DIGITAL TRANSFORMATION AND CULTURAL POLICIES IN EUROPE

Edited by
Ole Marius Hylland and Jaka Primorac

Digital Transformation and Cultural Policies in Europe

What happens when cultural policy turns digital? *Digital Transformation and Cultural Policies in Europe* analyzes and compares different digital cultural policies of Europe.

Through case studies of seven European countries (UK, Germany, Croatia, Sweden, Spain, Norway, and Switzerland) as well as the analysis of EU digital cultural policy, the book investigates what happens when cultural policy gets changed and challenged by digital culture. Based on a thorough discussion of key concepts and analytical perspectives, this collection also offers a unique multi-disciplinary contribution that shows how digital cultural policy is hyperconvergent. These policies contain established ideas of cultural policy – such as democratization, welfare, access, and national, protectionist ideas – brought together within a digital framework, while also adding new cultural policy tools and instruments, such as digital standards, international regulations, directives, etc. The book shows how digital cultural policies are works in progress, struggling to align their aspirations with their effectiveness.

Overall, this book provides a valuable tool for understanding the current policy framework of digital culture. It will be of interest not only to scholars and students in cultural and creative industries but also to creative professionals and policy makers.

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Contents

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Acknowledgements

Acronyms and abbreviations

AI	Artificial Intelligence
AEM	The Agency for Electronic Media
ASA	Advertising Standards Authority
AVMSD	Audiovisual Media Services Directive
BBC	British Broadcasting Corporation
BBFC	British Board of Film Classification
BDUK	Building Digital UK
BKM	Beauftragte der Bundesregierung für Kultur und Medien (Federal Government's Commissioner for Culture and Media)
BMAS	Bundesministerium für Arbeit und Soziales (The Federal Ministry of Labour and Social Affairs)
BMDV	Bundesministerium für Digitales und Verkehr (Federal Ministry for Digital and Transport)
BMF	Bundesministerium der Finanzen (Federal Ministry for Finance)
BMJ	Bundesministerium der Justiz (Federal Ministry of Justice)
BMWi	Bundesministerium für Wirtschaft (Federal Ministry of Economics)
CCI	cultural and creative industries
CCII	Cultural and Creative Industries Initiative
CDSM	Directive on Copyright in the Digital Single Market
CJEU	Court of Justice of the European Union
CMA	Competition and Markets Authority
COVID-19	Coronavirus disease 2019
DCMS	Department of Culture, Media, and Sport
DESI	Digital Economy and Society Index
GAFAM	Google (Alphabet), Apple, Facebook, Amazon and Microsoft
GAMAM	Google (Alphabet), Apple, Meta, Amazon and Microsoft
GDP	Gross Domestic Product
GDPR	General Data Protection Regulation
HAKOM	Croatian Regulatory Authority for Network Industries
HAVC	Hrvatski audiovizualni centar (Croatian Audiovisual Centre)
HDS-ZAMP	Služba zaštite autorskih muzičkih prava (ZAMP) Hrvatskog društva skladatelja -HDS (Croatian Composers Society Service for Protection of Authors Rights)

EC	European Community
ECOC	European Capitals of Culture
EGDF	European Games Developer Federation
EHL	European Heritage Label
EEA	European Economic Area
EFTA	European Free Trade Association
ERDF	European Regional Development Fund
EU	European Union
EUMS	European Union Member States
FCDA	Federal Commissioner for Digital Affairs
FRG	Federal Republic of Germany
ICAA	Instituto de la Cinematografía y de las Artes Audiovisuales (Institute of Cinematography and Audiovisual Arts)
ICEC	Institut Català de les Empreses Culturals (Cultural Enterprise Institute of Catalonia)
ICO	Information Commissioner's Office (UK)
ICT	information and communication technologies
IGO	inter-governmental organisation
KSK	Künstlersozialkasse (Artists' Social Fund)
MC	Ministry of Culture
MCM	Ministry of Culture and Media
NGO	non-govermental organisation
OCSSPs	online content-sharing service providers
OFCOM	Bundesamt für Kommunikation (BAKOM - Federal Office of Communications)
Ofcom	Office of Communications
OMC	open method of coordination
PEC	public expenditure on arts and culture
SABL	Statistische Ämter des Bundes und der Länder (Federal Statistical Office)
TFEU	Treaty on the Functioning of the European Union
TVWF	"Television Without Frontiers" Directive
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization

1 Introduction

The digitalization of cultural policy

Ole Marius Hylland and Jaka Primorac

This book is about the relationship between national cultural policies and digital transitions. Our main question is: what happens when cultural policy turns or needs to turn digital? This is a pivotal question for contemporary comparative cultural policy analysis, and it is a question that has not been addressed to its full extent so far. With notable exceptions (Roberge and Chantepie 2017; Roberge et al. 2017; Valtysson 2020; Wright 2022), not enough research nor policy attention has been dedicated to the analysis of digital cultural policies in a comparative manner. However, European countries face great and similar challenges in the process of making their cultural policies coherent with the digital turn. Among the central challenges are the following: the internationalization and integration of online markets – making national policies challenging without international collaboration; the emergence of central, intermediary platforms such as Amazon, Spotify, and YouTube, that may develop market power and effective lobbying on both the national and international level; the role of streaming services such as HBO and Netflix for distribution and production of cultural and media content; technological convergence – making different kinds of cultural consumption centred around a small number of technical devices; an apparent pre-eminence of market logic – making market value the primary value of a cultural product. Challenges are also present in tax and regulation evasion of different cultural and media platforms as well as different agents of cultural and creative industries that could potentially contribute to diminishing national cultural budgets. Furthermore, the challenges can also lie in the free trade and non-discrimination clauses in international trade agreements making it difficult to prioritise cultural products from certain countries or a single country. Lastly, the harmonization and coordination of policies within the EU and EFTA (European Free Trade Association) are also challenges, as they make it necessary for national cultural policies to synchronise and adjust.

Challenges like the ones summarized above seem almost self-evident. In this book, our ambition is to examine them systematically and critically in the context of both national and supranational policies. For a couple of decades, at the same time as cultural production has gradually become more digital,

the influence of national political governance has seemed to decrease, partly due to the abovementioned challenges. How can national cultural policies respond to this, and how have they responded? One potential response is a revised form of cultural policy protectionism, aiming, more or less successfully, to uphold a national policy element in a global cultural market. Another potential response would be to shift the emphasis between different kinds of policy tools, enhancing, e.g. the importance of financial regulation as a cultural policy tool. We can also ask the question differently: what is the role of national cultural policies in shaping or creating a field of digital cultural production? It can also be suggested that there is a difference and possibly a continuum between adaptation and abdication in this regard. This difference has to do with the role and active influence of national cultural governance and policies. Digitalization is not a force of nature or a technological tsunami that a national cultural policy simply must tackle in one way or another, as we will see further on in the book. National governments and their policies are more actively involved than the established trope of digitalization as a driver of change might lead us to believe. Part of the ambition of this book is to investigate this involvement.

A guiding question for this book is whether national cultural policies, faced with digitization, have adapted or abdicated. Following the work of American philosopher of technology Andrew Feenberg (2012), we might see this as a parallel to the difference between treating technology as something we control and something we are controlled or colonized by. In this regard, adaptation can be understood as the implementation of active measures and strategies in order to meet the pertinent challenges, while abdication denotes the opposite: resignation, a *laissez-faire* perspective, and an explicit view that the digital field of culture is beyond the grasp of national policies. To be sure, this is more of a continuum than a binary opposition. This book will analyse how different European countries can be placed on an adaptation-abdication continuum with regard to their digital cultural policies. In order to do this, we need to understand the contexts, the historical development, the rationale, and the policy models that can serve to explain the differences between the countries.

In Europe, there is a great deal of diversity in terms of the policies of national cultures. These differ on a number of parameters: the relative importance of public funding, explicit goals, and ambitions; the distribution of responsibility between levels of government; the role of a welfare perspective; the level of private funding; the degree of New Public Management influence; the relative size of the country and its population; the level of cultural protectionism; and so on. In this book, we have tried to capture this diversity of approaches through the selection of the countries that, we believe, covers a good range of said parameters in terms of the level of economic development, the relations with the European Union (old, new, and non-members of the EU), taking also into account the different sizes of the countries and their populations, as well as different representations of welfare states. We look at

seven different European countries: Croatia, Germany, Norway, Spain, Sweden, Switzerland, and the United Kingdom. Across their differences, what the national cultural policies have in common is the need to, in some way or another, relate to the abovementioned challenges brought about by the digitalization processes. Their relation to the European Union as an important regulatory actor on the global scale also presents an important analytical angle where the subsidiarity principle in relation to culture needs to be taken into account. This makes for analytically fertile ground for both an in-depth analysis of individual countries and a comparative analysis across them. That is the gist of this book.

The topic itself asks for an interdisciplinary and multidisciplinary approach that includes insights from cultural and media studies, legal studies, information sciences, political science, and sociology. Researchers from these different research fields and methodological approaches are contributors to this book, as we find that this kind of diversity of inputs will best highlight the problems and challenges that this complex topic asks for. Thus, the book will include a systematic review of European digital cultural policies using a country-based analysis for each of the seven selected countries as well as a case study at the supranational/EU level. Each of the country analyses has its own specific methodological approach outlined in the respective chapters, ranging from thematic to policy analysis. However, all of the approaches have a common characteristic: the types of documents used for analysis. Various policy documents (white papers and public reports addressing the digitization of the culture and media sectors), international regulations (conventions, agreements, EU legislation, and directives), parliamentary debates (on digitalization and international regulation of digital culture), as well as various party reports and public documents that provide information on political decisions. For all countries, basic data on funding, legislation, political organization, and cultural (and digital) policy administration are also presented as a common vantage point. At the same time, the individual analyses of countries and policies will also be case-specific to a certain degree. The availability of data, the contexts, and country-specific developments are diverse, and in order to perform interesting and relevant analyses, they will differ accordingly.

The chapters and the content of the book

After this introductory chapter, the second chapter, *Digital Cultural Policies. Challenges and Contexts,* written by the editors of the book, Ole Marius Hylland and Jaka Primorac, introduces the topic of the volume and gives a key theoretical framework upon which the book is based. After outlining the changing nature of key concepts of *digital* and *cultural policy*, it further provides argumentation for the nascent field of digital and cultural policy research. Special attention is paid in the chapter to the contextualization of digital cultural policy within the European context, where different relations

towards the division between cultural, media, and communication policy are present. The chapter shows how the impact of online platforms and the so-called platformization processes bring about the necessity of policy research on transnational and supranational levels while also taking into account the pitfalls of epochalism and techno-determinism. It also shows that we can talk about hyper-convergence as a central feature of digital cultural policy. The authors show how digital cultural policy is a cultural policy that explicitly relates to the digital production, distribution, or consumption of cultural expressions, as well as the parts of other policy areas that affect it. The chapter shows how this presents a challenge that cultural policy research must respond to through a greater degree of interdisciplinarity and empirical openness.

This second chapter is followed by seven chapters of country-based analyses of digital cultural policies: Germany, the United Kingdom, Spain, Sweden, Switzerland, Croatia, and Norway. The third chapter brings the first of these country-based analyses, entitled *Digital Cultural Policy in Germany. Chasing Ghosts*. In it, Christian Handke and Kübra Karataş take stock of German digital cultural policy and contrast it, on the one hand, with cultural policy in general and, on the other, with cultural policy responses to temporary crises, such as COVID-19. They show that, as a rule, digital aspects of cultural policy are modest and not comprehensively documented, which renders this task reminiscent of, as the title of the chapter suggests, chasing ghosts. Handke and Karataş show that, altogether, digitalization plays a minor role within German cultural policy, and culture is treated as a minor issue in general digitalization policy. Arguably, tentative and piecemeal policy regarding digitalization reflects a broader tension in contemporary German cultural policy. In their study, the authors demonstrate that policy is both rooted in sacrosanct principles, such as federalism and the freedom of the arts, as well as a focus on redressing the apparent failure of the traditional arts market. However, on the other hand, socio-demographic and technological change, as well as altering attitudes regarding the role of culture in society, keep shifting the goals of and means available to German cultural policy. Handke and Karataş conclude the chapter with suggestions on how to reinvigorate public discourse and ensure that German (digital) cultural policy remains sufficiently responsive and resilient.

The fourth chapter, *Digital Cultural Policy in the UK. Digital Aspirations in the Post-EU World,* written by Kate Oakley, argues that UK digital cultural policy is diverging from that of the EU as the country tries to work out its post-Brexit settlement. Oakley shows how this divergence is largely in a de-regulatory direction as the search for economic competitiveness is paramount and a populist-right Government is keen to stress its ideological distinctiveness from the EU. The contradictions and tensions that this gives rise to and which curtail its ability to regulate this policy domain are the subjects of this chapter, which looks at examples from broadcasting, online content, and museums as well as more general policy statements.

The fifth chapter is entitled *Digital Cultural Policy in Spain. The Game of Emulation* brings an analysis by Arturo Rodríguez Morató and Gloria Guirao Soro. In the chapter, the authors describe a digital cultural policy that started relatively late but has accelerated in recent years. The authors show how, in Spain, general digital policies precede digital policies specific to culture, how they are imposed on them, and how they greatly determine them. Rodríguez Morató and Guirao Soro show that this is the result of the important influence of EU policies nationally and of the dynamics of interaction between policy initiatives at various territorial levels within the country. In the conclusion of the chapter, the authors present the video games sector as an example of the interplay of policies focusing on digital culture at different administration levels in Spain (regional, national) and beyond (European).

A slightly different methodological approach and angle are presented in the sixth chapter, *Digital Cultural Policy in Sweden. Cultural Imaginations of the Digital Era, or Digitized Cultural Marketization?* By Katarina L. Gidlund and Sara Nyhlén. The authors critically explore and analyse the framing of digitalization in current cultural public policy in Sweden in order to reach a deeper understanding of how the idea of digitalization is narrated and what kind of desired outcomes surface in these narratives. The chapter is based on a thematic analysis of eight policy documents and departs from Andrew Feenberg's two-fold understanding of technology as both essence and construct in order to disclose the dominant and formative narratives of digitalization. With it, Gidlund and Nyhlén contribute to digital cultural policy research with a national-specific analysis of policy narratives on expectations and goals coupled with digital transformation.

Mira Burri presents, in her chapter on Switzerland, *Digital Cultural Policy in Switzerland. Between Currents and Crosscurrents*, a digital cultural policy that she describes as *incremental* and *fragmented*. According to Burri, although it appears that the relevant stakeholders take digitization seriously, it can be expressed that there does not appear to be a 'Swiss digital cultural policy'. The author shows that this should not necessarily be viewed as negative, as it permits experimentation and adjustments along the way. As Burri points out, however, the path towards a more proactive digital cultural policy and greater financial support remains unclear. This comes about as a result of the contentiousness of both the politics around it as well as public opinion, which is illustrated by case studies on 'Lex Netflix' and the referendum on support for media organizations.

In the eighth chapter, *Digital Cultural Policy in Croatia. Searching for a Vision*, Aleksandra Uzelac, Jaka Primorac, and Barbara Lovrinić Higgins analyze the implementation of policies of/for digitization and digitalization of culture in Croatia. The chapter shows the importance of contextual factors when trying to decipher the characteristics and problems of digital cultural policy in Croatia. It provides an analytic overview of the existing national strategic documents that are relevant for digital cultural policy-making; considers the impact that the EU legislative framework and the EU funds had on

conceptualizing digital cultural policies; addresses the implementation issues of digital culture in practice as well as recent changes and relevant challenges. The authors show how tapping into the opportunities offered by the digital context still largely depends on the instruments that shape business models and ways of working in culture. However, these aspects are still lacking in the Croatian policy documents that focus on digital culture. Thus, the chapter enquires whether the presented policy instruments regarding digital culture in Croatia could be regarded as 'critical digital cultural politics' (Valtysson 2020), that is, as policies that work for the public good, diversity, freedom of information, cultural rights, rights as data subjects, and so on.

In the following ninth chapter, *Digital Cultural Policy in Norway. Old Tools and New Tasks*, Ole Marius Hylland, Mari T. Heian, Bård Kleppe, and Heidi Stavrum present the ambitions of Norwegian digital cultural policy. They show how, although Norway has a high level of digital literacy, digital public services, and digital cultural consumption, this is not reflected in the maturity of a national digital cultural policy. In Norway, the inclusion of digital culture and digitalization in cultural policy has been a slow and incremental process, combining optimism and pessimism; perceiving digital changes as opportunities and threats. By using the cases of digital cultural heritage and computer games, they illustrate how new products (computer games) are being treated in old ways (supporting quality culture), while old products (heritage) are being treated in a combination of new (digitization and digital distribution) and old (collecting, systematizing, making accessible, communicating) ways. The authors conclude that in Norway, a fundamental challenge is to develop and implement a combination of policy tools and policy ideas that are more than a partly successful emulation of pre-digital policies in digital culture.

After the seven country-specific chapters, Mira Burri has written the tenth chapter in this book, which examines supranational digital cultural policies, entitled *The European Union as a Digital Cultural Policy Actor*. She looks at the transformation of the cultural policies of the European Union (EU) into digital cultural policies. The chapter looks first at the EU competences in the area of culture, highlighting some of the features of EU cultural programmes and their linkages to advanced digitization. Then the chapter goes on to explore the current state of EU digital cultural policy with two case studies that show the level of EU intervention in the areas of media regulation and intermediaries' liability for copyright infringement that have immediate relevance to cultural practices. Burri concludes the chapter with a brief appraisal and an outlook on the impact of the EU as a digital cultural policy actor.

The final chapter of the book is called *Rapids and Backwaters. Comparing Digital Cultural Policies*. In this chapter, editors of the book Ole Marius Hylland and Jaka Primorac aim to identify how different digital cultural policies are similar and in what ways they differ. This chapter compares the digital cultural policies of the seven case countries included in the book while also

taking stock of the supranational policy analysis. This comparative analysis of digital cultural policy is divided into three key axes: the first axis focuses on centralization and decentralization, the second axis examines the division of responsibilities related to digital and cultural policy, and the third axis examines the relationship between countries and the European Union. Furthermore, by using examples of digitizing cultural heritage and video game policies in the researched countries, the authors outline the dominant narratives of digital cultural policies. The authors show how the division between cultural, media, and communication policy is still very relevant for national digital policies, with an evident impact on the often fragmented approach to digital cultural policy; how the development of digital cultural policies needs to include both national and supra-national policy agents; how more agency to public policy in this field needs to be given; and how policy inspiration might be found outside European borders.

The subtitles of the different chapters give a certain clue to what this book is analyzing and indicate some of the characteristics of digital cultural policy: '*searching for a vision*', '*chasing ghosts*', '*digital aspirations*', '*the game of emulation*', '*old tools and new tasks*', and so on. In different ways, these subtitles describe in a condensed way policies that are works in progress, policies that are in a sense immature, or policies that are struggling to align their aspirations with their effectiveness. As the following chapters will illustrate, this is partly due to the unavoidable complexity and convergence of digital cultural policies, where bytes meet *Bildung* and arts meet algorithms. Partly, these emerging, immature, or struggling policies are also due to the basic fact that policies and technologies develop at very different rates. While policy development is, in many cases, slow and incremental, technology development is driven by an impatient and fast innovation race. Combined within digital cultural policy, this might be compared to pressing the acceleration pedal and the brake pedal down simultaneously. This duality also helps explain the combination of fast and slow development that is eminent in this area of cultural policy – the combination of *rapids and backwaters*.

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2 Digital cultural policies

Challenges and contexts

Ole Marius Hylland and Jaka Primorac

Introduction

This book is centred on the content, challenges, contexts, and varieties of digital cultural policies. One might ask if *digital cultural policy* is not just cultural policy. Is it not still a case of supporting, regulating, organizing, and developing cultural production, as well as making sure that the results of this production are distributed? What is special about being digital? Do we need yet another neologism? To the last question, it should come as no surprise that we would answer *yes*. This chapter is an argument for that affirmative response in support of researching, contextualizing, and defining digital cultural policies.

As illustrated in all the chapters of this book, digital transitions have created new cultural products and services, different forms of socialization, communication and distribution, and novel business models. They have contributed to change power structures, opened new possibilities, but they have also brought about new threats. All of this changes and challenges cultural policy. On the one hand, the tools of a non-digital cultural policy simply might not work anymore. This is especially visible in the different parts of the cultural policy that revolve around physical arenas (museums, libraries, heritage sites, concert halls), material objects (books, art objects), in-person communication (arts education), and the co-experience of culture (attending concerts and performances). Once the infrastructure, the content, and the consumption of culture to some extent gets de-materialized, the traditional tools of cultural policy evidently become less relevant.

On the other hand, more profoundly, these transitions and innovations also challenge some of the basic ideas inherent in most varieties of cultural policy, e.g. that policies should distinguish between good (worthy of support) and bad (not worthy of support), that cultural institutions might be influenced through public support, regulation, and legislation, that the cultural consumption of the population might be influenced, and also that cultural policy might be a tool to protect *national* cultural values. As will be illustrated by several of the coming chapters, there is a certain streak of protectionism and cultural nationalism in the cultural policy of a number of

European countries. The safeguarding of national culture or national cultural values is given both a set of challenges and a set of potential tools through digital transitions that open up questions on what these cultures are and can be within the digital arena. This also brings in challenges in terms of what policy approaches are best suited for the digital culture and for the culture in the digital sphere and how we actually define them in these fast and ever-changing times.

Digital + cultural + policy

What do we mean by digital cultural policy? To start with a basic point: "digital cultural policy" consists of two separate terms – *digital* and *cultural policy* – both possible to define in several ways. A proper understanding of what we refer to as digital cultural policy will depend upon how we understand *digital* and *digitalization*, on the one hand, and *cultural policy*, on the other. "Digitalization" and "digitization" are terms used since the 1950s although the use and content of the terms have changed ever so slightly.[1] The literary scholar Robert Wachal is often credited as being the first to use digitalization as directly related to computerization (see Brennen and Kreiss 2016). In his 1971 paper, Wachal writes about the fear of the "digitalization of society" among humanists and literary scholars (Wachal 1971).

The terms digitalization and/or digitization[2] have, over the course of three or more decades, come to refer to both the general development towards digital tools becoming increasingly important in most areas and the technological process in which analogue information is made digital. Usually, these two aspects are separated by using *digitalization* to describe the former and *digitization* to describe the latter. In the field of culture and/or cultural policy, the term digitalization is used both to describe the generally increasing importance of digital production, dissemination, and consumption, and the establishment of the digital culture, and to denote the more media-specific change from analogue dissemination and analogue products to digital products and digital distribution.

At the same time, there is a relation between the two basic aspects of digitalization that should be taken into account in the review of how a policy area is affected by the digital. In other words, how is technological change related to social change? In an oft-cited review article on the terms digitization and digitalization, Scott Brennen and Daniel Kreiss illustrate how these two aspects of digital transition are related. They describe how the basic technical side of *digitization* helps to explain *digitalization* and its far-reaching consequences (Brennen and Kreiss 2016). The basic technical characteristic of digitization is the binary quality, they contend. This is basically an intangible quality since digital information can be stored on all materials that can distinguish between two states, thus representing 0 or 1 in a binary system. At the same time, digital information is always stored and conveyed through

tangible carriers and this mediation between the material and intangible is unique to digitization (Brennen and Kreiss 2016, 2). Another perspective related to basic technical characteristics is that digitization in principle creates universal information which can be exchanged and that can interact between different systems. As long as an information or communication system has a built-in distinction between 0 and 1 – arguably a bare minimum for any such system – it can contain and distribute all digitized information. In this basic fact, there is also a source of both dystopian and utopian perspectives. On the one hand, this might strip communication of any interesting and highly relevant imperfections. A digital sceptic might ask whether all the fruits of human intellectual and aesthetical labour really can be contained in binary form. On the other hand, such universality might also facilitate universal communication, thereby reducing misunderstanding, misinterpretation, and the ever-present *noise* of any communication system (cf. Brennen and Kreiss 2016, 3). As we will see exemplified in different chapters, the combination of (digital and cultural) pessimism and optimism, of dystopian and utopian analyses and views towards the future, is something of a recurring trope in the study of digitalization and digital transitions in a number of researched countries.

Notwithstanding the terminological differentiation and implications of different approaches, the digitization *and* digitalization of cultural products and cultural production have consequences that represent evident challenges for cultural policy. The transition from analogue to digital removes, or at least reduces the importance of, elements such as materiality, ownership, original and copy, simultaneity, place, presence, and togetherness – elements often considered to be part of the essence of production, dissemination, and experience of culture. Furthermore, these elements tend also to be at the core of different varieties of cultural policy and the tools, programmes, regulation, and legislation that constitute policy approaches to different cultural sectors. Furthermore, as the analyses in the continuation of this book show, the transversal and transnational nature of these digital changes calls us to embark on the analysis of diverse policy tools and (regulatory) instruments from different areas that impact the field of culture. Thus, it should be highlighted that when we discuss digital and digitalization in the different chapters of this book, we are using these concepts much in the same vein as explained by Brennen and Kreiss (2016). We emphasize the close connection between the technological side of digitalization, on the one hand, and the social, political, and practical side, on the other. This creates, hopefully, fertile grounds for an updated analysis of the dynamic between digital transitions and cultural policy.

After outlining our position on the meaning of the *digital*, what does *cultural policy* mean in the context of this book? First, we think it is essential to remind readers and ourselves exactly why the study (and, consequently, the definition) of cultural policy is of great importance. In their introductory

book on cultural policy, David Bell and Kate Oakley explain the importance of this manner

> Its [cultural policy's] role in shaping our lives is too important to brush off as 'over' – and there's a political danger there, that if we don't keep paying close attention to what is happening in cultural policy, we might end up with either a market-led system with minimal regulation or with decisions taken 'on our behalf' or 'in our interest' that are in reality neither of those things.
>
> (Bell and Oakley 2014, 7)

We would argue that the importance of the study of cultural policy has increased as a result of digital transitions, adding to the relevance of this book.

At the basic level, Bell and Oakley describe cultural policy as "the branch of public policy concerned with the administration of culture" (Bell and Oakley 2014, 45), and, as "the sum of government activities in relation to culture, or what governments choose to do or not do in relation to culture." The government, it should be added, includes governance at all levels from the local/municipal, regional, and national to the supranational. This basic understanding of what cultural policy is also echoes other definitions of cultural policy in which the basic components generally are (1) a government or public entity that in some way, (2) supports and/or regulates, (3) the production and/or distribution of culture (Mulcahy 2006; Mangset and Hylland 2017).

Arguably, there are two aspects to such definitions that get highlighted or challenged when cultural policy turns digital. The first one is the aspect of territoriality and the second is the role of public vs. non-public actors. As Bell and Oakley (2014) contend, policy is basically, albeit not exclusively, territorial. While acknowledging that it is also relational, their approach in describing the central dimensions of cultural policy is a territorial one and their analysis is organized through a spatial scale from the local to the international. The territoriality and different scales of cultural policy are no doubt also relevant in a digital era, but the importance and role of this territoriality are bound to be different when the production and products that are to be regulated or supported are *de*-territorialized. The chapters in this book seek to untangle this process.

The abovementioned definitions of and perspectives on cultural policy generally entail that cultural policy for the most part is a *public* matter. This is backed by the fact that it is the public actors that represent the core of the systematic financing, organization, regulation, and legitimation of culture although non-public actors have always been relevant actors in and of the cultural policy process. However, within the context of the digital cultural policy (analysis), the possibility that non-public actors, e.g. commercial broadcasters, platform companies, or NGOs, can represent and implement

cultural policy has been taken as even more relevant. Taking into account that the cultural and media goods that they are producing and disseminating have the character of public goods and that they have a public role, not only a profit-making role, scholars have in a similar fashion noted the importance of broadening the definition of "public service media" to be wider than only broadcasting (Tambini 2021). The safeguarding of the public role of culture in the context of the digital transition and the rising (monopolistic) role of several tech giants and their online (cultural and audio-visual) platforms is deemed to be more important every day.

Political science literature on policy tools emphasizes that 21st-century governance and policy instruments go *beyond* public government. As stressed by political scientist Lester Salamon, modern governance is marked by "an elaborate system of third-party government in which crucial elements of public authority are shared with a host of non-governmental or other-governmental actors, frequently in complex collaborative systems that sometimes defy comprehension, let alone effective management and control" (Salamon 2001, 1613). This rather basic insight, that governance and policy are no longer performed by governments alone, is highly relevant to the digital and technological side of cultural policy. But there are two sides to this: public governance *with the help of* digital products as well as the public governance *of* digital products will, in two different ways, imply non-governmental actors. This basic fact poses evident challenges to both the governmental regulation of culture and to the analysis of cultural policy (Hood and Margetts 2007). Although the analysis of these different non-governmental policy actions and instruments in the field of culture would be important in the context of the digital transition, in the context of this book however, the focus will primarily be on public cultural policy and in particular, the cultural policy represented by national public actors. The issues of relevance to supranational politics will be analysed in a separate chapter.

Although there have been a large number of significant research contributions that analyse the various consequences of digitalization in the field of culture, the literature that is explicitly relating digitalization to *cultural policy* is still quite sparse. The existing literature points out how national cultural policy faces obvious challenges when key actors, like the major platform companies and tech companies, are transnational and have increasing power and influence at all levels. As some have described, a possible response to this development has been a revised form of cultural policy protectionism in which more or less successful attempts have been made to retain a national cultural policy toolbox in a global cultural market (Burri 2012; Davis and Zboralska 2019). Recent developments in EU legislation, e.g. the new EU Digital Services Act package that includes the Digital Services Act (COM 2020/825) and the Digital Markets Act (COM 2020/842), the renewed 2018 Audio-Visual Media Services Directive (AVMSD), and the national transpositions and implementations of AVMSD, are examples to this effect.

However, the changes brought about by the new AVMSD are not only relevant for the EU Member States but also for the policies of other countries in Europe that are, in their policy instruments, *inspired* by the EU legislation. This is, for example, evident in the analysis of the Swiss policy instruments that reflect the AVMSD ones as shown in the chapter on the Swiss digital cultural policy.

The European Union (EU) is also relevant here as a global player and not only through, for example, the pressures exerted on Google for breaching the anti-trust rules, representing a step towards regulating the (previously viewed as) unregulable field. This, and other examples such as the example of General Data Protection Regulation, have shown that EU policy has moved beyond goal setting and how Europe is "a de facto global regulator for privacy" (Komaitis 2018, in Flew 2021). As it will be shown further on in this book, these are not the only policy instruments that the EU is exerting on its Member States that have broader implications. The EU is an important policy "influencer" through various funding instruments (European Social Fund and other EU programmes, Resilience and Recovery Facility, etc.), through which it implicitly influences the field and practice of (digital) cultural policy. This impact differs from Member State to Member State, but it has also an impact outside of EU borders.

In international research, the concept of *digital cultural policy* has had some, albeit limited use. In a thematic issue on *comparative digital cultural policy studies*, this field is described as a still under-researched topic: "(…) too rare and far apart is the scholarly work dedicated to exploring the entanglement between digital technologies, culture, media, and public policy-making" (Roberge and Chantepie 2017, 295). The same authors also emphasize that the very concept of digital cultural policy is not well defined and clarified: "(…)the term 'digital cultural policy' has not yet found its voice and champion; what the term itself means remains to be fully unravelled, which makes it all the more interesting" (ibid.; Betzler and Fluturime 2019).

The closest the abovementioned authors come to a definition of digital cultural policy is perhaps precisely in the quoted description of the research area they would like to see developed: "the entanglement between digital technologies, culture, media, and public policy-making." The distinctive feature of digital cultural policy is perhaps, as we shall return to, the entanglement that is created between technology, culture, media, policy, and politics (Davis and Zboralska 2019). A similar perspective is promoted by Valtysson in his book *Digital Cultural Politics*, where the title concept "digital cultural politics" is understood as "a broad term meant to cover what is traditionally referred to as cultural policy, media policy and communication policy, how these converge and which effects this has on archival politics, institutional politics and user politics" (Valtysson 2020, 7). There are also other analysts who emphasize a strong degree of uncertainty, complexity, and contingency in this policy area, in other words, that every situation has several possible

outcomes: "digital cultural policies and their academic study are submerged in an ocean of contingency" (Roberge et al. 2017, 307).

What is also of special relevance in the context of deciphering what "digital cultural policy" is, is the implicit and explicit characteristic of cultural policy (Ahearne 2009) that has proven to be an important point of departure and cause of tension in any cultural policy research which in digital cultural policy context is shown to be even more significant. Implicit cultural policy concerns the agencies and institutions that are outside of the narrow cultural sector but that influence it (Ahearne 2009). In political science research, when talking about public policies in the cultural sector, the concepts of *policy transfer* and *policy learning* are also often mentioned, that is, the ways in which governments accept (in whole or in part) policy responses from other jurisdictions (Dolowitz and Marsh in Colebatch 2009, 124). In such a way, a whole plethora of different bodies and institutions have relevance for the field of the cultural sector, while in the context of digital culture, and thus of digital cultural policy, this proves to be even broader and more relevant. That is, as David Wright notes, this tension between the implicit and explicit cultural policy is "potentially heightened in the digital context" (Wright 2022, 781). Thus, the complex network of explicit and implicit policy instruments in the field of digital that is having an impact on and through the cultural sector has to be taken into account while researching what digital cultural policy is, is not, and also what it could be.

We have previously proposed the following working definition of digital cultural policy: "the part of cultural policy that explicitly relates to digital production, distribution or consumption of cultural expressions" (Hylland 2022). There are a couple of assumptions underlying this definition: that this is a part of cultural policy that is qualitatively different and, therefore, relevant to analyse as such, and that this aspect of cultural policy has developed to become a vastly more important and central part of this policy area. Denoting something as digital cultural policy implies that cultural policy to a steadily increasing degree can be and is digital, in the sense that most relevant areas of such policies are fundamentally changed by digital means of production and distribution. Secondly, the concept also has an analytical potential to re-connect perspectives on digital culture, viewing digital cultural policy as a conglomerate of technical, commercial, consumer, and other policy developments (Hylland 2012).

So far, we can say that digital cultural policy is a concept that has a certain resonance in existing academic literature within cultural policy research. At the same time, the use of the term is characterized by restrained efforts to try to define it clearly and unambiguously, precisely because the term is used to describe a field or policy area that is convergent, contingent, and complex and, thus, perhaps evades a precise definition. In the continuation of this book, we will try to unravel this complexity by analysing current challenges and changes within a European context.

Contextualizing digital cultural policy

By trying to grapple with such a contingent, complex, and convergent policy area field, we have put in front of ourselves a complex research endeavour. That is, it is a set of different challenges and changes that we aim to capture with the concept of *digital cultural policy*. Using this term, we are describing and analysing different – actual and potential – ways of treating the *nexus* created by digitalization, culture, and policy. This is by no means an easy task as these three concepts are complex by themselves and each has its own contingent development history. There are different ways to unpick this nexus: it can be approached through conceptual analysis and definitions, through looking at the various analytical traditions that aim to understand it, and it can also be viewed through a historical account of how this nexus has developed or it can be related to contemporary political contexts. The ambition of this chapter is to combine different approaches in order to lay a necessary foundation for the analyses in the chapters presented in the continuation of this volume. This combination of perspectives is meant to address a variety of *contexts* for digital cultural policies – analytical, historical, and political. We believe firmly in the importance of contextualizing the analytical object thoroughly to understand it. The complexity of digital cultural policies as both an aspect of cultural policy and as a concept in itself is adding to this importance. This is especially important in the context of an interdisciplinary comparative policy analysis endeavour such as ours in this book.

Furthermore, the developments regarding digital policy, platform regulation, and governance have put nation-states at the forefront of the discussion so much that one talks of "global splinternet" due to the diversity of governance models (Flew 2022), all of which has implications for the digital cultural policy (analysis) as well. The combination of digitalization, mediatization, and social media affecting cultural production tends to be described with the term platformization (Duffy et al. 2019; Caplan and Gillespie 2020; Nieborg et al. 2020; Poell et al. 2022). Although one must be careful again not to fall into the platform deterministic trap, it is hard to underestimate the importance of platforms in our context. Thus, we would agree with Valtysson's description of platforms as "possibly the most influential modern cultural institutions" (Valtysson 2020, 3), partly because of the essential reminder that this digital infrastructure should precisely be seen as cultural institutions and as a place for cultural production whether it is of amateur or professional nature. The changes occurring on and by online platforms are happening very fast and have become ubiquitous. Platforms capture the attention due to their transnational reach, dependence on user data, their impact on cultural and audio-visual supply and demand, the different levels of digital inequalities (produced) in access and skills, but also through the excessive concentration of power. The literature on platforms, often building upon or commenting on the seminal work from van Dijck (2013) and van Dijck et al. (2018), has often been based on critical perspectives of the unprecedented, immense, and

largely unregulated power of platforms – a power that includes the power to prioritise, to represent, to discriminate, to define labour conditions, and, ultimately, to define truth (Valtysson 2022). Platform governance remains an important point of departure, especially as one needs to take into context the transnational nature of platform companies that have become global content standard setters and gatekeepers of cultural consumption and production (Poell et al. 2022). What is more, we are talking here about the domination of the large, mainly US-based platforms, the famous formally-known GAFAM – Google (Alphabet), Apple, Facebook, Amazon, and Microsoft (with the change of Facebook to Meta now GAMAM). They have shown a scarcity of socially responsible behaviours regarding issues such as media pluralism and cultural diversity (Primorac et al. 2022). In general, they seem to be out of reach of democratic control. In the European context, as authors such as Vlassis have noted, this also opens up questions on European integration objectives, European identity, and the role that the EU plays in the globalized world (Vlassis 2020, 2021). In several of the chapters in this book, we discuss different attempts at and ideas on how to keep this (platform) power in check. In this regard, the different policy and regulatory approaches that are developed by the European Union have shown to be significant.

In the context of the important role that the "big tech" and their platform infrastructures play, what needs to be mentioned is the environmental impact stemming from the production, distribution, and reception of digital culture. As Vincent Mosco (2017, 201) notes, "the digital world is far from immaterial" and it produces mountains of toxic e-waste. It is drawing down energy supplies that are needed to fuel the non-stop connectivity and putting pressure on water resources essential to keep the system functioning while maintaining them cool (Mosco 2017). This green dimension of the infrastructural aspects behind the digital cultural policies should become (and are gradually becoming) their integral part, but they will not be the focus of this book due to the constraints of space. However, where relevant, they will be outlined in specific case studies available in selected chapters of this book.

Echoing conclusions by David Wright that "policy about the relationships between culture and the digital need to be negotiated in practice" (Wright 2022, 783), we have set out on the task of analyzing the existing practices in different national contexts, presented as case studies. There are seven different countries representing European digital cultural policies in this book, complete with their national cultural policy idiosyncrasies, similarities, and differences between them. However, although the national cultural policy contexts remain central for the analysis presented in this book, we also provide an overview of the supranational contexts relevant to the development of digital culture in Europe and globally. What is more, the perspectives by which we frame our topic in this chapter are also used to point to a set of general *challenges*, both in terms of defining and delineating

digital cultural policy, as well as for the political and regulatory practice embodied in such policies.

As will be shown in both this and subsequent chapters, we are interested in the combination of ideas and practices that interact in constituting actual policies. The development of digital cultural policies has been and still is characterized by ideas that seemingly contradict one another. The trajectory of its development is a combination of optimism and pessimism, and of the co-existence of utopian and dystopian perspectives, as well as different ideas of both change and continuity. In the words of our own research project – there is a combination of changing fast and changing slow at stake here, of *rapids and backwaters*.[3] A central topic related to these ideas and binaries, to which we return on several occasions, is the issue of pitfalls of epochalism and technological determinism. These are not new issues in the social sciences and humanities, but they reoccur repeatedly and have to be addressed in a new analytical context. In this context, *epochalism* refers to the tendency to overestimate the importance of specific changes in society and to treat these as tell-tales of a completely new era, a new *epoch*. Scholars like sociologist Mike Savage (2009, 2013) and organizational scholar Paul du Gay (2003) have warned against the analytical pitfalls of epochalism and, more recently, Kaufman and Jeandesboz (2017) show how in different analyses of digitalization, how "the digital is framed as a unique process of epochal change or rupture" (3). Following this line of argument, Henningsen and Larsen argue that the discourse on digitalization tends to be characterized by an "epochalist framing" (Henningsen and Larsen 2020, 3).

Closely related to this kind of epochalism is the dominant discourse of technological determinism, a discourse that treats digitalization as something akin to a force of nature, as an external force of unknown origin that people and politics simply have to acknowledge and adapt to. Such determinism tends to treat digitalization as an agent in its own right, underestimating both the role of individual agents of change, be it persons, companies, or politics, as well as the possibility of actually dealing more proactively with this perceived force. This includes the possibility of actually regulating digital transitions, whether these are labelled as revolutionary, as paradigm shifts or as mere ripples in a sea of continuity. A techno-determinist approach is very much dominant among Silicon Valley evangelists and, as such, also tends to affect policy circles and popular culture. It is interesting to see that no matter how strong the critical approach to it is, the approach still holds considerable sway.

In a similar vein, Kaufman and Jeandesboz point to the fact that a discourse on the effect of digital devices on politics and society "are indeed not only, and by far, academic" (2017, 5). They show how visions of technological change and societal connectivity just as much stem from technologists and Silicon Valley companies, affecting both political and academic discourse. They also quote media scholar Jonathan Sterne's critical point on the

problematic side of continuously referring to digital transitions as something *new*: "To refer to digital media as 'new' technologies is to import the value-system of advertisement into scholarship, where 'newness' is itself an index of sociocultural significant and transformative power" (Sterne 2003, 368). Critical analyses like these underline the importance of combining analytic perspectives when studying major changes, to be able to separate the rhetoric of "change" and the vested interests that might be inherent in this, from actual change. We contend that this combination of perspectives is of particular importance in the analysis of cultural policies as this field is characterized by a combination of rhetorical legitimation and political practice. We need to combine studies of discourse with studies of practice, and we need to do it in an interdisciplinary fashion.

What, then, are the best ways of avoiding the different analytical pitfalls referred to above? How should we approach the subject of digital cultural policies without resorting to epochalism and technological determinism and without inheriting Silicon Valley visions, or, for that matter, failing to identify genuine policy change? Firstly, we think is essential to look critically at the assignment of *agency* to "the digital." Digital transitions, digital change, digitalization, or digital disruption are not something that simply *happens* and something that as an inevitable force of nature changes everything along its path in unavoidable ways. Although such a caveat might seem self-evident as already described in academic scholarship so far, as we have addressed this in the introductory chapter, there is an often surprisingly high level of the independent agency assigned to the digital in both policy and scholarly analysis every time a new software appears, new technological innovation arises, and a new app is available for download. At the time of writing this chapter, the discourse connected to the life-bending and shattering changes that AI, ChatGPT, and related innovations might bring to our lives is very much present.

The ascription of agency to the digital is also evident in selected policy responses at the national level which still show themselves to be of techno-deterministic nature, as will be shown in selected examples further on in the book. A central part of such assigned agency is also that it is *external*, in the sense that it is "deemed to be exercised in a relation of exteriority to politics and society, as an external or autonomous driver for transformations in existing political and social orderings" (Kaufmann and Jeandesboz 2017, 2). The analytical solution suggested by Kaufmann and Jeandesboz, which is highly relevant to this book, is to move from *singularity* to *specificity* in the analysis of "the digital." Rather than treating "the digital" as a singular (and external) driver of change, they argue in favour of situated analyses of the digital, showing how the different affordances of the digital create different relations between the digital and the social. Among the affordances that make the digital inseparable from the social, according to Kaufmann and Jeandesboz, are the characteristics of being numeric, countable, computable, material, storable, searchable, and transferable

(ibid). In other words, these different affordances are in different ways rooted in and shaped by social practice.

Including different aspects like these in an analysis of digital change illustrates the fallacy of treating the digital as one and the same thing, in other words, as a singularity. Part of the analytical ambition of this book is to avoid treating digitalization, or simply, "the digital," as a singularity.

Another angle that is useful in relation to the aim to stay clear of the abovementioned pitfalls is to include a certain historical perspective. As any epochalist discourse is based on an exaggerated emphasis on change, newness, and disruption, a certain focus on historical development might help distinguish between postulated and actual changes. Furthermore, historical perspectives might also create a more balanced view of the relation between change and continuity. As Ruppert et al. argue

> The lively and productive changes brought by the digital are no doubt large, but they need to be explored carefully, with due attention to their specificities. And, as a part of this, we have also argued that they often turn out to instantiate and reconstitute older practices, forms of stabilization and control.
>
> (Ruppert et al. 2013, 40)

What is more, this contextualization needs to be more fine-grained as the digital transition has (had) different impacts on diverse cultural sub-sectors and on their different actors. For example, the changes brought about by streaming services for musicians differ widely from the impact that the opening up of digital services has had for museum and archive sectors, while the audio-visual industry has to adapt not only to new distribution models brought about by the streamers but also with the opening of virtual production houses, while visual artists have had to get to grips with the NFT art and the impact of AI on their livelihoods.

These are also some of the examples that show the fast and dynamic changes in the practice of the cultural field but on the policy level, as will be shown further on in the book. It could be said that there has been a slow and reluctant digital turn. That is, digital cultural policy represents a kind of cultural/political convergence (cf. Hay and Couldry 2011; Jenkins 2006). On the one hand, it is the coinciding of previous ideas from cultural policy (democratization, welfare, accessibility, education and *Bildung*, regulation, and national, protectionist ideas) brought together within the digital framework. On the other hand, new cultural policy tools and instruments are also being added to this – digital standards, development/downsizing of technical infrastructure, ownership legislation, tax policy, international regulations, directives, and conventions. One might, therefore, see this as a kind of *hyperconvergence* when we look at what digital cultural policy has contained in terms of ideas, content, and political instruments. It is perhaps this precise

hyperconvergence that is the central feature of a digital cultural policy. Digital cultural policy is both "the part of cultural policy that explicitly relates to digital production, distribution or consumption of cultural expressions" and the parts of other policy areas that affect digital production, distribution, and the consumption of cultural expressions. This represents a challenge that cultural policy research must respond to through a greater degree of interdisciplinarity and empirical openness. This is also the ambition of this book and the following chapters.

Notes

1   In fact, "digitalization" has been used since the 1870s in the sense of medical treatment with *digitalis*.
2   A note on language: In some languages, like Norwegian, the distinction between digitalization and digitization often gets lost, as "digitalisering" works as a dominant term, covering both aspects.
3   The book is a result of an international and comparative research project, *Rapids and backwaters. Adapting fast and slow to a digital cultural turn* that was financed by the Research Council of Norway and led by Telemark Research Institute. For more information about the project, see the Acknowledgements of this book or visit the website of the project: https://rapidsandbackwaters.com/

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3 Digital cultural policy in Germany

Chasing ghosts[1]

Christian Handke and Kübra Karataş

Introduction

In terms of exposure time, the Internet is at least about to become the main mode of accessing cultural and entertainment services. According to data assembled on behalf of German public broadcasters, in 2021, Germans accessed media content for an average of seven hours per day, of which the Internet accounted for four (Kupferschmitt and Müller 2021).[2] As this chapter documents, German cultural policy has remained surprisingly unresponsive to this major shift.[3] In the German context, there is not even general agreement that digital media fall into the realm of cultural policy. Cultural policy responsibilities are widely dispersed, there is a plethora of relevant initiatives with miniscule budgets, and there are no reasonably comprehensive repositories or overviews.[4]

Undoubtedly, the COVID-19 crisis has shaken things up. The German cultural and creative industries (CCI) – at least those largely operating offline – took a beating and increased experimentation with online activities. The CCI's gross value added fell by 12.8% between 2019 and 2020 (BMWi 2022a, 15), more than three times the decline of the entire German economy. Besides this immediate concern, relative to the situation in other countries of similar socio-economic development, indicators regarding the German CCI exhibit a middling performance. The CCI accounted for about 2.8% of gross value added in 2020 (BMWi 2022a, 15).[5] According to somewhat outdated Eurostat (2022a) data, compared to figures from other European Union Member States, the 2015 participation rates of the German population were about average regarding, for instance, cinema, live performing arts, or cultural sites. There is bound to be some regression to the mean in a relatively sizable country. Somewhat more worrying may be that Germany, despite its large domestic market by European standards, has virtually no domestic video games industry (BMWi 2022a, 86, 90, 2022b)[6] and that access to culture online predominantly occurs via platforms operated by commercial enterprises from abroad, as discussed below.

This chapter maps out the main agents and initiatives of German digital cultural policy, going well beyond the overviews that have been available to the public so far. The chapter places digital cultural policy within the wider context of cultural policy. It documents the modest share of the 'digital' in direct public expenditure on arts and culture, as well as the main aspects of the legal and regulatory framework that constitutes the predominant mode in which the (federal) government engages with technological change and digital culture. In conclusion, we identify major challenges for developing a more deliberate and effective cultural policy response to digitalization.

Sources and methods

The chapter mostly employs document analysis of primary sources – official documents published by governmental entities. We used widely cited survey articles regarding German cultural policy to spot the major (federal) government entities engaged with cultural policy. These include several federal ministries and ministry departments, commissions of the federal parliament, and the assembly of regional culture ministers. We then accessed and analyzed the websites of these entities, also identifying (a) main separate reports and documents regarding cultural policy and digitalization and (b) specific cultural policy initiatives or other organizations signposted as important. To double-check, we also used search engines for combinations of German*, polic*, government, Bundesregierung, with search terms such as cultur* or art*, in their various versions and inflections (in English and in German). To cover digitalization policy, we proceeded in the same manner but relied more on snowballing from the main federal ministries' websites, rather than the academic literature. Here, additional search terms were digital*, Internet, social media, new media, and their various versions and inflections. Among all search results, selection criteria were relevance, recency, and detail of factual information.[7] At later stages, we also confirmed our source selection against reports by AI-based search engines on 'main aspects of German digital cultural policy' (from ChatGPT and Phind).

