And what if we started over, beginning with culture?

In support of European sovereignty

In these critical times for the European Union, how should we give European citizens the taste for Europe again? And how can Europe win back its sovereignty from the American, Russian and Chinese blocks?

An observer and actor in the digital and cultural sectors for thirty years I give here an analysis of how urgent it is for the Union to place culture at the heart of its action – in two ways: on the one hand, with an action plan for the period 2019-2024, comprising real measures focusing on community financial means and the European legal framework, designed to strengthen the Union’s cultural industries; on the other, by rethinking our approach, starting in schools, with measures that target the progressive creation of an identity common to Europeans.

Moreover, in the face of the American and Chinese strategies, and more widely, the policies of cultural influence deployed by many other countries, I call here for the true pooling of common interests in European cultural and digital sectors to end a situation of impunity on the part of the technological giants, which are threatening our digital, as much as our cultural sovereignty.

For a country of the Union, anti-European sovereignism, the idea that we should “return home” means exiting history. And for Europe as a whole, it means missing out on the new opportunity that it might have with the world, in the re-design of its future based on its unique features of power and culture. Re-conquering Europe with a European policy for culture and European cultural identity has now become an existential issue for the Union.

For their part the American and Chinese administrations are promoting strategies for technological and cultural domination based both on the protection and expansion of their tools and their creations. Europeans have understood this, since two thirds of them believe that the “technological giants are now more powerful than the Union’s institutions” and 61% of them think that the very same giants “are affecting the functioning of democracy”[1].

Given the crisis that has been eating away at it for a long time and in a context of growing electoral revolt, only a strategy for sovereignty and power, which places the cultural issue at its centre can provide the European project with meaning again and help build a shared feeling of belonging to all of the peoples on the continent.

1. BUILT WITHOUT CULTURE, EUROPE IS NOT TAKING RESPONSIBILITY FOR ITS POWER STRATEGY

1. Europe created in denial of its culture

When the EEC was launched in 1957, the will to focus on a technical approach was accepted, i.e.
And what if we started over, beginning with culture?
In support of European sovereignty

dissociating institutional Europe from cultural, historical and geographical Europe. The Rome Treaty did not provide for any cultural or educational measures. At the time, this decision was understandable: back then it meant banishing nationalism based on the instrumentalisation of history and culture, which had led to the catastrophes of the two world wars. Just five years after the end of the war in 1950, his depoliticised and technical approach contributed to the introduction of the European Community of Steel and Coal (ECSC), the foundation stone of what Robert Schuman imagined as a "European federation".

If it had been born in the previous centuries, a European Union would undoubtedly have immediately asserted a cultural and political will-to-power. Indeed, as illustrated by Denis de Rougemont[2], what has rallied the Europeans over the last 30 centuries, from a historical and cultural point of view is vast. European civilisation – a product of a fertile convergence between Jerusalem, Athens and Rome – existed well before the birth of the nations.

Europe’s leaders have in fact raised the issue of cultural identity repeatedly and particularly at the time when the UK, Ireland and Denmark entered the European Union. In Copenhagen in 1973 the heads of State and government adopted a Declaration on European identity which expressed the firm belief that European unity was necessary "to ensure the survival of the civilization which they have in common". With a goal as high as this, we might have expected to find a precise definition of what was meant by this common civilisation. But the declaration only mentions the "diversity of cultures within the framework of a common European civilisation" and "common values and principles". Regarding the key issue of European identity, the Member States just adhered to general features and simply stated the common values, via the affirmation that Europe intended to protect "the principles of representative democracy, the rule of law and social justice, and the respect of Human Rights."

This abstract, a-cultural definition of our identity is perfectly represented in the only achievement of European integration to be used on a daily basis by 350 million citizens - the euro - with totally impersonal notes. Bridges on one side, windows and doors on the other, which are supposed to symbolise the "spirit of opening and cooperation of the European Union, as well as the communication between peoples". Every day the European Union’s identity vacuum is palpable for millions of Europeans via their disembodied bank notes.

