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### **POLITICAL, ECONOMIC, LEGAL AND TECHNICAL CONTEXT FOSTERING CULTURAL DIVERSITY FOR DIGITAL INSTITUTIONS AND PROJECT LEADERS**

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*« Politics does not provide happiness or give a sense of direction. It either affords opportunity or precludes it »*

Michel de Certeau, *La culture au pluriel*.

Is there a form of cultural diversity specific to today's digital world?

Is digital heritage the natural ally of cultural diversity and if so, how can this alliance be forged?

Finally, what are the social challenges raised by participating in and appropriating digital diversity in a context marked by the economisation of cultural resources?

Answering these three questions on the dialectic and practical links between cultural diversity and the digital heritage is both easy and difficult.

It is easy because our spontaneous view of digital culture is one of diversity, diversity derived from likening the Internet to a reservoir of content generated by a host of initiatives taken by individuals and agents keen to expand the digital world, diversity triggered by the very nature of this world.

It is also difficult since by artificially simplifying the issue we overlook how to implement an information society and transform it into knowledge societies as well as the cultural dimension, which has drawn the attention of major international geopolitical bodies such as the G8 and the Economic and Social Council (ECOSOC).

One is tempted to mix these approaches by reconciling pragmatism and ideology to grasp reality. However, this solution is no longer satisfactory. What some regard as thriving networks are regarded by others as an uncontrolled torrent of content in a space striving for greater visibility and market shares in constant flux. Ultimately, as Kwame Anthony Appiah<sup>i</sup> demonstrated in a United Nations Development Programme report headed by Nobel prize-winner for Economics, Amartya Sen, the confrontation between cultural contents that numerically increase the more they relate to singular identities, will lead to the cultural standardisation of a world in which all distinctive cultural language will eliminate language that unites and assembles.

Cultural content and forms of cultural expression, when they convey exclusive identities, generate conflicts and standardisation. Advocating a conciliatory approach to cultural diversity in the digital world is therefore tantamount to calling the imperialism of identity by the politically correct name “cultural diversity”. Defending diversity of cultural content as the lynchpin of a digital society that disseminates knowledge is a conceptual impossibility and an ethical problem.

We must therefore look beyond the surface of our screens, beyond a unilateral or conciliatory approach to constraints or particular arrangements in today’s digital world and argue that culture, particularly heritage, through functional similarities and converging ethical commitments, seek to shape, defend and foster cultural diversity in our information society.

The concept of «diversity» has fuelled and guided discussions on international politics for the last fifteen years. The concept of diversity, from the Report of the World Commission on the Environment and Development in 1987, the so-called Brundtland Report, to the *Universal Declaration on Cultural Diversity* adopted by UNESCO’s 188 Member-States in November 2001, has come to describe the environment, culture and even legislation rather than act as beacon for humanity. Consider the attempts to re-interpret the Charter of Human Rights aimed at defending practices contrary to human dignity by invoking cultural standards and norms.

However, the link between biological and cultural diversity is not as logical as suggested by the rallying of international and inter-governmental agencies around this concept. Cultural diversity and its issues, while inseparable from those of biological diversity on key topics such as sustainable development, environmental management and the eradication of poverty, differ radically. Cultural diversity not only revolves around physical reality but more essentially reflects **the image** that humanity has of itself, the intellectual and historical systems in which it thinks of itself and the political choices which result. Recognizing cultural diversity is first of all, **the ability to envision it** and translate it into intellectual and political systems. The term «cultural diversity» did not arise from differences in a world of tension divided between global and local in which nothing would be unknown again. The Report of the World Commission on Culture and Development entitled *Our Creative Diversity* published by UNESCO in 1995 was a major step in establishing the term’s meaning and political formulation. The Report showed that culture was neither an instrument for development nor a barometer of political and economic trends **but the**

**goal and purpose of development.** The report summarised culture's implicit concepts (as cultural capital, which resulted from creativity and way of life) and highlighted the political, economic and social dimensions of managing cultural differences in a global world. It also showed the importance of developing a conceptual and normative framework for establishing choices for society and for supporting politicians to fulfil them.

This shift in the view of culture in general, conveyed through a close dialogue between research and politics, explains positioned culture as priority on international agendas today.

It was therefore necessary to **construct** our vision of diversity and in formulating it to find, at the same time, the intellectual articulations that would explain it, and to identify particularly the fields of the living that would make it visible and operational. Claude Lévi Strauss' brilliant analysis in 1952, which revealed that what must be preserved is the very fact of diversity and not the historical content that each era attributes to it<sup>ii</sup>, finds today –and only today, we should note- a political and legal echo in the *Universal Declaration on Cultural Diversity*, that **puts** the concept of diversity into context by associating it with democratic pluralism, human rights, international solidarity and creativity.