The documents were analyzed by basic thematic analysis and by quantitative content analysis. Our interpretations draw on aspects of cultural economics (Towse 2003; Ginsburgh and Throsby 2006; Handke and Dalla Chiesa 2022). That means we identify trade-offs, apparent market failure, and related policies as costly means to mitigate it. It also means that we pay particular attention to actual, costly measures adopted with regard to digitalization and the cultural sector. Talk is cheap and abundant in cultural policy. We 'follow the money', rather than potentially inconsequential expressions of attitudes and intent. Money surely isn't everything in the cultural realm, but money translates into labour and other resources that are required for effective cultural policy.

Main themes of German cultural policy and their historical foundations

It is next to impossible to make sense of contemporary German cultural policy and its peculiar response to digitalization without some historical context (e.g. McIsaac 2007; Compendium 2022). Major strands in the cultural policy of the Federal Republic of Germany (FRG) include devolution, social and market liberalism, and the ideal of the freedom of the arts. All of these are virtually sacrosanct as counterreactions to the catastrophe of the National Socialist dictatorship from 1933 to 1945. This heritage blends with relatively high esteem for traditional high arts, a perceived need for cultural policy to shield parts of the cultural sector from market mechanisms, as well as scepticism regarding utilitarian attitudes towards arts and culture.

Federalism

An unmissable characteristic of contemporary German cultural policy is devolution (Ahearne 2003; Wiesand 2021). Germany is a federal republic and the highest authority regarding cultural policy are the 16 regional governments (*Bundesländer*). Thus, while arts and culture traditionally enjoy great social esteem, cultural policy is hardly a priority on federal governmental level.

Changing attitudes regarding culture

Arts and culture have played an important role in promoting progressive values in German history, which in the 19th century included democratization and the formation of a German nation state. According to traded notions of a 'cultural nation' or 'cultural state' (*Kulturnation* or *Kulturstaat*), shared cultural heritage and a vibrant cultural sector justifies and sustains any German nation state. This notion still holds some sway (cf. Deutscher Bundestag 2007; 2015). The predominant understanding of the role of arts and culture in society has evolved, however.

Over time, any notion of a German cultural state based on shared engagement with canonical high culture has morphed into the perceived obligation of German governments to safeguard arts and culture so as to sustain a public discourse and cross-cultural cooperation, as well as to counter apparent market failure. A more unique focal point in German cultural policy is curtailing German nationalism and redressing historical injustices. Cultural diversity, especially in the sense of integrating relatively large numbers of immigrants, has become central in cultural policy debates and some novel initiatives (UNESCO 2012; Auswärtiges Amt (AA) 2020). Any measures akin to the protection of domestic culture are justified as means to preserve the diversity of European culture or simply 'the cultural landscape', and to

protect vulnerable societal groups from exclusion or from homogenization by commercial cultural industries (e.g. Deutscher Bundestag 2007; 2015; UNESCO 2012).

The freedom of the arts

A further guiding principle of German cultural policy is the freedom of the arts, which enjoys constitutional protection.[8] In practice, this ideal has two aspects. On the one hand, there is the Kantian notion of 'art for art's sake' (cf. Wilcox 1953; Heidenreich 2015). The arts are considered meritorious and worthy of protection beyond any specific, well-documented societal benefits.

On the other, freedom of the arts is about rejecting governmental interference in the specific content of cultural and creative production and private engagement with culture (cf. Heidenreich 2015). In practice, this ideal relates to three conventions. First, German cultural policy is focused on supply-side measures. Besides the integration of culture in school curricula, users are to make their own choices among subsidised and unsubsidised cultural supply. Second, participatory processes are commonly used to develop cultural policy and to allocate public funding of culture. Third, cultural institutions are largely self-governing, even if they are predominantly financed by the public.

Cultural policy in a socially coordinated market economy

After its turbulent history and integration into the proverbial West, there is great scepticism in the contemporary FRG regarding excessive centralized governmental control, broad faith in social liberalism, and the tenets of market economies. The primary role of the state is to set a legal and regulatory framework, within which all residents and economic agents are free to act as they see fit. Statutory regulation should be justified and generic to restrict governmental authorities from interfering with specific private and entrepreneurial decisions. At the same time, there is a substantial role of the government to safeguard civic rights and social cohesion by providing social services and to mitigate apparent market failure.

In this context, the German government is widely seen as obliged to actively promote the production of arts and culture, as well as wide accessibility and participation (**Deutscher Bundestag 2012**). 'Framework setting' is not considered as sufficient. Sustained and *eventually selective* public financing of cultural production is seen as commensurable with the freedom of the arts (Deutscher Bundestag 2007, 44).

Combined with the 'art for art's sake' principle, this scepticism regarding market mechanisms and justification of public engagement entails a constant struggle that permeates German cultural policy: there are only loose guidelines to determine which aspects of the cultural sector require what type of public support, and how much. As the Enquete Commission (Deutscher Bundestag 2007, 46) has it: '*The decision, how much money should and can*

be committed to culture on the various levels to culture, is the result of a democratic dispute'.

Thus, in principle, governmental agencies enjoy considerable leeway in shaping cultural policy. However, much public financing of culture in Germany is rather stable and predominantly goes to traditional forms of cultural expressions. This may reflect that it is hard to justify alterations without reference to widely accepted performance indicators, and a desire to avoid vexing fundamental debates. In any case, traditions and conventions are associated with stability in German cultural policy, as we document in our account of public expenditure of culture below.

Two modes of German cultural policy

There are two apparent strands in German cultural policy. First, there is considerable direct public expenditure on arts and culture (PEC). Cultural policy in this narrow sense is predominantly conducted by specialized, regional, or local cultural policy agencies, who directly finance specific arts and culture organisations. Parts of the cultural sector – numerous performing arts organizations, cultural heritage sites, museums, collections, and libraries – are continuously financed by the public, which often far exceeds revenues from sales to users or other market income. Second, the rest of the CCI are mostly regulated by means of a general, legal, and administrative framework developed on the federal level of government, where culture plays a secondary role. Private provision is the norm for CCI supplying media content of any type, such as books, films, private broadcasters, video games, and suppliers of any cultural content online, as well as the wider creative industries such as design and architecture. In this realm of cultural policy in a broader sense, any direct public financing tends to be sparse and is usually allocated via competitions and on a temporary basis.[9] Similar divisions in cultural policy are common in other socially co-ordinated market economies, but it seems particularly pronounced in Germany, with its extraordinarily lavish funding of the performing arts.

From an economic perspective, this could be justified as follows. On the one hand, market failure is more pronounced for some of the traditional arts. On the other, public authorities are better able to improve on spontaneous market outcomes over the 'narrow cultural policy' realm than regarding media content and other aspects of the CCI. However, such arguments are not thoroughly developed in the official documents nor in the academic literature on German cultural policy available for this chapter.

In any case, issues to do with culture and digitalization largely fall into the 'broader cultural policy' framework. As we illustrate in the following, concerning digital media content (and with the notable exception of public broadcasters), German cultural policy relies heavily on market mechanisms combined with general regulations and very limited and temporary direct public financing.

Cultural policy in a narrow sense: direct public expenditure on arts and culture (PEC)

This section surveys key indicators regarding German PEC. It illustrates the relative importance of the digital aspect in cultural policy.

Main government entities involved

In the FRG, the 16 administrative regions (*Bundesländer*) are the highest authorities regarding domestic cultural policy in a narrow sense, as well as regarding education and research. The regions coordinate their policies in the assembly of regional ministers, the *Kulturministerkonferenz* (Kultur-MK). Decisions on that level require unanimity and consent by regional parliaments, which inhibits country-wide co-ordination of cultural policy (Wiesand 2021).

Around the millennium, important formal steps in the development of a domestic, *federal* cultural policy in the narrow sense of PEC took shape. In 1998, a federal quasi-ministry of culture was established with the position of the Federal Government's Commissioner for Culture and Media (*Beauftragte der Bundesregierung für Kultur und Medien* (BKM)).[10] The BKM department of the Chancellery (BA) has grown into a substantial endeavour with a staff of 400 and a budget of €2.14 billion in 2021, up by 23% from 2018 in inflation-adjusted terms (nominal figures from BKM 2021) and not accounting for temporary special funding made available by the federal government to mitigate the impact of COVID-19. Nonetheless, the BKM is no 'proper' federal ministry, safeguarding the jealously guarded cultural sovereignty of the *Bundesländer*. In contrast to most regional ministries of education and culture, the BKM's responsibilities do not include education and research. Furthermore, the German Federal Parliament (*Bundestag*) has a Committee on Cultural and Media Affairs, which supervises the BKM as well as foreign cultural policy at the foreign office.[11]

In 2000, the BKM started publishing a series of Cultural Finance Reports (*Kulturfinanzberichte*; Statistische Ämter des Bundes und der Länder (SABL), various issues), surveying aggregate indicators regarding PEC throughout the country. In the following, we draw on these reports to document the main aspects of German cultural policy and the role of digital cultural policy within it.

Aggregate indicators

According to the latest official Cultural Finance Report (SABL 2020), total PEC throughout Germany was €11.4 billion in 2017, which amounts to ca. €138 per inhabitant or 0.35% of GDP.[12] This *excludes* mandatory public broadcasting fees of ca. €8 billion per year (over €96 per inhabitant). To get a sense of proportion, in 2017, the average private expenditure of German

residents on admissions to cultural events was ca. €70, on books was €55, and on newspapers and magazines was €123.[13]

The Appendix documents developments of key indicators over time. Common reports of expanding aggregate PEC in Germany must, however, be taken with a pinch of salt. On a per capita basis and in inflation-adjusted terms, PEC has increased by ca. 38% between 1985 and 2017. However, relative to GDP, PEC has been rather stable with an average of just over 0.36%.[14]

This has changed during the COVID-19 pandemic. Between 2020 and 2022, especially the federal government made up to €4.5 billion available to cultural organisations operating in Germany (BKM 2021; cf. Bundesministerium der Finanzen (BMF) 2021). That complemented indirect support and general direct support to German enterprises to mitigate the effects of the pandemic and corresponding countermeasures, which cultural organisations could also apply for. At the time of writing, there is no documentation of this special period of PEC, and news reports have it that most of the funding was not allocated (Böcking 2022). This specific support to cultural enterprises is strictly temporary, and there are fears that, with economic recession, PEC will be under pressure in coming years.

Priorities in PEC

Over all layers of government, theatre and music – including about 140 public theatre companies operating 838 performance arts venues, as well as over 100 public orchestras – accounted for 34.5% of PEC (SABL 2020, 31–32). Museums, exhibitions, and collections received 19.1%, and libraries 14.1%. These three categories jointly make up well over two-thirds of total PEC and proportions are rather stable despite technological change affecting the CCI.[15] A peculiar aspect of German cultural policy is that PEC is mostly focused on traditional formats of arts and culture, regarding the fine and performing arts, as well as exhibitions and collections.

Media content is conspicuously absent. One case in point is that a major component of the category 'Other' (*Sonstige Kulturpflege*) is public financing of films, which is estimated as €445.6 million in 2018 (SABL 2020, 44–45 and 50–52), about 4% of PEC and €5.4 per citizen. However, public film financing is hard to comprehensively survey, and here, expenditure of public broadcasters on fictional media content, for instance, is excluded. Another example is video games. The Cultural Finance Report (SABL 2020) reports no PEC regarding video games in 2017, and a projected PEC for €5.7 million in 2018, and features no further discussion of video games.[16] Other media content is not separately accounted for at all.

Furthermore, in the latest report published in December 2020, the term 'digital*' appears exactly three times in over 112 pages (including compound

expressions). Once it is reported that 15% of an initial €1 billion raised in a special fund to support CCI during the COVID-19 pandemic is earmarked to go to 'alternative and digital cultural supply' (SABL 2020, 54), and two tables feature €4.4 and €5.7 million dedicated to digitalizing 'filmed heritage' in 2017 and 2018, respectively. Altogether, this is some indication that, so far, PEC is not focused on media – digital or otherwise.

Specific digitalization aspects of PEC

There is no comprehensive repository of specific PEC initiatives, nor of digital cultural policy in Germany. The overviews available for this chapter illustrate a plethora of cultural policy initiatives that allude to digitalization with little apparent co-ordination and with very modest budgets compared to aggregate PEC.

A relatively extensive overview has been compiled for UNESCO by the German Federal Foreign Office (AA 2020). This report is based on a consultation of policymakers throughout the FRG that generated 70 submissions. It surveys '100 sample measures that strengthen sustainable systems of governance for culture' (AA 2020, 8) in effect between 2016 and 2019. The three largest specific measures by annual budget are: (1) the 'Culture is Strength - Education Alliances' of the Federal Ministry of Education and Research, with an average annual budget between 2016 and 2020 of ca. €44 million (ca. €2.5 per resident in the target group of 3–18-year-olds); the short summary tangentially mentions digitalization and the project is flanked by a research project on 'digitalization in cultural education' with an aggregate budget of €9.5 million; (2) the social media news service 'funk' targeted at young people by German public broadcasters with an aggregate budget – presumably between 2016 and 2019 – of €45 million, ca. 0.1% of license fee revenues excluding additional advertising revenue of public broadcasters; and (3) the 'Cultural and Creative Industries Initiative' of the Federal Government, namely the BMWi and BKM, with an annual budget of €7.8 million, about €0.10 per resident, between 2017 and 2019. Other relatively sizable projects clearly focused on digital cultural policy are (1) the 'Museum 4.0' initiative by the Prussian Cultural Heritage Foundation and the BKM, promoting digitalization among German museums, with an aggregate budget – presumably between 2016 and 2019 – of €15 million[17] and (2) the 'Digital Culture' (Kultur Digital) initiative of the German Federal Cultural Foundation, with a forecasted average annual budget between 2018 and 2024 of €3 million (€0.04 per resident). Overall, the expressions 'digital*' and 'Internet' frequently feature in this report (AA 2020), 130 times and seven times respectively across 172 pages. Many projects surveyed mention digitalization and related phenomena as aspects of the context in which cultural enterprises operate, but few focus on digital cultural policy.

In July 2021, the BKM published a position paper on 'Cultures undergoing Digital Change' (BKM 2021). This position paper is a unique resource,

even though it is partly obsolete at the time of writing, as the longstanding BKM Monika Grütters (CDU) was replaced by Claudia Roth (Greens) with the change in the federal government in December 2021. The document emphasises the ambiguity of technological change for the cultural sector and the need for stakeholders and government to actively strive for 'variety, quality, sustainability, participation, and diversity' (BKM 2021, 9). It surveys 12 exemplary digital cultural policy initiatives (BKM 2021, 12–13), but without documenting budget information. According to BKM (2022), all of these initiatives have miniscule budgets compared to aggregate PEC.[18] The strategy makes do with limited funds by trying to promote so-called 'lighthouses', to be emulated by others without direct public support (BKM 2021, 21). The focus of this position paper (BKM 2021) is on increasing the visibility and impact of extant, publicly financed cultural organizations online. There is great emphasis on fostering digital archives and databases regarding cultural heritage in formats that precede the Internet. Examples are the German Digital Library (the German contribution to Europeana), the digitalization of German film heritage, and databases facilitating provenance research for art works (BKM 2021, 15). According to this source, German digital cultural policy hardly engages with the flip side: the financing of selected 'digital native' endeavours. Last but not least, the position paper alludes to the need for greater cooperation and co-ordination regarding digital cultural policy, for instance, regarding technical standards or the development of publicly funded online information platforms (BKM 2021, 11).

Overall, there is little evidence that digitalization challenges and opportunities would have shifted much of German cultural policy. Where PEC is concerned, digital cultural policy remains rather limited.

Framework setting in German digital cultural policy

The setting of the relevant legal and regulatory framework – the other component of cultural policy in a broader sense – is not accounted for in PEC indicators. It may certainly be effective and entails administrative costs as well as opportunity costs, however. For instance, consider foregone public income due to reduced value-added taxes for some cultural goods and services or tax breaks for foundations and donors. This section mostly surveys CCI 'framework setting' according to the federal ministries that have primary responsibility in policy areas that heavily affect CCI and/or digitalization. Specifics of the CCI are considered in all these policy domains, but, except for copyright policy, CCI are hardly of central concern.

Digital infrastructure

Digital technical infrastructure falls into the main responsibility of the Federal Ministry of Digital and Transport (BMDV). The share of the German population making 'use of the Internet' in 2019 was below the EU 27 average,

but with Internet use being very common, the margins are small (Eurostat 2022b). According to the latest annual report on the Digital Economy and Society Index (European Commission 2022), Germany ranks 11th out of 27 EU Member States – a middling performance considering the country has had the 7th highest GDP per capita in 2020 (Eurostat 2022c).

There has been concern that some Internet-based cultural industries ('gaming' and 'progressive tv') may be hampered by a lack of powerful broadband infrastructure compared to other highly developed economies (BMWi 2017). We separately discuss the coverage of CCI in general digitalization policy documents in the next section.

(Business) economics

The Federal Ministry of Economics (BMWi)[19] has primary responsibility for German business law, competition law (see the section on digital platforms in this chapter), and international trade policy, as well as for federal policies regarding the promotion of innovation and entrepreneurship. The CCI are increasingly acknowledged as a substantial aspect of the contemporary economy.

The BMWi coordinates the aforementioned Cultural and Creative Industries Initiative (CCII) of the federal government, established in 2007 (with the BKM).[20] This initiative sets out to foster 'the competitiveness of cultural and creative industries and further exploit their potential for employment' and to 'improve the income prospects of innovative, smaller cultural enterprises and of free-lancing artists' (BMWi 2022b). Overall, the BMWi (2022c) seeks to 'adjust the programs it has launched as part of its economic and technology policies to be able to provide more funding to cultural and creative businesses', to include the CCI in foreign trade policy and to 'adjust digital copyright law to restore the right balance between the respective rights of copyright holders and users' (in conjunction with the Ministry of Justice). Considering the size of the country and the German economy as a whole, the budget of the initiative, €7.8 million per year (less than €0.1 per resident), is rather limited.[21] The BMWi's engagement with CCI is more in the 'framework' setting than the PEC mode.

Across its various activities – regarding networking of CCI with other industries, awards for pioneering entrepreneurial or creative work in the CCI, and minor research commissions – a very visible output of the CCII is the annual statistical reports since 2009 (e.g. BMWi 2022a). The definition of CCI in these reports is largely compatible with international standards, for instance of the European Cluster Observatory and the UNESCO Framework for Cultural Statistics, and excludes predominantly publicly funded organizations as well as public broadcasting. By contrast, the Cultural Finance Reports (e.g. SABL 2020) deviate substantially from these standards. CCI policy conducted by BMWi has a different scope than the cultural policy conducted by the BKM. BKM policy focuses mostly on physical and performative cultural

expressions and traditional arts and culture, whereas the BMWi incorporates most media content and software, as well as architecture, advertising, and design.

Of late, the BMWi has also started taking greater interest in 'non-technical innovation', including interfaces between CCI and other aspects of the economy to promote the performance of an innovation system (e.g. **Technopolis and ISIconsult 2017; BMWi 2021**). This is reflected in the mission of the German Government's Centre of Excellence for the Cultural and Creative Industries (*Kompetenzzentrum Kultur- und Kreativwirtschaft des Bundes*), which is an aspect of the CCII established in 2016. With a current staff of about twenty, the Center seeks to 'further exploit the innovation potential of the creative sector – in particular regarding non-technical innovation – and to indicate possible solutions for current and future challenges' (CCII 2022).

Furthermore, in late 2021, the BMWi took over responsibility for federal policy regarding video games from the Ministry of Transport and Infrastructure. Following up an initiative from the previous government, it seeks to allocate substantial direct funding of up to €50 million per year for the development of games in Germany to counter the miniscule market share of German video game productions within the country, promote exports, as well as to foster employment in this industry (BMWi 2022b).

Legal affairs including copyright

Copyright law and regulation, coordinated in the Federal Ministry of Justice (BMJ), certainly affects CCI and digitalization. National copyright policy is constrained by international conventions and a series of European Union directives. Within the remaining scope for national policy, the German government has tended to favour a relatively robust copyright regime.

A specific issue promoted by the German government, also on a European level, is extending platform liabilities to (a) clear rights and pay royalties when they base their services on copyright content (*Leistungsschutzrecht*) and (b) identify and act against copyright infringements by platform users ('notice and takedown' procedures). Nevertheless, the German legislative recently has sought to free operators of open Wi-Fi networks from any liability regarding users' copyright infringements (*Störerhaftung*), to promote the use of digital ICT and access to the Internet.

Finance and taxation

Tax policy is coordinated by the Federal Ministry of Finance (BMF). With a view to digital platforms, the German government seeks to establish 'fair and efficient taxation', to avoid that large 'digital enterprises' established abroad enjoy undeserved competitive advantages over domestic competitors. Furthermore, the value-added tax on digital publications – such as eBooks and access to databases – was 'aligned' in 2019 from 19% to 7%.[22]

Social policy

The Federal Ministry of Labour and Social Affairs (BMAS) has primary responsibility for labour market regulations and social policy. A relatively unique institution in Germany is the Artists' Social Fund (*Künstlersozialkasse* (KSK)). This organization is commissioned by the legislature to ensure that creators, who incur much of their income as self-employed workers, enjoy the benefits of the welfare state.[23] In 2020, the KSK catered for almost 190,000 individuals, and its total budget amounted to over €1.1 billion in 2019. Its accounts also provide useful data regarding the income of self-employed creators in Germany, which, in 2020, was €16,737 on average (Destatis 2021, 32–33; KSK 2022). There is some concern that quasi-employers established abroad, such as multinational Internet service providers, avoid financial contributions to this relatively unique policy on behalf of creators residing in Germany (Prognos 2018).

Education

In the FRG, public initiatives concerning arts education or media and digital skills are the domain of regional authorities. In contrast to other policies tangent to culture, federal engagement in education policy mostly consists of funding rather than regulatory framework setting. To promote 'digital literacy', the Federal Ministry of Education and Research (BMBF) has played a central role in supporting the Länder over recent years with federal funds. Some of the corresponding initiatives certainly concern the use of digital ICT to engage with culture, but this aspect is not separately accounted for. We cannot specify the relative import of cultural policy aspects in education policy.

For what it is worth, *Digital Education,* a federally funded program, ran for the period of five years between 2016 and 2021 with a total budget of ca. €5 billion (about €12 per capita and year) and aimed at fostering the digital competence of students and educators. The most prominent current initiative is the *Digital Pact School* that aims at improving schools' digital infrastructure and makes up to €7 billion available for five years between 2019 and 2024, just under €17 per capita and year (BMBF 2023).

Other important organizations concerned with cultural policy

Besides the direct interface between policymakers and specific CCI enterprises and stakeholders, another important set of agents engaged with cultural policy are non-profit, umbrella organizations that represent stakeholders in CCI. One example is copyright collecting societies, which are exempted from general competition regulations and supervised by the Intellectual Property Office (*Deutsches Patent- und Markenamt*).

There are many other sectoral associations, who disseminate information and lobby, constituting an element of cultural sector self-governance

(for an overview, see: AA 2020, 122–123). Cases in point are the Association for Cultural Policy (*Kulturpolitische Gesellschaft*), and the German Cultural Council (*Deutscher Kulturrat*) (cf. Wiesand 2021). Where umbrella organizations represent publicly funded cultural organizations, there is the peculiar constellation that public funds may be used for lobbying purposes to sustain or expand public funding. For reasons of space, we do not cover the plethora of publications generated by this aspect of the German CCI.

Furthermore, private patronage or sponsoring of arts and culture is rather limited in the FRG. For a discussion and lists of private cultural foundations, see König (2004), Wiesand (2021), and Bundesverband Deutscher Stiftungen (2022). Finally, EU funding, which is predominantly allocated to less wealthy regions, plays a very minor role in financing arts and culture within Germany (SABL 2020, 57–58).[24]

CCI within digitalization policy

So far, we have discussed the 'digital component' of German cultural policy. We now briefly turn to the way in which CCI feature in recent governmental publications focused on digitalization policy.

Digitalization strategy in general

The CCI are only considered a minor sub-issue of digitalization policy. For instance, a Digital Agenda of the German Federal Government (Die Bundesregierung 2014) featured seven 'key areas', with key area five entitled: 'Education, Science, Research, Culture and Media'. In the German government's cabinet conclave (*Kabinettsklausur*) discussion of digitalization in 2016, CCI were addressed as one of several agenda items in Focus Group 4 on 'Digitalization of Services'.

In the latest official documentation of the German federal government's digitalization strategy (Die Bundesregierung 2021), 'Culture and Media' is one of 23 focus points, dealt with on eight of 252 pages. There, four of seven sub-sections deal with public online repositories featuring cultural works. The CCI also receive a mention in the focus area 'Supporting Young and Innovative Enterprises' (Die Bundesregierung 2021, 97).

Furthermore, the Digital Council (Digitalrat) of the federal government, composed of nine leading entrepreneurs and scholars, features no expert from the CCI (Die Bundesregierung 2022b).

Online platforms

A key aspect of digitalization has been the formation and rapid growth of online platforms, in particular, Internet-based matchmakers that facilitate exchanges between other parties. Many platforms also help making cultural works available and enable engagement with culture.

According to Similarweb (2022), the top five websites used in Germany are all platforms operated by US-based multinationals: google.com, youtube.com, facebook.com, the German Google derivative google.de, and amazon.de (with Wikipedia.org coming in as 6th).[25] Within the Similarweb sub-category Arts & Entertainment and Video Games, the top four are multinational platforms: youtube.com (2nd in the overall ranking), followed by the other US-based netflix.com (17th) and twitch.tv (18th), as well as the China-based tiktok.com (28th).[26] The site of the German public broadcaster zdf.de completes the top-5 (48th in the full list).[27] German- and European-based platform websites rank higher in other, culture-related sub-categories of websites, for instance regarding performing arts and news. In any case, the regulation of online platforms is a sensitive issue, as it affects the interests of important trading partners.

An important document in this regard is the BMWi's (2017) white book on regulation of online platforms. According to the paper, the German government's overarching objectives are to 'enable inclusive growth through investment and innovation on the basis of fair competition' and 'guarantee individual basic rights (*Grundrechte*) and data sovereignty' (BMWi 2017, 9). Important concerns are to restrict practices to 'lock-in' consumers and to ensure data portability, to limit any discriminatory conduct of platforms by promoting transparency, equitable access to data and interoperability, as well as 'fair and efficient taxation' to avoid that large 'digital enterprises' based abroad enjoy competitive advantages over domestic competitors. More specific measures discussed in the paper include: (1) reforms of competition policy to better capture the full value generated by online platforms; (2) secure legal certainty for the use of data and minimise the scope for 'data monopolies'; (3) establish data sovereignty of end-users as well as adequate privacy policy and consumer protection, while still enabling the 'free flow of data in Europe'; (4) the promotion of digital infrastructure (high bit-rates); and (5) the formation of German and European institutions in charge of informing 'digital policy'. Aspects of the CCI (video games, tv and video, as well as music) are separately alluded to as important stakeholders. The CCI as a whole are only mentioned on page 69 (of 116) in three short paragraphs with regard to copyright enforcement. Music features twice: once as an example of B2C-markets, in which digital platforms 'set new standards'; once regarding the liability of Wi-Fi providers for copyright infringements by other users via that Internet connection (*Störerhaftung*), which by now has been reduced in subsequent copyright reforms.

A particularly challenging aspect is the liability imposed on social media sites and online platforms to inhibit 'cybermobbing' (BMWi 2017, 95) and other undesirable or even illegal conduct by platform users with the Network Enforcement Act (*Netzwerdurchsetzungsgesetz*) in effect since July 2017 (BMJ 2022). This is a tricky compromise. German public authorities themselves face tight restrictions on policing and inhibiting any cultural or media expressions. Charging online platforms with monitoring and inhibiting

questionable content may seem like an elegant way to ensure that some lucrative enterprises take social responsibility. However, there are obvious drawbacks. First, large platform providers are, thus, obliged to exert control on the public discourse they host, increasing their societal influence. Second, to avoid fines, platforms may err on the side of caution and go further in their curation than intended by the officials. The partial fix has been additional 'rights of objection' and transparency rules. Third, curating content imposes costs, and the market power of large platforms, who have the required resources, may be fostered. The partial fix has been to set a minimum amount of traffic on specific platforms, before they become liable. Despite precautions, these regulations have the potential to conflict with the policy objective to curtail the market power and societal influence of large online platforms, which is central in the BMWi's quest for a more effective, new digital competition framework (Die Bundesregierung 2021, 188).

Data strategy

A strategy paper outlining the German government's (digital) data strategy of January 2021 pays relatively much attention to CCI (Die Bundesregierung 2021). The strategy aims to foster innovation and sustainable growth by '*using, sharing, and making data accessible*', while restricting '*data monopolies*' and '*data misuse*' (Die Bundesregierung 2021, 5 and 6). The BKM is explicitly mentioned as a contributor to several aspects of the strategy, along with 'proper' federal ministries. The BKM also has primary responsibility for 16 of 230 projects surveyed in the document. Budget information is not included. The main drift is that (data on) cultural and creative works should be made easily and widely available in publicly funded databases for analysis and research. In this context, data on cultural works are appreciated as an asset: all projects directly benefit users, whereas only one of the initiatives has direct benefits for creators and rightsholders (cf. Die Bundesregierung 2021, 154).

Conclusions

Much engagement with culture now takes place via the Internet. Nonetheless, in the FRG, the CCI is a minor issue in digitalization policy, and digitalization initiatives play a very minor role in the allocation of direct cultural funding. From an economic perspective, this constitutes rational policy if private entrepreneurship is the best means to promote digital culture – more so than in the realm of traditional culture, which receives the bulk of direct public support. This is hardly self-evident, however, and, to our knowledge, no policymakers have explicitly endorsed this notion either.

   In the digital realm, there appears to be extensive market failure, too, to do with public good attributes, transaction costs, extensive uncertainty for all parties involved, or the scope for market power of private, for-profit

enterprises. Any of these may require new public policy measures, and shifts across the traditional boundary between direct funding of culture by regional authorities and general framework setting on the federal level.

In this context, there is an obvious problem for devolved cultural policy in Germany. At its best, federalism is associated with diversity, close matching of policies to specific local circumstances, some degree of competition, and mutual learning (Ahearne 2003, 127; Burns and Van der Will 2003, 133–134; Ederveen et al. 2008). However, federal systems might not fully exploit economies of scale that characterize most digital ICT applications, and there will be problems with financing public goods that entail benefits beyond the realm of local and regional authorities. What is more, there is ample scope for protracted bargaining over privileges and responsibilities (cf. McIsaac 2007). Problems with coordination and free-riding may inhibit the development of effective responses to digitalization by German cultural policy. In the German context, it takes an extra effort to co-ordinate the multiple national, regional, and local cultural policies. One way to circumvent the issue has been the detour via European regulation and initiatives, for instance, regarding the copyright system or online platform regulation. Where it comes to funding of specific cultural initiatives – for example digital libraries and databases or even public online platforms – Germany as a net contributor to the EU budget has rather limited recourse to EU funding for domestic projects, however. As a rule, funding has to be raised from within the country, which might require even better co-ordination of regional policy (for instance in the KMK), or some degree of centralization on the national level. Widely dispersed responsibilities for cultural policy complicate the formation of an effective digital cultural policy, not least because, in coalition governments, reallocation of responsibilities between government entities are often a strategic issue between political parties.

A second set of points may be even more fundamental and corresponds more closely to concerns in other countries. By tradition, in Germany, culture and cultural policy ought to be beyond rationalistic debates regarding explicit functions and goals. Indeed, there are clear limitations in utilitarian discussions of arts and culture. In a cultural economics perspective, to make that point one might invoke, for instance, the protracted and uncertain benefits of pioneering creative work; intrinsic value and intrinsic motivation to create; or substantial external effects regarding, for instance, an inclusive social discourse and social cohesion. However, invoking contradictory ideals, such as the freedom of the arts and the obligation of the state to – inevitably selectively – help finance arts and culture, is also a limited means to answer practical questions regarding cultural policy, such as where and how to commit public resources. Without reasonably specific ideas on what cultural policy ought to achieve and how that depends on changes in the social, technological, and economic context, there are the perils of apparent arbitrariness and inertia.

Arguably, digital cultural policy would benefit from a reinvigorated 'democratic dispute' (Deutscher Bundestag 2007, 46) regarding two aspects. First, participants in that dispute ought to invoke specific goals and consider empirical evidence, while remaining mindful of the limitations of empirics and of our understanding of the full social value of arts and culture. Second, the convoluted and fragmented nature of German cultural policy and measures adopted to deal with digitalization makes it hard for anyone to contribute to an informed debate. There is much to say in favour of diverse experimentation, but getting a reasonable overview should not be akin to chasing ghosts. More comprehensive documentation is required, including budget information, discussions of opportunity costs in the case of costly framework setting measures, and more comprehensive impact assessments.

Finally, during the COVID-19 crisis – which pummelled much of the cultural sector since early 2020 – the German federal government quickly expanded its engagement with financing of culture under exceptional circumstances. This confirms a 'nightwatch' function of the federal government familiar from German unification and the sub-prime financial crisis. In our reading, German cultural policy has been less responsive to more gradual social and technological change/digitalization. By now, it should be clear that digitalization is the more sustained challenge, however.

Notes

1 The authors gratefully acknowledge useful comments, as well as pointers to relevant sources, by Julian Stahl as well as by Ole Marius Hylland, Kate Oakley, Jaka Primorac, and other participants in the project ;'Rapids and backwaters: Adapting fast and slow to a digital cultural turn', financed be the Research Council of Norway, KULMEDIA project number 301502.

2 The exposure time is probably inflated by COVID-19-related restrictions during some of that year, and we know little about the quality of engagement on- and offline. This data are not available from years before the COVID-19 pandemic. Recent reports distinguish between 'mediatic use' of the Internet – concerning contents also available via other media channels – and 'non-mediatic' use including emailing and chats.

3 In 2000, almost half of German households (46%) were not even equipped with any personal computing device, let alone Internet access (Breunig et al. 2020, 429).

4 For graphical representations of the rather convoluted organisation of German cultural policy (not digital), see e.g. Wolf (2017), Flohr (2018), or Wiesand (2021).

5 It is 1.7% without the hybrid category of games/(functional) software.

6 In 2020, domestic productions accounted for 4.2% of the turnover for 'computer and video games' in Germany (BMWi 2022b).

7 A recent change in the federal government coalition in December 2021 – resulting from the general election of September 2021 – complicates the matter. The conservative-led coalition with the Social Democrats under Chancellor Angela Merkel was replaced by a coalition of the Social Democrats, the Greens, and the liberals helmed by Chancellor Olaf Scholz. Most federal ministers were replaced,

and some responsibilities shifted between ministries. (The exact titles of some federal ministries have repeatedly been adapted, too. To avoid confusion, we always refer to the main portfolio – such as justice, economics, or finance – and occasionally leave out the varying extensions). One would expect corresponding policy changes, where the rather diverse new government develops consensus and sets its priorities. However, in the FRG's political system, policy changes take time and effort, cultural policy is largely determined by regional governments, tend to be gradual, and the Social Democrats are still involved in a leading position. We take it as an indication of policy continuity if no new or revised government strategy documents have been published yet. Thus, summarising the most recent main resources available is still informative, even if they were published before 2022.

8 See Article 5, Paragraph 3 of the German Constitution of 1949.

9 Specific aggregate data on this aspect of PEC are hard to come by. For Berlin, the regional government reports that 95% of its PEC in 2020 (ca. €600 million) goes to 70 "permanently institutionally financed cultural organizations", and 5% go to "individual and project-based financing" (Senatsverwaltung für Kultur und Medien 2022).

10 The BKM is formally a department of the Chancellery (Bundeskanzleramt), the ministerial organisation supporting the Chancellor, the German head of federal government. In 1998, the BKM started taking over cultural policy tasks previously conducted in the Federal Ministry of the Interior (Bundesinnenministerium BIM). The position has recently been renamed to State Minister for Culture and Media. To avoid confusion, we still use the established acronym BKM in the following.

11 Until December 2021, a Federal Commissioner for Digital Affairs (FCDA) and the Federal Commissioner for Integration have also had responsibilities regarding cultural policy, both in the rank of ministers of state, like the BKM. The new government under chancellor Scholz has not appointed a FCDA at the Chancellery. The BMWi has appointed a *pro bono* post, sharing responsibilities with the Federal Ministry for Digital and Transport (BMDV).

12 The Kulturfinanzbericht first appeared in 2000, was published in three-year intervals until 2006 and then every second year. The latest edition was published in December 2022 after we prepared this chapter. Therefore, here, we refer to the Cultural Finance Report (SABL 2020) as the most recent. The SABL 2020 reports so-called *Grundmittel*, defined as expenditure including investments minus revenues to governmental entities. In contrast to EU definition of CCI, the report excludes news, books, and architecture, includes zoological and botanical gardens, and includes education only if provided by organisations specialised on arts and culture training. Public financing of film production is not separable nor fully covered, as it is partially also conducted within economic policy.

13 The latest Cultural Finance Report (SABL 2020) provides figures for household expenditure. We recalculated to per capita figures based on an average household size of almost exactly two.

14 Relative to GDP, PEC has varied within a corridor of less than ±7% over this 32-year period, without any consistent trend. General government expenditure fell from ca. 55% of GDP in 1995 to ca. 44% in 2017. Proportional to government expenditure, the share of PEC gradually increased from 2005 (0.74%) to 2017 (0.79%) but remained below the level of 2000 (0.81%). All figures are based on own calculations and the general government expenditure data documented at DESTATIS, 81000-0031.

15 Other specific positions include cultural initiatives abroad (6.0%), 45 public art schools (5.1%), preservation of monuments (5.0%), and administrative costs associated with cultural policy (2.5%). There is great stability in the division of PEC across the larger categories, with very little change in proportions (SABL 2020, 92).

16 In the current administration under Chancellor Olaf Scholz (in government since December 2021), federal policies regarding video games have become the domain of the Economy Ministry (BMWi). We later discuss public funding of the video game industry by this ministry (BMWi 2022b).

17 'Museum 4.0' was extended until 2023 with an additional budget of €15 million as part of the BKM COVID-19 rescue and future support package "Neustart Kultur" (BKM 2022).

18 The mentioned initiatives are funded under the federal COVID-19 rescue and future support package 'Neustart Kultur', with proposed duration from mid-2020 to mid-2023. According to BKM (2022), the projects account for a total budget of €142.7 million over the term of three years (ca. €0.6 per capita and year).

19 The BMWi is named Federal Ministry for Economic Affairs and Climate Action since December 2021.

20 The CCII is jointly coordinated by the BMWi and BKM. Five other federal ministries are acknowledged as contributors regarding, by main resorts: the foreign office, justice, finance, social policy, and education/research. The Bundesländer support the initiative, which also cooperates with industry-led bodies and individual stakeholders regarding specific aspects of its activities.

21 Most Bundesländer conduct similar activities by themselves, see e.g. AA (2020, 44–45), which fall beyond the scope of this paper.

22 Since 2016, eBooks are also included into the statutory fixed book price scheme (*Buchpreisbindung*), which fell into the resort of the BMWi.

23 In effect, members of the KSK pay about half the social welfare contributions that accrue for conventional self-employed workers. The KSK is financed by creators' contributions (which account for 50% of KSK revenues and are subject to minimum thresholds), obligatory contributions of enterprises, who commission self-employed creators (30%), and subsidised with 20% with funds of the federal government, in addition to federal funding of the entire operating costs of the KSK (2022).

24 According to the Cultural Finance Report, German organisations received €3.7 million (just over €0.04 per capita) for the cultural sector and €18.4 million (just under €0.18 per capita) for the media sector in 2017 from European funds (SABL 2020, 57–58).

25 Google.com, youtube.com, and google.de are all operated by Alphabet. The most popular sites hosted by German-based firms are the tabloid news-site bild.de (7th), and the news site of the Germany-based telecoms supplier t-online.de (9th). Other, highly ranked sites hosted by German firms are two email hosts with additional services, web.de (13th) and gmx.ent (14th), and the news sites spiegel.de (15th) and n-tv.de (19th).

26 Similarweb classifies tiktok.com as a social media network.

27 Another large public broadcaster, ARD, hosts multiple popular websites for each of its regional divisions.

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Appendix 3.1 Key indicators regarding public expenditure on arts and cuture (PEC) in Germany, 1985–2017

			Aggregate PEC				Federal PEC		
			Nominal	At 2017 prices (% change)[f]	Per capita, 2017 prices (% change)[f]	Relative to GDP	Nominal	At 2017 prices	Share in aggregate PEC
	Population[h]	GDP at 2017 prices (% change)[g]							
Denomination → Year ↓	Residents million	€ billion	€ million	€ million	€	--	€ million		--
1985	61.0	1671.0	3597.7[a]	6092.7	99.9	0.36%	420.1	711.4	11.7%
1990	Figures for PEC not detected in any Kulturfinanzreport								
1995	81.8	2573.8 (+54.0%)	7467.8[b]	10142.7 (+66.5%)	124.0 (+24%)	0.39%	966.0	1312.0	12.9%
2000	82.3	2692.8 (+4.6%)	8206.4[c]	10476.3 (+3.3%)	127.3 (+2.7%)	0.39%	1010.7	1290.3	12.3%
2005	82.4	2703.5 (+0.4%)	7980.9[d]	9443.8 (−10.0%)	114.6 (−10.0%)	0.35%	1001.4	1185.0	12.5%
2010	81.8	2800.2 (+3.6%)	9357.8[d]	10241.4 (+8.4%)	125.2 (+9.2%)	0.37%	1244.9	1362.4	13.3%

2015	82.2	3083.6 (+10.1%)	10417.3[(d)]	10625.7 (+3.8%)	129.3 (+3.3%)	0.34%	1539.9	1570.7	14.8%
...									
2017	82.8	3271.0 (+6.1%)	11442.8 [(e)]	11442.8 (+7.7%)	138.2 (+6.9%)	0.35%	1940.9	1940.9	17.0%

Sources: Figures in columns 2 and 4 calculated based on SABL (various issues), as specified at Notes below; figures in columns, 3, 5 to 7, 9 and 10 own calculations, drawing on DESTATIS data.

Notes:
[a] Old Bundesländer only (SABL 2003).
[b] SABL (2008), which is perfectly consistent with SABL (2006) and roughly consistent with figures for the same year in SABL (2003).
[c] SABL (2008), which is perfectly consistent with SABL (2006).
[d] SABL (2018); figure for 2015 is preliminary.
[e] SABL (2020).
[f] %-changes relative to previous table entry and with previous entry used as base value.
[g] Seasonally and calendar adjusted figures on GDP and inflation according to DESTATIS; sum of quarterly figures and inflation-adjusted via own calculations; %-changes relative to previous entry and with previous entry used as base value.
[h] End of year; DESTATIS.

4 Digital cultural policy in the United Kingdom

Digital aspirations in the post-EU world

Kate Oakley

Introduction

The writing of this chapter in 2022 coincided with an unusually febrile time in UK politics and government, with three Conservative Prime Ministers in the space of 12 months and several periods of little effective government at all. While the same party has been in office for 12 years, it has become dogged by scandal and increasingly ideologically fractured. In what is usually a fairly stable polity, it made writing about public policy a challenge, as the outline and aims of policies in many areas of life, including core economic policies, kept changing. But it also focused attention on what I believe to be the primary argument of the chapter; that UK digital policy is marred by tensions and contradictions that curtail its ability to regulate this crucial area of public life.

As others have argued in this volume and elsewhere, some of these contradictions and tensions are inherent in the broad area of "digital cultural policy" itself, given its mix of communication, media and traditional cultural policies, all of which have different heritages and different normative origins (Valtýsson 2020).

Added to this, in the case of the United Kingdom, is an unstable post-Brexit settlement, characterised by Kretschmer et al. (2021) as a search for digital competitiveness under a regulatory framework that is diverging from that of the EU. The outlines of that divergence are just beginning to appear as the United Kingdom seeks to work out its post-Brexit arrangements in an area of life in which, as other chapters in this volume will argue, EU regulation plays a major part. The indications are, as I will discuss later, that the aim is to move in a de-regulatory direction in the belief that this will boost economic competitiveness. This, in turn, will raise other tensions between what might be described as a libertarian approach (for example, in the case of AI discussed below), with growing concerns about hate speech, violence, pornography and so on in the regulation of internet and other digital content. Those tensions exist in all countries and are not peculiar to the United Kingdom, but – again – the post-Brexit stress on de-regulation heightens the contradictions between *laissez faire* and the need to respond to growing public

anxiety about the power and impact of digital technology platforms and the range of potential social harms.

The chapter will consider these issues with reference to a range of policies and proposed policies that exemplify these tensions as well as the (changing) architecture and machinery of governance. I will consider, among other areas, the "Culture is Digital" strategy, the proposed privatisation of Channel 4, and the proposed regulation of Online Safety. I have deliberately chosen a wide range of digital cultural policies to demonstrate the breadth of policy questions in this area and hence the risk of fragmentation and incoherence. I have also focused on areas that *exemplify* these tensions, as the aim of the chapter is to make an argument about the *nature and drivers* of policy in this area, rather than simply to list examples of policy. There are, of course, less contentious areas of digital cultural policy – digitization of cultural heritage for example – but, as I suggest below, even that runs into question of who controls the digitization process and what is the role of large technology corporations in our cultural life. The focus on tensions also risks focusing too much on the present and ignoring the last 20–30 years of policymaking on the digital. But, in the case of the United Kingdom, I argue that this is inevitable. The rupture with the EU, which has been central to much policymaking in this area, is a profound one and creates a kind of "before and after" for digital cultural policy. We are currently in the midst of that process and can ascertain only the direction of policy, not necessarily the results.

UK context and approach to digital policy

The United Kingdom is currently governed by a right-wing, populist Conservative party with a large Parliamentary majority. But its post-Brexit relationship with the rest of the EU is still unsettled, particularly given concerns around the so-called Northern Ireland protocol, and it is facing labour shortages and supply-chain challenges, in part, resulting from EU exit, but also from the continuing effects of the COVID-19 pandemic, the war in Ukraine and global supply issues. All this means that even a large majority in Parliament has not protected the government from instability. Indeed, the last few years have been among the most unstable in British political life.

Following the resignation of Boris Johnson in the summer of 2022, a new Prime Minister, Liz Truss, committed to a stronger de-regulatory approach than even the previous Conservative regimes has considered. She was forced from office after a period of around six weeks becoming the shortest serving British Prime Minister in history. This followed a disastrous budget, which cuts taxes on the very wealthy during a period of high inflation and with record Government debt, leading to a collapse in the value of the pound and a rapid rise in interest rates. She was replaced by Rishi Sunak in the autumn of 2022.

Although Truss undoubtedly represented the most libertarian of those three Prime Ministers, the approach of the Conservative administration elected in

2019 had been essentially a de-regulatory one in the area of digital cultural policy, as in others. Indeed, the current UK Digital strategy (DCMS 2022), which is designed to set out the Government's broad cross-departmental approach to the digital economy talks explicitly of "using the freedoms conferred by Brexit to implement a light touch, pro-growth regulatory regime", (UK Digital 2022, 5) with a particular focus on the supposed competitive advantages that result from this. The stated aims include building a "world class", digital infrastructure, developing digital skills and talent, using digital technology to improve public services and aid regional development, and supporting digital start-ups. Much of this is consistent with UK digital policy over several decades, policies on "e-government" and developing digital public services, for example, date back to the late 1990s (Chadwick and May 2003). But it is in its emphasis on de-regulation that the changes in UK policy can be more clearly seen. Concerns about privacy and the EU's GDPR policies look likely to be weakened in favour of the "free flow of personal data", and the potential commercial exploitation of national data sets, including health data, is likely to be licensed. To the extent that the Digital Strategy addresses cultural issues, these are largely confined to statements of support for the creative digital sectors such as videogames, and commitments to improve digital skills, particularly in Artificial Intelligence (AI) and data science.

Indeed, it is in its enthusiasm for AI that the Government's approach to digital policy overall can perhaps been seen most clearly. In a policy paper on AI regulation, published in the summer of 2022 (BEIS, DCMS, and Office for Artificial Intelligence. 2022) what is described as a "pro innovation" framework is set to guide policy development, and this is explicitly contrasted with the EU's approach to the same issue. While the EU's proposed legislation (European Commission 2021) identifies four levels of risk from unacceptable to minimal, the UK's policy paper asks regulators to focus on "high risk concerns rather than hypothetical or low risks" (BEIS, DCMS, and Office for Artificial Intelligence 2022). While the US Federal Trade Commission (Jillson 2021) warns against the dangers of AI systems that discriminate on race or other grounds, the UK's approach is to act only where that harm is evident and considerable – leaving citizens to make up their minds about other risks. In its proposed lighter regulation of AI systems, the United Kingdom would, thus, be an outlier amongst its closest allies.

The complexity of digital cultural policies can be seen in the plethora of agencies that historically have governed these sectors. In discussing any sort of cultural policy, it is always difficult to keep the focus purely on strictly cultural policy agencies such as Arts Councils. So many policy areas have a bearing on cultural outcomes that we often need to talk about everything from labour market policy to immigration (Bell and Oakley 2015). This is very much for the case for digital cultural policy (Valtýsson 2020). The links between media policy, communications policy and cultural policy are not only hugely tangled but are, of course, intimately connected to the political

and economic priorities of the state. While "creative industries" or "creative economy" framing already makes this clear via the explicit yoking of cultural policy to economic growth, the importance of digital technology to national security concerns pushes this even further.

