Between the Lines: Locating Critical Theory at the Intersection of Trade and
Cultural Policy in Canada

by

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BFA (Hons), York University, 1990

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Abstract

In the early 2000's Canada and France were at the forefront of what appeared to be a counter-hegemonic movement in the rapid creation of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions at UNESCO to perceived US cultural hegemony at the World Trade Organization. However, the final Convention lacks the fundamental protections it set out to create and reinforces the commodification of culture and the promotion of cultural industries, rather than challenging commodification or supporting arts and culture. This thesis uses Marxian critical theories to interrogate the nature and form of the Canadian government's involvement in the creation of the Convention and posits Gramscian evidence of the presence of behaviours of hegemony and resistance to hegemony, the formation of a *Weltanschauung* (common sense world view) led by organic intellectuals in civil society and demonstrates important instances of *trasformismo* (absorption of counter-hegemonic ideas) at work.

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Dedication

This thesis is dedicated to my family for supporting me on this journey: Michael Borins and my daughters Adryan and Haley. Without your love and patience, I would not have been able to complete this life-long goal.

Introduction

The role of the state in supporting culture is a topic fraught with controversy and complexity, both in Canada and globally. Canada's cultural policy has long reflected a central concern for protecting national identity, resistance to the United States cultural influences, and for economic security. These concerns escalated through the late 1990's due to the rapid development of global technologies and international free trade conflicts at the World Trade Organization (WTO) concerning products of the "cultural industries". As Frankfurt School theorists Theodor Adorno and Max Horkheimer use the latter term, cultural industry products are mass produced and distributed commercialized products: they include media such as books, film, television, and music. Today, taking all production into account, the United States are the largest, most successful producers.

In the 1990's, cultural industry trade conflicts led Canada and other states to institute decisive changes in the international cultural policy environment by creating the *Convention for the Protection and Promotion of the Diversity of Cultural Expressions* (the Convention) (2005), via the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Convention would enshrine states' rights to determine their own domestic policies when it came to all matters of culture, not just the cultural industries. The protection of culture against perceived US cultural hegemony became such a significant concern with these states and civil society internationally that the ensuing conflict between UNESCO and the WTO in the creation of the Convention is now commonly referred to as the "trade and culture debate" in international legal scholarship.

The trade and culture debate surrounding the creation of the Convention exposes the importance of the intersection of culture and trade for economics, political science, globalization studies, international relations, law and governance, cultural studies, and policy studies. For the present thesis, this identifies a lacuna in political science. J.P. Singh (2010) suggests that "political scientists ignore cultural policy" even though "the subject continues to gain importance in policy, industry, and civil society worldwide" and that "it is therefore time to theorize cultural policies and resources as they become increasingly important in the way that societies and nations view economic and political power at home and abroad" (p. 3). Dennis Galvan (2010) urges that cultural policy needs to be examined because it is "designed and engineered by elites and states, [and] should be understood in relation to an underlying cultural politics, processes of ongoing contestation implicating many actors, at all levels, in transformations of meaning, symbols, habits, values, and identity" (p. 203). Timothy Luke (2010) goes even further encouraging an integrated or multidimensional view saying that

> …the arts, culture, and civil society are power stations in the grids of governance. In turn, they merit attention as epistemic, ethical, and experimental structures for communicative, discursive or informational interactions that police both thought and action. Indeed, when exploring the linkages between cultural policy and national power, one could consider cultural industries, technologies, and policies as "base load" power stations for sustaining governance and its grids of control through images, values, and beliefs" (p. 30).

It is clearly not possible to examine culture or cultural policy in general terms, nor is it desirable. The complexity of the intersection of culture and trade requires a multifaceted approach; it may not yield one truth or insight, but many. Notably missing from some of these considerations, however, is how critical theory may help in translating the

complexity of underlying social and political forces and the ethical consequences of political and economic ideologies.

Of central interest in this thesis is how the Canadian state and civil society's significant interventions internationally engaged other states and civil society networks-especially those of the Global South - in an apparent counter hegemonic bloc to ensure the rapid development and ratification of the Convention at UNESCO. The dynamics between the state, civil society, and international institutions through this process demand closer attention. This thesis will probe the significance of these interventions and dynamics from the theoretical perspectives of Karl Marx, Theodor Adorno and Max Horkheimer and William Morris, who in combination will show how the context of the conflict can be understood in political-economic terms through the notions of commodity form and commodification of culture.

I will further demonstrate, using concepts drawn from Antonio Gramsci, that the interventions of the state and civil society are evidence of the processes of "hegemony" (establishing consent through the formation of the integral state comprised of the state and civil society) and of resistance to hegemony (or "counter-hegemony"): in short, evidence of the formation and contestation of a shared *Weltanschauung* (common sense world view), led by "organic intellectuals" centred in civil society. These interventions reveal the operation of two other Gramscian concepts of "*trasformismo*" (absorption of potentially counter-hegemonic ideas into hegemonic blocs) and "passive revolution" (absorption of social, economic, and political change over time to render those changes compatible with existing powerful institutions and to broadly support the status quo). Closer examination of the power dynamics and outcomes of the creation of the

Convention demonstrates how *trasformismo* and passive revolution occurred resulting in the continued US hegemony in trade and culture and status quo in global trade and cultural policy.

This thesis seeks to understand the development of Canada's cultural and trade policies and the outcomes of its efforts in developing the UNESCO Convention. I begin in **Chapter 1** by establishing the historical background of Canada's cultural policy development, which led to the creation of the *Convention for the Protection and Promotion of the Diversity of Cultural Expressions.* I demonstrate that since its early history, Canada has an interest in the development and protection of cultural industries. The historical review traces the significance of state interventions following World War II, key conflicts created by participation in an open economy and ultimately neoliberal ideology, and the influences more recently of digital transformation. The literature review includes scholarly perspectives from cultural economics, globalisation studies, international law, and political science. I provide an alternative understanding of the definition of culture based on three demarcations in the public and private realms: traditional material forms of culture (public), cultural media (public), and cultural industries (private). I label these demarcations to differentiate what I call Big C culture products (traditional material + cultural media) as public goods from the Cultural Industries and the private interests they represent. This differentiation draws on Adorno and Horkheimer's and Morris's critical understandings of culture explored in Chapter 2, below; and it also puts into sharper relief how the UNESCO Convention helps to commodify culture and continues to do so. I use the production types defined here to

orient and clarify the significance of the UNESCO Convention definitions considered more fully later in the thesis.

The first part of **Chapter 2** (2.1) introduces and explains the central analytical categories of this study and the relevance of locating and applying key concepts. From the work of Karl Marx (1818-1883) and William Morris (1834-1896) I draw respectively 1) the conceptions of commodity form and use value of labour, and 2) the interpretation of artists' labour. From Antonio Gramsci (1891-1937), I examine the theory of hegemony and the role of organic intellectuals in state and civil society in forming the integral state and articulating a "*Weltanschauung*" or world view with particular class interests at its core.

From Theodor Adorno (1903-1969) and Max Horkheimer (1895-1973) and Walter Benjamin (1892-1940), I examine their conception of cultural industries at the centre of the trade and culture debate and the struggle for hegemony. A common thread through these early theorists is a deep-rooted concern for the impacts of capitalism on the culture and social fabric of societies. Their analyses consider everything from individual consciousness to the interrelationships of larger societal and economic systems. Although processes of globalization and technological change have intensified greatly since then, key truths from these critical theory analyses are still relevant today, perhaps even more so.

The second part of **Chapter 2 (2.2)** looks at Gramsci's theory of hegemony, civil society, and the critical role of organic intellectuals. Gramsci provides a central interpretive framework for a critical analysis in the case study of Canada's role in the creation of the Convention at UNESCO. This section identifies neo-Gramscian concepts

surrounding the process of "internationalization of the state", which sets the foundation for the expansion of hegemonies in the international political space. The subsequent discussion considering global hegemony presents the theoretical and empirical basis for the internationalization of the Canadian state. Here the thesis explores the more practical strategic Gramscian concepts of historic bloc, passive revolution and *trasformismo* as they relate to the processes of expansion of hegemony and counter-hegemony internationally.

The third part of **Chapter 2 (2.3**) engages 20th century cultural theory and the work of Adorno and Horkheimer in relation to Gramsci, Marx and Morris. Here the central concepts are cultural hegemony and the commodification of culture. Adorno and Horkheimer's important distinction between 'mass culture' and the 'culture industries' clarifies the significance of the definitions of culture in the Convention, examined later in the case study of Section 3. Adorno and Horkheimer's critique of the modes of production in the culture industries clarifies the importance of this lens in viewing the ascendency of the culture industries in the creation of the Convention at UNESCO.

In **Chapter 3,** I look specifically at the development and outcomes of the *Convention for the Protection and Promotion of the Diversity of Cultural Expressions* as a case study of the exercise of hegemony in international cultural policy and international law that relate to culture industries. I look particularly at the intersection of international trade policy, culture policy, and international law through the Convention. The application of the theoretical framework to this intersection sharpens the focus conceptually on the behaviours of, and interactions between states, civil society, and international institutions. This inverts the conventional wisdom around these historical

events – that states took an heroic stand to protect Culture from the evil protagonists at the WTO. I provide a conceptual model to illustrate the interrelationships and processes between the state, civil society, and institutions and use specific examples to demonstrate Gramsci's concepts of the internationalization of the state, the decisive apparatuses of hegemony, the role of organic intellectuals, and the processes of *trasformismo* and passive revolution. The case study is structured in the following order:

i.   Cultural policy development through international institutions is a site for the internationalization of the state

ii. Decisive apparatuses of hegemony - popular media was a vehicle for *trasformismo* and passive revolution

iii. Processes of hegemony that form the Integral State

iv. Internationalization of the state - international law

The Case Study concludes with a greater understanding of the flaws and benefits of the Convention. This section reviews examples whereby the Convention could be useful to support the groups it is intended to support and an important recent challenge that China presented at the WTO which invoked the terms of the Convention unsuccessfully. The case study takes stock of the current state of the status of both state and civil society networks that engage today in work surrounding the Convention and outcomes. The conclusion finds the compelling empirical evidence centred on the most recent challenges that China presented at the WTO, and the status of both state and civil society networks that engage today in work surrounding the Convention, that the normalization of the outcomes of the culture and trade debate through international institutions, domestic policy, and government departments is firmly anchored in the principles of instrumental economics, although still under the broader guise of protecting "Big C culture".

Chapter 1

1. Historical context of Canada's cultural policy

The historical context below reviews the development of Canada's cultural policy and the relationship of the cultural industries within the policy environment from before and after the Massey Report (1951). I review the evolution of important historical events in the trade of cultural industries culminating in a dispute that the United States won against Canada and that led Canada and other states to create the new legal instrument at UNESCO. This is the fundamental context for the later analysis in the Case Study.

1.1. A national strategy for culture – the Massey Report

To speak of culture in general terms is akin to trying to solve a Rubik's Cube: the object in question keeps changing shape and colours with each turn. Age-old questions persist: what is culture? how is culture developed? why is protecting culture important? In Canada there has long been a strong cultural policy tendency to protect what are known as the cultural industries – television, radio, film, music and publishing. This can be seen as early as 1918 with the establishment of the Canadian Motion Picture Bureau and later with taxes and legislation to protect the publishing industry.   Prior to World War II, Canada's cultural policy already reflected an interest in protecting the cultural industries from the economic forces of the United States, relative to developing material forms of culture or what is understood as traditional cultural forms – architecture and heritage, visual arts, music, theatre, dance, and literature. Indeed, Canada's cultural policy had steadily come to reflect a central concern for protecting the cultural industries

as carriers of national identity, resistance to the United States' cultural influences, and for economic security.

After World War II (1939-1945), the task of repairing ragged cultures and economies around the world was paramount to survival and the rebuilding of nations. Canada began to look at the culture of the nation differently too, and perhaps for the first time with more seriousness. In 1949 Prime Minister Louis St. Laurent created the Royal Commission on National Development in the Arts, Letters and Sciences chaired by Vincent Massey which produced what is generally known as the Massey Report (1951). The Report undertook an in-depth study and review of the state of culture in Canada, paying particular attention to the needs of Canadians in science, literature, art, music, the drama, films, and broadcasting (radio and television) and exploring what the appropriate role of the federal government should be in nurturing cultural development in these areas.

In 1951 the commission filed its Report, which made public the case for the federal government to intervene aggressively with funding, administrative and policy infrastructure to develop and nurture the burgeoning Canadian culture. The Report acknowledged that while the term "culture" was not part of their Terms of Reference, that the Canadians they met instinctively recognized them as the "Culture Commission" and shared their diverse opinions on the importance of culture to French and English in Canada respectively from "the greatest wealth of the nation" to ""equal importance" with bathtubs and automobiles" (pp. CH1, Para11).

"High Brow", "Eurocentric", "Gendered": these are just a few of the critiques of the Massey Report today. Some contemporary critics see the Report perhaps somewhat anachronistically, but some writers at the time were critical (Druick, 2007, p. 165). The

"high brow" label comes from the commission's interests in how intelligence and cultural tastes are developed in a nation's population through education and experience of the arts and sciences. Traditional culture activities and outputs (art, architecture, classical music to name a few) are dismissively labelled "high brow" because of traditional class tensions with elite cultural history (monarchies, church, gentry).

Some might say the Massey Report created a narrow interpretation of culture that has an undue, negative influence on Canadian society's view of new cultural activities, forms and practices today, but others recognize the more positive lasting impacts (Druick, 2007, p. 161). The report's 146 recommendations touched on almost every aspect of culture in Canada from the role of the Canadian Broadcasting Corporation to the National Library and National Ballet and led to the establishment of the Canada Council for the Arts and to Canada's membership in the United Nations Educational, Scientific and Cultural Organization (UNESCO). Still others comment that cultural nationalism in the report "was expressed both in society and in literature in quite limited, often masculine and Eurocentric terms" and therefore question its relevance for today's standards (CanLit, p. PARA3).

Yet despite these filters, the commission saw their way through to grapple with fundamental questions around culture and humanity that persist today. The commission saw their task was "concerned with human assets, with what might be called in a broad sense spiritual resources, which are less tangible but whose importance needs no emphasis" and recognized also "that there are important things in the life of a nation which cannot be weighed or measured. These intangible elements are not only essential in themselves; they may serve to inspire a nation's devotion and to prompt a people's

action....It is the intangibles which give a nation not only its essential character but its vitality as well" (Massey Commission, 1951, pp. CH1, Para5). Thus, instead of side-stepping the challenge that defining what the intangible assets or spiritual resources are precisely, the commission points to the intrinsic worth and hence appreciation of those things which can not be assigned a numeric or commercial value. However, throughout the Massey Report the authors consistently reinforce the message that the fields of enquiry include the cultural industries – film, radio, television, and publishing. In terms of content, the chapters and sections dedicated to cultural industries is about half as much as traditional cultural matters. In the chapters dedicated to "Mass Media" there is a desire to balance the needs of a changing society often driven by technology, and competition from the United States due to a lack of Canadian infrastructure against concern for preserving traditional cultural expressions. There is also a clear rejection of American television content which they say, "is essentially a commercial enterprise, an advertising industry" (Massey Commission, 1951, pp. CHIII,Para18) and they offer a note of caution concerning cultural industry media supplanting traditional cultural expressions saying that

> The radio, the film, the weekly periodical have brought pleasure and instruction to remote and lonely places in this country, and undoubtedly have added greatly to the variety of our enjoyment. In the great plenty that now is ours, there is some danger that we may forget that music and drama and letters call for more than passive pleasure on our part; in this new world of television, of radio and of documentary films, it will be unfortunate if we hear no more our choir and our organist in valiant and diligent practice of the Messiah, making together a gracious music that reaches us faintly but with great sweetness across the quiet of an early winter night (Massey Commission, 1951, pp. Section 2, Para6).

Nationalism and identity in the Massey Report are also grounded on US-Canada power and economic relations. From the perspective of the Massey report's authors, inherent challenges for this project included Canada's vast geography, small population, and relative youth as a nation: all these factors contributed to lack of an independent or recognizable national culture or "Canadianism" (Massey Commission, p. 11). The Massey authors found that, while Canada often benefitted from the benevolence of its powerful and wealthy neighbours to the south (e.g. Carnegie Corporation, Rockefeller Foundation, Guggenheim Foundation), it was at risk of becoming overly dependent on such generosity, as well as dependent on all manner of cultural products imported from the US. Developing a strong national culture was impeded when youth were educated with American text books, teachers were trained in American schools and intellectuals were lured south for both education and work.

Over fifty years later these concerns arguably persist in the Canadian psyche. As Will Kymlicka wrote in 2003,

> Canadian attitudes towards the US are not only tinged with envy of its power and wealth, but also chastened by the knowledge that many talented Canadians emigrate to the US to pursue their careers in film, music, academia and business. Canadians know that the US is 'where the action is', and that Canada simply cannot compete with the US in terms of the resources it can provide for gifted scientists, entrepreneurs, artists or scholars. A particularly galling example arose several years ago when Wayne Gretzky, then the world's greatest ice hockey player, left Edmonton to play for Los Angeles" (p. 365).

So, while the commission may appear paranoid about US strength and power, these kinds of high profile examples continue to exacerbate the fear and ensures the perception persist.

The perceived persistence of these realities ensure that the Massey Report can not be dismissed on the grounds of change in prevalent social mores. Moreover, the Massey

Report remains relevant to Canadian cultural policy development today because, as

Druick (2006) says, "it negotiates an array of conflicting sentiments. Its overarching

melancholy about the losses precipitated by modern technologies and modern media -

loss of community, of pervasive amateur culture, of clear-cut values and traditions tied to

European culture and religion-is met with a kind of resolve about how to mitigate these

losses with bold decisions about national funding for culture" (p. 181). This kind of

foundational cultural policy architecture established by the Massey Report enabled the

recognition that this space, the space of culture (yet still ill-defined but comprised of "Big

C" cultural activities (for definition and discussion, see below), cultural media and

cultural industries), would indisputably require state support and intervention. This was

particularly the case for the cultural industries, which in the policy and funding regime

have continued to assume an importance for the consumption of state resources.

    The Massey report is also seen as grounding cultural policy in settler nationalism,

which Jonathan Paquette, Devin Beauregard and Christopher Gunter (2017) say

"constitutes a transition in Canadian cultural policy because it posits governmental action

in the realm of identity. In effect, the Report represents a transition from colonial cultural

policy to a policy infused with settler nationalism – a nationalism that embraces

expressions of English and French as conditions and foundations of 'national unity'" (p.

274) The Massey Report characterized Indigenous people as "technologically stunted, a

people of the past" adding that while 'the Indian peoples […] once played such an

important part in the history of Canada,' they are no longer part of the contemporary

Canadian landscape (Massey Commission, 1951, p. 239). The notion that Canadian

cultural policy is grounded in a colonial mindset and settler nationalism is important and

as I will suggest later, another potential reason for saying the *Convention for the Protection and Promotion of Cultural Diversity* itself is inherently flawed. I will return to the idea of the legacy of this kind of thinking within the cultural industries in the Case Study in section 3.

Druick (2007) observes that the objectives of the commission created a tension which "led the Massey commissioners to blend contradictory aspects of elite and mass culture. In the report, one finds discussion of the objectives of art as ennobling and identity-promoting thrown together with the promotion of national mass media, a tangle of problems embodied in UNESCO's mandate as well. As with UNESCO, the Massey Commission bore the contradictory impulses of creativity and institution, art and technology, culture and commerce" (p. 164). As will be discussed further in the Case Study, the tension remains in part because of the tangle of definitions of culture that mashes together traditional cultural activities with the cultural industries.

I propose in this thesis to untangle the web of definitions by first creating a conceptual demarcation between the cultural industries and traditional "Big C" cultural activities and outputs which are public (either government sponsored or non- profit charitable). Big C cultural outputs are seen as carriers of national identity and cultural expressions that engender deep emotional attachment in the public domain. Included within this group is "cultural media" – whether television, radio, film or publishing – and are recognized as public goods, are conducted directly by government or non-profits or charities and have non-commercial objectives and requirements. Cultural media are also tied tightly to national identity and content creation objectives such as CBC Radio or CBC Television or for example, university radio and small or specialized journals and

publications. At the Provincial level, examples include BC's Knowledge Network or Ontario's TV Ontario (TVO). In this regard, cultural media merges with and supports the nationalist objectives together under the Big C cultural umbrella. By contrast, what are known as the cultural industries - radio and television broadcasting, film, and commercial publishing - can also be distinguished by their intent and objectives. Private cultural industries interests are to sustain their commercial for-profit enterprises. The objective of private commercial cultural industries is the sale of products or advertising to large audiences (mass media) to generate revenues and profits.

However, because the cultural industries and cultural media share so many features, it is easy for the public to assume they are part and parcel of the Big C cultural umbrella. Furthermore because of beneficial tax and funding programs in Canadian cultural policy, the concerns of the private commercial cultural industries end up combining with public Big C cultural and cultural media concerns. This merging of interests in Canada comes from a defensive nationalist psyche threatened because of vast geographies and a small population next door to a powerful neighbour. This attitude is also in direct contrast with the United States, which in official policy pronouncements sees the cultural industries primarily as entertainment (Acheson & Maule) and thus treats them very differently from the Canadians resulting in significant divergences in domestic policies and political discourses between these states. The United States has relatively open trading policies toward what they see as entertainment while Canada has adopted inward-looking nationalistic protectionist policies to protect everything under a Big C culture umbrella. In Canada, the protectionist policies applied to the cultural industries

contrast with the increasingly liberal and open policy regimes covering other sectors of the economy (Acheson & Maule, 1999, p. 2).