During the closing session of ICHIM 2003, Ranjit Makkuni reminded us that **culture is** the driving force behind innovation. He also showed how digital cultures could depart from traditional cultures and pointed out that in the information society the latter are merely concerned about winning markets but are sources from which to regenerate and develop the digital world<sup>iii</sup>. I will mention two points in Ranjit Makkuni's analysis. Firstly, heritage players have grasped the role culture and cultural diversity play in the process of economic and political change in today's global world. Secondly, the re-setting of international priorities ranks heritage players and museums among the key players in the social and cultural reshaping of the information society.

However, culture and heritage professionals are not the only operators in this context. The appeal of the phrase «cultural diversity» has spread to global players who operate without reciprocity or rules and for whom the emphasis is on concentrating all media that disseminate culture. In short, this is cultural globalisation against culture.

Beyond the fine and enticing rhetoric, the domain in which new links are connecting the economic and political spheres is today defined in cultural terms. This was the message of the World Economic Forum in Davos since it **placed values** on the agenda of the next summit in 2005. It was also the message of the Declaration of Principles in the first phase of the *World Summit on the Information Society* organised by the International Union of Telecommunications in Geneva last December the aim of which was to **set ethical goalposts** for the information society. As a result, new questions in society acquire **political expression** through culture.

We must therefore take swift international action with the key players of cultural diversity.

## I. The diversity of cultural heritage

What does this commitment mean for the heritage community from the perspective of an inter-government organisation like UNESCO?

I would like to share with you the assumption that one reason for the image that natural diversity that the information society projects stems from the use of **heritage** to display its cultural efficacy and politically legitimise its universality.

Heritage is a major cultural resource of networks. I will quickly pass over this point since as actors who give culture a substantial role in electronic information flows and interchange; you are more familiar with this issue than anyone is.

Moreover, the shift in the very notion of heritage has contributed to the intelligibility of the concept of cultural diversity and its social function. The anthropological approach to culture and the realignment of the social sciences around processes to the detriment of objects has strongly influenced the re-ranking of heritage into a series of different, complex and inter-dependant forms of expression, as manifested in social conventions. Today, the diversity of forms of expression determine heritage far more than adherence to a given descriptive norm. New objects have been added to the list of categories used in cultural institutions, such as cultural landscapes, oral and intangible heritage, holy sites and industrial heritage. This mutation,

reflected in scientific models specific to the field of heritage, has not occurred internally under pressure from changing practice. On the contrary, it has been driven from within areas outside changing social realities: towns and cities, waves of migration, the spatial and cultural reconfiguring of identities and technological changes that have accompanied social transfers and reconfigurations.

Within «these new territories of culture», to quote Arjun Appadurai, **permeability to the social process and the relational status** connect heritage and the digital world with cultural diversity.

The development of heritage has reflected the de-intellectualisation of culture in favour of other types of experience. The emergence of the notion of intangible heritage is a sign that the issue of heritage has finally shifted from cultural artefacts with distinctive features to practices, human relations and their role in transforming social structures. The unanimous adoption at UNESCO's last General Conference of the *Convention for the Safeguarding of the Intangible Cultural Heritage*<sup>iv</sup>, whose scope encompasses practices, mental perceptions, knowledge and know-how, demonstrated that this shift has gained political recognition.

Digital content mainly exists interactively and in the form of broad areas of cooperation. In the same way as reception and expression related activities merge in environments driven by computer technology, heritage is now founded on sharing, on transfer and on social communication shaped in a given set of practices. The artefact now ranks below culture and heritage, just as the digital reproduction of an art object only draws its value from its cognitive, educational and more broadly cultural use by Internet users. In their respective fields, intangible heritage and digital culture each reflect the removal of time and space as a reference framework.

To summarise, the Mexican anthropologist Lourdes Arizpe, President of the International Council of Social Sciences, in her study on the relations between intangible cultural heritage and cultural diversity, offers a relevant and clear conceptual framework for cultural diversity in the digital world. She argues that «*cultural diversity as a human concept reflects the cultural relatedness of all groups around the world*».<sup>v</sup>

The functional convergence between heritage and the digital world also goes hand in hand with ethical convergence.

The Internet has raised social issues requiring sweeping decisions such as global governance, knowledge access modes and the economisation of production and interchange. At the same time, the awareness of heritage has led us to regard cultural rights as human rights, to equate the destruction of cultural heritage to a crime against humanity, as pronounced by the International Criminal Court for the former Yugoslavia with a view to, raising broad and ethical societal undertakings.

