

**Fair Culture – Culture for Sustainable Development**  
**Parliament of Finland**  
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**Fair Culture – Cultural Rights and Right to Culture**

Hyvät naiset ja herrat, Mina damer och herrar, Ladies and Gentlemen

The purpose of my presentation is to ponder about the concept of "*Fair Culture*", what could it mean and how could it be applied.

The onslaught of globalisation has meant that the question of the possibility of global ethics and the importance of ethical procedures is also rapidly gaining importance worldwide. Ethical appraisals of different activities and fields in the media and headlines invade our consciousness almost daily. A striking change from earlier is that now the consideration of the ethical dimension is not limited to philosophical, humanistic or political discussion, but ethical considerations are also to the fore in other media, such as the financial press. The case of Enron showed that even multinational conglomerates may fall for lack of ethicality. A focus on ethical procedures has in fact become a component of image and brand building. Ethicality is also a fashion and a trend; one can only hope that it will lose none of its value as a commodity at the "ethics exchange".

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.

Weak – but strengthening – signals indicate that ethicality is becoming an asset in competition in another way as well. The Nordic countries have been rated high in many international competitiveness and innovation reviews. It is not by chance that it is in the Nordic countries that equity, a high level of education and social stability are best realised. Cultural diversity is a precondition for creativity and blooms best in a soil of fairness.

In this presentation I will deal with the concept of Fair culture, its definition and content, universal human rights, cultural rights- their definition, classification and problems, choices made in cultural policy, indicators of cultural development and proposals given in the publication.

*Reilu kulttuuri – Rättvis kultur – Fair Culture* is a project launched by the Ministry of Education two years ago with a view to reviewing the ethical dimension of cultural policy, starting with cultural rights, and of outlining directions and tools for ethical evaluation of cultural policy. Last year we arranged a seminar and published the report *Fair Culture? Ethical dimension of cultural policy and cultural rights* in Finnish, and in May 2007 in English (Hannele Koivunen & Leena Marsio).

The text analysis examines documents on and relating to cultural policy: treaties, declarations, legislation, government programmes, strategies and norms, and administrative practices. The analysis starts with the international level: human rights and with declarations, treaties and programmes of Unesco and other UN organisations, the European Union and the Council of Europe. At the national level we analysed Finnish legislation, the Government Programme, the strategies of the Ministry of Education, and guidelines issued to administration subordinate to it.

The ethics of cultural policy is described through the concept of fair culture. We defined fair culture as meaning the realisation of people's cultural rights and inclusion in cultural signification, whatever their age, gender, language, state of health, ethnic, religious or cultural background.

The dimensions of fair culture are

- 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 provision;
- opportunities for, inclusion in and capability for cultural self-expression and signification
- intellectual property rights;
- Fair deals and contracts sharing profits in creative production

Fair culture also means equitable distribution of the proceeds of cultural production and the cultural industries, and at the core of this we find the protection of intellectual property.

Universal Human Rights rely on laws, policies, resources, relationships, accountability, reciprocity, participation and continuous education. They were embodied in 1948 in international law through the 30 articles of the Universal Declaration of Human Rights. They enable to identify certain goals and obligations as commonly agreed framework for human action.

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.

Instruments are

- Universal Declaration of Human Rights (1948)
- European Convention on Human Rights (CE 1950)
- European Cultural Convention (CE 1954)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Convention on the Elimination of all Forms of Discrimination against Women (UN 1981)
- Declaration on Race and Racial Prejudice (UN 1981)
- United Nations Convention on the Rights of the Child, (1989)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic and Religious Minorities (UN 1992)
- European Charter for Regional and Minority Languages (CE 1992)
- European Convention for the Protection of National Minorities (CE 1995)
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005)

There are a plethora of international and national initiatives relating to the ethics of cultural policy. Many international reports and programme declarations touched upon ethical themes in the 1990s. In addition, there are numerous more or less binding or indicative declarations, programmes, strategies, working papers and ethical codes that have an interface with the ethics of cultural policy.

Every state in the world has ratified at least one international human rights instrument, most of them several, thereby endorsing the universality of human rights. Human rights belong to all human

beings, whatever their cultural or other background, and this is why cultural factors can never justify human rights violations.

Then again, 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. Similarly, cultural diversity has also been criticised as a European luxury concept which does not correspond to the reality of developing countries.

Cultural Rights form the “under-developed” part of Human Rights. They have received less attention than other human rights. By nature attached to culture as a living process and have a direct correlation with the cultural dimension and human expressiveness in people’s lives. The lack of monitoring systems has also been a problem. Human Rights violations have also always a cultural and ethical dimension.

Why cultural rights have been neglected? Cultural rights are a tricky subject in many ways. Problems arise in the very definition of the concept of culture, which is the starting point. There are a wide range of definitions – from the very narrow to all-inclusive.

In the spirit of Maslow's needs hierarchy, culture has often been regarded as a luxury, which comes only after the imperatives of survival, after "bread and water". This theory is not sustained by historical evidence; on the contrary, we can see that, in the course of evolution and human history, cultural solutions have often been decisive for the survival of the species.