1.2. Cultural policy after the Massey Report – deeper interventions for cultural industries and the rise of neoliberal ideology

The period following the Massey Report through the 1960's and '70's saw significant energy put toward understanding the economic and production issues and what the future policy direction of the cultural industries should be with regards to foreign ownership. Two more important Royal Commissions were undertaken during this time – the Royal Commission on Broadcasting (1957), which now included radio and television, and the Royal Commission on Publications (1961), which aimed to establish protections for Canada's periodical and magazine publishers (the latter theme would grow in importance by the 1990's and for the case study in this thesis). A Report of the Department of the Secretary of State asserted the need for a formal cultural policy and urged the adoption of a cultural policy in Canada (1965) (Jackson & Lemieux). It also called for related changes in governance of external relations, which resulted in the creation of a Cultural Affairs Branch within the Department of External Affairs in 1966. More effort was put toward film, radio and television in 1967 with the establishment of Telefilm Canada and in 1968 the Canadian Radio and Television Commission (CRTC) was formed to ensure and protect Canadian media ownership. Thus, the policy environment for cultural industries begins intersecting more broadly with trade and international or at least cross-border relations.

Sabine Milz (2007) sees this time as the beginning of the industry-based approach to cultural policy whereby the cultural industries are recognized "as an economic player that can not only pay for itself but create profitable outcomes" (p. 91). Cultural policy comes to protect the cultural industries as a public good and positions it to perform within the neoliberal market framework. The economic value of the cultural industries is the tension in the Massey Report that Druick (2007) referred to as the "contradictory impulses of creativity and institution, art and technology, culture and commerce" (p. 164). Milz adds that by 2007 this approach was normalized in neoliberal discourse in Canada (pp. 92-93). This is the fine line between the cultural industries and national cultural media that continues to go unrecognized elsewhere in the literature. The "public interest" of national cultural media is coopted in neoliberal ideology and is transferred onto the commercial cultural industries.

The period of the 1970's-80's saw relatively indirect but not less important intervention by the state in cultural industry policy development. Larger national policies were studied or enacted such as the Royal Commission on Bilingualism and Biculturalism (1967-1970), and the Policy on Multiculturalism in 1971. In 1980, Canada signed onto UNESCO's recommendations concerning the Status of the Artist which recognized artists as workers, and the Royal Commission on Newspapers (1981) undertook an examination concerning the narrowing of ownership of news media. Growth in the output and the reliance on advertising revenues for Canadian media producers who could not compete with large US firms was recognized as a real threat. The 1970's-80's also reflected a period of intensified economic policy development. In 1979 US President Ronald Regan proposed a North American trade agreement (The

Canadian Encyclopedia, 2018) and by 1989, the Canada - United States Free Trade Agreement (CUSFTA) was brought into force (Government of Canada, 2018).

Throughout this brief history, Canada's cultural policy continued to voice and respond to three central concerns: protecting national identity, resisting the United States' cultural hegemony, and ensuring economic security. These concerns were validated, especially through the 1990's when the push for free trade (NAFTA was signed in 1994 and superseded the CUSFTA) and the technology transformation to digital communications began in earnest. One of the areas most impacted by this transformation was publishing. When the Royal Commission on Publications (known as the O'Leary Report) did its study in 1961, printing was done using a rotogravure printing process which engraves the image onto a cylinder and then uses a rotary printing press to transfer the image to low quality paper (O'Leary, 1961, p. 13). Canadian publishers had trouble making a profit because American publishers could print much larger volumes and gain economies of scale in their production processes. Further, the Commission made recommendations against the practice of American publishers to sell so-called split-run magazines. The only difference in a split-run from the original is that the advertisements were changed to Canadian advertisers directed at Canadian readers. The advertisements were also sold cheaper to undercut the competition from Canadian publishers who "argued they could not compete on a level playing field and faced significantly diminished pool of advertising dollars, purportedly threatening their very existence" (Krikorian, 2012, p. 187). The Canadian government had first tried to use tariffs in 1931 but repealed them in 1936 and then reinstituted them again in 1965. The tariffs were a measure to balance the US magazine publishers' share of advertising in the Canadian

market and to prohibit split-run magazines which the O'Leary Report had clearly defined as a problem. The government's strategy was intended to provide tax incentives to Canadian advertisers to place ads in Canadian periodicals and magazines versus American publications (Krikorian, 2012, p. 187). The issue came to a head some thirty years later in 1993 when Time Warner began to publish a split-run version of Sports Illustrated, which they were now able to send electronically to a publisher in Ontario and thereby avoid the prohibition of bringing split-run magazines across the border into the country. In consequence, the Canadian government levied an 80% excise tax on the advertisements and Time Warner eventually withdrew the split-run magazines from Canada (Krikorian, 2012, pp. 187-188). This was not the end of the issue, however; it was the beginning of a more dramatic play than the government had faced concerning its protectionist cultural-industries policies.

1.3. The collision of culture and trade at the WTO – a decisive tipping point

The tipping point in the trade and culture debate leading to the creation of the Convention at UNESCO was a "ground-breaking" decision at the WTO against Canada in 1997 (Neil, 2007, p. 1) which proved to be a major collision at the intersection of culture, trade and foreign policy between Canada and the US. The dispute also brought the issues more clearly into focus for national governments and international bodies around the world and decisively drew the line between the culturalist nationalist and the liberal open economy camps.

In 1996 the US government retaliated against Canada's excise tax levied on Time Warner by putting forward a complaint against Canada to the World Trade Organization Appellate Body. The report (1997), "Canada - Certain Measures Concerning Periodicals" (also known as the *Periodicals Case*) decisively ruled against Canada's protectionist taxes. Three measures cited in the *Periodicals Case* concerned whether Canada was in violation of WTO agreements by prohibiting the importation of split-run magazines, levying tariffs on split-run magazines, and the subsidization of postal rates for Canadian publishers through the Department of Canadian Heritage Publications Assistance Program. Canada argued that from a cultural perspective, the lack of Canadian content of the magazines was the issue and that the measure was designed to regulate US companies' access to the Canadian advertising market because by GATT 1994 definitions, advertising was not a "good" (World Trade Organization, 1997, p. 4).

Even though Canada lost the case, government officials and publishers were "optimistic that they could retain the magazine policy in a different form" which led to the creation of the *Foreign Publishers Advertising Services Act* (Bill C-55). The US government responded again, this time with the threat of harsh economic sanctions totalling three to four billion dollars against Canadian imports to the US market. In the end, Canada and the US signed an agreement outside the WTO. Publishers on both sides of the border were dissatisfied with the results. The Americans' revenue was capped at 18% and the Canadians had to let split-run magazines into the country, although they got to keep the $30-$35M (relatively small compared to the size of the threatened sanctions) in funding for the Publications Assistance Program and established a $50M Canada Magazine Fund. As Krikorian observes "power politics, in other words, not international

law largely determined the outcome in this dispute" (Krikorian, 2012, pp. 186-193). As noted earlier, Canadians and Americans differ fundamentally in their beliefs and in their definitions of cultural industry: the Canadians attach more meaning to and expect cultural benefits from cultural industries, whereas the Americans see them as entertainment businesses and expect them to make financial profit. This attitude is predominantly held and supported at the WTO forum and may explain why Canada and others felt an urgency to find alternative means to protect their culture and trade interests and why they took the issue to UNESCO, a forum sympathetic to nationalist approaches to culture and open to the challenge of resisting the hegemonic forces at the WTO. The case study in section 3 explores in more detail the tension between shared members in UNESCO and the WTO.

Chapter 2

2. Analytical framework

2.1. Historical context of critical theory as a source of cultural critique

As noted earlier, the historical context for the key critical theorists in this analytical framework is primarily the 19th and 20th centuries. Most draw on Karl Marx (1818-1883) (commodity form and use value of labour), Antonio Gramsci (1891-1937) (hegemony theory, organic intellectuals, the integral state, and a "*Weltanschauung*" or world view), Theodor Adorno (1903-1969) and Max Horkheimer (1895-1973) and Walter Benjamin (1892-1940) ("culture industries"). Straddling these theorists and bringing in another important and relevant perspective on both Marx and culture is William Morris (1834-1896) (labour, art, and socialism). They are all connected through Marxism, despite important differences. Historically and politically all had experience with persecution and exile, which left indelible marks. The exception is Morris who, although an outspoken critic with connections to anarchists who were imprisoned as terrorists, and whom he defended publicly, he was never imprisoned or exiled – but he was twice arrested and fined for his political activities (Wilmer, 1993, p. xx). Morris credits his anarchist friends for much of his education in socialism – and to learning the impossibility of anarchism (Morris, 1894, p. 380).

For Marx, the French Revolution of 1789 and the revolutionary period of 1830 - 1848 form part of the backdrop to his analysis (although some argue that they figured less prominently in his work). Marx himself became stateless after being banished for successive revolutionary activities in Paris (1845), Belgium (1848), Germany (1849) and

Paris again in 1849. He then fled to London where he worked ceaselessly on his

manuscripts and political organizing, but he and his family lived in dire poverty,

alleviated only through the financial support of his close friend and collaborator

Frederick Engels (V.I. Lenin, 1914).

The persecution and oppression of Hitler's regime drove Adorno and Horkheimer

to the United States in 1935, where they continued the work of the Institute for Social

Research (known as the Frankfurt School, founded in 1920, which Horkheimer directed

from 1930). Their exile fueled much of their later radical thought. As Adorno remarked

"after Auschwitz our feelings resist any claim of the positivity of existence as

sanctimonious, as wronging the victims; they balk at squeezing any kind of sense,

however bleached, out of the victims' fate" (Adorno T. W., 1973, p. 361).

Gramsci too was oppressed by the Italian fascist regime. He was imprisoned for his

outspoken social and political critiques and activities as a leader of the Italian Communist

Party. He was sentenced in 1928 with other Italian communist leaders and spent his most

productive years in isolation in prison. He would spend the next 11 years in jail, mostly in

poor health, only to die shortly after being released 1937 (Rosengarten, Frank, n.d.).

William Morris is something of an outlier, not sharing this level of oppression or

exile. Although there were many uprisings and protests in England against the grinding

poverty and social impoverishment brought on by industrialization (Morris participated in

150 of them), there was no revolution. But if Morris was missing the frame of reference

of revolution, exile or oppression that so shaped the experience of the others, he intersects

with them in an historical materialist frame, in a concrete understanding of the experience

of the artist/guildsman as labour, and in the impacts to consciousness and daily existence wrought by the commodification of culture.

2.2. Gramsci and Neo-Gramscian International Relations Theory

i. The state, civil society and hegemony

Understanding Gramsci's own conception of the state begins with looking at the moment of hegemony, the role of intellectuals in forming what he called the 'integral state', and what he meant by 'historic bloc'. Gramsci's conception of civil society is rooted in, yet transcends Marx's conception of civil society (*bürgerliche Gesellschaft*):

> Civil society embraces the whole material intercourse of individuals within a definite stage of the development of productive forces. It embraces the whole commercial and industrial life of a given stage and, insofar, transcends the State and the nation, though, on the other hand again, it must assert itself in its foreign relations as nationality, and inwardly must organise itself as State. The word "civil society" [bürgerliche Gesellschaft] emerged in the eighteenth century, when property relationships had already extricated themselves from the ancient and medieval communal society. Civil society as such only develops with the bourgeoisie; the social organisation evolving directly out of production and commerce, which in all ages forms the basis of the State and of the rest of the idealistic superstructure, has, however, always been designated by the same name (Marx, 1846, p. PARA.2).

Marx's own conceptions originate in a fundamental rejection of historians' tendency to separate "ordinary life" as "primeval history" and centralize the histories of the 'princes' as "something extra-superterrestrial", neglecting any other historical facts as a "minor matter quite irrelevant to the course of history" (Marx, 1846, p. Section 8 PARA1). The result of this separation is a history devoid of real meaning because it is one-sided and is reproduced accordingly by historians who maintain the separation in

subsequent retellings of the histories so that "each historical epoch has had to share the illusion of that epoch" (p. Section 8 PARA1).

Marx is criticized by some for being narrowly focused on material forces as determinate, or what is referred to as his historical materialism. Gramsci is conscious of the problem and limitations of the 'philosophy of praxis' (a self-censored reference to Marxism in Gramsci's Prison Notebooks), if one's object is "producing integral history and not partial and extrinsic history (history of economic forces as such etc.)" (Gramsci, 2000, p. 195). Stephen Gill (1993) suggests that it is exactly the dialectical nature of these issues that makes the more integrated approach of Gramsci's understanding of historical materialism helpful to understanding contemporary international relations (IR):

> …the historical materialist perspective looks at the system from the bottom upwards, as well as the top downwards, in a dialectical appraisal of a given historical situation: a concern with movement, rather than management. This highlights the limits of a narrow political economy approach to the analysis of IR. For Gramsci, a broad-based and more integrated perspective is achieved by the elaboration of a historicist version of the dialectical method developed from Hegel and Marx, also influenced by Machiavelli (Gill, 1993, p. 25).

For Gramsci, the study of civil society is also about broader social relations and processes, which he tracks through the history of intellectuals toward a conceptual understanding of their role in society which he describes as "the function of great intellectuals in the organic life of civil society and the state, to the moment of hegemony and consent as the necessary form of the concrete historical bloc" (Gramsci, 2000, p. 195). Gramsci believed that intellectuals existed in all parts of society and that there was no such thing as a 'non-intellectual', even at the 'lowest' or 'most humble' levels of society. Intellectuals in a narrower, professional sense function as 'organizers' flanked by

specialists and technicians, who are in their own turn intellectuals. Intellectuals become 'organic' in a social group when they can create 'homogeneity and an awareness of its own function' and are bound together with that group through an authentic emotional connection. If the intellectuals cannot make this connection with the people then they are 'reduced to relationships of a purely bureaucratic and formal order' whereby they become 'a caste, or a priesthood' – 'traditional' intellectuals (Gramsci, 2000, pp. 349-50).

Gramsci does not look at civil society in isolation. Instead, he viewed society and institutions as functioning parts of the state (together with government forming the 'integral' state). Sonja Buckel and Andreas Fischer-Lescano (2009) emphasize Gramsci's "decisive apparatuses of hegemony" which he considered "to be those of civil society - that is, schools, universities, churches, the mass media, trade unions, and so on" (p. 443). Buckel and Fischer-Lescano further explain the creation of the 'integral state' (i.e. hegemonic civil society and the state together) in terms of a process that depends on the hegemonic class's ability to form a "*Weltanschauung*" or world-view. A *Weltanschauung* can only occur when all strata of society more or less agree and consent to a particular world-view, one ensuring the hegemonic class under specific economic, institutional, and ideological conditions. The hegemonic process is one of asymmetrical compromise and negotiation in all areas of human activity and, most important, it must be inclusive, to ensure acceptance or consent (pp. 441-42). Lastly, the content of the *Weltanschauung* must be intelligible to all, and thus the role of the intellectual, as conceived by Gramsci, is assigned to

> petty intellectuals, the specialists and technicians of hegemony, who can manage to provide adequate language for a particular stage of historical development. If through this they succeed in bringing into being a *Weltanschauung*, then they are 'organic intellectuals'. Their ideas are no arbitrary subjective speculations,but must be capable

of articulating broad societal coalitions of interests (Buckel & Fischer-Lescano, 2009, pp. 444-45).

In addition, it is crucial to the understanding of Gramsci's conception that the establishment of *Weltanschauung* and hegemony is not random; instead, it is organized by the organic intellectuals who "guide the cathartic process of developing particularist interests into a coherent *Weltanschauung*" (Buckel & Fischer-Lescano, 2009, p. 444). Robert W. Cox (1983) adds that for Gramsci, the institutions and ideologies resulting from this process of hegemony must appear to be universal and not "as those of a particular class" and must also "give some satisfaction to the subordinate groups while not undermining the leadership or vital interests of the hegemonic class" (pp. 168-69).

Gramsci also noted that the historical development of dominant groups of intellectuals is not a single abrupt transition but rather is an iterative process, germinating intellectuals from the seeds of previous generations' economic structures which "represent historical continuity uninterrupted even by the most complicated and radical changes in political and social forms" (Gramsci, 2000, pp. 301-11). Gramsci describes this joining of intellectuals in civil society to the political society as the process resulting in the formation of a hegemonic society:

> For it should be remarked that the general notion of state includes
> elements which need to be referred back to the notion of civil society
> (in the sense that one might say that state=political society+civil
> society, in other words hegemony protected by the armour of coercion)
> (Gramsci, 2000, pp. 258-59).

Stephen Gill says that this equation "constitute(s) Gramsci's extended or integral state, the unified site in which Western bourgeois classes have established their social power" (Gill, 1993, p. 79). Hegemony is created when a group of intellectuals has,

through its historical mantle of 'prestige' made itself sufficiently attractive to the subaltern group who provide 'spontaneous' consent to the general direction of this group.

Marx also says this, but differently: economistic determinism appears much more present and the crucial element of consent in Gramsci is absent:

> The ideas of the ruling class are in every epoch the ruling ideas, i.e. the class which is the ruling material force of society, is at the same time its ruling intellectual force. The class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it.
> (Marx, 1846, p. 10).

In Gramsci, the ruling class and the political society is government; together, with the consent of the subaltern groups, they achieve the moment of hegemony and (in temporal terms) the resulting inter-group configuration becomes an historical bloc. Protection of the private interests of the hegemonic classes is provided by the state through forms of both coercion and consent. In this sense the state exercises direct, 'juridical' control over social elements that do not give consent in the hegemony (Gramsci, 1996, p. 338), or by way of education – both positively as through schooling and negatively as through the law and courts.

While both means of the formal state are important, Gramsci also states that there is a "multitude of other so-called private initiatives and activities that tend to the same end - initiatives and activities which form the apparatus of the political and cultural hegemony of the ruling classes" (Gramsci, 1996, p. 338). These are the civil-societal side of the integral state. Lastly, although Gramsci says hegemony is a practice in which 'ethico-political' activity and elites lead, he adds that "it must also be economic, [and] must necessarily be based on the decisive function exercised by the leading group in the

decisive nucleus of economic activity" (Gramsci, 2000, pp. 211-12). The economic

activity represents private interests of the ruling class whose efforts will continually

reinforce protection and expansion of their core interests, with the support of the state.

The cultural hegemony of the ruling class is sustained not only by controlling the

means of production, but as well as by "defending and developing the theoretical or

ideological 'front'", primarily through media (publishing and press of all kinds). This

process happens over time and is not the result of autonomous 'explosions' of ideas or

thoughts (Gramsci, 2000, p. 390). In this way, the hegemony of the ruling class via civil

society "exerts a collective pressure and obtains objective results in the form of an

evolution of customs, ways of thinking and acting, morality etc." (Gramsci, 2000, pp.

242-43). In a fundamental way, where hegemonic practice is successful, these notions

and ways of thinking become 'common sense'. The circulation and assimilation of

common sense beliefs and shared understandings are in combination a social process led

by organic intellectuals that leads to a degree of social conformity and cohesion. Thus,

the integration of a particular conception of the world works at many levels and is not the

exclusive domain of lofty intellectuals and philosophers, but is rather transmitted through

common sense, which (once established) reinforces conformism of the masses to the core

desires of the ruling class.

ii.   The internationalization of the state: A core Neo-Gramscian intervention

Thus far, Gramsci's theory on politics at the national level has been the focus. To

unpack more fully the significance of the international political and social context

involved in this complex interplay of the state, civil society and institutions, the idea of

the internationalization of the state is central. This section will show first how from a

Gramscian perspective the process of internationalization can be visualized, and secondly how it is developed via international economy, transnational corporations, cultural policy and lastly international law. Later, in the case study I look specifically at the development of Canada's cultural policy and at its unique, reciprocal relationship with UNESCO and the integration of international cultural policy as evidence of the internationalization of the Canadian state.

Leading off from the overview of the conception of hegemony, Gramsci speaks specifically about the relation of forces within *and external to* the state, the latter in particular qualifying as the 'internationalization of the state'. Gramsci recognizes that the external international forces add another layer of complexity to understanding the nation state:

> It is also necessary to take into account the fact that international relations intertwine with these internal relations of nation-states, creating new, original and historically concrete combinations. A particular ideology, for instance, born in a highly developed country, is disseminated in less developed countries, impinging on the local interplay of combinations.
>
> This relation between international forces and national forces is further complicated by the existence within every state of several structurally diverse territorial sectors, with diverse relations of force at all levels (Gramsci, 2000, p. 206).

Gramsci's focus on understanding the national dynamic as it relates to the proletarian struggle also must be borne in mind specifically, because the socialist movement was an international one, and because if there was to be an international society, Marxists of his time agreed it would be led by the proletariat. A key problem he saw in political science was how 'the philosophy of praxis' could accommodate this international reality:

> Key problems of the science and art of politics….how, according to
> the philosophy of praxis….the international situation should be
> considered in its national aspect. In reality, the internal relations of
> any nation are the result of a combination which is 'original' and (in a
> certain sense) unique: these relations must be understood and
> conceived in their originality and uniqueness if one wishes to dominate
> them and direct them. To be sure, the line of development is towards
> internationalism, but the point of departure is 'national' – and it is
> from this point of departure that one must begin. Yet the perspective
> is international and cannot be otherwise. Consequently, it is necessary
> to study accurately the combination of national forces which the
> international class [i.e. the proletariat] will have to lead and develop, in
> accordance with the international perspective and directives [i.e. those
> of the Comintern][1] (Gramsci, 2000, pp. 230-232).