In an extremely detailed historic chapter, I review the importance and age of European culture and the roots common to the peoples of Europe, hence the paradox of this denial of identity, which has serious consequences for the Union. I notably quote After Europe, in which Ivan Krastev recalls that for Eastern Europeans the idea that the Union might be mortal is fed by the sudden collapse of the Warsaw Pact and Soviet domination and of the USSR itself, which seemed impossible however. Similarly, cultural divergence between Europeans in the East and in the West are a danger to the Union.

2. The founding ambiguity: Europe peace or power?

This denial of culture is the cause of an original ambiguity, which still influences European integration. Luuk Van Middelaar[3] analyses it as follows: for some European integration must be at the service of a "project for peace and prosperity" and for others "a project of power". “Project of peace: abolishing nations, breaking the sovereignty of the States, so that in Europe the first step can be taken towards world peace. Project of power: founding nations in a wider entity; rallying the power of the States, so that Europe will defend its common interests in the world context to the best of its abilities,” he describes.

These two goals are incompatible in part: the first implies that national citizens will become citizens of the world or simple consumers. The second supposes, however that Europeans will be committed and proud of their identity. Yet it is especially the first, liberal vision which has imbued the Brussels’ institutions, hence the idea of the consumer is often used as an ersatz for that of citizen. As a result, populations feel that their national identities are being depreciated or that they are under threat, hence the rise of waves of populism.

2. “Vingt-huit siècles d’Europe”, Denis de Rougemont, Payot 1961
II. THE ECONOMY OF CULTURE, A KEY ASSET FOR EUROPEAN SOVEREIGNTY …

1. Culture, the third biggest European employer

Although our IT industries are extremely weak, our cultural and creative industries (CCI) in Europe occupy a powerful position, and are central to our economy.

A study entitled “The European cultural and creative sectors, generators of growth” published in 2014 provided for the very first time a series of quantitative and qualitative data on the economic and social influence of CCI’s in Europe.

Valued at 536 billion euro and providing more than 7 million jobs, the CCI’s are the third biggest employer in Europe, after hotel-catering (a sector to which they also contribute, notably thanks to live entertainment and cultural tourism). Culture provides work to two and a half times more people than car manufacturers, five times more than the chemical industry, seven times more than telecommunications (1.2 million jobs). It is more influential than the steel or agri-food industries.
And what if we started over, beginning with culture?
In support of European sovereignty

2. Europe, leader in many cultural sectors

The CCI’s are one of the rare European economic sectors in which we have many world leaders, notably of a digital nature: the French Deezer and Swedish Spotify, which invented the subscription music streaming model; Vivendi and Canal+ and Universal (the world’s leading music producer); Bertelsmann; the Sacem (the biggest collective management company), followed by the German Gema; Sixième Son, the first brand music agency; Cannes, the leading international film festival; Frankfurt (Buchmesse), the world’s leading book fair etc ...

Seven of the world’s top 10 museums are European, likewise seven of the world’s top ten publishers (including Hachette Livre, British Pearson and the Spanish company Grupo Planeta). In the press, German Axel Springer and Swede Schibsted, which launched the free press in Europe, but also Reuters and the AFP, the world’s two leading press agencies; TF1, RTL, Endemol and the BBC in the world of TV and radio; Gaumont, Pathé; Wild Bunch in cinema; WPP and Publicis are two of the three biggest advertising groups in the world.

In the video games sector, we can quote French company, Ubisoft and the Finn Rovio, to whom we owe the success of Angry Birds. In the graphic arts, Christie’s, architects who are in demand across the world (Jean Nouvel, to whom we owe the Louvre in Abu Dhabi, Rem Koolhaas who designed the Chinese national TV building (CCTV) in Beijing and the library in Seattle, Renzo Piano (Whitney Museum in New York), and even Zaha Hadid (sadly deceased) (the Opera of Guangzhou, Dongdaenum Design Plaza Seoul).

Finally, the many music festivals with global influence: the Edinburgh Fringe (theatre), Sziget in Hungary, Hellfest in Clisson, Novi Sad in Serbia, Glastonbury in England, Benicassim and the Sonar in Spain, Bayreuth, the Berlinale and the Reeperbahn in Germany, Salzburg in Austria, Gdynia (cinema) in Poland etc ...

