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Fair Culture?

Ethical dimension of cultural policy and cultural rights

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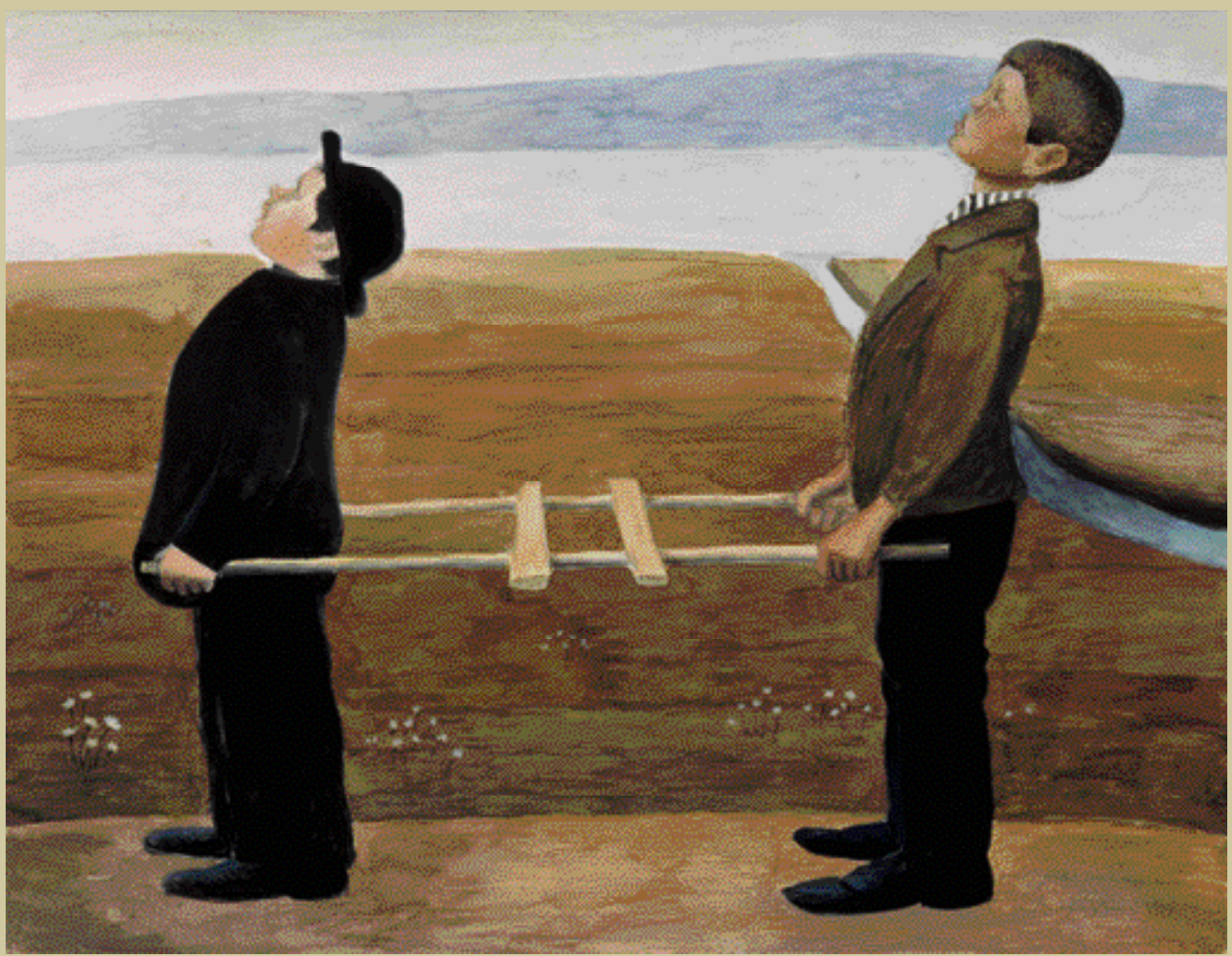
Hannele Koivunen, Leena Marsio



Fair Culture?

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Hannele Koivunen & Leena Marsio

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1 Introduction

In April 2005 the Minister of Culture Tarja Saarela initiated a project with the purpose of exploring the ethical dimensions of cultural policy, starting with cultural rights, and of outlining directions and tools for ethical evaluation of cultural policy.

Dr Hannele Koivunen, Special Government Advisor, was appointed to review existing knowledge about cultural policy ethics and the concepts involved, and to put forward proposals for ways to accommodate the ethical dimension in cultural administration. Ms Leena Marsio, M.A., collected the basic material, organised a Fair Culture seminar, kept in contact with international operators working in related fields. The publication *Fair Culture*? is the product of this joint effort.

The project was carried out in two phases:

1 A Fair Culture Seminar on 8 February 2006 at the House of the Estates, Helsinki

2 The publication *Fair Culture*? on the ethical dimension of cultural policy and cultural rights, published during the second half of 2006.

This report seeks to analyse the ethical focuses in cultural policy discourse and to open and make visible ethical choices made in cultural policy. On the basis of the report we intend to outline cultural policy ethics. We have reviewed the situation in terms of human and fundamental rights. At the heart of cultural policy are the fields of arts and culture, cultural heritage and communication; another, applied dimension also includes the economy of culture and the significance of art for people's social and mental well-being.

In this work we use the concept of fair culture to describe the ethics of cultural policy. The concept has an association with fair trade.

Fair culture means the realisation of people's cultural rights and inclusion in cultural signification, irrespective of age, gender, language, state of health, ethicist, religious or cultural background.

Fair culture encompasses

- Access to humankind's and one's own cultural tradition

- Physical, regional and cultural accessibility and availability
- Diversity of cultural supply and its matching with demand
- Participation in cultural supply, and
- Opportunities for, inclusion in and capability for cultural self-expression and signification.

Cultural rights are human rights alongside civic, political and economic rights. They are central to a nation's identity, cohesion, self-determination and self-esteem.

There are a plethora of international and national initiatives relating to the ethics of cultural policy. UNESCO has a Global Ethics project which aims to build a global ethic based on people's needs. The underlying notion is the aspiration shared by all people to continue and sustain life. Another key document is the declaration *Toward a Global Ethic* issued by the Parliament of the World's Religions in 1993. As an essential part of cultural heritage, religions are important maintainers and shapers of ethical codes and practices. In Finland the Parliamentary Committee for the Future noted in 1998 that humankind needs a sustainable cultural and educational base and a global ethic alongside economic and technological success factors.

In the 1990s ethical themes were touched upon in several international reports and programme declarations. *Our Creative Diversity*, a report published by the World Commission for Culture and Development in 1992, works on the concept of global ethics. An intergovernmental UNESCO conference on cultural policy for development held in Stockholm in 1998 adopted an Action Plan on Cultural Policies for Development. The Council of Europe report *In from the margins* (1997) carries on the work of the World Commission, pointing new directions for European cultural policy. The Interarts foundation based in Barcelona is a research institute specialising in international cultural cooperation, cultural policy and culture-development relations. One of its most visible initiatives is the conference on Cultural rights and development held in August 2004. The Scottish Executive is currently reforming cultural administration, with a strong emphasis on cultural rights.[1] According to the report, the development and realisation of cultural rights will be the underpinning of cultural policy in Scotland.

In Swedish cultural policy cultural rights have had an important place for decades. The aims of national cultural policy formulated in 1974 and reviewed in 1996 combine elements from several international human and cultural rights conventions. These aims also underpin the central cultural administration and the allocation of state subsidies. In the new Finnish Constitution of 1999 civic rights include a number of economic, social and cultural rights, such as equality, liberty, freedom of expression, freedom of religion and right to education.

Several efforts have been made to develop international indicators for cultural policy and there are some studies on which such development can be based. There are different approaches to ethical appraisal, such as cultural tradition, identity and way of life; vitality, diversity and safeguarding of continuity in culture; infrastructure; the availability of, access to and inclusion in cultural life; physical accessibility; consumption; pluralistic media; the plurality of content; ethnic-cultural and other plurality related to minorities and minority groups; social cohesion; interaction between cultures; cultural policy, administration and implementation; and art education.

1 Our Next Major Enterprise 2005.

Professor Pentti Arajärvi has analysed the nature and substance of cultural and educational rights in his book *Sivistykselliset oikeudet ja velvollisuudet* (Educational and cultural rights and obligations). [2]

In his book on cultural policy in Finnish society, Senior Assistant Simo Häyrynen gives an excellent analysis of the definition of cultural policy and the justifications given for it in society at different times and in different contexts. He also reflects on ethical appraisal of cultural policy. [3]

For the report in hand the authors have analysed documents on and relating to cultural policy: international treaties and conventions, declarations, legislation, and other norms, especially relating to UNESCO, the EU and the Council of Europe and, at the national level, Finnish legislation, the Government Programme, the strategies of the Ministry of Education, and guidelines issued to administration subordinate to it.

In addition to various norms, the analysis focuses on various pain spots, or conflicting interests, in cultural ethics. These are found in many areas of cultural policy. Tensions between altruism and egoism, universality and locality arise from the freedom of expression v. the protection of children; self-expression v. the protection of privacy; the interest of the author v. those of the manager with regard to fair deals and compensation; and market-driven art v. the intrinsic value of art. In situations of choice, it is essential to identify what kind of ethical dimension or interests the different alternative solutions serve.

At the heart of ethical scrutiny are the fields of arts and culture, cultural heritage, communication, sports; at the level of application we find the creative economy, the role of art and culture in welfare, and the cultural protection of children. Similarly central to an examination of cultural policy ethics are ethical practices, fair administrative procedures, centralised decision-making and the criteria used in resource allocation. In a world of growing multiculturalism and pluralism, cultural policy needs to make the ethical choices involved visible and create ethical evaluation tools in support of conscious ethical choices.

Ethical application of copyright concerns all the sectors of creative work and constitutes the economic basis of cultural contents and cultural phenomena. The value of artistic and cultural signification as a part of economic exchange has been recognised as a competition factor. A flourishing economy in the cultural sectors is in the common interest of both creative workers and of the producers and managers exploiting creative works, but entails fair and equitable agreements on the distribution of income from intellectual property. Apart from the economic standpoint and the interests of creative workers and businesses, an ethical examination of copyright also involves rights relating to the exploitation of minority and indigenous cultures.

2 Arajärvi 2006.

3 Häyrynen 2006.

2 On concepts

It is not often one meets the actual words 'ethic' and 'moral' when perusing cultural policy norms, different declarations and agreements. The ethical dimension comes across through numerous concepts. In this context it is not possible to analyse all these concepts in depth or make a historical review; the following looks into the content of the foremost concepts especially in terms of the ethical dimension of cultural policy. It is thus not intended as an exhaustive analysis, but an approach chosen for this particular report examining the meaning of the concepts in the context of cultural policy.

In delineating the scope of examination, we used the remit of the Finnish Ministry of Education in culture, which comprises literature; music; theatre and dance; pictorial art; museums and cultural heritage; libraries; design and architecture; film and other audiovisual culture; cultural production; and child and youth policy.

Culture

In its widest sense culture means all cultivation of spirit and intellect, that is, the whole spectrum of civilisation. Culture is intrinsic to the life of human communities and has to do with the environment, the economy, agriculture, industry, tradition, communication and food.

There are hundreds of definitions of culture emphasising different standpoints. Scott Lash[4] defines culture as collective symbolic practices. Talcott Parsons[5] again sees culture as a strongly normative system of symbolic models with cognitive, moral, aesthetic and religious values. Parson's functional notion of culture stresses the sustaining and integrating role of culture. The weakness in Parson's theory is the idea of a constant, linear development of culture, which overlooks cultural conflicts.

The semi-official UN description or definition of culture is based on the Mexico Declaration from 1982, in which UNESCO defined culture as follows:

4 Lash 2002.

5 Sevänen 1998.

In its widest sense, culture may now be said to be the whole complex of distinctive spiritual, material, intellectual and emotional features that characterise a society or group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human beings, value systems, traditions and beliefs. [6]

It is not possible to give culture one single, absolute and exhaustive definition, it is always a question of relative content and interpretation in a given historical and social context. In this respect, culture will remain a relational concept, which gets a different content depending on the perspective taken, for instance, in a philosophical, anthropological, theological, geographical, sociological, economic or politological context.

Rodolfo Stavenhagen defines culture in three dimensions: as capital, as creation and as a way of life. As capital, culture means the heritage accrued by humankind and in this sense right to culture means access to this cultural capital. The definition stressing creation highlights the process of scholarly and artistic creation but at the same time assumes a qualitative classification, which in turn raises the untenable 'high v. low' dichotomy. As a way of life, culture means the entity of material and intellectual acts and products.

Simo Häyrynen[7] looks at culture through its function in an essentialist and aspectual method of use. On the same divisional lines is the conception of culture as an intrinsically valuable or instrumental action. The essentialist use means culture itself as an existing ontological entity that is distinguishable from other reality. The aspective use examines culture as one socially structured dimension of human activity. For example globalisation, while creating opportunities through the commercialisation of culture, also engenders threats to cultural diversity. Creative activity and cultural products are not mere commodities, but building blocks for identities, values and meanings.

According to Häyrynen[8], the hundreds of definitions given to culture can be grouped into three comprehensive theoretical frames of reference : (1) culture as the highest form of human knowledge and skill, (2) culture as ways of life, and (3) culture as mental knowledge and value systems. To these categories he gives the following variables:

(1) culture as the highest form of human knowledge and skill

- The absoluteness of human intelligence
- Culture-nature dichotomy
- Progression of the civilisation process
- Art as high culture
- Folklore and traditional culture
- Popular culture
- Mass culture

2) Culture as a way of life

- A group's way of life and identity
- Collective representations

6 Mexico City Declaration on Cultural Policies 1982.

7 Häyrynen 2006.

8 Häyrynen 2006.

- Nationality / citizenship
- Language
- Ethnicity
- Religiousness
- Ideological outlook
- Age
- Gender
- Sexual orientation
- Education
- Wealth
- Native area

3) Culture as a mental knowledge and value system

- Background factors for a lifestyle
- Value, belief and sense systems
- Collective and cognitive consciousness

Cultural policy

Alongside social and economic policy, cultural policy is a sector of societal policy, which in different contexts is seen to encompass different elements: education, art, sport, youth, tradition, communication, leisure and minority cultural policy.

Cultural policy reflects the values, principles and procedures that inform choices concerning publicly subsidised cultural activity subject to communal decision-making and control. Cultural policy and cultural policy action thus relate to institutionalised culture. Cultural policy is implemented by state and local authorities, but also by many organisations in the private and third sectors. The public authorities have been assigned no duty to organise or secure, except as regards opportunities for self-development. The intensity and content of public authorities' cultural policy interests and support vary greatly in different kinds of societies.

The ambiguity of the concept 'culture' and its relativity make it difficult to determine objective criteria for cultural policy. [9]

As examples of the numerous restricted and the very inclusive definitions of cultural policy we could give here the clear and useful definition of Jarmo Malkavaara, which has the benefit of not being limited to actors in the public sector but also takes account of other operators in institutional culture:

Cultural policy is an entity of measures by which different operators in society consciously seek to influence, and influence, cultural activities in society.

9 Häyrynen 2006.

Cultural identity

Identity is a bond between an individual and a community. We use the concept of cultural identity even though its meaningfulness has been questioned with the argument that all identity building is cultural. When we talk of cultural identity we stress the cultural bond, that is, the cultural cohesion and content of the individual-community relationship – the community culture as the "roots" and breeding ground of the individual.

According to Häyrynen's definition, collective cultural identity is an entity of visible, invisible and assumed cultural traits typical of a given group, which may influence an individual's emotive experiences and conduct. [10]

Depending on the object of bonding and identification, cultural identity may be associated with a linguistic, ethnic, religious, ideological, political, sexual, global, national, regional and social domain or symbolic hierarchy. Identity also involves strong value structures.

By nature, cultural policy is also identity policy, which may be geared to strengthen or weaken different groups or individuals representing different cultural identities and to sustain cultural hegemony or promote cultural diversity. The cultural policy practices of the prevalent culture may be used to carry out measures of different degrees in relation to other cultural identities. Efforts may be made to integrate or assimilate different cultural identities into the mainstream culture or to isolate and segregate them into "cultural ghettoes" of their own. The ethical challenge for identity policy is to promote positive interaction between groups representing different cultural identities.

Participation in culture

Participation in culture implies equality of both cultures and recipients of culture. Democratisation of culture is to treat recipients equally and to remove obstacles. Obstacles may relate to the accessibility of, access to and participation in culture as experiences by recipients. Obstacles may also relate to inclusion in signification in community art and culture and in the use of symbolic power.

Cultural democracy means equality between cultures. With growing immigration, multiculturalism also grows, and with globalisation, the concept and function of nation state also change. National or mainstream culture, the cultures of different groups, such as indigenous peoples and immigrants, are treated as equal.

Cultural diversity

Cultural diversity means diversity within and between cultures in a given region or globally. The prerequisite for cultural diversity is freedom of creative expression and the exchange of cultural knowledge and ideas. In its Universal Declaration on Cultural Diversity, UNESCO defines culture as a set of distinctive spiritual, material, intellectual and emotional features of society or a social group, encompassing, apart from art and literature, lifestyles, ways of coexisting, value systems, traditions and beliefs.

According to the Declaration on Cultural Diversity adopted by the Council of Europe in 2000, cultural diversity is expressed in the coexistence and exchange of culturally different practices and in the provision and consumption of culturally different services and products.

10 Häyrynen 2006

According to the International Network on Cultural Policy, cultural diversity means the coexistence of world cultures, the protection and promotion of existing cultures and respect for other cultures.[11]

In poor developing countries, the concept of cultural diversity has been criticised as a European luxury concept which does not correspond to the real situation in developing countries because the prerequisites of cultural development are in fact bound to the reality and regulation of economic exchange.[12]

Cultural canon

Originally the word 'canon' meant a cane or a reed used for measuring. The word came into modern terminology from Babylonia through the Hebrew, Greek and Latin languages. The original meaning of the word is "reed" but its symbolic meanings include 'measure', "yardstick', 'rule' or 'standard'. Patriarch Origenes (185–254) used the word 'canon' in the context of ordinance of religion, and in the 4th century the concept was instituted among Christians as referring to the writings the Church acknowledged as sacred. In short, 'canon' means a benchmark for measuring and evaluating what is good or acceptable. The concept has gradually extended to many different spheres of life but intrinsically it always holds the meaning of guideline, norm, pattern or law.

In art and culture the concept of canon implies two different types of meanings. Canon means a collection of guiding, binding, especially authoritative, genuine, most important or best works. On the other hand, canon means the rules, proportions, patterns and methods of depicting in artistic expression and portrayal within a given field of art or culture (for example, the ideal proportions of the human body, socialist realism, canon of polyphonic music, hymn cycle of Greek Orthodox church services, neo-classic canon, etc.). Canon is a body of values and principles which is used to define and distinguish the lines between 'good' and 'bad', 'acceptable' and 'unacceptable'. Canon is thus strongly guiding by nature.

Cultural rights

Cultural rights are one category of human rights, along with civic, political and economic rights, and one category of educational rights. Traditionally they have been regarded as rights relating to cultural, language or national minorities or to artistic, expressive and intellectual forms of creation. In public debate the concept of cultural rights emerged in the early 20th century but the content and more precise definition of these rights emerged in discussion in the early 1990s, and they still lack clear definition.[13]

Globalisation and culture

As a concept, globalisation began to be used more widely in research in the 1980s.[14] According to Professor Raimo Väyrynen, globalisation refers to growing and intensifying cross-border social activity and relations and to a new consciousness, that is, to cognitive globalisation. Globalisation typically lowers barriers.[15]

11 Foote 2005.
12 Keita 2004.
13 Laaksonen 2004.
14 E.g. Malcolm Waters (1995) Ronald Robertson et. al.
15 Väyrynen 1997.

Globalisation has been seen as a corollary of European cultural expansion and colonisation, which chips at institutional boundaries, increases activities, material and knowledge exchanges and interdependence across state borders and across economic areas. Globalisation relates to the economy, politics and culture.

In cultural terms, globalisation means the expansion of symbolic exchange from local to global. Sociologist Mike Featherstone approaches the cultural point of view on globalisation through the concept of postmodern. Instead of one great Western narrative and historical interpretation, there are several parallel processes in evidence. According to Zygmunt Bauman, the postmodern world view means fragmentation of objectivity and seeing the world from different angles. The ethical dimension of cultural globalisation boils down to the question whether globalisation promotes the coexistence and equality of cultures or leads to a homogenising and integrating mainstream culture steered by world economy mechanisms.[16]

Globalisation means various challenges to human rights. With the liberalisation of the economy, the need for and the significance of economic, social and cultural rights grow. Internationalisation has spread some mainstream cultures all over the world, while globalisation brings cultures – side by side and interlocked – closer. Yet, globalisation, too, involves a risk that the big will eat the small. Many think that globalisation is all about the Americanisation of the world. On the other hand, globalisation increases the openness, transparency and prominence of human rights.

The UN global agenda has been shaped from the 1990s onwards in the major UN meetings. They have produced strategies or declarations that put forward recommendations and create norms and standards. However, these do not bind the member states, only show the direction and give a moral and ethical frame of reference and a target state. Questions globally concerning the population, human rights, the environment, poverty and equality are interdependent. This is why the realisation of the global agenda would entail a common understanding or a global ethic. Democracy and diversity are an essential underpinning and prerequisite for peace and stability. The acceptance of these premises is the fundamental principle in any debate on global ethic. [17]

The universality of human rights can be justified in many ways. Human rights hark back to the Enlightenment philosophers and to reactions to the brutalities of the Second World War. The present human rights system has taken shape under the auspices of the United Nations, with an active contribution in 1948 by China, India, Chile, Cuba and Panama. The values underpinning human rights – respect for others, equality and justice - are found in one form or another in all the world religions and cultures. Every state in the world has ratified at least one international human rights instrument, most several. [18]

Ethic

Ilkka Niiniluoto[19] defines morals as a conception of good and bad, right and wrong. Moral subjects are able to distinguish between right and wrong and use this distinction in choosing between alternative theories. This being the case, they bear moral responsibility for each other. Ethics means philosophical theories about the nature of morality and systematic attempts

16 Featherstone 1990.

17 Ministry for Foreign Affairs 2004, Development policy programme.

18 Tuomioja 2001.

19 Niiniluoto et al. 2005.

to express the substance of morality through procedural codes and normative principles. An act is ethical when it abides by the set of moral values thus crystallised. For example, in the making of choices and decisions, the justifications may rely on ethics of virtue, obligation or utilitarianism. Hence, a responsible choice-maker needs to be conscious of different alternatives and capable of weighing and assessing their ethical consequences. Ethical choices are not black-and-white right-or-wrong setups but can, in different situations, be justified by different means and aim at different effect. In cultural policy the important thing is to make choices consciously and transparently after a systematic scrutiny of ethical consequences.

The ethic and morals relating to sports are defined by the Finnish Sports Federation in the following way in its Fair Play code:

Ethic means a code of conduct which determines right and wrong. Ethic takes the form of morals, an inner voice, which is influenced by the rules and norms of society and the community. The development of ethical thinking requires more than just obeying rules and norms. It entails inner understanding and consciousness of the background, rationale and purpose of the rules and norms – this is right. Ethicality is pragmatic everyday wisdom. For the purpose of guiding development it is possible to outline a course of action to which all the members of the community commit themselves.[20]

In cultural policy, ethical scrutiny may mean the following:

1 Conflicting interests in alternative solutions are made visible and understood.

2 Morals in cultural policy mean that choices made by acting subjects concerning culture are based on an awareness of the consequences of different solutions.

3 Ethic in cultural policy means a system of moral values in it, that is, basing decision-making and choices in cultural policy on stated procedural codes and normative principles.

4 Procedural codes and normative principles form a system of moral values that in an ideal situation can be examined by means of commonly agreed indicators.

Global ethic

Global ethic seeks to define ethical premises linking different cultures and religions. It means commitment to peaceful solution of conflicts, open negotiation and mediation. Devising a universally applicable ethic is, however, extremely demanding because of different concepts and thought patterns in value systems and in the philosophical systems and religions underlying them. An examination of the global ethics of culture should be concretised with due consideration of dissimilarities between cultures and cultural traditions. The possibility of a global ethic is being explored as a counterbalance to the prevailing technological-economic discussion. At the core of this discussion are potential shared human values in a pluralistic and polymorphous world. The quest for global ethic draws on the hope that people's interaction can be based on fundamental values uniting them all, regardless of their cultures, religions, origin or places of residence.[21] In the frame of reference of global ethics, creeds and beliefs can be regarded as part of cultural heritage.

20 Finnish Sport Federation.

21 Perttunen 1999.

Sustainable development

Sustainable development has been to the fore in both international and domestics contexts mostly with regard to the environment. The concept was launched by Gro Harlem Brundtland in the report *Our Common Future* in 1987. As defined in it, sustainable development is constant and guided global, regional and local development that meets the needs of the present without compromising the ability of future generations to meet their own needs. After the Johannesburg meeting in 2002 the concept expanded to include socio-economic spheres of life, such as education and culture. Sustainable development can be seen to comprise three kinds of dimensions: [22]

1 Socio-cultural dimension: human rights, peace and security, gender equality, cultural plurality and intercultural understanding, health.

2 Environment-related dimension: natural resources, climate change, rural development, sustainable urbanisation, prevention of natural disasters

3 Economic dimension: reduction of poverty, social responsibility of enterprises, the market economy.

Social sustainability is best characterised by the concepts of equity and equality. The central aim of socially and culturally sustainable development is to make certain that requisites for welfare are transferred from generation to generation. Today culture is recognised as a vital part of sustainable development, and this means that development is in harmony with the cultural heritage and values of society and with the living environment. Culturally sustainable development ensures people's free intellectual activity and ethical growth, the development of cultural plurality and its continuation from one generation to another.

The foremost international organisations working for sustainable development in education and culture are the UN, UNESCO, the European Union and the Council of Europe.

The World Heritage Convention of 1972 and the related World Heritage List are key instruments in safeguarding of cultural heritage. In 2003 heritage preservation was expanded with a convention to include the safeguarding of intangible cultural heritage. To date, this convention has helped to save dozens of sites, such *as la Día de los Muertos* (Day of the Dead) in Mexico, the Chinese Kung Qu opera and the cultural expressions and traditions of the Kihnu Island in Estonia. Sustainable tourism is one aspect of the protection of the environment and cultural heritage.

The promotion of cultural diversity also relates to sustainable development. According to the UNESCO Universal Declaration on Cultural Diversity, cultural diversity is just as important as biodiversity in providing a foundation for the common heritage of the humankind, the wealth of which is ethnic groups. The synergy between cultural diversity and biodiversity is an important factor ensuring the balance of social organisations and ecosystems.

Diversity and sustainable development also entail the protection of languages under threat. There are some 6000 languages in the world, half of which are threatened by or on the verge of extinction. When a language dies, the culture it represents also dies.

22 Education for All 2005.

Scientific innovations and technology are a vital part of sustainable development, generating progress on different fronts, albeit riddled with numerous ethical problems like the question of biotechnology and genetic manipulation. Humanistic ethics will certainly have to redefine itself in relation to bioethics and the biotechnical frame of reference.

Culture and development

Culture and development are both ambiguous concepts. The interpretation of the concept 'culture' is largely culturally bound. For the most part, it has positive associations for people, but this is not always the case.

Development policy means systematic actions in all the sectors of international and national policy which influence the circumstances of developing countries. Abject poverty is one of the foremost human rights problems of our time. Finland's development and human rights policies are in many ways mutually complementary on the practical level. Human rights and development are interdependent and mutually supportive elements. The legal basis of development policy highlights the individual's right to civic participation. The priority in human rights policy is to safeguard the rights of groups that are more likely to be discriminated against. These are women, children, minorities, indigenous peoples and the disabled.

In UNESCO's activities, culture and development are strongly in evidence and the Organisation is implementing an action plan for cultural policy and development adopted in 1998. In the Education for All programme coordinated by UNESCO, the governments commit themselves to offering all their citizens opportunities for quality education and training by 2015. The *In from the Margins* report of the Council of Europe also addresses the aims of culture and sustainable development. The key issues in it are how to bring cultural policy from the margins into the mainstay of decision-making and how to bring the input of the indigent and the disadvantaged from the margins despite the challenges of growing mainstreaming of culture.

The fact that culture has been found to be a key factor for the success of development programmes has meant that culture and development programmes increasingly focus on cultural rights. The Finnish Development Policy Programme[23] notes that culture should be treated extensively as a development resource, as a definer of the values, mores and institutions in society, as an underpinning of security and experiences and as a source of solutions to the challenges and problems people encounter, which are characterised by constant change.

Cultural minorities

Finnish legislation does not use the concept of national minority but speaks of different kinds of groups. The linguistic and cultural minority groups in Finland include Swedish-speaking Finns, the Sámi, sign language users, the traditional Russian speaking minority, Tatars, and immigrants. Growing immigration increases multiculturalism. Different disability groups, members of different religious communities, sexual minorities and different age groups have their own cultural traits.

The national cultural minority groups – the Sámi as an indigenous people and the Romany and others – have a statutory right to keep and develop their own language and culture. The Sámi have cultural self-determination overseen by the Sámi Parliament.

23 Development Policy Programme 2004.

Those belonging to language minorities speak a language other than the mainstream population as their native language. Finnish and Swedish are the national languages in Finland, and every one has the right to use either of them in dealing with authorities. The Sámi language has the same status in the Sámi home area. The linguistic rights of sign language users are also based on legislation. Further, certain statutes provide for the right to use a foreign language and the right to interpretation. A European Charter for Regional or Minority Languages was adopted in 1992 with a view to protecting traditional languages and language minorities; Finland promulgated it in 1998.

In official parlance, the term 'immigrant' is used to denote foreigners who come to Finland to live for one year or longer. Immigrants include asylum seekers, refugees and other foreign nationals. The largest immigrant groups are Russians and Estonians. Finland has refugees from the former Yugoslavia, Somalia and Iraq. The favoured term in Finland from the second generation onwards is "person with immigrant background" or "new Finn".

In Finland, the freedom of religion and conscience is recorded in the Constitution, which guarantees the right to profess and practice a religion, express one's convictions and to belong or not to belong in a religious community. The term 'folk church' is used in Finland for churches to which the majority of the population belong. These are the Lutheran Evangelical and Orthodox Churches and they have a special status under law. Other faiths professed in Finland are Judaism, Islam, Buddhism and Hinduism.

It is not always the numerically largest group that is in power. This is why minorities are seen to include groups discriminated against even if they are the larger group, such as the black majority in South Africa under Apartheid. This consideration has been taken into account in the interpretation of human rights instruments; a majority group can be considered a minority if this makes it possible to demand an equal status for it. In principle, therefore, the rights of minorities concern all ethnic groups that are discriminated against or whose rights are trampled in society. In practice, however, this is not always the case, and the minority concept may even be abused for the purpose of disregarding a majority's human rights.

The concept of minority is also blurred by the problem how to delimit regions in talking of minorities. The validity of a definition merely based on state borders has been questioned because a group's ties and resources often cross national boundaries. A minority in one country may belong to a strong ethnic group in the larger region and thereby belong to a majority in a wider perspective. Further, a minority in one country may be predominant in another country which has political, economic or military supremacy over it. In such a case, the minority may have much more weight than would appear from the mere demographics. As the concept is unclear and open to interpretation, it would be better to speak of ethnic groups or nationalities.

An indigenous people is a population which inhabited a country or a geographic area at the time of a conquest or colonisation.[24] An official status as an indigenous people is intended to boost the self-esteem of and respect for the group and to make it eligible for treatment under treaties on indigenous peoples' rights.

For instance, the Sámi people have a recognised status as an indigenous people in Finland, Sweden and Norway and at the EU level.

