it as pivotal for the Community to encourage the national television companies and the European Broadcasting Union

550 See Littoz-Monnet 2007: 71-78.

551 *Ibid*: 79.

552 *Ibid*: 80.

553 OJ C 87, 5.4.1982: 111.

in their plans to establish a European television channel. The Resolution furthermore proposes that this European channel “should provide a full range of programmes, covering news, politics, education, culture, entertainment and sport and that it should be European in origin, transmission range, target audience and subject matter”⁵⁵⁴.

Just as in the case of EU's cultural programmes, the Parliament's view is therefore also an instrumental one, where the powerful audiovisual sector was supposed to be used as means to further cultural integration within people's Europe, where a very biased interpretation of Europe's cultural heritage was suggested. As an example of this, the Parliament wants to “increase European awareness and recommends that account be taken of the essence of European culture, namely diversity in unity”⁵⁵⁵. Here, the objective to take advantage of a common European culture, and all of its diverse cultures, is yet again tailored according to other interests, in this case the communicative problems that the Community was undergoing at that time.

As Richard Collins remarks in his work on EU's broadcasting and audiovisual policies,⁵⁵⁶ there were, apart from the Parliament, several bodies that went against the economic predominance of the audiovisual sector. However, these actors were also pursuing to safeguard their own interests. As already demonstrated, the Parliament looked upon interventions from political viewpoints, while a country like France, which was opposed to the level of liberalisation, was also looking after its own interest as a large producer of audiovisual material. By fighting for several restrictions favourable to the European audiovisual industries, the French government was at the same time working very consciously to promote its own productions. And even though the liberal views were the most predominant, the French government, along with other actors in favour of certain restrictions, was up to a certain point successful in implementing favourable paragraphs into the Directive. A relatively obvious example is the one on where television channels are meant to reserve large amount of their broadcasting time for films and programmes made in Europe. Since France is a major producer of such material, the interests they are securing, are quite noticeable.

This does however not come as a surprise. As the models I constructed in the first part of this work demonstrate, the field of cultural policy is saturated by power, where the reigning discursive formations attempt to construct surroundings favourable to their policies. But as the power concept is very productive, such use has many faces, and the negotiated outcome is not a colonising homogenous whole. Therefore, even though the liberalist version was the strongest, and as can be seen in my analysis of the *Television without Frontiers Directive*, induced a majority of suggestions favourable to such liberalised view, micro power structures, in this case mainly

⁵⁵⁴ *Ibid.*

⁵⁵⁵ *Ibid.*

⁵⁵⁶ See Collins 1994.

presented by the French government, are also presented.

Television without Frontiers: The 1989 Version

In the Commission's communicative strategy, the *Television without Frontiers Directive* is described as a win-win-situation, since broadcasters attract greater audience and viewers profit from a bigger choice of channels, and as a sign of the liberal flair of the Directive, it is referred to as a *minimum set of common rules*.⁵⁵⁷ In the Directive adopted by the Council on the 3rd of October 1989, it is confirmed that television broadcasting constitutes “a *service* within the meaning of the Treaty”⁵⁵⁸, and furthermore that “the Treaty provides for free movement of all services normally provided against payment, without exclusion on grounds of their cultural or other content”⁵⁵⁹ exemplifying the consequences of defining broadcasting as service. The Directive can therefore be said to apply similar measures to the cultural sector as did the various interventions of the Community prior to the Maastricht Treaty. Furthermore, as a final confirmation of the circumvention of the culture concept, it is maintained that “the independence of cultural developments in the Member States and the preservation of cultural diversity in the Community therefore remain unaffected”.⁵⁶⁰

However, even though such phrasing can be said to secure the Community a certain legal use of the culture concept, where the semi-autonomous and the emancipation side is surely absent, this kind of use is all the same on a grey zone which keeps resurfacing whenever culture is mentioned in the Directive. It is for instance maintained that *where practicable*, a commitment should be made that a certain proportion of broadcasts should be obtained from producers that are independent from broadcasters, and that these productions should be obtained from small and medium sized enterprises. The purpose is to “offer new opportunities and outlets to the marketing of creative talents of employment of cultural professions and employees in the cultural field”⁵⁶¹, indicating a very similar use of cultural concepts, as was at that time widespread within other Community initiatives within the cultural sector. The boldness of the first Green Paper concerning the incorporation of the artistic sector has therefore been abounded, and a view that is more in accordance with the legitimacy inherent in the Treaty is adopted. This could of course not be otherwise, but the view expressed in the Commission's first Green Paper is all the same alarming, especially from the emancipative and semi-autonomous side of culture and the arts.

In the first article of the *Television without Frontiers Directive*, television broadcasting is

557 “The 'Television Without Frontiers' directive”, accessed 28.8.2008. URL: http://ec.europa.eu/avpolicy/reg/tvwf/index_en.htm

558 OJ L 298, 17.10.1989: 23. *Italics are mine*.

559 *Ibid*.

560 *Ibid*: 24.

561 *Ibid*: 25.

defined in following terms:

'[T]elevision broadcasting' means the initial transmission by wire or over the air, including that by satellite, in unencoded or encoded form, of television programmes intended for reception by the public. It includes the communication of programmes between undertakings with a view to their being relayed to the public. It does not include communication services providing items of information or other messages on individual demand such as telecopying, electronic data banks and other similar services⁵⁶²

The original TwF Directive did therefore not account for the so-called convergence culture that Web 2.0 and the global network of new media have been major actors in creating. This becomes very clear in the clause where it is stated that it does not include *on individual demand* services. However, the reason why I mention this here is to put the TwF Directive into perspective, and to explain the reactions of the EU towards the different media landscape in the new Audiovisual Media Services Directive.

In article 3 of the Directive, the subsidiarity principle strikes again because there it is maintained that member-states are free to require television broadcasters under their jurisdiction to submit to more detailed and stricter rules. However, if an event is regarded as having major importance for society, it is forbidden to deprive a substantial proportion of the public the possibility of following it. In a recent statement by the Commission, the events that are supposed to have this dimension are mainly major sport events.

From the viewpoint of distribution and production of television programmes, article 4 is of particular importance since it adheres both to the economical and to the political interests of the Community:

Member States shall ensure where practicable and by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria⁵⁶³

There are a few things here of importance. The phrasing 'where practicable' keeps on resurfacing,

⁵⁶² *Ibid*: 25.

⁵⁶³ *Ibid*: 26.

indicating that all member-states are not equally suitable to fulfil the objectives of the Directive. Therefore, there seems to be certain fluidity inherent in the phrasing and the same can be said for the majority proportion that is meant to include the broadcaster's informational, educational, cultural and entertainment responsibilities, while excluding news, sport events, games, advertising, teletext services and teleshopping. Thus, the distinction between for instance news and information and education on the one hand, and entertainment and games, is not clear to me at all. Article 5 is likewise dedicated to such quotas since it makes member-states ensure that, where practicable once again, at least 10% of transmission time, or 10% of the programming budget for European works, is created by producers who are independent of broadcasters.

Both article 4 and article 5 of the Directive have the notion of 'European works' as their focal point and article 6 is dedicated to defining what is meant by such a work. I won't go too deep into such definition, as it is rather complex, but will suffice to mention that such works are not only works that originate in the member-states, but also countries that are a part of the European Convention on Transfrontier Television of the Council of Europe and fulfil certain requirements that the Community has set, or other European third countries that also fulfil requirements that are mentioned in detail in the Directive. What is import to acknowledge in this context is the complex level of glocal processes in which a constellation like the European Union finds itself in, and the cobweb of agreements that is about to affect its actions within the broadcasting sector.

However, when this minimum set of common rules is compared to the model that James Curran puts forward, the liberal tendencies that were prevalent in the preparatory work conducted prior to the Directive, are clearly in favour of what Curran referred to as the private sector media. Public Service Broadcasting, which Curran did indeed put at the heart of his model, is of course technically present, since the TwF Directive is meant as a coordinated set of common rules. This means that each member-state can principally make such broadcasting more widespread within their respective systems, depending on the objectives of their cultural policies. But because of the Community's liberal approach towards this minimum set of rules, the Directive is left relatively open, apart from the fact that a majority proportion of the transmission time is supposed to be dedicated to European works. As already claimed, article 6 is dedicated to the definition of such a work, but only from the formal criteria of participants and location of the products origins.

However, there are no real 'content criteria' which state further what kind of European works this minimum set of rules is supposed to produce. The emphasis is therefore very clearly on enhancing the distribution and up to a certain extend the production of European works, and can this be said to respond to the wishes of the economical and political rationale of the system. The objective is therefore clearly to use the potentials of a large audiovisual sector to increase the

economic scope of the European audiovisual industries, and to use the political potentials of such a widespread sector, to enmesh the citizens of Europe with a common feeling of Europeaness. Hence, both the Commission's and the Parliament's views seem to have been respected.

A considerable part of the Directive is for instance dedicated to television advertising, sponsorship and teleshopping, coordinating the outer frames of advertising spots to the very minute, as the following example from third paragraph of article 11 demonstrates:

The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their scheduled duration is more than 45 minutes, may be interrupted once for each period of 45 minutes. A further interruption shall be allowed if their scheduled duration is at least 20 minutes longer than two or more complete periods of 45 minutes.⁵⁶⁴

This is really a formal criteria dedicated to coordinating the market side of the media. The same can be said for article 18 which states that the “amount of advertising shall not exceed 15% of the daily transmission time.”⁵⁶⁵ This percentage may however be increased to 20% if the form of advertising in question is a direct offer to the public for the sale, purchase or rental of products. Furthermore, the amount of spot advertising within a one-hour period may not exceed 20%. Other kind of content criteria, as for instance Curran's *Public Service, social market sector, civic sector*, not to mention the *professional sector*, are not specifically included in the Directive at all.

The cultural sector as such is therefore not specifically mentioned, as is the case with many Public Service Broadcasters at nation-state level, and this has to be interpreted as the cultural dimension of the lifeworld have yet again been shaded by the makers of EU's cultural policy, and this happens at the account of the system imperatives. It is also worth mentioning that from the first Green Paper to the actual Directive, the scope and the sheer importance of culture grew smaller and the economic and political considerations grew larger. This fact does not go unnoticed by David Ward, who in his work on EU's media policy affirms this interpretation maintaining that the Directive downgrades the recognition of cultural objectives:

Though it does retain a fundamental objective, which sits alongside the aim to create a pan-European market of television, improving the dissemination of member state television to increase exposure and thus knowledge amongst the populations of member states, its real

⁵⁶⁴ *Ibid*: 28.

⁵⁶⁵ *Ibid*: 29.

potential in the cultural sphere is largely undermined.⁵⁶⁶

Different Interests

There can be no denying that the 1989 version of the *Television without Frontiers* ended up by being a very powerful tool for the *system* imperatives of the European Union. It is a rather favourable set of common rules both to serve economical and political interests. But as always, the institutional road was not particularly smooth, and different EU bodies had different perspectives on the nature of EU's future broadcasting sector. The original Proposal, which was submitted by the Commission to the Council on 30th of April 1986, is for instance more blatant in evaluating culture as an economic service:

[T]he Treaty does not exclude from its scope any such service, by reason of its particular nature, such as its cultural aspects or implications, but provides for the liberalization and free movement of all services normally provided for remuneration which are therefore and without prejudice as to their cultural or other contents considered by the Treaty to be economical activities, a harmonious development of which is one of the objectives of the Community.⁵⁶⁷

As can be seen from this quotation, the Commission's view on the broadcasting sector is very much in favour of liberalisation, free movement and the harmonious development of the economic activities of the single market. Indeed, just as in the original Green Paper, the Commission goes to some lengths in making sure that culture is defined in economic terms. The Commission's Proposal does also go further in reducing the member-states' right to intervene on the grounds of the cultural, educational and informational role of the Public Service Broadcaster. This seems at least to be the purpose of the following lines taken from the Proposal:

[T]he coordination of national law designed to secure and promote distribution and production of television programmes in respect of provisions that are not based upon grounds of general interests, public policy, public security or public health is not necessary since they cannot be invoked to restrict the free circulation of broadcasts within the Community;

Whereas such coordination is nevertheless needed at the Community level to make it easier for persons and industries producing programmes having a cultural objective to take up and pursue their activities⁵⁶⁸.

⁵⁶⁶ Ward 2002: 55.

⁵⁶⁷ OJ C 179, 17.7.1986: 4-5.

⁵⁶⁸ *Ibid*: 6.

According to this, public policy can intervene when general interests are at stake. However, at the same time, the Commission states specifically that at Community level, the production of programmes having a cultural objective should be facilitated, making it easier for persons and industries to intervene with cultural issues. The reason for this is the same as has been prevalent throughout this analysis of EU's use of culture, namely its potentials for increasing the financial scope of its audiovisual industries, and to facilitated European integration. The Proposal phrases these potentials in following terms:

[T]he vulnerability of European cultural industries is not due to lack of creative talent, but to fragmented production and distribution systems and whereas it is therefore necessary to promote markets of sufficient size for television productions in the Member States to recover necessary investments not only by establishing common rules opening up national markets but also by offering productions from the Community of each kind an adequate part in television programmes of all Member Sates, which will at the same time promote the presence of other European cultures in the television programmes of each Member State.⁵⁶⁹

In more concrete terms, the various articles in the Proposal go further in creating a legal framework that works in the favour of the *system*. The proportion suggested by the Commission does for instance go up to 60%, three years after the Directive has been adopted. The section regarding broadcast advertising and sponsoring is not as minutely detailed as in the final Directive, which suggests that the Commission did not favour a detailed quota system on advertising, and the definition on what counts as a Community work is likewise not as detailed as the actual outcome.

However, the most noticeable transformation from the Commission's Proposal, and the actual Directive, is the Commission's striving to adapt a certain use of the culture concept to the Proposal, so that it could be circumvented as a legal way of enmeshing it within the sector. In the amendments suggested by the European Parliament's first reading, there are no amendments suggested on this kind of use. The Parliament therefore seems to be quite content with 'bending' the cultural concept in this direction, thereby agreeing on the Court's and the Commission's definition of broadcasting as an economical and political service.

The Parliament does however suggest some important amendments, and succeeded in getting some of them adopted in the final Directive. The recital on the independence of cultural developments in the member-states and the preservation of cultural diversity is for instance a

⁵⁶⁹ *Ibid.*

creation of the Parliament, which is represented in the Directive. Other suggestions, which are rather typical for the Parliament, like for instance “safeguarding the pluralism of the information sector as a whole”⁵⁷⁰, and in its attempt to intertwine aspects of economic polarised cosmopolitanism with a more political version of such polarisation, as the following example demonstrates:

[A]dditional Community measures to promote the international competitiveness of European cinema and television production are needed, in view of the strength of the non-European media industry, not only in order to achieve the economic objectives of the community but also to counteract any loss of linguistic and cultural identity.⁵⁷¹

Neither of those suggestions were accepted in the final Directive, but they serve all the same as good indicators on the Parliament's role in accepting an economical approach, as long as the political is also secured. In terms of the proportion of broadcasting Community works, the Parliament wants to withhold 60% and concerning its definition on what counts as a Community work is much more in accordance with the final Directive, than the Commission's Proposal suggested. Concerning advertising and sponsorship, the Parliament wished to insert more detailed guidelines, suggesting that advertising should not take up more than 15% of the total time of broadcasts received by the public, and not more than 18% of each hour of broadcasting. These suggestions are more restrictive than in the actual Directive where the proportional ceiling for each hour is set at 20%. However, yet again the Parliament's wish to safeguard the pluralism of information was not accepted in the final Directive.

Finally, I want to mention an interesting recital which the Parliament suggested and was not accepted, and states that “one of the purposes of this directive is to ensure the efficiency of the public broadcasting system by establishing conditions of fair competition in the Common Market”⁵⁷². This recital explains in my view some of the inner contradictions that a liberal approach and the notion of public service broadcasting. While the Commission very deliberately tries to avoid the concept of public service broadcasting, or at least tries to limit its functions considerably, the Parliament, acting as the voice of the people, tries to combine the two in a somewhat peculiar fashion. As already noted, the idea behind Public Service Broadcasting has traditionally been to safeguard media pluralism and to ensure that certain level of educational and cultural information, that do perhaps not have great commercial potentials, are also represented. The Parliament's

⁵⁷⁰ OJ C 49, 22.2.1988: 54.

⁵⁷¹ *Ibid.*

⁵⁷² *Ibid.*: 53.

understanding of the concept as a venue for ensuring conditions of fair competition therefore seem a bit strange, since there is a clear interventionist approach behind the idea of such public broadcasting system. But even though the Parliament hints at such intervention, it does not take the step all the way and is therefore locked between the viewpoints of the economic and the political rationale, and this happens at the expense of the culturally generated lifeworld.

The approach detected in the *Opinion* of the Economic and Social Committee, which is supposed to safeguard the interests of civil society, is much more direct as it identifies more clearly the economic, social and cultural aspects of broadcasting. Indeed, the Opinion maintains that information, education, entertainment and culture should serve as basic functions seeing the Community's role primarily as an encouragement to promote European television programmes, while maintaining the cultural identity and the national structure of media. Furthermore, the Opinion is quite aware of the importance of cultural diversity and cultural pluralism, and it also urges that the legislative and administrative measures that will be taken will avoid media concentration:

Indeed, it feels that European cultural diversity with its manifold characteristics is part of Europe's rich heritage. In the worldwide development of audiovisual media Europe has an exceptional variety of programmes to offer, thanks to its cultural diversity.

It also wishes to stress that the co-existence of broadcasting stations of different status – e.g. public and private – can ensure a measure of cultural pluralism and thus help to safeguard the principles of freedom of expression, freedom of opinion and pluralism, which are essential to the exercise of democracy and to economic and social development.⁵⁷³

But even though the Opinion clearly sees the need to establish cultural public spheres closer to the lifeworld, it also recognises and accepts the Commission's wish to establish a common audiovisual market: “The Committee is able to approve the Commission's endeavour to establish a common market in radio and television broadcasting through harmonization.”⁵⁷⁴ However, it is also stated that it has doubts concerning the means chosen and the conditions laid down for achieving this liberalisation. In particular, the Opinion wants to implement a much clearer view on the use of culture, not only because “any economic decision in this field takes on a cultural dimension”⁵⁷⁵, but also to “promote the cultural quality of programmes.”⁵⁷⁶ The Opinion identifies the legal problems facing the Commission in implementing culture more directly into the Directive, but it all the same

⁵⁷³ OJ C 232, 31.8.1987: 29.

⁵⁷⁴ *Ibid.*

⁵⁷⁵ *Ibid.*: 30.

⁵⁷⁶ *Ibid.*

“invites the Commission to consider the possibility of reinforcing European cultural identities, particularly in the field of broadcasting.”⁵⁷⁷ The EESC is rather consistent on withholding this cultural dimension and repeatedly urges the Council and the Commission to take the lifeworld imperatives into account:

The Committee insists that all further initiatives by the Council or the Commission in the cultural field should promote European pluralism and show respect for minorities.

It also wishes the Community to provide itself with adequate funds to carry out a culturally balanced policy of this kind.⁵⁷⁸

The Opinion is also wary of too much advertising and suggests that under no circumstances should permitted broadcast advertising time exceed 10%. However, it is also sceptical towards inflicting too restrictive ceiling because too much limitation of advertising could lead to concentration on the market, which would make advertising available only for large enterprises.

The actual outcome concerning advertising can be said to consist of compromise between the different EU bodies. The Commission wanting very little restrictions, and the Parliament and the EESC wanted little more. The cultural dimension that both the Parliament and especially the EESC argued for is however totally absent in the actual *Television without Frontier Directive*, which has a very liberal approach, looking primarily upon culture as economical and political service. This does of course not come as a surprise since the Treaty did not allow for any real cultural interventions, and therefore culture had to be defined from its industrial, market-driven side. However, in 1997 the Television without Frontiers Directive was updated, and since this happened after the incorporation of formal cultural policy in the Maastricht Treaty, a further look at this update could be quite illuminating.

TWF: The 1997 Version

Even though the cultural policy of the European Union had acquired a legal framework for more intervention within the cultural sector concomitant to Article 128 of the Maastricht Treaty, this opportunity was not used when the *Television without Frontiers Directive* was revised. However, on the Commission's Web-page which is dedicated to the Directive, one of the reasons that is given for the amended version concerns the cultural sector: “Because of further developments in the rapidly changing audiovisual sector – such as teleshopping and sponsoring – and a perceived need for an extension of the rules regarding the protection of minors and the *promotion of the European*

⁵⁷⁷ *Ibid.*

⁵⁷⁸ *Ibid.*

cultural productions, the Directive was amended in 1997⁵⁷⁹.

As can be seen, the emphasis is not specifically on promoting cultural diversity, or cultural pluralism, but on *cultural productions*. When a further look is taken at the 1997 Directive, the cultural view represented strongly by the EESC is not represented at all. From the viewpoint of digital cultural public spheres, there are some important amendments which aim to adopt the Directive better to the information society. Even though the emphasis is still on free movement and the importance of creating a regulatory framework that is responsive to the growth in a sector opened up by new technologies, the importance of “taking into account the specific nature, in particular the cultural and sociological impact, of audiovisual programmes, whatever their mode of transmission”⁵⁸⁰, is also mentioned. Therefore, there are certain implications suggesting that the cultural side of the information society should be considered. However, the rest of the Directive does not comment further on the exact nature of such considerations.