Gramsci's strategy is to visualize the national first, and then move outward to the

international domain, without ever being released from the national, which contains all of

its original and unique forces:

> It is in the concept of hegemony that those exigencies which are
> national in character are knotted together; one can well understand
> how certain tendencies either do not mention such a concept, or merely
> skim over it. A class that is international in character has – in as much
> as it guides social strata which are narrowly national (intellectuals),
> and indeed frequently even less than national: particularistic and
> municipalistic (the peasants) – to 'nationalize' itself in a certain sense.
> Moreover, this sense is not a very narrow one either, since before the
> conditions can be created for an economy that follows a world plan, it
> is necessary to pass through multiple phases in which the regional
> combinations (of groups of nations) may be of various kinds (Gramsci,
> 2000, pp. 230-232).

To be clear, Gramsci is not saying there is an international state in his day, but in the

above passage he prescribes the requirements for the process of internationalization, if it

---

[1] The editors of the Buttigieg and Callari edition of the Prison Notebooks which I use for this thesis note that
square brackets [ ] "have been used to integrate into the printed text all the interlinear and marginal variants
and additions which Gramsci inserted into his own manuscript… Angular brackets,… On the other hand,
enclose all editorial intrusions into the text (Gramsci, Prison Notebooks, 1996)

were to occur. That is a process of internationalization of leading social forces in diverse, reciprocal relations with other forces operating at quite different levels.

iii.   International economy, global society and the effects of internationalization on the state

Cox (1987) links Gramsci's 'internationalization of production' to the internationalization of the state (pp. 253-54). Cox describes not the decline of the state as Susan Strange (1996) had proposed or the emergence of a world state. Rather he talks about the internationalization of the nation-state as a process of hierarchically structured consensus building whereby the leading elements of the various national states form a consensus around the exact needs of the world economy (production) and international economy (trade). World economy is focused on production via transnational corporations with interests and assets located in diverse geographical locations around the globe. The goal is accumulation whereby corporations (whether domestic or transnational) continually seek better labour prices and other efficiencies to enhance accumulation, profit and expansion. International economy is focused on exchange and trade between states. States shape their domestic policy to support and enhance the international economy of trade by concurrently shaping and enhancing the domestic environment for transnational production (Cox, 1987, pp. 244-53). This can be seen in the WTO negotiations as well as other similarly structured institutions and agreements (bi-lateral, multi-lateral) formed independently between nations as well. Structures within states are also adjusted to accommodate the international consensus (or at least appear to). In the neoliberal era, the neoliberal state prioritizes agencies that help forge the link between the

international economy and the world economy (p. 228). Cox does not see this as progressing toward some predestined end (that is, teleologically) and says that there is "nothing inevitable about the continuation of either the internationalizing of the state or the internationalizing of production" (p. 254). In evaluating these comments, one must also remember that when Cox talks about the state he is referring to the Gramscian notion of state that includes "both the machinery of government administration and enforcement …and the historic bloc on which the state rests" (p. 253). Because the introduction of international affairs may lead to some uncertainty about usage, one interpretive point is crucial. Cox's use of hegemony is in the Gramscian sense of dominant and influential social groups operating across the different realms of an historic bloc, not the realist understanding of dominance of a single world power, or the dominance of one country over another. To the extent that a country like the US is identified as being hegemonic, it is with this sense of that state's internal structuring and contention firmly in mind.

2.3. Culture

Gramsci's theories have often been considered more seriously in relation to international and national politics and political economy as above, but not as frequently in relation to cultural studies. Indeed, for some like Randall D Germain and Michael Kenny (1998), there is a question whether Gramsci placed enough strategic and analytical importance to culture to give it more importance in his thought about the ultimate sources of power and social change, saying "while some latter-day interpreters have argued for the apparently autonomous role of culture and politics in Gramsci's ideas, others have contested this

move in both political and intellectual terms" (Germain & Kenny, 1998, p. 11). In recognition of this question about the analytical place of culture in Gramsci's work, this section explores and demonstrates the relevance of Gramsci's theories as they relate to culture and the case study. In the process, the section also provides a bridge to Morris and to Adorno and Horkheimer in their work on culture.

i.   Gramsci and culture

Gramsci had much to say about culture. He was a linguist and focused on culture and cultural issues consistently throughout his life. This is reflected in his writing as a journalist, as an arts and culture critic for *Avanti!* (1916), and later in the *Prison Notebooks* (1929-35). Gramsci's incisive critique of the "theatre industry" (Gramsci, 2012, pp. 54-85) in Turin focused on how the formation of a national culture and identity was eroded by the commercialization of national arts, foreshadowing Adorno and Horkheimer's own concerns about the products of the culture industry. Further, Gramsci believed at that time in his career that the erosion of culture required direct intervention by the state. He also wrote about, analyzed, and theorized a range of topics that included the forms and expressions of poetry, literature, film, visual art, theatre, architecture, all forms of published media, and language. Thus, from the volume of writing alone it would be difficult to ignore the significance of culture in his thought and practice.

On the topic of culture, Gramsci's pre-prison writing should be considered alongside his better-known Prison Notebooks. Here can be found early connections to ideas around culture and the relationship of culture to national identity and hegemony, more fully expounded on or continued through the later *Prison Notebooks*. Richard Bellamy (Gramsci, 1994) has noted that when approaching Gramsci in this way "the

original intent and frame of reference of his ideas [is] harder to avoid" (p. x).   Forgacs

and Nowell-Smith note that those who seek to remove or isolate Gramsci's discourse

about culture from his other conceptions create an even greater gap that they say, "does

not account for the consistency with which cultural topics are in fact handled by Gramsci

throughout the Notebooks; nor does it do justice to the specificity of his thinking about

cultural issues, which is above all remarkable for its refusal to divide culture from history

and politics" (Gramsci, 2012, p. 38). Gramsci was also interested in the institutions of

culture, stating "it would be interesting to study concretely the forms of cultural

organization which keep the ideological world in movement within a given country, and

to examine how they function in practice" (Gramsci, 2012, pp. 323-43).

　　　More recently, Owen Worth (2009) contributes to the discourse around

Gramsci's notion of civil society, with the newer notions of global civil society that a

focus on Gramsci's writing on culture can provide (p. 26). Worth underlines the

relevance of a study of culture to Gramsci:

> Gramsci gave great importance to culture and the complex and diverse
> organisation of civil society in understanding the articulation of hegemonic
> practices (Gramsci 1985), yet these are often underplayed in neo-Gramscian
> approaches as they might disrupt the neat structural foundations inherent
> within world order and transnational class development. However, with the
> growing significance of such practices in new studies on globalisation and
> global civil society, it seems to me that these can no longer be ignored…..I
> suggest that a different Gramscian approach can be taken to global politics that
> moves beyond the centrality of world order and transnational classes. This is
> not to say that we should ignore the innovations provided by Cox and Gill, but
> that we use the spirit of their respective calls for alternative Gramscian-
> inspired accounts of critical theory to produce fresh theoretical and empirical
> enquiries. One avenue for this is to engage with Gramscian theory produced in
> the areas of Cultural studies… (Worth, 2009, p. 26)

Gramsci's critique of culture can clearly yield more insights into his basic theories, for example how consensus is achieved via the organic intellectuals in cultural production roles of mass media, theatre, or film. Gramsci perceives the ubiquity of cultural forms (especially the press) as central to the transmission of ideology that includes "everything which influences or is able to influence public opinion belongs to it: libraries, schools, associations and clubs of various kinds, even architecture and the layout of names and streets" (Gramsci, 1996, p. 53 (Vol II)). He further observed the significance of technology to cultural transformation starting from the printing press which he says, "revolutionized the whole world of culture" and corrected "errors of logic…common in oral argumentation" due to memory and iterative interpretations of the listeners. He is interested in how technology influences consciousness and foresees a potential study "about the qualitative as well as quantitative (mass extension) changes that the technical development of the organization of culture brought to the way of thinking" (Gramsci, 1996, p. 232 (Vol I)). This thought foreshadows Adorno and Horkheimer's central concern in the *Dialectic of Enlightenment* (1969), concerning the influence of mass forms of media on consciousness.

Another example of Gramsci's early writings on culture in the Italian Socialist Party's journal *Avanti!* explores the need for a proletarian culture as an integral force within the overall project toward 'the proletarian revolution' (in his usage, a new civilization). The untitled article shows how he integrates economic and political concerns, not outside of culture, but as central to it:

> These forces can be identified in the economic and political fields; but is it possible to start identifying the latent elements that will lead to the creation of a proletarian civilization or culture? Do elements for an art, philosophy and morality (standards) specific to the working class

already exist? The question must be raised and it must be answered. Together with the problem of gaining political and economic power, the proletariat must also face the problem of winning intellectual power. Just as it has thought to organize itself politically and economically, it must also think about organizing itself culturally" Unsigned, Avanti!, Piedmont edition, l4 June 1920 (Gramsci, 2012, p. 41)

Thus, Gramsci outlines culture as central to considerations of gaining political and economic power.

Renate Holub's (1992) study of Gramsci pays even more attention to his interests in culture and makes strong connections to Adorno, Horkheimer, and Benjamin in the Frankfurt School. Holub points out that Gramsci's early work as a theatre critic contributed much to his thinking about the transformative potential of cultural expression in the counter-hegemonic project. Early on, his critique of the downward erosion of the Italian Theatre towards profit-driven mass consumption foreshadows the Frankfurt School's critique of the culture industry. She also shows how Gramsci, nearly fifteen years prior to the Frankfurt School, was already considering the impacts of the culture industry on human consciousness and autonomy:

In this he parallels, to the very coining of his terminology and conceptual apparatus, and again from a distance of a good fifteen to twenty years, some of the efforts of the Frankfurt School. Gramsci examines, as would Adorno, Horkheimer and Marcuse, the phenomenon of the culture industry, with its concomitant manipulation of sensibilities, of the psychological needs of large masses of people, and with its tendencies to fabricate mass cultural one-dimensionality, for manufacturing consent to a political status quo (Holub, 1992, p. 80).

Gramsci's complaints of "psychological insincerity and lame artistic expression" (Holub, p. 86) in the early part of the century are not that different from Adorno and Horkheimer's complaints about cinema and radio later on, when they say that "films and

radio need no longer to present themselves as art. The truth that they are nothing, but

business is used as an ideology to legitimize the trash they intentionally produce"

(Horkeimer & Adorno, 2002, p. 95). Likewise, Gramsci does not see cinema as "an

instrument for political and cultural struggles", specifically because of its technical or

'Taylorist' modes of production and the profit-motive of private ownership of the

theatres" (Holub, 1992, pp. 84, 88).

Holub also details the shift in Gramsci's thinking during his time in prison that

aligns more with Walter Benjamin (1892-1940) and Bertolt Brecht (1898-1956) and

which sees the potential of new technologies, versus the pure threat to consciousness that

Adorno and Horkheimer see:

> When [Gramsci] returns to writing on the theatre and on film, when in prison,
> this is, by the late 1920's, many of his attitudes on the way in which the
> audience interacts with the stage have changed….his understanding of the
> cinema, of the immense communicative potentials of the cinematic apparatus,
> have also changed by the early 1930's. He no longer dwells on a negative
> critique of the theatre industry….Rather, Gramsci shows more of an interest in
> issues related to new communication and film technologies in their relation to
> mass culture…And precisely because the cinema operates with elements of the
> melodramatic genre, it can and should be enlisted in the cultural struggle
> (Holub, 1992, pp. 90-91).

The idea of 'mass culture' as understood later by Adorno and Horkheimer seems

not to portend equally negative consequences compared to the theatre industry for

Gramsci, even though the impact of distribution networks or reach of cinema is so much

greater than theatre. Gramsci is interested in the new technology of film, which at this

time as an innovation was not yet fully dominated by commercial advertising interests.

This will be the fight that Adorno and Horkheimer will take on – the contamination of

products of the culture industry with commercial interests.

The critique of the inclusion of culture in Gramsci's thought, while it may not be appropriate to insist on the complete primacy of culture in his thought, can also not be overlooked as mere fireside musings. Rather, Gramsci's reflections on culture can be traced from the pre-prison writing and through the Prison Notebooks. These point to a desire to continue to integrate his thinking and experiences as part of his overall conceptions, recognizing that culture is not something outside oneself, but is a real influence and integral to a more holistic conception of his overall *leitmotiv*. Above all, Gramsci's reflections on culture came from the same place as Morris's own concerns with the devolution of quality in cultural products and foreshadow ideas that will be taken up with greater force and definition by Adorno and Horkheimer discussed more fully below.

ii.   Commodity form - Marx and Morris, art and labour

I will now outline some of the concepts that will draw on the notions of social relations of production as explained by Cox earlier, and Marx's conception of the commodity form as it relates to social use value. While this may at first appear far removed from discussion of the UNESCO Convention and Canada's cultural policy, this step is in fact crucial for understanding the origins of Marxist critiques of the commodification of culture and the emergence of the cultural industries. I will also return here to the introductory remarks concerning Morris and his perspective of the artist or craft guild worker as labourer and his interpretation concerning the impact of commodities on society.

Products, whether created for sole consumption by the creator, shared freely, or traded for money or other goods, are the result of human labour. The commodification of

labour theories developed by Marx therefore provides a critical lens to view the important

difference between the products of the culture industries and national arts (what Adorno

and Horkheimer (and Massey) would consider 'high art'), and how and if this difference

impacts cultural policy in the Convention.   The commodification of labour is central also

to Adorno and Horkheimer, just as it is to Morris.   Marx's opening statement in *Capital*

is that "the wealth of those societies in which the capitalist mode of production prevails,

presents itself as "an immense accumulation of commodities," its unit being a single

commodity" (Marx, 1887, p. 26). The commodity is to Marx above all "an object outside

us, a thing that by its properties satisfies human wants of some sort or another" (p. 27).

In Marx's analysis, the dynamics of capitalist production centres on three distinct

forms of 'value' within the commodity and re-locates human labour through analysis of

these three forms, and labour which becomes invisible through commodity production. A

commodity only has value if it is useful and can meet human needs or desires (use value),

yet it can only be understood through its exchange value which he says becomes the

"only the mode of expression, the phenomenal form, of something contained in it, yet

distinguishable from it…exchange value is the only form in which the value of

commodities can manifest itself or be expressed" (Marx, 1887, pp. 27-28). That being

the case, a commodity has use value in a secondary sense. In this Marx states that if a

thing is created and used by oneself, it has use value, but it is not a commodity. It only

becomes a commodity when "transferred to another, whom it will serve as a use value, by

means of an exchange" (p. 29). By producing "use value for others" the producer creates

social use value. In locating the value of labour within commodities, Marx uncovers the

'twofold nature' of 'useful' labour "whose utility is thus represented by the value in use

of its product, or which manifests itself by making its product a use value" and by its qualitative differentiations throughout a community of producers that results in a complex system of social divisions of labour (p. 30). A third aspect of value, then – value proper – is revealed as value, that thing which is "contained in it, yet distinguishable from it". This arises in an abstraction from this endless diversity of social use values, an abstraction revealed in the quantitative comparisons of diverse commodities through the proliferation of market exchange. This underlying value of a commodity is reducible to the social average of labour time necessary to produce that commodity. In the end, it is human labour which gives commodities both their value and use value:

> On the one hand all labour is, speaking physiologically, expenditure of human labour power, and in its character of identical abstract human labour, it creates and forms the value of commodities. On the other hand, all labour is the expenditure of human labour power in a special form and with a definite aim, and in this, its character of concrete useful labour; it produces use values (Marx, 1887, p. 9).

However, the root of value in labour time is buried or hidden by "the riddle presented by money", as Marx demonstrates through an analogy of the production of a coat versus a bolt of linen. Marx derives the logical necessity for money from an initial comparison of non-money commodities – essentially akin to barter. Within a barter exchange, the issue comes down to one of relative value and equivalencies. The coat and linen are "equal" in that at certain quantities of each, an equal exchange can be agreed: this is possible because both are produced from human labour in certain socially determined quantities. But in any given actor's intent to exchange, the commodity that the actor owns has a value that is *relative* to some other commodity in a given quantity;

that other commodity provides the *equivalent* value to the value of the actor's

commodity. For the other actor in the exchange, the relationship is precisely reversed. It

is because of the relationship of one to the other that value is exposed whereby

> [t]he linen expresses its value in the coat; the coat serves as the material in
> which that value is expressed. The former plays an active, the latter a passive,
> part. The value of the linen is represented as relative value,or appears in
> relative form. The coat officiates as equivalent, or appears in equivalent form.
> … By making the coat the equivalent of the linen, we equate the labour
> embodied in the former to that in the latter…It is the expression of equivalence
> between different sorts of commodities that alone brings into relief the specific
> character of value-creating labour, and this it does by actually reducing the
> different varieties of labour embodied in the different kinds of commodities to
> their common quality of human labour in the abstract (Marx, 1887, pp. 33-34).

For Marx, the difficulty becomes one of reconciling equivalent value between the

money form and commodity form of labour and settling on a "universal equivalent

form"[2] (Marx, 1887, p. 46). In proceeding as he does, inserting the relative

value/equivalent value distinction in a barter relationship, he denies that money itself

makes other commodities commensurable. Instead, it is the prior commensurability of all

commodities that makes quantification of value, and thus the money function possible.

That prior commensurability arises because all use values come from human labour: the

money form itself, though it has specific use values such as the storage of value and

facilitation of exchange, cannot directly represent value: value can only exist in "visibly"

quantifiable form as exchange value, and money is the distorted mirror which provides its

visibility:

> It is not money that renders commodities commensurable. Just the contrary. It
> is because all commodities, as values, are realised human labour, and therefore

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[2] See also Marx's discussion of equivalencies of wages and commodities in "Value, Price and Profit" (Marx, Value, Price and Profit, 1969)

commensurable, that their values can be measured by one and the same special commodity, and the latter be converted into the common measure of their values, i.e., into money. Money as a measure of value, is the phenomenal form that must of necessity be assumed by that measure of value which is immanent in commodities, labour-time… the money-commodity, neither merely ideal, as in its function of a measure of value, nor capable of being represented, as in its function of circulating medium...it congeals into the sole form of value, the only adequate form of existence of exchange-value, in opposition to use-value, represented by all other commodities (Marx, 1887, p. 66).

Thus, the money form stands in opposition to all other commodities in the material activity of exchange, such that the money is the prime bearer of exchange value and the other commodities the bearers of their various use values. This becomes a continuous, inescapable cycle the more deeply entrenched the system of using it becomes. It is the nature of the dynamic interplay between the commodity and its labour power within a social milieu that Marx saw as "a mysterious thing" that he understands as a 'fetish'- concurrent processes connecting both visible and invisible meaning of one's labour to the 'social' use value:

….the social character of men's labour appears to them as an objective character stamped upon the product of that labour; because the relation of the producers to the sum total of their own labour is presented to them as a social relation, existing not between themselves, but between the products of their labour. This is the reason why the products of labour become commodities, social things whose qualities are at the same time perceptible and imperceptible by the senses… There it is a definite social relation between men, that assumes, in their eyes, the fantastic form of a relation between things… So it is in the world of commodities with the products of men's hands. This I call the Fetishism which attaches itself to the products of labour, so soon as they are produced as commodities, and which is therefore inseparable from the production of commodities (Marx, 1887, p. 47).

Marx's insight into commodity forms of production exposes the invisible and dynamic meaning of 'value' that is created at the moment of exchange of human labour-power, and the exposure occurs in the form of one's creation, the commodity. However,

it is the combination of the capitalist form of production and the money form of rewards for labour that Marx says, "actually conceals, instead of disclosing, the social character of private labour, and the social relations between the individual producers" (Marx, 1887, p. 49). Both function to homogenize the individual's use value of labour and simultaneously veil its social nature – its roots in a collective but class-divided production process -- thereby extinguishing "the whole mystery of commodities, all the magic and necromancy that surrounds the products of labour as long as they take the form of commodities" (p. 39).   For Marx, this underlying social fabric is of utmost significance. Marx seeks to "get behind the secret of our own social products" (p. 48) and in doing so reveals the fetishization of the commodity form, which is really bound up simultaneously with the production and exchange of commodities.