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. A shared understanding or at least agreement on common concepts is a precondition for the formulation of the minimum universal cultural rights. 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.

Key principles of Cultural Rights are:

- Autonomy and intrinsic value of art and culture
- Diversity - pluralism
- Non-discrimination
- Access to the tradition of humankind and one’s own cultural sphere: Human dignity – tradition - identity
- Equality – democracy: Physical, regional and cultural access, accessibility, inclusion and participation
- Freedom of choice - self-determination,
- Fair deals: The diversity and matching of cultural provision, fair share of the benefits of intellectual property and cultural production.
- Capability for cultural self-expression and signification.

Democracy and diversity are important ethical cornerstones and the precondition of peace and stability. Accepting these two axioms as the point of departure is the fundamental principle in discussion on a global ethic.

Democracy means the realisation of fundamental human rights and cultural rights for all, and not only passively but as active and creative participants and contributors.

Diversity means the right to one's own culture, accessibility and inclusion. The actors and target groups in this are art and culture professionals, producers and users; different age and cultural groups; ethnic groups and minorities; etc. Indicators are used to measure and assess the realisation of these principles.

#### Ethical choices in cultural policy

Virtue ethic — Liberties ethos	Liabilities (obligation) ethic — Rights and responsibility ethos	Consequential ethic — Benefits ethos
<ul style="list-style-type: none"> <li>• Self-expression</li> <li>• Individual creative identity</li> <li>• Autonomy of art</li> <li>• Intrinsic value of creativity</li> <li>• Art as an end in itself</li> </ul>	<ul style="list-style-type: none"> <li>• Communal cultural identity</li> <li>• Continuity (Safeguarding) of cultural tradition</li> <li>• Realisation of cultural rights</li> </ul>	<ul style="list-style-type: none"> <li>• Creativity as a means</li> <li>• Protection of intellectual property</li> <li>• Application (Use) of art and culture</li> <li>• Cultural policy as part of social and economic policy</li> </ul>
<ul style="list-style-type: none"> <li>• Development of creative skills</li> <li>• Favourable conditions for creativity</li> <li>• Support to art</li> </ul>	<ul style="list-style-type: none"> <li>• Infrastructure</li> <li>• Cultural services</li> <li>• Accessibility</li> <li>• Availability</li> <li>• Participation</li> <li>• Inclusion</li> </ul>	<ul style="list-style-type: none"> <li>• Art and culture in promoting welfare</li> <li>• Commercialisation of art</li> <li>• Economy of cultural industries</li> <li>• Fair deals</li> <li>• Cultural export</li> </ul>

In classical philosophy, there are three different approaches to ethics: virtue, duty and consequence. This figure is an attempt to apply them to cultural policy.

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 different choices.

We can take virtue ethic to comprise the freedom of art and culture, self-expression, the identity of a creative individual, the autonomy of art, creativity as a value in itself, and art as a goal in itself. These are realised as the development of creative skills, as measures to provide the prerequisites of creativity and as support of art.

Responsibility ethic can be seen to include the cultural identity of a community, the safeguarding of cultural tradition, the realisation of cultural rights, the infrastructure, cultural services, accessibility, availability, participation and inclusion.

Benefit ethic can be seen to include creativity as a tool: application of art and culture, cultural policy as part of social and economic policies, protection of intellectual property, art and culture in promoting welfare, commercialisation of art, the economy of the cultural sector, and cultural exports.

The ethical premises of cultural policy are by no means without contradictions; there are real 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 a discriminating and classifying stance in art or to prevent social exclusion and promote social cohesion and health as part of a culturally rich welfare society. Arguments and researched data can be presented in support of either viewpoint.

Ethical assessment in cultural policy may mean following approaches:

- Making different alternatives and ethically conflicting interests visible and understanding them
- In moral cultural policy, the choices made by the acting subjects are based on an awareness of the consequences of different alternatives.
- The ethics of cultural policy means a set of moral values, that is, that the decision-making and choices concerning culture are based on stated procedural codes and normative principles.
- Procedural codes and normative principles form a set of moral values, which, in the ideal case, can be examined by means of commonly agreed indicators.

We need indicators in aid of cultural policy. Some initiatives have been taken to develop ethical indicators for international cultural policy, but there are few measures especially developed to describe ethical impact.

Indicators are much more than just statistical data. As well as articulating policy, indicators are an expression of cultural policy and a bridge from policy to implementation. Indicators tell us what lies behind statistics. They can be qualitative or quantitative.

Efforts have been made to develop a numerical welfare indicator since the late 19th century. During the Second World War, the idea of an economic measure for overall national product was elaborated into the GDP measure which can be used to gauge the wealth of nations. The gross domestic product cannot, however, measure the degree 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.

For the purpose of comparing nations' degree of welfare, one of the best indicators so far is 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 index is calculated as the average life expectancy, level of education and standard of living (GDP/population ratio). The *Human Development Report* annually published by the UN compares the socio-economic development of different countries by means of the HDI indicator.