Indeed, the Directive cannot be looked upon as a revolutionary different regulatory framework and this is, as David Ward has documented, mainly due to the reluctance of the Council which rejected the Proposal. According to Ward, the original Proposal of revising the Directive was very much aimed at destroying the various loopholes that allowed the different member-states to interpret the Directive widely. This was in particular the case regarding the quota requirements which companies at national levels repeatedly disregarded. The Commission tried to sharpen the Directive's language, and were partly successful as for instance the clause “where practicable” is not represented in the 1997 version. However, the majority of the Commission's proposals were denied, and this is because the member-states, and the Council rejected them, and according to Ward because “the biggest supporters for the complete withdrawal of the quota system were the British participants, supported by strong American lobbying machine.”⁵⁸¹

This decision procedure is however a good indicator of the complexities that are inherent in the culture-political global processes of a supra-state institution like the European Union, and how external factors, like in this case the lobbying machine of the American audiovisual industries along with protectionist national stand on behalf of some of the member-states, can easily affect the actual outcome. The Commission is therefore far from always successful in looking after the economical interests of the Union, even though it tries as the original Proposal on the 1997 version of TwF indicates.

In this Proposal, which was submitted by the Commission on 31st of May 1995⁵⁸², there is a

579 “The 'Television Without Frontiers' Directive”, accessed 28.8.2008. URL:

http://ec.europa.eu/avpolicy/reg/tvwf/index_en.htm *Italics are mine.*

580 OJ L 202, 30.7.1997: 60.

581 Ward 2002: 70.

582 See OJ C 185, 19.7.1995.

clear tendency to sharpen up the actual phrasing, by for instance including a more varied versions of what TV channels represent, such as channels dedicated to animations, movies, documentaries, etc. It is therefore a noticeable attempt to force a more varied media landscape to adhere to its regulatory framework, with the aim of strengthening the European audiovisual industries and the production of European works. The EESC's Opinion on the Proposal resembles in many instances the viewpoints set forward in its Opinion on the original TwF Directive, but it is also very positive towards the Commission's aim of creating a clear regulatory framework that prepares for the changes the information society is likely to have on the audiovisual sector. The Opinion is in particular content with the Commission's Proposal on extending the Directive to the content of audiovisual services, whatever their mode of transmission, but as already commented upon, the Commission was successful in implementing this clause in the final Directive. The EESC's Opinion is likewise positive towards the Commission's measures to step up the promotion of European works so that the development of the audiovisual sector can be continued.

However, the EESC is very precise on promoting European culture of high quality, which in its interpretation means that the economic interests should coincide with education, information and culture:

The aim must be to produce works which the public wants to see. It is necessary, however, to maintain a balance between entertainment and culture and to remember that the three basic missions of the media are: education, information and culture. *Nor would the Committee wish the creative and innovative potential of the new media to be overlooked.*⁵⁸³

This view is much more in accordance with the idea of emancipative semi-autonomous public spheres and the point on the creative and innovative potentials of new media is of paramount importance for this work. But even though one of the major institutions of the EU has clearly identified the possible implications of an innovative, digital access culture, this view was not at all present in the 1997 version of the TwF Directive.

In an Additional Opinion to the 1989 Directive, the EESC had already regretted that the concentration was just on television broadcasting, and wanted to include sound broadcasting as well.⁵⁸⁴ This view is further expressed in this Opinion. In addition it is maintained that the committee “is aware of the need to introduce a regulatory framework for the audiovisual sector as

⁵⁸³ OJ C 301, 13.11.1995: 35. *Italics are mine.*

⁵⁸⁴ See OJ C 159, 26.6.1989.

rapidly as possible in the light of new technologies and the Information Society”⁵⁸⁵. The EESC is therefore not just aware of necessary changes concomitant to digital culture and the digitalisation of culture, but also of the possible cultural uses that such culture could generate. However, as before, these considerations were not present in the final Directive.

Concerning the much quarrelled quotas, the Opinion approves of its purpose, i.e. their aims of encouraging the production of Community works, to increase employment and to promote European creativity. However, it also expresses doubts on achieving the aims set forward by the Commission and calls for a system that is subject to continuous assessment, taking developments in the media sector into account. In this regard, the Opinion specifically mentions that video on demand is not at all covered by the Directive, and furthermore, it wants to highlight the changes facing the audiovisual sector, especially from the viewpoint of the information society: “Here it would stress that the *idea of content* will be crucial in defining the new services to be supplied down the 'information highways' or by satellite.”⁵⁸⁶

It is therefore very clear that the EESC's Opinion is much more aware of the cultural consequences and the cultural potentials which an accessible, remixable cultural landscape of prosumers is likely to generate, and wants the Directive to take these issues into account. Finally, on the subject of advertising, the Opinion notices and laments the Commission's suggestions that imply less restrictions on advertising, extending for instance teleshopping broadcasts from one hour to three hours, in any 24-hour period.

In the European Parliament's first reading of the 1997 TwF Proposal, it keeps on fighting for media pluralism, and it is especially wary of possible mergers by large media conglomerates. A noticeable change has also occurred on the Parliament's view on public service, which is now regarded as “necessary to ensure the expression of cultural diversity and the quality of programmes; whereas it can be offered either by public channels or by private channels under contract with public authorities”⁵⁸⁷. And furthermore, “public broadcasting is an expression of the cultural diversity of the Community's Member States and as such occupies a very special position in comparison with commercial broadcasting”⁵⁸⁸.

The Parliament is thus taking a stance that encourages a view more akin to the Public Service Broadcasters in Curran's model, wishing to safeguard pluralism in the information industries and media, and the “protection of competition with a view to avoiding the abuse of dominant positions and/or the establishment or strengthening of dominant positions by mergers,

585 OJ C 301, 13.11.1995: 35-36.

586 *Ibid*: 38. *Italics are mine*.

587 OJ C 65, 4.3.1996: 97.

588 *Ibid*.

agreements, acquisitions and similar initiatives.”⁵⁸⁹ In tandem with the EESC, the Parliament wishes to limit the scope of advertisements, and is likewise attentive towards including services like video on demand in the Directive.

Even though the Parliaments' emphasis regarding the Public Service model are not recognisable in the actual Directive, recital 44 of the 1997 version demonstrates however that its concerns on media pluralism were up to a certain extent taken into account:

Member States remain free to apply to broadcasters under their jurisdiction more detailed or stricter rules in the fields coordinated by this Directive, including, *inter alia*, rules concerning the achievement of language policy goals, protection of the public interest in terms of television's role as a provider of information, education, culture and entertainment, the need to safeguard pluralism in the information industry and the media, and the protection of competition with a view to avoiding the abuse of dominant positions and/or the establishment or strengthening of dominant positions by mergers, agreements, acquisitions or similar initiatives; whereas such rules must be compatible with Community law⁵⁹⁰

These matters are however still left in a grey zone since it is not always clear when such stricter interventions are deemed protectionist, thereby working against the logic of the single market. Apart from this, the Parliament agrees with the Commission on important points as it attempts to rewrite the Directive so that the different TV channels in the member-states cannot circumvent its quota obligations. However, as already noted, the Council rejected the Proposal, and on the 7th of May 1996, the Commission therefore submitted an amended Proposal.⁵⁹¹ However, the Parliament and the Council could not agree on the final text, and therefore a conciliation committee was established to secure the Directive. By the time of the conciliation committee, the Parliament had already dropped some of its most wanted objectives, including a more stringent and compulsory quota system. According to David Ward, this procedure therefore resembled the first one on the original Directive, leaving the Parliament with few and rather insignificant amendments: “Once again, as in the original Directive, the European Parliament were thwarted in their attempt to reinforce the quota system and the language of the final text retained the 'where practical' clause. In this respect very little changed in the revision.”⁵⁹²

As an example of this, the Commission maintains that one of the most important innovations in the 1997 Directive is article 3a which states that the public should be ensured guaranteed access

⁵⁸⁹ *Ibid*: 102.

⁵⁹⁰ OJ L 202, 30.7.1997: 64. *Italics in the original*.

⁵⁹¹ See OJ C 221, 30.7.1996.

⁵⁹² Ward 2002: 65.

to the broadcasts of events of major importance in society. Even if this seems like an attempt to move the Directive closer to the Public Service system, the enumeration concerning those events suggests otherwise: “The events concerned may be national or other, such as the Olympic Games, the Football World Cup or the European Football Championship, an inauguration, marriage or burial of a king, queen or head of state, or an important cultural event.”⁵⁹³ Even though cultural events are mentioned, they are sporadic in the presence of sport or events including celebrities. Apart from this side role of culture, the emphasis on large-scale events corresponds nicely to EU's culture programmes, indicating the importance the Union associates with emblematic events with great media exposure. Such events are however not particularly favourable to the digital cultural public spheres as described here, and neither are the two first versions of the *Television without Frontiers Directive*, which seem to be concentrating more on creating a liberal, market oriented approach with as less restrictions as possible. However, such policy does not necessarily have to suffocate the cultural flow of accessible digital public spheres as one of the prerequisites to such flows is precisely less restrictions and freer culture in the sense that Lessig defines it. The 1997 Directive was however not attentive towards the media landscape created by the information society, despite the Parliament's and EESC's warnings, and therefore the outcome of the new *Audiovisual Media Services Directive* is of particular importance to this study.

Audiovisual Media Services Directive

The 2007 Version

As article 1 of the 2007 Directive claims, the old title is replaced by the Audiovisual Media Services Directive. This has important implications for the notion of digital cultural public spheres as the term broadcasting acquires wider understanding, which is more in accordance with developments in the network society. The keyword *service* is still prevalent, which means that principally, the EU has not changed its view on looking upon broadcasting first and foremost as an economic entity. However, the new Directive goes to greater lengths in adopting this *service* concept to the digital paradigm, as the following definition from article 1 indicates:

- a service as defined by Article 49 and 50 of the Treaty which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of Article 2(a) of Directive

⁵⁹³ “Events of major importance to society, including sport”, accessed 27.8.2008. URL: http://ec.europa.eu/avpolicy/reg/tvwf/events/index_en.htm

2002/21/EC.⁵⁹⁴ Such an audiovisual media service is either a television broadcast as defined in point (e) of this Article or an on-demand audiovisual media service as defined in point (g) of this Article,
and/or

- audiovisual commercial communication⁵⁹⁵

The important thing to notice is that now the Directive does not only include television broadcast, but also an *on-demand audiovisual service*. Another thing that is of interest is the emphasis that the Directive puts yet again on the commercial sector, which is in paragraph (h) of the article defined as “images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity.”⁵⁹⁶ Therefore, the economic aspect is stressed yet again within the EU's audiovisual sector, a fact that does not come as a surprise.

On-demand audiovisual media service, also referred to as a non-linear audiovisual media service as opposed to the linear service of television broadcast, “means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider”⁵⁹⁷. But even though this can be said to represent a more varied version of EU's definitions regarding broadcasting, this can hardly be said to be an up-to-date policy when the wider implications of the network society in the year of 2007 are born in mind. Does this for instance mean that the Directive also accounts for media companies that screen material through the Internet? Well, yes it does, but what about the smaller scale prosumers who can be using a variety of new media platforms on the Internet for their screening? What about a collection of Web-TV casts? What if such collection was made by European producers, responding to the Directive's definition of 'European works', but had their servers located in the USA? In other words, how does a Directive that is originated in the 'old' analogue media landscape respond to the hybrids of digital convergence culture? It seems that there are numerous loopholes here, just as was the case with the *Television without Frontiers Directive*.

⁵⁹⁴ This Directive is on a common regulatory framework for electronic communications networks and services. Article 2(a) of the Directive defines electronic communications network as “transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed”. See OJ L 108, 24.4.2002: 38-39.

⁵⁹⁵ OJ L 332, 18.12.2007: 35.

⁵⁹⁶ *Ibid*: 36.

⁵⁹⁷ *Ibid*.

Some of the Directive's recitals are clearly meant to fill the gaps and provide a legal framework that is capable of tackling the expanding, recombined characteristics of the network society. However, the following, somewhat lengthy attempt to eliminate loopholes, is a good example of the impossibility of the task in hand:

For the purposes of this Directive, the definition of an audiovisual media service should cover only audiovisual media services, whether television broadcasting or on-demand, which are mass media, that is, which are intended for reception by, and which could have a clear impact on, a significant proportion of the general public. Its scope should be limited to services as defined by the Treaty and therefore should cover any form of economic activity, including that of public service enterprises, but should not cover activities which are primarily non-economic and which are not in competition with television broadcasting, such as private websites and services consisting of the provision or distribution of audiovisual content generated by private users for the purposes of sharing and exchange within communities of interest.⁵⁹⁸

This is an extremely important excerpt because it demonstrates very clearly how hard it is to govern, or to compose a regulatory framework for a digital media landscape that feeds off the decentralised, flexible, recombined and scaleable characteristics of the network society. And if the various member-states were circumventing the quota system in the older Directives, the very nature of the network society seems to facilitate such circumvention. Here, mass media is for instance not defined in terms of ownership, or revenue, but from the viewpoint of reception potentials and the possible impact it can have. Typical Web 2.0 platforms like *YouTube*, *MySpace*, *Flickr*, *Facebook* and *Second Life* do all fulfil this criteria now, but none of them did so at their very release, because at that time, they had very limited visitors. But when did those platforms stop belonging to the hackers, and take the step to the virtual communitarians and the entrepreneurs? And when do future new media platforms change from being small scale media, to being mass media?

The latter part of the quote does not really solve this since it is equally problematic, especially in its slippery phrasing. Lets take a service like *YouTube* as an example. It is a service where private users upload their videos and exchange comments for the purpose of sharing and exchange within communities of interest. But is it generated by private users, or is it generated by the owner Google Inc., which most certainly is one of the most prominent conglomerates in the new media landscape? Such service has the potential of being very profitable for the owners, thereby securing the economical dimension that seems to be so important in the Directive's definition, but what about the European dimension of such, or a similar service that is dependent on the global

⁵⁹⁸ *Ibid*: 29.

network of new media? The network society is global and the products made for and made by large scale Web 2.0 digital platforms, are also essentially global. Therefore, it does not seem to make much sense to limit such services to 'European works', as it goes against the very 'nature' of the medium in question. The same goes for the emphasis on economic activity. Are economics defined here in terms of financial growth, or in terms of exchange? There is certainly much exchange going on in digital culture, some is capable of exceeding financial income, while some is capable of exceeding emancipation, and some are capable of exceeding both. There are lot of loopholes, and because of the ever expanding nature of the network society, the Directive seems to be full of them.

There are other attempts in the Directive aimed at clarifying the field further, for instance by claiming that audiovisual media service “should cover mass media in their function to inform, entertain and educate the general public, and should include audiovisual commercial communication but should exclude any from of private correspondence, such as e-mails sent to a limited number of recipients.”⁵⁹⁹ This definition is meant to exclude services which do not have the principle purpose of creating audiovisual content. This does however not exclude the likes of *YouTube* and *MySpace*, and neither does the following definition of the audiovisual: “For the purpose of this Directive, the term 'audiovisual' should refer to moving images with or without sound, thus including silent films but not covering audio transmission or radio services.”⁶⁰⁰

The Directive's understanding of on-demand audiovisual media services seems also to be a bit floating. On the one hand it is declared that such services are different from television broadcasting because of the choice and control the user can exercise and because of the impact they have on society, and this is meant to justify the imposing of lighter regulation on such services. On the other hand it is acknowledged that on-demand services can partially replace television broadcasting, and therefore a very similar approach is recommended, as was the case with the TwF Directives:

On-demand audiovisual media services have the potential to partially replace television broadcasting. Accordingly, they should, where practicable, promote the production and distribution of European works and thus contribute actively to the promotion of cultural diversity. Such support for European works might, for example, take the form of financial contributions by such services to the production of and acquisition of rights in European works, a minimum share of European works in video-on-demand catalogues, or the attractive presentation of European works in electronic programme guides.⁶⁰¹

⁵⁹⁹ *Ibid.*

⁶⁰⁰ *Ibid.*: 30.

⁶⁰¹ *Ibid.*: 33.

These attempts seem to be a bit arbitrary, trying to set a minimum set of rules in a field under constant transformation. This minimum set of rules tries to facilitate the liberal approach that has clearly won the upper hand in EU's broadcasting sector, and at the same time construct a venue that is favourable to the European audiovisual industries. But as already said, the liberal approach does not have to work in culture's disadvantage, especially when accessible digital cultural public spheres are in question. However, in order for the emancipative and semi-autonomous sides of culture to thrive, some kind of intervention is preferable, as these sides do traditionally not include a particular commercial edge. Therefore, a closer look at how culture is applied in the Directive is very important, because here EU's persistence with the unity in diversity policy, resurfaces. This is apparent in the first recital introducing the necessities for a new Directive, where the issue of new technologies is at the forefront:

[N]ew technologies in the transmission of audiovisual media services call for adaptation of the regulatory framework to take account of the impact of structural change, the spread of information and communication technologies (ICT) and technological developments on business models, especially the financing of commercial broadcasting, and to ensure optimal competitiveness and legal certainty for Europe's information technologies and its media industries and services, as well as respect for cultural and linguistic diversity.⁶⁰²

These lines are very emblematic of EU's cultural policy as the emphasis is on safeguarding, optimising and adopting the European audiovisual industries, for instance by developing new business models. The *unity* dimension is therefore meant to represent the *system's* side of the cultural coin, while the diversity one, quite traditionally, comes last taking the form of the familiar spill-over effect.

It is however specifically stated in a recital that paragraph 4 of Article 151 requires the Community to take cultural aspects into account in its actions and to respect and promote the diversity of its cultures. Furthermore, the 2007 Directive is much more preoccupied with the role of culture, which has to be looked upon positively from the viewpoint of emancipative cultural public spheres. This is clearly articulated in the following quotation:

Audiovisual media services are as much cultural services as they are economic services. Their growing importance for societies, democracy – in particular by ensuring freedom of information, diversity of opinion and media pluralism – education and culture justifies the

602 *Ibid*: 27.

application of specific rules to these services.⁶⁰³

Furthermore, it is maintained that the Directive respects the principles of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, a process that the European Parliament approved in a Resolution from the 27th of April 2006⁶⁰⁴, and was further confirmed in a Council Decision the 18th of May 2006.⁶⁰⁵ The quotation from the Convention, which was chosen in the Directive is interesting since there the emphasis is on the acknowledgement of the fact that cultural activities, cultural goods and cultural services have two sides, an economical one, and a cultural one, and because they transmit identities, values and meaning, they should not be treated just from the commercial side. Or put differently, the intrinsic, semi-autonomous, emancipative characteristics of culture are respected.

Other aspects of the recitals in the AVMSD favourable to this side of the cultural coin aim to safeguard certain public interests such as cultural diversity, the right to information, to ensure media pluralism and consumer protections. Furthermore, the Directive refers to a Resolution of the Council concerning Public Service Broadcasting, emphasising the fact that it should benefit from technological progress and seeing the co-existence of private and public audiovisual media service providers as a feature that distinguishes the European media market. The Resolution specifically states that “according to the definition of the public service remit by the Member States, public service broadcasting has an important role in bringing to the public the benefits of the new audiovisual and information services and the new technologies”⁶⁰⁶, indicating that the characteristics of digital cultural public spheres, should not be alien to the Council.

However, even though these objectives are acknowledged in the recitals, their actual manifestation in the articles of the Directive are not present at all. And furthermore, even though cultural issues are mentioned in the recitals, the majority of recitals are dedicated to stimulating economic growth and investment, of offering employment opportunities, to create a regulatory framework in an internal market of free competition, to loosen and reduce the regulatory obligations, to strengthen the country-of-origin principle and the promotion of self-regulation and co-regulation in the sector. The main objective is therefore to transmit the logic of older versions of the TwF Directive, to the new one, thereby eliminating legal uncertainty for European companies delivering audiovisual media services:

603 *Ibid.*

604 See OJ C 296 E, 6.12.2006: 104-105.

605 See OJ L 201, 25.7.2006: 15-30.

606 OJ C 30, 5.2.1999: 1

It is therefore necessary, in order to avoid distortions of competition, to improve legal certainty, to help complete the internal market and to facilitate the emergence of a single information area, that at least a basic tier of coordinated rules apply to all audiovisual media services, both television broadcasting (i.e. linear audiovisual media services) and on-demand audiovisual media services (i.e. non-linear audiovisual media services).⁶⁰⁷

These themes, economic growth, fostering of jobs, the encouragement of European productions, development of digital economy and consistent internal market, are reoccurring throughout the Directive, and the initiative *i2010: European Information Society*, is taken as a good example of the modernising and the adaptation the EU has to undergo towards the information society. The i2010's objectives are further described with the following words in the Directive: “The goals of the i2010 initiative will in principle be achieved by allowing industries to grow with only the necessary regulation, as well as allowing small start-up businesses, which are the wealth and job creators of the future, to flourish, innovate and create employment in a free market.”⁶⁰⁸ Unfortunately, the Directive does not state further how these objectives correspond to the emancipative, semi-autonomous goals, it also wants to achieve.

Therefore, it seems that there is a tension between the different definitions and aims of the Directive, especially in terms of facilitating a liberal broadcasting venue suitable for the economic objectives of the inner market, and on facilitating a more interventionist approach that respects the emancipative and semi-autonomous characteristics of culture. However, this tension is just detectable in the political objectives, or in the Directive's *policy as display*, because when a further look is taken at the actual articles in the Directive, or in terms of the regulatory framework which could be called *policy proper*, the cultural dimension is absent.