In the same way as new political entities stemming from decolonisation and the demise of communism in Europe have been recognised through heritage and culture over the last thirty years, recognising cultural diversity and the decision to build knowledge societies are today key political options for humanity.

## **II. Cultural institutions and cultural diversity: prescriptive commitment and the access culture**

We know that **dematerialised** cultural content no longer refers to the forms that effectively organise it. The increase in forms of production, by blurring the traditional divides between producers, distributors and recipients, raise the question of how society will react to them and hence how can we sustain cultural diversity.

References to the information society may be found in technical and economic contexts. However, it does not take into account how this new human activity **is socially appropriated**. However, cultural diversity largely revolves around the scope and mode of appropriation in this context. This is why, in keeping with this ethical argument, UNESCO supports the development of knowledge societies from the information society.

According to Jürgen Habermas, we have entered a post-national era with a new political configuration in which the transformation of the social state now prevails over cooperation between nations<sup>vi</sup>. However, the function performed by cultural institutions closely equates with

the political nature of Nation-states. Such institutions derive from a strong notion, albeit in varying degrees, of a modern and democratic state based on reciprocity and solidarity. Does the digital world change the configuration of these relations? The answer is again two-fold.

*No, since the events at AOL-Time Warner and Vivendi Universal<sup>vii</sup>, reveal the importance of government policies in striking a balance between creativity of individual and private initiatives<sup>viii</sup> and globally defined ethical principles. In 1974, Michel de Certeau reminded us that «Politics does not provide happiness or give a sense of direction. It either affords opportunity or precludes it»<sup>ix</sup> He also addressed the issue of «how to organise initiatives, to reconcile cultural expression with constructive activity, to combine human communication and economic production».*

Until now, our responses to these still relevant issues, to our desire to give globalisation a human face and to support the growth of our digital culture have mainly been prescriptive in the form of conventions and charters. So **yes**, the digital world does reconfigure the relationships between cultural institutions and the modern State since only international action can adjust to the trans-national nature of the digital world and tackle the ethical issues raised by its expansion and social appropriation.

At our current stage of thinking on implementing cultural diversity in the digital world, our view of the comparison between heritage and the digital culture has altered. The diversity derived from the social function of cultural content has given rise to the paradigm of **access diversity**. **Accessibility replaces representativeness** in international policies to defend cultural diversity in the information society. Deciding how the digital world can be socially appropriated is equivalent to laying down the conditions for access: this is an important question in international moves on cyberspace rights.

What role do cultural institutions play in building an ethical framework for cyberspace?

Insofar as prescriptive instruments largely depend on the consent of the countries concerned, these instruments often prove weak. They nonetheless remain consensual and useful in preparing national policies within a global framework. However, the cultural institutions and their professional networks are ideally positioned to forge a **consensus** between **states** by

laying down a code of ethical and technical standards. Cultural institutions as well as their economical spheres are concerned by production and by the application of legal instruments protecting cultural heritage in both physical space and cyberspace.

To prove my point, consider the models developed by museums to manage intellectual property rights over digital contents and economic models for on-line publication, as David Bearman showed us last year. Intellectual property rights are paramount. They determine conditions of access and partly determine social processes by establishing the rights and obligations of Internet operators. While intellectual property in the digital society is arguably also information property, information property can in no way replace intellectual property<sup>x</sup>. Only common property can subsume either of these categories. When discerningly applied and centred on ensuring cultural freedom as defined in the last 2004 UNDP Report, i.e. by rejecting exclusion and by facilitating cultural recognition, intellectual property rights protect against the commoditisation of knowledge and the dilution of common cultural property into information property. Ultimately, they form a digital society based on equity and reciprocity.

Two instruments adopted by UNESCO's General Conference in October 2003, *the UNESCO Charter on the Preservation of Digital Heritage* and, secondly, *the Recommendation on the Promotion and Use of Multilingualism and Universal Access to Cyberspace* are among the **first** international prescriptive instruments on heritage that aim to fit the digital world within an ethical framework.

In the debate on intellectual property rights governing cultural content on the Internet, it is also crucial to aim for a general code of ethics for heritage and to consider overlapping legislation to ensure the convergence and not juxtaposition of applicable laws [since, in matters of culture and ethics, the whole is always worth more than the sum of its parts].

One example of this is the sale of objects stolen from the National Museum of Iraq over the Internet shortly after looting of the museum. Since the Convention of 1954 does not apply and since as the Second Protocol to the Convention of 1970 does not apply either, and nor does UNIDROIT's of 1995, there was still hope that at least legislation governing copyrights on the Internet adopted by the WIPO in 1996, as well as technology, would halt the distribution of

digital copies of the stolen objects<sup>xi</sup>. When the dignity and identity of a people are flouted, let us **at least** leave it images of its past!