Wright (2022, 780) argues that cultural policy scholars are well-placed to analyse these tangled policy agendas and the implications of digital for a whole range of issues because of our concerns with cultural products, "which have long been, and continue to provide a means to reflect on the present and shape the future". Furthermore, he argues that the relationship between "digital" and "culture" echoes longstanding concerns in the field such as "market" versus "non-market", or culture as a way of life versus culture as a discrete set of objects. But, as he says, in order to do this, cultural policy scholars need to move beyond "solutionist" approaches to a wider and perhaps more critical space that takes in the broader implications for our social lives beyond cultural consumption. This is an admirable aim for those of us who work in cultural policy studies, but it is worth noting that the field has often been quite poor in grasping the complexity of the policy environment that shapes cultural production and consumption – focusing generally on the identifiable cultural agencies of the state.

Some cultural policy scholars have, of course, looked wider – at the role of culture in propaganda (Holler 2002) diplomacy or so-called soft power (Nisbett 2013) and even in defence. As Tanner Mirrlees (2017) in his piece on the relationship between the U.S Department of Defence and the cultural industries argues, the DoD acts as an implicit cultural policy agency in its support for the production and circulation of texts (such as *Top Gun*) that promote US militarism around the world. While these areas may seem relatively marginal to core cultural policy, all public policy fields shape culture and discussion of digital cultural policy makes that even clearer than it has been in the past. Thus, concerns about cyber security can have implications for the production of culture, and the development of artificial intelligence can affect museum exhibition policies (Rindzevičiūtė 2022).

In the case of digital cultural policy, focusing analysis just on cultural agencies clearly will not be enough; the complexity of the issues and the range of policies which are relevant is evidenced by the range of bodies involved in digital policy-making in the United Kingdom and elsewhere. July 2017 saw the UK's Department of Culture, Media and Sport (DCMS) add "digital" to its title for the first time (more on this below). Part of this was a recognition of the growing importance of digital policies and the fact that many of the elements of digital policy were already under the remit of DCMS, from broadcasting regulation to online gambling. Given the complexity of the portfolio, however, day-to-day regulation of these areas of policy is sometimes in the hands of independent agencies such as the Advertising Standards Authority which regulates advertising across all media, the British Board of Film Classification which produces age ratings for film, or the Gambling Commission.

In addition, the Competition and Markets Authority, which regulates mergers and acquisitions, also governs digital markets, while the Information Commissioner's Office regulates data protection and freedom of information.

The most important regulator in the digital cultural space is the Office of Communications (known as Ofcom), the UK's main communications regulator, an agency whose own history bears witness to the complexity and tensions of digital cultural policy. Set up in 2003, Ofcom was itself a merger of different regulatory agencies and its creation was designed to signal the "convergence" of telecommunications and broadcasting. It brought together Oftel, the then telecommunications regulator, with the Broadcasting Standards Commission, Independent Television Commission, Radio Authority and Radiocommunications Agency in what was seen at the time as a relatively far-sighted move to get to grips with the growth of digital technology. At the same time, however, the newly created Ofcom had policymaking responsibilities taken from it and given back to the DCMS.

One controversial issue at the time of Ofcom's establishment was the decision not to include the BBC, the UK's main public service broadcaster, which has a tradition of self-regulation under its own Board of Governors in the remit, a signal of the relative power of the BBC in the United Kingdom's media landscape. Since that time, Ofcom's remit has grown and grown, taking over the regulation of postal services in 2015 and then, in 2017, the regulation of the BBC. As concern about online safety has grown, Ofcom has also taken on greater regulatory power to protect citizens – especially children – from online harms and exploitation. This mix of policy areas and issues again draws attention to the tensions of digital cultural policy. On the one hand, Ofcom has to regulate and, indeed, censor internet content, while on the other, it regulates broadcasting where the tradition of autonomy and independence from direct government interference is more highly cherished if frequently compromised.

A further complication in the United Kingdom's increasingly fractious national settlement is that, while cultural policy in the traditional sense is devolved to the nations of England, Scotland, Wales and Northern Ireland, this is not the case with media policy (e.g. governance of the BBC) or communications policy (internet and platform regulation), which is reserved for central, Westminster government. Thus, although distinct approaches can be seen arising in, for example, arts funding, across the nations of the United Kingdom, this is not reflected in most elements of digital cultural policy. This has led to tensions, notably about broadcasting in Scotland (Hibberd 2007) and with the de-regulatory approach of the Westminster government increasingly at odds with that of the governments in Scotland and Wales; these tensions look likely to increase in future.

The main aims of UK policy, therefore, can be summarised as the promotion of digital industries as a national asset in a de-regulatory context. This is increasingly at odds with EU policies, and, indeed, that is the political aim of

such rhetoric, but perhaps also of public sentiment and concerns. While the push for all things digital may have once chimed with broader social trends, a more anxious and resistant public is now part of the mix. In the United Kingdom, as in other jurisdictions, we are living through a period of increasing dependence on digital technology and content (particularly post-pandemic), together with increasing disquiet about that dependence – captured in the well-known expression *techlash* (Faroohar 2018). As the sociologist Will Davies (2022) wrote recently, the popular history of the internet can be seen in perhaps three distinct phases: the decade of the 1990s between the launch of the world wide web and the dot.com crash; the early years of this century when what are now the platform giants (Amazon, Google and social media companies) were born, and a third phase, in the wake of the global financial crisis of 2008, when the mobile internet, based around apps and APIs (application programming interfaces) became dominant. Davies argues that it wasn't until phase three that popular criticism became pronounced, as concerns about privacy, online exploitation, manipulation of elections and the dominance of a small number of internet platforms formed a core part of general public discourse.

It is in this context, not just in the United Kingdom but elsewhere, that governments are trying desperately to control forces – in particular the dominant platforms – that they have previously promoted. As discussed below in the section on policy examples, arts, cultural heritage organisations and museums are constantly being exhorted to make greater use of digital technologies, often in partnership with these global platform corporations, while at the same time, other elements of digital policy are trying to react to concerns about online harms and platform dominance. This debate between internet optimism and pessimism is one of long standing. Scholars such as Henry Jenkins (2006) were at odds with more critical writing from the very beginning, while others, particularly media scholars (Kline et al. 2003; Van Dijck et al. 2018) well aware of the role of media gatekeepers, the need for pluralism and the power imbalances that characterise technology infrastructures, have long warned that far from ushering in a greater democratization of the media, the growth of the platform economy suggests that commodification, rather than democracy, characterises the future. Tech utopianism at this point seems a thing of the past, and the potential for human emancipation, so much a part of digital discourse at one time, has taken something of a back seat to concerns on both left and right of the political spectrum. This is not acting as any kind of a brake on increased digitalization of course, but it does alter the political climate in which it is taking place, and this may have implications for policy in the future.

UK policy examples

David Wright and Clive Gray (2022) argue that the addition of "digital" to both the title and the responsibility of the United Kingdom's Cultural Ministry

in 2017 made that Ministry more strategically significant to the government than it had previously been, but that, in the process, arts and culture – the core business of the Ministry – became even more marginal. In this sense, it can be seen as continuation of the "creative economy" paradigm where, as Justin O'Connor (2022) has argued, the centrality of economic arguments, once welcomed by those in the arts and culture, have driven out other rationales and, thus, weakened the state's overall commitment to arts and culture. In both cases, that of the creative economy and that of digital, the state's embrace, in part, results from a perceived national economic advantage in these areas. The definition of creative industries in the United Kingdom from the very beginning included the production of software, a decision now widely acknowledged to have been a way to boost the size of the sectors and attract policy support. And while it would be hard to deny that creative industries, at least for a time, did receive increased government attention and support, many in the core arts or heritage sectors may feel that the promise of the creative economy rhetoric managed to bypass them (Hesmondhalgh et al. 2015).

In the examples discussed below, therefore, and with the (arguable) exception of the Online Safety Bill (passing through Parliament at time of writing), the pursuit of economic competitiveness is the primary driver of UK digital policies, though it is an aim that sometimes comes into conflict with other priorities. The examples are chosen not in an attempt to be comprehensive, which would be impossible in a chapter of this size, but to examine this core aim and the contradictions it leads to. They are a mix of legislation, such as the Online Safety Bill, and policy statements such as "Culture is Digital". I concur with Wright and Gray's (2022) argument that policy statements are rarely causally linked to legislation – indeed, policy statements may barely be read even by the relevant sectors, as they suggest. But they give an insight into Government thinking and ideology, which is necessary to understand policy.

Culture is digital

The United Kingdom has long seen itself as having a competitive advantage in some aspects of digital technology, though its support of the technology sectors has not always been particularly consistent. Nonetheless, as Wright and Gray argue, the inclusion of "digital" in the Culture Ministry portfolio was part of a wider government push to identify sources of economic competitiveness in the wake of the Brexit and other economic challenges. The decision was accompanied by the publication of a report entitled *Culture is Digital* (DCMS 2018), published as a "position paper" to set out how the Government understood the links between culture and the digital and how this might be capitalised on economically. This was further reflected in the frequent elision of digital *or* creative into the term "digital *and* creative" industries (sometimes rendered as "createch") everywhere from regional economic development strategies to national policy documents (Tech Nation 2021). As Wright and Gray point out, as with the addition of software into

the original creative industries definition, the inclusion of "digital" within the creative industries vastly expands their scope and economic clout, the "digital" sectors being by far the biggest part of the creative industries and the only parts showing continuing growth.

It was not the first report on digital that the DCMS had produced. *Becoming Digital By Default* was produced in 2012 (DCMS 2012) but that was more concerned with how practices of policy making and application could be improved via technology, somewhat in an e-government mode. *Culture is Digital* develops that, not just by acknowledging the growing importance of technology even since 2012, but by focusing it more on the arts and cultural sectors themselves. With *Culture is Digital*, the DCMS increasingly saw its role as driving the "take up" of digital technology across the cultural sectors for which it was responsible. Online ticketing systems were installed and number of website visits became a key performance indicator for museums and galleries. There were commitments to measuring the level of digital skills within the arts and culture sectors with an aim (slightly less clearly) of improving them. And the digitization of archives, such as newspapers or the BBC, was encouraged, often in partnership with large (non-UK) technology companies. Indeed, it is notable how far DCMS pushed the platform giants such as Google onto the cultural sectors – often citing the lack of digital skills or the need for those in receipt of Arts Council money to have "digital policy plans" in place. While some of this was justified (reasonably enough) under the desire to increase "access". Either geographically (in the sense of museum collections) or to people with disabilities, for example, increased data collection was also required in all cases, leading to the current situation where it is impossible to buy theatre or cinema tickets without surrendering your date of birth.

Rhetorically, the tone of *Culture is Digital*, and its follow ups (DCMS 2019) was to suggest a cultural sector that is always "lagging behind", in terms of skills or understanding of digital technology and needs to "catch up" with the likes of YouTube or TikTok, dragging, if necessary, its somewhat older audiences with it. As in the case of the proposed Channel 4 privatisation discussed below, global technology companies are frequently held up as exemplars to follow – despite the increasing concerns about these very organisations in the wider public. Similarly, large cultural organisations such as the National Gallery, Royal Shakespeare Company or Royal Opera House all have technology partnerships, with Google, the Chinese tech giant Alibaba or others. One wonders if such partnerships will soon cause public concern in the ways that those with fossil fuel companies, or the Sackler family,[1] currently do.

Boundless creativity

The "go digital" rhetoric of DCMS was, of course, emphasised further during the COVID-19 pandemic when physical venues were shut down and the great retreat into the domestic sphere was made less intolerable both

by conventional digital culture such as streaming services and (for some) by increased digital access to theatres and other forms of culture. For those who had been promoting digital access for some time (in areas such as education as well as the arts) this was viewed as an opportunity to promote the "democratizing" aspect of digital – talk of which has somewhat fallen out of favour in recent years.

The DCMS published a report entitled *Boundless Creativity* in July 2021, the boundlessness of the title clearly intended to refer to digital technology's supposed ability to make distance irrelevant (Cairncross 2001). While the report was supposed to focus on the impact of COVID-19 on the United Kingdom's cultural sectors, its authors took the opportunity to stress the "go digital" message very strongly with two thirds of its recommendations concerning digital, including improving digital skills, increasing data sharing between arts organisations, and improving digital access. Although the report states that "the cultural and creative industries will be a key tool in reconnecting societies, processing the emotional and psychological trauma of COVID-19, and emerging from this pandemic as stronger and more cohesive communities", (2021, 2), it gives little sense of how this might happen and manages not to mention the emotional and psychological harms that can be associated with technology platforms, nor their effects on social cohesion. Yet these very harms are simultaneously the concern of an Online Safety Bill, currently before Parliament and involving the very same government department – the DCMS.

The case for digital's role in democratizing culture did not perhaps receive the boost that it might have done from the pandemic. Research (Walmsley et al. 2022) suggests that, despite the huge efforts to extend the "digital offer" in theatre, dance, cinema and so on, it was still only accessed by a minority of the population (43%) and largely by the same people who had accessed it before. Despite the importance of digital modes of access during the pandemic, "digital engagement" (with the important exception of people with disabilities) was most pronounced among groups (such as 16- to 24-year-olds) that were already used to digital engagement. In short, those who were happy to engage digitally did more so more often, but the number of those who were happy to interact digitally did not increase markedly. Similarly, while streaming services in particular saw large growth in use, particularly in the first few months of the global pandemic, this growth has not continued and, indeed, both Netflix and Spotify have reported declining numbers of user in the United Kingdom as fears about the costs of energy bills and generally higher inflation bite (Sweney 2022).

Channel 4

The UK Government's support for the international platform giants was also on display in the debates about the proposed privatization of public service broadcaster, Channel 4. This case is included here as it concentrates many of the issues of digital cultural policy debates – between support for national

content industries and the dominance of global platforms. It also exemplifies how UK policy is starting to differ from that of other European countries, though, in this case, full commercialization was not eventually pursued. A contrast might be drawn with, for example, the Swiss "Netflix Law" which requires streaming platforms such as Netflix, Amazon Prime or Disney, to reinvest part of their revenues in Swiss content production.

Channel 4 was established under the Thatcher government in the 1980s with a remit to provide innovative programming aimed at under-served audiences and is widely regarded as a cultural success story. It was unusual in that – at the time – it was set up as a "publisher" of content and did not make its own programmes, but bought them from independent producers other broadcasters, who then typically retained the rights. It is publicly-owned but commercially funded, taking its revenues largely from advertising. It has set up regional offices across the United Kingdom, in Leeds in the north of England, as well as Glasgow and Cardiff, as part of an explicit strategy to boost regional creative economies and it has skills and training programmes – in the aforementioned digital skills – aimed at young people in some of the most deprived areas of the United Kingdom. This regional strategy, which was encouraged by the Government, has been welcomed by many in the media and cultural sectors for the boost it gives to regional cultural production, thus continuing its tradition of featuring minority content and a pluralistic range of voices from across the United Kingdom. The Government's arguments about privatization, however, draw more on an "international competitiveness" strain of argument, with the then Culture Minister claiming that public ownership was holding Channel 4 back from competing with US streaming giants such as Netflix or Amazon Prime, and a change of ownership would give it "the tools and freedom to flourish and thrive" (Dorries 2022). Despite being opposed by the majority of the public (96% in one widely reported survey) and despite the evidence that it was Netflix, with a reported $15bn in debt and falling share prices (Hobbs 2022), that was looking unsustainable rather than Channel 4, the one-time Culture Minister, Nadine Dorries, was keen to push ahead with privatisation until, as one of the consequences of the changes in Prime Minister referred to above, she was replaced in the summer of 2022.

The current Culture Minister had said she will not go ahead with the proposed privatisation, but will keep the broadcaster in public ownership, albeit with greater "commercial freedoms". These included relaxing the restrictions on Channel 4 making its own content, thus allowing it to monetise that content and be less reliant on purely advertising revenue. This resolution might be regarded as a victory for more traditional cultural policy in the sense that it seeks to protect a UK cultural asset. The reason for that is likely to be pragmatic, the Government is at most 18 months from an election and privatising Channel 4 was a controversy it ultimately concluded it could do without. But the debate exemplifies many of the trends in UK digital cultural policy that this chapter aims to highlight. In this case, we can see

a divergence between communications policy approaches, which have historically favoured de-regulation and market norms, and traditional culture and media policy arguments, including those that are used to defend public service broadcasting, about the need for regional development, importance of pluralistic voices and protecting UK content production. In addition, the current administration, which has encouraged cultural organisations to form partnerships with tech companies such as Google, explicitly used the debate about privatization to yet again laud the platform giants as models for national public service broadcasters to emulate. Where this becomes potentially problematic, however, is when these same platforms companies become the target of proposed legislation.

Online safety bill

In May 2022, the Government published its Online Safety Bill which attempts to address illegal and harmful content (terrorism, racial hatred, fraud), as well as increase protection against the sexual and other exploitation of children.

Alongside this, the Bill claims to protect rights of expression and privacy and promote media literacy. Although many of these aims would meet with general public approval, there has been something of a shift in public attitudes of late; a recent Ofcom report (Ofcom 2022) showed a rise in support for the argument that those who are online should be protected from inappropriate or offensive content with a majority of people (55%) now disagreeing with the idea that people should be able to say whatever they want online, up from 47% in 2020. Civil rights organisations and some in the media and cultural industries raised the alarm over the Bill, not least because of its creation of a category of online content described as "legal but harmful", a category so broad and ill-defined that it could be used against anyone from stand-up comedians to pop musicians or playwrights. Given that, a later version of the Bill dropped the category, replacing it with requirements to ensure allowing adult users more control to filter out what they personally deem to be harmful content. In addition, platform companies will be required to publish more information about the risks that content poses to children.

At the same time and consistent with the de-regulatory side of the Government's ideology, there is little attempt to regulate platforms themselves and, in particular, to scrutinize their algorithm-led business models where harmful or distressing content is often maximised. As one civil rights organisation, Article 19, commented, "the fundamental flaw of the Bill, therefore, lies in its exclusive focus on content moderation and its complete failure to address the business model" (Article 19 2022).

While EU policy has – at times and perhaps not consistently – been seen as "taking on" the platform giants in what is deemed to be the public interest, the UK government is less willing to do this for reasons which are largely ideological. In this case, it leads to attempts to restrict online content which

are largely focused on online users themselves rather than on the platforms that they use.

Conclusions and challenges

This chapter argues that UK digital cultural policy is incoherent, caught between a "go digital" growth agenda, heavily embroiled with large platform technology companies, on the one hand, and a public that is increasingly concerned about the effects and methods of these same platforms, on the other. Following its departure from the EU, the UK Government has both sought to distinguish itself from some areas of EU digital policy, partly as an ideological stance and partly in an attempt to drive up economic growth prospects which have suffered as a result of Brexit. Frequent changes of personnel at the top of government have added to this unstable mix. As if to exemplify this phenomenon, as I was concluding this chapter, the Prime Minister reshuffled his Cabinet and the Ministry of Culture had "digital" taken away, from both its portfolio and its name.

As discussed above, some of this incoherence results from the mix of policy areas that feed into digital cultural policy – communications, media and cultural policy. Communications policy was traditionally concerned with what used to be called the "telecommunications" infrastructure, which is complex in terms of engineering, but relatively simple in terms of goals – most nations want the best and fastest infrastructure they can afford and in many cases this will be some mix of private investment backed up by public investment in areas that are geographically or economically marginal. Media policy, as Hesmondhalgh makes clear (2006) has often been treated as something separate from cultural policy – weakening the analytical approach to both topics in the process. But it is fair to point out that they do have separate origins in the sense that media policy was originally concerned with questions such as press regulation, or the use of the broadcasting spectrum, which was at one time a valuable and scarce resource. Carving up this spectrum, deciding what could and could not be broadcast on it and creating public service broadcasters with favoured access to the spectrum was part of the job of media policy in the pre-digital age. Cultural policy "proper" in this scenario refers to arts and heritage policy. All these policy areas had different origins and aims – developing the communication infrastructure, concerns about freedom of expression and the public interest, and supporting arts and heritage institutions and practices from market failure.

Of course, over time these three areas have increasingly overlapped, the "creative economy" for example brought media and cultural policy closer together (though there still areas of distinction). The huge penetration of digital technologies into most aspects of our life pushed this still further, and, as Wright and Gray argue, the COVID-19 pandemic served to cement the relations between "technology platforms, the state, and the management of life more generally" (2022, 805) in ways that we are still unravelling. The contradictions and tensions that this chapter has discussed have multiplied.

Many of these dilemmas – free speech versus protection from harm, civil rights versus social safety and so on, are amongst the hardest issues that policymakers have to deal with. It is understandable that they struggle in these areas, as society is genuinely divided over priorities. Yet within the digital cultural policy realm, such contradictions are often hidden or under-explored; digital cultural policy, therefore, is a far from a coherent policy approach and, indeed, its aims and objectives – de-regulation and marketisation in some cases – re-regulation and censorship in others – are often in conflict with one another. Even in the areas where policy seeks to play a more supportive role – encouraging digital access to the arts or digitizing archives, for example – questions of ownership and control need to be addressed given the market dominance of a small number of technology platforms.

The penetration of our society, indeed, our whole lives, by digital technologies means that not only is digital policy often too big for cultural policymakers to handle, but sometimes seems too big for public policy in general. As the example of the Online Safety Bill above illustrates, a huge range of agencies need to be involved in implementing any legislation that crime and terrorism (usually matters for the Home Office or Interior Ministry), as well as questions of speech and censorship. And even beyond questions of internet content there are whole host of issues that "digital cultural policy" should concern itself with but generally does not. These include questions of power (platform regulation), labour exploitation (including the unpaid labour of FB posters and Tweeters and the digital surveillance of other forms of labour), continuing digital divides exacerbated by COVID-19, pollution and electronic waste, surveillance, privacy and many more.

Such is the criticality of the digital – particularly to a nation looking desperately for economic growth – that it was predictable that the influence of cultural policymakers over it would lessen with time. The United Kingdom was in an unusual position by having responsibility for digital policies under the remit of the Culture Ministry, particularly as it was a relatively small department and lacked some of the expertise to govern such a large and crucial sector. It was, thus, unsurprising when responsibility for the digital sectors – including the Online Safety Bill – was taken from the Culture Ministry in February 2023 and given to a new government department for Science, Innovation and Technology.[2] It is, thus, likely that the "cultural" elements of "digital cultural policy" will retreat back into a narrow focus on the use of digital technology in the arts and cultural sectors themselves. Given that, it might be worth asking what is lost in this, and what is it that cultural policymakers and, indeed, cultural policy scholars can add to these debates?

One set of issues concerns the importance of identifying and regulating gatekeepers. We are quite far from the days when the internet promised a plethora of voices and a fully democratized communications arena. The power of a few platform companies is enormous and their algorithmically driven systems magnify some concerns while downplaying others, all in search of maximum clicks and maximum profits. Media and cultural scholars have for some time being arguing for the notion of "public service media"

beyond that of just broadcasting, as a way to ensure that the profit motive does not drive out public interest concerns completely (Tambini 2021). In addition, it should now be clear that regulating the activities of internet platforms companies without paying attention to their business models will likely prove ineffective in the longer term.

As Wright (2022) argues, the current moment has echoes of the "creative economy" moment of some 20 years ago. Both gave nation states a reason to engage with the cultural industries beyond the traditional arguments for the support of culture, and both are strongly influenced by a need to identify sources of economic growth. It is important in this process that cultural arguments, about the importance of place and the significance of different voices, the need for non-market spaces and for a diverse and pluralistic digital landscape – which the market alone will not guarantee – are not lost.

Notes

1 The Sackler family, owners of large pharmaceutical companies, have been linked to the over-prescription of opioids in the US and elsewhere. The ensuing scandal has seen their names removed from galleries at the British Museum, the Louvre and the Metropolitan Museums of Art among other places.
2 The Culture Ministry has now reverted to its former title of Department for Culture, Media and Sport.

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5 Digital cultural policy in Spain

The game of emulation

*Arturo Rodríguez Morató and
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Introduction

Spain has not been a pioneer in digital transformation and cultural policy; it has been slow to adapt. At the height of the 1990s, the country was behind in its digitalization in all respects. The detailed picture of the communication and culture fields in the country at that time provided by the most reliable and complete study available (Bustamante 2002) leaves no doubt in that regard. The authors speak of "underdevelopment of digital infrastructures for the media, which penalizes publishing industries for their high rates, their limited penetration, and their speed and bandwidth problems" (Bustamante 2002, 311). They only highlight the partial exception of digital satellite television in those years, which shows some significant achievements, but they characterize all the other sectors by their considerable weaknesses and backwardness. According to them, the precarious digital infrastructures "have served as formidable bottlenecks for the development of demand and supply of culture and digital communication" (Bustamante 2002, 311). For the rest, the balance regarding the digital cultural policies was even more negative, since they confirmed their practical absence in almost all areas and denounced the erratic and counterproductive nature of the actions taken in the only area developed so far: digital television (Bustamante 2002, 322).

Twenty years later, however, the situation has significantly changed. Today, Spain has an outstanding digital infrastructure and shows a relatively high level of digitalization in other respects. In 2022, the country ranked second on connectivity and fourth in digital public services in the Digital Economy and Society Index (European Commission 2021). In other dimensions considered by this index, the country consistently scored well above the EU average level. Additionally, the country benefits from the existence of large digital companies in central sectors like telecommunications and finances (Fundación Telefónica 2022). Characteristically, digital cultural production sectors that were very weak at the turn of the 21st century, such as the audiovisual and the video games sectors, have grown significantly. Spain has gone from producing 38 TV series in 2015 to 75 in 2020, which makes it the second European country in the production of fiction, in hours, according to

a study by PwC (2022). This is the result of both the great expansion of some local production companies, such as Mediapro Studio, and the attraction of large global audiovisual players like Netflix.[1] Digital cultural policies are not absent in Spain anymore. On the contrary, they have proliferated throughout the Spanish cultural policy system in recent decades, have gained prominence and have become increasingly ambitious in their scope.

How has such a radical change happened? In this chapter, we will describe and analyze the evolution of the digital cultural policy in Spain. Through a systematic examination of the institutional history of the central administration, we will start by reconstructing the genealogy of the administrative bodies in charge of different kinds of intervention in relation to digitalization and to cultural digitalization in particular, identifying the main legal initiatives and action plans they have developed throughout the years. This description will allow us to understand the development of this policy, its shape, and its timing at the level of the central government. In this way, we will address several fundamental questions: what is the relation between general digital policies and digital cultural policies in this case? To what extent are these policies separated or articulated? What is their relative position and importance? What are their respective orientations and justifications?

Next, we will explain this evolution relying on the characteristics of the cultural policy system in Spain, as described in the previous section. We will argue that there are causally connected changes at three levels: European, Spanish national government and regional. First, we will refer to some relevant changes and developments at the level of the European Commission. Exploring the contrast with the changes at the level of the Spanish central administration will allow us to clarify the relation between EU policies in this area and the development of Spanish digital cultural policies, revealing its logic and consequences. We will answer two questions in this respect: do EU initiatives and orientations precede Spanish developments? How have they impacted on these?

Second, we will consider relevant initiatives at the regional level, paying particular attention to the Catalan case, which is the most significant. The review of this very significant case will show that, on the one hand, there are connections between regional and European policy initiatives regarding digitalization too. On the other hand, it will become clear that there is a certain emulative dynamic between central and regional policies, which are, in turn, crucially connected to the link between European and national policies. We will illustrate this dynamic through the case of policies targeting the video games sector. We will argue that this dynamic stems from the original competitive relation between the central and the regional levels in the Spanish cultural policy system. According to our interpretation, this traditional logic of conflicting competition between administrations turns into one of peaceful emulation and collaboration in the case of digital cultural policy. The territorial game between European, national and regional policies that constantly intertwine and influence each other explains the vigorous development of

digital cultural policy since the year 2000, as well as its recent intensification and acceleration. This analysis will provide an answer to the more general question addressed in this chapter: What is the logic explaining the rapid and intense development of digital cultural policy in Spain in the last two decades?

Data and analysis

The findings presented in this chapter arise from desk research on various types of documents and from interviews with two key informants, one expert and one high-level policy maker. The sources taken into account include the historical series of the Spanish Compendium profile (Association of the Compendium of Cultural Policies and Trends 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2019), official websites of different cultural administrations, legal initiatives and other policy documents, research literature and reports on the digitalization and related cultural policy in Spain. Information about the institutional history of digital policy in the Spanish central administration has been gathered from the media (de Adsuara 2020), official websites, relevant policy documents and legal initiatives. Data collected from these various sources has been reduced into a timeline of critical episodes outlined in an analytical table (Table 5.1). Additional information has been collected on related developments at the European level as well as at the regional level in Spain and systematic comparisons between this information have been made. Policy developments and interventions in relation to the video game sector in both the Spanish and the Catalan administrations have been reviewed by consulting websites, official and independent reports and direct sources (one interview with the most relevant policy maker in Catalonia).

The Spanish cultural policy system

Cultural policy in Spain is complex due to a variety of reasons. First, the underlying cultural diversity of the country, with several regions having their own languages and cultural traditions, translates into varying degrees of political salience of culture; there are discrepancies between places where differential culture is the base for strong nationalistic claims and those where culture does not play any significant role in the constitution of the political identity of the region. Second, the capitals of each Spanish region have very different sizes and concentrate cultural professionals and cultural industries in very different proportions. Finally, the different weight of heritage and tourism in many parts of Spain gives culture a strategic role for many cities.

Moreover, Spanish cultural policy has a peculiar history that has largely determined its orientations and institutional shape. Firstly, after the Franco dictatorship, during which the opposition had permanently sought its inspiration in the models of the old European democracies, the cultural policy models provided by those countries were a fundamental point of reference

for the development of cultural policy in Spain. Secondly, this development occurred twenty years later to those countries and the repertoire of orientations incorporated in Spain was, therefore, from the beginning, very varied and eclectic. Finally, like in other countries with an authoritarian past, the new central cultural administration that emerged after the Franco regime was weighed down by a legitimacy deficit, appearing contaminated by its historical link to the previous regime (Bonet and Negrier 2007, 7).

The particular traits of the country translate into a cultural policy system of a quasi-federal character. Its structure corresponds to the general political shape of the Spanish state and its welfare system (Moreno 2001). In the case of cultural policy, this federal character is even more accentuated by the consideration of cultural and linguistic pluralism as a guiding principle in the Spanish constitution (Prieto de Pedro 1993). At the same time, however, there is a permanent tension between political structures that guarantee a very high level of regional autonomy and a central administration whose shape rather corresponds to a unitary vision of the nation (Bonet and Négrier 2010, 41).

We can conclude that the cultural policy system in Spain is quite heterogeneous and disjointed (Rodríguez Morató 2012). Even if the exclusive competences of the central government are relatively low in number, many others are concurrent between administrations at different territorial levels and coordination between them has been traditionally limited. The Spanish cultural policy system is, therefore, quite exceptional in the European context (Bonet and Négrier 2007, 5).[2]

The cultural policy system in Spain has four levels: the central level (Ministry of Culture and Sport),[3] the regional level (the Autonomous Communities) and two local levels (the provincial administrations – *Diputaciones* – and the city councils). Cultural expenditure in recent years has been distributed among them in the following proportions: 14% at the central level, 27% at the regional level and 59% at the local level.[4] In spite of this distribution, as a whole and in correspondence with the quasi-federal structure of the state,[5] this system has its centre of gravity at the regional level. However, at the same time, the role played by the central administration varies a lot in different parts of the country. In some places, this administration is dominant, while in others, it is secondary and barely visible. The relative importance and role of the local administrations are also highly variable.

In this system, the centre-periphery tension has always been a crucial issue. Bonet and Négrier (2010) have analyzed this tension in terms of dialectics between legitimacy and efficiency. More recently, Rius-Ulldemolins and Zamorano (2015) and Rius-Ulldemolins et al. (2021) have considered it as the result of contradictory processes of decentralization (in the past) and recentralization (later). This last interpretation tends to over-simplify the issue. Instead of demonstrating a true recentralization of the system, they rather prove a lack of decentralization of the action of the Ministry of Culture. The diagnosis of recentralization is also contradicted by the verification of the role and weight of the central administration, which has essentially been

decreasing throughout the democratic period and is now very low in comparative terms (Bonet and Négrier 2010, 46), as well as by the country's classification in the Regional Authority Index, already mentioned (cf note 5). Our analysis of the evolution of digital cultural policy in Spain will show how the territorial game is not a zero-sum game and can even produce inverse results.

The central government holds exclusive responsibility in some areas that are strategic for the development of cultural and creative industries (CCI) and digital platforms, such as the regulation of communication infrastructures, cultural markets and taxation, as well as legislation to protect copyright. It is also the main interlocutor of big media and culture corporations, which are most often located in Madrid. At the same time, the central government owns the most important public broadcasting system in the country and has the power to legislate communication. However, Autonomous Communities also have jurisdiction over some aspects of communication, and most of them have created their own radio stations and TV channels. The more ambitious ones, like Catalonia, have developed large public broadcasting systems of their own. Through the strategic externalization of a significant share of their audiovisual production to private companies, they have contributed to nurturing regional CCI. To a lesser extent, this has also happened in the Basque Country, Galicia and Andalusia.

While the regulation of cultural markets is mostly in the hands of the central government, the support to CCI is much more distributed among the different territorial levels of administration, particularly between the central and regional levels. Traditionally, the central administration has played a predominant role in the support of the film industry, which heavily relies on it, and a less prominent one in the commercially stronger publishing industry. Conversely, support from the autonomous communities has gone primarily to the publishing industry, focusing on the weaker segments of publishing in regional languages, and only granting secondary support to the film industry. In recent decades, the audiovisual sector has grown considerably, and cultural industries have been subsumed in a broadened CCI sector. In this expanded scenario, the situation has not evolved much, even if it is shown to be changing now, as we will see. The central administration has continued playing a significant role, but autonomous communities have maintained their involvement too, and some of them have even featured prominently. This is the case of Catalonia, which was a pioneer in creating a specific institute to promote cultural industries and has invested more public money than Madrid in this field for years.

The development of digital cultural policy in Spain since 2000

In this section, we report the findings on the development of digital cultural policy in Spain since 2000. We focus on the changes at the state level as the state has the exclusive capacity to structure the process, given the distribution of competences in this area between the various territorial administrations.

Within the state level, there is one fundamental divide between cultural and non-cultural administrations intervening in digital policies. We analyze how this divide evolves considering who the main administrative actors were in the two sides, what kind of objectives they had, what kind of actions they developed, and how they connected with each other. Through considering these different aspects, we have been able to identify three main stages, each one characterized by a different predominant focus (see Table 5.1 for an overview).

Stage 1 (2000–2010) was characterized by a focus on digital infrastructures. It was driven by non-cultural ministries and involved the launching of plans to develop those infrastructures and legislation to adapt the economy to the new digital environment. Cultural administration occasionally collaborated in some of those actions. Their own initiatives were less prominent and more reactive than proactive. In stage 2 (2010–2019), the focus shifted to digital content. Developing an increasingly ambitious and strategic leadership, economic ministries raised the status and extended the scope of digital policies. Cultural administration, in turn, also started developing strategic actions, but these were less prominent and ever more articulated to larger digital policy agendas dominated by economic administrations. In stage 3 (2020–Today), the new predominant focus is digitization linked to the sectors of cultural production. There is an additional enhancement of the status of digital policies within the central government, as well as a significant increase in the budgets allocated to this area. At the same time, the articulation of actions by economic and cultural administrations is reinforced, always under the leadership of the economic administration.

Stage 1: 2000–2010

Within the Spanish central administration, the first service dedicated to issues linked to digitalization was the Secretary of State for Telecommunications and the Information Society, created in 2000 as part of a new Ministry of Science and Technology. This Secretary elaborated the first development plan of the Information Society: Action Plan *"Info XXI"* (Gobierno de España 2001). It also created the public corporate entity *Red.es* (2002) to help in its implementation and promoted the first Internet laws: the Law on Services of the Information Society and Electronic Commerce (2002), the Electronic Signature Law (2003) and others. In 2005, it launched the *Plan Avanza* (Gobierno de España 2005a) focusing on the improvement of digital connectivity and promoting the development and use of advanced ICT products and services in the country. In the following years, it also promoted the first laws on digital content: the Law on Intellectual Property in the Information Society (2006) and the General Law on Audiovisual Communication (2010), which mainly focused on digital terrestrial television.

On the side of cultural policy administration, the first concerns and actions in relation to digitalization arose a little bit later. The Ministry of Culture

Table 5.1 The evolution of digital cultural policy at the state level in Spain

STAGES	2000–2010	2010–2019	2020-Now
Main focus	Digital infrastructures	Digital contents	Cultural production sectors
Predominant Objectives	Economic	Economic and secondly cultural democratization	Economic and secondly cultural democratization
Main policy interventions	Plan "Info XXI" (2001); Law on services of the information society and electronic commerce (2002); Plan Avanza I (2005); Anti-Piracy Plan (2005); Law on Intellectual Property in the Information Society (2006); Plan for the Modernization of Cultural Institutions (2007); launch of Hispanica and CERES (2010); General Law of Audiovisual Communication (2010)	Plan Avanza II (2010); launch of the strategy For a Digital Europe: The Granada Strategy (2010); Plan to Promote the Digital Content Industry (2011); launch of the program "Cultura en positivo" (2011); Plan for the Promotion of the Cultural and Creative Industries (2011, 2015, 2018); Digital Agenda for Spain (2013); Plan for the Promotion of the Digital Economy and Content Industry (2013); Plan Cultura 2020 (2017)	Plan Digital Spain 2025 (2020); National Plan for Recovery, Transformation and Resilience (2021); plan "Spain, Audiovisual Hub of Europe" (2021); new General Law of Audiovisual Communication (2022)
Administrative bodies	Creation of the Secretary of State for Telecommunications and the Information Society within the Ministry of Science and Technology (2000), which passes to the Ministry of Industry, Tourism and Commerce in 2004; creation of the General Directorate for Cultural Policy and Industries within the Ministry of Culture (2008)	In 2016 a Ministry of Energy, Tourism and Digital Agenda is created integrating the Secretary of State for Telecommunications and the Information Society; in 2018 a Ministry of Economy and Business and Digital Transformation is established, later renamed as Ministry of Economic Affairs and Digital Transformation in 2020	Since 2021 the holder of the Ministry of Economic Affairs and Digital Transformation is first vice president of the Government of Spain
Institutional configuration	Sustained leadership of non-cultural ministries; occasional collaborative role of cultural administration, which tends to be reactive more than proactive	Strengthened strategic role of economic ministries; lower profile strategic action of cultural administration, increasingly articulated to more general digital policies	High profile leadership of economic administration; cultural administration strategic action closely articulated to general digital policies

participated in the regulation of intellectual property lead by the Secretary of State for Telecommunications and the Information Society to adapt it to the digital context (Law on Intellectual Property in the Information Society 2006). It also took actions against piracy in those years (*"Anti-Piracy Plan"* approved in 2005 to stop activities infringing intellectual property rights) (Gobierno de España 2005b) and, in 2007, launched the *Plan for the Modernisation of Cultural Institutions* (Ministry of Culture 2007) tackling intellectual property and Internet piracy.

The main administrative service within the Spanish cultural administration that took care of digitalization issues was the General Directorate for Cultural Policy and Industries, created in 2008. This service was in charge of promoting the cultural industries and developed a growing number of actions in relation to cultural industry digital transformation in the following years. Towards the end of the decade, other actions for the digital dissemination of heritage appeared, in correspondence with a democratization orientation that was already present in this area since 2004.[6] In this vein, the *Museum Libraries Network* was initiated in November 2009, allowing online access to the catalogues of libraries from eighteen state-owned museums. In 2010, the Spanish Ministry of Culture launched two further projects: *Hispanica* (digital national library) that works similarly to Europeana, and *CERES*, the online catalogue of the *Digital Network of Collections of Spanish Museums*, which offers, for the first time, unified access to cultural assets of Spanish museums.

In sum, cultural policies in Spain began taking shape after a previous decade of actions on digital television, first outside the cultural administration, in relation to the development of digital infrastructures, and with an economic aim. The first initiatives within the cultural administration that started in the middle of the decade were essentially reactive in nature. The administrative service responsible for the digital cultural policy was created eight years later than the corresponding service in the Ministry of Science and Technology, which had a lower political profile and was less specialized. Only towards the end of the decade did initiatives in this area became more ambitious, some of them rising in connection to the anti-piracy policy, and others adding democratizing objectives to the economic ones that were predominant in the promotion of cultural industries.

Stage 2: 2010–2019

In 2010, during the Spanish presidency of the EU Council, the country assumed a certain European leadership in this field, launching *The Granada Strategy: For a Digital Europe* (Ministry of Industry, Tourism and Commerce 2010), prepared by the State Secretary for Telecommunications and the Information Society. It included, among other areas of objectives, the Development of the European Digital Content Industry and Intellectual Property Rights in the new digital context. In 2013, the same administration elaborated the *Digital Agenda for Spain* following similar orientations (Gobierno

de España 2013a). This agenda aimed to be a roadmap in the field of Information and Communication Technologies and in Electronic Administration, and incorporated specific objectives for the development of the economy and the digital society in Spain.

Closely connected to these strategic developments, the same administration launched in 2010 the *Plan Avanza 2* (Gobierno de España 2010), *which* aimed to foster demand and digital content during the period of 2011–2015. One year later, in 2011, it launched the more concrete *Plan to Promote the Digital Content Industry* (Gobierno de España 2011), and in 2013, the *Plan for the Promotion of the Digital Economy and Content Industry* (Gobierno de España 2013b), which covered, among other areas of action, the growth of the sector, education and training initiatives in digital content, program funding and the impulse for increasing the size of companies and businesses, as well as the protection of intellectual property.

Within the cultural administration, actions promoting cultural digitalization also intensified in those years, being strongly reinforced by their confluence with the growing focus on the promotion of digital content by the government's economic ministries. Those actions concerned both cultural industries and cultural heritage. In 2011, for example, the Directorate General for Cultural Policy and Industries developed the *Cultura en Positivo* program, which aimed to identify and support companies and institutions in the fields of music, films, books, visual arts and video games that provide digital content, either paid or free, that respect intellectual property rights. Also in that year it launched a more ambitious *Plan for the Promotion of the Cultural and Creative Industries* (Ministry of Culture 2011) (replicated in 2015 and 2018), which included the support for digitization of cultural content among their lines of action.

In 2017, the *Plan Cultura 2020* (Ministry of Education, Culture and Sport 2017) further developed measures included in the *Digital Agenda for Spain* of 2013 in relation to the digitalization of cultural heritage. One of those measures was the launch of *Cultura Inteligente 2020* [Intelligent Culture 2020], aimed at facilitating the digital transformation of cultural institutions, as well as the standardization, interoperability and reutilization of digital cultural contents; an update of the web portal on assets of the Spanish historical heritage, and the establishment of a new audiovisual platform "Danzamedia" for the dissemination and study of Spanish choreographic creation. Another measure was the development of technological tools for the creation of websites for public libraries ("Website generator" tool), for museum collection management (DOMUS and the Digital Network of Spanish Museum Collections) and for collaboration between archives, the national library and the collective catalogue of bibliographic heritage. A third measure was the digitization of collections by updating and disseminating digital content about historical heritage (through the *Hispana* website), national archives and the Filmoteca Española. The main objective of all of these plans and measures was the modernization of different cultural sectors, conceived as linked to the full incorporation of new digital technologies.

The increasing prominence and strategic scope achieved by digital policies in these years ended by enhancing their political profile. In 2016, the *Ministry of Energy and Tourism* added *Digital Agenda* to its title. Then, in 2018, a new government of the opposite political orientation created a Ministry of Economy, Business and Digital Transformation, and, in 2020, changed its name to Ministry of Economic Affairs and Digital Transformation. At this stage, digital policies were strategically articulated to digital cultural policies, but the higher political profile they achieved corresponded to the pole connected to economic affairs, not to the cultural administration, which remains stable. So, we can say that the greater political importance gained by digital policy reinforced the predominance of its economic perspective.

Stage 3: 2019-Now

At the beginning of 2020, the new Minister of Economic Affairs and Digital Transformation, an expert in digitalization, was appointed Third Vice-president of the government.[7] Through successive changes of government that year, she was appointed Second and eventually First Vice-president, culminating the process by providing a degree of maximum centrality to digital policy within the Spanish government. While a significant change in itself, the COVID-19 crisis decisively defined a new stage in the development of digital cultural policy in Spain at that time. This crisis brought about an acceleration of the State's digitalization agenda and a greater focus within it to the digitalization of cultural sectors.

The Spanish Prime Minister himself presented an ambitious *Digital Agenda 2025 (Plan España Digital 2025)* in July 2020 (Gobierno de España 2020a). The plan states the need to deepen and advance digitization, in continuity with previous agendas in this area. Launched in the middle of the crisis, the Prime Minister stressed its importance as "one of the strategic pillars on which the economic recovery of Spain must be based". In fact, the subsequent vigorous development of this agenda crucially relies on the exceptional funding provided by the *National Plan for Recovery, Transformation and Resilience* of April 2021, funded by the EU (Gobierno de España 2021). State investments in the *Plan España Digital 2025* skyrocketed thanks to this funding in the following years. From 2019–2020 to 2021–2022, those investments multiplied by nearly nine[8] and have strongly increased again in the general State budget for 2023.

The audiovisual sector, seen as a strategic sector from an economic point of view, is one of the main targets of the *Plan España Digital 2025*. The ambition is to promote Spain as an important European "hub" of audiovisual production, reaching a 30% increase of audiovisual productions in the country for 2025. In March 2021, a focused plan in this line ("*Spain, Audiovisual Hub of Europe*" (Gobierno de España 2020b)) was presented by the Spanish Prime Minister. This plan mainly relies on Community funds (the NextGenerationEU Fund-European Fund for Recovery, Transformation and

Resilience of the European Union, but also the European Regional Development Fund and the Creative Europe program for the period 2021–2027), as well as the General State Budget.

Actions linked to the audiovisual sector constituted a focused line of the *Plan España Digital 2025*, but they were not the only digital cultural policy actions in these years. Within the *National Plan for Recovery, Transformation and Resilience* (Gobierno de España 2021), another action plan took shape focusing on the cultural sector at large, including heritage, under the title *Revaluation of the Cultural Industry*. A high number of investments in this action plan are aimed at digital transformation.[9] One of the three main lines that are developed within this plan ("promoting the competitiveness of cultural industries") is partially linked to digital training and, therefore, to digitization; another is totally linked to it ("digitization of the major cultural institutions").

The implementation of the plan *Spain, Audiovisual Hub of Europe* (Gobierno de España 2020b) exemplifies the close alignment and the frequent intertwining of policies developed by the economic and cultural administrations, and sometimes also by other ministries. All the programs and measures involved are part of the same general plan led by the economic administration, but other administrations have often participated in their elaboration and implementation in different ways. This happened, for example, with the public grants for the promotion of the video game sector included in the plan, shared by the Ministry of Culture and Sport and the Ministry of Economic Affairs and Digital Transformation, but managed only by the former.

Other plans of the *Digital Spain 2025* strategy, like the *Digital Competencies Plan* (Gobierno de España 2021b), target the general population and concern other ministries. These operate in parallel and do not only pursue economic objectives. The Ministry of Culture and Sport participates in that plan in different ways, for example developing actions aimed at improving the digital skills of cultural professionals in the audiovisual sector. These actions indirectly contribute to achieving the objectives of the audiovisual plan and show this by intertwining. Another example is the General Law of Audiovisual Communication, introduced by the Ministry of Economic Affairs and Digital Transformation, approved in 2022. Among other issues, this new legislation deals with streaming platforms and investment obligations of audiovisual producers, thus also strongly affects the audiovisual sector and impinges on the objectives of its promotion plan within the *Digital Spain 2025* agenda. These examples show to what extent digital policies and digital cultural policies are intertwined and articulated in Spain today.

The Spanish territorial game and the acceleration of digital cultural policy

What explains the pronounced intensification of digital cultural policy in Spain in recent decades? In what follows, we address this issue by paying attention to the development of policies at European level and by the regional

administrations in Spain in this area, and to the dynamic interaction between them that seems to be the key factor in this striking evolution.

First, we verify the strong lead of European digital policies for Spain. The European Commission has worked on information technologies since the beginning of the 80s. This policy gradually acquired great prominence in the EU, first within the framework of technological innovation policies (since the creation of DG XIII, Information Market and Innovation in 1986) and, from the year 2000, as part of central development policies, embedded in the environment of economic policies. This same evolution is followed in Spain. The DG XIII Directorate "Information Society: Telecommunications, Markets, Technologies" of the European Commission was created in 1998. This Directorate is a clear precedent for the creation of the first Spanish administration in this area in 2000: the Secretary of State for Telecommunications and the Information Society. In 2000, the Lisbon Strategy, a broad development plan for the EU that already included the improvement of digital connectivity as an objective, was adopted by the European Council. Soon after, in 2004, the Secretary of State for Telecommunications and the Information Society of the Spanish government were transferred from the Ministry of Science and Technology to the Ministry of Industry, Tourism and Commerce, following the path previously traced by the EU.

The Lisbon agenda was a non-binding strategy, but Spain acted as an EU model pupil in this area from the beginning. So, Spanish plans and legislation linked to digital policy closely followed European guidelines. The 2005 *Plan Avanza* tried to comply with the EU *Lisbon strategy*. The Law on Intellectual Property in the Information Society (2006) followed the guidelines established by DG XIII, in particular the *Information Society Directive* of 2002. There has been a constant transposition of directives in the new legislation ever since. At the height of 2010, however, a significant turning point in the relationship took place, with the elaboration of the Spanish proposed strategy *For a Digital Europe: The Granada Strategy*. The subsequent *Digital Agenda for Europe*, which is one of the seven axes of the *Europe 2020 strategy*, launched in 2010 to replace the *Lisbon strategy* and incorporated the Spanish input to establish a more balanced relationship standard. The Spanish initiatives taking inspiration from it in the following years (the *Plan to Promote the Digital Content Industry* in 2011, the *Digital Agenda for Spain* approved in 2013 or the *Plan for the Promotion of the Digital Economy and Content Industry*, launched in 2013) cannot be considered a simple one-way influence anymore.