Therefore, the articles reside as already noted mainly on various definitions of for instance audiovisual media service, a programme, media service provider, television advertising, surreptitious audiovisual commercial communication, sponsorship, product placement and European works, to name just a few. The purpose is clearly to prevent the Directive from slipping away in the hands of the various broadcasters in the member-states, and to adopt the Directive to the information society. The cultural dimension is not represented at all and the liberal economic approach has been extended, amongst other things with allowing certain types of product placement and by setting the proportion of television advertising sports and teleshopping spots up to 20% within a given clock hour. Furthermore, the broadcasters have more flexibility concerning insertion of spot advertising, but the hourly limit of 12 minutes remains unchanged.

⁶⁰⁷ OJ L 332, 18.12.2007: 28.

⁶⁰⁸ *Ibid.*

However, it is important to mention that according to article 3(i) “Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works.”⁶⁰⁹ Since article 4(1) was only insignificantly amended, this means that where practicable, the member-states should reserve a majority proportion of their transmission time for European works. Such quota requirement has therefore not abandoned the Directive, but this can better be interpreted according to the economic side of the polarised cosmopolitanism logic, than the cultural one. Indeed, as also was the case with the other Directives, the majority proportion regards the broadcaster's informational, educational, cultural and entertainment responsibilities, without applying a certain proportion to each category. Therefore, the Directive does not specifically respond to the recital where it is stressed that culture has something more than just a commercial value, which means that it is up to the broadcasters themselves to decide on whether the 'European works' are dedicated to culture, or entertainment. All the same, such policy is very much according to the liberal edge EU's broadcasting policy is characterised by, and cannot come as a surprise.

Nonetheless, this Directive had to go the same institutional road as other Directives, and as can be seen from the analysis conducted in the next sub-chapter, a familiar pattern emerges once again.

The Institutional Road of AVMSD

The Commission's original Proposal on the Directive was issued at the 13th of December 2005 and in the explanatory memorandum, it is maintained that a fresh approach is required that reacts to the non-level playing field in the way content is delivered. According to the Communication, the audiovisual market in the European Union had to be adopted to the increasing degree of choice on the behalf of the consumers in the digital age. Not surprisingly, the Commission explains the general context of the Communication, with the following words: “In view of technological and market developments and in order to further improve the competitiveness of European industry in the fields of information and communication technologies and media, the Commission has decided to launch a review of the current regulatory framework for television broadcasting.”⁶¹⁰

The Commission's emphasis lies within the economic sector, especially in increasing the competitiveness of the European audiovisual industry. The objective is also to ensure that on-demand audiovisual media services providers can fully benefit from the internal market, and to

609 *Ibid*: 42.

610 COM(2005) 646 final: 2.

increase the legal certainty of such service providers. The Communication refers to the consultation processes of interested parties and summarises some of the issues heavily discusses, and amongst them, *cultural diversity* is mentioned:

While there is general agreement on the objective of a vibrant European audiovisual production sector reflecting the diversity of our cultures, it is clear that transmission time quotas are not an option in an on-demand world. On the other hand, it is recognised that the Directive should provide for the free circulation of non-linear services in the internal market in a comprehensive way and needs to address this issue.⁶¹¹

This issue was however not addressed further in the actual Proposal. Indeed, the recitals in the actual Directive concerning the fact that audiovisual media services are as much cultural services, as they are economic services, are not present in the Commission's Proposal. Culture is sporadically mentioned, where it is maintained that the “importance of audiovisual media services for societies, democracy and culture justifies the application of specific rules to these services”⁶¹², and again where it is stressed “that regulatory policy in the sector has to safeguard certain public interests, such as cultural diversity, the right to information, the protection of minors and consumer protection, now and in the future.”⁶¹³ But otherwise it is all about the stimulation of economic growth and investment, and the coordination of on-demand services.

Surprisingly enough, this is also the case with in the Opinion of the European Economic and Social Committee, which is supposed to look after the interests of civil society. It does, just as the Commission's Proposal, mention that the Directive must adhere to the EU Charter of Fundamental Rights, and mentions social and cultural values related to diversity, identity, personal development, human dignity, the rights to information and freedom of expression⁶¹⁴, as examples. But this is the only time culture is mentioned at all in the Opinion, which is much more preoccupied with getting rid of certain shortcomings and ambiguities in the current Directive, for instance in definitions on advertising and on harmonising legislation between member-states. Here, the Opinion does point to an inevitable problem that goes concomitant with the digital network society, and it is very sceptical towards the country-of-origin principle which could cause differences, instead of harmony:

Although the aim is to clarify the difference between audiovisual media services (which would be regulated by the amended directive) and other audiovisual services (which fall within the

611 *Ibid*: 5.

612 *Ibid*: 13

613 *Ibid*.

614 See OJ C 318, 23.12.2006: 205.

general scope of electronic communications regulations), it is likely that the scope of the directive will become harder and harder to define as formats are developed with an increasingly indiscriminate mix of text, sound and images.⁶¹⁵

This is an extremely important point, especially from the viewpoint of digital cultural public spheres, as the Directive only covers very specific types of them. The very nature of digital culture is however bound to the converging hybrids of expanding and recombined streams in networks, where precisely different semiotic forms mix and intertwine. Therefore, according to the EESC, the very definition of audiovisual media services is inadequate.

Even though the subject of culture was not really noticeable in the Opinion of the EU body that is supposed to be looking after the interests of civil society, the Opinion of the Committee of the Regions on the issue, includes some considerations on it, especially regarding cultural diversity and the development of a European pluralistic society:

Because of the central role played by audiovisual media in preserving cultural diversity and developing a pluralistic society in Europe, the European legal framework must be adapted in a way that facilitates and promotes its continued progress. Collectively, the media play a key role in preserving regional and local cultural diversity and identity.⁶¹⁶

Otherwise, cultural issues are not predominant in the Opinion, which in tandem with the EESC's Opinion, is mostly dedicated to technical matters, hoping to move the Proposal further in a platform neutral direction where all electronically disseminated information using moving images would be included. Furthermore, it welcomes the maintenance of the quota system to support European productions, but requests a stricter and more uniform application of the system.

The Opinion proposes an amendment in article 1, where the aim is to include more media services than just the ones broadcasting moving images with or without sound. According to the Opinion technical convergence will increasingly lead to convergence of content and therefore it suggests that all media services that use moving images are supposed to be subject to the same minimum standards. However, as the Proposal was tailored, and in fact also the final Directive where *programme* was defined as *a set of moving images with or without sound*, other semiotic expressions, such as text and sound do not fall under this Directive, “and will not be subject to minimum standards in the area of minor protection and human dignity but only to purely economic

⁶¹⁵ *Ibid.*

⁶¹⁶ OJ C 51, 6.3.2007: 8.

regulations such as the Directive on Electronic Commerce.”⁶¹⁷

The CoR does therefore spot an important fault in the Directive, especially in terms of the multi-semiotic characteristics of digital cultural public spheres. By concentrating on moving images with or without sound, the Directive is not at all attentive towards the developments taking place in the digital remixable culture of prosumers that are precisely using the multi-semiotic characteristics of the Internet as means of expression.

However, even though the CoR was attentive towards important lacks of the Directive, particularly in spotting the multi-semiotic characteristics of the new media landscape, its Opinion was not very attentive towards the cultural part. This is otherwise in the European Parliament's first reading where it was successful in implementing respect for cultural and linguistic diversity into the Directive's recitals. Furthermore, it also suggested that the “laws, regulations and administrative measures should be as unobtrusive and simple as possible to allow new and existing audiovisual media services to develop and flourish, thus allowing for job creation, economic growth, innovation and cultural diversity to be nurtured.”⁶¹⁸ This addition was not accepted in the final Directive, but it is all the same an indication on the Parliament's awareness of the importance of being attentive towards the vast development of the audiovisual sector.

The Parliament was however more successful in implementing the clause where it is recognised that audiovisual media services are as much cultural goods as they are economic goods, as well as referring to central issues of the UNESCO convention of the Protection and Promotion of the Diversity of Cultural Expressions. The fact that culture is ascribed importance in the AVMSD can therefore be written on the Parliament's account. It should all the same be noted that the Parliament's legislative Resolution is not at all dedicated to cultural issues, as other matters take up the most space. One of these is the definition on programmes which the Parliament does not object, i.e. it is the Parliament that insists upon using the word programme, but those programmes are all the same meant to consist of moving images, with or without sound.

On the 29th of March 2007, the Commission adopted an amended Proposal where many of the Parliament's amendments were adopted in full, and some, including the most important ones on culture, partially.⁶¹⁹ On the 15th of October 2007, the Council adopted its common position, where it is maintained that despite significant changes both in structure and substance, the basic approach of the Commission's original Proposal, as well as its principal elements, were retained. The notion of programme, which the Parliament introduced was accepted by the Council, and it also attempted to clarify further the relationship of the Directive, with other legal instruments, such as the Directive

⁶¹⁷ *Ibid*: 9.

⁶¹⁸ P6_TA-PROV(2006)0559: 3.

⁶¹⁹ See COM(2007) 170 final.

on eCommerce. The Council likewise recognises the importance of so-called 'soft laws', meaning a further implementation of co- and self-regulation. However, as the following conclusion on the behalf of the Council demonstrates, the emphasis was never on cultural matters, but on the contrary on the system imperatives, which are trying to adopt the audiovisual market to the technological changes digital culture introduces to the field:

The common position, the result of informal negotiations between the European Parliament, the Council and the Commission, maintains the approach and legal architecture proposed by the Commission with a view to adapting the regulation of the audiovisual sector to market and technological change. Important clarifications have been made to the scope of the Directive and to the provisions dealing with jurisdiction, and a number of other important adjustments have been made, including on sensitive questions such as product placement, advertising (particularly to children), extracts for short news reports, regulatory authorities and access of disabled persons to services.⁶²⁰

AVMSD and Access Culture

As the excerpt above indicates, the kernel of the new AVMSD is not particularly favourable to the notion of emancipative and semi-autonomous cultural public spheres. The reason for this lies first and foremost in the Directive's incapacities to offer a fulfilling definition on key concepts such as *audiovisual media service*, *programmes* and *on-demand audiovisual media service*. By for instance limiting the venue to programmes consisting of moving images, with or without sound, the Directive is missing out on some of the most important culture-political features of many of the Web 2.0 platforms that this work has analysed. A platform like *MySpace* does surely contain moving images, with or without sound, but it does not necessarily have to do that. It is dependant upon the *prosumer* in question, which maybe includes just sound and text. Some do indeed include both moving images and sound, but also text, pictures and a chat function. The AVMSD is incapable of responding to such multi-semiotic hybrids, and therefore much of the cultural productions, initiated in Europe or not, do go unnoticed by the cultural policy of the European Union. This is in my view a serious lack, precisely because such digital platforms are ideal to realise important culture-political objectives of Article 151.

However, as the story of the TwF-AVMS Directive as traced here demonstrates, the intent was never to generate such public spheres. Just as was the case with the culture programmes, the Community's interventions within the sector started before culture was legitimised as such. The

620 2005/0260 (COD): 8.

emphasis was therefore always on the economic and political functions of the cultural and audiovisual sectors and principally, this has not changed. But despite this, there is clearly a detectable inner tension between economic and cultural priorities, because on the one hand the Directives on EU's broadcasting policy, from the 1989 version of TwF to the 2007 version of the AVMSD, the liberal economic view and the protectionist cultural view are both represented. The former implemented deregulation processes, but the latter implemented reregulation processes. It is too simplified to say that for instance the Commission and the Council were in favour of the former and the Parliament, the EESC and the CoR in favour of the latter, since there are always inner discrepancies within these bodies as well. But as the institutional road of the three versions of the Directive demonstrate, it was mainly the Parliament that argued for the interests of the cultural side. The EESC and the CoR did so as well during the first two Directives, but had almost given up when negotiating the latest version.

The Commission's Proposals were always beneficiary to the economic rationale, and as explained before, the DG responsible for culture was for instance not included in the original negotiations regarding the 1989 version of TwF until the process was well underway. But as Hedwig de Smaele points out⁶²¹, EU's broadcasting policy does not strictly speaking constitute a policy area in itself, but touches upon different policy fields such as media policy, cultural policy, competition and industrial policy, consumers and internal affairs. By doing that, it finds representatives of different views, defending different interests. The same can be said within the different parties of the European Parliament and of course the stance that different member-states take in the Council. This is a clear indication of glocal processes as defined earlier in this work, where large-scale transnational bodies intertwine with other transnational bodies, as well as the system and lifeworld of individual member-states. This cobweb is a very complicated one, but in spite of this, there is a clear tension detectable, which de Smaele formulates in the following way:

The constant tension between economic and (semi)cultural priorities is reflected in the contrasting principles of *liberalisation* and *protectionism*, or *deregulation* and *reregulation*, that are at work in EU audiovisual policy. The most important single piece of legislation in the audiovisual field, the Television Without Frontiers Directive (1989/1997), incorporates these contrasting tendencies by encouraging both the free flow of television programmes within the EU by eliminating national barriers (liberalisation) and the protection of European audiovisual industry against the dominant US programme industry (e.g. European content quotas, proactive regulation).⁶²²

621 See de Smaele 2007: 118-119.

622 *Ibid*: 119. *Italics in the original*.

As my analysis indicates, this is also the case with the new AVMSD which keeps on eliminating national barriers, at the same time as it sticks to the quota system, that also was prevalent in the other Directives. The liberal side goes of course hand in hand with the economic rationale, but what is more important is the use of the culture concept representing this so-called cultural protectionism. Indeed, what is being promoted here is not the emancipative, semi-autonomous, non-commercial side of the cultural coin, but on the contrary, the cultural and audiovisual industries. By ensuring liberalisation of ownership and freedom from national constrictions, as well as attempting to create a powerful European audiovisual industry through the quota requirements, the Directives are serving the interests and discursive formations of the *system*. This is so not only in economic terms, where the attempt to counteract the dominance of the US audiovisual market induces *polarised cosmopolitanism*, but also in political terms where a clear attempt to induce *homogenous cosmopolitanism* is detectable, especially through the 'cultural' quota requirements.

The emancipative, semi-autonomous cultural public spheres are left in the cold, not only because the Directives' neglects the versatility of multi-semiotic platforms, but also because the regulatory framework is very clear on defining those services as large-scale commercial services, and their insistence upon defining audiovisual media services as mass media. However, even though the semi-autonomous emancipative digital cultural public spheres in question here have the potential means of reaching the macro spheres of society, most of them linger in the micro sphere representing the cultural diversity the Union is always priding itself of promoting. From the regulatory framework of the three Directives underlying EU's broadcasting policy, the Union does therefore seem to be missing out on a vast cultural production, creations and distribution of its inhabitants, thereby neglecting an ideal venue for promoting non-commercial, artistic, audiovisual cultural creations, as the two latest objectives of paragraph two in Article 151 aim at doing. Furthermore, from the viewpoint of *access culture* as defined here, the Directives do not seem to be very favourable to erecting digital platforms that encourage the cultural productions of prosumers, including the remixing part. This is however neither because of the liberal approach, nor the European quotas, since there is nothing inherent in those doings that go against such cultural landscape. However, the definitions themselves offered in the AVMSD seem to be very distant from the actual digitally networked culture of prosumers roaming on the Internet.

But this was the regulatory framework that creates the surroundings of the circulation of audiovisual productions. The MEDIA programme is however mostly responsible for generating the content that AVMSD allows to circulate, and thus the next chapter will mostly be dedicated to it.

EU's Audiovisual Programmes

On the Commission's Web-site⁶²³ it is maintained that four types of action are used to implement audiovisual and media policies, where the two flagships are at the top of the list. The *Television without Frontiers* is a regulatory framework, while the *Media* programme is considered as support mechanism, in tandem with the three generations of EU's culture programmes. Apart from these two actions, other actions are promoted, especially on the distribution of audiovisual content on electronic networks, and on what the Commission refers to as *external measures*, meaning European cultural interests in the context of the World Trade Organisation. Apart from the Media programme, I will in this chapter also take a further look at other audiovisual regulatory frameworks, *Creative Content Online*, and the *eContentPlus* programme and the reason for this is that it allows me to offer a more detailed picture of EU's strivings within the audiovisual sector.

It has already been analysed that the cultural programmes were not very favourable to the notion of emancipative semi-autonomous digital cultural public spheres, even though the DG Culture and Education has traditionally been associated with the emancipative side of EU's cultural coin. However, it does not have to come as a surprise that liberal views are prevalent concerning EU's audiovisual policy, a fact that was further strengthened in the previous chapter on EU's audiovisual regulatory framework, and will be even more apparent in my analysis of the Media programme.

The Media Programmes: Generation 1, 2 and 3

Media I: The First Generation

There are many similarities detectable when the Media programmes are compared with the Cultural programmes. Both were included in the cultural and media related considerations prior to the Maastricht Treaty, and as the various documents introduced in *Chapter 7* indicate, great importance was particularly ascribed to the audiovisual industries because of their potentials to reach and affect the masses. The Media programme was therefore considered as a great opportunity to strengthen the European audiovisual productions, as well as enmesh the citizens of Europe with the feeling of belonging to the same community.

However, the objectives were, and still are, first and foremost of economic nature, as the following aims of article 2 in the first *Media programme* indicate:

623 See "Audiovisual and Media Policies", accessed 26.4.2008. URL: http://ec.europa.eu/avpolicy/index_en.htm

- to increase European production and distribution companies' share of world markets,
[...]
- to contribute, in particular by improving the economic and commercial management abilities of professionals in the audiovisual industry in the Community, and in conjunction with existing institutions in the Member States, to creating conditions which will enable undertakings in that sector to take full advantage of the single market dimension.⁶²⁴

As can be seen, these are very familiar objects that correspond quite nicely with the policy conducted through the culture programmes. The *Media I programme* ran from 1991 to 1995, and was replaced by the *Media II programme*, that had two focuses; *Development and distribution*, and *training*. The third generation running from 2001 to 2006 was divided in the *Media Plus programme*, which had the main focal points of *development*, *distribution* and *promotion*, and *Media Training* which can be considered as part two of the 2001-2006 programme, focusing on the *production and distribution of new technologies*, *legal*, *business and management skills*, and *writing techniques*. Finally, the latest version, just as is the case with the Culture 2007 programme, stretches itself from 2007-2013, and bears the name *Media 2007*.

When some of the goals for Media 2007 are compared to the first Media programme, it becomes apparent that things have not changed a great deal:

- (b) increase the circulation and viewership of European audiovisual works inside and outside the European Union, including through greater cooperation between players;
- (c) strengthen the competitiveness of the European audiovisual sector in the framework of an open and competitive European market favourable to employment, including by promoting links between audiovisual professionals.⁶²⁵

Nevertheless, even though the political and the economical rationale is widespread in those global objectives, the other view keeps also on resurfacing, as the first paragraph indicates: “[P]reserve and enhance European cultural and linguistic diversity and its cinematographic and audiovisual heritage, guarantee its accessibility to the public and promote intercultural dialogue”.⁶²⁶ Therefore, even though the *system* can be said to be put in the forefront, both through the economical importance of the sector, and its potentials as a political force of European citizenship and social cohesion, the *diversity* part is also represented. Another thing of importance, which also bears resemblance with

⁶²⁴ OJ L 380, 31.12.1990: 38-39.

⁶²⁵ OJ L 327, 24.11.2006: 14.

⁶²⁶ *Ibid.*

the cultural programmes, is the emphasis on the audiovisual heritage.

When a further look is taken at some of the objectives of the first Media programme, the same pattern emerges, i.e. even though the scope of objectives favourable to the system is greater, the other is also represented, since the programme also wants “to promote access to and use of the new communications technologies, particularly European ones, in the production and distribution of audiovisual material”⁶²⁷. It is however interesting that in the new programme from 2007, a similar clause on the use of new communication technologies in the global objectives of the programme, has been erased. This seems to be an indication on the fact that their scope has been minimised, at the account of a more 'concrete', 'traditional' and 'controllable' cinematographic works. However in order to do justice to the development of the programme, and the different interests each of the main bodies within the EU ascribes to it, I will now trace further the actual objectives of the different generations of the programme, and the institutional road behind them. I will pay particular attention to the first Media programme, and the latest 2007 version. As will be made apparent, this is a very similar trajectory as was the case with the cultural programmes.

In the Council Decision's recitals establishing the *Media I programme*, the objective is to extend and supplement the Community's interventions within the audiovisual sector, where for instance the Eureka project had already been established. The aim is to overcome the fragmentation of the audiovisual market, so that European audiovisual productions can stand as a coherent whole. Special emphasis should be put on small- and medium sized undertakings, adapting market structures, be attentive to new forms of technology, in this case high definition television, and to design a “scheme to improve the economic and commercial management abilities of professionals in the audiovisual industry”⁶²⁸. Much emphasis is put on dedicating the programme primarily to professionals, and “the primary aim of financial input from the Community must be to stimulate complementary financial contributions from interested parties, thereby having a multiplier effect on the development of the audiovisual industry”⁶²⁹. Indeed, the aim is to complement audiovisual productions, and the notion of *multiplier effect*, is very prevalent throughout all the Media programmes.