24 Convention on Indigenous and Tribal Peoples 1989.

A national minority refers to people who live within the boundaries of a state and are citizens of that state, who have long-standing ties with the country, who have specific ethnic, cultural, religious or linguistic features in common, who are sufficiently numerous and motivated to keep their identity based on a shared culture, traditions, religion or language.[25]

25 European Convention on Human Rights 1950.

3 Cultural rights

3.1 Cultural rights as part of human rights and fundamental freedoms

In his book, Pentti Arajärvi[26] writes that the universal conception of human rights is underpinned by respect for human value, freedom, equality, solidarity and justice. These aims are also in keeping with the Charter of Fundamental Rights of the European Union and have been recorded in the draft EU Constitution. Cultural and educational rights are both individual and communal rights.

In Finland, a basic right means a right guaranteed by the Constitution and a right guaranteed as a human right in international instruments. Constitutions are about the individual's relation to those in public power, constituting a demand and guarantee that the state works for the realisation of human rights. This obligation also binds local authorities. Basic rights reflect the fundamental values of a society. Human rights are based on the fundamental rights recorded in international conventions. "Fundamental" is often defined with reference to the UN Universal Declaration of Human Rights, but even it does not contain all the rights currently recognised as human rights. Human rights and fundamental rights cannot be equated; there are human rights that are not fundamental rights and vice versa. Human and fundamental rights can be divided into three groups: civic and political rights or freedoms; economic, social, educational and cultural rights; and community, collective or solidarity rights.

A Finnish committee grouped rights under four headings:

1 equality rights (e.g. prohibition to discriminate)

2 participation rights (inclusion in societal exercise of power)

3 freedoms and legal protection (an individual's personal liberties)

4 economic, social, educational and cultural rights (fulfilment of basic needs).

The last group of rights were further divided into:

1 right to work

26 Arajärvi 2006.

2 right to social security

3 right to education and culture

4 right to environmental values.

Cultural rights have not been explicitly expressed as being in the nature of basic rights, but the ethical dimension of culture and cultural policy is in fact intrinsic to and integrated into the practical realisation of the aforementioned rights.

Cultural rights are thus one category of human rights, along with civic, political and economic rights, and a sub-category of educational and cultural rights. They are central to a nation's identity, coherence, self-determination and self-esteem. Understood broadly, culture relates to all areas of human activity and thereby warrants due consideration.

Cultural rights are to the fore in today's world. Globalisation and polarisation, migration, racism and xenophobia, cultural relativism and identity policy, and peace, security and terrorism are all components of the entity within which cultural rights are either realised or disregarded. With the current advances in technology and the global media, the world is shrinking and different cultures interact ever more closely. Religious fundamentalism and political opportunism form a perilous equation. This makes the respect, diversity and democracy of cultural rights all the more important. Cultural rights may offer a means for alleviating tensions and creating guidelines for harmonious coexistence and dialogue.

Violations of human rights inevitably have cultural dimensions. Classic violations include denial of indigenous people's copyright, discrimination of minority languages, transgression of cultural identity and symbols, and restrictive practices regarding cultural cooperation and mobility, as well as different forms of censorship.[27]

Cultural rights should rather spring from enlightened policy than legal obligation. Cultural rights can be used as a tool promoting and supporting cultural diversity. But they must also be limited to the extent that they do not infringe on others' rights. Individuals and communities should contribute to the formulation of cultural rights.[28]

3.2 Definition of cultural rights

According to Pentti Arajärvi[29] , the legal principles governing cultural right highlight three things: the demand that the community and society accept cultural diversity; the autonomy of arts and culture, with emphasis on cultural values; and the principle of free choice in regard of the individual. He lists the following cultural rights as part of the overall educational and cultural rights:

- right to free practice/enjoyment of arts and culture
- right to sport culture and institutions
- right to cultural and leisure services (theatres, orchestras, etc.)
- right to cultural institutions (museums, art galleries, educational and other institutes for non-professional arts, and leisure activities) and

27 Laaksonen 2004.
28 Our Next Major Enterprise 2005.
29 (30) Arajärvi 2006.

- right to information (library and information services).

Cultural diversity also means acceptance of plurality and secularity and acceptance and tolerance of different cultures. Cultures may define themselves in linguistic, ethnic, religious or other terms. Cultural autonomy means that a culture itself defines its identity, substance and manifestations. Cultural autonomy entails respect for the integrity of culture. The principle of free choice of cultural identity derives from the freedom of speech and expression and opportunities for self-development.

Traditionally, cultural rights have been taken to include rights relating to cultural, linguistic or national minorities and to artistic, expressive and intellectual forms of creation. The term 'cultural rights' began to established itself towards the end of the 1990s, when it was included in the second and third generation human rights. When the International Covenant on Economic, Social and Cultural Rights was being formulated in 1966, cultural rights were included in the package although their more exhaustive definition did not come up for discussion until the early 1990s.[30]

There is no single explicit definition of cultural rights; every country has focused on the rights that are crucial in terms of its own situation and level of development, for instance censorship, freedom of information, indigenous peoples, languages or copyright. However, the process follows the same track in all countries: [31]

rights ⟶ policy ⟶ application measures ⟶ effects

Drawing on different sources[32] , it is possible to divide cultural rights into two categories: rights relating to culture and rights relating to creativity.

1. Right to culture
   - Human rights, fundamental rights, civic rights
   - Right to participate in cultural life
   - Right to cultural heritage
   - Right to develop and protect culture
   - Right to choose one's own culture
   - Respect for culture and its autonomy
   - Equal and equitable access and availability
   - Right to contribute to the planning and implementation of cultural policy
   - Right to protect cultural products, expressions, heritage, producers, and identity
   - Right to cultural signification

2. Right to creativity
   - Right to creative work
   - Intellectual property rights
   - Freedom of expression

30 Laaksonen 2004.
31 Laaksonen 2005.
32 Donders 2004, CIRCLE 1993, Stamatopoulou 2004.

- Artistic freedom
- Intellectual freedom
- Right to language
- Freedom of religion
- Freedom of speech

The right to participate in cultural life does not refer only to enjoyment of art as an author or a consumer but to all the sectors of culture, and it should also encompass the right to contribute to the planning and implementation of cultural policy and inclusion in the control and direction of the production of symbols and meanings in society. For example, the UNESCO Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It from 1976 recognises that participation in cultural life presupposes involvement of the different social partners in decision-making related to cultural policy as well as in the conduct and evaluation of activities.[33]

The following are seen as cultural rights in international law:

- right to education
- right to participate in cultural life
- right to enjoy progress in science and its applications
- right to protect the material and immaterial benefits accruing from one's own scientific, literary or artistic production
- right to scientific research and creative activity.

The least attention has been accorded to the right to participate in cultural life. Copyright is well represented in national and international legislation, which has not traditionally covered the protection of traditional knowledge or indigenous cultural heritage.[34]

In its preliminary draft for a Declaration of Cultural Rights in 1995, the Fribourg Group characterised cultural rights as "an under-developed category of human rights". The draft presented six foremost cultural rights: respect for cultural identity, identification with a cultural community, participation in cultural life, right to education and training, protection of creative activity, copyright and research, and participation in cultural policy. [35]The declaration was not adopted but it did influence UNESCO 's Cultural Diversity Declaration.

Stamatopoulou[36] sees cultural rights to have the following normative elements:

1 Non-discrimination and equality

2 Freedom from interference with the enjoyment of cultural life. Freedom to create and contribute to culture

33 Häusermann 1993, 123
34 Stamatopoulou 2004, 5
35 Laaksonen 2004.
36 Stamatopoulou 2004

3 Freedom to choose in what culture(s) and cultural life to participate

4 Freedom of dissemination

5 Freedom to cooperate internationally

6 The right to participate in the definition, preparation and implementation of policies on culture

7 Other elements connected to the right to participate in cultural life (inter-dependence of human rights: freedom of expression, freedom of movement, the right to work, freedom of religion, the right to an adequate standard of living).

Stamatopoulou describes the main special characteristics of cultural rights as:

1 The state and its agents have the obligation to respect the freedom of persons belonging to minorities and minority groups to freely participate in cultural life, to assert their cultural identity and to express themselves culturally in the way they choose The principles of non-discrimination and equality must guide the state's actions.

2 International norms prohibit the exercise of cultural practices that contravene internationally proclaimed human rights. Minority and indigenous rights are part of the human rights regime. States should thus adopt preventive and corrective policies and measures and promote awareness of such problems so that such practices can stop. This amounts to kind of abuse of the word 'Culture'.

3 Individuals living within groups are free to participate or not to participate in the cultural practices of the group and no negative consequences may ensue because of their choice. In other words, the cultural autonomy of the individual is recognized.

4 The cultural rights of minorities as proclaimed in international instruments consist of: the right to education; the right to use their language in private life and various aspects of public life, such as before judicial authorities, and to use their language to identify themselves as well as place names; the right to establish their own schools; access to mother tongue education to every extent possible; access to the means of dissemination of culture, such as the media, museums, theatres etc., on the basis of non-discrimination; the right to practice their religion; the freedom to maintain relations with their kin beyond national borders and the right to participate in decisions affecting them through their own institutions. These rights are also applicable to indigenous peoples. In the case of indigenous peoples, special cultural rights also include, in addition to those applicable for minorities, the right to continue certain economic activities linked to the traditional use of land and natural resources; special measures must target the preservation of sacred sites, works of art and scientific knowledge (especially knowledge about nature), oral tradition, human remains, i.e. both the tangible and the intangible objects that comprise indigenous cultural heritage.

5 Minorities and indigenous peoples have the right to pursue their cultural development through their own institutions and via those they have the right to participate in the definition, preparation and implementation of cultural policies that concern them. The state must consult the groups concerned through democratic and transparent processes.

6 The education of the larger society about cultural diversity and minority and indigenous cultures must be pursued by the state. The media and other institutions should play a

special role in promoting such knowledge. This underscores the role and responsibility of public radio and television companies.

7 Although cultural rights are not pronounced as collective rights by international instruments, there are enough elements of collective rights in today's international law to guarantee that individuals belonging to national, ethnic, religious or language minorities and indigenous peoples will enjoy their cultural rights, not only individually, but in community with other members of their group. [37]

The UN Human Development Report (2004) stresses the role of democracy in cherishing and developing cultural rights, but goes on to note that democracy itself may create room for extreme expressions violating cultural rights. The majority vote carries in decision-making and minorities may find it difficult to have their voices heard.

The Cultural Commission of the Scottish Executive listed the following as the foremost cultural rights, saying that every citizen of Scotland has the right to:

- fulfil their creative potential
- take part in cultural life
- an enriching communal life in a satisfying environment
- participate in designing and implementing cultural policy:[38]

3.3 Approaches to cultural rights

One central theme in debates on cultural rights is whether to approach the rights from the perspective of individuals, communities or states. One outlook associates cultural rights with individuals, who must be protected from exploitation by the state or other groups. Another outlook stresses the community perspective: the rights of groups, indigenous peoples and minorities. The third outlook departs from the state, underscoring the right of small states to protect themselves against the supremacy of larger states and cultures.

According to Stamatopoulou, cultural rights are vital for all people, but particularly so for indigenous peoples and minorities. The reason is that these groups are more often discriminated against, marginalised and vulnerable as a result of the actions of the mainstream population. Amidst social, political and other injustice, culture becomes a source of pride and strength, an impetus for fighting for a better life. Cultural rights are especially important for immigrants, children, sexual minorities and persons with disabilities.[39] This special observation may also be a particular problem as concerns minorities: we are talking of everyone's rights, but they are separately validated in the case of minorities. In international literature, cultural rights are specifically associated with minorities, but they should rather be seen as "everyman's right", lest – with the best of intentions – they lead to marginalisation or ghettoisation.

To this day, cultural rights have been at a disadvantage in relation to the human rights. Even though the value of creativity and art has been recognised, cultural self-determination

37 Stamatopoulou 2004.
38 Our Next Major Enterprise 2005.
39 Stamatopoulou 2004.

or cultural rights have not been considered equally important.

There are many reasons for this. The question has been avoided because it raises the tension between cultural relativism and universality. It has often been easier to see cultural rights as part of international conventions. According to Stamatopoulou, this formal viewpoint is not enough to promote the realisation of cultural rights. A shared understanding or at least agreement on common concepts is a precondition for the formulation of the minimum universal cultural rights. Cultural relativism and universalism both carry with them the potential for both negative use power and positive development. Cultural relativism is disastrous if it is used to prevent the realisation of human rights or fundamental rights. On the other hand, categorical denunciation of the cultural relativist dimension may undermine cultural diversity and strengthen the global homogenisation process. A sweeping demand for universalism in turn may lead to the dominance of strong cultures and to growing mainstreaming of cultural imperialism or post-colonialism.

Another problem relates to the variable definition of the concept of culture. For instance, UNESCO 's definition[40] is too loose to enable any actual rights or duties to be built upon it. Norms striving for the realisation of cultural rights and for unambiguous interpretation should define culture as a detached, static and clearly distinct set of traditional beliefs and practices. This in turn does not sit well with the fact that cultural identity is a socially created and negotiated process.[41] This difficulty in defining culture leads to difficulties in defining cultural rights and to lack of consensus. In content, the definitions are still very abstract. There is little literature on how people in different countries or regions see cultural rights.[42]

The key conflict is between human rights and traditions violating them. Respect for traditions and cultural rights does not mean that all forms of culture or all traditions would be acceptable. For example, women are often subjected to human rights violations in the name of tradition. This is why it is important to protect special groups. Finding a balance between detraction, special attention and social inclusion in the realisation of cultural rights is a challenge.[43]

The rights viewpoint has also been criticised as a Western one. General criticism of violations of cultural as well as human rights is generally directed at non-Western countries in Asia, Africa and the Arab states. As a counterbalance to this, Joanne Bauer[44] among others adduces human rights violations in the West, notably in the United States, and presents leaders who represent high ethical norms outside the West. In her article "Human rights and Asian values"[45] Amartya Sen addresses the claim that political and civic rights are not valued as highly in the East as in the West.

One problem relates to the standardisation of cultural rights. The European Union has focused attention to the situation of national minorities as a human rights question. The member states of the Council of Europe ratified a Framework Convention on National Minorities in 1995. Will Kymlica[46] sees problems in fitting national minority issues into international standards because there are great differences in the definition of minorities across Europe. He suggests that the cultural rights should extend further than universal human rights in specifying the concept of 'minority culture'. Further, treaties on national

40 Mexico Declaration 1982.

41 Coombe 2005.

42 Interarts is currently conducting research into this.

43 Laaksonen 2004.

44 Bauer 2003.

45 Sen 1997.

46 Kymlica 2005.

minorities do not cover immigrants, who in today's world constitute a large populations group in need of international protection. For example, no EU member state has ratified the UN International Convention on the Protection of the Rights of All Migrant Workers. According to Kymlica, the "right to enjoy one's own culture" is too weak in content as a justification to reveal the superficialities relating to conflicts. "Right to internal self-determination" in turn is too strong to be acceptable to states. Kymlica suggests the formulation "right to effective participation".

On the other hand, too precise a delineation of rights may be dangerous. When a state defines 'culture' and 'community', some groups are inevitably overlooked or excluded. States easily represent an outlook involving given cultural values and traditions and fail to take account of the values of different groups. A state can be thought to have a positive obligation, that is, to act in a matter, or a negative obligation, that is, to refrain from action. States have three kinds of duties: to respect, to protect and to fulfil. The duty to respect means that states must avoid doing things that can violate an individual's integrity or liberty. The duty to protect obliges the state to take necessary measures to prevent other individuals or groups from violating an individual's integrity, liberty or human rights. The duty to fulfil refers to the duty to take measures to safeguard possibilities for all individuals to fulfil their needs in keeping with human rights.[47]

Cultural rights can also be regarded as a luxury, which in Maslow's needs-testing comes only after "bread and water" and are only for societies which have reached a certain level of development. However, Stamatopoulou notes that in human history economic development has advanced hand in hand with cultural development; "*culture represents the soul, the moral edifice, the self-definition and self-esteem of a person or a community without which life loses context and meaning. In that sense, cultural development is not a luxury but a tool for obtaining 'bread and water'*". [48]

At the background we also find political reasons. In the international diplomatic context, states do not necessarily want to speak of cultural rights on their own territories unless they are prepared to talk about cultural injustices or customs and prejudices that violate human rights.

One of the major problems arising from the cultural rights discourse relates to governments' fear of losing the coherence of the nation state. This attitude is seen for instance in the fact that a state may support a folk tradition it regards as innocent, while neglecting to promote the status of a minority language in education and in the media. The controversies concerning language, religion and ethnicity create fears of "Balkanisation"[49] or a community may experience cultural rights or an artistic expression deviating from norms as a threat.

It is not in the interest of transnational conglomerates to protect cultural rights at the global marketplace, as exemplified by existing conflicts relating to indigenous people's way of life, cultural heritage and cultural ownership.[50]

Another problem is that culture and cultural activity are difficult to measure. This is partly due to the lack of indicators and monitoring systems, notably qualitative indicators.

47 Donders 2003.
48 Stamatopoulou 2004.
49 Coombe 2005.
50 Coombe 2005.

3.4 Foremost cultural rights instruments

What are cultural rights? The answer depends on the definition used. In the narrowest sense, cultural rights are those that specifically refer to culture.[51] For example, the UN Universal Declaration of Human Rights (Art. 27) and the International Covenant on Economic, Social and Cultural Rights (Art.15) define the right to participate in cultural life. The International Covenant on Civil and Political Rights (Art. 27) defines the right of minorities to enjoy their own culture.

The broad definition includes, in addition to the above rights, those civic, social and economic rights that have a clear interface with culture. These are freedom of speech and expression, right to self-determination, right to education, freedom of assembly and association, and freedom of religion. In a holistic view, cultural rights can be seen to comprise all rights relating to human value, non-discrimination, equality before the law, and development, including freedom of expression and access to information, protection of privacy, freedom of religion and copyright.[52]

In terms of cultural rights, the foremost international instruments are the Universal Declaration of Human Rights (UN, 1948), and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the two latter adopted in 1966.

Cultural rights are also addressed in the Declaration on Race and Racial Prejudice (1982), the Convention on the Elimination of all forms of Discrimination Against Women (1981), the Convention on the Rights of the Child (1989) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992).

Under these treaties, the contracting states commit themselves to respecting, protecting and implementing cultural rights. They must take legislative, administrative, legal and other measures to fulfil the obligations. In practice this means that the UN human rights structures or regional organisations can monitor how governments implement these instruments.[53]

At the European level, the foremost international statutes include the Council of Europe instruments for the protection of human rights and fundamental freedoms, that is, the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the European Cultural Convention (1954), and the Charter of Fundamental Rights of the European Union (2000). While according little attention to cultural rights, these instruments contain provisions which can be seen as relating to them, such as freedom of thought, conscience and religion, freedom of expression and information, and freedom of assembly and of association in the Convention for the Protection of Human Rights and Fundamental Freedoms. In addition to these, the EU Charter addresses the freedom of the arts and sciences, right to education, non-discrimination, cultural, religious and linguistic diversity, and equality between men and women. The European Cultural Convention underscores the significance of research on the member states' languages and cultures, cultural activities of European interest, and the common cultural heritage of Europe. Further, the European Charter for Regional or Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1995) touch upon cultural rights.

In Article 5 of the UNESCO Declaration on Cultural Diversity (2001), the significance of cultural rights is clearly expressed:

51 Donders 2004.
52 UDHR §27 (1), §22, §29, CIRCLE 1993.
53 Stamatopoulou 2004.

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue […]

UNESCO conventions are binding and obligate states to act.[54]

54 Häusermann 1994.

4 Cultural Canon and the Ethos of Cultural Policy

Originally the word 'canon' meant a cane or a reed used for measuring. The word came into modern terminology from Babylonia through the Hebrew, Greek and Latin languages. The original meaning of the word is "reed" but its symbolic meanings include 'measure', "yardstick', 'rule' or 'standard'. Patriarch Origenes (185–254) used the word 'canon' in the context of ordinance of religion, and in the 4th century the concept was instituted among Christians as referring to the writings the Church acknowledged as sacred. In short, 'canon' means a benchmark for measuring and evaluating what is good or acceptable. The concept has gradually extended to many different spheres of life but intrinsically it always holds the meaning of guideline, norm, pattern or law.

In art and culture the concept of canon implies two different types of meanings. Canon means a collection of guiding, binding, especially authoritative, genuine, most important or best works. On the other hand, canon means the rules, proportions, patterns and methods of depicting in artistic expression and portrayal within a given field of art or culture (for example, the ideal proportions of the human body, socialist realism, canon of polyphonic music, hymn cycle of Greek Orthodox church services, neo-classic canon, etc.). Canon is a body of values and principles which is used to define and distinguish the lines between 'good' and 'bad', 'acceptable' and 'unacceptable'. Canon is thus strongly guiding by nature.

Interestingly, two processes significant to the ethical dimension of cultural policy have started off simultaneously in Denmark. In spring 2005 Minister of Culture Brian Mikkelsens launched a project to prepare an official canon for various fields of Danish art and culture. The project is led by the Danish Ministry of Culture. Eight forms of art and culture are represented in the canon: visual arts, architecture, design and crafts, film, dramatic arts (theatre, ballet and dance), music (classical, opera, rhythm music), literature and children's culture. In each field a committee of 5 experts appointed by the Minister of Culture has selected 12 works for the canon. The determining criterion for selection was that the works should permanently provide a notable extent of experiences for new generations and depict the form and forming of Danish culture in interaction with the European and international cultural flow. 'Canon' was defined as representing the most enduring and best works of

history, and it was especially stressed that it must not be seen as a changeable 'top-10 list'.

The purpose of the canon is

- to serve as a benchmark of quality and to inspire discussion,
- to provide an easy introduction to Danish art and culture,
- to showcase the quality elements of Danish cultural heritage that are good, valuable and worth preserving,
- to raise awareness of Danish identity and cultural history,
- to serve as a point of reference and raise awareness of the distinctiveness and characteristics of Denmark and Danes, and
- to strengthen the social inclusion by pointing out the key elements of a common cultural history.

The official Canon of Danish Art and Culture was published in January 2006. The Ministry supports the dissemination of the canon through schools and libraries and the *Kulturkanon* website especially established for the purpose. The site introduces the canons for the different fields of art and culture. The works are also on sale on a linked commercial website, where the public can vote for its "own" cultural canon, that is, choose five works from the pre-selected list of some two hundred works from each art form.

The other process connected with the ethics of cultural policy is the issue that arose from the Muhammad cartoons published in the Jyllands-Posten newspaper in September 2005 and lead to an international crisis over the right of Islamic culture to own and determine its own imagery canon in relation to the Western definition of freedom of expression, in other words, the Western journalistic canon. At the same time it is an issue of defining and honoring the acceptable limits of diversity. In response to the publishing of the cartoons, ambassadors from ten Islamic countries sent a letter to the Danish Prime Minister, and an international diplomatic crisis ensued. In Finland, Prime Minister Matti Vanhanen publicly apologized for the cartoons being published on the website of Suomen Sisu, an extreme nationalist organization.

In Sweden, MP Cecilia Wikström's parliamentary initiative for the establishment of a Swedish cultural canon has set off a heated debate. In the Swedish discussion, the Danish canon list for children's culture has met with such remarks as: "How Danish is Donald Duck?".

In Finland MP and Chair of the Parliament's Education and Culture Committee, Kaarina Dromberg, has activated discussion on a Finnish cultural canon, the objective of which she has articulated as sustaining and strengthening Finnish culture against other cultures and preserving the Finnish identity amidst increasing cultural diversity and internationalisation. She has remarked, though, that an "information package" would be a more appropriate concept here than canon.

Selections of literature and culture, theme catalogues chosen with varying criteria and for example best-seller lists are something quite different from a canon, because with them the selection criteria can usually be clearly expressed. A cultural canon is not however, due to its value-based criteria and guiding nature, just one collection among others. In a democratic society it is difficult to imagine an authorized body using such criteria as "right", "good", "recommendable" or "national".

Lists that have strongly attached values to or guided the use of art and culture have historically been an attribute of totalitarian systems. One example of them is the exhibition of best works of German Arian culture opened by Adolf Hitler and the concurrent exhibition of degenerate art. *Degenerate art (Entartete Kunst)* was part of the National Socialist cultural policy and contained art by various visual artists, musicians, actors, directors and writers which was labeled as "degenerate" and deviant from the official canon. Exhibitions of "German art" representing the approved canon alongside exhibitions of degenerate art as a warning example were held throughout the country.

Degenerate art included all forms of modernism and avant-garde artists, impressionism, expressionism, dada, functionalism, surrealism, cubism, fauvism, Bauhaus, modern music from jazz to atonalism, etc. In other words, what we today regard as the great classics that rose from modernism were deemed degenerate art.

The National Socialist Society for German Culture was founded in 1927. The aim of the organization was to stop "the corruption of art" and inform the public about the relationship between race and art. Stigmatizing and passing judgement destroyed the development of the country's cultural life and caused tremendous human suffering. Thousands of artists from different fields fled from the Third Reich and due to this outflow of knowledge German art did not reach international level until the 1990s.

Similarly, in the Soviet Union, the GDR and other countries practicing real socialism artists were singled out and persecuted. Many were expatriated or forced to flee from their home countries. One of the most interesting and rarely studied stages of art history was the process of the Russian avant-garde which was interrupted and died down in the pressure of Soviet cultural policies as the heroic canon of socialist realism was adopted as the official value system for art.

Feminist critique has since the 1970s questioned the valuation of art and culture through canons because in all cultural canons women are clearly under-represented. At a global level, cultural canons have been ruled by white men. The question is, are the canon criteria of a patriarchal cultural history intrinsically masculine?

Cultural history has shown that cultural policies and canons have a historic connection and political demand. The question of the relationship between canons and cultural policies leads us to the very essence of ethical reflection on cultural policy. A canon can, like a matrix, constrict cultural tolerance and serve as a prism that reflects the ethical state of a society.

On the other hand, cultural policy and canons show themselves as historically inseparable. In Finland, the development of the national romanticist movement in the 19th century was connected with the political situation, had a strong impact on the country's process towards independence, and through that, also on the development of the State's cultural policy. The canon representing a common culture served as the nucleus of the cultural policy ethos, strengthened national identity and created an impression of a homogenous nation and culture. The canon also had a central role in the national project of 'public enlightenment' instigated at the start of the 20th century. Also, in situations of crises canons create shared meanings and bases to identify with. During wars culture has been an important upholder of communal spirit and morale.

In Finland the fall of canons began in the 1960s when the country had recuperated from the Second World War and was opening up in a whole new way towards international arenas. 'Popular enlightenment' became 'popular education'. The line between 'high' and 'low' culture was drawn lower and the 'mass culture' of the general public, popular culture and cultural diversity gained recognition. Cultural access became the mainstay of cultural policy measures. The strong infrastructure for arts and culture established in Finland as

a result of the efforts of various public committees operating in the early 1970s has since served as a sustainable backbone for arts and culture and cultural political development.

Canons represent the days of great stories. The art that falls outside the canon does not belong in the official great story of the arts. In canonizing art research, the subjects of research are selected on the basis of research tradition and the interests of former researcher generations. The canon of cultural history has traditionally been dominated by Western 'high' art. Holding to the canon can prevent new ideas and information from entering discussion and research.

Art research has given up on its search for generalized research methodologies and guidelines. Interpretation of art is now reflection on the meanings of works. The way the works are viewed depends on context, the interpreter's position and the applied theories or models of interpretation. Crossing canons presupposes that the subjects of research are not pre-valuated or pre-sanctified. Interpretation is never however fully value-free or objective, because it is always tied to both the interpreter and its specific context of time and place. Art research has not remained and in face of practical realities is never likely to remain autonomic or value-free in relation to cultural policies.

Detached from its contexts of use, the arts institution has on the basis of its autonomic historic evolution often been viewed as a self-justified canon and a measure of general education. Historically, however, the level of general education required for full citizenship changes in time as the media develop and the world becomes more complicated.

Discussion is needed in the areas of cultural policy ethics and cultural rights on what the skills and knowledge for citizenship and necessary education are in a globalized, multicultural and multimediatized world and what are those required by the consumers of culture and partakers in meaning production.

Varying contents have been attached to the concepts of the postmodern and postmodernism as a state succeeding modernism, and it is difficult to pin down an all-embracing definition for them. They are characterized by the transition of society from an industrial stage to that of highly developed information technology and a new economic and social order, and by deregulation. Traditional industrial production has made way for services and immaterial consumption. Culturally, postmodernism is distinguished by a fragmented, multicultural and multi-value cultural environment, multimedia, growing virtuality and increased possibilities for choice and consumption. The postmodern cultural environment has also been recounted as post-colonial Western dominance and a post-humane disintegration of values. The postmodern, which has already for decades proclaimed the death of great stories, can be seen as a challenger of great stories bound to the time of nation states. Authority-led ethic codes, predictability and security are losing ground and responsibility for ethical choices increasingly lies with the individual.

Yet again, the human identity crisis and sporadic, optional identities typical of the postmodern have rather produced an individual and community that deeply recognizes and tries to define its own identity needs. According to Stuart Hall, identity is grounded in stories, bound to an awareness of the conventions that prevailed and prevail in culture and history. Postmodern identity is however not closed but open by structure, and its nature as a historical and cultural product remains transparent and keeps continually re-organizing and supplementing itself.

5 Ethical dimension in cultural policy

5.1 Ethical waves in cultural policy

The ethical issues in cultural policy have always been linked with the international development of human rights in one way or another. History shows that the direction and development of cultural identities have been justified specifically as an ethical cultural aim in overall policy.

Culture was an important tool in the emergence of nationalism and nation states. The construction of symbols for national culture in Finland from the era of autonomy onwards involved a strong ethical objective-setting. The ethos of the "Golden Age of Finnish Art" was robustly interlinked with the national project. The birth of national and ecclesiastical cultural policy can also be examined in terms of the ethical mission culture has at the national level. Different ethical rationalisations and justifications relating to culture also collided in the language strife (Finnish/Swedish). The roots and the evolution of the folk education movement offer materials for two fairly dissimilar traditions. The folk education ideology sough to promote an idealised conception of the people as part of the nation state project. As a point of reference, the social and cultural identity was associated with heroic icons and a linguistic and geographical identity. On the other hand, a pragmatic tradition of the "utility era", which was based on ethically rather different enlightenment rationality, was also carried on.

During times of war, crisis and conflict, culture has served the creation and consolidation of a community identity. Culture has also always served as a tool for promoting ideas and ideologies. Workers' culture was born as part of the demand for equality. In the youth association ideology, culture played a key part in directing the development of the rural population's identity. During the Finnish Civil War the cultural symbolism and its subsequent interpretations hinged on solidly ethical rationale. During the Winter and Continuation Wars, the myth about a unified nation was reinforced. Art and culture were used to kindle battle spirit and symbolic meanings in an effort to find ethical justification for the war strategies.

Simo Häyrynen[55] commendably points out that post-war culture in Finland never was in fact a homogenous unified culture, as claimed in the prevailing narrative, but developed a

55 Häyrynen 2006.

plurality of constituent elements and trends based on two very different traditions. Artistic modernism drew on the ideal of creative freedom and the provincial neo-traditionalist culture on rural culture. Alongside these two trends, there emerged an ever stronger popular and entertainment culture which sought its ethos from individualism and hedonism and the legitimacy of *joie de vivre* after the sufferings of war. Each of these cultural leanings had its own ethical justification.