The leadership of European digital policy in Spain during the first decade of the 21st century can be explained by the prestige of the European benchmark after the dictatorship, as a sign of progress, and by the beneficial role played by the EU in the modernization of the country after its accession to the community. This positive role was strongly reinforced until the 2008 crisis, with EU policy guidelines in all areas having the greatest degree of legitimacy in Spain in those years. Spanish digital policies closely converged with EU

policies from 2010, as previously explained; the influence was mutual. In the recent period (stage 3), there has been a perfect alignment between the *Digital Agenda for Spain 2025* and the corresponding European agenda (*Shaping Europe´s Digital Future*), both launched in 2020. However, the COVID-19 crisis and the strong EU reaction to the damages it has caused, with the *European Fund for Recovery, Transformation and Resilience*, have resulted in a new kind of influence of the EU on the development of Spanish digital cultural policy. Actions linked to that fund have become a crucial lever for the intensification and acceleration of cultural digitalization in Spain.

The special importance that the *National Plan for Recovery, Transformation and Resilience* has acquired in relation with cultural digitalization in Spain is due to several reasons (Rodríguez 2023). The Spanish economy experienced the biggest setback in the eurozone due to its economic structure heavily dependent on tourism and personal services. For that reason, Spain is also the country that receives the most non-repayable funds from the EU within this program. Given the strategic importance of this funding for the country, the government has put all its interest and care in making the most of it. Its particularly ambitious national plan was the first to be endorsed by the Commission and the first that received the pre-financing, as well as the other three disbursements linked to its execution. Additionally, the proportion of funds allocated to digitization objectives in Spain (30%) is considerably higher than the average established in the European regulations (20%). This relates to the main individual responsible for the plan, the Vice-President and Minister of Economic Affairs and Digital Transformation, herself an expert in digital transformation, as already mentioned. One characteristic of the plan is the short period given to spend the budget, just three years from 2021 to 2023, which leads to an exceptional investment boom. Finally, the Spanish plan has been elaborated on the basis of highly developed prior planning, previously hampered by a lack of funds. On the whole, the combination of these circumstances has led to the allocation of considerably high sums to develop the *Plan Digital Spain 2025*, one well-defined but relatively underfunded plan. Such funding has intensively accelerated its execution.

A less visible but equally decisive factor explaining the strikingly accelerated evolution of digital cultural policy in Spain in the last decades is the interaction of digital policies by the regional administrations and by the central one. Around the year 2000, digital cultural policy initiatives multiplied all across the country (Zallo Elguezabal 2002). These were initiatives in line with the European and Spanish government initiatives: Information Society plans (Catalonia, Basque country, Andalusia, Canary Islands) and new administrative bodies (the General Directorate for the Information Society, within the Department of Education, Science and Technology of the Madrid regional government in 1999; the Secretary for the Information Society, within the Department of Universities, Research and Society of Information of the Catalan government in 2000). All these initiatives focused on the promotion of

digital connectivity. They were linked to technology and innovation and they fitted within non-cultural or hybrid administrative frameworks.

Regional impetuses for digital policy are of a very varied calibre and correspond to the highly heterogeneous nature of the cultural policy system in Spain, as previously described. In 2000, the autonomous region of Catalonia created a specific body within the Department of Culture to give support to the Creative and Cultural Industries, the Cultural Enterprise Institute of Catalonia (Institut Català de les Empreses Culturals, ICEC). Within this body, around 2008, a division dedicated to digital culture and videogames was established. These Catalan developments correspond to a more widespread concern among Spanish regions about the promotion of the regional cultural industry. In other regions, that concern took the form of initiatives around the audiovisual sector (Galicia, Andalusia).

Later on, in 2021, a higher-level body specifically dedicated to digital culture was created within the Catalan Department of Culture: the General Directorate for Innovation and Digital Culture. This administration does not only take care of the videogames sector but works with museums, metaverse developers, AI and e-sports firms or content creators, from a cultural point of view, to promote cultural innovation through digitization (interview with the Director General of Innovation and Digital Culture, Department of Culture of the Catalan government). This is the new frontier of digital cultural policy, which represents an expansion towards a more diverse digital innovation that goes beyond an exclusively economic purpose.

As we have said, the cultural policy system in Spain is essentially concurrent, in the sense that the policy actions of the different territorial administrations tend to overlap. For many years, concurrence between autonomous communities and the central government gave rise to many conflicts, to harsh criticism about the massive concentration of the Ministry of Culture policy action in Madrid and to a persistent deactivation of the only constitutional mechanism for coordination and cooperation between cultural administrations that had to periodically bring together its key policymakers, the Sectoral Conference on Culture.[10] Within the framework of that structural concurrence, however, both the centre and the periphery have had good reasons to focus on digital cultural policies in the last decades. For the central administration, this area of policy allowed to take an undisputed leading role towards cultural administrations at the regional level, thanks to the fact that the central administration owns exclusive competence in some areas that are strategic for digitalization, like telecommunication and copyright regulations.

On the other hand, regions have also focused on digital cultural policies because this area of intervention, in its support dimension, represents for them an opportunity to strengthen their cultural sectors. This provides a crucial benefit to them in front of the gravitational power exerted by Madrid over the cultural sector as a whole due to advantages linked to concentration and to proximity to the main decision-makers. The relative success of this

strategic commitment can be ascertained by the advances in the positions of the periphery versus the centre in the sectors most characteristically linked to digitalization. In the audiovisual sector, for example, data provided by the Institute of Cinematography and Audiovisual Arts (Instituto de la Cinematografía y de las Artes Audiovisuales, ICAA) show that the strong concentration of the sector in Madrid in 2003 (54.2% of the audiovisual companies located there) diminishes quite a lot in the following years (in 2007 is 43,2% and in 2020 is 31,8%) and a redistribution takes place (the second centre of the sector, Catalonia, slightly increases its participation and other less important places, like Galicia or Andalusia, take a huge leap forward).

As a result, an emulation dynamic between central and regional administrations has developed in this area of cultural policy during the last decades. Initiatives have proliferated and copied each other: white papers, plans, administrative bodies, etc. (Zallo Elguezabal 2011, 271). There have been many policy transfers between autonomous communities and between the central administration and regional administrations in either direction. The Cultural Enterprise Institute of Catalonia (ICEC), created in 2000 to give support to all kinds of companies working in the area of the Creative and Culture Industries, soon became a benchmark in Spain. This new administrative figure has subsequently been adapted to other regions, such as Andalusia and Galicia, and has even inspired, to some extent, the creation of the already mentioned Directorate-General within the central administration.

In any case, this emulation dynamic has been more positive than conflictive, contrasting with what has been traditionally more common in other cultural policy areas. The positive dynamic, in this case, comes from the prominent role of the central administration proving to be compatible with the territorial redistribution instead of enhancing the position of Madrid in the Spanish cultural ecosystem against other regions. For the rest, the positive results of this dynamic also contribute to stimulating cooperation among cultural administrations. We have been able to assess this new pattern of relationship in the critical case of Catalan cultural administration and its relation to the Ministry of Culture. In this respect, we have verified the fluid management of the Next Generation Funds that involved exchanges between different divisions and services of both institutions (interview with the Director General of Innovation and Digital Culture, Department of Culture of the Catalan government). Additionally, in the next section, we refer to the collaborative relationship between the General Directorate for Cultural Policy and Industries of the Spanish Ministry of Culture and the General Directorate for Innovation and Digital Culture of the Catalan Department of Culture.

The Spanish territorial game that explains the intensification and acceleration of digital cultural policy in the country in recent decades is based on the positive emulation dynamic between the Spanish cultural administrations at the regional and central levels just described. However, this dynamic is, in turn, crucially affected by the relationship between EU policies and Spanish administrations in this area. The European leadership that we have

previously ascertained in the Spanish case reinforces this positive dynamic. First, by giving priority to digital policies instead of digital cultural policies, it empowers the central administration that owns the key competences. Second, it legitimates a shared agenda that frames the development of digital cultural policy within the Spanish cultural policy system as a whole. And third, it provides important economic resources to the system, especially in stage 3, through the Next Generation Fund. In this way, it tends to reinforce both the role of the central administration and the articulation of the entire system (because for it to be successful it is necessary that the two levels collaborate closely), without causing cultural centralization.

The case of the videogame sector

The video game sector is important in Spain. This is, to begin with, in terms of consumption (9th country in the world and 4th in the EU in the number of users (Desarrollo Español de Videojuegos 2021)), but it is also increasingly so with respect to production (5th country in the EU, although very far from the previous ones, since the Spanish sector turnover is less than a third of that of France, Germany or Sweden and less than half that of Finland Desarrollo Español de Videojuegos 2021)). In any case, the production of video games has developed late in Spain, but it has done so by increasing rapidly in the last decade. The same applies to policies in relation to this sector, which evolved from being non-existent around the year 2000 (Bustamante 2002) to being very significant and abundant today, and both are present in the central administration and in many autonomous communities.

In contrast to the field of audiovisual production, the video game sector has never been mainly concentrated in Madrid. The main sector is in Catalonia where it has developed most strongly from the beginning; Madrid has always been the second most important hub. Available data do not allow a precise calibration of the evolution of the proportions, but we can say that in the last decade Catalonia has maintained the share of companies in the country (around 27%) and their turnover has considerably increased (going from 42.4% in 2015 to 50% in 2021). Madrid, on the other hand, has significantly decreased its participation in the sector (its turnover has gone from 42.2% in 2015 to 28% in 2021). For the rest, other autonomous communities have increased it (Valencia), and others have maintained it (Andalusia). Overall, it can be said that here, as was the case with audiovisuals, the weight of the centre has decreased, and it should be noted that there is even a peripheral area capable of consolidating its leadership over the years: Catalonia.

As for policies, they also began to be developed in Catalonia first. There, within the framework of the ICEC, policies on video games began to be defined in 2008. For years, Catalonia has been a pioneer in this field in Spain. From that position, it has maintained intense communication and exercised a clear leadership with respect to the administrative body at the Ministry of Culture that deals with the sector: the General Directorate for Cultural Policy

and Industries (interview with the Director General of Innovation and Digital Culture, Department of Culture of the Catalan government); an organization for whose creation the ICEC itself was a point of reference, as we said before.

The Ministry of Culture, through the aforementioned General Directorate, only began to assume prominence in 2017, when the permanent *Working Group of the General State Administration and the Autonomous Communities with the Video Game Sector* was created. This body is chaired by the Ministry, even though it does not arise from its exclusive initiative, as it is created at the request of the *Plenary of the Sectoral Conference on Culture*. Previously, the Ministry of Culture was not the administrative instance from which the most relevant policy programs for the sector were conceived and carried out, but rather the Secretary of State for Telecommunications and the Information Society. For example, the *Digital Hubs Program* was launched from there and was registered in the *Digital Agenda*, serving as the basis for the creation in 2014 of the *National Hub of Digital Content of Malaga*, one of the largest Labs and Hubs of Digital Content from Spain (**Desarrollo Español de Videojuegos** 2019a). Since the creation of the Working Group, however, the role of the Ministry has become dominant, presiding over a body shared with the Autonomous Communities in which, on the one hand, the entire sector is represented and, on the other hand, other bodies of the central administration with responsibilities in the sector are also represented. This marks the new role of the cultural administration of the State in a new stage where professional sectors become central to digital cultural policy: a recognized but collaborative authority. In the context of the sector-oriented program corresponding to the video game hub of the *National Plan for Recovery, Transformation and Resilience*, for example, it is the Ministry of Culture that leads, albeit in collaboration with the Ministry of Economic Affairs and Digital Transformation (which holds the Vice Presidency of the Working Group and that in fact has been responsible for the plan that is being executed), the Ministry of Industry, Tourism and Commerce or the Ministry of Finance, in addition to the Autonomous Communities, which ended up being in charge of the subsequent management to a large extent.[11]

For the rest, beyond the sequence in which the developments of the political initiatives in this field appear in the Catalan and central administrations and the unusual level of collaboration that develops between them, their contrast is also significant for another reason. The framework approach of the sectoral policy is predominantly cultural in the Catalan administration, where the underlying objective is the promotion of creativity and the economic dimension appears more as a legitimization (interview with the Director General of Innovation and Digital Culture, Department of Culture of the Catalan government), while in the central administration the objective is merely economic in the initial impulses of the Secretary of State, registered in the Digital Agenda, and continues to be so today for the Ministry of Culture.[12] In this sense, the contrast reveals an implicit tension between the economic orientation and cultural orientation of the policies developed in this

field, which goes beyond the video game sector and concerns digital cultural policy at large.

Finally, in 2021, the General Directorate for Innovation and Digital Culture was created within the Catalan cultural administration. As said before, this body represents a novel expansion of the cultural administration that aims to cover the specific field of digital culture. The new administrative body arises from the old service that dealt with the video game sector within the ICEC and incorporates it (in fact, the new general director was responsible for said service). Its lines of action combine the financial support that was already provided by the ICEC to the production of videogames with the innovative promotion of an intertwining of digital culture professionals and other diverse cultural spheres, such as museums (interview with the Director General of Innovation and Digital Culture, Department of Culture of the Catalan government). Thus, we can say that the field of videogames serves as a legitimization for the creation of the new organization due to its economic relevance and its expansive horizon, but at the same time, it also provides a basis for the cultural innovation that it is intended to promote. In this way, the evolution of the policy oriented towards the video game sector also marks a possible future for digital cultural policy beyond the narrow economic orientation.

Conclusion

In this chapter, we have presented an analysis of the development of digital cultural policy in Spain that can be summarized in a list of observations. First, general digital policies precede digital policies specific for culture, are imposed on them and determine them to a large extent. However, this predominance of implicit over explicit digital cultural policy does not translate into a passive attitude towards the challenges posed by digital transformation. On the contrary, in the Spanish case, it gives rise to an increasingly proactive and strategic stance.

Second, this drive and structuring power of broader digital policies in Spain is based on European leadership, because the EU, in the absence of adequate powers in cultural policy, promotes them in a nearly exclusive way. For historical reasons, in Spain, the influence of EU policies is very strong, especially on the central administration, which incorporates them through the most powerful administrative structures and the most influential political actors.

European policies generally enjoy great legitimacy in Spain. The weak legitimacy that characterizes cultural policies of the central government makes them acquire crucial value as a model within the Spanish cultural policy system. However, their special influence in the case of digital cultural policies is also explained by the close and successful coupling of Spanish and European policy in this field in recent years. In addition to that, the great support received by the country after the COVID-19 crisis reinforces this relationship.

Third, a fundamental key explaining the rapid and intense development of digital cultural policies in Spain lies in the dynamics of interaction between the policies at various territorial levels, which has been very effective in the case of digital cultural policies. We have shown that, in this case, the activation of the territorial game between European policies and national and regional policies in Spain has boosted the development of digital cultural sectors and digital cultural policies in the country in an extraordinary way. Furthermore, the developments evidenced by our analysis contradict the picture of a cultural policy territorial game operating in a simple zero-sum logic, depicted by some recent literature on the issue (Rius-Ulldemolins and Zamorano 2015; Rius-Ulldemolins, Rubio Arostegui and Flor 2021). In this way, we can conclude that, on the one hand, Spanish cultural policies are an example of late but vigorous adaptation to digital transformation and, on the other hand, the evolution of digital cultural policies proves that the territorial dynamic of the Spanish cultural policy system can combine higher levels of central government influence and advances in cultural decentralization.

All along this evolution, the business perspective clearly predominates over others (welfare, cultural democratization), which can largely be attributed to European leadership. At the same time, however, the business perspective often combines with an identity one (particularly in the case of the audiovisual developments), something that can be attributed, in turn, to the increasing participation of the cultural administration in these policies at all territorial levels.

Notes

1 In 2015 Netflix inaugurated its first European production headquarters in Madrid. Having expanded in 2021, it is currently the second largest production center in Europe, only behind the famous Pinewood studios in the United Kingdom.

2 This is one of the main reasons why Rubio Arostegui and Rius-Ulldemolins' (2020) attempt to subsume this case in a Southern European cultural policy model is unconvincing.

3 Over the years, the Spanish administrative body in charge of culture has changed its shape and name several times. For a long time it was the Ministry of Culture (1977–1996 and from 2004 to 2011). During periods of right-wing rule (1996–2004 and 2011–2018), responsibilities for cultural policy were transferred to the administration in charge of education, which took different titles. Since 2018, it is the Ministry of Culture and Sports. Throughout the text we will use the title that it adopts at any time except when we refer to this administration in general terms, in which case we will refer to the Ministry of Culture.

4 These data correspond to 2022 (Ministry of Culture and Sports 2022).

5 The Spanish regions have an exceptionally high degree of autonomy, as shown by the country's score in the Regional Authority Index (35.67), well above that reached by other federal states, such as Germany (25.67) or Switzerland (26.50).

6 After the 2004 election, the new Ministry of Culture had put in its agenda, from the start, the need to apply digital technologies to historical heritage management, especially to make this available to the general public via Internet as the most democratic and economical way to disseminate culture.

7 Within the Spanish government, the president usually appoints several vice-presidents among its ministers, entrusting them with specific responsibilities in co-ordinating and supervising different areas of the government (groups of ministries or transversal commissions of senior officials). The order of the vice-presidencies corresponds to the different political importance attributed to these different areas, with the first vice-presidency being the one that holds the greatest degree of power and influence and the others at successively lower degrees.

8 https://espanadigital.gob.es/.

9 https://planderecuperacion.gob.es/politicas-y-componentes/componente-24-revalorizacion-de-la-industria-cultural.

10 In fact, that conference never met until 1992, nor during the Aznar governments 1996–2004.

11 https://spainaudiovisualhub.mineco.gob.es/es/actualidad/el-ministerio-de-cultura-y-deporte-eleva-hasta-los-8-millones-de.

12 This is how the current Minister justifies the last lines of aid to the sector that he presented on December 21st, 2022 (https://spainaudiovisualhub.mineco.gob.es/es/actualidad/el-ministerio-de-cultura-y-deporte-eleva-hasta-los-8-millones-de).

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6 Digital cultural policy in Sweden

Cultural imaginations of the digital era, or digitized cultural marketization?

Katarina L. Gidlund and Sara Nyhlén

Introduction

Today, digitalization is a buzzword and an objective in policies and strategic documents relating to almost all sectors of society (Kivikuru 2017; Sorkun 2020) – arts and culture and creative industries are no exception (Chantepie 2017; Henningsen and Larsen 2020; Prokůpek 2020). Linked with the idea of digitalization are often different aspects of change, transformation, and speed, heralding a demand for adaptation to new settings and a discourse on the way in which "digitalization" has a strong impact on the production of cultural content and production (Feige 2019; Nyhlén and Gidlund 2022; Prokůpek 2020; Rizzo 2016). At the same time, research overviews on the success or failure of digital transformation estimate that 70% to 90% of digital transformation initiatives have failed to achieve the desired return of investment[1] (Wade and Shan 2020). According to Wade and Shan, the four fundamental reasons for failure are (i) unrealistic expectations; (ii) a sense of "digitalization for the sake of digitalization", as in a race in between actors; (iii) unawareness of cultural barriers; and (iv) poor management, often situated in the IT department, with weak links to the core business (Wade and Shan 2020). However, these figures relate to digital transformation projects in general, and not specifically to the cultural sector. Nevertheless, the high expectations and low performance of digitalization efforts reinforce the importance of closely monitoring any emerging digitalization projects.

The aim of this chapter is to critically explore and analyze the framing of digitalization in current cultural policy in Sweden to reach a deeper understanding of the way in which the idea of digitalization is narrated and the desired outcomes that surface in these narratives. Thus, the chapter contributes to digital cultural policy research with a national specific analysis of narratives on expectations and goals linked with digital transformation.

The study is based on a quest to understand 'digitalization' as a phenomenon entering different contexts – in this case, the cultural sphere – and the essence and construct of digitalization, based on Andrew Feenberg's two-fold understanding of technology as "technical orientation toward reality" and as "action in the world", further developed below. Analysis of the narratives

can not only help us determine *why and how* we are to enter digital trans-formation unfolds but it also provides an opportunity to critically explore *the nature of digitalization* as it is presented in policies. The aim is to create a deeper understanding of digitalization as a phenomenon in Swedish digital cultural policies.

The chapter is structured as follows. First, there is a section on previous studies, focusing on the way in which the concept of digitalization is intro-duced in arts and culture, followed by an account of theoretical standpoints and analytical framework. Next, the methodological choices are presented and the empirical material is described. The findings are then analysed and their implications discussed; after this, the conclusions will be presented and contributions to the literature will be highlighted.

Previous research and theoretical points of departure

Previous studies on the way in which digitalization is treated in cultural poli-cies in a more analytical and problematizing manner emphasize how digi-talization becomes an imperative in itself (Henningsen and Larsen 2020a, 2020b) and that the enactment of cultural policies becomes somewhat trapped in the digital fix (Nyhlén and Gidlund 2019) or they are given an almost messianic characteristic (Feige 2019). In Henningsen and Larsen's search for the types of mechanisms that lie behind the status given to digi-talization, they put forward three different processes: a mimetic process (an institutional isomorphism whereby institutions imitate each other); a process framing digitalization in an epochalist manner (stressing historical rupture); and, lastly, a process of fetishism (whereby digitalization is treated as a self-explanatory fact or power imposed on us so that the social character of digi-talization becomes invisible). The process of fetishism is also highlighted by Nyhlén and Gidlund, who showed that the process of digitalization becomes restrictive when attempting to attain digitalization (as an objective in itself) instead of achieving the values that are specific to the cultural sector (Nyhlén and Gidlund 2019). Digitalization is, thus, portrayed as both villain and the saviour, similar to Henningsen and Larsen's explanation of it being epochal-ist, stressing the image of rupture and possible dystopia and utopia at the same time (Henningsen and Larsen 2020a). In other words, we need to make use of the possibilities digitalization offers in order to deal with the wave of change that digitalization entails. Somewhere between striving to make use of digitalization and the dominant narrative, there is a lack of reason outside of the concept of digitalization, a reason within which objectives are based on the core business; in this case, the cultural sector.

The elusiveness Nyhlén and Gidlund touch upon is also highlighted by a genealogical study of French digital cultural policy by Chantepie (2017). Chantepie addresses this as "the elusive object" and concludes that "since its beginnings, cultural policies struggled to grasp the digital, or rather, the digital was difficult to grasp" (2017, 315) and continues "it remained on the

fringes, on the periphery, in the space between, often promoted by individuals within central or regional governments at their own initiative" (Chantepie 2017, 315). Here, Chantepie illustrates what Henningsen and Larsen labelled mimetic processes, or institutional isomorphism, whereby cultural policies inherit the objective of digitalization from policies in other policy areas and from those in other countries primarily driven by the national government, in line with what Robert demonstrated in the French context (Robert 2016). According to Chantepie, "decisions often mimicked the policies adopted in the United States or within European institutions, particularly the European Commission" (Chantepie 2017, 316).

Consequently, there is a need for further studies of the way in which digitalization is framed in cultural policies and to dig deeper and critically explore and analyse the framing of digitalization in current cultural public policy. As argued by Hylland, in an analysis of Norwegian digital cultural policies: what emerges first is a documentation and information policy, later to be complemented by media policy and policies on technological infrastructure of digital cultural production (Hylland 2020). Such a shift in focus is not insignificant in relation to researchers' attempts to grasp the phenomenon of digitalization. An example is given by Brennen and Kreiss, who distinguish between digitalization and digitization: the former is understood as being closer to overarching changes within the specific sector, whereas the second focuses on making the analogue digitally accessible (Brennen and Kreiss 2014). A similar reflection is made by Gidlund and Sundberg in an analysis of digitalization as a scholarly object from 1920 to 2020. They explain that digitalization has travelled between different disciplines and twisted and turned from digitizing analogue material – based, for example, in engineering disciplines – to imply the disruption and transformation of society at large, based on industrial management and economics (Gidlund and Sundberg 2022). It is, therefore, important to seek nuance and pay attention to the details when analysing the way in which the concept of digitalization travels between and into various settings.

In order to do so, the theoretical point of departure used in this study is based on Feenberg's two-fold understanding of technology, as "technical *orientation toward reality*" and as "*action in the world*" (2000, 232, our emphasis). A certain orientation towards reality dominates others, i.e. what technology "is", is intertwined with values, rationalities, and normative practices and "a complete definition [of technology] must show how the orientation towards reality characteristic of technology is combined with the realization of technology in the social world" (Feenberg 2000, 233). Feenberg argues that digital narratives show a certain orientation towards reality – for example, they might take for granted that efficiency or optimization are the most important values to achieve – dominating others. However, the subordinated ones – for example, public values of democracy or professionalism – are equally likely to be valued in different power structure settings. Dominant stories have different outputs, depending on the context in which

they are implemented. In one context, the take-up is positive since the story is in line with the existing orientation towards reality in that context, but the same story could obstruct or even colonize another setting since there are few alignments with the existing understanding of what is imperative.

The theoretical framework is primarily inspired by the philosophy of technology, addressing technology's essence and construct (Feenberg 2000), as expressed in policy documents. The point of departure is that these policy documents produce dominant narratives of digitalization that are formative in essence (i.e. the kinds of characteristics digitalization is given) and as construct (i.e. actions that need to be taken). Technology and, in this context, digitalization, are analytically positioned as both dynamic and stable and it is of interest to identify the ways in which the closures (stabilizations) and openings (dynamics) are represented. Thus, it becomes a construct or, as Feenberg (2000) puts it, "they are not fantasies, obviously, or there would be no effective technologies" (232). Essentialist insights into the technical orientation towards the world are, therefore, combined with constructivist insights into the social nature of technology and the way in which certain stories are incorporated into the social world of technical production.

The main argument for the analysis put forward in this chapter is that orientations towards the world quickly transform "constraints into taken-for-granted internal technical specifications" (Feenberg 2000, 235) and the performative aspects frame institutional and individual action spaces. The performative aspects necessitate any analysis of digitalization being sensitive to power structures in order to demystify the narratives and render them empirically available. By questioning the interpretations of digitalization in the policies, we also partly deal with the depersonalization of power in deterministic theories to some extent, since the skeletal orientation takes on "body and weight in actual devices and systems in a specific social context" and, as quoted above, "a complete definition must show how the orientation towards reality characteristic of technology is combined with the realization of technology in the social world" (Feenberg 2000, 233). Ethically and aesthetically, technology (in this case, digitalization) fosters a society dedicated to a specific set of values, and it is important to find ways of analysing how and when this takes place.

Material and analytical strategy

In gathering and selecting empirical material, we have used three different selection strategies. The first strategy was to look for governmental documents outlining national strategies for the digitalization of culture. These are mainly produced or commissioned by the Ministry of Culture. The second strategy was to identify ideas about the digitalization of culture in the national strategies for digitalization, produced by the Ministry of Infrastructure (which is the ministry responsible for digitalization issues in general in Sweden; see Gidlund and Sundberg 2021). Thirdly, we also included so-called

'grey literature' (Mahood, Van Eerd and Irvin 2014) through a broad search for 'digitalization' and 'culture'. To ensure that we had not overlooked any public strategies or policy documents in the area of the digitalization of culture, we contacted the departmental secretary at the Ministry of Culture asking for policies they consider as relating to the digitalization of culture. As a result of the selection, we had a total of eight public strategies relevant to the topic (see Table 6.1).

As Henningsen and Larsen (2020a) describe, digitalization has existed in policy contexts for several decades but in terms of cultural policies (in their case, the Norwegian cultural policies), it was not until the late 1990s that digitalization was introduced.[2] Additionally, in 2020, the COVID-19 global pandemic forced us to refrain from physical meetings and added yet another aspect of digitalization in the form of providing non-physical meetings and spaces. The timeframe of this study is 'recent years', and it is highly dependent on the time-span of cultural policies; therefore, we have analyzed current policies. This means that some of the policies analysed were written more than ten years ago but they are still the current public policy within the field, while other policies were adopted during the pandemic (2020–2022).

The relevant policies are mainly produced on behalf of the Ministry of Culture, but in Sweden, two other government agencies also have a focus on cultural development: The Swedish Agency for Cultural Policy Analysis (with particular responsibility for cultural policy analysis) and The Swedish Arts Council (a public authority that is involved in realizing national cultural policy by promoting, following up and distributing contributions to culture). In addition, during the relevant time period, the Swedish government established the Digitalization Commission, commissioned to ensure that the IT policy goal in the governmental digital strategy was achieved. Even though the type of documents differs, from preliminary studies to formal national strategies, the implications in terms of materialised consequences (legislative power etc.) are not studied here but, rather, the way in which the narrative of digitalization is formed, both within and across these documents.

The policy documents were analysed using thematic analysis inspired by the structured stepwise method by Braun and Clarke (2006) and reflexive content analysis methodology by Alvesson and Sköldberg (2017). The thematic analysis is, therefore, based on the five steps by Braun and Clarke (2006) but complemented by a more discursive[5] analysis and reflexive interpretation, rather than a strict and quantitative coding of instances. The thematic and discursive approach is used in order to capture the deeper meaning of the documents, analysing when specific words are used, in what context and for what purpose. Focusing on the functions and the underlying meaning of the words in context will help unveil the assumptions behind the digitalization of culture in Sweden. In this way, we can gain a deeper understanding of the way in which the concept of digitalization is narrated and the types of desired outcomes that surface in these narratives.

Table 6.1 Analysed documents

Year	Title	Published by	Type of document
2011	_digit@lt kulturarv_ [digit@al cultural heritage]	_The Government Offices:_[3] The government decided on 26 November 2009 to instruct authorities, institutions and companies to submit documentation, no later than April 9, 2010, for a national strategy for digitization, electronic access and digital conservation. The national strategy, with goals and guidelines or implementation, is based on the documents that authorities, institutions and companies submitted to the government.	A national strategy for the work to digitize, digitally preserve and make digitally available cultural heritage materials and cultural heritage information 2012–2015 (The Government Offices 2011).
2015	1._Digitaliseringens transformerande kraft – vägval för framtiden_ [The transformative power of digitalization – choices for the future]	_The Government Offices_: On 7 June 2012, the government decided to appoint a committee, The Digitalization Commission, with the task of working towards achieving the goal set out in the political strategy _IT in the service of man – a digital agenda for Sweden_ to ensure that the government's ambitions in the area are fulfilled.	The final report from the government-appointed Digitalization Commission (SOU[4] 2015:91).
2016	2._Ökad digitalisering av offentligt finansierad kultur i Sverige_ [Increased digitization of publicly funded culture in Sweden]	_The Swedish Arts Council_, a Swedish state administrative agency, which falls under the Ministry of Culture. The authority has the task of following developments in the field of culture and providing a unified basis for the state's cultural policy, as well as assisting the government in its implementation.	A preliminary study made by the consultancy Governo, commissioned by the Swedish Arts Council (Swedish Arts Council 2016).
2017	3._För ett hållbart digitaliserat Sverige – en digitaliseringsstrategi_ [For a sustainably digitized Sweden – a digitalization strategy]	_Ministry of Housing and Digitalization_. The government's strategy for the way in which the digitization policy should contribute to competitiveness, full employment as well as economic, social and environmentally sustainable development.	A national strategy for digitalization (Ministry of Housing and Digitalization 2017).

(_Continued_)

Table 6.1 (Continued)

Year	Title	Published by	Type of document
2020	4.*Återstart för kulturen – återhämtning och utveckling efter coronapandemin* [Restarting culture – recovery and development after the COVID-19 pandemic]	*Ministry of Culture*. The commissioning of an investigation, due to the COVID-19 pandemic, with the intent of summarizing the consequences of the pandemic for the cultural sector and analysing what lessons can be learned from them. The aim is to contribute to creating good conditions for the restart and development of the cultural sector and to enable Sweden to have a strong, sustainable and independent cultural life in all parts of the country.	A commissioning statement for an upcoming investigation (Ministry of Culture 2020).
2021	5.*Från kris till kraft. Återstart för kulturen* [From crisis to power. Restarting culture]	*Appointed investigator/Ministry of Culture*. An investigation into the restarting of culture in order to strengthen the conditions for the restarting and development of culture during and after the COVID-19 pandemic, and also to enable a strong, sustainable and independent cultural life in all parts of Sweden.	An investigation commissioned by the government (see above) (SOU 2021:7; Restarting the Arts and Culture 2021 [English summary])
2021	6.*Direktiv för Nationell strategi för att främja de kulturella och kreativa näringarna.* [Directions for a National strategy to promote the cultural and creative industries]	*Ministry of Culture*. The commissioning of an investigation with proposals for a joint national strategy with the aim of promoting long-term and sustainable development of the cultural and creative industries throughout the country during the next ten years.	A commission statement for a national strategy to promote the cultural and creative industries (Ministry of Culture 2021).
2021	7.*En översyn av pandemins effekter inom kulturområdet* [A review of the effects of the pandemic in the field of culture]	*The Swedish Agency for Cultural Policy Analysis* – Assigned by the Government of Sweden to evaluate, analyse and present the effects of proposals and measures taken in the cultural field. This is to be based on the public cultural policy objectives.	A review of the effects of the pandemic in the field of culture (Swedish Agency for Cultural Policy Analysis 2021).

Firstly (1), we repeatedly read the material, to familiarize ourselves with it and gain a sense of the meaning of the material. Secondly (2), a manual coding process was used to generate initial codes that capture the content and analytical relevance (all in relation to different forms of digitalization (digi, digital, digitize, digitization, digitalization). For step three (3), we organised codes and coded data into clusters and preliminary themes and performed an analysis of the data aligning extracted quotes, grouped according to themes that related to the aim of the study. Some of the initial codes were renamed during the process, while others were merged to form new themes. When reviewing the themes, (4) all quotes and extracts were again reviewed to ensure coherence and theoretical associations, moving our analytical narrative "beyond simply summarizing" (Braun et al. 2016, 11). In the last stage, (5) defining and naming themes, we controlled the material to ensure relevance and consistency with the aim of critically exploring and analysing the framing of digitalization in current cultural public policy. At the end of this procedure, when all the included policy documents were analysed, four main themes were extracted and are presented in the following illustrative examples to provide a rich illustration of each theme.

Analysis and discussion

Four themes, or dominant narratives, were unravelled: *preservation*, *distribution*, *consumption*, and *business models;* all were framed in a similar way in terms of essence and construct.[6] An overarching essence is also the notion that digitalization always comes first; that everything is to become digitalized, and that digitalization is constructed as being necessary with no other possible avenues. There are no nuances as to whether the cultural sector should undergo 'digitalization' or not; it is not viewed as optional. This is interesting in relation to the four themes since it is possible to read the combination of themes as ideologically based on a market-oriented logic, which will be further developed below.

Preservation

The dominant narrative within the theme "preservation" is a focus on preservation in terms of how culture should be stored in a digital format but also expressing the hope that digital storage will make culture more easily available. Availability and preservation are narratives that go hand in hand:

> The cultural heritage sector needs, on the one hand, to make more of
> its collections accessible digitally and, on the other, to do more in terms
> of collection care.
> (Restarting the Arts and Culture in Sweden 2021, 16)

In the earlier documents, there is a focus on preservation in terms of cost efficiency and, in the long term, it is seen as important to find "common

standards" with a prominent focus on metadata (The Government Offices 2011, 7). In the later documents, there is also a notion regarding digital access, with the contention that digitalization alone does not increase or broaden participation. It is stated that offering culture digitally has the potential to increase access and to reach new audiences, but that it cannot be assumed that digital distribution reaches other audiences than in its physical format. The solution presented is increased measurement:

> To realize the potential of digital provision of arts and culture, therefore, it is important to introduce targeted measures to broaden participation, and to continue to invest in broadband infrastructure throughout the country and in digital literacy for all age groups.
> (Restarting the Arts and Culture in Sweden 2021, 9)

Thus, the dominant stories regarding preservation and distribution, the following theme, are closely intertwined. Preservation is a prerequisite for distribution; the aspects of preservation in terms of, for example, historical analysis or white paper are downplayed in favour of enhanced distribution.

Distribution

The dominant narrative within the theme "distribution" is how to broadcast culture on digital platforms, thereby making culture more available in rural and sparsely populated areas with the aim of bridging geographical distance from urban to rural areas. One of the public investigations states that "The digital cultural offer has the potential to reduce the differences in cultural participation between urban and rural areas." (SOU 2021:77, 169). In some cases, the documents argue that digitization entails a fundamental change in the meeting between culture and the visitor in a way that also affects the artistic or cultural work and expression. In other cases, it is more a question of different modes of distribution (SOU 2021:77, 121).

The documents state that the cultural policy structures are built around analogue activities which may impede the development of digital offerings (Restarting the Arts and Culture in Sweden 2020, 6). This includes libraries and the use of e-books, which increases costs for libraries, the structures around film policy and especially in the area of cultural heritage:

> In the area of cultural heritage, many museums and archives lack the staff and other resources required to digitalize their collections in an effective manner. Our assessment is that a large-scale digitalization initiative is needed for the whole of the cultural heritage sector.
> (Restarting the Arts and Culture in Sweden 2021, 6)

Distribution is also tied to legislation and the need to create better opportunities for income for artists

> The EU's new Directive on Copyright in the Digital Single Market (the DSM Directive) is currently being implemented in Swedish legislation. This directive could help to create a better basis for fair remuneration and income for artists. A lack of knowledge about copyright and the limited resources of the organizations providing support on such issues, however, stand in the way of achieving fair remuneration.
> (Restarting the Arts and Culture in Sweden 2021, 5).

The document states that there is a need for an increased focus on, and better understanding of, copyright issues on the digital market, among both artists and those wishing to use their works, not least in view of the forthcoming legislation in this area (Restarting the Arts and Culture in Sweden 2020, 5). The national investigation also states that there is a lack of competence on digital distribution of culture and that there is a need for "skills development in the production and distribution of digital culture" (SOU 2021:77, 231). The proposed solution presented by the investigation is increased collaboration between actors to meet the "challenges" jointly (SOU 2021:77, 231).

Consumption

The dominant narrative within the theme "consumption" reaches new consumers of culture (in addition to those populating cultural productions in physical spaces today) and new business areas in the hope that culture can find areas that have not previously been detected or possible to enter.

In the documents, the growth and continuously growing consumption of culture is described as desirable as the

> …data generated increases knowledge about individual needs and desires and can also form the basis for new services.
> (Ministry of Housing and Digitalization 2017, 22).

However, the overall focus of the documents is on individual benefit or benefits to private companies (not on the common and collective). It is made clear that the opportunities of digitization must be used

> to create an easier everyday life for private individuals and companies, an efficient and public sector with high quality, and more jobs and increased growth.
> (Ministry of Housing and Digitalization 2017, 30)

The narrative that is repeated in the documents is that culture is a consumer product, which, in turn, overshadows culture as a counterweight to market logics or enhanced individualization.

Even though the digitalization of consumption is presented as a business opportunity for cultural industries, as well as a possibility for spreading culture beyond cities, as presented in the section above, the national investigations also point to people requesting physical experiences. In relation to consumption, digitalization is presented as a potential threat to physical or live experiences. The investigation states that it is "important that a digitally accessible offer does not become an excuse for public or cultural activities to reduce tours and other cultural offerings outside the cities" (SOU 2021:77, 171).

New business models

The dominant narrative within the final theme "new business models" is for both cultural institutions as well as creative industries and the self-employed to more easily attract funding and receive payment.

Innovation is one of the most frequently used words in the documents; for example, it is stated that everyone should be innovative, public procurement should be used to promote innovation, state administration should be "innovative and collaborative", research should promote "data-driven and digitally driven" innovation and the overall conclusion is that innovation means that

> there must be competitive conditions for the creation and dissemination of new or improved products and services that add value to society, businesses, the environment and people.
>   (Ministry of Housing and Digitalization 2017, 10; 21–22; 25)

With this focus, "intellectual property rights" also become important and there is considerable space in the documents dedicated to this. Intellectual property must be "effective", which means

> support measures for innovators and information for companies, organizations and the general public must contribute to sustainable digital creation.
>   (Ministry of Housing and Digitalization 2017, 25)

New business models as a narrative are involved in digitalization as well as culture; the core narrative is that digitalization will increase 'life quality' through access to societal services such as media and culture, which will increase social cohesion. However, a 'sustainable digitalized Sweden' also includes new possible solutions, which will increase entrepreneurship and the rise of new businesses (Ministry of Housing and Digitalization 2017, 8).

In this way, digitalization and culture, and preferably digitalized culture, will increase business opportunities and growth.

Digitalization is the grand narrative, also, when it comes to the field of culture, where digitalization will continue but there is a recognition that it is important

> to enable digitalization to continue without adversely affecting the range of physical cultural experiences available, new revenue models will need to be developed and appropriations increased. Digital provision of arts and culture needs to involve fair remuneration for the artists and creators concerned.
>
> (SOU 2021:77, 6)

Again, the suggested solution is increased auditing and measurements: "digital activities need to be included to a greater extent in monitoring and statistics" (SOU 2021:77, 6).

Growth and economic value measurement are again stressed as important factors in determining the value of culture and creative businesses. It is argued that they have a great economic value for Sweden, but this needs to be better quantified:

> The cultural and creative industries are of great economic importance to Sweden. According to the Swedish Agency for Economic and Regional Growth's statistics, they contributed to 2.9 per cent of GDP in 2017. However, existing statistics do not measure either the economic impact of digital services distributing audiovisual products or service exports, so the contribution can be assumed to be higher.
>
> (Ministry of Culture 2021, 2)

Taken together, the strong focus on new business models overrides the creation and distribution of culture financed by the common in terms of, for example, tax-funding or non-profit initiatives.

Conclusions and contributions

Feenberg's two-folded analytical framework of *orientation toward reality* and *action in the world* is not only a tool to disclose inherent logics in the discourse on technology and to identify patterns of concrete actions. It is also a framework that highlights orientation and action as being intrinsically interlinked. Orientations and actions interact and amplify each other, and it is important to analyse this interplay. At the same time, we need to separate them analytically in order to discuss the interaction between them.

We argue that, together, the four themes (preservation, distribution, consumption, and new business models) display an overarching narrative: Digitalization (in general terms) provides new opportunities for culture to (i)

reach new consumer groups (or sometimes bring back former consumers) and (ii) enter into new markets where culture is provided (implicitly, sometimes also provided by new actors). As a whole, the orientation towards reality can, thus, be understood as a *marketization* logic. It is expected and commended that culture should transform its content into digitally accessible formats (action in the world) and that culture is something that is consumed; a commodity (orientation towards reality). Consequently, cultural artefacts and formations need to be *digitized*, the item to be sold needs to be packaged in a digital format, i.e. made digitally available for distribution and consumption. The digitization and availability are addressed in market discourse as possible new businesses, markets, and consumers since a lot of space is devoted to the way in which culture is intended to be produced, sold, and consumed.

Thus, the interplay between marketization as "orientation towards reality" and digitalization as "action in the world" not only strengthens the notion of digitalization being a specific form of transformation. Orientation and action are also interdependent and result in what Pinch and Bijker, sociologists of technology, call "closures" (Pinch and Bijker 1984). The amplifying interplay excludes and overshadows potential alternative narratives, and consequently the present analysis can make an important contribution to the discussion on the marketization of culture (see, for example, Chantepie, Becuț and Rațiu 2015; Klinenberg and Benzecry 2005; Lehdonvirta 2013; Nyhlén and Gidlund 2022).

Furthermore, the concept of digitalization in Swedish digital cultural policies is not enacted in a Weickian manner (Weick 1979; Weick and Roberts 1993). In other words, the ideas are not enacted or translated to everyday work by the cultural workers or producers. In this sense, it is not interpreted from 'inside'; rather, it is understood and translated by an 'outside' general discourse on digitalization that is not specific to the cultural sector but ingrained with an industrial and market logic (see also Azzellini, Greer and Umney 2019; Gidlund and Sundberg 2021; Nyhlén and Gidlund 2019).

However, such an orientation towards reality can be questioned from within, putting forth arguments of disguised colonization underneath the flag of technological neutrality. Another *orientation towards reality*, e.g. the transformative aspects of digitalization in relation to democracy and resilience towards ideological currents, would place culture in a different setting and, in turn, affect the *action in the world* as cultural formative practices providing a space for critical explorations. Hanrahan (2018) makes a similar reflection in relation to aesthetic experience, music, and digitization, addressing digitalization as a form of quantification that overshadows aesthetic judgement as a central aspect of cultural practices. Alternatively, as Chantepie states: "the cultural dimensions of the digital" (2017, 316), turning the reasoning upside down and creating a space for a narrative wherein culture might counter that which is described in critical information systems research as a mainstream

digitalization narrative of techno-economic rationality (see, for example, Richardson and Robinson 2007).

Concluding our analysis, we have identified a missed opportunity for arts and culture to be a critical explorer of a change in culture. This opportunity is disguised behind the scenes of a seemingly inevitable digitalization. In other words, rather than being framed as marketization, digitalization could be understood and described as *cultural imagination*. This points to the possibility addressed by Ricoeur (1976) in his discussions of ideology and utopia, and readdressed by Feenberg as democratization of technology (Feenberg 2012). To paraphrase Feenberg, Swedish digital cultural policy seems to be trapped in a rather tight web, with few openings outside of the dominant narratives of a specific orientation towards reality. This entrapment might also make it more challenging to take actions other than those related to marketization.

Notes

1 Initiatives are defined as having failed if they "fall significantly short of their objectives" (Wade and Shan 2020, 213). In addition, when adding 'digital' to transformation, compared to other transformations, digital seems to be more difficult to achieve. According to Wade and Shan, the failure rate of digital transformation was higher than the rates for traditional change initiatives 2007–2020 (Wade and Shan 2014, 2020).
2 Hylland argues it was – slowly and reluctantly – introduced a decade earlier (Hylland 2022).
3 The Government Offices [Regeringskansliet] is a government chancellery, a single, integrated public authority, "comprising the Prime Minister's Office, the government ministries and the Office for Administrative Affairs" (https://www.government.se/the-government-offices/).
4 SOU, an abbreviation for Statens Offentliga Utredningar, is a series of Swedish government official reports, from committees appointed by the Swedish government.
5 In other words, we are not performing a traditional discourse analysis such as that described by Fairclough (2003).
6 In the following illustrative examples will be given, while the narratives are found in different ways in all documents.

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7 Digital cultural policy in Switzerland

Between currents and crosscurrents

Mira Burri

The special case of Swiss cultural policy

As a small, highly industrialised, and innovative country, Switzerland has early on engaged with digitization and accordingly adapted its policies in many domains so as to be "fit" for the digital transformation. This chapter showcases that this is only partially true for the cultural sector, as the Swiss cultural policy is fragmented and has developed only incrementally to reflect the digitally triggered transformations. This is associated with the adaptation of certain policies without any re-thinking across the board and with the often-insufficient repositioning of key actors in the cultural domain. More importantly, it is also linked to contestation between the core cultural policy and other digital transition-linked policies, such as those in the areas of the media, communications, and innovation which tend to be liberal in nature and focus on largely economic-driven priorities. This is a feature of the broader Swiss cultural policy, which is often marked by a preference for economic logic and a pursuit of market-based efficiency. In the transformation of Swiss cultural policies into the digital, this feature has triggered multiple debates and is tied with contentious politics and divided public opinion as to the right way forward. The chapter seeks to examine these specific characteristics of Swiss digital cultural policy and exemplifies some of the tensions around its formulation with case studies that matter for the Swiss cultural landscape. In this sense, this chapter zooms in particularly on two recent regulatory initiatives, namely, (1) the Swiss "Netflix" law and (2) the failed referendum to support media organisations.

It is important to note at the outset that Swiss cultural policy was developed relatively late, as culture was long considered to be a private matter, only starting with the "Clottu Report" of 1975 (Federal Expert Commission for Swiss Cultural Policy Questions 1975). This report developed a broad conceptualisation of culture and aimed for a holistic approach towards cultural policy (Uhlmann et al. 2020, 230). Typical for the evolution of cultural policy, not only in Switzerland, has been the multiplication of the pursued objectives over time and the corresponding extension of the scope of cultural policy up to the end of the 20th century (Uhlmann et al. 2020, 233–234). In

the follow-up phase, one can observe a shift in contemporary cultural policies to narrow their scope and set clearer priorities which often drift away from the generic state's obligation to promote culture in all domains, in which the market fails, towards a discussion of concrete measures, often of a structural or financial nature (Uhlmann et al. 2020, 234).

A second critical preliminary remark is that the Swiss cultural policy, both in its previous and current emanations, is complex and fragmented – mainly because Switzerland is a federal state with 26 cantons of different sizes, a population density across 4 different language regions,[1] and an elaborate governance structure at the local level with municipalities and cities playing an important role (Marx 2020; Compendium 2020). Furthermore, the intrinsic complexity of the Swiss cultural policies comes from the division of labour between different governmental departments and agencies which, as the chapter shows, is only exacerbated in the face of digitization as a multi-faceted phenomenon with spillover effects.

Pursuant to the Swiss Constitution, the cantons are chiefly responsible for the domain of culture,[2] while the Confederation has parallel and subsidiary competence with the possibility of supporting certain cultural activities of national interest, in particular the areas of education, cinema, radio and television, as well as cultural heritage.[3] The competence of the Confederation, although bound by the subsidiarity principle, should not be understated as it can take up activities on its own and has an important role to play in defining the strategic objectives of Swiss cultural policy, including those in the digital domain, as the chapter explains below. The various structures for cultural support provided at the municipal and cantonal levels are quite heterogeneous and cannot be reduced to one basic model, albeit it can be noted that essentially all cantons have included in their constitutions cultural support as a matter of *service public* (public service which includes the basic provision of infrastructure goods and services to all sections of the population as essential to their welfare) and elaborated discrete laws to this effect (Uhlmann et al. 2020, 265–276). Still, there is great variation across the regional settings that range from operationally separate cultural administrations with specialised staff for the different sectors of the arts and culture in most of the larger cantons and cities to *ad hoc* committees in smaller cities responsible for culture, education, and sport at the same time (Compedium 2020). The five major cities (Zurich, Geneva, Basel, Bern, and Lausanne) play a particularly critical role in the Swiss cultural policy landscape and often additionally shape the public debate on culture (cf. Haerle 2022). This unfolds even beyond the borders of the region and can be particularly important since Switzerland is a direct democracy and some culture-related policies may be up to a public vote, as the two case studies exemplify below.