In article 1 of the Decision, the funds provided for the programme in the years of 1991 and 1992 amount to ECU 84 millions and for the the period 1990-1995, the total programme budget being ECU 200 million. In addition to the three above mentioned objectives, the aim is also to create a favourable environment, to step up intra-European exchanges of films and audiovisual programmes, to make the maximum use of distribution potentials in order to secure a good return

627 OJ L 380, 31.12.1990: 38.

628 *Ibid.*

629 *Ibid.*

on investment, wider dissemination and public impact. Furthermore, the goals of the programme aim to encourage an overall approach to the audiovisual industry, to ensure that the European level complements the member-states' level, and to improve the economic and commercial management abilities of professionals.

There are a few things of importance here. There is clearly talk of the audiovisual *industry*, not the audiovisual *sector*, indicating that those are industrial measures, not cultural. This is further confirmed in the Decision's recurrent references to *professionals* and the need to educate them further in *commercial management abilities*. The actual definition on what kind of productions the programme supports, is very floating as *films* and *audiovisual programmes* have a very wide scope. And lastly, this is clearly meant to be a large-scale programme which is capable of increasing the *European share of world markets*.

Furthermore, the Community sees its intervention in the same terms as was the case with the cultural programmes, and in article 6 of the Decision, it is maintained that parties that cooperate with the Commission on such productions, have to provide a minimum of 50% of the total cost. Just as was the case with the earlier culture programmes, the Commission is responsible for implementing the programme and it is again assisted by an *advisory* committee. However, if major discrepancies occur between the Commission and the committee, the Council acts on qualified majority.

The indicative breakdown of costs confirms the programmes economic approach as it is divided into *distribution of films in cinemas* (42.5% of budget), *improvement of production conditions* (37.5%), *stimulation of financial investment* (5%), *improving the economic and commercial management abilities of professionals* (7.5%), *development of potential in countries with smaller audiovisual production capacities and/or with a limited geographical and linguistic area* (7.5%), and finally *participation in Audiovisual Eureka projects* (finances not listed).

When a further look is taken at these measures, the largest part of the *distribution mechanisms* goes to films in cinemas, but measures are also allocated to distribution on video cassette, support for multilingualism in television programmes, and development of markets and support for the works of independent producers. Concerning the last one, the aim is to ensure more conspicuous European presence on major markets, highlight particular sectors, such as archives, documentaries and youth interests, develop promotional activities, and what is of greatest importance for digital cultural public spheres, to “computerize the compilation and dissemination of data on independent European production.”⁶³⁰ But even though such computerisation has already at that time been taken into account, and that more diversity inherent in the notion of production is

630 *Ibid*: 41.

present, most allocations are dedicated to the production and promotion of the *film sector*.

Concerning the *improvement of production conditions*, the goal is to develop preproduction, for instance by assisting the financing of production, to restructure the animated cartoon industry, to encourage the use of new technologies, in particular European ones, in the production of programmes, and to make contributions to the so-called second market, mainly by using archived material.

The third measure on *stimulation of financial investment* is mostly dedicated to the establishment and development of structures designed to mobilise and stimulate investors, while the fourth measure on *improving economic and commercial management of professionals in the field* is supposed to be dedicated to the training of young producers, and to develop training measures so that those working within the European audiovisual field can respond to economic and commercial problems.

These measures, and their more detailed descriptive role, are clearly working according to the advantage of the economical side of the system. The drive is to generate discursive formations where an economical version of polarised cosmopolitanism is promoted, with the aim of generating a real European audiovisual reaction against the US dominated audiovisual industries. The public spheres such a policy is meant to spawn are supposed to hover at the macro spheres of the system, as the programme is preoccupied with large-scale activities of a coherent European audiovisual industry. The first Media programme does therefore correspond nicely with the 1989 version of the Television without Frontiers Directive, and is tailored according to the regulatory framework introduced there.

When compared with the first generation of culture programmes, the *Media I* stands first and foremost as a programme safeguarding the industrial side of the cultural and media coin. Even though this was also the case in the culture programmes, the political voice of enmeshing a pan-European identity and a sense of common belonging, was also always prevalent within the culture programmes. This is not the case with the *Media I* programme, which is surprisingly direct in its economical objectives. The issue of culture is hardly present at all, apart from the first recital, where it is surrounded by other economical and technological objectives. Here, the aim is to “develop Europe's audiovisual capacity, whether with regard to the free movement of programmes, to the promotion of the European high-definition television system or to a policy of encouraging creativity, production and broadcasting so as to provide an opportunity of demonstrating the richness and diversity of European culture”⁶³¹. It is noticeable, that in the early 1990's, the European Community was still referring to *a European culture* in the singular.

631 *Ibid*: 37.

The Institutional Road of Media I

This same clause on European culture is also contained in the Proposal from the Commission, which bears resemblance with the Decision on all major points. However, the Proposal does mention that “in the development of the programme-making industry proper regard should be had for the different cultural identities of the various countries and regions”⁶³², acknowledging that the audiovisual industries do have influence upon cultural identities. This view is however not represented in the final Decision establishing the *Media I* programme.

Apart from this, the economical, industrial perspectives take up, as before, the most space in the Commission's Proposal, emphasising the professional, large-scale industrial view. The Commission suggests the same proportion of 50% which have to come from the external parties, but an important point is that in the Commission's Proposal, the total budget is set at EUC 235 million, while in the actual Decision, it had been reduced to EUC 200 million. The budget breakdown is on the other hand almost the same allocating most to distribution mechanisms and improvement of production conditions. The stimulation of financial investment category is also contained in the Commission's Proposal, but instead of including the categories concerning the improvements of economic and commercial management abilities of professionals and the one on developments within countries with smaller audiovisual capacities, the Proposal has a category called *Other measures*. But even though the name of the category has changed, the content is almost the same, indicating that in general terms, apart from the budget, there was not a great change from the Commission's Proposal, to the Council Decision.

The European Parliament did however propose more serious amendments, attempting to implement the cultural role of audiovisual media further, with little luck. A very typical example of such an attempt on the behalf of the Parliament, is its claim that “the audiovisual media are above all an essential aspect of culture and an essential means of cultural expression”⁶³³, and that “the measures taken with regard to the media must therefore protect and promote media quality, diversity and independence”⁶³⁴. The Parliament goes on stating that the “rich variety of European culture must be nourished by a pluralist media system in which the principle of freedom to supply is fundamental as regards to both non-profit-making and profit-making bodies”⁶³⁵, and that “services supplied by the media organizations can not be described as exclusively economic but rather as services of cultural nature”⁶³⁶, and that “MEDIA as a promotional programme requires a cultural

632 OJ C 127, 23.5.1990: 6.

633 OJ C 324, 24.12.1990: 401.

634 *Ibid.*

635 *Ibid.*: 402.

636 *Ibid.*

context”⁶³⁷. These are all extremely important statements concerning the notion of emancipative, semi-autonomous cultural public spheres, and therefore, their exclusion from the Decision establishing the programme is a further indication of the system's dominance within EU's audiovisual sector.

The Parliament points furthermore towards the audiovisual cultural aspect's characteristics of being both interdependent and autonomous regarding language and production, and the need to respect the pluralism and the diversity inherent in the European cultural scene and in its film-making traditions. The Parliament also eyes the large-scale implications of the Commission and warns against concentrations and mergers within the audiovisual sector, just as it did regarding the *Television without Frontiers Directive*. The Parliament furthermore ascribes a role to the Community “to preserve and make the best use of the enormous heritage of images and works which neglect by the most of the Member States is threatening to consign to oblivion and destruction”, representing yet again a view that is very important to the later remixable cultural landscape of prosumers. Here, the Parliament is indeed attentive towards the Community's role as a coordinator and on taking on assignments that might be out of the reach of the individual member-states.

All in all, the Parliament is very clear on safeguarding the cultural objectives amongst the industrial ones, but as already analysed, these objectives were not present in the final Decision. In its Opinion, the Economic and Social Committee also briefly mentions the cultural dimension and emphasises the coexistence of the economical unity of the single audiovisual market, and the cultural diversity amongst Europe's many cultures:

In relation to people media policy has a variety of effects, responsibilities and democratic, social and cultural duties. We are talking not only of a constantly expanding market with turnover measured in thousands of millions and hundreds of thousands of employees, but more importantly about the maintenance and promotion of Europe's historical identity.

It is Europe's many cultures and societies, its many-faceted characteristics, its tradition and history which are the source of its inimitable cultural diversity. This cultural landscape needs to be encouraged and helped to survive, even within a constantly expanding audiovisual market.⁶³⁸

Even though the EESC refers to a specific historical identity of Europe, it also points to the different roles that media policy has, emphasising the constant intermingling between the strategic, instrumental actions of the system, and the communicative actions of the lifeworld. However, the

⁶³⁷ *Ibid.*

⁶³⁸ OJ C 332, 31.12.1990: 176.

Opinion is much more preoccupied with analysing the situation of the European audiovisual market, and sees it as vulnerable in its competition with large, non-European producers, and pinpoints the USA and Japan specifically in this context. It looks upon the TwF Directive as a positive attempt to reverse this development and the Media I is clearly supposed to transmit the economical considerations that the TwF puts to the fore.

On more practical matters, the EESC considers the budget earmarked to the programme as insufficient and wants to see it increased. Furthermore, in tandem with its role as the voice of organised civil society, it states the importance of such a programme on democratic, economic, social, cultural and consumer policies within the Community, emphasising that the economic, cultural and social interests should all be taken into consideration. And in accordance with the Parliament, it is wary of the development of monopoly-like structures, which both the TwF Directive and the Media programme possibly could induce.

Just as was the case with the first generations of EU's cultural programmes, the EESC complains about the complicated and vague methods of the programme's management and wants more accurate information on the behalf of the Commission on the matter. The Opinion also offers specific comments on the action programme which are minor adjustments and cannot be said to be revolutionary in any way, and therefore the EESC's Opinion lies without doubt closer to the Commission's original Proposal, than the Parliament's considerations. The Commission's Proposal and the Council's Decision do as already maintained, resemble each other on all major points, except that the actual financial allocation towards the project was reduced, a process that also was prevalent with the cultural projects.

The institutional road to the first Media programme is all the same very interesting as it demonstrates how influential the 1989 TwF Directive was on its making, applying a liberal approach that pays very little attention to the emancipative and semi-autonomous sides of the culture concept. It does however take the economical side of the culture industries into consideration and its role in creating a politically favourable environment for the notion of European identities. The economical and political role of the audiovisual industries are therefore acknowledged, and the cultural one kind of comes along as a side-product, or a positive spill-over. However, what comes as a surprise is that very little speculations are dedicated to the exact nature of the medium the programme wants to promote, i.e. films and audiovisual productions. These productions can take very different form, some of them have definitely the emancipative and semi-autonomous characteristics, for instance found in many artistic audiovisual productions. Nevertheless, the Media programme is very consequent in coining the term industries on its field, and the need to promote versions of homogenous cosmopolitanism and polarised cosmopolitanism,

in order to complete the single market, and to make that market large enough so that it can become an alternative towards the US one. The tone laid down in the original Media programme was therefore very industrially favourable, and as will be demonstrated below, this has been hard to shake off the next generations.

Media II, Media Plus and Media Training

The aim of the second generation of the Media programme, called *Media II*, is the same as its predecessor, especially in its intent to promote *homogenous cosmopolitanism* and *polarised cosmopolitanism*. This is quite clear in the section dedicated to the programme on the EU's Web-page on the audiovisual and media sectors: “The aim of the MEDIA II programme is to support the European Union's audiovisual industry with a view to promoting the production and distribution of European audiovisual works. The underlying objective is to prevent the European market from being dominated by imported programmes, particularly from the USA.”⁶³⁹ The programme ran from 1st of January 1996 to 31st of December 2000 and was divided in two parts, on the development and distribution of European audiovisual works (*Media II: Development and distribution*), and on the training those working in the audiovisual industry, (*Media II: Training*).

The Council Decision on the programme dealing with development and distribution was taken on the 10th of July 1995, and resembles the one on Media I on many instances, especially regarding the ideological undertones. The structure is however different, and mostly aimed at making the procedure clearer. The keyword is still *industry*, stating repeatedly the economic importance of the audiovisual industry, but now the Bangeman report is also included, emphasising the strategic importance of the audiovisual programme industry in the forthcoming information society.

However, a decisive difference from Media I and Media II is that Article 128 from the Maastricht Treaty had entered into force. As paragraph 4 of the Article indicates, cultural aspects are supposed to be taken into account under other provisions of the Treaty, and this is acknowledged in the Media II Decision. In addition, it is maintained that participation in the Media II programme should reflect European cultural diversity, and a need was identified “to take into account the cultural aspects of the audiovisual sector”⁶⁴⁰. However, in the actual articles of the Media II programme on development and distribution, there is no sign of those cultural aspects. Indeed, regarding development, the aim is divided into the following two parts:

639 “Media II (1996-2000): programme encouraging the development and distribution of European audiovisual works”, accessed 28.8.2008. URL: <http://europa.eu/scadplus/leg/en/lvb/l24104b.htm>

640 OJ L 321, 30.12.1995: 26.

-[T]o promote, by providing financial and technical assistance, the development of production projects submitted by companies which include the enhancement of the audiovisual heritage and are aimed, in particular, at the European market, to encourage an environment favourable to initiative and to the development of the companies and to encourage networking among them,
 -[T]o promote the development of production projects which include the enhancement of the audiovisual heritage that make use of new techniques of creation and animation, to support an environment favourable to initiative and development by companies and to encourage networking among them.⁶⁴¹

Assistance to companies which primarily produce for the European market are at the forefront, and as was the case with the cultural programmes, special attention should be paid to establishing networks amongst them. As regards the distribution part, similar aims are presented, where the purpose is to strengthen the European distribution sector and promote increased circulation of European cinema films, video and amongst European television programmes. Furthermore, it is specifically mentioned that the aims of the programme must work towards “an increase in the competitiveness of the audiovisual industry notably in the European market, by supporting the development of projects which have a true distribution potential.”⁶⁴² As was the case with Media I, Community funding shall not exceed 50% of the cost of operations, and the whole budget set for the programme was ECU 355 million.

When the institutional road is examined further, a familiar pattern emerges concerning the Commission's strands, while the Parliament seems to have given up its fight for culture. The Commission, in its Proposal from the 28th of February 1995, emphasised the industrial side of the audiovisual sector⁶⁴³ while the European Parliament abounded the interests of culture and jumped on the cosmopolitan polarisation wagon, for instance by suggesting “in response to competition from the USA, it is necessary to ensure that European films are screened widely and almost simultaneously in all European countries”⁶⁴⁴. Indeed, it is in fact the EESC that takes up the fight for culture as it criticises the liberal approach the Commission has adopted for not paying attention to the social side of media policy, and of disregarding the danger of media concentration:

The Commission works on the premise that there is an inexorable world trend towards liberalization and deregulation of services, and that early and efficient action is needed to remove the barriers to the Single Market. Consequently it makes no attempt to look into the

641 *Ibid*: 27.

642 *Ibid*.

643 See OJ C 108, 29.4.1995: 8-12.

644 OJ C 166, 3.7.1995: 179.

possible social consequences of the influence and pressure wielded by large international media groups, or of the foreseeable increased competition in the audiovisual sector.⁶⁴⁵

The EESC is likewise sceptical towards the role of public service networks in this wave of liberalisation, privatisation and media concentration. However, the most important critique the Committee offers is to point towards the differences between the American model and the European one. According to the Committee the success of the American model is not only due to cost-cutting and profit maximisation which is achieved through optimum organisation throughout the whole production process, but also because the American model “concentrates on productions with heavily standardized messages calculated to attract large audiences.”⁶⁴⁶ Thus, in the EESC's view, European audiovisual products, and especially the history of European cinema, has traditionally focused more on the intrinsic cultural values and quality of their productions, and this is something that the Commission is not taking into account in its Proposal to the Media II programme:

Whilst it would perhaps be simplistic to talk of cultural colonization, we should nevertheless realize that the problems facing the European audiovisual industry can be measured not only in terms of financial and organizational potential, but also – more importantly – in terms of the cultural content of production. The Commission proposals do not intent to tackle this.⁶⁴⁷

And indeed, these considerations were neither tackled by the Council in its final Decision. It is all the same very interesting that the EESC eyes similar tendencies as Jürgen Habermas did, even though the largely connoted term of colonisation can pose some problems.

Regarding the separate *Media II: Training programme* the aim is as was the case with the training part of its predecessor, mainly to “meet the needs of the industry and bolster its competitiveness by improving initial and particularly continuing training for audiovisual professionals in order to provide them with the know-how and skills they need in order to take account of the European market and other markets”⁶⁴⁸. The messages could not be any clearer, the emphasis is clearly on the economical, industrial side of the audiovisual sector.

The next one in the line of Media programmes is the third generations consisting of *Media Plus* and *Media Training*. The *Media Plus*, which according to its article 1, was supposed to be active from the 1st of January 2001 to the 31st of December 2005, had very similar objectives on the agenda, but as the general description of objectives indicates, the programme is also meant to

645 OJ C 256, 2.10.1995: 25.

646 *Ibid*: 26.

647 *Ibid*.

648 OJ L 321, 30.12.1995: 35.

respond to digitalisation and networking:

- (a) an improvement in the competitiveness of the European audiovisual sector – including small and medium-sized enterprises – on the European and international markets, by supporting the development, distribution and promotion of European audiovisual works, taking account of the development of new technologies;
- (b) strengthening the sectors which help improve the transnational movement of European works;
- (c) respect for and promotion of linguistic and cultural diversity in Europe;
- (d) enhancing the European audiovisual heritage, in particular by digitisation and networking;
- (e) development of the audiovisual sector in countries or regions with a low audiovisual production capacity and/or a restricted linguistic or geographical area and strengthening networking and transnational cooperation between small and medium-sized enterprises;
- (f) the dissemination of new types of audiovisual content using new technologies.⁶⁴⁹

From the viewpoint of digital cultural public spheres, it is in particular the objectives on the development of new technologies, the cultural diversity and the digitalisation of the audiovisual heritage that are of importance. Apart from that, the programme has widened its scope not just to *development* and *distribution*, but also to *promotion*, and lists special objectives for each of the category, which correspond to the over-all aims. The programme had a budget of EUR 350 million for the years already stated, but in a corrigendum to the Decision was extended to the end of 2006, with a total budget of EUR 453.60 million.⁶⁵⁰

Even though the new programme is clearly responding towards the digital paradigm, it does so mostly from the economic side, envisaging new ways of distributing, promoting and facilitating market access. However, the door is also held open for digital cultural public spheres, at least if one of the aims within the development field will be realised, but the purpose of that objective is “to promote, by providing financial support, the development of production projects that make use of new creation, production and dissemination technologies.”⁶⁵¹ Principally, this could count for the kind of networked remixable streams of information, circulating digital cultural public spheres, and therefore represents an alternative approach midst in a programme that is mainly focusing on building a strong audiovisual counterforce towards the US audiovisual industry. This point is indeed further confirmed on the Union's Website dedicated to the audiovisual and media sectors, where it is again stated that the prime aim of the programme is to support the Union's audiovisual industry and

649 OJ L 336, 30.12.2000: 85.

650 See OJ L 195, 2.6.2006: 2.

651 OJ L 336, 30.12.2000: 85.

to “prevent the European market from being dominated by imported programmes, particularly from the USA.”⁶⁵²

Hence, even though digital culture has for sure affected the Union's major programme within the audiovisual and media sector, the objectives behind the programme are still the same as with the first generation. Just as the case was with the culture projects, the allocation procedure for the Media programme has also changed, but from the viewpoint of access culture, article 10 is of particular interests since it is dedicated to pilot projects that aim at “improving access to European audiovisual content and at taking advantage of opportunities arising from the development and introduction of new and innovative technologies, including digitisation and new methods of dissemination.”⁶⁵³ This notion of pilot projects that are meant to improve access to European works by using innovative technologies, is of course of great interest, but when the definition offered in the AVMS Directive from 2007 is had mind, the actual scope of projects available under the criteria is greatly reduced, taking only small proportion of the potentials that digitised access culture is capable of presenting.

The *Media Training* for 2001 to 2005, which was implemented on the 19th of January 2001 by the Parliament and the Council, was also aimed at safeguarding the economical interests of the system as the objectives of the programme clearly indicate:

To meet the industry's needs and promote competitiveness by improving the continuous vocational training of professionals in the audiovisual sector, with a view to giving them the know-how and skill needed to create competitive products on the European and other markets, in particular in the field of:

- application of new technologies, and in particular digital technologies, for the production and distribution of audiovisual programmes with a high commercial and artistic added value;
- economic, financial and commercial management, including the legal framework and the techniques for the financing, production and distribution of audiovisual programmes;
- script-writing techniques and storytelling including techniques for the development of new audiovisual programme types.⁶⁵⁴

The industrial induced message could not be any clearer. Even when the notion of art enters the description, it is closely associated with high commercial added value. Another thing of importance

652 “MEDIA Plus (2001-2006): programme to encourage the development, distribution and promotion of European works”, accessed 27.8.2008. URL: <http://europa.eu/scadplus/leg/en/lvb/l24224.htm>

653 OJ L 336, 30.12.2000: 87.

654 OJ L 26, 27.1.2001: 3-4.

is that even though new media and digital communication are repeatedly mentioned, they are always looked upon from the perspectives of the system. What for instance about (new) media literacy and ethical conduct in the digital landscape? What about training people in such conduct and educate them in the legal potentials of digital access culture? This would certainly benefit and audiovisual industrial programme like Media, but as already demonstrated, this training is indeed primarily earmarked professionals, and the new media considerations are primarily meant to serve to bolster the audiovisual industries.