How does Marx's concept of commodity form inform an understanding of labour and production in art and culture and the cultural industries? For this, I find William Morris's work essential. A. L. Morton has said "it is Morris... who can properly be called the first English Marxist" (Morton, 1984, p. 21). Moreover, he is an artist, probably one of the most important of the time. Morris was a polymath who excelled at many arts and had wide ranging interests, including socialism. He is best known as one of the most important artistic figures during the arts and crafts movement in 19th century England where he strove to bring quality, hand-made arts back to a society that, in his mind, was overrun with cheap commodities. Ironically, some of his famous hand-painted wall papers were so extraordinarily expensive that only the wealthy bourgeoisie could afford them. Yet, he was also passionate about Marxism and the socialist cause. Morris gave many public lectures and speeches and published articles on the plight of art and labour,

both of which he believed were in a state of unacceptable decline. His understanding of 'Art' though has a much broader meaning and application that goes beyond what is traditionally known as fine art i.e. paintings and sculpture. In Morris's own words he says, "I understand the word a great deal more; beauty produced by the labour of man both mental and bodily, the expression of the interest man takes in the life of man upon the earth with all its surroundings, in other words the human pleasure of life is what I mean by art" (Morris, 1884, p. para. 2). The concept of Big C culture drawn in this thesis is aligned with Morris's thinking in terms of recognizing the public good aspect of culture which are differentiated by the instrumental economic motives of the cultural industries. Morris had little to nothing positive to say of capitalist society and saw the evils of capitalist greed everywhere, referring to capitalists as "modern slave-owner[s] (Morris, 1885, p.325). Morris stresses the social relations between people and sharing the positive "human pleasure of life" through the products of their labour. I will return to this explanation about art from Morris's perspective because it helps to explain and provide a position from which to critique the fetishization of the commodity form as described by Marx. Moreover, it specifically explains commodified cultural products that is relevant to the case study in this thesis.

Consider now Morris's socialist perspective on the labour of artists. Morris frames the social relations between people as sharing the positive "human pleasure of life" through the products of one's labour. Morris considered artists, craftsmen and guildsmen as workers and spoke out publicly against what he saw as the erosion of quality of life of the workers and society because of industrialization and commodification. He was deeply influenced by Marx and the socialist movement and

constructed a narrative of history that I will call his cultural historicism. It is grounded in

an understanding of the social dynamic of labour and society in the Middle Ages and

founded on Marx's material historicism. His primary critique was the division of labour

that alienated workers from their products and control of the artist's materials and

processes. In his lecture, *Art and Labour* (1884), Morris traces the decline of art to the

elimination of beauty (and thus the purpose of life) in daily work that is a direct outcome

of industrialization. The contrast, he explains, can be found in the Middle Ages when

> …everything that man made was beautiful, just as everything that nature
> makes is always beautiful; and I must again impress upon you the fact that this
> was because they were made mainly for use, instead of mainly to be bought
> and sold as is now the case. The beauty of the handicrafts of the Middle Ages
> came from this, that the workman had control over his material, tools, and time
> (Morris, 1884, p. para.43).

For Morris, beauty is equated with pleasure. Pleasure in one's work results in

beauty that is achieved because of the workers' autonomy in making the object with their

own tools and materials (canvas, loom, clay etc.). The breakdown in social relations

results because "people worked in the main for livelihood and not for profit: so that the

worker had but one master, the public, and he had full control over his own material,

tools, and time; in other words, he was an artist" (Morris, 1884, p. para.40). Interestingly,

Morris's definition of an artist is not that he or she paints or makes pottery. Morris

defines an artist as someone who has labour autonomy. Thus, the devolution wrought by

capitalism comes because of a division of labour, the breaking up and parcelling out of

work into unconnected pieces so that there can be no contiguous creation, no complete

authorship, no connection or uninterrupted vision from beginning to end. As Morris saw

it, the worker "was turned into a machine for the cheapening of market-wares" (p.

para.58) and further that "owing to the rise of producing for profit the workman has been robbed of one pleasure which as long as he is a workman is perhaps his most important one: pleasure in his daily work: he is now only part of a machine, and has indeed little more than his weariness at the end of his day's work to show him that he has worked at all in the day" (p. para.68).

Morris recounts that the final blow for labour comes from the replacement of people with real machines in the 18th century whereby "each individual workman is only an inconsiderable part, and in which the skill of the individual even his subdivided skill as a division-of-labour workman is supplanted by the social organization of the whole group" (Morris, 1884, p. para.64). Bringing his middle-class audience back to the present (in 1884), Morris has no pretense to resurrecting the Middle Ages, nor is his lecture simply a nostalgic rant:

> You will not be astonished to hear me say that in order to produce art once again the workman must once more be master of his material, tools, and time: only I must explain that I do not mean that we should turn back to the system of the middle ages, but that the workman should own these things that is the means of labour collectively, and should regulate labour in their own interests; also you must bear in mind that I have already said that all must work therefore the workmen means the whole of society; there should be no society outside those who work to sustain society (Morris, 1884, p. para.82).

The desired revolution to achieve this united, classless society that once again creates genuine art can only be achieved with the cooperation of the middle-class audience whom Morris leaves with an idyllic vision of the future:

> when the words rich and poor, that have so long cursed the world, shall have no meaning, when we shall all be friends and good fellows united in that communion of happy, reasonable, honoured labour which alone can produce

genuine art, or the Pleasure of Life (Morris, 1884, p. para.80).

Morris's vision is an important context from which to reflect on Gramsci and Adorno and Horkheimer, specifically because of his clear articulation of the artist-worker in a socialist analysis, and his understanding of issues around quality and consciousness. While Gramsci stresses the effects of cultural products in hegemonic struggle, Morris considers what happens in the making of these cultural products when they become subject to capitalism and mechanization. These issues are taken up later by Adorno and Horkheimer and by Benjamin.

iii. Critical theories of culture – Adorno, Horkheimer and Benjamin

Critical theory in culture and cultural studies centres on the work of Theodore W. Adorno and Max Horkheimer of the Frankfurt School and their critique of the commodification of culture, and to a lesser degree by the earlier work of Walter Benjamin (1892-1940). Benjamin differs in part with Adorno and Horkheimer on the impact of globalization on culture and cultural products. Douglas Kellner has linked current cultural studies to traditions of cultural Marxism established by Adorno, Horkheimer, and Benjamin with Gramscian hegemony theory. The struggle between these two schools is well documented (Gunster, 2004, Kellner, n.d.) although both had similar foundations. They were relatively complementary in their Marxian outlooks and in the potential they saw for culture to provide counter-hegemonic resistance to capitalism:

> Both also conceived of culture as a potential form of resistance to capitalist
> society and both the earlier forerunners of British cultural studies, especially
> Raymond Williams, and the theorists of the Frankfurt school viewed high
> culture as containing forces of resistance to capitalist modernity, as well as
> ideology. Later, British cultural studies would valorize resistant moments in

media culture and audience interpretations and use of media artifacts, while the
Frankfurt school tended, with some exceptions, to conceptualize mass culture
as a homogeneous and potent form of ideological domination -- a difference
that would seriously divide the two traditions (Kellner, n.d., pp. 8-9).

One modification to Kellner can be made here concerning the meaning of 'mass culture' from Adorno and Horkheimer's perspective, one which nonetheless confirms Kellner's observation that their views are highly critical. In *The Culture Industry Revisited* (1975), Adorno clarifies the importance of distinguishing 'mass culture' from the commodities of the 'culture industries'. In an important revision of their own thinking they rejected the idea of 'mass culture' as rising from the cultural industries because they saw through the artificiality of the culture industry, recognizing it as a capitalist construct which "transfers the profit motive naked onto cultural forms" (Adorno T. W., 1975, p. 13):

> In our drafts we spoke of "mass culture". We replaced that expression with
> "culture industry" in order to exclude from the outset the interpretation
> agreeable to its advocates: that it is a matter of something like a culture that
> arises spontaneously from the masses themselves, the contemporary form of
> popular art. From the latter the culture industry must be distinguished in the
> extreme. The culture industry fuses the old and familiar into a new quality. In
> all its branches, products which are tailored for consumption by masses, and
> which to a great extent determine the nature of that consumption, are
> manufactured more or less according to plan (Adorno T. W., 1975, p. 12).

Here Adorno and Horkheimer are distinguishing the culture industry from any form of culture in the public sphere (the contemporary "masses") which correlates to my definition of Big C cultural products. The tailoring of products for consumption, the standardization of production methods and limited and repeated content of the culture industry products form the basis for creating a strong, adamant delineation of meaning in Adorno and Horkheimer.

The need for firm demarcations between these concepts comes up again later and is important because globalized trade is further blurring the meaning of culture (or more rightly – cultural forms) and the effects of commodification. Where Marx was concerned with workers' creation of use value through their labour, and the social dynamic of exchange value created through the commodity, Adorno and Horkheimer's gaze was locked on the effects of industrially produced and mass-consumed cultural commodities on society in general.

Adorno's thinking is also diverse about these social effects. The horrors of Auschwitz and the insights of individual psychology of Sigmund Freud combined powerfully in Adorno's own reflections on capitalism and society. Deborah Cook (2008) notes that Adorno developed a remarkably sophisticated psychoanalytic account of anti-Semitism and Nazism based on his discussions with Freudian social psychologists and "gave pride of place to psychoanalysis in his criticisms of the culture industry" (Cook, 2008, p. 31). Cook notes that Adorno believed that capitalism "had fostered wide-spread social and psychological pathologies such as authoritarianism, narcissism and paranoia" which he argued would not be solved by psychoanalysis but rather "by completely transforming capitalist society" (p. 6).

Exactly how the 'transformation of capitalist society' was to take place is another point of diversion from Marx in Adorno and Horkheimer, a diversion that had two important aspects: their rejection of historical materialism as an inescapable influence in society, and their argument that a socialist revolution led by the worker class is neither inevitable nor a natural response to capitalism (El-Ojeli & Hayden, 2006, p. 7). According to el Ojeili and Hayden,

The Frankfurt School theorists challenged orthodox Marxism's dogmatic
adherence to historical materialism and its positivist views of economics,
politics and science, advocating instead a self-reflective version of 'immanent
critique'" which "involves critically questioning the norms and values found
within existing social arrangements and institutions, in order to expose
contradictions and tensions between ideas and practices which often lead to
unacknowledged forms of oppression (El-Ojeli & Hayden, 2006, p. 7).

Moreover, Adorno and Horkheimer's 'immanent critique' specifically exposes the

inherent oppression and fallacy of consensus in the mass consumption of commodities,

stating that "because millions participate in it" (Horkeimer & Adorno, 2002, p. 95) the

culture industry rationalizes developing standardized production methods that eliminates

diversity, choice, or individuality. The redefining of mass culture to 'culture industry'

thus refocuses the artificiality of the commodification of culture (especially its technical

modes of production and distribution), and the resulting objectification inherent in the

capitalist attitude toward the 'masses' which Adorno assigns equal, if not more,

accountability to culture industry capitalists:

If the masses have been unjustly reviled from above as masses, the culture
industry is not among the least responsible for making them into masses and
then despising them, while obstructing the emancipation for which human
beings are as ripe as the productive forces of the epoch permit. (Adorno T. W.,
1975, p. 19).

The relabeling also acts as a reminder that the culture industry strives to make

their products appear benign, but as Adorno says they "are neither guides for a blissful

life, nor a new art of moral responsibility, but rather exhortations to toe the line, behind

which stand the most powerful interests. The consensus which it propagates strengthens

blind, opaque authority" (Adorno T. W., 1975, p. 17). The so-called consensus created

through mass consumption underlines Adorno and Horkheimer's concern that "the power

of the culture industry's ideology is such that conformity has replaced consciousness"
(Adorno T. W., 1975, p. 17).

Have things changed so much from Adorno and Horkheimer's time to today? For
example, in their time there may have been fewer channels available whether television
or radio and thus fewer choices. However, it is arguable whether, with the greater
availability of content today, there is that much diversity of content. Cable television is a
good example today whereby the greater number of channels is comprised of duplications
of syndicated channels. For example, CBC from every province in Canada is offered as a
choice, but the only differentiation is the short segment on local news and weather.
Internationalized, this is the exact problem at the heart of the *Periodicals Case* for
Canada, where a key issue was the "content" (which was just advertisements) of split run
magazines being sold under the guise of Canadian content. Today's emphasis on
diversity and choice is smoke-screen for substantially duplicated content – and therefore
not really a choice. Being able to get a burger with cheese and bacon provides a greater
option for real choice. Thus, today "mass audiences" essentially watch the same movies
and television (over-run with the same advertisements), listen to the same radio stations,
and read the same magazines: all products published or broadcast by a small group of
mostly transnational corporations. The repetitive and limited variability of media and
narrative of the culture industry ensures profitability while also "fettering consciousness"
(Adorno T. W., 1975, pp. 18-19); our responses are manufactured in advance for use as
predestined, planned reactions that "tolerates hardly any deviation and incessantly drills
the same formulas of behavior" (p. 18). In essence, our consciousness is conformity.

iv.   Commodification of culture

The culture industry critique of Adorno and Horkheimer resonates even more strongly today as dramatic shifts in technologies drives greater distribution of cultural products. The cultural products that concern Adorno and Horkheimer most are those that are mass produced and ubiquitous such as film, magazines and radio. But other forms of culture are not shielded from the cannibalism of the culture industries. In Gramscian terms, the latter seek homogenization in hegemonic fashion by absorbing and neutralizing challenging ideas (passive revolution and *trasformismo*) and creativity from broader and potentially counter-hegemonic world views.

Shane Gunster (2004) highlights this problematic as exactly Benjamin's complaint about how the globalized culture industry operates. In contrast with Adorno and Horkheimer, Benjamin believed that "the commodification of culture opens up fantastic new possibilities for human experience which demand the supersession of capitalism" (Gunster, 2004, p. 17); however, "in the end he remains horrified by how these demands are continually suppressed, ignored, or colonized by an emerging consumer society" (p. 17). The emphasis on the role of the consumer in society in Benjamin confirms the opaqueness of the hegemonic force created by the culture industry/consumer relationship that Adorno's critique exposes, and which Gunster says "restores a profound sense of the systemic contingency that underlies the totality of the culture industry" (pp. 12-13).

Moreover, Adorno and Horkheimer recognize an array of erosive effects of the mass production/mass consumption cycle on humans' intellectual and emotional capacities. This affects one's ability to make autonomous decisions or to distinguish

quality beyond simple use value, leading to an overall state of 'anti-enlightenment' in society:

> The total effect of the culture industry is one of anti-enlightenment, in which, as Horkheimer and I have noted, enlightenment, that is the progressive technical domination of nature, becomes mass deception and is turned into a means for fettering consciousness. It impedes the development of autonomous, independent individuals who judge and decide consciously for themselves. These, however, would be the precondition for a democratic society which needs adults who have come of age in order to sustain itself and develop (Adorno T. W., 1975, p. 19).

What Adorno and Horkheimer are describing is a dense collaboration of technicians, producers, writers, and marketers among many others that privileges conformity in production and modes of distribution as well as conformity of the consuming 'audience'. The ubiquity of culture industry products blurs the line between no longer being part of the 'audience' and having experiences that are unique, autonomous and free "especially since the system of the culture industry that surrounds the masses tolerates hardly any deviation and incessantly drills the same formulas of behavior" (Adorno T. W., 1975, p. 18)

In this critique, it would be difficult to know if one could ever have an independent thought under modern conditions. However, although easy to despair in this regard, Gunster cautions that "it has become common sense to fault Adorno for offering no way out; actually, his deep pessimism offers a necessary first step in building a visceral awareness that culture need not be the way it is today, that other forms of culture are possible even though they may be difficult to conceive" (Gunster, 2004, p. 12). Indeed, today the hegemony of culture industry products in a free-market milieu and the global expanse of the internet and social media makes this even more difficult to conceive. On the one hand, the incredible success of online companies like YouTube and

Facebook point optimistically to strengthened social connections around the world, opening as Benjamin expected, fabulous opportunities. On the other hand, the sheer volume of activities and content can conceal meaning and reduce these interactions to meaningless oversimplifications, often a complaint about social media forms such as Twitter. Adorno's insight can be applied here too that because "of its social role, disturbing questions about its quality, about truth or untruth, and about the aesthetic niveau of the culture industry's emissions are repressed, or at least excluded from the so-called sociology of communications" (Adorno T. W., 1975, p. 15).

This discussion of the commodification of culture has shown how the social relations of cultural production and exchange in a capitalist system are bound up with processes of exchange and our understanding of the value of labour and art or culture. Through Gramsci and Marx, culture is a

crucial element in the creation of a Weltanschauung and anchoring hegemony. The creative vision and passion of Morris directs one's attention to the impacts of commodification on the worker(s) who he says have been reduced "to such a skinny and pitiful existence, that he scarcely knows how to frame a desire for any life much better than that which he now endures" (Morris, 1894, p. 383) Adorno and Horkheimer remind us that the processes in the culture industry, driven by instrumental economics, "must be distinguished in the extreme" (Adorno T. W., 1975, p. 12) from art and culture, or what I refer to as Big C culture, namely those works comprised of (public) arts and cultural media. The following case study is intended, among other things, to do just that.

Chapter 3

3. The Case Study – applying the theoretical framework

The following case study applies the analytical framework of the previous sections to gain a collective understanding of the events of the Convention including the its contents, the actors involved, and the historical, scholarly, and popular media records. The case study first introduces the contents of the Convention and general events and actors leading to its development at UNESCO. I then describe specifically the analytical framework elements that will be unpacked through the balance of the case study. This includes the relevance of the internationalization of the state, the decisive apparatuses of hegemony with a review of popular media and the involvement of organic intellectuals. The popular media sources help to locate the content and timbre of the *Weltanschauung* and processes of *trasformismo* and passive revolution. I then look at the how the integral state was formed by the federal Canadian government, its subnational jurisdiction of Quebec, and civil society. Lastly is an examination of the role of international institutions and international law.

3.1.   Introduction to the Convention

"Culture is like the air we breathe: in today's world it needs to be defended"

wrote Holly Aylett (2010, p. 355) concerning the *Convention on the Protection and*

Promotion of the Diversity of Cultural Expressions (2005) created at UNESCO. The

details of the historical timeline leading to its creation was by all accounts speedy starting

with the adoption of the Universal Declaration on Cultural Diversity in November of

2001 (UNESCO, 2001) and the development of a proposal for a new legal instrument by

eight-member states being submitted to the Executive Board in 2002. In 2003 the board

subsequently recommended to the General Conference of members to review a

preliminary study concerning the proposal at which point the members overwhelmingly

invited the director to submit a report at a following meeting. By May 2004, three

consultations had occurred involving independent subject matter experts who prepared

drafting proposals, recommendations and commentary and notes on the contents of the

future convention. Drafts were circulated for comment to three key inter-governmental

organizations (IGOs): the WTO, the United Nations Conference on Trade and

Development (UNCTAD), and the World Intellectual Property Organization (WIPO). In

July 2004 the preliminary draft was circulated to member states for written comment. In

September 2004 an Intergovernmental Meeting of Experts was convened and attended by

almost 600 experts from 132 Member States, two permanent observers, representatives

from intergovernmental organizations and 20 non-governmental organizations (NGOs).

Over the next four months the UNESCO Secretariat would receive input from 88-

member states, 15 NGOs, and the three key IGO's. The Intergovernmental Meeting of

Experts would convene two more times through late January and early February 2005

and finally in late May to early June of 2005 to thoroughly review and amend the drafts. On June 3, 2005 they made their formal recommendation to the General Conference to adopt the preliminary draft convention at the thirty-third session held on October 20, 2005. The General Conference then adopted the Convention with a vote of 148 in favour, two against, and four abstentions (UNESCO, 2012, pp. 1-4) The Convention came into force in 2007 with a majority of its members having signed on by depositing their responses and reservations to the Convention with UNESCO.

As revealed by the *Periodicals Case*, the backdrop for the creation of the Convention in late 20th century capitalism sees globalization fueled by neoliberal ideology expressed in shifting government policy and societal norms that drives ever-expanding sectoral growth. Freer trade and less government regulation are accelerated (and continues to accelerate) by the explosive disruption of digital technologies. Instrumental economics (wherein the goal is commercially oriented trade benefits and profit versus public good benefits) and technology are major vectors in the critical intersection between national policies on arts and culture and international trade rules enforced through the World Trading Organization (WTO). As a (contestably) legally binding instrument of international law, the key objectives of the Convention are to enshrine the rights of states to set and implement their own cultural policies, to ensure that cultural goods are recognized as different from other commodities, and to protect developing countries of the global South, who are identified as particularly vulnerable to exploitation in international trading regimes (Moghadam & Elveren, 2008).

There is no doubt that the aims and contents of the Convention strive to and make important headway into the complexities of international culture and trade. The

Convention is structured in seven sections: 1) Objectives and Guiding Principles, 2)

Scope of Application, 3) Definitions, 4) Rights and Obligations of Parties, 5)

Relationship to other instruments, 6) Organs of the Convention, and 7) Final Clauses.

While most of the contents appear non-contentious, the case study examines the key

challenges presented by the Definitions in Section III of the Convention which I unpack

below as international law, an element of the decisive apparatuses of hegemony. Other

important sections are Section IV. Rights and obligations of Parties as it pertains to the

authority of the Convention, and Section V. Relationship to other instruments which

underlines the lack of enforceability factors in the Convention. Notwithstanding their

individual ability to unhinge the credibility of the Convention as a substantive piece of

international law, these sections must be examined together to realize how it

demonstrates key concepts of the Marxian critical theorists in the formation and

sustainment of hegemony and the commodification of culture. Said another way, it is not

just because the Definitions in Section 4 prescribe precisely the commodification of

culture, nor the subordination of the Convention to other instruments such as the GATT

which ensure the Convention cannot fulfill its aims, but the combination of all the parts

which are mutually supportive to the aims of hegemony and the commodification of

culture.

