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Equity concrete issues in the European Union :

The role of cultural and artistic actors

Anne-Marie Autissier[1]

Abstract: Cultural diversity is the only possible way of developing EU integration. This objective has to be seen from a general interest viewpoint, without any discrimination towards any kind of population – be it with European origins or not. From this viewpoint, cultural justice has a lot to do with the recognition of the non Europeans' contribution to the emerging European public space.

Key words: cultural diversity; European union; intercultural dialogue

Recently in France, a polemics opposed French publisher Belin and History teachers about a History handbook for colleges. In the first version of it, the face of Mahomet, as painted in a XIIIth Century miniature, did appear. In the final version, it was "lightlied". History teachers protested against this "anti-historic" publisher's attitude. Belin argued that he had privileged "peace in class-rooms". One more sign of "politically correctness" prevailing to-day in European countries! In such a confusing context, 2008 will be the "European Year of intercultural dialogue". Let's hope that this opportunity will be used – at least by some – to overcome stereotypes now arising from many parts of European societies and communities.

During the last decades, the recognition of cultural identities and the enhancement of cultural diversity have been key argumentations in European and World fora. For some observers, this enhancement is a sign of defensibility and anguish facing an unpredictable neo-liberal environment. Some even stand for a "threatened cultural security" (Laurent Tardif and Joëlle Farchy, 2006). At large, Bernard Stiegler states that the integration of symbolic systems into the production and consumption processes, provokes a "desajustement" and a "desindividuation" process. From this viewpoint, not only so-called collective rights are affected by the "adaptation" process, but also individual ones. According to Bernard Stiegler, this "libidinal economy" may destroy any kind of desire. From this viewpoint, the question is to know whether the recognition of diverse cultural identities will fuel a shared public place or whether it will be privatized as a new item for consumption. From the democratic viewpoint, the question of regional, linguistic, local

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[1] Agrégée de Lettres modernes et docteure en Sociologie. Enseigne la sociologie de la culture et les politiques culturelles européennes à l'Institut d'Études Européennes de l'Université de Paris VIII et préside l'association éditrice de Culture Europe International. Depuis 1986, travaille également comme consultante pour différents organismes français et européens.

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communities' recognition immediately refers to limits. Simon Mundy asks whether it will liable to have a new European Babel[2]. Obviously, we are still far from this limit, while considering the very cautious way of EU State members towards diversity. Let's first remind that social and cultural policies are still very much under national regulations, the European Commission having a coordinative or a contributive action in these matters.

Following Ulrich Beck's methodology[3], which is trying to investigate a "bottom up" Europeanization facing and interpenetrating the "top down" Europeanization managed by the EU institutions (Ulrih Beck, 2007 for French translation), we will try and articulate three different views of Justice in the cultural field : are European cultural policies able to articulate cultural diversity with an equity perspective? Secondly, are European cultural actors in a position to effectively promote a new European public space? Finally, are cultural rights a key tool in this perspective?

National cultural policies and diversity: a very slow process

At the national scale, the recognition of cultural diversity may appear contradictory with a whole set of social and economic provisions. At least in Western Europe, most social national policies have been created under the motto of equal redistribution and job opportunities for all, without any official consideration of race, gender, religion... In such states, new "citizens" would be benefiting these provisions, granted that they would "assimilate". That was the case in France, Belgium, Austria and Germany. The Swedish case was somehow different, national authorities having from the seventies, taken into consideration asylum seekers' cultural differences and Italy and Spain being very recent immigration countries. In the United Kingdom, immigrants from Commonwealth and ex-Commonwealth countries have often received full citizenship rights without the requirement that they adopt a British way of life. Government-sponsored integration programs have been related through the intermediaries of ethnic community associations. However, "there are real and unsolved tensions (...) between the approach of one arm of Government – the Home office – and that of the arts and cultural ministers in the UK", underline the authors of *Differing diversities* (2002).