This depicted separation of competences is reflected in the spending for cultural purposes, which comes predominantly from the cantons (40%) and municipalities (49%), with only 11% from the national level (ca. 1.7% of

total federal expenditure).[4] The five major cities taken together provide over 80% of the cultural funding at the city level. An important source of financial support, specific to the Swiss context, is lotteries, whose profits flow into the cantons and must be used for charitable purposes, including those in the cultural domain. While it can be said that cultural support is granted primarily with public money (ca. 2,5 bn CHF), in comparative terms, the role of private actors in the Swiss culture is critical. Due to the tradition of private involvement in cultural promotion, as well as the system of subsidiarity, whereby the allocation of public funds is in practice considered contingent upon the inclusion of private involvement, there is an estimate that a very substantial share of contributions is made by private enterprises.[5] An illustrative example is the funding of museums where there is an almost 50/50 split between private and public support.[6] Public-private partnerships are also in this sense a typical feature of Swiss cultural policy (cf. Keller 2011; Uhlmann et al. 2020, 313–314). In recent years, crowdfunding as a bottom-up form of participatory financing has also substantially advanced.[7] This interdependence of public and private funding can sometimes lead to a somewhat "reversed" subsidiarity in practice in the sense that the private sector builds on state-supported institutions or the cantons help federal initiatives achieve a breakthrough (Compendium 2020; Keller 2011).

Overall, as a model of cultural policy, Switzerland can be said to be somewhere between a proactively involved "architect state" (as in France) and a "patron state" or "arms' length" model (as in the United Kingdom) with an ongoing process of hybridisation and adaptation (Marx 2020, 367), as well as certain distinct features that can be linked, on the one hand, to the multi-language and multi-regional nature of the country and to its active participation in the international and regional fora on cultural law and policy, on the other.[8]

The impact of digitization on Swiss cultural policy

Introduction

"Saying that culture has experienced significant 'disruption' due to digital technology since the 2000s would be an understatement" (Martel 2021, 7) and both cultural practices in all forms and cultural consumption have been deeply affected.[9] This is also true for Switzerland. Recent reports show that the internet is fully embedded in Swiss society, and the COVID-19 pandemic has only sped up digitization with 95% of the Swiss population online in 2021 (among those under 70, it is almost 100%).[10] The internet has also been the most important source of information and entertainment compared to other media since 2019, which is associated with the fact that most Swiss-made legacy and new media, as well as cultural workers, have become online platform-dependent (Latzer et al. 2021).

In terms of policy adaptation, digitization has impacted the scope of the policy measures and legal instruments that matter for digital cultural practices. At the same time, this has also meant that policy fragmentation has increased and there is not necessarily coherence between the core cultural policy and the great variety of measures found in other domains such as media, communications, infrastructure, etc. In this sense, while it is fair to note that Switzerland has launched a number of overarching projects to establish "Digital Switzerland",[11] these are largely conceptualised as economic endeavours and as a broader effort to create an enabling environment for digital innovation. As an illustration of these trends, it should be mentioned that it is the Federal Office of Communications (OFCOM; in German: Bundesamt für Kommunikation, BAKOM) that is responsible for the "Digital Switzerland" project. OFCOM is active in the media, telecommunications and postal services, and information society sectors in Switzerland, and it must ensure a stable and progressive communications infrastructure, lay the foundations for a strong Swiss media centre, and coordinate the implementation of the "Digital Switzerland" Strategy.[12] So, while OFCOM is strictly speaking not carrying out cultural policy responsibilities, the media and internet sectors do fall under its competence. This importantly includes the regulation and supervision of Swiss public service broadcaster, which is very proactive in digital-related activities, including the promotion of cultural diversity and Swiss artists.[13]

These trends, which have yet to be explored in detail by scholars, have been aptly summarized by the few active in the field as a movement from cultural policy towards cultural governance that is driven by economification, culturalization and digitalization (Grand and Weckerle 2018a). In the sense of the first, this is associated with the increasing dominance of an economic logic in many areas of life connoted by the pursuit of efficiency and defined market rationales. The dynamic of culturalization is then linked to the understanding that "[e]conomic value is created not only from the technical features or material properties of products, but also from aesthetic qualities, meaningful stories, and through publicity" which pairs creativity and commerce (Grand and Weckerle 2018a, 76–77, Grand and Weckerle 2018b). Digitization is then the dependence on technology and the increased embeddedness of the digital in all cultural practices that has transformed the (cultural) public sphere. All of these trends demand, also in the Swiss context, a distinct shift towards cultural governance rather than policy as narrowly conceived, resulting in an impact on cultural practices on the ground.

Beyond these overarching trends, the following section looks at the key actors in Swiss cultural policy – first, by briefly sketching their competences so as to enable an understanding of their abilities to adapt, and secondly, by tracing the signs of actual adaptation that have unfolded as a response to the digitization of cultural practices in relation to the creation, distribution, consumption, and re-use cycle.

Actors and their positioning over time in digital cultural policies

Evidence of the digitization of Swiss cultural policy is anecdotal and scattered across different initiatives and projects, which again has to do with the fragmented institutional landscape and involvement of multiple stakeholders. In terms of policy elaboration, the core legal basis for the Confederation's cultural policies is given through the "Law for the Promotion of Culture" (*Kulturförderungsgesetz*, version of 2012 currently in force). Since 2012, the law has been supplemented by four-yearly communications on culture (*Kulturbotschaft*; "Culture Dispatch") adopted through broader stakeholder participation (parties, cantons, cities, economic associations, etc.) and approved by Parliament. The Culture Dispatch updates the strategies in the domain of culture and specifies where the stresses in financing and institutional mobilisation will be – the key here being the link to a certain budget for the defined legislative period, which encompasses four years and is linked to certain tasks and their financing approved by Parliament. As mentioned earlier, this is critical in terms of strategy-definition not only for the Confederation and its relevant organs (the Swiss Federal Office for Culture; the Swiss Arts Council Pro Helvetia, the Swiss National Library, and the Swiss National Museum),[14] which get through the Culture Dispatch in addition certain specifically defined mandates, but also for the cantons, which tend to adopt similar objectives.

In the first Culture Dispatch (2012–2015) (Federal Council 2011), despite the scepticism shared by some of the cantons, the Swiss Cities' Association, and the Conference of Cantonal Directors of Education, the transversal theme "Digital Culture" (next to "Living Traditions") was adopted, although it was not one of the core priorities. "Digital Culture" was, in particular, linked to the objective of access to culture, stressing the need to tackle the effects of digitization on cultural production, communication, and reception and the need to better align the cultural offerings with the needs of children and young people.[15] In the follow-up Culture Dispatch (2016–2020) (Federal Council 2015), in which globalization, digitization, demographic change, individualization, and urbanization[16] were highlighted as demanding the reconceptualization of "national cultural policy" as a process,[17] the Confederation defined the following as its priorities: (1) cultural participation, (2) social cohesion, and (3) creativity and innovation.[18] A digital element was added across all activities as, importantly, there was a shift from "Digital Culture" as a transversal theme towards mainstreaming digitization. As the Federal Council pointed out, "[f]rom a substantive point of view, there is a certain contradiction in designating a specific topic – such as digitization in the cultural sector – as a central new challenge and only meeting this challenge with a time-limited action programme" (Federal Council 2015, 14). The Culture Dispatch clearly states that in this sense, the previous period (2012–2015) had only confirmed the trend of the digitization of culture and the disruption

of the cultural landscape by new media. As a challenge, the Federal Council pointed out that:

> [n]ew media often call for special production conditions that require close cooperation between art and science (education, technology, basic research, etc.). There are specific funding opportunities in both sectors, but there is a lack of incentives to bring artistic and scientific approaches together and to benefit from the synergies. In addition, it is particularly important to explore the potential at the interface between culture and business in interactive digital media, both in development and production as well as in national and international distribution.
>
> (Federal Council 2015, 95)

Therefore and across all cultural policy actors, this should be taken into account and digitization should be accordingly mainstreamed in their packages of measures (Federal Council 2015, 95).[19]

The current Culture Dispatch (2021–2024) (Federal Council 2020a) maintains that the five megatrends of globalization, digitization, demographic change, individualization, and urbanization and the associated challenges have not fundamentally changed. Yet there is a new stress on digitization, as the Federal Council states the following:

> [d]igitization has proven to be particularly impactful: it has developed rapidly in recent years and is now shaping all areas of society. In certain cultural areas, the digital and associated technological change influences the entire value chain. In the areas of film, music and interactive media, for example, the production, promotion, communication and preservation of cultural products are now largely digital. Digitization has also had a significant impact on other sectors (e.g. literature), at least for individual stages of value creation. Digitization is also accompanied by a shift in the flow of funds towards commercial, globally active platforms.
>
> (Federal Council 2020a, 3154)

In this sense, the Federal Council decides on continuity and retains the three previous action axes of cultural policy (cultural participation, social cohesion, and creativity and innovation) *but* with a distinct emphasis on digitization. The strategy of the Federal Council with regard to digitization in the cultural sector is based on a twofold approach: (1) on the one hand, digital channels and platforms should facilitate access to cultural heritage, and (2) on the other hand, the development, production, and communication of digital art should be promoted.

These policy transformations are reflected in the adjusted measures to be implemented by the four main actors in Swiss federal cultural policy: the

Swiss Federal Office for Culture,[20] the Pro Helvetia Foundation,[21] the Swiss National Library,[22] and the Swiss National Museum.[23] It is foreseen that Pro Helvetia will, as previously, regularly review the effects of digitization on the funding instruments in all disciplines and adjust them if necessary. Examples of developments in recent years are the opening up of funding instruments for artistic works that are not tied to physical carrier media (e.g. online publications in the field of literature or music), as well as various online promotion platforms operated by the Foundation have been set up. The "Culture and Economy" programme, which has been successfully established since 2016 and is focused on design and interactive media, will also be integrated into the regular funding activities. The Federal Government intends to intensify the corresponding measures in the next funding period to exploit the great potential of young developers in particular and to consolidate their international recognition. It is also planned that the Federal Office for Culture will continue the digitized recording of the important works in its museums and collections, as well as making the films that it supports accessible to the general public online after the initial screening. The Swiss National Museum group and the National Library will increasingly take on original digital cultural assets ("digitally born") and further develop their 4D object and image database, which is the central working tool for registration and inventorying, object lending, exhibition management construction, and online research. The Swiss National Museum will also carry out digital transformation in the areas of marketing and communication, while the National Library will continue to expand its own digital collection and boost its efforts for the cooperative long-term preservation and availability of Swiss digital cultural heritage (Federal Council 2020a, 3155).

Without going into further detail of the package of measures to be implemented because the implementation is still ongoing, it becomes apparent that digitization has triggered multiple adjustments in Swiss cultural policy and the relevant institutions have received distinct mandates that take the digitization of cultural practices into account. This is a process that is not neatly demarcated in time although the overview of the Culture Dispatches may suggest so. Indeed, there were various projects and initiatives in place before the message of the Federal Government was clearly delivered – for instance, already in 1998 alongside the launch of Swiss national strategy for the information society, the project "sitemapping.ch"[24] started supported by the Federal Office for Culture and included the production, dissemination, archiving, and conservation of digital media art. It should also be noted that some digital projects involving multiple actors may have been developed independently of legally defined mandates. For instance, "wemakeit.com",[25] which is the largest Swiss crowdfunding platform, was founded in 2012 through a private-public partnership between the Ernst Göhner Foundation, the Migros Culture Percentage, and Pro Helvetia, as well as start-up funding from the Department of Culture of the city of Basel.

While digitization has moved to the centre of many forms of cultural support, it is also apparent that mainstreaming digitization as part of cultural policy is not easy, nor is its implementation on the ground. This can be linked to contentious politics around culture – during the stakeholder consultation for the last Culture Dispatch, for example, some participants pointed to the lack of a comprehensive digitization strategy in the Federal Government's cultural policy and called for such a strategy to be elaborated so as to attain more coherence in the field of digitization. At the same time, the largest party in Switzerland (the Swiss National Party) argued during the debates that "[d]igitization has nothing to do with culture, directly or indirectly" (Federal Council 2020a), as digitization is largely linked to technological advances and developments that occur naturally through market-driven processes.

The next section explores in more detail these contestations, which are also linked to the public opinion on cultural support in the digital space and as the case studies below show, can go in opposing directions. The case studies have been distilled from recent regulatory initiatives in Switzerland and are based on the legislative texts as well as the comments and critiques expressed by experts, political parties, and bottom-up public initiatives.

Currents and crosscurrents[26] in Swiss digital cultural policy: case studies

Case study 1: "Lex Netflix"

The last Culture Dispatch (2021–2021) foresaw, among other things, a revision of the Film Act (Federal Council 2001). Relevant to this chapter's discussion are two particular elements of the reform which were specifically put in place to counteract the negative effects of the digitization of the film market, the platformization of the media space, and the associated changes in consumer behaviour. First and with the stated aim to promote diversity in content, the revised Film Act included a new 30% quota and visibility requirement of European productions[27] for streaming providers with an editorial responsibility[28] in Switzerland and abroad – insofar as the latter target the Swiss audience.[29] Furthermore, streaming providers are obliged to invest at least 4% of their annual gross income in Switzerland in independent Swiss filmmaking – an investment obligation that already exists for domestic television providers. Streaming platforms can comply with this obligation either through a direct stake in Swiss productions[30] (by buying an existing one, or by producing or co-producing new ones) or by paying a replacement fee after a period of four years in favour of Swiss film funding (with monitoring taken up by the Swiss Federal Office for Culture and corresponding reporting obligations).

Both components of the reform can be viewed as a consequence of EU law, which introduced such requirements through the update of the Audiovisual

Media Service Directive already in 2010, adding obligations for video-sharing platforms in 2018 (cf. Vlassis 2017). Despite the acknowledgment that its neighbouring countries already have the same system in place, the updating of the Swiss Film Act, often referred to as "Lex Netflix", faced multiple challenges and was surrounded with controversies. The reform was hotly debated in the two chambers of the Swiss Parliament and on the same day as the final parliamentary vote, a political coalition of the Young Liberals, the Young Green Liberals, and the Young Swiss National Party announced a joint referendum for which they submitted 51,872 valid signatures in 2022. This opened the way for a vote by the general population. Those fighting the law argued that the 30% quota was not linked to any quality requirements and reduced the consumers' free choice.[31] It also favoured only European films and other film offers, such as those from Africa, Asia, and America, would be at a disadvantage, which ultimately hurts diversity. The voices in this context were phrased along the lines of: "European film culture is not superior to other film cultures!" and "This is a slap in the face for us consumers who voluntarily pay for services, expecting to see what pleases us".[32] With regard to the 4% investment obligation, the opposing committee argued that Swiss filmmakers are already subsidized by over 100 million Swiss francs per year and that this is fine so. However, the investment obligation will be tantamount to a special tax and this is likely to be transferred to consumers who would "have to dig deeper into their wallets". They also added that the investment obligation violates economic freedom and that the new Film Act would set a dangerous precedent with potential implications for other, not yet affected, platform operators.[33]

Despite these arguments and an extensive media campaign, "Lex Netflix" was accepted by the Swiss population with 58,42% of the votes cast in May 2022. As the results show, this was not a clear-cut decision and the law was rejected by voters in seven cantons.[34] The discussion around "Lex Netflix" showcases in many ways the overall public and political opinions on Swiss cultural policy that often question the state's intervention in cultural support and/or the size of the financial contribution and lean towards liberal and economic-driven considerations. The debate also showed that while Switzerland had adapted its laws in line with the existing EU legislation, there is often scepticism towards the need for and efficacy of EU-like measures. The new Film Act will enter into force in 2024 and we are bound to see whether this scepticism will be proven right or wrong as even ardent advocates for cultural support have expressed fears that the reform may lead to a displacement of high-quality productions from cinemas to online platforms, the displacement of qualified staff towards platform-financed projects (especially big players like Netflix), as well as binding cultural workers to powerful companies that do not necessarily treat them well, while demanding certain tailored, possibly mainstream, cultural output (again here pointing to Netflix and its associated power) (cf. Scheiner 2021).

Case study 2: the failed referendum to support media organisations

The second case study refers to an initiative of the Federal Council to support media organisations through a variety of measures, some of which were directly linked to digitization – either in the sense that they sought to react to the changed media landscape due to its platformization and the linked power of foreign companies or in the sense that they wished to support the digitization of existing Swiss media offers. The Council argued specifically that the package is needed as the Swiss media were under pressure with more than 70 newspapers having disappeared since 2003 due to the fact that advertising money was going to the big international internet platforms. This weakened the coverage of local, regional, and national events and local and regional media must be supported to counter this development. The proposed media package included certain measures that supported the distribution of newspapers and magazines, increased support for private local radio and regional TV stations, as well as envisaged new support for online media. The measures were designed in such a way that small- and medium-sized newspapers and online media benefit more so that the coverage in rural areas and smaller cities would be strengthened. The package had a cap of 151 million Swiss francs and would be financed through the existing radio and television fees without any new charges. The discounts on newspaper delivery, as well as the funds for online media, were limited by time with a duration of seven years.

With regard to online media support, which is the most relevant for this chapter's discussion, the Federal Council argued that the funding is designed in a market-oriented manner as it is linked to the income that an online offer achieves from the public (such as proceeds from the sale of online subscriptions, day passes, or reader donations). The template provided for a minimum turnover above which an online offer would be eligible for funding; for online media from smaller language regions as well as for start-ups, the threshold was set lower. Online media without an audience revenue could still benefit if they implemented innovative information technology (IT) projects such as common technical platforms for better visibility (cf. Federal Council 2020b).

After heated discussions in Parliament, the media support package was put to a public vote in February 2022. The opponents' arguments were that publishing houses need no financial support, and that state intervention would compromise the independence of the media, free speech, and ultimately democracy and should be seen as unconstitutional. It was also seen as distorting the competition in the market. The specific argument for online media was that the state would cement harmful media monopolies and hinder innovative new media. It was also maintained that there was a bias towards subscription-based online media and that those free-of-charge were not covered, meaning that normal earners and young people would be affected and deprived of the possibility to adequately form political opinions. In this sense, the new law would be discriminatory and anti-social.[35] The media package

was ultimately rejected during the referendum with 45,42% and only seven cantons voting for it.[36]

While the debates around this initiative and the "Lex Netflix" were in many ways similar, the outcome was different. This is a testimony to the dynamic and as yet undecided debate on the direction of Swiss cultural policy that is marked by currents and crosscurrents reflected in the legislative initiatives, political support, and public opinion. This dynamic has been also typical for the debates around the financing of the Swiss Public Service Broadcaster (SRG SSR)[37] that has a clear public service mandate pursuant to the Radio and Television Act but has been under attack due to the expansion of its business practices, as well as mainstream entertainment on air and online.[38]

Concluding remarks

This chapter has offered an insight into the Swiss cultural policy and its incremental and fragmented adaptation to meet the challenges posed by the digitization of cultural practices and consumption. While it appears that digitization is taken seriously by the relevant stakeholders, there is not one such thing as "Swiss digital cultural policy". What can be observed is an ongoing contestation between the economisation directive – in the sense of "let the market work" and the need to protect and promote Swiss culture with its distinctive characteristics of the diversity, multiple languages, and multiple regions. As the two case studies showed, the debate is ongoing and the path towards more proactive digital cultural policy accompanied with more financial support is not clearly set out, as the politics around it, as well as public opinion, are highly contentious. In addition, although there is a tendency in Switzerland to mirror most EU initiatives, including in the areas of culture- and digital-related policies, there is no one-to-one translation but rather, a vibrant debate that can lead to the formulation of different measures. In this context, it is apparent that the process of digitization of Swiss cultural policies is a dynamic and contested process. This should not necessarily be viewed as negative as it permits experimentation and adjustments down the road.

Notes

1 German, French, and Italian plus Rumantsch spoken in a small community in the canton of Graubünden (ca. 50 000 persons).
2 Article 69 of the Swiss Federal Constitution. The article on culture was introduced only in 1999 with the revision of the Federal Constitution.
3 There are a number of other relevant articles in the Constitution that stipulate state intervention. For instance, Article 71 "Cinema" states that the Confederation may encourage Swiss film production and film culture and issue regulations to promote the diversity and quality of cinematographic works. Furthermore, Article 78 on the protection of nature and cultural heritage specifies that it is for the cantons to provide such a protection and defines again the parallel and subsidiary competence for the Confederation. Article 93 on radio and television, on

the other hand, gives direct responsibility to the Confederation for legislation on radio and television as well as other forms of public broadcasting, and explicitly links their functions to education and cultural development. For a detailed analysis of the competences of the federation, see Uhlmann et al. (2020, 237–243) and Briel et al. (2018, 581–643).

4 These are the latest statistics for 2018, as reported by the Federal Office of Culture (Federal Office for Culture 2021). This distribution has remained stable over the years. See Marx 2020, referring to Bijl-Schwab (2014). The funding of the public service broadcaster (through a special tax paid per household) comes in addition.

5 As mentioned in the Culture Dispatch 2021–2024 (Federal Council 2020a), in addition to charitable foundations, private companies support culture to the sum of about 370 million CHF annually, with sponsoring accounting for about 50% of the total amount. As an example, Migros – one of Switzerland's main wholesalers - is a key player in cultural promotion. According to its corporate by-laws, Migros spends around 0.5% of its retail turnover and 1% of its wholesale turnover (around CHF 120 million) on cultural and social activities (see http://www.kulturprozent.ch).

6 Compendium of cultural policies and trends: Switzerland, https://www.culturalpolicies.net/database/search-by-country/country-profile/?id=40 (Compendium 2020) and Federal Office for Culture 2020.

7 In 2019, almost twelve years since the first crowdfunding platforms were launched in Switzerland, the amount raised has reached over half a billion. Additionally, 597.1 million CHF has been invested in Switzerland by more than 180'000 people. The percentage of the culture and creative industries donated to by the funds raised via crowdfunding in Switzerland was around 8.25 million CHF in 2019 (Compendium 2020).

8 For a detailed analysis, see Briel et al. (2018).

9 See Martel (2021, 7–20) for references to key publications. See Chapter 2 in this volume.

10 In 2021, 84% of the Swiss population shopped online (compared to 65% in 2011), 80% checked facts online (compared to 60% in 2011), and 79% used online banking (compared to 59% in 2011) (Latzer et al. 2021).

11 https://digitalswitzerland.com.

12 The "Digital Switzerland" Strategy has had a focus on education and a skilled workforce, as well as collaborative innovation, inspiration and networking, public dialogue, cybersecurity, startup ecosystems, the politico-economic environment, economic data, and international connectivity. Priorities for the years 2020–2022 included the protection of the environment (enabled by new technologies and data), data spaces, and the digital economy.

13 The Swiss public broadcaster recently launched a new streaming platform: https://www.playsuisse.ch/. Digital offers are a prominent part of the SRG SSR strategy as approved by the Board of Directors.

14 For more details on their competences, see below in this section.

15 The envisaged measures included the utilisation of new information technologies to record and present cultural heritage and to promote reading, the promotion of digital cultural creations, including computer games of artistic value and the digitization of image archives in Western Switzerland. All measures are financed from the existing budgets of the respective federal actors and do not require additional funds. These provisions also provided for the implementation of the 2006 Federal Council's *Strategy for an Information Society in Switzerland* (Federal Council 2006) and the 2008 report *Memopolitik: A Federal Policy on the Memories of Switzerland* by the Federal Office for Culture (Federal Council for Culture 2008).

16 For the clarification of these "megatrends" in Swiss society, see Federal Council (2015, 22–23; author's own translation).

17 This has also led to the establishment of the so-called "National Dialogue on Culture" in 2011 to enable stakeholder participation and communication.

18 For clarification, see Federal Council (2015, 27–28).

19 It can be pointed out that the Culture Dispatch (2016–2020) foresaw a substantive budget increase for cultural policy measures to 1 121.6 million Swiss francs, which was 6.2% above the federal budget.

20 The Federal Office of Culture is the strategic body responsible for drawing up and implementing the Confederation's culture policy. Its remit covers tasks that are strictly reserved to the Confederation, namely improving the institutional framework, drafting enactments in the culture sector, reviewing the compatibility of enactments in other political areas (value added tax, international free trade, vocational education, languages, etc.) with the needs of culture and – in coordination with the Federal Department of Foreign Affairs (FDFA) – negotiating agreements in the cultural sector, representing Switzerland in multilateral organisations and cultivating international relationships. The Confederation's promotion activities are comprised of two areas: (1) cultural heritage (heritage protection and the preservation of historic monuments, transfer of cultural assets, museums and collections) and (2) cultural creativity (films, prizes and awards, support for cultural organisations), as well as promoting the foundations of culture (language and understanding policy, musical education, the promotion of reading, travellers, and Swiss schools abroad).

21 The Pro Helvetia Foundation is 100% funded by the federal government and plays a key role in Swiss cultural policy, in particular regarding contemporary art. It acts independently in a wide range of cultural sectors, including the visual arts, music, literature theatre, dance, and the humanities. Pro Helvetia supports projects through applications for support, by developing its own programmes, via its network of cultural centres and liaison offices (Cairo, Cape Town, New Delhi, and Shanghai) and by providing information and promotion materials. It maintains a cultural centre in Paris, and is the principal funder of the Istituto Svizzero di Roma and the Swiss Institute in New York in partnership with the State Secretariat for Education, Research and Innovation.

22 The Swiss National Library was founded in 1895 and it is an institution of the Office for Culture. It is a public library that collects, develops, receives, and transmits analogue and digital information relating to Switzerland, and is accessible by everyone. It works closely with the cantonal and university libraries in Switzerland, and abroad in particular with European national libraries. Its collections comprise over five million documents with the largest collection being the Helvetica collection.

23 The federal museums that are historically and culturally oriented – the Zurich State Museum, the Château de Prangins, the Forum of Swiss History Schwyz – and the associated collection center in Affoltern am Albis form the museum group of the Swiss National Museum. It is a public institution tasked with presenting the history of Switzerland, dealing with Switzerland's diverse identity, and being a center of competence for conservation and conservation research, as well as collection logistics.

24 http://www.sitemapping.ch.

25 https://wemakeit.com/pages/about.

26 The terminology "currents and crosscurrents" is inspired by Peter Yu's work, who used it to define developments in contemporary intellectual property law (Yu 2004).

27 This includes Swiss films, films from the European Union, films from a country of the Council of Europe's *European Convention on Transfrontier Television* (Council of Europe 1989), and films from a country of the Council of Europe's *Convention on Cinematographic Co-production* (Council of Europe 1992, 2017).

28 Video-sharing platforms showing user-generated content are not covered. The Swiss definition corresponds to the one under EU law of so-called "non-linear audiovisual media services".
29 There is a threshold of above a 2.5 million turnover and 12 films shown. Excluded are also the online service providers that have been already controlled in the European Union.
30 This covers feature films, documentaries, animated films or series.
31 Such arguments have been made in the EU context too (Burri 2008).
32 Both excerpts are taken from the referendum booklet distributed to all Swiss citizens qualified to vote. See https://swissvotes.ch/attachments/daccf4d55557 f18e1e91894ab5a4e2f1cb349257803ab39d8b29601170c3f75f.
33 For more details, see https://filmgesetznein.ch.
34 For more details, see https://swissvotes.ch/vote/655.00,
35 Excerpts are taken from the referendum booklet distributed to all Swiss citizens qualified to vote. See https://swissvotes.ch/attachments/0d34996425f56535c065 6005511e3e7060174bb4d277ce73227bff5a6fe9ee8a.
36 For all details, see https://swissvotes.ch/vote/654.00.
37 https://www.srgssr.ch/en/home.
38 In 2018, there was a referendum whether the fee paid by Swiss households should be abolished. The majority of the population (71.6%) voted against it (https://swissvotes.ch/vote/617.00) but efforts to reduce it and to constrain the mandate of the Swiss PSB continue.

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8 Digital cultural policy in Croatia

Searching for a vision

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Introduction

Croatia proclaimed its independence and started charting its own developmental paths at the beginning of the 1990s, a period marked by trends of globalization and the digital transformation of our society and culture. In this period, culture's position and role in the social dynamics were transformed, and the search for the most suitable and sustainable forms of cultural development became an ongoing endeavour on global and local levels. The global cultural changes that have taken place since Croatia's independence – in 1991 – are visible within the Croatian context even though with a somewhat delayed echo.

From the 1990s until today, the cultural policy in Croatia has been developed in the context of general transitional and post-transitional processes that brought changes in the economic, political, institutional and social functioning, impacting all spheres of life, including culture (Primorac et al. 2017). The Ministry of Culture was formed in 1994 as a separate state administration body in charge of culture and media.[1] In the three decades that followed, four key stages of development of cultural policies of the Republic of Croatia can be identified (Matanovac Vučković et al. 2022a). The first phase lasted from 1991 until 2000 and was marked by the consequences of the 1990s war in Croatia, the need for rebuilding the destroyed cultural heritage assets and an overall focus on national and traditional culture in Croatian cultural policy. The second phase marks Croatia's opening towards Europe and covers the period from 2000 until 2013, in which some transformation towards a more decentralized system of cultural policy took place. In this period, Croatia, as an EU candidate country, made a series of reforms required for EU membership. The third phase starts with Croatia joining the European Union in 2013, bringing new possibilities for funding and cooperation to the cultural sector while further harmonisation with EU legislation continued. The fourth phase began in 2020 with the COVID-19 pandemic that shook our society on a global level. This has strongly affected the cultural sector and is expected to have lasting consequences on the cultural system in Croatia as well. Thus, the past three decades of cultural policy-making have been

marked by two main chapters that had a significant influence on Croatian cultural reality – the 1990s war in Croatia and the accession of Croatia to the EU in 2013, as well as by the overall global trends, including the digital transformation of Croatian society that has started being more visible in the last two decades.

It is clear that the Croatian cultural policy model has been transformed in this period (Matanovac Vučković et al. 2022a). The national-emancipatory cultural policy model, focused on affirming national identity, i.e. engineer state model (Chartrand and McCaughey 1989), marked the first decade of Croatian independence. In this phase, Croatian cultural policy was characterized by the dominant ideology and political standards of the ruling structures. The culture was centrally governed and planned, and the Ministry of Culture had a dominant role in defining the basic trends and priorities of overall cultural development. In the period starting from 2000 and onwards, the Croatian model of cultural policy changed and firstly became closer to the architect state model, i.e. the prestige-enlightenment state model of cultural policy. Some further decentralization reforms allow us to presently describe the Croatian cultural policy model as a mixed model in-between the architect state and patron state model (Chartrand and McCaughey 1989).

When we turn our focus on digital policies in general and the overall development of digital society, we see that Croatia is lagging behind the digitization trends in the EU. In the 2022 edition of the Digital Economy and Society Index (DESI), Croatia ranked 21st out of 27 Member States (MS): in 2021, it ranked 19th, and in the 2020 and 2019 editions, it ranked in 20th place (European Commission 2019, 2020, 2021, 2022). This indicates that policy actions in this field in recent years did not create a significant move towards the improvement of the digital society and economy as measured by this index.

Operationally, in addition to the Ministry of Culture and Media (MCM) that coordinates (digital) cultural and media development, there are a number of different agencies responsible for different aspects of the regulation of audio-visual, media and digital society development policies. Since 2016, the Central State Office for the Development of the Digital Society has been the main body responsible for drafting policy proposals for the development of the digital society in Croatia. Communication issues as part of digital policy issues are tackled in the work of the Croatian Regulatory Authority for Network Industries (HAKOM), which has been responsible for communications networks, notably RF Spectrum, since 2008. In media policy and audio-visual policy, two other bodies are relevant: The Agency for Electronic Media as an independent regulatory body and the Croatian Audiovisual Centre (HAVC) as an arms-length body responsible for the production, financing, promotion and distribution of audio-visual activities. Thus, the number of different bodies in charge of different aspects of digital cultural policy shows the complexity of the field and the difficulties that any overall policy in the field might encounter.

Notwithstanding the complex regulatory landscape mentioned above, in the past three decades, we cannot count on any official fully fledged cultural or digital strategies accepted by governing coalitions, respective government agencies or ministries as a source for analytical interpretations for the changes in the development trends concerning digital cultural policies. This is because Croatia's public policies, for the most part, could be described as short-term and implicit ones (Primorac et al. 2017). Only in recent years have official national strategic plans been accepted or are in preparation, but this can be explained mainly as a result of the obligations related to the implementation of policies from the European Union. Thus, in order to undertake the analysis for this chapter, in the context of the lack of such explicit strategies and policy documents, it is necessary to look into different available data sources and available research pointing towards current development trends. This includes surveys and research on the national level, the DESI index, data concerning public funding trends and legislative reforms in the cultural sector.

Regrettably, the data sources that would allow us a systematic overview of trends concerning cultural policy-making and digital transformation of the cultural sector are also not numerous. Various analyses have been performed concerning different aspects of cultural policies regulating digital culture (Uzelac et al. 2016; Uzelac 2017). However, there is a lack of systematic and longitudinal research concerning the state and trends of the development of (digital) culture. Two key analyses concerning cultural policy trends and digital culture have become available in recent years. In 2022, a study providing an overview of cultural development and cultural policies in Croatia and mapping the state and trends of cultural development in Croatia was published (Matanovac Vučković et al. 2022b) and included issues concerning the digital transformation of the cultural sector (Uzelac and Lovrinić Higgins 2022). In addition to the mentioned study, one of the rare empirical surveys of the state of the digitization in culture in Croatia is the *Report on the Current State of Digitisation of Cultural Heritage* (Ernst & Young 2018),[2] which provides some insight into the state of development of digitization of cultural heritage sector in Croatia.

The lack of data and evaluations concerning the state and trends of digital transformation of the cultural sector in Croatia extends also to the existing European surveys. Before becoming an EU member, Croatia did not feature in the EU-wide surveys concerning digital trends in culture. But, even at this stage, when Croatia is included in the EU reports as one of the Member States, it often happens that the data for Croatia are not available or are quite sketchy. For example, the Consolidated Progress Report on the Implementation of Commission Recommendation (2011/711/EU) 2015–2017 (European Commission 2018, 67–68), based on the 2017 National Reports on digitization, online accessibility and digital preservation, covers Croatia only sporadically.[3] This is not surprising as this often depends on insufficient reporting by the institutions in charge and the lack of data sources on the national level.[4]

In this chapter, we are interested to see what we are talking about when we are talking about digital cultural policies. Can these policies be viewed as an umbrella term for separate policies in the field of culture, media and audio-visual, which stem from the long-term separation of the policies and regulation in these fields? Can we talk about national digital cultural policies in the context of the discussions now pushing towards datafication of our everyday life and platformisation of cultural production (Poell et al. 2022) while there is evident domination of several digital platform monopoly companies in this field (Bilić et al. 2021)? Can policies for the digital culture of such small countries from a semi-periphery (Domazet and Marinović Jerolimov 2014) like Croatia be relevant in such a context?

In order to answer some of these questions, we will analyse the trajectory of implementation (or lack thereof) of policies of/for digitization and digitalization of culture in Croatia in recent decades. We will do so by critically reviewing the available data on some of the "flagship" projects on digital culture coming from the cultural heritage sector, on the one hand, while also reviewing policies dealing with media and the audio-visual sector in general. Finally, we will question if presented policy instruments regarding digital culture in Croatia, in such a loose state, could be regarded as "the critical digital cultural politics" as defined by Valtysson (2020), that is, as policies that work for the public good, diversity, freedom of information, the rights to culture, rights as data subjects, etc.

In the continuation, we shall provide an analytic overview of the existing national strategic documents that are relevant for digital cultural policymaking in Croatia, consider the impact that the EU legislative framework and the EU funds had on conceptualising digital cultural policies, address the implementation issues of digital culture in practice as well as different recent changes and relevant challenges.

(Digital) cultural policy context – moving from implicit to explicit policies

In the past three decades, Croatian policymakers did not introduce the systematic practice of explicit long-term strategic planning. Even though some policy documents have been developed by the corresponding government bodies, the implementation part has not been introduced properly. For example, at the beginning of the 2000s, the Croatian government coordinated a number of development strategies under the title *Croatia in the 21st century*. In 2002, the Croatian parliament accepted *Croatia in the 21st Century: Strategy of Cultural Development* (Office for Strategy of the Republic of Croatia 2001), as well as the strategy for the development of ICT (Government of the Republic of Croatia 2002). However, these strategies have never been implemented and, with the subsequent change of government, they were abandoned. Thus, until 2022, there was no accepted long-term culture development strategy at the national level, while developing strategic documents

concerning local cultural development started being a regular practice only recently. Adopting vision documents from which it could be possible to read the main value orientations that would guide the sectorial strategies in achieving set goals has also not been accepted practice. The new law concerning strategic planning and development management introduced in 2017 and the EU requirements for the documentation needed to apply for EU funds have finally prompted the change in this respect. This situation corroborates Petek's claim that "Croatian policymaking can be characterized as heavily under foreign influence, especially EU, based on significant resources but low capacities with the lack of expertise and strategical planning that leads to inefficient policymaking and implementation deficit" (Petek 2022, 241).

Finally, in February 2021, the official *National Development Strategy of the Republic of Croatia until 2030* was officially accepted, which provided the framework for setting the sectorial national strategies and the *National Plan for Development of Culture and Media 2022–2027* is currently in preparation. However, since 2009, all ministries have been required to publish their short-term operational plans on a yearly basis. Thus, in the period from 2010 until 2022, the Ministry of Culture (and Media) has been publishing its annual short-term strategic plans for a period covering the next three years. In those plans, MCM refers to "the availability of cultural heritage in the digital environment", specifically increasing the volume of the available cultural content online and establishing an online information system for the integration of digital content from the cultural heritage institutions in Croatia and enabling their permanent storage (Ministry of Culture 2019b, 2022). These short-term plans focus mainly on technical aspects and setting up the digital infrastructure without explicitly proposing a real vision of what digital culture could be, which values it should promote, or what users should be able to do with it.

Within the realm of policies that are dedicated to the overall development of digital society in Croatia, there are two relevant recent strategic documents.

The *Strategy e-Croatia 2020 / Strategija e-Hrvatska 2020* (Ministry of Public Administration 2017) was published in 2017 with an aim to create interoperable government systems and services (e-Government) and reduce bureaucracy. It recognised that the synergy of science, culture, technology, education and economy, on which advanced activities and developed economies are based, has not been achieved so far in Croatia (Ministry of Public Administration 2017, 2). E-culture (e-kultura) was one of the fields for which it was determined that the e-service would be established. However, culture was at the bottom of the list of services that Croatian citizens considered needed to be available online (Ministry of Public Administration 2017).[5] The *Strategy e-Croatia 2020* (2017) also announced the creation of the *Cultural Heritage Digitization Strategy 2020*. This falls under the responsibility of the MCM, and would define the ways and rules of digitization of museum, archive, library and audio-visual material according to the standards of the European Digital Library, *Europeana*, and it envisions establishing a central

repository in order to manage (digitized) cultural heritage. Additional e-services were expected to be created, which would increase the possibility of re-use to create new products and services. According to the Ministry of Public Administration in 2017, this was planned for the end of 2020. *The Plan for the Digitization of Cultural Heritage 2020–2025* (Ministry of Culture 2019a) was prepared by the Ministry of Culture in 2019 as an internal document, but it has never been officially adopted in Parliament.

The new strategy for Digital Croatia until 2032[6] (Government of the Republic of Croatia 2023) was accepted in Parliament in December 2022. In its introductory chapter, it is stated that the Strategy provides guidelines for the targeted transformation of Croatia towards sustainable economic growth and social development based on a green and digital way of life. To achieve this, the Strategy established a set of strategic goals for Croatia's digital transformation in the next ten years and defined the priority areas of public policy implementation in all segments of the digital ecosystem: infrastructure, technology, science and education and innovation and markets. The transformation and strengthening of the competitiveness of the cultural and creative industries are one of the identified priority areas included within the strategic goal of a Developed and Innovative Digital Economy with a dedicated budget of 13 million Euros. To achieve the desired transformation of CCI, it envisions supporting CCI businesses to strengthen their capacity for business adaptation to the new regulatory and legislative framework of the DSM, while providing support exclusively to those investments whose activities contribute to sustainable development and whose stated goals are clearly defined and include digital contribution and progress in the segment of business processes, production, distribution and availability of content and services. Unlike the previous *Strategy e-Croatia 2020,* this strategy does not mention digitization of cultural heritage at all.

Within the policies that are dedicated to the development of digital culture in Croatia, there exists one relevant strategic document – the above-mentioned *Plan for the Digitization of Cultural Heritage 2020–2025* (Ministry of Culture 2019a). This document reflects five key concepts of the EU's Digital Agenda (European Commission 2010): infrastructure, digital content, interoperability, e-services and sustainability. It states that the digitization of cultural heritage was recognized as a business process by the Decree on the Internal Organization of the Ministry of Culture, which established the Office for the Digitization of Cultural Heritage. Based on this plan, and underpinned by the results of the Report on the Current State of Digitization of Cultural Heritage (Ernst & Young 2018), the national project "e-Culture – Digitization of Cultural Heritage" started in 2020 with the intention to establish an information system for the integration of digitized and digital content of cultural heritage institutions in Croatia and enable their permanent storage (which will be analysed later in this chapter).

The planned cultural heritage digitization agenda developed within the purview of the Ministry of Culture and Media has to be linked with the

national digital policy agenda that is under the policy scope of other government agencies. The actions connected to the media, audio-visual sectors and telecommunication issues are (also) within the responsibilities of agencies such as the Agency of Electronic Media, Croatian Audiovisual Centre and Croatian Regulatory Authority for Network Industries, each of which reacts to the policy situation in their own sector. This creates a complex policy situation where the focus remains on the digitization of materials and not on the overall (re)thinking of digital culture and what digitalization as a process brings to the cultural sector.

Adopting the EU legislative framework and impact of the EU funds

Croatia joining the EU in 2013 has provided an impetus for the regulatory harmonization of Croatian legislation with EU directives. This has resulted in different policies related to digitalization being implemented that are explicitly and implicitly influencing the cultural and media field. Issues of re-use of public information, open data and copyright are among such issues that have an impact on digital cultural policies, and the policy harmonization process ensured that those issues have come to the spotlight and discussions started.

For example, Croatia did not have a specific open data policy until 2018, when one was adopted at the central level as a specific measure envisaged in the 2018 Open Government Partnership Action Plan (Republic of Croatia 2018).[7] Furthermore, Croatia is among 12 Member States who have adapted their legislative framework to include the re-use of Public Sector Information, which is implemented in the Act on the Right of Access to Information.[8] The implementation of the re-use of public information and open data policies in Croatia is under the purview of the Ministry of Administration, The Central State Office for the Development of Digital Society and the Information Commissioner (The Information Commissioner of the Republic of Croatia 2017) and Croatia's Open Data Portal was established in March 2015 (data. gov.hr). In 2019, The Ministry of Culture and Media, signed the Declaration of Cooperation on Advancing the Digitization of Cultural Heritage and committed to working with 26 other European countries to digitize its cultural heritage.[9] Re-use of digitized cultural resources to foster citizen engagement, innovative use and spill-overs in other sectors constitute one of the three pillars of the declaration.

Furthermore, the harmonization of national legislation with EU Directives on copyright, as well as the audio-visual media services that have an impact on digital culture, has been made through the preparation of the draft of the Law on Electronic Media in 2019 and the Law on Copyright and Related Rights in 2020 (Primorac 2020). Both laws[10] entered into force on 22 October, 2021. The implementation of the copyright law is especially pertinent in the context of the music sector, which is well-organized through the Croatian Composer's Society and its Service for the Protection of Authors Rights' (HDS ZAMP). In addition, the themes of (digital) media literacy and

combating fake news have also been at the forefront of discussions in this regard.

The recent transposition of the changed Audiovisual Media Services Directive to the national legislation had different implications for the digital culture.[11] In connection to developments in the digital cultural policy, one can note that the first public call for the development of video games was issued in 2021 by the Croatian Audiovisual Centre, which resulted in distributed subsidies to the videogames industry. This has been a direct result of the measures related to video games implemented in the new Law on Audiovisual Activities in 2018. Additionally, the changes in the new 2021 Law on Electronic Media stipulated that the media service providers on-demand ("streamers"), which are targeting Croatia, are obliged to contribute 2% of annual gross revenue for the implementation of the national programme for the audio-visual activities and to directly invest 2% – either into production or purchase of audio-visual works of Croatian independent producers. Furthermore, it introduced an obligation for operators to provide 10% of annual gross revenue for works of Croatian independent producers. These changes were presented only in the summer of 2022, and it is too early to discuss their impact although they were welcomed by the AV community. A similar approach has been taken in some other countries, not only in the European Union (e.g. Denmark, Spain) but also outside of the EU (e.g. Switzerland).

In connection to the online platforms, it should be noted that, in the period 2020–2022, HDS-ZAMP signed contracts with YouTube (for remunerating authors from advertisements shown before or after clips of their music), with Google for licensing the music of Croatian authors in Google Media Player Service, Deezer and Spotify, while contracts have also been signed with Netflix, Apple Music and TikTok. Thus, these legislative changes also indicate the two-fold policy responses to the platformization of cultural production (Poell et al. 2022); one in supporting the newly acknowledged field of local videogames distributed through global platforms, and the other through garnering support or local audio-visual production from global streaming platforms functioning in the local market.

The impact of the EU is also evident through funding coming from different EU programmes that are implemented through projects by various cultural organisations, creating an implicit policy in itself. EU funding has significantly complemented the modest domestic funding for digital cultural projects that have, for example, amounted only to 0.3% of the total programme share in the 2018 budget of the Ministry of Culture and Media (2019c). The flip side of the funding related to EU projects is their impact on the content of the work of cultural organisations that are moving towards "fundable" topics rather than pursuing systematic work stated in their initial mission statements. In this way, they contribute to what Stubbs (2007) defines as the "*projectification*" of the cultural sector. Another recently available EU funding relevant to the digital shift of CCS is the recently adopted

National Plan for Recovery and Resilience (2021), which is in line with the European priorities aimed at digital and green transitions.[12] The DESI Report (2021) states that Croatia's Recovery and Resilience Plan, which involves a total investment of around 6.3 billion euros, includes digital investments of a total of 1,285 billion euros. The planned budget for the digitalization of culture and creative industries (included in the budget stream concerning economy) is 40 million euros, and it explicitly includes some key infrastructural investments related to digital cultural infrastructure, more precisely to the digital transformation of conservation materials and archival records (National Plan for Recovery and Resilience 2021).

Digital culture in practice: implementation issues in the absence of an official strategic vision

Even without having official cultural or digital culture strategies in the past decades, selected digitization processes in culture, media and audio-visual in Croatia have been underway. The main focus of the Ministry of Culture and Media has been on digitization in the cultural heritage field, as libraries, archives and museums (LAM), being public institutions, are under its purview concerning both issues of funding and regulation. Considering that no independent agency responsible for digital infrastructure and/or steering the digital transformation of the cultural sector has been established, MCM has been acting as the main funder and coordinator of digitalization projects in the cultural sector. As MCM has limited capacities for such a role, it usually focuses mainly on coordinating working groups for drafting digitization-related plans or on subcontracting technical development of different systems where no one assumes leadership and coordination roles after the technical system has been implemented (or such role is expected to be shared by several institutions as part of their regular activities). Such situation represents a bottleneck for the faster and more coordinated digital transformation of the culture and creative sector (CCS) in Croatia.

Currently, it seems that the strategies lag behind the projects which are currently being implemented thanks to the EU funds. Even though the Ministry of Culture and Media, in its three-year strategic plans, places the main focus on digitizing cultural heritage resources, to date there is no central place, repository, or related e-service to access, search and manage digital cultural heritage in Croatia. So far, digitization of cultural heritage has been carried out in a fragmentary manner by cultural institutions, holders of the content that had at their disposal modest resources for such projects. Supporting research about digitization trends and evaluation of undertaken initiatives has also been done only sporadically.

The findings from the *Report on the Current State of Digitisation of Cultural Heritage* (Ernst & Young 2018) point to a rather slow development concerning not only the changes in the needed infrastructure but also in the development of the needed digital skills. In addition to the inexistence of a

central register and repository of cultural heritage, there is no uniform application of the standards on the national level that institutions could use in their digitization activities. Most surveyed institutions carry out some digitization activities, but about one-half have indicated that their employees engaged in digitization have not received adequate education and that less than 10% of employees are working on digitization activities (out of which 0.6% are IT professionals). A self-assessment from the cultural institutions suggests that, if nothing changes, on average, with existing resources, it would take 30 years to fully digitize the existing analogue cultural heritage in Croatia (Ernst & Young 2018).

The slow and uncoordinated digital culture development is a result of rather modest funding being provided. This can be seen from the financial allocations of public funding that the Ministry of Culture and Media distributed for cultural digitization programmes through the yearly Public Call for Financing Public Needs in Culture of the Republic of Croatia in the past decade and a half. In the period 2008–2022, the average annual allocation has varied from 675€ to 3.377€ per programme (available for both public and private cultural organisations), which is not enough for an ambitious, high-quality and systematic approach to digitization of heritage (Uzelac and Lovrinić Higgins 2022). Cultural institutions were digitizing their cultural content through different, yet fragmented projects through these yearly public calls for digitalization support. But, there is an obvious lack of a long-term perspective, as the projects are supported on a one-year basis, the cooperation among different institutions on digitization projects is not supported, and, usually, there is no serious evaluation of the success of the projects in question (Uzelac and Lovrinić Higgins 2022). This indicates the lack of a systemic approach to the digital transformation of the cultural sector and to the digital culture resources being developed. Since 2022, these public calls have been discontinued and the digitization projects funding is now linked to the e-Culture project framework.