Cultural policy evolved into a policy sector of its own in the 1960s. At the same time, in the 1960s and 1970s, there was an intensifying demand for democratising culture. Cultural democracy meant supporting and promoting people's self-motivated participation and cultural pursuits. The question of supply and accessibility was raised; these meant efforts to regionalise and localise cultural and art services. The guiding principles were art for all, art by all and art in people's daily life. The integration of cultural politics into political lobbying led to a corporate cultural hierarchy in the seventies, and strong resource-based steering excluded a number of innovative phenomena in art and culture. With the concurrent strong internationalisation, cultural supply diversified and culture was increasingly seen as an entity transcending the traditional forms of art and to include mass production.

The late modernist cultural policy began to germinate in the 1980s with the progress in communications technologies and the gradually advancing market drive in cultural policy. As justification, folk education and culture began to give way to a more demand-based approach in cultural policy. At the same time, the concept of citizenship, previously based on cultural rights, became talk about cultural consumption and paying consumers. The approach, previously based on quality, was increasingly focused on quantity. In the 1990s there began to emerge aims and emphases of economic applicability and utility, expressed through concepts of cultural, experiential and content industries and copyright, alongside the former Adornian view of mass culture and entertainment. The foreseeable longer-term trend is towards immaterial cultural exchange: towards the dematerialisation of production and consumption. More and more of production will be immaterial, and the cultural properties and the meaning content of services and products will emerge as primary.

Richard Florida's concepts of creative economy, creative class and creative industries began to be adopted and widely used by politicians in the early 21st century. Florida uses the more extensive concept of 'creative economy' instead of 'cultural sector' and included in the creative class all those doing creative, cognitive and conceptual work: scientists, engineers, musicians, architects, managers, educators and researchers. Florida's premise is a division of professions into four classes: the creative class, the working class, the service class and the primary production class. The creative class has two sub-groups: the super-creative core and creative professionals. The discussion on and around creative economy is fairly problematic in ethical terms when seen from the perspective of cultural human rights. The problem with the aforementioned terms is a narrow conception of the nature of creativity. Creativity is not dependent on occupation, industry or placement in a class hierarchy. It begins to look as if a class society based on the concept of creativity may conversely paralyse creativity and innovation in society.

Electronic commerce will also grow in the field of culture. The benefits of the internet are the growing amount of information, improved communications and the capacity to reach a multitude. The drawbacks have to do with technology and can be put right with better network tools, software or training. There are also major ethical problems associated with the internet, such as the protection of privacy, distribution of unethical materials, cultural child protection, copyright issues and problems with symbolic power, symbolic democracy and the reliability of information. Obstacles to e-commerce include security, price and legal

issues. Culture is often seen to hinder e-commerce, but on the other hand, reference has been made to the capacity of the internet to create bridging cyber worlds independent of geographical location. This trend raises again the old question of the possibility of a global ethic.

The concepts used to describe the economic dimension of culture are not value-neutral but are clearly ethically charged, have ethical emphases and rest on ethical premises. One interesting interpretation of the cultural policy background to the concept of creative industry in the United Kingdom was put forward by Nicholas Garnham.[56] According to him, the change in the adjective from "cultural" to "creative" meant a return to supply-driven and partly artist-centred public sponsorship of culture, whereas the earlier policy under the heading cultural industries was focused on consumption and demand.

The change of terms from cultural to creative may also be in conflict with the old aspiration to expand the spectrum of cultural consumption in social terms. A quantitative examination of the realisation of cultural equality shows that for instance the UK is still a class society as regards cultural consumption; the highest income bracket spent three times as much on culture as the lowest income bracket in 1999.

Things are not much better in Finland in this respect. One task for cultural policy would be to influence the distribution of overall spending on culture amongst the income and social groups both directly by means of public subsidy and indirectly through subsidies to the third sector. There are no comparable statistics on the social distribution of public support, but studies have shown that, paradoxically, the lower income households in all the Nordic countries have not waited for public subsidies but spend relatively more on cultural products than those with better income.

Share of cultural spending in overall expenditure of households

	Lowest income quintile	Highest income quintile
Greece	1.70	3.30
Spain	2.61	3.87
Italy	2.73	3.43
Netherlands	5.33	5.81
Luxembourg	3.32	3.78
Belgium	4.67	5.05
UK	4.74	4.82
Germany	5.51	5.42
Austria	5.08	4.91
Finland	6.11	5.82
Sweden	6.77	5.74
Denmark	7.27	6.20

Table: European Commission 2002.

The main problem with the content given to the concept of creative industry, and cultural and economic policies pursued on the strength of it, is the disproportionate weight given to the supply side, the technology-based, profit-seeking operations. This reduces the art and culture field from signification to mere economics. This may further undermine fair culture,

56 Garnham 2005.

that is, the opportunities of the least advantaged to participate in culture.[57]

5.2 Ethical premise of cultural policy

The social significance and justification of cultural policy is derived from two pillars: democracy/diversity and freedom ethos/ responsibility ethos. Democracy in cultural policy means an aspiration towards the availability of, accessibility of and inclusion in cultural heritage in the local or global community. Diversity means respect for creativity and cultural diversity and the promotion of interaction within a given culture and between different cultures.

	Individual	Community
Freedom ethos	Creative individual Self-expression Autonomy of art	Diversity Multiculturalism Cultural identity
Responsibility ethos	Cultural identity Inclusion Participation	Cultural heritage Infrastructure Availability Accessibility

The concept of creativity has strong links with freedom ethos, self expression and the autonomy of art. In responsibility ethos, the emphasis is on cultural heritage, communality and equal access. Creativity is an evolutionary trait, an ability to combine things and meanings in new ways, which helps survival. Creativity is thus not only a human or individual quality. Important preconditions for creativity are sufficient diversity of the environment, knowledge and skills and sufficient freedom and security to make experimentation possible. Creativity is a precondition for innovation, which can be defined as application of creative ideas for use by the community and society and for inclusion in their practices. Innovation takes place where the practice of a community changes. Depending on the domain involved, we can speak of cultural, social, commercial and ethical innovations. Scholarship, art and culture are at the core of creativity. Communities and societies have especially invested in resources for and freedom of experimentation because these help to maintain creative capacity and enhance the creative capital of a community. Hence, cultural policy can be justified both at the basic and applied levels of the innovation system and both as an autonomous and inherently valuable capital and as a factor for innovation and success.

The ethical premises of cultural policy are no longer in harmony; there are genuine and strong tensions between them. Examples of conflicting interests and interpretations abound. In cultural policy the value of art and culture can be derived from the intrinsic value and high quality of art or from the benefits of art and culture for the individual and for the community. Art and culture have been seen to contribute to social exclusion through the discriminating and classifying viewpoint in art or to prevent social exclusion and promote

57 Alanen 2006.

social cohesion and health as part of an affluent welfare society. Arguments and researched data can be presented for either viewpoint. These viewpoint need not be mutually exclusive either, but in practical decision-making there are clear conflicts between them. During the neo-liberal hegemony of recent decades the instrumentality and economic applications of art have been to the fore, whereas the sphere of the autonomy and intrinsic value of art has been receding. In debates conducted in the United Kingdom, John Holden has reflected on the use of culture as a tool for the government and advocating

'cultural value' and 'right to art' as new concepts.[58]

Cultural policy choices take different guises depending on whether the ethical justification is derived from virtue ethic, responsibility ethic or corollary ethic. The following Figure depicts different dimensions of and approaches to ethical choices in cultural politics, which vary according to whether the emphasis in the justification is on freedom, right or benefit ethos. None of these choices is "more ethical" or "more valuable" than the others. Indeed, the aim of ethical assessment in cultural politics could primarily be to find out the selection principle concerned, the decider's own position and the effects of choices.

Ethical choices in cultural politics

Virtue ethic – "freedom ethos"	**Responsibility ethics – "rights ethos"**	**Corollary ethic – "benefit ethos"**
- Self-expression - The creative individual's identity - Autonomy of art - Creativity as an intrinsic value - Art as a goal	- Cultural identity of the community - Conservation of cultural traditions - Realisation of cultural rights	- Creativity as an instrument - Application of art and culture - Cultural policy as part of social and economic policies - Protection of intellectual property
- Development of creative skills - Prerequisites for creativity - Support to art	- Infrastructure - Cultural services - Availability - Accessibility - Participation - Inclusion	- Art and culture in promoting welfare - Commercialisation of culture - Economy of cultural fields - Cultural exchange and export

Examples of different ethical interests in art and culture:

- freedom of speech – protection of children against media violence
- freedom of expression – protection of privacy
- freedom of expression - animal rights, respect for life
- freedom of speech - transgression of cultural identity
- author's and producer's interests - fair deals

58 Hewison & Holden 2004, Holden 2004.

- market-orientation – inherent value of art
- self-realisation – respect for tradition
- enlightenment - respect for public opinion

In Finland legal action was taken in the 1960s against author Hannu Salama for blasphemy in his book Juhannustanssit (Midsummer dance) and against artist Harro Koskinen for blasphemy and desecration of the Finnish coat of arms in his works "Pig Messiah" and "Pig Coat of Arms". Both were convicted, as was the exhibition jury that had selected the art works. In the 1980s a group of Theatre Academy students were convicted for a performance where they threw excrement, urine, eggs and firecrackers at the audience. Teemu Mäki was convicted in 1991 for cruelty against animals for his work popularly called "Cat killing video". His work My Way, a Work in Progress includes a six-second scene in which he kills a cat with an axe. The Finnish Board of Film Classification prohibited the screening of the work, but the Finnish National Gallery bought it for the collection of the Museum of Contemporary Art Kiasma in 1994. Mäki has later claimed that his ethical justification and value-relativist premise was that it is the function of art to raise discussion on profound issues and that provocative art reveals the weaknesses of our way of life and morals by awakening the public to see their own violence.

In cultural policy we must make choices between different ethical premises and emphases. The choices cannot be based on utopian ideas of absolute value-relativism or value absolutism, only on an analysis of the alternative ethical dimensions and impact and on an awareness of different ethical premises.

5.3 Initiatives relating to cultural policy ethic

This chapter contains examples of initiatives, projects and practices concerning the ethical dimension of cultural policy. In cultural policy and in the implementation of cultural policy, ethical assessment is made and cultural rights are realised as part of human rights. According to Julia Häusermann[59] , this involves the following:

1 reconfirmation that participation in cultural life is a fundamental human right to which all individuals without exception are entitled; and reaffirmation of commitment to ensuring the right of everyone to participate in cultural life: women as well as men, children as well as adults, the elderly as well as youth;

2 review of laws, policies or social practices so that any which inhibit the full participation of individuals or group in the cultural life of their choice might be repealed or modified;

3 the development of affirmative action measures aimed at redressing inequalities hampering full and equal enjoyment of the right to participate in cultural life, and addressing the lack of accessibility presently suffered by the excluded, marginalised, deprived or disadvantaged sectors of our societies; this in mm requires participation of the groups most affected;

4 promotion of respect for the dignity of all people, tolerance, and mutual respect; and measures to combat racism, sexism, xenophobia and prejudice;

59 Häuserman 1993.

5 the introduction or strengthening of anti-discrimination laws, laws protecting the rights of minorities, and Laws which protect freedoms of speech and access to information, intellectual property rights, and other rights essential for the full enjoyment of cultural life;

6 measures to ensure preservation of the cultural heritage, and to nurture and facilitate the continued development of cultures; seventh, ensuring the participation of all sectors of society (especially the marginalised and disadvantaged) at all levels of cultural policy-making and implementation.

Ethical issues were touched upon in many international reports and programme declarations in the 1990s. The report of the World Commission on Culture and Development Our Creative Diversity begins with a discussion of global ethics as a prerequisite of both mutual understanding and the existence and genuine coexistence of cultures. As a guideline, the Commission puts forward five principles derived from an extensive ethical source material:

1 general human rights standards

2 the principle of democracy

3 protection of minorities

4 commitment to conflict resolution by non-military means, and

5 intergenerational equity

The UNESCO Intergovernmental Conference on Cultural and Media Policies for Development in Stockholm in 1998 came to the conclusion that sustainable development and the flourishing of culture are interdependent. Thus, cultural policy is a key tool for promoting sustainable development. Cultural policy resources and possibilities should be used alongside and in interaction with other social policy processes. As five major objectives, further specified by numerous constituent aims, the Conference recommended that member states:

- Make cultural policy one of the key factors in development strategy;
- Continue to promote creativity and participation in cultural life;
- Reinforce the principles and practices geared to safeguard and augment cultural heritage, whether material or intellectual, movable or fixed, and promote cultural industry;
- Promote cultural and linguistic diversity in and for information society;
- Increase the human and financial resources available for cultural development.

The report *In from the margins* (1997) of the Council of Europe takes the work of the UN/ UNESCO World Commission forward and promotes the principles of its report. On the other hand, it is also an independent research on the interaction between culture and development in Europe, outlining new directions for cultural policy. *In from the margins* recognises the traditional principles of cultural policy dating from the seventies, i.e. strengthening national cultural identity, promoting cultural plurality, enhancing creativity, and making cultural services available to all.

The report explores how cultural development can influence and promote sustainable development. In this context, culture is understood in its wide sense to refer to all creative and development-generating aspirations. The message of *In from the margins* is crystallised

into two questions:

1 How can cultural policy be brought from the margins of administrative priorities into the mainstay of decision-making?

2 How can the indigent and the disadvantaged be brought from the margins and empowered as civic participants?

The ethical aspect of cultural policy and related actions have been on the agenda of several UN Summits and recorded in their declarations. The UN hosted a number of Summits in the early nineties relating to the environment (Rio de Janeiro 1992), demographics (Cairo 1994), social development (Copenhagen 1995), women's status (Peking 1995), sustainable development (Johannesburg 2002) and urbanisation (New York 2005).

The EU recognises the universality, inalienability and interdependence of all the human rights. Although economic, social and cultural rights are generally recognised in the EU member states, their full and global recognition has proved difficult. Some member states simply do not pay enough attention to them.

The Interarts foundation, among others, works actively for cultural rights. It is a research institute located in Barcelona which specialises in international cultural cooperation, cultural policy and culture-development interrelation, largely concentrating on Europe, Latin America and Africa. Interarts has numerous research and other projects relating to cultural rights. Through them it cooperates with international organisations such as the UN (e.g. UNDP, UNESCO, the Office of the United Nations High Commissioner for Human Rights), the EU Commission, the African Union, and universities and civic organisations. One of its major initiatives was the congress Cultural Rights and Human Development in 2004, which convened over 700 participants from 35 countries. The process initiated by Interarts, which included regional consultations all over the world, revealed a need to know what takes place in everyday cultural interaction and how cultural groups and individuals understand and experience their cultural and other rights in different parts of the world. The ultimate aim is to democratise the discourse on cultural rights and to collect information at the local level.

The Scottish Executive is currently reforming cultural administration, with a strong emphasis on cultural rights. The final report *Our next major enterprise* describes in detail how cultural rights relate to cultural life and infrastructure in Scotland. The development and realisation of cultural rights will be the underpinning of cultural policy in Scotland. The guiding principle is equity of access for each citizen of Scotland to cultural activity. This is identified as a series of cultural rights and the entitlements following from them, which form the blueprint for the level, location and, in some cases, the nature of cultural provision in the country. This new approach is geared first of all to bring up for discussion the inequality at the local and regional level supply of culture. Secondly, it is a way to ensure that all publicly funded services, organisations and actions are more customer-oriented and respond better to the changing needs of the clientele. The report proposes that the rights of all citizens of Scotland to fulfil their creative potential, to take part in cultural life, to an enriching communal life in a satisfying environment, and to participate in designing and implementing cultural policy should be protected by law.

The cultural rights defined in the report will create the basis for national cultural policy. The rights form the overall framework for policy and should be reviewed and updated when needed. Based on the rights, national standards will be formulated as a means of translating cultural rights into aims for each sector and of issuing guidelines and entitlements at the

local level. Each sector should propose its own standards.

The results from the entitlements prepared through these rights and standards are expected bring the following outcomes:

1 increased educational attainment and engagement

2 increased self-confidence and motivation

3 increased enjoyment of life

4 increased knowledge, and critical appreciation, of cultural activity

5 increased communication, reasoning and creative thinking skills

6 increased opportunities for creative and cultural professionals

7 increased engagement of the citizen with the cultural sector. [60]

In Swedish cultural policy, cultural rights have had an important place for decades and culture is seen as a challenging and dynamic social force. The aims of national cultural policy formulated in 1974 and reviewed in 1996 combine elements from several international human and cultural rights conventions. These aims also underpin the central cultural administration and state subsidies, with the goals of:

1 freedom of expression: to safeguard freedom of expression and to create genuine conditions for everyone to use it

2 equality: to lobby to ensure that everyone has the opportunity to take part in cultural life, to come into contact with culture and to indulge in creative cultural activities of their own

3 diversity: to promote cultural diversity, artistic renewal and quality, thereby

4 countering the negative effects of commercialism

5 independence: to provide suitable conditions for culture to act as a dynamic, challenging and independent force in society

6 cultural heritage: to preserve and make use of our cultural heritage

7 learning: to promote the drive towards learning

8 internationalisation: to promote international cultural exchange and the coming together of various cultures within Sweden.[61]

Several economic, social and cultural rights were included as civic rights in the Finnish Constitution, when it was amended in 1999. Equality, liberty, freedom of expression, freedom of religion and right to education are all clearly defined in the Constitution. The right to one's own language end culture is defined in Section 17:

The national languages of Finland are Finnish and Swedish.

The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal

60 Our Next Major Enterprise 2005.

61 http://www.sweden.gov.se/sb/d/3009

needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

The Sámi, as an indigenous people, as well as the Romany and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sámi to use the Sámi language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.

Cultural rights are also determined in Section 20, according to which nature and its biodiversity, the environment and the national heritage are the responsibility of everyone.

In outlining Commonwealth cultural policy[62] in 1994, the Australian Government proposed a Charter of Cultural Rights, which would guarantee all Australians:

1 the right to an education that develops individual creativity and appreciation of the creativity of others;

2 the right of access to our intellectual and cultural heritage;

3 the right to new intellectual and artistic works; and

4 the right to community participation in cultural and intellectual life.

5.4 Ethical practices in cultural policy

There is no dearth of ethical declarations and treaties containing ethical aims in the world. Many of them also address the ethical dimension of cultural policy at some level. The ethical dimension of cultural policy has often taken the form of binding norms, for instance as regards fundamental and human rights. The problem with them often is whether they are realised in reality or whether their ultimate function is ritual autocommunication and rhetoric.

The critical ethical choices in cultural policy largely take place in partly invisible everyday practices and therefore it is important to open those practical actions and situations in art and cultural administration, in institutions, organisations and communities where the choices actualise. It is not possible to dig much deeper into this without further research.

The term 'ethic' is based on the Greek word ethos, which originally meant place of residence, customs or a person's disposition or mindset. The general sense of fairness and justice has emerged in social and cultural communities over a long period of time. It springs from a tradition and social practices transferred from generation to generation. A community passes on its ideas of right, wrong and equity as folklore, as tales and proverbs and as tacit knowledge carried by mores. For example, in Finland the Judge's Rules formulated by Olaus Petri in the 17th century were based on the people's general sense of justice, and over centuries they have become an essential part of Nordic legal tradition and ethical orientation:

> That which is not just and reasonable cannot be the law; the equity in law is the reason for its acceptance.
>
> The common good of the people is the best law; and therefore that which is seen to be in the interest of the people shall be regarded as law even though the words in the written law would appear to tell otherwise.

62 Creative Nation 1994.

Olaus Petri's aim was the good of the common folk. His sympathy was with the lower populace, not those in power. His Judge's Rules have in fact been acclaimed as the defender of the rights of the people. The rules stress the legal protection of the people and their equality in society and before the law.

Cultural policy administration is governed by general ethical principles. The aims of good, egalitarian and fair administrative procedures have their expression in the Administrative Procedure Act. The processing of the Bill amending the Finnish Copyright Act aroused wide discussion in the media concerning the disqualification of officials and the concentration of decision-making and the connections involved. The criteria for disqualification in decision-making within cultural policy are often unclear in a small country like Finland and warrant clear uniform principles. The overall principle according to the Administrative Procedure Act is that a public official is disqualified if he or she belongs to a board or comparable organ responsible for the direction or supervision of the institution or agency concerned. The sphere of cultural policy is also liable to misuse of an official position and to corruption. Although direct disqualification can rarely be demonstrated by means of juridical criteria, the situation may in reality be fairly murky owing to various brotherhood and old school tie networks and to the centralised decision-making.

Questions of cultural policy decision-making and disqualification do not concern only public administration, but also art and cultural organisations, institutions and associations themselves. In her doctoral research, Auli Jämsänen[63] illuminates the history of so-called "registered artists" and shows how artists have created around themselves a closed and tight circle protected by a veil of "professionalism". According to her, the explicitly expressed criteria and covert criteria are in conflict in this process, which also involves mixing up criteria for professional quality and purely looking after one's own interests. Different fields of art abound with examples of the extreme concentration of decision-making. This offers interesting research topics for young researchers.

The concentrated decision-making has links with the narrowing of cultural policy observation and decision-making. Contacts and interaction in cultural administration have always found their most natural route between the strongest operators. Peer evaluation has traditionally had a strong role in resource allocation, and this has repercussions for the operation of the national system of art councils.

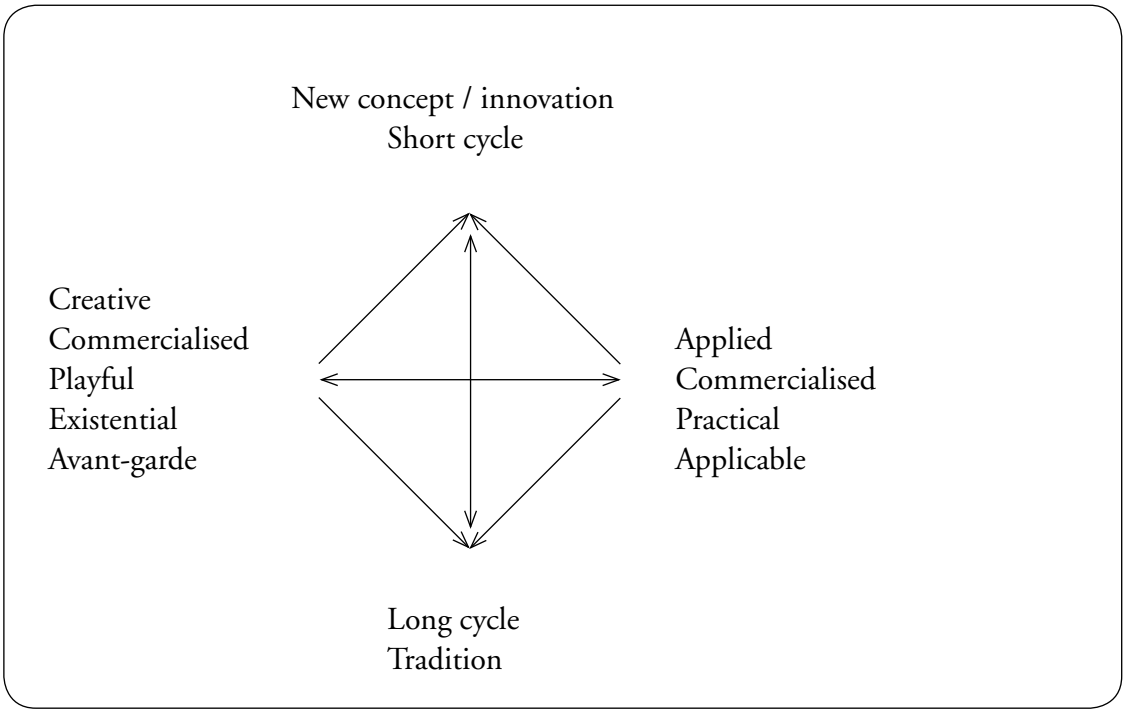
Perhaps the most significant ethical solutions are made in daily practical choices. Administrative practices determine application procedures, modes of disseminating information and the transparency of the criteria used in decision-making, as well as equal treatment of applicants. Timing and delays, and subsequent predictability and trust are also important for those operating in the art and culture field. Timely reaction and decision-making reduce undue risks for them.

Political choices determine the relative weight given to different sectors of art and culture and their equal treatment at the central and local levels. The allocation of public resources also involves strong ethical choices. This highlights different interests and arguments, which have traditionally been divided into two groups. On the one hand, art is seen to have an intrinsic value and, on the other, the grounds given for resource allocation often relate to the instrumental use of art, for instance in the welfare and economic policy sectors. As societal ethical validation, both of these are equally justified, and perhaps the greatest problem has turned out to be that they are seen in black and white. The following figure describes the relationship between experimental and playful art deriving from the freedom ethos and

63 Jämsänen 2006.

applicable art deriving from the benefit ethos, although such a dichotomic investigation tends to disregard the fact that these two are also each other's preconditions. As concerns cultural policy choices, it is dangerous to see them as "either – or" because their time spans are not commensurate and thus they cannot be appraised by the same indicators and criteria.

Cycle model of culture



The ethicality of cultural policy practices can also be approached quantitatively at the micro or macro economic level. A comparison may reveal surprising facts about the realisation of economic equality in cultural policy. It namely appears that the net payers in art and culture are not the high-income groups but rather those with lower incomes. We need more quantitative data on how accessibility is realised between different population and age groups, genders and regions. For instance a review made by Pauli Rautiainen of the artist grant system found that women artists have more problems relating to day-to-day subsistence than men. [64]

As regards art and culture, the media also wield important ethical decision power and symbolic power and may profoundly influence consumption. The problem in Finland in this respect is the uniformity of our media environment and the dominance of the mainstream media. The relationship of culture and the media would also warrant studies. So far, the ethics of cultural policy practices has not been given much attention and openings like the ethical issues discussed above require a great deal of additional research.

64 Rautiainen 2005.

	Democracy - equality	Diversity - plurality
	Access - accessibility	**Availability - infrastructure**
Target groups, publics		
	- physical	- regional
	- cultural	- cognitive
	- social	- technological
	- communicative	- communicative
		- cultural
	Participation	**Inclusion**
Operators, authors		
	- networks	- creativity input
	- communities	- skills, knowledge
	- interaction	- significance
		- signification

6 Protection of intellectual property

6.1 Intellectual property rights

The cultural policy ethos of intellectual property rights is founded in the idea that the author has the right to his or her creative work. Intellectual property rights thus relate to and protect the outcome of creation in all the sectors of creative work. The author of a work has the sole right to control the work. There are two kinds of intellectual property rights: copyright and industrial rights. The key industrial rights in terms of cultural policy are trade marks, the protection of patterns and designs, and patents. Intellectual property rights are at the heart of cultural policy.

Copyright is the sole right of the author of a creative work to control the use of his or her works for a fixed period of time. The work may be a literary product, a film, a painting, a composition and software. Copyright does not protect ideas only the expression of them, or the mode of realisation. At present the rights copyright guarantees and the duration of copyright are the same in most industrialised countries: the sole right to control the work by reproducing it and making it available to the public for a period of 70 years from the end of the year the author dies.

Copyright also includes so-called moral rights, i.e. right of paternity and right of integrity. The right of paternity is the right to be credited as the author of a work according to good practice. The right of integrity is the author's right to object to derogatory treatment of the work. "Moral" rights are those laid down in law, not contrary to them.

US law determines criteria for "fair use", which has a specific meaning in the context of the copyright system. Copyright legislation provides exceptions to the rights of the copyright holder. In determining whether the use made of a work in any particular case is a fair use the factors to be considered include –

1 the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;

2 the nature of the copyrighted work;

3 the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

4 the effect of the use upon the potential market for or value of the copyrighted work.

In Continental Europe the term 'fair use' is not applied except with reference to American law. The expression "fair dealing" is used in Anglo-Saxon law in the UK and Australia, but not within the Romanic legal tradition.

Copyright has often been misleadingly characterised from the perspective of copyright industry to the effect that it forms the financial basis of cultural contents and other expressions of culture. Copyright has been said to encourage creativity, stimulate and influence the economy of culture and livelihood in culture. The intellectual contradiction and ethical problem in this definition is that legal regulation of distribution is elevated into the content of trade and exchange. However, the exchange of cultural products is always based on their meaning content and not the juridical content of their distribution. Copyright is not the core of exchange and economic value but a contractual mechanism regulating the rights and pricing of distribution. Copyright is influenced by societal, cultural-educational and social factors and the integrity of private life, all of which have an ethical dimension. Copyright can be problematised as a stimulus for creativity: money does not stimulate creativity, only production, and there are artists who do not sell their work at all.

In its larger sense, copyright comprises neighbouring rights, which belong to performing artists, photographers, audio and film producers, radio and television broadcasters and compilers of databases. A product protected by copyright may be registered as a trade mark. Some works may be registered as designs. Patents may also protect software which forms part of an invention but which cannot be patented separately from the product. Regarding concepts, formats or the sale of cultural services, the production or part thereof may include elements protected by copyright, but at the same time it may be subject to some other intellectual property right.

Efforts have been made to balance copyright with other interests in society. Relevant provisions in law make it possible within certain limits to copy works for private use, to further distribute a purchased copy of a work and to quote a work. The purpose is to accommodate the needs of education, communication, the disabled, and museums, libraries and archives.

The aim of copyright legislation is in principle to promote intellectual creative work in its different forms. The underlying principle is that society recognises the right of authors to decide on the use of their works. Copyright guarantees the author a negotiating position: the author and the user of the work negotiate and agree on the terms of use. The agreed financial terms fulfil the economic rights of the author, who is compensated for the use of the product of his or her creation. Copyright and neighbouring rights also promote the production and distribution of immaterial products. By securing the position of producers and publishers, copyright also encourages investment and commerce. Securing preconditions for the production and availability of cultural products also creates a solid basis for national culture and social development.

Copyright has been gaining importance in recent years at both the national and international levels. There are several reasons for this. There is an ongoing transition from material production towards the production of services and immaterial commodities and towards exchange of meanings. At the same time economic activity based on copyright has substantially increased and expanded. The major changes in the field of copyright spring from the development and growth of digital technology, which makes high quality copying and distribution possible in limitless numbers. This poses great challenges to both legislation and rights management. In the digital environment, rights can be protected by technical devices.

6.2 Development of copyright

Copyright was born as privileges in the 15th century, after the invention of printing and grew in importance with the growth of the newspaper and book industries. The current aesthetically based notion of an indivisible artistic entity was created in the 18th century with Queen Anne's Copyright Act. By the end of that century both France and the US Constitution legislated on copyright.

The key international agreement on copyright is the Berne Convention for the Protection of Literary and Artistic Works of 1886. It has later been revised and supplemented. The Convention has 151 signatories; Finland acceded to it in 1928. The main principles in it are national treatment and minimum protection. The signatories must protect the copyright on works of authors from other signatory countries in the same way as the copyright of their own nationals.

Neighbouring rights are protected by the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations of 1961. It has been signed by 76 states, Finland signed it in 1983. Both these treaties are administered by the World Intellectual Property Organisation (WIPO).

The European Union is an important operator in the field of copyright, and the focus in the member states has shifted from national to European-level legislation. The EU has issued altogether eight copyright directives: on computer programs in 1991, on rental right and lending right in 1992, on harmonizing the term of protection of copyright and certain related rights in 1993, on the legal protection of databases in 1996, on the legal protection of services based on conditional access in 1998, on the harmonisation of certain aspects of copyright and related rights in the information society in 2001, on the resale right for the benefit of the author of an original work of art in 2001, and on measures and procedures to ensure the enforcement of intellectual property rights in 2004.

The fundamental principles concerning copyright in information society were laid down in the 2001 "Information Society Directive" and the most recent Directive is aimed at harmonising the rules on administrative procedures and strengthening civil procedures on the infringement of intellectual property. The Directive is one of the measures taken to prevent counterfeiting and illegal manufacture.