If the assimilation model obviously failed, its basic principles are still very active. From this viewpoint, "cultural diversity" is a light expression, pretending to avoid violent confrontations. Nowadays in Europe, it seems that "cultural diversity" embraces a range of "acceptable differences", in a context of islamophobia rise : the case of Turks in Germany, of North Africans in the South of France, or that of Muslims in Flamish Belgium are illustrations of this fact. But, beyond islamophobia, the intolerance towards Roms in Central and Oriental Europe – notably Roumania, Hungary and Slovakia – shows the very limits to the acceptance of cultural differences.

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[2] See selected bibliography.

[3] See selected bibliography.

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The debate about the so-called European common heritage, which has been running from 1950, was reopened during the preparation of the new EU constitutional Treaty. In spite of Polish and Vatican pressures, the word "christianism" did not appear in the Treaty – only mentioning "religious values" but the whole set of "European common values" does not vary from Paul Valery's first statements : Europe has greco-roman and christian origins. It looks like EU and national governments' representatives, as well as committed experts, simply forgot about the jewish heritage, the arabic sources of European architecture and language (Alhambra in Granada and the Maltese official language, as examples). But they also forgot that European Muslims have been living between Sarajevo and Tirana for five centuries and that some of the oldest European democracies have been immigration lands for one century. Such a selective pattern of European origins illustrates what some observers have already pointed out, concerning Central and Oriental Europe : European elites create mental borders throughout the continent, tending to "externalize" entire pieces of its History and human Geography.

One of the key issues at stake for national policies, is the incorporation of diversity into cultural media and institutions – whether at the national, provincial or local levels –, as well as the provision of specialist support for activities and institutions related to the particular interest and needs of a specific group or community. Both are needed and attention needs to be paid to the relations between the two. Through their incorporation into the national public sphere, minorities acquire a "footprint" into the dominant culture that allows them to enter into dialogues with the "mainstream" and serves as a means of educating public opinion in the virtues and benefits of diversity.

Recognition of this seems to be the most developed in the United Kingdom and Sweden, principally in relation to immigrant communities. A range of policy instruments have been developed : broadcasting regulations for multicultural programs, inclusion of diversity in the corporate plans of publicly-funded theaters, art galleries and museums; the promotion of diversity through equal opportunity employment practices; the critical examination of managements practices and structures to ensure that members of minority groups are represented at all levels; the teaching of immigrant children's languages in schools in Sweden. In the case of museums and galleries, it means that the conceptual basis on which collections are acquired and managed, needs to be reconsidered. This process seems to be very slow. "The criteria of excellence which inform many of the institutions of the national public sphere are – whether explicitly or implicitly – ethnocentrism or racist." (Tonny Bennett ed., *Differing diversities*, Council of Europe, 2002).

The prospect for diversity does not only depend on what governments can offer by the way of direct supports. According to the authors of *Differing diversities*, one can identify three stages which have characterized international shifts in policy approaches : support for "ethnic minority or language minority cultures", then to multiculturalism, finally to cultural diversity. The first support (in the seventies) was directed towards the maintenance of ethnic or minority language cultures as separate enclaves, disconnected from the national culture and sustained by a "defensive" dynamic : croatian or slovenian schools in Austria, regional language provisions in

Italy, "defense of Breton and Basque cultures" in France. On the contrary, multiculturalism stressed upon the fact that national cultures are viewed as being made up from the independent developmental trajectories of different cultures existing side by side, each being judged, at least theoretically, as being of equal value. In the current moment of cultural diversity, it is the intersections and crossovers between different cultural perspectives and traditions that produce the social dynamics for forms of cultural diversity that constantly interpenetrates new and unpredictable consequences. To this positive statement, one could unfortunately oppose other dynamics spreading throughout Europe: first of all, if eventually given up by majorities, the idea of "separate enclaves" has been taken over by some minorities themselves. The creation of islamic justice courts, the claim of being veiled by some young muslim girls in France at school, the violent manifestations against theatrical plays in the UK and Germany, has proved that a minority could try and impose on to the majority different levels of pressure, with the aim to preserve its "purity" and secondly, to spread its beliefs throughout the national community, under the terms of a cultural *jihad*. In parallel, some xenophobic groups and political parties became most popular notably in Norwegian, Denmark, Italy, Austria, France and Bulgaria...