3. The CCI: a fragile, innovative ecosystem based on authors’ rights

The dynamism of the European cultural economy has not just happened by chance. It rests on a slow construction, a mix of intellectual activity and economic life, which has led to an ecosystem that is both innovative and fragile. Here I offer several views and interpretations:

- A review of the fundamental principles which underpin this dynamism: an economy of innovative prototypes and individuals, who are fragmented and individually weak.
- A historic insight, illustrated with examples, regarding the introduction of authors’ rights on the continent, a European invention and tool of freedom for creators, which has helped break the chain of often absolute dependency, which subjected the author to the good will of his/her protectors, whether this was the king, the Church or other forms of power. "The right of the weak over the strong", authors’ rights established in the 18th century were part of the avant-garde, since they have always protected non-physical work, which is free of any material base. Hence, its flexibility and its adaptation to all forms of technology since it was created, from the limonaires to the internet, the phonograph and the television. Technologies come and go, become obsolete and disappear. The authors’ right, for its part has remained topical. It is the cornerstone to the financing of the cultural industries and their dynamism, likewise the protection of their patents is the bedrock of technological businesses. And yet they are extremely surprised when they are reminded of this, given the way they lobby to increase exceptions to authors’ rights.
- An instructive decoding based on historic and present examples of a poorly understood system of collective management, the functioning method of a company like the Sacem and equivalent companies, which exist in all European countries and across the world. With the latter functioning according to cooperation, collective management is the tool with which creators have freed
themselves of economic powers (theatre directors, commercial establishments etc ...) by creating common tools for the negotiation and storage of their rights.

III. ... IGNORED AND EVEN COUNTERED BY THE EUROPEAN UNION

The power of its cultural economy should logically have led the European Union to an ambitious policy of support for its actors, based on the American or Chinese model. But the rejection of a policy of power and the domination of the liberal, consumerist vision in the Union’s economic strategy has so far won the day, with significant negative consequences.

1. Indifferent or hostile community bodies

Over the last twenty years, each time questions linked to the cultural industries have been addressed at community level, the dominant attitude within the European institutions has fluctuated between indifference and hostility.

Here I can relate several striking incidents, such as the total rejection of the Acta Treaty in 2012, which involved commercial counterfeiting, unlike, for example the French measure, HADOPI, and the 2013 negotiations over the free trade agreement with the USA (TTIP – Transatlantic Trade and Investment Partnership), when several States, including France asked for the mandate to exclude the audio-visual sector.

The then president of the Commission, José-Manuel Barroso, publicly criticised them on the side-lines of the G8 in an interview published by the International Herald Tribune in terms that are astonishing due to their violence. He declared that the desire to protect European audio-visual policies “are part of the anti-globalisation programme which I deem to be totally reactionary”. Then regarding film-makers who came to Brussels to ask for his support, he even said: “Some (of those who defend the cultural exception) say they are left-wing, but they are in fact extremely reactionary.” Barroso went on to continue his career in an American business bank, causing a scandal that led the Commission to revise the code of conduct of its former Members.

Other examples show an almost ideological bias, against regulation models that are vital to culture, authors and artists which comprise authors’ rights and collective management. Hence, there is 2014 directive on authors’ associations, designed to be totally against the very thing that is however one of Europe’s assets, since the continent retains its world leadership in this area. Likewise, the system of remuneration for private copy, a considerable source of financing for European cultural industries, with in exchange the possibility for consumers to copy protected works for private use, which is especially the source of significant profits for those selling electronic equipment, all made in Asia, has been regularly challenged by Brussels.

One of the biggest battles has been that for the press’s right to remuneration by Google, courageously carried by the German law of 2013, which was finally thwarted, on the one hand by the blackmail implemented by Google News, as it threatened to cut the press’s internet links and on the other, by the lack of support given by France, which preferred the perilous, derisory path of direct financing of the press by Google.

At the beginning of July 2014, barely established in office as he spoke to Parliament of his priorities for Europe amongst which featured the creation of a digital single market, the President of the European Commission, Jean-Claude Juncker, said he wanted to the "break national silos in copyright", a term whose violence, in retrospect, is striking.