A lack of strategic vision documents, coupled with limited financial resources and frequent changes in the systems being developed and subsequently abandoned, has been one of the major obstacles to sustainable digitization activities in Croatia in the past decades. Various sectorial information systems have been developed in LAM community, but frequently abandoned after a while, without their success or challenges being evaluated properly

- Before entering the EU, the Ministry of Culture attempted to establish a national digital platform for cultural heritage. Within this project, the portal "Croatian Cultural Heritage" (www.kultura.hr) was initiated in 2008 as a national project for the digitization of cultural heritage that was supposed to enhance the creation of digital content and make it available to users. The portal was in function only for three years (2008–2011) before being discontinued.

- The Croatian State Archives (HDA) established an archival information and record system ARHiNET in 2006, which, in 2009, became part of the Operational Plan for the implementation of the e-Croatia program, and all State archives and numerous creators of materials got actively involved in it, and it was included in the catalogue of notable projects of EPractice.eu. Although it was not officially discontinued, investment in the development of this system stopped in 2013 (Lemić 2017).
- In 2014, a Croatian national aggregator for cultural content was established, enabling files from Croatian cultural heritage institutions to be included on the *Europeana* portal. The analysis of the state of the digitalization of cultural heritage in Croatia (Ernst & Young 2018) showed that a very small number of cultural institutions were using the aggregator for *Europeana*, resulting in a modest volume of digital content from Croatian institutions being shared on the *Europeana* platform.[13] The lack of a coordinating body for such a process has been highlighted as the problem (Europeana Foundation 2017; Uzelac and Lovrinić Higgins 2022).[14] Within the currently implemented project, "e-Culture - Digitization of Cultural Heritage", this system will again be replaced with the new one. However, the main problem that still persists and needs to be resolved is the lack of a coordinating body for the aggregation process.

In regard to the audio-visual sector, one of the relevant projects has been the Project of Digitization of Independent Cinema Screens executed by the Ministry of Culture in cooperation with HAVC. Through this project, small independent cinemas across the country have been supported in transitioning from analogue to digital cinema screening, thus ensuring diverse AV offer of new titles in the technically appropriate new digital format not only in commercial cinemas in bigger cities (HAVC 2017). In the period from 2011 until 2020 altogether some 100 cinemas have been digitalised, many of them in small towns across Croatia.

Another significant and unresolved issue in the audio-visual sector in the past decades has been the digitization of the film heritage. Three key problems have been present since Croatia's independence – the first is connected to the film heritage from the Yugoslav period where the rights' issues have not been resolved, the second stems from the position of the Croatian Cinemateque (*Hrvatska kinoteka*) within the Croatian State Archive and the third is connected to the continuous lack of adequate funding for such delicate processes.[15] And, although the Croatian Radio Television as a public service broadcaster and Croatian State Archive are the key partners in the "e-Culture - Digitization of Cultural Heritage" project, the issue of the film heritage remains one of the burning issues of the audio-visual sector (HAVC 2017) that needs to be resolved soon as the materials are deteriorating. Digitized AV heritage is also a pressing issue in regard to the important role online AV platforms present, where the lack of such local audio-visual heritage content

is missing. In the context of a small country with a small language, such as Croatia, that is trying to achieve international visibility, this is considered an important issue that needs to be resolved.

e-Culture – digitization of the cultural heritage project

After decades of slow, uncoordinated and modestly funded national initiatives directed towards digital heritage, the impetus for faster and more systematic digital development in CCS comes from EU-level initiatives. Various policies from the EU legislative framework, including digital policies, have been adopted, and financial support has become available. Building upon the previously mentioned initiative concerning establishing the national digital platform for cultural heritage and its portal www.kultura.hr that was developed in the period 2008–2011, the current focus of MCM is placed on "e-Culture - Digitization of Cultural Heritage". This project has been co-financed under the Operational Program Competitiveness and Cohesion 2014–2020, from the European Regional Development Fund, with its total budget amounting to 5.5 million euros. The Ministry of Culture and Media presented the project to the public in March 2020[16] as a national project for providing a systematic infrastructure needed for digital cultural heritage resources that intends to provide a long-term preservation facility and access to digital cultural heritage in Croatia. The project seeks to remedy the challenges that cultural sectors face, identified in the *Report on the Current State of Digitization of Cultural Heritage* (Ernst & Young 2018) including the impossibility of centralised search, diversity of information systems in which digital cultural heritage is being stored, lack of a unified method of recording, insufficient capacity for digitization, limited availability and obsolescence of digitization equipment, variety of standards and formats used, use of different identifiers and rare use of permanent identifiers, variety of metadata standards and unlinked digitized content with the corresponding metadata.

The project is being implemented by the Ministry of Culture and Media in partnership with five key partners – the Croatian State Archives, the Croatian Radio and Television, the Museum of Arts and Crafts and the National and University Library in Zagreb. It is expected to enhance access to digital cultural heritage in Croatia, strengthen the infrastructure necessary for digitization and support the application of standards and systems that ensure interoperability and long-term sustainability. This is expected to facilitate information re-use, which would encourage the development of new content and services (Ministry of Culture 2019a). The planned e-Culture platform should encompass other existing information systems administered by the MCM.[17] Connecting these with the e-Culture project is expected to create documentation bases of valuable materials and provide access through the *e-citizens* platform, but the results are yet to be seen.

Since no progress report has been published concerning the project, it is not possible to comment on its success so far and the approach it has taken.

In the present phase, the focus is on establishing a technological platform and the corresponding protocols. However, as this represents a basis for digital cultural (and research) infrastructure – i.e. a mediating set of technologies for enabling resource discovery, conducting related research, and collaboration and facilitating the dissemination of cultural outputs – the soft aspects of such "infrastructure" that include, for example, networks and communities, data collections, related tacit and explicit knowledge existing in the communities, etc., also need to be taken into account to ensure its sustainability and successful functioning. Such organisational aspects have been overlooked in the past, and that was probably one of the reasons for the frequent discontinuations of different systems that we mentioned earlier in this chapter.

Recent changes and relevant challenges

While Croatian cultural policy is still largely focusing on basic infrastructure development and resolving a lack of digital competencies in the cultural sector, the latest European initiatives – such as Time Machine[18] – encourage the shift of cultural heritage from its representation in digital repositories based on metadata, towards virtual contextualisation in time and space, emphasizing its use in other sectors. Making heritage visible and searchable, and extracting new knowledge using new methods, ensures digital culture truly becomes usable, which ensures its place on the list of priorities of the European Union. For this to be achieved, in addition to the technical infrastructure and digital competencies that are presently being built, the strategic vision is another key factor that needs to look beyond the narrow definition of digital culture and consider the wider context that currently influences culture. In the EU context, the application of digital humanities and artificial intelligence in the heritage sector is recognised as the key to the transformation of heritage – creating value that manifests itself in the transformation of cultural heritage into new knowledge resources. However, so far, Croatia has not developed an AI strategy. Furthermore, translating its application to culture and identifying related pitfalls is yet another challenge the MCM will need to face in elaborating its future digital cultural policy.

The Ministry of Culture and Media is not the only policy stakeholder that drives the development of digital culture. Another aspect of digital culture policies that is relevant are the initiatives coordinated by the Ministry of Science and Education which are related to the digital humanities area. Croatia is a founding member of the European DARIAH ERIC initiative.[19] DARIAH.HR, as a Croatian national community of practice, links some 35 Croatian research and heritage institutions that represent an important hub and connector for fostering research, cooperation and knowledge sharing concerning digital heritage and digital humanities issues that support the development of new tools and methodologies in the digital humanities field.

Given that both digital humanities (academic resource) and cultural heritage (cultural resource) are based on data collections that represent knowledge

resources (metadata, digitized content from existing collections, digital objects, searchable collections of texts, audio-visual materials, thesauri), it is clearly important to establish a framework that would encourage cooperation among these communities in order to enable that these digital data become synergistically available in an appropriate way, so that the digital cultural resources become truly digital knowledge resources and that the necessary tools and methods are developed. However, even though the Strategy e-Croatia 2020 recognised that the synergy of science, culture and technology had not been achieved (Ministry of Public Administration 2017, 2), the Ministry of Culture and Media and the Ministry of Science and Education, have, to date, not established any official cooperation schemes for fostering more systematic and closer cooperation among these communities. If positive changes are to be achieved, cooperation and interdisciplinary connections are important aspects that digital cultural policies should foster. Therefore, the support of existing networks and the creation of knowledge hubs that would encourage the unification of existing competencies and skills in both cultural and academic sectors, as well as new necessary competencies and the systematic conduct of research in this area, constitute a necessary step in order to achieve changes in the right direction.

In the meantime, the recent COVID-19 pandemic has brought about a change in traditional ways of working in the cultural sector, making the digital transformation of heritage institutions more relevant than ever before, but again forcing cultural policy to focus on the bare essentials. This crisis has shown that digital channels can be significantly better used than they were until now. However, all the issues and problems mentioned previously in this chapter still remain relevant, and a systematic and coordinated approach to the development of a digital culture that recognises, encourages and includes initiatives "from below" is still necessary. Coinciding with the COVID-19 pandemic period, the Ministry of Culture and Media supported digital culture development with two targeted public calls for which funding also originated from EU funds: (1) the public call "Arts and Culture Online" and (2) the public call for digital adjustment programmes and the creation of new cultural and educational content to admit applicants across all cultural disciplines (audio-visual production, performing arts, literature and translation, visual arts). However, this should not be considered the targeted policy response to the crisis, as, even if they coincided with the COVID-19 pandemic period, they were planned before the crisis. In addition to the COVID-19 crisis, the 2020–2021 period in Croatia was marked with another parallel disaster striking the cultural sector, namely two significant earthquakes that hit Zagreb and its surroundings in 2020. Both disasters presented the Ministry of Culture and Media with the challenges of finding quick and appropriate policy responses to remedy the consequences that the cultural sector was facing, spreading their resources thin over many needed areas and reorganising the available funding. So, even if, on the one hand, the COVID-19 crisis

has changed our digital habits and made new ways of working an accepted reality that would be easier to build upon, on the other hand, more pressing existential needs due to significant material damages that the earthquakes inflicted, placed the cultural policy focus back to "the analogue" issues again. Nevertheless, due to this crisis, additional significant EU funds have been made available for the cultural sector through the National Recovery and Resilience Plan 2021–2026 and such EU funding mechanisms provide an impetus for the faster development of some concrete infrastructural projects.

Concluding remarks

In this analysis, we tried to show the importance of contextual factors when trying to decipher the characteristics and the problems of digital cultural policy in Croatia. Data have been provided concerning the state of development of digital culture in Croatia, which show that Croatia lags behind other EU countries in most of the DESI-reported issues. The available EU funding has ensured some progress in implementing some much-needed infrastructural projects. Nevertheless, the data indicate that the Croatian cultural policy approach towards a digital culture, without its clear vision documents and with its practical focus on (project-to-project) *digitization* rather than overall *digitalization,* could be labelled as a techno-deterministic one. The emphasis is on technical aspects of digitizing (mainly) cultural heritage, while the discussion on the impact of the whole process concerning the digital shift is lacking. Such a techno-deterministic approach presumes that providing ICT infrastructure is enough for achieving set cultural development goals in today's digitally-infused society (Uzelac et al. 2016). However, the digital environment has only created "conditions of possibility that suggest possible futures rather than determine them" (Hawk and Rieder 2008, xviii). Tapping into the opportunities offered by the digital context still largely depends on our strategies that shape ways of working and acceptable business models for culture. However, these aspects are still lacking in the Croatian policy documents that focus on digital culture.

As emphasized earlier, the main focus is on the digitization of cultural heritage, which can be attributed to the continuation of the focus of cultural policy in Croatia to the safeguarding of the Croatian cultural identity through the protection of the cultural heritage sector. In parallel, selected newly developed policy instruments are created, focusing on the audio-visual sector and mainly in connection to online platforms (e.g. video-games, "tax" for streamers). If we want to decipher digital cultural policy in Croatia, we can say that it can be viewed as an umbrella term for separate policies in the field of culture, media, audio-visual and communication that stem from the long-term separation of the policies and regulation in these fields, which is evident in a number of bodies dedicated to each sector, without adequate coordination measures between them on digital culture

issues. A long-standing lack of a strategic framework, lack of coordination concerning existing digital activities (of which many are based on the individual enthusiasm of cultural workers and particular cultural institutions) and the lack of cooperation projects are still present. However, the presently prepared national plans and strategies concerning both national cultural development and digital development are expected to bring some positive changes in the future.

Unlike initial expectations, the COVID-19 pandemic was not used as an accelerator of digitalization in the cultural sector (Hylland et al. 2022). Both limited actions dedicated to the acceleration of the digital transformation of culture and the overall early (COVID-19) policy measures have been developed against the backdrop of a complex interplay of various public policy priorities over the last few years (Betzler et al. 2021). As Petek (2022, 245) claims: "Croatian experience shows that for small countries, especially those included in some supranational associations, external factors are crucial in policymaking". The analysed data show that a number of changes for and in CCS in Croatia come from the EU level, either as various accepted policies from the EU legislative framework or through different (funding) instruments that are implemented or/and used by institutions, organisations or artists themselves. The status quo in cultural policy in Croatia still exists. Even though public funding still represents the main source of financial support to CCS, the logic of "quiet neoliberalism" (Stubbs 2019) is visible through the increase in measures based on the market logic and mainly dedicated to the cultural and creative industries sector due to their expected support to both national and EU economy (e.g. through European programmes). Even though, echoing EU strategic documents, the sustainability and green transition feature in the recent Croatian policy documents, as well as in the recently adopted National Plan for Recovery and Resilience (2021), the success of the cultural sector and its digital projects still seems to be linked more to their economic contribution and less on cultural and social one.

The above-described fragmentary developments concerning digital culture and a rather slow move from *ad hoc* policies towards a needed coherent body of policies that would ensure critical digital cultural politics (Valtysson 2020) require both a coherent long-term strategic framework and a clear vision. Echoing our previous research that analyzed Croatian digital cultural policy issues (Uzelac et al. 2016), we claim that, if the cultural policy goal is to create an enabling environment for digital culture and to empower citizens, then issues of long-term sustainability and viability of services should be important elements within cultural policies. To reiterate,

it is clear that evidence-based policies are needed and they should be supported by systematic research and monitoring of issues and developments in digital culture, such as audience engagement, digitization

initiatives and financial models underpinning them, IPR, access and participation issues, criteria for evaluating success of institutions' digital activities, etc.

(Uzelac et al. 2016, 105)

Considering the above-noted claims, in the opinion of the authors of this chapter, to really support the development of true digital cultural policies, it would be very important for the Croatian cultural sector to have a dedicated institution/agency that would be put in charge to support the digital transformation of Croatian cultural sector. Such agency should have the coordination role in: maintaining and developing the needed technical infrastructure, supporting the sector to achieve digital competencies, coordinating digitization initiatives, assessing and evaluating the policies and projects that have been undertaken, being in charge of mapping trends by conducting the systematic research, networking with the cultural sector, etc. What is needed is policies that guarantee open access, encourage entrepreneurship and support and sustain artistic and cultural goals through viable business models, or, in other words, "critical digital cultural politics" (Valtysson 2020) that work for the public good, diversity, freedom of information, the rights to culture and rights as data subjects.

Notes

1 After its separation from former Ministry of Education and Culture in 1994, the Ministry of Culture (MC) kept this name until 2020 when its name was changed to the Ministry of Culture and Media (MCM). Nevertheless, it has been in charge of media field since the beginning, but this became explicitly visible in its recent name change. Throughout this chapter, we use both names depending on the dates of the initiatives referred to.
2 This is the only recent and somewhat sustained insight into the state of development of (one part of) digital culture in Croatia, which is based on a review of relevant documents and literature, several working meetings with stakeholders from the heritage sector and an analysis of the results of the questionnaire to which 138 heritage institutions responded.
3 For example, in regard to "developments in terms of archiving harvested websites", and the Croatian Web Archive (http://haw.nsk.hr/en).
4 To illustrate with an example, the survey in the Final report Digitization and IPR in European Museums (NEMO, 2020) covers Croatia but most of the answers are not available.
5 The selection of e-services was made on the basis of the Citizens' Satisfaction Questionnaire on e-services and information.
6 https://narodne-novine.nn.hr/clanci/sluzbeni/2023_01_2_17.html
7 According to benchmarking of the European Commission, Croatia took 14th place among the Member States in terms of opening data and progress in applying the Directive in 2016 (Republic of Croatia, 2018: 8).
8 The Law transposing the PSI Directive of 2003 (2003/98/EC) was adopted in February 2013, while the PSI Directive amendments of 2013 (2013/37/EU) were transposed by Law amendments in July 2015, Official Gazette/Narodne novine 25/2013, 85/2015. Available at: http://narodne-novine.nn.hr/clanci/

sluzbeni/2013_02_25_403.html; and http://narodnenovine.nn.hr/clanci/sluz-beni/2015_08_85_1649.html; English version of the Law is available at: http://www.pristupinfo.hr/en/pravni-okvir/

9 https://digital-strategy.ec.europa.eu/en/news/croatia-signing-declaration-cooperation-advancing-digitisation-cultural-heritage

10 Available at: https://www.zakon.hr/z/106/Zakon-o-autorskom-pravu-i-srodnim-pravima With the Law on Copyright and Related Rights, the Croatian legal system of copyright has been modernised and harmonised with the latest legislation of the EU, Directives (EU) 2019/790 and Directive 2019/789.

11 With the adoption of the new Law on Electronic Media in 2021, the changes in relation to Audiovisual Media Services Directive (AVMSD) have been transposed to Croatian legislation.

12 These priorities have been translated into the binding framework of the Mechanism of recovery and resilience, which determines that at least 20% of the plan's funds will be focused on digital transformation, through investment and reform, while at least 37% of funds should be focused on green transition and the fight against climate change. The Recovery and Resilience Plan is structured around five priorities: the economy; public administration, the judiciary and the State; education, science and research; labour market and social security; and healthcare.

13 Europeana Data Statistic Dashboard points to a rather modest amount of the content coming from the Croatian institutions - 58,178 in December 2022, most of which were not licenced for re-use. More info at: https://metis-statistics.euro-peana.eu/en/

14 The Europeana foundation evaluated the aggregator in 2017 and concluded that the technology behind the aggregator is mature and innovative, scalable and extensively tested, but the organisation of aggregation in Croatia should be further enhanced. Thus, the recommendation was given that it is necessary to establish an organisation which would be responsible for managing the aggregation of Croatian content and be in charge of the further technical and organisational development (Europeana, 2017).

15 HAVC provides support for digitalization processes within its regular calls for complementary activities that are opened not only to the Croatian Cinemateque, but also to all other film organisations (e.g. Croatian Film Clubs Association) that are in need of digitization of their rich archives. The limited funding that can be allocated within these calls means that only a small amount of the rich film heritage can be digitized yearly and in a fragmented manner, without a broader audio-visual digitalization strategy.

16 https://min-kulture.gov.hr/vijesti-8/predstavljen-projekt-e-kultura-digitalizacija-kulturne-bastine-u-muzeju-mimara/19230

17 *Informacijski sustav kulturne baštine – ISKB*: The project of building a unique information system of cultural heritage was defined in 2000/2001. In 2002, the Ministry of Culture implemented this project. Since 2012, the Register of Cultural Heritage of the Republic of Croatia has been publicly available on the website of the Ministry of Culture via a search engine.
Register of Cultural Property: https://registar.kulturnadobra.hr
Geoportal of Cultural Property: https://geoportal.kulturnadobra.hr

18 https://www.timemachine.eu/time-machine-organisation/

19 Since its establishment in 2014 as a part of a European Research Infrastructure Consortium (ERIC), DARIAH - The Digital Research Infrastructure for the Arts and Humanities aims to enhance and support digitally-enabled research and teaching across the arts and humanities, by maintaining a network of people, that are sharing expertise, knowledge, content, methods, tools and technologies

among its member countries. DARIAH promotes awareness of digital arts and humanities, projects, tools and best practices, and advocates open access to information and free sharing of results and innovations (https://www.dariah.eu/about/dariah-in-nutshell/).

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9 Digital cultural policy in Norway

Old tools and new tasks

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Introduction

With a self-image of being relatively tech-savvy, Norway tends to take some pride in the level of digitalization and digital literacy. In the annual Digital Economy and Society Index (DESI), the Nordic countries usually occupy the top four or five places, together with the Netherlands. This includes Norway, which by most standards is a fairly advanced country in terms of digital transitions, digital literacy and digitization of cultural resources. In the 2022 DESI report, 86% of the population were reported to have "at least basic digital content creation skills" (EU/DESI 2021), while the percentage using internet for news was 93% already in 2016 (EU/DESI 2016).[1] Similarly, there is a high level of digital public services, as measured by the index.

Digital cultural consumption is also evidently a central part of the cultural fare of Norwegian citizens. The recent *Norwegian Cultural Barometer* from Statistics Norway showed that 35% of the population had attended a digital concert in 2021, while 18% had read an e-book and 14% had attended a digital screening of performing arts (Statistics Norway 2022). Parts of this consumption pattern could possibly be related to the pandemic, but that is not entirely clear. The pre-pandemic *Norwegian Media Barometer* from 2020 (measuring consumption patterns in 2019) showed that 35% of the population played computer games on a daily basis and nine out of ten used the internet. The Norwegian population are also avid users of streaming services for music, television and films. A recent survey from market research company Kantar showed that 78% of the population subscribed to at least one (television) streaming service and that the average number of services subscribed to was 2.5.[2] The patterns showed in such national surveys mirror some of the results from a survey that we distributed to a representative sample of Norwegian citizens in March 2021, presented below.

As we will see in this chapter, the score on an index like DESI or the results from cultural consumption statistics is not necessarily an indicator of the digital maturity of national cultural policies. In this chapter, we will describe the development leading towards the digital cultural policy of today and what kind of strategic ideas on digital issues we might see in the gradual

evolving of this policy. We will also discuss the current position of digital and digitized culture as a part of Norwegian cultural policy as illustrated by two specific cases of digital cultural policy: the digitization of cultural heritage and the inclusion of computer games in the national cultural policy portfolio. Furthermore, to discuss present and upcoming challenges for a digital cultural policy, we will use selected results from a recent survey on digital cultural consumption.

We aim to show how a Norwegian digital cultural policy is striving to combine the old and the new, both in terms of ideas, actors and policy practice. On the one hand, there is an evident continuity in the ideas and ambitions of cultural policy, while, on the other hand, there are self-evident changes to the infrastructure of cultural production and consumption.

The primary empirical data for this chapter are a selection of policy documents from the Ministry of Culture and from Arts Council Norway. This selection consists of white papers (reports to the parliament from the ministry), policy strategies on specific issues as well as selected annual reports from Arts Council Norway. These documents are selected on the basis that they are sources to describe the context, the development, the principles and legitimating ideas as well as concrete measures of Norwegian cultural policy.

We also illustrate the state of digital affairs by including a selection of data from a national survey on digital cultural consumption.

In the following section, we describe some basic features of the political system and the cultural policy of Norway. This is followed by a section describing the long-term development of Norwegian digital cultural policy, where we highlight the central turning points in this policy during the last decades. The last section of the chapter contains a descriptive analysis of two illustrative cases of digital cultural policy and the results of a recent digital consumption survey. We conclude the chapter with a discussion of solvable and potentially unsolvable challenges for a Norwegian digital cultural policy in the years to come.

Context and cultural policy of Norway

Norway is a constitutional monarchy with a relatively short history of national independence. Although the Norwegian constitution and the Norwegian parliament stems from 1814, it was not until 1905 that Norway became a sovereign nation, following a referendum on whether to dissolve the union with Sweden. Being a parliamentary democracy since 1884, the parliament (The *Storting*) needs to be informed of and approve any actions implemented by the government. In the Norwegian political system, one of the characteristics of this relation is a heavy emphasis on producing policy documents. In all policy sectors, the ministries of the government regularly publish lengthy reports to the parliament, wherein they analyse the state of affairs, evaluate previous policy and describe plans and ambitions for the development of the sector. Within cultural policy, these reports have been assigned a very

specific status, as beacons of cultural policy principles and the development of these. Consequently, these ministerial reports have been and still are core documents for the analysis of Norwegian cultural policy, as they also are for this chapter.

Norway is generally included in the Nordic model of cultural policy (Duelund 2003; Mangset et al. 2008). This model is marked by a welfare-oriented cultural policy, with a high level of public financing and, conversely, a low level of private funding of culture. Even though some efforts have been made to increase the level of private funding, Norwegian cultural funding by and large remains a public responsibility. In line with the importance of public support, the cultural policy of both Norway and the other Nordic countries is characterised by having strong and influential cultural ministries and arts' councils. At the same time, the arms'-length principle is held in high regard, in the sense that there is an explicit ambition to keep political decisions and aesthetical decisions separate. The arts council is referred to as an arms'-length body, and the arms'-length principle sometimes described as a *constitutional law* of Nordic and Norwegian cultural policy (Dahl and Helseth 2006; Mangset 2009, 2013). One consequence of this is that Arts Council Norway has had, and continues to have, a substantial influence on Norwegian cultural policy. The arms'-length principle is, so far, not formally made a legal principle, but there are a number of actors in the cultural sector that would like to see the principle included in a revised and expanded version of the Act on Culture.[3]

Another central aspect of both Nordic and Norwegian cultural policy stems from the fact that these are the cultural policies of small countries and small languages. Norway has also the added historical experience of being a country under the rule of, successively, Denmark and Sweden, gaining full independence as late as 1905. These factors have contributed to the creation of a cultural policy that has clear elements of protectionism and nationalism. This has partly been expressed as aims to counter the influence of Anglo-American (popular) culture, as with the establishment of the Arts Council in 1965 (Fidjestøl 2015). Partly, it has also taken shape of specific measures to ensure the Norwegian production of cultural products in the Norwegian language, such as with the support mechanisms for computer games (see below). This protectionist/nationalist side to cultural policy is a necessary backdrop for the development of a digital cultural policy in Norway.

Although there are good reasons to set the start of Norwegian cultural policy to the first part of the 19th century, a common starting point for cultural policy proper tends to be 1945 (Dahl and Helseth 2006). In the years following the Second World War, a number of public bodies and institutions were established, having explicit and ambitious cultural policy goals. Central among these goals was the strong emphasis on cultural democratisation – the aim to make quality culture available for every citizen, no matter where they lived. This led to the establishment of a national touring theatre (1948), a national touring cinema (1948), a national touring gallery (1952), a national

opera, with ambitions of touring the country (1957) and, finally, Concerts Norway (1968). The latter institution had an ambition to produce concerts for every age group in every part of Norway. At its peak, Concerts Norway produced around 9,000 concerts per year, with an emphasis on school concerts (cf. Hylland 2019). Some 30 years later, an ambitious governmental programme, in many ways a successor of Concerts Norway, was established as The Cultural Rucksack. This programme, financed by lottery funding, is organised to give all pupils in all schools at all levels (between ages 6 and 18), one or several cultural experiences per school year, including music, performing arts, visual arts, literature and cultural heritage.

In November 2018, the Norwegian Ministry of Culture presented the most recent white paper (*stortingsmelding*)[4] on culture and cultural policy: *The Power of Culture: A Cultural Policy for the Future* (Ministry of Culture 2018–2019). As the first white paper on cultural policy in 15 years, there were significant expectations regarding this policy document. *The Power of Culture* is a white paper returning to a set of foundational principles and premises for cultural policy; with particular emphasis on concepts like freedom of expression, education/*Bildung* and democracy. There is little focus on the role of digitalization/digitization in this text although it includes general diagnoses of the consequences of a digital turn:

> Digitization makes it possible to reach a larger audience with the art that is produced. The digital development places new demands on how we should take care of our digital interaction and communication for future generations, and at the same time opens up new ways of making cultural heritage accessible. In order for technological solutions to be used in services aimed at the entire population, it is important to intensify the investment in a Norwegian-language digital infrastructure.[5]
> (Ministry of Culture 2018–2019, 10)

This is not essentially different from what had been stated in Norwegian cultural policy documents since the early 1980s (cf. Hylland 2022b). There is also a recognition of change and unpredictability in this document that can be perceived as somewhat resigned

> We are surrounded by an increasingly comprehensive and complex technological infrastructure that no one is able to predict how will develop. The only thing that is certain is that technological development will be very rapid, and that we will also see major changes in both technological possibilities and user habits in the future.
> (Ministry of Culture 2018–2019, 22)

In addition, the white paper includes a few statements of the possibly profound changes following from digitalization. The actual consequences for cultural policy are described to a much lesser extent in the text. When the

chapter *Digital opportunities* is summarised as "Priorities and further developments", the list is characterised by fairly noncommittal terms like "support", "participate", "facilitate" and "invest in" (Ministry of Culture 2018–2019, 55). There are also only very brief mentions of the international players and platforms who so obviously continue to have a dominant influence over digital culture: "The Norwegian language and culture face stronger competition from international players. Platform companies such as Google, Facebook, Amazon, Netflix and Spotify are gaining more and more power" (25). Few or no cultural policy consequences are drawn from this insight.

The white paper describes, furthermore, the fundamental goals and aims of Norwegian cultural policy. However, none of these objectives mention technology, the digital, internet, platform companies, data protection, algorithms, big data or similar. In the elaboration of these objectives, there is, to be fair, *some* mention of digital potential. This includes the point that cultural heritage can be disseminated and made available by means of digital technology (Ministry of Culture 2018–2019, 39). Under the main objective *Access and participation*, the white paper also interestingly states an objective to build a bridge between analogue and digital cultural expressions: "so that the use of digital culture can lead to increased use of all culture" (40). There is also an interesting new term in this white paper, forging a connection between traditional/pre-digital and digital cultural policy: Under the chapter on Education, the report introduces a concept of «digital judgment» (*digital dømmekraft*):

> Media literacy and digital judgment is also important for education/Bildung and democracy development. Media literacy is about knowledge of how the media works, and the ability to assess quality, relevance, and truth in the information one finds. Digital judgment is about the ability to critically reflect, among other privacy-related matters, online knowledge, and copyright.
>
> <div align="right">(Ministry of Culture 2018–2019, 79)</div>

What makes quotes like these highly relevant in the context of this book is that they illustrate the dialectic between focusing upon continuity and focusing upon change. Just as this is a central perspective for the analysis of (digital) cultural policy, as discussed in the second chapter, it is also a perspective for the development of cultural policy as such. The quote above shows, for instance, how digitalization might be used to relaunch the traditional concept of *Bildung* [Norwegian: "dannelse"], and how digital cultural policy might incorporate ideas from a highly analogue variety of such policy. Furthermore, the combination of change and continuity is a perspective that we also use in this chapter.

The policy aspect of digital culture is complex and might be illustrated best through a developmental perspective. How did we get to the digital cultural policy that we might see today? When and in what contexts did the

principles and ideas of this kind of policy emerge in the Norwegian context? The next section describes some developmental traits leading to the current state of things.

Development of a digital cultural policy[6]

While the 1970s saw some interesting precursors for digital policies, the 1980s was the first decade of digital breakthroughs. This is equally true for Norway as it is for most Western countries. From being a tool for research institutes, institutions and companies, computers became consumer electronics during this decade. Policy documents also picked up the technological changes and the potential consequences for culture and cultural policy.

In the white paper *A Cultural Policy for the 1980s* (Ministry of Church Affairs and Education 1981–1982), from 1981, it is duly acknowledged that there has been a great technological development in recent years, in "several important media areas (…), especially in the field of videograms and computer electronics" (30). Technological development is also given far more attention than in the cultural policy white papers of the 1970s. Under the heading Cultural Policy Challenges, a separate subchapter is dedicated to New Technology (32–33). The paper predicts that the new technology "will affect society and the everyday life of everyone to a great extent", and "the new computer technology will probably be the most important" (32). The white paper is, generally, characterised by a combination of optimism, positive expectations, awareness of challenges and a recognition that technological changes are, indeed, coming and will be important. The possibilities are thought to be great and numerous, especially for information work: "With modern microelectronics it is possible to store data and knowledge to an extent that was previously unthinkable, and in particular it is infinitely faster and easier to find and sort information in the way one wishes" (32). The white paper also presents a prediction that proved to be quite accurate:

> Subsequently, geographical distances also play a lesser role in this kind of information transmission. Over the telecommunications network, it is possible to connect to databases almost wherever these are located in the world. But at the same time, this development creates a danger of actual information monopolies among those who build up and manage such databases. Large multinational companies will probably have a dominant role here, many with their main base in the United States.
> (Ministry of Church Affairs and Education 1981–1982, 32)

The quote illustrates a certain ambiguity in how the new technological possibilities are understood within cultural policy. The concrete significance for cultural production and use is also toned down somewhat:

> Even though new technology has given us a range of new media, in the timespan we can plan for now, they will not replace existing media.

> The book and the printed word will henceforth be the central medium of knowledge and information, and not least the most important communicator of literature.
>
>   (Ministry of Church Affairs and Education 1981–1982, 146)

Nevertheless, the new technology will also be "used to convey Norwegian cultural expressions and the values we know as ours" (33).

The 1980s was a decade when a dualism of optimism and pessimism related to new technologies of culture seems to get established (cf. Chapter 2). While the policy dualism of the 1980s was related explicitly to *mass media*, it is more or less exactly the same as the more recent optimism/pessimism dualism related to digital media and general digitalization. In the white paper *New Tasks in Cultural Policy* (Ministry of Culture and Science 1983–1984), mass media is, hence, described as both an opportunity and a threat. The concerns are related to a technical development that is expected to come. On the one hand, "modern technology" is important for democratization and "has played a crucial role in giving most people access to cultural goods that in earlier times were a privilege for small elites" (12). However, there has also been "mass distribution of cultural products that do not meet qualitative standards", and it "places responsibility on the public sector to support the sense of quality and provide support for cultural production which is of particular value, and which otherwise could not be competitive" (12). According to this analysis, this tendency will, furthermore, be "reinforced through electronic development, which is particularly evident in media and computer technology" (ibid.). The white paper emphasises that new technology is or might be a democratizing factor, but also that strengthened national cultural policy efforts are required, to ensure cultural products of good quality in the Norwegian language.

The two decades following the 1980s saw great changes both in technological innovation and in the development and/or adaptation of cultural policies. The changes were arguably the largest in the former area. Technologically, the 1990s entailed a number of digital quantum leaps, including the innovation of a number of digital formats and content carriers (of which some disappeared rather quickly). The most fundamental changes of this decade were, however, first realized when these innovations were merged with WWW and the public access to internet from the mid-1990s. In the field of cultural policy, the 1990s was a decade for considerable ambitions for digital and digitized cultural heritage. Through digitizing cultural heritage and making it accessible online, a number of projects and programmes aimed to make the collections in archives, libraries and museums available to more people than ever before (cf. Hylland et al. 2022b).

In the subsequent decade, the 2000s, one of the major changes relevant to digital cultural policy was the technical digitization of cultural infrastructure. This includes the digitization of public broadcasting (radio), of television signals and cinema (digital distribution of movies). While this was basically a technical change, creating a need for updated regulation, it also affected the

role and influence of policy, paving the way for new players in the cultural sector. A case in point is that the agreement on digital distribution of movies to Norwegian (mostly municipal cinemas) gave a small group of major Hollywood film studios direct influence on the choice of movies to distribute (Gaustad 2017). The first decade of the new millennium was also a decade for a selection of pilot projects, especially interesting to study in hindsight. This included a government-financed scheme to finance digital distribution of music, to be listened to on computers, e.g. in libraries (cf. Hylland 2022b).

In the 2010s, several traits of development from the 2000s were reinforced. Among these traits were attempts to adapt traditional cultural policy instruments to a digital context. One example of this is that after several years of discussion and two commissioned reports on the topic (Olsen 2009; 2011), the Arts Council introduced a purchasing scheme for fiction in 2012 that included the purchase of *e-books*. This was organized as part of the traditional purchasing scheme, in such a way that 30 electronic "copies" were deducted from the 1,000 paper copies that usually were purchased. This meant that the Arts Council bought 970 hard copies and 30 electronic "copies"[7] in the cases where a book had been published both as a paper book *and* as an e-book. The purchased e-books were then distributed to Norwegian libraries for lending. In the first years, only a small minority of libraries offered electronic lending. In January 2013, negotiations between the Library Association and the Publishers' Association to find a model for lending e-books stalled. A new trial scheme with sales to the libraries was established in April 2013, which lasted until 2015. In 2014, it was reported that around 500 libraries offered lending of e-books. A new agreement was established in 2018. Today, the purchasing scheme of (adult) literary fiction includes 623 paper books and 150 e-books, distributed to all Norwegian public libraries.[8]

The most recent development relevant to digital cultural policy is the COVID-19 pandemic of 2020–2022, evidently also relevant to the Norwegian context. This relevance is related both to cultural production and consumption, on the one hand, and cultural policy, on the other hand. As a wide spectrum of cultural performances and experiences quickly had to resort to online presence only, some analysts saw this early on as a fundamental shift towards more digital distribution of culture and as something of a paradigm shift. As subsequent studies have shown, the consequences of the pandemic for cultural consumption patterns are, however, not as clear-cut. On the one hand, this is because it still is too early to see the long-term effects of long lockdowns and the shutdown of cultural offerings. On the other hand, the actual effects might also turn out to be the opposite of the initially expected ones. In a situation where digital performances are the only ones available, this *might* lead to a rekindled and increased interest in analogue, traditional performances, rather than making people accustomed to the digital ones (cf. Hylland 2022a).

Related to the pandemic effect on cultural production and consumption, is the question of how the pandemic affected the ideas and practices of cultural

policy. Just as with the case of the products of culture, the policy of culture could also be hypothesized as becoming more focused on the digital, adjusting their policy tools and aims accordingly. However, as our comparative analysis of the pandemic cultural policies of different European countries showed, this is far from the case. While there were some, partly *ad hoc*, adaptations to digital culture in the national policies studied, there were no evident signs of the pandemic fuelling substantial and paradigmatic changes towards more updated digital cultural policies (Hylland et al. 2022a).

In the following, two cases can serve to illustrate different aspects of a Norwegian digital cultural policy: the digitization of cultural heritage, and the cultural policy of computer games.

Digitization of cultural heritage

Cultural heritage is and has been a core topic for digital cultural policy, both in Norway and in a number of other countries. This is partly due to the context of technological development, partly due to copyright questions and partly due to policy ideas aligning with technological possibilities. In general, cultural heritage objects and sources have often been the first cultural artefacts or products to be digitized and made digitally accessible for a larger audience. Internet historian Clifford Lynch describes this phenomenon:

> [W]hen the Internet and shortly thereafter the Web really took off as consumer services in the mid to late 1990s that whole universe was already richly seeded with free content that had been supplied by universities, by museums, by cultural heritage institutions, by government agencies.
>
> (Lynch 2000)

This can partly be explained by this material being less affected by copyright restrictions and limitations of dissemination.

Thus, the low-hanging fruit of digitizing heritage material led to numerous digitization initiatives in archives, libraries and museums, beginning already in the late 1980s. With the backdrop of the many different projects digitizing archive material, documents, books, photographs, objects and artefacts, came a need to define technical standards and develop a suitable technical infrastructure for the increasing amount of digital cultural heritage. With an explicit ambition to coordinate and develop, such issues became a part of public cultural policy in Norway. This made technical issues like resolution standards for digitizing photographs (cf. Oulie 2003), a common webpage for heritage information from libraries, archives and museums (*kulturnett.no*) and the infrastructure of a joint portal for accessing digital heritage material integrated parts of the cultural policy portfolio (cf. Gausdal 2006). There a two essential points to this aspect of digital heritage policy. First, it is a good illustration of how digital cultural policy gets more complex, as it needs to

include new fields of expertise and competence. In turn, this opens up necessary discussions of the distribution of labour between public and private actors. Secondly, this technological side of digital cultural policy developed side by side with the breakthrough of platform services like Google (including Google Books and Google Art), Wikipedia/Wikimedia, YouTube and social media, in general, on the one hand, and large international heritage portals like *Europeana*, on the other hand. This served to underline a general dilemma even further: what part of digital cultural heritage is it necessary that national cultural policies take the responsibility for, and what part is it reasonable to leave to big tech and platform companies. We will return to this general dilemma in the continuation of the text.

For several decades, specific cultural policy ambitions have been related to digital cultural heritage. A white paper on the digitization of cultural heritage describes this in an illustrating way as "an important part of the *digital commons*" (Ministry of Culture 2008–2009a, 9, our emphasis). Both in national cultural policies like this and in major open-source initiatives (e.g. Wikimedia Commons, Creative Commons etc.), the metaphor of the commons has been a key term to describe an ideal of shared, collective ownership. The logic of the metaphor in this context has been that something that belongs to everyone needs to be available to everyone. Put in another way, it has been a question of democratising through digitization.

In Norwegian policies, the democratizing potential of digitizing heritage was acknowledged already in the mid-nineties. A case in point is when a pivotal public commission on the development of museums emphasised the potential role of information technology in both making information publicly accessible, as a source of collaboration between institutions and in using museum collections actively in education (NOU 1996, 7). Ideas on the democratizing potential of digital cultural heritage have since the mid-nineties been underscored in a series of official reports, policy documents and white papers on cultural heritage (NOU 2002, 1), on the archives, libraries and museum sector (Ministry of Culture 1999–2000), on the digitization of cultural heritage (Ministry of Culture 2008–2009a), on museums (Ministry of Culture 2008–2009b), on libraries (Ministry of Culture 2008–2009c) and on cultural democratization in general (Ministry of Culture 2011–2012).

In the development of a digital cultural policy on heritage, there is a pendant to the general cultural policy combination of *cultural democratization* and *cultural democracy*. As generally acknowledged by studies on cultural policy changes, new ideas on cultural democracy were introduced in the 1970s, in the sense that local culture, amateur culture, folk culture and popular culture might also be of value for cultural policy. Cultural democratization, on the other hand, was based on the general idea that arts and culture of high value and quality should be made available to as many as possible. Both these ideas are part of digital heritage policies. On the one hand, through democratizing heritage through digital accessibility and, on the other hand, a more individualized democratization: making it easier for everyone to access *their* heritage. One of the main goals of the white paper on cultural

heritage digitization illustrates this point: "to promote democracy and identity through giving as many as possible access to a wide range of sources for art, culture and knowledge" (Ministry of Culture 2008–2009a, 12). A report from the Auditor General of Norway, a performance audit, concerning the governmental efforts to digitize cultural heritage, affirms clearly that providing access is and has been a consistent political goal for digital cultural heritage (Riksrevisjonen 2017).

The normative foundation for a digital cultural heritage policy is, hence, based on such a combination of ideas of democratization. The target group for digitized heritage should enjoy a combination of access to, involvement in and influence on this heritage. From a cultural policy perspective, digitization of heritage can be viewed as two different kinds of re-distribution of power. On the one hand, digitization has for almost three decades been seen as a tool for cultural democracy – making cultural heritage widely accessible, making it possible to have crowdsourced documentation and making artefacts and objects and documents matter more to more people. On the other hand, digitized cultural heritage has also become a focal point for global digital companies, with Google being the primary example, making, for example, high-resolution images from art collections available online (Hylland 2017). In other words, there is both a movement towards greater public accessibility and participation, as well as an increase in collaboration with private companies. Both kinds of power redistribution imply a potential decline in the importance of public cultural policy.

Returning to the dilemma of navigating between the role of public policy and the role of private enterprise (platforms being the case in point), an example can serve to illustrate how these roles might overlap and co-exist in practice. In 2009, Google initiated Google Art (later Google Art Project) to present high-resolution digital artworks and accompanying virtual tours (using Street View technology) of art museums. The company partnered with selected museums in different countries. In Norway, The National Museum of Art and The Munch Museum were among the four museum partners. The museums chose a selection of artworks for digitization and one selected artwork for digitization with the patented *gigapixel* technology (cf. Hylland 2017). At the same time, there was digitization projects implemented within the museums themselves, as well as a national digital museum being developed (*DigitaltMuseum*). This led to an inevitable overlap, illustrated by the fact that the iconic *Scream* by Edvard Munch is digitally exhibited in the national digital museum, in the (municipal) Munch Museum, in the National Museum of Art, and as part of the digital exhibitions of Google Arts and Culture (the successor of Google Art Project).

Computer game policies

Computer or video games are a growing part of the creative industries in Norway, and the gaming industry represents one of the largest contributors to cultural export from Norway (cf. Sjøvold et al. 2019). Gaming has come

to be recognized as a competitive sport and e-sports are often discussed as an integrated part of public sports policy and different sports policy initiatives. Furthermore, computer games are to an increasing degree seen as a relevant pedagogical tool, e.g. to be used on different levels of education. In addition, computer games have been granted status as an integrated part of a governmental cultural policy portfolio.

A genuinely new element in Norwegian digital cultural policy came with the inclusion of computer games in the policy that was presented in the seminal white paper *Cultural Policy Towards 2014* (Ministry of Culture 2002–2003). With this inclusion, a digital-born and fully digital cultural product was given cultural policy recognition. At the same time as this recognition partly was based on a traditional cultural policy concern about the products of the commercial cultural industry. In principle, we might say that this inclusion in the policy document constituted a rather radical acknowledgement that even born-digital cultural products like computer games is part of a public policy responsibility:

> It is a public task to ensure that, in a small country like Norway, there are movies and audio-visual productions on offer that reflects our history, our culture and our language. There is a need for quality products that constitutes alternatives to the many violent and action-infused computer games available on the market.
>
> (Ministry of Culture 2002–2003, 148)

A specific subsidy scheme for computer games is suggested to ensure this.

A few years later, computer games were the subject of a separate white paper, referred to as the world's first white paper on the topic. In this policy document, a couple of new concepts were added to the policy understanding of computer games: it is a source of "joy and entertainment for very many people in Norway" (Ministry of Culture 2007–2008). In addition, there is also an emphasis on the potential for industry, work and innovation in this sector.

A new policy tool that was introduced through this document was the inclusion of games in public libraries. As emphasised by a library white paper the same year, computer games in libraries might "give young people new experiences in the library" and may, furthermore, make libraries attractive for new users. Furthermore, games represent "good, joint cultural experiences and is a cultural expression that should be accessible for everyone". With this backdrop, a purchasing scheme for computer games was introduced in 2011. This scheme, currently administered by the Norwegian Film Institute, purchases 750 copies of selected Norwegian computer games, to be distributed to libraries throughout the country.

The introduction of computer games to public libraries is a good example of how new digital culture might get related to and anchored in the tools and institutions of an established cultural policy. When these games were added

to collections and general mission of libraries, it was introduced using the same cultural policy legitimation as for more traditional culture. Computer game policies have been introduced to ensure that there are good, safe and Norwegian games on the market. At the same time, the ambition was also to democratise them, to make them available to as many as possible. In addition to this, there was and is also idea in these policies that computer games could work as some sort of cultural bait, to ease the distribution of and promote interest in more traditional culture.

Media scholar Rune Klevjer has looked at how computer games have been included in the cultural policy of different European countries. He describes Norway and France as "early pioneers of dedicated state funding for videogames" (Klevjer 2008, 79). In their respective development of computer game policies, the perspectives of these two countries differed, Klevjer contends. While France emphasised originality and business potential, Norway emphasised the importance of good, important and preferably also national stories. As this analysis covered the very first period of computer game policies, there is little doubt that the content of these policies in Norway has evolved. This became evident as the Ministry of Culture launched a computer game strategy in 2019, lifting these games even higher on the cultural policy agenda. The introduction to the strategy described a rather complex ambition, stating that the government wanted to lift computer games as "an independent cultural expression, an art form, a business and a leisure activity". Presenting the strategy, Minister of Culture at the time, Trine Skei Grande, described her own joy of gaming, and described computer games in hitherto unheard terms from a public cultural policy perspective: "Computer games are expressions of art. The best games allow to see the world in new ways, allowing for unique insights in the situation of others and teaching us about ourselves" (Ministry of Culture 2019, 3).

The introduction from the minister and the ambitions of this strategy is a tell-tale sign of the position of games as part of the Norwegian digital cultural policy. In addition to representing an industry and a business opportunity, computer games are also described as art, and legitimated in the same way that art traditionally has been legitimated: as sources of insight and inspiration, as valuable and important expressions of human creativity. The explicit goals of the national computer game strategy also echo the established core values of Norwegian cultural policy as such: quality, professionality, inclusion, accessibility and the development of creative industries.

It is of particular interest to see how this strategy describes the topic of quality:

Quality in Norwegian games includes both cultural value and artistic quality. Cultural value is about portraying and interpreting the culture and the society we live in in a way that engages, entertains and excites. Artistic quality is about original works that aesthetically and narratively

contribute to developing and renewing the expression of computer games, and that challenge, enrich and give room for reflection.

(Ministry of Culture 2019, 10)

Indeed, no small task. At the time of writing, the Ministry of Culture is also working on an updated national strategy on computer games due to be presented during 2023. While the strategy itself is not finalised, there are, so far, not any signs of public policies aiming to leave the development of Norwegian computer games solely in the hands of private enterprise and global players. In other words, computer games will continue to be an integrated part of Norwegian cultural policy.