Despite its usability, the HDI overlooks certain key areas in welfare. The World Conservation Union uses a more comprehensive index to measure welfare. This sustainable development index measures human well-being (HWI) and ecosystem well-being (EWI) separately.

The Human Development Index describes social and, to some extent, ethical dimension, but in addition we need something to describe cultural diversity, that is, a cultural diversity index.

We must create indicators to describe the extent of cultural diversity and the realisation of cultural rights. Certain things reflect the diversity of cultural meanings or the cultural infrastructure and the realisation of cultural rights. It must be possible to measure diversity at a concrete level. Certain initiatives have been taken to develop diversity measures. The European Commission's document *Towards an international instrument on cultural diversity* (2003) stresses the need to start evaluating the promotion and maintenance of cultural diversity, the consolidation of cultural rights and global cultural diversity and to create both indicators and international standards, for instance in the form of an annual report on the state of cultural diversity.

The *Fair Culture?* review recommendates that:

1. Continuing ethical appraisal of cultural policy be prepared as a strategic aim of the next government.
2. A cultural policy ethics committee be set up to lead the development of ethical evaluation of cultural policy for the period 2007-2010.
3. The Ministry of Education???, together with the Ministry for Foreign Affairs, launch, as part of Finnish development cooperation, a multilateral culture and development project focusing on ethically sustainable cultural production, cultural entrepreneurship and the smooth functioning of the intellectual property system.
4. A project for developing indicators for the ethical assessment of cultural policy be initiated in autumn 2006.
5. Finland take initiative in the European Union for a *Fair Culture* project geared to develop indicators for ethical assessment of international cultural policy and cultural diversity for the period 2007 - 2010.
6. Each sector of art and culture start a deliberation and a review of its own special features.
7. Cultural diversity, equality, multiculturalism, minorities, cultural protection of children, ethical administrative procedures, professional ethics codes, and norms, guidelines, recommendations and aims containing ethical standpoints be subsumed into the ethical evaluation of cultural policy.

The cover of the *Fair Culture?* publication makes a visual reference to a fresco called "Wounded Angel", which was painted by the Finnish symbolist Hugo Simberg in 1903 for Tampere Cathedral.

Why did the Finns vote the *Wounded Angel* as their favourite national work of art last year?

In interpreting this fresco, we bump into cultural specificities, and it perhaps opens itself completely only in the Finnish cultural context. The angel, as depicted in the image, belongs to the Christian tradition and does not easily open up to those contemplating it through other cultural traditions. In

this fresco, the angel is a small girl, and the colour white is a symbol of innocence in our culture. The image is a mystery. Why is the angel wounded? Why is her wing broken and bleeding? What can threaten a small innocent girl?

The fresco was painted over a hundred years ago, in the midst of national awakening, before Finland became independent, at a time when the nation was profoundly divided on the brink of a civil war. The work has often been interpreted as a metaphor of this situation. The wounded angel has been etched into the collective mind and identity of Finns as a mythical and archetypal symbol. It touches our soul.

At the general human level of fair culture, we can interpret the work as a metaphor of the ethical imperfection of the human kind, violence, and the heinousness of the world.

The work on the cover of the *Fair Culture?* report is "Greetings to Hugo Simberg" painted by Pekka Vuori in the 1980s. This work is an interchange with the Wounded Angel about the possibility of becoming free of pain and escaping hardship.

The world is in many ways wretched and heinous, imperfect and full of human suffering and nations' distress. Through these two art works, we wanted to illustrate the power and possibilities inherent in ethical discourse and ethical action.

As the saying goes: angels can fly because they take themselves lightly.

This last image shows Hannes Heikura's "Christmas Angels", which was voted the best Finnish press photograph in 2003.

The 1900s have been called the century of psychoanalysis and patricide. Matricide has also emerged from the dusk of Antiquity into postmodern literature as staple material.

I have often asked myself if this new century will be the century of filicide.

We are daily faced with stories and images of children being trampled under adults' wars and power struggles. The tacitly accepted reality of our world is street children, child labour, child soldiers and child prostitution – even trade with children's organs.

Art and culture are powerful tools in development cooperation. First of all, they can be used to make things visible and pose questions, stir our conscience. Secondly, they can be used to boost income and welfare. Creativity is to arrange things in a new way, and cultural diversity is its precondition and underpinning. The right to cultural heritage, cultural services, self-expression, creation and communal cultural production and the right to the fruits of intellectual property belong to every one.

In Finland and in the Nordic area in general we have a special treasure: everyman's right. We can walk in the forest and in nature, we can pick wild berries and mushrooms virtually anywhere.

Cultural rights are part of human rights, and the Nordic mission in the world and in the EU could be to consolidate the status of culture as everyman's right.

To end with: a link relating to cultural rights and the link to the publication *Fair Culture – The Ethical Dimensions of Cultural Policy and Cultural Rights* on the Ministry of Education web site [www.minedu.fi](http://www.minedu.fi) .

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