In 2006, Sweden proclaimed a Year of Diversity and a range of organizations and groups benefited some subsidies to promote their work. The reason of this decision was that, in spite of multiculturalism provisions from the end of the sixties, the "normal racism" of the Swedish population seemed to be still very active – in terms of work, accommodation...

The role of cultural actors :
a fragmented and multilayered "cultural civil society"

Within Europe, for more than two decades, a range of groups and cultural networks, as well as audiovisual federations have been implementing new ways of cooperation. Trying to build some sort of typology, one could make a distinction between the direct cooperation based organizations and those active in terms of investigations and negotiations.

Cultural networks have been mostly set up by producers and distributors. As an example, IETM (Informal European Theater Meeting), was launched in 1980, by a bunch of theater producers and festival programmers. They wanted to establish direct links beyond national borders and claimed their skepticism towards traditional international ways of representation, as supported by UNESCO. Very quickly, IETM was successful and proved its capability to gather professionals from all European countries, as well as all kinds of cultural organizations – be them big or small, publicly acknowledged or not. The network provided them a basic knowledge about the art performance organization in each European country and helped them to internationalize artists' careers, notably young ones'. Like, for instance, Trans Europe Halles, IETM proved able of anticipating transitions in Central and Oriental Europe, by inviting from 1990, artists and producers from these countries. It also helped these professionals to benefit a kind of accelerated management training. After the

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Barcelona Process in 1995 (a renewed approach of the Euro-Mediterranean Dialogue), cultural networks started making contacts with Mediterranean professionals and IETM inspired the creation of Roberto Cimetta Fund, dedicated to support Mediterranean artists and cultural producers' mobility towards the EU countries. Thanks to this dynamics and to the support of European Cultural and Pro Helvetia Foundations, many possibilities were afforded to Balkan cultural actors after the Yougoslavia War. Thus cultural networks created a dynamics of exchanges and coproductions which generated the launching of prominent art festivals throughout Europe. In terms of cultural diversity, networks are flexible enough to take into account any kind of administrative or social disparity, always trying to facilitate – at an individual scale – specific conditions for less wealthy artists or younger ones.

Created in France (Alsace) in 1990, Banlieues d'Europe, a cultural network under the aegis of Jean Hurstel, committed itself for the culturally marginalized sectors of European cities, offering artists' residencies, publishing books and reports and setting up prominent seminars, notably in Belfast (Northern Ireland).

One of the key word of networks is the direct contact between concerned people, in an informal context and far from any national representation.

On the contrary, artists' federations like FIA (International Federation of Actors) and FIM (International Federation of Musicians) which were set up on the basis of national representation, joined the European concert from the eighties, as soon as the initiatives of EU institutions had direct or indirect consequences on artists' work. All EU directives concerning the cultural field were precisely investigated by them, including the ones dealing with work and trade conditions : "Television without frontiers", first launched in 1989, Copyright Directive (1993), Authors' and related rights in the Information society Directive (2001), the VAT (value added tax) Directive and the Services Directive as well. For instance, during the eighties, they committed themselves for the reduction of the VAT rate on musical CDs' price, under the pattern of what exists in many European countries for books and reviews (0 per cent up to 6/7 percent according to countries).

In 2000, they convinced the European Commission to contribute to the launching of a European survey concerning work and social conditions for performers and other workers in living performances and the audiovisual[4]. Delivered in 2002 and 2003, the conclusions of it were clear : in countries where no specific provisions nor strong trade unions exist, artists and cultural workers' situation is precarious. Only 25 per cent leave out of their artistic work, out of the 4 millions registered throughout the European Union[5]. Many are also teachers and the rest of it has to multiply other free-lance jobs to survive. In many countries, employers are reluctant to sign written contracts. Furthermore, the lack of European coordination between social, professional and fiscal systems for artistic jobs, creates a lot of obstacles to the mobility of artists and cultural workers, although they are among the

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[4] EAEA, FIA, FIM, FIM website.