By most accounts the creation of the Convention was a massive undertaking

completed in an impressively short time (in just four years from the initial proposal by

states), underscoring the urgency that states felt to find alternatives in resistance to the

WTO (and as triggered by the *Periodicals Case* for Canada). Canada's three central

concerns (protecting a national identity, resistance to the United States' cultural

hegemony, and economic security) were shared with other states, including France who already had strong ties to Canada through the Province of Quebec and had engaged in an intense conflict with the US film industry during the Uruguay Round of talks at the WTO (Singh, 2007, p. 41). Turkey had also lost a case with the US concerning their imported film policy. So, while the *Periodicals Case* may have been a tipping point in Canadian cultural trade policy, it was also a trigger for other developed states with similar concerns and worries about the future of their cultural industries.

For many, the creation of the Convention also represented an unprecedented resistance movement comprised of state and civil society actors against neo liberal ideology and US cultural and economic hegemony. The swift mobilization of a broad coalition comprised of both states and civil society achieved a sense of urgency to complete this work quickly. The speed of ratification, the abundant participation of member states of the global South and civil society, all attested to the growing consensus around the importance and need for such an instrument of international law and to assert a new ideology of cultural diversity that could challenge the free traders of the WTO (Chan-Tibergien, 2006, p. 94).

However, there was not a clear consensus between member states at UNESCO. According to Moghadam and Elveren (2008), there were two camps: the majority "culturists" led by Canada and France and the "liberals"– a minority comprised of the United States, Australia, Japan, Thailand, and South Korea (pp. 744-6). The culturalists' narrative linked culture to diversity and human rights which need to be defended from the liberal free traders at the WTO who, they predicted, would treat culture like any other commodity. The culturalists were identified as nationalists by others such as Acheson and

Maule (1999). In the words of Aylett, the culturalist position was that "diversity and identity should not be threatened by the impact of globalization and the internationalization of legal systems in support of trade " (Aylett, 2010, p. 356). Some international law scholars see this issue as a struggle between the free traders of the global North resulting in a clash with the culturists at UNESCO (Hahn, 2006, p. 518), while others see instrumental economics via the *Periodicals Case* and the North American Free Trade Agreement (NAFTA 1994), as key drivers for the creation of the UNESCO Convention (Neuwirth, Hahn, Singh, Bernier, Garry, Azziz). The fundamental tension between the two camps seems irreconcilable – the emotional content of the culturalists can not acknowledge the instrumental economic imperatives (the need for trade and economic growth) of the liberals and vice versa. A challenging aspect of this conflict is that most of the member states of UNESCO who are engaged in this struggle also belong to the WTO (Hahn, 2006, p. 517) and are from the global North. Thus, it is hard to imagine why or how the UNESCO forum could provide a balance to the WTO forum or how to reimagine or understand the relationships between the actors.

3.2.   Application of the analytical framework

In the following section, I apply the analytical framework to the history of the development of international trade, cultural policy, and international law as now embodied and enabled in the Convention. The lens of critical theory helps to sharpen the focus conceptually on the behaviours of and interactions between states, civil society, and international institutions; the result challenges some of the conventional understanding

around these events. The case study is structured around triangulating the Gramscian notions of the apparatuses and processes of hegemony as illustrated in Figure 1 below.

Figure 1 - Conceptual Diagram
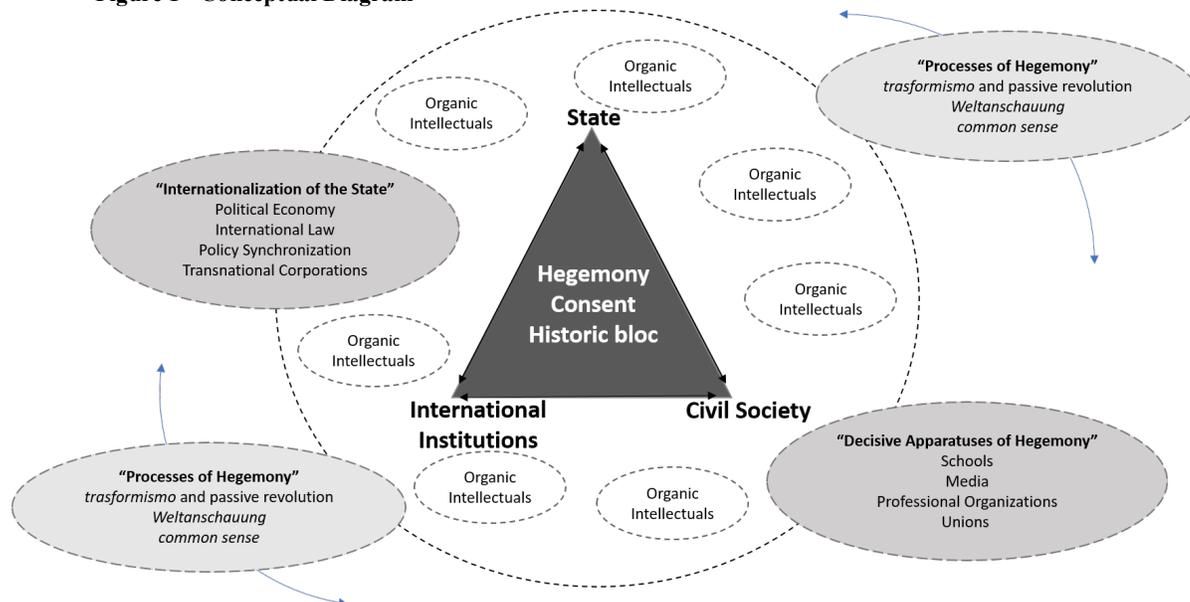
The intersections of each of the key concepts of the apparatuses, processes and actors of hegemony within the historic bloc take place within the case study. This diagram illustrates a dynamic relationship that exists between the state and civil society, and between the state and international institutions such as the WTO and UNESCO. There is also a relationship between international institutions and civil society. Each corner of the triangle (state, civil society, international institutions) coordinates with the other two. Following the titles indicated in the diagram above, the exploration of the analytical framework against the historical facts and in context of other scholarly analysis, yields some of the following observations:

i) **Internationalization of the state – policy.**

Central aspects of the development of the Convention operate along the lines of Gramsci's concept of hegemony in the relations between the state, policy development,

and international institutions. Canada's cultural policy synchronization with UNESCO demonstrates to a significant degree an important factor in the internationalization of the Canadian state.

ii)   **Decisive apparatuses of hegemony – popular media.**

Organic intellectuals of civil society and media of the global North successfully repeated and helped ensure agreement to the *Weltanschauung:* that through the Convention, states should and would be empowered to make their own decisions around their domestic culture and that the value of culture generally and specifically at-risk cultures of the global South was first among its considerations. The key understanding of the *Weltanschauung* was that a legally binding international law instrument would disrupt the current trade environment at the WTO. The *Weltanschauung* contributed to *trasformismo* and passive revolution of the global South. Media reporting helped to increase the urgency of the issue and contributed to the fetishization of culture.

iii)   **Processes of hegemony -forming the integral state.**

Organic and traditional intellectuals in civil society helped to promote key messages and transmit the emotional content of the *Weltanschauung* through the media, journals, online articles, conferences etc. The formation of the integral state (the state and civil society together) can be observed for example, in the relations between the Federal government of Canada and the Provincial jurisdiction of Quebec who put significant resources toward the effort and joined with civil society members who were instrumental in pushing for the Convention.

iv)   **Internationalization of the state - international institutions.**

Codification through international law (the actual writing of the Convention) is the outcome/output of the process. As will be discussed, codification helps to obfuscate the meaning of culture by creating multiple interpretations and dense definitions of "culture" and related terms; this has contributed to the fetishization of culture and further supports the economic and cultural hegemony of the global North. Unfortunately, the Convention does not protect culture as intended but commodifies it further by providing the legal

language necessary to institute commodification and structurally because there are no enforceable measures. I will now look at each of these observations in more detail.

i)   Internationalization of the state - policy.

 Cultural policy development through international institutions is a site for the internationalization of the state. If economics is a site for the internationalization of the state, so, too, is cultural policy. The example of Canada provides strong evidence of this in its policy synchronization with UNESCO's international cultural policy. Further, Canada's cultural policy development has sometimes seen Canada exert influence on international cultural policy making at UNESCO, though the relationship of influence is mutual. The process of building, supporting, reciprocating, and synchronizing cultural policy development between the state and international institution creates and strengthens a collaborative relationship. This strengthened relationship can be leveraged for new initiatives or called on in times of need, such as the development of the Convention in this thesis.

As established earlier, in Canada, cultural policy intervention has long been marked with a concern for supporting and protecting Canadian cultural identity and resistance to US cultural and economic hegemony (e.g. Massey Report). Through successive governments, Canadian cultural policy (inclusive of Big C culture and public media, and cultural industries) has intersected with trade and financial policy as well as foreign policy and international relations. Many commentators agree that protecting culture against American cultural and economic dominance has become a common-sense understanding of what core Canadian cultural policy is. Through successive governments, this has not changed significantly, and in some cases the policy pattern has

strengthened, especially around the cultural industries. For example, during the Chrétien-Martin Liberal period (1993-2006), five key policy concerns reflect a concern about the role of the state: 1) cultural sovereignty, 2) access to cultural production (cultural democracy), 3) government funding, 4) the mode of intervention (cultural policy), and 5) a detailed description of each institution tasked with delivery of programs and governance in the policy.

These policy concerns are outlined in a Library of Parliament[3] policy backgrounder entitled *The Arts and Canada's Cultural Policy* (Jackson & Lemieux, 1999), drafted originally in 1993 (updated in 1999). This backgrounder repeats some of the key issues highlighted in the Massey Report almost forty years prior: national identity, the threat of US cultural hegemony, and economic pressures:

> Cultural policy is the expression of a government's willingness to adopt and implement a set of coherent principles, objectives and means to protect and foster its country's cultural expression. The arts are the very foundation of this expression. In an age when countries are becoming increasingly interdependent economically and politically, promoting cultural expression by means of a coherent cultural policy for the arts is a valuable way to emphasize and define what distinguishes one country from another.
>
> Canada faces considerable challenges in this regard. Its vast territory and small population make it difficult to produce, exchange, disseminate and communicate works of art, while artistic production itself is economically fragile. Canada must also contend with the constant cultural presence of the United States in this country and the influence of this presence on the cultural identity of its population (Jackson & Lemieux, 1999, p. 1)

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[3] The Library of Parliament is a non- partisan research branch and I accessed their materials because it captures the history and describes in factual, plain language the historical progress of policy development through successive governments without analysis of particular regimes.

To nobody's surprise, the 1993-1999 version of the policy expressed explicitly a national desire to distinguish and protect Canadian culture from American hegemony. This reflected Canadian cultural nationalism that dates back to at least the 1960s. Indeed, according to Will Kymlicka in *Being Canadian* (2003), a key factor in Canadian identity is "above all else, ( ) precisely not being an American" (p. 363). That includes being 'citizens of the world', being part of the 'New World', seeing themselves as 'honest brokers' who take their international obligations seriously, and thinking that Canada is "a kinder and gentler country" (pp. 358-364). Whether or not these perceptions are accurate (Kymlicka contends they are not), the Canadian government clearly articulated the concern.

As Kymlicka has indicated, Canada's response to external forces (and therefore Canada's role on the international stage and participation in UN policy forums) has played an important, if not central role in the development of its cultural policy and Canadian identity. Kymlicka observes that Canadians are active as "supporters of virtually every important international or legal initiative" and that Canadian involvement internationally is seen as a "national character trait, part of the national identity, and as an obligation of national citizenship" (Kymlicka, 2003, p. 358). Courtney Smith also observed that Canada and the Netherlands are both examples of UN member countries which have anchored their foreign policy in UN membership. Even though neither has the power to influence decisions directly, "they have consistently served as an example to other members of how states with a strong desire to work through the UN can use it as an effective instrument to achieve their goals" (Smith, 2006, p. 23). Section 4 in the policy backgrounder also describes this linkage specifically:

The activities of the Department of Foreign Affairs and International Trade in the arts sector carry Canadian cultural policy to the international level. Through its International Cultural Relations Program, the Department promotes Canadian culture in other countries by helping important Canadian artists present their works or give performances in the major cities of the world. Under this program, Canada has taken part in prestigious artistic and business fairs in order to promote Canadian films, sound recordings, television programs and books. These artistic events celebrate Canada's cultural identity, while enhancing Canada's image in other countries. At one time or another during their education or careers, most of Canada's cultural ambassadors received financial or technical assistance through Canada's cultural programs (Jackson & Lemieux, 1999, p. 7).

Understated above are the economic imperatives of the cultural industries for the Canadian government. Evidence of the inclusion of culture in Canada's foreign policy and international relations also reveals the interconnectedness and synchronization of international cultural policy norms. For example, one can show that the inclusion of both the Status of the Artist Act (1992) and Copyright Act (1924) directly link to Canadian international relations at UNESCO the WTO. Regarding the Status of the Artist Act, the parliamentary backgrounder states that "it is due to the existence of this Act that Canada was often cited as an example at an international conference on the Status of the Artist hosted by UNESCO in June 1997; the conference was held to review progress made in various countries following the 1980 Belgrade recommendation on the status of the artist" (Jackson & Lemieux, 1999, p. 8). Thus, Canada was a follower and promoter of the international governance regime at UNESCO and at the same time received recognition and legitimacy for the national Status of the Artist policy because it synchronizes with and supported international norms.

Canada's copyright law preceded the international governance regimes which later helped to establish the norm globally. The Copyright Act, which came into force in

1924, influenced UNESCO's Universal Convention, 1952, the WTO under the Trade-Related Aspects of Intellectual Property (TRIPS), and the World Intellectual Property Organization (WIPO), another United Nations forum dedicated to development, research, and monitoring global policy issues in intellectual property.

Lastly, in February 1995 the then-Foreign Minister André Ouellet announced that Canada's third pillar of foreign policy was redirected to "share our values and culture" which John Hay (1995) says was a "departure in official definitions of Canadian foreign policy … culture has never before stood as a principal objective or theme in its own right" (Hay, 1995, p. 21). Politically, the new foreign policy was transparent in its economic aims which Hay says is "instrumentalist" and "key to the achievement of prosperity within Canada, and to the protection of global security …. There are exceptions to the instrumentality argument, but not many" (Hay, 1995, p. 22). The significance of the economic aspects of foreign policy are of central importance in this thesis as it reinforces the intersection of culture and trade and the internationalization of the state. By stating the linkage between cultural affairs and foreign policy publicly, the government is signalling to both the international community and to the national polity that international instruments and relationships are important.

Embedding these linkages between domestic and international policy ensures a high degree of internationalization of the state. Seen in this light, each instrument of domestic policy can and should be examined for these kinds of linkages. The reciprocity and synchronization of policy between Canada and UNESCO is an example of how policy has served to strengthen the institutional relationship and demonstrates another form of the internationalization of the state.

ii)   Decisive apparatuses of hegemony - popular media as a vehicle for *trasformismo* and passive revolution

Two important aspects of the events surrounding the creation of the Convention serve as evidence of the apparatuses and processes of hegemony in Gramscian terms, which clarify how the public narrative surrounding the UNESCO Convention can be understood. The role of civil society organic intellectuals within the apparatuses and processes of hegemony in this case are the made up of state leaders and intellectuals, individual scholars, civil society networks, and mass media. Their function was and continues to be to create the ideological front that culture, and in particular the culture industries urgently need protection, and to articulate the desired future state and common-sense understanding or *Weltanschauung* needed for general consent. This common-sense understanding was communicated widely and repeated in diverse ways and is how the consent of countries of the global South and civil society networks was gained. The *Weltanschauung* assured alignment and solidarity of other groups such as traditional artists who came to identify themselves with the plight of the cultural industries. Second, the public media accounts of how the idea of a Convention was formulated created a sense of urgency when this issue and its commonly understood narrative in Canada between Canada and the US had been developing for some time. It did not happen as a 'big bang' event overnight. Newspapers and all forms of popular media were identified by Gramsci as playing a central role in the dissemination of ideology and in the processes of *trasformismo* and passive revolution (Gramsci, 2000, pp. 249-60). To repeat, the latter two concepts have distinct but allied meanings:

- ***Trasformismo*** transforms oppositional ideas, individuals and groups into something acceptable to the hegemony or into the existing structure of the

hegemony, notably by drawing individuals and groups into the governing bloc; the use of *trasformismo* can overpower the impetus for radical or revolutionary action, even if deception is revealed.

- **Passive Revolution** is associated with the distortion of ideas (and policies) to render them compatible with existing powerful institutions and to broadly support the status quo and maintain the current social structures, while accommodating and controlling a measure of social and political change.

The following examples will provide more ground to understand how the apparatuses of hegemony (the organic intellectuals made up of state leaders and intellectuals, scholars, civil society networks, and mass media) successfully created the ideological front for consent to the Convention– whether they were conscious of it or not. It is not to say that the efforts or the intentions were wrong or unethical, but to demonstrate how the processes of hegemony, in particular the formation of the integral state takes place. The examples also show how this consent was obtained and explains why state and civil society actors were so successful at convincing the larger non-profit and charitable arts organizations and individuals within the cultural community and actors in the global South that they were the targets of American 'culture vultures'. Part of the strength of this *Weltanschauung* is that culture is so personal and tied to one's national identity and loaded with emotional weight that any perceived challenge or threat to one's culture is an instant flashpoint for many. Another key factor identified by Gramsci in the processes of *trasformismo* and passive revolution is the role of media and organic intellectuals, which will now be examined below.

Much of the literature concerning this case and the creation of the Convention begin with an historical narrative in the 1990's with the dispute between the US and

Canada at the WTO. However, the issue erupted in public media reports characterized by high drama and rhetoric of political actors. Heritage Minister Sheila Copps is quoted as saying

> "The French culture minister, like Canada, is obviously very concerned about the rumblings out of the office of Madame Barshefsky on how the Americans plan to launch a multilateral attack on culture," Copps said in a telephone interview. "We did agree to develop a common front to ensure -- depending upon the outcome of the WTO decision – that we're working through all the multilateral instruments to make sure that the American culture vulture doesn't overtake us" she added (Spicer, 1997, p. A.11).

Copps makes it sound as though the challenge at the WTO was relatively new. However, as previously discussed in the historical background (section 1) the origins of the push for the creation of a protectionist Convention in resistance to US cultural hegemony, can be traced back as far as the 1930s when Canada first started to create discriminatory tax measures as a barrier to US magazine publishers to sell advertising to the Canadian market. Moreover, the militaristic and dramatic characterization of the 'multilateral attack' on Big C culture helped to create a sense of urgency. This urgency was reflected in media accounts and in documents created and repeated through the organic intellectual networks of both the state and civil society organizations.   For instance, Max Wyman reported in the Vancouver Sun (1999) on the proceedings of a three-day conference "Arts and Culture in the New Economy" that was hosted by the BC government and that featured Stephen Lewis as the keynote. Wyman describes Lewis's speech as the rallying point for the audience:

> But it was Lewis' passionate, hour-long clarion call to action to protect Canada's cultural identity that galvanized the gathering on Wednesday. Globalization is occurring with "the greatest momentum the world has ever seen" said Lewis, and at the heart of it are transnational corporations, driving the momentum and using the new technology as part of the global framework.

"We are on the knife's edge, watching our culture held to ransom. It is daunting to imagine that Canadian culture will be able to resist this behemoth of control and wealth" (Wyman, 1999, p. E15)

Lewis speaks in generalizations, but the underlying references are to the *Periodicals Case* i.e. to "transnational corporations" such as Time Warner (although they are a US-based company they are the largest and most powerful globally) and to "new technology". The latter are identified as how Time Warner could make such great profit margin on the transmittal of electronic files for publishing their Canadian Sports Illustrated split-run magazines.   The "behemoth" is a dual reference to Time Warner and to the US government who led the WTO claim against Canada. A sense of urgency is created with reference to Lewis's "passion" and "clarion call to action to protect Canada's cultural identity". This kind of dramatic imagery was invoked regularly to large public and media audiences, an important tactic. It relied on the conflation of art and Big C culture with the commodified cultural industries.

In this symposium, Wyman relates that the 150 participants included "artists, arts and tourism administrators, politicians and bureaucrats to hear a range of panelists from across Canada on topics ranging from cultural policy and cultural tourism to cultural exports, cultural opportunities in small communities and the effect of the new economy on arts organizations" (Wyman, 1999, p. E15). The necessity for this alignment becomes clear when the numbers of artists and cultural workers employed in the cultural sector (versus the cultural industries) are considered, which at the time Wyman said "employs 60,000 more than mining and fishing combined" (Wyman, 1999, p. E15).   The numbers are compelling [4] and explain why the engagement of the broader arts and culture

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[4] More recently, a 2011 employment report found there were 47,355 artists employed (arts, entertainment and recreation) versus 26,525 cultural industry and information workers. Another 27,695 artists were employed

community to support and rally behind the cultural industries cause and the creation of the Convention was so important. This is a crucial audience to receive and agree with the message of the *Weltanschauung*.

In popular news media, **t**he elements of the Convention creation narrative heralded and repeated through popular news and social media, civil society networks, scholarly writing, and through government policy journals share a variety of common didactic key messages and subtexts in performing the tasks of *trasformismo* and passive revolution. These include the following:

- UNESCO and WTO are foes in an intractable disagreement brought on in an unexpected way by the big bully US against Canada and Canada's cultural policy allies;
- Canada and France are heroically engaging in a David/Goliath kind of struggle with the US and Hollywood to protect all cultures from world trade vultures; and
- Culture is intangible, emotional and special while Free Trade is greedy, coldly reason-based, and will commodify everything if left unchecked.