The Media Training programme did not receive as much money as did the one on development, distribution and promotion, as the former received EUR 50 million from 2001-2005, and like its sibling, it was extended until 2006 with a overall budget of EUR 59.4 million.⁶⁵⁵ However, all in all, the third generation of Media programmes reaching from 2001-2006 received 513 million, which is a considerably higher amount than was dedicated to the cultural programmes, indicating the importance the Union ascribes to the industrially induced audiovisual programme, contra the 'less' industrially induced cultural programme.

Media 2007

The Decision and Implementation

As was apparent in my analysis of the three first generations of the EU's media programmes, the cultural side slowly but surely evaporated. The Media programme is an industrial programme and the Union does not attempt to hide this fact. However, the very nature of the media which the programme is meant to assist is more ambivalent, even though audiovisual material like films, and other programmes do surely include the economical, industrial side. However, the opposite is also true, i.e. audiovisual products can contain the emancipate, semi-autonomous side that this work is looking closer at and as explained with my examples of digital cultural public spheres, the networked digital remixable culture of prosumers has escalated this. From these grounds, the Media 2007 programme is of great importance and therefore I will pay special attention to it, its realisation and the institutional road behind it.

I have already introduced the latter two objectives of Media 2007, which mainly dealt with increasing the circulation and viewership of European audiovisual works and to strengthen the competitiveness of the European audiovisual sector. However, the first objective of the three main global objectives of the programme is essentially a cultural one: “(a) preserve and enhance European cultural and linguistic diversity and its cinematographic and audiovisual heritage,

⁶⁵⁵ See OJ L 195, 2.6.2004: 1.

guarantee its accessibility to the public and promote intercultural dialogue”⁶⁵⁶

When compared to the other generations of the Media programme, this has to be considered a major change in policy. This change is further confirmed in the Union's audiovisual and media Web-site, where it is indeed specifically stated that this programme serves both cultural and economical purposes:

The audiovisual sector is an essential vehicle for conveying and developing European cultural values. It plays a crucial role in the creation of a European cultural identity and the expression of European citizenship. The circulation of European audiovisual works (films and television programmes) helps to increase intercultural dialogue and to improve mutual understanding and knowledge of European cultures. Community support is therefore designed to enable the European audiovisual sector to play its part in consolidating European citizenship and culture. In addition to the cultural aspect, Europe's audiovisual sector also has great social and economic potential. Community support for the audiovisual sector is therefore also in line with the Lisbon strategy, which aims to make the EU the most competitive and dynamic economy in the world.⁶⁵⁷

Here, it is in fact the cultural part that is highlighted and the social and economic potentials made look like some kind of 'side-products'. This communicative strategy is also visible in the actual Decision where the cultural and economical views are intertwined in a natural, effortless fashion, as the following words demonstrate:

The audiovisual sector is an essential vector for conveying and developing European cultural values and for creating highly skilled future-oriented jobs. Its creativity is a positive factor for competitiveness and cultural appeal with the public. The programme is intended to strengthen the audiovisual sector economically to enable it to play its cultural roles more effectively by developing an industry with powerful and diversified content and a valuable and accessible heritage and to add value to national support.⁶⁵⁸

This is a very cleverly communicated excerpt where the economical and political rationale of the system, as well as the cultural side of the lifeworld seem to be equally representable, indicating that perhaps, EU's media programme finally has established the preferable culture-political balance. And it has to be acknowledged that compared to the other generations, this one is much more generous

656 OJ L 327, 24.11.2006: 14.

657 “MEDIA 2007: programme of support for the European audiovisual sector”, accessed 28.8.2008. URL: <http://europa.eu/scadplus/leg/en/lvb/l24224a.htm>

658 OJ L 327, 24.11.2006: 14.

in admitting the cultural importance of the media sector.

However, when a further look is taken at how to achieve these objects, the Decision seems to forget all about its global cultural objectives. Indeed, the Decision focuses on three ways to for its programme's realisation; *upstream of audiovisual production*, meaning the development of European audiovisual works and the acquisition and improvement of skill in the audiovisual field, *downstream of audiovisual production*, meaning the distribution and promotion of European audiovisual works, and finally *pilot projects*, which now are meant “to ensure that the programme adjusts to market developments.”⁶⁵⁹ The role of culture within these objectives is not stated, but on the other hand, the promising pilot projects of the third generation seems to have changed course, and is now dedicated to the market mechanisms. The Decision provides a more detailed account of these upstream, downstream productions and pilot projects, but again it is all about strengthening the skills of professionals, improving the quality of European audiovisual works, increasing circulation, to develop strategies within economic, financial and commercial management of production, distribution and promotion of European audiovisual works, to give support to the training of professionals, to film schools, to support the elaboration of financial plans, to encourage distributors to invest in co-productions, to encourage the cooperation between broadcasters and independent producers, etc.

Regarding the digitalisation of culture and the generating of digital cultural public spheres, the point is always favourable to the economic spheres since the Decision wants to “encourage the digitisation of European audiovisual works and the development of a competitive digital market place”⁶⁶⁰, to “encourage cinemas to exploit the possibilities offered by digital distribution”⁶⁶¹, and finally regarding the promising pilot projects, the “programme may support pilot projects to ensure that it adapts to market developments, with a particular emphasis on the introduction and utilisation of information and communication technologies.”⁶⁶²

This kind of *policy proper*, does not seem to be particularly favourable to the cultural objectives it claims to be promoting. However, it is not the economical objectives that are strange, but on the contrary the cultural global objectives, which are only represented in the already cited second paragraph of the programme's article 2. This is further confirmed in the recitals of the programme, where only one out of 29, mentions the word culture, and here it is mainly meant as a political tool to promote European citizenship:

⁶⁵⁹ *Ibid.*

⁶⁶⁰ *Ibid.*: 16.

⁶⁶¹ *Ibid.*

⁶⁶² *Ibid.*

The European audiovisual sector has a key role to play in the emergence of European citizenship because it is one of the principal vectors for conveying the Union's common and shared fundamental social and cultural values to Europeans and especially young people. Community support is designed to enable the European audiovisual sector to promote intercultural dialogue, increase mutual awareness amongst Europe's cultures and develop its political, cultural, social and economic potential, which constitutes genuine added value in the task of making European citizenship a reality. Such support is intended to enhance competitiveness and, in particular, to increase the market share in Europe of non-national European works.⁶⁶³

The Culture 2007 and the Media 2007 therefore have the promotion of European citizenship in common, but they are also clearly meant to respond to the Lisbon strategy, where the emphasis is on employment, economic reform and social cohesion in the knowledge-based economy. The emphasis on culture in the Decision's second paragraph of article 1, and on the Union's audiovisual and media Web-site, does therefore come as a surprise, since cultural issues are really not represented, and when they are, they are clearly meant to serve the purpose of the *system*.

Just as Culture 2007, the Media 2007 was meant to make its objectives and allocation structures more clear. This is the reason for why the previous *training* programme was incorporated into the other objectives. However, from the financial point of view, it is clear that the Union ascribes more importance to the Media programme, than the case is with the cultural programme, as for the same period of time, i.e. from 2007-2013 the Media programme receives EUR 755 million, while the cultural one only got EUR 400 million. The number is therefore almost doubled. This does not come as a surprise as the DG Information Society and Media refers to the programme as a “big push for Europe's audiovisual industry”⁶⁶⁴, making much of the fact that each euro from the Community generates six in private investment from the industry. Furthermore, it is specifically stated that Media 2007 is meant to support pre- and post-production, and according to the Decision, the budget is approximately divided into *acquisition and improvement of skills*, or *training* (7%), *development* (20%), *distribution* (55%), *promotion* (9%), *horizontal actions* (5%) and finally the *pilot projects* that receive approximately 4% of the total budget.

In the Decision, the category of *acquisition and improvement of skills in the audiovisual field* stresses the strengthening the European audiovisual *professionals'* skills in development, production, distribution, dissemination and promotion of European audiovisual works. Experienced

⁶⁶³ *Ibid*: 12.

⁶⁶⁴ “Media 2007 (2007-2013) - Factsheet”, accessed 20.5.2008. URL:
http://ec.europa.eu/information_society/media/overview/index_en.htm

scriptwriters are specifically mentioned, along with developing professional's abilities to grasp and integrate the European dimension in the field. In addition to that, the Decision is very clear on emphasising the economic, financial and commercial management of audiovisual works and give support to the networking and the mobility of European training professionals. Concerning digital technologies, the operational objective is to “[d]evelop the professionals' capacity to use digital technologies, in particular in the fields of production, post-production, distribution, marketing, archiving and multimedia.”⁶⁶⁵

A similar pattern is clearly detected here as the development of the culture programme indicated, i.e. the emphasis is on professional products of high quality that are more likely to induce large-scale effects and maximum visibility and financial turn-over. This is also the case with the other categories, such as the one on *development*, where companies are encouraged to produce quality works with international potential, and to use digital technologies in production and distribution. There are no further comments concerning this quality criteria, but it is specifically stated that support for the development of European works is meant to go to *drama, animation, documentary* and *multimedia*. However, no further attempt is made at defining what is precisely meant by a heavily connoted term like drama.

It is first in the *distribution and dissemination* category that cultural considerations are mentioned as the horizontal operational objective is to “[e]nhance the cultural and linguistic diversity of European audiovisual works distributed.”⁶⁶⁶ However, the action suggested to realise this objective is to support dubbing and subtitling, for the benefit of producers, distributors and broadcasters. Otherwise, the promising articles of the programme where the significance of the cultural side of audiovisual productions was highlighted, is completely silenced in this section on how to implement the actual policy. This suggests that those cultural promises were mainly meant for favourable communicative purposes, without assigning any real meaning, or money, to them.

Concerning digital distribution, the Media 2007 programme encourages the European audiovisual programme industry to adapt to developments in digital technology and especially on advanced on-line distribution services. Furthermore, the programme does also urge the development of techniques to secure online works from piracy, thereby applying a particular version of permission culture. However, this cannot really be otherwise, as the European Union has already decided that its media programmes are meant to develop, distribute and promote products of high quality that are capable of representing adequately the economical side of polarised cosmopolitanism and the political side of homogenous cosmopolitanism. The Union's reaction

⁶⁶⁵ OJ L 327, 24.11.2006: 20.

⁶⁶⁶ *Ibid*: 22.

towards the digital paradigm is therefore in accordance with the cultural and audiovisual industries, promoting permission culture instead of access culture.

This is again confirmed with the categories of *promotion* and *pilot projects*, where the aims are exactly the same as in the above-mentioned categories. On the promotion side, the Decision for instance wants to improve the conditions of access for professionals to trade events, and when the improvement in access for the European and international public is mentioned, the emphasis is on large-scale festivals and to “encourage and support the organisation of events with wide media coverage such as prize awards and European cinema days.”⁶⁶⁷

Finally, as was the case with the previous Media programmes, the financial contribution from Media may not exceed 50% of the costs of operations supported, but now there are some exemptions, in particular for training activities in countries or regions with low audiovisual production capacity and/or restricted linguistic or geographical areas, and more importantly, to projects that have the merit of highlighting the value of European linguistic and cultural diversity. In these cases, support may be up to 60%. It is, as before, the Commission that is responsible for implementing the Decision and it is assisted by a committee. Just as was the case with the Contact Points in the culture programme, the European network of Media Desks is supposed to act as an implementing body for disseminating information on the programme on a national level, improving its visibility and stimulating its use. Another kinship with the cultural programme is manifested in the outsourcing of its operational management, as the programme is jointly run by the Commission's DG Information Society and Media, and the Education, Audiovisual and Culture Executive Agency. However, as noted, a major indifference is detectable between the programmes in terms of financial allocation, indicating the importance the European Union ascribes to on the one hand cultural public spheres, and audiovisual, industrial public spheres.

Media 2007: The Institutional Road

In my analysis of the Decision of the Media 2007 programme, I detected a discrepancy regarding the Decision's use of culture, where on the one hand, there was in the Decision's *policy as display*, a clear tendency to link the economical importance with the cultural one, and than on the other hand in its *policy proper*, the cultural dimension had evaporated. The institutional road behind the Decision will cast a further look on that, where indeed, a familiar pattern emerges.

In the Commission's Proposal, which was issued at the 14th of July 2004⁶⁶⁸, the link to culture is downplayed and the emergence of European citizenship and the European audiovisual

⁶⁶⁷ *Ibid*: 26.

⁶⁶⁸ See COM (2004) 470 final.

sector's capabilities to enhance competitiveness and increase the market-share in Europe are emphasised further. From the cultural perspective, there are however no major changes, as the cultural sector was not influential at all in the actual Decision in the first place. Therefore, the Decision and the Proposal are on agreeable terms concerning culture, even though the actual phrasing may differ a little. The implementation of the programme is also similar, with the main aim of strengthening the professionals' skills in the fields of development, production, distribution, dissemination and promotion, in order to improve the quality and the potentials of European audiovisual works.

The Proposal and the Decision do on the other hand disagree greatly on the budget allocated for the whole period, which the Commission's Proposal wants to set at EUR 1.055 million. This indicates that the Commission ascribes great importance to the field of audiovisual industries and wants to put some real action behind erecting an assistance to it. This is further confirmed in the explanatory memorandum to the Proposal where the following is maintained:

Unless Europeans are able to watch fiction, drama, documentaries and other works that reflect the reality of their own lives and histories, and those of their neighbours, they will cease to recognise and understand them fully. Circulation of European audiovisual works can only be achieved by reinforcing the sector and enabling the creative potentials of European cultures to be fully realised. The European audiovisual sector has not only great political and cultural value but also considerable social and economical potential.⁶⁶⁹

This excerpt is taken from a section called *justification for Community action*, and as can be seen, this justification is primarily cultural and political, where the social and economical come as secondary considerations. Even though this might seem a bit strange, since especially the cultural sector is not represented in the actual articles of the Proposal, this is yet another sign of the discrepancies between a *liberal* approach and an *interventionist* approach. The Commission is meant to look after the interests of the European Union, and therefore it does not come as a surprise that it moulds the different rationale of the system and the lifeworld, according to the political interests of homogenous cosmopolitanism, to the economical interests of polarised cosmopolitanism, and the cultural interests of hybrid cosmopolitanism. But even though it refers to such hybridity through the creative potential of European cultures, the actual Proposal is clearly meant to serve political and economical interests. This is for instance exemplified with the following words, which are also taken from the justification for Community action section: "It is

⁶⁶⁹ *Ibid*: 2.

the task of Community action to give European cultures a say in the harmonious construction of a common European identity and the political concept of European citizenship.”⁶⁷⁰ What this implies is that the diversity of European cultures (now in the plural), is meant to be used for political purposes to facilitate the notions of European identity and European citizenship.

This is nothing new as similar use of culture was already prevalent in the 1970's. It does all the same come as a surprise how effortlessly culture is ascribed to the use of the political and the economical rationale, and how oblivious the Commission seems to be towards the creative potentials and positive side-effects of treating culture for culture's sake. The following quote is a good example of the use that seems to have followed Community's interventions in the cultural sector from the very beginning, a process that has not lost momentum at the dawn of the 21st century: “New Community action for the audiovisual industry should contribute to translating European cultural values into a competitive worldwide industry, by overcoming the obstacles that prevent operators from benefiting from the advantages of the Internal Market for non-national audiovisual productions.”⁶⁷¹ Here, cultural public spheres do not inform and fill the political and economical with content, as the anthropological version of the culture concept would have it, but quite the contrary. Culture is yet again used to promote the interests of the system.

Thinking mainly of its own interests, the Committee of Regions agrees with the support for dubbing and sub-titling with the aim of defending cultural diversity, and it further points out that more emphasis should be put on local and regional communities “in creating the European identity.”⁶⁷² Here, the political construction of an imagined community, in the modernist account of nationalism, is quite apparent. This notion is made to look unproblematic and in some sense 'natural', as has been the case with especially the Commission's efforts on the matter. The CoR apparently agrees with this kind of political construction. Otherwise, the CoR's Opinion is very favourable to the Commission's Proposal, and suffices to recommend the role of regions and local communities in increasing the competitiveness of the European market, and especially increased financial support for festivals “which play their own important role in creating and developing the European identity, enriching its composition and character with the unique cultural, historical and linguistic features of local communities, and societies.”⁶⁷³ The issue of the so-called European identity seems to be prevalent at the CoR, but the fact that it still refers to the creation of it indicates that the culture-political measures taken for such creation, which have been recurrent since the Community's first cultural interventions, have not been particularly successful.

⁶⁷⁰ *Ibid.*

⁶⁷¹ *Ibid.*: 3.

⁶⁷² OJ C 164, 5.7.2005: 76.

⁶⁷³ *Ibid.*: 77.

Apart from the identity issue, the CoR is also very content with the Commission's Proposal on training of professionals and to promote business cooperation between the European and the global audiovisual area. These arguments of the CoR, which as was the case with the cultural programme, have been concerned with moving the Union's interventions closer to the lifeworld structures, are not at all focusing on the micro spheres of the lifeworld. This is a sure sign of the industrial edge that the Media programme is meant to have, serving the economic importance of the system, as well as its political wishes in the form of creating and developing 'the European identity'.

As was demonstrated with the European Economic and Social Committee's Opinion on the Media Plus and Media Training, it was that body within the EU that wanted not only to promote the economic value of the European audiovisual industry, but also its cultural and democratic values. In general terms, the EESC's Opinion is favourable to the Commission's Proposal, especially regarding its attempt to simplify the structure of the programme and by considering the cultural value of Europe's cinematographic and audiovisual heritage. However, the Committee also feels that the Commission has not acknowledged the importance of the cultural values per se, and laments the Proposal's account on the matter:

The EESC furthermore notes that, in the explanatory memorandum, the Commission has not been able, as it had intended, to give more detailed consideration to the role that industry can play in the lasting development of the European audiovisual and cinematographic sector as an important mouthpiece for European citizenship and culture. The EESC believes it to be crucial, however, that European cultural values are always safeguarded and that diversity and pluralism are guaranteed in all audiovisual media⁶⁷⁴.

Hence, as my analysis of the Proposal indicated, even though the Commission 'decorated' it with cultural concerns, those concerns are not represented in the actual Proposal, and what is worse, they are nor represented in the actual Decision.

This is in part due to the European Parliament's abundance of the cultural sector, a process that already was well underway during the third generation of EU's Media programme. Despite this abundance, the Parliament was successful in adding to the cultural account already presented in the Commission's Proposal, especially regarding the promotion of intercultural dialogue and in increasing the mutual awareness amongst European cultures and to develop its political, cultural, social and economic potential in making European citizenship a reality.⁶⁷⁵ This was, as already maintained, already present in the Commission's Proposal, but the Parliament added to it, and was

⁶⁷⁴ OJ C 255, 14.10.2005: 41.

⁶⁷⁵ See OJ C 272 E, 9.11.2006: 247.

successful in implementing it to the final Decision.

It was also the Parliament that implemented the emphasis on digitisation, but it was also that same body that wanted to use such digital services “to overcome the fragmentation of the European audiovisual market.”⁶⁷⁶ Therefore, even though it is the Parliament that implements digitalisation, it does so only from the viewpoint of the market. The notion of *access culture*, remains as absent as ever. Apart from the cultural recital already mentioned, the other place to find cultural considerations in the Commission's Proposal is in the second paragraph of article 1. I have already cited the paragraph in its totality in my analysis of the Decision, but it is the same here, as with the 'cultural recital', i.e. the Parliament contributes to the already formed sketch on Commission's behalf. However, the Parliament's contribution is not on cultural values, but on “creating highly skilled future-oriented jobs”⁶⁷⁷, and “by developing an industry with powerful and diversified content and a valuable and accessible heritage.”⁶⁷⁸ Otherwise, the Parliament seems to be quite content with the Proposal, adding its obligatory lines, rephrases, etc., without introducing revolutionary changes. As the CoR and the EESC, the Parliament is content with the proposed budget of EUR 1.055 million, but as the budget was greatly reduced in the actual Decision approved of the Council and the Parliament, the focus will now be turned on the former.

The Council had several meetings on the issue, focusing on positive discrimination measures in favour of markets with less production capacity or restricted language area, and the involvement of broadcasters in the Media 2007 programme⁶⁷⁹, on the commitment of principles of liberty, democracy and respect for human rights, as well as discussing some possible amendments to Television without Frontiers⁶⁸⁰. However, on the Council's meeting the 23rd and the 24th of May 2005, there is talk about a *partial* nature of the Council's approach, since the budgetary aspects had not been addressed. The outcome of the Council's meeting the 14th and the 15th of November 2005⁶⁸¹, was the same concerning the budget, i.e. there is still talk about partial agreement as the budget had not been decided upon. However, at its meeting on the 18th and 19th of May 2006, it is claimed that the financial framework has been agreed upon and that a political agreement has been

676 *Ibid*: 248.

677 *Ibid*: 250.

678 *Ibid*.

679 See “2616th Council Meeting”, accessed 27.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/04/310&format=HTML&aged=0&lg=en&guiLanguage=en>

680 See “2661st Council Meeting”, accessed 28.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/05/118&format=HTML&aged=0&lg=en&guiLanguage=en>

681 See “2689th Council Meeting”, accessed 28.8.2007. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/05/284&format=HTML&aged=0&lg=en&guiLanguage=en>

reached⁶⁸² and at a later occasion, it is presented in a common position adopted by the Council on 24th of July 2006, that the budget allocated to the programme amounts to EUR 671 million, in 2004 prices⁶⁸³, which roughly added up to the EUR 700 million that it ended on receiving. In an analysis of the common position, the following general comments on the budget are offered:

The Council's common position remains fully in line with the Commission's original proposal. On the whole, the Council, the European Parliament and the Commission have convergent approaches on the programme.