2. Directive on authors’ rights: the great misunderstanding

It has been this determined will on the part of the European Commission to “reform authors’ rights”, under the pretext that this would not work and that it would impede the free movement of cultural goods, which led to the present directive. In the European Parliament the attack was replicated. In the place of the announced objective review of the legal framework of authors’ rights in Europe, it was the only representative of the Pirate Party in Brussels, a small group which had made the fight to counter intellectual property rights an obsession that was given the task of drafting a

4. “We must break down national silos in telecommunication regulations, in copyright and in data protection standards ... We must knock down these barriers, these hurdles to growth.”

And what if we started over, beginning with culture?
In support of European sovereignty

report on the issue; it was like giving a “Brexit”er the task of reviewing the Union’s performance.

The paradox is that the internet is by nature a digital single market: the daily reality of hundreds of millions of European internet users means access to all types of cultural work, to all kinds of information, thanks to the internet and to e-commerce, which facilitates the reception of books, films and music anywhere in the Union. How are authors’ rights a hurdle? Why has there been this relentless battle to break a system that works, and which protects European artists and the economy?

There is indeed a problem, but it lies elsewhere: since the approval of the two major directives in 2000 on e-commerce and in 2001 on authors’ rights, a massive imbalance has gradually grown between, the aspiration by some major American platforms to take all advertising revenues on the one hand, - thanks in particular to the massive use of works created by European authors and press articles – and on the other, the creative and information forces in Europe, who have been poorly paid – or not at all – but who are increasingly dependent on these very same technological giants. It is what is called the transfer of value. Instead of focusing on this problem the Commission has preferred to “bulldoze” the legal framework of authors’ rights. With this draft directive it has opened a Pandora’s Box, paving the way for those who continually multiply authors’ rights exceptions, to the point of making the right an exception itself in the digital universe for their profit alone.

IV. SUBMISSIVE EUROPE VS SOVEREIGN EUROPE

By using authors’ rights as a target Europe is stabbing itself in the foot and is playing into the hands of extra-European powers, notably the Americans. By denouncing the “cultural exception” Europe’s leaders passed over to the other side of a real, dangerous “digital exception” a long time ago. The asymmetry of regulation, from which some major digital players benefit, threatens not only the cultural industries, but also entire swathes of the Union’s economy.

1. Culture against digital: an effective, noxious instrumentalization at the service of the world’s “siliconization”

Going back over 30 years of recent history I analyse the misunderstandings between the cultural and digital worlds. Responsible for public digital policy when the internet started in France between 1997 and 2002 I note that often indifferent or hostile response to the incursion of the internet and the digital by most players, notably in the cultural sectors, has meant that militant digital milieus have caricatured the actors of the cultural sector and facilitated the weakening of political support to regulations that favour the cultural economy.

Mobile free software like the libertarian movement have effectively defended the free movement of ideas and the creation of the revolutionary dimension of the network as a universal means of access. But by pretending that “cyberspace should free itself of all traditional regulations, its ideology has distanced itself from the values that are a legacy of European humanist thought. A perfect example of this distance can be found in the “Declaration of the independence of cyberspace” read at the Economic Forum of Davos in February 1996 by John Perry Barlow (spokesperson of the Grateful Dead), notably to counter Bill Clinton’s attempt to introduce the obligation to protect children on the internet by the Communications Decency Act: “Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather. Your legal concepts of property, […] do not apply to us.”

With hindsight we note that it is surprising to have granted so much credit to such a naive form of thought, which in the guise of technological progress, expresses opposition to the principles of representative democracy. In this area, history has been hesitating for twenty years and democracy has gained nothing, since it is true that the absence of rules always comes down to the imposition of the law of the strongest. The proof of this is that the giants of technology have
skilfully instrumentalised libertarian ideology to oppose any effective regulation of their activities, whether this in terms of authors’ rights, paying taxes or respecting any of the rules that democracy has imposed on the traditional media.

But relinquishing the effective, democratic regulation of the net and preventing the spread of racial hate, antisemitism or the exposure of children to pornography means that we are placing society and democracy in danger and it also means that we are accepting Europe’s loss of ethical and political sovereignty in the face of an American libertarian ideology.

Referring back to Eric Sadin’s analyses on the “siliconization of the mind” I illustrate the degree to which this techno-liberalism, nuanced with anarcho-capitalism, has become a formidable political force. The model of Silicon Valley has indeed become an obligatory, planetary reference. With its virtues, faith in scientific progress, the impressive mobilisation of skills and its permanent sense of innovation, Silicon Valley exports all of its ideology.