The conflicts in recent years in Cambodia, Afghanistan, the former Yugoslavia, Kosovo, Western Timor and India have demonstrated how much cultural heritage is – for better or for worse – a symbol, the image of a political and cultural entity. The aim is to not only apply and uphold intellectual property rights derived from the physical world in cyberspace but also to organise their overlap in complex situations and, ultimately, to establish a global code of ethics which would justify the term «knowledge societies». Sustainable cultural diversity is not merely mean choosing between reality and virtual; it implies greater legal and ethical complexity. Above all, it requires political undertakings to be included, or disputed, in a democratic context and based on cultural freedoms in the form of semiophores.

I am quite aware that I have not fully answered the three questions I raised at the beginning of my address.

However, seeking links and similarities between the diversity of our heritage and the diversity of the digital world is not only hypothetical. The possibility of **globally** considering phenomena as seemingly different as digital culture, forms of heritage and social changes is necessarily political. «*There is a relationship between a society and its models, between a historical situation and its appropriate intellectual apparatus: this relationship forms a cultural system*» (de Certeau). Acknowledging this cultural system will influence decisions that turn politics and its institutional relays into key instruments in the social future of the digital world.

Finally, before you begin your discussions, let me leave you with a simple, key message:

The reason I am here today is not to praise UNESCO's programmes or to offer you a theoretical and ideal vision of knowledge societies. I have tried to argue that cultural heritage is not a sub-chapter of the information society but a core and fundamental issue in building democratic societies, alleviating poverty and ensuring cultural freedom. The reason I am speaking to you now on behalf of my institution is to ask you, as representatives and members of the heritage community, for your commitment and support to defend cultural diversity with

strong political resolve. This, I am sure, will change the way the world will evolve in the digital age.

Thank you very much.

## Notes

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<sup>i</sup> Quoted by Amartya Sen in his address «Culture, identity and human development» delivered at a UNDP meeting, September 2003.

<sup>ii</sup> Lévi Strauss, Claude, *Race et Histoire*, 1952, UNESCO

<sup>iii</sup> Makkuni, Ranjit, «Culture as a driver of innovation», Proceedings of ICHIM 2003, *Cultural institutions and digital technology*, Paris, Louvre. Available on [www.archimuse.com](http://www.archimuse.com)

<sup>iv</sup> A full definition of intangible cultural heritage is given in Article 2 of the Convention. The Convention and Declaration may be consulted on <http://portal.unesco.org/culture> under the heading «Intangible Heritage».

<sup>v</sup> Arizpe, Lourdes, «Intangible Cultural Heritage, Diversity and Coherence», in *MUSEUM International*, n°220/221, May 2004, vol.

<sup>vi</sup> Habermas, Jürgen, *Après l'état-nation, une nouvelle constellation politique*, Fayard, 2000.

<sup>vii</sup> In January 2001, after one year of hesitation by the Federal Trade Commission, AOL, the world's leading Internet Access Supplier, acquired the world's leading media operator Time Warner, thereby creating an empire combining the Internet, movies, printed media and television valued at 350 billion dollars. This merger, in symbolising the beginning of the new economy, a merger between the tangible and virtual economy, resulted in a major failure. Source: [lemonde.fr](http://lemonde.fr).

In an article published in France in the daily newspaper *Le Monde* on 10 April 200, the president of Vivendi Universal (a group traditionally devoted to supplying water services in the public sector), Jean-Marie Messier, justified the group's diversification on the grounds that it was defending cultural diversity. The media operator which combined the Internet, the telephone, the printed press, movies, music and television had become the world's second largest media group behind AOL-Time Warner before its share price plummeted to a historical low in 2002.

<sup>viii</sup> Voir Cohen-Tanugi, Laurent, «l'Europe au défi de l'économie numérique», in *Comprendre les usages d'Internet*, Éditions ENS, 2001.

<sup>ix</sup> Michel de Certeau, *La culture au pluriel*.

<sup>x</sup> Warusel, Bertrand, *La propriété intellectuelle et Internet*, coll. Dominos, Flammarion, 2001.

<sup>xi</sup> On 20 December 1996, member countries of the World Intellectual Property Organisation (WIPO) adopted a new treaty in Geneva on copyright, recognising that the right to communicate on digital networks, particularly on the Internet is an exclusive authorial attribute. Source Warusel, Bertrand, *op.cit.*