[5] According to a recent survey, *The Economy of culture in Europe*, 2006, Kern European Affairs *et alii*. The way of calculation is different because it includes art crafts and museums' staff.

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most mobile professionals. Performers' employers gathered into PEARLE which runs negotiations with artists' federations, trade unions as well as EU and government's representatives.

To figure out the real situation of cultural activities at the EU level, one has to remember that competition is an exclusive EU competence and that the Internal Market developments are a core EU objective. Therefore, some provisions exist in the EC Treaty, for heritage preservation and public national subsidies, as "exceptions" to the free market. Regularly, some corporates complain at the Competition General Direction, about the unfair competition caused to them by public TV broadcasters using publicity resources for instance. Lately, under the pressure of some mew media providers, the Internal Market General Directorate (Markt GD) issued a recommendation against private copy compensation, which brings about Euros 600 millions per year to pay authors and interpreters and a part of which is dedicated to social and cultural actions throughout Europe, notably for young artists. Thanks to the mobilization of collective rights societies (about 100 in Europe[6]), EC President Barroso decided to withdraw this recommendation in December 2006.

Audiovisual and Film directors, producers and distributors (about 30 European federations) also regularly complain about the fact that at a time in which the arts and culture are considered as a key issues for a wealthy knowledge and information society, some EU representatives lose a precious time, while pretending to reduce the number and the perimeter of the various specific provisions made in favor of cultural activities at the national level. Thus the "presumed condition of being salaried", as it appears for artists and technicians in the Belgian and French specific provisions, is regularly criticized at the EC level, as an obstacle to free competition.

In 1992 most important cultural networks created EFAH (European Forum for the Arts and Heritage). EFAH is an advocacy platform for the Arts and Culture, in relation with the EU integration process. It launched workshops, wrote "position papers" about the EU cultural competences (EC Treaty, article 151), and about the Fundamental rights EU Charta. It also very carefully followed the implementation of EU "CULTURE 2000" program, dedicated to transnational cultural activities support. Some of EFAH ideas were inserted in CULTURE 2000 Action Plan, such as the possibility of pluriannual contracts between the European Commission and cultural operators. One of EFAH's major frustrations is that, despite the lyrical claims about the importance of culture in the EU integration process, about 0,06 per cent of the European Commission budget is spent for culture and the arts.

Taking into consideration the fragmentation of the European "cultural civil society", the European Commission has proposed in its recent Communication (May 2007, Communication on a cultural European Agenda in a World context), to organize a regular concentration with various representatives of the cultural world. The first Cultural Forum will take place in Lisboa in September 2007. Another task of EC representatives of General Directorate "Education and Culture" will be to have a common and strong voice facing other General Directorates' intentions.

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[6] With three major umbrella organisations : CISAC, GESAC and AEPO-Artis.

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Among the many surveys commissioned during last years, one confirms at the European level, already noticed data in European Western countries: more and more artists are women and more and more come from a non European background. Although Susheila Raman does not like the word of "World Music", her success, as well as Manu Cao's and Corneille's ones in France and beyond, perfectly illustrate the idea of crosscultural diversity, as considered in music, dance and cinema. Undoubtedly, such artists are icons of new cultural legitimizations, audience-built, even before cultural institutions acknowledge them. But at the same moment, some of them do experiment big obstacles : the price of visas for non European artists, - which recently nearly doubled in the United Kingdom as an example -, the kind of discrimination African artists suffer while trying to work (even when invited) in France, the long way from marginalization up to notoriety, for artists not having benefited acknowledged art schools. The Arts Council of England has recently decided to try and find all these non European artists on the territory – asylum seekers or with immigrant origins – and to help them to better promote their work. A kind of artistic affirmative action, somehow! But not all artists with non communitarian origin are that opened to collaborate with majorities. In Germany, some musicians with Turks origins, decided not to perform anymore in German language, arguing that they work for "their audience" first of all. But which audience? From the secularized young Turkish manager to the fundamentalist oriented community member, the range of diversity is so wide that such a statement appears slightly disconnected from reality!

Cultural rights, a key tool?