This is a skilful mix of a language laced with "cool", libertarian vocabulary, full of the "collaborative" and "sharing", with an almost millennial vision of a better future to be built – if not to sweep away the “inertia of the old world”, which is outmoded and incapable of understanding progress, as it is moving along now. It is extremely effective propaganda, which makes it very difficult to oppose those who have unlimited financial means to support their lobbying and form an objective alliance in some areas such as the hostility to authors’ rights, with a Pirate Party (and a number of satellite associations) which is against any form of intellectual property, including patents, on which a share of the power of the technological giants is based.

2. Europe, victim of a fool’s game

The critical paralysis caused by the "siliconization of the minds", together with the liberal vision[5] which has permeated the Brussels’ institutions, is undermining Europe, since it is leading to its failure in terms of its priorities. The importance of the cultural economy for the Union and the power of its cultural industries has been recognised by the European Parliament, where in 2015 in a transpartisan movement, an intergroup for the CCI’s was created, co-chaired by Christian Ehler (EPP, DE) and Pervenche Bérès (S&D, FR). MEPS like Axel Voss (EPP, DE), Jean-Marie Cavada (ALDE, FR), Helga Trüpel (Greens/EFA, DE), Virginie Rozière and Sylvie Guillaume (S&D, FR) and Marc Joulaud (EPP, FR) that is committed to the defence and support of the cultural sectors and notably to one of the cornerstones of an independent, dynamic creation: authors’ rights. But we are still far from a power strategy, in which the declared goal would be to increase from the number of jobs in the cultural economy in Europe from 7 to 10 million jobs, which is possible.

To describe this weakening of European sovereignty at the hands of extra-European powers, I based myself on my experience and the narrative of the destruction in the 2000’s of the European telecommunications industry. Here we see how, in the name of consumerism[6], and due to a lack of any pertinent industrial vision, but which was also jeopardised by the determination of the Member States to fill their national coffers, the European institutions have gradually slipped towards an ideology that is destroying European industry. The cemetery of European technological hopefuls is filled with brands like Alcatel, Sagem (France), Siemens (Germany), Phillips (Netherlands), Ericsson (Sweden), Nokia (Finland) whose disappearance can at least in part be linked to the effects of consumerism. The political price to pay has been high and long lasting: the European consumer, now satisfied, enjoys the cheapest communications in the world and is also – following the destruction of our industries – the future person on the dole – the one voting for anti-European extremes the day after tomorrow. More generally, we have arrived at this paradoxical result in which every effort to break European monopolies has led to an almost total American monopoly in the area of internet platforms, and an Asian monopoly in terms of terminals and equipment.

The Chinese, like the Americans, are less candid and are developing an ambitious policy of cultural and technological influence, comprising internal

5. “A result of the logic of building a “Europe of Peace”. (See part 1.2) on this vital distinction

6. Consumerism, which should not be confused with the vital protection of consumers, is an ideology that leads to the reduction of consumption prices and as a result a priority political goal and is even imposed to the detriment of the economy and in particular industry and employment.
And what if we started over, beginning with culture?
In support of European sovereignty

protectionism and expansionism across the rest of the world, backed by solidly supported national cultural and digital industries.

And so, despite their accusations of bias against Google, the American president and his administration know very well about the decisive importance that the American technological giants represent for their influence in the world, the financing of innovation and therefore the upkeep of American economic and scientific leadership - and they protect them accordingly. Hence Donald Trump’s response after the fine of 4.34 billion € inflicted by the European Commission on Google in July 2018: “I told you so! The European Union has just inflicted a fine of 5 billion $ on one of our biggest companies, Google. They have clearly taken advantage of the USA but not for much longer!”

Taking China as an example, we recall something the Vietnamese Deputy Prime Minister said during the launch of the local branch of Canal+. As he spoke of Vietnam’s real economic opening, with the latter joining the WTO ten years after China, he explained that “Vietnam joined the WTO on the WTO’s terms, but China joined the WTO on China’s terms.”