Mainstream media articles exploited two sides of the "David" side of the story, with the Canadian State identified as author of the campaign for the Convention imbued with holy righteousness. The Canadian Minister of Heritage Sheila Copps is featured in a series of provocative headlines in major news media from 1997-2003 that credit the Canadian state as a key engineer of the strategy:

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in other areas such as educational services (Hill, 2014, p. 27). The cultural industries need the support of the traditional public arts and media culture sector in political, trade and policy matters– or as I call it, Big C culture.

Table 1 – Public News Headlines 1997-2003

1997	**Canada, France unite for culture's sake** Spicer, Nick. Standard; St. Catharines, Ont. [St. Catharines, Ont] 01 Feb 1997: 11.
1998	**Copps takes fight against Hollywood to world stage UNESCO speech to push cultural policies** Scoffield, Heather. The Globe and Mail; Toronto, Ont. [Toronto, Ont] 23 Mar 1998: B.3.
1998	**Fight U.S. 'cultural domination': Canada will protect industries, Copps tells global ministers** Cobb, Chris. The Spectator; Hamilton, Ont. [Hamilton, Ont]30 June 1998: E3.
1998	**Canada's Culture/Trade Quandary and the Magazine Case** Canadian Parliamentary Review, Dennis Browne At the time this article was written Dennis Browne was Director of the Centre for Trade Policy and Law at Carleton University. This article is based on a presentation to a Library of Parliament seminar on February 20, 1998.
1999	**Canada's cultural Joan of Arc** Fraser, Matthew. National Post ; Don Mills, Ont. [Don Mills, Ont]18 Nov 1999: A18.
2003	**Proposed UN treaty would protect nation's arts, cultures; Canada leads push for smooth passage** Ford, Peter. The Guelph Mercury; Guelph, Ont. [Guelph, Ont]22 Oct 2003: A11.
2003	**On the eve of UNESCO's October General Conference: Coalition for Cultural Diversity reiterates support for a convention on cultural diversity during roundtable convened by Ministers Copps and Beauchamp** Publication info: Canada NewsWire; Ottawa [Ottawa]16 Sep 2003: 1.
2005	**Culture shock for Hollywood** **global treaty aims to curb domination of American films and music**, reports Charles Bremner The Times (London) October 20, 2005, Thursday

As seen in the table above, positioning the Canadian state as a defender of culture

was a consistent message throughout the media coverage. The conflation of Big C

culture with the cultural industries served to smooth the way for a general understanding

that the private interests of cultural industries are on par, in terms of cultural intent,

expression, quality, and meaning (Adorno and Horkheimer and Morris's concerns), with

the public interests of cultural forms like painting, printmaking, architecture, live music,

dance, literature, public television and radio, or theatre. The problem with this conflation lies in recalling Adorno and Horkheimer's critique that the cultural industries are purveyors of commodities laden with uncritical, instrumental economic purpose, especially advertising. If one revises a definition of Big C culture to contain the commercial cultural industries and its interests, then by Adorno and Horkheimer's standards the public interest good of Big C cultural products would be negated. Including the cultural industries interests in the definition of public culture is to also include the interests and underlying values which are premised on what Adorno and Horkheimer (and Morris) have identified as negative values that subvert culture to technical planning and standardization, commodification (commercial exploitation), and removing the autonomy of the work of art (and by extension the artist) (Adorno T. W., 1975, pp. 13-14). The products of the cultural industry are governed by the principle of their realization as value, and not by their own specific content and harmonious formation (13)". The process of "assimilation" of culture by the cultural industries no longer require the culture industry to even pursue its profit-making because it eventually happens on its own, with little or no actual direction by actors:

> Ultimately, the culture industry no longer even needs to directly pursue everywhere the profit interests from which it originated. These interests have become objectified in its ideology and have even made themselves independent of the compulsion to sell the cultural commodities which must be swallowed anyway. The culture industry turns into public relations, the manufacturing of "good will" per se, without regard for particular firms or saleable objects. Brought to bear is a general uncritical consensus, advertisements produced for the world, so that each product of the culture industry becomes its own advertisement (Adorno T. W., 1975, p. 13).

A good example of this kind of easy conflation of culture and the cultural industries in the news media is an article by Peter Ford "Proposed UN treaty would protect nation's arts, cultures; Canada leads push for smooth passage" (Ford, 2003, p. A11). Ford's headline creates the expectation of a discussion of arts and culture in Canada, but instead the article focuses on the plight of the Australian television industry and content struggles as though these were life or death issues, fearing that ""Australian culture is going to become roadkill" under the US juggernaut". This news article quickly equates Australia's experience with Canada's to underscore the international importance (and hence this did not just happen in Canada), and the urgency for all involved. In turn, the economic imperative for more access to American markets by others in the global North is positioned as an issue about consumer choice:

> In America, foreign shows made up just four per cent of new launches from September through April 2003, according to figures from media analysts "Mediametrie."

> "The free market is basically homogenous," Dalton argues. "American audiences have far less choice than French or Australian audiences."

A few ideas are presented here. While "choice" may be an economic frame "audiences" are personal and can be identified with by anyone in the world who watches television or reads newspapers. Another idea is the unjustness of a US market that only allows four percent of foreign media across its borders (protectionist and against WTO rules). Following on this is the idea that the US audience is somehow suffering culturally because of this low percentage of foreign penetration into its television markets. Ford's conflation of television and culture (presuming that Australian culture is made up of more than television watching) deflects from the underlying economic struggle of private

Australian television corporate interests who are unable to penetrate the US market. This article is an example of *trasformismo* that occurs through the conflation of ideas and identities: between Australians, Canadians (who are not mentioned except as a hook in the headline) and the antagonist Americans' cultural hegemony, and the cultural industries once again with culture, or more rightly, Big C culture. The openly acknowledged homogeneity of the free market (and these national audiences) is a demonstration of Adorno's concern when he says "all mass culture under monopoly is identical, and the contours of its skeleton, the conceptual armature fabricated by monopoly, are beginning to stand out" (Horkeimer & Adorno, 2002, p. 95).

Even though not all news articles were favourable, and in the words of Adorno the contours were starting to show, there was little impact to the overall campaign or the *trasformismo* taking place. One example is an article by Matthew Fraser of the National Post (1999) which headlines Copps as "Canada's cultural Joan of Arc". This politically astute article characterizes the issue of global North economic alliances and instrumental interests clearly. Fraser pinpoints Copps as the author of the International Network on Cultural Policy (INCP) and central to the whole effort:

> Sheila Copps made her professional acting debut last month playing herself in the CTV series Power Play. After mixed reviews for that cameo appearance, Ms. Copps is now in full dress rehearsal for what may be the most dramatic, and perilous, role of her political career: Canada's cultural Joan of Arc, leading an anti- American crusade on the eve of the global trade talks in Seattle.

> Ms. Copps is behind the creation of an "International Network on Cultural Policy," an ad hoc alliance hatched at a United Nations Educational, Scientific and Cultural Organization conference in Stockholm 18 months ago. Since then, Ms. Copps has orchestrated ministerial summits in Ottawa and Mexico. The United States was not invited. (Fraser, 1999, p. A18)

Fraser points out three flaws that *should* doom Copps' campaign by critiquing Canada's relations with both UNESCO and France. He claims corruption at UNESCO make it an untrustworthy partner and France's isolation within the European Union suggest that it too may be a questionable alliance. Fraser further suggests that there is a false premise underlying Canada's actions in posing the US as Canada's adversary due to what Fraser said was

> a failure to understand the dynamic of "soft power"… the pervasive influence of American culture, as opposed to the "hard power" constraint of U.S. military force. Canada contributes to American soft power. The powerful influence of Canadians in Hollywood demonstrates those linkages and affinities (Fraser, 1999, p. A18)5.

Regardless of any logic or accuracy in Fraser's analysis, the contradictions he highlights concerning how Canada treats their closest neighbour and ally (and with whom they trade and support militarily)[1], and his implied sarcasm in the image of Joan of Arc, from a nationalist perspective the headline imagery supports the ideational distortion of trasformismo by articulating the state as defender of Big C culture and an underdog in this "battle". Fraser's characterization of Copps as a Joan of Arc serves to create a nationalist portrayal of a state leader while it also builds up the hegemonic authority of the US (requiring the resistance of a strong defender) and demonstrates how hegemonic practice operates in the presence of antagonistic opposition.

From these examples can be seen how media coverage is as vehicle for the transmission of *trasformismo* and passive revolution in the ideational distortion of the state as defender of culture, the conflation of ideas including how the cultural industries

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5 Hard power and soft power are concepts used to describe the WTO and UNESCO respectively as well. The hard power of the WTO being transmitted using rules and sanctions or other means and the soft power of UNESCO that relies on guiding principles and voluntary compliance.

is on par with Big C culture, and how other concepts and identities can become conflated as an outcome of *trasformismo* and passive revolution.

In summary, the conventional narrative of the history in Canada and the intentions of key actors positions the image of the Canadian state (and its allies at UNESCO) as defender of Big C culture. In an effective ideational distortion, drama and rhetoric was deployed in news articles and state-led conferences that convened artists and cultural organizations (most were exclusively non-profit or charitable organizations and receive funding from the state), to defend private corporations' interests in the cultural industries. A key message repeated in different forums and stories underscored the threats to culture from the cultural hegemony of the United States. Famous personalities from civil society were engaged as spokespersons and authorities in creating the common-sense understanding or *Weltanschauung* by repeating the key messages and positioning the Canadian state as Big C culture defenders. These personalities included Stephen Lewis[6] and Max Wyman[7] among others alongside high-profile Ministers of the Federal and Provincial governments. Moreover, this is also an example of the formation of the integral state with civil society that is unified in the narrative of the *Weltanschauung*.

Another demonstration of the emotional weight of the *Weltanschauung* in supporting *trasformismo* and passive revolution can also be examined for its common-sense framing of the needs and participation of global South in the creation of the

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[6] Stephen Lewis has too many credentials and honours to list such as the Companion of the Order of Canada, he was the UN Secretary-General's Special Envoy for HIV/AIDS in Africa, Deputy Executive Director of UNICEF and Canada's Ambassador to the United Nations, and he holds 41 honorary doctorates (Stephen Lewis Foundation, n.d.).

[7] Max Wyman is a famous dance historian, journalist and Order of Council recipient who also served as the representative of the Canada Council for the Arts on the executive committee of the Canadian Commission for UNESCO (Wyman, Max Wyman, About, n.d.).

Convention. The perception created through public media accounts and civil society networks is that the states of Canada and France and many civil-society organizations orchestrated a supposedly counter-hegemonic movement, in the traditional sense of underdogs fighting in defence of Big C culture, against a powerful hegemonic force that held both coercive and consent-based power. This perception becomes shaky if some important underlying contradictions from scholars are considered. As consenting countries of the global North hegemony, Canada and France strategically coopted support from the global South at UNESCO to get the Convention ratified quickly. The *Weltanschauung* promised to protect at-risk cultures of the global South from the WTO. However, one contradiction was that in some ways the Convention might not be in the best interests of the cultural industries of the global South. J.P. Singh points out that "unlike popular misconceptions about the GATS framework, this was not a blanket liberalization foisted upon a hapless developing world; the latter were full participants and by the end of the Uruguay Round many like India, Brazil, and Mexico realized that they had much to gain from GATS" (Singh, 2007, p. 41). It is Singh's contention, based on empirical evidence that the global South are between a rock and a hard place: the unrealized economic and cultural opportunity of GATS because of power politics and protecting their (perceived) vulnerable culture(s),

> [D]eveloping countries best positioned to take advantage of globalization do so through commercial networks. This sounds tantamount to an endorsement of GATS but, in actuality, even the ones participating in commercial exchanges have not taken any commitments in audiovisual either because of fears of reprisals from the EU or because of their own domestic political constraints…. Two paradoxes arise here: those networks that purport to speak for the developing world's cultural diversity are dominated by state networks and seek protectionist solutions (UNESCO); those networks that would allow for the cultural voices of the developing world to be heard anywhere are commercial and market driven (GATS) (Singh, 2007, p. 42).

Further, says Singh, the networks of the global North which are already in a position of relative strength are "at the forefront of efforts to ''protect'' cultural diversity are at the forefront of cultural trade as well. Developing countries as a whole, band-wagoning on the protections wagon, in fear of losing out from such trade, are actually gaining increased shares, even though they remain marginal" (Singh, 2007, p. 42). Thus, the processes of *trasformismo* and passive revolution demonstrated here occurred when even with empirical evidence to the contrary, these ideas are accepted even though there are inherent contradictions and risks for the global South.

Lastly, the narrative of the *Weltanschauung* around the creation of the Convention relies heavily on the notion that the global South participants at UNESCO were fully engaged with extensive, independent civil society networks whereas it is through the integral state (joining of civil society with the state) in this initiative, with the states of the global North in the position of power. Singh points out that "while the two networks that pushed for the Convention (INCP and INCD)[8] included cultural ministries and civil society, they were financed and dominated by Canadian and French governments. Participation from the developing world was mostly limited to state actors, especially the ministries of culture, who saw their positions enhanced as a result of participation in the framing of this convention" (Singh, 2007, p. 42). Additionally, the INCD in Canada put forward the idea that it was civil society networks that came up with the idea in the first place, not states. Garry Neil, a lead consultant and spokesperson for the INCD wrote

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[8] International Network on Cultural Policy (state-led) and International Network on Cultural Diversity (civil society-led). These two groups are discussed more thoroughly in the next section.

extensively on the issue, and whose work was redistributed through both UNESCO and other networks has said:

> After reflecting on the developments, cultural activists in Canada put forward a proposal for a new approach to deal with culture and trade issues that would be based on a legally-binding treaty specifically designed to protect and promote cultural diversity. This concept rapidly gained international support in civil society and among governments and the process culminated in the adoption of the Convention on the protection and promotion of the diversity of cultural expressions by UNESCO in October 2005 (Neil, 2006, p. 1).

By positioning the idea that civil society was a leader in this effort, Neil makes it more palatable to other civil society groups and business who traditionally may be suspicious or uncooperative with an exclusively state-led initiative.

As discussed so far in this case study, the public media messages created by organic intellectuals within the "resistance movement" itself create two different pictures – some media painted a dramatic picture with David/Goliath type headlines (or rather Joan of Arc) and stories, while other media (albeit fewer like Fraser, who called out clearly the instrumental economic impetus (versus a primarily cultural one) within the global North actors (Canada/France and others) saying "Let's face it, Canada's cultural policy is commercial policy in disguise" (Fraser, 1999, p. A18). The paradoxical conflation of instrumental economic purpose of private interests of the cultural industries with Big C cultural interests apparently had no impact on culturalist civil society or global South participation – suggesting the successful *trasformismo* of these ideas.

A third picture is created in the media in Canada that suggests an historic moment in federal/provincial relations whereby a deal is struck between English Canada and the previously antagonistic or uncooperative sub-national provincial government of Quebec

to be a representative at UNESCO. As will be discussed in more detail below, by some accounts (especially in Quebec) this deal is unprecedented and unexpected and adds drama to news stories aimed at creating a perception that validates the popular imaginary of the importance of the culture cause. Through media portrayals, state leaders were successfully positioned as defenders of culture performing an ideational distortion consistent with the tactic of *trasformismo* and passive revolution.

iii)   Processes of hegemony – Forming the Integral State

The demonstration of the formation of the integral state concerns the second corner of the triangulation of Gramscians' concept of the decisive apparatuses of hegemony as it pertains to the relationship of civil society and the state and international institutions. Civil society and state intellectuals were identified by Gramsci as playing a central role in the creation of common-sense

Figure 2 - Conceptual Diagram Highlight on Civil Society
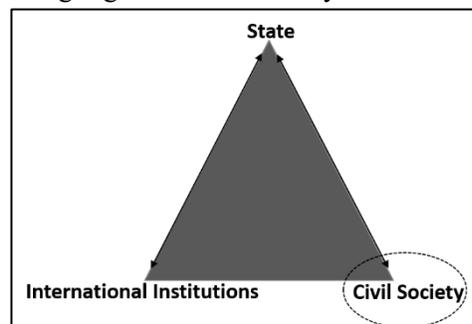
understandings or *Weltanschauung* of the expectations of the new social order coming. Gramsci's thoughts are briefly recalled as a reminder of the general understanding of how these concepts are applied here:

- Gramsci states that "the function of great intellectuals in the organic life of civil society and the state, to the moment of hegemony and consent as the necessary form of the concrete historical bloc[9]" (Gramsci, 2000, p. 195).

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[9] In this passage Gramsci is giving credit to the idea and understanding of the function of organic intellectuals originating with Croce who he refers to often and was greatly influenced by.

- The historic bloc is dependent on first, the existence of a hegemonic social class and second, organic intellectuals to articulate the behavioural and cultural expectations of the social order (Cox, 1983, p. 168).

- Intellectuals function as 'organizers' flanked by specialists and technicians, who become 'organic' in a social group when they can create 'homogeneity and an awareness of its own function' and are bound together through an authentic emotional connection (Gramsci, 2000, pp. 349-50).

- The integration of the particular conception of the world or *Weltanschauung* is a social process led by organic intellectuals who work at many levels and is transmitted through common sense which readily institutes conformism of the masses to the desires of the ruling class.

The creation of state-led, funded, supported or endorsed organizations comprised of state-only members or civil society helped to support the fetishization of culture in the process of *trasformismo* and passive revolution. This was achieved through the participation of key organic intellectuals from civil society and the state together, as the integral state. The joining of civil society and state intellectuals into large and influential coalitions were united in their key messages that the Convention would protect vulnerable cultures, especially from the global South from the liberal forces at the WTO. The approach escalated a high pitched emotional cadence around culture that served to further fetishize culture and increase its value as a commodity and need for protection. How these coalitions were formed, the tactics used to achieve the necessary consensus (as well as the effort and resources), and the content of that consensus must be examined against the outcomes: the codified flaws of the Convention in an international legal instrument that do not serve those who would try to use the Convention for its intended purpose, to protect culture.

It is instructive to observe from a Gramscian perspective the tactics used by countries of the global North to engage other states and other international civil society networks, particularly from the global South in seemingly counter-hegemonic resistance to perceived US cultural supremacy. In facing this issue at the WTO, Canada and France had to first shift the dialogue away from trade and move it toward culture (Azzi, 2005, p. 768) and successfully articulate a new *Weltanschauung* that would attract like-minded states to form a counter-hegemonic bloc. To this end, the Federal government of Canada and the Province of Quebec undertook several key actions to engage civil society and other states behind the cause at the international, Federal, Provincial, and civil society levels: the federal state created state-to-state-only networks (INCP) and new supportive relations with its sub-national government, Quebec, to support the cause; the federal state also nurtured civil society networks (INCD) to support the cause. The subnational state in turn supported (and continues to support) civil society networks to support the cause. Each of these actions will now be examined as demonstrations of the processes of hegemony.

Firstly, Canada established the International Network on Cultural Policy (INCP) at UNESCO with culture Ministers from more than sixty countries. By limiting inclusion to cabinet Ministers, the state-led coalition could easily justify exclusion of the perceived hegemonic antagonist the US because the US had no cabinet minister responsible for culture (Azzi, 2005, p. 768). The likelihood of US participation in such a coalition was low; therefore, by limiting membership, the coalition could side-step rejection by the US. Acheson and Maule (2004) suggest that while there is broad representation of states, the direction for INCP activities rests with a much smaller controlling group comprised of

Canada, Croatia, France, Greece, Mexico, Senegal, South Africa, Sweden, and Switzerland who "sets policy direction and provides the administrative resources necessary to maintain continuity and build momentum (p. 246).

The Federal Government of Canada also mobilized more support by engaging with international civil society networks. An important strategy for the federal government via the state-minister-led INCP group discussed above (International Network on Cultural Policy) entailed developing and financing the similarly named International Network for Cultural Diversity (INCD) to undertake this engagement work. The INCD branded itself as "a worldwide network working to counter the adverse affects [sic] of globalization on world cultures" with "members in all regions of the world and all parts of the cultural community" comprised of "cultural organizations, artists and cultural producers from every media, academics, heritage institutions and others", all of whom "joined together around fundamental principles which motivate and guide INCD campaigns" (Neil, p. 1). This civil society network was actively engaged in consultations, organizing consensus, and speaking out publicly about the issues and otherwise articulating a new world view of cultural trade policy to be situated in the Convention. As noted earlier, although these networks are promoted as extensive independent multidimensional coalitions, they were dominated by the federal government and by Canadian publishing industry lobbyists guiding and shaping the discourse as described by the Canadian economists Acheson and Maule:

> Just before hosting the INCP's inaugural meeting in 1998, the cultural ministry of the host government, Canadian Heritage, organized an international non-government organization (NGO) to complement the efforts of the INCP. The INCD acts as an umbrella group for individual artists, cultural activists, and cultural NGOs from different countries.

Both organizations have worked side-by-side to provide similar but different drafts of an NICD[10] and to promote the concept. Whereas the INCP represents a politically disciplined perspective on cultural diversity, the INCD looks at the same issue with a broad and more unpredictable "civic" and "participatory" view. The official side has kept a tight rein on the "grass-root" input through funding its liaison office and various research initiatives, holding the INCD meetings concurrently with its own, and providing consultants or staff that develop themes, suggest speakers, write background papers and summary reports and proselytize. The intention is to release controlled "soft power" to further the political agenda of the INCP (Acheson & Maule, 2004, p. 246).