The budget of EUR 671 million (at 2004 prices, and subject to adjustment to take account of inflation) was agreed by the three institutions in the contexts of the interinstitutional agreement on the Financial Framework for 2007-2013.⁶⁸⁴

As my analysis suggested, the three institutions have throughout the institutional road to Media 2007, agreed in all major terms, apart from the budget, which was considerably reduced after the common position. This does however not seem to bother the Commission and the Parliament much as the latter for instance approved of the common position and adopted it on the 24th of October 2006. However, in a recommendation for the second reading of the Parliament the rapporteur Ruth Hieronymi comments on the budgetary aspects with the following words:

The European Parliament considers the common position a balanced text, even though the overall financial amount allocated to MEDIA for 2007-2013 in light of the Inter-institutional Agreement on the Financial Framework does not reflect the ambitions and goals set in the proposal by the European Commission. These goals had been fully supported by the European Parliament in first reading.⁶⁸⁵

Despite the budgetary reduction, the Parliament proposed no amendments and the Decision was signed by the Parliament and the Council on the 15th of November 2006.

682 See "2729th Council Meeting", accessed 27.8.2008. URL:

<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/06/131&format=HTML&aged=0&lg=en&guiLanguage=en>

683 OJ C 251E: 4.

684 *Ibid*: 18.

685 A6-0337/2006 final: 6.

EU's Response Towards Digital Culture

Even though there is no doubt that the regulatory framework of *Television without Frontiers*, and the four generations of the *Media programme* are the main assets within the European Union's audiovisual policy, there are also smaller interventions that are quite relevant to the idea of digital cultural public spheres, access culture and the remixable culture of prosumers. These interventions can therefore be said to represent further EU's response towards digital culture. Amongst these are the *Directive on a common regulatory framework for electronic communications networks and services*, *digital rights management*, the strategy for *creative content online*, the *eContentPlus* programme and the Commission's *recommendation on the digitisation and online accessibility of cultural and digital preservation*. However, before I take a further look at these assets, a quick look will be taken at the brochure *Shaping Europe's Digital Future*, and a speech called *Digital Convergence: a whole new way of life*, presented by Viviane Reding, Commissioner for the Commission's DG Information Society and Media.

Shaping the Convergence of Digital Future

The brochure *Shaping Europe's Digital Future*, contains a mission statement on behalf of the DG Information Society and Media. It is built upon what is referred to as the triple play for Europe, meaning *regulation*, *research* and *promoting wider use*. On the issue of regulation, two assets are mentioned, the 2003 electronic communications framework and the Audiovisual Media Services Directive. The objectives within research range from basic research such as nanotechnology, through using ICTs to improve quality of life, such as road safety and healthcare, to industrial competitiveness. Finally, regarding the promoting wider use, the brochure mentions programmes which aim at helping Europe's content industries, such as the Media programme and the eContentplus programme.

In identifying concrete manifestations of this policy, the brochure mentions cheaper phone calls and television for the 21st century, electronic voting, payments through mobile devices, the implementation of gadgets that locates collided cars and hotlines to prevent illegal conduct on the Internet aimed at children. Even though the aims presented above are good in their own right, they cannot be said to represent the shaping of Europe's digital future particularly well. What is more alarming is, however, the fact that yet again, culture is hardly mentioned at all. Indeed, the mission of the DG Information Society and Media is communicated through the following two objectives:

Support innovation and competitiveness in Europe through excellence in ICT research and development.

Define and implement a regulatory environment that enables rapid development of services based on information, communication and audio-visual technologies, so fostering competition that supports investment, growth and jobs.⁶⁸⁶

Investment, growth, jobs, innovation and competitiveness are at the forefront, and this is also the case in Viviane Reding's speech, *Digital Convergence: a whole new way of life*, which she gave at the opening of the Digital Lifestyle Exhibition in 2006. But even though Reding's speech is largely dedicated to numbers, she also identifies the converging characteristics of digital culture, and their affects upon culture at large:

What we see in this market is considerable growth in multiplayer, on-line, role-play games. These games are different because the content is created by the players. This does not only create hundreds of millions of € in revenue for their producers, but is changing the way we view in digital world. Media are not only broadcast to the user but are defined by the user.

The growth of peer to peer digital media means that people can generate and transact digital content and services over global networks. Providers can be as diverse as small business, local libraries and museums, writers and artists, and individual hobbyists and enthusiasts. This creates the opportunity for a much more diverse offering of cultural production and creativity.⁶⁸⁷

What Reding is identifying in her speech is the same digital cultural landscape that I have been describing in this work. This is very import, in particular from the viewpoint of the emancipative, semi-autonomous side of digital cultural public spheres. However, Reding also points to the fact that there are regulatory and technical difficulties at stake as there does not exist a single system for digital content. The AVMS Directive was obviously supposed to respond to this, but as already analysed, in its final form, the definition of programmes does not include the multi-semiotic versatility that the various Web 2.0 platforms are capable of generating. Therefore, in regulatory terms, there is a unresolved problem facing future media and cultural policy in the European Union. This does however not mean that the Union is incapable of conducting policies favourable to digital cultural public spheres as my analysis of the Creative Content Online strategy and the eContentplus programme will indicate. There is however a clear friction between different regulatory frameworks in the field of digital content and this can only be seen as an inhibitor to digital access culture.

686 *Shaping Europe's Digital Future* 2007: 1.

687 Reding 2006: 3.

Other Regulatory Frameworks

Because of the convergent nature of digital culture and digital cultural public spheres, there are several different EU regulatory frameworks that are of importance to such constructions, at least theoretically. The legal framework for regulating telecoms services is definitely one of these, but this can be said to be a package of legal instruments composed of different Directives, for instance on a common regulatory framework for electronic communications and services, on access and interconnection, on the authorisation of electronic communications networks and services and on competition in the markets for electronic communications services.

I want to pay particular attention to the common regulatory framework for electronic communications networks and services, as it is meant to cover all forms of fixed and wireless telecoms, data transmission and broadcasting. This Directive, which was adopted 7th of March 2002, is meant to establish a harmonised framework for the regulation of electronic communications services, electronic communications networks, along with associated facilities and associated services. However, according to one of its recitals, the Directive deals with regulation of *transmission* and not *content*, thereby dividing the two from the legal frames of the Union:

It is necessary to separate the regulation of transmission from the regulation of content. This framework does not therefore cover the content of services delivered over electronic communications networks using electronic communications services, such as broadcasting content, financial services and certain information society services, and is therefore without prejudice to measure taken at Community or national level in respect of such services, in compliance with Community law, in order to promote cultural and linguistic diversity and to ensure the defence of media pluralism.⁶⁸⁸

This division between the regulation of *transmission* and regulation of *content* is not particularly favourable to the remixable digital culture of prosumers, since the former does not have to take cultural diversity into account. Regarding the regulation of content, the Directive refers to the Television without Frontiers Directive, which is meant to stand for the content side, but as already claimed, the 2007 version does not account for the variable hybrids that digital cultural public spheres are capable of generating. Furthermore, transmission and content are not always easily distinguishable in the network society and therefore there seems to be a loophole in the regulatory framework concerning many of the activities of prosumers on the Internet.

Another thing of importance is digital rights management systems, which are technologies

⁶⁸⁸ OJ L, 24.4.2002: 33.

that describe and identify digital content protected by intellectual property rights. In a Directive from 22nd of May 2001, on the harmonisation of certain aspects of copyright and related rights in the information society, legal protection of copyright and related rights in the framework of the internal market, the role of these systems is described further. However, the scope of the Directive is largely aimed at the digital inner market for new products and services, thereby putting the focus on the economical side again:

A harmonised legal framework on copyright and related rights, though increased legal certainty and while providing for a high level of protection of intellectual property, will foster substantial investment in creativity and innovation, including network infrastructure, and lead in turn to growth and increased competitiveness of European industry, both in area of content provision and information technology and more generally across wide range of industrial and cultural sectors. This will safeguard employment and encourage new job creation.⁶⁸⁹

The economical realities of the new digital landscape has changed and the Directive is meant to respond to that. As before, the Community's intervention is supposed to be of coordinating nature so that legislative differences and uncertainties between member-states will not cause problems for the development of the inner market.

I will not go any deeper into these other regulatory frameworks and the Directive on the harmonisation of copyright, and I mentioned them mainly in order to demonstrate the level of complexities digital cultural public spheres on EU level are surrounded by. For lay-persons, such complexity can easily stifle creation as many of the prosumers are uncertain of the legal rights behind the digital material they are remixing. Therefore, the Creative Commons represents an alternative that does not contradict for instance the Directive on the harmonised copyright in the information society, as the Commons is meant as an easily identifiable add-on. This is especially important regarding the paragraphs of Article 151 that are scrutinised in the works, namely on non-commercial cultural creations in the audiovisual sector. However, despite the unclear playground of the network society, the European Union is indeed conducting strategies, projects and programmes within the sector, which I will briefly touch upon.

689 OJ L 167, 22.6.2001: 10.

Creative Content Online

The so-called i2010 strategy represents the EU policy framework for the information society and media. This strategy builds upon the eEurope initiative and was launched in June 2005 and is intended to go on until the year of 2010. The i2010 strategy has three main aims; *to create a single European information space*, which is meant to promote an open and competitive internal market, *to strengthen investment and innovation in ICT research*, and finally *to support inclusion, better public service and quality of life through the use of ICT*. There are the same economical undertones surrounding this strategy, as so many others on behalf of the Commission, but despite that, an interesting project called *Creative Content Online* is meant to be a part of the i2010 strategy.

In a Communication on Creative content Online in the single market issued on the 3rd of January 2008, the Commission suggests that EU polices should promote efficient implementation of new services and related business models for the creation and circulation of European content and knowledge online. This creative content distributed online covers audiovisual media online, such as film, television, music and radio, as well as games online, online publishing, educational content and user-generated content. The definition used here is therefore much more akin to the multi-semiotic cultural landscape in digital culture as used in this work, and even though the Commission's initiative is largely related to exploiting these services commercially, its aims are also dedicated to the users' active role in creating content. This is clearly inscribed in the three main objectives of the project:

- ensuring that European content achieves its full potential in contributing to European competitiveness and in fostering the availability and circulation of the great diversity of European content creation and of Europe's cultural and linguistic heritage;
- updating/clarifying possible legal provisions that unnecessarily hinder online distribution of creative content in the EU, while acknowledging the importance of copyright for creations.
- fostering user's active role in content selection, distribution and creation.⁶⁹⁰

However, even though the potentials of non-commercial cultural and artistic exchanges are inherent in especially the last of these three objectives, it soon becomes rather clear that the Commission is first and foremost thinking of the commercial side of the single market. This is clearly exemplified in the Communication's way of identifying problems concomitant to such project.

The first on the list is lack of availability of creative content online and lack of active licensing of rights on new platforms:

690 COM(2007) 836 final: 4.

Since online content is a nascent market, the value of new forms of distribution is sometimes still unknown. This results in major difficulties in settling terms of trade for online exploitation of creative content. Right holders fear losing control as illegal copying in the digital environment has proven to be highly damaging. While legitimate online offer of creative content is widely regarded as one of the means of curbing illegal copying, some right holders prefer to protect existing revenue streams rather than actively licensing their rights on new platforms. Licensing online exploitation is also hampered by potential conflicts with rights already granted from main forms of exploitation.⁶⁹¹

In my view, this assessment on behalf of the Commission is plain wrong as neither lack of availability of creative content online nor the licensing of it remain obstacles. The vast amount of digital content that is being uploaded each day on the various Web 2.0 platforms bear witness to the colossal cultural participation and cultural production that is being conducted right now. And as previously explained, the Creative Commons offer a very comprehensible copyright system that every-one can easily apply, and does not enter a conflict with other systems as it is looked upon as an add-on. Indeed, it is up to the individual user to select what kind of a copyright he wishes to guard his own products by.

The Commission is sceptical towards Digital Rights Management, especially its framework of transparency and interoperability, but does not mention the Creative Commons as an alternative, maybe because it is originated in the US. From the economical perspective, it does however locate the problems associated with illegal up- and downloading and calls for increased cooperation against piracy, pretty much as is the case with the big industries Lawrence Lessig associates with permission culture. Despite this, the Communication on behalf of the Commission is promising as it proves that it is aware of some of the potentials the digital culture of prosumers is capable of fulfilling. It should also be kept in mind that this is only the first part in the 'food-chain' of the EU's institutional road, a kind of a predecessor to an actual Proposal on the matter.

In the Communication's conclusions the challenges to such a project are further set into proper context, and here the Commission identifies availability of content, improvement of rights clearance mechanisms, development of multi-territory licensing, management of copyright online and cooperation mechanisms to improve respect of copyright in the online environment. These challenges are all in one way or the other related to the precarious matter of copyright in the digital age, but that is mainly due to the angle the Commission puts on the issue. Indeed, it is obvious that

⁶⁹¹ *Ibid.*

the Commission is looking at the economical potentials of large-scale audiovisual productions, online music and radio and online publishing. Or put differently, the Commission is emphasising the *digitalisation of culture*, and not *digital culture*. This is why the Communication identifies the lack of available content online as a problem, because it is referring to large-scale productions such as films that are uploaded on the Internet. In many cases, but far from all as the *Elephants Dream* exemplifies, such uploaded productions are illegal, and this is why the Commission is putting so much emphasis on clearing the copyright issues.

However, if a different scope, more akin to the micro structures in the lifeworld, was to be set on such a project, where the Union's role would primarily be to serve for the meta-world in which the prosumers would fill in with their own productions, guided by the Creative Commons, these problems would cease to exist. On a Commission staff working document that prepared the Communication, there is a chapter on user-generated or user-created content associated with Web 2.0, and here the convergence characteristics of new media platforms and digital communication are duly acknowledged as a leading development where the users are involved in creation and distribution. It is maintained that user-generated content has gained momentum and the many applications on Web 2.0, like blogs, podcasts, wiki and video sharing, enable prosumers to create a large quantity of cultural material on the Web. But even if this is acknowledged, the problem lies in the Commission's definition of user-generated content:

User-generated content means any form of content (including photo, video, audio, animation and text) produced or created and made publicly available online by users. It includes both original pieces of content created by users – i.e. user-created content – and existing content that is simply uploaded by users. User-generated content is, in essence, intrinsic to the Internet, and it is naturally developing in tandem with the Internet's growth.⁶⁹²

This definition is of course in itself not wrong, but it could easily be restricted further to only non-commercial original pieces of content, or to non-commercial content that has already been licensed according to the rules of this particular programme, similarly as the case is with the BBC's *Creative Archive*, thereby circumventing the legal-illegal piracy debate.

However, the Commission does not seem to eye this possibility, as it goes on linking user-generated content with the commercial market, stating its importance in scouting talents, mentioning the financial revenues that platforms like *MySpace* and *Flickr* are generating, and the perils associated with illegal uploading of copyright protected material on a service like *YouTube*. In

692 SEC (2007) 1710: 16.

my view, the Commission is simply missing the point by emphasising the commercial side of the digital cultural, especially in a project in the making as this one. It is also clear that the Commission is not at all secure in its own policy on the matter and seems to hesitate, even though the digital culture of prosumers has been developing for a relatively long time: “The greatest participation of the user in innovation and creation with user created content and customisation of product and services, is an emerging trend in the on line world. Therefore policy implications cannot be fully grasped at this early stage.”⁶⁹³ Even though I do agree with the Commission that implications can not be grasped fully, I certainly disagree with its hesitating approach as it is an ideal venue to exceed its influence, in particular from the viewpoint of the subsidiarity principle.

However, as already indicated, the inhibitor seems to be the commercial side along with the somewhat vague and at times contradicting legal frameworks behind user-generated content. This is acknowledged in the working paper where it is maintained that the existing legal framework affecting content has two main objectives. On the one hand to safeguard the functioning of the inner market, and on the other hand to enforce certain social and cultural general interests. Nevertheless, regarding the Creative Content Online, it is assumed that even though the project has strong potential to enhance cultural diversity, “regulatory instruments fall outside EU competence in this area.” The reason for this is that enhancing cultural diversity in the online environment is supported by financial mechanism at EU level. Such support has of course to be in compliance with paragraph 4 of Article 151, but all the same, it is the i2010 that is the umbrella for EU initiatives promoting the development of online creative content. The modernisation of TwF directive into the AVMS Directive and the review of the regulatory framework for eCommunications are part of this objective, but as already analysed, neither one of them do address properly the digital cultural landscape as introduced in this work. The Commission furthermore identifies the Directive on the harmonisation of certain aspects of copyright in the information society as an important document of Creative Content Online along with Directives on consumer protection and competition policy.

In short, the project is in immediate danger of being suffocated in permission culture. In addition, the updating of Directives seem to be in little accordance with the development of peer-to-peer networks and the logic of open source and the hacker ethic, where it is of utter importance to keep the codes of culture as open and easily-identifiable as possible. The Directive on the harmonisation of copyright supports for instance the Digital Rights Management system, which according to the public consultation in the working documents, is heavily criticised by consumer associations, especially for not being user-friendly, not being transparent, and for confusing the public. These were exactly the issues that Lawrence Lessig wanted to fix with his Creative

⁶⁹³ *Ibid.*

Commons system, and when a further look is taken at the use of his license on the Web, it has to be maintained that he was successful.

However, in my view this is only part of the problem. It is the emphasis on the commercial and economical side that is posing all these problems. If the project was aimed at realising the two latest objectives of paragraph 2 in Article 151, i.e. the one on non-commercial cultural and artistic exchanges, these problems would not be as prevalent. The i2010 strategy is however, very much dedicated to responding to the Lisbon strategy, which concentrates largely on ICT impact on economic performance. This tendency is also obvious in another promising project on the behalf of the Commission called *Digitalisation and Online Accessibility of Cultural Material and Digital Preservation*.

Digitalisation and Online Accessibility of Cultural Material and Digital Preservation

In a recommendation on digitisation and online accessibility which the Commission issued on the 24th of August 2006, the aim is to bring out the full economic and cultural potential of Europe's cultural and scientific heritage using the Internet.⁶⁹⁴ This is a part of the i2010 strategy and is in particular connected to a project on *digital libraries*. According to the recommendation and online accessibility, it is claimed that such projects are important for two reasons:

-The online presence of material from different cultures and in different languages will make it easier for citizens to appreciate their own cultural heritage as well as the heritage of other European countries. The recommended measures will contribute to presenting Europe's rich and diverse heritage on the Internet and to protecting cultural assets from irretrievable loss.

-Beyond its fundamental cultural value, cultural material is an important resource for new added value services. The measures recommended will contribute to enhancing growth in related high value-added sectors such as tourism, education and media. High-quality digital content is a key driver for large scale industrial activities (hence the interest on the part of major search engines). Digitisation and digital preservation are knowledge-intensive activities that are likely to grow considerably in the coming years.⁶⁹⁵

The former objective corresponds nicely to the Union's recurrent political use of the cultural heritage and its role in constructing a feeling of European identity, and the latter uses this so-called fundamental cultural value as a cultural spill-over, promoting sectors such as tourism, education and

694 See "Commission recommendation on the digitisation and online accessibility of cultural material and digital preservation of 24 August 2006", accessed 24.5.2008. URL: http://ec.europa.eu/information_society/newsroom/cf/itemlongdetail.cfm?item_id=2782

695 *Ibid.*

media, and of course hard core industrial activities. The political and economical rationale of the system is therefore widespread yet again.

This does of course not come as a surprise as the i2010 strategy aims at optimising the use of information technologies for economic growth, job creation and quality of life. It is certainly responding to the first two objectives, but the more floating *quality of life* seems to be responding largely to the political advantages of a *European quality of life*. However, the recommendation does identify the possible future role of the European Union within this digital context as being coordinating. In the case of the European digital library, the actual content is deeply rooted in national and local efforts to digitise their material, and therefore does the Commission first and foremost see the role of the Union as coordinating those efforts and to establish a legal framework for such transnational goods and services.

In the actual recitals to the Commission's recommendation, the following use of digitised material from libraries is encouraged:

[T]he development of digitised material from libraries, archives and museums should be encouraged. The online accessibility of the material will make it possible for citizens throughout Europe to access and use it for leisure, studies or work. It will give Europe's diverse and multilingual heritage a clear profile on the Internet. Moreover, the digitised material can be re-used in industries such as tourism and the education industry, as well as in new creative efforts.⁶⁹⁶

Even though there is great emphasis on the system in this recital, it also opened up for the lifeworld aspects by encouraging new creative efforts. However, later on in the recommendation, it is claimed that only a part of this material held by libraries, archives and museums is in the public domain and therefore subjectable to creative legal remixes. At the same time, the recommendation says that Europe's cultural material should be digitised with full respect to copyright and relevant rights, mentioning in particular the Directive on the harmonisation of copyright in the information society.

This is further confirmed in the Communication from the Commission establishing the *i2010: Digital Libraries* project, where a special attention is paid to this Directive and its exception article on specific acts of reproduction by publicly accessible libraries, educational establishments, museums and archives. However, the legal jungle between the Union and its member-states is far from clear on the issue, as is directly acknowledged in the Commission's Communication: "The exception is however not mandatory and has led to different implementations in the Member States.