Internationalisation and globalisation mean special challenges for the development of copyright and relevant legislation. Wide-scale use of digital technology and global information networks entail relatively uniform copyright legislation in different countries. This will be achieved by means of global copyright agreements negotiated by states. The international copyright system was supplemented by treaties adopted within WIPO in the 1990s. The 1996 WIPO Copyright Treaty (WCT) and the 1996 WIPO Performances and Phonograms Treaty (WPPT) confirmed the applicability of copyright in the digital and web environments. Further, the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) was concluded in the 1990s when the terms of world trade were laid down and the World Trade Organisation (WTO) was established.

6.3 Intellectual property and ethics

The protection of intellectual property is about reconciling two differing points of view. Economic rights stress the financial basis of creative work whereas moral rights focus on the right to be respected as a creative person. There are also ethical tensions between these two

points of view.

There are regional differences in the way these two sides of the protection of intellectual property are regarded. In the Anglo-American copyright debate, the foremost argument is the input needed to achieve a work and thereby economic rights. In Continental Europe the stress is on moral rights, or the relation between the author and the work and its content. The author as a person is protected through moral rights and it is the author as a person that is emphasised instead of the work alone. Moral rights are generally regarded to be inalienable and to protect the author-person. Along these lines we can also speak of an object-related right and a personal right.

The focus in moral rights is on communication and self-expression. Communication and expression have mostly been discussed in the Anglo-American debate with reference to a natural right, which is particularly important in the public domain, that is, in the context of demand for democracy and no legal restrictions on use.

Copyright legislation makes a distinction between idea and expression: the idea can be freely used, and it is the expression that is subject to copyright. At the present time it is increasingly difficult to make this distinction, especially as regards contemporary art and computer software. One of the themes in the discourse on copyright is limitation because copyright is also seen to have a detrimental effect on the freedom of speech and expression. In the context of intellectual property, the rights may be on a collision course with other human rights. Free cultural property has its advocates who think that copyright limits creativity and the sharing of public commodities.

6.4 Fair deals?

Expanding international copyright markets make both authors and consumers more greedy. Owners demand ever more stringent copyright, whereas consumers may feel that the limitations imposed by copyright prevent the realisation of public interests.

The copyright ethic is largely about whose rights are concerned. For the past century, the focus has been on the artistic side, but over the past decade it has been shifting towards the economy. Copyright has markedly been the jurisprudence of art and literature. In Finland we use a neutral term that translates as “the maker’s right” and which increasingly relates to other areas besides the arts, such as computer programs and technical writing.

Copyright may be said to entail balancing between rights and limitations. In copyright, as in other areas, ethicality is linked with choice: how things are managed in practice. Limitations and exceptions are set in the name of public interest. Although technical and juridical, copyright is influenced by the values of society, and these again are determined by ethical values. The changes in the global situation force societies to take account of ethical considerations.

The situation of right holders is also interesting: is someone’s right more valuable than someone else’s right? Is it the performer or the producer that has the say in music? Records are increasingly produced without a producer, on computers and distributed on the web, marketed for free, and so on.

In 2004 the unlicensed copying and distribution of films, or piracy, was taken on the political agenda in the EU Council of Ministers on French initiative. The rapid growth of web piracy, especially relating to digital recordings, is seen to be a major threat to the audiovisual industry in general. The fight against piracy is considered to be the foremost line of action in the cultural economy and in copyright policy.

Music and films are increasingly distributed in peer networks particularly favoured by young people (p2p). In principle and in copyright terms, this kind of global distribution of materials to public is illegal.

In Finland the new Copyright Act was an exceptionally drawn-out process and difficult to get passed through Parliament because of the very different, often conflicting interests involved. Authors in many fields of art and culture felt that the interests of the economy and producers were put before the interests of creative work. One of the questions raised in the debate on the net, in chat rooms and in blogs was the monopoly of the two copyright management organisations Gramex and Teosto in deciding on copyright compensations in Finland.

At the Cable Factory Talks arranged by the Foundation for Cultural Policy Research in Finland (Cupore) in October 2006, the debate interestingly highlighted the often opposite ethical dimensions in copyright. It is generally felt that there is still much room for improvement and useless historical ballast in the copyright system. No one can say for sure where the economy of the cultural fields is heading and what role copyright has in this. The economic dimension of copyright is currently to the fore, overshadowing the content dimension. The creative economy is riddled with utopian political rhetoric not anchored in reality. At the Cable Factory Talks Ilkka Tuomi posed some provocative questions about the future of copyright: Will the new Copyright Act in the final analysis cause a sharp reduction in the tax income in Finland? Will the new Act result in a diminishing number of information society innovations? Should copyright be examined as part of the larger intellectual property domain?

The congress of the Nordic Musicians' Union in September 2006 issued a declaration drawing lawmakers' attention to Nordic copyright legislation, to the inadequacies of the contract culture between musicians and the music industry, and to the weak position of authors in negotiations on copyright with the record industry. Musicians feel that the terms are dictated by the record companies and do not feel they get adequate compensation for their work and the rights they renounce. The problem is especially burning as regards young artists, who are often forced to accept unreasonable terms.

6.5 Open source code and Copyleft

In the 1990s an international movement for free software and open source codes began to emerge from the hacker circles. Its leading figure, Richard Stallman, coined the term 'copyleft' as a play on copyright. Copyleft means a method of distributing free works and programs in which a modified work can be further published as long as it is bound by the same licensing scheme as the original. This gives everyone the same right to copy, adapt and distribute the work. Copyleft entails a licence, whereas copyright is created automatically. The copyleft licences revoke automatic copyright by allowing free use of the work. This is a kind of reverse copyright, with which the author can ensure that the users of the program get maximum freedom to use and adapt the program on the condition that they use the same copyleft scheme, that is, give the following users the same freedoms. The problem with copyleft in commercial use is the benefits it gives to competitors, but on the other hand it creates large and useful interfaces for the creative process.

The best known and most widely used copyleft licence is GNU (General Public Licence), which is used for the Linux core. Linux is one of the most commercialised copyleft licensed works.

Copyleft has different degrees: strong and weak copyleft and full and partial copyleft. In partial copyleft some parts of the work are exempted from the copyleft provisions, examples of these are Creative Commons licences. All free licences are not, however, copyleft licences. Public domain means that the author renounces copyright to a work, handing it over for free use. A licence may also allow copying, distributing, performing and making available to public for non-commercial purposes. The programs of non-profit organisations have become very popular.

Proponents of free programs have established a Free Software Foundation (FSF), which is an ethical and ideological movement working on the following principles[65]:

- The freedom to run the program, for any purpose (freedom 0).
- The freedom to study how the program works, and adapt it to your needs (freedom 1). Access to the source code is a precondition for this.
- The freedom to redistribute copies so you can help your neighbor (freedom 2).
- The freedom to improve the program, and release your improvements to the public, so that the whole community benefits (freedom 3).

Access to the source code is a precondition for this.

The design of a source code is used both for profit and non-profit purposes. This kind of principle that supports the management of common cultural heritage and increases its usability could also be a suitable description for non-profit activities in the cultural sectors more widely. For instance a library or the preservation of cultural heritage could be regarded from this point of view.

6.6 Folklore

Folklore is an important element in the cultural heritage and identity of nations and a means of self-expression. Folklore is created by ethnic communities and persons who usually cannot be identified. Folklore comprises language-based expressions, literature, music, dance, games, mythology, rituals and handcraft.

Folklore has always been used for commercial purposes, but the recent progress in technologies has meant unprecedented possibilities to use it in audiovisual production through recordings, television and information networks. Commercialisation of folklore often disregards economic and social considerations relating to the community that has created the folklore, amounting to misuse or distortion. Since the sixties over 30 countries have passed legislation to protect their folklore.

The current copyright conventions do not provide for the protection of folklore. The problem is that copyright relates to the author, who is difficult to pinpoint in folklore, which is the outcome of a long process. Further, many forms of folklore are regional or cross national borders.

65 http://www.fsf.org/licensing/essays/free-sw.html

6.7 Indigenous peoples

Western copyright has features that put the traditions of indigenous people at a disadvantage. A work can only be protected when it is in a certain form, such as a literary or a pictorial work. As a result, an oral folk tradition becomes the property of the person recording it.

According to Coombe, we should pay more attention to the copyright of indigenous peoples and minorities. This is a question of these groups' right to their own cultural heritage and the need to balance them with an individual's rights. Since the obligation to protect traditional knowledge about the environment and respect indigenous traditions is widely recognised in the world, WIPO should also cater for the interests of these groups.

What is needed is a set of principles for recognising and safeguarding traditional knowledge and cultural expressions.[66] This requires new concepts and tools for realising the rights of different groups. In the case of indigenous peoples it should be possible to show to whom the rights belong. According to the WIPO committee on copyright, traditional knowledge and folklore, the protection of traditional cultural expressions, or expressions of folklore, should aim to:

- recognize that indigenous peoples and traditional and other cultural communities consider their cultural heritage to have intrinsic value, including social, cultural, spiritual, economic, scientific, intellectual, commercial and educational values, and acknowledge that traditional cultures and folklore constitute frameworks of innovation and creativity that benefit indigenous peoples and traditional and other cultural communities, as well as all humanity;
- promote respect for traditional cultures and folklore, and for the dignity, cultural integrity, and the philosophical, intellectual and spiritual values of the peoples and communities that preserve and maintain expressions of these cultures and folklore;
- be guided by the aspirations and expectations expressed directly by indigenous peoples and by traditional and other cultural communities, respect their rights under national and international law, and contribute to the welfare and sustainable economic, cultural, environmental and social development of such peoples and communities;
- provide indigenous peoples and traditional and other cultural communities with the legal and practical means, including effective enforcement measures, to prevent the misappropriation of their cultural expressions and derivatives therefrom, control ways in which they are used beyond the customary and traditional context and promote the equitable sharing of benefits arising from their use;
- be achieved in a manner that is balanced and equitable but yet effectively empowers indigenous peoples and traditional and other cultural communities to exercise rights and authority over their own traditional cultural expressions/expressions of folklore;
- respect the continuing customary use, development, exchange and transmission of traditional cultural expressions/expressions of folklore by, within and between communities;
- contribute to the preservation and safeguarding of the environment in which traditional cultural expressions/expressions of folklore are generated and maintained, for the direct benefit of indigenous peoples and traditional and other cultural communities, and for the benefit of humanity in general;

66 Tohmo 2004.

- reward and protect tradition-based creativity and innovation especially by indigenous peoples and traditional and other cultural communities;
- promote intellectual and artistic freedom, research practices and cultural exchange on terms which are equitable to indigenous peoples and traditional and other cultural communities;
- contribute to the promotion and protection of the diversity of cultural expressions;
- where so desired by communities and their members, promote the use of traditional cultural expressions/expressions of folklore for community based development, recognizing them as an asset of the communities that identify with them, such as through the development and expansion of marketing opportunities for tradition-based creations and innovations;
- preclude the grant, exercise and enforcement of intellectual property rights acquired by unauthorized parties over traditional cultural expressions/expressions of folklore and derivatives thereof;
- enhance certainty, transparency, mutual respect and understanding in relations between indigenous peoples and traditional and cultural communities, on the one hand, and academic, commercial, governmental, educational and other users of TCEs/EoF, on the other. the protection of cultural expressions and folklore should focus on the following aspects.

Culture has increasingly been seen as a resource ever since diversity, sustainable development and culture and development emerged as important factors in international debate. Coombe thinks that this understanding should be part of the discussion on intellectual property. In a global environment, where opportunities for cultural expression are inequitably distributed, we must work for a cultural policy that increases the opportunities of more and more groups to participate in cultural life on their own terms.

Seeing whole nations as copyright holders is by no means without problems. Copyright rests on the concepts of author and work, which are not easily identifiable in folklore. The idea of protecting the heritage of indigenous people is excellent, but cultural expressions do not follow national boundaries.

7 Regional equality

Regional equality is one of the guiding principles in the Nordic welfare society, in which all regions offer the same level of services. Regional equality can be regarded in different dimensions: it applies globally, nationally, provincially, locally, to different parts of a community and to residential areas. In Nordic society it is the central and local governments that have the responsibility for providing general conditions for services and ensuring that the whole population has access to services. Public sector financing has been on the decrease over the past decades and the stringency measures are most severely felt in the dwindling resources for cultural, sport and youth services and subsequent personnel cuts and pruning of services.

After the turn of the millennium, regional inequality has been growing in Finland. The economic situation in the home municipality has become more and more a factor determining people's access to services. The problem areas in this respect are the northern and eastern parts of the country.

Regional equality entails that art and cultural services are equitably on offer irrespective of the place of residence. Local art and cultural institutions have a key role in regional equality as regards art and culture. One part of this ideology is that services are brought close to people by means of an extensive network of art and cultural institutions. Public subsidy is used to lower the cost of these services.

With a view to equality, regions need various support systems, such as direct artist grants in creative arts, art institutions in performing arts, libraries to ensure access to literature, information and recordings, and cultural industry and project incubators in support of cultural projects.

The Finnish Art and Artist Policy Programme works on the principle that art and cultural services must be defined as basic services.

It can be said that cultural, sport and youth services also enhance the competitiveness of regions in attracting residents to a given region. Cultural services are an asset in competition for top-level professionals and help to keep young residents in the area.

European Union

In the European Union regional policy is one of the central issues. As the EU keeps expanding, structural problems increase especially at the periphery of the EU area. Several themes that have come up in discussions on regional and structural polices are applicable to the development of cultural, sport and youth sectors in the regions:

- EU policies must promote the growth and competitiveness of regional economies by developing and utilising regional innovation and knowledge potential.
- It is vital to develop operational environments for businesses, for education, training and research, to raise the level of competence among the workforce, to improve the operation of the labour market and to improve accessibility of regions.
- One regionally important theme could be to prevent problems arising from the ageing and decrease of the workforce.

EU regional and structural policies strengthen economic and social coherence in the Union area, reduce differences in the level of development, and bolster the least developed regions. In support of regional development, the EU has a Structural Fund (ESF), which in the 2000-2006 period is divided into three Objectives helping regions that are less developed or in structural troubles and four Community Initiative programmes.

The Community Initiatives focus on action across national, state and regional borders and on the development of border or urban areas, the prevention of social exclusion and inequality, and multi-field rural development.

EQUAL is an ESF Community Initiative, providing funds to projects which test and promote new means of combating discrimination and inequalities in the labour market. INTERREG III is designed to strengthen economic and social cohesion throughout the EU by fostering the balanced development of the continent through cross-border, transnational and interregional cooperation. Leader+ is designed to help rural actors consider the long-term potential of their local region, with a strong focus on partnership and networks for sharing experience. URBAN II aims at sustainable development in troubled urban districts and the economic and social regeneration of troubled urban areas.

8 Children and young people

In today's world the right of children and young people to safe and protected childhood is not self-evident. Children represent 20 per cent of the world population. Safeguarding their well-being is important and they should be taken into account as part of all cultural life and all cultural rights should also apply to them. Yet it is necessary to cater for them as a separate group of their own.

As a concept, child and youth policy has come to mean the shared view of different policy sectors regarding action, choices and decisions geared to children's and young people's well-being. The aim is an entity that is more than the sum of its sectoral parts.

Children's culture means both culture targeted to children and children's own culture. The first comprises all manifestations of culture intended for children, from pedagogical institutions (pre-primary, basic school, etc.) to cultural institutions (children's theatre, art schools, etc.), from non-profit activities (choirs, youth associations, sports clubs) to commercial cultural supply (cinema, computer games). Children's own culture, on the other hand, is above all oral culture - culture based on games and tales, culture created by children. It is influenced by adult worlds and by cultural supply provided by adults for children, but it largely follows its own laws.

It would also be useful to talk of young people under 29 years of age as a group of their own. There are no separate proclamations on their rights, perhaps because in the developing countries this group would represent the majority of the population.

Children and young people should be considered in all development. In the changing global situation many of the difficulties especially concern young people: resource cuts, unfair distribution of social, economic and political rights, the changing roles of families, high youth unemployment and illiteracy and poor schooling make life difficult for the future policy makers. Special attention should be paid to girls and their opportunities.

Ethically important themes in child and youth culture are exclusion, media violence and minorities.

Exclusion is a burning problem in our societies. It increasingly concerns people with different backgrounds. The concept of exclusion contains the idea that some are at the margins of society or outside it. Exclusion takes place in relation to other people and to society. Its prevention is an important target for many national and international institutions. In Finland, for instance, there are youth workshops for young people under 25 who have been unemployed for three months.

It is important both nationally and at the European level to protect children against media violence. The Finnish Ministry of Education has taken up this challenge and drafted an action programme "Children and the media" for the period 2005–2007 in order to hinder the detrimental effect of media violence and to maximise media safety for children and young people in the modern digital environment. Because the same content may reach the user through several distribution channels and uses of the different media change, there have to be several parallel approaches and flexible, easily adaptable means.

At the national level the Finnish Constitution allows certain exceptions from the freedom of speech for the protection of children. Television programmes, films, games and especially internet use involve certain considerations relating to child protection. The EU directives concerning TV programmes have been implemented in the Radio and Television Act, and the television companies have agreed on the broadcast times and age limits of programmes considered harmful for children. Films intended for audiences under 18 have to be certified by the Finnish Board of Film Classification.

The supply of cultural services to children and young people must also cater for the needs of special groups. Children and young people may have difficulties with moving, seeing, hearing, understanding or experiencing, but all have the right to full appreciation of arts and to artistic self-expression. Society has to see to it that their needs are taken into account as regards both services and self-expression. Public cultural institutions and other operators in the cultural field have to pay special attention to making their supply and services available and accessible. This is both a question of equality and a factor adding to the creativity of society as a whole.

International treaties

The Declaration of Geneva (1924) recognises that a child needs special care, stressing that humankind owes to the child the best that it has to give and must adhere to the declaration beyond and above all considerations of race, nationality or creed. The United Nations General Conference adopted in 1959 the Declaration of the Rights of the Child, which gives the child a special status regarding human rights. The Finnish Child Welfare Act, which took effect in 1984, implements the principles of the UN Convention on the Rights of the Child.

The UN Convention was adopted by the General Conference in 1989. It binds states juridically, and the fulfilment of the obligations is supervised by a special Committee on the Rights of the Child, to which states have a duty to report on their situations. The key message of the Convention is that the right of the child to a good life is recognised, the child's interests take precedence in political decision-making and the child is protected against abuse and discrimination. The aim is to safeguard the societal, political, economic and cultural rights of all children under 18 years of age. All children have the right to life and health, schooling and development, participation and influence, and care and security. Protocols to the Convention proscribe children's participation in armed conflicts, child trafficking and child prostitution. Article 31 is especially important in cultural terms:

1 States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2 States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Finland ratified the Convention in 1991. Its implementation is monitored by a committee, which has drawn attention to the need for information concerning the rights of the child and international cooperation and to some development needs, e.g. regarding a child ombudsman system.

The UN programme Action for Youth to the Year 2000 and Beyond (1995) is an important tool for implementing a global youth policy. It provides a framework and guidelines for national action and international support for improving the situation of children. The programme calls upon states to draw up and adopt an integrated national youth policy. This should form part of a continuing process for reviewing and assessing the situation of young people and for devising a cross-sectoral action programme. The key themes in the UN programme are participation, development and peace, with ten priority areas: education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women, and the full and effective participation of youth in the life of society and in decision-making.

The World Youth Report 2003 provides an overview of the global situation of young people, highlighting the participation of youth in local, national and international youth policy and the role of leisure activities in inclusion in their own communities.

Finland has stressed the need to strengthen cross-sectoral youth policy in the UN system and in the member states and to promote the inclusion of young people at the local, national and international levels. The aim is to support their participation in the decision-making mechanisms between member states, the UN system and youth organisations.

European Union

The foremost values in the EU are non-discrimination, anti-racism, plurality, active citizenship, equal opportunity, and these also underpin EU youth policy. The EU has no competence regarding youth and children; these matters are primarily governed by national legislation.

An important milestone in EU youth policy was the publication of the youth policy White Paper "A New Impetus for European Youth" in 2001. It raised the status of youth policy, which was seen as an independent policy sector. The aim is to promote the situation of young people horizontally across administration. The major themes in the White Paper are participation, youth information, voluntary work and youth research. The foremost aims are:

- Active citizenship for young people
- Expanding and recognising areas of experimentation
- Developing autonomy among young people
- For a European Union as the champion of values.

The purpose of the EU programme Youth in Action 2000–2006 is to promote mobility and non-formal learning by supporting young people's own local, national or international projects with the aim of strengthening multiculturalism in Europe, solidarity among youth and their inclusion. The target age groups are the 15–25-year-olds, persons working with youth and non-profit organisations. Special attention is paid to disadvantaged young people

whom no other EU programme reaches. The Youth in Action programme is also the primary financing tool in EU activities in the youth field.

Council of Europe

The Council of Europe has created tools for developing national youth policies (country reviews, seminars, indicators, etc) but there are no actual guidelines or obligations. The Council of Europe has the most prominent role in the developing democracies: guiding, providing a forum and acting as a watchdog. Having worked in the European youth field for 30 years, the Council is a strong player in the field but has no statutory instruments relating to it. It assists the member states in developing their youth policies by arranging ministerial conferences and issuing framework documents.

According to the ministerial conferences, the aims of youth policy are to promote the autonomy, inclusion, employment and mobility of young people, the use of new technologies and cross-sectoral cooperation and to prevent exclusion.

9 The disabled

The values adopted by Prime Minister Matti Vanhanen's Government in its Programme are equality, internationalism, responsibility for the environment and gender equality. The Government commits itself to accommodating multiculturalism and the needs of the different language groups and to strengthening equality between people. Special attention is paid to the cultural rights of children, the disabled and minority groups. To implement these aims, the Ministry of Education adopted an action programme Access to Art and Culture for All 2006–2010. The programme contains several actions for improving cultural services for the disabled, for increasing resources and for monitoring progress.

Opportunities to train for art professions, to carry out art projects and to enjoy cultural supply are not self-evident for disabled persons. For instance in sports they have been included as a group of their own ever since the 1980s but cultural policy is only beginning to awaken to this. In the United Kingdom and the United States disability art and disability culture were raised up for discussion by the Disability Rights Movement in the late 1980s. There are different paradigms for defining disability, which makes it difficult to determine the exact number of disabled persons. It can be estimated, however, that in Europe some 38 million people have a disability of some kind and that some 500,000 of these live in Finland. Both of these figures mean that one in ten has a disability. Obstacles to participation may be caused by sensorial impairments, musculoskeletal disabilities, developmental disabilities, various long-term illnesses and mental health problems.

Disability art is the creative expression by disabled people of what it is to be a disabled person. All art created by people with impairments does not deal with disability and therefore is not disability art. In order to make disability art, the artist must have personal experience of what it means to be a disabled person, in other words, has to be a disabled person in the same way as a Sámi artist has to belong to the Sámi people. In addition to disability art, there is accessible art, which has been created with the disabled in mind but the artist is not necessarily disabled. One example of this is easy-to-read literature and tactile art.

Disability culture has been discussed in various contexts. On the one hand, it has been said that there is no such thing as a disability culture because disabled persons do not share a system of customs, knowledge and beliefs which would be transferred from generation to generation. On the other hand, it can be said that the disabled share certain experiences as members of society. As a population group, they have a common history, their own idiom and a humour of their own. These all can be seen as manifestations of a disability culture.

The concept of accessibility has been in wider use and general awareness in Finland since the turn of the millennium. Good accessibility brings cultural services close to everyone and makes it possible for everyone to participate and experience, irrespective of personal characteristics. Accessibility is achieved when obstacles to mobility, seeing, hearing and understanding are removed. The question of accessibility concerns people with functional handicaps, as well as those with impairments. The handicap may be due to temporary disability, old age, language (immigrants) or, for instance, the need to have access with a perambulator.

In accessibility we can talk of physical, attitudinal, cognitive, economic, social and cultural barriers to participation. Physical accessibility means for instance level, smooth routes and paths, sufficiently large lifts and toilet facilitates equipped for those with physical impairments, including sensorial impairments. Cognitive accessibility means facilitating understanding. Economic accessibility relates to concessions in fees, and social and cultural accessibility to content, which should reflect the interests of different target groups. This has to do with the mainstream-minority power dichotomy, growing multiculturalism and the different backgrounds of different social groups.

In international organisations the question of accessibility is generally addressed in connection with larger thematic entities, such as human rights, disability policy and prevention of exclusion.

United Nations

The UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1993) contain the clearest statement on the right of disabled persons to culture. The Rules oblige the member states to take action in order to ensure that disabled persons can participate in cultural activities on an equal basis with others. According to Rule 10 (Culture):

1 States should ensure that persons with disabilities have the opportunity to utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community, be they in urban or rural areas. Examples of such activities are dance, music, literature, theatre, plastic arts, painting and sculpture. Particularly in developing countries, emphasis should be placed on traditional and contemporary art forms, such as puppetry, recitation and story-telling.

2 States should promote the accessibility to and availability of places for cultural performances and services, such as theatres, museums, cinemas and libraries, to persons with disabilities.

3 States should initiate the development and use of special technical arrangements to make literature, films and theatre accessible to persons with disabilities.

Rule 5 (Accessibility) is also important in terms of culture. It deals with physical accessibility and with technology and services which facilitate communication and access to information.

The UN has also issued a Declaration on the Rights of Mentally Retarded Persons (1971) and a Declaration on the Rights of Disabled Persons (1975).

European Union

In the European Union disability questions are traditionally addressed within social, education and employment policies. In the cultural sector the disabled have been given more attention only after 2003, which was the European Year of Disabled People. In 1996 the Council adopted a Resolution on access to culture for all and in 2003 a Resolution on "eAccessibility" – improving the access of people with disabilities to the knowledge based society.

During the theme year 2003 the Council adopted a Resolution on accessibility of cultural infrastructure and cultural activities for people with disabilities. It calls upon member states and the Commission to take measures to improve physical and functional access to culture. Special focus is given to improving access to places such as archaeological sites, museums, monuments and places of cultural activities, to providing information via modern technology and to certain means of facilitating the appreciation of culture for those with impairments (e.g. subtitled performances, use of easy-to-read and sign language, guides and catalogues in Braille, use of contrasts of light in exhibitions). The Resolution also touches upon equal opportunities for creative activity. Although the Resolution is not binding, it has a great deal of political weight. What is important is that the right of people with disabilities to culture has been taken to the fore and that all the member states are prepared to recognise this right.

Within its Community Initiative EQUAL (2000–2006), the European Structural Fund co-finances projects which test and promote new means of combating discrimination and inequalities in the labour market. The TARU project in Finland develops cultural marketing and education, presenting interesting minority artists who rarely get media exposure, such as disabled artists and their production.

Council of Europe

According to the Council of Europe Recommendation on Coherent Policy for People with Disabilities (1992), the rehabilitation of the disabled is the responsibility of the community and one of the foremost task for social policy. The disability policy programme seeks to guarantee equal opportunities for disabled people as citizens. The disabled must have access to all cultural events and to free time activities, as well as to events geared to disabled people. They should be encouraged to participate actively in cultural, social and political activities and be informed about opportunities to work in these fields on a professional basis. Structural, technical, physical and attitudinal obstacles must be removed. Obstacle-free mobility is an important factor, and for instance personnel working in museums, theatres and tourist sites need information about disabled clients.

The report *In from the margins* notes that it is important to link cultural policy with other national policy sectors: "*Too often support for arts and disability initiatives has been hindered because of a tendency automatically to equate arts for/by/with disabled people as therapy and therefore the province of health and welfare departments, and for the latter to see them as the province of cultural administrations.*"

10 Cultural and language minorities

With growing mobility, cultural diversity has become one of the major challenges. Our cultural identity is composed of several elements: we are men or women, young or old, live in Finland or elsewhere, we were born in the country or in a city; we speak different languages, belong to different religious communities; we are all different in our physical, intellectual and sexual characteristics. All this is part of cultural diversity and multiculturalism. People and groups with different social status have different capacity, possibilities and resources to uphold their own cultures, participate in it and express it. Realising cultural equality in practice requires special arrangements and supportive action. Cultural diversity is a resource for arts and for societal development.

Finland's membership in the Council of Europe (1989), the European Economic Area (1994) and the European Union (1995) has influenced national immigration policy, increased the number of immigrants and improved the situation of resident aliens in Finland. There are several types of immigrants: humanitarian immigrants (refugees and asylum seekers), return migrants, migrant workers and immigrants for family reasons. In Finland's first immigration policy programme (1997), the stated aim is to build a multicultural society. The aims set for integration policy are pluralistic in nature. The objective is to achieve tolerant attitudes towards immigrants, to support immigrants' own cultures and ethnicity, and to secure social equality for immigrants.

Like culture, the concepts of multiculturalism and interculturalism are ambiguous and their interpretation depends on the concept of culture behind them. Multiculturalism and interculturalism are used as normative and political terms designed to influence matters in a given direction, on the one hand, and as terms denoting the coexistence of several different cultural, linguistic and ethnic groups, on the other. The term multiculturalism has been used to refer to the existence of groups that differ in their cultural characteristics and to the coexistence of different ethnic groups within societies. Thirdly, multiculturalism means a policy pursued by a society or a state with the aim of sustaining the prevailing ethnic and cultural differences in their areas. In its sense of cultural diversity, multiculturalism does not say anything about the relations between different cultural groups, it only notes the situation in which people are seen to belong simultaneously to several cultural entities: society at large and various (ethno)cultural groups. The concept of pluralism is used in two meanings: to refer to cultural diversity as a real world phenomenon and to a positive ethical standpoint on cultural diversity, in which case it has a normative nuance, referring to tolerance and

peaceful coexistence. There are also ethical conflicts between the concepts of human rights in multiculturalism and pluralism and in the mainstream culture, for instance with regard to the human rights and self-determination of women and girls or the mutilation of children's sexual organs. The boundaries of tolerance are drawn differently from different premises.

The concepts 'ethnic/ethnicity' derive from the ancient Greek *ethnos*, which meant more or less internally coherent, strange and alien band of people living together. In scholarly idiom it became established in the 19th century to denote a group of people or a nation. In essence thus, the concept of ethnicity differentiates between people and joins them into different social groups. It refers to phenomena determining and gelling the group (national origin, language, religion, etc.), on the one hand, and to a dimension of an individual's identity, on the other. The reference in "ethnic minorities" is to groups and individuals who are in a minority in respect of their number or the power they have. Ethnicity has been understood in different ways in different times, depending on whether the stress is on the originality and permanence of ethnicity or on the ethnic identity as a constructed quality. There are altogether some 5000 ethnic groups and 6000 languages in 200 states in the world. Multiculturalism is a growing phenomenon. Around one billion people, that is one in seven on our globe, belong to some discriminated group.

In Finland, integration is seen to have three degrees: assimilation, acculturisation and marginalisation. Assimilation includes an aspiration to help immigrants to adjust to the Finnish way of life. In its extreme form, this approach expects everyone to "go native". This normative attitude naturally overlooks the fact that the native-born population has also always had diverse ways of living.

Racism is an ideology or action whereby people's physical appearance, national character, language or culture entitles them to be treated differently, or discriminated against. At the heart of racist thinking is the idea that people are essentially unequal, in other words, racism puts people in a hierarchical order. Social structures and procedures which lead to inequality with these motivations are also racist. Racism is often associated with action fomenting ethnic conflicts and leading to apartheid and with the notion that the humankind is biologically divided into different races.

On the other hand, it can be said that racism as a concept is complex. Researchers, the mainstream population, victims of racism and the media all have their own idea of racism, what it entails, how it is manifested, to whom it is directed and how it should be combated. Lévi-Strauss defines racism as an ideology resting on four claims. The first is that there is a correspondence between the genetic make-up and intellectual capacity. The second is that these groups called "races" can be put in a hierarchical order on the basis of their genotype. The fourth claim is that the so-called leading "races" have the right to order, exploit or even wipe out "lower" races based on their genetic makeup.