A survey on digital cultural consumption

In March 2021, one year after the onset of the global COVID-19 pandemic, we distributed a survey to a representative part of the Norwegian population.[9] The main ambition with the survey was to get updated knowledge on digital cultural consumption of the average Norwegian citizen, after 12 months of a pandemic situation clearly affecting cultural consumption in one way or another. We wanted to see how people used and valuated digital cultural offerings and also to uncover some aspects of the general knowledge of and attitudes towards the production and distribution of online cultural content. In addition to providing updated knowledge on consumption patterns, knowledge and attitudes, surveys like this also constitute a highly relevant backdrop for discussions on cultural policy within this field. The results in a survey like this open up questions on how cultural policy has related to or might or should relate to the actual cultural consumption of the population. Our survey uncovered some interesting results, also in the context of the topic of this chapter.

First of all, the survey clearly confirmed the general impression of a very high penetration of the use of screen-based media among the population. The more detailed consumption data turned out to be following both predictable and less predictable patterns. Among the predictable ones were that the youngest age group (18–29) were the most avid users of some of the screen-based digital cultural content, including listening to music (96%), using social media (94%), listening to podcasts (73%) and watching YouTube or other video-sharing platforms (88%). At the same time, a middle-aged group (40–49) was the group with the highest use of audiobooks (25%), radio (45%) and live concerts or shows (23%).

Among the results that were less predictable, we see that there are considerable regional differences in the consumption of certain kinds of digital cultural content. The reading of (e-)books on digital devices is almost twice as common (17%) in Western and Eastern Norway than it is in Middle and Northern Norway (9%). While this difference might be explained by a larger penetration of some genres of digital media (including e-books) in urban

regions (located in Western and Eastern Norway), it is more challenging to explain the difference between the stated use of digital devices to watch live concerts and performances: 20% in Central Norway, while only half of this (10%) in Northern Norway.

Compared to the general use of digital culture, a somewhat smaller part of the population reports to pay a regular fee to use online cultural content. Streaming services for movies and series (65%) and music (55%) are most widely used, while subscription services for audiobooks (10%) and e-books (3%) are used only by a small minority. In the case of paying for streaming or subscription services, there is also a combination of predictable and less predictable patterns. It is of little surprise that the youngest age group (18–29) are more frequent users of such services than the oldest age group (60+). This is illustrated by the difference in the reported payment for streaming services for music: while 78% in the youngest age group state that they pay a regular amount for such a service, only 23% from the oldest age group say that they do.

Another result that clearly illustrates the importance of this kind of services is shown when the numbers are compared to reported downloading of cultural content and the frequency of pay-per-use (the payment of a single amount) for books, songs, records or movies. Forty per cent report that they have *not* downloaded cultural content the preceding year, while as many as 59% say that they have not paid a single amount for a specific piece of cultural content.

A final category of result from this survey that might be related to digital cultural policies is concerning the use of digital cultural content during the first year of the pandemic. As the pandemic and subsequent lockdowns hit most countries in March 2020, there was a widespread notion that cultural consumption (as well as production) needed to go digital, more or less by necessity. The question whether this is or was a lasting digital turn is a more challenging one, as we will return to below. Our survey asked respondents to comment upon their digital cultural consumption as compared to the pre-pandemic situation. This revealed some interesting results, both in terms of the quantity of and different categories of cultural consumption; 21% reported that they for the very first time had attended a live, digital concert, while 47% responded "No, but maybe later" and 15% had attended their first-ever live-streamed performance (performing arts). The attendance on digital exhibitions (museums and art galleries) for the first time was considerably lower (4%). Furthermore, around 40% of the digital attendants had paid money to attend, indicating a certain, albeit seemingly temporary, willingness to pay for digital cultural substitutes.

Regarding the quantity or amount of cultural consumption, there was also a clear pattern that the amount of time devoted to different kinds of digital content increased during this first year of the pandemic. While a very small group reported less cultural consumption as compared to the pre-pandemic period, 48% reported to have watched more movies, series and TV, 23% to

have listened more to music, 26% to have listened more to podcasts, 27% to have watched more live-streamed concerts and performances and 35% to have spent more time on social media. In other words, the sudden decrease in traditional cultural offerings due to pandemic restrictions was to some extent remedied by increased digital cultural consumption.

Challenges and conclusions

The two cases of digital cultural heritage and computer games, as well as the consumption patterns of digital culture illustrate both the complexity and the evident challenges of a public digital cultural policy. We can start our final section with the results from the survey, presented above. How are these related to digital cultural policy in our context? First of all, as shown in this and other chapters of the book, there is not necessarily a close relation between cultural practice and cultural policy. Some of the patterns shown by our survey results might be said to have potentially direct link to actual cultural policy, as with the reading of e-books might be affected directly by the decision to include e-books in public libraries, or the listening to podcasts being affected by the strategic choice by the (publicly funded) public ser-vice broadcaster NRK to be an active podcast provider. Furthermore, media regulation, legislation and policies, which in our perspective is an integrated part of cultural policies, also create an infrastructure that necessarily will affect the actual consumption of different digital cultural content. On the other hand, the survey result also points to a series of challenges for a digital cultural policy – to carve out a relevant role in relation to a type of cultural consumption that plays a role for 99% of the population, to respond to rapid changes, with pandemic digitalization being a case in point, and to find a way to adapt at the right pace. This sheds light on the fact that digital cultural policy needs to actively discuss and decide what is within reach of public policy and what is not. As illustrated by the consumption patterns uncov-ered by the survey, some areas are not affected by supporting and distribu-tion mechanisms of cultural policy, while they might be affected by different regimes of regulation. In other words, a challenge for (Norwegian) digital cultural policy will be to figure out whether (and to what degree) it is desir-able and possible to influence the production, distribution and consumption of digital cultural content.

The case of digital cultural heritage is illustrating how an analysis of digi-tal cultural policy needs to include a continuity perspective. The heritage sec-tor represents arguably, at least in Norway, the longest-standing interest of public cultural polices, going back to the first part of the 19th century. The rationale behind this policy involvement has, however, developed to become more complex. Ideas on systematic collection of information, democracy, ac-cessibility, diversity and universal rights to different heritage have been added to the original state- and nation-centred tasks of heritage institution. These ideas have been merged with and have been well suited to the possibilities

offered by digital innovation. At the same time, the policy ambitions of digital heritage have been challenged by the basic fact that national players (especially in a small country like Norway) within the heritage sector in no way can compete with the tech-muscles of global companies. Google Books, Google Art and Google Cultural Institute are obvious cases in point.

The last case, computer game policies, is an example of how a new, digital-born cultural product is being included in a rather traditional cultural policy portfolio. There are several attempts at influencing this product through established tools of such policy: being included in the responsibility of libraries, creating public purchasing schemes for computer games, establishing support schemes for the production and development of games. Furthermore, the implementation of these tools has also been guided by core values of already existing policies – diversity, inclusion, quality and innovation, alongside ambitions of economic profit and employment opportunities. On the other hand, what distinguishes the policy of computer games from the policy of more traditional cultural products is the evident balance exercise between looking at computer games both as a threat (e.g. to the mental, physical and social well-being of young people) and as laudable and important pieces of culture.

In sum, we see that the digital cultural policy of Norway to a large degree is constituted by established ideas and tools of cultural policy, being more or less successfully adapted to digital products, digital platforms and digital consumers. Our two main cases illustrate that new products (computer games) are being treated in old ways (supporting quality culture), while old products (heritage) are being treated in a combination of new (digitization and digital distribution) and old (collecting, systematizing, making accessible, communicating) ways. One of the fundamental challenges of the digital cultural policy of Norway (as in other countries) is to develop and implement a combination of policy tools and policy ideas that is something more than a *partly* successful emulation of pre-digital policies to digital culture. This includes the combination of the protectionism often seen as central to small countries with the necessary international cooperation, with the implementation of EU directives as a central example, as noted in several chapters in this book. The latest case in point illustrating the necessity of supranational policies in this regard is the many challenges for the field of cultural production represented by artificial intelligence (AI). Finally, returning to the policy context and cultural policy traditions of Norway, a more specific challenge is inherent in its path-dependant cultural policy. Norwegian cultural policy still represents a fundamental continuity as a case of a Nordic model of such policies. This includes an emphasis on public subsidies, responsibility and regulation; a strong belief in the role of the state and different levels of public governance, low levels of private subsidies and a rights-based and welfare-oriented policy. This might turn out to be an increasingly difficult and expensive model to uphold in the years to come.

Notes

1 Cf. https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=14173 [Read 31.10.22].
2 Cf. https://kampanje.com/medier/2023/01/--fortsatt-sterk-vekst-i-strommemarkedet-men-morke-skyer-truer-i-2023/?_ga=2.139081075.1939889465.1672729104-1084170784.1637569464 [Read 04.01.2023].
3 The present Act on Culture was installed in 2007. It is a short and general act describing the public responsibility in the field of culture.
4 A *stortingsmelding* is a report on the status and developments within a given policy area, presented by the government to the Norwegian Parliament (The *Storting*). These documents are often rather comprehensive, and within some policy areas, as with cultural policy, they are usually read as the most relevant and principal documents to describe the current state of affairs within the policy area.
5 All quotes from policy documents are translated by the authors.
6 Parts of this sub-chapter are based on Hylland (2022b).
7 This is not copies in any literal sense of the word, but a number of licences to allow the libraries to lend out the e-book (cf. Eblida 2022).
8 Cf. https://www.kulturradet.no/innkjopsordningene [Read 24.02.23].
9 The survey was administered by the survey and statistics company Norstat. The total number of respondents was 2028. The survey was weighted for gender, age group and geographical region (place of residence, divided into five different regions: Northern Norway, Central Norway, Western Norway, Eastern Norway, and Southern Norway).

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10 The European Union as a digital cultural policy actor

Mira Burri

Introduction

The European Union (EU) has over the years emerged as the most influential cultural policy actor, both on the international scene and internally, across its Member States. As cultural practices have become embedded in a new digital reality, EU legal instruments and policy measures have reflected this transformation in various ways – either directly, by fostering the digitization of culture and art, or less directly, by shaping the regulatory environment where digital cultural practices unfold. This chapter seeks to contextualize this transformation and showcases that in many ways, this second channel of EU digital cultural policy-making, which targets, in particular, the platformization of contemporary media and cultural spaces is highly impactful, with strong effects upon cultural actors within the EU and beyond. The latter effect being related, on the one hand, to the ability of EU law to catch all actors that have a link to the EU market and, on the other hand, because the EU regulatory model for the digital economy diffuses across jurisdictions and becomes adopted also by non-EU states, such as, for instance, Switzerland.

To advance this discussion, the chapter looks first at the EU competences in the area of culture, highlighting some of the features of EU cultural programmes. The chapter then goes on to develop its argument about the current state of EU digital cultural policy with two case studies that show the level of EU intervention in the areas of media regulation and of intermediaries' liability for copyright infringement. The chapter concludes with an evaluation of the impact of the EU as a digital cultural policy actor and some thoughts on the opportunities and limitations of supranational policies in the field of digital culture.

EU as a cultural policy actor

EU competences in the area of culture

The EU, in its previous emanation as the European Community (EC), has had a longer engagement with cultural activities, even without having a specific mandate pursuant to the treaties (see, e.g. Craufurd Smith 2004; Lähdesmäki

et al. 2021). The core competence of the Union in the field of culture was introduced comparatively late with the Maastricht Treaty of 1993.[1] Culture became therewith an explicit but limited competence of the Community with the main prerogatives remaining with the Member States.[2] This means that culture is effectively constrained by a strict application of the subsidiarity principle and is exempt from legislative harmonization – a situation that was not changed substantially through subsequent treaty amendments. This being said, it is clear that the cultural field interacts by its very nature with other areas of EU competence. European legislation, policies and programmes in a wide range of domains have direct or indirect impact on the cultural and creative sectors. Particularly worth mentioning are the European activities in the fields of the internal market, in taxation, competition and commercial policies. Clearly, the implementation of these policies, combined with the presence of very diverse and even diverging interests, may often result in contradictions and tensions. There is, thus, an inherent necessity for the EU institutions to constantly strike a balance and attempt to reconcile competing policy ambitions and treaty objectives (see, e.g. KEA European Affairs 2006). When one looks back, it is apparent that this balance has not been easy and that the cultural domain has frequently been a battlefield between EU integrationists and intergovernmentalists, interventionists and liberalisers (see, e.g. Wheeler 2004). It is also a discourse saturated with complex and controversial concepts, such as national and European identity, Europeanisation and culture (de Vinck and Pauwels 2008), that have rendered solution-finding highly politically and even emotionally charged.

One of the Treaty texts fuelling these battles is paragraph 4 of Article 167 of the Treaty on the Functioning of the European Union (TFEU). Pursuant to it, the EU has been and continues to be obliged to "take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures". The fulfilment of this obligation has not been an easy task because, as already noted, Member States are still the ones exercising full competence in the cultural domain. With the benefit of hindsight, it can be said that the impact of Article 167 "appears to have been rather patchy, with evidence of its operation in certain areas of competition law, but rather less evidence to suggest that it has affected pre-existing approaches in the judicial or legislative contexts" (Craufurd Smith 2004, 64).[3] Although subsidiarity is uncontested, the EU institutions have often been criticised in this respect. What is alleged is that despite the rhetoric at the European level about the importance of culture and the strong evidence that the cultural and creative industries are contributing significantly to economic and social welfare and specifically to the Lisbon Agenda, culture has remained relatively low in the hierarchy of the Commission's concerns (see., e.g. European Parliament 2007). Yet, there has been a willingness on the side of the European Commission to change this and put substantial effort into mainstreaming culture in all relevant policies – an aspiration that has been first stressed by and specified in the 2007

Communication on "A European Agenda for Culture in a Globalising World" (European Commission 2007). The 2005 UNESCO Convention on Cultural Diversity, which was largely driven by an effort of the EU together with Canada, to create a new framework for culture-related activities at the global level and counteract the hard rules of international economic law, clearly only strengthened this trend and demanded targeted action (Burri 2010, 2014; Vlassis 2016). The successor to the 2007 agenda, "A New European Agenda for Culture" of 2018 is an expression of this (European Commission 2018). It covers three strategic dimensions: (1) a social dimension – harnessing the power of culture and cultural diversity for social cohesion and well-being; (2) an economic dimension – supporting culture-based creativity in education and innovation, and for jobs and growth; and (3) an external dimension – strengthening international cultural relations.[4] Over the years, next to the dedicated culture programmes, which are briefly looked at below, the EU has not only financially supported Member States in their cultural activities but effectively supplemented and coordinated national cultural actions, especially since the launch of the cultural Open Method of Coordination (OMC) in 2008 (Psychogiopoulou 2015, on the cultural OMC – Psychogiopoulou 2018), therewith becoming highly influential in the shaping of European cultural policies at the different levels of governance.

Features of the EU cultural policies

Starting in 2000 and up until 2020, the EU enacted three framework programmes in support of culture that dealt with financing and regulating cultural cooperation with the goal to further artistic and cultural creation and their competitiveness, as well as to enhance knowledge and dissemination of culture, including certain "special actions", such as the European Capitals of Culture and the European Heritage Label. While it is beyond the scope of this chapter to cover all the details entailed in these programmes (see, e.g. Bruell 2013; European Commission 2017; Iossifidis 2020; Kandyla 2015; Lähdesmäki et al. 2021), two features appear important to highlight. The first is that the Culture programmes have become through the support of the cultural activities in the EU a critical vector for European identity-building and for legitimising EU integration. While the Commission admits that Europe is diverse in terms of history, languages and cultures, it also underscores that it is united through shared values and principles, and that there is "a sense of belonging together and being part of a cultural community" (European Commission 2007, 2). In recent cultural programmes, the idea of Europe as a cultural community is conceptualised as "a cultural area common to the European people" (European Parliament and Council 2000, 2006, 2013), and as Lähdesmäki et al. rightly point out:

> [t]he concept of a common cultural area was not only a way of producing the EU as a cultural community but also exemplifies how EU's

cultural policy initiatives are used to create identity and belonging to this imagined community and its members.

<div align="right">(Lähdesmäki et al. 2021, 51)</div>

Although European identity as a concept and as a practice is intertwined with contention as noted in Sassatelli (2002, 2006); Tzaliki (2007); Lähdesmäki (2012); Lähdesmäki et al (2021), "the EU's identity-building discourse functions as a reference point for the rhetoric, programmes, and initiatives of EU cultural policy and for the actors at its different levels" (Lähdesmäki et al. 2021, 53–54; also Dewey 2010). The cultural policy actors at national and local levels also need to position themselves in relation to the EU's identity-building endeavours so that the influence of the Union is clearly palpable (Lähdesmäki et al. 2021, 54).

A second important feature, especially in the most recent editions of the Culture programmes, is the economization of EU's cultural policy. This became particularly evident with the 2014–2020 "Creative Europe" programme, which integrated "Culture" under the so-called "Culture strand" next to the Media strand and a cross-sector strand (European Parliament and Council 2013).[5] The Creative Europe programme consolidated existing efforts but with a clear emphasis on the market structuring effect that the EU cultural policy can have through increasing the competitiveness of European cultural and creative industries, promotion of new business and management models, support for financial robustness and penetration of international markets, as well as strategic development of audiences (Bruell 2013; Craufurd Smith 2015; Psychogiopoulou 2015, 238–239). Linked to the economization of EU cultural policy is the technological emphasis, in particular, with regard to the effects of digitization on cultural production, distribution and consumption and with regard to the affordances of the digital medium as an enabler of cultural practices and access to culture. As the EU put it in the 2014–2020 "Creative Europe" programme:

> The digital shift is having a massive impact on how cultural and creative goods and services are made, disseminated, accessed, consumed and monetised. While the need to seek a new balance between the increasing accessibility of cultural and creative works, fair remuneration of artists and creators and the emergence of new business models is recognised, the changes resulting from the digital shift offer wide opportunities for the European cultural and creative sectors and for European society in general. Lower distribution costs, new distribution channels, the potential for new and for increased audiences and new opportunities for niche products can facilitate access and increase circulation of cultural and creative works worldwide. In order to use those opportunities to the full and adapt to the context of the digital shift and globalization, the cultural and creative sectors need to develop new skills and require

greater access to finance in order to upgrade equipment, develop new
production and distribution methods and adapt their business models.
                    (European Parliament and Council 2013, at recital 13)

This translated into new priorities for EU's cultural support, which were di-
rectly or less directly linked to digitization (see, e.g. European Parliament and
Council (2013), in particular at Articles 9 and 13).

The new Creative Europe programme 2021–2027 (European Parliament
and Council 2021), which has a slightly increased budget (EUR 2.44 billion;
17% increase compared to its predecessor), is said to have responded to criti-
cism linked to the economic approach to culture and includes the economic
dimension as one axis but highlights also the role of culture in social cohe-
sion and its relation to creative and artistic freedom and diversity, as well as
freedom and plurality of media (Pasikowska-Schnass 2021). Novelties of the
programme seek to contribute to the recovery of the cultural and creative sec-
tors (particularly in the post-pandemic context), reinforcing their efforts to
become more inclusive and environmentally more sustainable. Digitization is
again spelled out as a major priority, and again highlighting both the chal-
lenges and the opportunities.[6]

A project that exemplifies well the trends in contemporary EU cultural pol-
icy, in particular the Europeanisation of national cultural heritage practices
and the digitization of EU cultural policy, is *Europeana* (www.europeana.eu).
Launched in 2008, *Europeana* is a digital infrastructure that aggregates the
most extensive collection of cultural heritage data in Europe and has been the
most ambitious and well-financed digital cultural project to date (Capurro
et al. 2023). While *Europeana* is to be welcomed in many aspects, as it creates
a unique entry point to European memory institutions (galleries, libraries, ar-
chives and museums), covering among others more than 31,000,000 images,
24,000,000 texts and 356,000 videos "to be used and enjoyed by everyone
for learning, for work, or just for fun",[7] it also functions as a channel of
transforming the cultural sector and defining a European digital cultural pol-
icy (Capurro et al. 2023). *Europeana* has become a critical node in the digi-
tal ecology structuring the European heritage sector. Notably, by imposing
standards and best practices, as well as by creating critical institutional actors
and governance structure, "*Europeana* represents an overarching European
actor with the capacity to influence the development of the cultural sector
digitization" (Capurro et al. 2023, 2). Moreover, "through digital heritage
curation, *Europeana* plays a critical role in producing the narrative of a Eu-
ropean past, promoting the construction of European citizenship" (Capurro
et al. 2023, 1) – a feature of EU cultural policy highlighted earlier, that has
been also translated into the digital domain.

The next section looks at the EU's policies impact beyond its strictly
speaking cultural mandate and uncovers the influence of the Union in shap-
ing the governance of the digital space where cultural practices occur. This

linkage is explicit, as the EU itself underscores that cultural policies must be mainstreamed in compliance with Article 167(4) TFEU and must be consistent "with other Union activities, in particular in the fields of education, employment, the internal market, enterprise, youth, health, citizenship and justice, research and innovation, industrial and cohesion policy, tourism and external relations, trade and development, and the digital agenda" (European Parliament and Council 2013, at recital 27). The linkage has only become stronger in recent years, as the EU, based on its far-reaching competences in the internal market, has undertaken a great number of regulatory initiatives in the digital domain as part of the broader agenda of the EU to update its legal framework and make it fit for the digital age – the so-called "Digital Single Market Strategy" (European Commission 2015). To illustrate these linkages and the EU influence on digital cultural governance, as broadly conceived, the first part of the next section looks at the expanding scope of EU media regulation and the second part sheds light on the new EU digital copyright rules, in particular with regard to the liability of intermediaries for copyright infringement.

EU as a regulator of the digital space

EU media regulation: expansion to online platforms

Broadcasting was not one of the original regulatory domains of the EC and was only introduced with the 1993 Maastricht Treaty with the "Culture" article, which said that if necessary, the Community can supplement the Member States' action in certain fields – notably, including "artistic and literary creation, including in the audiovisual sector".[8] The attempts to shape a distinct EU media policy began before the Maastricht Treaty, however. They were triggered mostly by endogenous factors, which were epitomised by the development of satellite broadcasting, the proliferation of TV broadcasters and the rapidly increasing deficit with the United States in audiovisual trade (European Commission 1984). Based on the internal market competences of the EU, this led to the adoption of the Television without Frontiers Directive (TVWF)[9] in 1989. The TVWF can be best described as a liberalization measure, as it sought a concretization of the freedom of services under the specific conditions of television, including a level of partial harmonization. Among the areas of harmonization was notably also the promotion of European works[10] and works by independent producers,[11] which in essence prescribed quotas[12] for these works on all broadcasting channels and had both an economic as well as a cultural function (see, e.g. Burri 2008). The TVWF was updated in 2010 due to digitization effects and some specific developments in broadcasting markets, such as (1) increased pay-per-view; (2) new non-linear services delivery, such as video-on-demand; (3) peer-to-peer exchanges of audiovisual content; (4) changed viewer habits and (5) new advertising

methods. Key element of the reform was the extended scope of application of the now called "Audiovisual Media Services Directive" (AVMSD)[13] to cover *all* content services, irrespective of the technology that delivers them. Under the all-encompassing category of audiovisual media services, two sub-categories were defined, which were treated differently under the AVMSD regime – the first sub-category was that of *television broadcast* or *linear service*;[14] the second sub-category comprised *on demand* or *non-linear services*, which were defined as offers of audiovisual content "for the viewing of programmes at the moment chosen by the user and at his/her individual request on the basis of a catalogue of programmes selected by the media service provider".[15] Important for this chapter's discussion is the regulatory adjustment driven by digitization, as well as the fact that at this point of time, on-demand media services were subject to a lighter regulatory burden and had to satisfy only a basic tier of rules (including the protection of minors and human dignity; right of reply; identification of commercial communications; and minimum qualitative obligations regarding commercial communications). The question of whether the quota mechanisms should be translated into the domain of non-linear audiovisual services was key in the discussions of the AVMSD and exposed yet again the existing divergences between the Community institutions and between the Community and the Member State levels, as well as the profound conflict between the simultaneous pursuit of economic and cultural goals. The majority agreed that the TVWF quota system should be preserved for broadcasting services, but it might be too burdensome for on-demand media offers. The 2010 AVMSD did, however, include a softer provision, which created an obligation for the Member States to ensure that media service providers under their jurisdiction "*promote*, where practicable and by appropriate means, production of and access to European works".[16] It was suggested that such a promotion could relate, inter alia, to the financial contribution made by to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes.[17] The Commission was further instructed to report to the Parliament and the Council every four years, based on Member States' reports, on the application of this provision, taking into consideration the market, technological developments and the objective of cultural diversity.[18]

As digitization rapidly transformed media markets, the 2010 AVMSD was simply not enough, and in 2018, a new version of the AVMSD[19] was adopted as part of the EU's Digital Single Market Strategy. The 2018 AVMSD was driven among other things by the new types of content, such as video clips or user-generated content and the associated new players, including providers of video-on-demand services, video-sharing platforms and social media services that were deemed to have considerable impact on information distribution and on shaping opinions.[20] This demanded again an extension of the scope of the Directive to cover also "video-sharing platform services" whose purpose or an essential functionality is devoted to providing programmes,

user-generated videos or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility and the organisation of content is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing[21] – which essentially means that user-generated platforms and social networking sites are now subject to EU media regulation. It should be underscored that while user-generated platforms are now covered, there is little culture-related burden upon them but just a basic layer of obligations, such as those related to the protection of minors, bans on terrorist, racism and xenophobic content and a number of self- and co-regulatory measures linked to functionalities, remedies and terms of use.[22] In contrast, the regulatory burden for on-demand audiovisual media services (platforms such as Netflix, Amazon Prime or Disney+)[23] has decidedly changed and these must now provide at least a 30% share of European works in their catalogues and ensure prominence of those works.[24] It is clarified that prominence involves promoting European works through facilitating access to such works and can be ensured through various means such as a dedicated section for European works that is accessible from the service homepage, the possibility to search for European works in the search tool available as part of that service, the use of European works in campaigns of that service or a minimum percentage of European works promoted from that service's catalogue, for example by using banners or similar tools.[25] In addition, where Member States require media service providers under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contribution to national funds, they may also require media service providers targeting audiences in their territories, but established in other Member States to make such financial contributions.[26] This is a derogation from the country of origin principle, which is intrinsic to the internal market and increases the burden upon platforms, as well as strengthens the jurisdictional grasp of the Member States. On the positive side, media service providers that are required to contribute to film funding schemes in a targeted Member State should be able to benefit in a non-discriminatory way, even in the absence of an establishment in that Member State, from the aid available under respective film funding schemes.[27]

The 2018 AVMSD reform exemplifies well the increased EU intervention in the online media landscape and its ability to capture all actors and impose a substantial regulatory burden upon platforms, which are in most cases of foreign origin.[28] It is also illustrative of the ways in which the EU translates analogue rules (such as the quotas for European works on broadcasting channels) into the digital space – on the one hand, through old-fashioned quota mechanisms but, on the other hand, by employing new tools, such as algorithms that strengthen the discoverability and visibility of European productions.[29] The rationale behind such intervention has, as earlier noted, both an economic and a cultural dimension. The former is particularly strong and can be linked to the EU's striving to counteract developments in the

European media market and (1) support the survival of national film indus-tries and the growth trend of European film production, (2) curb US domi-nance and (3) address the fragmentation of the EU media market (Vlassis 2021, 599). It is interesting to point out that this economic rationale is not substantially changed from the TVWF, but it is simply translated into the digital and strengthened by the EU Digital Single Market Strategy. The cul-tural dimension has been since the 2005 UNESCO Convention more directly linked to cultural diversity and willingness to boost availability and visibility of European works. Yet again here, there is an economic silver line and the cultural diversity justification of the quota mechanisms may, in fact, be ques-tioned in various respects. First, it is necessary to clarify that the definition of what qualifies as "European work" is not based upon originality and quality criteria, nor does it require a particular expression of national and European themes. It covers (1) works originating in Member States, (2) works origi-nating in European third States party to the Convention on Transfrontier Television of the Council of Europe and fulfilling certain conditions[30] and (3) co-production within the framework of bilateral agreements.[31] By subscrib-ing to this definition of European works, it could be maintained that little is achieved in terms of preventing the homogenization of content or deterio-rating quality of programmes, which have been allegedly brought about by the liberalization of the media sector and featured as the foremost reasons for regulatory intervention (see, e.g. Hettich 2008, 1411). A "Big Brother" type of show financed with European money qualifies perfectly as both a European work and an independent production. Moreover, the causal link between the high levels of European and the quota mechanism is not clear.[32] In the online aspect, for instance, the quota can easily be satisfied simply by reducing the number of productions available on video-sharing platforms active in the EU.

Finally, it should be noted that the tensions between the EU and the Mem-ber States are also evident. So, for instance, during the AVMSD review, several Member States, such as France, Spain, Italy, Greece and Romania, proposed the establishment of quota of 30%–40% for European works, whereas Fin-land, Luxembourg, Denmark, Ireland and Czech Republic were against the quotas on the online platforms' catalogues (Vlassis 2021, 599).[33] We have divergences also in the implementation of the rules set out by the AVMSD, which prescribes minimum standards but deviation at the Member States' level is possible. In this sense, it is only France, Germany, Italy, Denmark and the Flemish Community of Belgium that have introduced obligations for non-domestic providers of on-demand audiovisual media services (Vlassis 2021, 599; Donders et al. 2018).

The next section looks at another aspect of digital media regulation through the channel of copyright law. As the EU itself has pointed out the moderniza-tion of the copyright framework is directly linked to the Union's intervention in audiovisual markets and justified by the need to achieve a well-functioning marketplace for creators and right holders and to ensure fair remuneration

of authors and performers, which are dimensions that should be taken into account across the Creative Europe programme (European Parliament and Council 2021, at recital 16).

EU digital copyright regulation

The European Parliament approved in April 2019 the final text of the Directive on Copyright in the Digital Single Market (CDSM),[34] which brought about a substantial change in EU copyright law, in particular with regard to the liability of online intermediaries for copyright infringement under Article 17 CDSM. Article 17 had been prompted by the so-called value gap (see, e.g. European Commission 2016a, 3), which describes the (alleged)[35] imbalance between the revenues internet service providers generate from the use of copyrighted content uploaded by their users and the revenues copyright holders obtain (Frosio 2018). From the EU perspective, the problem was only more acute, as most dominant platforms are US-based and the revenues do not stay in the EU (European Commission 2016b).

Article 17 addressed this problem by effectively changing the intermediaries' liability regime of the 2000 E-Commerce Directive and targeting a specific new category of "online content-sharing service providers" (OCSSPs),[36] which certainly covers user-generated content providers of a particular size, such as YouTube and Facebook. Article 17(1) CDSM renders these OCSSPs primary liable for copyright infringements committed by their users and effectively creates a *lex specialis* regime, vis-à-vis the 2000 E-Commerce Directive and its update with the Digital Services Act,[37] for this particular category of platforms.

OCSSPs can avoid liability in two ways: (1) through obtaining authorisation from rightsholders, for example, by concluding a licensing agreement[38] or (2) by meeting three cumulative conditions and demonstrating that they have (i) made best efforts to obtain an authorisation from rightsholders, (ii) made best efforts to ensure that specific content is as inaccessible as possible and (ii) disabled access or removed content expeditiously after becoming aware of it and made best efforts to prevent future uploads of the respective content.[39]

Article 17(7) CDSM demands in addition that the cooperation between OCSSPs and rightsholders does not result in the prevention of justified use of copyright protected content. Consequently, EU Member States must ensure that users are able to rely on exceptions and limitations to copyright for the purposes of quotation, criticism, review, caricature, parody or pastiche. This provision recognises that many websites contain significant amounts of user-generated works, such as remixes and mashups, which may be lawful under EU copyright law (Samuelson 2020; Shapiro and Hansson 2019). In addition, Article 17(9) sets out complaint and redress mechanisms as procedural safeguards of limitations and exceptions (Bridy 2020). Article 17(8) states further that the application of Article 17 shall not lead to any general monitoring obligation.

The criticism with regard to the new liability regime has been strong and includes some valid points. Whereas it appears reasonable that Article 17(1) encourages rights' clearance initiatives and this may be feasible under certain circumstances (e.g. with known rightsholders or through collecting societies), it confronts the platform with a cumbersome obligation that can hardly be met (Samuelson 2020; Senftleben 2020), as it is almost impossible to imagine that a platform can obtain all the necessary licenses for all the works uploaded by its users (Angelopoulos and Quintais 2019; Grisse 2019; Reda 2020). Copyright does not demand formalities to be awarded and there is nothing like a global or even national register for protected works that can be consulted. Even if the platform is able to identify and contact a rightsholder, it may encounter other difficulties – notable amongst them is the likelihood of striking licensing agreements under fair terms (Grisse, 2019; Husovec and Quintais 2021a), as well as whether these can be all-embracing umbrella licenses. Discrepancies in this context may trigger the use of algorithmic tools, as platforms would need to differentiate between content with a license and such without, as well as lead to reliance on licensing agreements that focus on mainstream works rather than providing access to the wide variety of content uploaded by users with different social, cultural and ethnic backgrounds (Senftleben 2020). Given the difficulties in meeting the requirements set out in Article 17(1), it may be assumed that platforms will heavily rely on the second option to avoid liability.

Reliance on the second option is also problematic, as it effectively changes the well-known "notice and takedown" to "notice and stay down" regime. Under it, a submitted notification does not only address a one-time infringement but triggers an ongoing duty of the intermediary to prevent the same infringement in the future (Kuczerawy 2020). The CDSM does not mention a specific measure to prevent the re-upload, but it is difficult to imagine how providers can ensure it unless they use technological tools that systematically monitor all uploaded content (Kuczerawy 2020). While the use of technology for copyright enforcement is not entirely new (Perel and Elkin-Koren 2016), what is distinct in the case of EU copyright law is the legislative incentive and legitimization of the introduction of such systems through Article 17 (Mongnani 2020, 10). This "institutionalized algorithmic enforcement" (Senftleben 2020, 1) opens an array of questions with regard to users' rights, transparency, due process and overall creativity online.

Algorithmic copyright enforcement through internet intermediaries is illustrative not only for the employment of technology but also for the shift towards privatization of enforcement (Gray and Suzor 2020). In contrast to traditional law enforcement, which involves detection, prosecution, adjudication and punishment through different authorities with various institutionalized checks and balances, algorithmic enforcement combines all functions and focuses primarily on detection and prevention (Perel and Elkin-Koren 2016, 481) done within a small number of mega-platforms that are private businesses and profit-oriented (Perel and Elkin-Koren 2016, 473). It is these

platforms that encode the legal provisions into their content recognition technologies (Mongnani 2020, 30), and there is a considerable potential for intermediaries to build bias into the code, favouring their interests and discriminating against certain persons or groups (Tóth 2019). Another concern is the shortage of public oversight on private enforcement, especially considering that the underlying algorithms are often proprietary and protected as trade secrets and as such remain hidden from the public (Tóth 2019). This opacity is exacerbated in the case of self-learning algorithms, as they can evolve independently and adapt to the environment in unpredictable ways (Mongnani 2020, 30).

Furthermore, there is a serious risk of over-blocking, as content recognition technologies are not mature enough to differentiate an unlawful use from such covered by the copyright exceptions or limitations (Tóth 2019, 369; Lester and Pachamanova 2017, 64). Ultimately, platforms are better off removing more content than necessary instead of only removing clear cases of infringement and thereby risking liability (Husovec 2018, 59; Senftleben 2020, 10). Yet, the effects of over-blocking can be pernicious, as it not only impairs the user's right to freedom of expression but also has broader societal impact – as diminishing content diversity (Perel and Elkin-Koren 2016) and discriminating between types of content and genres (e.g. hurting hip hop artists more than musicians in other genres – e.g. Lester and Pachamanova 2017). Creativity is at risk also due to the underlying "chilling effects" (Frosio and Mendis 2020; Garstka 2020), since the lack of transparency of content recognition systems makes it impossible for creators to understand how to use the platform legally, ultimately resulting in self-censorship (Tóth 2019).

The reform of EU copyright law is important, as copyright is supposed to function as the engine of creativity and has critical functions in the cultural creation, distribution, use and re-use of content (Benkler 2006; Landes and Posner 2003). The balance struck under the CDSM regime is clearly tilted toward protecting the interests of copyright holders, potentially curbing many of the new digital forms of creativity and potentially also boosting the positioning of bigger players in the creative industry (Husovec and Quintais 2021b). The use of technological measures for copyright enforcement has become now fully accepted, as has also been confirmed by a decision of the Court of Justice of the European Union, where Poland sought the annulment of the "stay down" part of Article 17 CDSM because its "preventive control" mechanisms would "undermine the essence of the right of freedom of expression and information and do not comply with the requirement that limitations imposed on that right be proportional and necessary".[40] Yet, the judgment also instructed the EU Member States to implement Article 17 in such a way as to strike a fair balance between the various fundamental rights and that authorities and courts should not interpret in a manner "which would be in conflict with those fundamental rights or with the other general principles of EU law, such as the principle of proportionality".[41] It will be particularly important in this context and considering the different

implementation models across Member States, to enhance the literacy of the involved creative workers, in particular smaller and amateur creators, who should, on the one hand, understand the implications of creating content across various media and the impact of copyright, including the management of rights across different platforms (Husovec and Quintais 2021b; Kjus 2021; Kjus and Jacobsen 2022).

Concluding remarks

This chapter could only provide a bird's eye view of EU's cultural policies and their adaptation to the challenges and opportunities brought about by digitization. It is nonetheless apparent that the transformation of EU cultural policies is occurring although it is difficult to frame it neatly. As a supranational entity and subject to the application of the subsidiarity principle in cultural matters, the EU certainly faces even more challenges than individual states in the construction of a digital cultural policy. Yet, as the above analyses showed, its impact on shaping the cultural policies of the Member States and their transition into the digital is palpable. This unfolds, on the one hand, through the Culture/Creative Europe programmes, which can set objectives and priorities and make funding dependent on certain criteria, including such that seek to create a common European culture space and a sense of belonging to it. Creating digital infrastructures, such as *Europeana*, with attached governance mechanisms, standards and best practices, clearly illustrate EU's digitization push that ultimately spreads at all levels of governance and impacts cultural heritage actors. On the other hand, and this was the chapter's initial conjecture, the EU can forcefully regulate the digital space where cultural practices occur through its internal market rules – to which not only the Member States but also all actors in the EU must adapt. This type of intervention, as the examples of the modernization of the EU media and copyright frameworks could show, takes seriously into account the platformization of the media space, the changed modes of creating, distributing, using and reusing creative context and is far-reaching in nature, even with some extraterritorial effects. The two case studies also revealed that the EU uses both older models of intervention (such as quotas) next to newly developed ones (such as increased discoverability of European content) and employs technology as a tool of regulation. The effects of these rules are complex and some of them can be questioned as to their real contribution to cultural diversity and a vibrant creative environment. Various risks emerge, as the EU must strike a balance between economic and cultural considerations and between the different stances of the Member States. As these regulatory initiates are intrinsically linked the EU Digital Single Market Strategy and its underlying goals of boosting digitally-driven growth, innovation and competitiveness of the EU economy, often as a reaction to the US dominance in digital markets, one can worry whether core cultural considerations are somewhat left behind or used as a mere label for endorsing industrial policies. This contestation around the

economization of cultural policy is, however, not unique to the EU and expe-
rienced by its Member States as well as by non-members, as other anthology
chapters reveal. As the EU has positioned itself as the regulatory superpower
in the digital age, we are bound to expect an even denser framework of rules
that touches upon all facets of the digital society in the coming years that
hopefully will duly account for culture too.

Notes

1 Article 128 Maastricht Treaty (Treaty on European Union); renumbered to Article
151 with the Treaty of Lisbon and now Article 167 of the Treaty on the Function-
ing of the European Union (TFEU).
2 On the adoption of Article 151 and the role of the EC institutions on cultural
matters prior to its adoption, see Craufurd Smith (2004).
3 On the impact of Community rules on national cultural policies, see Holmes
(2004). For a slightly more optimistic opinion, see Psychogiopoulou (2006) and
Psychogiopoulou (ed) 2015.
4 For details on the 2018 Agenda for Culture, as well as its implementation, see
European Parliamentary Research Service (2022).
5 See generally Creative Europe Programme at https://culture.ec.europa.eu/
creative-europe/creative-europe-culture-strand
6 See European Parliament and Council Regulation (2021), at recital 8:

> The digital shift represents a paradigm change for cultural and creative
> sectors. It has reshaped habits, relations, and production and consumption
> models. This presents a number of challenges. At the same time, the digital
> shift offers new opportunities for cultural and creative sectors in terms of
> the creation of, distribution of and access to European works, which bene-
> fits European society as a whole. The Programme should encourage cultural
> and creative sectors to take advantage of those opportunities.

See also https://culture.ec.europa.eu/creative-europe/projects/priorities-2019-
2024/digital-europe
7 https://www.europeana.eu/en/about-us. *Europeana* notably endorses accessibility
as a condition for public funding and uses the creative commons licence zero
(CC0) to enable to re-use of metadata. See European Commission (2018).
8 Article 167(2) TFEU.
9 Council Directive 89/552/EEC of 3 October 1989 on the Coordination of Certain
Provisions Laid Down by Law, Regulation or Administrative Action in Member
States Concerning the Pursuit of Television Broadcasting Activities, OJ (1989) L
298: 23 (hereinafter TVWF).
10 Articles 4 and 6 TVWF.
11 Article 5 TVWF.
12 50% for European works and 10% for independent productions.
13 Directive 2010/13/EU of the European Parliament and of the Council of 10 March
2010 on the coordination of certain provisions laid down by law, regulation or
administrative action in Member States concerning the provision of audiovisual
media services (Audiovisual Media Services Directive), OJ (2010) L 95: 1–24
(hereinafter AVMSD).
14 Article 1(e) AVMSD.
15 Article 1(g) AVMSD.
16 Article 13 AVMSD (emphasis added).

17 Article 13(1) and recital 69 AVMSD.
18 Article 13(2) and (3) AVMSD.
19 Directive 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, OJ (2018) L 303: 69 (hereinafter AVMSD (2018)).
20 AVMSD (2018), at recitals 2 and 9.
21 AVMSD (2018), at Article 1(b). The definition has been further clarified by Communication from the Commission Guidelines on the practical application of the essential functionality criterion of the definition of a "video-sharing platform service" under the Audiovisual Media Services Directive, OJ (2020) C 223: 3–9.
22 AVMSD (2018), at Article 28b.
23 Providers with a low turnover or low audience are excluded. See AVMSD (2018), at recital 40.
24 AVMSD (2018), at Article 13. See also Communication from the Commission Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover OJ (2020) C 223: 10–16.
25 AVMSD (2018), at recital 35.
26 AVMSD (2018), at Article 13. A Member State, when assessing, on a case-by-case basis, whether an on-demand audiovisual media service established in another Member State is targeting audiences in its territory, should refer to indicators such as advertisement or other promotions specifically aiming at customers in its territory, the main language of the service or the existence of content or commercial communications aiming specifically at the audience in the Member State of reception. See AVMSD (2018), at recital 38.
27 AVMSD (2018), at recital 36.
28 For some statistics on the state of the video on demand market in Europe and the dominance of US media platforms, see e.g. Vlassis (2021). For latest data, see European Audiovisual Observatory (2023).
29 On the use of algorithms as regulation, see Latzer and Just (2020).
30 These are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions: (i) they are made by one or more producers established in one or more of those States; (ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States; (iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States. Article 1(n) AVMSD, at para. 3.
31 Article 1(n) AVMSD.
32 For a critique of the methodology applied, see de Vinck and Pauwels (2008).
33 On the diverging approaches of the EU non-state actors in the AVMSD reform, see also Vlassis (2017).
34 Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ (2019) L 130: 92–125 (hereinafter CDSM)
35 Some authors doubt that such value gap actually exists; see e.g. Frosio (2017), 19–46, pointing out the lack of evidence "on the scale, nature, or effects of copyright infringement in the digital environment" (at 28).

36 OCSSP is

> a provider of an information society service of which the main or one of
> the main purposes is to store and give the public access to a large amount
> of copyright-protected works or other protected subject matter uploaded
> by its users, which it organizes and promotes for profit-making purposes.

Certain providers, such as non-profit online encyclopedias, open source software-
developing and sharing platforms, as well as business-to-business cloud services,
are excluded. See Article 17(1) EU CDSM.

37 Regulation (EU) 2022/2065 of the European Parliament and of the Council of
19 October 2022 on a Single Market for Digital Services and amending Directive
2000/31/EC (Digital Services Act), OJ (2022) L 277: 1–102.

38 Article 17(1) CDSM.

39 Article 17(4) CDSM.

40 Case C-401/19 Republic of Poland v European Parliament and Council of the
European Union, Judgment of 26 April 2022, ECLI:EU:C:2022:297.

41 Ibid., at para. 99.

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11 Rapids and backwaters

Comparing digital cultural policies

Ole Marius Hylland and Jaka Primorac

Introduction

In the chapters of this book, we have seen how digital cultural policy is constituted and affected by public regulation and commercial interest, referendums and technological innovation, neo-liberal ideology, protectionist ideas and welfare politics, elections, party politics and a number of contextual and *ad hoc* factors. In other words, there is no doubt that digital cultural policy is a complex and multivalent kind of policy. In general, digital cultural policy aims to democratize and regulate, communicate and moderate, promote and control, both *serve* and *protect* producers and consumers of culture. It does so in the midst of a technological development that is taking place at an unpredictable pace, combining slow, incremental changes with seemingly revolutionary leaps. This side of cultural policy is understudied and under-discussed. This book is a contribution to an updated discussion of what digital cultural policies are, what they might be and how we can go about studying such policies.

This final chapter of our book aims to put into comparative perspective the different varieties of digital cultural policy that the previous chapters have described and analyzed in detail. We aim to identify how the relevant policies differ from each other and where they are similar while also taking into account the interdisciplinary approach that the chapters represent. Furthermore, we also discuss potential explanations for the identified differences and similarities. In this way, the comparative analysis will also be an empirical contribution to a classical question in political science: Are different policies gradually becoming more similar, through *isomorphism*, or do they continue to be different and nationally idiosyncratic (cf. DiMaggio and Powell 1983)? The degree to which national digital policies differ is an interesting question in itself, but in our context, this is also closely related to the question of whether national policies on digital culture really can or should be different. A pressing question is currently whether and in what way digital platforms can be regulated, and hence their power kept in check. At the time of writing, this topic has been given extra weight through the extremely rapid development of AI technology, causing even presumably techno-optimistic actors to

call for a temporary halt in development and innovation.[1] In our context, an evident question is whether the regulation of platform power (arguably increasing through AI innovation) by necessity needs to be supranational or, at the very least, based on coordinated national policies.

In this final chapter, we pose the following questions: How can we understand and explain the different national varieties of digital cultural policy? In what way are European digital cultural policies positioned on an axis between being active and reactive, between adapting and abdicating, between becoming more similar to other countries and becoming more different and idiosyncratic? In the following sections, we will first discuss the issues of comparing and measuring digital cultural policies. This is followed by sections on the organization and analysis of such policies, emphasizing different policies as embodying different policy narratives. Digitization of cultural heritage and computer game policies are used to illustrate these kinds of narratives. The chapter ends with a short discussion of potential ways of further avenues of research as well as on what are ways of future development of national and international digital cultural policies within the changing political, economic and social landscape.

Comparing (digital) cultural policy

To compare the digital cultural policies of seven different countries is no doubt a challenging task.[2] The comparison of national cultural policies is a relatively common exercise within cultural policy analysis, exemplified by the European network *Compendium of Cultural Policies and Trends in Europe*.[3] More often than not, this kind of large-scale comparative analysis is based on comparing numbers, that is, different statistical indicators, survey data, etc. At the same time, these different comparative cultural policy exercises have also indicated that statistics and quantitative indicators yield by themselves partial and patchy results. As underlined by both Belfiore (2004) and Betzler et al. (2020), a certain focus on context and qualitative approaches is necessary: "(…) a quantitative approach cannot alone suffice to understand the workings of the cultural sector and of policies for it across nations" (Belfiore 2004, 15; also, Wiesand 2002). We would agree to this, and as elaborated more in the second chapter as well, the comparative analyses in this chapter build on contextual and qualitative perspectives in addition to selected quantitative indicators provided through other chapters in this book.

There are some common aspects featured in most categorizations of national cultural policy. A central dimension is the role and importance of the state relative to the commercial and private sectors, and, often accordingly, to what degree the cultural policy is characterized by a free market logic. There are several attempts within cultural policy research to establish taxonomies of cultural policy models in this respect, enabling researchers to compare different national and regional versions of supporting arts and culture (e.g. Cummings and Katz 1987; Hilman-Chartrand

and McCaughey 1989; Zimmer and Toepler 1996; **Madden 2009**; Rius-Ulldemolins et al. 2019). An alternative for comparing the general cultural policy models of different countries is put forward by Stefan Toepler and Anette Zimmer (**Zimmer and Toepler 1996, 1999**; Toepler and Zimmer 2002). They investigate relations between different types of welfare states (e.g. liberal, conservative, social-democratic) and the public arts or cultural policies. For instance, Zimmer and Toepler (1996) compare the cultural policy models of Germany, the United States and Sweden. They observe that, on one level, the cultural policies of the three countries share more similarities than differences even though they represent three different welfare state systems. In all three countries, public cultural policy emerged within a social-democratic paradigm, through "building cultural capital by increasing access to the arts" (Zimmer and Toepler 1996, 188). However, by looking at the more specific tools of cultural policy, more regime-specific differences emerge. Furthermore, the general expansion of cultural policy in the 1970s, taking place in a number of countries, is legitimated differently in the three case countries: "(…) correction of market failure in the United States, income and employment guarantees in Sweden, and reduction of status differentiation between high and community culture in Germany" (Zimmer and Toepler 1996, 188).