⁶⁹⁶ *Ibid*: 7.

The limited use that can be legally made of the resulting digital copies is a further disincentive for digitisation.”⁶⁹⁷

Therefore, even though the European Union is clearly attentive towards the potentials of digital culture, it does all the same get enmeshed in the complex legal surroundings of permission culture. As it is, the only clear user rule for the prosumers that want to take advantage of the Digital Libraries project, is the use of material that is in the public domain, and as is acknowledged by the Commission, this is only a small part of the potentials of such database of digital cultural heritage. The potentials in terms of research and innovative creations are extraordinary, but practicalities such as the economics of digitising, the organisational nature of synergies between the member-states and the Union, technical nature of little cost vs. high quality and of course the legal nature, stand in the way of realising these potentials. Sadly, this is also the case with the last object that will be analysed in this work, the *eContentPlus* programme.

eContentPlus

Along with the Digital Libraries, the *eContentPlus*, is one of the main assets of the i2010 strategy. The Decision establishing the programme was taken 9th of March 2005 and in its recitals, it is urged to exploit and enjoy the social and economic benefits of sharing information and knowledge. It is therefore acknowledged, that the converging characteristics of quality digital content online, can benefit both the instrumental rationale of the system, as well as the communicative of the lifeworld. This is clearly articulated in the following citation:

The demand for quality signal content in Europe, with balanced access and user rights, by a broad community, be they citizens in society, students, researchers, SMEs, and other business users, or people with special needs wishing to augment their knowledge, or 're-users' wishing to exploit digital content resources to create services, is increasingly apparent.⁶⁹⁸

Here, major actors of the culture-political field in remixable culture of prosumers, are identified. And more importantly, it seems as if they are ascribed equal importance. However, already in the next recital, digital content stakeholders are not defined according to the individual prosumers, but as public and private organisations and institutions and particularly SMEs. The scale of the project is therefore redirected from the micro spheres, towards the meso and macro spheres.

This programme is meant to surpass its predecessor, the eContent programme that was operational from 2001-2004, but its scope is supposed to be greater thanks to technological advances

697 COM(2005) 465 final: 6.

698 OJ L 79, 24.3.2005: 1.

and the fostering of solid business models improving “the conditions for *greater economic return* from services based on access to, and reuse of, digital content.”⁶⁹⁹ It therefore soon becomes apparent that the lifeworld aspects of such access culture, as defined here, are not being promoted, but quite the contrary.

However, the Decision is quite right in detecting that the aim of making digital content in Europe more accessible, usable and exploitable, cannot be as well achieved by the individual member-states, because of the transnational nature of the issue at stake, and therefore, it is better achieved at Community level. In my view, this is quite right, and therefore, the economical implications the recitals of the programme are quite alarming, especially from the viewpoint of emancipative, semi-autonomous cultural public spheres. All the same, the actual objective are more widely phrased, as it aims “to make digital content in Europe more accessible, usable and exploitable, facilitating the creation and diffusion of information, in areas of public interest, at Community level.”⁷⁰⁰

The same goes for this programme, as the culture and the media programmes, as participation is primary aimed at member-states and EFTA states, with some possibilities of third countries, and the Commission, assisted by a committee is responsible for implementing the programme. However, even though the other programmes, and especially the cultural ones, cannot be said to have a large budget, this one only receives EUR 149 million for the period from the 1st of January 2005 to the 31st of December 2008.

Concerning lines of action, the programme puts the focus on a wider recognition of public sector information, its commercial value and societal implications of its use, to encourage a wider use of spatial data by public sector bodies, private companies, SMEs and citizens in general, creating networks dealing with technical and organisational issues. Other aims include the improvement of quality and to reinforce cooperation between digital content stakeholders and awareness, meaning an increased dialogue on the measures of relevant legislation relating to digital content.

The indicative breakdown of the budget is that 40-50% is supposed to go to *facilitating at Community level access to digital content, its use and exploitation*. 45-55% is earmarked *improvements of quality and enhancing best practice related to digital content*, while *reinforcing cooperation between digital content stakeholders and awareness* get 8-12%. In addition, the Community funding will normally not exceed 50% of the cost of the project.

From the viewpoint of this study, the *eContentPlus* is one of the most important, as it

⁶⁹⁹ *Ibid*: 2. *Italics are mine*.

⁷⁰⁰ *Ibid*.

exemplifies the perils the European Union is faced in a remixable culture of digital public spheres, especially from the legal and technological direction. The reason why a chose to save the best for the last, is to provide an adequate frame of reference not only concerning EU's cultural policy, but also its real implementation. When the last factor is examined further in *eContentPlus*, the real assets of the Union within the sphere of digital cultural public spheres becomes known.

It suffices to say that in the year of 2005, 19 projects got allocated, divided between *targeted projects*, *content enrichment projects* and *thematic networks*. Furthermore, content-wise, the projects were divided in *geographic information*, *educational content*, *cultural and scientific/scholarly content*, and *reinforcing cooperation between digital content stakeholders*. 11 projects got allocated from the cultural and scientific/scholarly content, thereof only three as content enrichment projects. These were *Digital Semantic Corpora for Virtual Research in Philosophy*, receiving EUR 2.283.000, *Collaborative Authoring of Localized Cultural Heritage Contents over the Next Generation of Mashup Web Services*, receiving EUR 1.881.000, and *Video Active Creating Access to Television Heritage*, receiving EUR 2.694.000. Other projects of cultural relevance were *Discovering Music Archives*, and of course the *Digital Library*.⁷⁰¹

However, even though this does not seem to be much, the development is certainly not in culture's advantage as in the year of 2006 the categorisation of content enrichment projects had been dropped and the cultural and scientific/scholarly group had been dedicated to digital libraries. Six projects got funded from this former cultural category, with *Network of European Economist Online* topping the list. The other being: *Cross-language Access to Catalogues And On-line libraries*, *The European Library Plus*, *European Networking Resources and Information Concerning Cultural Heritage*, *Gateway to Archives of Media Art*, and *European Digital Library Network*.⁷⁰²

Therefore, even though the potentials were certainly there, the same can be said for eContentPlus as the culture and media programmes, as it is clearly focusing on creating and maintaining large-scale projects and networks that are primarily meant to work according to the economical and political interests of the system. As was the case with the Media programme, cultural projects are not favoured, at least not the cultural side that deals with semi-autonomous and emancipative cultural public spheres, and therefore the micro structures of the lifeworld are hardly presented at all.

701 See "Funded Projects for Call 2005", accessed 29.8.2008. URL:

http://ec.europa.eu/information_society/activities/econtentplus/projects/funded_projects/index_en.htm

702 See "Funded Projects for Call 2006", accessed 29.8.2008. URL:

http://ec.europa.eu/information_society/activities/econtentplus/projects/funded_projects/index_en.htm

EU's Audiovisual Policy and the Remixable Culture of Prosumers

There can be no doubt that EU's audiovisual policy aims at generating macro public spheres that promote the interests of the system imperatives of political power and financial growth. This was clearly the case with the development of the regulatory framework within broadcasting, as the three analysed generations of the trajectory from the 1989 *Television without Frontiers* to the 2007 *Audiovisual Media Service Directive* indicates. The *unity in diversity* dimension took a particularly clear picture regarding EU's broadcasting policy as the liberal version was meant to represent economic diversity, reducing interventions and create a coherent audiovisual inner market, while interventionist quotas were meant privilege the promotion of European works, thereby uniting European audiovisual productions under a widespread hat that was capable to compete with the US one.

The *Media* programme corresponds nicely with the *Television without Frontiers Directives*, as the latter provides the legal framework of the former. In both cases, cultural aspects are set aside, and the main concentration is on enhancing the promotion and distribution of European audiovisual works, in order to make maximum use of their positive economic affects on other societal spheres. It is however not totally accurate to maintain that the cultural spheres as such are set aside. It is more the emancipative, semi-autonomous side that remains in the shadows. The industrial side of culture is of course represented, as many of the productions supported by the Media programme and which for instance are distributed according to the rules laid down in TwF, can without doubt be regarded as cultural productions. The public spheres that such productions are capable of generating can take the function of Habermas' ideal, inducing rational debates, but they can also induce processes that are not necessarily meant to correspond much to rationality.

Therefore, even though these public spheres are clearly meant to serve a particular goal, promoting the interests of the European Union, these productions do, like most cultural production, also contain a certain passionate, affective side. Let's take for example some of the pictures the Media programme uses as communicative acts to promote the good things that have come out of its striving. Films like *Goodbye Lenin*, *Le Fabuleux destin d'Amélie Poulain*, *Billy Elliot* and *The Man without a Past*, are definitely films that are both capable of relating to peoples rationality as well as passions. They are capable of generating rational public spheres, where 'deep' reflections concerning the scope of societal changes in the aftermath of the Berlin Wall's fall, or on the difficulties of breaking away from the deadlock of traditions and the gender role in the British working classes, are under heavy discussion. However, the other view is also presented, i.e. those films can be 'read' as good-feel dramas and comedies, pointing towards the absurdities of life, including the obligatory good ending. Or put differently, they are not boring, but they are not great

artworks either. And this is the case with most films that are made with large audience in mind anyway. They may contain an edge. But that edge may not be too sharp, because that reduces the films' commercial potentials.

The point that I am getting at is that the audiovisual policy of EU produces, promotes and distributes audiovisual productions that do include both aspects of rationality and passions, and do therefore resemble major characteristics of the nature and function of public spheres in general as defined here. The important feature of these public spheres is however their large-scale characteristics, i.e. they are intended to be consumed by the masses and do therefore generate information streams in the *macro spheres* of society. And this is so because of the strategic economical and political actions they are meant to generate. I want to emphasize that this is not inherently bad in all respects. But this is certainly inconvenient for the kind of public spheres that are under scrutiny in this work. The emancipative and semi-autonomous sides of cultural audiovisual productions are simply not represented in the cultural policy of the European Union, and this is so because its cultural policy is used as a spill-over to serve the Union's economic and political aims.

This last two chapters have mainly been dedicated to the so-called flag-ships of EU's audiovisual policy, i.e. the *TWF Directives* and the *Media programmes*, which take up the lion-share of the budget dedicated to the field. However, as I already analysed, the projects, visions and programmes that come closest to the notion of remixable digital cultural public spheres, do follow the same pattern as their bigger counterparts. This was the case with the *Creative Content Online*, this was the case with the *i2010 strategy*, this was the case with the *Digitisation and Online Accessibility of Cultural Material and Digital Preservation*, and this was likewise certainly the case with the *eContentPlus* programme. Because of heavy bureaucratic structures, inherent in the political and legal field of digital cultural public spheres, and because of the urge to always generate financial income from its striving, the European Union did not take the opportunity to tailor the idea of *access culture* to its cultural policy, and therefore conducts the same kind of cultural policy as it did prior to the digital paradigm.

This industry flared policy could not be better phrased than in the DG Information Society and Media's homepage dedicated to culture in the digital age, where the following lines are taken from:

The communications and media industries are the most promising sectors in Europe's economy thanks largely to digital convergence, which grants consumers of audiovisual content unrivalled power in choosing what they want to see, and when and where they want to see it.

Europe's cultural industries – audiovisual, media, publishing, libraries, museums and more – are well placed to supply that content, but they must evolve in this rapidly changing world.

This is not just a new market opportunity for this sector, however. More compelling on line content will make completely new products and services possible, stimulating growth in the entire communications industry.⁷⁰³

703 “Culture in the Digital Age”, accessed 26.5.2008. URL:
http://ec.europa.eu/infromation_society/tl/soccul/cult/index_en.htm

Access Culture and the Cultural Policy of the European Union

The concluding excerpt from the last chapter serves as a good indicator on which way the cultural and audiovisual policies of the European Union are heading, and have been heading for quite many years. The Culture 2007 programme, the Media 2007 programme, the new Audiovisual Media Service Directive from 2007, along with smaller projects that can be said to represent the Union's culture-political striving within the field of digital cultural public spheres and are a part of the Lisbon strategy and the i2010 strategy, confirm this development. In short, this development is characterised by the same features as did EU's first interventions within the cultural sector, i.e. the emphasis is still on promoting the interests and the rationale of the *system*, with the main aim of establishing strong cultural and audiovisual industries and to implement the political idea of European citizenship further. As traced in detail in this work, this had been a recurrent objective from the 1970s to our current times.

The European Union has therefore chosen to point its culture-political energy at the construction of a European public sphere, largely induced by economical homogenous cosmopolitanism and political polarised cosmopolitanism. The other view, which favours hybrid cosmopolitanism with its emphasis on inter- and intra public spheres, weak and strong public spheres, creating post-bourgeois hybrids, is not prioritised. Furthermore, the cultural policy of the European Union is responding to what I have referred to as cultural *policy as it was*, instead of *cultural policy as it is becoming*. This means that even though digital cultural public spheres are minimally represented, both in selected projects that received allocations from the Culture programmes, the Media programmes and a programme like eContentPlus, the emphasis is on large-scale events and productions that in the Culture programme's case mainly belong to the 'analogue' cultural world, and in the audiovisual case treat digital culture mainly as they have treated analogue culture for years.

This also means that because of EU's emphasis on favouring the system, the emancipative and the semi-autonomous side of the culture coin, is hardly represented at all. One could argue that this side is amply represented through the different projects and networks that the Culture programme has implemented from its first generation in the mid-1990s to its third generation's current manifestation, but as demonstrated in my analysis concerning the matter, the economical and political objectives were also prioritised within the programme's allocations. The notion of

cultural diversity resurfaced evenly throughout all of the sections of the culture-political field as examined here, but that was mainly in the guise of *cultural policy as display*. When it came to its *proper* manifestation, this *diversity* was moulded according to the interests of European *unity*.

The idea of this concluding chapter is to go through the layers of my culture-political models and identify further what kind of use the cultural policy of the European Union has applied to each of them. Therefore, I will demonstrate how this policy really acts in its proper manifestation. However, as promised in the introduction, I will also reflect on the digital alternatives that have been under scrutiny in this work, and propose some alternative ways of reaching the objectives set forward in Article 151.

EU's Cultural Policy Proper: Power

The *discursive formations* that the cultural policy of the European Union has promoted belong to the macro public spheres that lie close to the rationality of the *system*. These discursive formations are meant to construct a *regime of truth* that privileges economical considerations and political visibility with the main aims of promoting the single market and to construct European identities. The promotion of such macro European public sphere can be detected both at the ideological foundations of EU's cultural policy, which throughout my document analysis has pointed towards using culture as a force to enmesh its citizens with a feeling of belonging to a European unity, as well as to point towards its spill-over powers on other societal categories. This is of course acknowledged in paragraph 4 of article 151, where it is specifically stated that culture should be an integral part of all other sectors within the EU.

The discursive formations behind such mantra do therefore not look upon the intrinsic values of culture, their semi-autonomous characteristics or emancipative potentials, as the culture-political regime of truth behind EU's decisions in the field do not promote this side of the cultural coin. However, the reason why I apply Foucault's version of power is its productive nature and its circular function. This productivity is at stake each time macro power is exceeded, thereby generating micro powers with emancipative potentials. These micro emancipative, semi-autonomous potentials were detectable in each and every decision behind the Programmes and Directives that this work has analysed. The European Parliament was for instance successful in implementing amendments that are favourable to such power streams, especially regarding the Culture programmes, along with the Committee of Regions. The European Economic and Social Committee was on the other hand the EU body that emphasised the sector's emancipative and semi-autonomous characteristic in the audiovisual sector.

Power begets power, and this was also the case when the institutional roads to programmes

and directives were analysed further. In EU's case it was mainly the Commission's macro power that begot the micro power of institutions that are only advisory, such as the CoR and the EESC, and therefore the micro variant did not have the same thrust as the institutional triangle of the EU is capable of exceeding. The Parliament is of course a part of this triangle and therefore does its voice represent a more powerful voice than the other advisory bodies. And that was also the case when the Parliament amended various aspects of the Culture programmes. In the audiovisual sector, the Parliament gave up rather quickly and this is why the economical and political flair of EU's audiovisual sector is so industry induced.

Despite the lack of success in promoting the emancipative, semi-autonomous side of the cultural coin within the formal decision making mechanism of the EU, it lies in the nature of power not to vanish, but to circulate in a productive fashion. Therefore, even though EU's cultural policy has decided to channel its generating mechanism to relatively predictable macro public spheres promoting the interests of the system, micro power finds another way of mirroring such colonisation creating hybrids that are not intended to be created by the reigning regime of truth. One such hybrid is the Union's use of a social networking platform like *YouTube*.

Instead of using the positive aspects of such a widespread and widely used platform, by for instance creating the outer frames for a legal, more advanced version, to name just one example, the Union uses it only for its promotional purposes, creating its own channel, with its own PR videos that only cast a positive light on its tasks and policies. However, it is as if the Union is one step behind in acknowledging the collective intelligence of prosumers that often lies behind the production on such sites, and the fact that such a medium is not a one-dimensional communication channel, but on the contrary, offers people powerful means to channel their works and ideas. The micro power of prosumers is for instance very easily identifiable in the European Union's channel at *YouTube* called *EU Tube*⁷⁰⁴. The channel represents a very positive view of the Union, only screening videos of positive promotional nature. However, the text comments to many of the videos stand in stark contrast with the seemingly polished surface introduced in the videos, creating a tension that backlashes on to the channel again. A typical Web 2.0 medium like *YouTube* allows people to air their opinions, and people do. And furthermore, these views are far from always positive towards the originator. Therefore, in this case at least, the promotional intention behind erecting the channel on *YouTube* in the first place is hybridised, very much in similar fashion as the case was with Homi Bhabha's account of the binary relation between the occident and orient.

But even though macro power begets micro power, as for instance is definitely the case with

704 See "EU Tube: Sharing the sights and sounds of Europe", accessed 31.5.2008. URL: <http://www.youtube.com/eutube>

EU Tube, the power that generates the public spheres promoted by the cultural policy of the EU is definitely a macro power that has the aim of moulding certain discursive formations and construct a regime of truth that promotes economical growth and political power, at the expense of the semi-autonomous and emancipative characteristics that seem to have been thrust further down in the depths of the lifeworld. This use of power is then again clearly detectable in the second layer of the model, representing the *glocal processes*.

EU's Cultural Policy Proper: Glocal Processes

The discursive formations and the regime of truth that the cultural policy of EU has been forming for the past half a century or so, do not promote hybridity. The reason for this is that such hybridity is not particularly favourable to the economical and political rationale of the system. Discursive formations that encourage cultural polarisation and cultural homogenisation are on the contrary much better equipped to generate public spheres capable of exceeding financial income and to increase the political power of the reigning regime of truth. Therefore, from the start of EU's cultural policy, the focus has been on homogenous cosmopolitanism as well as on polarised cosmopolitanism. Even though the single market came into being as a liberal tool that was successful in breaking down the national barriers of its member-states, the EU gains from the homogenous cosmopolitanism that precisely binds the economies of these nation-states together. This is clearly detectable in its polarised version where the homogeneity inherent in the single market is very consciously used to counteract the US and Japanese markets, in particular within the audiovisual industries. This has been clearly detectable in the numerous documents analysed and referred to in this work.

However, in its version of such cosmopolitanism, EU has attempted to transmit what was conducted at the level of nation-states approximately 200 years earlier, by using a very selected mix of perennialism, primordialism, modernism and ethno-symbolism, to 'read' the European history and cultural heritage with very selective eyes. The same was done regarding the four different types of nationalism at the dawn of many European nation-states, where different versions of the culture concept were used to construct a narrative that shed a positive light on its cultural heritage and history, promoting homogenous nationalism and polarised nationalism at the same time. It is of course contestable whether this was successful at the nation-state level, where many cultures and not so proud historical moments were very deliberately kept at bay. But it is even more contestable whether this can be done on a supra-national, cosmopolitan level.

The reason for this is, as already mentioned regarding the cosmopolitan theories of Beck and Habermas, that the cosmopolitan common sense, which Beck refers to, remains essentially vague,

ill-definable and ill-graspable. In his view, we have to acknowledge difference and the positive affirmation of others being both different and equal, and at the same time he envisages a kind of common cosmopolitan consciousness, which is capable of elevating us from the local and national levels, to the cosmopolitan common sense. The EU takes this to its extreme with its slogan, *unity in diversity*, but it does so by applying a top-down controlled cultural policy which creates a cultural canon composed of large-scale actions that is supposed to serve the purpose of softening EU's image, build strong cultural industries and to promote European citizenship and European identities.

The problem with any approach which imitates the rhetoric conducted at the nation-state level is that the Union does not share the same centralised institutions for such interpretations of the cultural heritage, as do the nation-states. There is no coordinated education system within all the member-states where it is possible to affect the minds of young people with pre-designed, pro-European discursive formations, as Ernest Gellner's socio-cultural approach indicated. There is no centralised European media, where the common Europeaness can be selected and promoted to the wide public, as for instance Benedict Anderson's approach to nationalism indicates. Furthermore, it is hard to unite the diversity of shared myths, values, stories, culture, history and heritage amongst countries as different as Malta and Ireland, Hungary and Denmark, but these are precisely the corner-stones within Anthony D. Smith's ethno-symbolic theory on nation and nationalism. Indeed, it does not matter which kind of theory on nationalism you take, be it the perennial, primordial, modernist or ethno-symbolic versions, there is something fundamentally different about creating such regimes of truth on the national level and on the supra-national level.