According to the action programme against racism and ethnic discrimination, adopted by the Finnish Government in 2001, authorities must seek to prevent racism and ethnic discrimination in their work.

Unlike racism, which may remain at the level of thoughts, discrimination is always action or non-action, Simply put, discrimination means action that puts an individual at a disadvantage in relation to others. It is ethnic when this is caused by the ethnic background, culture or mother tongue of the person or group of persons. In the Finnish Non-Discrimination Act, direct discrimination is defined as treatment of a person less favourably than another person is treated, has been treated or would be treated in a comparable situation. This happens for example when a person is not hired because of his or her ethnic background. Indirect discrimination takes place when a seemingly neutral provision, criterion or practice

puts a person at a particular disadvantage compared with other persons. Typically, indirect discrimination happens in a recruitment situation if an applicant is required to have perfect proficiency of the official language although it is not indispensable in the job. In addition, we can talk of institutional discrimination, i.e. practices in a firm, organisation or even society that have discriminatory effects.

The concept of exclusion contains the idea of living at the margin of society or outside society. Exclusion draws a line between "us" in the inside and "them" on the outside. Such lines are, however, more and more problematic in our society of uncertainty. Exclusion namely only exists in relation to others and to society. The social policy aim is to draw those who have detached themselves from society back to its folds. The objective is to create a communality that every society needs.

Exclusion does not, of course, concern only minorities but can result from many other reasons, such as economic ones. Factors potentially leading to exclusion are growing mental stress, hectic pace, burnout at work, people's indifference to others, tough competition and an individualistic society.

The concept of exclusion involves a contradictory idea of subjective choice, or one's own liability for what has happened. The terms used should rather highlight the ethical choices of the community and circumstances.

International level

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) was the first standard-setting, thorough international code. It lays down the responsibility of states to protect the life and identity of minorities living within their borders. It upholds the principle that certain rights inherently belong to every individual and that communal rights can only be determined in conjunction with individual rights.

The UNESCO Universal Declaration on Cultural Diversity (2001) affirms that respect for the diversity of cultures, tolerance, dialogue and cooperation in a climate of mutual trust and understanding are among the best guarantees of international peace and security. It stresses cultural diversity as the common heritage of humanity and as a factor in development. Although the Declaration is a welcome step towards international cooperation, it has proved inadequate as a means of thwarting threats to cultural diversity in the globalising world.

UNESCO adopted a Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions in 2005. It is the first international treaty on multilateral cultural policy and provides a foundation for a new kind of cultural policy cooperation. In the Convention, the states commit themselves to securing and promoting cultural diversity. It also contains a number of articles on special measures when cultural diversity is under threat. Before this Convention, cultural policy was seen as a matter for the national level.

Council of Europe

According to the European Charter for Regional or Minority Languages (1992), the protection of traditional European regional languages, or minority languages, some of which are in danger of dying out, helps to maintain and develop the diversity of European cultures and traditions. It guarantees the right to use a regional langue or a minority language in private and public life. Finland ratified the Charter in 1998 but only adheres to it in regard of the Swedish and Sámi languages.

The Framework Convention for the Protection of National Minorities. (1995) stresses that that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity. The contracting parties commit themselves to guaranteeing to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect any discrimination based on a person's belonging to a national minority is prohibited. The signatories pledge to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage. In ratifying the Framework Convention, Finland named the Roma and the Sámi as traditional national minorities.

The Council of Europe formulated a Declaration on cultural diversity in 2000. This was felt to be necessary in changed circumstances in which national procedures were no longer enough to address diversity.

11 Culture and development

Foreign Minister Erkki Tuomioja has stressed the positive sides of globalisation, noting that, faced with accelerating globalisation, it is important to discuss the relation of culture and development. As a positive effect of globalisation he mentions multiculturalism, saying that in terms of human rights, globalisation poses a variety of challenges. According to him, the liberalisation of the economy highlights the need for and significance of the economic, social and cultural rights. When they are strong, it will also strengthen the deep core of humanity, the indivisibility of human rights. The increase in information and, above all, the modern communications have appreciably improved opportunities to supervise the situation in human rights. The internationalisation and intensification of civic activities have the same effect. Where internationalisation spread some strong mainstream cultures all over the world, globalisation may cause all cultures, even small ones, to come closer, side by side and interlaced. Everybody interacts with everybody else. This multiculturalism enriches us all. A positive attitude to immigration is important even when we are not thinking of it as a remedy to the ageing of the population. This kind of recruitment policy also involves ethical problems: Do we have the right to entice the best educated people from developing countries to fill in our own gaps? How will this influence the chances of developing countries to become more affluent?[67]

Every state in the world has signed at least one international human rights instrument, most of them several. In this way they have acknowledged the universality of human rights. The Final Act of the Vienna World Conference (1993) unanimously recognises the universal nature of human rights. Human rights are universal and belong to every human being, irrespective of his of her cultural or other background, and this is why cultural factors can never justify human rights violations. In the cultural relativist view, no values or rights can be universal but rights are always based on the conception of right and wrong in one culture. In the case of human rights, the reference is to the so-called Western culture. The human rights system as we know it is not, however, based on the Western tradition or enlightenment. For example, China, India, Chile, Cuba, Lebanon and Panama were actively involved in the drafting of the UN Universal Declaration of Human Rights. The underlying philosophy of respect for others, equality and fairness is found in many world religions and cultures.

In development cooperation, culture can be said to have two meanings. First of all, it refers to the inclusion of the cultural viewpoint in development cooperation. The cultural

67 Tuomioja 2001.

viewpoint can be enhanced with intercultural competence, through cultural evaluation and the use of culture as a tool promoting interaction, and in communication about the aims of development cooperation. On the other hand, culture may refer to the cultural sector, in which culture itself is the object of development. The latter plays an important role in the spread of culture and values. Thus, the ethical dimension of culture is an element integrated into development cooperation.

Cultural cooperation with developing countries works both ways. North - South programmes usually support the development of cultural policy in the programme country with human rights and democracy as the starting point. Another important aim is to support the development of cultural production in the country with capacity-building measures. In development cooperation culture is a resource for social, economic and ecological sustainability. Culture is often a dynamic part of democracy, good governance, human rights and civil society programmes. From the socio-economic point of view, culture is a means of promoting mobility, adjustment and positive development.

In development cooperation culture relates to values, practices and institutions.[68] Cultures differ in terms of value choices, such as the status of religion and ethical traditions. Culture has become an important part of development cooperation with many countries and the trend is growing. It is possible to distinguish three trends that strengthen the status of culture in development cooperation[69] :

1. An understanding of the nature of poverty and strategies for overcoming it

Poverty is not only lack of economic and social resources, but also lack of rights, influence and status. Accommodating the ideas and visions of the local people is decisive in how much of development really benefits the poor. Important factors in a comprehensive development strategy for eradicating poverty are equality, human rights, democratisation and civic influence, and due attention to the cultural point of view and cultural diversity.

2. Partnership and nationals strategies

Development cooperation must be based on an equal partnership between the North and the South. This is easier to achieve in the field of culture than for instance in the economy.

3. Globalisation and its cultural impact

With the globalisation process, the countries in the world are becoming more and more interdependent in economic and political terms, in social development and as regards environmental considerations. Closer cooperation across state and cultural borders may lead to a richer spectrum of cultures and to mutual understanding, but also to monoculturalism and cultural bumps. Measures to support cultural industry in a developing country may be a better way to ensure the development of local cultures on their own terms and to secure their existence as part of the global cultural supply.

Yet, cultural importation has its own good sides, in promoting an understanding of other cultures and in helping to perceive one's own culture more clearly through an awareness of differences. But if cultural importation overrides the expression of the local cultures, it

68 Seppälä, Vainio-Mattila 2000.
69 Danida 2002.

may lead to the loss of creative and economic potential, alienation from local cultures and surrender. There are many sad examples of this, notably as regards indigenous peoples.

Culture and development in the international context

In the international context, the role of culture and cultural sectors in development cooperation has been addressed in many contexts. The UN Summits have influenced development policy lines. Especially the Johannesburg meting (2002) had themes relating to culture on its agenda. It expanded the notion of sustainable development to include education and culture. Culturally sustainable development makes for free intellectual activity, ethical growth and the preservation and development of cultural diversity from generation to generation. Cultural sustainability entails that development is in harmony with the culture and values of the community. Culturally sustainable development must be based on each nation's own cultural heritage and value world in order to be able to continue and develop.

In cultural policy the theme of sustainable development has been addressed within UNESCO and the Council of Europe. UNESCO, which has a strong focus on culture and development, is implementing a relevant action programme. The Council of Europe report *In from the margins* in 1997 also relates to the aims of culture and development, exploring ways to bring cultural policy from the margins into the mainstay of decision-making and the input of the disadvantaged from the margins.

One important frame of reference for cultural development cooperation was the UN World Decade for Cultural Development 1988–1997, which was celebrated on the initiative of the Cultural Policy World Conference held in Mexico in 1982. The Conference prioritised human factors in development, noting that growth thinking must also cater for people's intellectual and cultural needs. The Decade aims were to integrate cultural thinking into development policy, to strengthen and enrich cultural identities, expand participation in cultural life and promote international cultural cooperation. These ideas were also advocated by the Stockholm Intergovernmental Conference on Cultural Policies for Development (1998), which adopted an action plan listing objectives for mainstreaming culture in development cooperation:

1 Cultural policy must be one of the key components of development strategy.

2 Development cooperation must promote creativity and participation in cultural life.

3 Development cooperation must reinforce policy and practices geared to safeguard and enhance cultural heritage, tangible and intangible, and to promote cultural industries.

4 Development cooperation must promote linguistic and cultural diversity.

5 Development cooperation must make more human and financial resources available for cultural development. [70]

The World Commission report *Our Creative Diversity* (1998) stresses that culture is the foundation for all development. Culture and cultural diversity are the underpinning of creativity in society, but also a source of violence and exclusion. The report underlines that all cultures should respect each other in keeping with a global ethic, which derives from universal values, human rights and mutual respect over cultural boundaries.

70 Unesco 1998.

The World Bank strategy "Culture and Sustainable Development - A Framework for Action" (1999) has advanced the status of culture in development. The World Bank wishes to promote a development process that has the needs of the local culture and inhabitants as its starting point. According to the World Bank[71] , combining culture and development is conducive to creating new economic opportunities for communities to eradicate poverty; catalysing local development by investing in different social, cultural, economic and physical resources; generating revenue from existing resources; strengthening social capital and cohesion; and supplementing human development strategies and creating dynamic information societies.

As the first international treaty on multilateral cultural policy, the UNESCO Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions provides a foundation for a new kind of cultural policy cooperation, in which states commit themselves to safeguarding and promoting cultural diversity, facilitating the protection and promotion of the diversity of cultural policies and forms of culture and promoting wider international cultural exchange. One aim is to support developing countries in their efforts to improve the status of artists and cultural sectors.

The World Heritage Convention (UNESCO 1972) and the World Heritage List also relate to the developing countries. Most of the listed sites are in industrial countries but the Convention also obliges the industrial countries to support the developing countries in their efforts to identify, record, preserve and maintain their tangible cultural heritage. Other frames of reference for developing countries are the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), the UNDP report Culture and Human Development (2004) and the UN Millennium Review Summit held in 2005 and its final act, which particularly addresses cultural diversity and intercultural dialogue.

In the European Union, the Commission's development policy plans provide a framework for national policy lines as regards input into development and development cooperation. The EU activities in turn are governed by several strategies, action programmes and international instruments. In recent policies, the EU advocates partnerships in the promotion of development. The Development Policy Declaration gives a vision of development and outlines the implementation of development policy and development cooperation.

The globalisation and liberalisation of markets mean major challenges and opportunities for developing countries. On the one hand, globalisation opens new international markets, which makes for rising living standards and alleviates poverty. One way to integrate developing countries into the international trade system is to support their own development aims. The problems of developing countries also include the digital divide, that is, growing inequality and exclusion in information society. The "information rich" on our globe live far from the "information poor" and their reality.

The Finnish Development Policy Programme pledges to take the interests of developing countries more into account within the WTO system. A strong multilateral trade system entails full participation by the developing countries. For the poorest developing countries it is essential that their products have better access to markets, that the rules of the game take the special needs of the developing countries into account and that the promised technical assistance is also realised in practice.

TRIPS also means problematic situations for developing countries. It provides for obligatory patenting and the patent holder has a 20-year monopoly for instance to a given plant species. For developing countries this is a major problem for the local inhabitants can rarely afford scientific processes and legal costs. The South has 80-90% of the world's

71 World Bank 1999.

natural resources, whereas the North has the same proportion of the patents. This begs the question: Who owns knowledge and natural resources? The same kind of examples can be found in other areas, such as music, when the music of small nations is exploited and turned into hits and the profits flow into the kitties of Western record companies.

Nordic culture and development programmes

Sweden, Norway and Denmark have systematic programmes for development cooperation and the cultural sectors. In Finnish development cooperation, resources have been allocated to cultural fields, primarily through the Ministry for Foreign Affairs. These are mostly one-off measures but there would be resources for more permanent cooperation.

Finland

Before the Development Policy Programme (2004), the Finnish development policy lines (1998) stressed cultural understanding as the basis of relations with developing countries and development cooperation as an essential part of foreign policy. Cultural considerations were to be taken into account in all development cooperation and that resources for cooperation with developing countries and their civil societies to be increased.

Development cooperation financed by Finland is governed by international commitments and treaties and the national Development Policy Programme, which was informed by the UN Millennium Goals.

According to the programme, culture should be regarded comprehensively as a resource for development and a definer of values, mores and institutions in society, as the basis for security and experiences and as a source of solutions to problems and challenges encountered by people, which is characterised by constant change.

Development cooperation is a key tool for development policy. The new development policy is based on the following principles:

- Broad national commitment and coherence in all policy areas
- Commitment to a rights-based approach.
- The principle of sustainable development
- Comprehensive financing for development
- Partnerships for development
- Respect for the integrity and responsibility of the developing countries and their people.
- Long-term commitment and transparency.

Sweden

Sweden was among the first in the world to raise culture to the position it deserves in development cooperation, having invested in it since the 1960s and more intensively since the 1980s, with focus on resisting the Apartheid regime in South Africa. The policy paper on global development notes that the aim is to contribute to the development of a cultural and media policy that promotes democracy in the programme countries. The Swedish Government works for better coordination of cultural, foreign and development policies.

The key objectives for Swedish development policy are peace, democratic governance, economic and social development and sustainable exploitation of the environment.

The aims of cultural policy also support the aims of development policy:

- to protect freedom of expression and create conditions in which it can be realised for all
- to guarantee that all have equal opportunities to participate in cultural life and in creative activity
- to promote cultural diversity, artistic renewal and quality and thereby counteract the negative effects of commercialisation
- to create conditions for culture to be a dynamic and autonomous part of society
- to preserve and utilise cultural heritage
- to promote cultural aims
- to encourage cultural exchange and encounters of cultures within a country.

In Sweden the Swedish Agency for International Development Cooperation (Sida) is an important actor in the field of culture and development. Its key target groups are children and young people, women, minority groups, cultural actors and journalists. The overall objective is to create conditions for cultural diversity, creative activity and sustainable development based on human rights. This objective has been divided into smaller aims. The aims that are important in terms of cultural policy are listed below.

1 Creating cultural policies that respect human rights and take account of the knowledge, opinions and visions of cultural practitioners.
2 Promoting access by the public at large to information and participation in the social debate.
3 Enabling especially children and young people to participate in creative activity
4 Improving the institutional infrastructure in culture
5 Creating opportunities for the protection and use of cultural heritage.
6 Creating opportunities for cultural and media production in programme countries
7 Supporting internationalisation which protects different cultural expressions and defends against the standardising effects of globalisation.

Norway

Alongside Sweden, Norway was among the first to include culture and arts in development cooperation. Culture has been an important part of development cooperation ever since the early 1990s. The Norwegian Ministry of Foreign Affairs has the main responsibility for cultural cooperation. Its aims for cultural development cooperation are to help programme countries with their development, support cultural diversity and increase understanding between the North and the South. The operative responsibility has been divided among the Ministry and the Norwegian Agency for Development Cooperation (Norad).

Support is primarily given to projects that advance work for peace and conciliation, cultural rights, and women's and children's art.

Norad works under the Norwegian Ministry of Foreign Affairs to contribute to international cooperation in order to fight poverty. According to Norad, opportunity for self-expression by means of art and culture is crucial for people's well-being. In the globalising world, cultures and cultural heritage give people a sense of belonging. Participation, self-expression and communication through culture is a crucial element of free democratic societies. Living culture and cultural heritage can be used as a tool in achieving other development policy aims. For example, culture has proved to be a good door-opener in efforts to build peace and mediate conflicts. Work within culture can inspire some to take up politics and work through other democratic processes, create jobs and thereby help in the fight against poverty. Most of the programme countries are young states where culture has an important role in building identity and the state.

The aims of cultural work are to:

- support the overall development cooperation aims
- strengthen people's confidence in their own identity, creativity and values
- encourage general interest and participation in development processes
- promote intercultural understanding.

Denmark

In Denmark development operation is managed by the Danish International Development Assistance (Danida), which is subordinate to the Ministry of Foreign Affairs. Cultural cooperation mainly goes through the Danish Center for Culture and Development.

The central aim of Danish development cooperation is to reduce poverty. According to the Danish strategy for culture and development cooperation (2003), the development process is not only about economic and social factors, its core relates to values and attitudes, and an understanding of the cultural aspects is important for the success of development cooperation. The aim is a systematic and extensive integration of culture into development cooperation. Culture is understood both in its wide sense and more narrowly as relating to cultural and art activities. The Government is especially focusing on enterprises that promote a dialogue between cultures and religious tolerance.

In culture Danida's aims in development cooperation are to:

1 Promote the consideration of culture as a key element in the fights against poverty. Knowledge of the cultural context is central to all planning and implementation of development cooperation. Culture should be an integral part of education, health care and agricultural projects.

2 Promote the role of culture as an active tool for supporting the poor. Cultural projects can be used as a hands-on tool in promoting social justice and equality and the identity and self-esteem of the poor and the excluded. These groups need to be rated higher and valued more in society and have opportunities to participate in and benefit from societal development. Special attention should be paid to the status of women and indigenous peoples.

3 Support cultural diversity as a basis for human rights and tolerance. Culture should be given more attention in Danish cooperation and this should promote the preservation and promotion of the diversity of cultures. Similarly, active steps should be taken to work

for mutual respect. Tolerance and respect for human rights and other cultures should be promoted as a central element in safeguarding the cultural identities of developing countries.

12 Special ethical questions in different fields of culture

As a concept, the cultural sector means all activity relating to cultural content. In this context culture is understood to include sport culture, as well as the traditional fields of art and culture. This chapter looks at the fields covered by cultural policy measures, the art and culture sector, and applications of culture. Institutions maintained by society also include cultural heritage and museums, libraries and public service broadcasting. Censorship is discussed in the section on libraries.

12.1 Cultural heritage

Cultural heritage means tangible and intangible evidence of human activity in the past and now. Cultural heritage encompasses intangible and tangible heritage: Tangible heritage includes artefacts, immovable relics, built environments and landscape shaped by human hand. Cultural heritage is any object or concept that is seen to have aesthetic, historical, scientific or spiritual meaning. As intangible heritage was discussed above, this chapter will focus on cultural heritage in general and museums and cultural environment.

World heritage is an important factor for identity, and its significance is only growing in our rapidly changing world. Poverty, unsustainable forms of production and consumption, and unchecked globalisation often constitute a threat to valuable natural and cultural heritage sites. For instance, the three gorge dam under construction in China will submerge 800 valuable heritage sites.[72] Globalisation has opened worldwide markets for cultural heritage. When markets open, smuggling and illegal trade will also increase. On the other hand, there are web-based global registers where stolen goods can be entered and where provenance can be checked.

72 Prott 1998.

Cultural environments

A *cultural environment* is an environment whose characteristics reflect cultural eras and interaction between human beings and nature. It also relates to people's relationship with their environment in the past and now and the meanings and interpretations given to it. The specific concepts used to describe cultural environment are cultural landscape and built cultural environment.

The cultural environment also includes relics and heritage biotopes. Appraisals of the value of built cultural environment or cultural landscapes often refer to historical, architectural-historical, architectural, artistic and landscape values.

According to the *European Landscape Convention* (2000), landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. The concept 'national landscape' has no official status but the term is used to denote the best known landscapes that have a strong symbolic value. A landscape can be said to be natural or cultural, depending on whether it is primarily shaped by natural elements or human action.

Heritage landscape and heritage biotope mean areas shaped by traditional livelihoods and land uses that have kept their historical features, such as meadows and pastures and structures associated with their use.

The concepts of cultural landscape and heritage landscape overlap, the latter often being fairly small in area and part of a larger cultural landscape. 'Heritage biotope' refers to natural areas with numerous plant species, mainly used for hay field or pasture, such as dry and moist meadows, open and woodland pastures. In a 1995 Resolution the Finnish Government named 156 nationally important landscape areas. A historical park and a garden has been shaped by people in different gardening styles and fashions. There is no established time limit for "historical". Under the Finnish Land Use and Building Acts, it is possible to issue protection orders in a regional, urban and building plan with the purpose of safeguarding the character and special features of a built cultural environment.[73]

The concept 'built cultural environment' /'building heritage' refers concretely to a built environment or to the history of land use and construction and to the way in which it has come about. The terms encompass the community structure, buildings with their indoor and outdoor facilities, gardens, parks and various structures (e.g. streets or canals). Building heritage is mainly a synonym for built environment, but sometimes it is used to refer to old buildings. Nationally significant cultural historical environments are listed in a document jointly published by the National Board of Antiquities and the Ministry of the Environment.[74]

Ethical themes

One of the foremost ethical themes is the availability and accessibility of cultural heritage. The rationale is that everyone has the right to enjoy cultural heritage, irrespective of distance, minority status, disability or other similar factors. An important means to this end is to digitise national cultural and natural heritage and make it available on the internet to the public, authorities and museums. Accessibility is important for regional equality, as is the supply of services supporting the preservation of cultural environments. Accessibility means

73 National Board of Antiquities.

74 Rakennettu kulttuuriympäristö alueet ja kohteet.Museovirasto.

equal right to participate and experience and is promoted through the removal of obstacles to movement, seeing and hearing and access to information.

The return of cultural heritage is an important ethical theme at the international level, but the obligation is not always met, despite binding norms. Throughout history, cultural treasures have been plundered, notably in the era of explorations and colonialism. Most of them were brought to Europe before any treaties were made, and they are not retrospectively binding. Even thefts and disputes over ownership dating from the Second World War are still unresolved.

Safeguarding the cultural heritage and rights of indigenous peoples is part of the global heritage work. Indigenous peoples have a great deal of tacit knowledge and skills, which are invaluable and irreplaceable. Most of the sites currently on the World Heritage List are situated in industrial countries. The listed sites should be selected in appreciation of the diversity of cultures and nature equally and representatively from different parts of the world, especially from developing countries.

The mobility of collections is one of the five priorities in the agenda of the European Council in the field of culture 2005–2006. The mobility of persons and cultural objects is based on the idea that museum collections are the common European cultural capital

Statutes governing the exportation of cultural objects are part of the protection of cultural property. The aim is to keep the most valuable cultural property in the country of its origin, where it forms part of the nation's history and identity. In Finland the Act on Restrictions to the Export of Cultural Goods is applied to all mobility of cultural objects outside the Finnish borders. In addition, exportation is also governed by a Council Regulation and a Commission Regulation on the export of cultural goods.

Examples of the destruction of cultural heritage during conflicts and war can be found in the Balkans, Palestine, Congo, Ivory Coast and Afghanistan. The protection of cultural property during conflict generally hinges on adherence to the principles of humanitarian law and the ethics of war; destruction as such does not indicate the effectiveness or ineffectiveness of treaties. The major problem can be said to be conscious destruction of cultural property, which is a common feature in ethnic conflicts. Similarly, the chaotic situations caused by conflicts (crumbling states) increase damage to and illegal trade on cultural property. In terms of the preservation of cultural heritage in conflict situations the decisive factor is the commitment of the international community to the principles of humanitarian law and the awareness, morality and will of those in power.

Criticism has also been levelled at the fact that the preservation of cultural heritage is typically a European phenomenon, which in the developing countries often takes the form of excessive consideration of aesthetic and historical monuments. According to Deniz Kandiyoti, these values are "*biased towards the élite and masculine; the monumental rather than the homely, the literate rather than the oral, the ceremonial rather than the workaday, the sacred rather than the profane.*"[75]

Operators

At the international level, the foremost operators in the field of cultural heritage are UNESCO, the Council of Europe, the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS) and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

75 As cited in Our Creative Diversity.

Museums

Museums have a important role in today's society. An amendment (2005) to the Finnish Museums Act spells out this duty: *"The aim of museum activities is to maintain and strengthen the population's understanding of their culture, history and environment. Museums shall promote access to knowledge about cultural and natural heritage by recording and preserving material and visual cultural heritage for the future generations, conducting research and disseminating information relating to it, and staging exhibitions and producing publications."*

Because of the cultural wealth they represent, museums can serve as advocates of multiculturalism and tolerance in society. It is of the utmost importance that museums consider minority cultures in their activities.

ICOM Code of Professional Ethics

The International Centre for the Study of the Preservation and Restoration of Cultural Property adopted a Code of Ethics for Museums in 2004, defining minimum standards for museums and their personnel and what the public can expect from museum personnel. Museums have a duty to acquire, preserve and promote their collections in order to protect natural, cultural and scholarly heritage. Museum collections are an important public heritage, which has a special status in national law and which is protected by international legislation. This public trust entails legal title to objects in the collections, documentation, accessibility and permanence of collections and responsible disposal of objects.

Museum collections reflect the cultural and natural heritage of the communities where they originate. They are no ordinary property but have great importance for national, regional, local, ethnic, religious or political identity. The ICOM ethical code stresses that this must be taken into account in museum activities. Museums also have an important duty to develop their educational role and attract larger publics from the community and region they serve. An important part of this educational role is to interact with the surrounding community and cherish its cultural heritage.

According to the ICOM Code of Ethics for Museums (2206)[76] , the key ethical rules are the following:

1. Museums preserve, interpret and promote the natural and cultural inheritance of humanity

Principle: Museums are responsible for the tangible and intangible natural and cultural heritage. Governing bodies and those concerned with the strategic direction and oversight of museums have a primary responsibility to protect and promote this heritage as well as the human, physical and financial resources made available for that purpose.

2. Museums that maintain collections hold them in trust for the benefit of society and its development.

Principle: Museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their collections are a significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal.

3. Museums hold primary evidence for establishing and furthering knowledge

76 Code of Ethics for Museums 2006.

Principle: Museums have particular responsibilities to all for the care, accessibility and interpretation of primary evidence collected and held in their collections.

4. Museums provide opportunities for the appreciation, understanding and promotion of the natural and cultural heritage

Principle: Museums have an important duty to develop their educational role and attract wider audiences from the community, locality, or group they serve. Interaction with the constituent community and promotion of their heritage is an integral part of the educational role of the museum.

5. Museums hold resources that provide opportunities for other public services and benefits.

Principle: Principle Museums utilise a wide variety of specialisms, skills and physical resources that have a far broader application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum's activities. These should be organised in such a way that they do not compromise the museum's stated mission.

6. Museums work in close collaboration with the communities from which their collections originate as well as those they serve

Principle: Museum collections reflect the cultural and natural heritage of the communities from which they have been derived. As such they have a character beyond that of ordinary property which may include strong affinities with national, regional, local, ethnic, religious or political identity. It is important therefore that museum policy is responsive to this possibility.

7. Museums operate in a legal manner

Principle: Museums must conform fully to international, regional, national, or local legislation and treaty obligations. In addition, the governing body should comply with any legally binding trusts or conditions relating to any aspect of the museum, its collections and operations.

8. Museums operate in a professional manner

Principle: Members of the museum profession should observe accepted standards and laws and uphold the dignity and honour of their profession. They should safeguard the public against illegal or unethical professional conduct. Every opportunity should be used to inform and educate the public about the aims, purposes, and aspirations of the profession to develop a better public understanding of the contributions of museums to society.

Cultural heritage norms

EU activities directly relating to the cultural field support and supplement national action. In practice they are decisions on culture promoting programmes (Culture 2000) and non-binding recommendations that reflect the views shared by the member states. In addition, EU action in the areas of regional development, research, education, the environment and information society greatly influence the cultural heritage field.

The World Heritage Convention was adopted by UNESCO in 1972 with a view to showing and safeguarding the value of the foremost cultural heritage sites. To be inscribed in the *World Heritage* List, a site must represent a masterpiece of human creative genius or bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared. The site may be an outstanding example of a type of building, architectural or technological ensemble or of a traditional human settlement, land-use or sea-use which is representative of a culture. It may be directly or tangibly associated

with events or living traditions, ideas, beliefs or artistic and literary works of outstanding universal significance. It may and be outstanding example representing major stages of earth's history, or represent significant on-going ecological and biological processes or contain the most important natural habitats for in-situ conservation of biological diversity, including those containing threatened species.

The Convention has been signed by over 170 states and is implemented by the *World Heritage Committee*, which keeps the World Heritage List of unique cultural and natural heritage. By August 2005, the List contained 812 sites in 137 countries: 628 representing cultural, 160 natural and 24 both cultural and natural heritage. The Convention obliges industrial countries to support developing countries in their aspirations to identify, list and maintain their material cultural heritage.

Another fundamental normative instrument in cultural heritage is the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (UNESCO 1954). It was written in the aftermath of the Second World War, which destroyed a substantial part of European cultural heritage. The idea underpinning the Convention is that the destruction of one nation's heritage is the loss of humanity as a whole. The aim is that the warring parties refrain from attacking cultural heritage. The Convention entails that the signatories take precautions in peace time for protecting their heritage in the event of war and that they make the content of the Convention known among their populations and armed forces. Finland ratified the Convention and its Protocols in 1994.

Although the convention has been in force since the fifties, it did not prevent the destruction of the National Library in Sarajevo or wide-scale devastation during the war in Iraq. An important step forward was the Second Protocol, which was added in 1999. It expands protection to internal conflicts and strengthens the legal status of the Convention. The effectiveness of the Convention is undermined by poor commitment on the part of the states to practical implementation and the relatively small proportion of signatories (115 member states, compared with the World Heritage Convention, which has 170 signatories).

The preamble to the *UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property* (1970) notes that the interchange of cultural property among nations for scientific cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations. Cultural property is a fundamental element in civilisation and in national culture. Its true value is appreciated only in relation to the fullest possible information regarding its origin, history and traditional setting. This is why the parties to the Convention have an obligation to project cultural property on their territories from theft, illegal excavations and illicit export.

The aim of the *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003) is to protect intangible heritage, which is also listed in the manner of the World Heritage List. Intangible cultural heritage means practices, expressions, representations, knowledge and skills which groups consider part of their cultural heritage. It is sometimes also called "living cultural heritage". Intangible cultural heritage is in the form of oral tradition; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and the universe; and traditional craftsmanship. These are passed on from generation to generation, and the heritage is constantly renewed in interaction with the environment, nature and society. Intangible heritage is part of identity and its continuity, and its protection promotes cultural diversity and develops creativity. Finland has not yet ratified this Convention.

Since culture comes under national legislation in the EU, cultural heritage has not been

discussed to any great extent. The EU priorities largely get their expression in the action programmes. Examples of this include the Lund action programme relating to digitisation, the Culture 2000 programme, and the Information Society Technologies projects. There are statutes concerning the exportation of cultural objects and the return of illegally exported cultural objects.