From a Gramscian perspective the instrumental role of organic intellectuals was necessary to articulate a counter-hegemonic sounding *Weltanschauung*, that supports the state in nurturing and promoting this new world view. Providing an authoritative voice from civil society, Garry Neil was a central actor in the INCD campaigns, as both the organization's Executive Director and a consultant to government. He says that civil society, and not states, were responsible for the Convention, which is not how it was portrayed in most public media accounts of how the push for the Convention was initiated[11] (i.e. that the state leader was Sheila Copps). Neil states, "after reflecting on the developments, cultural activists in Canada put forward a proposal for a new approach to deal with culture and trade issues that would be based on a legally-binding treaty specifically designed to protect and promote cultural diversity" (Neil, 2006, p. 1). However, as noted earlier, it was the state-based INCP who led the initiative, so Neil's assertion may be more about showing the importance of civil society's involvement in leading the initiative than fact. The idea for a Convention was supported and fought for

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[10] Before the idea of a "convention" was specified in the literature the tool was referred to as the "New International Instrument on Cultural Diversity" or NICD

[11] Recalling that in earlier media accounts that it was variously stated at times that the Canadian state started this initiative. I speculate that this tactic could help to onboard potentially reluctant civil society groups.

by civil society, but it could only be brought forward in a forum where states have authority to make decisions such as UNESCO and WTO.

The INCD and its actors also nurture the process of *trasformismo*. Another tactic of the INCD through its writing and speeches is to intensify the fetishization of culture. As spokesperson, Neil shifts from being a private cultural industry lobbyist to international public Big C cultural activist. While his writing is mostly confined to discussing the *Periodicals Case* and how the Convention might be used to protect those industries, he reaches out to the broader cultural community of artists to build solidarity by using fear and conflating Big C culture with the cultural industries. His argument is, in effect, that *this WTO attack on culture can happen to you too, artist(s):*

> There are many ways in which bilateral and multilateral trade agreements can affect cultural policies…. When the visual artist paints or creates a multimedia piece, when the author writes ….**the artists are providing a service**. But when they have completed the creative process, the artistic work is given a concrete form, as a painting, a novel, a film, a script, a musical score or any number of things. The embodiment of the artistic work then becomes a good that can be distributed, exhibited and enjoyed by others….As the Canada Periodicals case shows unequivocally, this means that trade agreements covering goods and trade agreements covering services both apply to cultural products (emphasis added) (Neil, 2006, p. 4).

Neil has conflated commercial magazines with visual art and thus transferred the risk of commodification onto art and all Big C cultural activities. Neil transforms the use value and social use value of an artist's work into a culture industry 'service'; a commodity that, through international trade agreements, will have no unique identifiers as to its maker, or its social use value to the recipient. The objective of this *trasformismo* of turning "art" into "service" is to make the term more acceptable, which is achieved by the looming threat of international trade law. The successful transformation of "service"

into "art" is an illustration of Gramsci's concept of the organic intellectuals organizing consensus around the narrative of the *Weltanschauung* which is essential to create consent for the hegemonic bloc. The separation of the artist from their autonomy as creators and turning them into commodity-makers alienated from their own use value. However, by identifying the process of creation as a "service" Neil has predetermined that works of art are services, a contestable notion. Services is a commercial/industrial term that I believe most artists would reject. This is Morris's concern as well.

The state's tactic of establishing civil society advocacy coalitions like the INCD can be problematic in terms of legitimacy. Although the INCD was by far the most visible of the international civil society coalitions, these groups relied heavily on other domestic civil society networks to disseminate the key messages around the urgency for alignment and consent to get the Convention adopted and ratified. Other organizations in Canada such as the Canadian Conference for the Arts, and as seen earlier state-led conferences were actively engaged in these activities. In the example of the INCD, the state created an instrumental grass roots organization that penetrated outside their own domain by establishing regional offices in Europe for example and had identifiable coordinators in places like Africa. The INCD mirrored their activities and structures on the UN, hosted conferences at regular intervals in locations like Greece and in correspondence with the INCP. Through these civil society networks, the INCD coalition sought to promote and control the content of international dialogue and to change the terms of engagement at the WTO, with an emphasis on the protection of cultural industries under the umbrella of Big C culture.

The instrumental mobilization of civil society becomes apparent when states pull the funding from the organization after its utility has been fulfilled. This appears to be the case with the INCD (like other organizations), which lost its international presence on the internet (www.incd.net) and is now mostly defunct. The UNESCO website (UNESCO, n.d.) lists only one location in Australia, with no link. The objectives and mission of the INCD are simply stated on this website as "work to counter the homogenizing effects of economic globalization on world cultures". Moreover, the memory of INCD as an organization and as a fighter for the cause of culture only lives on in the archives of other international organizations and media articles. Likewise, the state-led INCP lacks a web presence and is fronted by Heritage Canada who has buried the web presence in defunct web and email links.

In other international networks, the same fate has befallen The Power of Culture – a group out of the Netherlands who, until 2010, were very active posting blogs on their site and creating a Facebook page for English readers. They posted a notification on their site:

> As of July 2010 The Power of Culture will no longer be updated until further notice. The platform unfortunately can't be maintained without funding by organizations who attach importance to such an initiative. One of the leading funders no longer contributes to the website because of a change of corporate objectives. Although there a [sic]negotiations with current and new potential partners, we can't go on in the short run. If you like to be informed about developments, please sign up for our newsletter or sent us an e-mail at info@powerofculture.nl Zeezeilen I Global Village Media (The Power of Culture, n.d., p. front page)

On the Power of Culture (POC) site (n.d., p. front page) Canada's role as an international leader defending and promoting cultural diversity is celebrated. They

provide links to further Canadian coalitions including Cultural Information Research

Centre (CIRCLE), INCP and the Canadian Cultural Observatory (CCO), which were all

instituted by the federal government. Power of Culture is the only location to describe

the functions of CIRCLE and the CCO:

> The Department of Canadian Heritage, which executes Canadian foreign
> policy together with the Department of Foreign Affairs, is also studying
> international legislation regarding culture and is the only non-European
> country that is a member of the Cultural Information Research Centre Liaison
> in Europe (CIRCLE). The department also launched the Canadian Cultural
> Observatory (CCO) in 2003. This is an interactive website with information
> about cultural policy, statistics and cultural trends (Ruigrok, 2004).

The links to these sites are likewise all dead, presumably from the same cause – lack of

funding and shifts in political interest.

One could argue that this is a logical outcome given that the Convention was

ratified and is in force now and therefore the urgency of the agenda is no longer pressing.

However, the problem with state retraction of support (or indeed with the collapse of any

organization, even if self-funded to begin with), is that in this instance although the INCD

and INCP may have fulfilled its utility for the processes of hegemony, there are some in

international civil society like the Power of Culture who were engaged in what they

believed was the defence of broader cultural issues and not just the culture industries.

The importance of the state's strong financial control in the formation of civil society

groups cannot be ignored either. The end of funding for websites is an indicator that the

purpose of the integral state and its mandate to get the Convention ratified and into force

was fulfilled.

In addition to civil society, the federal government worked closely with the

government of Quebec to collaborate in creating support for the *Weltanschauung*. Seen

by Quebec as an historic move (Government of Quebec, 2006), the Federal government signed an accord with Quebec in 2006 that recognizes its distinctiveness as a culture within Canada, the role it plays internationally, for its work and specific interest in the Convention and UNESCO, and the alignment of this work to Canada's foreign policy. Through the accord, Quebec is granted a special role as the only Provincial government within Canada to be a permanent representative of Canada at UNESCO. Then-Premier Honourable Jean Charest is quoted on the Quebec government website dedicated to explaining the accord as saying:

> Today, we are making history. This first step in a new era of partnership between our two governments touches on an international issue. What was once an implicit coexistence has become explicit cooperation. Jean Charest, Premier of Québec, May 5, 2006 (Government of Quebec, 2006)

Another component of the accord is the Federal government's deference to Quebec's decision-making in Quebec's own areas of jurisdiction:

> 3.1 The Governments of Canada and Quebec will work in concert on all votes, resolutions, negotiations and proposed international instruments at UNESCO. In the absence of consensus between the Governments of Canada and Quebec, and at the request of the latter, the Government of Canada will provide a note explaining its decision to the Government of Quebec. Quebec alone will decide if it proceeds with implementation in areas of its responsibility (Government of Quebec, 2006).

However, on the Quebec government website the interpretation of this section is as another 'precedent' and the word "collaboration" is absent:

Another Precedent: the Federal Government Must Explain its Disagreement

The agreement also addresses situations in which a consensus cannot be reached during a meeting. The method for managing any such discrepancy is noteworthy: The federal government is responsible for ultimately justifying itself to Québec, not the inverse. In the event of an impasse, the Government of Québec "alone will decide if it proceeds with implementation in areas of its responsibility." Québec's choice of whether to carry out an international commitment within its scope of responsibility is the crowning jewel of its international relations policy. The agreement solidifies this legal authority and formalizes the federal government's assent. Québec has always maintained that its approval remains key to implementation, and the agreement is careful to honor this point of view (Government of Quebec, 2006).

The collaboration between the two levels of government whose traditionally antagonistic roots run all the way back to England and France is unique in that it resulted in an official accord. The background negotiations leading up to the accord and the final accord itself represent just some of the steps to achieve consensus within the state apparatus itself and as an important symbolic statement for civil society. The establishment of the INCP with international ministers and the accord with the Province of Quebec both stand as examples of the state aligning consent through asymmetrical means.

The subnational state also nurtures organic intellectuals and formalizes the integral state. As seen above, the Province of Quebec was and continues to play a key role in the process of creating consent as an apparatus of hegemony. Another step taken by the Province of Quebec was to establish the Secretariat for Cultural Diversity (Government of Quebec), which promoted a number of things including civil society engagement, a record of Canada's Quadrennial Periodic Reports, interviews with key organic intellectuals from Laval University (Ivan Bernier and Veronique Guèvremont), publications, studies, newsletters, Frequently Asked Questions (FAQ), and a timeline of Quebec's involvement in the creation of the Convention at UNESCO. The accord with the government of Canada also referenced the consultations of "Quebec experts both in

government and civil society on the programming and work of UNESCO" (Government of Quebec, 2006), which the government of Quebec reports on through this website.

The Quebec Secretariat website highlights the involvement of state and civil society organic intellectuals within itself. This is a clear example of the integral state as Gramsci understood the joining of civil society and the state. It is clear on this website that the state is actively engaging in supporting and promoting civil society intellectuals who are instrumental in creating the analysis, key messages and common-sense understandings of the *Weltanschauung*. These intellectuals have participated in international fora, published numerous papers and articles, and been consultants to government at every step. Some of these intellectuals, such as Veronique Guèvremont and Ivan Bernier, have founded their careers through this developmental period. On the publications and studies page, their work is singled out specifically. Guèvremont's bio describes her in-depth knowledge, law expertise and involvement in UNESCO and she credits Ivan Bernier as her mentor and as the author of the Convention[12].

The Québec Secretariat website interview pages feature seven interviews "with key persons working in the field of diversity of cultural expressions" (Government of Quebec, n.d.). The summarized list below has several dominant patterns: global North membership, colonial linkages, and Franco- and Euro-centeredness. Most of these scholars and intellectuals and attendant events or publications share some connection to France, former French colonies, or French Canada which speaks to the replication and continuation of colonial and settler mindset. Said another way, no other global South

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[12] The authorship of the Convention is something that comes up regularly in the literature and in public media accounts. At times individuals from civil society claim authorship and at other times states claim authorship. Garry Neil of the INCD claimed broadly that 'civil society' came up with the idea. This repeated claim helps make other in civil society feel legitimacy and ownership for the movement.

nations outside of previous French colonial nations are involved with the secretariat. Some may assume that this is logical but given the premise of the Convention is to protect vulnerable cultures of the global South, the membership should reflect more diversity, representing other cultures within Canada, global South cultures, or Indigenous groups.

In addition to the primarily French and French colonial origins of the intellectuals interviewed (Québec is a French-majority province), is the French and European content of the website articles. Of the dozens of articles, book recommendations, meetings and gatherings documented in this section, the primary focus is on cultural industries – film, television and media concerns versus traditional material or cultural media (Big C culture). The presence of interests toward broader global South issues or their traditional (Big C) cultural concerns is minimal. The predominance of French and English-speaking countries in the cultural industries and in the creation and implementation of the Convention speaks to the replication and continuation of colonial and settler relationships.

The Quebec Secretariat for Cultural Diversity works hard to promote the idea of cultural diversity, but the preponderance of Franco and Euro centeredness makes it exclusionary. There is no presence here of other provinces from within Canada let alone countries of the global South who are not former French colonies. Furthermore, the absence of certain groups such as First Nations within Quebec or Canada is another indicator of how countries of the global North replicate and revitalize the colonial legacy through institutions and the work of the Convention. The Secretariat could disrupt the colonial or settler mindset by including other representatives from the global South but as

Jonathan Paquette, Devin Beauregard and Christopher Gunter discuss, the inclusion of such representatives may not be enough. They observe "in settler colonialism, the colonizer does not disappear. In fact, the decolonization processes in settler colonial spaces constitutes a delicate operation, one that may, in actuality, lead to a more subtle form of oppression through the naturalization of the colonial order"(p. 272). This possibility notwithstanding, the attempt could be made, given the mandate of the Convention to protect vulnerable cultures.

This part of the case study has focused on the formation of the integral state and the specific groups and actors from civil society whose engagement made it possible. The federal and subnational states worked collaboratively to create and sustain key civil society participation through the creation of the INCD and the Quebec Secretariat for Cultural Diversity. Some civil society networks such as the INCD have been abandoned once their utility was fulfilled; this appears to be the case with some international civil society networks such as the Power of Culture. The collaboration of Quebec with the federal government was gained through negotiation and a formal agreement which serves the needs of the federal state for the fulfillment of implementation and administrative reporting duties at UNESCO once the Convention was ratified and in force.

iv)   Internationalization of the state - international law

International institutions are the third corner of the triangulation between the state

and civil society. In this case, international
institutions have provided firstly the mechanisms and
forum for relationship alignment and consensus
between states. Secondly, it is through this
institutional relationship that international law as
enshrined in the Convention has provided the
definitions of culture that will have long lasting

Figure 3 - Conceptual Diagram Highlight on International Institutions

impact. The endurance of this legacy exists for a variety of reasons, but chiefly because

of the complexity the definitions create. Thirdly, the international law institutions

provide the mechanisms for structurally hard-coding (codification) the actions and

protections available (or unavailable) to the parties. As will be seen, institutions'

(perceived) similarity or differences to each other in their relationship with the state and

their structural capability (governance, coordination, expertise) are held up as reasons to

believe that one institution is 'better' than another for a particular goal or function. The

perceived differences create a screen that overlooks the possibility that similarities or
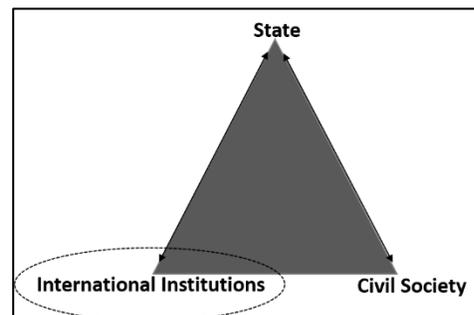
sympathies between them can exist at all and ultimately support the processes of

hegemony to create consent via *trasformismo* or passive revolution or to use coercive

measures as necessary.

Two important ideas within the pro-Convention *Weltanschauung* is that UNESCO

and WTO are divergent institutions: UNESCO the culture-based, emotionally charged,

soft power versus the WTO, the hard, rules-based enforcement power. Luke notes that in

political science (and one can safely assume other fields like political economy,

international law and IR) "because it is rooted in cultural products and processes, "soft

power" is largely neglected beyond being noted" (Luke, 2010, p. 35). These

characterizations help deflect from the fact that UNESCO and WTO are specialized

agencies[13] within the same UN family, share many state members, and therefore are

obligated to cooperate through formal agreements. Both UNESCO and WTO (via the

previous GATT organization) have significant histories in developing their areas of

competency and authority. As well as being a standards-setting organization in education

and science, UNESCO had been working for decades on framing an international

dialogue and establishing its authority around all things cultural and the economic aspects

of culture, including (but not limited to) cultural diversity, cultural heritage, world

heritage, intangible heritage, intellectual property, the status of the artist, the cultural

industries, and biological diversity. In total, UNESCO had created seventy-four legal

instruments including twenty-nine Conventions (of which fourteen are directly related to

culture), thirty-two recommendations (sixteen related to culture), and thirteen

declarations (five related to culture). In the forward to the UNESCO 2009 World Report

"Investing in Cultural Diversity Intercultural Dialogue", Director-General Koichiro

Matsuura focuses on the cultural industries in particular:

> Culture plays a very special role within UNESCO's mandate. Not only does it
> represent a specific field of activities, encompassing the safeguarding and
> promoting of heritage in all its forms (both tangible and intangible),
> encouraging creativity (particularly in the cultural industries), and facilitating

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[13] The WTO is not shown on the UN systems chart as being a specialized agency such as UNESCO however,
in an exchange of letters from 1952 available on the WTO website it clearly states that "this formal exchange
of letters defined, and continues to define, the relationship between the CONTRACTING PARTIES and the
United Nations, under which GATT is treated as a specialized agency on a de facto basis" (World Trade
Organization, 1995, p. 4)

mutual understanding through intercultural dialogue, it also permeates all UNESCO's fields of competence (UNESCO, 2009, p. III).

The WTO's function appears quite distinct from this cultural focus, but their rule-making and relations with shared members clearly intersect. After fifty years of GATT administration, the WTO was created as successor to manage the GATT as well as the General Agreement on Trade in Services (GATS), and Trade-Related Aspects of Intellectual Property (TRIPS) (World Trade Organization, 2017); together these agreements are the foundation of laws for international commerce. Like UNESCO, the WTO makes Declarations and interacts broadly with a wide range of other UN organizations. In managing trade agreements, the WTO provides dispute resolution and monitors compliance. Six major principles underpin the legal texts (with origins in the GATT), aimed at lowering trade barriers and resolving disputes between members:

1) **trade without discrimination** - the most favoured-nation (MFN) principle that keeps countries from granting exclusive access to another state's markets or to offer a lower customs duty– it has to be the same for all states;

2) **national treatment** – which requires states to treat imported and domestic goods or services equally (this particular principle opposes domestic subsidies or tariffs);

3) **freer trade through negotiation** (commonly known as the 'rounds' of negotiations),

4) **predictability through binding and transparent rules** – i.e. limiting and setting ceilings on the amount of tariffs and making a state's trade rules publicly available;

5) **promoting fair competition** – this discourages subsidies, or "dumping" below-cost products onto the market to gain a greater share, and

6) **encouraging development and economic reform** – by having developed countries make their markets more accessible to developing nations or transitioning economies. These principles are enforced at the WTO through its dispute resolution mechanisms of the Appellate Body (World Trade Organization, 2018).

From this brief comparison, the key difference becomes clear. The WTO is a rules-based organization engaged in contractual negotiations and has the power to settle disputes with binding mechanisms across its members. UNESCO emphasizes states' voluntary agreement to comply with the norms put forth within a convention but without any mechanism to enforce compliance. However, even if a Convention lacks coercive power of a trade agreement, the soft power of norm setting as it pertains to specific sections can not be fully discounted. It is in the soft power that UNESCO can support WTO norms by rendering the cultural industries as equivalents to Big C culture, or rather by subsuming the latter completely. This is evident in the definitions of Section III Article 4 of the Convention, which are an important contribution to the processes of *trasformismo* and passive revolution. The definitions of culture and related terms simultaneously provide clarity of meaning and add complexity because of the linkages made through the Guiding Principles to human rights (#1 - principle of respect for human rights and fundamental freedoms) and the conflation of Big C culture and cultural media with the cultural industries (definitions 2.3,4, and 5).