This does of course not mean that the cosmopolitan ideas of Ulrich Beck and Jürgen Habermas are not relevant, as these are definitely issues at the very heart of the networked culture of real-virtuality. It is just that the EU has tried to apply a top-down approach in its cultural policy that in a certain naïve fashion tries to apply similar methods as the theories on nationalism have accounted for. Habermas' idea of *cosmopolitan identity* is for instance of pivotal importance in generating digital public spheres in the very global construction of remixable culture of prosumers, operating within the network society's culture of real-virtuality. But it is the Union's clear tendency of inducing cultural policy of grand scale, generating macro public spheres that are meant to network the 'correct' interpretation of the European united cultural heritage, that is the problem.

Digital cultural public spheres do however represent an alternative that has largely been unnoticed by the makers of EU cultural policy. This is an approach that does not attempt to forge a certain ideology, or certain pre-designed discursive formations on the public, but rather makes use of the collective intelligence of that same public. This is a bottom-up approach very much linked with wide stretching functions of the anthropological concept and is largely related to my model of

access culture as it stands in *Chapter 6* of this work, promoting micro cultural public spheres from the lifeworld, empowering the prosumers of the culture of real-virtuality to get creative and critical at the same time. In my view, there is a better change for the emergence of affiliation related to the cosmopolitan identity by applying such approach, than in the current culture-political doings of the European Union.

EU's Cultural Policy Proper: Public Spheres

The promotion of the kind of public spheres that I mentioned in the previous section corresponds nicely with the objectives set forward in Article 151. I have already traced the processes that led to the former Article 128, now Article 151, and even if they are largely under the influence of the economical and political rationale of the system, there is nothing inherent in the objectives set forward there, that hinders the bottom-up approach that I am suggesting. Because of the subsidiarity principle, the EU's culture-political role remains supporting, supplementing, and coordinating. This is directly acknowledged in the parts of the Article that are being examined here, in particular the non-commercial role of artistic and audiovisual creations. But this is also so in other objectives of the Article, for instance the one celebrating the flowering of cultures and to bring the common cultural heritage to the fore.

In the remixable culture of real-virtuality, this so-called common cultural heritage takes a very varied form, where indeed the versatile local, national, autochthonous, indigenous, sub- and multinationalist and diasporic communities are amply represented. These are however not cultures that have their most ideal manifestations in the macro spheres of the system, mainly because their purpose is not primarily to induce money and power. Their purpose is much more akin to the hacker ethic promoting values of *passion, freedom, social worth, openness, activity, caring* and *creativity*.

These are public spheres not controlled by Habermas' favoured rationality, even though they can very easily contain rational dimensions. But they also contain the passionate one, the one that favours the affective, the semiotic, the grotesque, the *jouissance*. These public spheres blend the rational with the passionate, creating moments of conflictual consensus which Chantal Mouffe regards as decisive to democracy. These are therefore public spheres where culture assumes its original role in the blueprint presented by Habermas nearly fifty years ago, creating the necessary preconditions for the political and economical ones.

It is, however, far too simple to make too rigid distinctions, as the inter- and intra-characteristics of public spheres indicate, where they are looked upon as open constructions on the move. In their cultural form, these open constructions are therefore never purely cultural, but are always influenced by the system, and vice versa. Nancy Fraser talks about weak and strong publics,

differentiating between their potentials to reach the upper decision mechanism of society, and Habermas refers to the rational criticality of the political public sphere as decisive in legitimate political decisions, as well as the public sphere's role as a communication structure rooted in the lifeworld through its network in civil society. It is, however, in their manifestations as *in-between post-bourgeois hybrids* that the interrelations between the system and the lifeworld acquire a proper manifestation. It might well be that the lifeworld does not have the same direct entrance to the doors of major macro public spheres, where for instance major decisions within the European Union reside. But in the interlinked, recombined, flexible network society, the collective intelligence of the dispersed prosumers definitely has an 'indirect' entrance to the macro public spheres, and this intelligence is very much represented in the versatile creations on various Web 2.0 platforms.

EU's cultural policy is not responding to such post-bourgeois hybrids, as it conducts a cultural policy that favours the more simple, out-dated view on looking upon the intermediating public spheres as belonging to the system or the lifeworld. By doing that, it ascribes great importance to the first one, and almost none to the latter one, especially in its emancipative, semi-autonomous guise. Even in its cultural flagship, the Culture programmes, these programmes are designed for macro public spheres. This is so both from the practical viewpoint of complex and unclear application processes, and in the actual allocation criteria, and thereby also in the allocations themselves. Here, as already demonstrated, resources are mostly aimed at large-scale, symbolic projects that serve well to offer the Union increased visibility, that is very important in softening the Union's political image. Another key dimension of its culture programmes lies in their network building, but even though such cultural networks can be said to reside in the lifeworld structures, the networks promoted are indeed mostly composed of well established and well known cultural actors within the member-states, the Tate Modern being a case in point.

This kind of cultural policy has also been the most widespread within the audiovisual sector, as my analysis of EU's broadcasting and media policy indicated. The Media programmes are preoccupied with using cinema and large format movies to fulfil both the economical potentials of the European audiovisual industries, as well as promoting pre- and postproduction, and in particular the distribution factor, in order to boost the political version of cultural polarisation. The same is also true with the legal complexities of the *Television without Frontiers Directive* which attempts to create coherent, liberal audiovisual industries, at the same time as it boosts the same cultural polarisation through its quota requirements.

The cultural public spheres induced by such policy are undermined by the system rationale and even though the cultural festivals, large-scale projects like the European capitals of culture, elitist projects like all the EU's classical orchestras, the films and audiovisual productions made

because of the legal framework of Television without Frontiers and the allocations from the Media programmes, certainly are capable of generating discourses that are favourable to the notion of semi-autonomous and emancipative cultural public spheres, these discourses do not take the form of discursive formations, let alone a regime of truth. This is because the discursive formations that are responsible of generating the cultural policy of the EU are preoccupied with creating a regime of truth which looks upon the cultural sector as primarily cultural *industries*, and the audiovisual sector primarily as audiovisual *industries*.

EU's Cultural Policy Proper: Digital Cultural Public Spheres in a Remixable Culture of Prosumers

The European Union's adaptation of the *digital add-on* is the same as with its 'analogue' counterpart, i.e. the emphasis is still mainly on the industrial side of culture and the audiovisual media sector. The Union does therefore treat this new field in the 'environment' terms that Marshall McLuhan ascribed to the term, mainly seeing digital culture as a way of promoting its analogue ideas. By this I mean that the Union is not attentive enough towards the potentials that lie within the emancipative and semi-autonomous side of digital cultural public spheres in a remixable culture of prosumers, and their 'anti-environment' features. McLuhan ascribed such anti-environments mainly to the artistic field, but as the boundaries between producers and consumers have been scrambled in digital culture, the colossal volume of networked prosumers is processing flows of such anti-environments on the global network of new media each day.

The European Union's use of *EU Tube* is a good example of this kind of 'environment' use as this widely used new media platform ascribes the role of a one-way communication and distribution channel in the hands of the Union. The same is also true when this digital add-on is applied to the Culture programmes, the Media programmes, and even to the programmes that are supposed to encourage creative remixes of content online. Here, the majority of funds do indeed not go to such creative remixes, and are therefore not aimed at the empowerment of prosumers. The reason for this is to be found in the realisation, or *cultural policy proper*, that the Union chose in its implementation of Article 151. As already claimed, the Article itself offers great potentials for the EU, but as the allocations from its cultural and audiovisual programmes indicate, as well as its fuzziness regarding clear legal frames behind various practical implementations of such digital cultural public spheres, EU's cultural policy had decided to promote its own version of permission culture, at the account of access culture.

The legal jungle of the different Directives that have to do with digital access, such as the difference between *content* and *transmission*, and the new AVMSD's incapability of defining

programmes according to the digital paradigm as defined here, can be seen as symptoms of the fact that the Union is not ready to use the potentials of Article 151, to realise a vibrant *access culture* that privileges the emancipative, semi-autonomous side of the cultural coin, through the various creations of the prosumers operating within and generating remixable digital cultural public spheres.

What is particularly surprising in my findings is the fact that not a single body within EU's institutional structure seems to be advocating a cultural policy that takes the cultural production, consumption and distribution of networked prosumers into any serious account. The reason for this is of course that the cultural protocol of this kind of culture is ill-definable, and it does not apply well to the mantra of neo-liberalism, the *facilitator* approach and the techniques of New Public Management. Furthermore, it does not necessarily produce artworks of great quality or artworks that have great promotional purposes and open the eyes of the public for the good work the Union is conducting within the cultural sector. Indeed, much of what is produced by such cultural protocols is on the grounds of *communication for the sake of communication*.

But it is also in such communication that its emancipative potentials lie as my account of the hacker ethic indicates, and this should not, even though it hitherto has, go unnoticed by the makers of EU cultural policy. By promoting the values of the hacker ethic, cultural policy is ultimately acknowledging and emphasising the immeasurable intrinsic values of culture and the arts. These values do have positive affects on other societal spheres as a person that for instance has experienced a fantastic cultural eye-opener is likelier to be more enthusiastic at work, in its role as a parent, or in its role as a dot in the line of life, to refer to the relational metaphor of Nicolas Bourriaud. These intrinsic values have always gone hand in hand with more pragmatic, measurable characteristics of the cultural sector, exemplified for instance in the turnovers of the cultural industries, viewing numbers, attendance numbers, etc. But as the culture-political development from the latter half of the 20th century to our times as traced in *Chapter 2* of this work indicates, these values are being down-played at the account of a more 'hard-core', measurable view of market culture.

This development is in itself unfortunate. But what is even more unfortunate, and has been proved with my analysis of the cultural policy of the European Union, is the fact that the emancipative and semi-autonomous potentials of the remixable culture of prosumers, go almost unnoticed. The digital add-on, has namely also an emancipative side, and that side lies in all the production made by 'amateur' prosumers who can very easily create their own narratives in the huge database of the global network of new media. Prosumers are indeed creating, mixing and remixing, distributing and redistributing in a volume that is unheard of, and they are doing, and will keep on

doing this with, or without the intervention of cultural policy. This is clearly detectable on *YouTube*, *MySpace*, *Flickr*, *Facebook* and *Second Life*, but also on the smaller venues that I have focused on in this work, venues like the various Internet artworks, the *Creative Archive*, the *Internet Archive* and an open source work like *Elephants Dream*, along with its creative remixes.

However, even if this is happening without the active intervention of the cultural policy of the European Union, I still ascribe an important role to the Union in moulding the future manifestation of such remixable culture of prosumers. The reason for this is twofold: Firstly, much of the the various Web 2.0 platforms make the distribution of such information cultural streams widely available and therefore it is of paramount importance for future cultural policy to adopt means to channel these informational streams in a *legal* manner. The Creative Commons do definitely offer an interesting alternative, not just because of its design, but also because of its already widespread use. *Access culture*, as defined here, is dependent upon giving legal access to the source code, be that video and audio sequences, text, graphics, programming or drawings, in order for prosumers to mix and remix, and therefore the role of cultural policy is very much to erect such creative 'anti-environments'. The first point is therefore dedicated to erecting legal 'anti-environments' that allow prosumers to actively create, mix, remix and distribute, in a completely legal manner. This can be called the *formal characteristics of access culture*, and here the European Union has an obvious role, as its cultural policy is largely dedicated to coordination, cooperation, supporting and supplementing areas of cultural action. Because of the global characteristics of the network society, a global actor like the European Union has an advantage in forming such 'anti-environment' of *access culture*.

The second trait deals however with using the cultural productions created on, aimed at and distributed by the various Web 2.0 platforms to realise the ideological aims of EU's cultural policy. As I said before, the digital cultural public spheres created by the remixable culture of prosumers corresponds nicely with the the ideological aims set forward in Article 151, which the cultural policy of the European Union is limited by. However, in order to achieve these aims, the makers of future EU cultural policy have to take a U-turn and change their approach from a top-down, to a bottom-up. The main reason for this is that this cannot be done otherwise. It is impossible to control the cultural flows of digital cultural public spheres, and thereby their outcome. However, what can be predicted is the rewarding affects that such digital creations have upon the prosumers, not in commercial terms, but on the contrary, in the sheer joy of creating and being a part of a large, creative community in the culture of real-virtuality. This corresponds very well with the objectives of EU cultural policy, especially the promotion of non-commercial, artistic and audiovisual creations.

The programme that has hitherto been responsible for realising such creations is the Culture programme, but as my analysis indicated, these are different kind of productions, even though many of them bear the flair of being non-commercial. Other projects, such as the Creative Content Online and the eContentPlus, are mainly aimed at the economical rationale and do therefore not realise the potentials of erecting a vibrant, remixable culture, where prosumers would be able to access diverse audiovisual files, texts, source codes, graphics and programmer codes, and get creative with them in a legal, non-commercial manner. By participating in such a project, pretty much as the case is with the *Creative Archive*, active prosumers would meet across borders, adhering to the cultural protocols of the network society, creating processes based on *relation* to other cooperators that are uploading their material, and getting creative with others. This is for instance the case with the various legal remixes of *Elephants Dream*, these potentials are definitely inherent in the *Creative Archive* project, and this is also the case with the participatory nature of the Internet artworks already analysed.

In my view, the cultural policy of the European Union would be promoting a much more credible version of its celebrated *unity in diversity* if it would move away from the top-down approach of creating a pan-European public sphere and take up a bottom-up approach where it is directly acknowledged that the culture-political field of EU is composed of multiple dispersed public spheres. These public spheres are enmeshed in complicated inter- and intra relations, some are weak and some are strong, but most are *post-bourgeois hybrids*. The digital add-on has made the field even more complex and heterogeneous, which again, make it much harder to govern.

But even though the actual outcome of conducting a cultural policy that adheres to my model of *access culture* in *Chapter 6* is highly unpredictable, one thing is sure. The prosumers of digital remixable culture are essentially cosmopolitan as they are feeding off from the global network of new media. As more access is guaranteed by progressive cultural policy, the greater the participation. These prosumers are used to look upon themselves as belonging to a global network society, in particular the global network of new media, and therefore it makes no sense to them to be steered from above in a cosmopolitan direction that is suitable to the ideology of the European Union. Prosumers are already enmeshed with cosmopolitan identities. These identities may not be of the liking of the makers of EU's cultural policy, since they do not necessarily interpret the European cultural heritage in the same uniform manner as the cultural policy of the EU promotes, but a major step in the integration process that the Union is trying to achieve is to get people to look upon themselves as being local, national and cosmopolitan at the same time. And here, *access culture* that creates favourable, legal surroundings for millions of prosumers in a global remixable culture, definitely plays a major role.

Access Culture, the Remixable Culture of Prosumers and the Cultural Policy of the European Union

If the cultural policy of the European Union wishes to promote a different way of realising the objectives set forward in Article 151, it would have to generate power streams that create anti-environments of digital accessibility. These anti-environments, would reside on the macro level because the Union would have to induce its most powerful institutional triangle to get its main institutions and member-states to agree upon technological standards, copyright terms, level of accessibility, formats, and general rules of conduct. These can be said to be the formal, *contentless* aspect of such access culture.

Here, the Directive on harmonising copyright in the information society, which is about to be amended, will have to take these considerations into account. Even though Digital Rights Management, as it is used currently within the Union, represents many positive aspects, it has also been criticised for being vague and complicated, putting the prosumers in a confusing position. The whole point behind the Creative Commons is to avoid such complexities, allowing the prosumers themselves to look for and identify products that bear the licence, and to upload their material with the same license. In my view, the Creative Commons is therefore the most efficient, well-known, relatively established license that is suitable in creating such 'anti-environment' of digital cultural public spheres.

Because of the rapid developments within information technologies, it would be unwise to follow the *Creative Archive* in deciding upon pre-chosen formats, as these will change concomitant to evolvment within the new media sector. It is therefore of great importance that these formats will be made flexible and as open as possible. The problem with the institutional structure of the EU, and in particular, the structure within the Commission, is that in audiovisual terms, content and transmission are kept apart. Furthermore, the new AVMS Directive does not respond adequately to the developments within the network society, even though one of its main purposes was to do so. As already traced the Council, the Parliament, the EESC and the CoR do organise culture, the audiovisual sector and the media sector within the same committees. The Commission however, has a special DG Information Society and Media, and another DG Culture and Education. And as the Commission is an originator of Proposals, the institutional structure prohibits the EU in proposing a cultural environment that takes full considerations to the digital paradigm, as defined here. This is so not only because the cultural sector and the information society belong to different DG's as these do cooperate in many cases, but the urge of the DG Information and Media to follow the rationale of the system prevents it from looking at this kind of cultural policy as a viable option. This is

clearly demonstrated in a project like *eContentPlus*, which has the potential of establishing digital cultural public spheres that are generated for and by the lifeworld. However, as my analysis indicated, this is clearly not the case.

However, even though it will be a challenge to create such anti-environment of access culture, the decision making machine of EU has a long history of reaching decisions through negotiation processes that are not all too far away from Habermas' idea of deliberation. The problem in my view lies in giving power away and to finance something that has highly unpredictable outcome. The thing is that even though the EU has a clear role on creating a cultural environment based on access culture, the digital cultural public spheres that will be generated by such culture, have very little to do with the promotion of homogenous cosmopolitanism and polarised cosmopolitanism, which has hitherto been celebrated by the Union. Indeed, such policy would celebrate *hybrid cosmopolitanism* and this comes at a cost, as such cultural policy is much harder to govern.

But herein lies the great potential of the remixable culture of prosumers that promotes the objective of Article 151 in realising non-commercial audiovisual artistic exchanges, respecting the cultures of the member-states while bringing a very diverse version of the differing diversities of the many forms of cultural heritage taking place within the EU. And this brings us to the other side, namely regarding *content*.

The content that comes out of such cultural policy will in most cases not be of any artistic excellence. This does not come as a surprise as the culture-political approach encouraged in this work is not that of the *humanistic culture* concept and the *patron* culture-political approach. Furthermore, the content coming out of such cultural policy is of non-commercial nature and does therefore not correspond with the *facilitator* approach, and as its purpose is that of decentralisation rather than that of centralisation, the *engineer* approach with its very conscious use of the *national culture* concept, is also ruled out. What remains is the same version of the *architect* approach as presented in my model on *access culture (Model 10)* where most emphasis is put on cultural participation generated from the prosumers in the micro spheres of the lifeworld, applying the whole way of life version of the *anthropological culture* concept.

It is in the very nature of such digital cultural public spheres to have the potentials of reaching the upper spheres of society, and they also have the potential of creating excellent art works of great quality, and they have the potentials of inducing homogenous cosmopolitanism and polarised cosmopolitanism, and even their national variants. But most of the cultural productions represent hybrid cosmopolitanism, works of mediocre quality, if even that, which do not circulate greatly and do therefore not have great media exposure for the European Union. However, they

have something different, and that is the emancipative, semi-autonomous side so celebrated in this work. And as already commented upon at some lengths, these intrinsic values have great effects on the millions of prosumers, and thereby on world citizens at large.

Furthermore, and this is of great importance, I refer to the digital paradigm as an *add-on*, and therefore, a cultural policy that celebrates the digital cultural public spheres of the remixable culture of prosumers, is also an add-on. Other tasks of cultural policy will not vanish, and the U-turn I predicted as a necessary pre-requisite on behalf of the European Union, would therefore only represent the same add-on. The cultural policy of the European Union will in any case still focus on a similar approach as has been traced in this work, as these are well established structures that will not vanish over night. And the purpose of this work was not to revolutionise EU's cultural policy in the first place. Its purpose was however to point towards the colossal cultural creations and participation and distribution that are taking place on the diverse Web 2.0 platforms, and suggest a way for the European Union to encourage such creations by establishing a widely available *access culture*.

Such culture will in the hands of the EU always be an add-on. At least for now. But all the potentials for realising it are inscribed in Article 151, and therefore it would in my view be very unwise to keep on the same system-induced track, as has been the case so far. The EU has identified content as a problem. But content in a remixable culture of prosumers will take care of itself. The EU could of course erect platforms similar to the *Creative Archive*, establishing a cooperation between the various broadcasters within the member-states, creating a gigantic database for free use by the citizens of EU, and hopefully also third countries. The EU could also finance projects more akin to *Elephants Dream* where given artworks will be created according to the ideology of open source, and then given away to the prosumers for creative remixes. The same is the case with constructing meta-worlds of Internet art, where it is the prosumers that get creative with the provided tools, making their own version of the artworks. These are all viable options, and this is the reason why I analysed these platforms in the first place. My intention was to demonstrate how the collaborative relational aesthetics of prosumers work in the first place, and what good can come out of it.

But the European Union could also just let the content side directly in the hands of prosumers, who would take the opportunity to upload their own cultural creations, marked by the *Attribution-Non-Commercial-ShareAlike* license of the Creative Commons, creating digital cultural public spheres who can be subject to totally legal, creative remixes in the global network of new media.

When enclosed in the perspective of the four culture-political aims set forward in Chapter 2,

this kind of cultural policy would represent a highly *decentralised network* perspective, it would adhere to the *open source ideology* of the *hackers*, generated increasingly by the *virtual communitarians*, or *prosumers*, on the Internet, it would apply *direct* means in constructing the *anti-environment of access culture*, but a rather *indirect* approach regarding its *content*, and finally it would privilege the flow of *micro power* in the *digital cultural public spheres* lying close to the *lifeworld*.

The potentials are there. It is up to the cultural policy of the European Union to act upon them.

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