Zimmer and Toepler (1996) conclude that different legitimations of cultural policy models might face substantial challenges and/or changes. They predict that the three welfare state models are *converging*; as well as that the liberal model is gaining ground at the expense of the social-democratic doctrine. Furthermore, this process might even culminate in the end of unique and extensive statutory cultural policy proper, as we enter "the post-cultural policy age" (Zimmer and Toepler 1996, 199; Mangset 2020). A more recent converging hypothesis has been put forward by Rius-Ulldemolins et al. (2019). They hypothesize that (European) cultural policy models converge and even raise the question of whether it still makes sense to speak of different cultural policies within Europe. The authors document convergence in the aims of underpinning cultural policy around explicit and similar social, regional and economic goals being added to cultural policy throughout Europe (Rius-Ulldemolins et al. 2019, 16). However, they find no compelling evidence that the more fundamental models of cultural policy would be converging.

The concept of convergence is closely related to the abovementioned concept of isomorphism. DiMaggio and Powell (1983) have argued that with social and economic development comes a trend towards ever more similar organizations and organizing principles. According to the authors, this development is not just the result of a rational movement towards ever more efficient ways of organizing different kinds of practice (*mimetic isomorphism*) but also comes about through two other mechanisms: *coercive isomorphism* due to external pressures (including laws and government regulation) and *normative isomorphism*, due to shared norms and values in societies, for

instance, of professionalism. According to Alasuutari and Kangas (2020), this isomorphism is apparent in the development of governmental conduct, including cultural policy. They point to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as a central agent in promoting a specific, shared conceptualization of cultural policy. Another possible force of convergence and/or isomorphism in European cultural policy is the EU, as a powerful legal entrepreneur and policy coordinator (Sassatelli 2002, 2007, 2009; Bradford 2020; IDEA Consult et al. 2021). In general, there seem to be three major potential agents for transformations (including isomorphism) of national cultural policy: (1) international, regional and inter-governmental organizations (IGOs), such as UNESCO or the EU; (2) external shocks that destabilize entrenched institutions, traditions and routines, such as the COVID-19 pandemic and (3) technological change, including digitalization. The topic of our analysis, digital cultural policy, is in different ways affected by all three transforming agents.

In this book, we look at digital cultural policies in seven different European countries: Croatia, Germany, Norway, Spain, Sweden, Switzerland and the United Kingdom. These countries represent a cross-section of European nation-states, as they differ in population and size, as well as in their constitutional and political organization. Furthermore, these countries also represent Northern, Western, Eastern and Southern Europe according to established divisions of European regions.

In addition, a central difference between the countries lies in their respective relationship with the EU. They all *have* a relation to the EU but to various degrees and that is/has been subject to change over time: Germany is one of the original Member States from the Treaty of Rome in 1957. The United Kingdom joined the Union in 1973 but later decided to leave it after the 2016 referendum. Spain entered the Union in 1986, with Sweden following suit in 1995. Croatia is the most recent Member State of the EU, having acceded in 2013. Norway and Switzerland are still non-members, with no apparent prospects of full accession in the near future. Norway has had two referendums on the question, in 1972 and 1994, both rejecting accession, if only by a slight majority. Still, Norway has access to the EU single market through the European Economic Area (EEA) Agreement, and must also, consequently, adhere to a series of EU regulations and laws. The EU policy regulation of digital media and digital markets is a case in point highly relevant in this context.

Switzerland, on the other hand, is neither an EU member nor a part of the EEA Agreement, and this status has been solidified by a referendum in 1992. Access to the single market is secured through a series of bilateral agreements, which is currently under re-negotiation due to the EU's wish to move towards a dynamic treaty framework with Member States. To what degree these different relations to the EU can be linked to and might explain the measures and their possible subsequent effects on digital cultural policies is one of the topics for this chapter.

Comparative cultural policy analyses have tended to use different ideal types to describe the basic features of cultural policy in different countries. Norway and Sweden have been labelled as belonging to a Nordic *or* a Social-Democratic model, Germany as representing a Central-Western European or Conservative model, Croatia as a South-Eastern, Switzerland as a Central-Western and Spain as a South-Western European model (cf. Zimmer and Toepler 1996; Duelund 2003; Rius-Ulldemolins et al. 2019). Partly using geographical, partly ideological, or political descriptions, none of the existing attempts captures the relevant differences and characteristics in a satisfactory manner. This includes, for instance, the existing divisions of labour between different levels of government.

What are the comparative characteristics of the cultural policy of our seven case countries? Based on a mapping of cultural policies in our case countries, a set of basic traits of the cultural policy profile of the seven countries is summarized in Table 11.1.[4] These include relations to the EU, the level of regional authority (as measured by the Regional Authority Index),[5] the division of cultural spending between levels of government, the division of labour and responsibility, the importance of private funding as well as basic cultural policy values.

In several of the chapters in this book, we have also used the DESI index (Digital Economy and Society Index) as an indicator of the condition of digitalization in different countries. The index has been published annually by the European Commission since 2014, and according to the Commission, it "measures the progress made (…) towards a digital economy and society". DESI is composed of five different principal policy areas, grouping a total of 37 different indicators, including the use of broadband, internet user skills, digitalization of commerce and e-government. The principal areas are Connectivity, Human capital, Use of the internet, Integration of digital technology and Digital public services.

While being aware of its' limitations, we nevertheless think that the Index is a useful tool to compare our seven case countries in this regard. Table 11.2 shows the overall score and ranking for our seven countries, with the exception of Switzerland, which is not covered by the Index. The table also shows the scores and ranking of two selected principal areas, Connectivity and Integration of digital technology.

As also illustrated by the respective chapters of the book, we see that the Scandinavian countries of Sweden and Norway score the highest, both in the overall score and in the two selected sub-areas. While Switzerland is not included in the Index, we see from the comparative I-DESI index that the country overall scores among the top five European countries.[6] In the overall score, Germany, the United Kingdom and Spain get ranked among the midtier of countries, while Croatia ranks among the lowest. In the selected subareas, the results are slightly different, with e.g. the United Kingdom scoring relatively low on the connectivity indicators and similarly Germany scoring relatively low on the integration of digital technology indicator. In other

Table 11.1 Comparison across selected country-specific and cultural policy-specific features. Adapted from Hylland et al. (2022)

Country	Relation to the EU	Regional Authority Index	Division of cultural spending, central government/region / municipality.[7] (%)	Private funding	Cultural policy values
Croatia	Recent member	9,55	40,9 (state)/20,4(regional)/38,6 (local) (2020)	Limited importance.	Cultural pluralism, creative autonomy, polycentric cultural development, cultural participation and public/ private cooperation
Germany	Original member	25,67	17/39/45 (2017)	Limited importance. Public-private partnership increasing.	Decentralization, subsidiarity, plurality, freedom of the arts, some emphasis on "high arts" and scepticism of commercial culture
Norway	Non-member	11,99	46/6/48	Of relatively little importance, albeit increasing.	Welfare, democratization of arts and culture, quality and diversity.
Spain	Member	35,67	17/27/58	Of relatively little importance	Heritage preservation, plurality of cultural identities, democratization of the arts, cultural participation, economic promotion
Sweden	Member	12,00	43/15/42	Of relatively little importance, albeit increasing.	Three objectives: the independence objective, the participation objective and the societal objective.
Switzerland	Non-member	26,50	11/38/51	Private funding important and critical. Public-private partnerships.	Representation of the different languages and regions; cultural diversity.
UK	Previous member	9,59 (18,5-20,5)	32/-/68[8]	Important in some sectors, amount of public funding diminishing	Economic growth of the cultural sectors, excellence, diversity and soft power

Source: Authors' own mapping and policy analyses, Eurostat, Compendium.

Table 11.2 The DESI index 2020[9]

Country	Overall score	Rank[10]	Connectivity	Rank[11]	Integration of digital technology	Rank
Croatia	47,6	21(20)	41,2	25	41,5	12
Germany	56,1	13(12)	59,4	8	39,4	18
Norway	69,5	3	65,8	-	59,0	-
Spain	57,5	12(11)	60,8	5	41,2	13
Sweden	69,7	2	64,4	2	62,1	6
Switzerland	-	-	-	-	-	-
UK	60,4	9(8)	48,4	20	54,2	8
EU (average)	52,6	-	50,1	-	41,4	-

words, there is also a considerable variation in digital development between our case countries, as measured by the Index.

In addition to being a useful tool for comparing the level of digitalization of European countries, the DESI index can also say something about the comparative progress and development of individual countries. In a general report on the Index from 2020, the European Commission comments upon the progress of Member States from 2015 to 2020: "The most significant progress is noted in Ireland, followed by the Netherlands, Malta and Spain. These countries also perform well above the EU average as measured by the DESI score". Being one of our case countries, Spain is of interest here. The digitalization progress of Spain, as measured by this Index, seems to confirm the analysis in the chapter on Spain, emphasizing a rather rapid digital cultural policy development in recent years.

Although the DESI index might contribute useful background information and point to certain aspects of digitalization policies, it is, however, necessary to move beyond a comparative quantitative index to get a better analytical view of national policies. This is our ambition in the remaining parts of this chapter.

Organizing digital cultural policy

How are the digital cultural policies of Croatia, Germany, Norway, Spain, Sweden, Switzerland and the United Kingdom organized? Data provided by our country's case studies orient us towards an analysis of digital cultural policy through three key axes as a starting point. The first axis is a centralization–decentralization axis, the second deals with the division of the digital and cultural policy responsibilities, while the third axis is represented by the countries' relation to the EU. These axes represent three different kinds of contexts, necessary in order to understand the policy differences and similarities between the seven countries. They represent different aspects of governance: the first axis has to do with the dynamic between the central and decentralized government in the field of cultural policy. The second

axis concerns how different public entities and agents have been assigned digital (cultural) policy responsibility. The third axis represents the dynamic between national and supranational governance, represented by varying relations with the European Union. As we will see, these axes can also serve to explain some of the digital cultural policy differences between the countries.

Axis #1: Centralization–decentralization

Firstly, what these seven countries have in common in their cultural policies is that there is a general division of labour between two, three or four levels of government. The individual responsibility of these levels varies considerably, also for the digital side of cultural policy.

Germany and Switzerland are federal states, where a large part of the responsibility for culture is placed at the regional level – in the *Länder* (Germany) or in the cantons (Switzerland). At the same time, there are also state or confederate cultural policy actors in these two countries, like the Swiss Arts Council Pro Helvetia or the German quasi-ministerial post *Staatsminister(in)/Beauftragte für Kultur und Medien* (minister/commissioner for culture and media).

In the Scandinavian countries of Sweden and Norway, the cultural policy is characterized by a strong state and by policy development on a national level, but in both countries, there is also a sizeable responsibility placed on the regional and municipal levels. These countries represent to a large extent what has been referred to as the Nordic model of cultural policy (Duelund 2003). Furthermore, both countries have also recently implemented reforms giving the regional and municipal levels of government a larger cultural policy responsibility. These reforms are the source of numerous debates on what is gained and what is lost by shifting cultural policy responsibility from one level to another.

In the case of the United Kingdom, there is also a division of labour and responsibility between different levels of government, albeit complicated by the fact that the United Kingdom is comprised of four separate countries – so-called *devolved* nations – granted a certain level of autonomy. In general, there is some funding available at the UK level, administered by the Department for Digital, Culture, Media and Sport (now Department for Culture, Media and Sport). Otherwise, cultural policy is a devolved matter, in the sense that the individual countries of England, Scotland, Wales and Northern Ireland develop individual cultural policies.

Regarding Croatia, their cultural policy can to some extent be described as implicit policy, as the official strategies for most areas are lacking. Croatian cultural policy is (still) characterized by a combination of continuity and discontinuity with the former socialist system of the country. This is, e.g. visible in the fact that a large part of the existing cultural infrastructure is part of the legacy of this system (Primorac et al. 2017). And:

> In many areas of the Croatian cultural policy the specific organizational models from the socialist period are still present although in a reformed

form. This is particularly the case with the official cultural policy approach to promoting access to culture and cultural participation.

(Primorac et al. 2017, 6)

The emphasis is placed on cultural heritage and supporting artistic and cultural production through yearly calls on "public needs in culture" opened to all sectors. The responsibility for funding arts and culture is primarily placed at the national level, then at the level of towns and cities (with the city of Zagreb alone representing 22% of the total expenditure), while municipalities and counties have a lesser role – they represent 8% of the funding combined (ibid.).

In the case of Spain, the cultural policy system has four levels: the central level (Ministry of Culture and Sport), the regional level (the Autonomous Communities) and two local levels (the provincial administrations – *diputaciones* – and the city councils). More than half of the total cultural expenditure is distributed at the local level, while 14% is at the central level and 30% is at the regional level.[12] The centre of gravity is at the regional level, in correspondence with the quasi-federal structure.

For some of these countries, the centralized-decentralized axis explains, at least in part, their respective (digital) cultural policy. The explanatory power of this axis is closely related to the degree of federalism. For state-centred cultural policies like the ones in Sweden, Norway and (partly) Croatia, policies are by and large defined at a national level, even if it is implemented also on a regional and local level. In Germany, on the other hand, federalism is an essential principle (see Chapter 3), and this creates less fertile ground for an expansive and strategic digital cultural policy on a national level. For Switzerland as well, the regional autonomy of the cantons can serve as a partial explanation for the fragmented nature of the country's digital cultural policy (see Chapter 7). The dynamic between national and regional politics does play an even more important role in the case of Spain. As described in the chapter on Spain,

a fundamental key to the rapid and intense development of digital cultural policies in Spain lies in the dynamics of interaction between the policies of the various territorial levels, which in the case of digital cultural policies has been very positive.

(see Chapter 5)

Axis #2: Division of responsibility

Looking more specifically at the division of labour related to digital cultural policy, the question of comparison between the seven countries becomes more complicated. One of the reasons for this is the blurred boundaries between the explicit and implicit parts of this policy. Partly due to the basic

technological nature of digital production, distribution and consumption, choices and decisions made in policy areas like broadband infrastructure, tax regulations, broadcasting licences and competition law have direct consequences for the production and distribution of digital cultural content. We can think of this as the *implicit* side of digital cultural policy (cf. Ahearne 2009). In addition to this, the explicit side of digital cultural policy consists of the strategies and schemes for supporting the production and/or distribution of digital content, through, e.g. the digitization of heritage, the production of computer games or the financing of distribution platforms. In other words, the policy area of digital culture consists, broadly speaking, of a mix of infrastructure development, on the one hand, and a combination of regulation and support mechanisms, on the other hand.

The responsibility for digitalization, in general, and digital culture more specifically is placed in different public bodies, ministries and directorates in the seven countries in question. The organization of responsibility partly follows the distinction between regulation and support. The case of the United Kingdom is an example of the distinction between the regulation of online content, on the one hand, and support for digitalization, on the other hand. In the United Kingdom, regulation is largely a matter for *Ofcom*, the communications regulator, which has new responsibilities added to its portfolio in recent years – including online harms. Ofcom licences and regulates all commercial TV and radio stations in the United Kingdom, telecoms and broadband. The responsibility for digital infrastructure – broadband and 5G – is placed at Building Digital UK (BDUK), part of the Department for Digital, Culture, Media & Sport (DCMS). As described in the chapter on the United Kingdom, the current name of this department is the Department of Culture, Media and Sport, after "digital" was removed from the title of the ministry in early 2023 (see Chapter 4).

Another way of looking at the organization of digital (cultural) responsibilities is through the composition of the cabinets and ministerial posts. In several of the seven countries, there are or have been designated posts at the ministerial level, with a specific and explicit responsibility for digital development/digitalization. The following examples of this also illustrate a certain governmental indecisiveness as to whether it is necessary to have such a designated post, to what policy area digitalization should be ascribed, and furthermore, whether such a post should have an explicit relation to culture.

Germany has, at the time of writing this book, a Federal Minister of Transport and Digital Infrastructure (*Bundesminister für Verkehr und Digitale Infrastruktur*), in charge of the Federal Ministry for Digital and Transport. As the title of the ministerial post implies, this ministry is primarily responsible for the infrastructural side of digitalization, including broadband, connectivity and 5G. Other ministries are responsible for the digital cultural industries and digital transformation in general (Federal Ministry for Economic Affairs and Climate Action) and digital literacy (Federal Ministry of Education and Research) (see Chapter 3). In addition, Germany had for a short period of

time (2018–2021) a *Staatsministerin für Digitalisierung*, a quasi-ministerial post belonging to the chancellor's office, as mentioned above.

For a short period, between 2016 and 2019, Sweden had a Minister for Digitalization, Housing and Urban Development. This position was followed by a Minister for Energy and Digital Development from 2019 to 2022, with similar responsibility for digital policies and digitalization in general. Currently, this area of responsibility is placed under the Ministry of Finance, with the Minister for Public Administration (sorting under the Ministry of Finance) as the ministerial post in charge.

In a similar way to Sweden, Norway had a Minister of Regional Development and Digitalization between 2017 and 2019, to be followed by a designated Minister for Digitalization between 2019 and 2021. After the termination of this last post by the current government, the Ministry of Local Government and Regional Development has been given the responsibility. In 2020, the Norwegian Digitalisation Agency (*Digitaliseringsdirektoratet*) was established, a subordinate agency to the Ministry of Local Government and Regional Development.

The United Kingdom represents an interesting example in this context, as the relevant ministerial responsibilities in the digital area have been related directly to media and cultural issues. Under the Department for Digital, Culture, Media and Sport (DCMS), the following (subsequent) ministers had specific digital responsibilities: Minister of State for Media, Data and Digital Infrastructure (2020–2022); Minister for State for Digital, Culture, Media and Sport (2022); Minister of State for Media, Data and Digital Infrastructure (2022–2023). As described in the chapter on the United Kingdom,

> The UK was in an unusual position by having responsibility for digital policies under the remit of the Culture Ministry, particularly as it was a relatively small department and lacked some of the expertise to govern such a large and crucial sector.
>
> (Chapter 4)

As noted previously, in February 2023, the responsibility for the digital sectors was taken from the Culture Ministry and given to a new government Department for Science, Innovation and Technology. Currently, this department has a Minister for Data and Digital Infrastructure, a Minister for Tech and the Digital Economy and a Minister for AI and Intellectual Property.[13]

In Spain, the Ministry of Economic Affairs and Digital Transformation (*Ministerio de Asuntos Económicos y Transformación Digital*) is the responsible ministry for digital policies. Two Secretaries of State share the relevant responsibility in the ministry: A State Secretary for Digitalization and Artificial Intelligence and a State Secretary for Telecommunications and Digital Infrastructure.[14]

While Croatia and Switzerland do not have ministerial posts or ministries with *explicit* digital responsibilities, they do have public bodies with such a remit. In Croatia, the Central State Office for the Development of the Digital

Society (*Središnji državni ured za razvoj digitalnog društva*) is an example of this, with a mission to support the "development of secure digital infrastructure and public digital services, as well as the popularization of the development of the digital society in all areas of life and activities of Croatian citizens, the economy and the public sector".[15] Part of the responsibility for this office is also to harmonize the development of a digital society "with the guidelines and regulations of the European Union in the field of the digital society and economy". In Switzerland, a parallel to this office has been the Federal Office of Communications (*Bundesamt für Kommunikation*), in charge of the national Digital Switzerland strategy, in addition to other responsibilities.[16]

In general, the ministerial posts and government agencies exemplified above are mostly related to the more general digitalization of services and are not, at least not explicitly, related to cultural content or production. The Swedish ministry describes, for example, rather typically, their digital policy in the following way:

> Digital policy concerns utilising and promoting the opportunities offered by digitalization and includes regulation of digital and electronic communications, network and information security, frequency policy and issues concerning broadband access and digital infrastructure. This policy area also covers eGovernment issues, i.e. using digital policy to make the activities of government agencies more efficient and simplify the general public's contacts with them – for example through electronic identification, electronic signatures and open data.[17]

From the examples above, we see that digitalization, in general, has been paired with as diverse policy sectors as economic affairs and business, culture and media, energy, regional development, housing and transport. Only one of the ministries, the UK DCMS, has placed the responsibility for digital policy in direct relation to the cultural sector (only to remove it recently). The *cultural* element in the designated digitalization ministries, agencies and posts is in other words rather weak. At one level, this illustrates the policy convergence or entanglement that we described in the second chapter of this book, characteristic of digital cultural policy. Digital cultural policy is in one way a convergence of traditional cultural policy, media policy and communication policy, and it is defined by a certain entanglement between digital technology, culture, media and public policy-making (cf. Davis and Zboralska 2019; Valtysson 2020, 7; Chapter 2). The cross-sectoral nature of digital policies is also illustrated by the apparent challenges of national governments in identifying the proper actors for digital responsibilities. A parallel question is whether the issue of digitalization is cross-sectoral at a level where it is in effect an integrated part of *all* sectors, and not in need of designated posts or ministries.

As emphasized in the second chapter of this book,

> [w]hat is of special relevance in the context of deciphering what "digital cultural policy" is, is the implicit and explicit characteristic of cultural

policy (Ahearne 2009) that has proven to be an important point of departure and cause of tension in any cultural policy research.

(Chapter 2)

In a digital cultural policy context, this perspective seems to be even more significant. Implicit cultural policy concerns those agencies and institutions that are outside of the narrow cultural sector, but that have an evident influence or impact on it (Ahearne 2009). In political science research, when talking about public policies in the cultural sector, the concepts of *policy transfer* and *policy learning* are also central, that is, the ways in which governments accept (in whole or in part) policy responses from other jurisdictions (Dolowitz and Marsh, in Colebatch 2009, 124). In this way, a whole plethora of different bodies and institutions have relevance for the field of the cultural sector, while in the context of digital culture, and thus, of digital cultural policy, this proves to be even broader and more relevant. That is, as David Wright notes, this tension between the implicit and explicit cultural policy is "potentially heightened in the digital context" (Wright 2022, 781).

To be sure, the digitalization of culture is no doubt also a part of the responsibility of the ministries and ministers of culture in the respective countries. How actively, consciously and strategically the different ministries of culture handle this issue is varying, as illustrated in the chapters in this book. To refer to the analysis of UK digital cultural policies:

> It is thus likely that the "cultural" elements of "digital cultural policy" will retreat back into a narrow focus on the use of digital technology in the arts and cultural sectors themselves. Given that, it might be worth asking what is lost in this, and what is it that cultural policymakers and indeed cultural policy scholars can add to these debates?.
>
> (Chapter 4)

We might say that digital cultural policy is manifested in an intersection between sectorial and culture-specific policies and cross-sectorial policies relevant to all sectors, including general regulation of digital infrastructure. In many ways, the policy practice is confirming the hypothesis that digital cultural policy is characterized by hyper-convergence (cf. Chapter 2).

Axis #3: Relation to the EU

The third axis with explanatory power to describe the similarities and differences between the different varieties of digital cultural policies, concerns national relations with the EU. As described above, Croatia, Germany, Norway, Spain, Sweden, Switzerland and the United Kingdom have rather different relations with the European Union. These seven countries comprise an original Member State, more recent Member States, a non-member under the obligation of the EEA agreement, a non-member with bilateral agreements with the EU and a recent member still finalizing the different terms of

agreement with the Union. While the relations with the Union thus are different, a common trait is that the implementation of EU legislation is central and important for most countries.

As discussed in the chapter on the digital cultural policy of the European Union (Chapter 10), the Union

> has over the years emerged as the most influential cultural policy actor, both on the international scene and internally, across its Member States. As cultural practices have become embedded in a new digital reality, EU legal instruments and policy measures have reflected this transformation in various ways – either directly, by fostering the digitization of culture and art, or less directly, by shaping the regulatory environment where digital cultural practices unfold.

The Union's explicit engagement with culture goes back to the Maastricht Treaty, as described in Chapter 10, whereby culture became an explicit competence of the European Community/Union. However, the main responsibilities regarding culture were kept within the Member States based on the subsidiarity principle engrained in the Lisbon Treaty. At the same time, "the cultural field interacts by its very nature with other areas of EU competence. European legislation, policies and programmes in a wide range of domains have a direct or indirect impact on the cultural and creative sectors" (Chapter 10), e.g. through taxation, competition and commercial policies. This combination has caused contradictions and tensions resulting from attempts to balance competing policy ambitions and treaty objectives (see KEA European Affairs 2006). As highlighted in Chapter 10:

> When one looks back, it is apparent that this balance has not been easy and that the cultural domain has frequently been a battlefield between EU integrationists and inter-governmentalists, interventionists and liberalizers.[18] It is also a discourse saturated with complex and controversial concepts, such as national and European identity, Europeanization and culture (de Vinck and Caroline Pauwels 2008), that have rendered solution-finding highly politically and even emotionally charged.

Such a situation has resulted in the fact that culture has remained constrained by the subsidiarity principle which means that it is exempt from legislative harmonization.

Recent developments in EU legislation, for example, the new EU Digital Services Act package, which includes the Digital Services Act (COM 2020/825) and the Digital Markets Act (COM 2020/842), the renewed 2018 Audio-Visual Media Services Directive (AVMSD) and the national transpositions and implementations of AVMSD, are examples of recent and EU regulation relevant for (digital) culture. However, as it is also shown in our book,

the changes brought about by the new AVMSD are not only relevant for the EU Member States but also for the policies of other countries in Europe that are, in their policy instruments, *inspired* by the EU legislation. This is, for example, evident in the analysis of the Swiss policy instruments that are reflecting the AVMSD ones (see Chapter 7).

Furthermore, the European Union is not relevant as an important European actor but is also relevant here as a global player exerting pressure on, for example, Google/Alphabet for breaching the anti-trust rules. This represented a step towards the regulation of, what has previously been viewed as a field being very difficult to regulate. Together with the example of GDPR, this shows that EU policy has moved beyond goal setting, and how Europe is "a de facto global regulator for privacy" (Komaitis 2018, in Flew 2021). Furthermore, these are not the only policy instruments that the EU is exerting on its Member States or that have broader implications. The EU is an important policy "influencer" through various funding instruments (e.g. European Social Fund (ESF) and other EU programmes, Resilience and Recovery Facility, etc.), through which it implicitly influences the field and practice of (digital) cultural policy. This impact differs from Member State to Member State, but it has also impacted outside of EU borders.

In Croatia, this influence is evident not only through the fervent transposition of EU legal documents to Croatian legislation but also through the implementation of different European programmes and projects. EU programmes and projects have been important throughout the years as a significant funding source, while in the last couple of years, they have proven to be even more important as a policy tool through the implementation of the ESF projects and, lately, the Resilience and Recovery Facility together with the Solidarity fund to due to two earthquakes in 2020 (Chapter 8).

In contrast, German digital cultural policy has seemingly not been fundamentally affected by the EU, possibly due to the sheer impact of the country itself on EU policies. As mentioned in the chapter on Germany in this book, EU funding plays a very minor role in financing arts and culture within Germany (Chapter 3), thus having a minor influence on the digital culture as well.

The case of the United Kingdom is an example of its own. Following Brexit, the EU has served as something the current political administration and current cultural policies have made an effort to distance itself from, as described in Chapter 4:

> UK digital cultural policy is diverging from that of the EU as the country tries to work out its post-Brexit settlement. This divergence is largely in a de-regulatory direction as the search for economic competitiveness is paramount and a populist-right Government is keen to stress its ideological distinctiveness from the EU.
>
> (Chapter 4)

This is, e.g. seen in UK policies on artificial intelligence (AI), which is framed as "pro-innovation" in explicit contrast with proposed EU legislation, which identifies four levels of risk facing AI (European Commission 2021) (Chapter 4).

On the other hand, the Spanish case shows an even more evident influence from the EU, even more than in the case of Croatia: influence is not only on national digital cultural policies but also on cultural policy in general. As the chapter on Spain emphasizes, "in Spain the influence of EU policies is very strong, especially on the central administration, which incorporates them through the most powerful administrative structures and the most influential political actors" (Chapter 5). This is also the case with both digital policies in general and digital cultural policies more specifically. Spanish plans and regulations in the digital sector have been converging with and closely following European guidelines. This influence has been consolidated and accentuated with EU recovery funding in the wake of the COVID-19 pandemic. As underlined in Chapter 5 on Spanish digital cultural policy:

> the COVID-19 crisis and the strong EU reaction to the damages it has caused, with the European Fund for Recovery, Transformation and Resilience, have resulted in a new kind of influence of the EU on the development of Spanish digital cultural policy. Actions linked to that fund have become a crucial lever for the intensification and acceleration of cultural digitalization in Spain.

While having different membership statuses as members and non-members, the Scandinavian countries of Sweden and Norway seem to exhibit little impact from the EU on their digital cultural policies. As mentioned above, Norway must adhere to European directives through the EEA Agreement, on par with regular Member States. At the same time, to use the highly relevant AVMS Directive as an example, this directive has yet to be implemented in Norwegian legislation. Furthermore, in the last authoritative white paper from the government on public cultural policy, *The Power of Culture*, the role of the EU is hardly mentioned (Ministry of Culture 2018). Similarly, in Sweden, the EU seems to have, relatively speaking, a limited impact on neither cultural policy in general nor digital cultural policy in particular. An exception to this, mentioned in the chapter on Sweden, is the implementation of the Directive on Copyright in the Digital Single Market, partly explained as a means to create better remuneration and income for artists (Chapter 6). It is fair to say that the (digital) cultural policy of both Norway and Sweden is characterized by a strong path-dependency within the structure of a Nordic model of cultural policy, both as a member and as a non-member of the EU.

Across our seven case countries, we find little evidence that the EU is a strong force in making digital cultural policies converge across different European countries; in other words, as an agent of policy isomorphism. In the case of the United Kingdom, the influence of the EU seems to be "negative",

as an ideological adversary to distance current policies. For other countries, like Spain and Croatia, the impact and influence seem to be considerable, while for the Scandinavian countries of Norway and Sweden, the influence is rather limited. For the non-member Switzerland, there is (as with Norway, the other non-member among our countries), some influence from the EU is seen through national legislation aligning or adopting to the EU legislation in the digital realm. On the other hand, there is no doubt that the EU, as described in Chapter 10, is a considerable and very central player in the field of digital culture and the regulation and legislation related to this field. At the same time, a combination of a strictly enforced subsidiarity principle, national cultural policy path-dependency and historical and contextual factors explain why the differences overshadow the similarities.

Policy practice: digitizing cultural heritage and computer games

What are the practical policies of digital cultural policy in our case countries, in which ideas and ambitions are translated to politics? What is actually *done*? Two illustrative cases to answer these questions are the case of *computer games* (sometimes also referred to as *video* games), on the one hand, and digitizing cultural heritage, on the other. As underlined in the chapter on Norwegian digital cultural policy (Chapter 9), digital cultural policies consist partly of a combination of treating "new stuff" in old ways and treating "old stuff" in new ways. More specifically, new, digital cultural products, computer games being the case in point, are in a number of our case countries included in a traditional cultural policy portfolio. And, conversely, cultural heritage ("old stuff") is given new and more ambitious cultural policy goals as heritage turns digital.

In all of the analyzed countries, the digitizing of cultural heritage has been an integrated part of their digital cultural policies. Indeed, one might say that public, government-supported heritage digitization projects constitute the first involvement of public cultural policy in digital culture. This involvement has included the financing of technical digitization, development of technical standards, aggregating databases, making digital heritage accessible, etc. As argued in the chapter on Norway (Chapter 9):

> This is partly due to the context of technological development, partly due to copyright questions and partly due to policy ideas aligning with technological possibilities. In general, cultural heritage objects and sources have often been the first cultural artefacts or products to be digitized and made digitally accessible for a larger audience.

In Norway, as in other European countries, the low-hanging fruit of digitizing heritage material led to numerous digitization initiatives in archives, libraries and museums, beginning already in the late 1980s. The digitizing of cultural heritage has served numerous purposes within national digital

cultural policies, and it constitutes a part of these policies where different policy ideas converge: a focus on preserving national identity and cultural heritage, technical innovation within the heritage sector, the democratization and accessibility of cultural heritage, the inclusion of a broader audience.

Several cases testify to the importance of digitizing cultural heritage in our seven case countries. In Germany, e.g. through the digitalizing of German filmed heritage, or through developing initiatives such as Museum 4.0 (Prussian/BKM). Similarly, in Spain, one of the first initiatives was Museum Libraries Network in 2009, while the projects such as *Hispanica* (digital national library) that work similar to *Europeana*, and CERES, the online catalogue of the Digital Network of Collections of Spanish Museums, are also oriented towards the digitization of existing cultural heritage. In Croatia, similar initiatives such as www.kultura.hr from 2008, ARHiNET from 2009 and e-Culture from 2020 are concentrated on the digitization of cultural heritage. This can be attributed to the continuation of the focus of cultural policy in Croatia to the safeguarding of the Croatian cultural identity through the protection of the cultural heritage sector (Chapter 8). It can be said that cultural heritage as an identity factor plays a more significant role in smaller countries, while seemingly a lesser role in countries like Germany, Spain and the United Kingdom.

At a European and EU level, the web portal *Europeana* is possibly the best example of publicly organized and funded digital cultural heritage (see also Chapter 10). Launched in 2008, after a couple of years of preparation, the basic idea was to make Europe's cultural heritage more accessible to everyone. Currently, the web portal (europeana.eu) gives access to more than 30 million images, more than 24 million texts and more than 350,000 videos, from a total of around 4,000 different heritage institutions. With an explicit goal of being a tool in forging a common European identity, the portal aims to "inspire and inform fresh perspectives on open conversations about our history and culture", and to "share and enjoy our rich cultural heritage".[19] As already mentioned, it has directly and indirectly impacted the LAM sector in a number of countries, where different cultural institutions directly participate in the *Europeana* project, but are also inspired by it for their own work.

The digitizing of cultural heritage adds to the complexity of digital cultural policy. The need for new fields of expertise and competence opens up discussions on the distribution of labour between public and private actors. In parallel, this (technological) side of digital cultural policy has been developed side by side with the breakthrough of, on the one hand, platform services like Google (including Google Books and Google Art), Wikipedia/Wikimedia, YouTube and social media in general, and *Europeana* as an important digital cultural heritage portal, on the other hand. This served to underline a general dilemma even further: what part of digital cultural heritage is it necessary that national cultural policies take responsibility for, and what part can be left (and *whether* it should be left) to big tech and platform companies?

In contrast to the digitization of the analogue cultural heritage and transporting it to and transforming it in the digital sphere, computer game/video game policies constitute a kind of *pure* version of digital cultural policy: a purely digital cultural expression, surrounded by a complex mix of regulation and support, export and business ambitions, traditional cultural policy legitimation and immense usage and popularity. For all countries, albeit to differing degrees, computer game policy is an integrated part of their digital cultural policy. We will look more closely at some examples of this below.

Although comparable on several parameters, including cultural policy model, regulation and support systems, there are large differences in the computer game industries and policies between Sweden and Norway. Even if the export of Norwegian computer games according to some calculations is the largest cultural export industry of the country, Sweden's gaming export revenue is, literally, a hundred times bigger.[20] One of the most recent Swedish governmental cultural policy strategy documents also describes this sector as one seeing considerable growth:

> The computer game industry in Sweden grew by 40 percent in 2020 and is now larger than the export of Swedish trucks and is in the same order of magnitude as Swedish basic goods such as iron ore and wood.[21]

The expectations for the computer games industry to be a considerable source of export revenue are high and with good reason. While Norwegian computer game policy also has certain commercial ambitions, their traditional cultural policy goals are much more at the forefront than in Sweden. As described in the chapter on Norway, the cultural policy recognition of computer games was, rather paradoxically, partly based on a concern about the products of the commercial cultural industry:

> It is a public task to ensure that, in a small country like Norway, there are movies and audio-visual productions on offer that reflects our history, our culture and our language. There is a need for quality products that constitute alternatives to the many violent and action-infused computer games available on the market.[22]
>
> (Ministry of Culture 2002–2003, 148)

In addition to representing opportunities for the creative industry, computer games are also described as art and legitimated in the same way that art traditionally has been legitimated in cultural policy: as sources of insight and inspiration, as valuable and important expressions of human creativity. The explicit goals of the national computer game strategy also echo the core values of Norwegian cultural policy: quality, professionality, inclusion, accessibility and the development of creative industries.

Germany has, in spite of its large domestic market, close to no domestic video game industry (see Chapter 3). Until recently, the public cultural policy subsidies for German video games were almost non-existent. In late 2021, the Federal Ministry for Economic Affairs and Climate Action (BMWi) took over the responsibility for federal policy related to video games from the Federal Ministry of Transport and Infrastructure. The former ministry (BMWi) seeks to allocate substantial direct funding of up to €50 million per year for the development of games in Germany to counter the minuscule market share of German video game productions within the country, promote exports, as well as foster employment in this industry (Chapter 3). The games policy of the ministry (BMWi) illustrates the added recognition of and expectations towards this digital form of culture: "[C]omputer games can enable social exchange and communication between people. The medium can enable participation and foster inclusion. As a medium that tells stories, they are objects of art and culture".[23]

Similar to Germany, Swiss cultural policy has also come to include computer games, especially if they have *artistic value*. As described in the federal Cultural Dispatch (see Chapter 7), computer games are included in public policies to the extent that they have artistic value or worth. The cultural policy strategy includes "künstlerisch wertvoller Computerspiele" (artistically valuable computer games)[24]. A national strategy on computer games emphasizes the cultural aspect of games, and the strategy describes this kind of digital culture as "an art form" (*Kunstform*): "As an art form, games create a common global cultural space".[25]

In the case of Spain, policies towards video games have become central in the last decade, both in the central administration and regional administrations (see Chapter 5). What is of particular interest with the Spanish case, is that there is a certain tension between the way the national and regional cultural policies on videogames are framed. As described in Chapter 5, for the Catalan regional administration, the primary objective for supporting video games is the promotion of creativity and creative innovation. For the central administration, however, the main goal of these policies is an economic one. This difference and tension has relevance also for Spanish digital cultural policy as such: "the evolution of the policy oriented towards the video game sector also marks a possible future for digital cultural policy, beyond the narrow economic orientation" (Chapter 5).

As in Spain, in Croatia, video games are a nascent and a fast-growing field that has recently been added to the cultural policy portfolio, as described in Chapter 8. The first public call for the development of video games was issued in 2021 by the Croatian Audiovisual Centre (HAVC). This resulted in the distribution of subsidies to the national video games industry, as well as the production of games with artistic, educational or cultural content. The legislative background for this was measures related to video games implemented in the new Law on Audiovisual Activities in 2018 (see Chapter 8). The number and amount of these subsidies are small but show to be

important for those companies who are not oriented to the global commercial market or are part of international video game companies.

It can be said that computer (video) games' policies are a perfect example to illustrate how digital cultural policy cuts across and contains different policy areas and policy ideas – wherein the cultural product is treated partly as an opportunity for business, revenue and export, and partly as a genuine artistic expression, giving opportunities for experiences, learning/education, social interaction, *Bildung*, etc. In addition to this, there is also a rather explicit element of national identity and cultural identity expressed in some of these policies. What also needs to be mentioned is, again, the role that EU policies play through different programmes such as the Creative Europe MEDIA programme, dedicated to the development of video games, supporting "innovative European content", "increasing competitiveness of European video games companies", etc.[26] EU policies in this field struggle between the competition vs. cultural diversity policy argumentation and tools, and with these EU programme instruments, are influencing the national policy measures as well.

Final comment. Narratives, prospects and possibilities of digital cultural policies

The final section of this chapter summarizes the content and complexities of digital cultural policies by looking at the narratives inherent in these policies and by discussing prospects and possibilities. But first, we might ask a question: Does it matter to people? Does digital cultural policy influence people's lives in general and cultural consumption more specifically? Undoubtedly. The availability of media, the development of digital infrastructure, the regulation of platforms, the development of broadband access, the implementation of competition legislation, etc., evidently have a direct impact on the access to and consumption of digital culture. This side of digital cultural policy, which we in this book have referred to as an implicit side of such policies, co-exists with the explicit side. A pressing question for the development of the *explicit* side of digital cultural policy – the strategic and active support of digital culture – is what policy goals and values this should be based on.

Part of the aim of this book has been to identify different dominant *narratives* expressed through different digital cultural policies. A narrative entails an idea of change and development, and it includes a context for and a set of actors involved in this development. Furthermore, it generally also includes an overarching logic or moral that structures the narrative. In this way, we use the concept of narratives in much the same sense as the branch of political science referred to as *narrative policy analysis* or *narrative policy framework* (cf. Roe 1992; Jones and McBeth 2010; Schlaufer et al. 2022). Emery Roe, a pioneer in the use of narratives for policy analysis, explains policy narratives in the following way: "stories (scenarios and argument)

which underwrite and stabilize the assumptions for policymaking in situations that persists with many unknowns, a high degree of interdependence, and little, if any, agreement" (Roe 1994, 34). In order to qualify as a narrative, it must have certain minimal qualities: a setting or context, a plot with some temporal element and causal mechanisms, characters (that cause, fix or are affected by problems) and a moral of the story, normally offering a policy solution to an identified problem (Jones and McBeth 2010, 340–341). For our purpose, to identify the different narratives that are inherent in or expressed by national digital cultural policies, these necessary parts of a narrative create questions to be asked of these policies: What are the fundamental characters and the plot of the different policy narratives, and what kind of moral and/or policy solution do these narratives express? Do the different narratives express pessimism or optimism, adaptation or abdication, proactive or reactive ideas?

As the different chapters in this book have shown, there is no single narrative that captures the essence of the different digital cultural policies. On the contrary, given the fact that a number of the policy solutions come across as inconclusive or incomplete, the policy narratives might rather be understood as incomplete or emerging, as if reflecting an emerging sector in search of robust and consistent policy solutions. Within these incomplete narratives, we find some actors recurring: platform companies, the EU, nations, national identity and cultural heritage, national governments, cultural producers, the market, COVID-19, consumers and/or citizens and the most general and opaque actor of them all – digitalization.

Across the different varieties of digital cultural policy narratives, we see a set of common themes: among the most dominant are techno-optimistic and techno-deterministic views that contain understandings that once everything is digitized and in the "online sphere", significant positive changes will occur. Connected to this approach is another governing theme that parallels the creative economy discourse dominant in the last three decades in the cultural policy circles, which is the one of marketization. This also reflects the dominant EU policy debate concentrated around competition vs. content/cultural diversity (as a policy narrative), as described in Chapter 10 of this volume.

Looking also at the diverse digital policy narratives, another common theme present in our country-based analysis is one of viewing digital as the pressure coming from "the outside" against which one must find protection, rather than an active tool of/for development. This, thus, creates a certain type of cultural policy protectionism in line with the previously described marketization tendencies: one needs to uphold a national (or even European) element in a global cultural market through different policy instruments. Here, a number of tools oriented towards the digitalization of cultural heritage is and has been a major focus in many countries, but it is also a dominant theme on the European level through the *Europeana* project (Chapter 10) relevant also for the national levels.

Faced with rapid technological innovation, recently illustrated by weekly reports on the advances of AI, what kind of role can digital cultural policies play, on both a national and international level? What options do national governments have?

Firstly, it seems safe to say that the division between cultural, media and communication policy is still very much relevant for national digital policies, with an evident impact on the (fragmented) approach to the digital cultural policy. Several of our case studies illustrate the need for these policy areas to converge even closer than they have in practical politics.

Secondly, the development of digital cultural policies needs by all accounts to include both national and supra-national policy agents. The EU has an evident role as an agent with the necessary size, impact and power to regulate companies with a budget well over the GDP of the majority of European countries. At the same time, partly due to the subsidiarity principle, as well as the path-dependent and highly contextual national cultural policies, the cultural policies of nations still have an evident role to play, also in the realm of digital culture.

In an article on media policies and the EU, the authors argue that, in the case of public service media, national governments are in fact more central than the EU:

> [N]ational governments are currently more capable of affecting change in the production and circulation of audiovisual content than the European Union. This is because on the European level, we see a continued bind within national frameworks, for valid cultural and economic reasons. On the EU level, the AVMS Directive comes without a European vision to inspire national policy makers to think beyond the support for the production and circulation of domestic content.
>
> (Antoniazzi and Bengesser 2023, 371)

Thus, this brings the question of a new role and a stronger agency of (national and supra-national) public policies to the fore. If we recall historical examples, such as the development of WWW and the Internet, where public policies and public investment played a crucial role in (future) technological (and cultural and media) developments, one has to view the role of policies and policy development in a more active way. Within the "digital transition" discussions, where the agency of technology is usually taken for granted and not criticized, the agency of public policy for digital culture needs to be put more centrefold.

Thirdly, there is also possible policy inspiration to be found outside of Europa. Canada has, for a number of years, been rather innovative in its (digital) cultural policies, for example, through the effort to implement changes in the Broadcasting Act. The legislation now requires streaming services such as

Netflix and Spotify to pay to support Canadian media content like music and TV shows.[27] In 2016, the Minister of Canadian Heritage initiated a review of cultural policy "to strengthen the creation, discovery and export of Canadian content in the digital age" (Stursberg 2016, 1). The concluding recommendations are highly relevant in our context and based on the concept of being *agnostic*, that is, in the sense of not preferring a particular device or system. The suggested principles of an updated Canadian cultural policy for a digital age are that this policy is (1) platform agnostic – permitting financing of content for new platforms, (2) content agnostic – to expand the potential pool of investors in Canadian content and (3) producer agnostic – so that news, magazines and digital content can be supported (Stursberg 2016, 1). We think that these principles also merit discussion as a part of European digital cultural policies.

Finally, as emphasized in Chapter 9, digital cultural policy needs to discuss and decide what is within the reach of public policy and what is not. Within the field of digital culture, some areas are not affected by the established supporting and distribution mechanisms of cultural policy, while they might be affected by different regimes of regulation. In other words, a challenge for the digital cultural policy will be to figure out whether, in what way, and to what degree it is desirable and possible to influence the production, distribution and consumption of digital cultural content. Furthermore, an unsolved challenge of the digital cultural policy is to develop and implement a combination of policy tools and policy ideas that is something *more* than a partly successful emulation of pre-digital policies to digital culture. This includes the combination of the protectionism often seen as central to small countries with the necessary international cooperation, with the implementation of EU directives as a central example. The latest case in point illustrating the necessity of supranational policies in this regard is the many challenges presented by artificial intelligence (AI) in the field of cultural production. In any case, digital cultural policy needs to be active rather than reactive and to be based on a vision of what the future of digital culture might be. As of now, digital cultural policies are works in progress, policies that seem rather immature and that are struggling to align their aspirations with their effectiveness.

Notes

1 Cf. https://futureoflife.org/open-letter/pause-giant-ai-experiments/.
2 The following paragraphs build on Hylland et al. (2022).
3 https://www.culturalpolicies.net/.
4 The table is adapted from Hylland et al. (2022).
5 Regional Authority Index is a comprehensive dataset and a methodology that measures the authority and autonomy of government levels (cf. Hooghe et al. 2010; Schakel 2018).
6 https://digital-strategy.ec.europa.eu/en/library/i-desi-2020-how-digital-europe-compared-other-major-world-economies [Read 30.05.23].

 7 See Compendium of cultural policies. The percentages are not from one and the same year but from data between 2013 and 2017 (cf. https://www.culturalpolicies. net/statistics-comparisons/statistics/funding/#1563453131381-77d52055-b082).

 8 The percentages for division of cultural spending for the UK is calculated from the information in the national report from the UK in the *Compendium of cultural policies*. There are no numbers on regional expenditure in this overview. (cf. https://www.culturalpolicies.net/database/search-by-country/country-profile/ category/?id=42&g1=7)

 9 We use the 2020 index, as this was the last year to include the UK. Switzerland is not included in any of the indexes. However, some figures from Switzerland are included in the I-DESI, which compares European digitalization with a selection of other countries in the world. This shows that Switzerland scores among the top five countries in Europe. Cf. https://digital-strategy.ec.europa.eu/en/library/i-desi-2020-how-digital-europe-compared-other-major-world-economies [Read 30.05.23].

10 As a non-EU country, Norway is included in some, but not all of the rankings in the index. The numbers in parentheses are the rankings with Norway *included*.

11 This ranking does not include Norway. If Norway had been included, it would rank at number 1 in this category.

12 https://www.culturalpolicies.net/wp-content/uploads/pdf_full/spain/Full-country-profile_Spain.pdf [Read 04.06.23].

13 https://www.gov.uk/government/ministers [Read 04.06.2023]. The last of these two posts are Parliamentary Under Secretaries. UK government departments (ministries) have three tiers of ministers: Cabinet Ministers (Secretaries of State), in charge of the department, Ministers of State, and Parliamentary Under Secretaries of State.

14 https://portal.mineco.gob.es/en-us/Pages/index.aspx [Read 04.06.2023].

15 https://rdd.gov.hr/o-sredisnjem-drzavnom-uredu/9 [Read 04.06.2023] Our translation.

16 https://www.bakom.admin.ch/bakom/de/home.html [Read 04.06.2023].

17 https://www.government.se/government-policy/digital-policy/ [Read 03.05.2023].

18 See e.g. Wheeler (2004).

19 https://www.europeana.eu/en/about-us [Read 22.06.23].

20 Cf. https://www.digi.no/artikler/sverige-eksporterer-dataspill-for-nesten-60-milliarder-mer-enn-hundre-ganger-sa-mye-som-norge/523438 [Read 05.06.23]. (In Norwegian.)

21 https://www.regeringen.se/contentassets/5362b817cbfb4966aa2be1158f946c67/ sou-2022_44-webb_.pdf [Read 05.06.23].

22 Our translation.

23 https://www.bmwk.de/Redaktion/DE/Dossier/games.html Our translation.

24 See https://www.fedlex.admin.ch/eli/fga/2011/455/de.

25 See https://www.newsd.admin.ch/newsd/message/attachments/51746.pdf. Our translation.

26 For an illustration see summary of EU funding calls for 2023 by the European Games Developer Federation (EGDF): https://www.egdf.eu/summary-of-european-video-games-industry-eu-funding-calls-for-2023/

27 See https://www.cbc.ca/news/politics/c11-online-streaming-1.6824314

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206 Ole Marius Hylland and Jaka Primorac

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Index

Note: **Bold** page numbers refer to tables and page numbers followed by "n" denote endnotes.