The agreements on cultural heritage concerning Europe have thus mainly been adopted within the Council of Europe. The purpose of the *European Convention on the Protection of the Archaeological Heritage* (CoE 1992, Valletta Convention) is to protect archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study. Archaeological heritage is seen to consist of all remains and objects and any other traces of mankind from past epochs.

In order to protect the archaeological heritage and to secure the scientific level of research, the contracting parties pledge to create a system for authorisation and control of digs and other archaeological activity and to make sure that digs and other methods that may harm the object can only be carried out and used by competent, specifically authorised persons. The parties also seek to reconcile archaeological needs and land use needs. The Convention also contains an article on the financing of archaeological research and the protection of antiquities. Finland signed the European Convention on the Protection of the Archaeological Heritage in 1994. The Finnish Antiquities Act follows the principles laid down in the Convention.

The rationale behind the *Convention for the Protection of the Architectural Heritage of Europe* (Granada Convention, Council of Europe 1985) is that architectural heritage constitutes an irreplaceable expression of the richness and diversity of Europe's cultural heritage, bears inestimable witness to our past and is a common heritage of all Europeans. For the purpose of precise identification of the monuments, groups of buildings and sites to be protected, each Party undertakes to maintain inventories and take legislative action to safeguard the sites. The Convention also addresses the question of adapting protected sites for new uses and access by public to the sites, provided that this does not compromise the architectural and historical character of the site.

The architectural heritage is considered to comprise:

1 monuments: all buildings and structures of conspicuous historical, archaeological, artistic, scientific, social or technical interest, including their fixtures and fittings;

2 groups of buildings: homogeneous groups of urban or rural buildings conspicuous for their historical, archaeological, artistic, scientific, social or technical interest which are sufficiently coherent to form topographically definable units;

3 sites: the combined works of man and nature, being areas which are partially built upon and sufficiently distinctive and homogeneous to be topographically definable and are of conspicuous historical, archaeological, artistic, scientific, social or technical interest.

The *European Landscape Convention* (CoE 2000) is based on the aims of sustainable development and the significance of landscape for culture, ecology, the environment, the economy and society. Landscape contributes to the formation of local cultures and is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity. The Convention covers natural and cultural landscapes, protected areas, and everyday landscapes. Its aim is to promote landscape protection, landscape management, landscape planning and relevant cooperation in Europe.

The Convention covers natural, rural, urban and peri-urban areas on land, in inland waters and in marine areas. The contracting parties commit themselves to taking landscape into account in their legislation as an essential part of the living environment, formulate policies geared to protect and manage landscapes and include landscape considerations in zoning and urban planning and other policies which influence the landscape. The European Landscape Award is a recognition bestowed on a local or regional authority, a group or a civic organisation that has introduced a policy or measures that have proved to be effective and provide an example for other regional authorities in Europe. Finland was among the first 18 signatories.

Under the *UNESCO Convention on the Protection of the Underwater Cultural Heritage* (2001), authorities regulate activities at underwater sites, authorities must be informed of finds, and wrecks that have been in water for a hundred years or longer are classified as cultural heritage with their cargoes and other content. The Convention defines underwater cultural heritage and outlines the legal measures and international cooperation mechanisms whereby protection is carried out. The Annex contains rules concerning activities directed at underwater cultural heritage. The first option under the Convention is that cultural historical finds are primarily preserved in situ. If objects are recovered they must be deposited, conserved and managed in a manner that ensures its long-term preservation. Cultural heritage must not be lifted from the site for commercial gain, nor should research material recovered from a site be irretrievably dispersed. Activities at a underwater heritage site must be sanctioned by competent authorities.

Cultural tourism and tourism in general have to do with the ethical dimensions of the protection of cultural heritage. Meeting in Mexico in 1999, the International Council on Monuments and Sites (ICOMOS) adopted a *International Cultural Tourism Charter* [77] . According to it,

> Since domestic and international tourism is among the foremost vehicles for cultural exchange, conservation should provide responsible and well managed opportunities for members of the host community and visitors to experience and understand that community's heritage and culture at first hand.
>
> The relationship between Heritage Places and Tourism is dynamic and may involve conflicting values. It should be managed in a sustainable way for present and future generations.
>
> Conservation and Tourism Planning for Heritage Places should ensure that the Visitor Experience will be worthwhile, satisfying and enjoyable.
>
> Host communities and indigenous peoples should be involved in planning for conservation and tourism.
>
> Tourism and conservation activities should benefit the host community.
>
> Tourism promotion programmes should protect and enhance Natural and Cultural Heritage characteristics.

Tourism is one of the biggest and most rapidly growing industries. It can contribute to the preservation of cultural heritages. Sustainable travel is tourism which is economically viable without destroying the environment and local cultures. Sustainable tourism is often seen to have three dimensions: ecological, socio-cultural and economic sustainability. The preservation and authenticity of the tourist sights are important factors in it.

77 www.icomos.org/docs/tourism_charter.html

12.2 Libraries

National level

At the national level important ethical themes relating to libraries are children and the media, adoption of filtering systems in libraries and schools, the promotion of digital balance: levelling out regional and societal differentiates in infrastructure and equipment, and the promotion of quality content. In addition, one of the guiding principles for libraries in Finland and many other countries has been to combat censorship.

Materials for an ethical code for library work in the 21st century

The ethical code for libraries in the 21st century could contain for instance the following principles outlined in the IFLA Internet Manifesto and the code of the Finnish National Library of Health Sciences:

1. Society

The personnel of the public libraries promote access by all to information, ideas and experiential materials in physical and virtual libraries. The personnel support traditional and modern literacy, lifelong learning and citizenship skills needed in a knowledge society. Library users are offered collections that reflect the diversity and plurality of society and related services.

2. User

The personnel of the public libraries help users to find the best possible materials and information following the principle of protecting each library user's right to privacy and confidentiality with respect to information sought or received. This is the core of the library profession.

Definitions:

- *user* = a person searching for materials or information in a library being either physically present there or through the internet, alone or in a group
- *best possible information* is found by a library professional by interviewing the patron, his or her knowledge of sources of information with professional, active interest and willingness to serve.

3. Professionalism

The public library staff work together with library users, upgrading their competence to produce appropriate, varied, egalitarian, well-organised and easily accessible services, avoiding all manner of censorship.

Definitions:

- *professional competence* = keeping up-to-date with developments in the library field and in society; appropriate, varied, egalitarian library services cater for all the patrons: there can be no discrimination based on race, religion, gender, age or other similar reason.
- *well-organised and easily accessible library services* = regionally appropriate, also catering for users who cannot themselves physically visit the library. The collections are

appropriately organised and in order.

4. Own responsibility

Every library staff member assumes personal responsibility for their own development and for updating their professional skills. In a multicultural world paradoxically fragmenting and unifying at the same time, libraries should evaluate their own activities intensively and pluralistically on a continual basis.

International level

The ethical themes relating to libraries are traditionally to oppose censorship, to uphold and promote freedom of speech, to protect and appreciate the library user's privacy and confidentiality, to promote availability and accessibility, to provide the same standard of service irrespective of race, religion and social standing, and to respect copyright. It has also always been at a core mission for libraries and the library profession to promote and build up national culture and identity.

According to the UNESCO Public Library Manifesto (1994): "The public library, the local gateway to knowledge, provides a basic condition for lifelong learning, independent decision-making and cultural development of the individual and social groups."

The following key missions which relate to information, literacy, education and culture should be at the core of public library services[78]:

1 creating and strengthening reading habits in children at an early age;

2 supporting both individual and self conducted education as well as formal education at all levels;

3 providing opportunities for personal creative development;

4 stimulating the imagination and creativity of children and young people;

5 promoting awareness of cultural heritage, appreciation of the arts, scientific achievements and innovations;

6 providing access to cultural expressions of all performing arts;

7 fostering inter-cultural dialogue and favouring cultural diversity;

8 supporting the oral tradition;

9 ensuring access for citizens to all sorts of community information;

10 providing adequate information services to local enterprises, associations and interest groups;

11 facilitating the development of information and computer literacy skills;

12 supporting and participating in literacy activities and programmes for all age groups, and initiating such activities if necessary.

Questions of censorship and freedom of speech, on the one hand, and plurality and individuals' right to their own value world, on the other, have been recently raised because of the internet. International codes stress equality: the service must be the same irrespective

78 UNESCO Public Library Manifesto, http://www.unesco.org/webworld/libraries/manifestos/libraman.html

of race, religion, gender or social standing. The library users' privacy must be protected and appreciated.

It has been recognised all over the world that the need for and use of physical library facilities has been growing with the proliferation of virtual services. Libraries work as community centres for their areas. They are the most important open, non-commercial meeting places where all can come as they are. Since the major problem for many is to find relevant information from a huge mass of information, the guidance given in libraries facilitate access to information. Constantly diversifying library materials and growing library use have led librarians ask what kind of facility the library is and who is responsible for the materials made available there. Does internet content constitute material that belongs to the library staff's responsibilities and can it be selected in the library sense?

Should access to information be limited as regards material felt to be offensive or detrimental? This involves the time-honoured question of the quality of materials. Who is responsible for the quality of library materials? How is quality assessed in a diversifying world? The answer offered to these questions is media literacy and media education. Libraries have a great deal of experiential, comprehensive and pragmatic knowledge of this. Without it, there can be no media literacy, which entails a critical approach to information on offer.[79]

International ethical codes for library work

Library organisations

The *Internet Manifesto of the International Federation of Library Associations and Institutions* (IFLA, 2002) stresses the freedom of access to information through the internet. It is the task of libraries to teach library users, including children and young persons, to utilise the internet and electronic information and to facilitate responsible access to sources of quality information. The IFLA encourages the governments of different countries to support free access to information on the internet and to refrain from all manner of censorship.[80]

The IFLA organ *Free Access to Information and Freedom of Expression* (IFLA/FAIFE) stresses the values of intellectual freedom and everyone's right to information. According to it, all form of censorship must be opposed. Libraries must make sure that their collections and the selection and availability of library materials and services are governed by professional considerations and not by political, moral and religious views.[81]

The IFLA statement on *Libraries and Intellectual Freedom* (1999) stresses freedom of speech:

- Libraries provide access to information, ideas and works of imagination. They serve as gateways to knowledge, thought and culture.
- Libraries provide essential support for lifelong learning, independent decision-making and cultural development for both individuals and groups.
- Libraries contribute to the development and maintenance of intellectual freedom and help to safeguard basic democratic values and universal civil rights.

79 E.g. Kallio 2005.
80 http://www.ifla.org/
81 http://www.ifla.org/faife/faife/presen.htm

- Libraries have a responsibility both to guarantee and to facilitate access to expressions of knowledge and intellectual activity. To this end, libraries shall acquire, preserve and make available the widest variety of materials, reflecting the plurality and diversity of society.
- Libraries shall ensure that the selection and availability of library materials and services is governed by professional considerations and not by political, moral and religious views.
- Libraries shall acquire, organize and disseminate information freely and oppose any form of censorship.
- Libraries shall make materials, facilities and services equally accessible to all users. There shall be no discrimination due to race, creed, gender, age or for any other reason.
- Library users shall have the right to personal privacy and anonymity. Librarians and other library staff shall not disclose the identity of users or the materials they use to a third party.
- Libraries funded from public sources and to which the public have access shall uphold the principles of intellectual freedom.
- Librarians and other employees in such libraries have a duty to uphold those principles.
- Librarians and other professional library staff shall fulfil their responsibilities both to their employer and to their users. In cases of conflict between those responsibilities, the duty towards the user shall take precedence.

The A*merican Library Association* (ALA) opposes the *Children's Internet Protection Act*, under which the Federally subsidised libraries must install filters on their computers. The ALA opposes any limitation to access to information. Confidentiality and right to privacy are essential. According to the ALA Code of Ethics: *These statements provide a framework; they cannot and do not dictate conduct to cover particular situations*. On censorship the Code says simply: … resist all efforts to censor library resources. The Code also emphasises confidentiality: *We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.* This has to do with the so-called Patriot Act, which gives the FBI the right to get information about borrowers and the materials they borrow in the name of anti-terrorism activities.[82]

The Australian Library and Information Association (ALIA) has perhaps gone farthest in its statement on the freedoms of speech (updated 1997):

"Librarians and technicians should not exercise censorship in the selection, use or access to material by rejecting on moral, political gender, sexual preference, racial or religious grounds alone material which is otherwise relevant to the purpose of the library and meets the standards which are appropriate to the library concerned. Material must not be rejected on the grounds that the content is controversial or likely to offend some sections of the library's' community."

Library codes

Many countries have issued library codes in the past few years. The theme of libraries and the internet is very topical, and free access to information is emphasised in many countries. One important programme is the Canadian *Media Awareness Network* (MAN), which aim to develop media literacy programs for children.[83] The Network was drawn up by people with backgrounds in education, journalism, mass communications, and cultural policy in

82 http://www.ala.org/ala/oif/basics/internetcensorship.htm /
83 Evans 2004.

order to give support to parents of children who use the internet with information about internet content and about media literacy. [84] The aim is to educate intelligent, safe and knowledgeable browsers. The philosophy is based on children's interest in the internet, on research and on shared responsibility. The programme also addresses the sales hooks and hate sites on the internet.

In Denmark library personnel conducted a lively discussion on the use of the internet in the early years of the new millennium. This resulted in the report *Er det bedre uden? Facts og overvejelser om brug af internetfiltre på bibliotekerne* (Is it better without? Facts and ruminations about internet filter for librarians), which deals with children's internet use, citizens' IT rights and free access to information on publicly available computers.

A Norwegian researcher has described the library professionals in his country as more prone to use the filter than their Danish counterparts. An interesting fact is that Norway has no library code although it is active in IFLA/FAIFE and other similar projects.

Different library codes can be accessed at *http://www.ifla.org/faife/ethics/codes.htm*. The very newest international focus in library work is to active dissemination of information about health, catastrophe preparedness and other similar issues. In Africa for instance, libraries are spreading information about AIDS. The Boxing Day tsunami awakened libraries to reflect on their responsibility concerning preparedness for catastrophes. This is already reflected in international documents although it has not yet been included in the codes.

12.3 Freedom of speech and censorship

Freedom of speech

The freedom of speech is every person's fundamental right and a guarantee for parliamentary democracy. Any undemocratically motivated restriction of the freedom of speech will always lead to restrictions to other freedoms, violations of human rights and ultimately to deprivation of liberty. The freedom of speech always goes hand in hand with responsibility for validating information and for respecting privacy.

Section 12 of the Finnish Constitution provides for freedom of speech: *"Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. More detailed provisions on the exercise of the freedom of expression are laid down by an Act."*

Finnish legislation on mass communications and the freedom of expression is neutral as to the medium and can be applied to all forms of mass communication irrespective of the platform used. Article 11 of the draft European Union Constitution corresponds to Article 10 of the European Convention on Human Rights, which reads:

1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity

84 Evans 2004.

> or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The freedom of expression is the cornerstone of each democratic society. It is everyone's fundamental human right regardless of cultural, religious, ethnic or other background.

The founding members of UNESCO chose the free exchange of oral, written and pictorial information as the basis of international cooperation in the fields of education, science and culture. UNESCO promotes the aim of independent media and pluralism through various networks and through the public opinion. It also offers forums for discussing these dimensions and challenges. The information society highlights opportunities inherent in the internet and the new media and the problems they involve with regard to the freedom of speech.

On the initiative of UNESCO, the UN General Conference decided on the *World Press Freedom Day* in 1993. The date, the third of May, marks the day on which the so-called *Windhoek Declaration* had been adopted two years earlier. The Declaration defends an independent and pluralistic press. It was also on UNESCO initiative that the *World Press Freedom Prize* was founded. UNESCO has special programmes relating to the freedom of speech, through which it has supported the operation of a free press in Angola, Africa, Middle East, East-Timor and Afghanistan.[85]

The news threshold is a measure for the importance of given information. The excessive stress on human interest in the media has led to current sensationalism and headlines journalism. Sensations and controversial stories are published because they are thought to interest readers and, of course, sell the paper, which is a commercial product.

Censorship

Censorship is defined as "Act of changing or suppressing speech or writing that is considered subversive of the common good".[86] The idea of controlling the written and printed word is as old as the written and printed word itself. This means that censorship is a historical feature in human society and should not be studied from a simplistic, moralistic viewpoint.[87]

Censorship can be divided into pre-censorship or post-censorship, depending on the procedure. Both have been carried out in Finland, too. Censorship can also be defined in relation to law: it can be unofficial or official. The former type is exemplified by the Finnish Board of Film Classification, the latter is what publishing houses, editorial boards and libraries do.

Although censorship seems to follow the laws of cause and effect, the causes and effects vary. Censorship is social discourse in such dimensions as social morality, laws, the political situation and prejudices. This is why all cases of censorship are different and will become even more diversified with the growing diversity in the world. Censorship is increasingly difficult to detect and interpret. The interpretation and study of this social discourse is complicated by the diversity of values and norms and the fact that the values and social value systems are rarely commensurate, comparable or uniform systems easy to conceptualise.

The discourse on censorship is further complicated by the multitude of platforms.

85 Information for All Programme (IFAP).

86 http://concise.britannica.com/ebc/article-9360151/censorship

87 Ekholm 1997.

Literature is no longer only on pages between covers. Sound and image are used to illuminate text in quite a new way. The growing volume of special effects is also seen in the censorship debate.

12.4 Mass communication and public service broadcasting

Mass communications are often called the fourth state power and, in an ideal situation, work as watchdogs holding those in power accountable for the use of power, making it visible and stimulating discussion. The essential feature in mass communication is that it has to do with language and culture.

Society regulates mass communications by supporting and controlling it. Press and transportation subsidies are examples of support. Electronic communications are controlled more stringently. For instance in Finland radio and television licences are granted by the government. One extreme of communications policy is that the media are entirely owned and controlled by the government. At the other extreme, the government does not control the media at all. This would seem to indicate that communications are totally free, which is not wholly true as content is determined on a commercial basis and governed by financial power and wealth.

In practice the communications systems in different countries are combinations of these two extremes. Many countries suffer from corruption in the media. The overall trend is that government regulation is being relaxed and the logic of commercial competition is taking over. This is partly due to technological advances, which have taken communications beyond mere radio frequencies. In some countries the monopoly of public service broadcasting is justified by the desire to democratically control the few existing channels.

Measures are taken to enhance pluralism in the media with a view to protecting freedom of expression and making sure that the media reflect the range of political opinions in democratic society. In an effort to secure plurality, governments often seek to limit the holdings of media companies and prevent concentration of power in the media field. There are good reasons for such special measures because the audiovisual field is dominated by transnational and Anglo-Saxon entertainment.

Everywhere in the world there are signs of the media accumulating in the hands of certain media giants, which is leading to increasingly uniform supply. Similarly problematic is foreign ownership, which can weaken domestic languages and culture.

On the other hand, commercialisation, too, is a focus of attention. For instance, television channels compete for viewers and minimise their costs. The end result is that channels broadcast similar entertainment series and competitions at similar times. If the viewer surveys show a declining trend, the advertisers run off and the TV station loses income. Mass communications have many roles: to maintain social coherence, produce resources and maintain continuity. They also uphold and shape social norms. Public debate may move the boundary between right and wrong and give the impression that deviations are in check. On the other hand, the media may passivise and create mass apathy with excessive, numbing violence, war images and pictures of emaciated children.

Kaarle Nordenstreng[88] assigns five missions for the media:

1 In the liberalist paradigm, the freedom of speech is an individual's right, which is realised without problems in the free market. Society has no stake in it except in safeguarding

88 Nordenstreng 1995.

individuals' basic rights and the freedom of the markets.

2 In the social responsibility paradigm, the freedom of speech is not an inalienable human right but a moral right, so that freedom always entails responsibility for using it for ethically acceptable purposes. In a democracy, the public's right to information overrides the publisher's right to publish, especially as the free market leads to the concentration of the media.

3 In the critical paradigm, the freedom of speech depends on the power structures in society rather than on the individual's rights. The main mission of the media is to create publicity opposing power hegemony, which supports the liberalisation of the subjected social strata and thereby democracy.

4 The administrative paradigm sees society as a rational order, in which communications have the status of a cybernetic control machinery. Instead of freedom of speech and democracy, the point of departure is efficient and professionally managed communications, markedly catering for the needs of the economy and society. The main task for the media is to diffuse objective information from knowledgeable authority sources.

5 The cultural paradigm denies the generally applicable rationality, objective information and professional communications. Its starting point is the small community, its social values and rituals and the communication of meanings instead of actual meaning contents. The main role for the media is to serve both cultural community-building and encounters between communities in order to achieve wider harmony.

Globalisation also poses challenges for mass communications. One of them relates to source and media criticism. It may be difficult to distinguish truth from propaganda.

With globalisation, ethical codes have proliferated all over the world. Global networking is growing and ethical codes, common rules, may help in this. On the other hand, the controlling role of the government is decreasing in many respects and the role of the civil society is growing, which may explain the popularity of ethical codes.

Advertising ethics

In a discussion of mass communications, one should also deal with the ethics of advertising. Advertising has been criticised for over-emphasis on sex, denigration of women, play on fear and blasphemy. Advertising directed at children and internet advertising are also contentious.

The International Chamber of Commerce has devised an Advertising and Marketing Communication Practice Consolidated ICC Code, according to which *"Marketing communication should respect human dignity and should not incite or condone any form* of *discrimination, including that based upon race, national origin, religion, gender, age, disability or sexual orientation."* [89]

Finland has had a Council of Ethics in Advertising [90] since 2001; it forms part of the self-regulation in the advertising field. It issues statements on whether or not an advertisement or advertising practice is ethically acceptable. The Council mainly deals with requests from consumers and with issues that are deemed to have public significance. The statements are based on the Consolidated ICC Code and on the Council's own principles of good

89 http://www.iccwbo.org

90 http://www.kauppakamari.fi/kkk/palvelut/Mainonnan_eettiset_ohjeet/fi_FI/Mainonnan_eettinen_neuvosto/

advertising practice. The Council also develops the ethical principles governing advertising. It does not take a stand on whether advertising is according to statutes or not.

According to the code of the Council of Ethics in Advertising:

> 1. An advertisement may not in any way debase, belittle or disparage a person because of his or her race, national origin, religious beliefs, gender or age or give a stereotyped or otherwise offending picture of him or her.
>
> 2 An advertisement is contrary to good advertising practice if
>
> a) a woman or a man is used as an eye catcher or a sex object and the gender is used in a demeaning, belittling or derogatory way;
>
> b) a woman or a man is used as a sex object or groundlessly as an eye catcher when this has nothing to do with the product or service advertised; or
>
> c) the advertisement contains sexual innuendoes or promises that have nothing to do with the product advertised.
>
> 3. An advertisement is contrary to good advertising practice if it claims or hints that the status of a gender is socially, economically or culturally lower than the other gender's or if it upholds a stereotypical idea of what is typical or characteristic of women or men, their personalities or ways of working.
>
> 4. An advertisement is not contrary to good advertising practice purely because it depicts scantily clad or naked persons, unless they have been depicted in a demeaning, belittling or derogatory way. [91]

Sex is used more and more in advertising. Sex is classic advertising material and does not necessarily only mean bare skin. The traditional way of combining a picture of a scantily clad woman with any product has been declared unethical but is still used.

The Council of Ethics in Advertising has issued only one statement relating to religion, ruling that a timber company advertisement depicting a wooden cross in rugged nature conditions and a text to the effect "There is nothing [it] cannot face; there is no limit to its …. endurance". The advertisement marketed impregnated wood, emphasising the durability of the product in extreme weather conditions. The Council noted that the use of a religious symbol for marketing purposes may offend religious persons, but saw that the advertisement as a whole did not demean Christian faith.

In autumn 2005 there was an uproar in Finland about a campaign of the animal protection union Animalia, and the outdoor advertising firm withdrew the advertisements from distribution. The campaign had three different posters. In one of them a person carries chickens by their feet with the caption "Chicken temptation". The second picture showed pigs in cramped conditions, with the caption "Piggy bank". The third one depicted a mink coat hanging from a peg, with the caption "Mink trap" and the tag on the coat said "Price: 57 dead minks". Each poster had a text at the bottom saying: "Be a human for once and demand that an animal has the right to be an animal." According to Animalia, it should be acceptable, alongside commercial advertising, to put forward views deviating from the

91 http://www.kauppakamari.fi/kkk/palvelut/Mainonnan_eettiset_ohjeet/fi_FI/Mainonnan_eettinen_neuvosto/

mainstream. The campaign was designed to rouse people to see how animals are treated. It was to guide consumers to visit the Animalia web site and find information about choices they could make to improve conditions for animals. The Council's statement notes that the images in question are not forbidding to the extent that they could be seen to be unsuitable for outdoor advertising.

International level

At the international level one important operator is the European Broadcasting Union (EBU), which is the largest confederation of national broadcasting companies in the world. The EBU negotiates for its member on the broadcasting rights for major sports events, manages Eurovision (news exchange) and Euroradio programme transmission networks, arranges programme exchanges, initiates and coordinates co-productions and provides production, commercial, technical, legal and strategic support for its members. Other continents have corresponding unions. The EBU international standards[92] highlight the following:

- Independence of the organization against any kind of economical or political interest
- Transparency in terms of financial re¬porting and decision making
- Ethics in terms of human resources man¬agement
- Women empowerment
- Citizen empowerment
- Respect of minorities
- Innovation and creation in all core broadcasting activities i.e. information, education and entertainment.
- Promotion of local, regional, national culture(s) as well as cultural diversity
- Quality of information, pluralism of opinions and points of view. [93]

12.5 Arts

Creativity as a freedom ethos and a right

Creativity is a characteristic of every human being and can be promoted by social policy and cultural policy measures. The basic skills for creativity are provided in art and skills subjects in general education. The creativity strategy report of the Vanhanen Government "Eleven steps towards a creative Finland" (2006) addresses the ethical viewpoint in connection with most of the proposed measures. It stresses the importance of cherishing and enhancing children's creativity. But since parents have different possibilities to take care of this responsibility, society must support them. The inequality of children as regards self-expression and self-development is seen both in education and in hobbies. For example, only a fraction of each age group participate in extracurricular art education. Education, training and other action having to do with children must make sure that everyone has opportunities for self-expression, whether in artistic, skills, cognitive, technical or other areas. The report also highlights the ethical viewpoint on culture in everyday life, the need to promote a culture of social debate and

92 EBU 2003.

93 http://www.ebu.ch/CMSimages/en/Certimedia_presentation_generale_e_f_tcm6-35066.pdf

criticism, and the ways in which cultural heritage, the physical environment, an egalitarian and fair working life and management culture influence creativity. The ethical problems relating to education, training and pedagogy are in the interface of education and cultural policies.

The purpose of cultural policy is not to regulate or steer creativity, but social policy measures can contribute to conditions conducive to creativity. A creative person or artist needs time, space and peace to create. This is where society can help them.

The Government's Art and Artist Policy Programme of 2002 aims at promoting creative activities. The means used will be to deepen knowledge, expand art and art education as a basic right and increase opportunities for international encounters. The Government Resolution on Art and Artist Policy has certain ethical dimensions, such as proposals concerning children's art and culture education, cultural diversity, accessible services and living environments, applications of arts, improvement of artists' status and the development of art administration.

The uneven distribution of incomes in the arts is a serious problem. The financial rewards in arts come with a delay, if at all. Wage-earners know that after taxes and certain other deductions, they will have a certain amount of disposable money. An artist's work is very much more difficult to determine, the work is seasonal and the artist must buy all the equipment and tools needed. The income is a sum that is left from a fee after certain technical, travel and agency costs. Business trips may take days and there is no per-diem.

Artists not only have rights but also responsibilities. Their fundamental rights are largely based on human rights, notably on the freedom of expression. Creativity can also wane and an artist may lose the ability to create, for instance as a result of negative experiences. In arts, creativity is putting oneself on show. Artistic and cultural creation involves very personal and subjective experiences.

The mythical image of the artist is transforming in social interaction. Art is part of society and the art profession is like any other profession. Individualism and solidarity are not mutually exclusive. The artist has freedom of expression but freedom also brings responsibility. The artist must respect certain moral values and cannot do just anything in the name of art. Examples of this are Harri Koskinen's Pig Messiah and Teemu Mäki's Cat killing video, which were mentioned in Chapter 5.2. Matti Wuori, who was a lawyer and Member of European Parliament, has said the following concerning these cases.

"Both cases defied the law. The difference is that the latter [Mäki] in my opinion also violated fundamental moral principles. And art is about morals even when – especially when – it mocks stifled old conventions in order to dig out something new. New is always unacceptable. The aesthetic and the ethical again are profoundly interconnected. There is no genuine art without a sustainable ethical foundation.

If an artist consciously crosses the ethical boundary, someone may say that, as an artist, he has the right to do so (cf. Nietzsche). What do you think, is the artist comparable to a professional who has a duty to keep on the straight and narrow, or not? If the artist's right is different from the rights of others, what is the justification for it?"

Different fields of art and culture have their own ethical traits, questions and practical problems, in which social and cultural policies have a balancing role, for example when there are conflicts and different emphases between freedom, responsibility and benefit ethos. In other contexts we have dealt with censorship and legal cases relating to the freedom of art. The following provides references to and examples of certain artform-specific problems. More in-depth discussion of the ethical dimensions of each art form will require more thorough studies and reviews.

Literature

The ethical problems in literature mostly concern censorship or materials considered offensive, both of which have been discussed in earlier sections.

Music

In music the question of ethicality has been increasingly raised in recent years. The point of departure is that the music genres are equal and share the same ethical questions. There is an ongoing review of music ethics in Finland.

In the music industry, projects are often undertaken "between mates" and contracts can be felt to be unnecessary bureaucracy. An artist may sign a contract he or she does not understand. For many young artists, just landing a record contract is an achievement. Problems arise later but cannot be talked about because of confidentiality terms. An artist can be silenced by contracts. This is especially immoral if the contract is concluded with an artist who is a minor. Having a professional check the contract is an investment in the future even if it costs money. Information and explanations of music industry contracts can be found on the internet and in publications. The fundamental principle is that nothing should be done without a checked contract that is approved by both parties.

Under an ordinary manager contract, the manager usually has the sole right to represent and sell the artist. The manager should be a person who understands both the artist and what it is to be an artist and can negotiate between different parties.

The music industry comes under cultural policy, trade policy, labour policy and development policy, which complicates the matter. Which point of view is applied to which sub-sector of the music business? In the music industry it is often an individual against a company, but the rules of international trade should also apply to this business.

Theatre, dance and circus

In dance and theatre, the artist's body and personality are instruments and it is on them that feedback is directed. This is why any criticism may feel severe; corporality is central to a human being, reflecting the totality of the person.

With regard to theatre ethics, the freedom of expression is one of the foremost ethical themes. Throughout its history, the theatre has sought to take up evils in society, to criticise those in power, which often leads to censorship. Almost without exception, the theatre has been for democracy against tyranny. In the theatre, actors put themselves totally in play. This makes certain demands on their training and on stage direction.

Dance conjures up images of young, beautiful and supple bodies. Ethicality in dance is related to themes arising from this. Dancers begin their careers young and the craft takes years to perfect. The relationship with one's own body may be problematic and eating disorders are an occupational hazard. The demand for excessive slimness is a norm that has prevailed in the Western world for the past fifty years. In dance training, more and more attention is being paid to eating disorders and students are offered nutrition classes and the services of nutritionists.

A body is also subject to injuries. Dance is physically very demanding and injuries are common. According to dancers, pain is part and parcel of the profession, but it is important to know one's limits. Many dancers have to abandon their careers because of injuries, some can carry on until retirement. In their forties, many dancers have serious problems with

knees, hips or other joints. However, in dance the body is looked upon as a subject and teachers mostly base their training on the capacity of student's body.

The ideal of "perfect" beauty in dance is, however, being broken. Disability dance is one such phenomenon. In Finland there are groups in which professional dancers work with dancers with disabilities in artistic productions. Dance is also used as a form of therapy.