Lately, the expression of "cultural rights" has been more and more used in European and World fora. Does it mean that this concept is as new as it may appear? Of course not. A lot of what is called today "cultural rights" has been applied – at least officially – in most European public policies : intellectual property and copyright, liberty of expression and information, liberty of association, liberty of scientific research, right to free education, larger access to the arts and heritage... The 1948 Human rights Declaration already dedicates two articles to such provisions (articles 26 and 27). According to the Fribourg Group, time has now come to propose a synthetic approach of all these rights, while contemplating their compatibility and their effective application. One of the key argumentation of the Fribourg Group is the fact that many development strategies turned out to be inadequate, notably because ignoring cultural rights. According to the Group, the recent UNESCO Convention on Cultural diversity could not be properly applied without a strong reference to human rights indivisibility and interdependence. The Fribourg Declaration (May 7th, 2007) explicitly gathers already acknowledged rights. The Group consists of researchers and jurists from all continents. The Declaration is addressed to "public", "civic" and "private" entities, with the aim of favoring cultural rights recognition, at "local, national, and universal levels". It sets out six categories of cultural rights or of contexts in which these have to be applied : cultural identity and heritage; free reference to cultural communities; access and participation to cultural life; education

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and training; communication and information; cultural cooperation. Finally the Declaration stresses upon public and international organization's responsibilities.

Comparing this text with the Fundamental rights European Charta is interesting. Contrary to the Fribourg Declaration and the Council of Europe Convention, the Charta does not refer to the 1948 Declaration. As far as aspects of cultural rights are concerned, articles 10 and 11 respectively set out liberty of thought and liberty of expression and information. Article 13 considers the liberty of the Arts and of the scientific research and article 14 mentions the right to education. Intellectual property is considered as a part of ownership right (article 17). Article 22 considers the respect of cultural, religious and linguistic diversity, and, interestingly, article 25 mentions the right of old people to access "social and cultural life". Finally, according to Roland de Bodt (2001), the Treaty fundamental liberties are only provided to EU "citizens", with specific and restricted provisions for Third countries residents or workers. De Bodt considers this "two level" provision as discriminatory and in contradiction with the 1948 Human rights Declaration.

Simon Mundy reminds us of two key principles : artists and creators' situation is more and more dependent on market pressures and, from this viewpoint, their "liberty of expression and presentation" tends to become more and more theoretical. Secondly, human rights are attached to individuals and can only be delegated to communities. From this viewpoint, the Fribourg Declaration clearly states in its article 4, that any person has the right to refer to one or more cultural communities and may modify this choice. Finally, according to this text, no one should be assimilated to a cultural community against his will.

From this panorama, some conclusions may stand out. First of all, until now, transnational networks and associations operating within the EU, have been mainly sensitive to the situation of their own members – with a big fragmentation - if not competition - between audiovisual and performers sectors, literature, visual arts and so on. This corporatist attitude is of course necessary to negotiate with EU institutions as well as national and local governments. It is also partly determined by the EC lobby-oriented position. But a more federative action could be welcome, as the one adopted national Alliances for cultural diversity, the first example of which was set up in Canada, followed by France, Germany and other European countries. Secondly, the fight for cultural diversity or cultural rights immediately interpenetrates other sectors of human activities – social Affairs and working conditions notably. As an observer stated if, why to protect cultural diversity in a world in which all the other components of work and social protection would be broken up? From this viewpoint, the already quoted EC communication is also addressed to the European Economic and Social Committee, a consultant body. More and more cultural associations and federations take part in meetings organized by this entity, where they meet NGOs operating in other sectors. Finally, the key objective of cultural diversity – the sharing of ideas, traditions, talents – appears to be a genuine challenge in a European space whose representatives claim their humanistic values while too often privileging a market-driven cooperation based on competition. If, as Ulrich Beck states it, cultural diversity is the only possible way of developing EU integration, this objective has to be seen from a general interest

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viewpoint, without any discrimination towards any kind of population – be it with European origins or not. From this viewpoint, cultural justice has a lot to do with the recognition of the non Europeans' contribution to the emerging European public space.

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