The overlapping meaning(s) of these diverse definitions serve to reorient norms, rendering the private cultural industries interests and Big C cultural activities and interests one and the same, and therefore deserving protection as a human right. Conflating and codifying the definitions of culture through international law reinforces

the commodification and fetishization of culture. The diagram below describes the depth

of intersections between the definitions:

Table 2 - Summary Intersections of Culture Definitions
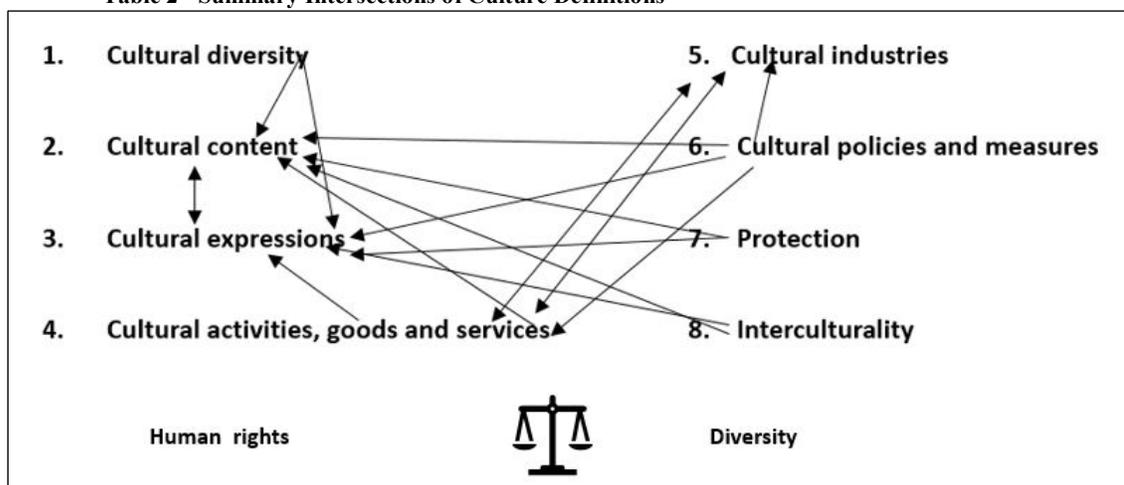
Each definition is referring to another definition. To underscore the complexity the nested

definitions (each in brackets italicized) reads like this:

> 1. **"Cultural diversity"** refers to the manifold ways in which the
> cultures of groups and societies find expression. These expressions are
> passed on within and among groups and societies. Cultural diversity is
> made manifest not only through the varied ways in which the cultural
> heritage of humanity is expressed, augmented and transmitted through
> the variety of cultural expressions *("**Cultural expressions**" are those
> expressions that result from the creativity of individuals, groups and
> societies, and that have cultural content. "**Cultural content**" refers to
> the symbolic meaning, artistic dimension and cultural values that
> originate from or express cultural identities),* but also through diverse
> modes of artistic creation, production, dissemination, distribution and
> enjoyment, whatever the means and technologies used.
>
> 2. **"Cultural content"** refers to the symbolic meaning, artistic
> dimension and cultural values that originate from or express cultural
> identities.
>
> 3. **"Cultural expressions"** are those expressions that result from the
> creativity of individuals, groups and societies, and that have cultural
> content *("**Cultural content**" refers to the symbolic meaning, artistic*

dimension and cultural values that originate from or express cultural identities).

4. **"Cultural activities, goods and services"** refers to those activities, goods and services *("Cultural industries" refers to industries producing and distributing cultural goods or services as defined in 4. Cultural activities, goods and services)*, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions *("Cultural expressions" are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content. "Cultural content" refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities)*, irrespective of the commercial value they may have. Cultural activities *("Cultural industries" refers to industries producing and distributing cultural goods or services as defined in 4. Cultural activities, goods and services)* may be an end in themselves, or they may contribute to the production of cultural goods and services.

5. **"Cultural industries"** refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

6. **"Cultural policies and measures"** refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions *("Cultural expressions" are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content. "Cultural content" refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities)* of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities *("Cultural industries" refers to industries producing and distributing cultural goods or services as defined in 4. Cultural activities, goods and services)*, goods and services.

7. **"Protection"** means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions *("Cultural expressions" are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content. "Cultural content" refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities)*. "Protect" means to adopt such measures.

8. **"Interculturality"** refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions *("Cultural expressions" are those expressions that result*

*from the creativity of individuals, groups and societies, and that have cultural content. **"Cultural content"** refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities)* through dialogue and mutual respect.

When read in this manner, the density of definition #4 – "cultural activities, goods and services" -- is important for the overlaps it creates between Big C culture and cultural industries. Within the defined terms of the Convention, this is how the cultural industries comes to be so strongly associated with and thus defensible within Big C culture. Often when cultural activities are mentioned, they point also to the cultural industries. The economic modifier within the text "irrespective of the commercial value they may have" helps to soften and merge any underlying tension with cultural expressions. The text further makes allowance for these activities to have no real economic purpose in saying that they "may be an end in themselves, or they may contribute to the production of cultural goods and services". The other definitions are essential to wrap the definition of cultural industries in terms of culture, cultural expressions, creativity, and meaning. These words alone have importance and emotional resonance to culture. Thus, by extension, so do the cultural industries and their domain of private interests which therefore support rather than disrupt the WTO trade regime.

Linking culture to human rights in the Convention is important (Donders, 2010). The Universal Declaration of Human Rights (UDHR) (United Nations, 2018) was established in 1945 and in 1966, the International Covenant on Civil and Political Rights and the International Covent on Economic, Social and Cultural rights. The UN Human Rights Committee hears cases. Each state party that has signed on to the UDHR (including Canada) reports every four to five years to the UN Human Rights Council on

their progress toward implementing and monitoring human rights within their nation. The

development of cultural rights is not as advanced as other rights. Donders believes this is

because culture is a "vague term" that

> …can refer to many things, from cultural products, such as arts and
> literature, to cultural process or to culture as a way of life. Culture is
> something that can develop and change in the course of time. It is not
> static, but dynamic; it is not a product, but a process, be it one without
> well-defined boundaries. Culture has both an objective and a
> subjective dimension. The objective dimension is reflected in visible
> characteristics such as language, religion, or customs, while the
> subjective dimension is reflected in shared attitudes and ways of
> thinking, feeling and acting. Culture has both an individual and a
> collective dimension: cultures are developed and shaped by
> communities, which individuals identify with, building their personal
> cultural identity…. In other words, culture may give individuals and
> communities a sense of belonging. As such, culture concerns their
> human dignity, which is where human rights come into play (Donders,
> 2010, p. 15).

Donders make the important observation here that culture is not a product but a dynamic

process which requires protection because of its relation to human dignity. The UNESCO

Convention links the right to human dignity to cultural diversity (and by extension the

cultural industries):

> [the Convention] recognises cultural diversity as a defining characteristic of
> humanity that nurtures human capacities and values and is essential to the full
> realisation of human rights. If cultural diversity is an important value to be
> promoted and protected, the human rights framework provides a logic and
> suitable framework to do so. Linking cultural diversity and human rights
> affirms that culture is an important aspect of the identity, existence and dignity
> of individuals and communities (Donders, 2010, p. 31).

Nowhere are the culture industries included in the UDHR or in Donder's

examination of the Convention's human rights linkage. The linkage to the cultural

industries as part of the human rights framework is a longer thread that is tethered to the

other related definitions of culture in the table above that relates to the Convention (#2-7). Moreover, states parties are obligated through Article 5 to uphold "the principles of international law and universally recognized human rights instruments" (UNESCO, 2005). Donders observes, however, that states obviously do not always implement human rights evenly, and that they "do not always agree whether cultural rights are substantive human rights or more policy-oriented rights that do not impose direct, definite obligations" (Donders, 2010, p. 32). Thus, cultural diversity as a human right in the Convention is posited as something that needs protection, but that protection may be provided depending on states' own determination of the necessity to protect it. Further, the longer end of the tether is attached to the cultural industries rather than Big C culture through the complexity of definitions, so that in a circular fashion the cultural industries become a human right.

The idea of protecting human rights is universally acknowledged but protecting cultural diversity from trade and globalization is not without some contention. Some, like Singh, Albro, and Neuwirth, challenge the need for such protections, or at least the premise on which they are founded in the UNESCO Convention. Albro asserts that the dangers to artists as articulated by UNESCO "repeatedly emphasize the dangers to diversity posed by globalization's encouragement of homogenization" and the "specter of global monoculture in which we are all left to choose from the same cultural menu" (Albro, 2005, p. 250). Neuwirth says the monoculture thesis of UNESCO is based on its own *Convention on Biological Diversity* which recognizes "the indispensable value of variety" to reinforce and sustain monoculture-type systems which are unable to bounce back from external impacts like more diverse cultures (Neuwirth, 2006, p. 858). The

underlying threat here is based on a scarcity premise, described by Albro as extractable

capital

> With heritage as a source of diversity, both conventions[14] task states with
> drawing up "inventories" of cultural "content" to safeguard by itemizing,
> counting, and listing it. In practice, diversity becomes a kind of inventory of
> cultural "content" that is potentially extractable from any context, to be copied,
> appropriated, traded, or recirculated. Diversity turns into a question of access
> to the cultural public domain. We should note as well that diversity understood
> as a matter of access to resources fits snugly with a basic goal of global capital,
> the extraction of "surplus value." (Albro, 2005, p. 251).

So, by increasing diversity and providing an inventory of cultural assets, the value of this

cultural stock can be more fully known and thus the potential, future extraction of value

from these assets can also be known and planned for e.g. through trading etc. Thus, this

kind of stock-taking by way of the Convention ensres, the needs of capital are also

protected.

Singh is not totally convinced of the threat either, saying that "cultures do not

need protections from interventions - they need voices" (Singh, 2007, p. 38) and that

"there may not be enough evidence to make the claim that international markets are

marginalizing the cultural products of the developing world. The corollary claim that

developing countries are being marginalized because only American cultural products

dominate the world is also not borne out by looking at the line-up of the top 10 cultural

exporters" (Singh, 2007, p. 44) who are in order of ranking the UK, US, Germany, China,

France, Ireland, Singapore, Japan, Canada, and Austria. Singh also shows how

developing nations' exports are also increasing (although Africa and Latin America are

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[14] Albro is referring also to UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage
(ICH) (Albro, 2005, p. 250)

still lower) and that some services are now outsourced from developed nations to developing nations (Singh, 2007, pp. 42-43). These counter-claims to the threats to culture (or the intent to protect it), and the complexity of definitions which all seem to lead to the cultural industries, compound the issue of diversity and human rights and the purpose of the Convention.

On the demand side of cultural economics, diversity as "cultural liberty" is "measured in terms of the greatest range of consumer choice within an ever-expanding cultural marketplace" (Albro, 2005, p. 252). Hahn contends that the "'free traders' of this debate (like Canada) are not necessarily interested in creating more choice for consumers but rather tend to promote monopolization and that the culture side has "strong profit motivations of their own for creating red tape for its successful American competitors" (Hahn, 2006, p. 521). Neuwirth sees the consumer choice as a benefit to "artists and producers alike" although dependent on a "just distributive system for the revenues between artists and producers" which still privileges the consumer's needs for low prices and variety" (Neuwirth, 2006, p. 858).

What, then, are the real risks to diversity of cultural expressions for the global South or other countries of the developed world? El-Ojeli and Hayden (2006) challenge the underlying assumption that exposure to other cultural products will automatically mean they forgo their own cultural products or that they are no longer attached to more long-standing customs, family and religious obligations, or national identifications (p. 147). El-Ojeili and Hayden cite five examples that challenge the one-way direction of the 'cultural imperialism thesis' (i.e. the threat of products flowing only from the global North to the global South) such as the popularity of world music in the West, or empirical

evidence showing that local cultural production in the global South is still favoured over imports (p. 145). Additionally, they state many nations are more likely to fear their next-door neighbours, like Canada fears America: "as Japanization may be for Koreans, Indianization for Sir [sic] Lankans, Vietnamesization for the Cambodians" and that "cultural domination may take many forms - such as forced assimilation of ethnic minorities – and often occurs on the local, national, and regional levels, not merely the global" (p. 145). Evidence of other trends such as 'cultural mixing' leading to unique forms of 'glocalization' (the mixing of local and global), that produce new 'global hybrids' and unhinge some of the globalization/homogeneity fears (p. 147).

The examples above demonstrate how the processes of *trasformismo* and passive revolution transmit the idea of the threats of globalization resulting in homogenization despite examples to the contrary. These ideas are transformed into a real possibility and support the call within the Convention to protect the cultural industries. Thus, from these perspectives, trade liberalization poses less actual threat to cultural diversity and in contrast it may be the contents of the *Weltanschauung* originating from the hegemonic forces of the global North which needs to be challenged in how it presents the needs of the global South, its interpretation of diversity and human rights, and its multi-layered meanings of culture. Faced with this evidence, the stakes are not clearly only financial or hegemonic, and the protection of diversity as framed by UNESCO is somewhat opaquer. Hahn states that although the Convention was supposed to "create a safe haven for cultural policies and protect them from WTO disciplines" (Hahn, 2006, p. 515), the high degree of compatibility of the UNESCO Convention's principles of voluntary 'good

faith' compliance, its ethic of 'mutual supportiveness' with other agreements, and its lack

of enforcement of the Convention all helped to secure its adoption (p. 537).

The global North's commitment to development of the Convention must now be

re-examined.   In the context of the global South, Singh traces the problem of the nation-

state's authority and territorial dimensions (and limitations), which originate from the

colonizer and therefore imparts a "territorial thinking about a way of life" (Singh, 2007,

p. 37). This post-colonial legacy continues to build momentum through rule-making and

norm setting of international institutions such as UNESCO and the WTO that "do not let

the developing world escape the cultural identity being imposed on it" (p. 51).

Examining Canadian Federal cultural policy Paquette, Beauregard and Gunter suggest

that it is "challenging to think of cultural policy (and solutions) in terms other than

inherently institutional"(2017, p. 280). They note[15] generally that cultural policy and

institutions contribute to maintaining colonial order (p. 281) citing several examples

from the Massey Report which they see as being "a transition from colonial cultural

policy to a policy infused with settler nationalism" (p. 275) to the residential school

system where children were subject to "cultural violence" aimed at eliminating their

Indigenous culture (pp. 280-81). Taking from these scholars perspectives is the urgency

to reconsider the colonial structures of policy as constituted through institutions and

international law as it pertains to this case study. The *Weltanschauung* of the pro-

Convention position of Canada and France promised autonomy for nation states to make

their own policy decisions and to protect cultural expressions. If what Paquette et al say is

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[15] Paquette et al are following the Indigenous scholars Taiaiake Alfred and Jeff Corntassel's proposal to challenge through "resurgence" which is "a path to decolonization" achieved through a shift to five orientations, the third one which is "to act in ways that challenge the colonial order; in fact, to transcend the colonial order" (Paquette, Beauregard, & Gunter, 2017, p. 281).

correct, how could this be achieved in a colonial framework and institution such as the Convention at UNESCO? Does the Convention transform colonial norms enough to make them palatable to the developing world or for Indigenous people within the global North? Further, do the definitions of culture and cultural expressions, which lead back in the language of the Convention to cultural industries, leave room for other cultural expressions that are not the cultural industries (that is, Big C culture)?

The final examination in this section looks at the structural flaws of the Convention which ensure the commodification of culture and are central to the continuing *trasformismo* and passive revolution processes of hegemony. In Neuwirth's preliminary remarks about the Convention he states that "it becomes clear that the drafters of the Convention were confronted with a difficult task. At the same time, they were also given a great opportunity to critically analyse and rethink the principal foundations on which human life rests and on which the international legal order is built" (Neuwirth, 2006, p. 830).

The heart of the culture and trade debate is captured in the preamble which asserts that there is a dual nature to culture which is not exclusively economic. Culture must be recognized as having a role to play in development and the eradication of poverty, supporting peace and security, and in understanding the linkages between culture and democracy, human rights and other fundamental freedoms. The preamble further recognizes the challenges presented by globalization and advances in production and distribution technology which can provide opportunities as well as risks to cultural diversity. Principles from the Declaration on Cultural Diversity are also reasserted throughout the Convention (Neuwirth, 2006, pp. 832-34).

Despite all the pro-human, pro-culture affirmations in the Convention, several structural weaknesses emerge from legal analysis that ensure the Convention does not disrupt the status quo but instead supports the hegemonic power of the global North. The top three issues are the following:

1) Title IV "Rights and Obligations of the Parties" - asserts states' "sovereign right to formulate and implement cultural policies and to adopt measures". Neuwirth says this

> is interpreted by critics of the Convention as an open invitation to a violation
> of other agreements and particularly obligations deriving from trade
> agreements. Yet, at a closer look and a more systematic interpretation, which is
> undoubtedly required in a complex field as the one of cultural diversity, such a
> position cannot be seriously sustained. This is because Art. 5 para. 1 explicitly
> requires the Parties to conform to some of the most important rules of
> international law. Moreover, it must be read in connection with Art. 2(1) which
> specifies that "no one may invoke the provisions of this Convention in order to
> infringe human rights and fundamental freedoms". Finally, the scope of Art. 5
> is also limited by Art. 20 which stipulates the Convention's relationship to
> other instruments (Neuwirth, 2006, p. 839).

The right of states to formulate domestic policy had already been recognized through the GATT as it pertains to film (Hahn, 2006, pp. 522-23). Thus, this Title is supportive of GATT/WTO principles.

2) Title V "Relationship to Other Instruments" and Articles 20 and 21. These articles allow for WTO agreements to supersede the Convention: "nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties". These two articles alone are major modifiers of all the other articles in the Convention.

3) Title VII "Final Clauses and the Annex" Articles 25 and 29. Article 25 concerns the settlement of disputes, which is weak in comparison to the WTO dispute resolution mechanisms mentioned above. Article 29 concerns when the Convention will enter into

force, but also exempts parties who have not ratified it after that time. Further, the Convention will not achieve the status of customary international law for a long time (it must be practiced and tried by states over a long period of time to become known as customary) and therefore its impact will be slow to build momentum. In order for the Convention to provide protections from the US cultural hegemony, Neuwirth argues that the US would have to sign on to the Convention and ratify it. It highly unlikely, Neuwirth adds, that the US will do this (Neuwirth, 2006, p. 854).

In more recent history, the importance of these three structural flaws is confirmed by the example of a challenge presented to the WTO by the United States against China in 2007. China's submission states "The cultural goods have a major impact on societal and individual morals as emphasized in particular in the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions" (World Trade Organization, 2009, p. 21). The US claimed China's policies for restricting the importation and distribution of books, magazines, films, etc., violated WTO rules. The US specifically argued that "China's argument *based on UNESCO Cultural Diversity Convention* and its various domestic legislation is misplaced" (p. 94) because of Title V and the oft-repeated claim that nothing in the WTO agreement "provides an exception from WTO disciplines in terms of "cultural goods," (p. 33). The US further countered that they "[do] not specifically argue that the measures at issue are not measures to protect public morals. The United States is challenging the means China has chosen to achieve its objective of protecting public morals" (p. 279). The US were supported in their claim by third-party submissions by Australia who make all references to GATT and GATS. Korea also makes these references in addition specific references in 5.60 c

stating "China's argument based on UNESCO Cultural Diversity Convention and its various domestic legislation is misplaced" (p. 94). The European communities also made a third-party submission based on GATT 1994 and GATS, not the UNESCO Convention. No third-party submissions were made in support of China using any definitions or terms from the Convention.

In summary, this section has examined the role of institutions as a decisive apparatus of hegemony. Through UNESCO, states have engaged in a complex dialogue and codification of diverse meanings of culture. The complexity of these definitions transformed the meaning of culture not only to include, but in an indirect manner to merge culture and cultural expressions with the cultural industries. This transformation of meaning is a demonstration of *trasformismo* and passive revolution whereby the meanings of culture, by pointing back to the cultural industries are made acceptable to those who might reject the underlying private interests of the cultural industry. The soft power of UNESCO is demonstrated in its ability to influence state parties and civil society in terms of the definitions of culture. The hard coding of the Convention's legal structures fundamentally disables any challenges or forms of coercion in the Convention and maintain its subservience to other instruments such as GAT and GATTS at WTO.

Conclusion

This thesis has sought to gain an understanding of Canada's cultural policy development and its international relations through its involvement in the *Periodical Case* at the WTO and the creation of the Convention for the Promotion and Protection of Cultural Expressions at UNESCO. When examined through the lens of Marxian critical theorists these two events demonstrate in Gramscian terms the apparatuses and processes of hegemony including the formation of the integral state, internationalization of the state, the role of organic intellectuals and institutions in these processes. Moreover, bringing the Convention to fruition required the conflation of Big C culture to fetishize culture and leverage what Marx and Morris referred to as the 'mystery' of culture. In this case, *culture* is shrouded in mystery and cloaked in an aura of sacredness, evading clear separate definition because of numerous conflations with the cultural industries, human rights, and diversity. It is the fetishization of culture that the culture industry lobbyists leverage under the shelter of public Big C culture as opposed to the commodification of culture in the private interests of the cultural industries which Adorno and Horkheimer objected to so vigorously.

UNESCO and its state members succeeded in bringing the discourse of culture forward and hard coded into international law, but the aspects of voluntary compliance ensure that culture and cultural production is still firmly within the hegemony of the WTO global trading regime and the global North. These two institutions converge more observably through shared members and purpose, as well as structural capability within the UN framework. The ability of the WTO to enforce agreements and the decisiveness of its dispute resolution mechanisms (notwithstanding any negotiated settlements or

power politics outside of the WTO table) is seen as a contrast or clash with the soft power that the UNESCO regime wields. Soft power, however, means culture power, which turns out to be highly contested and emotionally powerful, especially as a tool of *trasformismo* and passive revolution.

The case study also showed that the Canadian state successfully nurtured the formation of the integral state comprised of its own subnational state of Quebec and civil society to engage with other states and international networks to fight for the cultural industries under the banner of Big C culture and cultural media. Some of these networks were disbanded through the end of funding by the Canadian state while others continue today, albeit under state control. Central to their success is the ongoing presence of organic intellectuals who repeat and transmit the messages of the Canadian-sponsored *Weltanschauung*.

Since the *Periodicals Case* was definitively resolved at the WTO against Canada, no cases have successfully invoked the Convention as a protection at the WTO, including the most recent one brought forward by China citing the Convention in its arguments. So, even though the dialogue has shifted, no real shift in the power structures has occurred. Further, with the retraction of state support for some civil society networks from the pro culture camp, fewer voices are being heard.

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   forums/representation-unesco/accord-unesco

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