Another ethical issue in dance is retirement. Classical dancers retire before they are 45 and need retraining and often study dance pedagogy or production.

The image painted in classical dance of the perfect dancer dies hard. Age racism is, however, gradually giving way when productions offer roles for dancers of different ages.

The gender theme is also something of an issue in dance. In many dance genres men's and women's roles are clear-cut and the differences are even accentuated; in modern dance less so than in classical. As a profession, dance is female-dominated and thus competition between women is stiffer than among men. The holders of top posts, such as lead choreographers, are still men. Partly because of the sexuality of the body, dance has been considered sinful, especially in puritanical Christianity, which has led to ethical problems and guilt.

In dance training, the teacher has a great deal of power over the dancer's body. This has been used, and is still used, unethically. The teacher's comments concern the student's body, its shape or form and can be insulting. It is a tradition in dance that the teacher's feedback is cruel, under the guise of preparing the dancer for the hard world of dance, where the feedback can be rough. As dance teaching and feedback largely focus on correcting body movement, it may result in the body becoming the enemy instead of an instrument, an object in the way of progress, which must be conquered. This in turn may lead to disappointment and giving up. The ethics of dance is above all about meeting and respecting otherness. This is where feedback should also start; the teacher must know and acknowledge his or her own prejudices.[94]

In traditional circus in particular, ethical issues relate to the use of animals in performance, the suffering of animals and the humanisation of animals.

Pictorial arts and photography

In pictorial arts aesthetic expression has led to clashes with criminal law or morality throughout the history of art. The reason may be blasphemy, indecency, copyright, desecration of a national flag, coat of arms or other symbols, or other profanity. The following is a discussion of some themes that are borderline in ethical terms, such as image manipulation, nakedness, forgeries, and sacred images.

Image manipulation has existed almost as long as photography itself, but with digital image treatment manipulation has proliferated and become more difficult to detect. Digital editing is considerably easier, quicker and less costly and therefore the temptation is greater. The problem arises when manipulation invades the world of journalism and the media. How far can digital manipulation go not to undermine the truthfulness of the image?

There are a number of ethical codes relating to image journalism and image manipulation.[95] Their main message is that professional photographers should provide an example, maintain a high ethical standard and to take pictures that report truthfully on the object. The foremost asset for a journalist is reliability. In documentary journalism it is

94 www.netn.fi/199/netn_199_itko.html, Seminar Ethics and politics embodied in dance 2004. http://www.dancethics.com/pdf/PROCEEDINGS.pdf Ethics in health, physical education, recreation, and dance http://www.ericdigests.org/1992-4/ethics.htm

95 E.g. Digital Manipulation Code of Ethics 1991.

wrong to alter the image in any way that will mislead the public. The guideline in digital image editing should be accurate and honest reporting. No image manipulation should be used unless this requirement is fulfilled. Boosting business with dishonest means is to be condemned.

On the other hand, since it is not possible to devise an ethical code that would fit all the situations, common sense and a discerning mind are needed in the application of any code. All persons and other subjects must be treated with respect and dignity. Special consideration is needed when the object is vulnerable, and victims of crimes and tragedies must be shown compassion and consideration.

The naked body has been depicted in art throughout ages. As beauty ideals change, nudity is used as a symbol of the new age and as a representation of independent conception of reality. Nudity itself is seen as morally suspect and therefore it has been portrayed through mythical content. Nudity in art is still controversial and attitudes to it vary from country to country and culture to culture.

Art forgeries and thefts are one of the world's fastest growing illicit industries. According to the FBI Art Register, the value of this trade is estimated to amount to some € 9.8. billion a year. As art is a big business, the risks involved in buying, selling and collecting are growing. In Finland, forgeries come under the Penal Code and are punishable by a fine or imprisonment. A person may also be sentences for the possession of illicit works of art.

Art works can, of course, be copied legally. Under the Copyright Act the works of an artist who has been dead for 70 years can be freely copied and even be sold as a copy. The difference between a forgery and a copy is the context and purpose: how the work is presented, whose work it purports to be and for what purpose it is sold. The victims of art forgeries include indigenous peoples, especially the Australian Aborigines.

Architecture

In ethical terms the Finnish Government's Architectural Policy Programme (1999) is based on the classic definition: utility, durability and beauty. Utility comprises functionality, practicality and efficient use of resources. Durability has evolved from mere strength of structures to include ecological sustainability. Beauty and comfort are the key features of buildings and the built environment. Architecture also comprises strong meanings and contributes to national and local identities.

In the Foreword to the Programme, Prime Minister Paavo Lipponen notes that the built environment reflects what has been valued in the society in different times. The aim of the programme is to create conditions conducive to the realisation of the citizens' rights in regard to good environment, with special emphasis on the citizens' duty and right to take responsibility for their environment. The purpose of the programme is to accomplish high standard public construction and maintenance, to promote good architecture and quality construction methods and to improve the management of our architectural heritage and the development of built environments as part of cultural and architectural heritage. Architectural policy is used to improve the quality of construction, to give concrete content to the principles of sustainable development and to enhance openness and interactivity.

The ethical dimensions of construction are cultural heritage, the cultural landscape and built environment, which were discussed in the section on cultural heritage, and especially land use, zoning and legislation governing construction.

Design and arts and crafts

Ethical considerations have been gaining ground in design and in arts and crafts over the past decades. A great deal of literature has been published on green design and green aesthetics. Both designers and consumers are increasingly aware of ecology, ethicality and durability, even though this is not seen to any great extent as regards purchases. Design firms working on ethical and ecological principles have been set up in Finland and in the world.

Arts and crafts are disappearing at the same rate as small cultures or languages. Old skills are dying with the older generations as new mass-produced commodities take over. Arts and crafts are closely linked with national and local identities. In many countries the rapid industrialisation has superseded old manufacturing methods, and slowly operating and slowly producing industries are no longer subsidised by authorities. Just as in nature, in culture dying out means the dominance of a monoculture. The overriding idea is economic growth and commercialisation, but remembrance, time-honoured techniques, ways of life and identities require a more subtle approach. In socio-design, designers explore ways to support small producers in excluded communities.

Victor Papanek's *Design for the Real World* (1971) opened a debate on responsible design. Papanek sees design above all as a methodology and a strategy that can offer solutions for many social and economic problems, notably in developing countries. Designers have responsibility for choosing ecologically and humanly sustainable materials. Papanek thinks designers' work should improve the world. As early as in the sixties he had spoken for better design. Ethically sustainable design caters for people who have disabilities or are sick, for developing countries and for other groups that do not benefit from the production of elite designers in the Western world. According to Papanek, the only important thing in design is how it relates to people.

In *The Green Imperative* (1995) Papanek continues on the same lines. For Papanek, design ethic is two things: First of all, instead of 'self-serving' codes, designers should construct codes of ethics that are genuinely regulative, protective, specific and transparent. Secondly, both designers and end-users should ask whether a design helps or further marginalises disenfranchised and poor sections of society, if it eases pain, and whether it aids environmental sustainability. The desired end-result of this reflection on the ethical and environmental impact of design is the emergence of a new design aesthetic which will infuse products with ethical and ecological meanings.

Papanek also assigns responsibility to the consumer. Those using a product should consider if a smaller, more efficient, possibly improved, often over-packaged product is clearly better than the one currently in use. If this is the case, there are still other options besides buying, such as buying second-hand, borrowing, renting or co-ownership. Instead of chucking away something it might be possible to repair or recycle it.

Another example is the organisation *Design for the World*, which was founded in 1998 to offer design for people in need on a voluntary basis. Design for the World believes that people disadvantaged by poverty, war, disability, age or environmental conditions deserve equal access to practical design solutions that will improve their day-to-day lives. It is an organisation uniting a large number of designers (graphic, product, architectural, etc.) who want to use their experience and creativity to help people in need. The objective of Design for the World is to identify areas where professional design can make a difference and to mobilize design professionals to work in those areas.[96]

96 http://www.designfortheworld.org/

The Council of Europe has issued several declarations concerning *universal design* and *design for all*. These mean various solutions relating to design that are applicable and adaptable for all, whatever their age or state of health. The key to accessibility is design and planning of services, environments and communication that takes account of individual differences.

Design for All goes one step further than traditional accessibility design, which, in keeping with statutes and regulations, seeks to avoid physical hindrances and often designs separate facilities for so-called special groups. The aim in Design for All is to achieve products, environments and communication devices that can be used by the largest number of people possible, irrespective of their functional capacity.[97]

In Finland the Second Lipponen Government had the promotion of design in their Programme and adopted a Design 2005! programme. It also had an ethical aim to increase well-being among the population by developing aesthetically high-quality environments and user-friendly products. The ethicality of resource allocation has also been discussed in Finland.

The audiovisual sector

The audiovisual sector comprises television, film, media art, the computer game industry and other AV content production. Important considerations in the field are the regional accessibility of services, and the diversity, plurality and quality of culture. Other important aims in audiovisual policy are to maintain conditions for the production of services in the domestic languages and to cherish national cultural heritage. Audiovisual content is important not only in communications and entertainment, but also for cultural coherence, inclusion and social equality.

The video and computer game industries are international business and predicted to boom in the years to come. The game industry is young but it is already as important as theatre distribution of films in Finland. According to WTO statistics, entertainment is the largest electronic industry in terms of turnover. The audiovisual field also includes media artists and new media operators. New opportunities are opening in digital television, interactive services, the internet and mobile communications. The major threat to the audiovisual industries is piracy, or illegal copying and distribution, especially in the new distribution channels.

The foremost ethical themes in the audiovisual field are accessibility, services to special-needs groups, the protection of the underage users and consumer protection. These have partially been discussed in earlier chapters.[98]

Accessibility: Local analogue television activities are fairly rare in Finland; only three operators have been granted licences. Local television could, however, play a major cultural role and strengthen communality and identity.

It is important that the disabled can also use audiovisual services. This requires accessibility for all whatever their disability: visual, aural or both. In practice this means complementing content with spoken or sign-language commentary or subtitles. The digital technology significantly increases the options available for this.

Promoting cultural diversity: This is a crucial question in terms of audiovisual policy.

A stable regulatory framework and well-working copyright system: Copyright provides the financial foundation for creative work and therefore the protection of intellectual

97 Könkkölä & Salovaara & Tiensuu - Nylund 2002.
98 Kunnas 2005.

property, especially copyright, is vital for the operation and development of the audiovisual field. International cooperation is essential in the fight against piracy.

Children and young people: Today the media are a natural part of children's life. They create communality and youth subcultures. The audiovisual field involves several ethical themes concerning children in particular. There are many international and national systems in place for protecting children against media violence. The foremost problems are sites and programmes on the internet and in television that are unsuitable for children. Efforts have been made to create reliable internet filters. Information campaigns and tip-off lines have been put in place and procedural guidelines have been issued in nearly all EU countries. In film theatres the age limits imposed by the film certification agencies work fairly effectively. Attention is also increasingly paid to media education and media literacy.

Within the UN system, UNESCO is an important organisation in the audiovisual field. It works in cooperation with several international organisations to promote free flow of information, the freedom of expression and the opportunities of developing countries to partake in free and pluralistic communications. One of the foremost UNESCO instruments is the Declaration of Principles and Plan of Action (2003), issued by the World Summit on Information Society, according to which the information society should promote the diversity of cultures and language and local content production. The Declaration concerns all material in digital form in culture, education and administration, stressing accessibility and calling upon member states to take specific action (strategies, selection, legislation) to preserve digital materials. Finland has highlighted the importance of the Declaration and the need to cater for the special needs of developing countries.

UNESCO has long worked for the preservation of audiovisual and film heritage, stressing of the crucial importance films have for national cultural identity, history and cultural heritage. Alongside the recognition of the importance of this heritage, there is growing awareness of how vulnerable and perishable audiovisual material is. According to UNESCO, audiovisual techniques are a source of economic growth and a vital factor for the promotion of cultural diversity. This is why it is important to create a favourable environment to strengthen and develop the audiovisual industries in developing countries.

At the normative level, UNESCO has issued a R*ecommendation for the Safeguarding and Preservation of Moving Images* (1980), according to which moving images form an integral part of a nation's cultural heritage. The Charter on the Preservation of Digital Heritage (2003) sees digital heritage as a common heritage.

The EU Directive *"Television without Borders"* is the basis for EU audiovisual policy. The Directive lays down the basic principles of audiovisual distribution: protection of minors, clear separation of television advertising and teleshopping from other parts of the programme service, and the prohibition to advertise certain products. The principle of right to information is intended to make it possible for a substantial part of the public in member states to follow important societal events on non-fee charging channels. This generally means major sports events. As the legislations and interpretations of different member states differ, it will be important to review the regulations in the future, with due attention to the international, European and national copyright regulations.

According to the European Commission, the provisions in the Directive concerning the protection of children are sufficient but measures should be taken to ensure adherence to the provisions concerning the protection of children and the keeping of general order. It is in this purpose that the Commission will propose updating the 1998 regulations concerning the protection of minors, with focus on self and co-regulation of communications. Other important matters are media literacy and questions relating to incitement to discrimination

or hate based on race, gender or nationality in the online media.

The European Commission's strategic policy i2010: *A European Information Society for growth and employment* (2005) seeks to coordinate member states' action for facilitating digital convergence and responding to information society challenges. The aim is to consolidate social, economic and territorial cohesion by making ICT products and services more accessible with a view to promoting growth and employment in a sustainable way. In order to achieve an information society that promotes inclusion, offers quality public services and contributes to the quality of life, the Commission intends to issue political guidelines concerning electronic accessibility and regional broadband coverage and propose an initiative on participation in information society.[99]

The Council of Europe established a *Steering Committee on the Mass Media* (CDMM) in 1976. The key guideline for the CDMM is the European Convention on Human Rights and especially its Article 10. The Committee of Ministers has adopted dozens of recommendations, resolutions and declarations prepared by the CDMM, notably the European Convention on Transfrontier Television (1989). Its purpose is to facilitate, among the Parties, the transfrontier transmission and the retransmission of television programme services and provide for certain minimum requirements relating to the protection of minors, television advertising and sponsorship and right of reply.

A topical aim on the CDMM agenda is to promote human and democratic communication by means of a pan-European action programme, which comprises four lines of action: a balance between the freedom of speech and expression and other rights and statutory benefits; the diversity of services and contents; social cohesion; and harmonisation of the legal framework in communication.

In Finnish legislation the audiovisual field is governed by the Act on the Classification of Audiovisual Programmes and the Act on the Finnish Board of Film Classification. Chapter 17 (Offences against public order) of the Penal Code contains provisions on the distribution of depictions of violence and the distribution, possession and marketing of sexually obscene pictures.

The aim of the Ministry of Education is to promote a strong and internationally competitive audiovisual production. This also entails the need to increase media education and take a more critical view of media violence because of the proliferation of content and interactivity in the new media. A comprehensive archival project will be undertaken to preserve audiovisual content and to facilitate research. In 2005 the Ministry outlined audiovisual policy and action up to 2010.

12.6 Sport

Ethical questions have been discussed in sport probably more than in any other sector of cultural policy. The concept of sports ethics began to spread in the 1990s and several projects have since been set up relating to sport ethic.

Ethical themes

Sport can be said to have social responsibility, notably regarding equality, multiculturalism and environmental considerations. The aim is an egalitarian sport culture in which all have equal opportunity to practise sports and be included in decision-making. Equality in sports

99 The future of European regulatory audiovisual policy http://europa.eu/scadplus/leg/en/lvb/l24107.htm

relates to regional, ethnic, language and intercultural, educational, political and ideological, gender, generational, sexual and economic equality, equality between different sport forms and equality irrespective of the state of health, functional capacity or talent.[100] In sports the major ethical issues are doping and fixed matches.

Of all the ethical themes in sports, doping has certainly been most to the fore and received most media exposure. Doping means taking drugs and other substances to enhance performance in sports. Doping may improve performance but it can also compromise the athlete's health. Doping is against the "spirit of sport", which is an ethically interesting concept that has evolved in the course of sport history.

The rules governing doping are laid down in antidoping codes, such as the World Anti-Doping Code (WADA), the regulations of the International Olympic Committee and the codes of the international sports federations. Doping violations include the use, possession, distribution and promotion of a prohibited substance, the use of a prohibited method and refusal to give a doping sample. One of the future challenges will be gene-manipulation. An athlete may use a gene technology developed as a treatment of an illness to enhance performance. The use of performance-enhancing genes and cells containing gene materials is already prohibited, although they are still very difficult to detect.

The ethical principles governing sports are best described in ethical codes, such as the Council of Europe's Code of Sports Ethics/Fair Play (1992), the *IOC Code of Ethics* (2004) and the Finnish Sports Federation's *Fair Play - Ethical Principles for Finnish Sports and Physical Activities* (2005).

The Finnish Sports Federation considers the following principles to be crucial:

Respect for human value and for life
Promotion of health and well-being
Non-violence
Equality and prevention of sexual harassment
Responsible finance
Sustainable development and respect for nature

International level

The most important operator in sport at the global level is the *International Olympic Committee.* In addition to its Code of Ethics, the IOC has an *Ethical Commission* which formulates and updates ethical principles. In the role of an observer, the IOC Commission monitors adherence to the principles and advises on and promotes observance of the ethical code in the participating countries. The IOC also has a *Commission for Culture and Olympic Education*, which develops links between education and sports, encourages intercultural exchanges and promotes cultural diversity.

UNESCO operates through a sports committee and the *Conference of Sports Ministers.* According to the *International Charter of Physical Education and Sport*[101] adopted by the General Conference in 1978, physical education and sport are a fundamental right for all and an important part of the education system and lifelong learning. Sport education and programmes must respond to individual and social needs; the protection of the ethical and moral values of physical education and sport must be a constant concern for all.

The first binding convention relating to sport within UNESCO was the International

100 Finnish Sports Federation 2005.
101 Unesco 1978.

Anti-doping Convention adopted by the General Conference in October 2005. The Convention is currently being ratified by the member states and is projected to take effect before the Torino Olympics. A global convention is an important step forward in global antidoping work. The aim of the Convention is to harmonise antidoping regulations and to create a legal framework to which all states can appeal in their fight against doping.

The European Union has no competence in sport and therefore cooperation is informal by nature and focuses on promoting the role of sport in EU policies, on sport education and on efforts to look after young athletes' interests. Many EU policies and decisions have an indirect effect on sport. The Draft EU Constitution would expand EU competence to sports, which would mean that the Union could support sport and create action programmes in sport.

The Council of Europe has been an important operator in international sport policy. It has a *Committee for the Development of Sport* which seeks to make ethical, safe and healthy sporting activities available to all by means of broadly based cooperation between the government and the civil society. The Committee also monitors the implementation of the European Sports Charter (1975) and ethical codes (1992) and promotes ethical sport culture.

The Council of Europe has several conventions relating to antidoping work[102] , spectator violence[103], disability sports[104], European sports[105] and sustainable development[106] .

12.7 Religions as cultural heritage

Religion is a difficult concept to define because of the multitude and diversity of religions; there are hundreds of definitions. Religions can be examined as part of cultural heritage. Religions are based on mythical narratives on the origin of life and the conception of reality; they conform to different mores, moral codes, values and rituals. Religion-like worldviews can be found in all societies that have existed in the course of human history. Worldviews also include atheism, agnosticism and humanism. The term "religion" also has a narrower meaning of organised religion as an institution.

It is estimated that there are over 10,000 religions in the world. The major world religions are Christianity, Islam, Hinduism, the traditional Chinese religions, Buddhism, Shamanism, the traditional African religions, Sikhism, Judaism, and Baha'i. Religions are divided into categories for instance according to the concept of god, oral or written materials, the origin or distribution.

Freedom of religion, which means a right guaranteed by the state to practice a religion alone or in groups and the right not to practice any religion, is a fundamental human right. The freedom to publish religious criticism is part of the freedom of religion and speech. Religions often represent ethicality in the media, but questions of ethics and morals are by no means the prerogative or monopoly of religions. Ethicality and morals have a general human basis independent of religions.

102 The Council of Europe 1984.
103 European Convention on Spectator Violence
104 The Council of Europe 1986.
105 European Sports Chater 1975/1992.
106 Code for Sustainable Development in Sport 2000.

At the international level, the freedom of religion is recorded in the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

The Parliament of the World's Religions adopted a *Declaration Toward a Global Ethic* in 1993. It is based on the major rules uniting world religions: Commitment to a culture of non-violence and respect for life; commitment to a culture of solidarity and a just economic order and a sense of moderation and modesty instead of an unquenchable greed for money; commitment to a culture of tolerance and a life of truthfulness and refraining from sexual immorality; commitment to a culture of equal rights and partnership between men and women.[107]

There are numerous countries in the world where a given religion has a special status compared to others. This state religion may be Roman Catholic, Orthodox, Lutheran, Anglican, Reformist or Presbyterian, Sunni or Shia Muslim; Buddhist; Hindu; or Judaic. There are also countries that have no state religion but which are not neutral in respect of religious minorities.

One of the foremost ethical themes of our times is the division between the traditions of the Muslim world and the Christian world and efforts to foment hostilities based on it. There can also be strong tensions between religion and human rights. One example of this is the circumcision of boys and girls, the sharia law and the stoning of women, and various dress codes (headscarves, burkha).

12.8 Applied fields

Applications or utilisation of arts and culture belong to corollary ethics and especially concern social and welfare policies and economic policy.

Health from culture

In welfare policy examples of art and culture applications are various forms of art therapy and the Finnish Health from Culture project.

Artistic creation and participation in cultural activities promote health and well-being. This has been shown in many Finnish and foreign research projects. Art gives experiences and stimulates our senses to observe our environment more intensely.

The *Arts in Hospital* ideology that started as a project within the UN World Decade for Cultural Development spread to the UNESCO member states in the 1990s. The Finnish Health from Culture network was established in 1992. The focus has been on disseminating art and cultural activities to social and health care institutions. Many volunteer artists have visited institutions, especially during holidays. Some hospitals have also appointed hospital artists and established an art gallery on an experimental basis. Some community art projects have been carried out among the elderly or persons with developmental impairments. There are a number of artists willing to work part-time with "socially engaged art". However, this activity is not yet perceived as preventive health care or social work. There is demand for art and applied cultural activity in social and health care units.

107 http://www.cpwr.org/resource/ethic.pdf

The work of the Health from Culture network has been supported financially by the Finland's Slot Machine Association Ray, the Ministry of Education, the Finnish Arts Council, the Finnish Association for Mental Health and various foundations.

For her doctoral dissertation, Assi Liikanen studied the potential of art and couture applications in social and health care. She sees many elements in art and culture that carry our daily life, prevent life from becoming routine and impoverished and act as a force against exclusion. According to her findings, art and cultural activities have four instrumental effects: "The first and most important is art as an experience, meanings and an enjoyment as such. The second is the relationship between art and good health, better work capacity and a good life. The third is the communality born out of cultural activities and art as a hobby and networks that help us manage our lives better. The fourth is the effect that art, architecture and interior decoration have in creating a pleasant environment. A beautiful environment and nature stimulate and can promote rehabilitation. This whole can also be interpreted so that the cultural capital contributes to our physical, psychological, social, emotional and ecological capital. Art and culture influence our sense of a good social life and help us take control of our everyday life."[108]

Art therapy

Art and creativity therapy activates people's own healing power by means of art: drawing, painting, modelling, music and movement, drama and poetry. Art therapy is a form of psychotherapy that uses the creative process to complement and repair individual development on the individual's own terms. Creativity therapies thus contribute to the realisation of cultural rights. At their best, they implement the values of equality, democracy and diversity. Creativity therapy can be group or individual therapy. The concept of art therapy has often been used to refer only to pictorial arts but it is currently understood to denote forms of therapy using any art form, for example music, dance, drama and literature.

Bibliotherapy was created in the USA, where the therapeutic qualities of poetry were explored as early as the 1920s. Bibliotherapy training is provided in several universities and bibliotherapist has been an occupational title since the 1960s. Bibliotherapy is also practised in Germany, the UK, France, Finland and Poland.[109] In Finland, as in other European countries, bibliotherapy has long been seen as a kind of auxiliary therapy, as it was seen in the US before the 1960s. In Finland it was known as book, library and reading therapy in the 1940s. In the fifties, hospitals began to establish reading circles in their libraries.[110] The first European bibliotherapy association was founded in Finland in 1981. Music and dance therapy has been given since the 1960s in major psychiatric hospitals.

Economic policy

The economy and commercialisation of culture also generate ethical benefits for instance though the employment of creative workers and artists and through improved national economy. The GDP share of the cultural economy is around 4% and employment 5% of employed labour force. The distribution and reproducibility of cultural products, especially by means of the new digital technologies, mean improved access to art and culture.

108 Liikanen Hanna-Liisa 2003.
109 Ihanus 1985.
110 Op.cit.

Ethical tensions arise between freedom ethos and benefit ethos, the relationship between the intrinsic value and quality of art, on the one hand, and instrumentality and economic output, on the other. Ethical clashes are also caused by the regulation of service production in the global economy and the liberalisation of services and the dominance of the Western entertainment production particularly over cultural production in developing countries. Seeing cultural production as a commercial service production is by no means without problems. The essential things in the quest for ethical balance are the distribution of copyright income and fair deals.

More research is needed to find out the pain spots in the economy of culture and the effect of regulation both at the international and European levels and nationally.

13 Indicators

Ethicality has often been described as an aspiration to good life. Efforts have been made in economics to develop numerical indicators for welfare since the 19th century. During the Second World War, the Keynesian economic measure describing overall production evolved into the GDP measure, which allowed the prosperity of nations to be compared. The gross domestic product could not, however, measure the decree of welfare or the state of the environment. It only measures the annual production of commodities and services, not so-called external diseconomies, such as pollution.

Within the UN, humanitarian development means an aspiration to create circumstances in which people can develop and utilise their knowledge and skills and lead a rich life which is in harmony with human needs and aims.

For the purpose of comparing nations' degree of welfare one of the best indicators is perhaps the Human Development Index (HDI). It has been developed within the United Nations Development Programme (UNDP) as a comparative measure of life expectancy, literacy, education, and standard of living. The HDI can thus indicate which country offers the best conditions for a good life. It is based on the assumption that the essential things in terms of humanitarian development are a long and healthy life, access to information and a sufficient standard of living.

The HDI measures the average achievements in a country in three basic dimensions of human development: a long and healthy life, as measured by life expectancy at birth; knowledge, as measured by the adult literacy rate and the combined primary, secondary, and tertiary gross enrolment ratio; and a decent standard of living, as measured by the log of GDP per capita at purchasing power parity in USD. The Human Development Report uses the HDI to assess socio-economic development.

At the top of the humanitarian development list are the Nordic countries Norway, Iceland and Sweden, which are rated high by all the three measures used. Finland figures among the top when measured by the quality of life and the state of the environment; the level of education is also high in Finland, but health and the standard of living are industrialised country average. Despite its usability, the HDI overlooks certain key areas in welfare. The World Conservation Union uses a more comprehensive index to measure welfare; it measures human well-being (HWI) and ecosystem well-being (EWI) separately.

Human well-being index (HWI)	Ecosystem well-being index (EWI)
Human health, longevity and stability of family size	Diversity of nature, the state of the ecosystem
Income level, nourishment, hygiene and national economy	Quality of natural and drinking water
Access to education, knowledge, communications systems	Air quality protection and quality of urban air
Freedom, peacefulness, community situations, crime	Animal protection, species diversity
Income distribution and gender equality	Resource

Source: Wellbeing of Nations 2001.

The Nordic countries Finland, Iceland, Norway and Iceland, and Austria are among the top countries in terms of sustainable development. The Nordic welfare model also fares well when measured by the HWI, whereas many countries with a high standard of living fall on the list when measured by this index.

The GDP measure and the Human Development Index contain no cultural variables and otherwise also ignore the role of culture in human well-being.

More developed indicators would be needed in support of cultural policy. In his *Towards Cultural Citizenship; Tools for Cultural Policy and Development* (2002), Colin Mercer analysed extensively the feasibility of cultural statistics in the development of cultural indicators. Indicators are much more than statistical data, they are not only articulation of cultural policy but also bridge policy and implementation. Indicators tell what lies behind the statistical data. They can be quantitative or qualitative. They are used for monitoring and evaluation, they influence behaviour and attitudes (i.e. are not neutral), they form part of learning, adjustment and change, they are needed for strategic planning and development. There are no universal cultural indicators, they are always specific to a country and a context. Indicators are used to measure and plan culture.

According to Mercer, four categories of cultural indicators are.

1 Cultural vitality, diversity and conviviality (economy, production, GDP, education, employment)

2 Cultural access, participation and consumption (social orientation, infrastructure)

3 Culture, lifestyle and identity (personal orientation, users of cultural products)

4 Culture, ethics, governance and conduct (political, ethical, moral, quality of life)

Mercer's indicators help to measure the impact of culture:

1. Cultural vitality, diversity and conviviality

Indicators in this group measure both the health and sustainability of the cultural economy and the ways in which the circulation and diversity of cultural resources and experiences can contribute to quality of life and should evaluate the following elements:

- The strength and dynamics of the cultural economy
- The diversity of the forms of cultural production and consumption
- The sustainability of the cultural ecology, including relationships and flows between commercial, public-funded and community sectors
- The extent to which these factors contribute to overall quality of life and the capacity "to live together".

2. Cultural access, participation and consumption

Indicators in this category measure - from the point of view of users/consumers/participants – opportunities for and constraints to active cultural engagement and should measure the following elements:

- Access to opportunities for creation through to consumption
- Evaluation by demographics of uses and users, non-uses and non-users of cultural resources
- The ends to which cultural resources are used
- The existence or otherwise of policy settings, measures and instruments to enable and evaluate the above.

3. Culture, lifestyle and identity

Indicators in this group measure evaluate the extent to which cultural resources and capital are used to constitute specific lifestyles and identities and should evaluate the following elements:

- The extent, diversity and sustainability of uses and non-uses of cultural resources for lifestyle and identity purposes
- A recognition and assessment of the reality of sub-cultures that are currently below or beyond the policy purview, including ethnic, gender, regional/local and age-based sub-cultural forms
- Inequalities by demographics, location, income, etc., inequalities of access to these opportunities.

4. Culture, ethics, governance and conduct

Indicators in this group measure evaluate the extent to which cultural resources and capital can contribute to and shape forms of behaviour by both individuals and collectives and should evaluate the following elements:

- Evaluation of the role of culture and cultural resources to personal and community
- The contribution of culture and cultural resources to community cohesion, social inclusion and exclusion
- The contribution of culture and cultural resources to the understanding of diversity and diversities
- The existence or otherwise of policy settings, measures and instruments to enable and evaluate the above.[111]

Mercer foresees the development of etho-policy. He asks to what extent the field and capital contribute to the creation of a coherent image of society through various community actions and development initiatives. To what extent does culture enable identities to be consolidated (or questioned) or enhance a sense of communality? To what extent does culture act as a form of social and human capital? To what extent does culture promote well-being in a community? What techniques and technologies does culture introduce to the construction a vibrant civil society? Mercer also stresses the capacity of cultural capital for enhancing quality of life and opportunities, e.g. freedom to make cultural choices and also not to participate, true capacity to make choices, act and participate, knowledge and access to acknowledge, physical access, infrastructure and social and community networks.[112]

Cultural diversity index?

The Human Development Index describes the social and, to some extent, ethical dimension, but in addition to it we need a Cultural Diversity Index. Indicators need to be developed for the purpose of measuring the extent of cultural diversity. Certain elements reflect the diversity of cultural meanings and infrastructure and the realisation of cultural rights. It should be possible to measure diversity at a concrete level.