3. The regulation of the net is a battle for European sovereignty

European debate about the possible strategies to adopt to bring the GAFA’s tax optimisation to an end stresses the increasingly shared awareness of their phenomenal enrichment and their lack of proportionate contribution to public charges. As a European citizen we can only rejoice at this. Another lesser known phenomenon that contributes to the “digital exception”, and the ever-growing market capitalisation of the GAFA and their profits: the value gap, which describes the economic phenomenon whereby a major share of the economic value created by the internet platforms comes from the use of cultural products, without them really contributing to their financing. It is this value gap that articles 11 and 13 of the present directive now under discussion hopes to rectify to the benefit of European cultural players. Likewise, this project strengthens authors’ and artists’ rights, notably recalling their right to decent remuneration which is independent of an American buy-out style model that often reduces the author to a kind of “wage earner”, paid a flat-rate, independent of the success of his or her work, and which even challenges the full recognition of his/her rights as an author.

These very same platforms now monopolise most of the growth of advertising revenues on the internet, hence the urgent need to address the issue of the economic regulation of these players, which is prevented by the wording of the e-commerce directive of 2000 presently in force. The question of European sovereignty lies at the core of these issues. Given the domination of the present model, how can Europe respond to the situation of growing control by these players over our societies and economies?

The hijacking of the draft directive, as part of Germany’s European campaign, illustrates the worrying manner that public opinion is being manipulated by certain American technological giants, of whom I have given many and often relatively unknown examples.

V. PROPOSALS FOR EUROPE

Based on the belief that we need symbolic measures that can bring Europe closer to its citizens, I have set out a series of proposals and advocate protective action, greater regulation which protects Europe’s specific framework, and establishes – at the same time as the principles of a cultural diversity extended to streaming and to the major services of internet, a fair distribution of value to the digital giants.

Action for European digital sovereignty

1. Adapting tools to counter abuse of dominant position on the internet
2. Economic support that fosters cultural industries
3. The implementation of the draft directive on authors’ rights and ancillary rights
4. A new treaty for authors’ rights
5. Regulation of platforms to protect cultural diversity
6. A new strategy for the European public sector
7. A Babel project to rise above the Europe of Languages
8. Uniting the cultural and digital sectors under one creative strategy
And what if we started over, beginning with culture?  
In support of European sovereignty

Proposals to strengthen European identity.

1. European discovery classes
2. A European « cultural pass » in primary schools
3. A European history manual
4. Common information programmes
5. Strengthening the European external audio-visual universe
6. Artists’ mobility
7. A “Eurovision” of European choirs
8. Faces on European bank notes to celebrate our common identity on a daily basis
9. Fostering the emergence of a European elite for sovereign missions
10. Common consulates

Based on the observation of Europe’s increasing loss of digital sovereignty and its negative effects on its cultural influence, I would like to express a threefold belief. Europe has been built without culture and even against it, and this is cannot continue without risk; not only is the opposition between culture and the digital a false problem, but it is sterile and plays into the hands of extra-European interests; finally, to save the European Union it is urgent to provide it with a true policy, which focuses both on our digital and cultural sovereignty and on the strengthening of its identity.

Blinded by a Silicon Valley that would settle all problems, Europe has become the playground of frenzied lobbying on the part of the major American technological platforms, whose aim it is to weaken it so that they can establish greater sovereignty. In what we call the “battle for authors’ rights” in Brussels, the goal of the internet giants is to make Europe’s citizens and their elected representatives believe that cultural policy damages digital and technical development, whilst it only damages their considerable profit margins.

The challenge is of size and easily goes beyond the cultural and digital sectors. It is our entire economy which is tipping into uberization, with the only victors being the non-European internet platforms.

By providing culture and our identity with their rightful place, we shall be building our European sovereignty, bringing meaning back to a Union, which has been destabilised by the rejection of its populations and the difficulties experienced by decision makers to put forward a vision for the future. It also means boosting Europe with the necessary economic energy based on its strengths.

Convinced that many European citizens want to hope again, I conclude that if “the contemporary European project can evidently no longer impose its will on the world via force, it can no longer afford not have a will. Europe has an identity. It has a task to fulfil.” It suggests providing an ambition to build European public opinion and elites in one generation via the recognition of a shared European identity.

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