A number of initiatives have been taken to develop diversity measures, such as the European Commission's *Towards an international instrument on cultural diversity* (2003), which, alongside the promotion and maintenance of cultural diversity, enhancement of cultural rights and international cooperation, proposes launching a global evaluation of cultural diversity and the creation of indicators and international standards for instance in the form of a report on the state of cultural diversity.[113]

111 Mercer 2002.
112 Mercer 2002.
113 http://ec.europa.eu/avpolicy/ext/multilateral/unesco/index_en.htm

ERICarts and the Council of Europe have developed a framework for indicators measuring cultural diversity, social cohesion and intercultural dialogue (2005)[114] :

1. Cultural Diversity General Indicators	
Issues	**Specific Indicators**
1.1. Implementation of COE instruments to protect and develop human/cultural rights	Are the results from the implementation of human/cultural rights provisions of the *European Convention on Human Rights, the European Cultural Convention and the European Charter for Regional or Minority Languages measured* and evaluated regularly or periodically?
1.2. Implementation of COE legal agreements to promote cultural/media diversity	How have the *European Convention on Transfrontier Television, the Eurimages Fund and the European Convention on Cinematic Co-production* helped to promote cultural/media diversity?
1.3. Adoption of COE definition of cultural diversity as set out in the Council's Declaration on Cultural Diversity (2000)	What indicators are used in the identification of instruments that facilitate or encourage the: - coexistence and exchange of culturally different practices - provision and consumption of different cultural services and products - freedom of expression and information in all forms of cultural exchange especially with respect to audio-visual services - access to technological and other developments respecting the production, provision and exchange of culturally diverse services, products and practices?
1.4. Measures based on five priority issues identified in the Final Report of the COE *Transversal Study on Cultural Policy and Cultural Diversity* (2001)	Which indicators can be used to measure the decentralization and cultural planning approaches to diversity, culture and the management of conflict, cultural entrepreneurship and diversity, cultural diversity in everyday life and majority/minority public spheres?
2. Content Diversity Indicators	

114 Foote 2005.

2.1. Media and content diversity Primary issue is definitional: Should "content diversity" be defined as cultural diversity reflected in content or rather should it refer to a diverse typology of content? A second issue is expanding 4.2.4 to go beyond media (broadcasting and the Press) to include diversity-related information on other parts of the cultural sector.	Is there a specific act or set of regulations for the media in relation to cultural diversity? Is there an independent media authority, which implements the provisions of the act or regulations? Are there public measures (e.g. regulations, licensing, subsidies, tax credits) that support the production and distribution of cultural content diversity through the licensing of ethno-cultural and non-official language television and radio networks/channels/stations? Are there public measures to promote the production and distribution of diverse cultural content? Are there dedicated programmes or components of programmes to advance cultural diversity? Are there co-operative ventures between the public and private sectors to support diversity-related media productions? How much cultural programming is targeted to cultural minority communities (number of newspapers and magazines, circulation rates, number of multicultural radio and TV channels, number of films in minority languages/with minority participation)? What public measures exist that support targeted media and cultural minority communities (television programmes and the Press)?
3. Ethno Cultural and Other Minority Diversity Indicators	
3.1. Cultural minority communities/groups	What cultural minority communities/groups are officially recognized by law? Name those large cultural minority communities/ groups, which are not officially recognized by law. Does cultural policy specifically recognize different cultural minority groups through specific measures or programmes, e.g. special awards, funding schemes for media productions or art exhibitions? Are there specific resources (financial, technical, infrastructure) to support specific cultural activities such as music or theatre productions of cultural minority communities/groups.

3.2. Linguistic diversity	Number of official languages and of minority languages used at home and at work Use of official and non-official languages: growth or decline (population % shares, total population figures)? Number of recently extinct or seriously at risk languages Number of languages used in school teaching and equivalent number of students enrolled in educational curricula (secondary, post-secondary) and in life long learning activities. Name linguistic communities living in border regions. Are there special programmes to support the cultural activities if these communities? If a language law exists, when was it updated last?
3.3. Cultural rights	Are cultural rights enshrined in legislation through the Constitution of federal/national governments through specific articles, acts or charters? Are cultural rights treated separately in legislation dealing with various groups including the rights of the child, of women, employment, immigration, indigenous peoples? Are cultural rights addressed by case law? Are there direct references to cultural rights in cultural policy?
3.4. Gender equality/equity	Is there a specific provision for equal gender opportunities in culture policy? Does the officially mandated office or commission for equal opportunities have a programme to assist female professionals working in the arts and culture? Are there targeted programmes to monitor and improve the professional status of women working in the cultural sector? Are there targeted programmes to foster women's participation in cultural life?

3.5. Age groups	Is youth a priority in cultural policies and programmes? Are seniors a priority? In what areas: employment, creativity, education, mentoring, subsidized transportation and performance tickets, exchanges, etc.? What mechanisms: separate programmes or components?
4. Social Cohesion General Indicators	
4.1. Favorable conditions for social cohesion	Economic conditions such as equitable income distribution, absence of income polarization along ethnic, gender, regional and class lines, depth and duration of poverty, and unemployment rate Life chances or equality of opportunity such as access to public health facilities and insurance, access to higher education and literacy, adequate and affordable housing and employment Quality of life: see 6 below.
4.2. Dignity and Recognition (COE DGIII 2004)	Encouragement of cultural differences - preservation of traditional popular and ethnic events - number of ethno-cultural media or cultural programmes devoted to minority cultures, e.g. radio, TV, Internet, Press - extent of audience crossover from traditional majority base to multiple venues and mixed audiences
4.3. Tolerance and reciprocity	Attitudes towards minorities Extent of social interaction with minorities Hate crimes
4.4. Personal development and autonomy (COE DGIII 2004)	Amateur and informal cultural participation, e.g. playing instruments, theatre, singing, visual arts What are some indicators of cultural capital that enhance personal development and autonomy as well as social cohesion more generally? What are the links to arts curricula, etc?
4.5. Civic participation: key issue is to select indicators that demonstrate statistically significant correlation between cultural and civic activities.	Time spent in social interaction Membership and participation in social networks Voluntarism: What is the incidence and financial value of voluntarism in cultural sector? Donations: What is the level of donations and who are the donors to cultural organizations? Political participation including voting and party membership

4.6. Quality of Life	Real and perceived personal and population health Real and perceived personal/economic security Cultural participation Number and capacity of cultural amenities (infrastructure) in city/town/community Cultural diversity Economic impact Social impact (early in development)
5. Intercultural Dialogue General Indicators	
5.1. National Minority Groups	Officially recognized national minority groups
5.2. Immigration	What are the largest immigrant groups (including those which are not officially recognized)? What is the prevailing approach to immigration policies: - assimilation - integration - mainstreaming - community building models - other Immigrant eligibility to receive host country services and rights Are there evaluations of immigrant integration results in educational migrant support programmes? Are there citizenship education activities as part of integration programmes?
5.3. Languages	What are the official language(s) and legally recognized languages of national minority groups?
5.4. Information andlegislation addressing hate crimes, culture or religious motivated crimes	At whom are acts of violence aimed? Is violence on the rise or decreasing in recent years? Is the aim of the violence shifting among different immigrant groups? What legislation or other provision such as the Constitution, Charter of Human Rights, criminal law and civil law governs hate crimes?
6. Intercultural Dialogue: Governance Indicators	
6.1. Local/state/provincial decentralization	Are there parts of the country, which have acquired rights to self-government or local/ regional autonomy including jurisdiction over cultural, educational and/or language issues?

6.2. Main policy actors	Who are the main actors responsible for programmes and policies addressing the issue of intercultural dialogue at national, regional and local levels?
6.3. Inter-ministerial committee	Is there an inter-ministerial committee mandated to study or examine intercultural dialogue as part of a government-wide initiative?
6.4. Inter-governmental networks/cooperation	Are there any inter-governmental networks or official forms of cooperation among the various levels of government? Are these committees or networks open to the public?
6.5. Participatory mechanisms	Which mechanisms are in place to facilitate the participation of representations from national cultural minority or immigrant groups in cultural policy making processes e.g. representations on committees, formal or informal consultation mechanisms?
7. Intercultural Dialogue: Cultural Policies and Measures	
7.1. Government policies and measures	Please list any explicit strategies, policies, programmes, government decisions, white papers, etc. of the Ministry responsible for cultural affairs to promote intercultural dialogue in the cultural field. What are the main goals or principles expressed in these documents?
7.2. Cultural minority measures	Which laws, measures and programmes are in place to support cultural activities of cultural minority groups, e.g. production of media programmes, special events, festivals, community cultural centers and clubs?
7.3. Professional artists from different cultural minority groups	Which laws, measures and programmes are in place to support professional artists from different cultural minority groups, e.g. art exhibitions, concerts, book publications, exchanges with other countries whose main goal is to promote dialogue?
7.4. Women from immigrant groups or cultural minority groups	Do equal opportunities strategies include provisions for women from immigrant groups or cultural minority groups?
8. Intercultural Dialogue: Arts Education	

8.1. Intercultural education	Is intercultural education: - administered mainly by cultural policy makers; - administered mainly by policy makers responsible for education? Does intercultural education exist as a specific component of either forms of administrations? Are there new (experimental) models under development or discussion to promote intercultural education in the general school curriculum?
8.2. Intercultural education programme goals	What are the explicit goals of intercultural education programmes: - to promote shared national values and identity; - to promote specific values such as tolerance, multilingualism or equality; - to provide studies on world religions or a range of cultural traditions - other?
8.3. Art and music schools	Are there examples of initiatives, taken by art and music schools, which have recently incorporated multiple historical and contemporary references as part of the general curriculum, which include references to the contribution of immigrant groups and national cultural minorities?
8.4. Cultural citizenship promotion	Are there examples of efforts to develop cultural citizenship as part of cultural education that would be aimed at increasing the knowledge of students on any of the following subjects: - respect for human rights; - rights and responsibilities of citizens in diverse societies; - rights and responsibilities of citizens in diverse societies; - history and contemporary understandings of different world religions; - historical and contemporary influences of different cultures within a given society, etc.?
9. Intercultural Dialogue: Media Pluralism and Content Diversity	
9.1. National minority or large immigrant group programmes and channels of state broadcasters	Are there regular programmes/channels produced and/or distributed by state broadcasters focused on national minority groups or large immigrant groups?

9.2. Journalist sensitivity training programmes	Do state broadcasters have training programmes for journalists to sensitize the latter to intercultural issues or those of importance either to national minority groups or large immigrant groups?
9.3. State broadcaster funding	Do state broadcaster provide funding to productions made by national minority groups or large minority groups ?
9.4. Legal promotion of minority languages in broadcasting	Are there legal provisions to promote the use of languages of minority cultural groups in radio/TV programming?
10. Intercultural Dialogue: Access to and Participation in Cultural Life	
10.1. Intercultural public spaces	What kinds of intercultural public spaces does the government support to promote dialogue?
10.2. Surveys which monitor cultural participation of national minorities and immigrant	Are groups there any surveys which monitor: - participation of national minority and immigrant groups in the cultural life of a community either on a local, regional or national level? If so, what are the results? - the audience composition at “multicultural festivals”? If so, what are the results?
10.3. Public cultural institutions	Is intercultural dialogue part of the educational or marketing strategy of public cultural institutions, e.g. the regular exhibition of hybrid cultural forms in the major museums of the capital?

14 Conclusions

Globalisation has necessitated a more intense reflection on ethical procedures and raised the question of a global ethic. Weighing the ethicality of different fields and operations is almost a daily event in the media. What has changed is that this is not limited to philosophical, humanistic or political discussion; ethicality has gained an important place in other sectors, such as the economy.

The success of the producers and suppliers of "fair-trade" and other ethically and ecologically sustainable products shows that ethical and ecological considerations, alongside a rising level of education and awareness generated by the global media, may well be a decisive factor in consumer choices. In a dwindling world, people increasingly feel threats to be their common concern and vote with their choices for the common good and fairness.

The idea of reviewing the realisation of ethical principles in the cultural policy sector was first raised in 2003. Minister of Culture Tanja Saarela considered the area of art and cultures so important that she initiated a project on the ethics of cultural policy in April 2005, with the aim of surveying the ethical dimensions of cultural policy and exploring ways to devise tools for ethical evaluation of cultural policy. The resources available for this work have been limited; the work has been fragmentary and discontinued for various reasons. We have tenaciously carried on the work with the hope of opening and constructing a frame of reference for the ethical dimension of cultural policy.

We are asking: What is ethically sustainable art and culture like? and How can they be promoted by cultural policy means? The research for this report revealed that the ethical dimension of cultural policy is wide-ranging The question of ethics touches upon the rights of all people and population groups and all interfaces in culture. The work also made it clear how important it is to question choices made in day-to-day life. Ethics and culture have traditionally been perceived as a soft approach in politics and belong to the domain of rhetoric. Our aim was to make ethical questioning visible at the level of everyday choices and, seen in this light, they and their consequences turned out to be very hard and concrete political choices.

We perused and analysed an extensive material: conventions and treaties, declarations. legislation, government programmes, strategies, norms and administrative practices. At the core of fair culture are cultural rights, which are human rights in the same way as civic, political and economic rights are. There are a plethora of international and national initiatives concerning cultural policy. Many international reports and programme declarations touched

upon ethical themes in the 1990s.

In delineating the scope of examination, we used the remit of the Ministry of Education in culture, which comprises literature; music; theatre and dance; pictorial art; museums and cultural heritage; libraries; design and architecture; film and other audiovisual culture; and cultural production; and sports, and child and youth policies. At the core of the analysis were the art and culture sector, cultural heritage and the role of art in people's social and intellectual well-being.

Approaches to cultural policy ethics include cultural heritage; ways of life and identity; the vitality, diversity and continuity of culture; cultural infrastructure; the availability of, access to and participation in cultural life; accessibility; consumption; pluralistic media; diversity of content; ethnic-cultural and other minority-related diversity; social cohesion; interaction between cultures; cultural policy; administration and implementation; and art education.

The concepts relating to and used in the context of cultural policy ethics and cultural rights are very diverse. We perused a number of definitions and chose those we considered the most useful for our purpose. One challenge in further work will be the inaccurate terms. This will require concept analysis and a discussion about the commensurability of the terms used.

Cultural policy we understood in the way Jarmo Malkavaara defines it as *an entity of measures by which different operators in society consciously seek to influence, and influence, cultural activities in society.* The approach to the content of the concept of ethics and ethicality we borrowed from Ilkka Niiniluoto and perceived morals as a conception of good and bad, right and wrong and ethics as philosophical theories of the nature of morals and an aspiration to express the substance of morals by means of action codes and normative principles. In the making of choices and decisions, the justifications may rest on virtue, responsibility or benefit ethic. Ethical choices are not black-and-white right-or-wrong setups but can, in different situations, be justified by different means and aim at different effect. In cultural policy the important thing is to make choices consciously and transparently after a keen scrutiny of ethical consequences.

In defining cultural rights we found Pentti Arajärvi's research a great help. Consequently we saw cultural rights as one category of human rights, along with civic, political and economic rights, and a sub-category of educational and cultural rights. They are central to a nation's identity, coherence, self-determination and self-esteem.

Ethical questions in cultural policy have always been interlinked with the development of cultural human rights in one way or another. The history of cultural policy shows that the direction and construction of cultural identities have been justified as an ethical cultural aim in general policy.

In order to illustrate the ethical aspect in cultural policy, we created a new concept 'fair culture', which we defined as follows:

Fair culture means the realisation of people's cultural rights and inclusion in cultural signification, irrespective of age, gender, language, state of health, ethnic, religious or cultural background.

The dimensions of fair culture we divided into the following categories

1 Access to humankind's and one's own cultural tradition

2 Physical, regional and cultural accessibility and availability

3 Diversity of cultural supply and its matching with demand

4 Participation in cultural supply, and

5 Opportunities for, inclusion in and capability for cultural self-expression and signification.

In art and culture, there is a widely debated fundamental and essentially ethical question: Do art and culture primarily have an intrinsic value or should they be seen through their instrumental value?

The social significance and justification of cultural policy rest on two pillars: democracy and diversity; freedom ethos and responsibility ethos. Democracy in cultural policy means an aspiration for the availability and accessibility of and inclusion in cultural heritage in the local or global community. Diversity means respect for creativity and cultural diversity and the promotion of interaction within a given culture and between different cultures.

The ethical premises of cultural policy are by no means without contradictions. On the contrary, there are strong, genuine tensions between them. Examples of conflicting interests and interpretations abound. In cultural policy the value of art and culture can be derived from the intrinsic value and high quality of art or from the benefits of art and culture for the individual and for the community. Art and culture have been seen either to contribute to social exclusion through the discriminating and classifying viewpoint in art or to prevent social exclusion and promote social cohesion and health as part of an affluent welfare society. Arguments and researched data can be presented for either viewpoint. These viewpoints need not be mutually exclusive, but in practical decision-making they clearly are in conflict. During recent decades, the instrumentality and economic applications of art have been to the fore, whereas the sphere of the autonomy and intrinsic value of art has been correspondingly receding.

Cultural policy choices take different guises depending on whether the ethical justification is derived from virtue ethic, responsibility ethic or corollary ethic. Depending on the point of view, we can speak of the different dimensions of ethical choices in cultural policy, which can be described with emphasis on freedom ethos, rights ethos or benefit ethos. None of these choices is "more ethical" or "more valuable" than the others. Indeed, the aim of ethical assessment in cultural politics could primarily be to find out and make visible the selection principle used and the decider's own position and to analyse the impact of choices.

The concept of creativity is strongly linked with freedom ethos, self-expression and the autonomy of art. In responsibility ethos the emphasis is on cultural heritage, communality and equal access. Creativity is an evolutionary trait and means an ability to combine things and meanings in new ways, which helps survival. Creativity is thus not only a human quality or an individual's quality. Important requirements for creativity are a sufficiently diverse environment, knowledge and skills and sufficient freedom and security to make experimentation possible. Creativity itself is a precondition for innovation. Innovation can be defined as application of creative ideas for use by the community and society and for inclusion in their practices. Innovation takes place where the practice of a community changes. Depending on the domain involved, we can speak of ethical as well as cultural, social and commercial innovations. Scholarship, art and culture are at the core of creativity. Communities and society invest in resources for and freedom of experimentation in these areas, because they help to maintain the creative capacity and develop the creative capital of a community. Hence, cultural policy can be justified as an autonomous and inherently valuable capital and as a factor for innovation and success both at the basic and applied levels of the innovation system.

In cultural policy we must choose between different ethical premises and emphases. The

choices cannot be based on utopian ideas of absolute value-relativism or value absolutism, only on an analysis of the alternative ethical dimensions and impacts and an awareness of different ethical premises.

There is no dearth of ethical declarations and treaties containing ethical aims in the world. Many of them also contain an ethical dimension of cultural policy at some level. The ethical dimension of cultural policy has often taken the shape of binding norms, for instance as regards fundamental and human rights. The problem with them often is whether they are implemented in reality or whether their ultimate function is ritual autocommunication and rhetoric

The critical ethical choices in cultural policy largely take place in partly invisible everyday practices and therefore it is important to open those practical actions and situations in art and cultural administration, in institutions, organisations and communities in which the choices actualise. It is not possible to dig much deeper into these matters without further reviews and studies.

In art and culture, ethical questions have probably been mostly raised in connection with the freedom of speech and expression and censorship or in efforts to find out how the cultural rights of cultural, linguistic and special groups are realised. The ethics of cultural policy does not only concern minority groups but also the realisation of every human being's – everyman's – cultural rights.

As the result of our research, we put forward seven proposals for measures geared to promote the realisation of the ethical dimension of cultural policy and of cultural rights, to make ethical choices visible and to develop the assessment of ethical impact:

1 We hope that the examination of the ethical dimension of cultural policy will continue in the next government term and it will lead to continuing development of the ethical evaluation of cultural policy and a method of work. Art and culture are sensitive indicators of the state of society also as regards the ethical conscience of society and the realisation of human rights.

2 Fair culture is an umbrella term covering a variety of actions and groups of actors relating to the ethics of arts and culture. A review of the ethical dimension in cultural policy and discussion on it requires wide-scale activation in different quarters. With a view to a transversal discussion on the matter, we recommend that the ethical evaluation of cultural policy be developed. To this end, we propose setting up a broad-based committee representing different interests and experts for the period 2007–2010 to further analyse the ethical viewpoints in art and culture, to find cultural policy measures for promoting fair culture and to generate social debate on these matters.

3 In the area of cultural policy it is difficult to assess the realisation of ethical principles without different qualitative and quantitative measures and other tools. Some initiatives have been taken to develop ethical indicators for international cultural policy, and there are studies which would provide a starting point for developing evaluation tools. The motivation for our ambitious goal was the hope to be able to anchor the ethical assessment of cultural policy permanently onto cultural policy development and everyday reality. Clear measures and indicators could be developed as a remedy to the current reality shortfall. On the other hand, the ethics of art and culture is an extremely sensitive and vulnerable area and it is important not to use too rough, one-sided or purpose-oriented tools to measure creativity and cultural diversity.
The existing national statistics do not give enough tools for this kind of assessment, but

it is possible to develop indicators for the purpose of measuring the realisation of ethical principles and aims in art and culture partly through the further development of existing statistics and partly with the help of a project to be launched in 2007 with Statistics Finland for developing the assessment of the economic impact of culture. Commensurate evaluations and time series are needed to establish the development trends in cultural policy and to provide a knowledge base for policy-makers. We propose putting in place a project for the period 2007–2010 with a view to developing indicators for the ethical assessment of cultural policy.

4 We propose that a cooperation project be set up in cooperation with the Ministry for Foreign Affairs on multilateral, ethically sustainable cultural production, cultural entrepreneurship and efficient intellectual property systems as a part of Finnish development cooperation. The development of cultural sectors in different developing countries can constitute a decisive factor strengthening the identity and social cohesion of the community, upholding global diversity and dialogue and enhancing the economy.

5 In the European Union the year 2008 will be celebrated as the Year of Cultural Dialogue. We propose that Finland take initiative in the Union for a Fair Culture project 2007–2010 to develop ethical indicators. The development will take years, if not decades, both in Finland and internationally, but it has to start somewhere and we see here an opportunity for the EU and for Finland to act as bridge-builders between cultures in the international context.

6 The *Fair culture*? review revealed the different extent and nature of ethical questions in different art and culture sectors. At many points in our report we had to note that more reviews and research are needed. Especially as regard the different arts, we have been able only to scratch the surface and give some indication of the ethical issues in them. We hope that a more in-depth and thorough investigation, reflection and review will be initiated in these fields to find out the specific characteristics in them. We believe that research into cultural rights and ethical principles will work as a prism opening new vistas and questions in societal debate concerning human rights and the image of human being more widely in our global reality.

We hope that ethical evaluation of cultural policy will cover cultural diversity, equality, multiculturalism, minorities, cultural child protection, ethical administrative procedures, the ethical codes of professions, as well as norms, guidelines, recommendations and aims.

In writing the book on fair culture, we have been intrigued by the distance between declarations and reality. The burning questions in the world entail ethical responsiveness in daily practices and daily decision-making. These questions are felt particularly acutely in art and culture. The keen interest sparked by this project on the ethics of cultural policy both internationally and in Finland encourages us to continue discussing this challenging but extremely topical issue.

The philosophical or anthropological question whether or not there is a universal ethical base specific to the human being may not, after all, be as riveting as the question whether or not we humans, faced with common threats and challenges, can agree without fuss on our common good, that is, on a global ethic. In this, art and culture may play a significant role in defending diversity, bridging the credibility gap, making the ethical dimension visible, and raising questions of fairness. Art and culture can be supported in these tasks by the right cultural policy choices. Our review opened dozens of questions about the ethical premises

References:

Alanen, Aku 2006. **What's wrong with the concept of the creative industries?** Working Paper, published later in Framework; The Finnish Art Review 6/2007. http://www.framework.fi/6_2007/locating/artikkelit/alanen.html.

Arajärvi, Pentti 2006. Sivistykselliset oikeudet ja velvollisuudet. Joensuu: University of Joensuu.

Bauer, Joanne 2003. The Challenges to International Human Rights. Carnegie Council on Ethical and International Affairs.

Code for Ethics for Museums 2006. The International Council of Museums.

Code for sustainable development in Sport 2000.

Coombe, Rosemary J. 2005. Cultural Rights and Intellectual Property Debates. In Cultural Rights.

Creative Nation 1994. Commonwealth Cultural Policy. Australian Government.

Culture and Sustainable Development; a Framework for Action 1999. The World Bank.

Danida 2002. Kultur og udvikling. Strategi og retningslinjer. Udenriksministeriet.

Development policy programme 2004. Ministry for Foreign Affairs.

Digital Manipulation Code of Ethics 1991. USA: National Press Photographers Association.

Donders, Yvonne 2004. The Legal Framework of the Right to part in Cultural Life. Background paper for the Congress on Cultural Rights and Human Development. Barcelona: Interarts.

EBU 2003. International Standard. Quality Management Systems. Requirements for Radio, TV Broadcasters and Internet. Content Producers.

Education for All 2005. UNESCO.

Ekholm, Kai 1997. Kielletyt kirjat 1944–1946. Yleisten kirjastojen kirjapoistot 1944–1946. Jyväskylä: Library of the University of Jyväskylä.

European Convention on Human Rights 1950. Council of Europe.

European Convention on Spectator Violence 1985. European Commission.

Evans G E 2004. Developing Library and Information Centre Collections. Englewood. Libraries Unlimited.

Featherstone, Mike 1990. Postmodernism and Consumer Culture. London: Sage.

Finnish Sport Federation (SUL).

Foote, John 2005. Indicators for Monitoring Cultural Diversity, Social Cohesion and Inter-Cultural Dialogue within the Compendium of Cultural Policies and Trends in Europe. Draft for Discussion.

ERICarts and Council of Europe. (www.ericarts.org/web/files/131/en/intercultural_dialogue_johnfoote.pdf)

Garnham, Nicholas 2005. From cultural to creative Industries: An analysis of the Implications of the 'creative industries' approach to arts and media policy making in the UK. The International Journal of Cultural Policy Vol. 11 Number 1(March).

Hewison, Robert & Holden, John 2004. The Right to Art. Making aspirations reality. London: Demos.

Holden, John 2004. Capturing Cultural Value. How culture has become a tool of government policy. London: Demos.

Häusermann, Julia 1993. The Right to Participate in Cultural Life. Teoksessa Fisher, Rod, et.al. (ed.) Human Rights and Cultural Policies in a Changing Europe. Helsinki: Arts Council of Finland, 109–133.

Häyrynen, Simo 2006. Suomalaisen yhteiskunnan kulttuuripolitiikka. Jyväskylä: SoPhi.

Ihanus, Juhani (ed.) 1985. Sanojen liikkeitä. Helsinki: Kirjastopalvelu Oy.

Convention on Indigenous and Tribal Peoples. ILO 1989.

Information for All Programme (IFAP). UNESCO 2000.

Jämsänen, Auli 2006. Matrikkelitaiteilijaksi valikoituminen – Suomen Kuvaamataiteilijat - hakuteoksen (1943) kriteerit. Jyväskylä: Jyväskylä Studies in Humanities 61.

Kallio, Soile 2005. Viittomakielen tulkin kulttuurienvälinen viestintäkompetenssi tulkatussa

vuorovaikutustilanteessa. Jyväskylä: University of Jyväskylä.

Keita, Moussa 2004. "Cultural diversity is a European concept, we don't have the means to finance culture". Forum Barcelona 29.5.2004. http://www.barcelona2004.org/eng/actualidad/noticias/html/f046057.htm.

Kunnas, Veikko 2005. Audiovisual Policy. Ministry of Education. Finland.

Kymlica, Will 2005. A European Experiment in Protecting Cultural Rights. In Cultural

Rights. Human Rights Dialogue. Series 2 Number 12. Carnegie Council on Ethical and International Affairs, 28–30.

Könkkölä, Kalle; Salovaara, Sari; Tiensuu - Nylund, Mervi (ed.) 2002. Culture for all. Helsinki: Ministry of Education.

Laaksonen, Pekka, Knuuttila, Seppo & Piela, Ulla (ed.) 2005. Kansanetiikkaa; Käsityksiä hyvästä ja pahasta. Helsinki: Finnish Literature Society.

Laaksonen, Annamari 2004. Cultural Rights, Policies and Participation. Presentation at the International Seminar on Training Cultural Management and Policies. Girona. Unpublished source. Groupe de Fribourg in Cooperation with UNESCO, The Council of Europe, and The Swiss National Commission. Project Concerning a Declaration of Cultural Rights (11th version). Presented at The General Conference of the United Nations Educational, Scientific and Cultural Organisation, September 4, 1996.

Lash, Scott 2002. Recognition and Difference Politics, Identity, Multiculture. London: Sage.

Lash, Scott 2002. Critique of Information. London: Sage.

Liikanen, Hanna-Liisa 2003. Taide kohtaa elämän. Arts on Hospital –hanke ja kulttuuritoiminta itäsuomalaisten hoitoyksiköiden arjessa ja juhlassa. Keuruu: Otava.

Mercer, Colin 2002. Towards Cultural Citizenship: Tools for Cultural Policy and Development. The Bank of Sweden Tercentenary Foundation.

Mexico City Declaration on Cultural Policies 1982.

Niiniluoto, Ilkka & Sihvola, Juha (ed.) 2005. Nykyajanetiikka; Keskustelua ihmisestä ja yhteisöstä. Helsinki: Gaudeamus.

Nordenstreng, Kaarle 1995. Median tehtävät yhteiskunnassa. In Sana Elina (ed.) Tieto-opista mediapeliin. WSOY.

Our Next Major Enterprise 2005. Scottish Executive. Final Report of the Cultural Commission.

Perttunen, Irma-Liisa 1999. Globaalia etiikkaa rakentamassa. http://global.finland.fi

Prott, Lyndel V. 1998. International Standards for Cultural Heritage. Teoksessa World Culture Report. UNESCO.

Rautiainen, Pauli 2005. Artists' grants in action: Functions of the state working grant system

(English summary) Working Papers 45. Arts Council of Finland.

Recommendation of the Committee of Ministers to Member States on the European Sports Charter 1975/1992.

Sen, Amartya 1997. Human rights and Asian Values. New York: Carnegie Council on Ethical and

International Affairs.

Seppälä, Pekka; Vainio-Mattila, Arja 2000. Navigating Culture: A road map to culture and development. Helsinki: Ministry for Foreign Affairs.

Sevänen, Erkki 1998. Taide instituutiona ja järjestelmänä. Modernin taide-elämän historiallissosiologiset mallit. Helsinki: Finnish Literature Society.

Stamatopoulou, Elsa 2004. Why Cultural Rights Now? Presentation in Carnegie Council on Ethical and International Affairs.

The Council of Europe 1984. European Anti-Doping Charter for Sport.

The Council of Europe 1986. European Charter on Sport for All: disabled persons.

The Right to Participate in Cultural Life 1994. In Human Rights and Cultural Policies in a Changing Europe; Teoksessa Fisher, Rod; Groombrigde, Brian; Häusermann, Julia; Mitchell, Ritva (ed.). CIRCLE Publication No 6. Helsinki: Arts Council of Finland.

Tohmo, Kristiina 2004. Aboriginaalitaide ja tekijänoikeudet. Bumerangi 2.

Tuomioja, Erkki 2001. Speech at the Culture and development seminar. Seminar report.

UNESCO 1998. Final Report. Intergovernmental Conference on Cultural Policies for Development.

UNESCO 1978. International Charter of Physical Education and Sport.

Väyrynen, Raimo 2004. Globalisaation voimat ja vastavoimat. Statistics Finland: Economic Trends 2003.

Waters, Malcolm 1995. Globalization. London: Routledge.

References to web documents are given in the footnotes.

References conserning The National Board of Antiquities´ material and contracts conserning cultural heritage can be found at the http://www.nba.fi/.

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